TREASURE COAST REGIONAL PLANNING COUNCIL

MEMORANDUM

To: Council Members  
From: Staff  
Date: September 20, 2013 Council Meeting  
Subject: Local Government Comprehensive Plan Review  
Draft Amendment to the Palm Beach County Comprehensive Plan  
Amendment No. 13-2ER

Introduction

The Community Planning Act, Chapter 163, *Florida Statutes*, requires that the Treasure Coast Regional Planning Council (TCRPC) review local government comprehensive plan amendments prior to their adoption. TCRPC comments are limited to adverse effects on regional resources and facilities identified in the Strategic Regional Policy Plan (SRPP) and extrajurisdictional impacts that would be inconsistent with the comprehensive plan of any local government within the Region. TCRPC must provide any comments to the local government within 30 days of the receipt of the proposed amendments and must also send a copy of any comments to the State Land Planning Agency.

The amendment package from Palm Beach County includes text changes to five elements of the comprehensive plan to implement updates identified in the 2012 Evaluation and Appraisal Review (EAR) of the comprehensive plan. This report includes a summary of the proposed amendment and TCRPC comments.

Summary of Proposed Amendment

The proposed amendment includes revisions to the Introduction and Administration, Future Land Use, Capital Improvements, Coastal Management, and Intergovernmental Coordination elements of the comprehensive plan. The revisions are to implement updates identified in the 2012 EAR. The changes are proposed in order to meet new statutory requirements, or update or delete outdated references. The updates include deleting references to Rule 9J-5, Florida Administrative Code (FAC); adding reference to Rule 9J-2, FAC; revising references to the EAR process; adding a table of land area by future land use categories; and deleting references to the Sector Planning process, because this effort has been discontinued.
Extrajurisdictional Impacts

The proposed amendment was circulated by the Palm Beach County Intergovernmental Plan Amendment Review Committee Clearinghouse Coordinator on April 30, 2013. No extrajurisdictional impacts have been identified.

Regional Impacts

No adverse effects on significant regional resources and facilities have been identified.

Conclusion

The proposed amendment is consistent with the SRPP.

Recommendation

Council should approve this report and authorize its transmittal to Palm Beach County and the Florida Department of Economic Opportunity.

Attachments
List of Exhibits

Exhibit

1  General Location Map
2  Proposed Text Revisions
3  Correspondence from the Florida Department of Transportation
Exhibit 1
General Location Map
Exhibit 2
Proposed Text Revisions

A. Future Land Use Element, EAR Based Amendments, Future Land Use Table

REVISIONS: To add table of acreage by future land use category. Added text is underlined.

1. I. INTRODUCTION

D. Summary of Future Land Uses

The Future Land Use Atlas assigns future land use (FLU) designations for each parcel in unincorporated Palm Beach County. The Future Land Use Element establishes the general range of density or intensity for each FLU designation. The approximate acreage for the gross land area (based upon parcel specific data) for each existing generalized future land use designation is provided in the table below.

<table>
<thead>
<tr>
<th>Generalized Future Land Use</th>
<th>Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low Residential</td>
<td>43,490</td>
</tr>
<tr>
<td>Medium Residential</td>
<td>21,120</td>
</tr>
<tr>
<td>High Residential</td>
<td>25,630</td>
</tr>
<tr>
<td>Rural Residential</td>
<td>61,690</td>
</tr>
<tr>
<td>Commercial</td>
<td>4,070</td>
</tr>
<tr>
<td>Urban Center &amp; Infill</td>
<td>650</td>
</tr>
<tr>
<td>Multiple Land Use</td>
<td>240</td>
</tr>
<tr>
<td>Commercial Recreation</td>
<td>1,990</td>
</tr>
<tr>
<td>Industrial</td>
<td>14,350</td>
</tr>
<tr>
<td>Institutional &amp; Public Facilities</td>
<td>2,510</td>
</tr>
<tr>
<td>Utilities/Transportation &amp; Spoil</td>
<td>5,440</td>
</tr>
<tr>
<td>Park</td>
<td>5,120</td>
</tr>
<tr>
<td>Conservation</td>
<td>346,280</td>
</tr>
<tr>
<td>Agricultural Enclave</td>
<td>3,700</td>
</tr>
<tr>
<td>Agricultural Reserve</td>
<td>20,350</td>
</tr>
<tr>
<td>Agricultural Production</td>
<td>469,700</td>
</tr>
<tr>
<td>Lake Okeechobee (not a FLU)</td>
<td>157,360</td>
</tr>
<tr>
<td><strong>Total Unincorporated County</strong></td>
<td>1,183,690</td>
</tr>
</tbody>
</table>

Source: Planning Division Exlu12, parcel specific data. April 24, 2013
B. Introduction and Administration Element, EAR Based Amendments, Sector Plan References

REVISIONS: To remove references to the Sector Plan. Added text is underlined, and deleted text is struck out.

1. COMPREHENSIVE PLAN DEFINITIONS

OPTIONAL SECTOR PLAN — The legislative title of an optional planning process authorized by s.163.3245, Florida Statutes, in which the County by agreement with the Department of Community Affairs addresses development of regional impact issues within certain designated geographic areas. Through Comprehensive Plan amendments the optional sector plan will serve as a means of fostering innovative planning and development strategies and reducing duplicative data and analysis requirements, protecting regionally significant resources and facilities, and addressing extra-jurisdictional impacts.

C. Future Land Use Element, EAR Based Amendments, Sector Plan References

REVISIONS: To remove references to the Sector Plan. Added text is underlined, and deleted text is struck out.

1. Policy 1.1-b: Tier Re-designation Criteria - In addition to the criteria for amending a future land use designation, the County shall apply the following standards to allow for the redesignation of a Tier to respond to changing conditions.

...omitted for brevity...

2. b) The need to balance future land uses, considering the impact of continued development on an area and/or its demographics, as identified through a Specific Area Plan within a Sector Plan or through the Community Planning process;

...omitted for brevity...

If any property not within a Sector Plan area is removed from an assigned tier through the future land use amendment process, as allowed for under this policy, the Planning Division shall conduct a Study to determine the property’s impact on the tier system, the appropriate tier designation for the property and if and how tier boundaries need to be further adjusted in the area of the property. In making these determinations, the Study shall employ the criteria listed above for evaluating adjustments to the tier system.

2. OBJECTIVE 1.8 Glades Area Protection Overlay

General: The Purpose of the Overlay is to protect the Everglades Agricultural Area (EAA) from encroachment by urban and other uses that will be detrimental to the viability and continuity of agricultural activities, existing and future conservation areas, and Everglades restoration programs and projects. The Overlay complements existing provisions in the Comprehensive Plan prohibiting the expansion of urban and suburban activities into the agricultural production areas in the Glades Tier, and complements provisions in the sector planning process for the Central Western Communities.
D. **Introduction and Administration Element**, EAR Based Amendments, Evaluation and Appraisal References

**REVISIONS:** To update references to the Evaluation and Appraisal process. Added text is underlined, and deleted text is struck-out.

1. **III. Procedure for the Comprehensive Plan Evaluation and Appraisal Review**

Pursuant to Chapter 163, F.S., each local government in Florida is required to periodically prepare, adopt and submit an Evaluation and Appraisal Review of its comprehensive plan. The Board of County Commissioners adopted Evaluation and Appraisal Reports in 1996 and in 2005, following which corrective amendments were made to the Comprehensive Plan in subsequent amendment rounds. The procedures and requirements for the Evaluation and Appraisal Review process are detailed in Chapter 163, F.S. In preparing the periodic evaluation and appraisal of the Comprehensive Plan, the County shall, at minimum, evaluate the Plan to determine if amendments are necessary to reflect changes in State requirements since the last update of the Plan. The County shall also notify the State as to its determination, and shall, within one year of the evaluation and appraisal of the Plan, prepare and transmit any identified amendments to the State for review.

E. **Future Land Use Element**, EAR Based Amendments, Evaluation and Appraisal References

**REVISIONS:** To update references to the Evaluation and Appraisal process, as indicated below.

1. This amendment shall replace the name of the "Evaluation and Appraisal Report" to "Evaluation and Appraisal Review", throughout the Element for a total of four times, in the following policies: Policy 1.1-c; Policy 1.6.2-d; Policy 3.1-b; Policy 4.4.3-b.

F. **Introduction and Administration Element**, EAR Based Amendments, Rule References

**REVISIONS:** To delete or revise references to Rule 9J-5 and Rule 9J-2. Added text is underlined, and deleted text is struck-out.

1. **COMPREHENSIVE PLAN DEFINITIONS**

**LANDS WITH SIGNIFICANT NATIVE VEGETATION** - Those areas delineated on the Future Land Use Plan Map, and the "Inventory of Native Ecosystems" as being environmentally sensitive lands, and those areas representing the best examples of significant ecological communities within Palm Beach County. The lands with significant native vegetation are addressed in the County’s Comprehensive Plan consistent with the requirements of Section 9J-5.006(3)(e), Florida Administrative Code, and in the Conservation Element, consistent with the requirements of Chapter 9J-5, FAC, and include, but are not limited to, the following native communities: beach/dune, coastal strand hammock, freshwater marsh, freshwater swamp, high hammock, low hammock, pine flatwoods, prairie, saltwater marsh, saltwater swamp, scrub (sand pine) and tropical hardwood hammock.
PIECEMEAL DEVELOPMENT - This describes a situation where small portions of a larger, undeveloped property is developed in a sequential manner, such that land use decisions are being made for individual sub-areas of the original parent tract independent from the whole. A situation where land, under single ownership or significant legal or equitable interest (as defined in Section 380.065(1)[4] F.S. and Rule 73C-40.0275 9J-2.0275 F.A.C.), is developed on an incremental basis, or one piece at a time, with no coordination or overall planning for the site as a whole.

G. Future Land Use Element, Coastal Management Element, Capital Improvements Element, and Intergovernmental Coordination Element, EAR Based Amendments, Rule References

**REVISIONS:** To delete or revise references to Rule 9J-5, as indicated in the table below. Added text is *underlined*, and deleted text is *struck out*.

<table>
<thead>
<tr>
<th>Element</th>
<th>Policy/Section</th>
<th>Existing Text</th>
<th>Proposed Revision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Future Land Use</td>
<td>Policy 1.1-d</td>
<td>Rule 9J-5.006, Florida Administrative Code.</td>
<td>163.3164(51), F.S.</td>
</tr>
<tr>
<td></td>
<td>Policy 2.1-f</td>
<td>9J-5.006(5)(g), Florida Administrative Code (F.A.C.)</td>
<td>163.3164(51), F.S.</td>
</tr>
<tr>
<td></td>
<td>Commercial Designation Eligibility</td>
<td>and Rule 9J-5, F.A.C.</td>
<td>(deletion)</td>
</tr>
<tr>
<td>Coastal Management</td>
<td>Introduction/ Purpose</td>
<td>Rule 9J-5.012, F.A.C.</td>
<td>163.3177(6)(g), F.S.</td>
</tr>
<tr>
<td></td>
<td>Introduction/ Purpose</td>
<td>pursuant to 9J-5.006(1)(f)3</td>
<td>(deletion)</td>
</tr>
<tr>
<td>Capital Improvement</td>
<td></td>
<td>Rule 9J-5, F.A.C., and</td>
<td>(deletion)</td>
</tr>
<tr>
<td>Intergovernmental Coordination</td>
<td>Introduction/ Purpose</td>
<td>and Rule 9J-5.015, F.A.C.</td>
<td>(deletion)</td>
</tr>
<tr>
<td></td>
<td>Plan Coordination</td>
<td>and Rule 9J-5</td>
<td>(deletion)</td>
</tr>
</tbody>
</table>
August 28, 2013

Ray Eubanks, Plan Processing Administrator
Department of Economic Opportunity
Division of Community Development
107 East Madison Street, MSC-160
Tallahassee, FL 32399-4120

Dear Mr. Eubanks:

SUBJECT: Palm Beach County Proposed Comprehensive Plan Amendments, DEO #13-2ER

The Department has reviewed the proposed Palm Beach County Comprehensive Plan amendments which implement updates identified in the County’s 2012 Evaluation and Appraisal Review. In accordance with subsections 163.3184(3)(b) and (4), Florida Statutes, the focus of our review was on major transportation issues.

The County did not identify amendments needed to address the statutory provisions governing transportation elements in subsection 163.3177, Florida Statutes, as modified by the Community Planning Act. Among the modifications were additions of language from repealed Chapter 9J-5, Florida Administrative Code, on planning for a multimodal transportation system, with an emphasis on public transportation, and transportation system levels of service. The Center for Urban Transportation Research is developing a Multimodal Transportation Best Practices and Model Element under guidance from the Department and a project advisory team. The Department recommends that the County revisit its transportation element using this resource when it becomes available.

The Department appreciates the opportunity to participate in the review process. If you have any comments or questions about this letter, please contact Lois Bush at (954) 777-4654.

Sincerely,

Gerry O’Reilly, P.E.
Director of Transportation Development
District Four

GO:lb

cc: James Stansbury, DEO
    Peter Merritt, TCRPC
    Nick Uhren, Palm Beach MPO
    Jim Wood, FDOT Central Office

    Maria Cahill, FDOT Central Office
    Nancy Ziegler, FDOT District Four
    Lois Bush, FDOT District Four
    Karen Kiselewski, Renaissance Planning Group

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