To: Council Members

From: Staff

Date: June 19, 2009 Council Meeting

Subject: Local Government Comprehensive Plan Amendment Review
Adopted Amendments to the Town of Cloud Lake Comprehensive Plan
DCA Reference No. 09RWSP-1

Background

On March 26, 2009, the Town of Cloud Lake adopted text amendments to a number of elements of the Town Comprehensive Plan. The amendments were to incorporate the Town Water Supply Facility Work Plan into the comprehensive plan as required in the Florida Statutes.

The Treasure Coast Regional Planning Council (TCRPC) reviewed the proposed amendments at a regular meeting held on February 20 2009. The Florida Department of Community Affairs (DCA) issued an Objections, Recommendations and Comments (ORC) Report on the proposed amendments on January 30, 2009.

Evaluation

A. TCRPC Report

The report approved by the TCRPC had no comments/recommendations for modification. The amendments were considered consistent with the Strategic Regional Policy Plan.

B. DCA ORC Report

The DCA ORC Report contained three objections. The objections are shown in Attachment A.

C. Town Response

1. To TCRPC Comments/Recommendations for Modification

   No response necessary.

2. To the DCA ORC Report

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

Conclusion

For information only.

Attachment
"Responses"

to the

Florida Department of Community Affairs
Objections, Recommendations and Comments (ORC)
Report

of the

Town of Cloud Lake
Comprehensive Plan Amendment (DCA No. 09RWSP1)

Prepared By:
Town of Cloud Lake Local Planning Agency (LPA)
&
JLH Associates

March, 2009
I. Consistency with Chapter 163, F.S., and Rule 9J-5, F.A.C.

The Town of Cloud Lake proposed comprehensive plan amendment consists of the Town of Cloud Lake Ten-Year Water Supply Facilities Work Plan and the corresponding amendments to the Future Land Use; Infrastructure; Conservation; Intergovernmental Coordination; and Capital Improvements Elements of the Town’s Comprehensive Plan. The proposed amendment also includes the Town’s Capital Improvement Element Update. The Department has identified the following objections to the proposed comprehensive plan amendment:

Objection 1: The Town did not use the correct planning period for the Capital Improvement Element update. The Town used the 2007/08-2011/12 planning time frame rather than the 2008/09-2012/13 planning time frame.

Authority: Sections 163.3164(32), and 163.3177(3)(a), F.S.; and Rule 9J-.005(4), and 9J-5.016(4)(a), F.A.C.

Recommendation: Revise the Capital Improvement Element update to reflect the fiscal year 2008/09-2012/13 planning time frame.

Town Response: The Capital Improvements Element has been updated to reflect the 2008/09-2012/13 planning timeframe. Specifically, TABLE 10-4 on page 10.16 of the Support Documentation to the Comprehensive Plan now reflects the FY 2008/09-2012/13 timeframe. TABLE 10-5 on page 10.17 has also been changed to reflect the FY 2013/14-2017/18 long range planning timeframe. TABLE 3 on page 56 of the Comprehensive Plan document now reflects the 2008/09-2012/13 timeframe. Also, TABLE 4 on page 57 has been changed to reflect the 2013/14-2017/18 long range planning timeframe. These revised pages are attached to this Report. Not only have the dates been updated on the SCHEDULES, but the projects have been updated, as well, to reflect the current situation. Specifically, the Landscaping/Beautification scheduled in FY 08/09 located at Shamongdale Road and Lang Road (portion) has been accomplished; therefore, it is deleted. Also deleted is the Road Widening/Paving project scheduled in FY 08/09 on W. Shamongdale Road as it has been accomplished. The Paving of Lang Road at Lang Road at Town Hall has also been accomplished, but the Town is retaining $5000 in FY 08/09 to finish the drainage improvements. No new or anticipated projects are expected beyond those remaining on the short range SCHEDULE OF IMPROVEMENTS. The long range SCHEDULE of projects remains the same.

Objection 2: Table 3 of the Capital Improvement Element Update provides a list of six capital improvement projects. The table shows that these projects will be funded through the Reserve Fund. However, the Town did not provide information as to the current balance of the Reserve Fund, the projected year-by-year balance of the Reserve Fund, or any other obligations that would require draw downs from the Reserve Fund.
Authority: Sections 163.3177(3)(a), and (3)(b)1, F.S.; and Rules 9J-5.016(2)(f)1, and 9J-5.016(4)(a)2, F.A.C.

Recommendation: Revise the Capital Improvement Element update to include the current balance of the Reserve Fund, the projected year-by-year balance of the Reserve Fund, and any other obligations that would require draw downs from the Reserve Fund.

Town Response: Pages 10.14 and 10.15 of the Support Documentation to the Capital Improvements Element (CIE) of the Comprehensive Plan have been revised, and a new page 15a. has been created, to address this Objection and provide the information requested. These pages are attached to this Report. The current balance in the Town’s Reserve Funds is approximately $352,000. In FY 08/09, the Town expects to expend $27,000 for road and drainage improvements as reflected in the short range SCHEDULE OF IMPROVEMENTS. The Town has set aside $30,000 in the current year’s General Fund to be transferred into the Reserve Fund in anticipation of these projects. The Town also has $55,000 in Unappropriated Funds in the current General Fund budget. Unappropriated Funds at this time appear to be over-estimated; so, it is further expected that another $20,000 will be transferred into the Reserve Funds at the end of the fiscal year to balance the budget. Therefore, it is expected that an additional $50,000 will be transferred into the Reserve Funds at the end of FY 08/09 which will more than cover the capital expenditures scheduled. It is the goal of the Town, in subsequent years, to at least replenish the Reserve Funds at the end of each fiscal year to cover costs of scheduled capital improvements. Interest earned on the Reserve Funds accounts has been diminishing with the current downturn in the economy, ranging between 2% and 2.5%.

Based on the strategy to at least refurbish the Reserve Funds each year from the General Fund set asides and balances of unused Unappropriated Funds at the end of each fiscal year, the following short range projections are made for the Reserve Fund:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Reserve Fund (Principal)</th>
<th>Interest (2%)*</th>
<th>Projected Cap. Exp.</th>
<th>Projected Transfers**</th>
<th>Projected Total Reserve Fund</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008/09</td>
<td>$352,000</td>
<td>$4107</td>
<td>$27,000</td>
<td>50,000</td>
<td>$379,107</td>
</tr>
<tr>
<td>2009/10</td>
<td>379,107</td>
<td>7582</td>
<td>0</td>
<td>0</td>
<td>386,689</td>
</tr>
<tr>
<td>2010/11</td>
<td>386,689</td>
<td>7734</td>
<td>35,000</td>
<td>35,000</td>
<td>394,423</td>
</tr>
<tr>
<td>2011/12</td>
<td>394,423</td>
<td>7888</td>
<td>16,500</td>
<td>16,500</td>
<td>402,311</td>
</tr>
<tr>
<td>2012/13</td>
<td>402,311</td>
<td>8046</td>
<td>0</td>
<td>0</td>
<td>410,357</td>
</tr>
</tbody>
</table>


* - Low average estimate.
** - Set asides & Unappropriated Funds.
There are no other foreseen capital improvements obligations that would further draw down the Reserve Funds; however, this situation will be assessed annually as part of the CIE update requirements.

Objection 3: Additional data and analysis is needed regarding the method used to identify the projects that have been included in the Five-Year Schedule of Capital Improvements and whether the projects address level of service deficiencies or are necessary to meet future demand.

Authority: Section 163.3177(3)(a), F.S.; and Rules 9J-5.016(1) and (2), (3)(b)1, 3 and 5, (3)(c)1, and 6, and (4)(a)1, F.A.C.

Recommendation: Revise the Capital Improvement Element update to include additional data and analysis regarding the method used to identify projects that have been included in the Five-Year Schedule of Capital Improvements. Indicate whether the projects address level of service deficiencies or are necessary to meet future demand.

Town Response: Capital improvement projects are reviewed annually by the Town during the budgetary review and preparation process. All projects identified in the Capital Improvements Schedules are road paving projects with some drainage improvements. The adopted level of service for roads in Cloud Lake is LOS A. All roads are local roads, except Lang Road which is classified as a collector road. All roads are well within the LOS A standard; therefore, none of the projects are needed to address deficiencies in LOS standards. Rather, they represent general upgrades and improvements to maintain the local road system in a good and safe condition.

Comment: The Town should consider adopting potable water level of service standards for non-residential land uses such office and commercial.

Comment: The Work Plan contains several scriveners’ errors:
- The second paragraph on page 35 incorrectly refers to the Town of Haverhill rather than the Town of Cloud Lake;
- In the same paragraph, the Palm Beach County Public Utility is incorrectly described as having four “waste” treatment plants rather than four “water” treatment plants.
- The first paragraph of page 36 incorrectly refers to the Town’s “serve-served” population rather than the “self-served” population.

Town Response: No Response.

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:
Section 187.201(17), Public Facilities, Policy (b) 3, 4, 5, 6, 7, and 9: Encourage local
government self-sufficiency in providing public facilities; create partnerships among state
government, local government, and the private sector to identify and build needed public
facilities; encourage the development and use of Capital Improvement plans, identify and use
state revenue resources which are also responsive to growth for financing public facilities.

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

_Town Response: Concerns noted in Section I have been addressed; thus, eliminating
inconsistencies with Chapter 187, Florida Statutes._
To: Council Members

From: Staff

Date: June 19, 2009 Council Meeting

Subject: Local Government Comprehensive Plan Amendment Review
Adopted Amendments to the City of Delray Beach Comprehensive Plan
DCA Reference No. 09-1

Background

On April 21, 2009, the City of Delray Beach adopted amendments to the Future Land Use Element and Future Land Use Map (FLUM) of the City Comprehensive Plan. The text and map amendments are unrelated.

The Treasure Coast Regional Planning Council (TCRPC) reviewed the proposed amendments at a regular meeting held on February 20, 2009. The Florida Department of Community Affairs (DCA) issued an Objections, Recommendations and Comments (ORC) Report on the proposed amendments on February 27, 2009.

Evaluation

A. TCRPC Report

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

B. DCA ORC Report

The DCA Report contained an objection to the FLUM amendment, indicating that data and analysis was not provided to ensure the conversion of the property to a Commercial designation would not have a negative affect on the affordable housing supply within the City.

C. City Response

1. To TCRPC Comments/Recommendations for Modification

   No response necessary.

2. To the DCA ORC Report

   The DCA objection and the City response are included as Attachment A.
Conclusion

For information only.

Attachment
ORC OBJECTION 1:

"The proposed amendment is not supported by data and analysis demonstrating that with the conversion of this site to General Commercial, the City will have an adequate supply of affordable housing within the City, including mobile homes, available to meet the affordable housing needs of the City, or that other measures are being taken to meet these affordable housing needs."

Response:

The proposed project at this location will include 36 workforce housing units. Several other rental housing projects recently approved by the City that will include workforce housing units are Alta Congress (91 workforce units), Historic Depot Square (74 workforce units) and Village at Delray (66 workforce units). Additional information on the status of the existing mobile home park and alternative housing options for the existing residents has been provided by the applicant and is attached.

COMMENT:

"The City should consider adding a policy to Objective A-8 of the Future Land Use Element to require the City to propose a Comprehensive Plan Amendment to designate any future sites as Regional Activity Centers."

Response:

It was always the City's intention that future Regional Activity Center overlays would require a Comprehensive Plan text amendment. To address this comment, the following policy has been added to the Future Land Use Element.

Policy A-8.6 All Regional Activity Center overlays within the CMU (Congress Avenue Mixed Use) land use designation shall be established by Policies under this Objective through a Comprehensive Plan text amendment.

CONSISTENCY WITH THE STATE COMPREHENSIVE PLAN

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

Section 187.201 (4), Housing, Policies (b) 1 and 3: Increase the supply of safe, affordable, and sanitary housing for low-income and moderate-income persons and the elderly;

Response:

The inconsistency with the State Comprehensive Plan has been addressed through the above responses to the ORC Report.
To: Council Members

From: Staff

Date: June 19, 2009 Council Meeting

Subject: Local Government Comprehensive Plan Amendment Review
Adopted Amendments to the Town of Haverhill Comprehensive Plan
DCA Reference No. 09-1ER

Background

On April 23, 2009, the Town of Haverhill adopted text amendments to a number of elements of the Town Comprehensive Plan. The amendments included: 1) those pursuant to the recommendations of an Evaluation and Appraisal Report (EAR); 2) those to address statutory requirements for water supply planning; and 3) the annual update to the Capital Improvements Element.

The Treasure Coast Regional Planning Council (TCRPC) reviewed the amendments at a regular meeting held on February 20, 2009. The Florida Department of Community Affairs (DCA) issued an Objections, Recommendations and Comments (ORC) Report on the proposed amendments on February 6, 2009.

Evaluation

A. TCRPC Report

The TCRPC report contained one comment/recommendation for modification indicating that the Town should clearly indicate in the comprehensive plan what programs, incentives and tools are to be utilized to ensure affordable housing needs will be met.

B. DCA ORC Report

The DCA Report contained six objections, including one that was similar to the comment/recommendation made by the TCRPC regarding affordable housing. The DCA ORC Report is included in Attachment A.

C. Town Response

1. To TCRPC Comments/Recommendations for Modification

   No response was received. However, the Town response to the DCA objection regarding affordable housing is shown on pages 5-8 of Attachment A.
2. To the DCA ORC Report

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

Conclusion

For information only.

Attachment
"Responses"

to the

Florida Department of Community Affairs
Objections, Recommendations and Comments (ORC)
Report

of the

Town of Haverhill
EAR-based Comprehensive Plan Amendment (DCA No. 09-1ER)

Prepared By:
Town of Haverhill Local Planning Agency (LPA)
&
JLH Associates

April, 2009
INTRODUCTION

The following Objections, Recommendations and Comments (ORC) Report is based upon the Department's review of the Town of Haverhill 09-1ER proposed amendment to their comprehensive plan as summarized below pursuant to s. 163.3184, Florida Statutes (F.S.). This report reviews these proposed amendments against the provisions and requirements of Florida’s growth management laws and rules.

Any objections discussed relate to specific requirements of relevant portions of Chapter 9J-5, F.A.C., and Chapter 163, Part II, F.S. Each objection includes a recommendation of one approach that might be taken to address the cited objection. Other approaches may be more suitable in specific situations. Some of these objections may have been raised initially by one of the other external review agencies. If there is a difference between the Department’s objection and the external agency advisory objection or comment, the Department’s objection would take precedence.

The Town should address each of these objections and make corrections prior to the amendment being resubmitted for the Department’s compliance review. Objections that are not addressed may result in a determination that the amendment is not in compliance. The Department may have raised an objection regarding missing data and analysis items, which the Town considers not to be applicable to its amendment. If that is the case, a statement justifying its non-applicability pursuant to Rule 9J-5.002(2), F.A.C., must be submitted. The Department will make a determination as to the non-applicability of the requirement, and if the justification is sufficient, the objection will be considered addressed.

The comments that follow the objections and recommendations section are advisory in nature. Comments will not form the bases of a determination of non-compliance. They are included to call attention to items raised by the Department’s reviewers. The comments can be substantive, concerning planning principles, methodology or logic, as well as editorial in nature dealing with grammar, organization, mapping, and reader comprehension.

This report is divided into two parts: Consistency with Chapter 163, Florida Statutes (F.S.), and Consistency with the State Comprehensive Plan, Chapter 187, F.S. In the first part we have listed our objections to the proposed amendments, the statutory and rule authority under which we raise these objections, and suggested remedies to these objections for the Town to consider. The second section of the report outlines the areas in which the proposed amendments are inconsistent with the State Comprehensive Plan.
Appended to the back of the Department’s report are the comment letters from the other state review agencies and other agencies, organizations, and individuals. These comments are advisory to the Department and may not form the bases of Departmental objections unless they appear under the “Objections” heading in this report.

The Town has proposed numerous Evaluation and Appraisal Report (EAR)-based text changes to its adopted Comprehensive Plan. The Department has identified six concerns regarding text amendments to the Future Land Use, Transportation, Conservation, Housing, and Capital Improvements Elements as follows:

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

OBJECTIONS

A. Text Amendments to the Future Land Use, Transportation, Housing, Conservation, and Capital Improvements Elements

Objection 1: Planning Timeframe. The Five-Year Schedule of Capital Improvements does not cover the required five year planning period from the current fiscal year out five years into the future. The Town used the past fiscal year 2007/08 through fiscal year 2011/12 as its five-year short-range planning time frame, rather than the 2008/09-2012/13 planning time frame.

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 Town should extend the date for the short-range planning timeframe in the Five-Year Schedule of Capital Improvements to include the current Fiscal Year (FY) 2008/09 and project out through FY2012/13 to cover at least a five year period into the future.

Town Response: TABLE 10-2, SHORT RANGE (5-YEAR) SCHEDULE OF IMPROVEMENTS has been revised to reflect the FY 2008/09-2012/13 timeframe (See pages 10.9 and 10.10 attached). TABLE 10-3, LONG RANGE (10-YEAR) SCHEDULE OF IMPROVEMENTS has been revised, as well, to reflect the long range planning time period (See page 10.11 attached).

Objection 2: Data and Analysis/Funding Sources and Projections. Table 3 of the Capital Improvement Element Update provides a list of twelve capital improvement projects. The table shows that these projects will be funded through the General Fund. There is no information provided as to the current balance of this fund, the past performance of this fund, the projected year-by-year balance of the general fund, or any other obligations that would reduce the amount available for capital improvements.
Authority: Sections 163.3177(1) and (3)(a), F.S., and Rules 9J-5.005(2), 9J-5.016(1)(c), (2)(f), (3)(c)1 and 2, and (4)(a), F.A.C.

Recommendation: The Town should include data and analysis showing the Town’s past performance in funding the General Fund, the General Fund projections for the next five years, the year-by-year projected balance of the fund and any obligations or other commitments for the General Fund that might draw down the balance or prevent the funding of any needed capital improvements.

Town Response: Sub-section 10.2.1.1 Revenue Sources Currently Being Utilized by the Town (beginning at bottom of p. 10.1, Support Documentation, Capital Improvements Element) identifies that all Town revenues come from three (3) sources: 1) General Fund; 2) State revenue pool (e.g. “Local Government Surplus Trust Funds Investment Pool”); and, 3) investment funds in the form of Certificates of Deposit (CDs). Sub-section 10.2.2 General Fund Expenditures (p.10.11) states that, “major capital improvements are typically funded through the General Fund. As part of the annual budget process, the Town has historically tried to foresee and budget for needed capital improvements.”; and, sub-section 10.2.3 Major Capital improvements Expenditures (beginning at bottom of p. 10.11) specifically states that, “If capital improvements expenses have been unforeseen and are unfunded in the General Fund budget, the Town will first determine whether funds are available and can be shifted within the budget to fund such expenses (line item transfer). If revenues cannot be found or justified within the General Fund, then the Town will draw funds from the State revenue pool investment accounts to fund needed capital improvements”.

As of February, 2009, the Town had $161,703 in the State investment pool and $740,000 invested in CDs; for a total of $901,703 in investment accounts. Revised TABLE 10-2 SHORT RANGE (5-YEAR) SCHEDULE OF IMPROVEMENTS: FY 2008/09-FY2012/13 identifies nine (9) projects at a total estimated cost of $749,000 while TABLE 10-3 LONG RANGE (10-YEAR) SCHEDULE OF IMPROVEMENTS still identifies no capital projects for that timeframe. The principal amount currently in the Town’s investment accounts alone would finance all projected capital improvements in the SCHEDULES. Of course some modest growth in those accounts is expected, but probably at a declining rate of increase as stated in the Support Documentation on page 10.2, third paragraph. The recent downturn in the real estate market and concurrent decreases in growth associated revenues are reflected in the current General Fund budget. While in this current economic climate. It is not prudent to use past trends (5-year or more) to accurately project into the future. Rather, it is more realistic to simply state that, “...a continuation of decreasing General Fund revenues will most likely continue into the 5-Year planning period of the Comprehensive Plan based on these conditions, and as the recent past “hot” real estate market continues to cool” as stated in the CIE Support Documentation, page 10.2 last sentence of third paragraph. The expenditure side of the General Fund will have to be scrutinized, and priorities established, to select projects which could be realistically accomplished based on these parameters.
It is highly likely, and historically consistent with past fiscal years, that most capital improvements expenditures will be funded by General Fund revenues. Only in certain unforeseen circumstances, has the Town needed to significantly draw down its investment accounts to finance such improvements. Also, as revealed in subsection 10.2.4 Capital Improvements Needs Assessment, the Town is provided major municipal services (e.g. water, sewer, police and fire protection, schools, etc.) by other entities. Major capital expenditures incurred by the Town are typically for road and street improvements, drainage/stormwater management projects and for maintenance and operation of Town-owned facilities. These expenditures have been historically funded by normal General Fund revenues supplemented by investment funds, as needed, while maintaining adopted LOS standards for these facilities and services.

In summary, and as stated in the concluding paragraph on page 10.23 of the CIE Support Documentation, "...the Town still has a strong revenue position generated through the General Fund, State revenue pool and local CDs to meet all capital improvements needs currently projected in the 5-Year and 10-Year planning periods. Therefore, it is rendered that this Comprehensive Plan is financially feasible". Of course, as part of the annual update requirements to the CIE and SCHEDULES, current conditions shall be assessed to determine the future financial feasibility of projected capital improvements. Policy 3.3 in the CIE of the Comprehensive Plan is revised and adopted as follows to stress the importance of the annual update process:

**Policy 3.3:** The Town shall annually assess all potential revenue sources (General Fund, investment accounts and Certificates of Deposit) and projected capital improvements expenditures, and as part of the annual budgetary process, and as a basis for adopting a up-to-date 5 and 10-year capital improvement schedules and capital budget as part of its budgeting process.

Page 10.2 of the CIE of the Comprehensive Plan, as revised, is attached to this Report to reflect the revised Policy 3.3. No other changes to either the Support Documentation or to the CIE of the Plan are deemed necessary.

**Objection 3:** Vague and Non-specific/Affordable Housing. Revised Housing Element Policy 3.4 is vague and non-specific and does not indicated how the Town will create or preserve affordable housing for all current and anticipated future residents. The Town should clearly enunciate what measures or incentives will be utilized in meeting the Town’s affordable housing needs.

**Authority:** Sections 163.3177(1) and (6)(f), F.S., and Rules 9J-5.005(6), 9J-5-010(2)(f), (3)(b)1, and (3)(c)10, F.A.C.

**Recommendation:** The policy should be revised to indicate what implementation measures, strategies or activities the Town will utilize to create or preserve affordable housing. This policy should establish the framework that would then allow more definitive measures to be used to carry out the provisions for creating and preserving affordable housing stock.
**Town Response:** The issue of affordable housing, and how the Town of Haverhill is addressing this issue, is discussed in various elements of the Support Documentation to the Haverhill Comprehensive Plan. Specifically, the Town has proposed revising its Zoning Ordinance to allow for Accessory Dwelling Units (ADU's) with a maximum area of 1000 square feet in all residential zoning districts. ADU’s are only allowed on lots not less than 10,000 square feet. The Support Documentation to the Housing element discusses some of the criteria and parameters for the use of ADU’s, and estimates both the short range (5-year) and long range (10-year) projections for these types of units as part of the overall housing projections for Haverhill (Ref. page 5.19 and top of 5.20 of the Support Documentation). The housing unit estimates and projections are utilized in determining Population Projections for both the short and long range planning periods, as well. ADU’s are an integral part of the population projections as reflected in the Support Documentation to the Future Land Use element on pages 3.24 and 3.25. TABLE 3-4, EXISTING LAND USE on page 3.12 also notes that ADUs are allowed in all residential land use areas. ADU’s are similarly identified on TABLE 3-6, FUTURE LAND USE PROJECTIONS on page 3.30.

ADU’s are also discussed as an alternative housing type in sub-section 5.3.2 Alternative Housing in the Housing Support Documentation. It is stated that the sector of the Haverhill population experiencing a “Cost Burden” in the provision of housing need housing alternatives to make their housing affordable. The provision for ADU’s allows for an alternative form of housing and is recognized on pages 5.21 and 5.22. This concern is also recognized by the Town in sub-section 3.3.4, Redevelopment Needs and Potential, page 3.28 of the Support Documentation to the Future Land Use element.

The Town has also investigated the workforce housing issue in great detail since the EAR was adopted. Palm Beach County’s Workforce Housing Ordinance was examined to determine if it would be relevant to Haverhill. Local provisions were examined with the development community in great detail, as well. However, with the downturn of the housing market in recent years, market conditions have caused declining housing values, and, consequently, little interest has been shown by the development community of late as adjustments to the housing market have naturally occurred. Workforce housing and other sustainable housing alternatives are also recognized in the Support Documentation to the Intergovernmental Coordination element (CIE) on page 9.8 under sub-section 9.3.3 Housing, Effectiveness of Existing Housing.

The Town is also currently investigating the potential for overlay zones to help stimulate development. Mixed use (residential and professional office uses,) on a limited basis, and which would fit the character of the areas being examined at this time.

Based on the timeframes in which the EAR was adopted and proposed EAR-based Amendments were prepared, Haverhill had recognized and addressed the affordable housing issue in great detail at those times. The sectors of the population experiencing “Cost Burdens” were recognized and housing alternatives such as workforce housing and mixed use concepts were identified, examined, and implemented in some cases such as ADU’s.
Policy 3.4 (page 5.3) in the Housing element of the Comprehensive Plan not only addresses mixed use, workforce housing, ADU's, special overlay districts concepts, but states that these should be "...adopted and maintained..." in its land development codes. Another Policy under OBJECTIVE 1 of the Housing element is adopted that identifies the provisions, criteria and regulations that are established for the provision of ADU's. The following Policy 3.9 is adopted:

Policy 3.9: The following provisions, criteria and regulations are established for the provision of Accessory Dwelling Units (ADU's):

1. ADU's shall be allowed in all residential land use areas designated on the Town of Haverhill Future Land Use Map subject to approval by the Town Council.

2. ADUs shall only be permitted on lots of not less than 10,000 square feet in area.

3. A maximum of one (1) ADU may be permitted as an accessory use to a principal single family detached unit which is existing and owner-occupied. The ADU may be attached to the principal structure or a freestanding building.

4. An ADU shall not exceed 1000 square feet of living area under a solid roof. Floor area under a solid roof that is utilized as a porch, patio, porte cochere, carport or garage shall not exceed 500 square feet.

5. Prior to issuance of a building permit for an ADU, or occupancy, whichever first occurs, the owner of the property shall submit an application for an ADU on a form provided by the Town accompanied with a site plan of the property showing the location of the proposed ADU in relation to the principal residence and all necessary identifications iterated in this Policy.

6. Only one (1) bedroom and one (1) bathroom shall be permitted in an ADU.

7. The footprint of the ADU and principal building shall be combined for purposes of determining lot coverage.

8. A minimum of one (1) parking space shall be provided for each ADU in addition to the parking required for the principal residence.

9. A detached (freestanding) ADU may not exceed twenty five (25) feet in height.

10. The ADU shall remain accessory to, and under, the same ownership as the principal dwelling and shall not be subdivided or sold as a condominium or otherwise.
11. The owner of the property shall execute an agreement with the Town that provides for the removal of all kitchen equipment in the event that the principal residence or ADU, whichever is the case, is no longer owner occupied or occupied by a family member.

12. The ADU shall be compatible with the principal dwelling unit and surrounding properties as follows:

a. Exterior design of the ADU shall be compatible with the existing principal residence through architectural use of building forms, height, construction materials, colors, landscaping, roof style and other methods that conform to acceptable practices.

b. The exterior design shall be in harmony with and maintain the scale of the neighborhood.

c. The ADU shall not result in excessive noise, traffic, or parking congestion.

d. Adequate water and wastewater systems shall be available to service the ADU.

e. The site plan shall provide for adequate open space and landscaping that is useful for both the ADU and principal residence, and for privacy and screening of adjacent properties.

f. The location and design of the ADU shall maintain a compatible relationship to adjacent properties and shall not materially impact the privacy, light, air or parking of adjacent properties.

g. ADU’s shall generally limit the major access stairs, decks, patios, entry doors and major windows to the street or principal residence. Efforts should be made to minimize the impact of privacy of the neighboring rear or side yards from windows.

Policy 3.5, also on page 5.3, also recognizes the importance of addressing alternative housing types which, in turn, provide for a greater and more affordable range of housing in Haverhill.

Low income housing is also addressed in the ICE Support Documentation in sub-section 9.2.2.11 Low Income Housing on page 9.6. Specific reference is made to the Palm Beach County Community Development Block Grant Program, and the Town’s continued participation with the County in that program by interlocal agreement. A Policy 3.10 is adopted in the Housing element that addresses the Town’s on-going participation in the CDBG program:
Policy 3.10: The Town shall continue to formally participate in the Palm Beach County Community Development Block Grant (CDBG) Program through Inter-local agreement.

Revised pages 5.3, 5.4 and 5.5 of the Housing element attached to this Report reflect new Policies 3.9 and 3.10. Page 5.6 is revised as a result of the previous changes.

OBJECTIVE 3 of the Housing element, which addresses adequate and affordable housing, should be expanded to include “very low” income housing.

Revised OBJECTIVE 3 is reflected on page 5.2 of the Housing element.

Objection 4: 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 House Bill 697 in the spring of 2008 (incorporated into Section 163, Part II, F.S.) regarding greenhouse gas emissions and energy efficiency. These four elements have no objectives or specific policies containing strategies addressing these requirements. The Town 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 specifically 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), and (6)(j), 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 Town 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 Town should develop objectives and policies with strategies for the Conservation Element that address energy conservation.

Town Response: The following OBJECTIVE and Policies are added to, and adopted as part of, the Future Land Use element:

OBJECTIVE 6: Development and redevelopment activities shall be undertaken in a manner that discourages urban sprawl, considers greenhouse gas reduction and promotes energy efficiency.

Policy 6.1: The Town shall promote compact developments as an alternative development pattern in areas specifically identified by use of overlays, mixed use concepts, traditional neighborhoods and other similar development styles which are aimed at reducing reliance on the automobile, promotes pedestrian and other non-automotive modes of transportation, will be accessible to public transit facilities, and which incorporates efficient use of the land and movement of the public.

Policy 6.2: The Town shall continue to pursue creating connections of sidewalks, pedestrian trails, and bicycle paths to public recreation areas, Town Hall, commercial areas and other high use areas.

Revised page 3.8 of the Future Land Use element is attached to reflect the new OBJECTIVE 6 and Policies 6.1 and 6.2, and pages 3.9 and 3.9a. are also attached due to subsequent changes to these pages as a result of revised page 3.8.

Policy 6.2 above is added to supplement similar OBJECTIVES and Policies already in the Transportation element. OBJECTIVE 3 and Policy 3.2 (page 3.2) addresses the provision of bicycle and pedestrian ways and the provision of motorized and non-motorized vehicle parking. OBJECTIVE 8 (page 4.4) specifically addresses the provision of, "...energy efficient, multi-modal system that is efficiently managed, which circulates traffic safely and conveniently, and which separates vehicular and non-vehicular traffic". OBJECTIVE 8 of the Transportation element is revised and adopted as follows which stresses the reduction of greenhouse gases, as well:

OBJECTIVE 8: Continue to ensure adequate traffic circulation and access to new developments, and continue to provide an energy efficient, multi-modal transportation system that is efficiently managed, which circulates traffic safely and conveniently, which reduces greenhouse gas emissions and which separates vehicular and non-vehicular traffic.

Revised page 4.4 attached to this Report reflects the revised OBJECTIVE 8.
Policies 8.3-8.6 in the Transportation element support OBJECTIVE 8 and its intents; however, Policies 8.9, 8.10 and 8.11 are also adopted to further support this OBJECTIVE and to further promote energy efficiency, reduce greenhouse gases and non-automotive movement of the public:

**Policy 8.9:** The Town shall discourage the use of dead-end streets, loop streets and oversized blocks in favor of through streets and shorter blocks; provide cut-throughs for pedestrian access to transit; and, promote landscaping of rights-of-way.

**Policy 8.10:** In order to comply with the “Haverhill Area Neighborhood Plan” currently in effect, the Town shall oppose the addition or expansion of travel through lanes and/or turning lanes along Belvedere and Haverhill Roads, including the intersection thereof, that would increase traffic volumes and greenhouse gas emissions.

**Policy 8.11:** The Town shall oppose further installation of medians along Belvedere and Haverhill Roads that will result in increased travel times and concurrent increases in greenhouse gas emissions.

Revised page 4.5 attached reflects the new Policies 8.9, 8.10 and 8.11.

Aside from the Transportation OBJECTIVES and Policies cited above, Policy 8.7 (page 4.4) and OBJECTIVE 9 and supporting Policies 9.1-9.5 (page 4.5) all promote strategies for the use of alternative modes of transportation that will reduce vehicle miles traveled and, thus, greenhouse gas emissions. Policies 9.6 and 9.7 (page 4.5) support improved intra-county and regional transportation systems, as the Town can do little acting on its own. A new Policy 9.8 is adopted that supports the adoption and implementation of the Central Palm Beach County Transportation Corridor Study which could affect the Town:

**Policy 9.8:** The Town shall coordinate with the appropriate agencies on the adoption and implementation of the Central Palm Beach County Transportation Corridor Study which seeks to provide Bus Rapid Transit (BRT) connections between the central western areas of the County, including Haverhill.

Revised page 4.6 is attached to reflect the new Policy 9.8 of the Transportation element of the Comprehensive Plan which, in turn, creates a new page 4.6a.

The following OBJECTIVE and Policies are adopted as part of the Housing element of the Comprehensive Plan:

**OBJECTIVE 6:** The Town shall promote energy efficiency and the use of renewable energy resources in the construction of new homes and buildings, as well as during redevelopment activities.
Policy 6.1: The Town shall support and implement updates and amendments to the Florida Building Code that address increased energy efficiency and renewable energy resources in the construction of new buildings and homes.

Policy 6.2: By 2010, the Town shall adopt land development regulations that support the use of energy efficient and renewable energy resources such as solar panels for energy, water heating, water cisterns for water conservation, use of low volume fixtures and other innovative and energy saving devices.

New page 5.6 of the Housing element is attached hereto to reflect OBJECTIVE 6 and Policies 6.1 and 6.2.

In addition to the energy conservation measures identified in Policies 6.1 and 6.2 of the Housing element, OBJECTIVE 1 of the Conservation element, which addresses air quality, is revised to address greenhouse gas emissions, and Policies 1.3 and 1.4 are adopted to further support OBJECTIVE 1:

OBJECTIVE 1: Protect air quality within the Town and seek opportunities to attain the highest possible air quality and reduce greenhouse gas emissions.

Policy 1.3: The Town shall continue to meet or exceed the minimum air quality levels established by the Florida Department of Environmental Protection and will continue to support strategies to reduce greenhouse gas emissions.

Policy 1.4: The Town shall strive to reduce the potential for motorized vehicle emissions by promoting alternative transportation modes of travel which help to reduce greenhouse gas emissions through the dissemination of information on car-pooling, public transit and bicycle and pedestrian facilities and by opposing roadway expansions throughout the Town, including Belvedere and Haverhill Roads.

Page 7.1 and 7.2 of the Conservation element are revised to reflect OBJECTIVE 1 and Policies 1.3 and 1.4 and subsequent format changes due to these revisions.

ORC Objection 5: County LOS not incorporated into Comprehensive Plan. Although the Town borders on Military Trail and has Haverhill Road and Belvedere Road (all County roadways) going through the Town, the Town has not adopted the County level of service standard of “D” for county roadways into the Comprehensive Plan by policy.

Authority. Section 163.3177(1) and 163.3177(6)(j), F.S., and Rules 9J-5.005(3), 9J-5.0055(1)(a) and (2), and 9J-5.019(3)(h) and (4)(c)1, F.A.C.
Recommendation. Include the County’s LOS standard in the Town’s plan by policy for roadways that are within the Town such as Haverhill Road and Belvedere Road. This would also be consistent with the County-wide charter concurrency requirement.

**Town Response:** The following Policy is adopted in the Transportation element that addresses the County’s LOS standard for County roadways within the Town:

**Policy 8.12:** Support LOS standard D on Belvedere and Haverhill Roads as adopted by Palm Beach County; however, pursuant to the “Haverhill Area Neighborhood Plan” that was mutually approved and adopted by the Town of Haverhill and Palm Beach County by interlocal agreement, Belvedere and Haverhill Roads shall not be expanded from their current configurations, regardless or irrespective of level of service, which furthers the Town’s efforts to limit greenhouse gas emissions.

Revised Page 4.5 reflects the new Transportation element Policy 8.12.

The new Transportation Policy 8.12 necessitated an update to the Transportation LOS standard shown on TABLE 10-1 of the Capital Improvements Element (CIE). TABLE 10-1 is revised to reflect the revised Transportation LOS standard as shown on page 10.5 of the CIE.

**ORC Objection 6:** Densities and Intensities not established. The new Conservation Future Land Use Map category, Public Buildings and Grounds FLUM category, and Other Public Facilities FLUM category do not establish densities and intensities of use by policy in the Comprehensive Plan. The Public Building and Grounds and Other Public Facilities FLUM categories defer FAR intensity standards to the Town’s Zoning Code.

**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)7, and (4)(c), F.A.C.

Recommendation. Revise the new Conservation FLUM category and revise the existing Public Buildings and Grounds and Other Public Facilities FLUM categories to establish densities and intensities of use by policy in the Comprehensive Plan. Also, revise the Public Buildings and Grounds and Other Public Facilities FLUM categories to include intensity standards such as FAR’s, or other appropriate measure, in a policy establishing the FLUM categories. This would then establish the parameters for more definitive provisions to be contained in the land development regulations implementing the plan.

**Town Response:** Publicly owned and operated buildings and facilities are uses that currently meet the land use definition for “Public Buildings and Grounds” in the Future Land Use element of the Comprehensive Plan. These uses are permitted as Special Exception uses in all zoning districts within the Town. Public buildings and facilities, therefore, are required to meet the building requirements (e.g. minimum lot
size, minimum lot width, maximum lot coverage, minimum setbacks, maximum building height, minimum building area) established within the zoning district for which the Special Exception is permitted.

Churches, day care centers and schools are the types of uses defined as “Other Public Facilities” in the Future Land Use element. These uses are currently permitted as Special Exception uses in the residential zoning districts, but not in the Commercial zoning district. Policy 1.6 in the Future Land Use element specifically addresses both “Public Buildings and Grounds” and “Other Public Facilities” similarly. Policy 1.6 should be revised to address “Public Buildings and Grounds” only, and a new Policy be established to specifically address “Other Public Facilities uses. This revised and new Policy will continue to establish that the Building Requirements Section of the respective zoning district shall regulate these uses, rather than establishing a F.A.R. for these uses which would, in essence, be established from these regulations/requirements. The following revisions to Policy 1.6 and new Policy 1.11 are adopted:

Policy 1.6: Land uses designated as Public Buildings and Grounds or Other Public Facilities on the Town’s Existing and Future Land Use Maps shall be subject to standards established in the Building requirements Section of the respective residential-zoning district in which these uses are permitted as Special Exception Uses. Likewise, these uses, if located within designated Commercial land use areas, shall be subject to the F.A.R. and standards established within the Building requirements Section of the C-1, Limited Commercial District of the Town’s Zoning Code.

Revised page 3.3 of the Future Land Use element reflects the new Policy 1.6.

Policy 1.11: Land uses designated Other Public Facilities on the Town’s Existing and Future Land Use Maps shall be subject to the standards established in the Building Requirements Section of the respective zoning district in which these uses are permitted as Special Exception Uses.

The only designated Conservation (Water Bodies) uses in Haverhill are the canals owned and operated by the Lake Worth Drainage District (LWDD). The reason for designating these canals as Conservation use was to emphasize the importance of protecting and enhancing the water quality of surface waters within the Town. OBJECTIVE 4 and Policies 4.1 and 4.2 adopted in the Conservation element of the Plan specifically address this issue. It is, however, recommended that the intensity of development be restricted within the LWDD rights-of-way and to those types of uses and development that is essential to the operation and maintenance of those water bodies. Therefore, the following Policy is adopted as part of the Future Land Use element of the Comprehensive Plan:
**Policy 1.12:** Any development within the designated Conservation land use areas shall be restricted to structures essential to, and compatible with, the operation and maintenance of the canals (water bodies. The maximum buildable area within the Conservation use area shall not exceed 10% of the total right-of-way area of the canals.

Page 3.4 of the Future Land Use element is revised, and attached hereto, to reflect the new Policies 1.11 and 1.12. Pages 3.5, 3.6 and 3.7 are also attached as other changes to the Future Land Use element created subsequent format changes to these pages.

II. CONSISTENCY WITH THE STATE COMPREHENSIVE PLAN

Because the proposed text amendments to the Future Land Use Element (FLUE), Transportation Element (TE), Housing Element (HE), and Capital Improvements Element (CIE) 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 contain specific implementation measures for affordable housing, do not contain County transportation level of service standards, and do not contain appropriate densities and intensities of use for its Future Land Use Map districts, the amendments are, therefore, not consistent with the following goals and policies of the State Comprehensive Plan Chapter 187, Florida Statutes:

- 187.201—Goal 4(a)(Housing), Policies (b)3, pertaining to creating affordable housing. This applies to Objection 3;
- 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 3, 4, and 6;
- 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 3, 4, and 6;
- 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 3, 4, 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.

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

From: Staff

Date: June 19, 2009 Council Meeting

Subject: Local Government Comprehensive Plan Amendment Review
Adopted Amendments to the Town of Highland Beach Comprehensive Plan
DCA Reference No. 09-RWSP1 (formerly 08-RWSP1)

Background

On April 7, 2009, the Town of Highland Beach adopted text amendments to several elements of the Town Comprehensive Plan. The amendments were to incorporate the Town Water Supply Facility Work Plan into the comprehensive plan and to address related statutory requirements.

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 24, 2008.

Evaluation

A. TCRPC Report

The report approved by the TCRPC included one comment/recommendation for modification. The recommendation was to clarify the language in the first sentence of the first new policy in the Capital Improvements Element.

B. DCA ORC Report

The DCA report contained one objection. The objection had to do with fully addressing the water supply requirement for concurrency.

C. Town Response

1. To TCRPC Comments/Recommendations for Modification

No response was received. The policy was not revised as recommended by the TCRPC.

2. To the DCA ORC Report

Attachment A includes the DCA objection and the Town response to that objection.
Conclusion

For information only.

Attachment
Executive Summary

ADOPTED REVISIONS TO THE TOWN OF HIGHLAND BEACH
20-YEAR WATER SUPPLY WORK PLAN AND COMPREHENSIVE PLAN
TO ADDRESS DCA AND REVIEW AGENCY COMMENTS

March 17, 2009

TOWN RESPONSES TO THE DEPARTMENT OF COMMUNITY AFFAIRS
ORC REPORT

Note: Underlines and strikethroughs in this document reflect only those changes made between the transmittal and adoption hearings.

Note: The Town of Highland Beach's Evaluation and Appraisal Report Based Amendments to the Comprehensive Plan are concurrently being completed. Other than the EAR-based Amendments the Comprehensive Plan has not been amended since its adoption in 1989. There will be proposed revisions and renumbering to Objectives and Policies at a later date.

Objection 1 – The first proposed Capital Improvements Element policy does not fully address the water supply requirement for concurrency. Section 163.3180(2)(a), F.S., requires the Town to determine at the time a building permit is issued, that an adequate water supply will be available at the time the Certificate of Occupancy or its functional equivalent is issued.

Response:

Capital Improvements Element

The first new Policy will be amended as follows:

Policy: Appropriate mechanisms will be developed and adopted with the South Florida Water Management District in order to assure that adequate water supplies are available to all water users. Prior to approval of a building permit or its functional equivalent, the Town’s building permitting agencies...
shall consult with the Town's Public Works Water Division 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. Furthermore, the Town will be responsible for monitoring the availability of water supplies for all water users and for implementing a system that links water supplies to the permitting of new development.

The ORC report also contained two comments. Comments are advisory in nature and do not form bases of a determination of non-compliance.

**Comment 1** – The proposed Water Supply Plan does not incorporate information submitted by the Town in support of its Consumptive Use Permit (CUP) into the Work Plan to distinguish the differences between the permanent and seasonal population. The Plan could be further improved by incorporating information submitted by the Town in support of its CUP into the Work Plan distinguishing the differences between permanent and seasonal population.

**Response:**

The Town will take this under advisement and further study seasonal variations of water usage. It should be noted that the CUP allots 378 gallons of finished water per capita per day (and does not factor in seasonal adjustments) whereas the Town’s LOS is 179.04. Even with the seasonal resident adjustment adequate water supply is available.

**Comment 2** – Two of the proposed Coastal Management/Conservation Element policies “encourage” the use of water efficient appliances and “encourage” the use of Florida Friendly Landscape. By revising the two policies to provide incentives for water conservation measures, the Town could establish an effective, long term water conservation plan. See below.

**Response:**

The Town promotes conservation through Palm Beach County conservation programs and through its xeriscape and three tier rate structure to discourage over usage and wasting of water. The Town has also adopted amendments to the Standard Plumbing Code which provides for and requires the use of low volume plumbing fixtures for new or remodeled construction.

Coastal Management/Conservation Element

The new Policies will be amended as follows:

**Policy:** The Town will encourage require the use of high efficiency toilets, showerheads, faucets, clothes washers and dishwashers that are Energy
Star rated and WaterSense certified in all new and retrofitted residential projects.

Policy: The Town will encourage require the use of Florida Friendly Landscape guidelines and principals; gutter downspouts, roof runoff, and rain harvesting through the use of rain barrels and directing runoff to landscaped areas; drip irrigation or micro-sprinklers; and the use of porous surface materials (bricks, gravel, turf block, mulch, pervious concrete, etc.) on walkways, driveways and patios or other water and energy conserving devices which achieve similar results.

OTHER REVISIONS

The following revision to the Plan has been made to improve/strengthen the policy:

Amend Capital Improvements policy as follows:

Policy: The Town shall incorporate capital improvements affecting Town levels of service by referencing the Capital Improvements Schedules of state agencies, regional water supply authorities and other units of government providing services but not having regulatory authority over the use of land into its 5-Year Schedule of Capital Improvements. The Town Capital Improvement Element Schedule shall be maintained and updated annually and shall demonstrate that level of service standards will be maintained during the next five-year (2008/2009 through 2012/2013) planning period.

The Town believes the above revisions adequately respond to DCA and Agency Objections and comments associated with the Town’s 20-Year Water Supply Facilities Work Plan and water supply planning related amendments to the Town Comprehensive Plan.

Highland Beach Responses to WSP ORC
March 17, 2009
To: Council Members

From: Staff

Date: June 19, 2009 Council Meeting

Subject: Local Government Comprehensive Plan Amendment Review
Adopted Amendments to the Indian River County Comprehensive Plan
DCA Reference No. 09-1

Background

On April 7, 2009, Indian River County adopted text amendments to the Future Land Use and Coastal Management Elements of the County Comprehensive Plan. The amendments are intended to address statutory requirements regarding the definition and mapping of the Coastal High Hazard Areas.

The Treasure Coast Regional Planning Council (TCRPC) reviewed the proposed amendments at a regular meeting held on February 20, 2009. The Florida Department of Community Affairs (DCA) issued a letter in lieu of an Objections, Recommendations and Comments (ORC) Report on February 20, 2009.

Evaluation

A. TCRPC Report

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

B. DCA ORC Report

The letter of February 20, 2009 indicated that the DCA had no objections to the proposed amendments.

C. County Response

No response necessary. The amendments were adopted without revisions.

Conclusion

For information only.
To: Council Members  
From: Staff  
Date: June 19, 2009 Council Meeting  
Subject: Local Government Comprehensive Plan Amendment Review  
Adopted Amendments to the Town of Lake Park Comprehensive Plan  
DCA Reference No. 09-RWSP1  

Background  

The Town of Lake Park has adopted text amendments to several elements of the Town Comprehensive Plan. The purpose of the amendments is to incorporate the Town’s 20-Year Water Supply Facilities Work Plan into the comprehensive plan and to address other related statutory requirements.

The Treasure Coast Regional Planning Council (TCRPC) reviewed the proposed amendments at a regular meeting held on February 20, 2009. The Florida Department of Community Affairs (DCA) issued an Objections, Recommendations and Comments (ORC) Report on the amendments on January 20, 2009.

Evaluation  

A. TCRPC Report  

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

B. DCA ORC Report  

The DCA Report contained three objections. The objections are shown in Attachment A.

C. Town Response  

1. To TCRPC Comments/Recommendations for Modification  

No response necessary.

2. To the DCA ORC Report  

A summary of the DCA objections and the response of the Town are contained in the Executive Summary dated March 1, 2009 prepared by the Town (see Attachment A).
Conclusion

For information only.

Attachment
April 14, 2009

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 Comprehensive Plan Text Amendments (DCA 09RWSP-1)

Dear Mr. Eubanks:

The City of Palm Beach Gardens is transmitting the adopted Comprehensive Plan Amendments 10-Year Water Supply Facilities Work Plan (DCA 09RWSP-1). 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 February 13, 2009. The ORC report identified four objections, and its related recommendations. The City has reviewed the proposed comprehensive plan amendments according to the ORC report, and included the following policies and changes in response to DCA’s objections and recommendations:

A. Revise the Water Supply Service Area Map to clearly read the service area, as well as the date, north arrow, and other geographic features.
   Please see larger color map as part of the support documents.

B. Revise the amendment to include a policy in the Intergovernmental Coordination Element to update the City’s 10-Year Water Facilities Work Plan within 18 months after the South Florida Water Management District updates the Lower East Coast Regional Water Supply Plan Update.
   Policy 8.4.7: The City shall adopt a 10-Year Water Supply Facilities Work Plan and related amendments within 18 months after the South Florida Water Management District updates the Lower East Coast Water Supply Plan Update.

C. Revise the Intergovernmental Coordination Element to include objective and policies to ensure a meaningful process for collaborative planning between the City and the Seacoast Utility Authority.
   Policy 8.4.8: The City shall ensure a meaningful process for collaborative planning and intergovernmental coordination on a continuing and ongoing basis on water supply issues with Seacoast Utility Authority. Coordination could include sharing of information regarding water supply needs, updating bulk sales projections, implementing alternative water supply projects, and establishing level of service standards.
D. Revise the Capital Improvement Element to include objective and policies to ensure a meaningful process for collaborative planning on capital improvement planning between the City and the Seacoast Utility Authority.

*Policy 9.1.1.5: The City shall coordinate on a continuing and ongoing basis with Seacoast Utility Authority on Capital Improvement Planning related to water supply to ensure water supply availability.*

The City has also coordinated with DCA before final adoption to ensure that the above proposed new policies comply with Florida Statutes. The Planning, Zoning and Appeals Board (PZAB) recommended transmittal to the City Council on October 14, 2008; and the City Council authorized transmittal to DCA on November 20, 2008, through first reading of Ordinance 27, 2008. The City Council voted to adopt through second reading of the Ordinance on April 2, 2009. Enclosed, please find three copies of all comprehensive plan amendment materials including: adopted Ordinance 27, 2008, and Support Documents-10-Year Water Supply Facilities Work Plan-. The City hereby certifies that a copy of the adopted 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 Comprehensive Plan Amendment DCA 09RWSF-1 in The Palm Beach Post newspaper. The following individual has been designated as the City’s contact person for Comprehensive Plan Amendments:

Nilsa C. Zacarias  
City of Palm Beach Gardens  
10500 North Military Trail  
Palm Beach Gardens, Florida 33410  
Fax #: (561) 799-4236  
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.

Sincerely,

Kara L. Irwin, AICP  
Growth Management Administrator
Mr. Ray Eubanks
April 14, Page 3

Cc:

Mr. Richard Post, Senior Planner
Department of Community Affairs
Division of Community Planning
2555 Shumard Oak Blvd.
Tallahassee, FL 32399

Department of Environmental Protection
Attn: Jim Quinn, Environmental Manager
3900 Commonwealth Blvd., Mail Station 47
Tallahassee, FL 32399

Department of Transportation, District Four
Attn: Gary O'Reilly, Director of Production and Planning
3400 West Commercial Blvd.
Ft. Lauderdale, FL 33309

Department of Education and SMART Schools Clearinghouse
Attn: Tracy D. Suber
Educational Consultant-Growth Management Liaison
Office of Educational Facilities
325 West Gaines Street, Suite 1014
Tallahassee, FL 32399-0400

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

Treasure Coast Regional Planning Council
Attn: Terry Hess, AICP, Planning Director
421 S.W. Camden Avenue
Stuart, FL 34994

South Florida Water Management District
Attn: Jim Jackson, AICP, Senior Supervisor Planner
P.O. Box 24680
West Palm Beach, FL 33416-4680

Palm Beach County
Department of Planning, Zoning and Building
Attn: Lorenzo Aghemo, Director
2300 N. Jog Road
The Planning Division
2nd Floor
West Palm Beach, FL 33411
Mr. Ray Eubanks  
April 14, Page 4

The School District of Palm Beach County  
Attn: Kristin Garrison, Director  
Planning Department  
3320 Forest Hill Blvd., C-110  
West Palm Beach, FL 33406-5813

Village of North Palm Beach  
Attn: Jodi Netwicke, Village Planner  
Planning and Zoning Department  
501 US Highway One  
North Palm Beach, FL 33408

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

City of Riviera Beach  
Attn: Mary McKinney, AICP  
Director of Community Development  
600 West Blue Heron Blvd.  
Riviera Beach, FL 33404

Town of Jupiter  
Attn: John Sickler  
Director of Planning  
210 Military Trail  
Jupiter, FL 33458

Town of Lake Park  
Attn: Patrick G. Sullivan, AICP  
Community Development Director  
535 Park Avenue  
Lake Park, FL 33403

Town of Juno Beach  
Attn: Damian Peduto  
Planning and Zoning Director  
340 Ocean Drive  
Juno Beach, FL 33408
To: Council Members

From: Staff

Date: June 19, 2009 Council Meeting

Subject: Local Government Comprehensive Plan Amendment Review
         Adopted Amendment to the Martin County Comprehensive Plan
         DCA Reference No. 09-D1

Background

On April 7, 2009, Martin County adopted a Future Land Use Map amendment to the County Comprehensive Plan. The amendment would permit the development of a residential care facility on one of the out parcels of the Treasure Coast Square Mall Development of Regional Impact.

The Treasure Coast Regional Planning Council (TCRPC) reviewed the proposed amendment at a regular meeting held on February 20, 2009. The Florida Department of Community Affairs (DCA) issued a letter in lieu of an Objections, Recommendations and Comments (ORC) Report on February 20, 2009.

Evaluation

A. TCRPC Report

   The TCRPC report contained no comments or recommendations for modification. The amendment was considered to be consistent with the Strategic Regional Policy Plan.

B. DCA ORC Report

   The letter of February 20, 2009 indicated that the DCA had no objections to the proposed amendment.

C. County Response

   No response necessary. The amendment was adopted without revisions.

Conclusion

For information only.
To: Council Members

From: Staff

Date: June 19, 2009 Council Meeting

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

Background

On April 2, 2009, the City of Palm Beach Gardens adopted text amendments to several elements of the City Comprehensive Plan. The amendments are to incorporate the City Water Supply Facilities Work Plan into the comprehensive plan and to address other related statutory requirements.

The Treasure Coast Regional Planning Council (TCRPC) reviewed the proposed amendments at a regular meeting held on February 20, 2009. The Florida Department of Community Affairs (DCA) issued an Objections, Recommendations and Comments (ORC) Report on the proposed amendments on February 13, 2009.

Evaluation

A. TCRPC Report

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

B. DCA ORC Report

The ORC Report contained four objections. The objections had to do with:

1. the inadequacy of the Water Supply Service Area Map;
2. the lack of a policy to require coordination with the South Florida Water Management District regarding updating the City’s Water Supply Facility Work Plan;
3. the lack of policies with specific programs and activities to ensure coordination between the City and the Seacoast Utility Authority on water supply planning issues; and
4. coordination with the Seacoast Utility Authority on Capital Improvements planning.
C. City Response

1. To TCRPC Comments/Recommendations for Modification

   No response necessary.

2. To the DCA ORC Report

   The City response is shown in a letter dated April 14, 2009 (Attachment A).

Conclusion

For information only.

Attachment
Executive Summary

ADOPTED REVISIONS TO THE TOWN OF LAKE PARK
20-YEAR WATER SUPPLY FACILITIES WORK PLAN AND COMPREHENSIVE PLAN
TO ADDRESS DCA AND REVIEW AGENCY COMMENTS

March 1, 2009

TOWN RESPONSES TO THE DEPARTMENT OF COMMUNITY AFFAIRS
ORC REPORT

Note: Underlines and strikethroughs in this document reflect only those changes made between the transmittal and adoption hearings.

Note: The Town of Lake Park’s Evaluation and Appraisal Report Based Amendments to the Comprehensive Plan have recently been completed, adopted and found sufficient. As the Comprehensive Plan has not been rewritten since its initial adoption there will be proposed revisions and renumbering to Objectives and Policies at a later date.

Objection 1 – The residential potable water level of service standard adopted by the Town is inconsistent with the potable water level of service standard used by the Town for water demand projections. The Town adopted 97 gallons per capita per day while the water demand projections are based on 191 gallons per capita per day which is the average day generation rate of the Town’s potable water provider, Seacoast Utility Authority. The Town should revise its residential potable water level of service standard to be consistent with the standard that is used by their potable water supplier, Seacoast Utility Authority.

Response:

Although the Town recognizes that there is an inconsistency between the Town’s current LOS for potable water (97 gallons per capita per day) and that of the Seacoast Utility Authority, the Town does not believe it furthers the cause of water conservation and efficiency by increasing the its level of service standard to that of the SUA (191 gallons per capita per day).
gallons per capita per day). The Town's residential and commercial property owners are retail customers of the SUA and gathering water usage data for those customers within the Town municipal boundaries has proved difficult. At the suggestion of SFWMD staff, the Town will continue to coordinate with the SUA, with the assistance of the SFWMD staff, to determine per capita water usage. At such time as there is agreement between the SFWMD, the SUA and the Town an amendment to the Comprehensive Plan will be proposed to reflect a more accurate LOS.

Objection 2 – The proposed amendment does not include a policy that requires coordination with the South Florida Water Management District related to updating the Town's Water Supply Facilities Work Plan within 18 months after the South Florida Water Management District updates the Lower East Coast Regional Water Supply Plan Update.

Response:

This Objection is addressed under Objective 3 and in the Monitoring Measure in the Sanitary Sewer, Solid Waste, Drainage, Potable Water and Natural Groundwater Aquifer Recharge Element. It would be duplicative to place the same objective and monitoring measure in the Intergovernmental Coordination Element.

This Objective and Monitoring Measure are the same as what has been used by numerous municipalities in the South Florida region and was agreed to by both DCA and SFWMD as part of the Water Supply Plan template developed by the Miami-Dade County Planners Technical Committee, Miami-Dade WASD and the South Florida Water Management District. In all cases they were placed within the respective municipality's "infrastructure element".

Objection 3 – The proposed amendment does not address the requirements of Section 163.3180(2)(a), F.S., pertaining to water supply concurrency.

Response:

Amend new Capital Improvements policy as follows:

Policy 5.4.: Appropriate mechanisms will be developed and adopted with the South Florida Water Management District in order to assure that adequate water supplies are available to all water uses. Prior to approval of a building permit or its functional equivalent, the Towns' building permitting agencies shall consult with the Seacoast Utility Authority 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. Furthermore, the Town will be responsible for monitoring the availability of water supplies for all water users and for implementing a system that links water supplies to the permitting of new development.
COMMENTS

The Town will continue to coordinate with the Seacoast Utility Authority to address issues raised in this section of the ORC.

OTHER REVISIONS

The following revisions to the Plan have been made to clarify wording, improve/strengthen the policy or correct typographical errors:

Amend new Conservation policy as follows:

Policy 6.13.: The Town will encourage the use of Florida Friendly Landscape guidelines and principals; gutter downspouts, roof runoff, and rain harvesting through the use of rain barrels and directing runoff to landscaped areas; drip irrigation or micro-sprinklers; and the use of porous surface materials (bricks, gravel, turf block, mulch, pervious concrete, etc.) on walkways, driveways and patios or other water and energy conserving devices which achieve similar results.

Amend new Intergovernmental Coordination policy as follows:

Policy 5.5.: Identify and Ensure and identify the consistency of local level of service standards by coordinating with all service providers to obtain current information, including: populations, level of services, service areas, and water supply facilities, and evaluate if future modification to either the service agreement or level of service standards should be included in subsequent Comprehensive Plan Amendments.

Amend new Capital Improvements policy as follows:

Policy 5.5.: The Town shall incorporate capital improvements affecting Town levels of service by referencing the Capital Improvements Schedules of Palm Beach County, state agencies, regional water supply authorities and other units of government providing services but not having regulatory authority over the use of land into its 5-Year Schedule of Capital Improvements. The Town Capital Improvement Element Schedule shall be maintained and updated annually and shall demonstrate that level of service standards will be maintained during the next five-year (2008/2009 through 2012/2013) planning period.

The Town believes the above revisions adequately respond to DCA and Agency Objections and comments associated with the Town’s 20-Year Water Supply Facilities Work Plan and water supply planning related amendments to the Town Comprehensive Plan.

Lake Park Responses to WSP ORC
March 1, 2009
To: Council Members

From: Staff

Date: June 19, 2009 Council Meeting

Subject: Local Government Comprehensive Plan Amendment Review
Adopted Amendments to the Village of Royal Palm Beach Comprehensive Plan
DCA Reference No. 09-1ER (formerly 08-2ER)

Background

On April 16, 2009, the Village of Royal Palm Beach adopted text amendments to all elements of the Village Comprehensive Plan. The amendments were to carry out the recommendations of an Evaluation and Appraisal Report (EAR) that was adopted by the Village on March 1, 2007.

The Treasure Coast Regional Planning Council (TCRPC) reviewed the proposed 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 5, 2008.

Evaluation

The Village’s proposed (draft) amendments included those related to the EAR, as well as those to address statutory requirements for water supply facility planning. However, when adopting the amendments, the Village separated the amendments and adopted them in two different ordinances. This report addresses the EAR-related amendments only.

A. TCRPC Report

The TCRPC report contained seven (7) comments/recommendations for modification to the proposed EAR-related amendments. They were as follows:

1. In its EAR, the Village did not identify affordable housing for the workforce as a major issue. The Village did indicate that a new policy would be adopted to encourage a range of housing types and costs in proximity to employment and services. The Village EAR contained a brief assessment of housing needs/maintenance and enhancement of existing housing stock. The assessment identified a significant number of cost-burdened households. In its review of the Village EAR, Council encouraged the Village to go beyond that proposed language and adopt policies that will result in a proportion of housing that is affordable to the workforce in all future development and redevelopment.

Council has further pointed out that only a very comprehensive program will lead to the development and maintenance of the range of housing types and affordabilities that can
make a difference. Each local government should utilize an appropriate set of regulations, incentives, and programs; fine-tuned to local conditions.

The language in new or revised objectives in the Housing Element speak to promoting a full range of housing types to meet existing and future needs (Objective 1.2), and evaluation of current and projected housing needs (Objective 1.5). However, the Village has not included policy language that indicates what type of strategies and programs the Village will utilize to ensure housing needs are met. The Village has deleted Objective 3.1.5 and all implementing policies which called for a comprehensive study to assess the ability of the Village to meet existing and future needs. This has been replaced by new Objective 1.5 that indicates the Village will evaluate current and projected housing needs as part of periodic updates of the comprehensive plan. There is no information included to indicate whether an up-to-date evaluation has been prepared or what needs were identified. New Policy 1.5.1 indicates the Village shall “as appropriate” investigate and evaluate programs and strategies to facilitate the public and private sector delivery of housing to meet current and proposed needs. Again, there are no policies to indicate what programs and strategies the Village has decided to implement to ensure that identified needs will be met.

Recommendation for Modification: The shortage of housing affordable to meet the needs of the workforce in Palm Beach County has been well documented. While those needs may vary somewhat from community to community, it is time for local governments to implement specific programs and strategies to meet these needs. In its comprehensive plan, the Village has promised only to “evaluate projected needs”, to “investigate and evaluate programs and strategies as appropriate”, and to “utilize the appropriate mechanisms to encourage”. The Village should adopt policy language to implement its objectives that is specific to current needs. As soon as possible, the Village should clearly indicate, in policy, what programs will be implemented, what incentives will be offered and what tools will be utilized to ensure that at least a proportion of all new housing will be affordable to the workforce, and how existing affordable housing shortages will be addressed. An entire toolbox of programs and strategies (accessory dwelling units, reduction of regulatory barriers, inclusionary zoning, density bonuses, community land trusts, impact fee assistance, trust funds, etc) is available. The Village needs to select those tools that are appropriate, include them as implementing policies in the comprehensive plan, and move forward to address the workforce housing problem.

2. If a current and detailed housing needs assessment has not been prepared, the Village should commit to do so as soon as possible (Objective 1.5).

3. Revised Policy 1.1.4 of the Conservation Element is confusing, since its intent appears to be to recommend that another policy (not referenced) should be implemented through various programs. This policy should be clarified.

4. In revised Policy 4.1.1 of the Conservation Element, the Village has deleted the requirement to implement a bikeway/pedestrian walk master plan as a means to reduce
reliance upon automotive travel. It is not clear why the implementation of the master plan is no longer appropriate.

5. In new Policy 1.1.5, it may be more appropriate to indicate the Village will coordinate with the Palm Beach County School District or Board (rather than individual schools). Joint agreements are more likely to be between the Village and the School District, than directly with individual schools.

6. New Policy 1.5.1 of the Intergovernmental Coordination Element should be corrected to reference the 20-Year Water Supply Plan (rather than 10-Year Water Supply Plan).

7. New Policy 1.3.1 of the Capital Improvements Element indicates the Village “shall evaluate the feasibility of identifying needed capital improvement projects” in specific neighborhoods by the year 2012. By 2012, the Village should be able to actually identify these needed improvements, rather than evaluating the feasibility of doing so.

B. DCA ORC Report

The DCA report contained seven (7) objections. However, only the first five objections related to the EAR-related amendments. The DCA objections are summarized in the Village response letter of April 23, 2009 (see Attachment A).

C. Village Response

1. To TCRPC Comments/Recommendations for Modification

   a. Regarding the need to adopt specific programs and strategies to meet affordable housing needs. No response from the Village.
   b. Regarding the preparation of a current and detailed housing needs assessment. See response to DCA Objection #4 in Attachment A.
   c. Regarding the revision of Policy 1.1.4 of the Conservation Element. The Village revised this policy to make it more clear.
   d. Regarding the deletion of Policy 4.1.1 of the Conservation Element to prepare a bikeway/pedestrian walk master plan. No response from the Village.
   e. Regarding the need to review Policy 1.1.5 of the Recreation and Open Space Element to coordinate on joint park-school recreational facilities. The Village revised the policy as recommended.
   f. Regarding new Policy 1.3.1 of the Capital Improvements Element to identify needed capital improvements projects. The Village has revised the policy as recommended.

2. To the DCA ORC Report

The DCA Objections are summarized in Attachment A, which also includes the Village response to those objections.
Conclusion

For information only.

Attachment
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  

April 23, 2009

RE: Transmittal of the Village of Royal Palm Beach’s Adopted Evaluation and Appraisal Report-based Amendments

Dear Mr. Eubanks:

Enclosed please find three copies of: Ordinance No. 809 authorizing adoption of the Village of Royal Palm Beach’s Evaluation and Appraisal Report (EAR)-based amendments; the Village’s 2009 Adopted EAR-Based Amendments, and; the Citizens’ Sign-in Sheet. Copies of this package are also being transmitted to the review agencies listed at the end of this letter. A copy of the Village’s adopted Future Land Use Map is also being transmitted for informational purposes. The Village’s adopted Evaluation and Appraisal Report and Comprehensive Plan were previously submitted to the Department of Community Affairs (DCA) and all review agencies.

The data and analysis for these amendments is contained in the EAR which was adopted by the Village on March 1, 2007 and subsequently found sufficient by the Department of Community Affairs. Section 163.3191(10), Florida Statutes (F.S.), requires that a governing body amend its Comprehensive Plan based on the recommendations in the EAR after the report is determined sufficient by DCA. The Village Council authorized transmittal to DCA through first reading of Ordinance No. 809 on September 18, 2008. In the December 5, 2008 Objections, Recommendations and Comments (ORC) Report, DCA provided objections, recommendations and comments regarding the Village’s proposed amendments (DCA No. 08-2ER). The Village’s response and corrective actions are as follows:
Mr. Ray Eubanks  
April 23, 2009  
Page 2  


Response: The following new or revised objectives and policies were added to address this Objection: Future Land Use Element – new policies LU-1.5.9 and LU-1.5.10 (pp. 6 – 7); Transportation Element – new Policy T-2.3.4 (P.10); Housing Element – new policies H-1.1.10, H-1.1.11, and H-1.1.12, (P. 13), and; Conservation Element, new Objective C-1.6 and policies C-1.6.1, C-1.6.2, and C-1.6.3 (P. 27).

Objection 2: Some objectives and policies are too vague and non-specific.

Response: The following objectives and policies were revised to include specific citations, references, timeframes, and/or implementation procedures, as per DCA’s recommendation: Transportation Element – new Objective T-2.3 (P. 9) and new policies T-2.3.4 (P. 9) and T-4.12 (P. 9); Housing Element – revised policies 3.1.1.9 (P. 12), 3.1.2.1 (P. 12), 3.1.2.4 (P. 13), new Policy H-1.2.5 (P. 13), new Policy H-1.5.1 (P. 15), and revised Policy 3.1.6.3 (P. 15); Aquifer Recharge Subelement – revised Policy 1.2 (P. 23), and; Intergovernmental Coordination Element – new Policy IC-1.3.15 (P. 31).

Objection 3: The Village has not adopted the State Level of Service Standard for State Strategic Intermodal System (SIS) facilities or Transportation Regional Incentive Program (TRIP) Projects.

Response: Transportation Element Objective 1.1 (P. 9) and Capital Improvements Element Policy 3.1 (P. 33) have been revised to include the Level of Service Standard for SIS facilities and TRIP projects.

Objection 4: The Village proposes to delete Housing Element Objective 3.1.5 and its implementing policies, which call for a comprehensive study to address housing needs.

Response: The Village proposes a new Objective H-1.5 and policies thereunder stating that it will evaluate current and projected housing needs as part of periodic updates to the Comprehensive Plan (the EAR). A current and detailed housing needs assessment based on data provided by the Shimberg Center for Affordable Housing was contained in the adopted 2007 EAR (Chapter II.B., Housing Needs/Maintenance and Enhancement of Existing Housing Stock, pp. 18 – 20).

Objection 5: The Capital Improvement Schedule (Tables 1 – 6) does not cite sources or dates of preparation.
Mr. Ray Eubanks  
April 23, 2009  
Page 3

Response: Sources and dates of preparation are included as footnotes to the tables comprising the Capital Improvements Schedule (pp. 33, 36, 37 and 38).

In addition, the Treasure Coast Regional Planning Council and other review agencies provided review comments. The following policies were revised to address Treasure Coast Regional Planning Council comments: Conservation Element – revised Policy 1.4 (P. 24); Recreation and Open Space Element - new Policy ROS-1.1.5 (P. 27); Intergovernmental Coordination Element – new policies IC-1.5.1 and IC-1.5.2, and; Capital Improvements Element – new Policy CI-1.1.3 (P. 31).

The 13 applications contained in this report correspond to the Comprehensive Plan elements and subelements to which amendments are recommended. Only goals, objectives, policies and text for which amendments are recommended, or new goals, objectives and policies, are included. Additions are denoted by underline; deletions by strikethrough.

The Village of Royal Palm Beach 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 Village’s designated contact person, my contact information is on the letterhead address.

Sincerely,

[Signature]

Jerry H. Bell, AICP  
Principal

Enclosures
Village of Royal Palm Beach
Mailing List

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Florida Department of State
Bureau of Historic Preservation
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Lorenzo Aghemo, Director
Palm Beach County Department of Planning,
Zoning and Building
Planning Division
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West Palm Beach, Fl 33411

Steve Cramer, Comprehensive Plan Manager
Village of Wellington
12794 West Forest Hills Blvd., Suite 10
Wellington, FL 33414
To: Council Members

From: Staff

Date: June 19, 2009 Council Meeting

Subject: Local Government Comprehensive Plan Amendment Review
Adopted Amendments to the Village of Royal Palm Beach Comprehensive Plan
DCA Reference No. 09-RWSP1

Background

On April 16, 2009, the Village of Royal Palm Beach adopted text amendments to several elements of the Village Comprehensive Plan. The amendments are to incorporate the Village 20-Year Water Supply Facilities Work Plan into the comprehensive plan and to address related statutory requirements.

The Treasure Coast Regional Planning Council (TCRPC) reviewed the proposed 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 5, 2008.

Evaluation

The draft (proposed) amendments included not only those related to water supply facility planning, but those to implement the recommendations of the Village Evaluation and Appraisal Report (EAR). However, when adopting the amendments, the Village elected to adopt the water supply facility amendments and the EAR related amendments separately. Both the report issued by the TCRPC and the DCA ORC Report contain objections, recommendations for modification and comments that apply to both types of amendments.

A. TCRPC Report

The TCRPC report contained eight comments/recommendations for modification, but only two had to do with the water supply facility amendments. The comments called for a correction to Policy 1.5.1 of the Intergovernmental Coordination Element and the need to number the water supply facility related amendments to improve the organization and clarity of the Plan.

B. DCA ORC Report

The DCA Report included seven objections. However, only two of the objections had to do with the water supply facility related amendments. The objections had to do with the lack of data and analysis regarding adequate water supply and treatment capacity and the need for a
policy to commit to coordination with the Village of Wellington, one of the water supply providers for the Village of Royal Palm Beach.

C. Village Response

1. To TCRPC Comments/Recommendations for Modification

   The Village modified Policy 1.5.1 of the Intergovernmental Coordination Element to reference the 20-Year Water Supply Facilities Plan. The adopted amendments that pertain directly to the water supply facility work plan were not numbered in the amendment materials received by the TCRPC.

2. To the DCA ORC Report

   The DCA objections that apply to these amendments (Objection #6 and #7) are summarized in Attachment A. The Village response to those objections is also included in Attachment A, entitled “Executive Summary” and dated April 16, 2009.

Conclusion

For information only.

Attachment
Executive Summary

ADOPTED REVISIONS TO THE VILLAGE OF ROYAL PALM BEACH
20-YEAR WATER SUPPLY FACILITIES WORK PLAN AND COMPREHENSIVE PLAN
TO ADDRESS DCA AND REVIEW AGENCY COMMENTS

Adoption Hearing - April 16, 2009

VILLAGE RESPONSES TO THE DEPARTMENT OF COMMUNITY AFFAIRS
ORC REPORT

This Summary is in response to only Objections 6 and 7 and Comments 1 and 2 of the ORC Report dealing with water supply planning.

Note: Underlines and strikethroughs in this document reflect only those changes made between the transmittal and adoption hearings.

Note: The Village of Royal Palm Beach’s Evaluation and Appraisal Report Based Amendments to the Comprehensive Plan have recently been scheduled for adoption. As the Comprehensive Plan has not been rewritten since its initial adoption there will be proposed revisions and renumbering to Objectives and Policies at a later date.

Objection 6 – Water Supply demand and Coordination. Although the Village obtains all of its water from two suppliers, the Palm Beach County Utilities Department and the Village of Wellington, the Village has not demonstrated that the Village of Wellington has adequate water supplies and water plant treatment capacities to service its recipient local governments, including the Village of Royal Palm Beach. Detailed data and analysis was submitted regarding Palm Beach County’s Water Supply Facilities Work Plan, but not for the Village of Wellington’s Water Supply Work Plan.

Response:

The Village has revised its Water Supply Plan and proposed amendments to better incorporate Village of Wellington water supply and water plant treatment capacity data and analysis. Revisions have been made throughout the Plan but most importantly in Section 3.0 – Data and Analysis and the addition of the Village of Wellington’s Capital Improvements Element/Schedule in Section 4.0 – Capital Improvements.

Royal Palm Beach Responses to WSP ORC
March 19, 2009
Objection 7 – Intergovernmental Coordination. While Infrastructure Element – Potable Water SubElement Policy XX (Second Policy under the new Objective) provides for coordination between the County’s 20-Year Water Supply Facilities Work Plan and the Village, the policy does not include coordination of its water supply plan with the Village of Wellington, its other water service provider.

Response:

Amend new Intergovernmental Coordination policy as follows:

Policy XX: The Village shall coordinate the planning of potable water and sanitary sewer facilities, water supply sources, demands, other services and level-of-service standards with the Palm Beach County Water Utilities Department, Palm Beach County Department of Environmental Resources Management, South Florida Water Management District, the Village of Wellington other units of government and through the Lower East Coast Water Supply Plan Update, as necessary.

To further address this Objection, other policies in the Infrastructure, Conservation and Capital Improvements Elements have been revised, as necessary, to specifically make reference to the Village of Wellington – while the wording "other units of government" has been deleted.

Infrastructure Element – Potable Water Subelement

Policy XX: Coordinate appropriate aspects of its Comprehensive Plan with the South Florida Water Management District’s regional Water Supply Plan adopted February 15, 2007, with the Palm Beach County 20-Year Water Supply Work Plan adopted August 21, 2008 and other units of government with the Village of Wellington Water Supply Facilities 10 Year Work Plan. The Village shall amend its Comprehensive Plan and Water Supply Plan as required to provide consistency with the District, County and Village of Wellington plans.

Monitoring Measure: The Work Plan shall remain consistent with the Palm Beach County 20-Year Water Supply Work Plan and with the Village of Wellington Water Supply Facilities 10 Year Work Plan, which is are compatible with the Palm Beach County and Village of Wellington Water Use Permit renewals and with the projects listed in the South Florida Water Management District’s Lower East Coast Regional Water Supply Plan. The Work Plan will be updated, at a minimum, every 5 years and within 18 months after the South Florida Water Management District’s approval of an updated Lower East Coast Regional Water Supply Plan.

Conservation Element

Royal Palm Beach Responses to WSP ORC
March 19, 2009
Policy XX: The Village shall coordinate the planning of potable water and sanitary sewer facilities, water supply sources, demands, other services and level-of-service standards with the Palm Beach County Water Utilities Department, Palm Beach County Department of Environmental Resources Management, South Florida Water Management District, other units of government the Village of Wellington and through the Lower East Coast Water Supply Plan Update, as necessary.

Policy XX: As a result of the potable water network's ability to interconnect to the County-wide system, the Village will cooperate with Palm Beach County Water Utilities Department and other units of government the Village of Wellington to jointly develop methodologies and procedures for biannually updating estimates of system demand and capacity, and ensure that sufficient capacity to serve development exists.

Policy XX: If in the future there are issues associated with water supply, conservation or reuse the Village will immediately contact the PBC Water Utilities Department and the Village of Wellington to address the corresponding issue(s). In addition, the Village will follow adopted communication protocols with the water providers to communicate and/or prepare an appropriate action plan to address any relevant issue associated with water supply, conservation or reuse.

Capital Improvements Element

Policy XX: Appropriate mechanisms will be developed and adopted with the South Florida Water Management District, Palm Beach County and other units of government the Village of Wellington in order to assure that adequate water supplies are available to all water users. Prior to approval of a building permit or its functional equivalent, the Village's building permitting agencies shall consult with Palm Beach County and the Village of Wellington to determine whether adequate water supplies to serve the new development will be available no later than at the time of the issuance of a Certificate of Occupancy or its functional equivalent. Furthermore, the Village will be responsible for monitoring the availability of water supplies for all water users and for implementing a system that links water supplies to the permitting of new development.

Policy XX: The Village shall incorporate capital improvements affecting Village levels of service by referencing the Capital Improvements Schedules of Palm Beach County, the Village of Wellington, state agencies, and regional water supply authorities and other units of government providing services but not having regulatory authority over the use of land into its 5-Year Schedule of Capital Improvements. The Village Schedule shall be maintained and updated annually.

Royal Palm Beach Responses to WSP ORC
March 19, 2009
COMMENTS

The ORC report also contained two comments. Comments are advisory in nature and do not form bases of a determination of non-compliance.

Comment 1 – The objectives and policies need to be renumbered and placed in the appropriate elements, particularly the Water Supply Work Plan recommended plan changes currently numbered “XX”.

Response:

As stated under the second Note at the beginning of this response, the Comprehensive Plan has not been rewritten since its initial adoption. There will be proposed revisions and renumbering to Objectives and Policies at a later date.

Comment 2 – There is a discrepancy between the number of miles of waterways on Page 4 of the Water Supply Work Plan under the “Overview.” Paragraph two indicates 29 miles, while paragraph three indicates 22 miles of waterways; this inconsistency should be resolved.

Response:

The correct number of miles of waterways is 22. Paragraph two will be corrected.

OTHER REVISIONS

The following revisions to the Plan have been made to clarify wording, improve/strengthen the policy or correct typographical errors:

Amend new Conservation policy as follows:

Policy XX: The Village will encourage the use of Florida Friendly Landscape guidelines and principals; gutter downspouts, roof runoff, and rain harvesting through the use of rain barrels and directing runoff to landscaped areas; drip irrigation or micro-sprinklers; and the use of porous surface materials (bricks, gravel, turf block, mulch, pervious concrete, etc.) on walkways, driveways and patios or other water and energy conserving devices which achieve similar results.

Amend new Intergovernmental Coordination policy as follows:

Policy XX: Identify and Ensure and identify the consistency of local level of service standards by coordinating with all service providers to obtain current
information, including: populations, level of services, service areas, and water supply facilities, and evaluate if future modification to either the service agreement or level of service standards should be included in subsequent Comprehensive Plan Amendments.

Amend new Capital Improvements policy as follows:

Policy XX: Appropriate mechanisms will be developed and adopted with the South Florida Water Management District, Palm Beach County and the Village of Wellington in order to assure that adequate water supplies are available to all water users. Prior to approval of a building permit or its functional equivalent, the Village's building permitting agencies shall consult with Palm Beach County and the Village of Wellington 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. Furthermore, the Village will be responsible for monitoring the availability of water supplies for all water users and for implementing a system that links water supplies to the permitting of new development.

Policy XX: The Village shall incorporate capital improvements affecting Village levels of service by referencing the Capital Improvements Schedules of Palm Beach County, Village of Wellington, state agencies, and regional water supply authorities and other units of government providing services but not having regulatory authority over the use of land into its 5-Year Schedule of Capital Improvements. The Village Capital Improvement Element Schedule shall be maintained and updated annually and shall demonstrate that level of service standards will be maintained during the next five-year (2008/2009 through 2012/2013) planning period.

The Village believes the above revisions adequately respond to DCA and Agency Objections and comments associated with the Village's 20-Year Water Supply Facilities Work Plan and water supply planning related amendments to the Village Comprehensive Plan.
To: Council Members  
From: Staff  
Date: June 19, 2009 Council Meeting  
Subject: Local Government Comprehensive Plan Amendment Review  
Adopted Amendments to the City of Sebastian Comprehensive Plan  
DCA Reference No. 09-1

Background

On March 25, 2009, the City of Sebastian adopted one Future Land Use Map (FLUM) amendment, as well as text and map amendments to several of the elements of the City Comprehensive Plan. The purpose of the majority of the amendments was to update, revise and reorganize the comprehensive plan.

The Treasure Coast Regional Planning Council (TCRPC) reviewed the proposed amendments at a regular meeting held on February 20, 2009. The Florida Department of Community Affairs (DCA) issued an Objections, Recommendations and Comments (ORC) Report on the proposed amendments on March 6, 2009.

Evaluation

A. TCRPC Report

The TCRPC report included two comments/recommendations for modification. These had to do with the definition of each FLUM category and the need to retain the High Density Residential FLUM category.

B. DCA ORC Report

The DCA Report contained seven objections. The objections addressed:

1. The need to include a Conservation FLUM category.
2. The need to include airport services and facilities as permitted uses under the Industrial and Institutional FLUM designations.
3. The need to include a policy addressing requirements pertaining to water supply concurrency.
4. The inclusion of the school district facilities work plan and educational plant survey in the comprehensive plan support documentation and revision to the Capital Improvements Element to adopt the current school district 5-Year Work Plan.
5. Necessary revisions to the Intergovernmental Coordination Element to include policies committing to coordination with the school board on updating the Public School Facilities Element (PSFE) and the School District 5-Year Work Plan.
6. The need for consistent language between Policy 1.1.4 in the PSFE and Section 13.2 of the Interlocal Agreement.
7. Missing policies that are required to be included in the PSFE.

C. City Response

1. To TCRPC Comments/Recommendations for Modification

   No response received.

2. To the DCA ORC Report

   The City has not provided a specific response to each DCA objection, but has provided a summary in the amendment adoption transmittal letter dated April 30, 2009 (see Attachment A) of those changes made in response to the DCA ORC Report.

Conclusion

For information only.

Attachment
April 30, 2009

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

Reference: Comprehensive Plan Amendment
City of Sebastian DCA No. 09-1

Dear Mr. Eubanks:

The City of Sebastian Comprehensive Plan Amendment DCA No. 09-1 has been adopted with changes in response to your Objections, Recommendations and Comments Report dated March 6, 2009. This transmittal letter addresses the statutory requirements of Rule 9J-11.011 as follows:

9J-11.011(5) Number of Copies to be Submitted:

Enclosed are three copies (one paper, two CD ROM in PDF format) of the City of Sebastian Comprehensive Plan Amendment identified as DCA No. 09-1, including graphic and textual materials and support documents.

9J-11.011(5)(a)1 Newspaper for publication of Notice of Intent:

Press Journal, Vero Beach, Florida

9J-11.011(5)(a)2 Adoption Ordinance Numbers and Adoption Dates:

Ordinance 0-08-02, Future Land Use Map Amendment – Shady Rest Mobile Home Park was adopted on March 25, 2009, without changes. Ordinance 0-08-10, Comprehensive Plan and Land Use Map Amendment was adopted on April 22, 2009, with changes.
9J-11.011(5)(a)3 Certification that the adopted amendment (including data and analysis) has been sent to the appropriate agencies listed in 9J-11.009(6):

By this letter, I hereby certify that copies of this amendment package identified as City of Sebastian Comprehensive Plan Amendment DCA No. 09-1 are being sent to the following agencies:

1. Department of Community Affairs (3 copies - 1 paper and 2 CD’s)
2. Department of Education (1 copy)
3. Department of Environmental Protection (1 copy)
4. Department of State (1 copy)
5. Department of Transportation (1 copy)
6. Treasure Coast Regional Planning Council (1 copy)
7. St. Johns River Water Management District
8. Indian River County
9. City of Fellsmere
10. Indian River County Metropolitan Planning Organization
11. City of Vero Beach

Additional copies will be available upon request.

9J-11.011(5)(a)4 If the plan amendment is unchanged and was not subject to review or objections, a statement requesting expedited publication of notice of intent.

Ordinance 0-08-02, Future Land Use Map Amendment – Shady Rest Mobile Home Park was adopted without changes. The objection in the ORC report has been addressed. Ordinance 0-08-10, Comprehensive Plan and Land Use Map Amendment was adopted with changes in response to the objections in the ORC report.

9J-11.011(5)(a)5a. A listing of additional changes made in the adopted plan or amendment which were not previously reviewed by the Department. This listing shall include the identification of the specific portions that were changed with reference to appropriate pages.

Revisions are shown in red with underline for new text. Old text is shown in black in the right margin marked as deleted. Following are changes not previously reviewed by the Department:

Ordinance 0-08-02 – Shady Rest Mobile Home Park: No Changes

Ordinance 0-08-10 – Comprehensive Plan and Land Use Map Amendment: Changed as follows:

Future Land Use Element
- Adoption date changed throughout the element.
- Title page: Date change
- Table of Contents: numbering changes on pages I-ii – I-iii
- Page numbers have been corrected throughout the element.

April 30, 2009
• Sebastian Municipal Airport added to Institutional land use category on page 1-4.
• Availability of Facilities and Services regarding Transportation was expanded on page I-10.
• Table I – 1 Existing Land Use Table has been revised to include a FAR designation for Conservation on page I-19.
• Policy 1-1.1.2 Land Use Categories chart has been revised to include Conservation on page I-34.
• Objective 1-1.5 Industrial Land Use has been revised to include aviation related industry, services and facilities on page I-39.
• Policy 1-1.5.1 Industrial Land Use Designation has been revised to include aviation related industry, services and facilities on page I-39.
• Policy 1-1.5.5 regarding use of Municipal Airport lands has been added on page I-40.
• Objective 1-1.6 has been revised to include the Sebastian Municipal Airport on page I-41.
• Policy 1-1.6.1 Institutional Land Use has been has been expanded to address airport lands, as well as to establish a FAR for airport and other institutional uses on page I-41.
• Policy 1-1.7.1 Conservation Designation has been expanded to further define uses and establish a FAR on page I-42.
• Policy 1-3.1.4 regarding Concurrency Management has been added to address water availability on page I-51
• Policy 1-3.1.5 regarding Concurrency Management has been added to address school concurrency requirements on page I-51.

Transportation Element
• Adoption date changed throughout the element.
• Title page: Date change
• Table of Contents: numbering corrections on pages II-i – I-ii

Housing Element
• Adoption date changed throughout the element.
• Title page: Date change

Intergovernmental Coordination
• Adoption date changed throughout the element.
• Title page: Date change
• Under Community Development, agency name was corrected to Growth Management on page 8-5.
• Grammatical error corrected on page 8-8.
• Policy 8-1.1.3 Coordination of Development and Growth bullet regarding SJRWMD/DER SWIM Program has been modified on page 8-11.
- Policy 8-1.1.3 Coordination of Development and Growth bullet added regarding a SJRWMD Supply Assessment and District Water Supply Plan added on page 8-11.
- Last paragraph of Policy 8-1.1.3 has been deleted on pager 8-11.
- Objective 8-1.4 was inadvertently deleted from the transmittal draft. The missing objective was put back in on pages 8-12 and 8-13.
- Policy 8-1.5.5 Development Review Process has been added on pages 8-13 through 8-16.
- Policy 8-1.5.6 Coordination has been added to page 8-16.

Public School Facilities Element
- Adoption date changed throughout the element.
- Title page: Date change
- Table of Contents: numbering changes on pages XI-i – XI-iii
- Table of Contents: Goals, Objectives and Policies added to table on page XI-i
- Committee name is changed on page XI-1.
- Under Funding for Schools Facilities, the State Class Size Reduction data has been updated on page XI-5.
- Committee name changed under Coordination Mechanisms on page XI-6.
- Utilization Rates data has been updated on page XI-6.
- Updated FISH capacity under Level of Service on page XI-7.
- Enrollment projections data has been updated on page XI-8.
- Programmed Improvements/Land Area Needs data has been updated on page XI-9.
- Financial Feasibility date has been revised on page XI-9.
- Committee name changed in Co-location/Community Focal Points on page XI-11.
- Table XI-7 Florida Inventory of School Houses (FISH) Permanent Capacity has been expanded to include all public school facilities district wide, and data has been updated on pages XI-14 and XI-15.
- Committee name changed on Table XI-9 Indian River County Mandatory Public School Committees and Meetings on page XI-16.
- Table XI-10 Enrollment Surplus/Deficiency has been expanded to include all public school facilities district wide, and data has been updated on pages XI-16 and XI-17.
- Table XI-12 2012 Enrollment Projections for Schools serving Sebastian and District has been expanded to include all public school facilities district wide, and data has been updated on pages XI-19 and XI-20.
• Table XI-14 Capital Project Schedule for the Indian River County School District has been updated on page XI-21.
• Table XI-15 Proposed Major Renovation, Remodeling and Additions has been updated on page XI-22.
• Table XI-16 Capital Improvement Revenue Summary has been updated on page XI-23.
• Map XI-1 Elementary School Service Area Boundaries serving the City of Sebastian has been relabeled on page XI-24.
• Map XI-2 Elementary School Service Area Boundaries within County has been added on page XI-25.
• Map XI-3 Middle School Service Area Boundaries serving the City of Sebastian has been relabeled and renumbered on page XI-26.
• Map XI-4 Middle School Service Area Boundaries Countywide has been added on page XI-27.
• Map XI-5 High School Service Area Boundaries serving the City of Sebastian has been relabeled and renumbered on page XI-28.
• Map XI-6 High School Service Area Boundaries Countywide has been added on page XI-29.
• Heading added for Goals, Objections and Policies on page XI-30.
• Policy 1.1.4 has been revised on pages XI-30 and XI-31.
• Policy 1.2.3 has been revised to correct the committee name on page XI-32.
• Policy 1.3.1 Development Review Process has been expanded to outline the process on pages XI-33 through XI-37
• Policy 1.3.3 Coordination has been created on page XI-37.
• Policy 1.3.4 has been renumbered on page XI-37.
• Policy 1.3.5 has been renumbered on page XI-37.
• Policy 1.3.6 has been revised on page XI-38.
• Policy 1.3.7 has been renumbered on page XI-38.
• Policy 1.3.8 Acceptable Types of Mitigation has been created on page XI-38.
• Objective 1.4 Capital Improvements has been corrected on page XI-39.
• Policy 1.4.1 Annual Update of Capital Improvement Element has been updated on page XI-39.
• Policy 1.4.3 Compliance with School Board’s Five Year Capital Facilities Plan has been amended on page XI-39.
• Policy 1.7.6 Enrollment Projections has been created on page XI-42.
• Appendix A data has been updated on pages XI-43 and XI-44.
• Appendix B data has been updated on page XI-45.

Capital Improvements Element
• The Capital Improvements Element, which originally was part of Ordinance O-08-10 has been removed. Separately Ordinance 0-09-01 Capital Improvements Element was adopted on January 28, 2009. On March 22, 2009, the Department of Community Affairs issued their Notice of Intent to find that Comprehensive Plan Amendment in compliance.
9J-11.011(5)(a)5b. A listing of findings of the local governing body, if any, which were not included in the adoption ordinance and which provided the basis of the adoption of a proposed plan or plan amendment or the determination not to adopt the proposed plan amendment.

There were no additional findings by City Council.

9J-11.011(5)(a)5c. A statement indicating the relationship of the additional changes not previously reviewed by the Department to the objections, recommendations and comments report.

See attached document entitled “City of Sebastian Response to Objections, Recommendations and Comments Report for Comprehensive Plan Amendment 09-1”.

9J-11.011(5)(a)5d. A listing of proposed amendments previously reviewed by the Department in the current cycle of amendments which were not adopted by the local government.

None

9J-11.011(5)(a)5e. A copy of any comments from a military installation identifying a possible adverse impact from the proposed amendment together with the City’s response to those comments.

None

9J-11.011(5)(a)5f. If package contains a future land use map amendment adopted after December 1, 2007, a statement indicating the date the annual capital improvement element update has been adopted and submitted along with the summary of de minimis impact records.

The annual capital improvements element update was adopted by Ordinance 0-09-01 on January 28, 2009. The City does not have any de minimis impacts, and therefore has no summary to submit.

9J-11.011(5)(a)6 The name, title, address, telephone number, facsimile number, and e-mail address of the person for the City who is familiar with the adopted amendments and is responsible for ensuring that the materials transmitted are complete.

Rebecca Grohall, AICP
Director of Growth Management
City of Sebastian
1225 Main Street
Sebastian, FL 32958
Telephone (772) 589-5518
Fax (772) 388-8248
Email rgrohall@cityofsebastian.org

Pursuant to Section 163.3184(8)(c), the City provided a sign-in form at the adoption hearing for each Ordinance for any person who wished to receive a courtesy information statement concerning publications of the Department of Community Affairs Notice of Intent. These documents are included with this transmittal.

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

Sincerely,

[Signature]

Rebecca Grohall, AICP
Growth Management Director

April 30, 2009
To: Council Members

From: Staff

Date: June 19, 2009 Council Meeting

Subject: Local Government Comprehensive Plan Amendment Review
Adopted Amendments to the St. Lucie County Comprehensive Plan
DCA Reference No. 09-1

Background

On April 21, 2009, St. Lucie County adopted text amendments to the Future Land Use Element and one amendment to the Future Land Use Map (FLUM) of the County Comprehensive Plan. The text amendments are directly related to the FLUM amendment which assigns a Mixed Use designation to a 38-acre property near the intersection of Midway and Selvitz Road in the central portion of the County.

The Treasure Coast Regional Planning Council (TCRPC) reviewed the proposed 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 amendments on January 2, 2009.

Evaluation

A. TCRPC Report

The TCRPC Report contained one comment/recommendation for modification suggesting that the County consider allowing additional mixed use FLUM designations so that all locations may contain a balanced, compatible mix of land uses.

B. DCA ORC Report

The DCA Report contained two objections. The objections are shown in Attachment A.

C. County Response

1. To TCRPC Comments/Recommendations for Modification

   No response received.

2. To the DCA ORC Report

   The County responses are shown in Attachment A.
Conclusion

For information only.

Attachment
April 30, 2009

Ray Eubanks, Plan processing Administrator
Division of Community Planning
Florida Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399

Re: St. Lucie County Comprehensive Plan
    Submittal for Compliance Review
    Adopted St. Lucy County 09-1 Amendment Cycle
    FLUMA-420081453 and TCP-420081456
    (Ordinance Number 09-006)

Dear Mr. Eubanks,

Based on Chapter 163 Florida Statutes (F.S.), the Department of Community Affairs completed a review of the St. Lucie County’s proposed 09-1 Comprehensive Plan Amendment Cycle (formerly known as the 08-2 Cycle), which included one (1) Future Land Use Map Amendment and one (1) Text Amendment adding Figure 1-7m for the proposed MXD area and providing sub-area policy language to the same Ordinance, No. 09-006 (formerly known as 08-030). The Department of Community Affairs then forwarded its Objections, Recommendations and Comments Report (ORC) in a letter dated January 2, 2009 and stamped received on January 5, 2009. After reviewing the ORC, the text and Future Land Use Map amendment was changed accordingly.

The following information is provided in response to the Objections, Recommendations and Comments Report to the previously transmitted 09-1 Comprehensive Amendment Cycle:

1. **Objection:** The County has not demonstrated that it has an adequate supply of water to meet current and future water supply needs, including water supply to serve the proposed land use change, because the County has not adopted its 10-Year Water Supply Facilities Work Plan as required by Section 163.3177 (6)(c), F.S.

   **Response:** St. Lucie County adopted its 10-Year Water Supply Facilities Work Plan on December 2, 2008 and the Notice of Intent was issued on March 27, 2009. The adopted 10-Year Water Supply Facilities Work Plan is on file with DCA and can also be found on the Growth Management Website under publications, www.stlucieco.gov/growth/.

2. **Objection:** The amendment package includes a new Figure 1-7m which illustrates the subject property and contains the site specific development limitations for the property. The language limits industrial uses to 310,800 square feet of gross building area, and allows commercial uses ancillary to industrial uses. Although the data and analysis submitted in support of this amendment evaluated public facilities impacts based on the industrial development of the site, the public facility analysis did not include an assessment
of the commercial development that would be allowed on the site. The Mixed Use future land use designation allows up to 1.0 floor area ratio for commercial development in High Intensity Development areas. The County has not adequately demonstrated the availability of public facilities based on the maximum development potential of the property.

The amendment package has not demonstrated that adequate water and wastewater facilities exist to serve the property based upon the maximum development potential. The amendment package contains a letter from Ft. Pierce Utilities stating that the Utilities would serve the site, but the amendment has not demonstrated that the Utilities have adequate potable water supply and potable water and wastewater treatment capacities to serve the amendment property. Additionally, though the amendment package contains a transportation analysis, the transportation analysis is not based on the maximum development potential of the property, because it does not include the commercial development.

If the data and analysis determines that capital improvements will be needed in the next five years to meet the County's water supply, then those capital improvements must be included in a financially feasible five year schedule of capital improvements. To be financially feasible, projects in the first three years of the schedule of capital improvements must be funded by committed or planned revenue sources.

Response: St. Lucie County adopted its 10-Year Water Supply Facilities Work Plan and no capital improvements are needed to meet the needs of this project. The Fort Pierce Utilities Authority has confirmed in their letter that there currently is sufficient water supply and water treatment capacity available and the supporting infrastructure is already present on Midway and Selvitz Roads.

The Mixed Use Activity Area Language has been updated to conform to the existing Comprehensive Plan MXD map series and to remove any ambiguity of the allowable FAR by specifically identifying the intensity as medium. To resolve the objection above, the ancillary COM designation has been removed, therefore the IND designation, of which the analysis was based on, is the maximum development potential of this site. Included in this package is Figure 1-7m with the updated language shown in strike through and underline format.

This amendment is being transmitted to meet the requirements of Chapter 163.3184(7), Florida Statues, and Chapter 9J-11.011 Florida Administrative Code. In accordance with 9J-11.006(1)(a)(b) and (c) Florida Administrative Code, St. Lucie County will also send copies of the plan to the appropriate reviewing agencies.

After being duly advertised in the St. Lucie News Tribune on February 17, 2009, the Board of County Commissioners held a hearing on March 3, 2009 and was continued to April 21, 2009 where the amendment in the 09-01 Cycle was unanimously adopted. As per F.S. 163.3184(15)(e), the department will publish the required Notice of Intent, once received, in the St. Lucie News Tribune.

In accordance with F.S. 9J-11.011(5), the St. Lucie County FY 2008/09-2012/13 Annual capital Improvements Element Update was adopted and submitted by the Board of County Commissioners along with the summary of de minimis impact records on November 28, 2008. There were no other amendments in this cycle that were previously reviewed by the Department which were not adopted by the St. Lucie County Board of County Commissioners nor were comments provided by
a military installation. St. Lucie County recently contracted with the Municipal Code Corporation to reformat and manage the Comprehensive Plan; the process is currently in the first draft review phase. Copies of the Comprehensive Plan pages that will contain the newly adopted amendments replacing the existing pages in a manner that will update the plan and incorporate all plan amendments will be forwarded upon completion.

The adopted Comprehensive Plan amendment is not within an Area of Critical State Concern nor is it located within Orange, Lake or Seminole Counties and is not subject to the Wekiva River Protection Area. The amendment is not being adopted under a joint planning agreement nor does it include any optional elements. A copy of the procedures for public participation that have been adopted by the Planning & Zoning Commission/Local Planning Agency and the Board of County Commissioners in accordance with section 163.3181, F.S. Rule 9J-5.004, F.A.C. is included. Also included in the package as per requirements of 9J-11.011(5)(b) is the “Comprehensive Plan Citizen Information List” intended for those citizens who wish to receive information regarding the publication of the Notice of Intent (NOI). Though the sheet was available at the hearing, no individuals have signed it.

The adopted Comprehensive Plan amendment along with all associated information submitted to the Department of Community Affairs is available for public inspection during normal business hours in the St. Lucie County, Growth Management Department, 2300 Virginia Ave, Fort Pierce, Florida 34982. The adopted 09-1 Amendment Cycle package submitted to the Department of Community Affairs can also be viewed online at www.stlucieco.gov/growth under the “Publications and Applications” link.

Sincerely,

Britton Wilson
Senior Long Range Planner
WilsonB@StLucieco.org

cc: (complete package on disc)
Wendy Evans, Administrative Assistant II
Tracy D. Suber, Education Consultant
Jim Quinn, Environmental Manager
Susan Harp, Historical Preservation Planner
Mary Ann Poole, Director
Mary Helen Blakeslee, Chief Analyst
Gerry O'Reilly, Dir. of Production and Planning
Terry L. Hess, A.I.C.P., Planning Director
Jim Jackson, A.I.C.P., Senior Supervisor Planner
Planning Director
Planning Division
Nicki Van Vorno, Growth Management Director
Daniel Halbrook, Director, Planning & Zoning
Stan Boling, Planning Division Director
Marty Sanders
Peter Buchwald

Department of Agriculture and Consumer Services
Department of Education
Department of Environmental Protection
Department of State
Florida Fish and Wildlife Conservation Commission
Office of Tourism, Trade and Economic Development
Department of Transportation, District Four
Treasure Coast Regional Planning Council
South Florida Water Management District
Town of St. Lucie Village
City of Fort Pierce
Martin County
City of Port St. Lucie
Indian River County
St. Lucie County School Board
St. Lucie Urban Area, TPO, Executive Director

cc (letter only):
St. Lucie County, Board of County Commissioners
Faye Outlaw, St. Lucie County Administrator
Lee Ann Lowery, St. Lucie County Assistant Administrator
Daniel McIntyre, St. Lucie County Attorney
Mark Satterlee, St. Lucie County Growth Management Director