To: Council Members

From: Staff

Date: February 20, 2009 Council Meeting

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

Background

On November 19, 2008, the City of Atlantis adopted text amendments to the Infrastructure and Conservation Elements of the City Comprehensive Plan. Council reviewed the proposed amendments at a regular meeting held on September 19, 2008. On September 22, 2008, the Florida Department of Community Affairs (DCA) issued an Objections, Recommendations, and Comments (ORC) Report on the proposed amendments. The amendments had to do with statutory requirements regarding the preparation of a Water Supply Facilities Work Plan (WSFWP) and coordination with the regional water supply plan prepared by the South Florida Water Management District (SFWMD).

Evaluation

A. Treasure Coast Regional Planning Council (TCRPC) Report

The report approved by the TCRPC on September 19, 2008 contained three comments/recommendations for modification. The first comment indicated the City should adopt the WSFWP by policy into the comprehensive plan. The second comment recommended the City adopt a policy to set forth the mechanisms to be utilized to coordinate with the SFWMD and Palm Beach County on water supply planning. The third comment had to do with the numbering of policies prior to adoption.

B. DCA ORC Report

The DCA ORC Report of September 22, 2008 contained objections relating to the following:

1. Coordination with Palm Beach County to resolve inconsistent water supply projections and to ensure consistent information is included in City and County water supply plans.
2. Lack of a policy to address concurrency for water supply.
3. Lack of an objective or policy that includes a specific coordination process to ensure continuous and ongoing collaborative planning on water supply planning issues between the City and County.
C. City Response

The City has made some additional changes to the amendments that have not been previously reviewed. These amendments are summarized in the City letter of November 20, 2008 (see Attachment A).

1. To the TCRPC Comments/Recommendations

   The City did not provide a direct response to the TCRPC. However, the City did make modifications to the amendments that addressed each of the comments raised by Council.

2. To the DCA ORC Report

   The amendment materials provided to the TCRPC did not include a “response report” to the DCA objections. However, the City summarized the revisions made to the amendments prior to adoption in the letter included as Attachment A.

Conclusion

For information only.
November 20, 2008

Mr. Ray Eubanks, Plan Processing Administrator  
Division of Community Planning  
Florida Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

Re: City of Atlantis Comprehensive Plan  
Adopted Water Supply Facilities Work Plan

Dear Mr. Eubanks:

The City of Atlantis is pleased to transmit to the Department of Community Affairs ("DCA") adopted text amendments to the City’s Comprehensive Land Use Plan, adopting a statutorily mandated water supply facilities work plan in accordance with Sec. 163.3177 and 163.3180, Florida Statutes ("Amendments"). The amendments are submitted in compliance with the Florida Administrative Code ("F.A.C."): Local Government Adoption of the Comprehensive Plan or Plan Amendment and Submittal for the Compliance Review (Rule 9J-11.011). Pursuant thereto, please find the following:

1. The DCA should publish the required Notice of Intent pursuant to F.S. 163.3184(8)(c) in the Palm Beach Post, which is a newspaper meeting the statutory size and circulation requirements. [Rule 9J-11.011(5)(a)1., F.A.C.]

2. The City of Atlantis City Council adopted the Amendments and approved their transmittal to the DCA on November 19, 2008. The adoption ordinance number is Ordinance 407. [Rule 9J-11.011(5)(a)2., F.A.C.]

3. On the date of this letter, complete adopted comprehensive plan amendment packages, including data and analyses, were submitted to the Treasure Coast Regional Planning Council, the South Florida Water Management District, the Department of Transportation, the Department of State, the Department of Environmental Protection and the Palm Beach County Water Utilities Department. [Rule 9J-11.011(5)(a)3., F.A.C.]

4. The enclosed adoption package contains the following additional changes to the Amendments that have not been reviewed by DCA [Rule 9J-11.011(5)(a)5.a., F.A.C.]:

   a. Additional language has been added to Section 2.1 Overview which identifies the
City's bulk water agreement with Palm Beach County and explains that the terms of this agreement will ensure that the City has adequate water to meet and exceed demand projections through the year 2025; (Pages 4 and 5);

b. Additional language has been added that explains the reason Palm Beach County failed to identify the Atlantis bulk water purchase agreement in its own water supply facilities work plan (Pages 6 and 7);

c. A new policy has been added to ensure that adequate water supply will be available to serve future development at the issuance of a certificate of occupancy (Page 8);

d. A new policy has been added to ensure that the City will consult with Palm Beach County at the building permit stage to ensure that adequate water will be available to supply the development no later than the issuance of a certificate of occupancy (Page 8);

e. All the goals, objectives and policies have been numbered (Pages 8 – 14);

f. A new objective and associated policies have been added to ensure that continuous and ongoing intergovernmental coordination regarding water supply issues occurs between Atlantis and Palm Beach County and the South Florida Water Management District (Page 13).

5. There are no additional findings made by the City Council regarding adoption of the Amendments that were not included in the adoption ordinance. [Rule 9J-11.011(5)(a)5.b., F.A.C.]

6. The additional changes listed above are in direct response to objections made by DCA in its ORC Report. [Rule 9J-11.011(5)(a)5.c., F.A.C.]

7. There are no proposed amendments previously reviewed by DCA in the current cycle of amendments which were not adopted by the City. [Rule 9J-11.011(5)(a)5.d., F.A.C.]

8. The data and analysis that supports the Amendments were provided with the original transmittal of the proposed amendments on July 17, 2008. Additional data and analysis, including correspondence from Palm Beach County Water Utilities Department Administration is attached hereto as Exhibit A. This is the best available data and analysis and therefore, no additional data and analysis is required to be submitted. [Rule 9J-11.011(5)(b)5., F.A.C.]

9. The contact person at the local government is:

Mo Thornton, City Manager
City of Atlantis
260 Orange Tree Drive
Atlantis, Florida 33462
Telephone Number (561) 965-1744
Facsimile Number (561) 642-1806
[Rule 9J-11.011(5)(a)6., F.A.C.]

10. Three (3) copies of the adopted amendment package are enclosed and each package contains all proposed amendments as reflected in a strike through and underline format. See Ordinance No. 407 attached as Exhibit B to this Transmittal Letter. In addition sign in forms from both the transmittal and adoption hearings have been enclosed as Exhibit C to this Transmittal letter. [Rule 9J-11.011(5), F.A.C.]

Should you have any questions, or require any additional information, please do not hesitate to contact our office.

Sincerely,

Mo Thornton
City Manager

cc: Treasure Coast Regional Planning Council:
Mr. Michael Busha
Executive Director
Treasure Coast Regional Planning Council
301 East Ocean Boulevard
Stuart, Florida 34994

South Florida Water Management District:
Mr. P.K. Sharma
Lead Planner
Planning Department
South Florida Water Management District
Post Office Box 24680
West Palm Beach, Florida 33416-4680

Florida Department of Transportation:
Mr. Gerry O'Reilly
Director of Transportation Development
Florida Department of Transportation
3400 West Commercial Boulevard
Fort Lauderdale, Florida 33309-3421

Florida Department of Environmental Protection:
Ms. Sylvia Cohen
Program Specialist
Department of Environmental Protection
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000
Department of State
Bureau of Historic Preservation
Ms. Susan Harp
500 South Bronough Street
Tallahassee, Florida 32399

Thomas Miller
Legislative Affairs Manager
Palm Beach County Water Utilities
P.O. Box 16097
West Palm Beach, Florida 33416-6097
To: Council Members
From: Staff
Date: February 20, 2009 Council Meeting
Subject: Local Government Comprehensive Plan Amendment Review
     Adopted Amendments to the City of Delray Beach Comprehensive Plan
     DCA Reference No. 08-1ER

Background

On December 9, 2008, the City of Delray Beach adopted text amendments to all elements of the City Comprehensive Plan. Most of the amendments were pursuant to an Evaluation and Appraisal Report (EAR) that was adopted by the City on October 17, 2008. The City also adopted one non-EAR related text and Future Land Use Map (FLUM) amendment. The FLUM amendment was for the Fair Oaks Hospital property. The non-EAR text amendment was to change the Land Use Designation/Zoning Matrix (Table L-7 of the Future Land Use Element) to eliminate inconsistency between the FLUM and the Zoning Map.

The Treasure Coast Regional Planning Council (TCRPC) reviewed the proposed amendments at a regular meeting held on September 19, 2008. The Florida Department of Community Affairs (DCA) issued an Objections, Recommendations and Comments (ORC) Report on the proposed amendments on September 26, 2008.

Evaluation

A. TCRPC Report

The report approved by the TCRPC contained no comments or recommendations for modification.

B. DCA ORC Report

The ORC Report contained five objections, all directed at the EAR-based amendments.

C. City Response

1. To TCRPC Comments/Recommendations for Modification

   No response necessary.

2. To the DCA ORC Report

   The DCA objections and the City responses are shown on Attachment A.
Conclusion

For information only

Attachment
ORC OBJECTION A:

"State Intermodal System (SIS) LOS -- the Transportation Element does not contain a policy in the Comprehensive Plan that adopts the Florida Department of Transportation level of service standards for SIS facilities, including I-95 and the SIS connector to the Delray Beach Tri-Rail Station hub. This is not consistent with Section 163.3180(10), F.S., that requires roadway facilities on the SIS be designated in accordance with Sections 339.61, 339.62, 339.63, and 339.64, F.S., where the Florida Intrastate Highway System as defined in s. 338.001, and roadway facilities funded in accordance with Section 339.2819, F.S., which requires local governments to adopt the level of service standard established by the Department of Transportation by rule under Chapter 14-94, F.A.C."

Response:

To address this objection, Transportation Element Objective B-1 was modified, as shown below, to adopt the FDOT LOS standards for SIS facilities in Delray Beach; and Table CI-GOP-1, City of Delray Beach Level of Service Standards," included with Policy A-3.6 of the Capital Improvement Element, has been modified to reflect adoption of the FDOT LOS standards for SIS facilities in Delray Beach. (See attached Table)

Objective B-1

The Level of Service (LOS) for the Delray Beach street system is hereby established as "C" for all conditions except for:

- Streets under State jurisdiction which shall be allowed to function at LOS "D" under any condition pursuant to Exhibit 2, and

- Streets under County jurisdiction which shall be allowed to function at LOS "D" under any conditions pursuant to the Palm Beach County Traffic Performance Standards, Ordinance 90-40 (Exhibits 1 and 2), and

- Streets identified as City Collectors or City Arterials on the Functional Classifications Map (Exhibit 5) shall be allowed to function at LOS "D" under any condition pursuant to Exhibits 1 and 2.

- Streets within the TCEA, which are excepted from traffic concurrency requirements.

- The City hereby adopts the Florida Department of Transportation level of service standards for SIS facilities within the City of Delray Beach as follows: The level of service standard for I-95 is established at "E" and the Tri-Rail connector (Atlantic Avenue westward from I-95 to Congress Avenue and Congress Avenue southward to the Tri-Rail Station) is established at LOS "D".
ORC OBJECTION B:

"Waterfronts --The City has not included an objective with associated policies that provide for the preservation of recreational and commercial working waterfronts as defined in s. 342.07, F.S."

Response:

The City of Delray Beach is approaching 100% built-out and major development activities now involve redevelopment of older marginal properties within the downtown area, Congress Avenue corridor and the Four Corners Area. Existing development along the waterfront areas adjacent to the Intracoastal Waterway and Beach consists almost entirely of residential development. Since nearly all property adjacent to the waterfront has residential future land use map designations, any redevelopment will be primarily limited to residential uses with supporting recreational facilities.

There are few properties within the City which meet the definition of "recreational and commercial waterfront" within the State Statutes. There are several commercial uses in the Central Business District, adjacent to East Atlantic Avenue, which have direct access to the Intracoastal Waterway. These include two restaurants with outdoor dining areas along the waterfront, and several retail businesses. While there is no commercial development on parcels which have direct access to the beach, there are several restaurants, a hotel, and shops which are located on the west side of A-1-A and are visually linked to the beach. It is also noted that the commercial development along East Atlantic Avenue, between the Intracoastal Waterway and the Beach has a strong economic tie to the waterfronts, relying heavily on tourism related business associated with beach activities.

Water-dependent recreational uses along the City's waterfronts include 1 mile of public beach, and four marinas along the Intracoastal Waterway (Delray Harbor Club, Delray Beach Yacht Club, Ocean City Marina, and the City's Marina). Three City parks provide water-related amenities: Veterans Park, with fishing and short term dockage, Knowles Park, with boat ramp facilities, and Mangrove Park, with boat ramp facilities. All three of these parks, which are located adjacent to the Intracoastal Waterway (see Map #24 in the Coastal Management Element), have conservation land use designations and are zoned as conservation or open space areas. Public access to the Intracoastal Waterway is also provided at several street ends where they intersect its right-of-way. Other water-related uses include docking facilities and private marinas which are secondary to residential uses. There are no fishing piers, public docks or other traditional shoreline fishing areas along the ocean shoreline.

Access to the beach is provided by 33 designated and controlled pedestrian access points along the one mile of public beach. The full extent (three miles) of the beach is accessible from these points. Public parking for the beach area includes 663 parking spaces along SR A1A, Atlantic Avenue (east of the Intracoastal) and in six municipally maintained off-street parking areas. In addition to automobile access, the beach area is linked to the downtown and the Tri-Rail station via a city shuttle system.

The planned character of the City's waterfronts is essentially the same as it is today — generally residential, with limited commercial development, providing support for both residents and tourists and water related recreational activities associated with beach and boating related activities.
To address this objection, the following policies have been added to the Coastal Management Element. These policies are provided to preserve and encourage the enhancement of the City’s recreational and commercial working waterfronts:

**Policy C-3.6** In order to preserve the character of the City’s recreational and commercial working waterfronts, it is hereby prohibited for redevelopment projects to delete components which provide for public interaction with the waterfront.

**Policy C-3.7** In FY2009/10, the City shall develop incentives for development projects which increase public interaction with and enhance the City’s recreational and commercial working waterfront. The City shall consider developing performance standards which guide the review of proposals in this respect.

Objective B-1 in the Coastal Management Element has also been modified, as follows, to include reference to “recreational and commercial working waterfronts”:

**Objective B-1**

Accessibility to the public beach areas and waterways along Delray’s recreational and commercial working waterfronts, as defined in 342.07, FS, shall be maintained and enhanced after gathering residents’ input through the following policies:

**ORC OBJECTION C:**

“Ten Year Water Supply Facilities Plan—Although the City states in Public Facility Policies B-5.1 and B-5.2 that it will update and maintain a Water Supply Facilities Work Plan for a ten year period, the City has not adopted such a plan by the due date of August 15, 2008.”

**Response:**

Comprehensive Plan Amendment 2008-WSP1, which includes the City’s 20-Year Water Supply Facilities Work Plan is being adopted concurrently with this amendment. Although this objection has been addressed with the adoption of that amendment, the contents of 2008-WSP1, including the Water Supply Facilities Plan, associated Policies and the Capital Improvements Schedule for the Reclaimed Water System, have also been integrated into the attached EAR-based amendment text.

**ORC OBJECTION D:**

“Water Supply Concurrency—The City has not addressed concurrency for water supply as required by Section 163.3180(2)(a), F.S.”

**Response:**

Comprehensive Plan Amendment 2008-WSP1, which includes the 20-Year Water Supply Facilities Work Plan is being adopted concurrently with this amendment. This objection has been addressed with the adoption of that amendment, which includes Future Land Use Element Policy B-2.7 stated as follows:
Policy B-2.7 Prior to approving a building permit or its functional equivalent, the City will consult with the City Environmental Services Department and its Public Utilities Division to determine whether water supplies to serve the new development will be available no later than the anticipated date of issuance of a certificate of occupancy, or its functional equivalent, by the City.

To further address the objection, this policy has also been integrated into the attached EAR-based amendment text.

**ORC OBJECTION E:**

"Mixed Use -- The City is adding a new "Other Mixed Uses" Future Land Use Map category to the Future Land Use Element (such as for the Swinton Avenue Corridor) which specifies a minimum lot size, and density of up to 10 dwelling units per acre, and maximum FAR of 1.0 for non-residential land use, but the new category does not establish the types of non-residential uses or the appropriate percentage distribution among the mix of uses, or other objective measurement."

**Response:**

"Other Mixed Use" is not a new Future Land Use Category. It has been applied to the area covered by the Old School Square Historic Arts District since the Comprehensive Plan was adopted in 1989. The included description already establishes office and commercial activities as the types of nonresidential uses. To further address this objection, the amended language, included with this amendment, has been further modified as shown below:

Other Mixed Use: This designation is applied along the Swinton Avenue corridor generally 4 blocks north and two blocks south of Atlantic Avenue: With the exception of the Old School Square facility itself, the boundaries are contiguous with the Old School Square Historic Arts zoning district. This category provides for mixed uses of residential, office and commercial activities with an emphasis on the arts, that will encourage the restoration or preservation of historic structures and yet, maintain and enhance the historic and pedestrian scale of the area. Allowed residential uses include single family detached and duplex structures on a minimum 8,000 sq. ft. lot. Based on this minimum lot size, the maximum density within this category is 10 units per acre. Residential uses shall comprise no less than 10% of the uses in the OSSHAD District as expressed by the exclusive use of individual parcels, other than condominium ownerships. The maximum intensity for nonresidential development (commercial and office) within this category is 1.0 FAR and may comprise up to 100% of the total floor area of a building. The gross floor area of residential units within a structure containing permitted nonresidential use(s) shall not exceed 50% of the gross floor area of the structure within which they are located.

**ORC OBJECTION F:**

"Coastal High Hazard Area (CHHA)-The City has identified the Coastal High Hazard Area in Map #27, Coastal High Hazard Area---Generalized Limits, as the "Category 1 Hurricane Surge Limit" as contained in the Florida Hurricane Surge Atlas, Treasure Coast Regional Planning Council, November 1993, as prepared by the U.S. Army Corps of Engineers, Jacksonville District. This definition and delineation is out-of-date and does not meet the current definition of the CHHA as contained in Section 163.3178(2)(h), F.S., which defines the CHHA as "the area
below the elevation of the category 1 storm surge line as established by a Sea, Lake and Overland Surges from Hurricanes (SLOSH) computerized storm surge model." The statute requires that no later than July 1, 2006, local governments shall amend their future land use map and coastal management element to include the new definition of coastal high-hazard area and to depict the coastal high hazard area on the Future Land Use Map."

Response:

There is currently a statewide effort to update the storm surge maps, and the updated maps have not been completed for Palm Beach County. Until these maps are completed, "the best available existing data" is The Florida Hurricane Surge Atlas, Treasure Coast Regional Planning Council, November 1993.

To address this objection, a note has been placed on Map #27, stating that "the generalized limits of the coastal high hazard as shown on the map are based on the Category 1 storm surge line from the most current storm surge atlas prepared based on the SLOSH Model" (see attached map #27). To provide a definition for the "Coastal High Hazard Area", consistent with current definition contained in the Florida Statutes, the following Policy has been added to the Coastal Management Element:

Policy D-1.3  The Coastal High Hazard is defined as the area below the elevation of the category 1 storm surge line as established by a Sea, Lake and Overland Surges for Hurricanes (SLOSH) computerized storm surge model.

CONSISTENCY WITH THE STATE COMPREHENSIVE PLAN

Goal 6 (a) (Public Safety), Policy (b)22. Require local governments, in cooperation with regional and state agencies, to prepare advance plans for the safe evacuation of coastal residents. (Applies to Objection f); and Policy (b)23. Require local governments, in cooperation with regional and state agencies, to adopt plans and policies to protect public and private property and human lives from the effects of natural disasters. (Applies to Objection f).

Goal 7 (a) (Water Resources), Policy (b)3. Encourage the development of local and regional water supplies within water management districts. (Applies to Objections c and d); Policy (b)5. Ensure that new development is compatible with existing local and regional water supplies. (Applies to Objections c and d); Policy (b)11. Promote water conservation as an integral part of water management programs as well as the use and reuse of water of the lowest acceptable quality for the purposes intended. (Applies to Objections c and d); and Policy (b)13. Identify and develop alternative methods of wastewater treatment, disposal, and reuse of wastewater to reduce degradation of water resources. (Applies to Objections c and d).

Goal 8 (a) (Coastal and Marine Resources), Policy (b)2. Ensure the public's right to reasonable access to beaches. (Applies to Objection f); and Policy (b)10. Give priority in marine development to water-dependent uses over other uses. (Applies to Objection f).

Goal 9 (a) (Natural Systems and Recreational Lands), Policy (b)2. Ensure the public's right to reasonable access to beaches. (Applies to Objection f); Policy (b)2. Acquire, retain, manage, and inventory public lands to provide recreation, conservation, and related public benefits. (Applies to Objection f).
Goal 16 (a) (Urban and Downtown Revitalization), Policy (b) 6. Enhance the linkages between land use, water use, and transportation planning in state, regional, and local plans for current and future designated urban areas. (Applies to Objections a, c and d)

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

Goal 19 (a) (Transportation), Policy (b) 3. Promote a comprehensive transportation planning process which coordinates state, regional, and local transportation plans. (Applies to Objection a); Policy (b) 13. Coordinate transportation improvements with state, local, and regional plans. (Applies to Objection a).

Goal 25 (a) (Plan Implementation), Policy (b) 7. Ensure that local plans implement and accurately reflect state goals and policies (Applies to all Objections).

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

Response:

The issues that are inconsistent with the State Comprehensive Plan have been addressed through the above responses to the ORC Report.
# TABLE CI-GOP-1

## CITY OF DELRAY BEACH LEVEL OF SERVICE STANDARDS

<table>
<thead>
<tr>
<th>FACILITY</th>
<th>STANDARDS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Sewer Treatment System</strong></td>
<td></td>
</tr>
<tr>
<td>• Generation Inflow</td>
<td>460 115 gal per person per day.</td>
</tr>
<tr>
<td>• Plant Design Capacity</td>
<td>24 24 mgd average / 30 mgd peak.</td>
</tr>
<tr>
<td><strong>Water Treatment System</strong></td>
<td></td>
</tr>
<tr>
<td>• Water Usage</td>
<td>496 240 gal per person per day.</td>
</tr>
<tr>
<td>• Storage</td>
<td>15% of maximum flow + fire reserve at 1.5 mg + emergency reserve at 25% of storage = 6.0 mg at buildout.</td>
</tr>
<tr>
<td>• Raw Water Pumping Capacity</td>
<td>22.4 mgd.</td>
</tr>
<tr>
<td>• Water Treatment Capacity</td>
<td>28 mgd.</td>
</tr>
<tr>
<td>• Water Pressure</td>
<td>20 psi, minimum.</td>
</tr>
<tr>
<td><strong>Solid Waste</strong></td>
<td></td>
</tr>
<tr>
<td>• Generation Inflow</td>
<td>7.13 pounds per person per day.</td>
</tr>
<tr>
<td><strong>Drainage</strong></td>
<td></td>
</tr>
<tr>
<td>• SFWMD Standard</td>
<td>Retention of the first one inch of runoff for the entire site or 2.5 inches of water storage times the percentage of impervious areas, to protect water quality.</td>
</tr>
<tr>
<td><strong>Traffic</strong></td>
<td></td>
</tr>
<tr>
<td>• Local Streets</td>
<td>“C” under any condition.</td>
</tr>
<tr>
<td>• City Collectors and Arterials</td>
<td>“D” under any conditions, pursuant to Exhibit 1 and 2.</td>
</tr>
<tr>
<td>• County Streets</td>
<td>“D” under any conditions, per the adopted County level of service. Basis for calculations are the County Traffic Performance Standards.</td>
</tr>
<tr>
<td>• State Facilities</td>
<td>“D” Under any conditions, pursuant to Exhibit 2.</td>
</tr>
<tr>
<td>• SIS Facilities</td>
<td>“E” for I-95 and “D” for the Tri-Rail connector (Atlantic Avenue westward from I-95 to Congress Avenue and Congress Avenue southward to the Tri-Rail Station)</td>
</tr>
<tr>
<td><strong>Open Space and Recreation</strong></td>
<td></td>
</tr>
<tr>
<td>• Local Determination</td>
<td>3 acres per 1,000 residents.</td>
</tr>
<tr>
<td>• Facilities</td>
<td></td>
</tr>
<tr>
<td>Mini Park / Playground</td>
<td>1 per 2,500 residents, ¼ mile service area.</td>
</tr>
<tr>
<td>Neighborhood Park</td>
<td>1 per 5,000 residents, ¼ to ½ mile service area.</td>
</tr>
<tr>
<td>Community Park</td>
<td>1 per 25,000 residents, ½ to 3 mile service area.</td>
</tr>
<tr>
<td>Urban District Park</td>
<td>1 per 50,000 residents, 30 to 40 minutes driving time.</td>
</tr>
<tr>
<td>Regional Park</td>
<td>1 per 100,000 residents, 30 to 60 minutes driving time, 250 + acres.</td>
</tr>
<tr>
<td>• Activities</td>
<td></td>
</tr>
<tr>
<td>Children Play Area</td>
<td>1 per 5,000 residents.</td>
</tr>
<tr>
<td>Baseball Field</td>
<td>1 per 5,000 residents.</td>
</tr>
<tr>
<td>Softball Field</td>
<td>1 per 5,000 residents.</td>
</tr>
<tr>
<td>Football / Soccer Field</td>
<td>1 per 45,000 residents.</td>
</tr>
<tr>
<td>Tennis Courts</td>
<td>1 per 2,000 residents.</td>
</tr>
<tr>
<td>Golf Course (18 hole)</td>
<td>1 per 25,000 residents.</td>
</tr>
<tr>
<td>Basketball Court</td>
<td>1 per 5,000 residents.</td>
</tr>
<tr>
<td>Shuffleboard Court</td>
<td>1 per 2,000 residents.</td>
</tr>
<tr>
<td>Handball / Racquetball Court</td>
<td>1 per 10,000 residents.</td>
</tr>
<tr>
<td>Swimming Pool (small)</td>
<td>1 per 2,000 residents.</td>
</tr>
<tr>
<td>Swimming Pool (Large)</td>
<td>1 per 25,000 residents.</td>
</tr>
<tr>
<td>Boatramps</td>
<td>1 per 45,000 residents.</td>
</tr>
<tr>
<td>Beachfront</td>
<td>26 linear feet per 1,000 1 mile per 25,000 residents.</td>
</tr>
<tr>
<td>Boating</td>
<td>¼ acre per 1,000 residents.</td>
</tr>
<tr>
<td><strong>Coastal Zone Levels of Service</strong></td>
<td>Shall be the same as elsewhere in the City.</td>
</tr>
<tr>
<td><strong>Public School Levels of Service</strong></td>
<td>See Public Schools Facilities Element.</td>
</tr>
</tbody>
</table>

CI - 23
COASTAL HIGH HAZARD AREA - GENERALIZED LIMITS -

MAP #27

LEGEND:

- GENERALIZED LIMITS OF THE COASTAL HIGH HAZARD AREA BASED ON THE CATEGORY 1 STORM SURGE LINE FROM THE MOST CURRENT STORM SURGE ATLAS PREPARED BASED ON THE SLOSH MODEL.

- PLANNING AREA (ULTIMATE CITY BOUNDARY)


NOTE: INFORMATION ON THIS MAP IS A GENERALIZED REPRESENTATION OF A CATEGORY 1 HURRICANE SURGE LIMIT. PLEASE CONSULT THE SOURCE ATLAS FOR THE PRECISE LIMIT.

MILE

GRAPHIC SCALE

CITY OF DELRAY BEACH, FLORIDA
PLANNING & ZONING DEPARTMENT
MARCH 2008

CM - 14
To: Council Members
From: Staff
Date: February 20, 2009 Council Meeting
Subject: Local Government Comprehensive Plan Amendment Review
Adopted Amendments to the City of Delray Beach Comprehensive Plan
DCA Reference No. 08RWSP-1

Background

On December 9, 2008, the City of Delray Beach adopted amendments to the Public Facilities and Capital Improvements Elements of the City Comprehensive Plan. The amendments were to carry out statutory responsibilities regarding water supply planning. The Treasure Coast Regional Planning Council (TCRPC) reviewed the proposed amendments at a regular meeting held on October 17, 2008. The Florida Department of Community Affairs (DCA) issued an Objections, Recommendations and Comments (ORC) Report on the proposed amendments on November 14, 2008. Several revisions were made by the City to the proposed amendments prior to adoption.

Evaluation

A. TCRPC Report

The report approved by the TCRPC contained no comments or recommendations for modification. The proposed amendments were considered to be consistent with the Strategic Regional Policy Plan.

B. DCA ORC Report

The DCA ORC Report contained six objections to the proposed amendments. A synopsis of those objections and the City response is included in Attachment A.

Conclusion

For information only.
ORC OBJECTION A:

"Water Supply Concurrency-The City has not included a policy to address concurrency for water supply as required by Section 163.3180(2)(a), F.S."

Response:

Concurrency is currently addressed in Future Land Use Element Objective B-2 and its associated Policies. To further address this objection, the following policy has been added under this Objective:

Policy B-2.7 Prior to approving a building permit or its functional equivalent, the City will consult with the City Environmental Services Department and its Public Utilities Division to determine whether water supplies to serve the new development will be available no later than the anticipated date of issuance of a certificate of occupancy, or its functional equivalent, by the City.

ORC OBJECTION B:

"The City has not included a policy to update its 20-Year Water Supply Facilities Work Plan within 18 months of any update to the South Florida Water Management District’s Lower East Coast Regional Water Supply Plan Update."

Response:

Comprehensive Plan Amendment 2008-1 is being adopted concurrently with this Water Supply Facilities amendment. Policy B-5.2 of the Public Facilities Element was modified in the 2008-1 amendment to address this issue. However, to further address this issue, the following policy has also been added to the Intergovernmental Coordination Element:

Policy A-1.12 The City shall consider the most current version of South Florida Water Management District’s Lower East Coast Water Supply Plan and Regional Water Plan in developing a Water Supply Facilities Work Plan. The Work Plan will be updated within 18 months following an update of the Regional Water Supply Plan.

ORC OBJECTION C:

"Water Supply Coordination. The Intergovernmental Coordination Element does not include policies with specific programs and activities to ensure ongoing coordination with the local governments receiving water from the City (Town of Gulf Stream and unincorporated portions of Palm Beach County) regarding water supply planning issues."

Response:

Comprehensive Plan Amendment 2008-1 is being adopted concurrently with this Water Supply Facilities amendment. Policy B-5.3 of the Public Facilities Element was added in the 2008-1 amendment to ensure coordination with the Town of Gulfstream. However, to further enhance
this process, the following Policies have been added to the Intergovernmental Coordination Element:

**Policy A-1.15** The City shall coordinate its water supply planning efforts regarding population projections and water demand with those of the Town of Gulfstream, to which it provides water service. Accordingly, on an annual basis, following the receipt of BEBR population estimates, the City shall meet with the Town of Gulfstream to discuss the population estimates, conservation measures and any changes that might effect its future water demand.

**Policy A-1.16.** Upon request from the property owner, the City may provide water service to areas within its planning boundaries which have not yet been annexed. The provision of water service shall be accompanied by an agreement to voluntarily annex upon eligibility, unless the property is already eligible in which case, annexation shall precede the provision of services. On an annual basis, the City shall meet with Palm Beach County to discuss annexation efforts and to coordinate its water supply planning with regard to the provision of water service to these areas.

**ORC OBJECTION D:**

“Water Management District Coordination. The City has not included a policy to ensure it will continue to coordinate its water supply planning with the South Florida Water Management District by November 15th each year or that it will coordinate its water supply planning with the SFWMD over the next two years as it goes through the Consumptive Use Permit process. The City has not demonstrated how its water reuse projects will offset further withdrawals from the Surficial Aquifer.”

**Response:**

The City's water withdrawal allocation of 19.01 mgd, under the current Consumptive Use Permit # 50-00177-W, expires March 9, 2010, with the withdrawal allocation set to drop to 15.92 mgd. However, under SFWMD's "ground water availability rule," the City should receive an average-day annual allocation of 6,937 MG (19.01 mgd) when the CUP renewal is renewed in 2010. The "Potable Water Demand Projections" table on page 13 of the "Twenty Year Water Supply Facilities Work Plan" (dated August 2008), reflects the projected credits (conservatively assumed at 50%) for removing the demand on the ground water system for those uses utilizing reclaimed water as opposed to wells for irrigation; and a direct 100% offset on the potable system in areas where potable water is currently used for irrigation, such as the Barrier Island. It is noted that even without any credits for reduction of ground water withdrawals, the direct offset for replacement of potable irrigation flows with reclaimed water is adequate to balance supplies with demands over the planning horizon.

The City has hired a consulting firm to produce a ground water model to conduct withdrawal simulations in providing supporting data and analysis for the renewal application of the Consumptive Use Permit through SFWMD. When the model is complete, the data and analysis will be available to validate the assumed ground water withdrawals and demands to support the allocations requested under the CUP (as indicted on the Table, page 13). We will coordinate with the SFWMD during the process as data becomes available.

To address this objection, the following Policies have been added address to the Intergovernmental Coordination Element:
**Policy A-1.13** The City shall continue to coordinate its water supply planning with the SFWMD. Accordingly, by November 15 of each year, the City shall report on the status of its water supply projects to the SFWMD.

**Policy A-1.14** The City shall coordinate with the SFWMD throughout the consumptive use permit renewal process (scheduled for renewal in 2010) to provide data and analysis on how the reclaimed water projects will offset further withdrawals from the Surficial aquifer.

**ORC OBJECTION E:**

"The Capital Improvements Table RW-CIP, 5-Year Capital Improvements Schedule utilizes grant funding for projects included in the first three years but does not indicate that the grants listed for these projects are committed sources of revenue as required in order to be financially feasible. There was no data and analysis indicating that the City has received the grants."

**Response:**

The table on page 116 of the FY2009-2013 Approved Capital Improvement Program booklet (see attached), indicates both "Sources of Funds" and "Uses of Funds" for the Water and Sewer New Capital Fund (Fund No. 441). The "Reclaimed Water Transmission System" (highlighted on the table) is one of expenditures within Fund No. 441. Under the "Sources" of Funds section, the last line represents potential sources from the SFWMD as grant funding for Alternative Water Supply projects (reclaimed water system). The City proposes to apply for a grant every year funding is available. The projections are conservative, as this year's grant award (see attached award letter) is in the amount of $1.1 million dollars. However, if grant funding is not made available as projected in the future years, the last line of the "Uses of Funds" section, "Project Reserves," indicates that adequate funding is available for each respective year in excess of the projected grant funding.

A note has been added to the Reclaimed Water Capital Improvement Schedule for FY 2009/2013 (Table RW-CIP), to explain alternative funding for the reclaimed water transmission system, if the anticipated grants are not received. The note states, "The Cash portion of the funding for this project is from the Water and Sewer New Capital Fund (Fund No. 441). If the anticipated grants are not received, the Project Reserve for this fund, which is in excess of the projected grant funding for each respective year of the project, will be used."

**ORC OBJECTION F:**

"The City has not proposed any changes to its Conservation Element as a result of the 20-Year Water Supply Facilities Work Plan and there is no Conservation Element policy to indicate the City will continue to utilize its existing water conservation measures such as the landscaping, State Building Code requirements for low-flow plumbing fixtures, water conservation rate structure, water reuse requirements for irrigation, an education program regarding water conservation techniques and devices, develop leak detection and a meter testing and repair program, or to integrate the City’s existing emergency water shortage rules. The City has not included policies to implement the conservation measures that can be implemented immediately or included policies outlining the specific programs and activities the City will undertake to implement those conservation measures that will take more time to implement."
Response:

The City's water conservation measures are contained within two areas of the Comprehensive Plan—Conservation Element Objective A-4, with its eleven associated policies, and Public Facilities Element Policy B-2.1. Both of these were reviewed and modified with the EAR-based amendments in anticipation of adoption of the 20-Year Water Supply Facilities Work Plan. There is no indication in the Plan to suggest that these measures will cease as a result of expansion of the reclaimed water system as detailed in the Work Plan. To the contrary, they are intended to remain in effect to help reduce the consumption of potable water in the City. We do not believe that any new policies are needed at this time. It is noted, however, that the modified language for Conservation Element objective A-4, originally included with Amendment 2008-1, made the objective less clear. Therefore, this Objective has now been modified to read as follows:

Objective A-4

To mitigate against future water shortages, a series of innovative activities, which educate the public on water conservation issues, reduce overall consumption, minimize waste, and generally protect water resources, shall continue to be undertaken. These activities shall be directed toward the continued reduction of water use, and shall be evaluated annually.

CONSISTENCY WITH THE STATE COMPREHENSIVE PLAN

Goal 7 (a) (Water Resources), Policy (b)3. Encourage the development of local and regional water supplies within water management districts. (Applies to all Objections); Policy (b)5. Ensure that new development is compatible with existing local and regional water supplies. (Applies to all Objections); Policy (b)11. Promote water conservation as an integral part of water management programs as well as the use and reuse of water of the lowest acceptable quality for the purposes intended. (Applies to all Objections); and Policy (b)13. Identify and develop alternative methods of wastewater treatment, disposal, and reuse of wastewater to reduce degradation of water resources. (Applies to all Objections).

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

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

Goal 25 (a) (Plan Implementation), Policy (b)7. Ensure that local plans implement and accurately reflect state goals and policies (Applies to all Objections).

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

Response:

The issues that are inconsistent with the State Comprehensive Plan have been addressed through the above responses to the ORC Report.
To: Council Members

From: Staff

Date: February 20, 2009 Council Meeting

Subject: Local Government Comprehensive Plan Amendment Review
Adopted Amendments to the City of Greenacres Comprehensive Plan
DCA Reference No. 08-2

Background

On December 1, 2008, the City of Greenacres adopted text amendments to the Conservation, Infrastructure, Intergovernmental Coordination and Capital Improvements Elements of the City Comprehensive Plan. The Treasure Coast Regional Planning Council (TCRPC) reviewed the proposed amendments at a regular meeting held on September 19, 2008. The Florida Department of Community Affairs (DCA) issued a letter in lieu of an Objections, Recommendations and Comments (ORC) Report on the proposed amendments on October 31, 2008.

Evaluation

The adopted amendments address statutory requirements regarding water supply planning. No revisions where made to the proposed amendments.

A. TCRPC Report

The report approved by the TCRPC on September 19, 2008 had no comments or recommendations for modification to the proposed amendments. The amendments were determined to be consistent with the Strategic Regional Policy Plan.

B. DCA ORC Report

The DCA letter of October 31, 2008 was issued in lieu of an ORC Report. The letter indicated that the DCA had no objections to the proposed amendments.

Conclusion

For information only.
To: Council Members

From: Staff

Date: February 20, 2009 Council Meeting

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

Background

On November 18, 2008, the Town of Jupiter adopted text amendments to several elements of the Town Comprehensive Plan. Council reviewed the proposed amendments at a regular meeting held on June 20, 2008. On July 11, 2008, the Florida Department of Community Affairs (DCA) issued an Objections, Recommendations, and Comments (ORC) Report on the proposed amendments. The amendments are to address statutory requirements regarding water supply facility planning and coordination with the South Florida Water Management District (SFWMD).

Evaluation

A. Treasure Coast Regional Planning Council (TCRPC) Report

The report approved by the TCRPC on June 20, 2008 contained no comments or recommendations for modification. The proposed amendments were considered consistent with the Strategic Regional Policy Plan.

B. DCA ORC Report

The DCA ORC Report dated July 11, 2008 contained seven objections. The Town response to the ORC Report (Attachment A) includes the DCA objections and recommendations.

Conclusion

For information only.
Town of Jupiter's
Response to DCA's Objections,
Recommendations and
Comments Report
For DCA No. 2008-RWSP2
(Ordinance No. 15-08)

Prepared by:
The Department of Planning
and Zoning
November 20, 2008
I. Consistency with Rule 9J-5, F.A.C., and Chapter 163, F.S.

The Town of Jupiter proposed comprehensive plan amendment consists of revisions to the Potable Water Sub-element, and the Conservation, Intergovernmental Coordination, and Capital Improvements Elements incorporating the adopted 10-Year Water Supply Facilities Work Plan into the Town’s Comprehensive Plan. The Department has identified the following objections to the proposed comprehensive plan amendment:

**ORC Report Objection #1:** The agreement to supply 1.35 million gallons of water a day to the Village of Tequesta expired on July 17, 2007, the Water Supply Plan is unclear as to whether the Town of Jupiter is currently providing wholesale water to the Village, has discontinued selling water wholesale to the Village or will discontinue providing water some time in the future. (Authority: Sections 163.3167(13); 163.3177(4), (6)(a), (c), (d), (h), Florida Statutes (F.S.); Rules 9J-5.005(2), (5); 9J-5.006(2), (3)(b)1, (c)39J-5.011(1), (2)(b)2, (c)1; 9J-5.015(1), (2), 3)(b)1, 3, (c)1, 3, 5, Florida Administrative Code (F.A.C.))

**DCA Recommendation:** Revise the Town’s data and analysis to indicate whether the Town is currently providing wholesale water to the Village, has discontinued the selling the Village water wholesale, or will discontinue providing water some time in the future. Revise the analysis of water supply demand provided by the Village and Town’s service area, as appropriate to account for any continued or discontinued water supply service to the Village of Tequesta or include an explanation that the termination of water supply service to the Village of Tequesta has been taken into account in the Town’s 10-Year Water Supply Facilities Work Plan.

**Town Response:** The Town of Jupiter discontinued selling wholesale water to the Village of Tequesta on July 17, 2007. Therefore, all data and analysis submitted as part of the Town’s Water System Master Plan, which includes the 10-Year Water Supply Facilities Work Plan, appropriately does not include any demand related to serving the Village of Tequesta.

**ORC Report Objection #2:** The Town has not demonstrated that it has coordinated with the communities within its service area (Juno Beach, Martin and Palm Beach Counties, and possibly Tequesta) to verify that its projections of water supply demand is consistent with the projected demands anticipated by the communities it serves. (Authority: Sections 163.3167(13); 163.3177(4), (6)(a), (c), (d), (h), F.S.; Rules 9J-5.005(2), (5); 9J-5.006(2), (3)(b)1, (c)39J-5.011(1), (2)(b)2, (c)1; 9J-5.015(1), (2), 3)(b)1, 3, (c)1, 3, 5, F.A.C.)

**DCA Recommendation:** Revise the data and analysis to include information to indicate that the Town of Jupiter has coordinated with the local governments it serves with water. If the Town has not coordinated with the local governments it serves with water, then revise the data and analysis after coordinating with the recipient local governments, as appropriate, to demonstrate that all water supply needs within the Jupiter service area can be meet through the next 10 year planning period.

**Town Response:** The enclosed letters from Palm Beach County, Martin County and the Town of Juno Beach (see Attachment G of staff report) are provided to verify that the
projections of water supply demand outlined within the Town of Jupiter Utilities Water System Master Plan and 10-year Water Supply Facilities Work Plan are consistent with the projected demands anticipated by each respective local government in their Comprehensive Plans. All future updates to the Water System Master Plan and 10-year Water Supply Facilities Work Plan will include similar coordination letters from all local governments served by the Town’s Water Utility. Copies of these letters will also be provided to SFWMD as part of this update process.

**ORC Report Objection #3:** The Town of Jupiter has included a list of proposed water supply projects for fiscal years 2007 through 2025 (Table A.9, Appendix A of the Town of Jupiter Water Master Plan Update September 2007, Prepared by Hazen and Sawyer). Table A.9 does not identify a specific year when the projects listed in the table will need to be implemented by the Town. There is also a table of Additional 10-Year Planning Period Projects (Table A.10 of the Hazen and Sawyer report). The "Deepen RO Well No. 4" project is identified in Table A.10 as a multi-year project (2007-2012), but the Town has not indicated that yearly revenue sources will be available to implement this capital improvement.

In addition, the data and analysis does not include an evaluation of the projects listed in the tables to demonstrate that these projects will meet the Town’s water supply and water treatment needs through the next ten year planning period. The Town has not identified the capital improvements that will be implemented within the next five years in a financially feasible five-year schedule of capital improvements. Projections of revenues that will be used to fund these projects has not been provided to demonstrate that the revenues will be available and sufficient to pay for the improvements. (Authority: Sections 163.3164(32); 163.3167(13); 163.3177(3), (4), (6)(c), (d), and (h), F.S.; Rules 9J-5.006(3)(b)1 and (c)3; 9J-5.011(1), (2)(b)2 and (c)1; 9J-5.013(1)(e); (1), (2), 9J-5.016(3)(b)1, 3, 4, 5, (c)6, and (4), F.A.C.)

**DCA Recommendation:** Revise the data and analysis to demonstrate that the projects listed in the tables will meet the Town’s water supply and water treatment needs through the next ten year planning period. The Town must identify the capital improvements that will be implemented within the next five years in a financially feasible five-year schedule of capital improvements. Projections of revenues that will be used to fund these projects must also be included in the data and analysis to demonstrate that the revenues will be available and sufficient to pay for the improvements.

**Town Response:** The Town maintains a financially feasible full cost recovery system for all utility capital improvement programs that is funded through rates paid by existing customers and connection charges (impact fees) paid by new development. The Town has revised Tables A.9 and A.10 (see Attachment H of staff report) in Appendix A of the Water Master Plan Update September 2007, to add a column (far right) which cross-references the projects in these tables with the Town's adopted 2008-2012 5-yr CIP Update. Additionally, there are 4 projects that are from previous year's CIP updates and staff has included the corresponding project pages (see Attachment I of staff report) as data and analysis for the amendments.

**ORC Report Objection #4:** Existing Infrastructure Policy 1.5.1 requires the Town to implement a water conservation program that will include a landscaping ordinance, require new
development to use treated wastewater for irrigation, an education program regarding water conservation techniques and devices, develop leak detection and a meter testing and repair program, integrate the Town’s existing emergency water shortage rules, and require water saving fixtures. The Town has not included policies to implement the conservation measures that can be implemented immediately or included policies outlining the specific programs and activities it will undertake to implement those conservation measures that will take more time to implement. (Authority: Sections 163.3177(6)(c), (d), F.S.; Rules 9J-5.005(6); 9J-5.011(2)(b), F.A.C.)

**DCA Recommendation:** Revise Infrastructure Policy 1.5.1 or include additional policies to implement the water conservation programs that the Town can implement immediately and include policies with specific programs and activities to ensure the implementation of those conservation measures that will take more time to implement.

**Town Response:** The Town currently administers a water conservation program consistent with existing Infrastructure Policy 1.5.1. Policy 1.5.1 has been amended as follows (all text amendments to address the ORC Report are shown in a double-underline, strike-through and bold format) to reflect that in fact, the conservation program has already been implemented. Additionally, specific reference to working with Palm Beach County and SFWMD to implement the program was included in the policy.

Policy 1.5.1 The Town shall work together along with state, Palm Beach County and the South Florida Water Management District regional agencies, and develop a to continue to implement its water conservation program which will include the following components:

a) A landscape ordinance which requires the preservation or use of native vegetation as a portion of all new development landscape plans;

b) Requiring all new developments to utilize treated wastewater irrigation from the Loxahatchee River District if available and economically feasible in the opinion of the Town;

c) An education program to inform the public of various water conservation techniques and devices;

d) Develop a leak detection and meter testing and repair program to minimize losses of water in the distribution system;

e) The integration of the Town's existing emergency water shortage rules; and,

f) Requiring water saving devices, e.g., irrigation systems, plumbing fixtures, in all new development. Existing home not containing such devices are encouraged to retrofit such systems.

**ORC Report Objection #5:** The Intergovernmental Coordination Element does not include policies with specific programs and activities to ensure ongoing coordination with the local governments receiving water from the Town (Juno Beach, Martin and Palm Beach Counties, and possibly Tequesta) regarding water supply planning issues. (Authority: Sections 163.3167(13); 163.3177(4) and (6)(h), F.S.; Rules 9J-5.005(6); 9J-5.015(3)(b)1, 2, 3, (c)1, 3 and 11, F.A.C.)

**DCA Recommendation:** Revise the Intergovernmental Coordination Element to include an objective and policies to ensure a meaningful process for collaborative planning and
intergovernmental coordination, on a continuous and ongoing basis, on water supply issues between the Town and the local governments it provides water service. Coordination efforts could include sharing of information regarding water supply needs, implementing alternative water supply projects (including reuse and other conservation measures), establishing level of service standards, and serving newly annexation areas.

**Town Response:** Based on the response to ORC objection #2, the following new objective and implementing policies were added to the Intergovernmental Coordination Element to address ORC objection #5:

**Objective 2.4** The Town shall coordinate with local governments within its Water Utility service area (Palm Beach County, Martin County and the Town of Juno Beach) to ensure that all water supply needs can be met through a 10-year planning period, as provided in its Water Supply Facilities Work Plan, consistent with the South Florida Water Management District’s Lower East Coast Regional Water Supply Plan.

**Policy 2.4.1** As part of the process of updating the Town Water Utility’s Master Plan and 10-year Water Supply Facilities Work Plan, the Utilities Department will coordinate with Palm Beach County, Martin County and the Town of Juno Beach to verify that the projections of water supply demand outlined in these plans are consistent with the projected water demands anticipated by these governments.

**Policy 2.4.2** Verification of the projections of water supply demand contained in Policy 2.4.1 will be obtained from Palm Beach County, Martin County and the Town of Juno Beach in writing and provided to the South Florida Water Management District.

**Policy 2.4.3** The Town shall, as a part of interlocal agreements, continue to coordinate population projections and future annexation areas with the local governments within its Water Utility service area through the following actions:

- **An ongoing Planning and Zoning and Utilities department review, through the IPARC notification system, of all future land use amendments to properties located within the Town’s service/future annexation area;**
- **Once-a-year written notification system, requiring all local governments within the Town’s Water Utility service area to provide the Town with (i) major redevelopment plans affecting the service/future annexation area; and (ii) specific to Juno Beach, population projections if different from those provided by Palm Beach County; and**
- **Once-a-year written notification system, requesting Palm Beach and Martin Counties to provide current population projections and providing Palm Beach County with all changes to the Town-generated population projection numbers.**
Policy 2.4.4 The Town shall coordinate its adopted LOS standard for potable water with the local governments within its Water Utility service area, in particular:

- The Town will annually contact these local governments to provide them with information on any changes to its adopted LOS standard to be included in their respective Comprehensive Plan amendments and the renewal of local service agreements; and;
- The Town will also provide these local governments with an implementation schedule of the potable water conservation measures, including reuse.

Policy 2.4.5 The Town shall provide the local governments within its Water Utility service area with a copy of its annual update of the 5-yr Capital Improvements Plan (CIP) for all capacity-related water supply facility projects to be included in their respective CIP updates.

**ORC Report Objection #6:** The Town has not included a policy to address concurrency for water supply. (Authority: Section 163.3180(2)(a), F.S., and Rules 9J-5.013(2)(c)1, F.A.C.)

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

**Town Response:** To address DCA objection #6, the following new policy was added to the Capital Improvements Element:

**Policy 1.4.8 Prior to the issuance of a building permit or functional equivalent, the Building Department will consult with the Town’s Water Utility to confirm that adequate water supplies will be available to service new development no later than the anticipated date of the issuance of the certificate of occupancy or its functional equivalent.**

**ORC Report Objection #7:** The Town has not included a policy to update its 10-Year water Supply Facilities Work Plan within 18 months of any update to the South Florida Water Management District’s Lower East Coast Regional Water Supply Plan Update. (Authority: Section 163.3180(2)(a), F.S., and Rules 9J-5.013(2)(c)1, F.A.C.)

**DCA Recommendation:** Include a policy or revise exiting policies in the Intergovernmental Coordination Element to ensure ongoing coordination between the Town and the South Florida water Management District regarding future revisions to the Water Management District’s Lower East Coast Water Supply Plan Update.

**Town Response:** New Conservation Element Policy 1.3.13 and Infrastructure Element Policy 1.5.2 were adopted in June 2008, by the Town as part of its 2008 Evaluation and Appraisal (EAR) – based Comprehensive Plan amendments. In order to incorporate all
future updates to the SFWMD’s 10-year Lower East Coast Regional Water Supply into the Infrastructure Element, the Town has amended Policies 1.3.13 and 1.5.2 as shown below. The revised policies address the concerns in DCA objection #7.

Policy 1.3.13  Within 18 months of the adoption of SFWMD’s 10-year Lower East Coast Regional Water Supply Plan **update and any future updates to the Plan**, the Town shall amend its Infrastructure Element to consider this the District’s plan updates. This **These** updates will include the following:
   a) The Town’s 10-year water supply plan;
   b) Identification of adequate water supply sources to meet future demand;
   c) Identification of alternate water supply projects.

Policy 1.5.2  Within 18 months of the adoption of SFWMD’s 10-year Lower East Coast Regional Water Supply Plan **update and any future updates to the Plan**, the Town shall amend its Infrastructure Element to consider this the District’s plan updates. This **These** updates will include the following:
   a) The Town’s 10-year water supply plan;
   b) Identification of adequate water supply sources to meet future demand;
   c) Identification of alternate water supply projects.

**ORC Report SFWMD Comment #1:** The Work Plan lists a number of capital improvements projects which could be undertaken to address a projected water supply deficit; however, a financially feasible Five-Year Schedule of Capital Improvements was not submitted.

**SFWMD Recommendation:** Provide a Five-Year Capital Improvements Schedule as part the Capital Improvements Element that includes all alternate water supply projects with committed funding sources for the initial three years as required by Chapter 163, Florida Statutes.

**Town Response:** As a Comprehensive Plan amendment reviewing agency, the SFWMD receives an adopted copy of the Town’s annual 5-yr CIP update (including the 2008-2012 update). The Town provided the SFWMD with the link to the 2008-2012 5-yr CIP update on the Town’s web page. Additionally, the response to ORC Report Objection #3 adequately addresses SFWMD’s comment.

**ORC Report SFWMD Comment #2:** The Work Plan does not include the data and analysis used to determine future water demands. The projected water demand should demonstrate the relationship between the adopted level-of-service standard for potable water and approved population projections.

**SFWMD Recommendation:** Provide an analysis of projected water demand based on the adopted level-of-service standard and state-approved population projections. Indicate the source and method of projecting populations for those areas of other jurisdictions served by the Town.

**Town Response:** The Town’s consultant, Hazen and Sawyer, has generated additional Town of Jupiter Water Utility, Service Area Population Estimates (see Attachment J of the staff report) to address the SFWMD comment. This analysis provides a breakdown of
how an "equivalent per capita" potable water usage value, which captures non-residential use and pro-rates it to be included in the projected populations, is utilized in order to estimate the future water demand of the Town’s Water Utility Service area.

**ORC Report SFWMD Comment #3:** The Work Plan does not include an evaluation of non-potable or irrigation demands or the supply of reclaimed water to meet such demands. Support documentation for the comprehensive plan text amendments ("Data and Analysis" section) notes that Town relies on the Loxahatchee River Environmental Control District for this planning.

**SFWMD Recommendation:** Recommendations for reclaimed water projects and other alternative water supply projects should be included in the Work Plan and Capital Improvements Element.

**Town Response:** The Town is reliant upon the Loxahatchee River District (LRD) for data and analysis of non-potable or irrigation water demands and supply. Projects related to non-potable or irrigation water are beyond the control of the Town, and as such they cannot be represented as a requirement of the Town’s 10-Year Water Supply Facilities Work Plan. However, the Town continues to work closely with the LRD to promote reclaimed water projects, as evidenced by the May 2006 Interlocal Agreement (see Attachment K of the staff report) between the two entities to establish a water reuse program for an approximately 900 acre residential/golf course property owned by Toll Brothers and WCI, Inc. (commonly referred to as “Parcel 19”), which is located west of the Florida Turnpike on the north and south side of Indiantown Road. A similar agreement was executed in 1995 for the Abacoa Development of Regional Impact (DRI), an approximately 2000 acre development located along the north side of Donald Ross Road between Military Trail and the I-95 Expressway, and was required pursuant to Condition #50 the DRI Development Order. Additionally, the LRD has provided the Town with its Master Plan for Irrigation Quality Water Reuse (see Attachment L of the staff report), which was adopted in April 1986. This master plan was amended in July of 2008 to include an Irrigation Quality Water Program Evaluation (see Attachment M of the staff report). The following new Capital Improvements Element Policy 1.2.3 incorporates by reference the LRD 1986 Master Plan for Irrigation Quality Water Reuse, and July 2008 Irrigation Quality Water Program Evaluation, into the Town’s Comprehensive Plan. The inclusion of the LRD master plan by reference through new Policy 1.2.3 adequately addressed the SFWMD comment.

**Policy 1.2.3** The Town adopts by reference, the Loxahatchee River District’s April 1986 Master Plan for Irrigation Quality Water Reuse, as amended by the July 2008 Irrigation Quality Water Program Evaluation, to support the irrigation water programs contained in the Town’s 2007 Water Master Plan Update and inclusive 10-year Water Supply Facilities Work Plan.

**ORC Report SFWMD Comment #4:** All text and policy amendments throughout the comprehensive plan refer to the Water System Master Plan. Policy 1.1.37 of the Intergovernmental Coordination Element is the only citation linking the requirements of a Water Supply Facilities Work.
**SFWMD Recommendation:** The Town should provide specific policy language stating the adoption by reference of the Water Supply Facilities Work Plan.

**Town Response:** To address SFWMD comment #4, the following amendments were made to new Infrastructure Element Policy 1.3.13 to specifically reference that the Town’s 10-Year Water Supply Facilities Work Plan is adopted by reference into the Comprehensive Plan. Additional amendments were made to policies in the Infrastructure, Conservation and Intergovernmental Coordination elements as listed below to provide internal consistency with the amendments to Infrastructure Element Policy 1.3.13:

**Infrastructure Element**

Objective 1.3. The provision of sufficient public facilities to meet projected public demand and development impacts, as they are needed and as determined by the adopted level of service standards within this Plan. To implement this objective the following policies are adopted:

Policy 1.3.12 The Town, through the Utilities Department, shall continue to update, no less than every five years, and implement the recommendations of the Water System Master Plan. The Water System Master Plan shall include a Water Supply Facilities Plan for at least a 10-year planning period addressing water supply facilities necessary to serve existing and new development for which the Town’s utility is responsible. The Town’s Water System Master Plan shall consider and be coordinated with the SFWMD’s Lower East Coast Regional Water Supply Plan.


**Conservation Element**

Objective 1.3 The quality and quantity of the Town's groundwater shall be maintained at current levels as determined by the Department of Environmental Protection using DEP established criteria for water quality and quantity classifications as reported in Chapter 17-3, F.A.C.

Policy 1.3.14 The Town’s Utility Department shall continue to update and implement the recommendations of the Water System Master Plan and inclusive 10-year Water Supply Facilities Work Plan, which shall assess projected water needs and sources for at least a 10-year planning period while considering the SFWMD’s Lower East Coast Regional Water Supply Plan.

**Intergovernmental Coordination Element**

Objective 1.1: To coordinate the impact of development proposed in the local plan upon development in adjacent municipalities, counties, the region and the State. This shall be
accomplished by review of the plans of said government entities and analysis of the potential impacts of the local plan on these plans and by participation on county and regional committees.

**Implementing Infrastructure Element Policy:** The Town’s Utility Department shall continue to update, no less than every five years, and implement the recommendations of the Water System Master Plan. The Water System Master Plan shall include a Water Supply Facilities Work Plan for at least a 10-year planning period addressing water supply facilities necessary to serve existing and new development for which the Town’s utility is responsible. The Town’s Water System Master Plan and inclusive 10-year Water Supply Facilities Work Plan shall consider and be coordinated with the SFWMD’s Lower East Coast Regional Water Supply Plan.

**Policy 1.1.38** The Town’s Utility Department will continue to coordinate the Water System Master Plan, which shall include a Water Supply Facilities Work Plan for at least a 10-year planning period addressing water supply facilities necessary to serve existing and new development for which the Town’s utility is responsible, with the SFWMD’s Lower East Coast Regional Water Supply Plan.

**Implementing Conservation Element Policy:** The Town’s Utility Department shall continue to update and implement the recommendations of the Water System Master Plan and inclusive 10-year Water Supply Facilities Work Plan, which shall assess projected water needs and sources for at least a 10-year planning period while considering the SFWMD’s Lower East Coast Regional Water Supply Plan.

**Policy 1.1.39** The Town’s Utility Department will continue to coordinate the Water System Master Plan and inclusive 10-year Water Supply Facilities Work Plan, which shall include assessing projected water needs and sources for at least a 10-year planning period, with the SFWMD’s Lower East Coast Regional Water Supply Plan.

Objective 2.2: Establish and maintain specific means of coordination with adjacent local governments and other service providers.

**Policy 2.2.8** The Town’s Utility Department will continue to coordinate the Town’s Water System Master Plan, which includes a 10-year Water Supply Facilities Work Plan, and the Comprehensive Plan with the SFWMD’s Lower East Coast Regional Water Supply Plan.

The changes adopted by the Town in order to address DCA’s objections and the SFWMD’s comments to Ordinance No. 15-08 are denoted in the updated Data and Analysis in a double-underline, strike-through and bold format.
II. Consistency with Chapter 187, F.S., State Comprehensive Plan

The proposed amendment is inconsistent with the following provisions of Chapter 187, F.S.:

Section 187.201(7), Water Resources, Policies (b) 3, 5, 9, 11, 13, and 14: Ensure that new development is compatible with existing local and regional water supplies, protect aquifers, and promote water conservation;

Section 187.201(17), Public Facilities, policies (b) 3, 4, 5, 6, 7, 9: Encourage the development, use, and coordination of capital improvement plans by all levels of government and to ensure the availability of public facilities; and

Section 187.201(25), Plan Implementation, Policy (b) 7: Ensure that local plans implement and accurately reflect state goals and policies.

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

Town Response: The responses to the seven ORC Report objections and four comments have adequately addressed the listed inconsistencies with Chapter 187, Florida Statutes.
To: Council Members

From: Staff

Date: February 20, 2009 Council Meeting

Subject: Local Government Comprehensive Plan Amendment Review
Adopted Amendments to the Town of Lake Park Comprehensive Plan
DCA Reference No. 08-1ER

Background

On October 15, 2008, the Town of Lake Park adopted amendments to the Future Land Use Map (FLUM) and text amendments to all elements of the Town Comprehensive Plan. The amendments are pursuant to an Evaluation and Appraisal Report that was adopted by the Town on June 21, 2006.

The Treasure Coast Regional Planning Council (TCRPC) reviewed the proposed amendments at a regular meeting held on July 18, 2008. The Florida Department of Community Affairs (DCA) issued an Objections, Recommendations and Comments (ORC) Report on August 8, 2008.

Evaluation

A. TCRPC Report

The TCRPC Report contained comments/recommendations regarding both the FLUM amendments and the text amendments. These comments/recommendations are shown in Attachment A.

B. DCA ORC Report

The DCA ORC Report contained 9 objections. The objections are briefly summarized in Attachment B.

C. Town Response

1. To TCRPC Comments/Recommendations for Modification

   Summary of TCRPC Recommendations for modification and Town Response:

   A. FLUM Amendments

      1. Recommendation – assign a Conservation FLUM designation to the additional parcels of land that make up the Lake Park Scrub Natural Area.

      Response – the FLUM has been modified accordingly.
B. Text Amendments

1. Future Land Use Element
   a. Recommendation – clarify the confusion over the Mixed Use FLUM Designation/Zoning District/Overlay.
      
      Response – reference to FLUM designations are removed from Policy 1.3. Section 3.4.3 is clarified to indicate that Mixed Use is not a stand-alone FLUM designation, but a zoning district and overlay.
      
   b. Recommendation – modify Section 3.3.2 to clarify what types of commercial use are permitted under a mixed use designation.
      
      Response – the section is clarified to remove the objectionable language.
      
   c. Recommendation – modify Policy 1.3 to include the Single Family and Condominium Residential designations.
      
      Response – reference to designations are removed from Policy 1.3. The definition of Single Family Residential and Condominium Residential are now included in Section 3.4.3.

2. Transportation Element
   a. Recommendation – modify Objective 1 to address roadway deficiencies.
      
      Response – the Objective was revised as recommended.
      
   b. Recommendation – adopt policies to support TOD
      
      Response – new Policy 2.2 indicates that TOD will be encouraged in appropriate locations.

3. Housing Element
   a. Recommendation – new Policy 3.7 should identify specific strategies and implementation mechanisms to ensure the availability of a diversity and mix of housing types.
Response – Policy 3.7 was modified to include examples of strategies the Town may implement.

b. Recommendation – revise Policy 7.1 and 7.4 to indicate when barriers will be identified and mitigated and how development approval will be “fast tracked” for affordable housing projects.

Response – the policies have not been revised to address the TCRPC recommendation.

4. Coastal Management Element

a. Recommendation – revised Policy 4.2 is to clarify policy language.

Response – the policy was revised as recommended.

b. Recommendation – revise Policy 5.7 to prohibit increased density in coastal high hazard areas.

Response – the policy was not modified as recommended.

5. Conservation Element

a. Recommendation – revise Objective 7 regarding the preservation of the Lake Park Scrub Area.

Response – the Objective was revised as recommended.

6. Recreation and Open Space Element

a. Recommendation – revise Policy 4.2 to indicate what procedures will be used to identify properties for acquisition and when this will be done.

Response – the policy was not modified as recommended.

2. To the DCA ORC Report

Attachment B summarizes the DCA objections and the Town response.

Conclusion

For information only.
Comments/Recommendations

A. FLUM Amendments

Information regarding the proposed FLUM amendments was not provided on a property by property basis, but rather by area (see Exhibit 4). The amendments affect a total area of 154.6 acres. The most significant amendments are for:

- Area 1 which assigns the new Mixed Use FLUM designation to 42.0 acres along the U.S. 1 corridor.
- Area 3 which assigns a Conservation FLUM designation to 45.4 acres of property known as the Lake Park Scrub Natural Area.
- Area 6 which assigns to a FLUM designation of Commercial to 26 acres of land along 10th Street that was previously assigned a residential designation.

The Town indicates that these amendments are based on the recommendations of the Town’s EAR.

1. In the FLUM amendment referenced as Area 3, the Town proposes to assign a Conservation FLUM designation to 45.4 acres of the Lake Park Scrub Natural Area. Council has been notified by the Palm Beach County Department of Environmental Resources Management staff that this proposed amendment does not include all of the land purchased by the County for the Lake Park Scrub Natural Area. Some additional parcels to the east of the land subject to the FLUM amendment were also part of the purchase.

Recommendation for Modification: In the adopted amendment, the Town should assign a Conservation FLUM designation to the additional parcels of land that make up the Lake Park Scrub Natural Area. (Note: The Town staff has indicated they will recommend that the additional four parcels be assigned a Conservation FLUM designation at the time of adoption of the proposed amendment).

B. Text Amendments

1. Future Land Use Element

   a. The Town has proposed a number of new FLUM designations under Policy 1.3. Among these are a Mixed Use designation which allows a maximum residential density of 30 dwelling units per acre. However, a Mixed Use FLUM designation is not shown in the legend of the new FLUM, nor is it included by name in Section 3.3.2 where FLUM classifications are further defined. However, in Section 3.3.2, there is a very long and complex definition for “Mixed Use Zoning Districts and Overlays”, with a list of provisions that may allow mixed use at different locations (perhaps without a FLUM designation of Mixed Use).

   Recommendation for modification: The Town needs to be very clear in this element if Mixed Use is to be a FLUM designation (it is the proposed designation for the Area 1 FLUM amendments) or if mixed use is a reference to a zoning district or overlay. Furthermore, the lengthy definition and list of conditions for “Mixed Use Zoning Districts and Overlays” in Section 3.3.2 is not appropriate for a FLUM designation. If Mixed Use is to be a FLUM
category, the definition and conditions under which it may be assigned should be much more straightforward and concise.

b. The language used with “Mixed Use Zoning Districts and Overlays” in Section 3.3.2 allows any commercial use as a mixed use project because of the term “may include, but not limited to”.

Recommendation for Modification: This language needs to be clarified to clearly indicate what types of commercial use are to be permitted under a Mixed Use designation.

c. The proposed Single Family Residential and Condominium Residential FLUM designations are not listed under Policy 1.3, where all other residential FLUM designations are listed with standards for density.

Recommendation for modification: Include the Single Family Residential and Condominium Residential designations under Policy 1.3.

2. Transportation Element

a. Revised Objective 1 is (in part) to implement projects to correct roadway deficiencies.

Recommendation for modification: The objective would be better stated to address roadway deficiencies rather than to correct them.

b. Although one of the major issues identified in the Town’s EAR was Mass Transit, there are no revisions that encourage or promote Transit Oriented Development (TOD). TOD is considered to be a priority for the bus and rail corridor in eastern Palm Beach County.

Recommendation for modification: Adopt policies to support TOD.

3. Housing Element

In the EAR, the Town did not consider affordable housing to be a major issue, although recognizing that housing affordabilities to target groups is still problematic. The EAR also indicates there may be a need to modify residential densities to preserve single family neighborhoods in some areas while increasing the availability of multi family housing in other areas.

The Town has some policy support in the existing plan for the provision of low and/or moderate income housing. However, the policy support is weak and does not ensure that progress will be made to address housing needs. Some additional policy language is to be added as a result of the proposed EAR amendments.

a. New Policy 3.7 indicates the Town will implement strategies to ensure the availability of a diversity and mix of housing types in order to meet the needs of households of different income and needs groups. However, there is no indication of what these strategies are, how they will be identified, or when they will be implemented.
Recommendation for modification: The policy should identify the strategies, if they have already been determined, or indicate how the strategies will be determined, and what implementation mechanisms will be utilized (e.g. inclusionary zoning, land trust, linkage fee, density bonus, etc).

b. Revised Policies 7.1 and 7.4 address the mitigation of regulatory barriers to the provision of affordable housing and giving priority to applications that provide for affordable homeownership units. Again, the policies are weak. It is not clear that priority in scheduling application review by the Planning and Zoning Board is a significant incentive.

Recommendation for modification: The policies should be revised to indicate when barriers will be identified and mitigated and how development approvals will be “fast tracked” for affordable housing projects.

4. Coastal Management Element

a. New Policy 4.2 addresses the establishment of a Marina Siting Plan. However, the language used is the form of a recommendation (“The Town is encouraged to establish a Marina Siting Plan”).

Recommendation for modification: Change the language of Policy 4.2 so that the language is in the form of a policy (i.e. “Establish a Marina Siting Plan consistent with 163.3178(6)F.S.”).

b. Revised Policy 5.7 addresses development intensity in coastal high hazard areas.

Recommendation for modification: the policy should prohibit increased development intensity and density in coastal high hazard areas.

5. Conservation Element

a. New Objective 7 addresses the preservation of the Lake Park Scrub Area. However, the language used is not in the form of an objective.

Recommendation for modification: Revise Objective 7 to indicate the Town shall preserve the Lake Park Scrub Area.

6. Recreation and Open Space Element

a. Revised Policy 4.2 indicates the Town will identify properties for future acquisition.

Recommendation for modification: Revise Policy 4.2 to indicate what procedures the Town will use to identify properties for future acquisition and when this will be done.
Mr. Ray Eubanks, Plans Processing Administrator  
Florida Department of Community Affairs  
Division of Community Planning  
Bureau of Local Planning  
2555 Shumard Oaks Blvd.  
Tallahassee, FL 32399-2100

November 10, 2008

RE: Transmittal of the Town of Lake Park Adopted Evaluation and Appraisal Report-based Amendments

Dear Mr. Eubanks:

Enclosed please find three copies of: Ordinance No. 04-2008 authorizing adoption of the Town of Lake Park’s EAR-based Amendments; the Town’s 2008 Adopted EAR-based Amendments, including a series of proposed amendments to the Future Land Use Map; an impact analysis of the proposed Future Land Use Map changes, and; the Citizen Sign-In Sheet. Copies of this package are also being transmitted to the review agencies listed at the end of this letter. The Town’s adopted Evaluation and Appraisal Report, and a CD containing the Town’s Adopted Comprehensive Plan, were previously submitted to your Department and all review agencies.

Section 163.3191(10), Florida Statutes (F.S.), requires that a governing body amend its Comprehensive Plan based on the recommendations in the Evaluation and Appraisal Report. The Town’s Evaluation and Appraisal Report was adopted in May 2006, and subsequently found sufficient by the Florida Department of Community Affairs.

The Town approved transmittal of its EAR-Based Amendments to the Department of Community Affairs for preliminary sufficiency review upon first reading of the adopting Ordinance on April 2, 2008. In the August 8, 2008 Objectives, Recommendations and Comments (ORC) Report, the Florida Department of Community Affairs (DCA) provided objections, recommendations and comments regarding the Town’s proposed Comprehensive Plan EAR-Based Amendments (DCA No. 08-1ER). The Town’s response and corrective actions are as follows.
Mr. Ray Eubanks  
November 10, 2008  
Page 2

**Objection:** The analysis did not include an evaluation of the cumulative impacts of the proposed Future Land Use Map amendments on water supply and transportation.

**Response:** The Town has adjusted the maximum intensities and densities permitted in certain Future Land Use Districts, as well as the size of some of the amendment areas. In addition, the Town corrected the analysis to more accurately identify potential impacts on services and infrastructure, including cumulative impacts on water supply and transportation. This analysis is detailed in the attached impact analysis.

As can be seen on the impact analysis, the proposed amendments will not cause any roadways within or proximate to the Town to operate below adopted Levels of Service. Cumulatively, the proposed amendments are projected to reduce the number of trips on roadways in the Town by 14,076 daily trips. This reduction is due to: reduced development intensities/densities; an increased emphasis on mixed-use development that provides for a range of residential, non-residential, public, and open space uses in a compact, walkable area, and; the designation of a 54.45 acres area as "Conservation".

With regards to water supply, as can be seen in the attached impact analysis, the Town is projecting that the cumulative impact of these amendments will reduce potable water consumption by 155,912 gallons per day. In addition, the Town has developed its 20-Year Water Supply Plan in accordance with State requirements, which addresses its ability to meet its demand for potable water during at least a ten year planning period. The Water Supply Plan has been separately transmitted for preliminary sufficiency review.

**Objection:** There are internal inconsistencies between the densities and intensities prescribed in the Future Land Use Element. The analysis did not include an evaluation of the cumulative impacts of the proposed Future Land Use Map amendments on water supply and transportation.

**Response:** Policies 1.3 and 1.4 on pages 7 - 8 have been revised to correct the noted inconsistencies. The boundaries of the Conservation area have been corrected, and the area has been removed from the Bioscience Overlay. Percentage distributions among allowed land uses have been included in Section 3.4.3, "the Future Land Use Classification Table, for the Residential and Commercial (P. 15), Downtown (P. 15), and Mixed Use Overlay districts (P. 17).

**Objection:** The Town has not included data and analysis to support the revisions to the Transportation Element.

**Response:** In accordance with State requirements, the adopted Evaluation and Appraisal Report provides the data and analysis for the EAR-based amendments. The proposed Transportation Element amendments are based on the transportation analysis contained in the adopted EAR on pages 26 – 42. The traffic count information used in this analysis remains the most current information available on the Palm Beach County Metropolitan Planning Organization’s website.
Mr. Ray Eubanks  
November 10, 2008  
Page 3

The following revisions have been made to Transportation Element objectives and policies to address DCA and other agency comments: the word “correct” was replaced with “address” in Objective 1 (P. 18); Policy 1.1 was revised to include the LOS Standard for Strategic Intermodal System roadways (P. 18); Objective 2 was revised to replace “current” with “future” (P. 19); Policy 2.2 was added to address Transit Oriented Development (P. 19), and; an updated Future Transportation Map is being adopted (pp. 22 - 23).

**Objection:** New Policy 3.7 and amended Policy 7.1 in the Housing Element do not include meaningful guidelines for implementation.

**Response:** Housing Element policies 3.7 (P. 25) and 7.1 (P. 26) were revised to include more specific guidelines.

**Objection:** The proposed revision to Policy 1.1 of the Sanitary Sewer, Solid Waste, Drainage, Potable Water and Natural Groundwater Recharge Element removes the level of service standards for water, wastewater, solid waste and stormwater drainage.

**Response:** The proposed revision to Policy 1.1 is retracted.

**Objection:** The update to the concurrency management system should be included with the update to the Comprehensive Plan.

**Response:** Policy 5.1 in the Capital Improvements Element was revised to include the updated Concurrency Management System (pp. 42 - 44). The proposed amendment to Objective 1 of the Sanitary Sewer, Solid Waste, Drainage, Potable Water and Natural Groundwater Recharge was revised accordingly (P. 27).

**Objection:** The new statutory definition of the Coastal High Hazard Area should be included in the Coastal Management Element, and identified on the Future Land Use Plan Map.

**Response:** The Future Land Use Map is being amended to include the Coastal High Hazard Area, and policies 5.1 (P. 30) and 5.7 (30) in the Coastal Management Element have been revised to address the new definition and other requirements.

**Objection:** The proposed Public Schools Facilities Element should reflect the County’s Public Schools Facilities Element.

**Response:** The proposed Educational Facilities Element was revised to reflect the County’s adopted Public School Facilities Element, as revised on August 27, 2007 (pp. 45 - 51).
Mr. Ray Eubanks  
November 10, 2008  
Page 4

The Town of Lake Park is not located in: an area of critical state concern; Orange, Lake or Seminole County, or; the Wekiva River Protection Area. The Amendments are not one of the exemptions to the twice per calendar year limitation on the adoption of comprehensive plan amendments, and are not proposed to be adopted under a joint planning agreement pursuant to Section 163.3171, F.S.

Thank you for your assistance in this matter. Please contact me if you have any questions or need additional information. As the Town’s designated contact person, my contact information is on the letterhead address

Sincerely,

[Signature]

Jerry H. Bell, AICP  
Principal

cc: Terry Hess, AICP, Deputy Director  
Treasure Coast Regional Planning Council  
301 East Ocean Boulevard, Suite 300  
Stuart, FL 34994

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South Florida Water Management District  
Palm Beach County Service Center  
P.O. Box 24680  
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FDOT District 4  
3400 West Commercial Boulevard  
Ft. Lauderdale, FL 33309

Kristin Garrison, Director  
The School District of Palm Beach County  
Planning Department  
3320 Forest Hill Boulevard, C-110  
West Palm Beach, Fl 33406-5813
Lorenzo Aghemo, Director
Palm Beach County Department of Planning, Zoning and Building, Planning Division
100 Australian Avenue
West Palm Beach, Fl 33406

Jodi Netwick, Village Planner
Village of North Palm Beach
Planning and Zoning Department
501 US Highway 1
North Palm Beach, FL 33408

Kara Irwin, Growth Management Administrator
City of Palm Beach Gardens
Growth Management Department
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Palm Beach Gardens, FL 33410

Mary McKinney, AICP, Director of Community Development
City of Riviera Beach
Department of Community Development
600 W. Blue Heron Blvd.
Riviera Beach, FL 33404

Charles Wu, Director
City of West Palm Beach Planning & Zoning Division
200 2nd Street, 5th Floor
West Palm Beach, FL 33401

Jim Quinn, Environmental Manager
Florida DEP
Office of Intergovernmental Programs
3900 Commonwealth Blvd., Mail Station 47
Tallahassee, FL 32399-3000

Susan Harp, Historic Preservation Planner
Florida Department of State
Bureau of Historic Preservation
500 South Bronough Street
Tallahassee, FL 32399-0250
To: Council Members

From: Staff

Date: February 20, 2009 Council Meeting

Subject: Local Government Comprehensive Plan Amendment Review
Adopted Amendments to the Palm Beach County Comprehensive Plan
DCA Reference No. 08-2

Background

On December 3, 2008, Palm Beach County adopted amendments to the Introduction and Administration, Future Land Use, and Transportation Elements; and to the Future Land Use Map (FLUM) of the County Comprehensive Plan. The Treasure Coast Regional Planning Council (TCRPC) reviewed the proposed amendments at a regular meeting held on September 19, 2008. The Florida Department of Community Affairs (DCA) issued an Objections, Recommendations and Comments (ORC) Report on the proposed amendments on October 7, 2008.

Evaluation

A. TCRPC Report

The TCRPC Report indicated that the FLUM amendment at Coconut/Northlake Boulevard should not be adopted until the Western Northlake Corridor Land Use Study (WNCLUS) was updated. This proposed amendment was considered to be inconsistent with the Strategic Regional Policy Plan. Council also recommended that the County consider corridor management plans to be a priority, despite the proposed revision to Policy 1.1-n of the Transportation Element.

B. DCA ORC Report

The DCA ORC Report contained two objections. The first objection had to do with the lack of policies to establish development limitations and conditions on several FLUM amendments. The second objection had to do with the deletion of timeframes for the preparation of a corridor master plan.

C. County Response

1. To the TCRPC Comments/Recommendations

Although the County elected to adopt the Coconut/Northlake Boulevard FLUM amendment, County staff indicated that the County is working with affected municipalities on the update to the WNCLUS, with a targeted time of March for approval of the update. As shown in Attachment A, the County intends to require some deed
restrictions and conservation easements as part of the approval process for development of this property.

The County elected not to adopt the proposed revisions to Policy 1.1-n of the Transportation Element regarding the date of completion for corridor master plans.

2. To the DCA ORC Report

Attachment A (Executive Summary) summarizes the DCA objections to the proposed amendments and the County response.

Conclusion

For information only.

Attachment
### 2.A. Privately Initiated Amendments to the Future Land Use Atlas - which received Objections and comments from the Department of Community Affairs

<table>
<thead>
<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>RECOMMENDATION</th>
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| 2.A.1 Lake Worth Commercial (LGA 2008-009) | Request: LR-2 to CH/2  
Size: 37.85 acres  
Location: South side of Lake Worth Road approximately 1,320 feet east of Lyons Road. | Staff: Denial  
LPA: Denial (9-4 with Ms. Murray, Mr. Merin, Ms. Pinnock and Mr. Kohler dissenting) July 11, 2308  
BCC: Approval with conditions (6-1) Motion to transmit with conditions by Comm. Koons, seconded by Comm. McCarty, with Comm. Santamaria dissenting. At the July 23, 2008 public hearing, Board discussion focused on the applicant's agreement with conditions in staff's alternative action, including traffic conditions, the development of a regulating master plan and design guidelines. The BCC also directed the applicant to work with the community and provide additional information to address demonstration of need concerns. The applicant did agree to all conditions and to bring it back to the BCC for review at the November adoption hearing. Several members of the public spoke in opposition to the proposed project. Attorney Neil Schiller, representing several of the area's homeowner associations, was given additional time to speak on behalf of these neighborhood groups. **Since Transmittal:** The Board directed the applicant to address issues raised by neighboring residential communities and to provide additional data and analysis to sufficiently demonstrate need, between transmittal and adoption. The applicant has submitted additional data and analysis pertaining to the demonstration of need portion of the application and reported that meetings with neighboring residential communities have been productive. | DCA's ORC Report: The ORC report contained an objection to 5 FLUA amendments proposed for adoption with conditions that limited development to a certain size, use, or intensity, and recommended that either additional data & analysis was provided at the maximum intensity or that the FLUA included a notation to clearly indicate the development limitations.  
Staff Response: Three forms of the County's FLUA (the paper version at PZB, the pdf online version, and the official digital version in GIS) all include notations/ references to the adopted ordinances. The ordinances are housed both online and at PZB, for access by the public. County staff ensures that development conditions are adhered to throughout the development review & construction through the County's ePZB and GIS review. Staff has relayed this information to DCA staff in a conference call, and anticipates that this objection will be resolved.  
MOTION: To preliminarily adopt an ordinance with conditions amending the Future Land Use Atlas for the proposed Lake Worth Commercial FLUA Amendment as modified. Motion by Commissioner Aaronson, seconded by Commissioner Greene passed in a 4-3 vote (with Commissioners Marcus, Santamaria and Vana dissenting) at the December 3, 2008 Public Hearing. (Ord. 2008-048) |
| 2.A.2 | Request: RR-20 to CL/RR-5  
Size: 30.71 acres  
Location: Southwest corner of Northlake Boulevard and Coconut Boulevard | Staff: Denial  
LPA: Denial (7-2 with Mr. Lipp & Mr. Weiner dissenting). June 27, 2008  
BCC: Approval with conditions (6-1) Motion to transmit with the conditions by Comm. Koons, seconded by Comm. Aaronson with Comm. Marcus dissenting. The Board discussed the applicant's proposed conditions to deed restrict other properties under the same ownership along the corridor to trails, institutional use and/or water retention. Public comments ranged from support of commercial services for the neighborhood, to residents who indicated that a retail center would impact area roads and would be a detriment to the rural character of the area. Staff from the cities of West Palm Beach and Palm Beach Gardens indicated support for the effort to update the Western Northlake Corridor Land Use Study, and submitted letters of objection to the amendment.  
Changes Since Transmittal: Per the BCC transmittal motion, staff and the applicant's agent held a teleconference with DCA regarding the area plan including conservation easements and/or deed restrictions for parcels the applicant controls. The deed restrictions are intended to preclude the development of strip-type commercial within the area plan; the conservation easements were entered into between the applicant and the South Florida Water Management District and include provisions for the preservation and conservation of the natural state of the parcels. The proposed restrictions for the parcels are Exhibit 3 of the staff report. | DCA's ORC Report: The ORC report contained an objection to 5 FLUA amendments proposed for adoption with conditions that limited development to a certain size, use, or intensity, and recommended that either additional data & analysis was provided at the maximum intensity or that the FLUA included a notation to clearly indicate the development limitations.  
Staff Response: Three forms of the County's FLUA (the paper version at PZB, the pdf online version, and the official digital version in GIS) all include notations/references to the adopted ordinances. The ordinances are housed both online and at PZB, for access by the public. County staff ensures that development conditions are adhered to throughout the development review & construction through the County's ePZB and GIS review. Staff has relayed this information to DCA staff in a conference call, and anticipates that this objection will be resolved.  
MOTION: To preliminarily adopt an ordinance with conditions amending the Future Land Use Atlas for the proposed Coconut/Northlake Commercial III FLUA Amendment. Motion by Commissioner Aaronson, seconded by Commissioner Santamaria passed in a 5-1 vote (with Commissioner Marcus dissenting & Commissioner McCarty absent) at the December 3, 2008 Public Hearing. (Ord. 2008-049) |
### 2.A.3 Seminole / Southern Commercial III (LGA 2008-023)

**Request:** RR-10 to CL/RR-5  
**Size:** 64.48 acres  
**Location:** Northwest corner of Seminole Pratt Whitney Road and Southern Boulevard  

**Staff:** *Approval with conditions*  
**LPA:** *Approval with conditions* (11-2 with Ms. Murray & Mr. Lipp dissenting) June 6, 2008  
**BCC:** *Approval with conditions* (7-0) Motion to transmit by Comm. Koons, seconded by Comm. Kanjian. Board discussion was minimal. The Board questioned potential future uses and possible future requests from adjacent parcels. Several local residents spoke in opposition to the project, citing that the timing was too soon for the area and compatibility was a concern. Several more local residents spoke in favor of the request citing that the location was ideal at a large intersection and that the request would provide necessary amenities to the area.

**DCA’s ORC Report:** The ORC report contained an objection to 5 FLUA amendments proposed for adoption with conditions that limited development to a certain size, use, or intensity, and recommended that either additional data & analysis was provided at the maximum intensity or that the FLUA included a notation to clearly indicate the development limitations.  
**Staff Response:** Three forms of the County's FLUA (the paper version at PZB, the pdf online version, and the official digital version in GIS) all include notations/ references to the adopted ordinances. The ordinances are housed both online and at PZB, for access by the public. County staff ensures that development conditions are adhered to throughout the development review & construction through the County's ePZB and GIS review. Staff has relayed this information to DCA staff in a conference call, and anticipates that this objection will be resolved.

### MOTION:

To preliminarily *adopt an ordinance with conditions* amending the Future Land Use Atlas for the proposed Seminole/Southern Commercial III. Motion Commissioner Santamaria, seconded by Commissioner Aaronson passed in a 6-0 vote (with Commissioner McCarty absent) at the December 3, 2008 Public Hearing. *(Ord. 2008-050)*

### 2.A.4 Southern / Jog EDC (LGA 2008-027)

**District:** 6  

**Staff:** *Approval with conditions*  
**LPA:** *Approval with conditions* (12-1 with Mr. Merin dissenting) July 11, 2008  
**BCC:** *Approval with conditions* (5-0) Motion to transmit by Comm. Koons, seconded by Comm. Aaronson (Commissioners Marcus and Kanjian absent). There was minimal Board discussion. One member of the public spoke, a representative of the Independence homeowners association, who requested to speak on the location of workforce housing on the northern piece of the site and not on the merits of the amendment.  
**Changes Since Transmittal:** Changes have been made to the staff report to clarify staff’s recommendation and the BCC Transmittal Action to eliminate the underlying MR-5 designation. Regarding the proposed exchange of property, negotiations have continued between the County (PREM) and Palm Beach Atlantic University.

**There were three options available to the BCC:**

**Exhibit 1a:** INST/5 & MR-5 to EDC  
**Size:** 59.04 acres  
**Location:** North side of Southern Boulevard (SR-80), 0.4 miles east of North Jog Road

**Exhibit 1b:** INST/5 to EDC  
**Size:** 58.13 acres  
**Location:** North side of Southern Boulevard (SR-80), 0.4 miles east of North Jog Road

**Exhibit 1c:**
- a. INST/5 to EDC  
  **Size:** 48.37 acres  
- b. MR-5 to EDC  
  **Size:** 10.67 acres  
- c. INST/5 to EDC/5  
  **Size:** 9.76 acres  
**Location:** North side of Southern Boulevard (SR-80), 0.4 miles east of North Jog Road
Continued.....2.A.4 Southern / Jog EDC (LGA 2008-027)

DCA's ORC Report: The ORC report contained an objection to 5 FLUA amendments proposed for adoption with conditions that limited development to a certain size, use, or intensity, and recommended that either additional data & analysis was provided at the maximum intensity or that the FLUA included a notation to clearly indicate the development limitations.

Staff Response: Three forms of the County’s FLUA (the paper version at PZB, the .pdf online version, and the official digital version in GIS) all include notations/references to the adopted ordinances. The ordinances are housed both online and at PZB, for access by the public. County staff ensures that development conditions are adhered to throughout the development review & construction through the County’s ePZB and GIS review. Staff has relayed this information to DCA staff in a conference call, and anticipates that this objection will be resolved.

MOTION: To preliminarily adopt an ordinance with a condition (Exhibit 1c) amending the Future Land Use Atlas for the proposed Southern/Jog EDC amendment as modified. Motion by Commissioner Vara, seconded by Commissioner Koons passed in a 5-0 vote (with Commissioner McCarty and Marcus absent) at the December 3, 2008 Public Hearing. (Ord. 2008-051)

2.B. Proposed Text And Map Series Amendments - which did not receive objections and comments from the Department of Community Affairs

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<th>ITEM</th>
<th>DESCRIPTION</th>
<th>RECOMMENDATION</th>
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| 2.B.1 Future Land Use Element Reorganization | This proposed ‘housekeeping’ amendment will revise the Future Land Use Element to:  
- Re-organize to remove redundant text,  
- Consolidate related provisions, and  
- Delete outdated language.  

The proposed amendment will not alter any policy directions or intent within the Element, and is simply designed to improve organization and readability. | Staff: Approval  
LPA: Approval with a modification (12-0) June 6, 2008  
BCC: Approval of LPA Recommendation (5-0) Motion to transmit by Comm. Koons, seconded by Comm. Aaronson with Commissioners Marcus and Kanjian absent. There was minimal Board discussion. Several members of the public spoke in opposition to any changes to the Element, expressing fears that any text changes could possibly weaken the Tier System or the ‘shall not’/prohibitive policies. One member of the public spoke in opposition to existing language regarding the boundaries of the Ag Reserve referencing the extension of Hypoluxo Road.  
Changes Subsequent to Transmittal: Following the transmittal of the amendment, several headings proposed for deletion have been retained for organizational purposes. In addition, the language regarding the boundary of the Ag Reserve referencing the extension of Hypoluxo Road has been deleted to resolve issues raised at transmittal. |

MOTION: To preliminarily adopt an ordinance amending the Comprehensive Plan as modified. Motion by Commissioner Aaronson, seconded by Commissioner passed in a 6-0 vote (with Commissioner McCarty absent) at the December 3, 2008 Public Hearing. (Ord. 2008-052)
| 2.B.2 Future Land Use Atlas Amendment Process Update | This proposed amendment will revise the Introduction and Administration Element to:  
- Restore previously deleted text that requires a waiting period before petitioners can reapply for amendments to the Future Land Use Atlas that were denied by the BCC, and  
- Correct small-scale amendment requirements to reflect current definitions for lots.  
- Permit lots that have been removed from the PUD to use the small scale amendment process. Lots currently located within a planned development district remain ineligible for this process. | Staff: **Approval**  
LPA: **Approval** (12-0) June 6, 2008  
BCC: **Approval** (5-0) Motion to transmit by Comm. Koons, seconded by Comm. Aaronson with Commissioners Marcus and Kanjian absent. There was minimal Board discussion and no public comment.  
**Change Subsequent to Transmittal:** A modification was made to permit lots that were previously removed from a PUD to utilize the small scale land use amendment process. |
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<td><strong>MOTION:</strong></td>
<td>To preliminarily adopt an ordinance amending the Comprehensive Plan as modified. Motion by Commissioner Aaronson, seconded by Commissioner Greene passed in a 5-0 vote (with Commissioner McCarty and Marcus absent) at the December 3, 2008 Public Hearing. (Ord. 2008-053)</td>
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</table>
| 2.B.3 Industrial Flex Space | The proposed amendment will revise the Introduction and Administration and Future Land Use Element to:  
- Define Flex Space with an emphasis on light manufacturing, research and development, office, processing, and high tech uses, and  
- Establish Flex Space as a mechanism for promoting the County’s economic development and redevelopment strategies. | Staff: **Approval**  
LPA: **Approval** (11-1 with Mr. Shannon dissenting) July 11, 2008  
BCC: **Approval** (5-0) Motion to transmit by Comm. Koons, seconded by Comm. Aaronson with Commissioners Marcus and Kanjian absent. There was minimal Board discussion and no public comment. |
| 2.B.4 Revised Airport Master Plans Incorporation | This proposed amendment will:  
- Revise Transportation Element Objective 1.7 to incorporate the four County airports revised master plans into the of the Comprehensive Plan, and  
- Update the Future 2020 County Airport Clear Zones Map TE 8.1 in the Map Series. | Staff: **Approval**  
LPA: **Approval** (13-0) June 6, 2008  
BCC: **Approval** (5-0) Motion to transmit by Comm. Koons, seconded by Comm. McCarty with Comm. Marcus and Comm. Kanjian absent. There was minimal Board discussion and no public comment. |
| **MOTION:** | To preliminarily adopt an ordinance amending the Comprehensive Plan pursuant to Agenda Items 2.B.3 through 2.B.4. Motion by Commissioner Aaronson, seconded by Commissioner Greene passed in a 5-0 vote (with Commissioner McCarty and Marcus absent) at the December 3, 2008 Public Hearing. (Ord. 2008-054) | |
| 2.B.5 Capital Improvement Element Tables | The proposed amendment is the annual update of the CIE Tables required by Florida Statute. | Staff: **Approval**  
LPA and BCC Transmittal hearings are not required for this item. Annual CIE table updates only require one public hearing. |
| **MOTION:** | To preliminarily adopt an ordinance amending the Comprehensive Plan. Motion by Commissioner Aaronson, seconded by Commissioner Greene passed in a 5-0 vote (with Commissioner McCarty and Marcus absent) at the December 3, 2008 Public Hearing. (Ord. 2008-055) | |
C. County Initiated Amendments to the Future Land Use Atlas

<table>
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<th>ITEM</th>
<th>DESCRIPTION</th>
<th>RECOMMENDATION</th>
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</table>
| 2.C.1 | A. URA Congress Avenue | Staff: Approval  
LPA: Approval (12-0) July 11, 2008  
There was minimal Board discussion and no public comment.  
Changes Since Transmittal: Subsequent to Transmittal, additional detail regarding the parcels, including summarizing the past amendments and conditions, has been added to the report. In addition, the property owners of 45 parcels (just over 100 acres) have either opted out of the proposed amendment (38 parcels), or have annexed their properties into the Village of Palm Springs (7 parcels). These parcels have been removed from the amendment. |
|      | Request: Various to UC or UI | |
|      | Size: 36.39 acres to Urban Center (UC)  
39.11 acres to Urban Infill (UI) | |
|      | Location: Congress Ave PRA corridor | |
|      | B. URA Military Trail | |
|      | Request: Various to UC or UI | |
|      | Size: 159.41 acres to Urban Center (UC)  
114.64 acres to Urban Infill (UI) | |
|      | Location: Military Trail PRA corridor | |
|      | Justification: To implement the new Future Land Use designations (Urban Center and Urban Infill) for these corridors, as generally depicted in the Map Series LU 9.1 Urban Redevelopment Area Regulating Plan. | |

DCA’s ORC Report: The ORC report contained an objection to 5 FLUA amendments proposed for adoption with conditions that limited development to a certain size, use, or intensity, and recommended that either additional data & analysis was provided at the maximum intensity or that the FLUA included a notation to clearly indicate the development limitations.  
Staff Response: Three forms of the County’s FLUA (the paper version at PZB, the pdf online version, and the official digital version in GIS) all include notations/ references to the adopted ordinances. The ordinances are housed both online and at PZB, for access by the public. County staff ensures that development conditions are adhered to throughout the development review & construction through the County’s ePZB and GIS review. Staff has relayed this information to DCA staff in a conference call, and anticipates that this objection will be resolved.  
MOTION: To preliminarily adopt an ordinance amending the Future Land Use Atlas for the proposed County Initiated URA Site Specific Amendment as modified. Motion by Commissioner Aaronson, seconded by Commissioner Greene passed in a 5-0 vote (with Commissioner McCarty and Marcus absent) at the December 3, 2008 Public Hearing. (Ord. 2008-056)
2.C.2 PBIA Properties (LGA 2008-028)

<table>
<thead>
<tr>
<th>Requests</th>
<th>Commercial, Institutional and Industrial designations to U/T</th>
</tr>
</thead>
<tbody>
<tr>
<td>Size</td>
<td>120.10 Acres (combined)</td>
</tr>
<tr>
<td>Location</td>
<td>15 Properties located in the vicinity of the PBIA Airport along or near Belvedere Road, Australian Avenue and/or Congress Avenue.</td>
</tr>
<tr>
<td>Justification</td>
<td>This proposed amendment will assign U/T designation to properties owned by the Dept. of Airports.</td>
</tr>
</tbody>
</table>

Staff: Approval
LPA: Approval (12-6) June 6, 2008
BCC: Approval (5-0) Motion to transmit by Comm. Koons, seconded by Comm. McCarty (Comm. Marcus and Comm. Kanjian absent) There was minimal Board discussion and no public comment.

Changes Subsequent to Transmittal: Following the transmittal hearing, the staff report was modified to specifically identify the existing FLU and acreage for each amended parcel, and to clarify the locations of the amendments. These changes are not substantive.

2.C.3 Loxahatchee Slough Natural Area Addition (LGA 2008-030)

<table>
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<tr>
<th>Requests</th>
<th>LR-1 to Conservation (CON)</th>
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</thead>
<tbody>
<tr>
<td>Size</td>
<td>79.34 Acres</td>
</tr>
<tr>
<td>Location</td>
<td>Approximately 0.3 mile north of Northlake Blvd and 3.4 miles west of the Bee Line Highway</td>
</tr>
<tr>
<td>Justification</td>
<td>The property is part of the Loxahatchee Slough Natural Area.</td>
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</table>

Staff: Approval
LPA: Approval (12-0) June 6, 2008
BCC: Approval (5-0) Motion to transmit by Comm. Koons, seconded by Comm. Aaronson (Comm. Marcus and Comm. Kanjian absent) There was minimal Board discussion and no public comment.

MOTION: To preliminarily adopt an ordinance amending the Future Land Use Atlas for the proposed PBIA properties and the Loxahatchee Slough Amendments. Motion by Commissioner Aaronson, seconded by Commissioner Greene passed in a 5-0 vote (with Commissioner McCarty and Marcus absent) at the December 3, 2008 Public Hearing. (Ord. 2008-057)

2.D. County Initiated Corrective Amendments to the Future Land Use Atlas

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<th>ITEM</th>
<th>DESCRIPTION</th>
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<tr>
<td></td>
<td>Size: 0.14 acre</td>
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<td>Location: Approximately 470’ south of Jog Road and .10 mile west of the intersection of Jog Road and the Turnpike.</td>
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<td>Justification: Property is part of 3.14 acres entirely zoned CG and developed with a 24,242 sq. ft. office building under petition 96-42. Remaining 3 acres are designated CH/IND and amendment proposes the same for the subject property for consistency.</td>
<td></td>
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MOTION: To adopt an ordinance amending the Future Land Use Atlas for the proposed County Corrective Palm Beach Transport FLUA Amendment. Motion by Commissioner Aaronson, seconded by Commissioner Greene passed in a 5-0 vote (with Commissioner McCarty and Marcus absent) at the December 3, 2008 Public Hearing. (Ord. 2008-058)

Final 08-2 Adoption Motion

FINAL MOTION: Motion to adopt ordinances for Agenda Items 2.A.1 through 2.D.1 and reflecting the preliminarily votes on these items. Motion by Commissioner Aaronson, seconded by Commissioner Greene passed in a 5-0 (with Commissioner McCarty and Marcus absent) at the December 3, 2008 Public Hearing.
To: Council Members

From: Staff

Date: February 20, 2009 Council Meeting

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

Background

On December 18, 2008, the City of Palm Beach Gardens adopted text amendments to all elements of the City Comprehensive Plan. The amendments are to carry out the recommendations of an Evaluation and Appraisal report adopted by the City on December 21, 2006. The Treasure Coast Regional Planning Council (TCRPC) reviewed the proposed amendments at a regular meeting held on October 17, 2008. The Florida Department of Community Affairs (DCA) issued an Objections, Recommendations and Comments (ORC) Report on the proposed amendments on October 31, 2008.

Evaluation

A. TCRPC Report

The report approved by the TCRPC had two comments/recommendations for consideration by the City. The first was to accelerate the preparation of a housing needs assessment and implementation plan. The second was to modify policies in the Coastal Management Element to use the term “storm surge zone” consistent with the Florida Statutes.

B. DCA ORC Report

The DCA ORC report contained two objections. These objections had to do with the preparation and adoption of a 10-Year Water Supply Facilities Work Plan and with the lack of a policy to address concurrency for water supply.

C. City Response

1. To the TCRPC comments/recommendations

   No response received.

2. To the DCA ORC Report

   The City response is shown in Attachment A.

Conclusion

For information only.
December 29, 2008

Mr. Ray Eubanks
Division of Community Planning
Florida Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

Re: Transmittal of the City of Palm Beach Gardens’s Adopted EAR-Based Comprehensive Plan Amendment (DCA No. 08-1ER)

Dear Mr. Eubanks:

The City of Palm Beach Gardens is transmitting the adopted EAR-Based Comprehensive Plan Amendments (DCA No. 08-1ER). The proposed amendments were reviewed by the Department of Community Affairs (DCA) for consistency with Rule 9J-5, Florida Administrative Code, and Chapter 163, Part II, Florida Statutes.

DCA has issued the Objections, Recommendations, and Comments Report (ORC) on October 31, 2008. The ORC Report identified concerns regarding the Water Supply Facilities Work Plan due date, and lack of a water supply concurrency policy. The ORC Report has two objections and the following recommendations:

A. The City should revise the policy to commit to the preparation and adoption of the 10-Year Water Supply Facilities Work Plan as quickly as possible.

City Council approved the 10-Year Water Supply Facilities Work Plan on November 20, 2008, and the City has transmitted it to DCA on November 24, 2008 (Please see revised Policy 4.D.2.2.3.).

B. Include a policy to state that prior to approving a building permit or its functional equivalent, the City will consult with the water supplier to determine whether adequate water supplies to serve the new development will be available no later than the anticipated date of issuance or a certificate of occupancy or its functional equivalent by the City.

The adopted EAR-Based Comprehensive Plan Amendments has a new policy that addresses Water Supply Concurrency (Please see new Policy 4.D.1.5.4.).
The Planning, Zoning and Appeals Board (PZAB) recommended transmittal to the City Council on July 8, 2008; and the City Council authorized transmittal to DCA on August 21, 2008, through first reading of Ordinance 14, 2008. The City Council voted to adopt through second reading of the Ordinance on December 18, 2008. Enclosed, please find three copies of all comprehensive plan amendment materials including: GOPs, Map Series, Support Documents, and the adopted Ordinance 14, 2008. The City hereby certifies that a copy of the adopted EAR-Based Comprehensive Plan Amendments was sent to all agencies listed in Rule 9J-11, F.A.C.

The City of Palm Beach Gardens is not located in an area of critical state concern; Orange, Lake or Seminole County, or the Wekiva River Protection Area. The Amendments are not one of the exemptions to the twice per calendar year limitation on the adoption of comprehensive plan amendments, and are not proposed to be adopted under a joint planning agreement pursuant to Section 163.3171, F.S.

Based upon these facts, we request expedited publication of a Notice of Intent pursuant to Section 163.3184 (8), Florida Statutes. Pursuant to Section 163.3184(8)(b), Florida Statutes, the City of Palm Beach Gardens is requesting DCA publish the Notice of Intent for EAR-Based Comprehensive Plan Amendment in The Palm Beach Post newspaper. The following individual has been designated as the City’s contact person for the EAR-Based Comprehensive Plan Amendment:

Nilsa C. Zacarias
City of Palm Beach Gardens
10500 North Military Trail
Palm Beach Gardens, Florida 33410
Fax #: (561) 799-4281
E-mail Address: nzacarias@pbgfl.com

Thank you for your assistance in this matter. If you have any questions or require additional information, please contact Nilsa Zacarias, Long Range Planning Manager at (561) 799-4236, fax number (561) 799-4281.

Sincerely,

Kara L. Irwin, AICP
Growth Management Administrator
Policy 4.D.1.5.1.: The City will require all submittals for development to obtain a statement of available capacity from Seacoast Utility Authority Utilities prior to site plan approval.

Policy 4.D.1.5.2.: The City will not issue a building permit in the urban area without an executed agreement for service between the developer and Seacoast Utility Authority, or alternate provider.

Policy 4.D.1.5.3.: The City will not issue a certificate of occupancy in the urban area without written acceptance of the water facilities by Seacoast Utility Authority, or alternate provider.

Policy 4.D.1.5.4.: A development order shall be issued based on written confirmation of potable water capacity from Seacoast. Further, prior to the approval of a building permit, the applicant shall provide to the City a written documentation of potable water service reservation issued by Seacoast to determine whether adequate water supply to serve the new development will be available no later than the anticipated date of issuance of a certificate of occupancy.

GOAL 4.D.2.: THE CONSERVATION AND PROTECTION OF PUBLIC DRINKING WATER SUPPLIES.

Objective 4.D.2.1.: The City will continue to encourage new development and redevelopment to reduce the per capita consumption of drinking water and encourage the switch to water conserving plumbing fixtures and green building standards in existing and new structures through education of the consumer.

Policy 4.D.2.1.1.: The City shall continue to require water conserving plumbing fixtures in new and existing construction and through its land development regulations.

Policy 4.D.2.1.2.: The City shall discourage the use of potable water and encourage reclaimed water for irrigation in new developments through the review process and will work with the regional utility to define methods to discourage potable use for irrigation in existing developments.

Objective 4.D.2.2.: The City, as a member of the SUA consortium, shall encourage the utility to continue to evaluate the feasibility of implementing various alternative water treatment and reuse systems.

Policy 4.D.2.2.1.: The City shall continue, in its land development regulations, to require golf courses to investigate methods to conserve irrigation water and shall establish the use of treated wastewater effluent as the first priority source of irrigation water for golf courses, if reclaimed water is available.
Policy 4.D.2.2.2.: The City shall continue to encourage via its membership in the SUA consortium, the Seacoast Utility Authority to investigate additional sources of potable water and to develop alternative treatment systems (including reverse osmosis) where necessary to maintain a potable water supply sufficient to serve the projected population of the service area of the level of service adopted by this and other municipal comprehensive plans having jurisdiction in the service area.


AQUIFER RECHARGE

GOAL 4.E.1.: INCREASE GROUNDWATER RECHARGE WHERE PRACTICABLE.

Objective 4.E.1.1.: Within 18 months three years after approval completion by SFWMD, the City shall use the recommendations of the Lower East Coast Water Supply Plan Update to evaluate and amend the comprehensive plan to address its groundwater recharge policies.

Policy 4.E.1.1.1.: The City shall continue to regulate land use and development activities so as to minimize impacts on the quality of aquifer resources and wellfield zones, especially those activities which may affect natural recharge areas or surface waters.

Policy 4.E.1.1.2.: The City shall continue its coordination with Seacoast Utility Authority on groundwater recharge policies and plans.
To: Council Members
From: Staff
Date: February 20, 2009 Council Meeting
Subject: Local Government Comprehensive Plan Amendment Review
        Adopted Amendments to the City of Port St. Lucie Comprehensive Plan
        DCA Reference No. 08-PEFE1

Background

On December 8, 2008, the City of Port St. Lucie adopted text amendments to the Future Land Use and Capital Improvements Elements; and a new Public School Facilities Element. The Treasure Coast Regional Planning Council (TCRPC) reviewed the proposed amendments at a regular meeting held on June 20, 2008. The Florida Department of Community Affairs (DCA) issued an Objections, Recommendations and Comments (ORC) Report on the proposed amendments on July 11, 2008.

Evaluation

A. TCRPC Report

The TCRPC Report of June 20, 2008 contained no formal comments or recommendations for modification. The report pointed out that the City did not make revisions to the Intergovernmental Coordination Element to describe joint process for collaborative planning and decision making.

B. DCA ORC Report

The DCA ORC Report of July 11, 2008 contained a significant number of objections to the Interlocal Agreement (7 objections); to the data and analysis (7 objections); and to the Goals, Objectives and Policies (8 objections). One of the objections to the Goals, Objectives and Policies had to do with the failure to amend the Intergovernmental Coordination Element, as pointed out in the TCRPC Report of June 20, 2008.

C. City Response

1. To the TCRPC Report

   No response provided.
2. To the DCA ORC Report

The City responses to the DCA objections are shown in Attachment A.

Conclusion

For information only.

Attachment
DEPARTMENT OF COMMUNITY AFFAIRS OBJECTIONS AND RESPONSES:

Interlocal Agreement

Objection 1: Section 11.1 of the Interlocal Agreement provides for the adoption of the Public Education Facilities element by October 1, 2008. According to the schedule published by DCA, the Public Education Facilities Element was due for adoption on May 1, 2008.

Response: Section 11.1 of the Interlocal Agreement has been revised to be consistent with the May 1, 2008 due date for preparing and adopting the Public School Facilities Element (PSFE).

Objection 2: Sections 7 and 8 relate to local government review of educational facility site plans. Section 1013.33(13), and 1013.33 (15), F.S., provide that local government review of school site plans may not impose development standards and conditions that conflict with those established in Chapter 1013. F.S., State Requirements for Educational Facilities, or the Florida Building Code. Section 1013.371, F.S., exempts education facilities from local ordinances.

Response: Sections 7 and 8 of the Interlocal Agreement have been revised to provide that local government review of school site plans may not impose development standards and conditions that conflict with those established Section 1013.371, F.S., Section 1013.33 (13), or Section 1013.33 (15), F.S., that exempts educational facilities from local ordinances. Sections 7 and 8 have been revised for local governments with jurisdictions to provide comments and recommendations to the School Board, who shall incorporate them to the extent practicable.

Objection 3: Section 11.4(a) references Appendix A, the concurrency service area maps, which are not attached.

Response: The concurrency service area map is included in Appendix A The boundary between CSA A and B has been adjusted to coincide with the urban service boundary. This was analyzed to be a more appropriate boundary line and should have no effect on the data and analysis.

Objection 4: Section 11.5 relates to exemption from school concurrency. Paragraphs (a) and (b) (1)-(5) provides for exemption from school concurrency and links the vested rights date to the effective date of the school concurrency ordinance. As noted in Objection 1, the DCA schedule for implementation of School concurrency in St. Lucie County was May 1, 2008, and school concurrency will be effective in the county upon the effective date of the plan amendments. While it is appropriate to recognize vested rights, the law requires all residential development be subject to school concurrency at the time the plan amendments become effective. Section 11.5 (8) provides for the exemption of Developments of Regional Impact (DRI) from school concurrency, which is inconsistent with Section 39 of Chapter 205-290, Laws of Florida. Only those DRIs that received development orders prior to July 1, 2005 or had filed application for development approval prior to May 1, 2005 are entitled to an exemption.
Response: Section 11.5(b)(8) has been revised to only exempt Developments of Regional Impact (DRI) from school concurrency only if they received development orders prior to July 1, 2005 or had filed application for approval prior to May 1, 2005.

Objection 5: Section 1 and 11.7(a) provide definitions of the Interlocal Agreement. In several cases, the definitions included in the agreement do not match those included in the proposed public school facilities element.

Response: The PSFE has been revised to include consistent definitions with the Interlocal Agreement. The following definitions have been revised in the PSFE: FISH Manual, LDR, Permanent Program Capacity, and SREF. In addition, the PSFE includes the corrected URL for State Requirements for Education Facilities in definition 26.

Objection 6: Section 3.1 requires the local governments in St. Lucie County and the School Board proposes to delete the requirement that the local government comprehensive plan and the plans of the school board must be based on consistent projection of "population growth". This deletion is inconsistent with Section 163.31777(2)(a), F.S.

Response: Section 3.1 reinstates the requirement that local governments in St. Lucie County and the School Board base plans on consistent population growth projections.

Objection 7: The Port St. Lucie and the St. Lucie County School Board have not signed the Amended Interlocal Agreement for Public School Facility Planning - St. Lucie County.

Response: When complete, the City of Port St. Lucie ("City") will execute the Interlocal Agreement and include it when the adopted PSFE is submitted to the Department of Community Affairs. The City will also provide a copy of the Interlocal Agreement to the Florida Department of Education.

Data and Analysis

The following list of tables and one map in the previously submitted St. Lucie County Public School Facilities Element Data and Analysis are void and have been replaced with these updated Data and Analysis tables included in this submittal package: the Permanent Program Capacity, Projected Enrollment, Projected LOS and Projected Available Capacity by School Type, Attendance Zones and CSA tables and the School Board of St. Lucie County, St. Lucie County Public School Facilities Element Supplemental Dataset for Elementary, Middle and High Schools.

List of Voided Tables and Map from the St. Lucie County Public School Facilities Element Data and Analysis:

Table PSFE 19A
Table PSFE 20A
Table PSFE 21A
Table PSFE 21C
Map PSFE 21
The following list of tables in the previously submitted St. Lucie County Public School Facilities Element Data and Analysis are void and have been replaced with data in the Revised and Approved St. Lucie County School District Five-Year Work Plan included in this submittal package:

List of Voided Tables in the St. Lucie County Public School Facilities Element Data and Analysis to be replaced with Revised and Approved St. Lucie County School District Five-Year Work Plan:

Table PSFE 17
Table PSFE 18

Objection 1: The PSFE does not include data and analysis for each school facility because the following information is not included: existing school attendance zones; existing FISH capacity or other professionally accepted measure of capacity; surplus capacity based on size requirements contained within Department of Education design criteria; projected enrollment by year for the initial five years of the planning period and projected enrollment district-wide by school type for the end of the long range planning period; existing and projected school facility surpluses and deficits by concurrency service area by year for the five-year planning period; existing and projected school facility surpluses and deficiencies district-wide by school type for the end of the long range planning period based on projected enrollment.

Response: The PSFE Data and Analysis has been revised to include existing school attendance zones, existing FISH capacity, surplus capacity projected enrollment for the first 5 years and the 10 year projection, existing and projected school facility surpluses and deficits by CSAs and district wide by school type.

Objection 2: The student enrollment estimates used in the level of service analyses (tables 21 and 22) do not match Capital Outlay Full Time Equivalency (COFTE) enrollment data and the Element does not provide the methodology for the alternate estimates of enrollment.

Response: The student enrollment estimates have been revised to match COFTE. Tables 19-21 are void and no longer apply and have been replaced by updated data in Tables 220-24.

Objection 3: The data and analysis indicates reliance on "permanent program capacity." When a plan is not based on Florida Inventory of School Houses (FISH), the methodology and supporting data and analysis for the alternate capacity measure must be provided. A methodology to document the determination of "permanent program capacity" was not included in the data and analysis. The definition of "permanent program capacity" implies that it will always be less than the permanent capacity data reported in the FISH. In most cases, the capacity tables included in the data and analysis show higher capacities than are reported in FISH. Further, the capacity data reported does not match the capacity data in FISH and the capacity information is not consistent for the same school among the three capacity tables (20, 21, and 22).

Response: The definition for permanent program capacity in the FSFE has been revised. The data and analysis have been revised to utilize FISH as permanent program capacity.
Tables 19-21 are void and no longer apply and have been replaced by updated data in Tables 22-24.

Objection 4: Tables 19C, 20C, 21C, and associated maps show surpluses and deficiencies by School Capacity Planning Areas (SCPA) rather than by School Concurrency Service Areas (SCSA), as required by Section 163.3180(13) (c) and (e), F.S.

Response: Tables 19-21 are void and no longer apply and have been replaced by updated data in Tables 22-24. Tables 22-24 include the level of service for each facility within the CSAs for the first five years and for the 10 year projection.

Objection 5: The following items have not been addressed in the proposed PSFE:
An analysis of problems and opportunities in collocating existing projected public school facilities and other public facilities such as parks, libraries, and community centers, and opportunities to locate public school facilities to serve as community focal points and the need for supporting infrastructure, including, water, sewer, roads, drainage, sidewalks, and bus stops for existing and projected public school facilities.

Response: Policy 4.8.1 encourages collocation and shared use of facilities. Collocation opportunities did not exist for some existing schools due to the size of sites required to perform collocation projects. What about the need for supporting infrastructure?

Objection 6: The proposed PSFE has not addressed existing school facilities and needed school facilities for each concurrency service area (CSA) to accommodate projected enrollment at the adopted level of service standard for the five-year planning period and long range planning period. Table 18: 20 year construction program provides financial needs and land requirements, but are not categorized by CSAs some CSAs do not have schools and there is no Interlocal Agreement provision, plan, or policy to state where students within these CSAs will attend school. Where is Table 18?

Response: Tables 22-24 have been revised to address existing school facilities and needed school facilities for each CSA to accommodate projected enrollment at the adopted LOS. Policy 2.4.6.d has been added to address the attendance of students in CSAs that do not have schools to be accommodated in an adjacent CSA.

Objection 7: The Element has not provided estimated costs of needed school capital improvements to correct deficiencies and to meet future needs based on achieving and maintaining the adopted level of service standard identified by the end of the five-year planning period, and for the end of the long range planning period within St. Lucie County.

Response: Estimated costs of needed school capital improvements have been added to correct deficiencies and meet future needs based on the adopted LOS.

Goals, Objectives and Policies

Objection 1: Policy PSFE 1.1.4 provides that school concurrency will be applied only to residential development of 50 or more units. This policy is inconsistent with legal requirements to ensure that the impact on school capacity is considered in all new residential development.
Response: Policy PSFE 1.1.4 has been revised to apply school concurrency to any amendment to the comprehensive plan, future land use map, rezoning, DRI, or major residential or mixed-use development project that produces more than one student in any grade level.

Objection 2: Proposed Policy PSFE 2.1.2 provides for adoption of a school concurrency ordinance by October 1, 2008. This policy is inconsistent with the due date established by the City to adopt and implement school concurrency by May 1, 2008.

Response: Policy 2.1.2 has been revised to be consistent with the May 1, 2008 due date for the City to adopt and implement school concurrency.

Objection 3: Proposed Policy PSFE 2.2.2 establishes level of service standard based on 100% "permanent program capacity". This level of service standard is not acceptable because of the data and analysis concerns raised in Objection 2, above, in the Data and Analysis section.

Proposed Policy PSFE 2.2.3 establishes a level of service standard of 90% of permanent FISH capacity for Title 1 schools. This level of service standard is inconsistent with the draft Interlocal Agreement, which provides a level of service standard of 100% of permanent program capacity for Title 1 schools. Additionally, proposed Policy 2.2.4 provides for "temporary LOS standards: recognizing that certain conditions must be met to justify building a new school. The policy as written may be interpreted to allow different LOS standards to schools of the same type.

Proposed Capital Improvements Element Policy 9.1.2.1 includes the same level of service standards.

Response: Proposed Policy 2.2.2 is now acceptable because of the revision to use COFTE in the Data and Analysis and is also consistent with the Interlocal Agreement. Proposed Policy 2.2.3 and 2.2.4 have been deleted to enhance consistency between the PSFE and Interlocal Agreement.

Objection 4: The PSFE proposes policies to establish both school capacity planning areas (which apply in the evaluation of comprehensive plan amendments to ensure the coordination of school capacity planning and land use planning) and school concurrency services areas (which apply to the determination of available school capacity for implementation of concurrency). The areas are established for different purposes and do not share the same boundaries. Objection 2.3 and the associated policies address these areas. In some cases, the term "school capacity planning areas" is used when it appears the intent is for school concurrency areas.

Response: The discrepancy in the use of school capacity service and planning areas has been revised. Objective 2.7 has been added to address school capacity planning areas separately.

Objection 5: The Intergovernmental Coordination Element does not include the following:

a. Show relationships and state principles and guidelines to be used in the accomplishment of coordination of the adopted comprehensive plan with the plans of the school boards;
b. Describe joint processes for collaborative planning and decision making on population projections and public school siting, the location and extension of public facilities subject to concurrency; and

c. Provide that the coordination between the City and the school board is pursuant to the Interlocal Agreement and shall state the obligation to the local government under the Interlocal Agreement.

Response: Policy 8.1.3.4 of the Intergovernmental Coordination Element has been amended to address the Department's issues.

Objection 6: Proposed Goals 3 and 4 and associated objectives and policies relate to school siting and site development standards. As noted on Objection 2 under the Interlocal Agreement section, a local government may not unilaterally impose school site plan standards that conflict with Chapter 1013, F.S., state Requirements for Educational Facilities, or the Florida Building Code. Section 1013.371, F.S., exempts school facilities from local ordinances. Further, Objective PSFE 3.1 appears inconsistent with 1996 school siting requirements (Section 163.3177(6), F.S.) that the local government's future land use map and element designate sufficient land proximate to residential areas to meet the projected need for schools. Proposed Policies 3.1.2 and 4.4.6 seem to require a plan amendment or rezoning every time a new school is to be sited within the City. If plan amendments are needed, it appears that the City has not adequately planned sites for future schools.

Proposed Policy PSFE 4.6.3 is inconsistent with the provisions of Section 1013.371, F.S., because it allows the City to approve or disapprove educational facility site plans.

Response: Proposed Policy PSFE 3.1.1 states that the Future Land Use Element and Map shall specify where schools are permitted. Schools are permitted in the Low Density Residential; Medium Density Residential; High Density Residential; Residential, Office, and Institutional; and Institutional Land Use classification by way of the Institutional Zoning District per [FLUE Policy 1.1.4.13].

Proposed Policy 4.6.3 has been revised to be consistent with Section 1013.3371, F.S., by implementing City staff comments and recommendations where practicable without subjection to approval or disapproval.

Objection 7: Proposed PSFE Policy 2.5.1 relates to proportionate share mitigation options, which as proposed is not consistent with the provision of the draft Interlocal Agreement and the Interlocal Agreement includes a provision not included in the PSFE Policy.

Response: Policy 2.5.1 Mitigation Options addressing proportionate share mitigation options, has been revised to be consistent with Section 11.8 of the Interlocal Agreement, School Concurrency Mitigation Alternatives.

Objection 8: A policy addressing coordination of the long range public school facility map with the local government's comprehensive plan, including the future land use map is not included in the Public Education Facilities Element.
Response: Policy 1.1.1 addresses coordination of the public school facility map with the local government's comprehensive plan to include the future land use map.

II. Consistency with Chapter 187, F.S.

The proposed amendment is inconsistent with the following provisions of Chapter 187, F.S., the State Comprehensive Plan:

Objection 1: Goal (17) Public Facilities, Policies (b) 3, 4, 5, 6, 7, and 9: Ensure the financial feasibility to implement capital improvements.

Response: Goal 2 of the City of Port St. Lucie's PSFE addresses the financial feasibility of the capital improvements.

Objection 2: Goal (16) Urban and Downtown Revitalization, Policy (b) 8.

Response: Goal (3) of the City of Port St. Lucie's PSFE addresses the location and design of safe and secure school sites.

Objection 3: Goal (25) Plan Implementation, Policy (b) 7: Ensure that local plans implement and accurately reflect state goals and policies.

Response: Goal 5 outlines how the public School Facilities Element will be monitored and evaluated.
To: Council Members
From: Staff
Date: February 20, 2009 Council Meeting
Subject: Local Government Comprehensive Plan Amendment Review
Adopted Amendment to the City of Sebastian Comprehensive Plan
DCA Reference No. 05-1

Background

On August 28, 2008, the City of Sebastian adopted one amendment to the Future Land Use Map of the City Comprehensive Plan. The amendment was for a 25.6 acre property at the southern boundary of the City (Cross Creek Addition) that had recently been annexed. Due to a misunderstanding, the City had not previously submitted the adopted amendment for compliance review by the Florida Department of Community Affairs (DCA).

The Treasure Coast Regional Planning Council (TCRPC) reviewed the proposed amendment at a regular meeting held on March 18, 2005. The DCA issued an Objections, Recommendations and Comments (ORC) Report on the proposed amendment on April 18, 2005.

Evaluation

A. TCRPC Report

The report approved by the TCRPC had no comments or recommendations for modification to the Cross Creek Addition FLUM amendment.

B. DCA ORC Report

The ORC Report contained one objection to the Cross Creek Addition FLUM amendment. The objection was that data and analysis was lacking to demonstrate that there was adequate public facilities available based on the maximum extent of potential development allowed.

C. City Response

1. To TCRPC Comments/Recommendations for Modification

   No response necessary.

2. To the DCA ORC Report

   The City response is contained in a letter dated December 15, 2008 (see Attachment A).
Conclusion

For information only.

Attachment
December 15, 2008

Mr. Ray Eubanks, Plan Processing Administrator
Division of Community Planning
Florida Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399

Reference: Response to Objections, Recommendations and Comments
City of Sebastian Amendment 05-1

To Whom It May Concern:

Please be advised the City of Sebastian has adopted a land use amendment, Ordinance 0-05-05 on August 24, 2005. The amendment was adopted without changes from the first reading (transmittal hearing). A copy of the Objections, Recommendations and Comments (ORC) Report for Amendment 05-1 is attached.

Ordinance 0-05-02 Cypress Bend was not adopted. The owners voluntarily withdrew their request for annexation, land use amendment and zoning amendment. A copy of their letter is included with this transmittal.

Ordinance 0-05-08 The Hammocks was not approved by City Council. Their request for annexation was denied by City Council on May 25, 2005. Therefore, the land use amendment was a mute issue.

In response to the comments on Ordinance 0-05-05 Cross Creek Addition, additional information is attached:

1. An Indian River County map showing the subject property to be within the Urban Service Area Boundary.

2. St. Johns River Water Management District CUP for the subject property regarding a sand mine and a subdivision.
3. Statement of utility capacity from Indian River County Department of Utility Services.


If you have any questions or comments regarding this matter, please do not hesitate to call me at (772) 589-5518.

Sincerely,

Rebecca Grohall, AICP
Growth Management Director

CC: Treasure Coast Regional Planning Council
    Indian River County Planning Department
    St. Johns River Water Management District
    Florida Department of Transportation
    Florida Department of Environmental Protection
    Florida Department of State
    Department of Education
    City of Vero Beach
    City of Fellsmere
    IRC Metropolitan Planning Organization
To: Council Members

From: Staff

Date: February 20, 2009 Council Meeting

Subject: Local Government Comprehensive Plan Amendment Review
       Adopted Amendments to the Town of South Palm Beach Comprehensive Plan
       DCA Reference No. 08-1ER

Background

On December 16, 2008, the Town of South Palm Beach adopted text amendments to all elements of the Town Comprehensive Plan. The amendments were based on the recommendations of an Evaluation and Appraisal Report adopted by the Town on August 28, 2000.

The Treasure Coast Regional Planning Council (TCRPC) reviewed the amendments at a regular meeting held on September 19, 2008. The Florida Department of Community Affairs (DCA) issued an Objections, Recommendations and Comments (ORC) Report on the amendments on September 30, 2008.

Evaluation

A. TCRPC Report

   The TCRPC report contained two comments/recommendations for modification to the proposed amendments. The first comment called for a revision to Policy 3.1.2 of the Coastal Management Element regarding negative impacts to beaches. The second was to revise Objective 5 regarding the management and protection of ecological communities and wildlife.

B. DCA ORC Report

   The DCA ORC Report contained four objections dealing with:

   1. Adequate definition of the Coastal High Hazard Area.
   2. Meaningful guidelines to ensure the provision of affordable and workforce housing.
   3. Concurrency for water supply.
   4. Protection of facilities and management and protection of ecological communities and wildlife.
C. Town Response

1. To TCRPC Comments/Recommendations for Modification

   The Town revised Policy 3.1.2 of the Coastal Management Element and Objective 5 of the Conservation Element consistent with the Council recommendations.

2. To the DCA ORC Report

   The Town response to the DCA objections is shown in Attachment A.

Conclusion

For information only.
SOUTH PALM BEACH COMPREHENSIVE PLAN

STATEMENT OF RELATIONSHIP OF ADDITIONAL CHANGES TO THE DEPARTMENT'S OBJECTIONS, RECOMMENDATIONS AND COMMENTS REPORT

DECEMBER 2008

In response to Objection 1a regarding the definition of the Coastal High Hazard Area the proposed Comprehensive Plan was amended to replicate the new definition adopted by the State. This included revision of Coast Management Element policy 5.1. The amended definition also resulted in addition of Map 7 to the Comprehensive Plan to depict the area included within the Coastal High Hazard Area. Under the previous definition a map was not necessary and the Coastal High Hazard Area encompassed the entire Town.

In response to Objection 1b policy 2.2 of the Housing Element was amended to include more meaningful guidelines to be implemented by the Town and provided a two year time frame to pursue a countywide effort to address low income and workforce housing.

In response to Objection 1c policy 1.4 in the Infrastructure Element now addresses the requirement that the Town shall consult with the Town of West Palm Beach or other water supplier to determine if adequate water supplies to serve a new development will be available no later than the anticipated date of the issuance of a certificate of occupancy by the Town.

In response to Objection 1d policy 3.1.2 in the Coastal Management Element was revised to indicate that redevelopment projects must demonstrate that a negative impact will not occur to a renourished beach or any of the Town's beaches as a result of the redevelopment project.

Other changes were minor wording amendments to clarify that implementation of a policy was the responsibility of the Town and not the ordinance or Development Code.
To: Council Members

From: Staff

Date: February 20, 2009 Council Meeting

Subject: Local Government Comprehensive Plan Amendment Review
Adopted Amendments to the St. Lucie County Comprehensive Plan
DCA Reference No. 08-PEFE1

Background

On December 16, 2008, St. Lucie County adopted a Public School Facilities Element and revisions to the Future Land Use, Transportation, Housing, Recreation and Open Space, Intergovernmental Coordination, and Capital Improvements Elements of the County Comprehensive Plan. The amendments were to address statutory requirements regarding the implementation of public school concurrency.

The Treasure Coast Regional Planning Council (TCRPC) reviewed the proposed amendments at a regular meeting held on September 19, 2008. The Florida Department of Community Affairs (DCA) issued an Objections, Recommendation and Comments (ORC) Report on the proposed amendments on October 24, 2008.

Evaluation

A. TCRPC Report

The TCRPC report contained one comment regarding a numbering error in the Public School Facilities Element.

B. DCA ORC Report

The DCA ORC Report contained 18 objections to the:

- Interlocal Agreement – 5 objections
- Data and Analysis – 7 objections
- Goals, Objectives and Policies – 6 objections

C. County Response

1. To TCRPC Comments/Recommendations for Modification

   No response necessary. However, the numbering of the objectives/policies in the Public School Facilities Element remains inconsistent.
2. To the DCA ORC Report

The objections are summarized and the County responses provided in Attachment A.

Conclusion

For information only.
St. Lucie County
responses to
Department of Community Affairs ORC Report
St. Lucie County's Response to DCA's Objections and Recommendations

**Interlocal Agreement**

**Objection 1:** Section 11.1 of the Interlocal Agreement which provides for an adoption date “no later than October 1, 2008 is not meaningful.”

Section 11.1 (page 19) of the Interlocal Agreement has been revised to be consistent with the May 1, 2008 due date for preparing and adopting the Public School Facilities Element (“PSFE”).

**Objection 2:** Section 11.5 relates to exemption from school concurrency. Paragraphs 11.5(a) and (b)(1) through (8) provide for exemptions from school concurrency and link the vested rights date to the effective date of the school concurrency ordinance. As noted in Objection 1, the DCA schedule for implementation of school concurrency in St. Lucie County was May 1, 2008, and school concurrency will be effective in the County upon the effective date of the plan amendments. While it is appropriate to recognize vested rights, the law requires all residential development be subject to school concurrency at the time the plan amendments become effective.

Section 11.5(a) and sub-sections (b)(1)-(5) (page 21) have been revised to provide that certain development shall be exempt from school concurrency if existing prior to May 1, 2008, rather than if existing prior to the effective date of the School Concurrency Ordinances. Section 11.5(b)(8) has been revised to only exempt Developments of Regional Impact (DRI) from school concurrency only if they received development orders to July 1, 2005 or had filed an application for approval prior to May 1, 2005. Policy 13.2.4.2 regarding residential exemptions from school concurrency has also been updated.

**Objection 3:** Sections 1 and 11.7(a) provide definitions for the Interlocal Agreement. In several cases, the definitions included in the agreement do not match those included in the proposed public school facilities element.

The Interlocal Agreement and the PSFE have both been revised to include consistent definitions with the Interlocal Agreement (page 24-25).

**Objection 4:** Section 3.1 requires the local governments in St. Lucie County and the School Board to coordinate school enrollment forecasts with local growth trends but proposes to delete the requirement that the local government comprehensive plan and the plans of the school board must be based on consistent projections of “population growth.” The deletion is inconsistent with Section 163.31777(2)(a), F.S.
Section 3.1 reinstates the requirement that local governments in St. Lucie County and the School Board base plans on consistent population growth projections (page 5).

**Objection 5:** St. Lucie County and the St. Lucie County School Board have not executed the Amended and Restated Interlocal Agreement for Public School Facility Planning submitted with the proposed amendment St. Lucie County 08-PEFE1.

The County has included the executed Interlocal Agreement and the adopted PSFE in package submitted to the Department of Community Affairs. The County will also provide a copy of the Interlocal Agreement to the Florida Department of Education.

**Data and Analysis**

Various tables and maps in the previously submitted St. Lucie County Public School Facilities Element Data and Analysis are no longer applicable and have either been updated within the report or found void and completely removed. The following is a list of the void tables within the supporting Data and Analysis of the St. Lucie County Public School Facilities Element:

- **Table PSFE 19A:** High School Capacity Projections 2007-08 through 2025
- **Table PSFE 20A:** Middle School Capacity Projections 2007-08 through 2025
- **Table PSFE 21A:** School Capacity Projections 2007-08 through 2025
- **Table PSFE 21C:** Elementary School Capacity Surplus / Deficit 2007-08 through 2025

The following is a list of void tables within the supporting Data and Analysis of the St. Lucie County Public School Facilities Element, which are to be replaced with the Revised and Approved St. Lucie County School District Five-Year Work Plan:

- **Table PSFE 17:** Capital Outlay Revenue – 5-year District Facilities Plan
- **Table PSFE 18:** 20-Year Construction Program

**Objection 1:** The Public Education Facilities Element does not provide the following data and analysis: existing school attendance zones; existing Florida Inventory of School Houses capacity or other professionally accepted measure of capacity; surplus capacity based on site size requirements contained within Department of Education design criteria; projected enrollment by year for the initial five years of the planning period and projected enrollment district-wide by school type for the end of the long range planning period; existing and projected school facility surpluses and deficiencies by concurrency service area by year for the five-year planning period; existing and projected school facility surpluses and
deficiencies district-wide by school type for the end of the long range planning period based on projected enrollment.

The PSFE data and analysis now includes supplemental data tables that has been revised to include existing school attendance zones, existing FISH capacity, surplus capacity projected enrollment for the first 5 years and the 10 year projection, existing and projected school facility surpluses and deficiencies by CSAs and district wide by school type.

**Objection 2:** The student enrollment estimates used in the level of service analysis (Tables 6, 7, 8, 9, 10, 13, 15, and 16) do not match capital Outlay Full Time Equivalency (COFTE July 2, 2008) enrollment data and the Element does not provide the methodology for the alternate estimates of enrollment.

The student enrollment estimates has been revised to match COFTE. Tables 19-21 are void and no longer apply and have been replaced by updated data in Tables 22-24 (pages 76, 78 and 80).

**Objection 3:** The County does not use the School District's methodology for determining permanent program capacity or consistent permanent program capacity data.

The data and analysis now include supplemental data tables that have been revised to utilize FISH as permanent program capacity. We have also defined program capacity in the PSFE. Tables 19-21 are void and no longer apply and have been replaced by updated tables (pages 54, 60-62 and 67-69).

**Objection 4:** Tables 19C, 20C and 21C and associated maps show surpluses and deficiencies by School Capacity Planning Areas (SCPA) rather than by School Concurrency Service Areas (SCSA), as required by Section 163.3180(13)(c) and (e), F.S.

The supplemental data tables and maps have been revised to include the level of service for each facility with the CSAs for the first five years (pages 54, 62 and 69).

**Objection 5:** The following items have not been addressed in the proposed Public Education Facilities Element:

a. An analysis of problems and opportunities in collocating existing projected public school facilities such as parks, libraries and community centers and opportunities to locate public school facilities to serve as community focal points, and

b. The need for supporting infrastructure, including water, sewer, roads, drainage, sidewalks and bus stops for existing and projected public school facilities.
Policy 13.3.4.1 encourages collocation and shared use of facilities. Collocation opportunities did not exist for some existing schools due to the size of sites required to perform collocation projects (page 21).

**Objection 6:** The proposed Public Education Facilities Element has not addressed existing school facilities and needed school facilities for each concurrency service area (CSA) to accommodate projected enrollment at the adopted level of service standard for the five-year planning period and long range planning periods. Table 18, 20 Year Construction Program, provides financial needs and land requirements, but those needs and requirements are not categorized by CSAs. Some CSAs do not have schools and there is no Interlocal Agreement provision or plan policy to state where students within these CSAs will attend school.

The data and analysis now includes supplemental data tables that have been revised to address existing school facilities and needed school facilities for each CSA to accommodate projected enrollment at the adopted LOS. Policy 13.2.4.6 has been added to address the attendance of students in CSAs that do not have schools to be accommodated in an adjacent CSA (PSFE page 12-13).

**Objection 7:** The Element has not provided estimated costs of needed school capital improvements to correct deficiencies and to meet future needs based on achieving and maintaining the adopted level of service standard identified by the end of the five-year planning period, and for the end of the long range planning period within St. Lucie County.

Estimated costs of needed school capital improvements have been added to correct deficiencies and meet future needs based on the adopted LOS (PSFE page 14-15).

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**Goals, Objectives and Policies**

**Objective 1:** Policy PSFE 1.1.4 provides that school concurrency will be applied only to residential development of 50 or more units. The Statutes provide no exemptions and therefore, Policy PSFE 1.1.4 is inconsistent with legal requirements to ensure that the impact on school capacity is considered in all new residential development.

Policy 13.1.1.4 (page 3-4) has been revised to apply school concurrency to any amendment to the comprehensive plan, future land use map, rezoning, DRI, or major residential or mixed-use development project that produces more than one student in any grade level.
Objective 2: Proposed Policy PSFE 2.2.2 established level of service standard based on 100% “permanent program capacity.” This level of service standard is not supported by the data and analysis (see Objection 2, above, in the Data and Analysis section).

Proposed Policy 13.2.2.2 (page 9) is now acceptable because of the revision to use COFTE in the Data and Analysis and is also consistent with the Interlocal Agreement. Proposed Policy 13.2.2.3 and 13.2.2.4 have been deleted to enhance consistency between the PSFE and Interlocal Agreement.

Objection 3: The County does not propose amendments to the Intergovernmental Coordination Element to address the following:

a. Show relationships and state principles and guidelines to be used in the accomplishment of coordination of the adopted comprehensive plan with the plans of the school boards;

b. Describe joint processes for collaborative planning and decision making on population projections and public school siting, the location and extension of public facilities subject to concurrency; and

c. To provide that the coordination between the County and the school board is pursuant to the Interlocal Agreement and shall state the obligations of the local government under the Interlocal Agreement.

The County has amended the Intergovernmental Coordination Element to address the Department’s issues. The amendment to the Element can be found on page 42.

Objection 4: The Capital Improvements Element does not include goals, objectives or policies which address the following:

a. Level of service standards which shall be applied district-wide to all schools of the same type; and

b. A financially feasible public school capital facilities program, established in conjunction with the school board that demonstrates that the adopted level of service standards will be achieved and maintained.

The CIE update for FY08/09 - 12/13 includes the modified capital projects schedule for the school district in consideration of the GOPs and LOS standards.
for school facilities as identified within the adopted Comprehensive Plan: School Element. The modified capital school facilities schedule considers the new projects required during the 5-year period to meet the student population/enrollment demand per facility consistent with the 100% capacity demand requirement as analyzed on a per facility and district-wide LOS determination. The Annual CIE Update for FY 08/09 - 12/13 and school capital facilities schedule is consistent with the GOPs of the School Element. See the St. Lucie County annual CIE update included in this package.

Objection 5: Proposed Policy PSFE 2.5.1 relates to proportionate share mitigation option, which as proposed is not consistent with the provisions of the draft Interlocal Agreement. Furthermore, the Interlocal Agreement includes a provision not included in the Policy PSFE 2.5.1.

Policy 13.2.5.1 (page 16-17) has been revised to be consistent with the Interlocal Agreement.

Objection 6: A policy addressing coordination of the long range public school facility map with the local government's comprehensive plan, including the future land use map is not included in the Public Education Facilities Element.

Policy 13.1.1.1 (Page 2) addresses coordination of the public school facility map with the local government's comprehensive plan to include the future land use map with the following language:

"...the County, in conjunction with the St. Lucie County School Board and the Municipalities, shall together, develop and annually update and maintain a public school facilities map series as supporting data and analysis. This map series including the planned general location of schools and ancillary facilities for the five-year planning period and the long-range planning period, will be coordinated with the County's Future Land Use Map or Map Series."
To: Council Members

From: Staff

Date: February 20, 2009 Council Meeting

Subject: Local Government Comprehensive Plan Amendment Review
Adopted Amendments to the City of Stuart Comprehensive Plan
DCA Reference No. 08-2

Background

On November 24, 2008 the City of Stuart adopted text amendments to the Conservation Element of the City Comprehensive Plan. Council reviewed the proposed amendments at a regular meeting held on October 17, 2008. On November 5, 2008, the Florida Department of Community Affairs (DCA) issued a letter in lieu of an Objections, Recommendations, and Comments (ORC) Report on the proposed amendments. The amendments had to do with City policy on the removal of exotic and invasive vegetation, conservation, easements and mitigation for wetlands that are severely degraded and have minimal restoration potential.

Evaluation

A. Treasure Coast Regional Planning Council (TCRPC) Report

The TCRPC report of October 17, 2008 contained no comments or recommendations for modification. The amendments were considered consistent with the Strategic Regional Policy Plan (SRPP) and the City was commended for addressing important conservation issues consistent with the SRPP.

B. DCA ORC Report

The letter of November 5, 2008 indicated that the DCA had no objections to the proposed amendments and was being issued in lieu of an ORC Report.

Conclusion

For information only.
To: Council Members

From: Staff

Date: February 20, 2009 Council Meeting

Subject: Local Government Comprehensive Plan Amendment Review
Adopted Amendments to the City of Stuart Comprehensive Plan
DCA Reference No. 09-RWSP1

Background

On January 12, 2009, the City of Stuart adopted text amendments to the Future Land Use, Infrastructure, Conservation, Intergovernmental Coordination and Capital Improvements Elements of the City Comprehensive Plan. The amendments are to address statutory requirements regarding water supply facility planning.

The Treasure Coast Regional Planning Council (TCRPC) reviewed the proposed amendments at a regular meeting held on October 17, 2008. The Florida Department of Community Affairs (DCA) issued an Objections, Recommendations and Comments (ORC) Report on the proposed amendments on October 31, 2008.

Evaluation

A. TCRPC Report

The TCRPC report contained no comments or recommendations for modification. The amendments were considered consistent with the Strategic Regional Policy Plan.

B. DCA ORC Report

The DCA report contained five objections. The objections are shown in Attachment A.

C. City Response

1. To TCRPC Comments/Recommendations for Modification

   No response necessary.

2. To the DCA ORC Report

   The City response to the objections contained in the DCA ORC Report are shown in Attachment A.

Conclusion

For information only.
I. Consistency with Rule 9J-5, F.A.C., and Chapter 163, F.S.

The City of Stuart proposed comprehensive plan amendment consists of revisions to the Future Land Use, Infrastructure, Conservation, Intergovernmental Coordination, and Capital Improvements Elements incorporating the adopted 10-Year Water Supply Facilities Work Plan into the City's Comprehensive Plan. The Department has identified the following objections to the proposed comprehensive plan amendment:

**Objection 1:** Conservation Policy A3.3 states that the City will develop and implement the water conservation programs established in the 10-Year Water Supply Facilities Work Plan and water conservation programs associated with its Consumptive Use Permit. The policy does not identify the water conservation measures the City will implement or include specific programs and activities to be undertaken by the City to implement these water conservation programs.

**Recommendation:** Conservation Policy A3.3 should be revised to identify the water conservation programs identified in the Water Supply Work Plan (rebate programs for retrofitting toilets and other indoor plumbing and for the use of outdoor rain and soil moisture sensors) and the Consumptive Use Permit that will be implemented by the City. The policy should identify those water conservation programs that can be implemented immediately and include specific programs and activities to ensure the implementation of those conservation measures that will take more time to implement.

In addition, the City should include policies based on the Conserve Florida Goal Based Guidelines to develop a long range water conservation plan.

**City Response 1:** The City anticipates that the Consumptive Use Permit (CUP) will be renewed by the South Florida Water Management District at its February 2009 meeting. Further, the City has recently adopted a twenty-year water conservation initiative that includes water conservation programs designed to reduce per capita per day usage by 13% by the year 2028. Data and analysis in the Ten-Year Water Supply Facilities Work Plan is updated to reflect these occurrences, and Conservation Objective A3 and Policy A3.3 have been revised and Policies A3.4, A3.5 and A3.6 added to incorporate the initiative and related conservation programs, as follows:

Implement the City’s Twenty-Year Water Conservation Initiative, adopted on January 14, 2008, to conserve potable and non-potable water resources towards the goal of maintaining by reducing raw water average daily per capita consumption of potable water at 140 from the current rate of 218 GPD GPCD through limitations on or use of potable water for non-potable needs and reducing leakage of the potable water system to 15 percent to 201 GPCD by 2018, a 7.8% decrease in the overall per capita daily consumption rate.

Conservation Policy A3.3. The City shall cooperate with the South Florida Water Management District and Martin County to conduct in implementing the Upper East Coast Water Supply Plan, including the development and implementation of water conservation programs. The following specific actions, regulations and programs shall be implemented by the City:

- Interlocal Agreement For The Sale And Purchase Of Supplemental Water And Wastewater Capacity With Martin County
- Limitation on landscape irrigation during a water shortage emergency
- Requirements for the use of xeriscape landscaping and “rain switches” on irrigation systems
- Continued use of the Standard Plumbing Code, including implementation of all plumbing fixture requirements
- A tiered water use rate structure, including related periodic rate studies
- Retrofit rebate programs for residential toilets, residential indoor plumbing exchanges, and landscape irrigation efficiency
- Customer education on the subject of water conservation via the monthly utility bill
- Additional public education efforts, including open houses at the water plant and tours of the water plant for school and seniors groups throughout the year

Conservation Policy A3.5: The City supports implementation of the proposed district-wide year-round landscape irrigation rule proposed by the South Florida Water Management District.

Conservation Policy A3.6: The City shall monitor progress toward achieving the 2018 raw water consumption rate target on an annual basis. If progress is not consistent with interim targets projected in Table 4A of the Ten-Year Water Supply Facilities Work Plan, the City shall consider the need for implementing additional conservation measures.

Objection 2: Infrastructure Objective A5 is revised to incorporate the City’s 10-Year Water Supply Plan, as amended, but the reference is incomplete because the objective does not include the date of the plan.
Recommendation: Revise Objective A5 to include the date of the 10-Year Water Supply Plan.

City Response 2: Infrastructure Objective A5 is revised to read as follows:

Infrastructure Objective A5. Potable Water

Land use types, densities and intensities shall be designated within the FLUE to promote development in Stuart to efficiently utilize the available surplus capacity of water and sewer facilities. The City of Stuart Ten-Year Water Supply Facilities Work Plan (2008 – 2018) is hereby incorporated into the Comprehensive Plan and used as the basis to determine future water supply needs for the City and the Stuart water service area. The City shall maximize the use of existing facilities and discourage urban sprawl.

Objection 3: The data and analysis on page 8 of the City’s Water Supply Plan indicates that the current level of service for finished water is 196 gallons per capita per day (gpcd). The City intends to implement conservation measures to reduce the finished water level of service standard to 181 gpcd and reduce the raw water demand from 218 gpcd to 201 gpcd by 2018. The City has not identified the conservation measures that will be implemented to achieve the lower level of service standards. The revised level of service standards are inconsistent with the current adopted level of service standard of 100 gpcd that is included in Policies A7.3 (Infrastructure Element) and A3.1 (Capital Improvements Element) along with the proposed revised standards. The 100 gpcd standard is inconsistent with the current standard of 196 gpcd the City used to project future finished water supply demand.

Recommendation: The inconsistencies with the level of service standards need to be resolved. The City could adopt 196 gpcd as the current level of service standard and delete the 100 gpcd standard in Policies A7.3 and A3.1. The City could also establish tiered level of service standards by including an objective to achieve the level of service standards of 181 gpcd and 201 gpcd as standards to be achieved by 2018 and include policies that implement specific conservation programs intended to achieve the new level of service standards. After the new level of service standards are achieved, the City would then revise the comprehensive plan to adopt the new standards.

City Response 3: The City currently uses residential (100 gpcd) and non-residential (1,100 gpcd) standards. These rates cannot be compared to the 196 gpcd rate since it includes all consumption (i.e. all land uses) expressed on a per capita basis. The City proposes to delete the existing standards and adopt separate standards for concurrency determination and 10-year water–supply–facility–planning–purposes, which reflect individual land uses equivalent residential connection (ERC) calculations adopted by the City in Ordinance 2167-08. The proposed concurrency-related standard is currently used by the City to determine the finished water needs of specific development proposals, expressed on an equivalent residential connection (ERC) basis. The City maintains a list of ERC conversion factors for various development types which is the most effective means of determining water use. However, the list is too lengthy to include in the Comprehensive Plan.
The City further proposes to incorporate additional standards (201 gpcd for raw water and 181 gpcd for finished water) for 10-year water supply planning purposes. The City acknowledges, per Tables 4A and 4B of the Ten-Year Water Supply Facilities Work Plan that projected raw and finished water consumption rates are lower than current (2008) usage. It is the City’s objective, through the use of the conservation initiative (revised Conservation Objective A3, above) and specific conservation activities (revised Conservation Policy A3.3 and added Policy 3.4, above) to reduce current raw and finished water per capita consumption rates to the level of the proposed LOS standards.

Policy A7.4 is added to the Capital Improvements Element to monitor progress in reducing the raw water daily usage rate and adjust the LOS standards, if necessary.

To clarify the use of the standards, the Infrastructure Element, Policy A7.3 and Capital Improvements Element, Policy A3.1 are revised to read as follows:

**Infrastructure Policy A7.3.** The following level of service standards are is hereby adopted and shall be used as the basis for determining: (1) the availability of facility capacity and the demand generated by new development and (2) 10-year potable water supply needs.

<table>
<thead>
<tr>
<th>Facility Standard</th>
<th>Level of Service</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Finished Potable water</strong>&lt;br&gt;(For concurrency determination)</td>
<td>100 gallons per capita per day (residential)</td>
</tr>
<tr>
<td></td>
<td>1,100 gallons per acre per day (non-residential)</td>
</tr>
<tr>
<td></td>
<td>250 gallons per day per equivalent residential connection</td>
</tr>
<tr>
<td>Potable-water supply&lt;br&gt;(For 10-year water supply planning)</td>
<td>201 gallons per capita per day (total raw-water demand)</td>
</tr>
<tr>
<td></td>
<td>181 gallons per capita per day (total finished-water demand)</td>
</tr>
</tbody>
</table>

The following equivalents shall be used for the purposes of determining the impacts of Proposed Future Land Use Plan amendments, based upon the Table of Land Use Densities and Intensities (Future Land Use Element, Policy A7.2):

- **Low Density Residential**: 250 gallons per day per unit
- **Multiple-Family Residential**: 200 gallons per day per unit
- **Retail Commercial**: 100 gallons per day per 1,000 sq. ft.
- **Office Commercial**: 150 gallons per day per 1,000 sq. ft.
- **Industrial**: 30 gallons per day per 1,000 sq. ft.
- **Institutional**: 100 gallons per day per 1,000 sq. ft.
Capital Improvements Policy A3.1. The City shall adopt realistic and adequate level of service standards as specified below:

<table>
<thead>
<tr>
<th>Facility Standard</th>
<th>Level of Service</th>
</tr>
</thead>
<tbody>
<tr>
<td>Finished Potable water (For concurrency determination)</td>
<td>100 gallons per capita per day (residential) 1,100 gallons per acre-per-day (non-residential) 250 gallons per day per equivalent residential connection.</td>
</tr>
</tbody>
</table>

The following equivalents shall be used for the purposes of determining the impacts of proposed Future Land Use Plan amendments, based upon the Table of Land Use Densities and Intensities (Future Land Use Element, Policy A7.2):

- **Low Density Residential:** 250 gallons per day per unit
- **Multiple-Family Residential:** 200 gallons per day per unit
- **Retail Commercial:** 100 gallons per day per 1,000 sq. ft.
- **Office Commercial:** 150 gallons per day per 1,000 sq. ft.
- **Industrial:** 30 gallons per day per 1,000 sq. ft.
- **Institutional:** 100 gallons per day per 1,000 sq. ft.

**Potable Water Supply**

| 201 gallons-per-capita-per-day (total raw water demand) | 181 gallons-per-capita-per-day (total finished water demand) |

In addition, to ensure that the conservation initiative and programs are effective, Infrastructure Element, Policy A7.5 is added to read as follows:

**Infrastructure Policy A7.5.** The City shall monitor and report potable water raw and finished water usage on an annual basis to determine the effectiveness of its potable water conservation initiative and programs. Based upon the results of the annual report, the City shall modify, as necessary, its potable water supply (for 10-year water supply planning) level-of-service standards.

**Objection 4:** Intergovernmental Coordination Policy A1.17 requires the City to “coordinate with Martin County to insure that population estimates and projections for water services areas are current and accurate.” The policy does not identify other water supply planning issues, such as implementing alternative water supply projects (including reuse and other conservation measures), establishing level of service standards, and serving newly annexation area, where the City and the County should coordinate on a regular basis. The policy also does not include specific procedures to ensure coordination with the County.
Recommendation: Revise the Intergovernmental Coordination Element to include an objective and policies to ensure a meaningful process for collaborative planning and intergovernmental coordination, on a continuous and ongoing basis, on water supply issues between the City and the County. Coordination efforts could include implementing alternative water supply projects (including reuse and other conservation measures), establishing level of service standards, and serving newly annexation areas.

City Response 4: A 20-year Interlocal Agreement for the Sale and Purchase of Suppemental Water and Wastewater Capacity between Martin County and the City of Stuart was executed on November 14, 2008. The agreement includes a defined service area for City potable water service, and will provide the City with potable water from an alternative source, as defined by the South Florida Water Management District. The alternative source allows the City to meet its water demands during the period of the 10-Year Water Supply Facilities Plan. As part of the agreement, the City has agreed to prepare annual projections of its potable water needs from this source for the ensuing five-year period. Enactment of the Interlocal Agreement provides the basis and framework for cooperative efforts between the City and Martin County for potable water supply planning and service.

Based upon the Interlocal Agreement, Policies A5.13 and A5.14 of the Intergovernmental Coordination Element are revised to read as follows:

Intergovernmental Coordination Policy A5.13. The City shall supplement its potable water supply by implementing an alternative water supply, as enabled by the Interlocal Agreement for the Sale and Purchase of Supplemental Water and Wastewater Capacity between the City and Martin County.

Intergovernmental Coordination Policy A5.14. The City shall recognize the Stuart and Martin County potable water and wastewater service areas as defined in the Interlocal Agreement for the Sale and Purchase of Supplemental Water and Wastewater Capacity. Further, by implementing the terms of the Interlocal Agreement, the City will insure coordination of water supply planning with the county.

Objection 5: The City expects to complete the remaining reuse improvements to its wastewater treatment plant in fiscal year 2009 and complete the final phase to improve the wastewater treatment plant, including the reuse transmission line, by 2013 (see page 10 of the 10-Year Water Supply Facilities Work Plan). The City has not indicated whether these improvements are or will be included in its financially feasible Five-Year Schedule of Capital Improvements.

Recommendation: Revise the data and analysis to indicate whether the wastewater treatment plant reuse projects are or will be included in the City’s financially feasible Five-Year Schedule of Capital Improvements. If the reuse projects are not currently in the City’s financially feasible Five-Year Schedule of Capital Improvements, then revise the schedule to include the capital improvements. Identify the revenue source or sources that will be used to fund these projects. To be financially feasible, projects listed in the first three years of the schedule must be funded from committed revenue sources. Committed or planned revenue sources can be used for projects listed in years four and five.
City Response 5: The City is in the process of updating has recently updated the Capital Improvements Element (CIE), including a revised Five-Year Schedule of Improvements, in accordance with state planning law. The projected adoption date for the CIE update is December 2008. The Five-Year Schedule of Improvements includes the final phase of the reclaimed water system in FY 2009 ($100,000) and FY 2010 ($3,000,000). The revenue source is the Water and Sewer Fund (retained earnings, bank loan, and a grant from the SFWMD). Retained earnings are currently sufficient to cover the entire cost, but a bank loan/grant will be pursued. No additional revisions are provided since the issue is currently addressed in the upcoming Capital Improvements Element update.

II. Comments

Comment: The City should replace or supplement the non-residential level of service standard of 1,100 gallons per acre per day in Policies A7.3 (Infrastructure Element) and A3.1 (Capital Improvements Element) with level of service standards based on square footage or another appropriate standard for office, commercial, industrial uses, and other non-residential uses.

City Response: The City will revisit the level-of-service standards for appropriateness and internal consistency during the upcoming EAR process which is scheduled for completion during 2009.

III. Consistency with Chapter 187, F.S., State Comprehensive Plan

The proposed amendment is inconsistent with the following provisions of Chapter 187, F.S.:

Section 187.201(7), Water Resources, Policies (b) 3, 5, 9, 11, 13, and 14: Ensure that new development is compatible with existing local and regional water supplies, protect aquifers, and promote water conservation;

Section 187.201(17), Public Facilities, policies (b) 3, 4, 5, 6, 7, 9: Encourage the development, use, and coordination of capital improvement plans by all levels of government and to ensure the availability of public facilities; and

Section 187.201(25), Plan Implementation, Policy (b) 7: Ensure that local plans implement and accurately reflect state goals and policies.

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

City Response: By addressing the five objections raised by FDCA, above, the proposed amendments are consistent with Chapter 187, Florida Statutes.
To: Council Members

From: Staff

Date: February 20, 2009 Council Meeting

Subject: Local Government Comprehensive Plan Amendment Review
Adopted Amendments to the City of West Palm Beach Comprehensive Plan
DCA Reference No. 08-2ER

Background

On December 15, 2008, the City of West Palm Beach adopted text amendments to a number of elements of the City Comprehensive Plan as well as one amendment to the Future Land Use Map. The text amendments were pursuant to the recommendations of an Evaluation and Appraisal Report adopted by the City on March 26, 2007; and to address statutory requirements regarding water supply planning.

The Treasure Coast Regional Planning Council (TCRPC) reviewed the amendments at a regular meeting held on December 12, 2008. The Florida Department of Community Affairs (DCA) issued an Objections, Recommendations and Comments (ORC) Report on the proposed amendments on December 8, 2008.

Evaluation

A. TCRPC Report

The report approved by Council included four comments/recommendations for modification. The comments indicate that the City should:

1. not adopt the amendments to delete segments of Roebuck Road and State Road 7.
2. modify Policy 2.1.1(h) or adopt a new policy regarding housing/jobs balance and the designation of CRALLS.
3. include the Statutory definition of Coastal High Hazard Area; and
4. revise Policy 3.1.1 in the Conservation Element regarding native upland vegetation areas.

B. DCA ORC Report

The ORC Report contained twelve objections. The objections are shown in Attachment A.
C. City Response

1. To TCRPC Comments/Recommendations for Modification

The City did not provide a separate response to the TCRPC. However, the subject of TCRPC comments/recommendations for modification were captured in the DCA ORC Report.

2. To the DCA ORC Report

The DCA objections and the City response are shown in Attachment A.

Conclusion

For information only.

Attachment
Amendment Round 08-2: Comprehensive Plan EAR based Amendment Objections, Recommendations, and Comments (ORC) Report Response

The Florida Department of Community Affairs (DCA) issued their Objections, Recommendations, and Comments (ORC) Report on December 8, 2008 to the City's numerous Evaluation and Appraisal Report (EAR) Based text and map changes to the adopted Comprehensive Plan. DCA identified the following twelve (12) Objections and three Comments regarding the amendments to the Future Land Use, Transportation, Infrastructure, Conservation, Housing, Intergovernmental Coordination, and Capital Improvements Elements. Changes made between First Reading (Transmittal) of September 22, 2008 and Adoption of December 15, 2008 are represented by double strike-through for deletions, double underline for additions, and italics for undeleted.

DCA OBJECTIONS

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

Text Amendments

Objection 1. Future Land Use Element/Vague and Non-specific/Unclear/Lack of Density and Intensity Standard. Future Land Use Policy 1.1.3 creates a Commercial DRI (C-DRI) future land use category that does not specify an intensity standard in the policy. Also, FLPUE Policy 1.1.3, as modified, is intended to clarify the application of Special Impact Zone requirements by specifying a note to be placed on the Future Land Use Map regarding the application for more restrictive site plan requirements. The note is not clear because it references a non-existent policy in the plan (Downtown Master Plan Element Policy 3.1.1). Thus, the density and intensity of the SIZ within the Mixed Use District cannot be ascertained. The provisions of this policy should either be included in Policy 1.1.3 or the Downtown Master Plan policy should be included within the Future Land Use Element.

Authority. Section 163.3177(1) and 163.3177(6)(a), F.S., and Rules 9J-5.005(1)(c), (5) and (6), 9J-5.006(3)(c)5, (3)(c)7, and (4)(c), F.A.C.

Recommendation. Revise Policy 1.1.3 to include an intensity standard or range of intensities that it will allow within the C-DRI category. Revise FLPUE Policy 1.1.3 to specifically indicate the City's intended application of the Special Impact Zone (SIZ) requirements making it clear that development within the SIZ would be subject to more restrictive site plan requirements. Include the correct reference to the Downtown Master Plan Element policy or include the provisions described in the Downtown Master Plan Element that are applicable. Include the density and intensity of the SIZ within the Mixed Use District so that the maximum impacts can be ascertained.

City Response: The amendment to proposed Future Land Use Policy 1.1.3 (existing Policy 1.1.4) did not create new future land use categories or change intensities or
densities; rather, the policy language was augmented to provide further clarity. Specifically, the C-DRI category was renamed from the existing category known as “Commercial within an approved Development of Regional Impact (DRI)” to a shortened name of “Commercial – DRI (C-DRI)”. This category of “Commercial (C) within an approved Development of Regional Impact (DRI)” was created back in 2006 as part of WPB05-E.01: Centrepark Development of Regional Impact (DRI) which DCA found in compliance. The intensities and densities associated with the category are specifically provided for in the Master Plan. See attached supporting documentation as Attachment A.

Additionally, the Special Impact Zone (SIZ) language is being added only as a note to clarify that there are SIZ notations on the Future land Use Map (FLUM) to reflect that there is a heightened review associated with these properties when seeking development approvals but that there is no density or intensity associated with this SIZ notation. Only the Future Land Use designation applies the densities and intensities. Existing Future Land Use Policies 1.9.4 and 1.9.5 (proposed to be renumbered to 1.7.4 and 1.7.5, respectively) provide further details to the SIZ application. Staff has modified the proposed language based on the DCA objection to reflect further clarification. The proposed adoption policy now reads: “**Note: Special Impact Zone (SIZ) notations on the Future Land Use Map are to ensure heightened site plan review and do not reflect or change densities or intensities but are to ensure heightened site plan review and could be subject to more restrictive site plan requirements. (see Future Land Use policies 1.7.4 and 1.7.5).”

Lastly, the SIZ reference does not have any applicability to the Mixed Use District. The policy reference, as depicted in the proposed adoption modifications below, has been updated to the correct proposed numbered policies 1.7.2 through 1.7.2.4 pertaining to the Mixed Use Districts. Furthermore, as reflected below, the Downtown Master Plan Policy references have been updated to reflect the correct policies 3.1.1 and 3.1.3.

Mixed Use District* (MU)  See Policy 1.9.2 Policies 1.7.2 through 1.7.2.4. See Policy 1.9.2 Policies 1.7.2 through 1.7.2.4.

Urban Central Business District (UCBD)  See Downtown Master Plan Element Policies 3.1.1 and 3.1.3

**Objection 2.** Public School Facilities Element (PSFE)/School Concurrency. Concurrency Service Areas (CSAs) are not required to be adopted into the Comprehensive Plan. However, if they are, they should be shown to reflect the entire district as the County has done. The City proposes to adopt, through Policy 1.1-d as part of its Comprehensive Plan Map Series, two maps labeled as “School Locations and Concurrency Service Areas (CSA) and School Concurrency Service Areas (CSA), both dated September 2008, which do not cover the entire district area. They only include the CSAs within the City. The City also did not include adequate data and analysis with the
amendment to show that the school level of service standard will be achieved/maintained through the five-year period.

**Authority.** Sections 163.3161(3), 163.3177(6)(a), (6)(h), 163.3177(12), and 163.31777, 163.3180(13)(c)1, 2, and (13)(d), F.S., and Rule 9J-5.005(2), 9J-5.0055(1)(a), (2)(a)9, (2)(b) and (3)(d), 9J-5.025(1)(e), (2)(e), (3)(b)1, 2, 3, (3)(c)2 and 7, and (4)(c), F.A.C.

**Recommendation:** The City needs to be consistent with Palm Beach County regarding the adoption of school concurrency service areas (CSAs). Since the County has adopted the School Concurrency Areas for the entire school district, the City needs to adopt the district-wide school CSAs into the plan through Policy 1.1.d that include the entire school district. This would ensure uniform application of school concurrency for the residents and students within Palm Beach County.

Also, prior to adoption, the City must provide a level of service analysis that is based on the July 2, 2008 COFTE data and the school board’s current capital outlay plan to demonstrate that level of service standards for schools are being met in each school concurrency service area.

**City Response:** The Map Series has been updated to additionally include a Countywide Concurrency Service Area (CSA) Map as referenced in Public Schools Facilities Element Policy 1.1.d.

Additionally, the School enrollment, capacity, and utilization tables for the Countywide CSA’s have been included, as Attachment B, to demonstrate that the level of service standards (LOS) for schools are being met and will be met through the five year period in each school concurrency service area. The School District FY2009-2013 Plan & Capital Budget was adopted by SDPBC Board members on September 10, 2008. The adopted Plan is financially feasible and maintains the adopted level of service for school concurrency.

**Objection 3.** Transportation Element Deletion of Roebuck Road and State Road 7 Extension /Inconsistency with adopted Palm Beach County MPO 2030 Cost Feasible Transportation System Plan and the Palm Beach County Comprehensive Plan —The proposed deletion of Roebuck Road and State Road 7 extension would create an inconsistency with the 2030 Cost Feasible Plan of the MPO because the existing plan includes both roadways as future four-lane roadways with appropriate right-of-way reservation and setbacks. Development already approved relies upon the future provision of these roadways as provided for within the City’s and County’s Comprehensive Plan and the MPO’s 2030 Long Range Transportation Plan Cost Feasible Plan. The deletion of these roadways and their reservation of right-of-way also would be inconsistent with the Palm Beach County Comprehensive Plan and Transportation Map Series Maps TE-1.1 Future 2020 Roadway System By Number of Lanes Map (showing a future 4-lane roadway) between Jog Road and SR 7) and TE-1.14 Thoroughfare Right-Of-Way Identification Map (showing a 160’ right-of-way for Roebuck Road, called the Okeechobee Reliever between Jog Road and SR 7). There was no data and analysis to demonstrate that the deletion of Roebuck
Road and the State Road 7 extension north of Okeechobee Boulevard would not cause LOS problems, congestion, and mobility concerns on the local and regional road network.

Further, the Department also notes that the inclusion of Roebuck Road was a condition for the settlement of DOAH Case No. 94-0969GM which required the City to add Roebuck Road to the City’s plan. To settle the DOAH case, the City entered into an Agreement with the County, adopted by the County as Resolution No. 94-1859D, and adopted by the City as Ordinance No. 2814-95 committing to the future construction of Roebuck Road. Both Palm Beach County and Royal Palm Beach Village have approved projects based upon the construction of Roebuck Road in order to meet concurrency requirements.

**Authority:** Sections 163.3161(4), 163.3177(2), 163.3177(4)(a), (6)(a), (6)(h), and (6)(j), and 163.3180, F.S., and Rules 9J-5.005(2) and (5), 9J-5.0055, 9J-006(3)(b)1, (3)(c)3, 9J-5.015(1), (2), and (3)(b)1, 2 and 3, and (3)(c)1, 2, 5, 9J-5.019(1), (3)(g), (4)(b)3, 4, (4)(c)4, 5, 6, 7, 11, 12, and 13, F.A.C.

**Recommendation:** Do not adopt the amendment deleting these two critical roadways which would maintain the existing plan provisions with the Palm Beach County MPO plan and the plans of the Florida Department of Transportation. Alternatively, keep the existing plan provisions and begin appropriate intergovernmental and agency coordination efforts to develop alternative strategies to be implemented to address the impacts that would have been relieved by Roebuck Road and the State Road extension. At a minimum the City should coordinate with Palm Beach County, Royal Palm Beach Village, the Palm Beach County MPO, and FDOT to develop acceptable alternative transportation strategies to offset the need for Roebuck Road and the State Road extension.

**City Response:** The City has decided not to proceed with the deletion of Roebuck Road and the State Road 7 extension from the Table in Appendix A of the Transportation Element (TE), see Table below, in order to avoid any inconsistencies with Palm Beach County Comprehensive Plan Maps TE 1.1 and 14.1 and the Palm Beach MPO Long Range Transportation Plan. At the same time, and given the City’s authority and responsibility to develop a Comprehensive Plan that carries out its vision of its future growth, the City has added language to the notes for this Table to reflect its position on the potential construction of these roads and its concerns regarding the environmental impacts associated with their construction.

Finally, since transmittal, the City has added a note to the table below regarding its lack of support for the future widening of Australian Avenue, north of Banyan Boulevard, due to the impacts that it would have on the quality of life of the residents along this road.

**APPENDIX A**

**LIST OF REQUIRED THOROUGHFARE RIGHT-OF-WAY SETBACKS LINES (FOR RIGHT-OF-WAY DESIGNATION)**

**AND REQUIRED STREET WIDTHS (NUMBER OF LANES)**

4
<table>
<thead>
<tr>
<th>Street Name</th>
<th>Roadway Setback in Zoning Code (From Centerline)</th>
<th>Number of Lanes - (Thoroughfare Plan)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australian Avenue</td>
<td>53 feet - entire length</td>
<td>6 lanes Avenue</td>
</tr>
<tr>
<td>Belvedere Road</td>
<td>53 feet - I-95 to West City Limits 40 feet- Olive Avenue to I-95</td>
<td>6 lanes - west of I-95 4 lanes - I-95 to Dixie Hwy 2 lanes - Dixie Hwy to Olive Ave</td>
</tr>
<tr>
<td>Broadway</td>
<td>40 feet</td>
<td>4 lanes</td>
</tr>
<tr>
<td>Centrepark Place</td>
<td>25 feet - entire length</td>
<td>4 lanes</td>
</tr>
<tr>
<td>Chase Avenue</td>
<td>30 feet - Okeechobee Blvd. to Flagler Dr.</td>
<td>2 lanes</td>
</tr>
<tr>
<td>Clematis Street</td>
<td>40 feet - Sapodilla Ave. to Tamarind Ave. 33 feet - Sapodilla Ave.</td>
<td>4 lanes</td>
</tr>
<tr>
<td>Congress Avenue</td>
<td>53 feet - Palm Beach Lakes Blvd to North City Limits 40 feet - Palm Beach Lakes Blvd to South City Limits</td>
<td>4 lanes</td>
</tr>
<tr>
<td>Datura Street</td>
<td>30 feet - South Dixie Hwy. to Tamarind Ave. 33 feet - South Dixie Hwy. to Narcissus Ave.</td>
<td>4 lanes</td>
</tr>
<tr>
<td>Dixie Hwy</td>
<td>40 feet - entire length to Okeechobee (3 lanes) and Quadrille Blvd to 1st St. (5 lanes)</td>
<td>4 lanes - south of Okeechobee 2 lanes - Okeechobee to Banyan 3 lanes - Banyan to Quadrille</td>
</tr>
<tr>
<td>Quadrille Boulevard</td>
<td>100 feet - Loftin St. extension to Okeechobee Blvd</td>
<td>4 lanes</td>
</tr>
<tr>
<td>Evernia Street</td>
<td>40 feet - South Olive Ave. to Tamarind Ave.</td>
<td>2 lanes</td>
</tr>
<tr>
<td>Evernia Street</td>
<td>33 feet - Olive Ave to Flagler Dr.</td>
<td>2 lanes</td>
</tr>
<tr>
<td>Fern Street</td>
<td>40 feet - South Olive Ave. to Tamarind Ave. 30 feet - Olive Ave. to Flagler Dr.</td>
<td>2 lanes</td>
</tr>
<tr>
<td>Flagler Drive</td>
<td>40 feet - 36th St. south to City Limits</td>
<td>2 lanes</td>
</tr>
<tr>
<td>Florida Avenue</td>
<td>30 feet - Okeechobee Blvd to Clematis St.</td>
<td>2 lanes</td>
</tr>
<tr>
<td>Forest Hill</td>
<td>40 feet - Flagler Dr. to West City Limits</td>
<td>4 lanes - w. of Dixie Hwy 2 lanes - e. of Dixie Hwy</td>
</tr>
<tr>
<td>Georgia Avenue</td>
<td>30 feet - Clematis St to Okeechobee Blvd</td>
<td>2 lanes - Okeechobee. Blvd to Forest Hill</td>
</tr>
<tr>
<td></td>
<td>25 feet - Okeechobee to South City Limits</td>
<td>2 lanes - Clematis to Okeechobee</td>
</tr>
<tr>
<td>Haverhill Rd</td>
<td>60 feet</td>
<td>4 lanes Road</td>
</tr>
<tr>
<td>Jessamine Street</td>
<td>30 feet - Dixie Hwy. to Lake Ave</td>
<td>2 lanes</td>
</tr>
<tr>
<td>Jog Road</td>
<td>120 feet - 240 feet (entire - right-of-way width)</td>
<td>2 lanes</td>
</tr>
<tr>
<td>Lakeview Avenue</td>
<td>30 feet - Dixie Hwy. to Flagler Dr.</td>
<td>2 lanes - one way</td>
</tr>
<tr>
<td>Loftin Street</td>
<td>50 feet - Flagler Dr. to the F.E.C. Railroad</td>
<td>5 lanes - west to Quadrille Blvd</td>
</tr>
<tr>
<td>Military Trail</td>
<td>60 feet</td>
<td>4 lanes</td>
</tr>
<tr>
<td>Okeechobee Blvd</td>
<td>40 feet - Flagler Dr. to Dixie Hwy 40 feet - Dixie Hwy to Lake Avenue</td>
<td>2 lanes (one way)</td>
</tr>
<tr>
<td></td>
<td>60 feet - Lake Ave. to PBL Blvd 70 feet - PBL Blvd. to West City Limits</td>
<td>6 lanes 8 lanes</td>
</tr>
<tr>
<td></td>
<td>3 lanes (one way)</td>
<td></td>
</tr>
<tr>
<td>Street Name</td>
<td>Roadway Setback in Zoning Code (From Centerline)</td>
<td>Number of Lanes - (Thoroughfare Plan)</td>
</tr>
<tr>
<td>---------------------------</td>
<td>-------------------------------------------------------------------</td>
<td>--------------------------------------------------------</td>
</tr>
<tr>
<td>Olive Avenue</td>
<td>30 feet - PBL Blvd. to Southern Blvd</td>
<td>2 lanes - PBL Blvd to Okeechobee</td>
</tr>
<tr>
<td></td>
<td>35 feet - Southern Blvd to South City Limits</td>
<td>2 lanes - Okeechobee to Southern</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2 lanes - Southern to S. City Limits</td>
</tr>
<tr>
<td>Palm Beach Lakes Blvd</td>
<td>100 feet - Okeechobee Blvd to Carver Ave.</td>
<td>6 lanes</td>
</tr>
<tr>
<td></td>
<td>60 feet - Carver Ave to Dixie Hwy</td>
<td>4 lanes</td>
</tr>
<tr>
<td></td>
<td>40 feet - Dixie Hwy. to Flagler Dr.</td>
<td>2 lanes</td>
</tr>
<tr>
<td>Palmetto St.</td>
<td>30 feet - entire length</td>
<td></td>
</tr>
<tr>
<td>Parker Avenue</td>
<td>40 feet - Kanuga to 300 feet north of Park Place</td>
<td>4 lanes - entire length</td>
</tr>
<tr>
<td></td>
<td>40 feet - Sunset to Allendale</td>
<td>4 lanes</td>
</tr>
<tr>
<td></td>
<td>40 feet - Hillcrest to Kay- Southern Blvd</td>
<td>4 lanes</td>
</tr>
<tr>
<td></td>
<td>40 feet - Southern Blvd. to Summit Blvd.</td>
<td>3 lanes</td>
</tr>
<tr>
<td></td>
<td>40 feet - Glen Ridge to Valley Forge</td>
<td>4 lanes</td>
</tr>
<tr>
<td>Parker Avenue</td>
<td>40 feet - Franklin to Maddox</td>
<td>4 lanes</td>
</tr>
<tr>
<td></td>
<td>30 feet - Remainder of Parker Ave</td>
<td></td>
</tr>
<tr>
<td>Roebuck Road&lt;sup&gt;2&lt;/sup&gt;</td>
<td>120 ft. - 240 ft from State Road 7 to Jog Road (entire right-of-way width)</td>
<td></td>
</tr>
<tr>
<td>Rosemary</td>
<td>30 feet - Clematis St. to 11&lt;sup&gt;th&lt;/sup&gt; St.</td>
<td>4 lanes Avenue</td>
</tr>
<tr>
<td></td>
<td>30 feet - 25&lt;sup&gt;th&lt;/sup&gt; St. to north terminus</td>
<td></td>
</tr>
<tr>
<td>Southern Blvd</td>
<td>53 feet - Parker Ave to West City Limits</td>
<td>4 lanes</td>
</tr>
<tr>
<td></td>
<td>40 feet - Flagler Dr. to Parker Ave</td>
<td>4 lanes Parker to Dixie Hwy</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2 lanes Dixie Hwy to Flagler Dr</td>
</tr>
<tr>
<td>State Road 7&lt;sup&gt;2&lt;/sup&gt;</td>
<td>160 feet (entire right-of-way width) north of Okeechobee Blvd</td>
<td>2 lanes - Gardenia to 25&lt;sup&gt;th&lt;/sup&gt; Street</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2 lanes - Okeechobee Blvd to Gardenia Street</td>
</tr>
<tr>
<td>Tamarind</td>
<td>40 feet - Okeechobee Blvd to 25&lt;sup&gt;th&lt;/sup&gt; St.</td>
<td>2 lanes - Gardenia to 25&lt;sup&gt;th&lt;/sup&gt; Street</td>
</tr>
<tr>
<td>Tanglewood Court</td>
<td>15 feet - Dixie Hwy. to Flagler Dr.</td>
<td></td>
</tr>
<tr>
<td>Trinity Place</td>
<td>20 feet - Dixie Hwy. to Flagler Dr.</td>
<td></td>
</tr>
<tr>
<td>Worthington Road</td>
<td>25 feet - entire length</td>
<td></td>
</tr>
<tr>
<td>Banyan Blvd</td>
<td>40 feet - Australian Ave to Quadrille Blvd</td>
<td>5 lanes</td>
</tr>
<tr>
<td></td>
<td>27 feet - Quadrille Blvd to Flagler Dr</td>
<td>3 lanes</td>
</tr>
<tr>
<td>15&lt;sup&gt;th&lt;/sup&gt; Street</td>
<td>40 feet - Dixie Hwy. to the CSX Railroad</td>
<td></td>
</tr>
<tr>
<td>23rd Street</td>
<td>40 feet - Flagler Dr. to Dixie Hwy</td>
<td></td>
</tr>
<tr>
<td></td>
<td>30 feet - Dixie Hwy. to Seaboard Airline Railroad</td>
<td></td>
</tr>
<tr>
<td>45&lt;sup&gt;th&lt;/sup&gt; Street</td>
<td>60 feet - I-95 to Haverhill Road</td>
<td></td>
</tr>
<tr>
<td>54&lt;sup&gt;th&lt;/sup&gt; Street</td>
<td>40 feet - entire length</td>
<td></td>
</tr>
<tr>
<td>Street Name</td>
<td>Roadway Setback in Zoning Code (From Centerline)</td>
<td>Number of Lanes - (Thoroughfare Plan)</td>
</tr>
<tr>
<td>-------------</td>
<td>-----------------------------------------------</td>
<td>-------------------------------------</td>
</tr>
<tr>
<td>Two-lane collectors in the Villages of Palm Beach Lakes Planned Community</td>
<td>30 feet - entire length</td>
<td></td>
</tr>
</tbody>
</table>

Notes:

1. The City does not support the widening of Australian Avenue, north of Banyan Boulevard, beyond its existing 4 lane section due to the impacts that it would have on the quality of life of the residents along this road.

2. The future development of Roebuck Road, State Road 7, and Jog Road will be subject to all necessary environmental permitting processes. Roebuck Road, State Road 7, and Jog Road are included in this table solely for the purpose of consistency with the Palm Beach County Comprehensive Plan Maps TE 1.1 and 14.1 and the Palm Beach MPO Long Range Transportation Plan. This inclusion does not reflect the City’s position on the future development of these roads. This inclusion does not restrict the City’s right to amend this table if environmental permits for such roads are not issued.

The City is presently challenging the future development of Roebuck Road on environmental grounds. There is a 1994 interlocal agreement (and the 1999 amendment to the Agreement) between the County and the City regarding the alignment for a future Roebuck Road, and a related 2007 Stipulated Settlement Agreement between the City and the County which provides that the “City shall have the right and full opportunity to participate in the permitting aspects of the Roebuck Road Project, including environmental permitting, and to object to the issuance of any and all permits necessary for the construction of the roadway improvements” and “in the event the County is unable to obtain all necessary permits, including environmental permits required to complete this Project, the deeds being held in escrow shall be null and void and returned to the City within fourteen (14) days of being informed in writing that the County was unable to obtain the required permits.”

**Objection 4. Internal Inconsistency and Deletion of Required Coordination.** The proposed text and map series changes to *Transportation Element Objective 1.1.4 and Policy 1.1.4(b)* [currently numbered *Policy 2.2.1(b)*] regarding the deletion of Roebuck Road from Jog Road to State Road 7 and State Road 7 extension north of Okeechobee Boulevard from Appendix A entitled *LIST OF REQUIRED THOROUGHFARE RIGHT-OF-WAY SETBACKS AND REQUIRED STREET WIDTHS (NUMBER OF LANES)* table the proposed deletion of *TE Objective 2.1.1.3* removing required coordination with Palm Beach County, FDOT and the Palm Beach County MPO in the provision of the City’s transportation system are inconsistent with the following policies of the adopted West Palm Beach Comprehensive Plan Transportation and Intergovernmental Coordination Elements:

- *ICE Policy 1.5.1 and 1.5.2* that regarding agreements and coordination with FDOT and the County, and the MPO on State and County roadways;
• **ICE Policy 1.5.5** that requires coordination with the County regarding the County roadways and the Countywide Traffic Performance Standards Ordinance;

• **ICE Policy 1.5.6** that requires the City to work with FDOT and the County to analyze and encourage potential roadway improvements to State and County roads.

• **TE Policy 2.1.1(d)** requires coordination with FDOT, the MPO, and agency providers of public transit;

• **TE Objective 2.3.4** requires the City’s [traffic] circulation planning to be coordinated with the FLUM, the Five-Year Transportation Plan of the FDOT, and the MPO of Palm Beach County.

Both of these roadways, Roebuck Road Extension and State Road 7 Extension are in the Palm Beach County Metropolitan Planning Organization’s Long Range Transportation Plan, and the Palm Beach County Transportation Element and Map Series, and State Road 7 Extension is in the FDOT Five-Year Transportation Plan. Deleting these roadways from the City’s Comprehensive Plan is inconsistent with the above policies and objectives because the City has not coordinated the deletion with the IPARC, the TCRPC, and with the plans of FDOT, including the Five-Year Adopted Work Plan, the Comprehensive Plan of Palm Beach County, and with the Palm Beach County Metropolitan Planning Organization’s Long Range Transportation Plan. The City has not shown that it has adequately coordinated these proposed roadway deletions with the above agencies and their plans. The proposed deletion of **TE Objective 2.1.1.3** removing required coordination with Palm Beach County, FDOT and the Palm Beach County MPO in the provision of the City’s transportation system.

**Authority.** Section 163.3177(2), (4)(a), (6)(h) and (6)(j), F.S., and Rules 9J-5.005(5), 9J-5.015(1)(a), (3)(b)1, 2, 3, (3)(c)2, 3, 5, and 7, and 9J-5.019(1), (4)(b)3, and (4)(c)11, F.A.C.

**Recommendation.** Follow the same recommendations presented with Objection 3.

**City Response:** As stated in the response to Objection 3, the City has decided not to proceed with the deletion of Roebuck Road and the State Road 7 extension from the Table in Appendix A of the Transportation Element (TE), in order to avoid any inconsistencies with Palm Beach County Comprehensive Plan Maps TE 1.1 and 14.1 and the Palm Beach MPO Long Range Transportation Plan. At the same time, and given the City’s authority and responsibility to develop a Comprehensive Plan that carries out its vision of its future growth, the City has added language to the notes for this Table to reflect its position on the potential construction of these roads and its concerns regarding the environmental impacts associated with their construction.

Finally, since transmittal, the City has added a note to the table below regarding its lack of support for the future widening of Australian Avenue, north of Banyan Boulevard, due to the impacts that it would have on the quality of life of the residents along this road.

**Objection 5.** Strategies for Greenhouse Gases and Energy Efficiency. This objection pertains to the Future Land Use, Transportation, Housing, and Conservation Elements. Since the last EAR was adopted the legislature passed HB 697 (incorporated into Section 163, Part II, F.S. [2008]) regarding greenhouse gas emissions and energy efficiency. These four elements have no
objectives or specific policies containing strategies addressing the requirements of this act. The City has proposed no objectives or specific policies with strategies guiding energy-efficient land use patterns accounting for existing and future electric power generation and transmission systems and that reduce greenhouse gas emissions in the Future Land Use Element. The Transportation Element does not include strategies that address the reduction of greenhouse gas emissions for the transportation sector. The Conservation Element does not include objectives and policies to address energy conservation. Further, the Housing Element does not include objectives and policies with strategies containing standards, plans, and principles that address energy efficiency in the design and construction of new housing.

Authority. Sections 163.3177(6)(a), (6)(b), (6)(d), (6)(f),(6)(j) and (9), and 163.3208(1), F.S. and Rules 9J-5.003(82), (90), 9J-5.005(1)(c) and (6), 9J-5.006(5), 9J-5.019(4)(b)1, 2, 4, (4)(c)5, 6, 9, 10, and 12, F.A.C.

Recommendation: Revise the Future Land Use Element to include objectives and specific policies with strategies to guide energy efficient land use patterns accounting for existing and future electric power generation and transmission systems and that reduce greenhouse gas emissions. Revise the Transportation Element to include objectives and policies with strategies that address the reduction of greenhouse gas emissions from the transportation sector by incorporating transportation strategies which address the reduction of greenhouse gas emissions from the transportation sector. For example, the Transportation Element could include objectives and policies with strategies that promote the use of alternative modes of transportation that will reduce vehicle miles traveled and greenhouse gas emissions. The City should require the use of transit and alternative modes of transportation such as increased bicycle and pedestrian usage, and efficient land use concepts such as mixed use development. Also, include in the Housing Element, objectives and policies with strategies that promote energy efficiency and the use of renewable energy resources in the construction of new homes as well as during redevelopment activities. Similarly, the City should develop objectives and policies with strategies for the Conservation Element that address energy conservation.

City Response:
The City has several existing and proposed “Green Policies” housed in a few different Elements as described below.

1) Transportation Element: The Transportation Vision of the Transportation Element, which outlines the direction of transportation planning for the City of West Palm Beach, includes the following principles, practices, and guidelines which promote the use of alternative modes of transportation that will reduce vehicle miles traveled and greenhouse gas emissions: 1) provision of a wider choice of transportation options, including pedestrian and bicycling infrastructure as well as public transit facilities, 2) promotion of increased use of bicycle and pedestrian facilities as a viable alternate means of transportation to the automobile; 3) promotion of transit options throughout the City; 4) the development of “Complete Streets” that are designed, built, and maintained in a manner that accommodates not only automobiles, but transit vehicles and non-motorized modes of travel such as pedestrians and bicyclists; 5) use of TDM and TSM measures to reduce congestion, and reduced the use of the automobile; 6) development of a transportation
network that emphasizes safety and aesthetics and creates an environment that is safer for cars, cyclists, and pedestrians; 7) evaluation of the environmental impacts of transportation projects when determining their future funding; 8) planning for increased densities and mixed uses around designated nodes and corridors in order to reduce automobile-dependence and encourage modal shifts to walking, cycling, and transit.

In addition, several Goals, Objectives, and Policies (GOPs) of the Transportation Element address the Transportation Vision and implement these green/sustainable strategies which lead to a decrease of Vehicle Miles Traveled (VMT) and result in a reduction of greenhouse gas emissions. The following is a list of such GOPs in the Transportation Element: Goal 1.1, Objective 1.1.1, Policy 1.1.1(a), Policy 1.1.1(b), Policy 1.1.1(c), Policy 1.1.2(a), Objective 1.1.3, Policy 1.1.3(a), 1.1.3(b), 1.1.3(c), Objective 1.1.5, Policy 1.1.5(a), Policy 1.1.5(b), Policy 1.1.5(c), 1.1.5(d), 1.1.5(e), 1.1.5(f), Goal 1.2, Objective 1.2.1, Policy 1.2.1(a), Policy 1.2.1(b), Policy 1.2.1(c), Policy 1.2.1(d), Policy 1.2.1(e), Policy 1.2.1(f), Goal 1.3, Objective 1.3.1, Policy 1.3.1(a), Policy 1.3.1(b), Goal 2.1, Objective 2.1.1, Policy 2.1.1(b), Policy 2.1.1(d), Policy 2.1.1(i), Goal 2.3, Objective 2.3.1, 2.3.1(a), 2.3.1(b), 2.3.1(c), Policy 2.3.1(d), Objective 2.3.2, Policy 2.3.2(a), Policy 2.3.2(b), Policy 2.3.2(c), Policy 2.3.2(d), Policy 2.3.2(e), Policy 2.3.2(f), Policy 2.3.2(g), Policy 2.3.5(c), Policy 2.3.5(d), Policy 2.3.5(e), Policy 2.3.5(h), Policy 2.3.5(i), Policy 2.3.5(k), Policy 2.3.5(n), Objective 2.3.6, Policy 2.3.6(a), Policy 2.3.6(b), Goal 2.4, Objective 2.4.1, Policy 2.4.1(a), Policy 2.4.1(b), Objective 2.4.2, Policy 2.4.2(a), Policy 2.4.2(b), Objective 2.4.3, Policy 2.4.3(a), Objective 2.4.4, Policy 2.4.4(a), Policy 2.4.4(b), Policy 2.4.4(c), Objective 2.4.5, Policy 2.4.5(a), Policy 2.4.5(b), Policy 2.4.5(c), and Objective 3.3.1.

The City is also amending the following provisions of the Transportation Element to add references to the need to reduce greenhouse gas emissions:

Transportation Vision:

The Transportation Vision outlines the direction of transportation planning for the City of West Palm Beach. It identifies the major priorities that the City needs to address from a transportation standpoint in order to ensure the development of a transportation system that increases the quality of life for its residents and visitors while providing for a variety of transportation choices that help reduce Vehicle Miles Traveled (VMT) and greenhouse gas emissions.

GOAL 1.1: THE CITY OF WEST PALM BEACH SHALL ASSIST PALM TRAN IN PROVIDING ITS RESIDENTS, WORKERS, AND VISITORS (I.E., NONRESIDENTS WORKING, PLAYING OR PASSING THROUGH WEST PALM BEACH), AS WELL AS THE IDENTIFIED "TRANSPORTATION DISADVANTAGED" POPULATION OF WEST PALM BEACH WITH AN EFFICIENT AND ENVIRONMENTALLY SUSTAINABLE PUBLIC TRANSPORTATION SYSTEM WHICH HELPS TO REDUCE VEHICLE MILES TRAVELED AND GREENHOUSE GAS EMISSIONS.

GOAL 1.43: THE CITY OF WEST PALM BEACH SHALL ENCOURAGE AND PROMOTE THE UTILIZATION OF TRI-COUNTY RAIL BY CITY OF WEST PALM BEACH
RESIDENTS, WORKERS, AND VISITORS IN ORDER TO REDUCE THE LEVEL OF MOTOR VEHICLE USE, AND POLLUTION, AND GREENHOUSE GAS EMISSIONS.

GOAL 2.3: THE CITY SHALL SEEK TO MANAGE TRAFFIC CONGESTION THROUGH INITIATIVES SUCH AS TRANSPORTATION SYSTEM MANAGEMENT (TSM), AND TRANSPORTATION DEMAND MANAGEMENT (TDM) MEASURES, AS WELL AS THROUGH OTHER STRATEGIES THAT REDUCE RELIANCE ON AUTOMOBILES, AND REDUCE VEHICLE MILES TRAVELED.

Policy 2.3.1(d): The City shall promote programs which reduce per capita Vehicle Miles Traveled (VMT) and discourage single occupant vehicle trips, recognizing that these programs assist in reducing greenhouse gas emissions, and improving air quality. The reduction in VMTs can be accomplished through supporting public transit, bicycling, ridesharing, alternative work hour programs, parking management and other transportation control measures. 

2) Future Land Use Element: Several existing or proposed Goals, Objectives, and Policies (GOPs) of the Future Land Use Element require and/or implement green and sustainable strategies that will result in a reduction of greenhouse gas emissions. These GOPs deal with issues such as incentives to infill and redevelopment of the Downtown and eastern areas of the City, requirements for mixed uses and compact development, preservation and reuse of historic buildings, development of pedestrian-friendly and transit-friendly nodes and corridors, protection of natural and green areas such as the Water Catchment Area/Grassy Waters Preserve which help offset greenhouse gas emissions, carbon footprint reduction, water conservation and reuse, recycling, waste and energy reduction, reuse of resources, multi-pollutant prevention, development and implementation of green design and carbon dioxide (CO₂) neutral strategies that address global warming, and brownfield redevelopment. These Future Land Use Element GOPs include: Policy 1.1.4.6, Policy 1.2.6, Objective 1.4, Policy 1.4.7, Policy 1.4.9, Policy 1.4.10, Policy 1.7.1, Policy 1.7.2, Policy 1.7.6, Policy 1.7.8, Objective 1.14, Policy 1.14.1, Policy 1.14.2, Policy 1.14.3, Objective 2.1, Policy 2.1.2, Policy 2.1.3, Objective 2.5, Policy 2.5.1, Policy 2.5.2, Goal 5, Policy 5.1.1, Policy 5.1.2, Policy 5.1.3, and Policy 5.1.4.

In addition, the Future Land Use Element has been modified for adoption as follows to reflect additional policy language regarding greenhouse gases and energy efficiency:

Policy 1.14.4: The City shall work with Florida Power and Light Company (FPL) when considering any land use patterns to account for existing and future electric power generation and transmission systems. This includes identifying future utility corridors and distribution substations based on population growth. The location and siting of such corridors and substations shall include mitigating measures that minimizes any visual impacts to adjacent residential and commercial uses, does not impede the interconnectedness between land uses, etc.

Policy 1.14.5: The City shall support the Reclaimed Water Facility (RWF) at the East Central Regional Water Reclamation Facility, which further treats wastewater as coolant water to be used for the FPL's West County Regional Energy Center, located on the north side of US 441 and east of 20-Mile Bend.
Policy 1.14.6: The City shall continue the numerous goals, objectives and policies throughout the Comprehensive Plan that discourages urban sprawl, considers greenhouse gas reduction, and promotes energy efficiency. These actions include but are not limited to the following:

i. Promotion of mixed-use development in the Broadway Mixed Use District, Currie Corridor Mixed Use District, Northwood Mixed Use District, and the Downtown Master Plan.

ii. Application of the Smart Growth principals.

iii. Redevelopment of the City’s Community Redevelopment Agency (CRA) area, specifically the downtown and the Northwood areas.

iv. Encouragement of infill development by the relaxation of parking requirements.

v. Collaboration with the dozens of neighborhood associations in their efforts to revitalize their neighborhoods, especially the Coleman Park and Pleasant City neighborhoods.

vi. Enforcement of the City’s Historic Preservation Ordinance.

vii. Implementation of the City Ad Valorem Tax Exemption Ordinance.

viii. Adherence to the numerous policies outlined in the Conservation and Recreation and Open Space Elements to preserve the Loxahatchee Slough/River Corridor and the Water Catchment Area.

ix. Support of the programs and efforts to protect the Everglades ecosystem.

x. Utilization of traffic calming efforts and Complete Streets principals to create safer streets and provide for non-automotive modes of transportation.

xi. Implementation of the Coastal Residential Exception Area (CREA) for traffic concurrency exemption for residential projects east of I-95.

xii. Planning of public transit facilities, such as the purchase of trolleys for downtown transit.

xiii. Support for the County’s Multimodal Transit Facility located in Downtown.

xiv. Continuation of the City’s Transportation Management Initiative (TMI).

xv. Coordination of the South Florida East Coast Corridor Study.

xvi. Furtherance of transit-friendly land use patterns.

xvii. Utilization of Transportation System Management (TSM) and Transportation Demand Management (TDM) that encourages ridesharing, trip chaining, etc.

xviii. Encouragement of bicycle and pedestrian facilities as alternative modes of transportation.

xix. Utilization of land use and parking strategies that reduce reliance on automobiles.

xx. Continuation of the City’s Transportation Concurrency Exemption Area (TCEA) for the Downtown area.

3) Conservation Element: The following Conservation Element Goals, Objectives and Policies are being augmented for adoption regarding the City’s commitment and strategies to reduce greenhouse house emissions. Additionally, the City transmitted Policy 1.1.5 calling for the City to identify initiatives and measures regarding the reduction of greenhouse gases from vehicles and facilities.
GOAL 1: THE CITY SHALL PROTECT ITS AIRSHED AND SEEK OPPORTUNITIES TO ATTAIN THE HIGHEST AIR QUALITY POSSIBLE AND REDUCE GREENHOUSE GAS EMISSIONS.

Objective 1.1: The City of West Palm Beach shall continue to meet or exceed the minimum air quality levels established by the Florida Department of Environmental Protection and shall continue to work on strategies to reduce greenhouse gas emissions.

Policy 1.1.3: The City shall reduce the potential for automobile emissions pollution by the following means:

a) Require, when possible, vegetative buffer strips between new arterial roadways and residential development.
b) Promote alternative transportation modes which help to reduce greenhouse gas emissions, through the dissemination of such as information on car-pooling, public transit, and bicycle and pedestrian paths facilities.

New Policy 1.1.5: By June 2009, the City shall identify greenhouse gas reduction initiatives and measures to be implemented for both City vehicles, and City-Owned or City-Operated facilities.

Policy 1.1.6: In order to reduce greenhouse gas emissions, the City shall, within one year of final rule making being published for HB 697 (incorporated into Section 163, Part II, F.S. [2008]), adopt additional policies that specifically address energy conservation in the Conservation Element.

Objective 2.31: The City shall protect and enhance its groundwater resources including the environmental resources in and around the Grassy Waters Preserve/Water Catchment Area (WCA) to provide for adequate water supply, help offset the City’s carbon footprint associated with greenhouse gas emissions to improve wetland and wildlife habitat, to improve surface water drainage and to provide a means to promote the conservation and reuse of freshwater resources.

4) Housing Element: The following policies were added at adoption to reflect the strategies for greenhouse gasses and energy efficiency.

Policy 2.1.3: The City shall continue to enforce, through the building permit process, thermal efficiency and energy standards of the Florida Building Code including the Florida Energy Efficiency Code provisions in the design and construction of new housing and during redevelopment activities.

Policy 2.1.4: By 2010, the City shall adopt zoning regulations that furthers renewable energy resources such as solar panels for energy and water heating, water cisterns for water conservation, etc.

Additionally, the Downtown Master Plan Element contains the following policy language relevant to this item.
Policy 3.2.4: The City shall promote and encourage the implementation of green building practices as exemplified in the Leadership in Energy and Environmental Design (LEED) standards or the Florida Green Building Council.

**Objection 6. Transportation Element/Jobs/Housing Balance.** TE Policy 2.1.1(h), regarding existing Constrained Roadways at a Lower Level of Service (CRALLS) designations, does not demonstrate what mitigation measures the City will utilize to help achieve improved mobility and a better jobs/housing balance that will lessen traffic and congestion on the designated roadways and surrounding road network.

**Authority:** Section 163.3177(1), (6)(a), (6)(b), and (6)(j), 163.3180(1)(a) and (2), F.S., and Rules 9J-5.003(90), 9J-5.005(3) and (6), 9J-5.0055(1), and (3), 9J-5.006(3)(b)1, 10, (3)(c)3, 5, 7, (4)(c), 9J-5.015(3)(b)3, and 9J-5.019(4)(b)2, 4, (c)1, 5, 6, 7, 11, 12, and 13, F.A.C.

**Recommendation:** Revise TE Policy 2.1.1(h) to include specific programs and activities the City’s will utilize to improve the job/housing balance to help alleviate heavy commuter flows that contribute to the need for the designation of CRALLS facilities.

**City Response:** The CRALLS provisions for segments and intersections of Palm Beach Lakes Boulevard and Australian Avenue which are reflected in TE Policy 2.1.1(h) are not new. This CRALLS was adopted by the City into its Comprehensive Plan as Future Land Use Element Policy 1.7.4 in the 1996/1997 period. Since CRALLS designations deal with the level of service for roadways, and in order to provide for a better organization of the Comprehensive Plan, the City decided as part of this round of EAR based amendments to move this CRALLS from the Future Land Use Element into what is now Transportation Element Policy 2.1.1(h). None of the language associated with the CRALLS was modified as part of this amendment.

This CRALLS also reflects the exact language of the County’s TE Policy 1.2-f Item 6. Since all CRALLS are regulated under the county wide Traffic Performance Standards (TPS), the City does not have the authority to amend this or any other CRALLS language in its Comprehensive Plan without a matching amendment by the County to their Comprehensive Plan policies which deal with such CRALLS.

While no specific mitigation measures were outlined as part of the 1996/1997 adoption of this CRALLS, the City has implemented a series of strategies aimed at achieving a better land use balance in the area of Palm Beach Lakes Boulevard and Australian Avenue. For example, this area of the City has been the subject of significant development and redevelopment activity since the adoption of the CRALLS, which has resulted in a mix of retail, office/employment, civic, and residential uses being constructed. This mix of uses has created a good balance of residential and non-residential/employment uses in the region, which as a result have assisted in the reduction of Vehicle Miles Traveled (VMT). Examples of residential projects (both single family and multi-family) built in this area during the last decade include Malibu Bay, City Side, and Park Place, for a total of 738 dwelling units. Further, several hundred thousand square feet of retail, office/employment, and hospitality uses have also been developed and/or redeveloped, including the recent Hawthorne Suites Hotel with 112 rooms.
In addition, this area is the site of a Palm Tran Timed Transfer Location at the Palm Beach Mall in which three Palm Tran transit routes converge (routes 2, 33, and 43). This transit transfer facility has provided important mitigation for the CRALLS as it has reduced the traffic impacts, increased the mobility, and enhanced the economic viability of this area.

In response to this Objection, the City is also proposing to create new Transportation Element Policy 2.1.1(j) below, which indicates that the City will continue to implement land use strategies that will improve the jobs/housing balance in order to help alleviate traffic flows and reduce the need for future CRALLS designations.

New TE Policy 2.1.1(j): The City shall continue to implement land use strategies that improve its jobs/housing balance in order to reduce traffic flows, decrease Vehicle Miles Traveled (VMT), and reduce the need for future CRALLS designations. Some of these land use strategies may include residential to non-residential ratios such as the one currently required as part of the Downtown TCEA, and promotion of mixed use developments in those areas identified for such in the City’s Comprehensive Plan and Zoning Code.

**Objection 7. Transportation Element/Implementation Measures**—Although **Policy 1.2.5(c)** indicates the City supports the seamless integration of multi-modal transit services at the Downtown Intermodal Transit Facility that will be under construction within the next few months, it does not contain meaningful programs and activities that the City will utilize to carry out the policy.

**Authority**: Section 163.3177(6)(a), (6)(b), and (6)(j), F.S., and Rules 9J-5.003(90), 9J-5.005(6) and 9J-5.019(4)(b)1, 2, 4, and (4)(c)1, 3, 5, 6, 7, 9, 10, 11, 12, and 13, F.A.C.

**Recommendation**: Revise **Policy 1.2.5(c)** to include meaningful guidelines that specify what programs and activities the City will utilize to achieve a seamless integration of multi-modal transit services at the Downtown Intermodal Transit Facility.

**City Response**: The City believes that the Transportation Element policy referenced in this objection is Policy 1.1.5(c) and not Policy 1.2.5(c). The City is not responsible for the operations of any of the transit services that will be operating out of the Downtown Intermodal Transit Facility (Palm Tran) or are currently operating in the adjacent Seaboard Train Station (Tri-Rail, Greyhound, Amtrak). Further, the Downtown Intermodal Transit Facility is owned and operated by Palm Beach County, and not the City. As such, the City can only seek to continue its current coordination efforts with the transit operators in order to achieve a better integration and coordination between these different transit modes and services. In addition, the City continues to require improved accessibility and connectivity to and between these intermodal transit facilities consistent with the recently adopted Downtown Master Plan Element of the Comprehensive Plan and the City’s Zoning Code and Land Development Regulations. As part of its site plan review for the Intermodal Facility, the City ensured that pedestrian connections between this facility and the adjacent Seaboard Train Station were provided.
Current Downtown Master Plan Policy 4.2.4 reflects the City’s commitment to achieving a better integration of transit services in this facility by indicating that the City will facilitate “the construction of the Palm Tran transfer station, the improvement of the Seaboard Train Station, and other site improvements to increase safety, comfort, and accessibility for transit users.” In addition, the Downtown Master Plan established the Transit Oriented Development (TOD) district in the area adjacent to the Downtown Intermodal Transit Facility. This district includes guidelines that seek to create a transit-friendly and pedestrian-friendly built environment that will provide increased accessibility and connectivity to and between the adjacent intermodal transit facilities.

The City is currently evaluating the expansion of its existing trolley services in the Downtown area. One of the main goals of this expansion is to provide future trolley connections between the Intermodal Facility/Seaboard Station site and other areas of the Downtown and of the City.

In order to account for these considerations, and in response to the above objection, TE Policy 1.1.5(c) below is being revised to reflect the City’s coordinating role with the different transit providers in the Intermodal Transit Facility and in the adjacent Seaboard Train Station. The policy will also be revised to include a cross reference to DMP Policy 4.2.4, and to identify the City’s desire for improved pedestrian connectivity to the facility and to reflect the City’s future desire to extend its trolley services to serve these facilities.

Policy 1.2.1.5(6e): The City of West Palm Beach shall support the seamless integration of multimodal transit services, including those provided by PalmTran, at the Downtown Intermodal Transit Facility, and the simple transfer between its users and the users of Tri-Rail, Amtrak, and Greyhound at the adjacent Seaboard Train Station. The City shall implement design guidelines in its Downtown Zoning Regulations and utilize grant funding to enhance pedestrian access to the Intermodal Facility consistent with the guidelines of Downtown Master Plan Policy 4.2.4 and other provisions of the Downtown Master Plan Element. The City shall seek to expand its trolley services in order to provide connections between the Downtown Intermodal Transit Facility, the Seaboard Train Station and other areas of the City, provide assistance to PalmTran and its representatives in the design and implementation of the Downtown West Palm Beach multimodal station. The City shall provide assistance from the Transportation, the Urban Design, and the Planning and Zoning Divisions to ensure a timely review process for all stages of planning for the multimodal station to meet the development objectives of PalmTran and the MPO.

**Objection 8. Conservation Element/Implementation Measures.** Conservation Element Policy 3.1.1 that requires mitigation of impacts of natural areas, such as wetlands and native vegetation, does not address upland vegetation areas.

**Authority.** Sections 163.3161(3) and 163.3177(6)(a) and (6)(d), F.S., and Rules 9J-5.003(28) and (41), 9J-5.006(3)(b)4, (3)(c)6, 9J-5.013(1)(a)5, (2)(b)3, 4, and (2)(c)3, 5, 6, 8, and 9, F.A.C.
Recommendation: Revise proposed Policy 3.1.1 in the Conservation Element to specific programs and activities the City will utilize to ensure the protection of native upland vegetation areas.

City Response: The City does provide for native upland vegetation protection through its Zoning Code and Land Development Regulations as well as other provisions in its Comprehensive Plan. The provision is implemented through the land development regulations as referenced in the policy. Additional implementation measures to protect wetland and native upland vegetation are provided for in separate policies in other areas of the Conservation Element as well as the Future Land Use Element. Conservation Element Objective 3.1 and its associated Policy 3.1.1 are further being modified for adoption by including the reference to “native upland vegetation”.

RELOCATED FROM GOAL 2 Objective 2.23.1: The City’s remaining wetlands and significant native upland vegetative areas shall be conserved and protected from physical and hydrologic alterations that cause negative impacts to their functions.

Policy 2.2.3.1.1: The City shall continue to enforce land development regulations to ensure that development proposals identify the location and extent of wetland and significant native upland vegetative areas, and identify measures to preserve them. Where alteration of wetland and native upland vegetative areas is unavoidable to ensure reasonable use of the property, the City shall require minimization of impacts followed by requirements for appropriate mitigation.

Objection 9. Planning Timeframe/Utilities Element/WSWP—The City has indicated that its long range planning timeframe is 2018 while the 10-Year Water Supply Work Plan (WSWP) proposes to use 2017. The 10-Year WSWP does not cover at least a 10-year period as required by statute.

Authority: Section 163.3177(5)(a), 163.3177(6)(a), (c) and (d), F.S., and Rules 9J-5.005(4), F.A.C.

Recommendation: The City should address extend its planning timeframe for the 10-Year Water Supply Plan to cover at least a ten-year period from 2008 to 2018 and make any necessary adjustments to its water supply demand and facilities.

City Response: The City has extended its 10 year water supply planning horizon out to the year 2018 as reflected in the proposed adoption table and has made necessary adjustments in the WSWP to reflect this modification. See Attachment C.

Objection 10. Data and Analysis—Table 5 of the Water Supply Work Plan incorrectly includes two entities as water service providers when they only are providing emergency water interconnections. These should not be included as a water supply capacity reservation. According to the South Florida Water Management District, Table 7-Service Area Water Demand Projections and Alternative Water Supply Sources and its wetlands-based reclamation allocations are incorrect and do not correctly reflect the permitted withdrawals. Similarly, the SFWMD
indicates that the permitted allocation in Tables 6 and 7 do not indicate the correct allocation for interim years, such as the annual allocation in 2016 is 12,789 million gallons (MG), not 14,346 MG as allocated in 2026. The Wetlands Based Water Reclamation Project does not include the increase in demand that will result from making the above revisions as appropriate.

**Authority:** Section 163.3177(1), 163.3177(6)(a), (c) and (d), F.S., and Rules 9J-5.005(2), 9J-5.013(1)(c), F.A.C.

**Recommendation:** Modify Table 5 of the WSWP to delete Palm Beach County and the Indian Trail Improvement District as water suppliers. Revise the Table 7 allocations attributed to the Wetlands Based Reclamation Project to reflect the permitted withdrawals. Revise the permitted allocation in Tables 6 and 7 to reflect the actual allocation for the interim years. The annual allocation in 2016 is 12,789 MG. Update the analysis of the surplus capacity in the interim years. Also, revise the schedule of the Wetlands Based Water Reclamation Project to accommodate the increase in demand resulting from the above revisions, if appropriate. Also, the Capital Improvements Element notes this project reflects an increase demand. Therefore, a permit modification from the SFWMD may be required.

**City Response:** Table 5 has been modified by removing reference to Indian Trail Improvement District and Palm Beach County as they are emergency water interconnections.

In accordance with the City’s Water Use Permit, Permit No. 50-00615-W, issued October 12, 2006, Limiting Condition Number 5, indicates the City’s maximum annual allocation is 14,346 million gallons per year (MGY), see attached permit, Attachment C. Tables 6 and 7 reflect the maximum allocation as permitted by the South Florida Water Management District of 14,346 MGY.

In reference to the comment regarding the revisions to Tables 6 and 7 and the use of Wetlands Based Water Reclamation Project, Limiting Condition Number 31 of the City’s permit states:

"The City shall use alternative water supplies to account for all of the increased demands from Clear Lake above the City’s historic use in the 12-month period prior to April 2006 (11,162 MGY). Approved alternatives, urban stormwater treatment via the Renaissance Project and wetland rehydration and aquifer recharge through the Wetlands Based Water Reclamation Project shall be utilized, at a minimum, at the timing and volumes provided in Exhibit 10."

The City’s permit does not include allocations for specific years but requires the City to use approved alternatives to meet all of the increased demands from Clear Lake, at a minimum, at the timing and volumes provided in Exhibit 10. Table 7 of the City’s 10-Year Water Supply Plan reflects the increased usage of the Wetlands Based Water Reclamation Project (WBWRP), above the minimums set forth in the permit, to meet the increased demands in 2015, 2016 and 2018. The increased use of water from the WBWRP to meet these demands is still within the design capacity of the WBWRP, 10 million gallons per day (MGD), and therefore no modifications to the Capital Improvements Element are necessary at this time.
See Attachment C for the WSWP and the Consumptive Use Permit.

**Objection 11. Water Supply Concurrency**—The City has not addressed concurrency for water supply as required by Section 163.3180(2)(a), F.S.

**Authority:** Section 163.3180(2)(a), F.S., and Rules 9J-5.013(2)(c)1, F.A.C.

**Recommendation:** Include a water supply concurrency policy to ensure an adequate water supply is available to serve development no later than the issuance of a certificate of occupancy or its functional equivalent. The policy should state that prior to approval of a building permit or its functional equivalent, the City shall consult with the City of West Palm Beach Utilities Department to determine whether adequate water supplies to serve the new development will be available no later than the anticipated date of issuance by the City of a certificate of occupancy or its functional equivalent. This is in addition to a potable water level of service pertaining to the adequacy of potable water facilities and treatment plants.

**City Response:** The City addresses water concurrency requirements for capacity and delivery in its Zoning Code and Land Development Regulations, and in the Comprehensive Plan Utility Element, Potable Water Sub-element Policies 1.1.2, and 1.1.3. The City's concurrency process requires development applicants to verify with the City Utilities Department that necessary facilities and services are available at the time a final development order is issued, which is significantly earlier than provisions required in Section 163.3180(2)(a) of the Florida Statutes that require approval issuance prior to building department permit approvals or its functional equivalent.

Objective 1.1 and Policy 1.1.2 are being modified to provide further clarification of the concurrency requirements and specificity related to water supply thus addressing the ORC objection.

Objective 1.1 has been replaced with the following language: **Objective 1.1:** The City shall assure future water demands will be met while maintaining adequate reserve capacity by including fully utilizing the 210 MGD production of raw water from the well fields with the addition of a water-treatment plant near the well fields should the need arise. This will enable the City to exceed the projected water plant demand of 38.59 MGD for the year 2005 and provide for future development from annexations. New development within the City's Potable Water Service Area shall be approved only when adequate water supply and treatment and distribution capacity is available to provide, or provisions are included (as identified in Capital Improvement Element Policies) for the needed potable water and/or wastewater or when the developer obligates funds to provide that development's share of capital improvements to any of these systems, as well as the distribution systems within the development.

The following language replaces Policy 1.1.2 to provide more specificity: **Policy 1.1.2:** Before issuance of development permits, the City will shall ensure adequate service can be supplied without detriment to the existing system. Applicants seeking development approvals shall obtain
a written water availability statement from the City indicating an adequate water supply consistent with the established level of service (LOS) standards is available to serve the development. At a minimum, the water availability statement shall indicate an adequate water supply will be available and all required delivery infrastructure shall be fully constructed and operable prior to the issuance of the Certificate of Occupancy.

Objective 1.5 is being modified as follows to indicate assurance that future water demands will be met: Objective 1.5: The City shall plan for future water supplies and assure future water demands will be met through the implementation and updates of the 10 Year Water Supply Facility Work Plan (incorporated into this Element as the 10 Year Water Supply Facility Work Plan SubElement) and incorporate alternative water supply projects identified in the South Florida Water Management District’s regional water supply plan pursuant to s. 373.0361(2)(a) or proposed by the County under s. 373.0361(7)(b).

Objection 12. Coastal High Hazard Area (CHHA)/Coastal Management Element—The City’s current CHHA Map shows the Coastal High Hazard Area in terms of Plan A and Plan B apparently based upon the hurricane evacuation areas from the County Department of Public Safety and, although not specified, appears to be based upon the “Category 1 Hurricane Surge Limit” as contained in the Florida Hurricane Surge Atlas, Treasure Coast Regional Planning Council, November 1993, as prepared by the U.S. Army Corps of Engineers, Jacksonville District. This definition and delineation of the CHHA is out-of-date and does not meet the current definition of the CHHA as contained in Section 163.3178(2)(h), F.S. which defines the CHHA as “[t]he area below the elevation of the category 1 storm surge line as established by a Sea, Lake and Overland Surges from Hurricanes (SLOSH) computerized storm surge model.” The statute requires that no later than July 1, 2008, local governments shall amend their future land use map and coastal management element to include the new definition of coastal high-hazard area and to depict the coastal high-hazard area on the future land use map.

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

Recommendation: The statewide effort to update the storm surge maps has not been completed yet which would comprise the best available data. Until these modal runs for the SLOSH-determined CHHA are available, the City should include a policy in the Coastal Management Element of the Comprehensive Plan that includes and adopts the current statutory definition for the Coastal High Hazard Area as “[t]he area below the elevation of the category 1 storm surge line as established by a Sea, Lake and Overland Surges from Hurricanes (SLOSH) computerized storm surge model.” The City should also modify the Coastal High Hazard Areas Map in its Comprehensive Plan Map Series to show the CHHA based on the current statutory definition and identified as the “Category 1 Hurricane Surge Limit” as contained in the Florida Hurricane Surge Atlas, Treasure Coast Regional Planning Council, November 1993, as prepared by the U.S. Army Corps of Engineers, Jacksonville District. The revised CHHA definition and the delineation of the CHHA on the Future Land Use Map series should have been undertaken by July 1, 2008.
**City Response:** The City recently obtained a hard copy of the subject map, which is not available digitally, from the County’s Emergency Management Division. The City has included a copy of the map for West Palm Beach as Attachment D and included it in the adoption amendment submittal.

Since the TCRPC is currently working on an update to the Sea, Lake, and Overland, Surges for Hurricanes (SLOSH) model that will be used to update the Hurricane Surge Atlas, the City transmitted and is adopting new Coastal Management Policy 2.1.4 below, in which it commits to revise its Coastal High Hazard Map within “12 months following the completion of the Palm Beach County revised coastal high hazard area (based on the updated Treasure Coast Regional Planning Council Regional Evacuation Study)”.

**Coastal Management Policy 2.1.4:** Within 12 months following the completion of the Palm Beach County revised coastal high hazard area (based on the updated Treasure Coast Regional Planning Council Regional Evacuation Study), the City shall update its Coastal High Hazard Area Map. The map shall depict the geographical location of the coastal high hazard area as the area below the elevation of the for a Category 1 hurricane storm surge line as established by a Sea, Lake, and Overland Surges for Hurricanes (SLOSH) computerized storm surge model, consistent with Section 163.3178(9)(c) F.S. and with the Definitions Section of the Introduction and Administration Element of the City’s Comprehensive Plan.

Furthermore, the City is including the current statutory definition for the Coastal High Hazard Area by amending Coastal Management Policy 2.14 and the Coastal High Hazard Area definition in the Introduction and Administration Element (see below).

“COASTAL HIGH HAZARD AREAS” (also “high-hazard coastal areas”) means the evacuation zone for a category 1 hurricane as established in the regional hurricane evacuation study applicable to the local government area below the elevation of the category 1 storm surge line as established by a Sea, Lake, and Overland Surges for Hurricanes (SLOSH) computerized storm surge model. [Section 163.3178(9)(c), F.S.]

**Comment 1. School Concurrency Agreement Consistency.** The City proposes to delete Policy 1.1-i, which relates to suspension of school concurrency in certain circumstances. The policy is included in the school interlocal agreement (ILA) and was initially adopted with the optional public school facilities element back in 2002. The current ILA and school concurrency for Palm Beach County were approved prior to the legislative changes made regarding state wide application of school concurrency. The concurrency suspension provisions are consistent with the new legislation that makes no provision for concurrency suspension. The City, in removing this “suspension” provision may be premature, but would be consistent with the legislation now in effect. The Department of Education recommends the County, school district staff, and other members of the school Technical Advisory Group, should consider this proposed change and make recommendations or revisions to the ILA to resolve this school concurrency provision to be consistent the school concurrency requirements in the Public School Facilities.
Element and the ILA.

**City Response:** This comment has been noted and the School District has been notified via the Department of Education Letter. Past discussions have taken place and the School District has begun an ILA update. There is currently no specified time frame for its completion or adoption.

**Comment 2. Comprehensive Plan Map Series.** The City did not number the maps in the Comprehensive Plan Map Series and should number them similar to those listed on the cover sheet provided (numbered 1 through 30). These maps should be clearly labeled as Exhibits, Map Series Maps, or Figures and alphabetically enumerated or numbered accordingly to aid in identification.

**City Response:** The City has finalized the Map Series format and included a numbering system consistent with the List of Maps.

**Comment 3. State SIS/TRIP Level of Service Standards/Transportation Element.** Although the City is proposing to adopt the State Strategic Intermodal System and Transportation Regional Incentive Program level of service standards by specific statutory and rule reference in **TE Objective 1.5**, the City should include FDOT’s SIS/TRIP LOS Standard Table into the policy for convenience and to make clear the types, names, locations, and LOS standards for each facility applicable to the City. This would avoid having to look up the appropriate table to see how the policy would apply.

**City Response:** The City is modifying TE Policy 2.1.1(f) below to reference that the LOS for the SIS facilities and connectors is being established and adopted by FDOT.

Policy 2.1.1(nf): The City hereby adopts the level of service standard for the Florida Intrastate Highway System (FIHS) as established by the Department of Transportation by rule, consistent with Section 163.3180(10), Florida Statutes, and Rule 9J-5.0055(2)(a) and 2(e), and (J-5.019(4)(e)1., Florida Administrative Code.—The level of service standard for roadways on the Strategic Intermodal System (SIS), including SIS Connectors, roadways on the Florida Intrastate Highway System (FIHS), and roadway facilities per Chapter 163, Florida Statutes, as established and adopted by the Florida Department of Transportation, and funded in accordance with Section 339.2819 Florida Statutes, the Transportation Regional Incentive Program (TRIP), shall be as set forth in Rule 14-94, Florida Administrative Code, as amended. [9J-5.0055(2)(a) F.A.C.] [9J-5.0055(2)(c) F.A.C.] [9J-5.019(4)(b)1 F.A.C.] [14-94 F.A.C.]

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**II. CONSISTENCY WITH THE STATE COMPREHENSIVE PLAN**
Because the proposed text amendments to the Future Land Use Element (FLUE), Transportation Element (TE), Utilities Element, Conservation Element (CE), Coastal Management Element (CME), Housing Element (HE), Intergovernmental Coordination Element (CIE), and Capital Improvements Element (CIE) and Public School Facilities Element (PSFE) do not adequately address the need to decrease greenhouse gas emissions and increase energy efficiency, do not contain adequate data and analysis, clear and specific objectives and policies, do not include district-wide School Concurrency Service Areas, include policies that lack implementation measures, the Water Supply Plan does not plan for ten years or provide for water supply concurrency, and the Coastal High Hazard Area is not adequately defined pursuant to the statutes, the amendments are, therefore, not consistent with the following goals and policies of the State Comprehensive Plan Chapter 187, Florida Statutes:

- **187.201—Goal 6(a)(Public Facilities), Policies (b)22 and 23 regarding safe evacuation of coastal residents and protection from natural disasters. These provisions apply to Objection 11;**
- **187.201—Goal 7(a)(Water Resources), Policies (b)3, 5, 8, 9, 10, 11, and 13 pertaining to Water Resources and the need to protect and conserve potable water. These provisions apply to Objections 7, 9 and 10;**
- **187.201—Goal 9(a)(Natural Systems and Recreational Lands), Policies (b)1, 3, 4, regarding the protection of upland vegetative communities and protected species habitat. These provisions apply to Objection 7;**
- **187.201—Goal 11(a)(Energy), Policies (b)1, 2, 3, 4, 5, 6, 8, and 10, pertaining to reducing energy consumption, improving energy efficiency of traffic flow, transportation design and planning, more efficient modes of transportation, decreasing the need for new power plants, reducing peak demand, increasing energy efficiency in design and operation of buildings, and public utility systems, providing for energy conservation and preparedness. These provisions apply to Objection 4;**
- **187.201—Goal 15(a)(Land Use), Policies (b)1, 3, 4 and 6, pertaining to land use and the need to promote and encourage efficient development, that discourage urban sprawl by encouraging an attractive and functional mix of uses, and that considers the availability of land and water resources to meet future demands. This provision applies to Objections 1, 2, 3, 4, 5, 6 and 7;**
- **187.201—Goal 16(a)(Urban and Downtown Revitalization), Policies (b)6, 8, and 9, pertaining to linking land use, water use, education facilities, and transportation planning and encouraging transit and multimodal transportation systems as a priority. This provision applies to Objections 1, 2, 3, 4, 6, 8, 9 and 10;**
- **187.201—Goal 19(a)(Transportation), Policies (b)2, 3, 8, 9, 10, 13, and 15, pertaining to enhancing system efficiency, utilization of public transit, providing efficient access to services, jobs, markets, and attractions, and promoting ridesharing. This provision applies to Objections 1, 3, 4, 5 and 6;**
- **187.201—Goal 20(a)(Governmental Efficiency), Policies (b)8 and 9, pertaining to replacing inefficient public facilities with energy efficient regional systems, encouraging greater efficiency and economy, and greater operating efficiencies. This provision applies to Objections 1, 3, 4, 5, and 6;**
- 187.201—Goal 24(a)(Employment), Policy (b)5, ensuring a transportation system that provides maximum access to jobs and markets. This provision applies to Objection 3, 4, and 6; and
- 187.201—Goal 25(a)(Plan Implementation), Policy (b)7, to ensure local plans implement and accurately reflect state goals and policies that are of particular concern in a region. This provision applies to all Objections.

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

**City Response:** Inconsistencies noted with Chapter 187, Florida Statutes, have been corrected by addressing the Objections and Comments stated above.

**NON ORC Amendments:**

The City made minor modifications to the Parks and Open/Green Space Map in the Map Series which are reflected in Attachment E. Notably, a few open/green space names were modified to reflect the currently referred names. Additionally, a few areas were reclassified as Open/Green Space to reflect their existing state.