

TREASURE COAST REGIONAL PLANNING COUNCIL

MEMORANDUM

To: Council Members AGENDA ITEM 5J

From: Staff

Date: September 17, 2010 Council Meeting

Subject: Local Government Comprehensive Plan Review  
Draft Amendments to the Town of Highland Beach Comprehensive Plan  
DCA Reference No. 10-1ER

Introduction

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

Background

The Town of Highland Beach is proposing text amendments to all elements of the Town Comprehensive Plan to carry out the recommendations of an Evaluation and Appraisal Report (EAR). The EAR was adopted by the Town in January of 2009 and found sufficient by the DCA on June 15, 2009. The Town has requested the DCA formally review the amendments

Evaluation

*Community Profile (taken from Introduction and Executive Summary of EAR-based amendments)*

The Town of Highland Beach is a municipality of 4,164 permanent residents located in southeastern Palm Beach County, Florida. Approximately 80 percent of the Town's residents are retirees, and the median age is 62, with a median household income of \$83,415. The Town is distinguished by its oceanfront setting and the high quality of its built and natural environment.

In addition to the permanent population, the Town is the winter home to approximately 4,300 seasonal residents, which increases its population to approximately 8,500 between November and May. Incorporated in 1949 by a group of registered voters in order to establish a potable water system, the Town occupies 1.1 square miles of land and water bounded by: the City of Delray Beach to the north and northwest; the Atlantic Ocean to the east; the City of Boca Raton to the south and southeast, and; the Intracoastal Waterway separating the Town from the Cities of Boca Raton and Delray Beach to the west. The Town has not expanded in land area since 1989, and has no available land on which to expand through annexations as it is completely surrounded by incorporated areas.

The April 7, 2009 EAR for the Town of Highland Beach indicates the Town chose two major issues to evaluate in the EAR. These issues were:

1. Meeting and exceeding adopted Level of Service Standards.
2. Ensuring the availability of an adequate water supply.

Because the 1989 comprehensive plan was not subject to any major amendments, a number of the proposed amendments are to revise dates and references and address changes in State statutes and regulations.

Following are some of the highlights of the EAR-based amendments:

1. Future Land Use Element

- a. Objective 1.1 is revised to include: 1) discourage and reduce urban sprawl; 2) ensure energy-efficient land use patterns; and 3) address greenhouse gas reduction strategies.
- b. Policy 1.1.2 is revised to indicate the Town will implement a concurrency Management System.
- c. New Policy 1.1.4 indicates the Town will coordinate current and future land uses with the availability of water supplies and water supply facilities.
- d. New Policy 1.1.6 adopts intensity standards for non-residential categories on the Future Land Use Map.
- e. New Policy 1.1.8 indicates that public schools are permitted in all land use districts except Conservation.

2. Housing Element

- a. Revised Policy 1.5.3 indicates the Town will coordinate with the private sector to encourage new housing development to provide for a range of housing types that are affordable to all income groups in a proportion that is reflective of demand.
- b. New Policy 1.5.4 indicates the Town will support regional housing efforts through mechanisms such as letters of support, lobbying and the dissemination of information.

- c. Several new policies address the incorporation of energy saving design and construction features, encourage the use of renewable building materials and the consideration of a green building certification program.
- d. Revised Objective 1.6 is to identify, designate and protect historic, archeological and cultural resources.

3. Infrastructure Element – Potable Water Sub-Element

- a. Revised Policy 1.1.1 is to continue to maintain and operate a Reverse Osmosis Water Treatment Plant.
- b. Revised Policy 1.1.2 is to continue to maintain and operate finished water storage facilities and water distribution systems in accordance with its adopted Level of Service Standard.
- c. Revised Objective 1.3 is to continue to maintain and reduce the current rate of water consumption to the maximum extent feasible.
- d. Revised Policy 1.3.3 is to continue to maintain a tiered rate structure for potable water.

4. Transportation Element

- a. New Policy 1.1.5 is to coordinate with the City of Boca Raton, City of Delray Beach, Palm Beach County, the Florida Department of Transportation and other agencies in order to ensure the use of consistent Level of Service standards and common methodologies for evaluating transportation impacts.
- b. New Policy 1.1.6 is to seek to limit greenhouse gas emissions through the implementation of strategies to reduce the number of vehicle miles traveled.

5. Coastal Management/Conservation Element

- a. Revised Policy 1.2.4 adopts the statutory definition of the Coastal High Hazard Area.
- b. Revised Policy 1.4.1 is to coordinate with the appropriate agencies in order to ensure the protection of its coastal natural resources, including manatees, sea turtles, seagrass beds, and mangrove stands.
- c. New Policy 1.4.2 is to maintain and enforce provisions to protect its coastal natural resources, including manatees, sea turtles, seagrass beds, and mangrove stands, in its Code of Ordinances.
- d. New Objective 3.6 is to reduce greenhouse gas emissions and conserve energy resources. New policies under the objective encourage the implementation of low impact development techniques and green building standards and seek to limit greenhouse gas emission.

6. Recreation and Open Space Element

- a. Revised Policy 1.2.3 indicates the Town’s only public recreation facilities are a library and community room and a bicycle trail.

## 7. Intergovernmental Coordination Element

- a. Revised Policies 1.1.3 and 1.1.4 commit the Town to participate in the Intergovernmental Planning and Review Committee.
- b. Revised Policy 1.1.5 is to utilize the TCRPC to achieve solutions through informal mediation.
- c. Several new policies commit the Town to coordination in planning activities with the Florida Department of Transportation, TCRPC, DCA, the Department of Environmental Protection, Department of State and other utility and service providers.

## 8. Capital Improvements Element

- a. Policy 1.2.1 is revised to delete a number of facility/activity standards for which the Town has committed to a level of service standard. These include beach, swimming, tennis, shuffleboard, exercise/jogging trail, fishing, bicycling trail, and passive open space. The policy is now limited to one library and community room and one mile of bicycling trail.
- b. Revised Policy 1.2.3 includes the Town's Concurrency Management System.

### Extrajurisdictional Impacts

The Town provided a copy of the proposed amendment materials to the Palm Beach County Intergovernmental Plan Amendment Review Committee (IPARC). The amendments were noticed by IPARC to surrounding local governments and agencies on July 28, 2010. Council is not aware of any negative extrajurisdictional impacts that would result from these amendments.

### Effects on Significant Regional Resources or Facilities

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

### Analysis of Consistency with Strategic Regional Policy Plan

During the Council review of the Town's EAR, the Town was encouraged to include stronger policy support for affordable housing, and for adequate beach access, parking and facilities at nearby beach access points (see Attachment A). Relative to the issue of affordable housing, the Town indicates that new Policy 1.5.4 adequately addresses the concerns expressed by Council. However, proposed Policy 1.5.4 is limited to informing income-qualified Town residents of affordable housing and housing assistance programs and to "support regional affordable housing efforts through such mechanisms as letters of support, lobbying and dissemination of information". The Town should consider additional steps that can be taken to support the provision of affordable housing. For instance, the Town could provide support for the affordable housing programs of Delray Beach and Boca Raton, its two neighboring local governments. The

Town has not addressed the issue of adequate beach access, parking and facilities in the EAR-based amendments. The Town is encouraged to address these issues in the adopted amendments.

#### Consistency with Strategic Regional Policy Plan

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

#### Recommendation

The Treasure Coast Regional Planning Council should adopt the above comments and instruct staff to transmit the report to the Department of Community Affairs.

Attachments

## **List of Attachments**

### **Attachments**

- A May 15, 2009 Council letter to Department of Community Affairs with respect to the Town of Highland Beach Evaluation and Appraisal Report



May 15, 2009

Mr. Ray Eubanks, Administrator  
Plan and Review Processing  
Office of Comprehensive Planning  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100

Subject: Town of Highland Beach Evaluation and Appraisal Report

Dear Mr. Eubanks:

Pursuant to Part II, Section 2 of the Scope of Work in the Subgrant Agreement between the Florida Department of Community Affairs and the Treasure Coast Regional Planning Council; and in response to your memorandum dated April 17, 2009, we have reviewed the Evaluation and Appraisal Report (EAR) transmitted by the Town of Highland Beach on April 15, 2009. It appears the Town has done a thorough job of addressing the requirements of Section 163.9191, Florida Statutes.

We would like to make two comments/recommendations to the Town for consideration during the EAR amendment process:

1. Affordable Housing – in Part V (Recommendations) of the EAR, the Town indicates the intent to add a new policy under Objective 1.5 of the Housing Element to "...support regional affordable housing efforts through mechanisms such as letters of support, lobbying and the dissemination of information". Although we do not expect that new housing units affordable to the low and moderate income will be located in Highland Beach due to land values and location in the Coastal High Hazard Area, all communities should share in the responsibility to ensure that members of the workforce can find adequate housing in proximity to employment. While the Town offers policy support to meet affordable housing needs in Objective 4, some stronger policy language to support existing programs would demonstrate additional responsibility. Perhaps the Town can consider supporting the affordable housing programs in the nearby mainland cities, which are more likely to house workers in those sectors of the economy (e.g. service, retail, etc) that serve the residents of Highland Beach.

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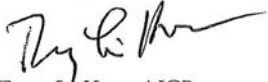
421 S.W. Camden Avenue - Stuart, Florida 34994  
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2. Public Beach Access – although the Town has 2.8 miles of shoreline along the Atlantic Ocean, there is no public beach access within the Town. While the Town indicates that the beach is public below the mean high water line, the nearest beach access appears to be at Spanish River Park in Boca Raton and at Atlantic Dunes Park in Delray Beach. Given the unlikelihood of acquiring property to provide public beach access within the Town, we recommend the Town consider a policy to support adequate beach access, parking and facilities at nearby beach access points.

We look forward to reviewing the EAR-related amendments to the Town Comprehensive Plan.

Sincerely,



Terry L. Hess, AICP  
Deputy Director

TLH:sh

cc: Dale Sugerman, Ph.D. Town Manager  
Jerry Bell, AICP, Bell David Planning Group

## List of Exhibits

### Exhibit

- 1 General Location Map
- 2 Future Land Use Map

**Exhibit 1**  
**General Location Map**  
**Town of Highland beach**



Exhibit 2  
Future Land Use Map

