To: Council Members
From: Staff
Date: March 20, 2009 Council Meeting
Subject: Local Government Comprehensive Plan Amendment Review
Adopted Amendments to the Town of Glen Ridge Comprehensive Plan
DCA Reference No. 09-1ER

Background

On February 4, 2009, the Town of Glen Ridge adopted text amendments to all elements of the Town Comprehensive Plan. Most of the text amendments were pursuant to the recommendations of an Evaluation and Appraisal Report adopted by the Town in February, 2007. Other amendments were to address statutory responsibilities for water supply planning and for the annual update to the Capital Improvements Element.

The Treasure Coast Regional Planning Council (TCRPC) reviewed the proposed amendments at a regular meeting held on October 17, 2008. The Florida Department of Community Affairs (DCA) issued an Objections, Recommendations and Comments (ORC) Report on the proposed amendments on November 7, 2008.

Evaluation

A. TCRPC Report

The report approved 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 ORC Report contained six 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

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

of the

Town of Glen Ridge
EAR-Based Comprehensive Plan Amendments
February, 2009

Prepared By:

Town of Glen Ridge Local Planning Agency (LPA)
&
JLH Associates
I. Consistency with Chapter 163, F.S., and Rule 9J-5, F.A.C.

The Town of Glen Ridge proposed amendments address issues raised in the Town’s Evaluation and Appraisal Report, address statutory changes, and update the goals, objectives and policies of the comprehensive plan. The Department has identified the following objections and comments to the proposed comprehensive plan amendment:

I. OBJECTIONS

A. Future Land Use Element

Objection 1: A Future Land Use Map has been included, but the short and long term planning time frames are incorrectly stated to be 2012 and 2017. The long term planning time frame needs to be a minimum of 10 years from adoption of the updated comprehensive plan.

Authority: Section 163.3177(5)(a), and (6)(b) F.S.; and Rule 9J-5.005(1)(e) and (4), F.A.C.

Recommendation: Revise the Future Land Use Map to identify the correct short and long term planning time frames. Since it is anticipated that the amendments will be adopted in 2008, the planning time frames should be 2013 and 2018 respectively.

Town Response: The Future Land Use Map (FLUM) is revised to reflect the short and long term planning timeframes as FY 2012/13 and FY 2017/18, respectively. Due to time constraints to meet 2008 adoption date, the amendments were adopted in early 2009, but still within FY 2008/09. The suggested short and long term timeframes would coincide with, and be extended from, the current fiscal year. A copy of the revised FLUM is attached to these Responses showing this change. The revised FLUM has also been e-mailed to DCA.

B. Transportation Element

Objection 1: A future transportation map is included but the Town has not identified the future year it is intended to represent. The long term planning time frame needs to be a minimum of 10 years from adoption of the updated comprehensive plan. Additionally, the future transportation map appears to be the original map from the 1989 comprehensive plan. The map is difficult to read and the functional classifications are illegible.

Authority: Section 163.3177(5)(a) and (6)(b), F.S; and Rule 9J-5.005(1)(c) and (4); and 9J-5.019(5)(a) and (b), F.A.C.

Recommendation: Revise the future transportation map to include the long term planning time frame. Since it is anticipated that the amendments will be adopted in 2008, the long term planning time frame should be 2018. Revise the transportation map so that the map is more clear and the functional classifications of the roadways are legible.
**Town Response:** The Future Transportation Map is revised to reflect FY 2017/18 as the long term planning timeframe similar to that suggested for the FLU Map cited above. The Map has been revised to be more clear and functional classifications more legible. A copy of the revised Transportation Map is attached to these Responses.

C. **Housing Element**

**Objection 1:** The Town did not include objectives or polices to address the housing needs of very-low income families.

**Authority:** Sections 163.3177(6)(f), F.S.; and Rules 9J-5.010(3)(b)1, 3, and (c)5, and 10, F.A.C.

**Recommendation:** Include objectives or policies to provide for the housing needs of very-low income families.

**Town Response:** As recommended in the Glen Ridge EAR, OBJECTIVE 3 of the Comprehensive Plan Housing element is revised to include “Very Low” income households, as well. A new **Policy 3.9** is established to coordinate with, and formally participate in, the Palm Beach County Community Development Block Grant (CDBG) Program. By lending its population to the County’s CDBG Program, this will help address the housing needs of very-low income families on a County-wide basis. A copy of the current Interlocal Cooperation Agreement between the Town and Palm Beach County Housing and Community Development is attached to these Responses. The current Agreement has also been forwarded to DCA via e-mail. The following **Policy 3.9** is proposed:

**Policy 3.9:** The Town shall continue to coordinate with, and formally participate in, the Palm Beach County Community Development Block Grant (CDBG) Program by maintaining a current Interlocal Cooperation Agreement with the County.

The addition of **Policy 3.9** is reflected on page 5.3 of the Comprehensive Plan Housing element attached hereto. As a result of this revision, page 5.4 changed; so, it is attached hereto as well.

D. **Sanitary Sewer, Solid Waste, Drainage, Potable Water and Natural Groundwater Aquifer Recharge Element**

**Objection 1:** The 10-Year Water Supply Facilities Work Plan included within the element does not include a service area map for the Town of Glen Ridge showing the areas of the Town that are self-supplied and the service area of the Palm Beach County Public Utilities.

**Authority:** Sections 163.3167(13); 163.3177(4)(a), (6)(a)(c), (d) and (h); and 163.3177(8), F.S.; Rules 9J-5.005(2)(a), (3), (5), and (6); 9J-5.006(2), (3)(b)1, and (3)(c)3; 9J-9J-5.011(1) and (2); 9J-5.013(1); 9J-5.015(1), (2), and (3)(b)1, 3, and 11, F.A.C.
Recommendation: Revise the Water Supply Plan to identify the geographic service area for the Palm Beach County Public Utilities and the area within the Town that is self served with private wells.

Town Response: Palm Beach County Utilities does not map to such detail to specifically delineate the Town of Glen Ridge. A Note is added to the Future Land Use Map (FLUM) that states that the entire Town of Glen Ridge is located within the Palm Beach County Utilities service area. A copy of the revised FLUM is attached to these Responses. A sentence has also been added to the last paragraph on page 6.10 of the Comprehensive Plan to indicate that the FLUM has been revised with the Note cited above. The revised page 6.10 is attached to these Responses. Regarding the private wells issue, there is a conflict between what is reported in the Palm Beach County Water Supply Plan and what is stated in the Town’s EAR. The South Florida Water Management District recognized this fact when the Town was coordinating preparation of it’s 10-Year Water Facilities Supply Plan. Further discussions with DCA staff seemed to indicate this would be a mute issue because of the small size (100+ acres) of the Town with only one (1) single family lot to be developed at the present time. Therefore, the Town’s impact is extremely minimal to the overall Palm Beach County Utilities central potable water system. Therefore, this part of the Objection is not addressed.

E. Conservation
Objection 1: The Town did not add conservation polices that stress the importance of Gem Lake and the canals within the Town for stormwater management purposes as recommended in the Evaluation and Appraisal Report.

Authority: Sections 163.3177(6)(d), F.S.; and Rules 9J-5.011(2)(b), and (c)4; and 9J-5.013 (2)(b)2, and (c)1, F.A.C.

Recommendation: Revise the plan to include polices that stress the importance of the bodies of water within the Town for stormwater management purposes.

Town Response: OBJECTIVE 4 and Policy 4.1 and Policy 4.2 were specifically established to stress the importance of protecting and enhancing the quality of surface waters in Glen Ridge. The development of the Objective and Policies was coordinated with the Town’s NPDES consultant. The Future Land Use is revised, however, to delineate Gem Lake and the canals within Glen Ridge as Conservation use to further stress the importance of these water bodies for stormwater management purposes. A copy of the revised FLUM depicting Gem Lake and the canals as Conservation use is attached to these Responses.

Capital Improvements Element

Objection 1: The Town did not use the correct planning time frame for Five-Year Schedule of Capital Improvements to correctly reflect the correct five-year period of 2008-2013.

Authority: Sections 163.3177(3)(b)1, F.S.; and Rule 9J-5.013 (4)(a)1, F.A.C.

Recommendation: The Town should revise the Five-Year Schedule of Capital Improvements to correctly reflect the correct five-year period of 2008-2013.
Town Response: The Five-Year Schedule of Improvements is revised to reflect the FY 2008/09 – 20012/13.

II Comments

A. Future Land Use Element

Comment: The Town should include polices to protect architecturally and historically significant structures within the Town. Policy 2.3 states, “At the time of each required comprehensive plan update, the Town shall consider the need for the identification, designation, and protection of historically significant properties.” The Department of State, in their review of the original comprehensive plan in 1989, recommended a cultural resource assessment of any structures 50 years of age or older. At that time, there were 31 structures fifty years of age or older. Now, almost 20 years later, there may be more. Policy 2.3 should be revised to include meaningful and specific measures for the protection of historically significant structures. The Town should commit to undertaking a professional survey to locate and evaluate its structures for architectural or historical significance. Once the structures are identified, the Town should implement effective measures for the protection and preservation of the historical structures.

Comment: In the Evaluation and Appraisal Report, the Town identified the need to change the existing Water land use category to Conservation. The primary function of the Gem Lake, the canals, and Stub Canal is storm water management. As such, the water bodies should be conserved for this use. The Future Land Use Map has a category for conservation, but the conservation areas are not delineated on the revised map.

Comment: The Town should consider adding maximum intensity standards for the Public Buildings and Grounds land use designation. This land use designation was added to accommodate the Town Hall site. Land use intensity standards for the Town Hall are established in the zoning district where a Town Hall is a permitted use. However, the Town should consider adding maximum intensity standards for the land use designation in the comprehensive plan as well.

Town Response: No Response.

B. Transportation Element

Comment: There is one State Strategic Intermodal System (SIS) roadway facility adjacent to the Town that should be addressed in the comprehensive plan. State Road 80 (Southern Boulevard) adjacent to the northern municipal boundary, is classified as a SIS corridor. State Road 80 is the primary ingress and egress to the Town. The Town should consider adopting the Florida Department of Transportation level of service standard “D” for this facility into the comprehensive plan for short-and long-range planning and concurrency management purposes.

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 (4), Housing, Policies (b) 1, 2, and 3: Increase the supply of safe, affordable, and sanitary housing for low-income and moderate-income persons and the elderly;

Section 187.201(7), Water Resources, Policies (b) 2 and 4: Identify and protect the functions of water recharge areas and protect and use natural water systems in lieu of structural alternatives and modified systems;

Section 187.201(19), Transportation: Direct future transportation improvements to aid in the management of growth and develop a state transportation system that integrates highway, air, mass transit, and other transportation modes; and

Section 187.201(25), Plan Implementation, Policies (b) 1, 3 and 5: Ensure that local plans implement and accurately reflect State goals and policies.

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

**Town Response:** Concerns noted in Section I have been addressed; thus, eliminating inconsistencies with Chapter 187, Florida Statutes.
To: Council Members
From: Staff
Date: March 20, 2009 Council Meeting
Subject: Local Government Comprehensive Plan Amendment Review
Adopted Amendments to the Town of Hypoluxo Comprehensive Plan
DCA Reference No. 09-1ER

Background

On January 21, 2009, the Town of Hypoluxo adopted text amendments to all elements of the Town Comprehensive Plan. The amendments were those: 1) pursuant to the recommendations of the Town’s Evaluation and Appraisal Report (EAR); 2) to satisfy statutory requirements for water supply facilities planning; and 3) containing the annual update to the Capital Improvements Element.

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

Evaluation

A. TCRPC Report

The report approved by the TCRPC contained two comments/recommendations for modification for consideration by the Town. The TCRPC recommended the Town consider revisions to new Policy 3.3 in the Future Land Use Element and Objective 1 of the Housing Element.

B. DCA ORC Report

The ORC Report contained eight objections. The objections are shown in Attachment A.

C. Town Response

1. To TCRPC Comments/Recommendations for Modification

The Town did not provide a direct response to the TCRPC comments/recommendations. However, as indicated in Attachment A, Policy 3.3 of the Future Land Use Element was revised to address a DCA objection that was similar to Council’s recommendation. The Town did not further revise Objective 1 in the Housing Element.
2. To the DCA ORC Report

The DCA objections and the Town's modifications to the amendments in response to those objections are shown in Attachment A.

Conclusion

For information only.

Attachment
To: Ken Schultz, Mayor

From: Jim Fleischmann, Town Planning Consultant

Re: Comprehensive Plan Adoption

Date: January 9, 2009

MEMORANDUM

Consideration (second reading) of Ordinance 170, adopting the revised Comprehensive Plan, will occur at the Regular Meeting of the Town Council on January 21, 2009. The Comprehensive Plan document is similar to that which was adopted on first reading of Ordinance 170. The differences between the document that was adopted on first reading and that which is to be considered on second reading are changes resulting from the Objections Recommendations and Comments (ORC) Report issued by the Florida Department of Community Affairs (FDCA).

The ORC Report, including proposed responses to FDCA objections, and resulting revisions to the Comprehensive Plan, is attached hereto. By reviewing the attached ORC Report, Council members can quickly assess the differences between the version of the Comprehensive Plan adopted on first reading, and that which will be considered on second reading of Ordinance 170.

In summary, the following revisions are proposed:

1. The Future Land Use Map (Map 3-1) and Future Transportation Map (Map 4-1) are revised to include the Town’s planning period (FY 2018). Section 4.4 of the Comprehensive Plan (Future Traffic Circulation Map) is also revised to include traffic projections and an inventory of required transportation facilities.

2. Policy 3.3 of the Future Land Use Element is revised to better define the meaning of public benefit.

3. The Five-Year Schedule of Improvements (Tables 11-2 and 11-3 of the Capital Improvements Element) have been revised to include Fiscal Year 2012/13, and updated costs for the resurfacing of U.S. 1.
4. Policy 3.1 has been added to the Housing Element to insure that accessory dwelling units will be targeted to very-low, low or moderate income households, should the Town determine that they are an appropriate and feasible affordable housing alternative.

5. Policy 2.2 has been revised and Policies 4.3, 4.4 and 4.5 have been added to the Housing Element to address the issues of manufactured housing and affordable housing. Proposed Policies 4.3 – 4.5 focus upon intergovernmental coordination efforts by the Town to address affordable housing issues.

6. Policy 1D.5 of the Sanitary Sewer, et al Element and Policy 1.4 of the Intergovernmental Coordination Element have been revised to insure that the Town’s Water Supply Plan is updated within 18 months of the South Florida Water Management District updating the Lower East Coast Regional Water Supply Plan.

Following second reading of Ordinance 170, the adopted Comprehensive Plan will be forwarded to FDCA for a final Compliance Review.

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

The Town of Hypoluxo proposed amendments address issues raised in the Town’s Evaluation and Appraisal Report, address statutory changes, and update the goals, objectives and policies of the comprehensive plan to address water supply planning and Capital Improvements Element update requirements. Items highlighted in yellow are the result of additional discussions with DCA staff during the ORC response process. The Department has identified the following objections and comments to the proposed comprehensive plan amendment:

I. OBJECTIONS

A. Future Land Use Element

Objection 1: A Future Land Use Map has been included, but the Town has not identified the future year it is intended to represent. The long term planning time frame needs to be a minimum of 10 years from adoption of the updated comprehensive plan.

Recommendation: Revise the Future Land Use Map to identify the future year it is intended to represent.

Response FLU 1: Section 3.5.1(Future Land Use Map) of the Future Land Use Element is revised to read as follows:

3.5.1 Future Land Use Map

The Town of Hypoluxo FY 2017/2018 Future Land Use Map is displayed on Map 3-1. There are no designated historic districts within the Town at this time. However, there is one historic property (Hypoluxo Homestead) listed on the Florida Master Site File. The general location, along with the Master Site File reference number, is illustrated on Map 3-1. Conservation/Open Space/Passive Park land areas identified on Map 3-1 serve the Town as a whole; therefore, the delineation of specific service areas is not appropriate.

Also, the long-term planning period (Section 1.5 Planning Period; page 1-8) of the Comprehensive Plan is revised to correct a previous error, as follows: ". . . Long-term - FY 2014 to 2017-2018. Map 3-1 is revised to indicate the future year it is intended to represent (FY 2017/2018) .
Objection 2: Policy 3.3 allows for density increases in the Medium and High Residential categories in planned unit developments of at least five acres provided the builder can demonstrate an “enhanced public benefit”. The term, enhanced public benefit, is vague and can be interpreted very broadly. The policy does not provide specific criteria for what would constitute an enhanced public benefit.

Recommendation: Revise Policy 3.3 to include specific criteria that will be used to define “an enhanced public benefit” to justify the increase in density for proposed planned unit developments.

Response FLU 2: Policy 3.3 is revised to read as follows:

Policy 3.3: Density increases in the Medium and High Residential categories may be permitted by the Town as planned unit developments of at least five acres in size, provided that the developer is able to demonstrate an enhanced public benefit. For the purposes of this policy, an enhanced public benefit is defined as: dedication.

1. Funding or construction of public recreation facilities or equipment, art in public places, or preservation of historic resources – in excess of standard Code requirements, that provides for increased social, economic, recreational or cultural programs facilities or resources for the residents of Hypoluxo. For each additional residential unit permitted in this manner, the value of dedication, funding or construction of enhanced public benefits shall equal a minimum of 5% of the cost of construction of the increased number of residential units.

2. Funding or construction of affordable housing units. If construction of affordable housing units is selected, the increased number of housing units shall be affordable, as defined by the County’s Workforce Housing income guidelines. If funding of affordable housing units is selected, an amount equal to 5% of the cost of construction of the increased number of residential units shall be contributed to the Palm Beach County Affordable Housing Trust Fund, or other appropriate alternative, as determined by the Town of Hypoluxo.

Densities may be increased to the following maximums:

1. Medium Residential – Maximum of 8.0 residential units per gross acre.
2. High Residential – Maximum of 15.0 residential units per gross acre.

B. Transportation Element

Objection 1: An Existing Transportation Map has not been included.

Recommendation: Include an existing transportation map or map series that identifies limited and controlled access facilities and significant parking facilities; the general location of the public transit system including public transit routes or service areas, public transit terminals or transfer stations, and public transit right-of-ways and exclusive public transit corridors;
significant bicycle and pedestrian ways; the existing functional classification and maintenance responsibility for all roads; the number of through lanes for each roadway; the major public transit trip generators and attractors; and existing peak hour and peak direction levels of service.

**Response TRANS 1:** An existing Transportation Map is not required to be included in the Comprehensive Plan. Rather, it is considered data and analysis, per 9J-5.005(1)(c), F.A.C. However, Map 3 (page 53 of the 2008 Support Documentation) is revised to meet the existing Transportation Map requirements. These same items have been addressed in Objection 2, below and included on the Future Transportation Map.

**Objection 2:** A Future Transportation Map is included but the Town has not identified the future year it is intended to represent. The long term planning time frame needs to be a minimum of 10 years from adoption of the updated comprehensive plan. Additionally, the future transportation map does not include the proposed locations of the public transit system including public transit routes or service areas, public transit terminals or transfer stations, and public transit rights-of-way and exclusive public transit corridors; proposed significant bicycle and pedestrian ways; the identification of the entity with maintenance responsibility for all roads; the projected number of through lanes for each roadway; and projected peak hour and peak direction levels of service.

**Recommendation:** Revise the future transportation map series to include the long term planning time frame, proposed location of the public transit system including public transit routes or service areas, public transit terminals or transfer stations, and public transit rights-of-way and exclusive public transit corridors; proposed significant bicycle and pedestrian ways; the entities with maintenance responsibility for all roads; the projected number of through lanes for each roadway; and projected peak hour and peak direction levels of service.

**Response TRANS 2:** Section 4.4 of the Transportation Element is revised to read as follows:

### 4.4 FUTURE TRAFFIC CIRCULATION MAP

The Town FY 2018/2019 Future Traffic Circulation Map is displayed on Map 4-1 and shall include the following transportation characteristics:

**Table 4-1 — Hypoluxo Projected Roadway Characteristics**

<table>
<thead>
<tr>
<th>Roadway (Operator*)</th>
<th>Lanes (Class**)</th>
<th>Link From-To</th>
<th>2013 Peak Hour Peak Direction Volume</th>
<th>2013 Two-Way Peak Hour Volume</th>
<th>LOS “D” Volume***</th>
</tr>
</thead>
<tbody>
<tr>
<td>U.S. 1 (State)</td>
<td>4L (U-MA)</td>
<td>Miner Road north to Hypoluxo Road</td>
<td>854</td>
<td>1,526</td>
<td>3,020</td>
</tr>
<tr>
<td>Hypoluxo Rd (County)</td>
<td>5L (U-MA)</td>
<td>Overlook Road to U.S. 1</td>
<td>917</td>
<td>1,646</td>
<td>3,020</td>
</tr>
<tr>
<td>Overlook Rd (County)</td>
<td>2L (NC)</td>
<td>Hypoluxo Rd. to Miner Rd.</td>
<td>NA</td>
<td>NA</td>
<td>1,460</td>
</tr>
<tr>
<td>Miner Road (County)</td>
<td>2L (U-COLL)</td>
<td>U.S. 1 to Overlook Road</td>
<td>NA</td>
<td>NA</td>
<td>1,460</td>
</tr>
</tbody>
</table>

* - Operator = Entity responsible for maintenance.
** = U-MA = Urban Minor Arterial; U-COLL = Urban Collector; NC = Not Classified.
*** = Peak-Hour Two-Way Volume
The public transit system, consisting of a designated Palm Tran bus route and bus stops runs through Hypoluxo, along U.S. Highway 1. U.S. Highway 1 is also a designated Palm Beach County Bikeway Corridor and Hurricane Evacuation Route. Further, significant pedestrian ways (sidewalks) are located along the east side of U.S. Highway 1. The Florida East Coast (FEC) Railroad (freight service) line runs through Hypoluxo, paralleling U.S. Highway 1 to its west. The following are not currently located within the Town, nor are they planned:

1. Limited and controlled access facilities;
2. Parking facilities required to achieve County mobility goals;
3. Public transit terminals and transfer stations;
4. Public transit rights-of-way and exclusive public transit corridors;
5. Transportation concurrency management areas, pursuant to Chapter 9J-5.0055(5), F.A.C.;
6. Transportation concurrency exception areas, pursuant to Chapter 9J-5.0055(5), F.A.C.;
7. Port Facilities;
8. Airport facilities, including clear zones, and obstructions; and
9. Intermodal terminals.

Map 4-1 is revised to indicate the future year it is intended to represent (FY 2017/2018) and indicate the location of the FEC railroad right-of-way.

Objection 3: Transportation system needs have not been projected through the five-year planning time frame. Objective 3.0 projects system needs through 2012, but should project system needs through 2013.

Recommendation: Revise the Data and Analysis and Objective 3.0 to include a planning time frame of at least five years subsequent to the adoption of the revised comprehensive plan. Since it is anticipated that the Town will adopt these revisions to the comprehensive plan in 2008, the five year planning time frame should be 2013. Identify any roadway improvements that will be undertaken by the City, County, and the Department of Transportation in the next five years to achieve and maintain adopted level of service standards and include these projects in the Town’s financially feasible Five-Year Schedule of Capital Improvements.

Response TRANS 3: Objective 3.0 is revised to read as follows:

OBJECTIVE 3: Projected transportation system needs through the year FY 2012-2013 will be met by implementing the following projects:

1. Palm Beach County MPO Transportation Improvement Program FY 2009-2013: Resurface U.S. Highway 1 from the C-16 Canal to Hypoluxo Road in FY2009 and FY 2010 (2.27 2.29 miles) at a total cost (utilities and construction) of $8,466,148, $7,719,490.
2. The Town shall annually monitor the maintenance and repair of local streets. No Improvements are necessary at this time.
3. The Town shall annually determine the need for and feasibility of additional paving features, islands, landscaping and traffic calming devices on streets within the corporate limits. No improvements are necessary at this time.
The following revisions to Tables 11-2 and 11-3 of the Capital Improvements Element are necessary to maintain consistency with revised Objective 3 of the Transportation Element.

**TABLE 11-2**

**5-YEAR SCHEDULE OF IMPROVEMENTS**
**PROJECT SCHEDULE AND COSTS FY 2009 - FY 2013**

<table>
<thead>
<tr>
<th>Project Number*</th>
<th>Fiscal Year Cost ($)</th>
<th>Total Cost (Dollars)</th>
</tr>
</thead>
<tbody>
<tr>
<td>SS-1</td>
<td>800,000</td>
<td>0</td>
</tr>
<tr>
<td>PSC-1</td>
<td>Ref: Appendix 2 of the 2008 Support Documentation for improvements schedule</td>
<td></td>
</tr>
<tr>
<td>Trans-1</td>
<td>9</td>
<td>75,000</td>
</tr>
<tr>
<td></td>
<td>75,000</td>
<td>7,644,490</td>
</tr>
<tr>
<td>ROS-1</td>
<td>150,000</td>
<td>0</td>
</tr>
<tr>
<td>Totals</td>
<td>950,000</td>
<td>75,000</td>
</tr>
<tr>
<td></td>
<td>1,025,000</td>
<td>7,644,490</td>
</tr>
</tbody>
</table>

* - Refer to Table 11-1

**TABLE 11-3**

**5-YEAR SCHEDULE OF IMPROVEMENTS**
**REVENUE SOURCES FOR CAPITAL IMPROVEMENTS PROJECTS**
**FY 2009 – FY 2013**

<table>
<thead>
<tr>
<th>Project Number</th>
<th>Revenue Source</th>
<th>Fiscal Year Budget</th>
<th>Total Cost (Dollars)</th>
</tr>
</thead>
<tbody>
<tr>
<td>SS-1</td>
<td>1/2</td>
<td>800,000</td>
<td>0</td>
</tr>
<tr>
<td>PSC-1</td>
<td>3</td>
<td>Ref: Appendix 2 of the 2008 Support Documentation</td>
<td></td>
</tr>
<tr>
<td>Trans-1</td>
<td>4</td>
<td>75,000</td>
<td>75,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>7,644,490</td>
<td>0</td>
</tr>
<tr>
<td>ROS-1</td>
<td>1/5</td>
<td>150,000</td>
<td>0</td>
</tr>
<tr>
<td>Totals</td>
<td>1/2/3/4/5</td>
<td>950,000</td>
<td>75,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1,025,000</td>
<td>7,644,490</td>
</tr>
</tbody>
</table>

1 – Awarded grant; 2 – State loan; 3 – Palm Beach County School District; 4 – FDOT sources per Transportation Improvement Program; 5 – Town General Fund ($37,500).

**C. Housing Element**

**Objection 1:** The Evaluation and Appraisal Report recommended adding a policy to the Housing Element that would ensure that accessory dwelling units, if allowed, would be rented at an affordable rate. Objective 3 states that by 2010 the Town will address the feasibility of adding accessory dwelling units in areas zoned for single-family residences. However, it does not include policy to “require an affidavit from the applicant which attests that the unit will be rented at an affordable rate to very-low, low, or moderate income persons” as required by Section 163.31771, F.S.

**Recommendation:** Revise Objective 3 to include a policy to require an affidavit from the applicant which attests that the unit will be rented at an affordable rate to very-low, low, or moderate income persons.

**Response HOUS 1:** Policy 3.1 is added to read as follows:
Policy 3.1: Should it be determined that accessory dwelling units are appropriate and feasible, the Town shall require that an affidavit be submitted by the applicant, at the time of an application for a building permit, which attests that the unit will be rented at an affordable rate to very-low, low, or moderate income persons.

Objection 2: The Evaluation and Appraisal Report recommended adding a policy to establish principles and criteria to guide the location of manufactured homes; identify Interlocal agreements with nearby local governments to provide affordable housing; and to designate sites at sufficient densities to accommodate affordable housing. Objective 4 and Policies 2.2, and 4.1 were added. However, they do not adequately address the issues identified in the Evaluation and Appraisal Report because the objective and policies do not provide for the location of manufactured homes in all residential land use categories nor do the policies identify Interlocal Agreements that provide for affordable housing within adjacent local governments.

Recommendation: Include Objectives and Policies to provide for the location of manufactured housing in all residential land use categories and identify the activities the Town will undertake to enter into Interlocal Agreements to provide for affordable housing within adjacent local governments.

Response HOUS 2: Mobile home parks are currently permitted, subject to the requirements of Section 28-98 of the Town Code, in the RH Zoning District, within the High Residential Future Land Use Category. However, permitting mobile homes or manufactured housing in all residential land use categories, including the Low Residential is not appropriate due to the location of the Coastal High Hazard Area in relation to the corporate limits. Further, according to Table 2 (page 15) of the Town’s EAR, mobile homes comprise 3.3% of the housing stock in Hypoluxo (2000 Census). This percentage is consistent with the countywide percentage of 3.6%, indicating that the Town’s housing mix provides for mobile homes at a level consistent with the county. Policy 2.2 is clarified and revised to read as follows:

Policy 2.2: Continue to make sites available for housing very-low, low and moderate households by providing for permitting mobile homes within the RH Zoning District. Further, manufactured housing may also be permitted subject to the same requirements as mobile homes, provided that Town building code requirements are satisfied.

Policies 4.3 and 4.4 are added to read as follows:

Policy 4.3: Participate The Town shall participate in the implementation of the Palm Beach County Housing Assistance Plan by executing the Interlocal Agreement upon request by the Palm Beach County Department of Housing and Community Development (HCD). By executing the Interlocal Agreement, the Town increases the potential amount of funding available to HCD to implement its countywide affordable housing programs.
Policy 4.4: Continue to participate with local, county and regional governments in the Multi-Jurisdictional Issues Coordination Forum, established by interlocal agreement, in order facilitate the identification and resolution of countywide issues, which may include affordable housing, by providing a vehicle for consensus building and intergovernmental affordable housing program development, on an equitable countywide basis, through joint research and debate.

Policy 4.5: The Town shall support regional efforts to address low income and work force housing by working with the Palm Beach Intergovernmental Plan Amendment Review Committee (IPARC) to develop an Interlocal Agreement whereby coastal municipalities could jointly pursue a comprehensive approach and solution to this county-wide issue within two (2) years from the date of this policy.

D. Utilities Element

Objection 1: 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.

Recommendation: Revise the amendment to include a policy in the Intergovernmental Coordination Element to update the Town's Work Plan within 18 months after the South Florida Water Management District updates the Lower East Coast Regional Water Supply Plan Update.

Response UTIL 1: Revise Policy 1D.5 of the Sanitary Sewer Solid Waste Stormwater Management Management Potable Water and Natural Groundwater Aquifer Recharge Element (Element 6.0) and Policy 1.4 of the Intergovernmental Coordination Element to read as follows:

Policy 1D.5: At the time of each required Evaluation and Appraisal Report, the Town shall incorporate necessary Ten-Year Water Supply Work Plan directives enacted by its water suppliers and the regional water supply plan. The Town shall update its Ten-Year Water Supply Facilities Plan, as appropriate, within 18 months of the date that the South Florida Water Management District updates the Lower East Coast Regional Water Supply Plan Update.


II. COMMENTS

Comments Response: The Town of Hypoluxo has elected to limit its responses only to DCA's to "Objections" at this time.
III. 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(4), Housing, Policies (b) 1, 2, and 3: Increase the supply of safe, affordable, and sanitary housing for low-income and moderate-income persons and the elderly;

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

Section 187.201(15), Land Use Policy (b) 1: Promote state programs, investments, and development and redevelopment activities which encourage efficient development and occur in areas which will have the capacity to service new population and commerce;

Section 187.201(16), Urban and Downtown Revitalization; Use existing infrastructure to accommodate growth in an orderly, efficient, and environmentally acceptable manner;

Section 187.201(17), Public Facilities: Protect the substantial investments in public facilities that already exist and plan for and finance new facilities to serve residents in a timely, orderly, and efficient manner;

Section 187.201(19), Transportation: Direct future transportation improvements to aid in the management of growth and develop a state transportation system that integrates highway, air, mass transit, and other transportation modes; and

Section 187.201(25), Plan Implementation, Policies (b) 1, 3 and 5: Ensure that local plans implement and accurately reflect State goals and policies.

**Consistency with Chapter 187, F.S. Response:** By addressing the objections noted in Section I, inconsistencies with Chapter 187, Florida Statutes are addressed.
To: Council Members

From: Staff

Date: March 20, 2009 Council Meeting

Subject: Local Government Comprehensive Plan Amendment Review
Adopted Amendments to the City of Lake Worth Comprehensive Plan
DCA Reference No. 06-1

Background

On June 6, 2006, the City of Lake Worth adopted three amendments to the Future Land Use Map (FLUM) of the City Comprehensive Plan. The amendments were for properties recently annexed by the City, and were referenced as Lake Worth Corners, Waterville and Sands Court. The Treasure Coast Regional Planning Council (TCRPC) reviewed the proposed amendments at a regular meeting held on December 16, 2005. The Florida Department of Community Affairs (DCA) issued an Objections, Recommendations and Comments Report on the proposed amendments on January 13, 2006.

Evaluation

A. TCRPC Report

The report approved by the TCRPC contained two comments,recommendations for modification as follows:

1) the City should do a careful analysis of the need for and availability of lands designated for industrial purposes prior to redesignating the lands for other uses; and

2) the City should require a connection between Boutwell Road and Detroit Street in the vicinity of the Waterville amendment. At a minimum, there should be a pedestrian connection between future residential development and the Lake Worth Middle School.

B. DCA ORC Report

The DCA ORC Report contained two objections. The objections had to do with the lack of established uses and intensities of use for the City’s High Density Residential FLUM designation (Lake Worth Corners amendment), and to the lack of a cumulative traffic impact analysis for all three amendments.
C. City Response

1. To TCRPC Comments/Recommendations for Modification

   No response to the TCRPC comments/recommendations was received from the City.

2. To the DCA ORC Report

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

Conclusion

For information only.

Attachment
ATTACHMENT A

A1 - A5  City Response to Department of Community Affairs Objections, Recommendations and Comments Report
A6-A9  March 15, 2006 correspondence to Sharon K. Jackson from Molly J. Hughes
1. ORC Objection [applies only to Lake Worth Corners Property Amendment]:
Land Use District Inadequately Established/Internal Consistency Between Plan and Map. – This amendment with its proposed change in land use from Palm Beach County (PBC) Industrial to High Density Residential and proposed 20,000 sq.ft. of retail is not adequate because the HDR district is not established in the plan by a policy which establishes the uses and densities and intensities of use for non-residential uses. The district is a single use district and does not clearly allow additional non-residential uses as discussed in the plan. The City’s application of allowing non-residential uses as discussed in the plan, improperly defers the uses, intensities and densities to the land development regulations which are not part of the plan. This language is also vague and non-specific and appears to be open-ended. For instance, under Paragraph 01.01.03.03 entitled High-Density Multiple-Family Residential, the text indicates “At the same time, provision may be made for a limited number of non-residential uses that are compatible by reason of their nature...” The limited number of uses and compatibility are not defined in the plan, nor established by policy. There is no mixed use district that would currently allow the proposed amendment with its combination of residential and retail. Also, internal inconsistency between the Future Land Use Element (and its land use districts) and its intended land uses shown on the Future Land Use Map and Map legend has not been demonstrated.

DCA Recommendation: The City should establish all of its land use categories, including the HDR district, through one or more clear plan policies which list uses, densities for residential uses, and intensities of use for non-residential uses. Should the City want to create a mixed use district, it should establish standards for densities or intensities of use for mixed use category by policy that lists the allowed uses by type, the percentage distribution among the mix of uses, or other objective measurement, including the density and intensity of each use. The Future Land Use Map should visually portray the land uses established in the Future Land Use Element geographically located based upon need and other factors of land assignment and graphically list on the FLUM legend all appropriate land use categories with their densities and intensities to clarify.

CITY OF LAKE WORTH RESPONSE: In order to address DCA’s objection and recommendation, the following mixed-use land use category (01.01.04.05) has been created along with associated policies, which will require renumbering of existing policies accordingly. The proposed mixed-use category addresses the DCA’s objection and recommendation. The existing HDR land use category has been included for reference. The Future Land Use Map and Map Legend will be modified accordingly to incorporate the proposed land use category. The HDR category will be revisited during the City’s EAR process.
Existing HDR Land Use Category

01.01.03.03 High-Density Multiple Family Residential, 20.1 to 40 du/net acre

The High-Density Multiple-Family Residential, 20.1 to 40 du/net acre category is intended to permit development of multiple-family structures. Multiple-family structures are those that contain three or more principal dwelling units, each for occupancy by one family or household.

Zoning regulations shall protect high density multiple-family residential areas from the encroachment of incompatible land uses. At the same time, provision may be made for a limited number of nonresidential uses that are compatible by reason of their nature and limited frequency of occurrence with an overall high density multiple-family residential character. Zoning regulations may provide for compatible non-residential uses either through special zoning districts that may be mapped in areas designated MF-30 and MF-40 or through special land use permit provisions.

Typical non-residential uses which might be considered compatible with residential uses in this district include small scale retail and service uses of less than 2,000 square feet such as grocery stores, clothing alterations, barber and beauty shops which serve the surrounding residents. Such uses shall be limited to the first block face of a local street abutting a collector or arterial street. Maximum lot coverage for non-residential uses is 75%. Approval of compatible uses shall be granted by special land use permit, as determined by the Planning and Zoning Board. Compatibility shall be determined by considering use, facility design and operation. Reasonable restrictions will be established on non-residential uses which seek to locate within this district to insure that the residential integrity of the district will be maintained. Compatible non-residential uses are limited to no more than two such uses per block face in residential districts.

Future development of multiple-family structures in the High Density Multiple Family category shall not exceed densities of 40 dwelling units per acre. Zoning regulations implementing this category shall set appropriate minimum lot area and lot width requirements and minimum site are per dwelling unit requirements.

Implementing zoning districts are MF-30 and MF-40. Zoning regulations shall permit a variety of dwelling unit types in multiple-family structures on lots which meet minimum lot size requirements for multiple-family structures. Permitted dwelling unit types may include efficiency, one-bedroom, two-bedroom and larger types. Dwelling units shall provide living area appropriate to their type. Zoning regulations shall also establish appropriate maximum floor area ratios to ensure that sites are not overdeveloped.

Proposed Mixed-Use Neighborhood Commercial-Residential, 20.1 to 40 du/net acre Land Use Category and related policies

01.01.03.00 Land Use Classifications

5. Mixed-Use Neighborhood Commercial-Residential, 20.1 to 40 du/net acre. This land use category is intended to encompass zoning categories MF-30 and MF-40 processed as a Residential Planned Development District (RPD).
Policy 01.01.04.05 Mixed-Use Neighborhood Commercial-Residential, 20.1 to 40 du/net acre.

The Mixed-Use Neighborhood Commercial-Residential, 20.1 to 40 du/net acre category provides a transition between less intensive residential uses and commercial and/or industrial uses, utilizing/implementing New Urbanist design principles and smart growth initiatives. This category is intended to provide for both neighborhood commercial and high-density multiple-family residential development in close proximity to employment centers and mass transit in a manner to allow limited convenience commercial uses in areas that are not suitable for a broader range of commercial uses, but where it is desirable to provide for everyday shopping needs for nearby residents.

Implementing zoning districts are MF-30 (Medium-Density Multiple-Family Residential District 30 du/net area) and MF-40 (High-Density Multiple-Family Residential District 40 du/net area) processed as a Residential Planned Development District (RPD) through the adoption of a zoning ordinance. Zoning regulations shall permit a variety of dwelling unit types in multiple-family structures. Multiple-family structures are those that contain three or more principal dwelling units, each for occupancy by one family or household. Permitted dwelling unit types may include efficiency, one-bedroom, two-bedroom and larger types. Dwelling units shall provide living area appropriate to their type.

The neighborhood-oriented non-residential component consisting of convenience commercial uses is intended to be ancillary to the residential uses. Therefore, the non-residential component shall be limited to no more than 5% of the total floor area devoted to residential uses, excluding off-street parking located in a structure, not to exceed 15,000 square feet of net floor area. Non-residential uses permitted by right in this district include small scale retail, office and service uses of less than 2,000 square feet such as grocery stores, clothing alterations, barber and beauty shops, cafes and coffee shops which serve the surrounding residents, which are more specifically described below. Residential Planned Development Districts and zoning ordinance (RPD) shall provide specific guidelines for the implementation of this mixed use district, including the proportion/distribution of land use types allowed, their densities or intensities, and compatibility requirements. Reasonable restrictions will be established on non-residential uses which seek to locate within this category to ensure that the residential integrity of the district will be maintained. In addition to the residential uses permitted under the MF-30 and MF-40 zoning designations, the RPD implementing the Mixed-Use Neighborhood Commercial-Residential, 20.1 to 40 du/net acre category shall permit the following uses:

A. Administrative and professional offices.

B. Low-intensity sales uses:

- Drug stores and pharmacies.
- Dry goods and notions stores.
- Flower shops.
- Key shops.
- Hardware stores.
- Paint and wallpaper stores.
- Special product food stores, including:
  - Bakeries.
Butcher shops.
Candy shops.
Gourmet shops, including: Wine and cheese shops, excluding liquor stores;
   Specialty groceries, Health food stores; Produce markets.
Tobacco shops.
Travel agencies.

C. Very high-intensity sales uses:
   Convenience stores (see section 23.19.17.00).

D. Medical Offices

E. Personal service uses:

   Barber and beauty shops.
   Dry cleaning establishments serving primarily the public.
   Exercise studios.
   Laundry establishments serving primarily the public.
   Martial arts studios.
   Music dance studios.
   Pet grooming establishments, but not kennels.
   Photographic studios serving primarily the public.
   Repair establishments as follows:
      Shoe repair.
      Small household appliance repair.
      Watch, clock and jewelry repair.
      Tailor and dressmaker shops.

F. Eating and drinking establishments as follows:

   Take-out food service.
   Restaurants/Cafes.
   Ice Cream Parlors.
   Coffee Shops.
   Delicatessen.

Accessory uses permitted by right: Any use accessory to and customarily incidental to a
principal use permitted by right.

01.02.04.05 Locational Strategy for Mixed-Use Neighborhood Commercial-
Residential Category

The "Mixed-Use Neighborhood Commercial-Residential 20.1 to 40 du/net acre" land use
category is intended for mapping: 1) in concentrations within the Lake Worth Park of
Commerce, pursuant to the Lake Worth Park of Commerce Master Plan and the Goals,
Objectives and Policies of the City of Lake Worth Comprehensive Plan, 2) in areas that
are not suitable for a broader range of commercial uses, but where it is desirable to
provide for everyday shopping needs of nearby residents, and 3) in other locations that
are desirable for mixed-use neighborhood commercial and multiple-family development
because of their close proximity to mass transit, employment centers or natural amenities, and because they are not disruptive to established single family areas.
March 15, 2006

Sharon K. Jackson, AICP
Community Development Director
City of Lake Worth
7 N. Dixie Highway
Lake Worth, FL 33460

RE:  City of Lake Worth Comprehensive Plan Amendment 06-1
Objections, Recommendations and Comments Report
Traffic Response
HHI Project No. P06003.00

Dear Sharon:

The purpose of this letter is to summarize the traffic analysis we have prepared relative to the Department of Community Affairs’s (DCA) January 13, 2006 Objections, Recommendations, and Comments Report for the City of Lake Worth’s proposed Amendment 06-1 to its Comprehensive Plan. The City’s Amendment 06-1 includes Amendment A.1 for Lake Worth Corners Property (Ordinance #2005-48), Amendment A.2 for Waterville Property (Ordinance #2005-50), and A.3 for Sands Court (Ordinance #2005-45).

As requested, HHI has prepared a response to DCA’s (only) traffic-related comment, the second objection, as stated in the Objections, Recommendations, and Comments Report. That objection, echoed by the Florida Department of Transportation, requests a cumulative analysis for the three proposed amendments.

For this analysis, both currently-approved and proposed future land uses were confirmed with City Staff. The currently-approved future land uses are “Industrial” for Amendment A.1 (Lake Worth Corners Property) and Amendment A.3 (Sands Court), and “Commercial High” for Amendment A.2 (Waterville Property). The proposed future land uses are “High-Density Multiple-Family Residential, 20,1 to 40 du/net acre” for Amendment A.1 (Lake Worth Corners Property), and “Medium-Density Multiple-Family Residential, 7,1 to 20 du/net acre” for Amendment A.2 (Waterville Property) and Amendment A.3 (Sands Court).
Definitions for each of the currently-approved future land uses were obtained from Palm Beach County's Comprehensive Plan, Future Land Use Element (see Attachment A). Definitions for each of the proposed future land uses were obtained from the City’s Comprehensive Plan, Future Land Use Element (see Attachment B). An appropriate conversion rate to be applied to determine the maximum square-footage that could be constructed under the commercial land use was discussed with City and DCA staff, and agreed upon. That rate is a Floor Area Ratio of .25 for all commercial uses.

The first step in our approach to the work was to determine if, in fact, the cumulative trip generation for the proposed land use changes exceeds that of the currently-approved land uses. For this task, HH1 conducted a trip generation analysis projecting trips for the currently-approved future land uses and associated intensities, and then compared that cumulative total to that of the proposed future land uses and intensities. This comparison was performed for peak hour conditions, as that is the period for which the City has set Level of Service standards in its Comprehensive Plan, Transportation Element. The assumptions and analyses are summarized in Table 1. Attachment C documents the trip generation rates used in the analysis.

As shown in the table, the three parcels’ size was converted to maximum intensities allowed under the current land use using the agreed-upon conversion rate or as defined in the Future Land Use Elements. This conversion resulting in a theoretical maximum development potential. (Net acres is defined in the City’s Future Land Use Element as being net of any public right-of-way. None is present within these parcels, so net acres equaled gross acres.)

The results of our analysis show that, during a weekday peak hour, approximately 821 peak hour trips would be generated by the three parcels cumulatively, under currently-approved future land uses. Under proposed future land uses, approximately 366 peak hour trips would be generated by the three parcels cumulatively. This represents more than a 55% reduction in peak hour trip making if Amendment 06-1 is approved.

With this finding, it appears unnecessary to undertake a segment-by-segment roadway analysis of the surrounding transportation system, since the purpose of such analyses is to identify the nature and extent of additional traffic impacts to particular elements of the transportation network that would occur if the amendment were approved.
If you have any questions, please don't hesitate to contact me.

Sincerely,

Molly J. Hughes, AICP, AVS
President
Table 1

Peak Hour Trip Generation* Analysis
Comprehensive Plan Amendment 06-1

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Notes:
* Based on the following rates from the Institute of Transportation Engineers' "Trip Generation" manual, 7th Edition:

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<td>du</td>
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To: Council Members

From: Staff

Date: March 20, 2009 Council Meeting

Subject: Local Government Comprehensive Plan Amendment Review
Adopted Amendment to the City of Lake Worth Comprehensive Plan
DCA Reference No. 06-2

Background

On June 6, 2006, the City of Lake Worth Adopted one amendment to the Future Land Use Map of the City Comprehensive Plan. The amendment was for a 4.0 acre property near the western boundary of the City that was annexed by the City in 2005. The property was assigned a Medium Density Multi-Family Residential designation.

The Treasure Coast Regional Planning Council (TCRPC) reviewed the proposed amendment at a regular meeting held on March 17, 2006. The Florida Department of Community Affairs (DCA) issued a letter in lieu of an Objections, Recommendations and Comments (ORC) Report on May 5, 2006.

The City did not submit the adopted amendment for compliance review to the DCA until November 27, 2006. The amendment package was returned to the City because the City had failed to adopt an Evaluation and Appraisal Report (EAR) prior to the due date of August 1, 2006. The Florida Statutes precluded local governments from amending their comprehensive plans subsequent to the scheduled due date of their adopted EAR.

Evaluation

A. TCRPC Report

The TCRPC had no objections and found the proposed amendment to be consistent with the Strategic Regional Policy Plan.

B. DCA ORC Report

The letter of May 5, 2006 indicated that the DCA had no objections to the amendment.

C. City Response

No response was necessary. The City’s most recent EAR was found sufficient by the DCA on March 23, 2007. The City has now submitted the adopted amendment for compliance review.

Conclusion

For information only.
To: Council Members

From: Staff

Date: March 20, 2009 Council Meeting

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

Background

On January 27, 2009, the Town of Manalapan adopted text amendments to several elements of the Town Comprehensive Plan. The amendments are to address statutory requirements regarding water supply facilities planning. 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 November 26, 2008.

Evaluation

A. TCRPC Report

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

B. DCA ORC Report

The ORC Report contained objections relating to the following:

1. Consistency of population projections used by the Town with those used by the South Florida Water Management District (SFWMD).
2. Consistency of the potable water level of service standard used by the Town in the Water Supply Plan with the standards used by the SFWMD.
3. Lack of specific policies and programs for water conservation and reuse.
4. Lack of revisions to the Future Land Use Element to address consistency between water demand calculations and population projections.
5. Absence of capital improvements projects shown in the Water Supply Work Plan from the five-year schedule of improvements from the Capital Improvements Element.
C. Town Response

1. To TCRPC Comments/Recommendations for Modification

   No response necessary.

2. To the DCA ORC Report

   The Town responses to the DCA ORC Report are shown in Attachment A.

Conclusion

For information only.

Attachment
Executive Summary

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

January 14, 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 Manalapan's Evaluation and Appraisal Report Based Amendments to the Comprehensive Plan have recently been completed, adopted and found sufficient. 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 population projections used by the Town are not consistent with those in the Consumptive Use Permit issued to the Town by the South Florida Water Management District. Additionally, the work plan does not provide information as to the source of the population projections or the methodology used to derive the population projections.

Response:

As small, substantially developed communities, Manalapan and Hypoluxo will not have significant population growth during the planning period.

There are no opportunities for the Towns' boundaries to expand, and population growth is limited by their small size, limited number of developable lots, and high property values.

Manalapan Responses to WSP ORC
January 15, 2009
The CUP (50-00506-W) as issued in 2003 does not reflect recent population trends in the water service area. The population projections for both towns in the Year 2025 are less than: what is being allocated for in the CUP; shown in the Palm Beach County Water Supply Plan – Table 5.1; and shown in the LEC Water Supply Plan (page 149). Therefore adequate potable water supply will be available to serve both communities throughout the planning period.

Additionally, the projections shown in Table 1, page 6 of the Plan and their sources are clearly footnoted and therefore no changes are to be made to this section.

Prior to submittal of the proposed amendments and water supply plan a courtesy review was provided by the SFVMD staff. At that time there were no objections to the population projections nor were there any at the time of the SFVMD formal comment transmittal to DCA and other review agencies. Please reference the SFVMD letter to DCA dated 11/14/08.

Objection 2 – The potable water level of service used by the Town in the Water Supply Plan is not consistent with the level of service standard used in the Consumptive Use Permit issued to the Town by the South Florida Water Management District or in the 2008 EAR based Amendments for the Town of Hypoluxo, which is provided water service from the Town of Manalapan. The Town based the water demand projections in the work plan on a potable water level of service standard of 525 gallons of finished water per capita per day. However, the Town’s Consumptive Use Permit was based on a level of 418 gallons of finished water per capita per day in. Furthermore, the level of service standard is stated to be 680 gallons of finished water per capita per day in the original comprehensive plan and 700 gallons of finished water per capita per day in the 2006 Evaluation and Appraisal Report. The Town of Hypoluxo reported their level of service to be 175 gallons per person per day.

Response:

The Town has disagreed with the 418 gallons per capita per day used in the Consumptive Use Permit, as it is not consistent with the historic or current usage rates, and because it is not clear how that number was derived. For example, the permit was issued for 1.915 MGD for a population of 2,655, which would result in a use rate of 721 MGD. The Town’s water supply projections, based on actual data as cited in the report, reflect raw water use of 602 gallons per capita per day and treated water use of 525 gallons per capita per day. The Town is therefore meeting and exceeding its Level of Service Standard, and anticipates that it will continue to do so through the planning period.

Due to the Town’s unique characteristics a potable water Level of Service Standard of 418 gallons per capita per day, as specified in the CUP, is not feasible. Although the Town does provide water to a portion of the Town of Hypoluxo, Hypoluxo has very different characteristics that affect water usage. It would therefore not be feasible for
the Town of Manalapan and Town of Hypoluxo to have the same Level of Service Standard for potable water. In adopting the EAR amendments, which have been found sufficient by the State, the Town corrected an inconsistency between the potable water Level of Service Standard as stated in the Capital Improvements Element (700 gallons per capita per day) and Infrastructure Element (680 gallons per capita per day). As noted in Town’s response to the Objections, Recommendations and Comments Report to the EAR amendments, the 680 gallons per capita per day in the Infrastructure Element was determined to be a typographical error, and was corrected to read 700 gallons per capita per day.

Changing the Level of Service standard to be consistent with the Consumptive Use Permit or Town of Hypoluxo Standard would result in the Town’s current usage rate exceeding the Level of Service Standard. The Town will continue to take water conservation measures such as those specified in proposed new Policy 1.4.21. The SFWMD did not provide objections to the Town’s projections. The Town will work with the SFWMD to correct the discrepancy in the Consumptive Use Permit itself, as the 418 gallons per capita per day is not consistent with the permits use rate of 721.

**Objection 3** — Water conservation is to be included as an important component of a local government’s water supply plan. The Town has a historically high per capita use of potable water. While the Town has adequate water available under the current consumptive use permit to accommodate the high water use, the Town has not revised its comprehensive plan to include specific policies and programs for water conservation and reuse.

**Response:**

Conservation Element

A new Policy under Objective 1.4.21 will be added as follows:

*The Town will continue to require water conservation through the following existing Programs and Ordinances: Leak Detection Program, Water Conservation Education Program, Water Restrictions Ordinance, Xeriscape Ordinance, Ultra-Low Volume Plumbing Fixture Ordinance; Water Conservation Rate Structure Ordinance and Rain Sensor Device Ordinance. Additional water conservation methods shall be considered by the Towns of Manalapan and Hypoluxo, as warranted.*

**Objection 4** — The Town has not adequately revised the Future Land Use Element to include provisions that maintain consistency between water demand calculations and population projections in the 10-Year Water Supply Facilities Work Plan.

**Response:**

The Town is of the opinion that FLU Policy 1.5.7 addresses this Objection. This policy is the same as that 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. For more information on this template please see the Department of Community Affairs Division of Community Planning Water Supply Planning website (Page 15, subsection 2.a. of the template)

Objection 5 – The proposed amendment does not address the requirements of Section 163.3180(2)(a), F.S., pertaining to water supply concurrency.

Response:

Capital Improvements Element

The new Policy under Objective 1.2.0 will be amended as follows:

Policy 1.2.5: 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 Town of Manalapan Water Utility 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.

Objection 6 – The City has not adopted the Water Supply Work Plan and an implementation schedule for water supply related projects needed in the next five years in a financially feasible five year schedule of capital improvements with committed funding sources for the first three years.

Response:

A new Table 5 entitled “Five Year Schedule of Revenues” has been added under 4.2 Funding in the Work Plan to address this objection.

Five Year Schedule of Revenues

<table>
<thead>
<tr>
<th>Funding Source</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Debt Service</td>
<td>$718,600</td>
<td>$1,837,700</td>
<td>$252,000</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>for Projects</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 through 6</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Manalapan Responses to WSP ORC
January 15, 2009
OTHER REVISIONS

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

Amend Conservation policy as follows:

Policy 1.4.19.: 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 Intergovernmental Coordination policy as follows:

Policy 1.2.6.: 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 Capital Improvements policy as follows:

Policy 1.2.6.: 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.

Manalapan Responses to WSP ORC
January 15, 2009
To: Council Members

From: Staff

Date: March 20, 2009 Council Meeting

Subject: Local Government Comprehensive Plan Amendment Review
Adopted Amendments to the St. Lucie County Comprehensive Plan
DCA Reference No. 08-RWSP1

Background

On December 16, 2008, St. Lucie County adopted text amendments to a number of elements of the County Comprehensive Plan. The text amendments were to meet statutory requirements regarding the adoption and implementation of a water supply facilities work plan.

The Treasure Coast Regional Planning Council (TCRPC) reviewed the proposed amendments at a regular meeting held on September 19, 2008. The Florida Department of Community Affairs (DCA) issued an Objections, Recommendations and Comments (ORC) Report on the proposed amendments on September 12, 2008.

Evaluation

A. TCRPC Report

The report approved by the TCRPC contained two comments/recommendations for modification. The comments suggested that the County clarify Policy 6A.2.1.4 in the Potable Water Sub-Element regarding appropriate land use to be located in the vicinity of existing or future water supplies wells, and clarify a redundancy in policy numbers in the Sanitary Sewer Sub-Element.

B. DCA ORC Report

The ORC Report contained five objections. The objections are shown in Attachment A.

C. County Response

1. To TCRPC Comments/Recommendations for Modification

Both modifications recommended by the TCRPC were made prior to adoption of the amendments.

2. To the DCA ORC Report

The Objections and the County response are shown in a letter dated January 12, 2009 (see Attachment A).
Conclusion

For information only.

Attachment
January 12, 2009

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

Submittal for Compliance Review
St. Lucie County Comprehensive Plan
Ordinance No. 08-013
DCA No. 08RWSP-1
Response to Objections, Recommendations and Comments Report dated September 12, 2008

Dear Mr. Eubanks:

St. Lucie County (County) has prepared the following submittal packet consisting of a response to the
Objections, Recommendations and Comments Report dated September 12, 2008, which includes
responses to questions received and references to appropriate changes to the Work Plan and associated
Comprehensive Plan Elements. Please find enclosed one hard copy and two electronic copies on compact
disc of the updated and adopted 10-Year Water Supply Facilities Work Plan and related Comprehensive
Plan Elements (Future Land Use Element, Potable Water Sub-Element, Sanitary Sewer Sub-Element,
Conservation Element, Intergovernmental Coordination Element and Capital Improvements Element).

This amendment is being transmitted to meet the requirements of Section 163.3181, Florida Statutes (FS),
and Chapter 9J-5.004, Florida Administrative Code (FAC). After being duly advertised in the Ft. Pierce
Tribune and the Port St. Lucie News on December 6, 2008, the Board of County Commissioners held a
hearing on December 16, 2008 where the Work Plan and Comprehensive Plan Element modifications
were unanimously adopted.

In response to the Objections, Recommendations and Comments report, the County offers the following
information.

Objection No. 1

As Identified in the South Florida Water Management District’s [SFWMD] letter dated August 26, 2008, the population projections for the County
presented in Tables 1-2, 1-3 and 4-1 of the Work Plan are internally inconsistent. The population projections are also inconsistent with the
County’s Comprehensive Plan, Future Land Use element, the County’s Consumptive Use Permit, and the District’s Lower East Coast Regional
Water Supply Plan.
Response No. 1

The referenced tables have been revised to more closely match the County's Consumptive Use Permit and the SFWMD's Upper East Coast Water Supply Plan (please note that DCA's comment inadvertently referenced the Lower East Coast Water Supply Plan, rather than the applicable Upper East Coast Water Supply Plan). It should be noted that the projections included in the consumptive use permit differ slightly from those published in the Upper East Coast Water Supply Plan, but have been approved by SFWMD based on assumptions provided by the County in the permitting process.

Tables 1-2 and 1-3 in the Future Land Use Element differed from one another intentionally, as explained in the Element. Table 1-2 is intended to summarize the entire unincorporated County population including all residents, regardless of which water supply system they are connected to or if they are self-served. Table 1-3 was intended to summarize the projected County's public water supply system customers only, and therefore would not be equal to the projections provided in Table 1-2. Upon review, however, the projections included in Table 1-3 were discovered to be erroneous and have since been corrected. The information previously provided in Table 1-3 is better suited to be presented in the Water and Sanitary Sewer Sub-elements, rather than in the Future Land Use Element. The information has been inserted in the appropriate Sub-Elements. The revised Water and Sanitary sewer Sub-Elements are presented in Exhibits 3 and 4 to the 10-Year Water Supply Facilities Work Plan, respectively. Table 4-1 of the 10-Year Water Supply Facilities Work Plan has also been corrected to match these revised projections and those in the consumptive use permit. A revised version of Table 4-1 is also provided in the enclosed updated Work Plan.

Objection No. 2

The proposed amendment does not address the requirements of Section 163.3180(2)(a), [Florida Statutes] F.S. pertaining to water supply concurrency.

Response No. 2

The County's developer agreement requires the applicant to request a capacity review for water and/or wastewater service prior to issuance of a building permit. This is further enforced through Objective 6.A.1.2 of the Potable Water Sub-Element, and the associated policies.

The St. Lucie County Development Review Committee (DRC) will review all proposed developments planned for Unincorporated St. Lucie County. The DRC Chair is to verify in which utility service area the proposed development is planned and verify the water and wastewater concurrency in conjunction with the appropriate Utility prior to recommending issuance of a Development Order.

Upon notification that the proposed development is located within the St. Lucie County Utilities service area, the developer is to deliver a set of the proposed utility plans to St. Lucie County Utilities for review. Upon completion and
approval of the proposed utility plans St. Lucie County Utilities will prepare a “Standard Potable Water and Wastewater Development Agreement” to be signed by the developer and returned to the Utility.

Only upon full execution of the Standard Potable Water and Wastewater Development Agreement will water and wastewater capacity be reserved for the proposed development.

**Objection No. 3**

The proposed amendment does not include a policy that requires coordination with the SFWMD related to updating the County's Water Supply Facilities Work Plan within 18 months after the SFWMD updates the [Upper] East Coast Regional Water Supply Plan.

**Response No. 3**

The requested policy has been added to the Potable Water Sub-Element as Objective 6A.3.3, Policy 6A.3.3.1. The revised Potable Water Sub-Element is provided as Exhibit 3 to the 10-Year Water Supply Facilities Work Plan.

**Objection No. 4**

The County’s Work Plan provides a list of water system improvement projects. However, the potable water projects have not been incorporated into the Five-Year Schedule of Capital Improvements.

**Response No. 4**

A five-year fiscal analysis of estimated water and wastewater capital improvement projects has been added to Section 2 of the enclosed 10-Year Water Supply Facilities Work Plan (Exhibit 1). The Capital Improvement Element is also updated annually and the most recent update was submitted to DCA in November 2008.

**Objection No. 5**

The proposed amendment does not include policies with specific programs and activities to ensure ongoing coordination with the Fort Pierce Utility Authority [FPUA] on water supply issues.

**Response No. 5**

The County participates in quarterly meetings with the Treasure Coast Regional Utilities Organization, which provides for intergovernmental coordination between utilities including FPUA. Additionally, the County conducts a minimum of at least two annual coordination meetings with FPUA (typically more) to discuss the bulk water agreement status which includes on-going capital projects. The County revises the five-year projections annually and provides the update to FPUA at the end of each October.

These meetings achieve the recommended actions provided in the ORC report, with the exception of implementing alternative water supply projects and establishing level of service. FPUA does not provide reclaimed water to or purchase reclaimed water from the County. Both utilities have established conservation measures. The level of service for each utility is adopted through their respective Master Plans.
A policy formalizing these actions has been incorporated into the Intergovernmental Coordination Element of the Comprehensive Plan as Policy 10.1.3.6. The modified pages of the Intergovernmental Coordination Element of the Comprehensive Plan are provided in Exhibit 6 attached to the 10-Year Water Supply Facilities Work Plan.

This Plan is not within an Area of Critical State Concern pursuant to Section 380, FS nor is it located within Orange, Lake or Seminole Counties and is not subject to the Wekiva River Protection Area pursuant to Section 88-393, FS. 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 10-Year Water Supply Facilities Work Plan, Future Land Use Element, Potable Water Sub-Element, Sanitary Sewer Sub-Element, Conservation Element, Intergovernmental Coordination Element and Capital Improvements Element and 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 Avenue, Fort Pierce, Florida 34982. The adopted documents can also be viewed online at stlucieco.gov/growth under the “Publications and Applications” link.

This amendment is being transmitted to meet the requirements of Chapter 163.3184(7), Florida Statues, and Chapter 9J-11.011 Florida Administrative Code. The amendment is exempt from the twice a year limitation per Sections 163.3177(12) and 163.3187(1)(1) F.S. for adopting the 10-Year Water Supply Facilities Work Plan & Associated Comprehensive Plan Elements. In accordance with 9J-11.006(1)(a)(b)(c) and (d) Florida Administrative Code, St. Lucie County will also send copies of the plan to the appropriate reviewing agencies.

As per F.S. 163.3184(15)(e), the department will publish the required Notice of Intent, once received, in the Fort Pierce Tribune.

Respectfully,

[Signature]

Laurie Case
St. Lucie County Utility Director
Ray Eubanks  
January 12, 2009  
Page 5  

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, Director of Production and Planning  
Terry L. Hess, A.I.C.P., Planning Director  
Jim Jackson, A.I.C.P., Senior Supervisor Planner  
Planning Director  
Dennis Pickle, Utilities Director  
Planning Division  
Comprehensive Plan Reviewer  
Nicki van Veno, Growth Management Director  
Daniel Holbrook, Director Planning and Zoning  
Stan Boling, Planning Division Director  
Peter Buchwald, Director  

cc (letter only):  

St. Lucie County  
Faye Outlaw, County Administrator  
Lee Ann Lowery, Assistant County Administrator  
Daniel McIntyre, County Attorney  
Mark Satterlee, Growth Management Director  
Bob Dennis  
Chip Merriam  
Linda Hoppes  
John Mulliken  
Michael Busha  
Jill Grimaldi  

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  
St. Lucie West Service District  
City of Fort Pierce  
Fort Pierce Utilities Authority  
Martin County  
City of Fort St. Lucie  
Indian River County  
St. Lucie Transportation Planning Organization  

Board of County Commissioners  
St. Lucie County  
St. Lucie County  
St. Lucie County  
St. Lucie County  

Department of Community Affairs  
South Florida Water Management District  
South Florida Water Management District  
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