Hello,

I sent a letter to Mr. Eubanks and have since been provided additional email addresses to which I would like to send a copy.

Thank you for taking the time to read this and the many other letters and emails that you have and will continue to receive asking for you to please reject the requested expansion of the Minto West project.

There is no need for this type of increase in construction in the area for which they have already been approved for 2,996 home sites and 235,000 sq. ft. of non-residential construction.

There are hundreds of thousands of square feet of approved and unbuilt commercial in the area. The reason it is unbuilt is that there is no demand. The projected growth of the area will still not need what they are requesting.

Please, regard this as if it were being put in your backyard. I am also attaching a link so that you can review some additional information.

http://priceofsprawl.com

Thank you,

Suzanne Hetrick
August 30, 2014

Ray Eubanks, Planning Processing Administrator  
State Land Planning Agency  
Caldwell Building  
107 East Madison - MSC 160  
Tallahassee, FL 32399  
email: ray.eubanks@deo.myflorida.com

Dear Mr. Eubanks,

My husband and I are residents of Loxahatchee Groves, Florida. We own five acres, have three horses, six dogs and a cat.

While this may not mean much to you, this is the dream of our lifetime. We put everything we have into our home and animals and this is where we will die. You are being asked to, very soon, make a decision on one of the most expansive, intrusive developments I have ever witnessed, that will forever change the landscape of this rural tier.

The Minto Corporation has asked for a 1,550 unit increase in residential from the approved 2,996 to 4,546 and an increase from the approved 235,000 square feet of non-residential to 2.1 million square feet of non-residential. Yes, I said 2.1 MILLION, on the Callery Judge Ag Enclave in rural Palm Beach County. They have also put into the request, a provision for a college and a hotel.

I would like to ask that you and your staff view the video of the August 27th meeting and listen to the evidence and the presentations by the opposed residents and concerned citizens. Listen to the questions by the commissioners and the vague answers by staff and colleagues and see if you can determine how they approved this transmittal. Minto continues to compare the Sector Plan to what they are requesting when it has absolutely no bearing on anything. Please review the thousands of petitions presented in OPPOSITION, and tell me how they could have approved the transmittal in deference to “hundreds” of emails in support. Incidentally, there are requests by the public to see those emails.

During the presentation to the Board of County Commissioners of Palm Beach, there was overwhelming testimony in opposition to this increase. Not only testimony by the residents of the area, the planning staff provided traffic studies that clearly outlined the inability for the area to absorb this kind of increase. The increased taxes alone, should be reason enough to say no to the increase. Everyone in Palm Beach County will be paying for Minto’s new metropolis. WE DO NOT NEED, NOR WANT THIS IN OUR AREA. Minto will not be providing one iota of benefit, no matter what they claim. You cannot bring 10,000+ more residents into the area and then say you are only going to provide 3,000 jobs. I don’t know how you see it, but I do not see that as a benefit. You are importing unemployment. Thank you, but no thanks!

I have reviewed several of the issues, several times and I still cannot figure out how they came to the conclusion that this is good for anyone except for Minto and future developers waiting in the wings. Hmmm, I may have answered my own question.

This massive development, even in the currently approved format, does not fit in the Acreage. The developers have bent, twisted and mangled every law put in place to prevent exactly what they are doing.
Please, I implore you, stop this now. VOTE TO DENY THIS INCREASE AND SAVE OUR RURAL AREAS IN PALM BEACH COUNTY. The Great State of Florida has in its hands, the biggest opportunity of the time to say NO MORE to these corporations that come in and take anything they want. It is up to the State of Florida to protect its citizens from foreign companies and their intent to destroy.

Sincerely,

Suzanne Hetrick
15105 Roberts Way
Loxahatchee Groves Fl 33470
561 400 7897
Dear Messrs. Biblo and Stansbury and Mrs. Richmond;

This coming Oct. 29 the Palm Beach County Commission stands ready to approve a huge development and an unbelievable intrusion and alteration of the lives, dreams and hopes of thousands of residents in central western Palm Beach County.

Please see the attached letter.

I thank you in advance for your time and consideration.
Dr. J. William (Bill) Louda
Loxahatchee Groves
To: Mr. Adam Anthony Biblo  
Staff Consultant- Palm Beach County  
Community Planning and Development  
Florida Department of Economic Opportunity  
(adam.biblo@deco.myflorida.com)

Mr. James Stansbury  
Southeast Team; Regions 6, 10 and 11  
Community Planning Review  
Florida Department of Economic Opportunity  
(james.stansbury@deco.myflorida.com)

Mrs. Ana Richmond, Chief  
Office of Comprehensive Planning  
Florida Department of Economic Opportunity  
(ana.richmond@ceo.myflorida.com)  

29 August 2014

Dear Messrs. Biblo and Stansbury and Mrs. Richmond;

I am writing to you as an extremely concerned citizen of the State of Florida and longtime resident of the Central Western Communities of Palm Beach County.

Who am I? I am a recently retired Senior Scientist / Faculty member and presently a Scientist Emeritus at Florida Atlantic University who has been engaged for 37+ years in the teaching and research of Environmental Chemistry. I wrote 2 sections of the Loxahatchee Groves Neighborhood Plan (accepted by Palm Beach County in 1996). I was on the charter council of the Town of Loxahatchee Groves when we incorporated in 2007 in order to stop development overrunning our chosen rural lifestyle. I was raised in Oakland Park Florida when the two main things in town were a large chicken ranch called Oakland Park Eggs seven blocks south of our house and the Hawkins’ cattle ranch on the north side of our back fence. The chicken ranch was turned into a K-Mart and the Hawkins’ ranch is now a warehouse district. Thus, I have seen what development can do to the more bucolic non-urban lifestyles.

Presently, as I hope you are aware, there is a highly intrusive development proposal for the 3,800 acres in central western Palm Beach County that was called the Callery-Judge Groves and is now MINTO-west. Callery-Judge Groves obtained the Agricultural Economic Development (Ag Enclave) (HB1015/SB1880) legislation which was ‘defined as land that has been used for agricultural purposes for a period of five years, is surrounded on at least 75 percent of its perimeter by existing development, has public services, and does not exceed 1,280 acres. However, if the property is surrounded by existing or authorized residential development resulting in a build out of at least 1,000 residents per square mile, the parcel may not exceed 4,480 acres.’ Loxahatchee Groves has an ultimate density of 1 unit per 5 acres (0.2du/acre). Since there are 640 acres per square mile that equates to a maximum of 640/5 = 180 units per square mile and if we assume an average of 4 people per unit then Loxahatchee Groves ay build-out would have 720 people per square mile and encompasses about 20% of the perimeter of the Callery-Judge site. This is well below the
1,000 people per square mile. Be that as it may, the Ag-Enclave was granted and Palm Beach County allowed 2,996 units plus 235,000 square feet of commercial to eventually be built on the site.

**It must be noted here and strongly stressed** that the 2,996 units was approved for one reason and one reason alone. Had the County approved 3,000+ units that would have tripped a Development of Regional Impact (DRI) review and a lot more meaningful oversight. **Appendix A** contains my calculations that reveal that Callery-Judge should actually have only been approved for 2,303 units. Be that as it may, we in the Central Western Communities are not challenging the 2,996 units plus 235,000 square feet of commercial. However, the present MINTO-West proposal that was just (Aug. 27, 2014) transmitted to a final County hearing requests 4,549 units, 2.1 Million square feet of commercial / industrial, a 150 room hotel and a 3,000 student college. Besides being a huge impact on the Rural / Ex-Urban established land use and lifestyle this is nothing more than an underhanded devious method to circumvent the expanded review and oversight such as a DRI would entail. That Palm Beach County is condoning and participating in this is a travesty.

Certain requests within the MINTO-West proposal are, to me and others, ludicrous. For example; they want a 3,000 student college. This is strange since Palm Beach State College (PBSC) just submitted its 5-year master plan and will break ground this October at the corner of B-Road and SR-80 in Loxahatchee Groves. PBSC bought the land and has been in design for several years so this cannot be a surprise to anyone. MINTO also want a 150 room hotel but fails to justify why it could possibly be needed and/or whom they expect to use it. Worst of all is the 2.1 million square feet of commercial / industrial that they claim will generate 3,000 jobs with (are you ready for this?) **average** salaries of $108,000/year.

Using the County’s own data from the “EXURBAN and RURAL TIERS TOUR Central Area-Commercial Land Uses” (Appendix C) there exists 191,312 sq. ft. of built CLO plus 767,425 sq. ft. of un-built approved CLO. This is for Seminole-Pratt Whitney Road and Northlake Blvd. within the confines of the Acreage. To this one can and must add the 52,390 sq. ft. of CLO at 112th and Northlake, the 79,420 sq. ft. of CLO at the Shops of Ibis and the 42,819 sq. ft. at Bay Hill Commons, all of which were approved to serve Acreage residents in addition to those of Ibis and Bay Hill. That takes care of Northlake Blvd. Turning now to Southern Blvd. one must include the 50,000 sq. ft. of CLO and 50,000 sq. ft. of civic at Highland Dunes which was just approved without discussion on a consent agenda. This commercial can and will serve residents of the Central Western communities when they go west and return on SR-80. Now, let’s get into Loxahatchee Groves which, though both the Palm Beach County Commission and its staff completely ignores, borders MINTO-West for about 20% of its perimeter. Here there is ~25,000 sq. ft. of built commercial, plus a 22,000 sq. ft. built but empty medical building plus Everglades Farm Equipment, The Farmer’s daughter market and Palm West Hospital (last 3 I did not research square footage-it is a lot). Presently, Loxahatchee Groves has also approved: 94,655 sq. ft. of CLO and Palm Beach State College on the west side of B-Road at SR-80; 103,000 of commercial, 44,000 sq. ft. of office and a 108,000 sq. ft. congregate living facility on the east side of B-Road at SR-80; Loxahatchee Avenue at SR-80 has 36,000 sq. ft. of approved CLO. ALL of the above is within but a few miles of each and every resident in the central western communities and that **adds up to 1.42+ MILLION SQUARE FEET of built and approved to be built commercial and office space** (See **APPENDIX B** below) immediately in the central western communities. Presently there exists many thousands of square feet of empty built CLO within this inventory. Additionally, the Village of Royal Palm Beach, the southeast border of the central western communities, has grown its retail, medical and industrial infrastructure to serve not only its citizens but the Acreage and Loxahatchee Groves as well. At the “Informational Meeting the County held at Seminole-Ridge High School, I asked Mr. Bryan Davis of the County’s PZ&B if we could get an inventory of built and un-built approved CLO within 5, 10 and 15 mile radii of the MINTO-West site. He stated in no uncertain terms that that data likely exists but does not factor into the planning process. I am not a planner but any reasonable person should realize that existing infrastructure and that already approved to be built SHOULD factor into what is needed now and for the future. Another highly disturbing fact is the Staff Report forward to the County Commission by PZ&B. In the obviously biased opening pages, they state that the MINTO-West (Callery-Judge Groves) site is surrounded by Sub-urban development. Since it absolutely is NOT, this just reflects staffs disdain for the current residents. There is not one square foot of “sub-urban” land use abutting the MINTO-West site, it is all Rural and Ex-Urban and the County’s land use records
support that. We all live on 1.25 acre or larger lots, my wife and I are on 5 acres. What sub-urban area has horses, cows, pigs, chickens, commercial aviaries, nurseries, tree farms et cetera? NONE!

Regarding ‘jobs creation’, which appears to be the catch-all excuse for a lot of development recently, I checked county and state records of unemployment. The zip codes that cover the Acreage and Loxahatchee Groves, albeit also including Royal Palm Beach, reveals unemployment under 6%. However, the four municipalities and surrounding rural areas in western Palm Beach County bordering Lake Okeechobee are between 16-28%. Thus, I ask you - where is an employment center needed? Not in the center of the highly traffic constrained Acreage!

Several of the Palm Beach County Commissioners stated that the MINTO-West plan is better than that brought up by Callery-Judge. This is an apples-to-oranges comparison since the ‘plan’ of Callery-Judge was nothing more than a broad brush concept with no detail. Imagine what could be done with the 2,996 units and 235,000 ft² of commercial in the hands of the present planners.

Should MINTO-West be granted this huge increase in density and intensity, several other large land owners (GL Homes etc.) will then expect and sue if not granted the same. Development NEVER pays for itself. This is just wrong.

Here is the list of the entities that I know of that are opposed to the expanded MINTO-West proposal: a petition with ~ 5,000 verified signatures of only residents in the Acreage and Loxahatchee Groves; letter of opposition from the Town of Loxahatchee Groves; letter of opposition from the Village of Royal Palm Beach; letter of opposition from 12 of the 16 member communities of the North County Coalition; letter of opposition from the Indian Trails Improvement District; letter of opposition from the Acreage Landowners’ Association; letter of opposition from the Loxahatchee Groves Landowners’ Association; letter of opposition from 1000 Friends of Florida; letter of opposition from the Everglades Law Institute; letter of opposition from the Sierra Club; plus my total disgust with the course that has been plotted as the Central Western Communities are raped.

We, the residents of the central western communities, have our dreams, lives and finances entrenched in our chosen lifestyle. Why does south Florida need to be all the same? I hope that everyone will read the book “A Land Remembered” (ISBN 0-910923-12-4) by Patrick Smith and dwell on the last part of the second to last paragraph “Where did it all go Papa? ---Where?” I presented each Commissioner with a copy of this book last year when MINTO-West first reared its ugly head.

When will the will of the people override the greed of the developer?
Your help is needed and needed now to stop this madness.

I thank you for your time and consideration.

Sincerely,

[Signature]

Dr. J. William (B II) Louda
P.O. Box 1238
E-Road
Loxahatchee Groves, FL 33470
(561)791-9241 [home]
(561)297-3309 [FAU]
blouda@fau.edu & badlouda@comcast.net
This IS what surrounds the proposed “MINTO WEST” (over)development. (**This does not fit period. It is GREED-NOT-NEED!**)

**MINTO WEST**: 4,546 residential units; 200,000 sf of civic; 1,500,000 sf of industrial/manufacturing; 500,000 sf of retail, a 150 room hotel, and a 3,000 student “University”. (>> 2.5 Million sq.ft. Non-res)

(Note: Even at the 4.14 mile radius, the line does NOT reach Wellington)

They should get (0.606du/ac x 3,800ac =) 2,303 dwelling units before subtracting any and all acreage that is to be built as commercial, industrial, hotels and the like--DO THE MATH→ I DID! (see above)

*Updated (8/15/2014) to their “revised plan”.*
I asked County staff at the July 8th "Informational Meeting" if we could get a record of existing and approved commercial in 5, 10 & 15 Mile radii about the MINTO-West site. The answer was along the lines of 'that info likely exists but does not factor into the planning process.
## APPENDIX C: EXURBAN AND RURAL TIERS TOUR
### Central Area - Commercial Land Uses

<table>
<thead>
<tr>
<th>Name</th>
<th>Acres</th>
<th>Pet. Num.</th>
<th>Total Sq. Footage</th>
<th>Built Sq. Ft.</th>
<th>Un-Built SF</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Central - Seminole Pratt Whitney Road</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sluggett</td>
<td>64.48</td>
<td>2007-095</td>
<td>280,875</td>
<td>0</td>
<td>280,875</td>
<td>Retail and office (no zoning approval; sf reflects FLU maximum)</td>
</tr>
<tr>
<td>Callery Judge Groves*</td>
<td>55.00</td>
<td></td>
<td>235,000</td>
<td>0</td>
<td>235,000</td>
<td>Retail and office (no zoning approval)</td>
</tr>
<tr>
<td>Acreage Publix Center**</td>
<td>15.4</td>
<td>1998-023</td>
<td>92,592</td>
<td>92,592</td>
<td>0</td>
<td>Grocery (51,200), Retail (22,200), Rest. (13,200), Bank (5,000) Gas (160 sf and 8 fuel stations)</td>
</tr>
<tr>
<td>Seminole Orange Plaza</td>
<td>11.68</td>
<td>2006-012</td>
<td>50,000</td>
<td>14,500</td>
<td>35,500</td>
<td>Built-Pharmacy (14,500) Un-built-Retail/Rest/Office (31,500); Bank (4,000)</td>
</tr>
<tr>
<td>Seminole Total</td>
<td>156.74</td>
<td></td>
<td>746,362</td>
<td>191,312</td>
<td>555,050</td>
<td></td>
</tr>
<tr>
<td>Central - Northlake Boulevard</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Shops at Indian Trails</td>
<td>29.59</td>
<td>2006-147</td>
<td>106,566</td>
<td>0</td>
<td>106,566</td>
<td>Grocery (44,000), Retail (28,945), Pharmacy (14,820), Restaurant (3,800), Medical Office (4,000), Bank (7,000) Conv. Store (3,000), Car Wash (1,000) with Gas (16 stations)</td>
</tr>
<tr>
<td>Bay Hill Commons</td>
<td>9.74</td>
<td>2007-094</td>
<td>42,819</td>
<td>0</td>
<td>42,819</td>
<td>Medical or Dental Office</td>
</tr>
<tr>
<td>112th/Northlake</td>
<td>10.60</td>
<td>2006-529</td>
<td>52,390</td>
<td>0</td>
<td>52,390</td>
<td>Professional Office (41,100) and Medical Office (11,290)</td>
</tr>
<tr>
<td>Northlake CLF</td>
<td>9.68</td>
<td>2005-599</td>
<td>10,600</td>
<td>0</td>
<td>10,600</td>
<td>Medical/Dental Office; also 125 bed congregate living facility</td>
</tr>
<tr>
<td>Northlake Total</td>
<td>60.01</td>
<td></td>
<td>212,375</td>
<td>0</td>
<td>212,375</td>
<td></td>
</tr>
<tr>
<td>Total Central Commercial</td>
<td>216.75</td>
<td></td>
<td>958,737</td>
<td>191,312</td>
<td>767,425</td>
<td></td>
</tr>
</tbody>
</table>

Source: PZB amendments and site plans

* Acreage is estimate based on .10 FAR for comparison purposes only.
** Acreage and square footage excludes 7 acres/30,000 sf PBC Library.

Highlight indicates changes since 2012 Tour
Mike Busha

From: LaVant Morell <k4lm@comcast.net>
Sent: Thursday, September 04, 2014 8:52 AM
To: mbusla@tcrpc.org
Subject: Minto West project

Mike,

How can the Palm Beach County Commission approve the expansion request by Minto West when everything in the plan is not compatible with the surrounding area? The "New" plan by most builders is to have a complete city in their development. However, these plans do not work and they do not generate 3000 jobs as Mintc say they will. Just ask Abacoa how many jobs they generated. The Minto West project is in the middle of horse country with homes of 1.25 acres or more. We have dirt roads and limited access to major highways. This is country! Horses, goats, chickens and children who can grow up in a quiet neighborhood. How can you approve a city in the middle of the country with limited roads to access the area. The Minto West property is not on a major road, it is in the middle of horse country!

Minto West bought the property knowing that they were restricted to 2997 homes and 253,000 square feet of retail space. That alcne is bad enough, but to turn around as soon as they buy the land and ask for 6500 homes, a college, stadium, hotel and 1.5 million square feet of commercial space is ridiculous. So they come back with 4500 homes (of which 800 are town homes) and 2.1 million square feet of commercial space. This not compatible with this area.

There is a reason that the retail space is suppose to be limited. We are in the country and Wellington Mall is right down the street. There is a reason that we don't need a college because a state college is being built next door on Southern Blvd, a major thoroughfare. I know our roads will need to be expanded, but if the Minto proposal goes through the roads will have to be doubled in size. And who in their right mind is going to stay in a hotel that is not even close to any business or attraction. Who is crazy enough to build a 150 room hotel in the country. They are not unless you change it to a city, which is not in the master plan. What private college is going to build a 3000 student campus when there is a State college a few miles away. They are not.
Why would anybody start a business in the middle of the country when there are so many other businesses on major roads close by. Who wants an office away from government and commerce, and have to travel several miles out into the country to get to work on roads that will be slow and congested.

Stop this madness before it gets started. Please!

Sincerely,

LaVant Morell
12962 77th PL N
West Palm Beach, FL
In the Acreage
From: Elsy Shallman <gomerlu@yahoo.com>
Sent: Sunday, September 07, 2014 7:27 PM
To: Executive.Director@deo.myflorida.com; Ray.Eubanks@deo.myflorida.com; adam.biblo@deo.myflorida.com; Plan.Review@dep.state.fl.us; Chris.Stahl@dep.state.fl.us; suzanne.e.ray@dep.state.fl.us; FWCConservationplanningservices@myfwc.com; Jason.Hight@MyFWC.com; gerry.oreilly@dot.state.fl.us; compplans@freshfromflorida.com; deena.woodward@DOS.myflorida.com; mbusha@tcrpc.org; tmanning@sfwmd.gov
Subject: Minto West

Dear Sir/Madam:

As a long time resident of Loxahatchee who truly loves my rural way of live I just wanted to let you know that I have serious traffic and environmental concerns about the proposed development.

Thank you,

Elsy Shallman
gomerlu@yahoo.com
Michael J. Busha, AICP, Executive Director  
Treasure Coast Regional Planning Council (TCRPC)  

RE: OPPOSING LAND USE AMENDMENT PROPOSALS  
FOR MINTO WEST ON CALLERY JUDGE GROVE, PALM BEACH COUNTY, FLORIDA  

Dear Mr. Busha,

I have lived at 16318 E. Hialeah Dr., Loxahatchee, Florida since 1978. If the Minto West property proposed building sites were consistent with the Palm Beach Comprehensive Land Use Plan of one plus anes rural/residential designation, there would be no debate. Your agency is reviewing the proposal sent by The Palm Beach County Planning Board (PBCPB). My opposition is based on several evident facts.

I live two streets from this massive proposed development. In 2008, an Agricultural Enclave was granted to this area. This was the first Agricultural Enclave in the State of Florida to be granted. The PBCPB agrees the Enclave has nothing to do with agricultural development, but was specifically worded for the Gallery Judge Grove proposed development. Minto bought the property and the Enclave rights. Minto only had the right per the Enclave to build less than 2996 residences. Minto petitioned the PBCPB for the high 4000 homes, a massive mall, warehouses, college with dorms, 150 bed hotel resulting in the 3rd largest development in Palm Beach County. The proposed new "Minto" community will devastate our rural communities by destroying our quality of life.

This proposed community is being railroaded through without any regard to our pristine environment. No studies have been conducted to determine the detrimental effects that it will cause on my neighbors who are agricultural producers, livestock owners, equestrians, and nurseries owners. Our area has many species of flora and fauna; and more specifically, wildlife, including endangered and threatened species.

As of September 2014, Minto has no plans or studies detailing to the PBCPB how this "community" will affect the water runoff and flood plan topography graphs. The only two Verbal proposals Minto has provided the PBCPB is 1) that the run off would be to the North, going under the West Palm Beach water basin and dumping out into the Loxahatchee River.  
2) the run off would go South, to the St. Lucie River Basin. The following are directly affected by the development of this Minto "community": North Fork of the St. Lucie River, St. Lucie River, St. Lucie River Estuary, Loxahatchee River, Loxahatchee River Estuary, Intracoastal Waterway, Tenmile Creek, Fivemile Creek, the Savannas, etc.

I think your agency is fully aware of the ramifications of dumping 60 years of citrus grove run-off toxins into these locations. This would be an environmental disaster.

The "New Urban/Smart Growth" development scheme as presented will result in unsustainable demands and excessive burdens being placed on public services. The Palm Beach County School District has not been contacted by the PBCPB to ascertain if the county has the revenue to expand schools. PBCPB is aware that all of the Loxahatchee schools are presently at 100 percent or more capacity. Minto is only donating land for the District to build one elementary school. Minto is donating 55 acres to build a park. The PBCPB has not established that the county can afford to build and maintain this park property.

Such unsustainable demands would result in large tax increases for existing populations that cannot afford such burdens. PBCPB admits that the county is one billion dollars in deficit for transportation services. There is an acknowledgement from PBCPB Staff that, one hundred seventy seven thousand dollars, just for
improvements around this "community" without lights, maintenance and sidewalks/bicycle improvements taken into consideration.

Mr. Busha, PLEASE consider the health and life style of my Loxahatchee Community and investigate yourself why the Minto development is blatantly inconsistent with the Palm Beach Comprehensive Land Use Plan. The urban styled development proposal is grossly incompatible and out of character with surrounding rural communities. PBCPB agrees that this Minto "Agricultural" Enclave is being Fast-Trackd. Contact Indian Trail Improvement District 561 793-0874 for traffic studies and other evaluations completed. Please feel free to contact me any time.

Very Respectfully,

Margaret Duttenhoeffer

mdnavy@msn.com
I am writing as President of the Board of Directors of Sunsport Gardens Family Naturist Resort in Loxahatchee Groves. Sunsport's Board has voted unanimously to oppose Minto West's new proposal to develop the former Callery Judge Groves property. The Minto West property is only two lots north of Sunsport and would have a negative impact upon the Town of Loxahatchee Groves and our resort. We are a rural community with 10 acre lot sizes near us. The rest of the Minto West Land is surrounded by the Acreage with 1 1/4 acre lot sizes.

The proposed development would create a small city in our midst greatly exacerbating traffic congestion, pollution, and possible crime. It would certainly destroy the rural ambiance which we and are neighbors enjoy.

Contrary to the claims of the developer, all the new residents would increase unemployment since there would be a much greater increase in the number of people looking for work than jobs created. We don't need the huge new commercial center. We already have Publix, Winn-Dixie, Whole Foods, Trader Joe's, Walmart, Target, Home Depot, Lowes, the massive Wellington Green Mall, many restaurants and small businesses in the adjacent Royal Palm Beach and Wellington municipalities. A new college campus is now being built in Loxahatchee Groves. We don't want or need more.

Minto West is a Canadian company seeking to make a huge profit in our area at the expense of the surrounding communities. Please reject their proposal.

Morley Schloss
14125 North Rd.
Loxahatchee Groves, FL 33470
561-791-1361
To whom it may concern:

Although I do not live in The Acreage, I do live directly off North Lake Blvd. in Bay Estates and am gravely concerned over the negative impact the Minto West development will have on the immediate area not only environmentally but also on the current infrastructure of our road system.

The adverse effects caused by the proposed development of this size will affect the physical, cultural, and demographic of the surrounding area. Minto West will destroy the current rural terrain with its horse trails and agricultural lands. Those residents who currently live in the Acreage and surrounding area chose this rural demographic for exactly that: rural, not urban. No one who lives out west minds driving into the urban areas to shop, work or go to school because they know that they can return home to a peaceful uncluttered environment.

In addition, our road infrastructure will not be able to handle the proposed increase in vehicles which will travel daily on the one and only east/west road. I challenge any one of you to drive North Lake Blvd. following a vehicle accident. Following one such incident, it took me 1 1/2 hours to drive to work which is only a 10 mile drive.

I do not own several acres or have a horse but I am standing up for those who do and respectfully asking you to veto this project. it is time that the "little" people are heard and not the "profit-making" developers.

Sincerely,

Marcia Caron

7706 Woodsmuir Dr.

west Palm Beach, Fl 33412
From: Beth Kish <mom4jg@hotmail.com>
Sent: Sunday, September 07, 2014 3:46 PM
To: Group email: Ray.Eubanks@deo.myflorida.com; adam.biblo@deo.myflorida.com; Plan.Review@dep.state.fl.us; Chris.Stahl@dep.state.fl.us; suzanne.e.ray@dep.state.fl.us; FWCConservationplanningservices@myfwc.com; Jason.Hight@MyFWC.com; gerry.reilly@dot.state.fl.us; complaints@freshfromflorida.com; deena.woodward@DOS.myflorida.com; mbusha@tcrpc.org; tmanning@sfwmd.gov
Subject: NO TO Minto West!!

It is not in the best interest of any resident out in the Royal Palm/Acreage Area and a detriment to our environment!
It is all about making money!! A sad but true reflection of our politicians true goals while in office!!
Signed, Beth Kish
To Whom It May Concern:

Please see the attached concerning the transmittal and review of the Minto West project from Palm Beach County, Florida. Further attached is documentation/communication from the county concerning need, existing approved residential and non-residential (as is referenced in the documentation.)

Sincerely,

Patricia D. Curry
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Royal Palm Beach (the Acreage), FL 33411
561-236-6311
Ltdeedishn@aol.com
September 8, 2014

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Attention: Plan Review
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Jason.Hight@MyFWC.com
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Office of Governor Rick Scott
State of Florida
The Capitol
400 S. Monroe St.
Tallahassee, FL 32399-0001

Re: Minto West Plan Amendment – Palm Beach County

Dear Reviewing Agencies:

This letter is sent in opposition to the Palm Beach County Minto West Application for a Land Use Amendment under Agricultural Enclave, Fla. Stat. 163.3162 and 163.3164. My request is that the State and all of the various agencies review the aforementioned application and find it not in compliance because this development not only affects Palm Beach but also other local municipalities and government entities, including the Village of Royal Palm Beach, the Town of Loxahatchee Groves and the Indian Trail Improvement District and unincorporated communities, including the Acreage that have objected to this development as proposed. It is expected to cost taxpayers over 177 million dollars in taxpayer funded improvements beyond proportionate fair share payments by the developer.

The existing Ag Enclave was purchased out of bankruptcy after it failed to start. The requested increased level of increased residential and non-residential development in this area should not be approved. The existing Ag Enclave more than sufficiently meets the minimum number of units and square footage of non-residential development to surpass the anticipated market in this location. This project will lead to overallocation and depress market conditions causing a real estate “crash.” Without sufficient demand for supply (i.e., commonly called scarcity or demand), additional density will prevent recovery and compatible development in the area. Population projections by the State of Florida BEBR do not support this project.

The development has significant regional and state impacts including, but are not limited to negative economic impacts, negative impacts on water resources, drainage, water quality and wetlands, transportation, public services, taxation, wildlife and environmental impacts. This is a leap frog development which creates an urban enclave that exceeds the density and intensity of the surrounding area and is not served by public services.

It is my hope that the DEO will review and issue an ORC report with strong objections, and a recommendation for denial, and ultimately find that this project is not in compliance with
Florida Statutes, and inconsistent with the State comprehensive land use plan, the Palm Beach County Comprehensive Land Use Plan, and the Treasure Coast Strategic Regional Policy Plan, as follows:

**Fla. Stat. 163.3162 and 163.3164 – Agricultural Enclave:**

The amendment application seeks to amend an existing approved Agricultural Enclave under Fla. Stat. 163.3162 and 163.3164, adopted by Palm Beach County in 2008. The previous adoption gave the property an entitlement of 2,996 residential units, and 235,000 square feet of non-residential use. This resulted in a density of 0.8 units/acre. This property remains in the Rural Tier; surrounded by property in the Rural Tier and the Exurban Tier as established by the Tier System under the Palm Beach County Comprehensive Land Use Plan.

This plan amendment seeks to increase the entitlements to 4,546 residential units, 2.1 million square feet of non-residential in the form of retail, professional office, research and development/light industrial, plus 200,000 square feet of civic, PLUS a 150 room hotel, PLUS a 3,000 student university – all in a remote location that is not suitable for this level of development.

**Surrounding:**

The previous approval already provided this property with more density and intensity than what “surrounds” and “abuts” the perimeter of the property. To the west of the parcel is land in the Rural Tier having a land use of RR 10 and/or RR20. To the south of the parcel is land in the Rural Tier having a land use of RR 5. To the north and east of the parcel is land in the Exurban Tier having a land use of RR 2.5. Calculations provided by Dr. William Louda reflect that at most the density allocated to the parcel should not have exceeded 2,300 units.

A cut-out from this parcel is a small shopping plaza, the square footage of which is unknown; however, I do not believe it exceeds 150,000 square feet. It should be noted that this is a failed shopping plaza with no anchor tenant, and has been in this state for approximately 5 years. Except for a packing plant located on the subject parcel, together with three schools, there are no other non-residential properties surrounding the perimeter of the property.

The definition of “surrounding” in Fla. Stat. 163.3164 (4)(c) should be based on the surrounding perimeter as clearly intended by Florida Statute 163.3164(4)(c) “...surrounded on at least 75 percent of its perimeter...” The applicant seeks to define “surrounding” as 5 miles out in order to achieve higher density and intensity that can be found in the municipalities of Royal Palm Beach and Wellington, and this is incorrect. These urbanized municipalities do not surround the perimeter of the parcel. Based on the density and intensity being proposed, which is heavily weighted because it encompasses far greater area in the outer perimeter between 4-5 miles than the actual perimeter of 1-2 miles this gives undue weight to the density of the outer limits/edges of a 5 mile radius (in a circular fashion), rather than the surrounding perimeter, this application does not comply with the requirements of Fla. Stat. 163.3164(4). Further, if
one wished to include the outer limits of a 5 mile radius, the application ignores the tens of thousands of acres of conservation land comprised of Grassy Waters, the JW Corbett Wildlife Refuge, the Royal Palm Beach Natural Area, and the Pond Cypress Natural Area, all of which have zero (0) density and intensity, yet for intensity purposes, the applicant utilized things such as clubhouses and schools for their analysis. This is a leap frog development which creates an urban enclave that exceeds the density and intensity of the surrounding area and is not served by public services.

**Continuing Amendments to an existing Agricultural Enclave:**

This new pending application seeks to amend an existing Agricultural Enclave. There are no other approved developments in the entire State of Florida under the Ag Enclave statutes, which is setting the precedent for any and all future applications made under these Statutes.

The County Staff has taken the position that the owner of property designated as an agricultural enclave can seek amendments to the agricultural enclave as many times as they wish at the whim of an applicant. This defies the intent of comprehensively planning for the future intended by growth “management” and proper planning — this is a remote area that should not be planned to accommodate additional density and intensity in this location. Such uses should be located more central to the urbanized areas of Palm Beach County that are served by roadways and public services.

Between 2008 and 2014 there have been no changes in circumstance in the area’s surrounding density and intensity. It should be noted that the master plan submitted for this project leaves a large portion of the property for “future build” and “subject of a future application under Agricultural Enclave”, should the County’s position on continuous amendments and expansion of urban enclaves that exceed the density and intensity of the surrounding area become the standard for the State rather than the limits imposed by the legislature. A review of Florida Statutes for Agricultural Enclave do not reflect that this increase in the density and intensity of an existing Ag Enclave should be permitted or encouraged. This project is inconsistent with Florida Statute. This is a leap frog development which creates an urban enclave that exceeds the density and intensity of the surrounding area and is not served by public services.

**Single Owner:**

Further, as set forth under Fla. Stat. 163.3164(4)(a), the property should be owned by a single person or entity. Fla. Stat. 163.3164(4)(a)”is owned by a single person or entity”. The property comprising of the parcel under the amended application filed by Minto in late July has two property owners, i.e. Minto PBLH, LLC, and the Seminole Improvement District. Therefore this project does not comply with, and is inconsistent with, the aforementioned provisions of Fla. Stat. 163.3164(4)(a).

**Urban Sprawl:**

5
This is a leap frog development which creates an urban enclave that exceeds the density and intensity of the surrounding area and is not served by public services. Due to the fact that the density and intensity far surpasses the surrounding perimeter of the parcel, the presumption that the project is not urban sprawl as set forth under Fla. Stat. 163.3162(4) is clearly rebutted. This property remains in the rural tier. The exurban tier and the rural tier in question here are considered equestrian communities, are located in agricultural/residential areas where there are numerous bona fide and hobby agricultural operations, and are incompatible with such urban type development as is contained in this project. There is nothing “agricultural” about this “agricultural enclave”. This is a leap frog development which creates an urban enclave that exceeds the density and intensity of the surrounding area and is not served by public services.

Public Services:

Under Fla. Stat. 163.3164(4)(d), the property which is the subject of an application should: “(d) Has public services, including water, wastewater, transportation, schools, and recreation facilities, available or such public services are scheduled in the capital improvement element to be provided by the local government...”

The property does not have “transportation” or “schools” which are scheduled in the capital improvement element. There is no bus service in the area, nor is any planned. The three schools available are all either currently or anticipated to be over-capacity, and the Palm Beach County School Board has no scheduled capital improvement for the expansion of the existing schools or new schools. The Applicants, while agreeing to provide land for a new elementary school (which was required under the 2008 approval) have not agreed to provide any funding for expansion of the existing elementary school, existing middle school, and existing high school; or for the construction of new schools.

There are no county parks/recreation in the area to service this project, and there are no scheduled capital improvements to provide the same; whether by Palm Beach County or by the Seminole Improvement District.

The water/wastewater that will supply the project is insufficient to service the proposed residential/non-residential uses anticipated by this project. The applicants indicated that the Seminole Improvement District will be the provider of these services; however, the permit that S.I.D has for providing public water supply with the South Florida Water Management District under Permit No: 50-03711-W - reflects that the total annual allocation of ground water from the surficial aquifer system shall not exceed 64.507 MG, not to exceed a monthly allocation of 7.1702 MG. This is insufficient for providing public water for a project of the magnitude proposed here.

Based on the foregoing, this application does not comply with the requirements of Fla. Stat. 163.3164(4)(d). This is a leap frog development which creates an urban enclave that exceeds the density and intensity of the surrounding area and is not served by public services.
Exemption from Policy 3.5-d:

As a result of the 2008 prior Agricultural Enclave, Palm Beach County inserted language into the Palm Beach County Comprehensive Land Use Plan under Policy 3.5-d: “This policy shall not be applicable to an Agricultural Enclave pursuant to Florida Statutes section 163.3162(5).” However, no such exemption was required under Fla. Stat. 163.3162(5) and in fact, the 2013 Florida Statutes does not contain a section (5) under Fla. Stat. 163.3162.

The Staff Report prepared for the 2008 Adoption Hearing – Page 8 contains the following statement:

“County staff agrees with the intensity and density proposed in the [prior] Callery-Judge Grove Ag Enclave land use amendment. Future Land Use Element Policy 3.5-d provides the County “shall not approve a change to the Future Land Use Atlas which results in density or intensity that significantly impact any roadway segment projected to fail to operate at adopted level of service standard “D” based upon the Metropolitan Planning Organization’s 2025 Long Range Transportation Plan... or results in a project that fails Test 2 regulations adopted to implement TE Policy 1.1b.” It is the opinion of the County Attorney’s Office that failure of the Ag Enclave Amendment to meet the Future Land Use Policy 3.5-d should not prevent the Board from approving the amendment... Therefore, the County Attorney’s Office recommends that if the Board of County Commissioners wishes to approve the Ag Enclave Amendment, [emphasis added] that the Board include an exemption from Future Land Use Element Policy 3.5-d in the Comprehensive Plan amendments adopted to effectuate the Ag Enclave Amendment.”

As indicated, there is no requirement under Fla. Stat. 163.3162 that Palm Beach County exempt an Agricultural Enclave from Policy 3.5-d, and the insertion of such language in the Palm Beach County Comprehensive Land Use Plan is contrary to State law.

The prior approval reflects that this exemption was a “choice” that the Board of County Commissioners should make “if” they wished to approve the Ag Enclave amendment. This new amended application also fails to meet the requirements of Policy 3.5-d, as did the prior application. Palm Beach County is not required to approve the amendment under Fla. Stat. 163.3162, nor is the state required to find any amendment to an existing Ag Enclave in compliance. Fla. Stat. 163.3162 only requires transmittal, but not adoption or compliance determinations.

Increased Intensity:

In addition, under the previously mentioned Staff Report for the 2008 Adoption Hearing contains this further information on Page 7, Paragraph 4:

“County staff recommended significantly higher non-residential development for the Callery site during the CWC Sector Plan Remedial Amendment process and
recommended higher intensities during the negotiation process for the Ag Enclave Amendment. However, the applicant declined to increase square footage since an increase would be above the per capita ratio within the 5 mile study area, and may not be permissible under the Ag Enclave legislation.” [Emphasis added]

Under this new application, the County Staff, utilizing the same (voided) Sector Plan (found not to be in compliance), suggests that 2.1 million square feet, plus 200,000 square feet of civic, plus a hotel and a university fits within the definition of “surrounding”, while clearly, the prior property owner of [prior] Callery Judge Grove felt that the same suggestion would not be permissible under the Ag Enclave legislation. If it wasn’t permissible in 2008, it isn’t permissible in 2014. It should not be approved and should be found not in compliance. This is a leap frog development which creates an urban enclave that exceeds the density and intensity of the surrounding area and is not served by public services.

This new amended application fails to meet the intention of the Agricultural Enclave statutes. It fails by placing extreme intense types of uses on the property which cannot be found anywhere in the surrounding areas. Therefore, the application is inconsistent with Florida law.

**Palm Beach County Comprehensive Land Use Plan**

This project is inconsistent with the Goals, Objectives and Policies of the Palm Beach County Comprehensive Land Use Plan, and should not be sanctioned by the State of Florida or any of its agencies.

**Section 1A.**

Under Section 1A of the Future Land Use Element – Introduction, of the 7 broad principles sustainable land use planning, the following principles can be found:

1. Conserve and protect natural and man-made resources, and restore and maintain key ecosystems to provide adequate supplies of clean and safe water for natural, human and economic systems;
2. Prevent urban sprawl through establishing urban development areas and encouraging urban revitalization and redevelopment;
3. Provide for sufficient open space to protect wildlife, and provide natural and recreational areas for public use;
4. Create quality livable communities by balancing, distributing and integrating the relationship among land uses to meet the needs of the diverse communities and their associated lifestyle choices, and improve the quality of life through better housing, recreational, and cultural opportunities for all;
5. Manage the development of land and service delivery, so that its use is appropriate, orderly, timely and cost effective;
This project violates each of these broad principles. The areas consisting of the Acreage, Loxahatchee and Loxahatchee Groves are all outside of the urban service boundary, being in the rural service boundary pursuant to our Comprehensive Land Use Plan. Our communities are in the exurban and rural tiers. As is contemplated by the Palm Beach County Comprehensive Land Use Plan, these exurban and rural areas consist of low density, low intensity development, with agricultural uses that are utilized by the existing residents of the communities. This is a leap frog development which creates an urban enclave that exceeds the density and intensity of the surrounding area and is not served by public services.

Many properties in the area are bona fide agricultural operations which include raising livestock of all forms, nurseries, farming operations, equestrian activities, and rescue operations. Roads in the area are generally unpaved. We have a unique country lifestyle that we wish to preserve and maintain. Water is provided by individual potable wells, and sewer by individual septic systems. Most areas of the community have easy access to the amenities that can be found in suburban and urban areas, which can be reached in less than 10 to 20 minutes. This project is incompatible and inconsistent with the area.

This project is especially incompatible and inconsistent with the great equestrian lifestyle enjoyed by many in our rural communities. Equestrians will have a difficult time crossing 6 to 8 lane roads anticipated to be needed to accommodate this project, competing with an additional 70,000 external daily trips.

Section 1 B.

Under Paragraph B of Section 1 can be found:

The protection of the quality of life for present and future citizens is undermined by piecemeal development. This requires a framework as the basis for providing land use decisions that create and maintain sustainable communities and ensure resources are maximized and used cost effectively. The Future Land Use Element addresses actions to correct unforeseen problems and opportunities of development, ensures consistency with State and regional plans and implements the direction provided by the Board of County Commissioners to:

1. Maintain lifestyle choices;
2. Create new land use designations to more closely reflect development patterns in the rural residential areas;
3. Strengthen and facilitate revitalization and redevelopment and infill development programs;
4. Protect agricultural land and equestrian based industries;

This project fails to protect the “quality of life” of present and future citizens, and is a piecemeal development. This project fails to maintain lifestyle choices by placing urban development in the rural tier which abuts the exurban tier. This project is not infill or
redevelopment, and there are many areas of the county in the urban/suburban tier that are in need of infill development and/or redevelopment. This project does not protect or preserve agricultural land and equestrian based industries. This is a leap frog development which creates an urban enclave that exceeds the density and intensity of the surrounding area and is not served by public services.

Section 1 C.

This project is inconsistent with Section I - Paragraph C, #1, 2, 3, 4, 5, 10, 12, 14 and 15 of the Palm Beach County Comprehensive Land Use Plan. The County should not entertain or adopt a project that is inconsistent with the Palm Beach County Comprehensive Land Use Plan. This is a leap frog development which creates an urban enclave that exceeds the density and intensity of the surrounding area and is not served by public services.

Section II

This project is inconsistent with Section II – Objective 1.1 and policies thereunder, and specifically Policy 1.1-b, 1.1-c, 1.1-d. This project is inconsistent with Objective 1.3, and all Policies thereunder, and Objective 1.4 and all Policies thereunder. The County should not adopt a land use amendment that is inconsistent with the Palm Beach County Comprehensive Land Use Plan.

This project will place urban development with huge residential and non-residential components in the rural tier, and detrimentally affect the quality of life enjoyed by our residents in the exurban and rural tiers, creating incompatibility and inconsistency of lifestyles. This is a leap frog development which creates an urban enclave that exceeds the density and intensity of the surrounding area and is not served by public services.

As aforementioned, and as anticipated by Objective 1.3 and Objective 1.4, the exurban and rural tiers feature low density and low intensity types of lifestyle, that are agricultural and equestrian in nature. An urban project such as presented here, with greatly increased density (50%) and greatly increased intensity (800%) hardly can be considered compatible with existing communities and the lifestyle enjoyed by us.

Policy 3.5-d, Palm Beach County Comprehensive Plan – Prohibits Amendment.

As aforementioned, this project should not continue to be exempted from Policy 3.5-d, as there is no statutory requirement for such an exemption at adoption. Adoption of this proposed plan amendment is prohibited by, and would be inconsistent with, Policy 3.5 d of the Palm Beach County Comprehensive Plan.

The traffic study submitted by the applicant or required by the County for this plan amendment is not adequate under the requirements of the Transportation Element of the Palm Beach County Comprehensive Land Use Plan. The County Staff is aware that this project will cause
road failures, traffic congestion, impact existing failing and constrained roadways (Palm Beach CRALLS roadways), and endangers the health, safety and welfare of the area, region and state.

This is a leap frog development which creates an urban enclave that exceeds the density and intensity of the surrounding area and is not served by public services or collector and arterial roadways.

Traffic - Roads:

No traffic study was submitted by the applicant for the July 2014 amended application for a comprehensive land use amendment. The traffic study tendered for zoning purposes shows huge increases in external traffic associated with this project, over 70,000 vehicular trips per day on roads that are already over-capacity; and/or on roads that are privately owned and maintained that today have minimal traffic flow.

There are 16 designated CRALLS that will be impacted by this project, creating and/or worsening the danger to health, safety and welfare of residents and visitors to the State, County and area.

Four State Roads will be impacted by this project, i.e. Southern Boulevard (an SIS road), Okeechobee Boulevard, Northlake Boulevard and the proposed extension of SR 7. As advised by George Webb, Palm Beach County Engineer, Southern Boulevard, Okeechobee Boulevard and Northlake Boulevard have been expanded to their full potential east of State Road 7, and therefore cannot be further expanded. This creates a hazard and endangers the health, safety and welfare of residents and visitors to the State, County and area.

This estimated tax dollars necessary for improvements just for the County and State roads exceed $177,000,000, which will be left the burden of taxpayers.

In addition, and not calculated in the aforementioned taxpayer costs, this project intends to utilize privately owned roads within the Indian Trail Improvement District. The County is asserting some public right to allow the developer’s use of such roads. Residents in the community own to the center of the roads, and pay taxes to the ITID for their maintenance.

Many roads within the community are unpaved. The paved roads in the community have not been built to DOT standards, some simply being constructed with millings, and consist of two lane quiet residential streets that were not built to sustain the type of traffic anticipated by this project. This will further result in cut-thru traffic on other privately owned, quiet neighborhood residential roads.

This is a leap frog development which creates an urban enclave that exceeds the density and intensity of the surrounding area and is not served by public services.
The developer’s position and the County’s position that our privately owned roads are free for their taking and use, offers a theory of eminent domain for private developer interest, in violation of our Florida Constitution.

Environmental Concerns:

This project is contemplated for a former citrus grove operation that operated over some 40 plus years. The subject property has an extensive history of violations and fines. The citrus grove operation required decades of pesticides (some of which have since been banned), herbicides and fertilizers.

Soil, Water and Air:

No environmental study has been performed that would indicate what danger might exist to surface water, ground water, and/or the air, once the soil is disturbed for a residential/non-residential project such as is being proposed. There is a potential for causing great harm to the existing residents of the local communities which no one is discussing.

The communities surrounding this project all rely upon individual potable wells for drinking water. In addition to concerns about disturbing the soil and negatively impacting/polluting surface and ground water, this project proposes to utilize deep well injection of sewage.

Dark Sky – Light Pollution:

The rural and exurban tiers enjoy a “dark sky” lifestyle, consistent with sharing the area with wildlife. The communities are surrounded by preserves and conservation areas as mentioned above. No study has been conducted on the harmful impacts to both humans and/or wildlife for an urban project in the rural area, due to light pollution that will be associated with this project.

Noise Pollution:

Due to the anticipated over 70,000 new external vehicular trips expected from the project, the rural residential quiet all in the rural and exurban communities enjoy will be detrimentally impacted by an increase in noise levels by greater than 15 decibels. The noise levels in some instances will exceed the 66 decibel level, which is considered the maximum for residential areas. Under Federal standards this would require mitigation. Noise has not been considered as a factor by the County; however, noise pollution will result negatively impacting the existing communities.

Health Safety and Welfare – Traffic Impacts

No study has been conducted on the harmful impacts to both humans and/or wildlife for an urban project in the rural area, due to unsafe traffic conditions expected by this project. As
indicated, the communities are surrounded by preserves and conservation areas as mentioned above. Further, these are equestrian communities, as well as communities engaged in bona fide agricultural operations, as well as hobby farming, involving the rearing of livestock.

The Department of Environmental Protection should address all of the above concerns by requiring studies of how this project will affect water (surface and ground), air, and soil; the harmful effects resulting from light pollution, and the harmful effects resulting from excessive traffic impacts.

**Population Increases and Crime:**

The existing population of the communities that will be impacted is approximately 40,000, all of whom reside in the rural/exurban areas 110 square miles in size. This project, on a much smaller parcel of land (3,800 acres), will greatly increase the overall area population by an estimated 15,000 to 20,000 new residents. No study has been conducted on the negative health impacts resulting from urbanizing a rural area.

The rural and exurban areas representing our communities suffer from relatively low amount of crime. This urban project, both with adding new population, as well as with its incredible intensity of 2.1 million square feet, will negatively impact the communities by increasing the crime rates. Commercial activities are well known to result in greatly increased crime.

**Education:**

As previously mentioned, the elementary, middle, and high school are all projected to exceed their expected capacity. The Palm Beach County School District has no funds available for the expansion of existing schools or the building of new schools.

Local children may indeed be forced to be bussed outside of the area due to the over-capacity expected to be generated by this project; therefore displacing children of the existing communities.

Placing local schools in a state of over-capacity fails to meet the educational standards of the County or the State. The financial burden of expansion or construction will be placed on the taxpayers of the County and the State.

**Drainage – Water Resources – SFWMD and DEP:**

This project offers promises that can never be fulfilled. The benefit of additional drainage to the Indian Trail Improvement District is minimal. The potential for flooding actually increases due to higher elevations required for the new residential and non-residential components.
The applicant, in the M2 basin, promises drainage to ITID for the M1 Basin, while during the 2012 Tropical Storm Isaac incident, the M2 basin itself flooded for extended periods of time. No study has been conducted concerning drainage issues.

It is noted that the developer will desire, for purposes of aesthetics, to keep the lakes full, thereby leaving little capacity for runoff and drainage needs generated by their own project, much less provide additional capacity to areas outside of the project. Neither the applicant nor the County has made an inquiry of the SFWMD, U.S. Army Corp. or the FL DEP for the proposals of drainage of this property in the C-51 Basin.

Promises of providing surface water supply to the City of West Palm Beach, and the Loxahatchee Slough have not been the subject of any study. The “M” Canal servicing the City of West Palm Beach is a Class I water body. No evidence has been proffered that would reflect the drainage waters would be of sufficient water quality for environmental or drinking water purposes.

The applicant proposes the construction of a lake system on property used for decades as a citrus grove operation. The applicant claims this lake system will serve as a filtering agent in generating good water quality. The lake system is not an STA. There is no evidence that the water quality will meet Class I standards which could be utilized for environmental and/or drinking water purposes.

Existing testing of surface water on the site reflect extremely high levels of phosphorus. The City of West Palm Beach would not and should not desire to be the receiving entity of discharges of this nature into the Grassy Waters Preserve. The County and the State further should not desire that environmentally sensitive areas needing water supply be the recipient of such water discharges.

The applicant in addition to promising the City of West Palm Beach surface water, also promises the Town of Loxahatchee Groves to its south with surface water, while also promises to provide water supply for the Loxahatchee Slough. No study has been conducted that would support such promises.

The SFWMD is currently in the process of building a reservoir on the Mecca Farms parcel for supplying the Loxahatchee Slough. In addition, the SFWMD, the State, and ITID are having discussions concerning the Moss parcel, a wetland that has been cut off from hydrologic flow. The Moss parcel could substantially benefit from the clean water discharges of the ITID, thereby creating a true public benefit totally unassociated with this project.

As previously mentioned, the existing permit for public water supply is insufficient to meet the public water supply that will be demanded by the new residential and non-residential components of this project.

**Jobs – Economic Promises - Public Benefits:**
The applicant claims that some 3,000 jobs paying an average in excess of $100,000 per year will be generated by the project. The proposal of new residential units numbering 4,546 (an estimated population increase of some 10,000 working age new residents) reflects that the project will be adding new population to the area that far surpasses any number of jobs promised to be created, thereby increasing the net deficit of jobs for existing residents of the area, county and state.

The promised average annual salary is just ridiculous on its face, and should simply be ignored. There have been no studies provided as to the viability of the proposed area to support R&D or light industrial as shown in the Minto plans. Due to the isolated nature of the parcel with respect to other county industry, offices, and universities it should be a requirement to determine viability of such claims. Additionally there has not been any specific company(ies) come forward expressing an interest in the area for the fulfilling these Minto stated demands. The county has negotiated no guarantees regarding the number and/or quality of the proposed jobs and thus simply providing a claim of 3,000 jobs at any specific salary is highly skeptical.

Palm Beach County was recently called “over-retailed” due to the ever increasing excess retail space available and approved. The Villages of Royal Palm Beach and Wellington are both finding their businesses and commercial areas under-utilized and struggling.

Many thousands of square feet of existing professional office and light industrial exist as vacant built and/or unbuilt without demand for such non-residential components. An additional 2.1 million square feet, in an area that is already inundated with built and/or approved unbuilt square footage lacks vision, offers promises that will not be met now, or in the future. Development for development sake rather than need is sprawl, and is harmful to the economy and lacking in any recognizable public benefit. Indeed, the negative of economic disruption is a very real possibility.

As reflected, the public benefits of this project are ill-defined, lack any supportive study, and should therefore be ignored.

**Taxpayer Costs:**

In road costs alone, the Minto West project is anticipated to result in a net deficit of $177,000,000 for county and state roads; this after deducting proportionate share/impact fees associated with this project. This deficit does not include the burden that would be borne by residents and taxpayers of the Indian Trail Improvement District on privately owned and maintained roads.

In addition to roads, this project will not generate sufficient revenue to cover public services in the form of fire rescue, schools, sheriff’s department, public water utilities, recreations/parks, libraries, and other governmental services that will be demanded by new population.
This is a leap frog development which creates an urban enclave that exceeds the density and intensity of the surrounding area and is not served by public services.

Please visit:


which projects estimated taxpayer costs. Development does not pay for itself, and does not for Minto West!

Overburdening taxpayers for a developer’s profit should not be the goal of the County or State.

**Overalllocation of Density and Intensity:**

The existing Ag Enclave was purchased out of bankruptcy after it failed to start. The requested increased level of increased residential and non-residential development in this area should not be approved. The existing Ag Enclave more than sufficiently meets the minimum number of units and square footage of non-residential development to surpass the anticipated market in this location.

This project will lead to overallocation and depress market conditions causing a real estate “crash.”

Without sufficient demand for supply (i.e., commonly called scarcity or demand), additional density will prevent recovery and compatible development in the area.

Population projections by the State of Florida BEBR do not support this project.

Palm Beach County Staff have verified that more than enough residential has been approved to be built in the County that will meet all projected population projections beyond the year 2035. There is no need for approval of this level of increase in dwelling units for residential uses in this particular area of Palm Beach County.

Palm Beach County Staff have verified that there are thousands of acres of already approved yet unbuilt non-residential development, both in the immediate area, the surrounding area, and County for retail, professional office, light industrial, and research and development. Shopping Centers have vacancies and have not been filled, others have not been built. There is no need for approval of more non-residential square footage in this area at this time. Over-allocation will depress an already struggling real estate market for residential and commercial markets—this is too much too soon and will hinder economic recovery.
Attached to this letter please review the information submitted to Palm Beach County showing adequate existing entitlements to meet the minimum “need” for population growth which must be balanced against economic market recovery.

Continued approval of development lacking need, endangers property values and is harmful to the economy and tax base of the County and State.

Further, this project, in the rural areas, will set off a domino effect where other large landowners would seek the same sort of density and intensity being sought with this project.

**Conclusion:**

This is a leap frog development which creates an urban enclave that exceeds the density and intensity of the surrounding area and is not served by public services.

This project is inconsistent with Florida Statutes; inconsistent with the Palm Beach County Comprehensive Land Use Plan; inconsistent with regional needs and state needs; endangers quality of life; is incompatible with the surrounding areas and communities; is incompatible with equestrian activities and bona fide and hobby agricultural operations; will result in huge negative traffic impacts; will over burden existing infrastructure; lacks available infrastructure; will over burden taxpayers; lacks any true identifiable public benefit; lacks economic benefit; is likely to result in local, regional and state economic disruption; endangers property values; will result in greatly increased crime; will result in harmful environmental impacts; and does not fulfill any existing or anticipated future “need”.

The quality of life of existing residents should never be ignored, and is required to be protected! Please find this Plan Amendment “not in compliance” with Florida Statutes Chapter 163, and Florida Statutes Sections 163.3177 and 163.3162.

Sincerely,

Patricia D. Curry
From: Johnnie Easton <JEaston@pbcgov.org>
To: Lettedishn <Lttledishn@aol.com>
Sent: Thu, Jul 24, 2014 1:20 pm
Subject: FW: Approved but unbuilt residential and non residential

Patricia,

Hopefully this will give you the information you requested. If not, please let us know.

Thank you.

Johnnie R. Easton
Senior Administrative Assistant
Palm Beach County District Six
Commissioner Jess R. Santamaria
Tel (561) 355-6300
Fax (561) 355-4366
Email: jeaston@pbcgov.org

From: Patricia Behn
Sent: Wednesday, July 23, 2014 5:02 PM
To: Johnnie Easton
Cc: Verdenia Baker; Rebecca Caldwell; Patrick Rutter; Lorenzo Aghemo; Lisa Amara A.; Betty Yiu
Subject: RE: Approved but unbuilt residential and non residential

Good Afternoon Johnnie,

Regarding Commissioner Santamaria’s request for residential and non-residential data, Lorenzo asked that I provide you with the following information.

Regarding residential units, attached is the latest Unit Assessment which was provided to the BCC on February 10, 2014. The next update to this data will be available by February 2015. Updated data is no longer available until the completion of the annual update of the Residential Projects Data base. The Planning Division updates the residential projects through significant intergovernmental coordination with the cities and other County departments. The Approved Unbuilt units are found on Table 6 page 11 of the attached assessment and includes the Countywide figure by Tier and separates the data into Unincorporated and Incorporated units.

Regarding Non-Residential data, the Planning Division does not maintain square footage of approved industrial, retail nor professional office uses nor an estimated future need. However, we can provide acres for un-built and built industrial and commercial (office & retail combined) Future Land Uses for the unincorporated county.

Regarding the population questions, the County’s Population data does not extend to 2040.

- The current population projections through 2035 is 1,678,000, as noted on page 8 of the link to the County’s Population Allocation Model:

o As noted in Chapter 1 on page 29 of the draft 2011 Evaluation and Appraisal Report below, the projected demand was less than the un-built residential units at the time the document was prepared.

We hope that this provides you with sufficient information. Please let me know if you have any other question.

Patricia Behn
Principal Planner, Intergovernmental Section
Palm Beach County Planning Division
2300 N. Jog Rd. | West Palm Beach, FL 33411
Phone: 561-233-5332 | Fax: 561-233-5365
http://www.pbcgov.com/pzb/planning/intergovt.htm

From: Lorenzo Aghemo
Sent: Wednesday, July 23, 2014 3:54 PM
To: Lisa Amara A.; Patricia Behn
Subject: FW: Approved but unbuilt residential and non residential

From: Jess Santamaria
Sent: Wednesday, July 23, 2014 3:25 PM
To: Lorenzo Aghemo
Subject: FW: Approved but unbuilt residential and non residential

Just a reminder... boss needs this info as soon as you can get it.

Thanks!

Johnnie R. Easton
Senior Administrative Assistant
Palm Beach County District Six
Commissioner Jess R. Santamaria
Tel (561) 355-6300
Fax (561) 355-4366
Email: jeaston@pbcgov.org

From: Jess Santamaria
Sent: Tuesday, July 22, 2014 1:13 PM
To: Lorenzo Aghemo
Subject: Approved but unbuilt residential and non residential

Lorenzo,

Over the past year I have requested a summary of the various residential (units) and non residential (square feet) that have been approved by the Palm Beach County Board of County Commissioners but still remain unbuilt.

You have given me several updates in 2013-2014 -- please give me your latest updated summary as of today, July 22,
2014.

Thank you for your usual attention.

Jess R. Santamaria

Begin forwarded message:

From: <ldedishn@aol.com>
Date: July 21, 2014 at 10:01:41 PM EDT
To: <jsanatama@co.palm-beach.fl.us>
Cc: <JEaston@pbcgov.org>
Subject: Development Approved and Meeting Future Population Estimates

Commissioner Santamaria:

Last year I had an email exchange with PBC Planning where they indicated that there was already sufficient residential development approved in the county that could be built, yet remained unbuilt that would meet BEBR estimated population growth for Palm Beach County until the year 2040. Since that time, there has been additional development approved in the County (including in the municipalities).

At the Planning Commission Meeting two weeks ago, someone from the Planning Staff indicated there was millions of square feet of approved industrial land in the county that also remained unbuilt, including some 1 million square feet at the North County airport.

About two weeks ago, the Palm Beach Post offered an article with statement suggesting that Palm Beach County was "over-retailed" meaning there was too much already built and too much supply without enough demand.

I wondered if it is possible to have Planning Staff address the following questions:

1. How much residential development is already approved in number of units that remains unbuilt.

2. Based on BEBR population estimates through the year 2040, how many units would need to be built and does the already approved residential meet or surpass that number.

3. How much square footage of industrial is approved and remains unbuilt in the County, where is it located, and what is the estimated future need for industrial based on population estimates.

4. The same question as #3, except instead of industrial substitute retail.

5. The same question as #3, except instead of industrial substitute professional office.

If you could assist in gaining answers to these questions, it would be most appreciated.

Thank you.

Patricia D. Curry

Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.
2011 Evaluation and Appraisal Report  
Major Issue: Demonstration of Need  
Outline of Data and Analysis

Issue: What are the overriding goals of the Comprehensive Plan which merit approval of additional density?

Why is this an issue?

With the adoption of the Growth Management Act in 1985, local government Comprehensive Planning requirements were established. The Statute and implementing rule, Chapter 9J-5, F.A.C., required that Comprehensive Plans and subsequent amendments be based upon analysis of several factors, including the amount of land needed to accommodate the projected population. An adopted Future Land Use Atlas (FLUA) is intended to represent a balance between need (created by anticipated population) and supply (amount of land use designated) for each future land use designation through the planning horizon.

Since 1985, this “need” requirement has been interpreted in different ways by local governments adopting or amending their comprehensive plans. While neither the Statute nor Rule 9J-5 provide specific guidance, the Florida Department of Community Affairs (DCA) has indicated informally that a local government can reasonably approve enough residential land to accommodate 125% of the projected population for the planning period, and that additional residential land may be allocated if needed to achieve legitimate goals of the local Comprehensive Plan. DCA has also indicated that, although the focus is residential capacity, allocation of non-residential land is also to be consistent with the anticipated growth.

The 2009 Marion County amendment case highlighted the issue of the “amount of land needed to accommodate the projected population” and the “need” for proposed amendments. Marion County approved an amendment to increase density on a large parcel outside its Urban Service Area. The methodology used by Marion County was determined to be unacceptable, in part because it used a need parameter far exceeding 125%.

The DCA, which ultimately found the amendment not in compliance, has indicated that it has been applying additional scrutiny because of the large numbers of amendments approved by local governments throughout the state that have added additional capacity well beyond the need associated with their respective projected populations. DCA is currently developing a new rule to provide guidance to local governments.

In Palm Beach County, current projections from the University of Florida Bureau of Economic and Business Research (BEBR) for the County as a whole show population increasing to 1,549,400 by the year 2030. This is in contrast to the projection made in 2005, when BEBR projected a 2030 population of 1,916,200. The Planning Division projects that the unincorporated portion of population for 2030 will be just under 700,000, depending on future annexation activity. The Planning Division also estimates that the build-out population capacity associated with the adopted future land use map for unincorporated Palm Beach County is approximately 1.024 million. Thus, there is more than adequate population capacity to accommodate the projected population through 2030, and there is no need to increase density on the basis of accommodating projected population through the planning period.

Given these data, the County should identify the overriding goals of the Comprehensive Plan which merit approval of additional density.

Additional resources on this topic:
DCA presentations:
www.dca.state.fl.us/.../LandUseNeedsAnalysis-Pelham.pdf

Proposed Rule:
http://www.dca.state.fl.us/Notices/Files/dca/draftrule082010.pdf

Legislative Analysis:
Why evaluate need?

Consideration of need is fundamental to planning. All other parts of the planning process are driven by this. Too little land allocated constrains desirable development. Too much land allocated undermines planning for efficient urban services and infrastructure, compact and energy-efficient land use patterns, and allows for sprawl, which impacts natural resources and agricultural lands preservation.

A closer look at the requirements...

Florida Statutes require that every local government comprehensive plan include, among others, a future land use element:

163.3177(6)(a) A future land use plan element designating proposed future general distribution, location, and extent of the uses of land for residential uses, commercial uses, industry, agriculture, recreation, conservation, education, public buildings and grounds, other public facilities, and other categories of the public and private uses of land. The future land use plan shall be based upon surveys, studies, and data regarding the area, including the amount of land required to accommodate anticipated growth; the projected population of the area; the character of undeveloped land; the availability of water supplies, public facilities, and services; the need for redevelopment, including the renewal of blighted areas and the elimination of nonconforming uses which are inconsistent with the character of the community; the compatibility of uses on lands adjacent to or closely proximate to military installations; lands adjacent to an airport as defined in s. 330.35 and consistent with s. 333.02; the discouragement of urban sprawl; energy-efficient land use patterns accounting for existing and future electric power generation and transmission systems; greenhouse gas reduction strategies; and, in rural communities, the need for job creation, capital investment, and economic development that will strengthen and diversify the community’s economy. In addition, for rural communities, the amount of land designated for future planned industrial use shall be based upon surveys and studies that reflect the need for job creation, capital investment, and the necessity to strengthen and diversify the local economies, and may not be limited solely by the projected population of the rural community.

Florida Administrative Code rules in Chapter 9J-5.006 restate and expand on these requirements:

(1) Existing Land Use Data Requirements. The element shall be based upon the following data requirements pursuant to subsection 9J-5.005(2), F.A.C.:
   (g) Population projections as prescribed in the general requirements section of this chapter.

(2) Land Use Analysis Requirements. The element shall be based upon the following analyses which support the comprehensive plan pursuant to subsection 9J-5.005(2), F.A.C.:
   (a) An analysis of the availability of facilities and services as identified in the traffic circulation, transportation, and sanitary sewer, solid waste, drainage, potable water and natural groundwater aquifer recharge elements, to serve existing land uses included in the data requirements above and land for which development orders have been issued;
   (b) An analysis of the character and magnitude of existing vacant or undeveloped land in order to determine its suitability for use, including where available:
      1. Gross vacant or undeveloped land area, as indicated in paragraph (1)(b);
      2. Soils;
      3. Topography;
      4. Natural resources; and
      5. Historic resources;
   (c) An analysis of the amount of land needed to accommodate the projected population, including:
      1. The categories of land use and their densities or intensities of use,
      2. The estimated gross acreage needed by category, and
      3. A description of the methodology used;
(c) An analysis of the need for redevelopment including:
   1. Renewal of blighted areas, and
   2. Elimination or reduction of uses inconsistent with the community’s character and proposed future land uses;
(e) An analysis of the proposed development and redevelopment of flood prone areas based upon a suitability determination from Flood Insurance Rate Maps, Flood Hazard Boundary Maps, or other most accurate information available.
(f) For coastal counties and municipalities with dredge spoil responsibilities, include an analysis of the need for additional dredge spoil disposal sites through the long term planning period established in the plan.
(g) An analysis of proposed development and redevelopment based on recommendations, deemed appropriate by the local government, contained in any existing or future hazard mitigation reports.

The Future Land Use Element must be “based on” an analysis of the amount of land needed to accommodate the projected population, along with other factors. To be “based on” means:

9J-5.005(2) All goals, objectives, policies, standards, findings and conclusions within the comprehensive plan and its support documents, and within plan amendments and their support documents, shall be based upon relevant and appropriate data and the analyses applicable to each element. To be based on data means to react to it in an appropriate way and to the extent necessary indicated by the data available on that particular subject at the time of adoption of the plan or plan amendment at issue....

Local governments, in evaluating proposed amendments to the Future Land Use, need to consider whether any proposed increase in density or intensity is necessary to accommodate the projected population, and/or is based on the analysis of any of the other factors listed in the rule.

A closer look at the population requirements...

9J-5.005(2)(e) The comprehensive plan shall be based on resident and seasonal population estimates and projections. Resident and seasonal population estimates and projections shall be either those provided by the University of Florida, Bureau of Economic and Business Research, those provided by the Executive Office of the Governor, or shall be generated by the local government. If the local government chooses to base its plan on the figures provided by the University of Florida or the Executive Office of the Governor, medium range projections should be utilized. If the local government chooses to base its plan on either low or high range projections provided by the University of Florida or the Executive Office of the Governor, a detailed description of the rationale for such a choice shall be included with such projections.
1. If the local government chooses to prepare its own estimates and projections, it shall submit estimates and projections and a description of the methodologies utilized to generate the projections and estimates to the Department with its plan when the plan is due for compliance review unless it has submitted them for advance review....
2. The Department will evaluate the application of the methodology utilized by a local government in preparing its own population estimates and projections and determine whether the particular methodology is professionally accepted. The Department shall provide its findings to the local government within sixty days....

The Rule notwithstanding, projections from BEBR are available only at the countywide level. Each local government is therefore effectively still required to either develop its own projection methodology or a methodology to determine its share of the Countywide BEBR projection.
The 2010 BEBR Countywide projections are provided below, along with the same released in 2004, the date of the last EAR:

![Palm Beach County Population](image)

### Palm Beach County Population Projections

<table>
<thead>
<tr>
<th>Publication</th>
<th>2010</th>
<th>2015</th>
<th>2020</th>
<th>2025</th>
<th>2030</th>
</tr>
</thead>
<tbody>
<tr>
<td>BEBR 2004</td>
<td>1,402,300</td>
<td>1,534,500</td>
<td>1,666,100</td>
<td>1,792,400</td>
<td>1,908,500</td>
</tr>
<tr>
<td>BEBR 2010</td>
<td>1,286,800</td>
<td>1,343,300</td>
<td>1,415,700</td>
<td>1,485,200</td>
<td>1,549,400</td>
</tr>
<tr>
<td>Difference</td>
<td>-115,500</td>
<td>-191,200</td>
<td>-250,400</td>
<td>-307,200</td>
<td>-359,100</td>
</tr>
</tbody>
</table>

The following table identifies the unincorporated and incorporated share of BEBR projections, based on the share identified in the latest (preliminary 2010) estimates for local governments published by BEBR.

### Palm Beach County Population Estimates & Projections

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>BEBR Preliminary</th>
<th>BEBR 2010 Projections Based on 2010 Share</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Estimate</td>
<td>%</td>
</tr>
<tr>
<td>Incorporated</td>
<td>727,850</td>
<td>56.6%</td>
</tr>
<tr>
<td>Unincorporated</td>
<td>558,611</td>
<td>43.4%</td>
</tr>
<tr>
<td>County</td>
<td>1,286,461</td>
<td></td>
</tr>
</tbody>
</table>
A closer look at land use capacity...

Potential capacity is determined by the amount of developable residential land and the density specified in the County’s Comprehensive Plan, with available Transfer of Development Rights Units allotted to vacant unincorporated residential parcels over 5 acres within the Urban Service Area. Additional considerations such as underutilized lands and persons per household are documented in the Model Assumptions Section of the County’s Population Allocation Model. Preliminary analysis for the EAR indicates that the future land use map for unincorporated Palm Beach County has a unit capacity of approximately 418,000, based on the adopted future land use designations. Of these, approximately 337,000 units are located in the coastal area, and the balance in the unincorporated urban service area in the Glades. At an average person per household figure of 2.45, the total unincorporated area could accommodate a total of 1,024,122 people at buildout. Additional evaluation of these data and assumptions will be undertaken in the course of the EAR.

What does this mean for Palm Beach County?

Comparing the unincorporated portion of projected population for 2030 (672,785), with the estimated population capacity associated with the adopted future land use map for coastal unincorporated Palm Beach County, there is sufficient capacity to accommodate the total projected unincorporated population through 2030. Including the capacity of the unincorporated area in the urban service area in the Glades, (approximately 1.024 million total), there is more than adequate population capacity to accommodate the projected population well beyond 2030.

It should be noted that the density and population capacity of the current Plan is largely based on the land use plan adopted for Palm Beach County in 1972, which was expected to ultimately support a population of about 3 million people. The 1989 Plan and subsequent changes scaled back some residential densities, particularly at the highest densities such as HR 18 (High Residential 18 du/acre). Since 1989, the net increase from adopted land use amendments in the current unincorporated Palm Beach County is 4,549. Two amendments, Callery-Judge Groves and Palm Beach Aggregates, account for 5,434, units; without these two, there was a net decrease in residential units since the adoption of the Comprehensive Plan in 1989.

At the time of the last EAR in 2004, the land use capacity was determined to be adequate through the planning period at the time, 2025. With the downward revision of population projections since the last EAR, the ability of the land use plan to accommodate projected population is now extended through at least 2030, if considering only the unincorporated coastal area, and well beyond if considering the unincorporated urban service area in the Glades as well.

Thus, there is no numeric need to increase density in Palm Beach County. However, as outlined in the Statute and in the guidance provided by DCA, accommodation of projected population is not the only consideration in determining whether a density increase may be appropriate. In addition to the other factors outlined in the Statute, DCA has recognized that density increases may be appropriate if furthering legitimate objectives of the Comprehensive Plan.

Returning to the original question: what are the overriding goals of the Comprehensive Plan which merit approval of additional density?

As a starting point for discussion, from the Future Land Use Element attached are:

County Directions
Sustainability Principles
Land Use Element Assessments and Conclusions
Characteristics of a Livable Community
Goals and Objectives of the Future Land Use Element
County Directions

1. Livable Communities. Promote the enhancement, creation, and maintenance of livable communities throughout Palm Beach County, recognizing the unique and diverse characteristics of each community. Important elements for a livable community include a balance of land uses and organized open space, preservation of natural features, incorporation of distinct community design elements unique to a given region, personal security, provision of services at levels appropriate to the character of the community, and opportunities for education, employment, active and passive recreation, and cultural enrichment.

2. Growth Management. Provide for sustainable communities and lifestyle choices by: (a) directing the location, type, intensity and form of development that respects the characteristics of a particular geographical area; (b) ensuring smart growth, by protecting natural resources, preventing urban sprawl, providing for the efficient use of land, balancing land uses; and, (c) providing for facilities and services in a cost efficient timely manner.

3. Infill Development. Encourage infill development in urban areas to increase efficient use of land, and existing public facilities and services.

4. Land Use Compatibility. Ensure that the densities and intensities of land uses are not in conflict with those of surrounding areas, whether incorporated or unincorporated.

5. Neighborhood Integrity. Respect the integrity of neighborhoods, including their geographic boundaries and social fabric.

6. Economic Diversity and Prosperity. Promote the growth of industries that have relatively high wages and that can diversify the economic base.

7. Housing Opportunity. Ensure that housing opportunities are compatible with the County’s economic opportunities by providing an adequate distribution of very-low and low-income housing, Countywide.

8. Economic Activity Centers. Encourage the development of Planned Industrial Developments primarily designed to accommodate and promote manufacturing industry and other value-added activities.

9. Research and Development Communities. Support the location of regional economic development activities in the County, which promote science and/or technology uses and other significant employment opportunities and educational initiatives resulting in new technologies and manufacturing activities.

10. Level of Service Standards. Establish specific, public facility level of service standards that are directly linked to the Capital Improvement Program, to accommodate an optimum level of public facility and service improvements needed as a result of growth.

11. Linear Open Space and Park Systems. Enhance the appearance of the County by providing an open space network that will become a visual and functional organizer of recreational activities, natural resources and other open space areas. This should include public lands, passive as well as active recreation areas, beaches and conservation areas.

12. Environmental Integrity. Encourage restoration and protection of viable, native ecosystems and endangered and threatened wildlife by limiting the impacts of growth on those systems; direct incompatible growth away from them; encourage environmentally sound land use planning and development and recognize the carrying capacity and/or limits of stress upon these fragile areas.

13. Design. Promote the concept of design to direct development, in rural and urban areas. Design is used to prepare and implement policies and plans that guide the physical development of the built environment and make such development functional, orderly, efficient, visually pleasing, environmentally sound, economically viable and supportive of generally accepted community goals.

14. A Strong Sense of Community. Encourage neighborhood spirit, local pride in the County and a commitment to working constructively on community problems.

15. Externalities. Recognize major negative externalities and attempt when economically feasible to place economic negative externalities away from neighborhoods.
Sustainability Principles

Seven broad principles guide sustainable land use planning and development:
(1) Conserve and protect natural and man-made resources, and restore and maintain key ecosystems to provide adequate supplies of clean and safe water for natural, human and economic systems;
(2) Prevent urban sprawl through establishing urban development areas and encouraging urban revitalization and redevelopment;
(3) Provide for sufficient open space to protect wildlife, and provide natural and recreational areas for public use;
(4) Create quality livable communities by balancing, distributing and integrating the relationship among land uses to meet the needs of the diverse communities and their associated lifestyle choices, and improve the quality of life through better housing, recreational, and cultural opportunities for all;
(5) Manage the development of land and service delivery, so that its use is appropriate, orderly, timely and cost effective; and,
(6) Promote sustainable economic development initiatives in the County to diversify its economic base and enhance the quality of life for current and future County generations.
(7) Promote energy-efficient land use planning, greenhouse gas reduction strategies, energy conservation and the use of renewable energy resources.

Land Use Element Assessments and Conclusions

1. Maintain lifestyle choices;
2. Create new land use designations to more closely reflect development patterns in the rural residential areas;
3. Strengthen and facilitate revitalization and redevelopment and infill development programs;
4. Protect agricultural land and equestrian based industries;
5. Balance growth throughout the county;
6. Support opportunities for economic growth to enhance the quality of life and well being of current and future county generations;
7. Increase the integration between land use planning, natural resource protection, water resource management, transportation planning, and economic planning;
8. Provide incentives for mixed-use and new town developments and urban design;
9. Establish a timing and phasing program to provide for orderly growth;
10. Address the needs of developed urban areas that lack basic services;
11. Coordinate growth with the provision of infrastructure;
12. Define how growth/services will be managed in rural residential areas;
13. Define service areas and the type of services to be provided within each service area.
Characteristics of a Livable Community

The Characteristics of a Livable Community, as contained in the County Directions, outline the components necessary to provide for sustainable communities with a high quality of life. The primary characteristics include:

For all tiers:
1. Citizen involvement, to foster pride of ownership and responsibility;
2. Employment opportunities;
3. A central neighborhood or community focal point, such as a civic space or commercial area;
4. Civic uses, such as schools, places of worship, and libraries, parks, and government services;
5. Security, police, fire-rescue and community patrols;
6. Health facilities, adult and child care;
7. Preservation of historic sites, structures and natural features and natural resources; and,
8. Elimination of facilities and uses that are incompatible with the community in which they reside.

Housing, in all Tiers, which includes:

1. Accessory apartments behind homes and above shops, where feasible and appropriate;

Housing, in the Urban/Suburban Tier, which includes:

1. Higher density residential near commercial centers, transit lines, and parks;
2. Homes having a stronger relationship to the street through porches, stoops, and walks; and,
3. Compact, diverse mix of housing for a wide range of family and household types, with continuous sidewalks, and alleyways if desired.

Public space, within the Urban/Suburban Tier, which includes:

1. Organized open space, landscaping, plazas, squares, greens, parks, gardens and appealing vistas;
2. Neighborhood and community parks (with walkways, seating, and appropriate recreational facilities);
3. Lighted, safe, and comfortable streets, and sidewalks;
4. Dispersal of parking, including provisions for on-street parking; and,
5. Public and private buildings placed to create human scale and pedestrian-oriented spaces.

Public spaces, within the Exurban and Rural Tiers, which provide:

1. Open space, squares, parks with landscaping, walkways, seating, appropriate recreational facilities and appealing vistas;
2. Comfortable streets, pathways, and trails;
3. Public and private buildings designed and placed to reflect a rural character.

Modes of alternative transportation, including:

1. Pedestrian access appropriate for each tier, which includes safe and physically appealing sidewalks or pathways;
2. Alternative modes of transportation appropriate for each tier, including bike paths and equestrian trails; and,
3. Public transit in the Urban/Suburban Tier, which includes available, timely, and affordable multi-modal opportunities.

Commercial centers addressing the neighborhoods daily needs include:

1. Limited mix of neighborhood-based commercial uses compatible with the character of the tier.
Goals and Objectives of the Future Land Use Element

GOAL 1 STRATEGIC PLANNING
Objective 1.1 Managed Growth Tier System
Objective 1.2 Urban/Suburban Tier – Urban Service Area
   Sub-Obj. 1.2.1 Revitalization and Redevelopment Overlay
   Sub-Obj. 1.2.2 Urban Redevelopment Area
   Sub-Obj. 1.2.3 Westgate/Belvedere Homes Community Redevelopment Area Overlay
   Sub-Obj. 1.2.4 PBIA Approach Path Conversion Area Overlay
   Sub-Obj. 1.2.5 Indiantown Road Overlay Zone
   Sub-Obj. 1.2.6 Marine Waterfront Commercial Overlay
Objective 1.3 Exurban Tier
Objective 1.4 Rural Tier
Objective 1.5 Agricultural Reserve Tier
   Sub-Obj. 1.5.1 Planned Developments
Objective 1.6 Glades Tier
   Sub-Obj. 1.6.1 Glades Area Economic Development Overlay
   Sub-Obj. 1.6.2 Sugar Cane Growers Cooperative of Florida Protection Area Overlay
   Sub-Obj. 1.6.3 Lake Okeechobee Scenic Trail Overlay
Objective 1.7 United Technologies Corporation (Pratt-Whitney) Protection Area Overlay
Objective 1.8 Glades Area Protection Overlay
Objective 1.9 Bioscience Research Protection Overlay
Objective 1.10 SR-7 Economic Development Overlay

GOAL 2 LAND PLANNING
Objective 2.1 Balanced Growth
Objective 2.2 Future Land Use Provisions - General

GOAL 3 SERVICE AREAS AND PROVISION OF SERVICES
Objective 3.1 Service Areas - General
Objective 3.2 Urban Service Area
Objective 3.3 Limited Urban Services Area (LUSA)
Objective 3.4 Rural Service Area
Objective 3.5 Levels of Service Required for Development
Objective 3.6 Prioritizing Services

GOAL 4 COMMUNITY PLANNING AND DESIGN
Objective 4.1 Community and Neighborhood Planning
Objective 4.2 Joint Planning Areas
Objective 4.3 Community Design
Objective 4.4 Mixed Use Development
   Sub-Obj. 4.4.1 Traditional Town Development
   Sub-Obj. 4.4.2 Multiple Land Use
   Sub-Obj. 4.4.3 Planned Residential Development
   Sub-Obj. 4.4.4 Traditional Marketplace Development
   Sub-Obj. 4.4.5 Traditional Neighborhood Development
   Sub-Obj. 4.4.6 Mixed Use Planned Development
   Sub-Obj. 4.4.7 Planned Industrial Park Development
   Sub-Obj. 4.4.8 Transit Oriented Development

GOAL 5 NATURAL AND HISTORIC RESOURCE PROTECTION
Objective 5.1 Protection of Natural Resources and Systems
Objective 5.2 Native Ecosystem Overlay
Objective 5.3 John D. MacArthur Beach State Park Greenline Overlay
Objective 5.4 Jonathan Dickinson State Park Greenline Overlay
Objective 5.5 Turnpike Aquifer Protection Overlay (TAPO) District
Objective 5.6 Greenways and Linked Open Space System (GLOSS)
Objective 5.7 Historic Preservation
MEMORANDUM

TO: The Honorable Jess R. Santamaria, District 6 Commissioner, and the members of the Board of County Commissioners

FROM: Lorenzo Aghemo, Planning Director
Planning Division, PZB

DATE: February 10, 2014

RE: Palm Beach County Residential Permit & Dwelling Unit Data

ITEM: Pursuant to your request, attached is the latest residential permit and dwelling unit data. This information was last provided to the Board as part of the presentations for the April 2011 Evaluation and Appraisal (EA) Workshop.

BACKGROUND: The Planning, Zoning, and Building (PZB) Department keeps track of all residential and non-residential building permits issued by unincorporated County and the municipalities. This information is posted on the PZB website quarterly and annually. The dwelling unit data is from the annually updated 'Existing Land Use' database that the Planning Division maintains to keep track of all parcels in the County (based upon Property Appraiser data) including acres, future land use designations, zoning, approvals, dwelling units built, and dwelling unit potential, as well as other attributes. The Division utilizes this data as a base for the preparation of the Population Allocation Model which is published every other year.

CURRENT DATA: Three types of information are provided in the attached.

- Permit Activity. At the time of the EA Workshop, the County had recently undergone a rapid reduction in residential permits and construction. However, as shown in the attached tables and charts, the County is currently experiencing an increase in activity as shown on Pages 1 - 2.

- Built Dwelling Unit Data. The attached tables provide the dwelling units built by tier and for various year ranges, and by year for the last 40+ years, as shown on Pages 3 through 10.

- Potential Dwelling Unit Data. The table and charts starting on Page 11 show the built, un-built, and potential dwelling unit data by tier. Un-built units are further divided into 'Vacant' or 'Approved', depending on each unit's status.

DISPOSITION: If you have any questions or would like additional information please contact me at 233-5467.

cc: Robert Weisman, County Administrator
Verdenia Baker, Deputy County Administrator
George Webb, County Engineer
Rebecca D. Caldwell, PZB Executive Director
Robert Banks, Chief Land Use County Attorney

Jon MacGillis, Zoning Director
Patrick Rutter, Chief Planner
Patricia Behn, Principal Planner
Betty Yu, Senior Planner
Lisa Amara, Senior Planner
# Palm Beach County Residential Permit & Dwelling Unit Data

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Table 1: Palm Beach County Residential Building Permits 2000-2013

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<tr>
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<th>Multi-Family</th>
<th>Unincorporated</th>
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Source: Incorporated Palm Beach County Planning Division, PB&G; Unincorporated Palm Beach County Building Division

Chart 1-A: Countywide Residential Permits Issued by Year 2000-2013
### Table 2: Palm Beach County Units By Year Built and By Tier

#### Countywide

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<tr>
<th>Range</th>
<th>Built Units</th>
<th>Ag Reserve</th>
<th>Exurban</th>
<th>Glades RSA</th>
<th>Rural</th>
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<td><strong>Total Countywide</strong></td>
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<td><strong>14,812</strong></td>
<td><strong>779</strong></td>
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#### Incorporated

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Source: Built figures from Exu13, built through April 1, 2013, with 2013 units excluded, from Unit-Date-2014

Note: RSA=Rural Service Area; U/S=Urban/Suburban
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<th>Exurban</th>
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<td>5</td>
</tr>
<tr>
<td>2012</td>
<td>1,770</td>
<td></td>
<td>2</td>
<td>1,764</td>
<td>4</td>
</tr>
</tbody>
</table>

Note: Built figures from Exu13, built through April 1, 2013, with 2013 units excluded, from Unit-Data-2014
Note: RSA=Rural Service Area; U/S=Urban/Suburban
Chart 5: Incorporated Units by Year Built 1970-2012
Table 6: Palm Beach County Dwelling Unit Assessment

### Countywide

<table>
<thead>
<tr>
<th>Tier</th>
<th>Built Units</th>
<th>Maximum Potential</th>
<th>Total Unbuilt</th>
<th>Vacant Unbuilt</th>
<th>Approved Unbuilt</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ag Reserve</td>
<td>4,819</td>
<td>12,483</td>
<td>7,664</td>
<td>3,560</td>
<td>4,104</td>
</tr>
<tr>
<td>Exurban</td>
<td>14,778</td>
<td>17,826</td>
<td>3,048</td>
<td>3,048</td>
<td>-</td>
</tr>
<tr>
<td>Glades RSA</td>
<td>779</td>
<td>1,446</td>
<td>667</td>
<td>667</td>
<td>-</td>
</tr>
<tr>
<td>Rural</td>
<td>6,925</td>
<td>13,477</td>
<td>6,552</td>
<td>6,552</td>
<td>-</td>
</tr>
<tr>
<td>Urban/Suburban</td>
<td>619,262</td>
<td>677,323</td>
<td>58,061</td>
<td>33,221</td>
<td>24,840</td>
</tr>
<tr>
<td>Urban/Suburb-Glades</td>
<td>11,105</td>
<td>91,943</td>
<td>80,838</td>
<td>80,486</td>
<td>352</td>
</tr>
<tr>
<td><strong>Total Countywide</strong></td>
<td><strong>657,668</strong></td>
<td><strong>814,498</strong></td>
<td><strong>156,830</strong></td>
<td><strong>127,534</strong></td>
<td><strong>29,296</strong></td>
</tr>
</tbody>
</table>

### Unincorporated

<table>
<thead>
<tr>
<th>Tier</th>
<th>Built Units</th>
<th>Maximum Potential</th>
<th>Total Unbuilt</th>
<th>Vacant Unbuilt</th>
<th>Approved Unbuilt</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ag Reserve</td>
<td>4,819</td>
<td>12,483</td>
<td>7,664</td>
<td>3,560</td>
<td>4,104</td>
</tr>
<tr>
<td>Exurban</td>
<td>14,778</td>
<td>17,826</td>
<td>3,048</td>
<td>3,048</td>
<td>-</td>
</tr>
<tr>
<td>Glades RSA</td>
<td>684</td>
<td>751</td>
<td>67</td>
<td>67</td>
<td>-</td>
</tr>
<tr>
<td>Rural</td>
<td>5,590</td>
<td>10,988</td>
<td>5,398</td>
<td>5,398</td>
<td>-</td>
</tr>
<tr>
<td>Urban/Suburban</td>
<td>252,044</td>
<td>273,432</td>
<td>21,388</td>
<td>15,012</td>
<td>6,376</td>
</tr>
<tr>
<td>Urban/Suburb-Glades</td>
<td>1,600</td>
<td>75,261</td>
<td>73,661</td>
<td>73,565</td>
<td>96</td>
</tr>
<tr>
<td><strong>Total Unincorporated</strong></td>
<td><strong>279,515</strong></td>
<td><strong>390,741</strong></td>
<td><strong>111,226</strong></td>
<td><strong>100,650</strong></td>
<td><strong>10,576</strong></td>
</tr>
</tbody>
</table>

### Incorporated

<table>
<thead>
<tr>
<th>Tier</th>
<th>Built Units</th>
<th>Maximum Potential</th>
<th>Total Unbuilt</th>
<th>Vacant Unbuilt</th>
<th>Approved Unbuilt</th>
</tr>
</thead>
<tbody>
<tr>
<td>Glades RSA</td>
<td>95</td>
<td>695</td>
<td>600</td>
<td>600</td>
<td>-</td>
</tr>
<tr>
<td>Rural</td>
<td>1,335</td>
<td>2,489</td>
<td>1,154</td>
<td>1,154</td>
<td>-</td>
</tr>
<tr>
<td>Urban/Suburban</td>
<td>367,218</td>
<td>403,891</td>
<td>36,673</td>
<td>18,209</td>
<td>18,464</td>
</tr>
<tr>
<td>Urban/Suburb-Glades</td>
<td>9,505</td>
<td>16,682</td>
<td>7,177</td>
<td>6,921</td>
<td>256</td>
</tr>
<tr>
<td><strong>Total Incorporated</strong></td>
<td><strong>378,153</strong></td>
<td><strong>423,757</strong></td>
<td><strong>45,604</strong></td>
<td><strong>26,884</strong></td>
<td><strong>18,720</strong></td>
</tr>
</tbody>
</table>

**Notes:**
- Built Units excludes group quarters
- Maximum Potential excludes potential units through density bonus programs or redevelopment plans
- Total Unbuilt is the sum of Vacant and Approved
- Vacant is comprised of vacant and underutilized lots, platted approvals, and unplatted lots
- Approved is comprised of approved unbuilt development orders

**Source:**
- All Data from Unit-2012 (matches Pop12) in Unit-Data-2014
- Built through April 1, 2012
- Published Palm Beach County Planning Division, February 3, 2014
Chart 6-A: Countywide Total Built Units By Tier

- Urban/Suburban: 94%
- Ag Reserve: 1%
- Exurban: 2%
- Glades Rural Service Area: 0%
- Rural: 1%

Chart 6-B: Unincorporated Total Built Units By Tier

- Urban/Suburban: 90%
- Ag Reserve: 2%
- Exurban: 5%
- Glades Rural Service Area: 0%
- Rural: 2%
From: ltdeishn <ltdeishn@aol.com>
To: LtEdishn <LtEdishn@aol.com>
Subject: Fwd: Approved but unbuilt residential and non residential
Date: Sun, Sep 7, 2014 8:29 pm

-----Original Message-----
From: Johnnie Easton <JEaston@pbcgov.org>
To: ltdeishn <ltdeishn@aol.com>
Sent: Fri, Jul 25, 2014 3:50 pm
Subject: FW: Approved but unbuilt residential and non residential

From: Lisa Amara A.
Sent: Friday, July 25, 2014 3:50 PM
To: Lisa Amara A.; Johnnie Easton
Cc: Patricia Behn; Patrick Rutter; Lorenzo Aghemo; Rebecca Caldwell; Verdenia Baker
Subject: RE: Approved but unbuilt residential and non residential

Sorry, typo, corrected in table.

From: Lisa Amara A.
Sent: Friday, July 25, 2014 1:03 PM
To: Johnnie Easton
Cc: Patricia Behn; Patrick Rutter; Lorenzo Aghemo; Rebecca Caldwell; Verdenia Baker
Subject: RE: Approved but unbuilt residential and non residential

Good Afternoon,

Below is the table requested of the Unincorporated land with Commercial or Industrial Future Land Use Designations (by GIS calculated acres) from the latest (exlu13) data and including all Tiers.

Some notes:

Built indicates built properties with commercial, civic, industrial or other non-residential use;
Buildable indicates properties that have agricultural or residential uses that can convert to Commercial or Industrial;
Vacant is vacant land;
Not shown are lands in government ownership/uses, including district lands, transportation and rights of way, and the portion of the Pratt Whitney property that is a preserve; and
Please note that this is raw data taken from a quick query directly from the database and has not been verified in detail for this particular request. Accordingly, these are approximations and may not exactly match previously published data.

<table>
<thead>
<tr>
<th>Generalized Future Land Use</th>
<th>Type</th>
<th>GIS Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial</td>
<td>Built</td>
<td>3,349</td>
</tr>
<tr>
<td>Commercial</td>
<td>Buildable</td>
<td>481</td>
</tr>
<tr>
<td>Commercial</td>
<td>Vacant</td>
<td>736</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>4,566</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Built</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Industrial</td>
<td>1,848</td>
<td></td>
</tr>
<tr>
<td>Industrial</td>
<td>Buildable</td>
<td>2,009</td>
</tr>
<tr>
<td>Industrial</td>
<td>Vacant</td>
<td>1,266</td>
</tr>
<tr>
<td>Total</td>
<td>5,123</td>
<td></td>
</tr>
</tbody>
</table>

Lisa Amara  
Senior Planner  
PBC Planning Division  
561-233-5334

---

From: Johnnie Easton  
Sent: Thursday, July 24, 2014 3:42 PM  
To: Patricia Behn  
Subject: FW: Approved but unbuilt residential and non residential

Patricia,

Please see the highlighted request below. Can you provide this as well?

Thank you!

Johnnie R. Easton  
Senior Administrative Assistant  
Palm Beach County District Six  
Commissioner Jess R. Santamaria  
Tel (561) 355-6300  
Fax (561) 355-4366  
Email: jeaston@pbcgov.org

---

From: ltdedishn@aol.com  
Sent: Thursday, July 24, 2014 3:40 PM  
To: Johnnie Easton  
Subject: Re: Approved but unbuilt residential and non residential

Johnnie:

If this additional information can be provided, that would be most appreciated.

Regarding Non-Residential data, the Planning Division does not maintain square footage of approved industrial, retail nor professional office uses nor an estimated future need. **However, we can provide acres for un-built and built industrial and commercial (office & retail combined) Future Land Uses for the unincorporated county.**

Thanks! and Thank you and staff for obtaining this information.

Patricia

-----Original Message-----
From: Johnnie Easton <JEaston@pbcgov.org>  
To: ltdedishn <ltdedishn@aol.com>  
Sent: Thu, Jul 24, 2014 1:20 pm  
Subject: FW: Approved but unbuilt residential and non residential

Patricia,

Hopefully this will give you the information you requested. If not, please let us know.
Thank you.

Johnnie R. Easton
Senior Administrative Assistant
Palm Beach County District Six
Commissioner Jess R. Santamaria
Tel (561) 355-6300
Fax (561) 355-4386
Email: jeaston@pbcgov.org

From: Patricia Behn
Sent: Wednesday, July 23, 2014 5:02 PM
To: Johnnie Easton
Cc: Verdenia Baker; Rebecca Caldwell; Patrick Rutter; Lorenzo Aghemo; Lisa Amara A.; Betty Yiu
Subject: RE: Approved but unbuilt residential and non residential

Good Afternoon Johnnie,

Regarding Commissioner Santamaria’s request for residential and non-residential data, Lorenzo asked that I provide you with the following information.

Regarding residential units, attached is the latest Unit Assessment which was provided to the BCC on February 10, 2014. The next update to this data will be available by February 2015. Updated data is not available until the completion of the annual update of the Residential Projects Data base. The Planning Division updates the residential projects through significant intergovernmental coordination with the cities and other County departments. The Approved Unbuilt units are found on Table 6 page 11 of the attached assessment and includes the Countywide figure by Tier and separates the data into Unincorporated and Incorporated units.

Regarding Non-Residential data, the Planning Division does not maintain square footage of approved industrial, retail nor professional office uses nor an estimated future need. However, we can provide acres for un-built and built industrial and commercial (office & retail combined) Future Land Uses for the unincorporated county.

Regarding the population questions, the County’s Population data does not extend to 2040.

- The current population projections through 2035 is 1,678,000, as noted on page 8 of the link to the County’s Population Allocation Model:

- As noted in Chapter 1 on page 29 of the draft 2011 Evaluation and Appraisal Report below, the projected demand was less than the un-built residential units at the time the document was prepared.

We hope that this provides you with sufficient information. Please let me know if you have any other question.

Patricia Behn
Principal Planner, Intergovernmental Section
Palm Beach County Planning Division
2300 N. Jog Rd. | West Palm Beach, FL 33411
Phone: 561-233-5332 | Fax: 561-233-5365
http://www.pbcgov.com/pzb/planning/intergovt.htm

From: Lorenzo Aghemo
Sent: Wednesday, July 23, 2014 3:54 PM
To: Lisa Amara A.; Patricia Ehn
Subject: FW: Approved but unbuilt residential and non residential

From: Jess Santamaria  
Sent: Wednesday, July 23, 2014 3:25 PM  
To: Lorenzo Aghemo  
Subject: FW: Approved but unbuilt residential and non residential

Just a reminder... boss needs this info as soon as you can get it.

Thanks!

Johnnie R. Easton  
Senior Administrative Assistant  
Palm Beach County District Six  
Commissioner Jess R. Santamaria  
Tel (561) 355-6300  
Fax (561) 355-4366  
Email: jeaston@pbcgov.org

From: Jess Santamaria  
Sent: Tuesday, July 22, 2014 1:13 PM  
To: Lorenzo Aghemo  
Subject: Approved but unbuilt residential and non residential

Lorenzo,

Over the past year I have requested a summary of the various residential (units) and non residential (square feet) that have been approved by the Palm Beach County Board of County Commissioners but still remain unbuilt.

You have given me several updates in 2013-2014 -- please give me your latest updated summary as of today, July 22, 2014.

Thank you for your usual attention.

Jess R. Santamaria

Begin forwarded message:

From: <tttddlish@aol.com>  
Date: July 21, 2014 at 10:01:41 PM EDT  
To: <jsanatama@co.palm-beach.fl.us>  
Cc: <JEaston@pbcgov.org>  
Subject: Development Approved and Meeting Future Population Estimates

Commissioner Santamaria:

Last year I had an e-mail exchange with PBC Planning where they indicated that there was already sufficient residential development approved in the county that could be built, yet remained unbuilt that would meet BEBR estimated population growth for Palm Beach County until the year 2040. Since that time, there has been additional development approved in the County (including in the municipalities).

At the Planning Commission Meeting two weeks ago, someone from the Planning Staff indicated there was millions of square feet of approved industrial land in the county that also remained unbuilt, including some 1 million square feet at the North County airport.
About two weeks ago, the Palm Beach Post offered an article with statement suggesting that Palm Beach County was "over-retailed" meaning there was too much already built and too much supply without enough demand.

I wondered if it is possible to have Planning Staff address the following questions:

1. How much residential development is already approved in number of units that remains unbuilt.

2. Based on BEBR population estimates through the year 2040, how many units would need to be built and does the already approved residential meet or surpass that number.

3. How much square footage of industrial is approved and remains unbuilt in the County, where is it located, and what is the estimated future need for industrial based on population estimates.

4. The same question as #3, except instead of industrial substitute retail.

5. The same question as #3, except instead of industrial substitute professional office.

If you could assist in gaining answers to these questions, it would be most appreciated.

Thank you.

Patricia D. Curry

Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.
From: ltdedishn <ltdedishn@aol.com>
To: LtdEdishn <LtdEdishn@aol.com>
Subject: Fwd: 2010 EAR Meetings (BEBR/ Residential Approved as of October 28, 2013)
Date: Sun, Sep 7, 2014 8:43 pm
Attachments: Demonstration_of_Need_Data_and_Analysis.doc (200K)

-----Original Message-----
From: Maria Bello <MBELLO@pbcgov.org>
To: ltdedishn <ltdedishn@aol.com>
Cc: Lisa Amara A. <LAmara@pbcgov.org>; Lorenzo Aghemo <LAgemo@pbcgov.org>
Sent: Mon, Oct 28, 2013 1:40 pm
Subject: RE: 2010 EAR Meetings
Patricia,

This is in response to your e-mail to Lorenzo and Lisa regarding the 2011 EAR.

Attached is the document distributed for the 10/22/10 meeting.

Here are the latest BEBR projections issued in March 2013, provided by Lisa, who also indicated that the statement you reference from 2010 would still be accurate given the latest projections:

<table>
<thead>
<tr>
<th></th>
<th>2020</th>
<th>2025</th>
<th>2030</th>
<th>2035</th>
<th>2040</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1,405,300</td>
<td>1,546,000</td>
<td>1,616,900</td>
<td>1,678,100</td>
<td>1,733,300</td>
</tr>
</tbody>
</table>

Note that the 2011 EAR was never completed because 2011 legislation changed the process and requirements.

From: Lisa Amara A.
Sent: Monday, October 28, 2013 12:44 PM
To: Maria Bello
Subject: FW: 2010 EAR Meetings

From: ltledishn@aol.com [mailto:ltledishn@aol.com]
Sent: Saturday, October 26, 2013 5:48 PM
To: Lorenzo Aghemo; Lisa Amara A.
Subject: 2010 EAR Meetings

I was searching for some info today relating back to the EAR meetings, to see if I had your slideshow presentations in my email (my old computer crashed). I found this note made by me in an email sent out about an EAR meeting:

<snip> 10/22/10 Today, I took the afternoon off to attend the meeting held locally for the EAR report. Today’s topic was “need” and how it relates toward land use changes (it is one of the factors required to be considered pursuant to Growth Management laws). As previously noted, the County Planning Department has stated (and today again confirmed) that there are already enough land use changes on the books, which have not yet resulted in development, to accommodate all anticipated population growth for Palm Beach County beyond the year 2030.

Can you advise if this statement is still true? How would I obtain copies of the information Planning Staff was putting out then for the EAR meetings?

Patricia

Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.
I am a 35 years resident of the Acreage in Palm Beach County. I do not support the Minto West project. Palm Beach County offers several certain types of neighborhoods. Coastal - condos, downtown city areas, suburbs, gated communities, 55 + communities, mobile home parks, then there is the western communities which is rural. I think it is great that Palm Beach County offers all these types of areas for folks to live in, as it should be as we all pay taxes and have this right to pick were we want to live. HOWEVER Minto wants to change this by putting a CITY in the middle of our community. Minto is taking away our right to live in a rural area!

*With that said I will tell you it doesn't matter what you vote or any agency votes or what the commissioners vote or the even great lord almighty.. WHY*

BECAUSE MINTO HAS SAID FROM THE VERY BEGINNING THAT IF THEY DO NOT GET WHAT THEY WANT – THEY CAN INCORPORATE AND BECOME THERE OWN CITY AND MINTO WILL DO WHAT THEY PLEASE WITH THE LAND.

Big money and corporations control us now and there is NOTHING you and I can do about it.

Thank you

Dorothy Fritz
Dear Reviewing Agencies:

Attached please find my letter regarding the Minto West proposed expansion. I hope it will be read and considered and included with your response to the BCC transmittal package.

Sincerely,

Jean L. Edwards
Jean L. Edwards  
15811 82nd Street North  
Loxahatchee, FL 33470  
561.267.9071  
terra51@bellsouth.net  

September 8, 2014

Ray Eubanks, Plan Processing Administrator  
State Land Planning Agency  
Caldwell Building, 107 East Madison - MSC 160  
Tallahassee, Florida 32399  
Sent Via Email to: ray.eubanks@deo.myflorida.com

Florida Department of Economic Opportunity:  
Bill.Pable@deo.myflorida.com  
james.stansbury@deo.myflorida.com  
ana.richmond@deo.myflorida.com

Gerry O'Reilly, Director of Production and Planning  
3400 West Commercial Boulevard  
Fort Lauderdale, FL 33309  
Email: gerry.orcl.ly@dot.state.fl.us

Blake Guillory, Executive Director  
3301 Gun Club Road  
West Palm Beach, FL 33406  
Email: bguillory@sfwmd.gov

Terry Manning, AICP, Policy and Planning Analyst  
Water Supply Coordination Unit  
3301 Gun Club Road  
West Palm Beach, FL 33406  
Email: tmanning@sfwmd.gov

Michael J. Busha, AICP, Executive Director Treasure Coast Regional Planning Council  
421 SW Camden Avenue  
Stuart, FL 34994  
Email: mbusha@terpc.org

Tracy D. Suber, Educational Consultant-Growth Management Liaison Office of  
Educational Facilities  
325 West Gaines Street, Ste. 1014  
Tallahassee, Florida 32399  
Email: tracy.suber@fldoe.org
Attention: Plan Review
Office of Intergovernmental Programs
3900 Commonwealth Blvd., Mail Station 47
Tallahassee, FL 32399
Email: Plan.Review@dep.state.fl.us

Florida Department of Environmental Protection

Chris.Stahl@dep.state.fl.us
suzanne.e.ray@dep.state.fl.us

Palm Beach County Board of County Commissioners

svana@pbgov.org
PTaylor@pbgov.org
hvaleche@pbgov.org
SAbraams@pbgov.org
pburdick@pbgov.org
MBerger@pbgov.org
jsantama@pbgov.org

Sherri Martin, Bureau of Economic Development
The Caldwell Building, 107 East Madison Street, MSC-160 Tallahassee, Florida 32399-0001
Email: Sherri.Martin@DEO.MyFlorida.com

Scott Sanders, Conservation Planning Services
620 South Meridian Street, MB 5B5
Tallahassee, Florida 32399-1600
Email: FWCConservationPlanningServices@myfwc.com

Jason.Hight@MyFWC.com
Florida Department of Agriculture and Consumer Services
Attention: Comprehensive Plan Review
Office of Policy and Budget
The Capitol, Plaza Level 8
Tallahassee, Florida 32399-0800
Email: compplans@freshfromflorida.com

Florida Department of State:

Deena.Woodward@DOS.myflorida.com

Press:
letters@pbpost.com
news@gotowncrier.com
abreci@sun-sentinel.com
jcapozzi@pbpost.com
Office of Governor Rick Scott  
State of Florida  
The Capitol, 400 S. Monroe Street  
Tallahassee, FL 32399

Re: Minto West Plan Amendment – Palm Beach County

Dear Reviewing Agencies:

I am writing in opposition to the Palm Beach County Minto West Application for a Land Use Amendment under Agricultural Enclave, Fla. Stat. 163.3162 and 163.3164. I am requesting all reviewing agencies carefully review and consider this Application, as it is fraught with issues, problems, and negative impacts. Further, I request that all reviewing agencies find this Application noncompliant and incompatible and submit objections with a recommendation to the BCC to deny approval of the Applicant’s Application.

Recognizing the grave issues and impacts, other local municipalities, governmental entities and communities have issued Resolutions in Opposition: CityWatch, Riverwalk, Iron Horse, Fox Train, Indian Trail Improvement District (twice), Village of Royal Palm Beach, Acreage Landowner’s Association, Town of Loxahatchee Groves, and ALERTS of PBC, Inc. City of West Palm Beach is also considering passing a resolution in opposition to be voted on at their next regular city commission meeting on September 15, 2014. As well, 1000 Friends of Florida and The Sierra Club have spoken in opposition at Board of County Commission (BCC) meetings, as have hundreds of attending residents. Additionally, ALERTS of PBC, Inc., has garnered nearly 5000 non-duplicative petitions in opposition which will presented at the October 29, 2014, BCC meeting.

Anything beyond what Minto is legally entitled to build should not be approved. Taking into consideration the State of Florida BEBR population projections, it is clear the requested expansion of Minto West is neither needed nor justified. The currently approved Minto development (2996 residential units and 235000 square feet of commercial) more than adequately meets anticipated market demand, and approving anything beyond that will be deleterious to the Acreage and surrounding communities. As well, The PBC Planning Staff has confirmed there are sufficient un-built, approved residential units and non-residential square footage to meet anticipated population growth beyond the year 2035.

The impacts of the proposed Minto project (4546 residential units, 2.1 million square feet of commercial/industrial [equivalent to the Saw Grass Mall which is the 7th largest mall in the United States] consisting of retail, professional offices, research and development/light industrial, 200,000 square feet of civic, a 150 room hotel and 3000 student college) are many and include but not limited to:

I. Traffic, Roads and Health, Safety, and Welfare of Residents  
II. Drainage and Water Quality and Quantity  
III. Environmental Concerns  
IV. Educational Concerns
V. Population Increase
VI. Economic Outlook
VII. Taxpayer Costs
VIII. Quality of Life
IX. Domino Effect
X. Incompatibility and Inconsistency with Current Laws and Surrounding Areas

It is my hope, and in my prayers, that after careful review of the BCC transmittal package and resident feedback, all reviewing agencies will be in unanimous agreement that this project poses significant hardships and negative impacts on Palm Beach County residents, especially those in the Acreage and surrounding communities, is noncompliant with Florida Statutes, and is inconsistent with the State Comprehensive Land Use Plan, the Palm Beach County Comprehensive Land Use Plan, and the Treasure Coast Strategic Regional Policy Plan with all agencies issuing reports with strong objections and recommendations of denial to the BCC.

Though the proposed Minto West project may be a lovely development, it is ill-conceived and ill-placed in an Exurban area, which is in the Rural Tier and in a Rural Service Area. It is, for all intents and purposes, an URBAN development being built in the middle and in the heart of the Acreage and as such meets the legal definition of “leapfrog” development in that it requires the extension of public facilities and services and roads on existing peripheral areas. Such extensions are not provided for in the existing plans of local, County and State governing bodies. It is not new urbanism; it is not smart growth; it is urban sprawl in a rural area. The presumption that the project is not urban sprawl as set forth under Fla. Stat. 163.3162(4) is clearly rebutted, as there is nothing “agricultural” about this “agricultural enclave.”

I. Traffic, Roads and Health, Safety, and Welfare of Residents

Within the Indian Trail Improvement District (ITID) service area, the area most directly impacted by the proposed Minto West expansion, are hundreds of miles of roads that are privately owned by residents (to the center of the road) and maintained via property taxes to ITID. Both the County and developer continue to contend that our privately owned roads are free for their access and use. This smacks of eminent domain, not for the sake of public safety, health and welfare, but solely for a profit-driven private developer, which is in direct violation of our Florida Constitution.

None of the roads were ever designed and constructed to DOT standards (some were constructed with millings) to handle the volume of traffic that will be generated by Minto West (over 70,000 vehicular trips per day per PBC Zoning staff). Many roads within the Acreage are unpeved (dirt). Most of the streets are two lanes running through quiet residential areas. These are roads that are either already at over-capacity or roads that have minimal traffic. Faced with traffic congestion and accidents on major roads, it is reasonable to expect drivers to cut-through the Acreage via two lane residential streets, especially during peak morning and evening rush hours, posing significant safety risks to residents and their children.
Most of the road intersections in the Acreage are comprised of two- or four-way stop intersections. Currently, there are 16 designated Constrained Roadway at Lower Level of Service (CRALLS) that stand to be impacted by Minto traffic, posing further substantial increased risks to the health, safety and welfare of residents and visitors utilizing those roadways.

Southern Boulevard (an SIS road), Okeechobee Boulevard, Northlake Boulevard and the proposed extension of SR 7, all of which are State roads, will also be impacted by Minto West. George Webb (Palm Beach County Engineer) has reported that these roads have been expanded to their full potential east of State Road 7. Therefore, they cannot be further expanded. Adding additional vehicular traffic will pose increased hazards, endangering the health, safety and welfare of residents and visitors utilizing those roadways.

Of considerable concern is the stacking of commercial components along Seminole Pratt Whitney Road with multi-family housing behind it. Seminole Ridge High School is right beside these components. There already exists a high volume of traffic and congestion especially during mornings and afternoons that will further increase the already existing dangerous traffic situation. Expanding this section by adding two additional lanes will be of no help in addressing safety issues.

II. Drainage and Water Quality and Quantity

Minto developers frequently site Tropical Storm Isaac as justification for a need for and promises of flood and drainage control. TS Isaac was a weather anomaly coupled with human error that resulted in flooding that was more extensive than it should have been had timely and appropriate action been taken. Per FEMA’s recently released proposed flood zone data, many areas of Minto West are designated high-risk flood zones.

Rather than facilitating drainage, the Minto West project will likely worsen flooding due to the construction of impervious roads, structures and parking areas resulting in less surface area where water can percolate. Therefore, any of their lakes, kept high for aesthetic purposes, and canals will fill up faster increasing their need for drainage capacity for their floodwaters. As well, if the Acreage floods again, it is likely Minto West will be flooded and will be unable to relieve Acreage floodwaters. Flooding will be worsened even more as both residential and commercial units will need to be built at higher elevations. It is important to note that Minto, in the M2 basin, is promising drainage to ITID for the M1 Basin. During TS Isaac, the M2 basin flooded for an extended period of time. The promise of provision of additional drainage capacity to areas outside of Minto West simply cannot be kept. As far as directing floodwaters into the C-51 Basin, Minto has not contacted SFWMD, U.S. Army Corp. or the FL DEP for such proposals of drainage, to date.

The developer has promised provision of surface water to the City of West Palm Beach, and the Loxahatchee Slough. It should be noted that the “M” Canal providing water to the City of West Palm Beach is a Class 1 body of water. No environmental studies have been conducted to determine if drainage waters would meet water quality standards for
environmental or potable water purposes.

The developer has proposed building a lake system that supposedly will filter water resulting in good quality water. Construction of such a system of lakes will involve disturbing soil that for at least four decades has been subjected to herbicides, fungicides, pesticides and fertilizers. This lake system is not a Stormwater Treatment Area (STA) and studies have been not conducted to ascertain whether such water will meet Class I water standards required for environmental and potable water purposes.

Results of testing on Minto’s surficial water have revealed high levels of phosphorus. Introduction of high concentrations of phosphorus to highly environmentally sensitive areas, such as Grassy Waters Preserves should be of great concern to the City of West Palm Beach, County and State.

In addition to promises of surface water to the City of West Palm Beach, Minto has also promised water to the Town of Loxahatchee, as well as promises to provide water supply to the Loxahatchee Slough; however, to date, the developer has failed to provide any evidence to support these promises.

With respect to water quantity, the EPA states the average family of four uses 400 gallons of water per day (or 100 gallons per person), with 70% of that water being used indoors. The applicant is proposing 4546 homes. Using an anticipated population increase of 18,184, that equates to a daily consumption of over 1,800,000 gallons of water each day; per month (30 days) that equals approximately 54,000,000 gallons of water consumed. The applicant is permitted to only withdraw only 7 million gallons of water per month. Currently, SID is using 1/2 of their permitted withdrawal amount and permit increases in water withdrawal to meet water demands will probably not be approved. Seminole Improvement District (SID) will have to buy bulk water from the County and that water will come from Wellfield 8, which provides water to Riverwalk. As a result PBC Water Utilities is causing major water issues for this community, especially during the dry season.

Now, add to this other developments that are sure to be approved for our area resulting in an increased demand on water. Water is not an infinite resource. Due to over-development, both the City of West Palm Beach and Broward County face water shortages, especially during dry season. The Acreage and Western Communities enjoy an abundance of clean potable water but developments such as Minto West, and over-development in general, will surely compromise both quality and quantity of water; we are then left facing a future that for City of West Palm Beach and Broward County has already arrived.

III. Environmental Concerns:

A. Soil, Water and Air

Minto West is situated on a former orange grove operation, formerly known as Callery Judge Groves that operated for over four (4) decades. Over the course of
this operation numerous violations and fines were issued. The soil has been subjected to pesticides (some of which have since been banned), fungicides, herbicides, and fertilizers year after year. Construction of residential and commercial units and a system of lakes requires the soil to be disturbed.

To date, no environmental studies with respect to soil, water and air quality have been conducted to determine whether and what dangers and risks there are to the health, safety and wellbeing of Minto and existing residents of the Acreage and other local communities and animals. While Minto residents will be supplied with “city” water, the majority of Acreage residents rely on well water as the source of their potable water. Disturbingly, the developer has also proposed deep well injection of sewage water into to the Florida aquifer upon which our residents rely to fill their wells, which could very well compromise and contaminate our wells and water.

B. Photo-pollution (aka Luminous, Light Pollution) Concerns

Common to rural and exurban tiers are dark, star filled skies. Common to developments such as Minto West is artificial lighting resulting in photo-pollution, also known as luminous pollution, and commonly referred to as light pollution. The impact of photo pollution in developed areas in South Florida is apparent when people see white bright clouds at night, when in fact clouds should appear black against a black sky. Such light pollution obscures stars and interferes with those who enjoy star gazing (astronomers).

At night, our vision relies on rod cells. Repeated exposure to artificial night lighting, especially lighting emitting high levels of bluish light, impedes production of Rhodopsin resulting in diminished night vision. Light pollution also interferes with the production of Melatonin, critical to the sleep-wake cycle of humans and animals.

Protecting night skies is critical to bio-diversity as the biological activity of fauna is highest at night than during the day and artificial night light interferes with the timing of normal biological processes and activities. Artificial night illumination puts nocturnal animals at risk by reducing the time they have to forage for food, find shelter, mate, and exposes them to predators. Plants are affected as well. In short, no life form has evolved that flourishes in continuous lighting. To date, no studies have been conducted with respect to the photo pollution that will be generated by the Minto West project to humans, wildlife, livestock, or plant life.

C. Urban Heat Islands (UHI)

Within the Acreage and surrounding communities are bona fide agricultural operations, which include livestock, nurseries, farming, equestrian and rescue operations. Each of these operate in a “micro climate.” It is well established that urban areas are significantly warmer than surrounding rural areas, especially at night, due to man-made land modifications. Such increases in temperature impact animals, plant life, and humans. UHIs affect local weather patterns by altering
local wind patterns, cloud formations, humidity, rainfall and storm activity. Coupled with air pollution, smog results. Those closest to the proposed development may be more adversely impacted. To date, the applicant has neither addressed this nor have studies been done to assess the impact of UHI.

D. Noise Pollution:

Noise from the projected 70,000+ new external vehicular trips generated each day by Minto’s traffic will impact the rural milieu that residents in the rural and exurban communities enjoy. Noise is anticipated to increase anywhere from 15 decibels to 66 decibels or more. The County is not required to mitigate leaving residents to mitigate out of their own pockets. The Federal government will not intercede on local, County or State roads, only on roads subsidized by the Federal government. One of the worst areas for noise pollution is Northlake Boulevard between Seminole Pratt Whitney Road and Coconut and these residents will be particularly impacted.

Studies have shown that noise results in physical and psychological stress and can stimulate aggression and trigger anti-social behaviors. Uninterrupted sleep is essential to good physiologic and mental and social functioning. One of the major causes of disturbed sleep is environmental noise, such as that generated by traffic, which typically results in difficulty concentrating, fatigue, irritability, decreased work productivity, impaired social interactions and reduced driving skills in terms of attention and delayed reactions to changing road conditions. Studies have demonstrated that driving while sleep deprived is equivalent to driving under the influence of alcohol. To date, the Applicant has not addressed noise pollution, and no studies have been done to assess impact on human and animal life or the mitigation costs.

IV. Educational Concerns

Although the applicant has “set aside” land for an elementary school, the Applicant has not set aside funds for school expansion or construction of schools resulting from student increases. All schools will be negatively impacted by the increased student population; however, those serving Minto West (Golden Grove Elementary, Western Pines Middle, and Seminole Ridge High) will be especially impacted and are projected to exceed 100% FISH utilization by 2017. Palm Beach County School District has no funds available to address this impact and upon request was denied financial assistance by the developer, who publicly accused the school district of reaching into “deep pockets.”

As a result of increases in student population, existing students may be subjected to forced bussing to other schools and/or educated in mobile units, which is potentially dangerous in high wind situations. This will erode the educational experience and quality of student education and achievement, as students may have to rise earlier to attend school and arrive home later, extending their school day and decreasing family time. It will also strain receiving schools and resources. Any net fiscal deficits to accommodate the increase in student population generated by Minto West will be shouldered by
property owners in the form of increased property taxes.

V. Population Increase

The current population of the area known as the Acreage is roughly 39,000. Most property owners moved to this area to escape highly dense, congested areas. The Applicant’s proposed plan represents a 52% increase from the currently approved residential density of 2996 units on the property. According to US Census data, on average, two people reside in a home. Typically, couples have, on average two children. At 4546 residential units with four occupants per home, that is roughly an added population of approximately 18,000, making the total population around 57,000.

Population increase cannot be considered in isolation of other developers such as GL Homes and IOTA Carol, who are waiting in the wings to build equally large developments. Though technically in Palm Beach Gardens, Avenir will add to our population as its development is along the Northlake Boulevard corridor. If development continues to be approved, in a few short years, this tranquil rural area will be a mirror image of Broward and Miami-Dade counties in terms of the sheer volume of people, traffic congestion, pollution, crime and other negative impacts.

VI. Economic Outlook

The applicant continues to assert that Minto West will bring approximately 3000 jobs to the Acreage and surrounding areas, with the average annual salary being in excess of $100,000.00. The fact that the number of working age new residents will surpass the number of jobs created resulting in a net loss of job opportunities seems overlooked by the developer and remains unaddressed.

Many of the jobs will be short-term construction jobs. Most likely most other jobs will be dead-end, minimum wage jobs more suitable for teenagers, who will be in competition with Minto teens and teens outside the Acreage.

The notion that jobs will result in traffic capture is absurd. Does the Applicant really think that to save a few miles in travel, my husband, who is a Principal Network Engineer at FPL, will quit his job to be a busboy, cashier, or clerk and that his salary will be in excess of $100,000.00? As well, when the Applicant has been asked to identify businesses that have committed to operating in Minto West, the Applicant has been unable to answer. Finally, one only has to remember the history of promises of jobs made by other developers in Palm Beach County to know that these promises are rarely, if ever, realized. Let history not repeat itself.

VII. Taxpayer Costs

Developments such as Minto West do not pay for themselves. Instead, they result in huge net fiscal deficits that are shouldered by all property owners in Palm Beach County in the form of hiked property taxes. The estimated tax dollars necessary for improvements just for the County and State roads exceed $177,000,000, money the County does not have.
Residents in the ITID service area will be additionally taxed to pay for Minto’s traffic on our privately owned and maintained roads. Furthermore, residents will be faced with further taxation to pay for Minto’s impact on public services such as schools, fire, rescue, library, police, etc.

Palm Beach County BCC is currently forming the budget for 2014-2015. I invite you to read the article below. You will notice roads are not addressed.


As well please consider the price of sprawl by visiting:


The County and State must place more consideration and importance on taxpayer impact, not developer profits.

VIII. Quality of Life

Throughout my letter are references to quality of life issues. They include potential environmental issues, pollution, water quantity and quality, drainage, educational impacts, population increase, traffic, etc. All of these pose life stressors on residents and stand to negatively impact resident health, safety, and wellbeing and rob them of hard earned dollars that will be needed to pay for the net fiscal deficits stemming from the Applicant’s proposed project.

IX. Domino Effect

As mentioned earlier, Minto is not the only developer interested in developing large tracts of land, furthering urban sprawl and forever changing the rural ambience and life style of residents. GL Homes and IOTA Carol are waiting in the wings to see if the Minto West project is approved by the BCC on 10/29. If it is, the dominoes will cascade adding to area and resident impact.

X. Incompatibility and Inconsistency with Current Laws and Surrounding Areas

Please Note: Knowing that the project has been transmitted to the DEO and other reviewing agencies, that time is of the essence in submitting letters to reviewing agencies, and given the complexity of existing laws, I have taken the liberty, with Patricia Curry’s consent to use, verbatim, her analysis of incompatibility and inconsistency with currently existing laws that the Applicant is seeking to amend. I would like to point out that the extensive revisions being sought by the developer is the first indication that Minto, in effect, is terraforming and transforming the area into something it was never intended to
be, cannot support, and is neither desired nor needed by the majority of residents: an URBAN area.

“Fla. Stat. 163.3162 and 163.3164 – Agricultural Enclave:

The amendment application seeks to amend an existing approved Agricultural Enclave under Fla. Stat. 163.3162 and 163.3164, adopted by Palm Beach County in 2008. The previous adoption gave the property an entitlement of 2,996 residential units, and 235,000 square feet of non-residential use. This resulted in a density of 0.8 units/acre. This property remains in the Rural Tier; surrounded by property in the Rural Tier and the Exurban Tier as established by the Tier System under the Palm Beach County Comprehensive Land Use Plan.

This plan amendment seeks to increase the entitlements to 4,546 residential units, 2.1 million square feet of non-residential in the form of retail, professional office, research and development/light industrial, plus 200,000 square feet of civic, PLUS a 150 room hotel, PLUS a 3,000 student university — all in a remote location that is not suitable for this level of development.

Surrounding:

The previous approval already provided this property with more density and intensity than what “surrounds” and “abuts” the perimeter of the property. To the west of the parcel is land in the Rural Tier having a land use of RR 10 and/or RR20. To the south of the parcel is land in the Rural Tier having a land use of RR 5. To the north and east of the parcel is land in the Exurban Tier having a land use of RR 2.5. Calculations provided by Dr. William Louda reflect that at most the density allocated to the parcel should not have exceeded 2,300 units.

A cut-out from this parcel is a small shopping plaza, the square footage of which is unknown; however, I do not believe it exceeds 150,000 square feet. It should be noted that this is a failed shopping plaza with no anchor tenant, and has been in this state for approximately 5 years. Except for a packing plant located on the subject parcel, together with three schools, there are no other non-residential properties surrounding the perimeter of the property.

The definition of “surrounding” in Fla. Stat. 163.3164 (4)(c) should be based on the surrounding perimeter as clearly intended by Florida Statute 163.3164(4)(c) “...surrounded on at least 75 percent of its perimeter...” The applicant seeks to define “surrounding” as 5 miles out in order to achieve higher density and intensity that can be found in the municipalities of Royal Palm Beach and Wellington, and this is incorrect. These urbanized municipalities do not surround the perimeter of the parcel. Based on the density and intensity being proposed, which is heavily weighted because it encompasses far greater area in the outer perimeter between 4-5 miles than the actual perimeter of 1-2 miles this gives undue weight to the density of the outer limits/edges of a 5 mile radius (in a circular fashion), rather than the surrounding perimeter, this application does not comply with the requirements of Fla. Stat. 163.3164(4). Further, if one wished to include
the outer limits of a 5 mile radius, the application ignores the tens of thousands of acres of conservation land comprised of Grassy Waters, the JW Corbett Wildlife Refuge, the Royal Palm Beach Natural Area, and the Pond Cypress Natural Area, all of which have zero (0) density and intensity, yet for intensity purposes, the applicant utilized things such as clubhouses and schools for their analysis. This is a leap frog development which creates an urban enclave that exceeds the density and intensity of the surrounding area and is not served by public services.

**Continuing Amendments to an existing Agricultural Enclave:**

This new pending application seeks to amend an existing Agricultural Enclave. There are no other approved developments in the entire State of Florida under the Ag Enclave statutes, which is setting the precedent for any and all future applications made under these Statutes.

The County Staff has taken the position that the owner of property designated as an agricultural enclave can seek amendments to the agricultural enclave as many times as they wish at the whim of an applicant. This defies the intent of comprehensively planning for the future intended by growth “management” and proper planning – this is a remote area that should not be planned to accommodate additional density and intensity in this location. Such uses should be located more central to the urbanized areas of Palm Beach County that are served by roadways and public services.

Between 2008 and 2014 there have been no changes in circumstance in the area’s surrounding density and intensity. It should be noted that the master plan submitted for this project leaves a large portion of the property for “future build” and “subject of a future application under Agricultural Enclave”, should the County’s position on continuous amendments and expansion of urban enclaves that exceed the density and intensity of the surrounding area become the standard for the State rather than the limits imposed by the legislature. A review of Florida Statutes for Agricultural Enclave do not reflect that this increase in the density and intensity of an existing Ag Enclave should be permitted or encouraged. This project is inconsistent with Florida Statute. This is a leap frog development which creates an urban enclave that exceeds the density and intensity of the surrounding area and is not served by public services.

**Single Owner:**

Further, as set forth under Fla. Stat. 163.3164(4)(a), the property should be owned by a single person or entity. Fla. Stat. 163.3164(4)(a) “is owned by a single person or entity”. The property comprising of the parcel under the amended application filed by Minto in late July has two property owners, i.e. Minto PBLH, LLC, and the Seminole Improvement District. Therefore this project does not comply with, and is inconsistent with, the aforementioned provisions of Fla. Stat. 163.3164(4)(a).

**Urban Sprawl:**

This is a leap frog development which creates an urban enclave that exceeds the density and intensity of the surrounding area and is not served by public services. Due to the fact
that the density and intensity far surpasses the surrounding perimeter of the parcel, the presumption that the project is not urban sprawl as set forth under Fla. Stat. 163.3162(4) is clearly rebutted. This property remains in the rural tier. The exurban tier and the rural tier in question here are considered equestrian communities, are located in agricultural/residential areas where there are numerous bona fide and hobby agricultural operations, and are incompatible with such urban type development as is contained in this project. There is nothing “agricultural” about this “agricultural enclave”. This is a leap frog development which creates an urban enclave that exceeds the density and intensity of the surrounding area and is not served by public services.

Public Services:

Under Fla. Stat. 163.3164(4)(d), the property which is the subject of an application should: “(d) Has public services, including water, wastewater, transportation, schools, and recreation facilities, available or such public services are scheduled in the capital improvement element to be provided by the local government...”

The property does not have “transportation” or “schools” which are scheduled in the capital improvement element. There is no bus service in the area, nor is any planned. The three schools available are all either currently or anticipated to be over-capacity, and the Palm Beach County School Board has no scheduled capital improvement for the expansion of the existing schools or new schools. The Applicants, while agreeing to provide land for a new elementary school (which was required under the 2008 approval) have not agreed to provide any funding for expansion of the existing elementary school, existing middle school, and existing high school; or for the construction of new schools.

There are no county parks/recreation in the area to service this project, and there are no scheduled capital improvements to provide the same; whether by Palm Beach County or by the Seminole Improvement District.

The water/wastewater that will supply the project is insufficient to service the proposed residential/non-residential uses anticipated by this project. The applicants indicated that the Seminole Improvement District will be the provider of these services; however, the permit that S.I.D has for providing public water supply with the South Florida Water Management District under Permit No: 50-03711-W - reflects that the total annual allocation of ground water from the surficial aquifer system shall not exceed 82,6957 MG. This is insufficient for providing public water for a project of the magnitude proposed here.

Based on the foregoing, this application does not comply with the requirements of Fla. Stat. 163.3164(4)(d). This is a leap frog development which creates an urban enclave that exceeds the density and intensity of the surrounding area and is not served by public services.

Exemption from Policy 3.5-d:

As a result of the 2008 prior Agricultural Enclave, Palm Beach County inserted language into the Palm Beach County Comprehensive Land Use Plan under Policy 3.5-d: “This
policy shall not be applicable to an Agricultural Enclave pursuant to Florida Statutes section 163.3162(5).” However, no such exemption was required under Fla. Stat. 163.3162(5) and in fact, the 2013 Florida Statutes does not contain a section (5) under Fla. Stat. 163.3162.

The Staff Report prepared for the 2008 Adoption Hearing – Page 8 contains the following statement:

“County staff agrees with the intensity and density proposed in the [prior] Callery-Judge Grove Ag Enclave land use amendment. Future Land Use Element Policy 3.5-d provides the County “shall not approve a change to the Future Land Use Atlas which results in density or intensity that significantly impact any roadway segment projected to fail to operate at adopted level of service standard “D” based upon the Metropolitan Planning Organization’s 2025 Long Range Transportation Plan... or results in a project that fails Test 2 regulations adopted to implement ‘TE Policy 1.1b.” It is the opinion of the County Attorney’s Office that failure of the Ag Enclave Amendment to meet the Future Land Use Policy 3.5-d should not prevent the Board from approving the amendment... Therefore, the County Attorney’s Office recommends that if the Board of County Commissioners wishes to approve the Ag Enclave Amendment, [emphasis added] that the Board include an exemption from Future Land Use Element Policy 3.5-d in the Comprehensive Plan amendments adopted to effectuate the Ag Enclave Amendment.”

As indicated, there is no requirement under Fla. Stat. 163.3162 that Palm Beach County exempt an Agricultural Enclave from Policy 3.5-d, and the insertion of such language in the Palm Beach County Comprehensive Land Use Plan is contrary to State law.

The prior approval reflects that this exemption was a “choice” that the Board of County Commissioners should make “if” they wished to approve the Ag Enclave amendment. This new amended application also fails to meet the requirements of Policy 3.5-d, as did the prior application. Palm Beach County is not required to approve the amendment under Fla. Stat. 163.3162, nor is the state required to find any amendment to an existing Ag Enclave in compliance. Fla. Stat. 163.3162 only requires transmittal, but not adoption or compliance determinations.

Increased Intensity:

In addition, under the previously mentioned Staff Report for the 2008 Adoption Hearing contains this further information on Page 7, Paragraph 4:

“County staff recommended significantly higher non-residential development for the Callery site during the CWC Sector Plan Remedial Amendment process and recommended higher intensities during the negotiation process for the Ag Enclave Amendment. However, the applicant declined to increase square footage since an increase would be above the per capita ratio within the 5 mile study area, and may not be permissible under the Ag Enclave legislation.” [Emphasis
added]

Under this new application, the County Staff, utilizing the same (voided) Sector Plan (found not to be in compliance), suggests that 2.1 million square feet, plus 200,000 square feet of civic, plus a hotel and a university fits within the definition of “surrounding”, while clearly, the prior property owner of [prior] Callery Judge Grove felt that the same suggestion would not be permissible under the Ag Enclave legislation. If it wasn’t permissible in 2008, it isn’t permissible in 2014. It should not be approved and should be found not in compliance. This is a leap frog development which creates an urban enclave that exceeds the density and intensity of the surrounding area and is not served by public services.

This new amended application fails to meet the intention of the Agricultural Enclave statutes. It fails by placing extreme intense types of uses on the property which cannot be found anywhere in the surrounding areas. Therefore, the application is inconsistent with Florida law.

Palm Beach County Comprehensive Land Use Plan

This project is inconsistent with the Goals, Objectives and Policies of the Palm Beach County Comprehensive Land Use Plan, and should not be sanctioned by the State of Florida or any of its agencies.

Section 1 A.

Under Section I A of the Future Land Use Element – Introduction, of the 7 broad principles sustainable land use planning, the following principles can be found:

1. Conserve and protect natural and man-made resources, and restore and maintain key ecosystems to provide adequate supplies of clean and safe water for natural, human and economic systems;
2. Prevent urban sprawl through establishing urban development areas and encouraging urban revitalization and redevelopment;
3. Provide for sufficient open space to protect wildlife, and provide natural and recreational areas for public use;
4. Create quality livable communities by balancing, distributing and integrating the relationship among land uses to meet the needs of the diverse communities and their associated lifestyle choices, and improve the quality of life through better housing, recreational, and cultural opportunities for all;
5. Manage the development of land and service delivery, so that its use is appropriate, orderly, timely and cost effective;

This project violates each of these broad principles. The areas consisting of the Acreage, Loxahatchee and Loxahatchee Groves are all outside of the urban service boundary, being in the rural service boundary pursuant to our Comprehensive Land Use Plan. Our communities are in the exurban and rural tiers. As is contemplated by the Palm Beach County Comprehensive Land Use Plan, these exurban and rural areas consist of low density, low intensity development, with agricultural uses that are utilized by the existing
residents of the communities. This is a leap frog development which creates an urban enclave that exceeds the density and intensity of the surrounding area and is not served by public services.

Many properties in the area are bona fide agricultural operations which include raising livestock of all kinds, nurseries, farming operations, equestrian activities, and rescue operations. Roads in the area are generally unpaved. We have a unique country lifestyle that we wish to preserve and maintain. Water is provided by individual potable wells, and sewer by individual septic systems. Most areas of the community have easy access to the amenities that can be found in suburban and urban areas, which can be reached in less than 10 to 20 minutes. This project is incompatible and inconsistent with the area.

This project is especially incompatible and inconsistent with the great equestrian lifestyle enjoyed by many in our rural communities. Equestrians will have a difficult time crossing 6 to 8 lane roads anticipated to be needed to accommodate this project, competing with an additional 70,000 external daily trips.

Section 1 B.

Under Paragraph B of Section 1 can be found:

The protection of the quality of life for present and future citizens is undermined by piecemeal development. This requires a framework as the basis for providing land use decisions that create and maintain sustainable communities and ensure resources are maximized and used cost effectively. The Future Land Use Element addresses actions to correct unforeseen problems and opportunities of development, ensures consistency with State and regional plans and implements the direction provided by the Board of County Commissioners to:

1. Maintain lifestyle choices;
2. Create new land use designations to more closely reflect development patterns in the rural residential areas;
3. Strengthen and facilitate revitalization and redevelopment and infill development programs;
4. Protect agricultural land and equestrian based industries;

This project fails to protect the “quality of life” of present and future citizens, and is a piecemeal development. This project fails to maintain lifestyle choices by placing urban development in the rural tier which abuts the exurban tier. This project is not infill or redevelopment, and there are many areas of the county in the urban/suburban tier that are in need of infill development and/or redevelopment. This project does not protect or preserve agricultural land and equestrian based industries. This is a leap frog development which creates an urban enclave that exceeds the density and intensity of the surrounding area and is not served by public services.

Section 1 C.
This project is inconsistent with Section I - Paragraph C, #1, 2, 3, 4, 5, 10, 12, 14 and 15 of the Palm Beach County Comprehensive Land Use Plan. The County should not entertain or adopt a project that is inconsistent with the Palm Beach County Comprehensive Land Use Plan. This is a leap frog development which creates an urban enclave that exceeds the density and intensity of the surrounding area and is not served by public services.

Section II

This project is inconsistent with Section II – Objective 1.1 and policies thereunder, and specifically Policy 1.1-b, 1.1-c, 1.1-d. This project is inconsistent with Objective 1.3, and all Policies thereunder, and Objective 1.4 and all Policies thereunder. The County should not adopt a land use amendment that is inconsistent with the Palm Beach County Comprehensive Land Use Plan.

This project will place urban development with huge residential and non-residential components in the rural tier, and detrimentally affect the quality of life enjoyed by our residents in the exurban and rural tiers, creating incompatibility and inconsistency of lifestyles. This is a leap frog development which creates an urban enclave that exceeds the density and intensity of the surrounding area and is not served by public services.

As aforementioned, and as anticipated by Objective 1.3 and Objective 1.4, the exurban and rural tiers feature low density and low intensity types of lifestyle, that are agricultural and equestrian in nature. An urban project such as presented here, with greatly increased density (50%) and greatly increased intensity (800%) hardly can be considered compatible with existing communities and the lifestyle enjoyed by us.

Policy 3.5-d, Palm Beach County Comprehensive Plan – Prohibits Amendment.

As aforementioned, this project should not continue to be exempted from Policy 3.5-d, as there is no statutory requirement for such an exemption at adoption. Adoption of this proposed plan amendment is prohibited by, and would be inconsistent with, Policy 3.5 d of the Palm Beach Count Comprehensive Plan.

The traffic study submitted by the applicant or required by the County for this plan amendment is not adequate under the requirements of the Transportation Element of the Palm Beach County Comprehensive Land Use Plan. The County Staff is aware that this project will cause road failures, traffic congestion, impact existing failing and constrained roadways (Palm Beach CRALLS roadways), and endangers the health, safety and welfare of the area, region and state.

This is a leap frog development which creates an urban enclave that exceeds the density and intensity of the surrounding area and is not served by public services or collector and arterial roadways.

Health Safety and Welfare – Traffic Impacts

No study has been conducted on the harmful impacts to both humans and/or wildlife for
an urban project in the rural area, due to unsafe traffic conditions expected by this project. As indicated, the communities are surrounded by preserves and conservation areas as mentioned above. Further, these are equestrian communities, as well as communities engaged in bona fide agricultural operations, as well as hobby farming, involving the rearing of livestock.

The Department of Environmental Protection should address all of the above concerns by requiring studies of how this project will affect water (surface and ground), air, and soil; the harmful effects resulting from light pollution, and the harmful effects resulting from excessive traffic impacts.

Population Increases and Crime:

The existing population of the communities that will be impacted is approximately 40,000, all of whom reside in the rural/exurban areas 110 square miles in size. This project, on a much smaller parcel of land (3,800 acres), will greatly increase the overall area population by an estimated 15,000 to 20,000 new residents. No study has been conducted on the negative health impacts resulting from urbanizing a rural area.

The rural and exurban areas representing our communities suffer from relatively low amount of crime. This urban project, both with adding new population, as well as with its incredible intensity of 2.1 million square feet, will negatively impact the communities by increasing the crime rates. Commercial activities are well known to result in greatly increased crime.

Over-allocation of Density and Intensity:

The existing Ag Enclave was purchased out of bankruptcy after it failed to start. The requested increased level of increased residential and non-residential development in this area should not be approved. The existing Ag Enclave more than sufficiently meets the minimum number of units and square footage of non-residential development to surpass the anticipated market in this location.

This project will lead to over-allocation and depress market conditions causing a real estate “crash.”

Without sufficient demand for supply (i.e., commonly called scarcity or demand), additional density will prevent recovery and compatible development in the area.

Population projections by the State of Florida BEBR do not support this project.

Palm Beach County Staff have verified that more than enough residential units have been approved to be built in the County that will meet all projected population projections beyond the year 2035. There is no need for approval of this level of increase in dwelling units for residential uses in this particular area of Palm Beach County.

Palm Beach County Staff have verified that there are thousands of acres of already approved yet unbuilt non-residential development, both in the immediate area, the
surrounding area, and County for retail, professional office, light industrial, and research and development. Shopping Centers have vacancies and have not been filled, others have not been built. There is no need for approval of more non-residential square footage in this area at this time. Over-allocation will depress an already struggling real estate market for residential and commercial markets – this is too much too soon and will hinder economic recovery.

Attached to this letter please review the information submitted to Palm Beach County showing adequate existing entitlements to meet the minimum “need” for population growth which must be balanced against economic market recovery.

Continued approval of development lacking need, endangers property values and is harmful to the economy and tax base of the County and State.

Further, this project, in the rural areas, will set off a domino effect where other large landowners would seek the same sort of density and intensity being sought with this project.”

**Conclusion:**

I hope each reviewing agency recognizes the enormity of the Applicant’s project and the profound negative impacts on the area’s infrastructure, the area’s character, public services, environment, and residents’ quality of life, and the enormous net fiscal deficits that will result if this project is approved. As well, the Applicant’s proposal is inconsistent with Florida Statutes, the Palm Beach County Comprehensive Land Use Plan, and regional and state needs. It is grossly incompatible with the surrounding areas and communities, equestrian activities, livestock, and bona fide and hobby agricultural operations.

Please find the Applicant’s proposal *noncompliant* and *incompatible* with Florida Statutes Chapter 163, and Florida Statutes Sections 163.3177 and 163.3162 and recommend that the BCC deny the Applicant’s project.

Sincerely,

Jean L. Edwards
From: Ashley Ellis <ryllina@gmail.com>
Sent: Tuesday, September 09, 2014 11:49 AM
To: ray.eubanks@deo.myflorida.com; adam.biblo@deo.myflorida.com;
james.stansbury@deo.myflorida.com; ana.richmond@deo.myflorida.com;
gerry.creality@dot.state.fl.us; bguillory@sfwmd.gov; tmanning@sfwmd.gov;
mbusha@crpc.org; tracy.suber@fldoe.org; Plan.Review@dep.state.fl.us;
Chris.Stahl@dep.state.fl.us; suzanne.e.ray@dep.state.fl.us; svana@pbcgov.org;
PTaylor@pbcgov.org; hvaleche@pbcgov.org; SAbrams@pbcgov.org; pburdick@pbcgov.org;
MBerger@pbcgov.org; Jess.Santamaria; Sherrr.Martin@deo.myflorida.com;
FWCConservationPlanningServices@myfwc.com; Jason.Hight@myfwc.com;
complans@freshfromflorida.com; Deena.Woodward@dos.myflorida.com
Subject: Re: Minto West Plan Amendment – Palm Beach County

Ashley Ellis
14619 77th PL N
Loxahatchee, FL 33470
954-937-8433
ryllina@gmail.com

September 8, 2014

Ray Eubanks, Plan Processing Administrator
State Land Planning Agency
Caldwell Building, 107 East Madison - MSC 160,
Tallahassee, Florida 32399

Sent Via Email to: ray.eubanks@deo.myflorida.com

Florida Department of Economic Opportunity:
adam.biblo@deo.myflorida.com
james.stansbury@deo.myflorida.com
ana.richmond@deo.myflorida.com
Gerry O'Reilly, Director of Production and Planning
3400 West Commercial Boulevard,
Fort Lauderdale, FL 33309
Email: gerry.oreilly@dot.state.fl.us

Blake Guillory, Executive Director
3301 Gun Club Road,
West Palm Beach, FL 33406
Email: bguillory@sfwmd.gov

Terry Manning, AICP, Policy and Planning Analyst,
Water Supply Coordination Unit
3301 Gun Club Road,
West Palm Beach, FL 33406
Email: tmanning@sfwmd.gov

Michael J. Busha, AICP, Executive Director
Treasure Coast Regional Planning Council
421 SW Camden Avenue,
Stuart, FL 34994
Email: mbusha@tcrpc.org

Tracy D. Suber, Educational Consultant-Growth Management Liaison
Office of Educational Facilities
325 West Gaines Street, Suite 1014,
Tallahassee, Florida 32399
Attention: Plan Review
Office of Intergovernmental Programs
3900 Commonwealth Blvd., Mail Station 47,
Tallahassee, FL 32399
Email: Plan.Review@dep.state.fl.us

Florida Department of Environmental Protection
Chris.Stahl@dep.state.fl.us
suzanne.e.ray@dep.state.fl.us

Palm Beach County Board of County Commissioners
svana@pbcgov.org
PTaylor@pbcgov.org
hvaleche@pbcgov.org
SAbraams@pbcgov.org
pburdick@pbcgov.org
M Berger@pbcgov.org
jsantama@pbcgov.org

Sherri Martin, Bureau of Economic Development
The Caldwell Building, 107 East Madison Street, MSC-160,
Tallahassee, Florida 32399-0001
Email: Sherri.Martin@DEO.MyFlorida.com
Dear Reviewing Agencies:

Some of my neighbors have written letters that are much more eloquently and intelligently written than I could ever dream of composing, so I have stolen pieces from them (with permission) to include in my letter. I'm writing in opposition of the Palm Beach County Minto West Application for a Land Use Amendment under Agricultural Enclave, Fla. Stat. 163.3162 and 163.3164. My request is that the State and all of the various agencies review the aforementioned application and find it not in compliance because this development not only affects Palm Beach but also other local
municipalities and government entities have objected to this development including the Town of Royal Palm Beach, the Town of Loxahatchee Groves and the Indian Trail Improvement District and unincorporated communities, including the Acreage that have objected to this development as proposed.

This development is huge. Minto West wants to develop 3800 acres in the “doughnut hole” of my neighborhood. For those who weren’t already aware, the Acreage/Loxahatchee is an agricultural residential neighborhood consisting of single family homes built on large lots. The SMALLEST and most common lot size is 1.25 acres. Many other people have larger lots, including myself (I have approximately 2.6 acres). This area is home to many people who ride their horses around the streets of the neighborhood, run agricultural home businesses (nurseries, dairies, etc), and generally enjoy a quiet semi-rural lifestyle. What Minto is proposing is a suburban town smack dab in the middle of our rural neighborhood. We don’t have townhomes here. We don’t have zero lot line homes here.

The Ag Enclave statute specifically states that in order not to be considered urban sprawl, this property must have “land uses and intensities of use that are consistent with the uses and intensities of use of the industrial, commercial, or residential areas that surround the parcel.” We have zero industrial out here. We have a very small amount of commercial. We have homes built on a MINIMUM of 1.25 acres.

Minto West representatives have said that “consistent does not mean identical.” Well, look at the dictionary definitions of consistent:

**consistent**

*adjective* 

\[\text{\textit{\text{\textquoteright}kan-\textquoteleft sis-tant\textquoteright}}\]

: always acting or behaving in the same way

: of the same quality; especially: good each time

: continuing to happen or develop in the same way

What does this say? Always acting or behaving in the SAME way. Of the SAME quality. And the last one, continuing to happen or develop in the SAME way. Dropping 4500 zero lot line homes and townhomes and over 2 MILLION square feet of non-residential in the middle of our neighborhood (and a HOTEL, and a 3000 student COLLEGE) clearly violates this statute. Minto West should be developed in the SAME way as the surrounding area. And the surrounding area is... homes built on a minimum of 1.25 acres. Dirt roads. Farms. Horses. Livestock and gardens.

The definition of “surrounding” in Fla. Stat. 163.3164 (4)(c) should be based on the surrounding perimeter as clearly intended by Florida Statute 163.3164(4)(c) “...surrounded on at least 75 percent of its perimeter...” Minto seeks to define “surrounding” as 5 miles out in order to achieve higher density and intensity that can be found in the
municipalities of Royal Palm Beach and Wellington, and this is incorrect and obviously against what Florida statute ALREADY SAYS.

Due to the fact that the density and intensity far surpasses the surrounding perimeter of the parcel, the presumption that the project is not urban sprawl as set forth under Fla. Stat. 163.3162(4) is clearly rebutted. This property remains in the rural tier. The exurban tier and the rural tier in question here are considered equestrian communities, are located in agricultural/residential areas where there are numerous bona fide and hobby agricultural operations, and are incompatible with such urban type development as is contained in this project. There is nothing “agricultural” about this “agricultural enclave”. This is a leap frog development which creates an urban enclave that exceeds the density and intensity of the surrounding area and is not served by public services.

I don't believe there are any plans within the Minto West project for equestrian homes, or hobby farms, or anything AGRICULTURAL in nature. No plans for residents of Minto West to have agricultural residential status as the rest of us in the surrounding area enjoy. Their plan is for a suburb style cookie-cutter neighborhood that is tightly packed in the center, leaving almost the entire western portion of the parcel open – to future development!

The traffic concerns alone should scare everyone involved in this project. County Staff did a presentation at the August 27, 2014 meeting. They stated that the roads are already at/near capacity in several locations. They stated that if Minto gets approved (which would allow other large land owning developers in the same area access to the same density requests), the roads, especially Northlake Blvd., will be far exceeding capacity. They stated that Northlake is already expanded as much as it can be, but with these developments it will reach a capacity of 2.5 times what it is designed for. How can that NOT be a complete disaster?

This is a leap frog development which creates an urban enclave that exceeds the density and intensity of the surrounding area and is not served by public services.

This project is inconsistent with Florida Statutes; inconsistent with the Palm Beach County Comprehensive Land Use Plan; inconsistent with regional needs and state needs; endangers quality of life; is incompatible with the surrounding areas and communities; is incompatible with equestrian activities and bona fide hobby agricultural operations; will result in huge negative traffic impacts; will overburden existing infrastructure; lacks available infrastructure; will overburden taxpayers; lacks any true identifiable public benefit; lacks economic benefit; is likely to result in local, regional and state economic disruption; endangers property values; will result in greatly increased crime; will result in harmful environmental impacts; and does not fulfill any existing or anticipated future “need”.

The quality of life of existing residents should never be ignored, and is required to be protected! Please find this Plan Amendment “not in compliance” with Florida Statutes Chapter 163, and Florida Statutes Sections 163.3177 and 163.3162.
Sincerely,

Ashley Ellis
I am writing to you all a second time as I would like to make an additional point regarding the Minto West expansion request currently under review.

Most of those opposed have been told to supply you with the facts and figures and not impart our feelings, as that is not important.

Are facts and figures really all you will review? If so, then it should be a slam dunk that the Ag Enclave is not approved for what Minto is asking and apparent that the overwhelming traffic, crime, pollution and insurmountable tax debt would preclude even the inkling of approval.

Somehow, I believe the Minto lobbyist have been influencing all the players and there will be much more involved. I only hope that everyone in the review process will not succumb to the dollar signs that are surely being tossed about.

When a county official can say with a straight face and a county commissioner can accept with a shrug, a statement that eminent domain will be declared if the development is approved, then I will forever mourn the loss of integrity and honor in our elected officials. The fact that one would even consider taking land from a private citizen because the roads will fail if this over-development goes forward, is unconscionable. We are not here to make Minto richer and more callous to the surrounding area by turning over our land to them at the whim of county commissioners.

Again, please deny this approval and hey, if at all possible, decrease the amount!

Thank you,

Suzanne Hetrick
To All Individual Addressees,

Attached please find my written account of the Minto West decision by the Palm Beach County Board of County Commissioners on Wednesday, August 27, 2014. It was originally submitted to the newspapers.

As the President of Saratoga Property Owners Association, I represent approximately 650 homes and residents in Royal Palm Beach. I express here from the members, genuine and negative responses to the potential increased population density of MINTO WEST. Though we are concerned for the original approved number of planned residences in the development, we are accepting of the 2996 homes and 235,000 square feet of commercial space. We are NOT accepting of the increase to 4549 homes nor the increased **2.1 million** square feet of commercial/industrial buildings!

Please consider my concerns outlined here in the attachment before you make a final decision for approval.

Please consider the wishes of the majority of the general public before final approval of these outrageous changes.

Commissioners, please remember that you were elected to represent your constituents (not the developers) and that your vote was NOT representing the majority of the people. NOR was your vote in the best interests of the Western communities. This will not be easily forgotten. Each of you will eventually be up for re-election at some point in time.

Thank you,

Toby M. Siegel, President Saratoga Property Owners Association
102 Venetian Lane
Royal Palm Beach, FL 33411
561-714-0505
AUGUST 27, 2014 WAS A SAD DAY FOR PALM BEACH COUNTY

The Palm Beach County Board of Commissioners conducted a public hearing, with a “full house” of neighborhood residents packed into an auditorium at the Government Center. The purpose of the hearing was to listen to the pros and cons and vote on the proposed second increase in zoning density to the property formerly known as Callery Judge Orange Groves (a 3800 acre parcel of land), completely surrounded by the community of The Acreage. When The Acreage was developed, this undisturbed natural habitat was zoned for one home per10 acres, or a maximum of 380 future home sites; that was the number of homes the purchasers in The Acreage expected to see as their neighbors.

However in 2008 the then owners, Callery Judge Corporation, used their political influence to persuade the legislators to increase the zoning of Callery Judge from the 380 to 2,996 home sites, plus an additional 235,000 square feet of commercial usage, an increase in the home sites alone of 2,616 homes, a windfall profit for the property owner!

It turned out, that even that increase in density wasn’t enough for Minto (a Canadian Corporation), who purchased the property in 2013 for $51 million, and promptly renamed it “Minto West”.

Minto’s rezoning new proposal to the Board requested the numbers of homes to be further increased from 2996 to the outrageous number of 4,549, and increase the commercial space from 235,000 square feet to an unbelievable 2.1 million square feet of commercial/industrial buildings!

Over and over again, speakers from The Acreage, Royal Palm Beach, Loxahatchee, Wellington and the rest of the surrounding communities came to the microphone and pleaded with the Commissioners to consider the ruinous effect this enormous increase in density would have on their communities and lifestyle.

In spite of the outrage of the residents from the Acreage and other surrounding communities in the audience, the County Commissioners chose to approve Minto’s new plan in a 5-2 vote, with Commissioner Jess Santamaria and Vice Mayor Paulette Burdick the only dissenting Board members.

Just imagine buying a home in a suburban community near a wooded parcel, expecting the property to be developed into a suburban residential community,
and instead, your governmental representatives voted to put your family across from “downtown Broward County congestion”.

This former orange grove, surrounded by suburbia with an adjacent neighborhood shopping center, will now become a congested downtown urban city center.

Commissioner Jess Santamaria was one of only two commissioners to speak on behalf of the public. In addition to the potential increase in crime, he emphasized the increase in density will undoubtedly cause untold problems in extreme traffic congestion, air pollution, water and electric resource shortages, not to mention the increase in taxes required to pay for the widened roads, utility expansions, schools, police and fire, etc. The opposing arguments by the other five Commissioners bordered on the ridiculous:

In rebuttal, Madame Mayor Taylor said, "We have to expect change". "Increased population in the Western Communities is a product of the movement of habitation farther West since the beginning of time."

Commissioner Shelley Vana followed with "The Seminoles weren't happy when the first settlers in the Acreage moved in."

The Board of Commissioners, in a vote of two to five, chose to ignore the will of the people.

JUST WHO ARE THOSE OTHER FIVE COMMISSIONERS WORKING FOR?!

Toby M. Siegel
President of Saratoga @
Royal Palm Property Owners Association
In Royal Palm Beach
Dear all,

I am a resident of the Loxahatchee area. I did not attend the Aug. 27th meeting due to having a newborn, but I did read about the events that day, and were told about them from other local residents. I was very appalled at the lack of political attitude that was being shown. I personally took offense to a comment Commissioner Vana made about people and babies. By now these comments are well known in our area.

I took it upon myself to email all the commissioners to have my voice heard with the decisions that were made on Aug. 27th. Prior to this, I have always sent emails to our commissioners, but never had a response returned. This time I received a response from Commissioner Vana. The response was highly inappropriate, and reinforces the idea that she is not fit for her leadership seat or to vote for anything that can greatly impact Palm Beach County residents.

I am including the email thread that I sent her and the response the she was received.

My email:

Dear BCC,

It was brought to my attention that the BCC approved the increase for the minto project here in the Acreage. Granted, I know not all approved and I applaud those who were smart enough to understand the impact of this project. Though what is most appalling is the manner in which the meeting was held. Mayor Taylor and commissioner Vana had comments that were very rude and disrespectful towards the board and our community. For example, Vana stated that we out here should stop having babies. I guess that might be problematic or make me a trouble maker for having the little guy in the attached photo. Also, the comments about the Native Americans were highly racist!

What gets my goat is this board is quick to approve something in an area where they know nothing about. Many of us would like to invite you out to the Acreage to spend a day. This will give you a perspective of what you will be stealing from us, but we all know you all have such "busy" lives. Also, I would like to see my son grow up in an area where it reminds his mom of her home state of WV, but again.. I doubt you guys care about this or the thousands of petitions that us acreage folk have collected.

In closing, please show us that you actually are not racist, don't adhere to Jonathan's Swifts view of A Modest proposal, and care about us out here. After all your salaries are paid by us.

Commissioner Vana's Response:
Enough already. I said that to prevent growth in palm beach county we would have to wall off palm beach county and stop having babies. I believe this is obvious. I certainly did not tell anyone to stop having children. Have an adult conversation about issues.

In conclusion, the commissioners are making decisions based on their own personal agendas, and then wonder why Acreage residents blast them with emails. We will be losing something in our area that cannot be gotten back. The commissioners do not comprehend this in its entirety. This is why I would like to end this email with inviting (challenging) the commissioners to attend the Acreage community Jam on September 20th. The jam encompasses what this community is about, and it is something that should be experienced and not described.

Thank you,

Kristen A. Polacik- Acreage Resident
I am writing as President of the Board of Directors of Sunsport Gardens Family Naturist Resort in Loxahatchee Groves. Sunsport's Board has voted unanimously to oppose Minto West's new proposal to develop the former Callery Judge Groves property. The Minto West property is only two lots north of Sunsport and would have a negative impact upon the Town of Loxahatchee Groves and our resort. We are a rural community with 10 acre lot sizes near us. The rest of the Minto West Land is surrounded by the Acreage with 1 1/4 acre lot sizes.

The proposed development would create a small city in our midst greatly exacerbating traffic congestion, pollution, and possible crime. It would certainly destroy the rural ambiance which we and are neighbors enjoy.

Contrary to the claims of the developer, all the new residents would increase unemployment since there would be a much greater increase in the number of people looking for work than jobs created. We don't need the huge new commercial center. We already have Publix, Winn-Dixie, Whole Foods, Trader Joe's, Walmart, Target, Home Depot, Lowes, the massive Wellington Green Mall, many restaurants and small businesses in the adjacent Royal Palm Beach and Wellington municipalities. A new college campus is now being built in Loxahatchee Groves. We don't want or need more.

Minto West is a Canadian company seeking to make a huge profit in our area at the expense of the surrounding communities. Please reject their proposal.

Morley Schloss
14125 North Rd.
Loxahatchee Groves, FL 33470
561-791-1361
My name is Steve Gutman and I have lived for 14 years with my wife and her dogs and cats at 13050 Marcella in Loxahatchee Groves. I am a retired professional planner with bachelors and masters degrees in my field. I have worked for developers such as ITT Levitt & Sons and for public sector entities. I have participated in the master planning of numerous new towns in rural areas including Palm Coast, FL and I have also managed numerous Environmental Impact Statements.

I know how developers work, and I am speaking today to voice my strong feelings against Minto’s request for even higher housing and retail densities than they already have been approved for. In my professional opinion, one of the last places on earth appropriate for a new town and employment center is the middle of The Acreage ag-residential area. I specifically note that the proposed Minto development does NOT reflect the average density of the surrounding area as required by the Ag Enclave statute. It doesn’t even come close, and Minto’s proposal should be rejected out-of-hand for that reason. I also note that Minto’s proposal was calculated to dodge designation as a development having significant regional impact requiring DRI review, and it is appalling that the County’s planning staff were instructed to not consider the ripple effect caused by setting a precedent for other major landowners to ask for the same upzoning. Minto West’s latest proposal in fact will have a massive regional impact. Furthermore, an “real” Environmental Impact Statement would conclude that the Minto proposal is completely incompatible with its Western Communities rural environment and ability of infrastructure to meet the long term needs of this development and the many other out-of-scale developments for which Minto will be a precedent.

It has been several years since Commissioner Vana celebrated with the Incorporation Committee the birth of the Town of Loxahatchee Groves, formed precisely to protect our community from similar disrespectful upzoning proposals by developers wanting to do to The Groves what Minto proposes to do to The Acreage today. But today the stakes are much greater for the entire Western Communities area, and not just because of the massive traffic, public services, and public cost impacts of their proposal to drop a new city in the middle of an agricultural-residential area. Again, the critical point is that, if Minto gets approval for any more units than what they have already been approved for, it will set the precedent for every other major land owner/developer to get the thousands of units they want, which will forever change this area and its leave-us-alone lifestyle, to the profound detriment of current and future residents and County taxpayers.

So, I and other vocal opponents of Minto’s catastrophic proposal hope that the TCRPC will see the Minto proposal for what it is, the tipping point where the future of this important Palm Beach County rural ag/residential area will be lost to rampant upzoning, with almost imaginable near term and long term public expense that has not been examined and explained to the public.

Florida Atlantic University conducted an economic feasibility study before we decided to go forward with incorporation in Loxahatchee Groves, and made it clear to our Incorporation Committee that new development does not come close to paying its own way in Florida. Will Minto be paying the tens of millions of dollars Sherriff Bradshaw will need to police a new town out here, followed by the other "mini new towns" which will happen. And, how about long-term costs of expanding public transit? And providing adequate water and sewage treatment? These won’t be Minto’s concern, they will be ours.
Minto also trumpets all the jobs its proposed new town will bring. Not true. Minto has not been able to point to a single major or even small employer displaying any interest whatsoever in locating in the middle of the Acreage. Look at all the readily available and much more accessible land that is already zoned for economic development not only in the immediate environs of the former citrus groves that Minto wants to upzone, but all the additional property further east which is close to necessary interstate highway and rail access. Look also at the numerous commercially-zoned properties and even built-out properties in the Western Communities, such as the vacant Winn-Dixie center on Seminole Pratt Whitney right next to Minto’s property, which remain empty or undeveloped due to lack of demand. And when the jobs don’t materialize, we all know that Minto will be back to change zoning again to allow even more houses.

What Minto is asking to be approved is nothing more than a huge upzoning play to increase the value of their farmland many times over, which will bring them huge profits in the near term and the long term, before they ever turn a shovel.

I plead with you to give careful consideration to what Minto is asking for, and its tidal wave impact that will open up the rest of our area to similar projects that are inconsistent with the values which caused us to move out here, and the enormous public costs that the County will incur to feed the community services appetites of suburbanites living in zero lot line homes and the 800 townhouses that will be included. Unthinkable!

Please do the right thing for County taxpayers and residents of our Western Communities by rejecting Minto’s latest proposal for a huge financial windfall at our expense and recommending to State agencies that Minto’s latest proposal NOT be approved.

Thank you for your consideration.

Steve Gutman RA, RLA (retired)
Michael J. Busha, AICP, Executive Director Treasure Coast Regional Planning Council
421 SW Camden Avenue
Stuart, FL 34994

Dear Mr. Busha,

I’m writing you to express my opinion with regards to the Minto West application that is scheduled for review this Friday, 9/19. As I cannot attend the meeting I’d like this to be entered into the record and have asked others that will be attending to provide a copy as such when they provide their public comments.

With regards to the Minto West application to increase the density and intensity from the current approved 2996 residential and 235K square feet of non-residential I am strongly opposed to their request.

The state statutes regarding Ag Enclaves have been violated and the development is clearly inconsistent with the surrounding properties / areas. They are twisting the definitions and modifying land use codes in an attempt to overcome what should be rightfully consistent with the exurban and rural nature of this community that surrounds the parcel. Additionally the application documents:

- Violate the Palm Beach County Comprehensive Land Use Plan
- Do not consider environmental impacts associated with the extensive disruption of soil on a +40 year agricultural property which has use known (an now banned) pesticides and herbicides
- Show extensive traffic impacts to the extent the impact fees would never cover adequate proportionate share
- Assumes the ability to use private roads and ability to expand the carrying capacity of said roads for the purpose of servicing the traffic to / from the parcel.
- Have no consideration for the cost of water / sewer and the connection costs or related installation of primary feeds to the site
- Fall extremely short of considering the impact for educational impact; the county has no budget for construction / capital expenditures through 2030
- Has no detailed consideration for drainage which can greatly impact the overall goals of SFWMD, Army Corps of Engineers, and the impacts to the surrounding water management agreements, capacities, or capabilities.
- Outlandish claims regarding the need for more commercial and retail space, plenty of which remains approved yet unbuilt in the area due to no real demand.
- Employment center claims with no viable companies or businesses committed to the site and no agreement with the county to provide anything other than a hopeful promise of jobs, claims of which cannot be proven nor substantiated and having no penalties for the developer in the event any of this is not delivered.

The entire plan and method about which this application has been submitted and information contained within is untenable and the requested increases, including land use change requests, should be strongly opposed if we are to retain the character of the area and consistency with the existing land use planning goals and objectives.

Thank you for your consideration.

Regards,

Todd Kovi
13950 66th Street, N
West Palm Beach, FL 33412
To the members of the Treasure Coast Regional Planning Board:

My husband and I, like many others in the Acreage, left Broward County, where I was born and raised, because of the overdevelopment that occurred around the Sawgrass Mall. We chose the Acreage with the knowledge that there were zoning laws in place to protect those of us who prefer a more bucolic lifestyle.

The surrounding area has not changed since 2008 when the current approved levels were negotiated.

Minto’s plan for the property is in no way consistent with the uses and intensities of the surrounding area, as required by the current Fla statute for ag enclave.

It is not compatible because There will most definitely be a negative, if not disastrous, impact on traffic and road conditions in the Acreage.

A decision to allow Minto to increase by ten-fold the amount of commercial space and by 50% the amount of residences will only be the first step in the transformation of the Acreage. Avenir and GL Homes will, no doubt, then, also want to increase their numbers just as much. Please don’t make this decision without thinking of the aftershocks it will create.

A development this size should not be placed in the middle of a semi-rural community. It needs to be somewhere where it is served by large highways.
Abacoa and Tradition are accessed by I95. That is the kind of access a project like this should require.

Palm Beach County should take pride in the fact they have different types of communities to offer people. Something for everybody. You should be doing all you can to preserve the uniqueness of this neighborhood, not destroying it.

The fact that it will take 25 years for the construction to end is not a consoling factor.

Twenty-five years of listening to construction, having big, heavy construction trucks putting potholes in the roads and slowing traffic is not a good thing. That is most likely the rest of my life. Not a happy thought.

I ask you to stand up for what is right. Make Minto build according to the rules under which they bought the property. Protect the people, not the special interests. They will still make plenty of money; they can still create plenty of jobs; (if they don’t bring in their own people from elsewhere) and the people of the Acreage will still be served by additional commercial space; And most importantly, our unique area will still exist for our children.

Please vote to deny the current application.

Respectfully,

Janice Sommer
Dears Sirs and Madams,
I am writing to express my **opposition** to the increased density request of Minto on the old Callery Judge property in Western Palm Beach County. As a resident of Loxahatchee, the area most affected, I oppose the increase for a multitude of reasons.

The plan is outrageously inconsistent with the surrounding properties. The Acreage/Loxahatchee area consists of 1 acre plus homesteads. There are horses, pigs, cattle, and chickens on many of these properties. This is a rural area with dirt roads and very few paved roads. The few paved roads that we do have are not engineered to withstand the increase in traffic from the Minto development at the 2996 homes and 235 sq. feet of commercial that is currently zoned, no less the absurd increases they are proposing. Dropping this bomb smack in the middle of this area is a complete disruption to our lifestyle and quality of life.

There are many foreclosures and vacant lots currently in Loxahatchee. Until that current supply is decreased, it will simply add to the problem of empty homes and crime rate increases in the area.

I am opposed for the following reasons:

**Environmental concerns**: I believe the water supply that will be needed for the Minto residents exceeds the permitted draw for the Seminole Water District. *I am also very concerned that he amount of disruption to the soil that has been treated with pesticides and fertilizers for decades will contaminate the well water that nearly all 40K acreage residents drink and bathe in. The more they build, the more disruption there will be. We have already had Erin Brackovich out here once, I hope to never need her expertise again.*

**Jobs**: Minto claims they will capture east/west traffic because there will be new jobs. First of all, they will be moving in more adults than jobs created. Secondly, assuming those jobs created will be suitable to the incoming population is quite the assumption! Most people **already have** a job before they buy a home.

**Contributions for road development**: There is absolutely no guarantee that these fees collected by the county will be used in the Acreage area. Even if they were, they barely cover half of the initial costs and do not cover future repairs and maintenance.

**On the subject of roads**: Roads in the Acreage/Loxahatchee area are unique in that they are **privately owned and maintained** by the taxpayers of ITID (Indian Trail Improvement District). Minto properties will be located in the Seminole Water District, which was carved out of the ITID district. Minto proposes to use and expand our **privately owned roads** for their residents use. This places an unfair tax burden on ITID residents and I will strongly lobby the ITID board to close these roads to Minto residents. Not to mention the effect the traffic increase will have to residents living directly on these roads.
Seminole Pratt Whitney Rd./Seminole Ridge High- During school opening and closing hours, this road is already overburdened. The Minto property wraps around the school and will add to the already high amount of accidents that occur in that area. Minto will be unleashing hundreds of more cars on the road at the same time young drivers are attempting to get to or leave school, placing our teens at risk.

Commercial property- There are already many vacant retail/commercial buildings in Western Palm Beach County- quite a bit right here in Loxahatchee, less than a 1/4 mile from the proposed commercial site. Minto has not one company committed to opening business. We are far from main highways such as I95 and the Florida Turnpike. I don’t think any major company will want to place it’s facility an inconvenient location. Vacant buildings are a draw for crime.

Future development- The county has already approved Highland Dunes, GL Homes and Avenier in the area. These additional homes and commercial properties were not taken into consideration by the county when contemplating the density increase for Minto. These numbers must be taken into account to assess the impact on roads and water resources in the area. If Minto is approved for an increase, you can be sure that these developers will expect the same.

Drainage concerns- Minto claims they will solve our drainage problems, however, they themselves are restricted on drainage by the SFWMD, and the increased concrete in the area will only exaggerate the current problem.

While there are other reasons for my opposition, the above highlights my main concerns. I am certain that there are better locations in Palm Beach County for what Minto is proposing- perhaps on a major roadway with access to I95 and the Turnpike, or possibly even the Belle Glade area that desperately needs better housing and employment opportunities.

My family moved here from Broward County to escape just this type of over development and traffic. We live approximately 6 blocks from the proposed site. I do not need, nor want, the commercial development they are proposing. When I moved here, I knew full well that it would be a 20 minute ride to the nearest mall or commercial center, and I am quite happy to continue to make that drive.

Please deny the application for the density increase.

Thank you for your time and consideration.

Sincerely,

Lisa Berkowitz
17035 66th Court N.
Loxahatchee, Florida 33470
September 11, 2014

Mr. Jesse Panuccio, Executive Director
Florida Department of Economic Opportunity
107 East Madison Street
Caldwell Building
Tallahassee, Florida 32399-4120

Dear Mr. Pannucio:

This letter and its attachments are provided to assist you and other state agencies in your review of proposed amendments to the Palm Beach County Comprehensive Plan that change the land use mix and significantly increase the density and intensity of the “Minto West Agricultural Enclave”.

Indian Trail Improvement District is a unit of local government and an independent special district of the State of Florida (the “District”) directly affected by this proposed project. As the attached Vicinity Map illustrates, the District provides public drainage, road and park & recreation services to the unincorporated community in Palm Beach County commonly known as “The Acreage”. The Acreage consists of more than 19,000 single family lots of which 17,000 are currently built, supporting a population of more than 38,000.

The District’s legislative boundaries nearly surround the 3,788 acre parcel formerly known as “Callery-Judge Groves”. In 2008, Palm Beach County approved a land use designation of “Agricultural Enclave” for the Callery-Judge property, including a grant of a maximum of 2,996 dwelling units and 235,000 square feet of commercial land uses. The “Agricultural Enclave” land use designation is permitted by Sec. 163.3162(4), F.S. (the “Act”), a part of the Florida Community Planning Act (Ch. 163, Part II, F.S.). It is to our knowledge the only such land use designation in the State of Florida. The Callery-Judge property is now the subject of a Comprehensive Plan Amendment for a significantly different project, styled "Minto West". The
Act requires any proposed changes in the Agricultural Enclave land use
designation be transmitted to your Agencies for review and comment.

In order to assist in and better inform your review, we respectfully submit a
copy of a letter dated July 24, 2014 from the President of the District’s
Board of Supervisors to Ms. Verdenia C. Baker, Deputy Administrator of
Palm Beach County. The letter states the District’s opposition to the
proposed amendment of the Palm Beach County Comprehensive Plan to
accommodate significantly more intense development. (In the interest of
brevity, we have not attached the voluminous exhibits submitted to Palm
Beach County objecting to Minto West, but they are available for your
review upon request.)

The District’s opposition to Minto West is based on the Project’s direct and
indirect impacts on the District’s public facilities, particularly its roadway
and drainage systems, as well as on the Acreage Community the District
serves. These impacts were never reviewed in 2008 when the "Agricultural
Enclave" designation was first applied to the property. Nevertheless, as our
letter states, the District does not object to the levels of density and intensity
awarded to the property in 2008. The District does, however, strenuously
object to the landowner’s request to increase the density/intensity of the site
to 4,549 dwelling units and 2.1-million square feet of non-residential land
uses (plus a 150 room hotel and 3,000 student university). The District’s
concerns are presented at length in the enclosed letter, and I will not repeat
them here. However, our basic objection is that the proposed land use
density/intensity results in a project that is clearly out of scale, incompatible
and inconsistent with the rural character of the surrounding community. It is
therefore inconsistent with the County Comprehensive Plan and violates the
express requirements of the Act.

We understand your scope of review is limited by the Community Planning
Act to the Project’s impact on state resources. From this perspective, you
should not only be concerned that Minto West will directly impact nearby
major state roadways and critical environmental resources. Minto West is
just the first of several enormous projects that will transform the nature of
Central Western Palm Beach County. Cumulatively, these projects will have
an even greater impact on state resources.

Minto West is not entitled in any way to an increase in land use
density/intensity on the scale proposed. On behalf of the Board of
Supervisors of Indian Trail Improvement District, I urge you to carefully

Indian Trail Improvement District Board of Supervisors
Carol Jacobs • Ralph Bair • Michelle Damone • Gary Dunkley • Jennifer Hager
assess the impacts of Minto West on State resources and require Palm Beach County to address the impact of this project on State resources before it is approved.

If you have any questions about the District’s position in this matter, please feel free to contact us. We also intend to contact selected agencies directly to provide more detailed information regarding the impact of Minto West on state facilities and resources.

Thank you for your consideration.

BOARD OF SUPERVISORS
INDIAN TRAIL IMPROVEMENT DISTRICT

Carol Jacobs
President

Enclosures

cc. Board of Supervisors, Indian Trail Improvement District
Verdenia Baker, Deputy County Administrator, Palm Beach County
Florida Department of Environmental Protection
Florida Fish and Wildlife Conservation Commission
Florida Department of Transportation
Florida Department of Agriculture and Consumer Services
Florida Department of State
Treasure Coast Regional Planning Council
South Florida Water Management District
RESOLUTION NO. 2014-004

A RESOLUTION OF THE BOARD OF SUPERVISORS OF INDIAN TRAIL IMPROVEMENT DISTRICT IN OPPOSITION TO THE CURRENTLY PROPOSED MINTO WEST PROJECT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WHEREAS, Indian Trail Improvement District (the “District”) is an independent special district of the State of Florida located within the unincorporated area of the Western Communities of Palm Beach County, which provides and maintains drainage, roads and recreational public facilities to its residents and property owners; and

WHEREAS, in 2008 the Palm Beach County Commission amended the Palm Beach County Comprehensive Plan to designate a 3,791 acre parcel formerly owned by Callery Judge Groves (the “Property”) as an “Agricultural Enclave”, permitting development of a maximum of 2,996 dwelling units at a density of 0.80 units per acre and 235,000 square feet of non-residential development; and

WHEREAS, in 2013, the Property was conveyed to a new owner, Minto SPW, LLC (“Minto”); and

WHEREAS, Minto has now filed an application with Palm Beach County to amend the Palm Beach County Comprehensive Plan by revising the Agricultural Enclave provisions in the Future Land Use Element in order to permit additional development on the property (the “Minto West Project”); and

WHEREAS, the pending application proposes a different mix of permitted land uses and increases in residential density and non-residential intensity on the Property far above those permitted by its 2008 approval; and
WHEREAS, as a designated Agricultural Enclave, the development has a statutory presumption that it is not “urban sprawl” if its land uses and densities/intensities are consistent with those in the area surrounding the Property, which presumption may be rebutted by clear and convincing evidence; and

WHEREAS, based on the recommendations of its professional consultants and other clear and convincing evidence, the Board of Supervisors of Indian Trail Improvement District have concluded that the proposed land uses and density/intensity of the proposed Minto West Project are inconsistent with those in the area generally known as the “Western Communities” and therefore the proposed Comprehensive Plan amendment would constitute urban sprawl and should be discouraged; and

WHEREAS, the Board of Supervisors has been further advised that approval of the proposed Minto West Project by the County appears to violate other Goal’s, Objectives and Policies of the Palm Beach County Comprehensive Plan directing the County to consider, among other relevant factors, the impact of proposed Comprehensive Plan Amendments on maintenance of livable communities, land use compatibility, neighborhood integrity, neighborhood spirit and sense of community, and buffering existing communities from “negative externalities”; and

WHEREAS, if the proposed amendments are adopted by the County Commission, the Minto West Project would result in a massive development adjacent to the Works of the District, especially its local roadway network, with certain local roads being converted into major regional thoroughfares to accommodate the traffic and other impacts from such new development, permanently altering the rural lifestyles of the Western Communities and severely impacting the carrying capacity of the Works of the District; and

WHEREAS, when the County Commission approved the rezoning for the Highland
Dunes development in 2013, many Commissioners publicly recognized the value to Palm Beach County of diverse lifestyles and intensities in Palm Beach County, including the rural lifestyle of the Western Communities, and stated that careful consideration must be given when applications for development in the area are considered; and

WHEREAS, Minto is not entitled to any additional development rights on the Property, as the current approved densities and uses were reviewed by the County in 2008 and approved consistent with the Property’s designation as an Agricultural Enclave at that time, the land uses and densities/intensities in the Western Communities have not changed since those 2008 approvals, and Minto purchased the property knowing full well the extent and scope of the permitted development on the Property; and

WHEREAS, limiting Minto’s development rights to those already conferred in 2008 would be in the best interest of the residents of the Indian Trail Improvement District and the Western Communities, as well as those of the County as a whole, by preserving the diversity of lifestyles that includes the rural and agricultural uses that are predominant within the Western Communities.

NOW THEREFORE BE IT RESOLVED by the Board of Supervisors of Indian Trail Improvement District that:

SECTION 1. The foregoing recitals are hereby affirmed and ratified as being true and correct.

SECTION 2. The Board of Supervisors of Indian Trail Improvement District hereby opposes the current pending applications or any amendments thereto filed by Minto seeking to change the Minto West Project’s mix of uses and increase its densities and intensities. The Board of Supervisors of Indian Trail Improvement District acknowledges Palm Beach County’s
2008 approvals for the site, and strongly urges the Palm Beach County Board of County Commissioners to not change those previous approvals.

SECTION 3. The Board of Supervisors of Indian Trail Improvement District hereby directs that a copy of this Resolution be provided to each member of the Palm Beach County Commission, the County Administrator, the Village of Royal Palm Beach, the Village of Wellington, the Town of Loxahatchee Groves, the Palm Beach County League of Cities, the Western Communities Council, and other entities as may be determined by the Board of Supervisors of Indian Trail Improvement District from time to time to be affected by the future development of the Property, for their consideration and review.

SECTION 4. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED this 9th day of July, 2014.

(DISTRICT SEAL)

INDIAN TRAIL IMPROVEMENT DISTRICT

BY: [Signature]

President

ATTEST

BY: [Signature]

Secretary/Assistant Secretary
July 24, 2014

Ms. Verdenia C. Baker, Deputy County Administrator
Palm Beach County Governmental Center
301 N. Olive Avenue
West Palm Beach, Florida 33401

Re:  Indian Trail Improvement District’s Position Regarding and Comments on the Proposed Minto West Project

Dear Ms. Baker;

This letter is submitted on behalf of Indian Trail Improvement District (ITID). It summarizes the key conclusions of ITID’s staff and professional consultants regarding the impact on ITID’s public facilities and services of the development project known as “Minto West”, the approval of which is currently pending before Palm Beach County. The Board of Supervisors trusts that Palm Beach County will find the attached information helpful in evaluating the “package” of development order applications submitted by the developer, Minto SPW LLC (“Minto”).

DISTRICT POSITION REGARDING MINTO WEST: At its meeting of July 9, 2014, the Board of Supervisors adopted a Resolution objecting to approval of Minto’s current applications to change the mix of land uses and dramatically increase the densities and intensities on its property above those approved by Palm Beach County in 2008 for the Callery-Judge Agricultural Enclave (see attached Exhibit "M"). The Board of Supervisors acknowledges the County’s 2008 approvals for the site and strongly urges the Palm Beach County Board of County Commissioners not to change those approvals as Minto requests. The reasons for the District’s position are outlined in this letter and its attachments.

BACKGROUND: Indian Trail Improvement District is an independent special district of the State of Florida established in 1957 pursuant to Chapter 298, Florida Statutes and special acts of the Florida Legislature with a jurisdictional area of ±110 square miles. ITID was created to finance, construct and perpetually maintain public surface water management, road and park and recreation facilities and related services benefitting the unincorporated community known as the “Acreage.” The Acreage currently encompasses approximately 35 square miles. It is subdivided into 19,803 parcels, of which 17,057 (86.1%) are developed, supporting an estimated population of 38,000. If it were incorporated, the Acreage would be the 4th largest in area and 6th most populous municipality in Palm Beach County. Over the past three decades, the Acreage has matured into a vibrant community with a cherished sense of its unique identity.

“WORKS OF THE DISTRICT” & COMMUNITY CONTROL: ITID has constructed and currently maintains more than 160 miles of drainage canals, four stormwater pump stations, two stormwater impoundments, 459 miles of paved and unpaved roadways, and nine community parks (collectively, the “Works” of the District). The character and quality of these Works were designed to reflect the rhythm and service demands of a relatively low intensity, “rural” lifestyle. ITID’s Works were constructed and are currently maintained exclusively by non-ad valorem special benefit assessments imposed annually on District landowners, unassisted by the outside funding (e.g., Gas Tax, impact fees or general tax revenue). Since 1981, ITID has also issued more than $34,000,000 in bonds and loans (plus interest) to construct its Works, repayment of which debt is included in the landowners’ annual assessment. ITID’s proposed 2014-2015 Budget to maintain its Works is approximately $13,111,000, an average of $466 in assessments per parcel --- this is in addition to ad valorem property taxes imposed by the County and other taxing units. No other special district in Palm Beach County has provided basic facilities and services to a community on the scale of ITID.

Indian Trail Improvement District Board of Supervisors
Carol Jacobs • Ralph Bair • Michelle Damone • Gary Dunkley • Jennifer Hager
Understandably, because of this unique history Acreage residents have a special proprietary claim on ITID’s Works which they take seriously. This is especially true when, as is the case with Minto West, the community’s right to control or to use District facilities is challenged or ignored by non-residents and other governmental entities. ITID is responsible for protecting the Works of the District from forces, both natural and man-made, that would damage them, exceed their carrying capacity or hasten their deterioration.

**THE “AGRICULTURAL ENCLAVE”** In 2008, the County assigned an “Agricultural Enclave” Comprehensive Plan designation to the Callery-Judge Groves property, a 3791 acre (+6 square mile) parcel located in the heart of and almost entirely surrounded by the Acreage. Callery-Judge is often described as the “hole” in the Acreage “donut”. For decades, Callery-Judge functioned as a citrus grove, a pre-existing agricultural operation consistent with the lifestyle of the surrounding community. Grove operations did not impose unreasonable burdens on the Works of the District. Several years ago, however, Callery-Judge discontinued agricultural production and pursued development. After a long and controversial struggle over the property’s future, the property owner pursued and obtained special development rights from the Florida Legislature in the form of the Agricultural Lands and Practices Act, an amendment to Florida’s Growth Management Law (Chapter 163, Part II, Florida Statutes) (the “Act”). The Act gave Callery-Judge an opportunity to have their land declared an “agricultural enclave”, a land use designation designed to overcome many of the objections to their development plans.

In response to an application pursuant to the Act, Palm Beach County in 2008 approved an “Agricultural Enclave” Comprehensive Plan designation for the property, allowing the possibility of a maximum of 2,996 dwelling units and 235,000 square feet of neighborhood or community-oriented non-residential uses (hereafter, the “Callery-Judge Plan”). While the proposed form of the Callery-Judge Plan may be different, these levels of density and intensity were reasonably similar on average to those in the Acreage. The Callery-Judge Plan, however, was adopted with minimal review and virtually no assessment of its potential impacts on the surrounding community.

Minto, the successor to Callery-Judge, now proposes to scrap the Callery-Judge Plan, retaining only the “Agricultural Enclave” Comprehensive Plan land use designation. In its place, Minto proposes an intense, mixed use development modelled on “New Urbanist” principles with minimal resemblance to the Acreage. The Minto West Plan currently involves a 52% increase in residential density (from 2,996 du to 4549 du), a staggering 894% increase in non-residential (retail, office & “employment”) uses (from 235,000 to 2.1-million sf), as well as free-standing uses including a 3000 student university, a 150 room hotel and a 126 acre “commercial recreation” area with “lighted fields”. The full impacts of this project cannot be precisely calculated.

Minto West’s proposed urban form, land use mix and development density/intensity are clearly inconsistent with that of the Acreage, Loxahatchee Groves and other surrounding communities. No amount of internal “buffering” will contain the project’s development impacts entirely within its boundaries. This is especially true of its traffic, which (in combination with the expected traffic from several other equally large development projects planned for the area just north and west of the Acreage) will sprawl outward, blanketing roads in the Western Communities. It is easy to see why many have concluded that Minto West is not only a “game changer”, but also a “block buster”. Minto West and its fellow developments present in aggregate a profound challenge to maintaining the Works of the District, as well as to the Acreage community’s ability to sustain and enhance the quality of life they have labored to create.

**DISTRICT RESPONSE:** Neither ITID’s Board of Supervisors nor its staff can officially represent or fully articulate the range of the Acreage community’s objections to and concerns raised by Minto West. ITID’s primary responsibility is to assure that its “Works” – the roads, canals, and parks paid for and maintained exclusively by District property owners through their special benefit assessments – are not damaged or degraded by the impacts of unjustifiably intense, badly planned or inappropriately placed development on surrounding properties. In this regard, Minto and the County make many assumptions about the physical “carrying capacity” of ITID’s infrastructure. Even more significantly, Minto and the County also seem to take for granted that the Works of the District -- built and maintained exclusively by Acreage landowners -- are available to be used by outside landowners without approval or adequate compensation.

ITID and its landowners have heavily invested in public facilities designed to serve and directly benefit themselves and their community. Because of the willingness of Acreage landowners to tax themselves, Palm Beach County taxpayers have been for decades relieved of the expense of constructing and maintaining those facilities. Acreage landowners did
not assume this financial burden in order to benefit land speculators or developers of adjacent lands like Minto or G. L. Homes. Nor should Palm Beach County consider the Acreage landowners' investment in the Works of the District to be an invitation to justify issuing land development orders that, while they may benefit the County and its interests, are clearly detrimental to the District and the Acreage community.

In response to the challenge presented by Minto West, the District’s Board of Supervisors directed its staff and professional consultants to examine the current proposal in an effort to estimate its direct and indirect impacts on the Works of the District. The attached conclusions (see Exhibit “A”) accompanied by certain supporting documents are presented in summary form for the County’s consideration. If requested, ITID’s staff and professional consultants will be available to expand on or explain the information provided. However, regardless of the County’s response, ITID intends to use this information to act independently in its own best interests to address the challenges to the control and operation of its Works posed by Minto West, G. L. Homes and other imminent development projects.

We trust the information we are providing will be useful to the County in evaluating Minto’s and other applications for development approval. This letter does not exhaust ITID’s comments on the Minto West project, and the District reserves its right to supplement and adjust its position as more information is provided by Minto, the County or other developers in the immediate area.

Sincerely yours,

INDIAN TRAIL IMPROVEMENT DISTRICT
BY ITS BOARD OF SUPERVISORS

Carol Jacobs
President

Attachments
CC: Hon. Priscilla Taylor, Mayor
    Hon. Jess Santamaria, Commissioner
    Hon. P. Burdick, Vice Mayor
    Hon. Hal R. Valeché, Commissioner
    Hon. S. Vana, Commissioner
    Hon. S. Abrams, Commissioner
    Hon. Mary Lou Berger, Commissioner
    Robert Weisman, P.E., County Administrator
    Verdenia C. Baker, Deputy County Administrator
    George T. Webb, P.E., County Engineer
    Dan Weisberg, P.E., Director, Traffic Division
    Rebecca D. Caldwell, Executive Director, PBC PZB
    Lorenzo Aghemo, Planning Director
    Board of Supervisors, ITID
        Ralph Bair, Vice President
        Michelle Damone, Treasurer
        Gary Dunkley, Assistant Secretary
        Jennifer Hager, Supervisor
    G. James Shallman, District Manager
    Jay G. Foy, P.E., District Engineer
    F. Martin Perry, Esq.
LIST OF EXHIBITS

EXHIBIT “A“ SUMMARY OF COMMENTS ON MINTO WEST PLAN BY ITID’S PROFESSIONAL CONSULTANTS

EXHIBIT “B” MINTO WEST VICINITY SKETCH

EXHIBIT “C” RESOLUTION OF THE BOARD OF SUPERVISORS OF ITID, SUPPORTING A REGIONAL APPROACH TO PLANNING IN THE WESTERN COMMUNITIES, ADOPTED MAY 13, 2014.

EXHIBIT “D” D-1: EXTRACT OF PBC COMPREHENSIVE PLAN, LAND USE MAP LU 1.1 (TIER) D-2: EXTRACT OF PBC COMPREHENSIVE PLAN, TABLE III.C

EXHIBIT “E” E-1: EXTRACT OF PBC COMPREHENSIVE PLAN MAP TE 3.1 (FUNCTIONAL CLASSIFICATION OF ROADS) E-2: EXTRACT OF FEDERAL FUNCTIONAL CLASSIFICATION OF ROADS MAP

EXHIBIT “F” LRM DENSITY/INTENSITY ANALYSIS OF MINTO WEST PLAN, DATED JUNE 18, 2014


EXHIBIT “H” H-1: RELIEVER ROAD INTERLOCAL AGREEMENT, DATED 02-24-09 H-2: RELIEVER ROAD ITID PERMIT, DATED 04-27-09

EXHIBIT “I” I-1: INTERLOCAL AGREEMENT, TRANSFER OF “MAJOR LOOP ROADS”, DATED 01-28-92 I-2: INTERLOCAL AGREEMENT, TRANSFER OF OTHER ROADS, DATED 08-15-95

EXHIBIT “J” 1966 MUTUAL ROW AGREEMENT

EXHIBIT “K” CONCEPTUAL NEIGHBORHOOD TRAFFIC PROTECTIVE PLAN (NO LOCAL ACCESS), PREPARED BY GENTILE, GLAS ET AL, DATED JUNE 20, 2014

EXHIBIT “L” ITID DRAINAGE SYSTEM MAP, PREPARED BY STORMWATERJ ENGINEERING

EXHIBIT “M” RESOLUTION OF THE BOARD OF SUPERVISORS OF INDIAN TRAIL IMPROVEMENT DISTRICT IN OPPOSITION TO THE CURRENT MINTO WEST PROJECT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES, ADOPTED JULY 9, 2014
EXHIBIT "A"
IMPACT OF MINTO WEST ON THE "WORKS OF THE DISTRICT"
AND ON THE ACREAGE COMMUNITY

SUMMARY

1. CALLERY-JUDGE GROVES (NOW MINTO WEST) IS THE "HOLE IN THE [ACREAGE] DONUT". IN ADOPTING THE "AGRICULTURAL ENCLAVE" LAW, THE FLORIDA LEGISLATURE FORCED THE COUNTY AND THE COMMUNITY TO ACCEPT A DEVELOPMENT PROCESS INCONSISTENT WITH THE COUNTY'S HISTORIC APPROACH AND WHICH PLACES EXCESSIVE DEVELOPMENT IN THE WRONG LOCATION WITHOUT PROVIDING FOR NECESSARY SUPPORTING INFRASTRUCTURE.

As previously stated, the ITID Board of Supervisor acknowledges the land uses, densities and intensities of the 2008 "Callery-Judge Plan". However, it is also noted that the Agricultural Enclave Act (the "Act") gave the County little choice but to accept Callery-Judge’s application for a Comprehensive Plan amendment. The County was not required to approve any particular "plan" for the Callery-Judge Property. The mix of uses and levels of density/intensity approved in 2008 were (and remain) largely arbitrary and inconsistent with the overall development framework of the Comprehensive Plan -- a set of Goals, Objectives and Policies and related procedures that have been applied consistently to every other part of Palm Beach County for decades. The Act also shifted the burden of proof from the developer to the County regarding whether or not the "Agricultural Enclave" constituted impermissible "urban sprawl". The Act did not prohibit the County from making such a finding, but required it to justify any such conclusion on "clear and convincing evidence." The County Attorney also concluded that the Act exempted Callery-Judge’s Comprehensive Plan amendment application from certain threshold traffic concurrency rules that would formerly have prevented it from being considered without an extensive traffic impact analysis.

In the “negotiation” that ensued over the Callery-Judge Plan’s “consistency” with the requirements of the Act, the County did not insist on submittal of the data and analysis it would normally have required from any applicant, accepting instead a promise that the project’s impacts would be addressed “in the future” as applications were filed for zoning approvals. That promise, perhaps marginally persuasive in 2008, was subsequently made largely irrelevant when the Florida Legislature in a subsequent unforeseen stroke in 2011 and 2012 rewrote the Florida Growth Management Law, of which the Act is a part. These statutory changes virtually eliminated the state’s role in or oversight of local comprehensive planning and zoning decisions.

The Legislature also eliminated certain key substantive protections of Florida law on which the County and the community might have relied to require Callery-Judge (and its successor, Minto) to honor its promises. The Department of Community Affairs was abolished and its role in overseeing local growth management policies largely extinguished. The remnants of State “oversight” were transferred to a new “Department of Economic Opportunity,” an agency with a fundamentally different mission. The grounds for and standing to appeal local Comprehensive Plan amendments and development orders were limited and the application of the public facility “concurrency” rules severely restricted. Prior to 2012, Callery-Judge would have been required to address the full cost of providing the public facilities needed to serve

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1 Note: The comments in this Summary were prepared before submittal of a revised Conceptual Plan for Minto West, of which we were not made aware until late on June 28. A limited attempt has been made to recognize the Project’s revised density/intensity, but the District’s review was based on Minto’s original plan. The District has had insufficient time to review the revised submittal. In general, however, based on what has been revealed, our consensus is that that Minto’s revised plan does not substantially affect our conclusions.

2 Ch. 2006-255, Laws of Florida. The relevant portion of the Act currently reads as follows (s. 163.3162(4), F.S.; emphasis added):

   "...Such [Ag Enclave Comp Plan] amendment is presumed not to be urban sprawl as defined in s. 163.3164 if it includes land uses and intensities of use that are consistent with the uses and intensities of use of the industrial, commercial, or residential areas that surround the parcel. This presumption may be rebutted by clear and convincing evidence."

3 "Urban sprawl" is defined in s. 163.3164, F.S., as follows: (51) "Urban sprawl" means a development pattern characterized by low density, automobile-dependent development with either a single use or multiple uses that are not functionally related, requiring the extension of public facilities and services in an inefficient manner, and failing to provide a clear separation between urban and rural uses.


14-0724
their project; after 2012, they only had to address their “proportionate share” of those costs. Minto now operates under a very different set of rules from Callery-Judge.

Nevertheless, while Palm Beach County apparently feels it cannot deny a new application from Minto modifying the Callery-Judge Plan, the Act still does not require any particular mix of land uses or level of density/intensity on a property that qualifies. The County and the landowner are only required “to negotiate in good faith to reach consensus on the land uses and intensities of use that are consistent with the uses and intensities of use of the industrial, commercial or residential areas that surround the parcel” (emphasis added). In any matter of “negotiation” over land use, the County – a sovereign local government with “Home Rule” and “Police” Powers -- retains significant leverage, especially where a developer needs a Comprehensive Plan amendment.

The County has significant ability to hold Minto accountable to the commitments made by its predecessor; for instance, by better defining the terms “consistency” and “surrounding area” used in the Act and the methodologies it intends to use to justify its new development plan. At a minimum and as a demonstration of its “good faith”, why cannot Minto be required, to submit basic information – especially on traffic impacts -- that allows the County and the community to fairly compare and judge the relative costs and benefits of exceeding the mix of uses and levels of density/insanity approved in 2008?

County staff has stated that the densities and intensities assigned to the 2008 Callery-Judge Plan were artificially derived, if not entirely arbitrary. Some impressive looking charts, graphs and tables were generated in 2008 purporting to demonstrate “consistency” with development within a 5-mile radius of the property. But this exercise was apparently only “window-dressing”. The definition of “surrounding area” to be a “5-Mile Radius” was never actually applied to the Callery-Judge Plan’s final development order.

Now comes Minto -- with a replacement plan that treats Callery-Judge’s density/intensity as a “floor”, rather than a “ceiling”, for future development plans. It requests substantial changes in the land use mix and increases in density/intensity without providing necessary infrastructure, citing only its limited obligation under the “proportionate share” provisions of the Community Planning Act (Chapter 163, Part II, Florida Statutes). The Callery-Judge Plan may now be legally unassailable, but its basic artificiality remains. A development approval schedule has been “negotiated” for Minto West, but no agreement was reached to date defining its land use vocabulary or identifying the methodologies to be used to demonstrate “consistency” with development in the “surrounding area”, as required by the Agricultural Enclave Act.

However, because the County’s development review process is inherently an ongoing or “rolling” “negotiation” process, it is not too late for the County to correct this apparent deficiency. Until agreement is reached on the land use vocabulary and planning methodologies, the County should not magnify or compound Callery-Judge’s inherent defects by approving the land use mix or the massive increases in development intensity Minto proposes. The Minto West project is de facto “urban sprawl” and can be proved to be so by “clear and convincing evidence” with a little extra work on the County’s part. The Act does not prevent Palm Beach County from applying its Comprehensive Plan to discourage undesirable development patterns. In the absence of adequate justification for any increases in density/intensity, Callery-Judge should be treated as the “ceiling”, not the “floor” for the property’s development. The “Acreage Donut Hole” should not be filled with indigestible land uses and unpalatable levels of density and intensity.

2. A SENSIBLE “REGIONAL” APPROACH TO MANAGING THE IMPACTS OF DEVELOPMENT IN THE WESTERN COMMUNITIES IS DEMANDED.

Although ITID is not responsible for “planning” the Acreage, its facilities will be most directly impacted by the development projects the County approves for the remaining undeveloped lands surrounding it. The impacts of Minto West cannot and should not be considered in isolation. Several other large parcels in the vicinity of the Acreage were recently approved (e.g., Highland Dunes), have development applications pending (Avenir), or are in advanced planning.

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5 The fact that the gross density of the Callery-Judge Plan (0.8 du/acre) is essentially equivalent to that of the Acreage (0.8 du/acre) is purely coincidental. The Callery-Judge Plan’s levels of density and intensity were chosen by the former landowner to assure that any future development of the site fell below the “DRI Aggregation Rule Threshold”, then in place. These rules no longer apply to Minto.
stage (G. L. Homes) (see attached Exhibit "B"). If approved, these projects will in aggregate add an estimated 15,200 acres of residential/mixed use development. In addition, it has also been reported that an “economic development center” with several million square feet of industrial and “job generating” land uses is being planned, in direct competition with such land uses in Minto West and Avenir. Most of this new development is located west of the Acreage. Largely because of the lack of adequate North-South thoroughfares in the area, their traffic impacts will, unless obstructed or redirected, flow east through the Acreage and its neighboring communities.

At ITID’s Board of Supervisors Meeting in June 2014, representatives from the Avenir Project in the City of Palm Beach Gardens promoted their plan, arguing that Avenir’s mix of commercial and non-residential uses, drainage systems and roadways would “complement”, “satisfy the needs” and “enhance quality of life” in the Acreage. Not surprisingly, Minto makes exactly the same arguments for Minto West. But neither Minto nor Avenir accounts for the other in its plans, and neither is considering the cumulative impacts of the other large, developable tracts in the area. While developers may be expected to seek a fair return on their investment and County goals include maximizing economic and fiscal enhancement through growth, these goals must not be pursued if they endanger the quality of life in impacted, “frontline” communities, like the Acreage, Royal Palm Beach, Loxahatchee and Wellington.

One must also be concerned with approval of excessive and badly placed commercial “attractors”. Demand for commercial uses is driven by the number of approved residential units – if more units are allowed, more commercial can be justified. ITID’s planning consultant calculated that Minto West and Avenir each independently propose to develop enough commercial to serve the needs of the entire Western Community including the Acreage, not just their own needs. Is it reasonable to expect that the other large landowners in the area will accept being shut out of commercial development because so much was allotted to Minto West?

A sensible outcome is unachievable if land use planning in the Western Communities continues to be “piecemeal”. Instead of an equitable allocation of the costs and benefits of development, Palm Beach County and the Western Communities are now faced with a competitive “race to the wire”, the winner of which will be able to hoard the available capacity of public facilities and services to the detriment of their competitors and the community as a whole. The negative effects are compounded by legislative interference. If developers are required only to pay their “proportionate share” of impacts on County or state infrastructure; the unmet costs of their growth are now the responsibility of County taxpayers. Under this approach, as first in the door, Minto gets a “windfall”; everyone else – including the affected local governments, the taxpayers and frontline communities – gets a “wipeout”.

A sensible approach to land use planning should consider the cumulative impacts of residential development on transportation, stormwater management, environmental and other systems and facilities. ITID will not sacrifice the interests of its residents or endanger its Works, but the Board of Supervisors has expressed its willingness to join in a cooperative effort with Palm Beach County and neighboring communities to address the regional impacts of development. To that end, ITID’s Board of Supervisors adopted and presented to its neighboring communities encouraging their participation (attached as Exhibit “C”). The Board of Supervisors urges the Palm Beach County Commission to join and take the lead in this effort.


The District has concerns regarding the failure or inadequacy of Minto’s application to address the Goals, Objective and Policies of the Comprehensive Plan to its project. Minto’s development plan may be able to address these concerns within its boundaries, but it ignores Minto West’s external impacts on and compatibility with the character of “surrounding” communities. This is a particular concern for ITID because, as the project’s immediate neighbor, the level of density/intensity development approved by the County will directly impact the Works of the District, especially its roads. While addition of an Agricultural Enclave Plan Category may have been, as a practical matter, legislatively commanded, the Act does not require the County to ignore its existing Comprehensive Plan framework. The Callery-Judge Agricultural Enclave is an anomaly clearly inconsistent with the framework of the Comprehensive Plan, especially the Tiered Growth Management System.
The Comprehensive Plan repeatedly states its intent to address the compatibility between new and existing development, particularly settled communities. From this perspective, Minto and the County should specifically address with the following “Directions” of the Land Use Element of the Comprehensive Plan that raise compatibility issues (emphasis added):

“C. County Directions

The Future Land Use Element was created and has been updated based on input from the public and other agencies through citizen advisory committees, public meetings, interdepartmental reviews, and the Board of County Commissioners. All contributed to the generation of the long-term planning directions, which provide the basis for the Goals, Objectives and Policies of the Future Land Use Element. These directions reflect the kind of community the residents of Palm Beach County desire.

1. Livable Communities. Promote the enhancement, creation, and maintenance of livable communities throughout Palm Beach County, recognizing the unique and diverse characteristics of each community. Important elements for a livable community include a balance of land uses and organized open space, preservation of natural features, incorporation of distinct community design elements unique to a given region, personal security, provision of services at levels appropriate to the character of the community, and opportunities for education, employment, active and passive recreation, and cultural enrichment.

4. Land Use Compatibility. Ensure that the densities and intensities of land uses are not in conflict with those of surrounding areas, whether incorporated or unincorporated.

5. Neighborhood Integrity. Respect the integrity of neighborhoods, including their geographic boundaries and social fabric.

14. A Strong Sense of Community. Encourage neighborhood spirit, local pride in the County and a commitment to working constructively on community problems.

15. Externalities. Recognize major negative externalities and attempt when economically feasible to place economic negative externalities away from neighborhoods.

The Land Use Element implements these strategic “directions” through the framework of the Managed Growth Tier System, the primary Goal of which is to “recognize the diverse communities within the County, to implement strategies to create and protect quality livable communities respecting the lifestyle choices for current residents, future generations, and visitors, and to promote the enhancement of areas in need of assistance.” The primary Objective of the Managed Growth Tier System is “to protect viable existing neighborhoods and communities and to direct the location and timing of future development within 5 geographically specific Tiers to … [among other goals] [Enhance existing communities] to improve or maintain livability, character, mobility, and identity.”
our understanding that Minto has argued that the "Tier Re-Designation" procedures and criteria of the Comprehensive Plan are inapplicable to Minto West because the Agricultural Enclave Act "trumps" Comprehensive Plan Policies. But while the Act may exempt an Enclave from being denied a land use redesignation solely because it may be considered "urban sprawl", it does not expressly exempt an eligible property from being reviewed within the context of the Comprehensive Plan as a whole or under any other of its individual provisions, including, but not limited to, the Comprehensive Plan's consistency and compatibility requirements. The issue is one of providing "clear and convincing evidence" to support the County's decision, not one of Legislative preemption or mandate.

4. **ACCEPTED PLANNING PRINCIPLES AND COMMON SENSE DEMAND THAT A DEVELOPMENT PROJECT MINIMIZE ITS NEGATIVE IMPACTS ON ITS NEIGHBORS.**

Good planning requires large developments like Minto West to limit ingress and egress to arterial, or at least collector, roads. Based on this principle, which the County has applied to other developments, Minto West's traffic should be internalized to the greatest extent possible. Access should be limited to Seminole Pratt Whitney Road and none of the three roadways along its eastern boundary -- t 60th Street North, Persimmon Boulevard or Orange Grove Boulevard. As shown on the County's Comprehensive Plan Map TE 3.1 and on the 2010 Federal Functional Classification and Urban Area Boundaries Map, these roadways are classified as "local" roadways (attached as Exhibit "E"). They were not designed or constructed to function as arterial or collector roadways, nor do they meet County design standards.

The County has established precedents by limiting through traffic into communities, including numerous changes in the Thoroughfare Plan (e.g. Steeplechase). It has also permitted traffic flow restrictions on Thoroughfare Plan roads in sensitive residential areas (e.g., manned gates on Jog Road/Ryder Cup Boulevard within PGA National and automatic gates on 17th Street North/Keller Road between the City of Lake Worth and the Town of Lake Clarke Shores).

We specifically request the County require Minto to internalize its traffic & eliminate roadway access on its east boundary. The implications of this request are addressed more fully in ITID's Traffic Study (see Comment 6, below).

5. **MINTO'S JUSTIFICATIONS FOR INCREASED DEVELOPMENT DENSITY AND INTENSITY ABOVE THE LEVEL GRANTED TO CALLERY-JUDGE IN 2008 ARE UNPERSUASIVE.**

While ITID does not normally engage in urban planning, the impacts of Minto West's proposal to dramatically increase development intensity above that approved in the 2008 Callery-Judge Plan severely challenge the capacities of the District's Works. As previously stated, the mix of land uses and the levels of density and intensity in the Callery-Judge Plan were entirely arbitrary. No "baseline" data exist that can be used objectively to assess or compare the proposed Minto West Plan with the approved Callery-Judge Plan. Because Minto, we are told, has declined to honor its predecessor's commitment to provide baseline data, ITID's Board of Supervisors commissioned its staff and consultants to independently evaluate two related "planning" aspects of Minto West: maximum density/intensity and project traffic. These aspects of Minto's plan directly affect traffic generation which in turn impacts the Works of the District, especially District roads.

With regard to maximum density/intensity, the District's planning consultant, Land Research Management, Inc. ("LRM"), examined the methodologies used by Minto to explain and justify their proposed density and intensity levels. A copy of LRM's Memorandum summarizing its findings and recommendations is attached as Exhibit "E". Without repeating the technical arguments, LRM conclusions are summarized as follows:

- **The "5-Mile Radius" Standard:** The Agricultural Enclave Act requires the developer and the County to "negotiate in good faith to reach consensus on the land uses and intensities of use that are consistent with the uses and intensities of use of the industrial, commercial, or residential areas that surround the parcel" (emphasis added). The statute does not define the terms "consistency" or "surrounding area". In 2008, the County apparently did not question Callery-Judge's definition of "surrounding" to mean "within 5-mile radius" of the property.

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6 See sec. 163.3162(4), F.S.

14-0724
The “5-Mile Radius” standard seems to have been lifted from then-current State regulations defining the surrounding land area used to evaluate the impacts of a Development of Regional Impact (DRI). However, as we have stated above, applied to Minto West the “5-Mile Radius” standard is arbitrary. It was in fact irrelevant to the development order for Callery-Judge, which instead deliberately chose a mix of land uses and levels of density/intensity designed to fall below the DRI thresholds. After 2008, the Florida Legislature revised the DRI law in such a way that prevented Palm Beach County from applying any such rules to Callery-Judge. So, after the repeal of the DRI rules, the County has no logical justification to use the “5-Mile Radius” Standard to define Minto West’s “surrounding area”.

From Minto’s perspective, what the “5-Mile Radius” Standard does achieve is to allow the developer to “tap into” the urban land uses and densities and intensities of communities at the farthest perimeter of the “Radius” – a portion of the Village of Wellington and the majority of the Village of Royal Palm Beach. These communities bear no resemblance to and are patently “inconsistent” with the low-density, rural development patterns of the community that actually “surrounds” the property – the Acreage and Loxahatchee Groves. Minto West is not the “hole” in a “donut” created by the Village of Royal Palm Beach or by the Village of Wellington. Development patterns in those municipalities should not be given excess weight in establishing a mix of uses or densities/intensities “compatible” with Minto West’s “surrounding area”.

To achieve a result more nearly consistent with the Act and the intent of the County Comprehensive Plan, rather than a “5-Mile Radius” Standard, the County should negotiate a definition of “surrounding area” that minimizes to the greatest extent possible the “blockbusting” effect of the Agricultural Enclave Act. Any of the following terms could be applied by the County in approving an appropriate mix of land uses and levels of density/intensity: “abutting” or its synonyms, such as “adjoining” or “adjacent”. Using such terms will add an element of “common sense” to the process. It will also have the effect of limiting harmful consequences resulting from applying a standard based on a series of concentric circles radiating from Minto West’s property lines stretched out to an arbitrary and illogical extreme of five miles. With more accurately descriptive terms, the “area” considered “consistent” with the Minto West Property would, as a practical matter, still encompass a several mile radius, satisfy the intent and express language of the Agricultural Enclave Act, and not result in such an egregious deviation from the overall scheme of the County Comprehensive Plan.

- **Calculating Residential Density:** Although Minto does not expressly state the methodology used to calculate its requested residential density within the “5-Mile Radius”, LRM concluded that the applicant resurrected a methodology similar to that attempted (and abandoned) by Callery-Judge. LRM further concluded by examining the Minto data that a “net”, rather than a “gross”, density formula. Minto counted only the acreage of existing and approved residential development 1 a 5-Mile Radius, excluding from its count the acreage of all other land uses (e.g., non-residential uses, open space, etc.). This approach results in a net (not gross) average density in the “5-mile Radius” of ±2.4 units per acre. Further, because the measurement extends into dense residential developments in the Villages of Wellington and Royal Palm Beach, Minto’s methodology assigns disproportionate weight to development in these municipalities, those that are physically farthest from, and most unlike, the predominant development patterns of Minto West’s actual “abutting” neighbors -- the Acreage and Loxahatchee Groves.

An alternative, and in LRM’s opinion, more conventional approach would have been to calculate density based on the number of units per gross acre within the 5-Mile Radius, resulting in an average net density of 0.984 units per acre, as opposed to the-2.4 units per acre figure calculated by Minto. Further, if the applicant were being methodologically consistent, the average net density (0.984 du acre) would have been applied to the project’s net residential acres. Since the Minto West Plan does not identify its net residential acreage, no final calculation of appropriate density can be made.

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7 Ch. 380.06, F.S.
8 Minto West is currently requesting an average gross density of ±1.2 units per gross acre (4549 du/3791 gross acres = ±1.2 du/acre). Minto appears to use a “net acre” standard to calculate maximum density, but uses a "gross acre" standard to within its own property.
While we do not accept the “5-mile Radius” as an appropriate definition of the “surrounding area”, if average density had been calculated using the more “conventional” approach outlined by LRM, Minto West’s density would not exceed 0.984 units per net residential acre -- a figure approaching and certainly more “consistent” with the average density in the Acreage. Finally, if the gross density in the “abutting” Acreage of 0.8 units per acre were used, Minto West would be not be entitled to more than 3032 units (0.8 x 3791 acres), slightly more than its current “entitlement”.

- **Calculating Non-Residential Intensity:** The relationship between Minto’s justification statement and the land uses proposed in the Application for Development Approval is difficult to evaluate because of similar inconsistencies in methodology and failure to define the vocabulary used. For example, Minto used a significantly larger project buildup population estimate (19,058) in its non-residential analysis to justify the amount of supportable non-residential space than was identified in its Application for Development Approval (14,535). The result is inflated “demand” for nonresidential uses. Further, supportable demand for non-residential space in the Minto analysis is based on the buildup population of its residential component. If an appropriate residential density is not established at the outset, the Minto methodology cannot be used to project demand for the non-residential component.

- Under the Agricultural Enclave Act, the formula to calculate intensity is to be “negotiated in good faith” between the developer and the County. LRM recommends that the parties “negotiate” and apply criteria that more precisely reflect and distinguish among “neighborhood”, “community” and “regional” needs for each category of desired non-residential land use. For example, LRM recommends that Palm Beach County’s “Western Northlake Corridor Land Use Study”, which projected demand for commercial space using a formula of 27 square feet per capita be used. The Minto non-residential analysis does not distinguish among the various categories of “commercial” uses (e.g., neighborhood, community or regional). It also uses an excessive formula for all “Commercial/Retail Uses” of more than 46 square feet per capita. Finally, LRM recommends that the County insist on a standard terminology for naming and defining the nature of each non-residential land use category so that meaningful comparisons with the non-residential analysis can be made. Minto cannot justify its request for 1.4 million square feet of nonresidential development using any conventional methodology.

6. **BASED ON ITID’S TRAFFIC STUDY, THE COUNTY WILL REALIZE NO SUBSTANTIAL “BENEFITS” FROM MINTO WEST’S IMPROVEMENTS COMPARED TO THOSE REQUIRED BY THE 2008 GALLERY-JUDGE PLAN. FROM THE DISTRICT’S PERSPECTIVE, ANY “BENEFIT” THE COUNTY MAY RECEIVE IS OFFSET BY THE COSTS IMPOSED ON THE DISTRICT AND ACREAGE COMMUNITY.**

In ITID’s discussions with County staff regarding Minto West, both sides were confronted with the problem of evaluating and justifying increasing density and intensity on the Minto West property above the level granted to Callery-Judge in 2008. “Benefit” is one of those evasive terms the meaning of which varies, depending on context or the interests of the parties involved. From the County’s perspective, the issue was framed as one of weighing the “benefits” to be achieved above the 2008 “floor” against project’s detriments or costs.

Looking at “benefit” only in terms of roadway and traffic flow improvements, the County’s concept of “benefit” is different from and broader than ITID’s -- for example, development generates ad valorem property taxes, impact fees, “Gas Tax” revenue and “proportionate share” contributions to road improvements. The County can apply these and other revenues to improve its roads, but the District gets no share and receives no “benefit”. State law provides for and the County has structured its Traffic Performance Standards Ordinance, Impact Fee Ordinance, and Comprehensive Plan concurrency requirements to address the impacts of development on County or State facilities. It directs these resources to meet County needs; they are not shared with ITID. The County may also consider less tangible costs and benefits from development, such as the likelihood that increased traffic will result in a burden on public safety.

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9 Minto’s revised plan calls for 2.1 million square feet of non-residential uses, a figure that is even less justifiable. Although it is unclear how this amount was arrived at, the proposed simultaneous deletion of nearly 2000 dwelling units leads one to conclude that the traffic intensities assigned to those units have merely been “reprogrammed” and reassigned to “non-residential” uses.
From ITID’s perspective, however, use of District roads by non-resident, pass-through travelers – whether from Minto West, G. L. Homes or any other outside developments that have no obligation to pay for the privilege – will merely hasten the deterioration of its roads, imposing increased financial and public health, safety and welfare burdens on Acreage landowners. As such, Minto West traffic imposes only costs on the District and confers no benefits. ITID therefore urges Palm Beach County to adopt a development plan requiring Minto West (and other developers) to keep as much of its traffic internal to its site and limit the flow of such traffic onto the District’s road system.

The Minto West Property currently has approved levels of density and intensity which are sufficient to defeat any claim that the landowners are being denied their “right” to develop. Minto is asking the County to dramatically increase those existing levels, something to which they are not entitled. It would seem elementary to assume that, in evaluating Minto’s request, the County should compare the impacts of the proposed with the approved project. Because no traffic analysis was required at the time the Callery-Judge Plan was approved, such a comparison is impossible. Because of the tremendous impact Minto West (and other development) traffic will have on ITID’s roads, the District’s Board of Supervisors decided to remedy this situation by authorizing preparation of an objective traffic analysis using accepted traffic engineering standards based on the 2008 Callery-Judge Plan. This study is intended to provide the County and the District with objective, baseline data that can be used to assess and verify Minto’s claims that their requested increase in project density/intensity would result in a net “benefit” to the County, the District and the Acreage community. A copy of the final traffic analysis, prepared by the traffic engineering firm of McMahon & Associates is attached hereto as Exhibit “G” (the “ITID Traffic Study”).

The ITID Traffic Study examined two traffic scenarios. These scenarios examine Minto’s assumption that it can access District Roads on its east boundary at 140th Street North. In one scenario tested (“All Access”), for the sake of argument only, Minto traffic is permitted to use District roads; in the second, “Restricted Access” scenario, Minto’s traffic is denied use of District roads along its eastern boundary at 140th Street North. In both scenarios, traffic was calculated using the levels of density/intensity approved for the Callery-Judge Plan. Setting aside (for the sake of argument only) the legal issues raised by Minto’s claim of “right of access”11, both scenarios can be compared to the Minto’s current application, which assumes increased density/intensity.12

The ITID Traffic Study is quite detailed and cannot be easily summarized. However, its basic conclusions are as follows:

- Comparing the Callery-Judge Plan13 with “Minto West’s Original Proposal”14 under the “All Access” Scenario15:
  - Minto West causes 2 more intersections to fail than Callery-Judge (6 versus 8).
  - Minto West requires additional lane increases on segments of Beeline Highway, Seminole Pratt Whitney & Okeechobee
  - Minto West has no impact on the number of County roadway segments (9) where lanes must be expanded.

- Comparing the Callery-Judge Plan with Minto West under the “Restricted Access” Scenario16:

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10 ITID also intends to use this analysis to develop its own internal strategy to deal with the expected impacts of the County’s actions on District roads.
11 Minto has argued its right is based on a 1966 “Mutual Right-of-Way Agreement” among the large landowners at the time the grove property was carved out of a much larger parcel. See discussion in Section 8, below, and Exhibit “J”.
12 The ITID Traffic Study does not reflect recently announced changes in the Minto West Plan. However, based on a cursory review of what has been revealed by Minto, ITID’s consultant team does not believe that its recommendations should be changed in any substantial way.
13 The “Callery Judge Plan” consists of 2996 units & 235,000 sf of non-residential uses.
14 Minto West “Original Proposal” consists of 6500 units & 1.4-million square feet of non-residential uses (+ hotel, college, etc.)
15 Under the “All-Access Scenario”, Minto traffic would use 60th Street North, Persimmon Blvd & Orange Grove Blvd.
16 Under the “Restricted Access Scenario”, Minto traffic would be prohibited from using 60th Street North, Persimmon Blvd & Orange Grove Blvd.
• Looking at the costs and benefits of alternatives for Minto West's traffic on District roads:

• Under the "All Access" Scenario, Minto West traffic affects ±30.5 miles (61 lane miles).17 Under the "Restricted Access" Scenario, Minto West traffic affects ±20.5 (41 lane miles). The "Restricted Access" Scenario is therefore approximately 1/3 less burdensome on ITID’s roads, resulting in a significant savings and “benefit” to the District and its residents.

• Cleary, ITID prefers the planning approach that provides the least burden on and greatest “benefit” to its Works – the "Restricted Access" Scenario. The District strongly urges Palm Beach County to require Minto West to amend its site plan to conform to the “Restricted Access” Scenario – no exit on its east boundary.

7. REGARDLESS OF THE LEVEL OF DENSITY/INTENSITY ULTIMATELY APPROVED BY PALM BEACH COUNTY FOR MINTO WEST, ITID MUST ADDRESS THE IMPACTS OF THE PROJECT ON THE “WORKS OF THE DISTRICT”.

A. IMPACT OF MINTO WEST ON DISTRICT ROADS.

Traffic from Minto West and other projects will have the greatest direct impact on the Works of the District. As previously stated, ITID’s roads were built and are maintained with the non-ad valorem assessments on the property owners within the activated Units of Development. Following are some basic principles the District will consider in developing its response to the challenges of Minto West and other development projects in the Western Communities.

• DISTRICT ROADS ARE NOT COUNTY ROADS.

• The fact that certain District roads are shown on the County Thoroughfare Plan may be useful for the County’s long-term traffic planning, but the adoption by the County Commission of a Thoroughfare Plan by itself confers no ownership interest in or access rights. Palm Beach County has repeatedly recognized ITID right to control its roads, most recently in the Interlocal Agreement & District Permits issued for the “Reliever Road” (future SR7) connections at Orange Grove and Persimmon Boulevards (see attached Exhibit “H”).

• Certain District Roads that function as regional collectors and arterials have been transferred to the County (e.g., links of Royal Palm Beach, Coconut, Northlake, and Orange Boulevards). This was accomplished by two Interlocal Agreements that recognized the District’s ownership rights (see attached Exhibit “I”).

• As discussed, the Minto West Conceptual Plan and its related Traffic Study assume traffic ingress/egress through its east boundary to three District Roads: 60th Street North, Persimmon Boulevard and a convoluted right-of-way labeled “Orange Grove Boulevard”. Only 60th Street North and Persimmon are currently identified as Thoroughfare Plan Roads from SR 7 to Seminole-Pratt Whitney Road. Only one short link of Orange Grove Boulevard, from SR 7 to Royal Palm Beach Boulevard, is a Thoroughfare Plan Road. The ITID Permit approving County road access from SR 7 on Persimmon and Orange Grove to Royal Palm Beach Boulevard expressly recognizes ITID’s right to control its roads.18

17 The affected roads under the Minto West/All Access Scenario are: Citrus Grove, Temple, and Key Lime between SPW Rd and Coconut; Hall and 140th between Orange and North Lake; and 60th, Persimmon, and Orange Grove between 140th and SR 7.
18 Minto seems to have abandoned direct access to the so-called "Orange Grove Boulevard" in its revised concept plan.
At a minimum, the County should not: (1) permit Minto West traffic to physically access "Orange Grove Boulevard" or any other District Road; (2) adopt a Project Concept or other Plan showing access to District Roads; or (3) allow Minto to include District Roads in its Traffic Study.

**MINTO HAS NO "RIGHT" TO ACCESS THE WORKS OF THE DISTRICT, INCLUDING ITS ROADS.**

- Minto has assumed that it has an unqualified right to access District roads based on its status as successors-in-interest to one of the signatories to a 1966 Mutual Right-of-Way Agreement (see attached Exhibit "J"). By its express terms, this Agreement confers no such right. Despite a request by the County Attorney, Minto has presented no other evidence demonstrating access rights to District roads.

- With some minor exceptions, ITID's roads are described as "road easements", originally conveyed by Royal Palm Beach Colony to ITID's predecessor, Indian Trail Water Control District ("ITWCD"). The roads in these easements were constructed by ITWCD/ITID using funds from special benefit assessment bonds, repayment of which is the sole responsibility of the land owners within the District. ITID roads are maintained by annual non-ad valorem assessments on landowners within the District.

- With some minor exceptions, ITID's roads were not dedicated to the public by plat or any other means, as is common with County roads. The landowners retain title to the underlying fee interest and may have certain rights in addition to those of ITID regarding the use of the easements.

- The fact that ITID may not have taken aggressive steps in the past to restrict access to its easement roads does not limit ITID's power to take appropriate actions in the future.

**MINTO HAS NOT REQUESTED PERMISSION TO ACCESS THE WORKS OF THE DISTRICT.**

- If the County approves Minto's plan for egress to the east, ITID has the discretion to permit or deny access to the Works of the District as provided in Ch. 298, F.S. The terms under which a connection permit would be issued, if at all, are matters of discretion by ITID's Board of Supervisors. Although the nature of such conditions has not been explored, if and when such request is made and a Connection Permit is granted, for the sake of argument only, Minto and other outside landowners should expect to address the present and desired condition of District roads and their perpetual maintenance. At a minimum, any hypothetical agreement between the District and the developer would provide for a "fair share" financial contribution. The exact nature and expanse of "fair share" contributions has not been explored, but would undoubtedly include such factors as compensating the District for its prior capital investment in creating roads, upgrading the affected roads to meet County and public safety standards, maintaining the upgraded roads in perpetuity, and providing traffic calming and other improvements to deter and discourage undesirable use of District roads that do not or should not function as major thoroughfares.

- ITID expects Palm Beach County to impose appropriate conditions on development orders and to enter into interlocal agreements to assist and support the District in generating resources to upgrade and maintain its roads to support the level of development approved by the County in the Western Communities. ITID expects the County to keep the District informed as its staff drafts proposed Development Order conditions of approval affecting the Works of the District.

- As a matter of sensible traffic and land use planning for the reasons stated herein, however, **ITID urges the County Commission to require Minto to terminate traffic access to the east entirely within the Minto West's project boundaries.**

**DISTRICT ROADS WERE NOT DESIGNED OR BUILT TO COUNTY STANDARDS.**

- Allowing Minto (and other developer) traffic on District roads raises serious public safety concerns.
- ITID roads are built to the requirements of a low-intensity, rural community, not Palm Beach County standards. If ITID roads are to be used to accommodate regional traffic, they must be modified to meet County standards. This includes lane widths, shoulders, drainage, pavement structural number, and any other design feature that may be required. The extent and cost of such upgrade improvements have not been calculated.
Palm Beach County cannot reasonably expect District landowners to bear the costs arising from use of District roads by outside developments approved by the County that do not meet County design standards. Nor can the County assume that ITID will grant Minto or any other developer permits to connect to the Works of the District.

Allowing Minto West (and other) traffic to access ITID’s local roads creates safety concerns arising from a conflict of incompatible uses. Additional traffic from outside the Acreage will impact existing pedestrian, bicycle, and equestrian uses along these corridors. These issues must be addressed in the development review process. Based on several recent traffic accidents, the District is already struggling to deal with the existing level of traffic. These problems will be aggravated by the additional regional traffic the County is considering adding to the Acreage’s grid.

**ITID IS TAKING PRUDENT STEPS TO MINIMIZE THE TRAFFIC IMPACTS OF MINTO WEST AND OTHER DEVELOPMENT ON ITS ROADS**

**ITID TRAFFIC PERFORMANCE STANDARDS FOR DISTRICT ROADS.**

- ITID is considering adopting a Traffic Performance Standards Policy (“ITID-TPS”) classifying its roads as “local roads”. Roads previously conveyed by ITID to Palm Beach County will not be affected.
- As presently conceived, an ITID-TPS would define Level of Service based on traffic from existing and projected buildout traffic for all lots within the District’s Activated Units of Development. Allowing Minto or other developments to access ITID roads would substantially increase the traffic on and degrade the District’s roadway Level of Service. The ITID-TPS will assume no access by development outside the District.
- The traffic impacts identified in Minto’s Traffic Study fall just below County thresholds requiring improvements to County roadway links (as compared to County intersections). The ITID-TPS will address both roadway links and intersections.
- As a condition of a developer’s agreement or issuance of a District Permit, ITID may consider requiring a traffic analysis of District roads, with a corresponding requirement to improve facilities that cannot satisfy District requirements. Such a requirement, if adopted, would not affect County roads in the Acreage.
- The State’s “proportionate share” contribution requirement applies to Minto’s impact on County and State Thoroughfare Plan roads; it does not apply to ITID’s local roads. As a condition of any access permit, ITID will expect to be fully compensated if outside traffic approved by the County requires improvements to District roads, such as traffic calming to discourage through-traffic.

**ITID CONCEPTUAL NEIGHBORHOOD TRAFFIC PROTECTIVE PLAN.**

- Because of the threats posed by increased pass-through traffic from outside development, ITID has commissioned a draft “Conceptual Neighborhood Traffic Protection Plan” (attached as Exhibit “K”) (the “Conceptual Plan”).
- The Conceptual Plan assumes no access to District roads from Minto West’s eastern boundary at 140th Avenue North. It identifies the location of traffic calming measures that can minimize the level and impacts of cut through traffic. The Conceptual Plan proposes various options available to the District to address traffic flow through the community. No decision has been made regarding the specific solutions that best address the community’s needs.
- The full costs of all improvements required specifically to address pass-through traffic from outside development should be the financial responsibility of those developments rather than Acreage landowners.

**B. IMPACT OF MINTO WEST ON THE DISTRICT’S WATER MANAGEMENT SYSTEM.**

- **MINTO’S OFFER OF A CONNECTION BETWEEN ITID’S AND SEMINOLE IMPROVEMENT DISTRICT’S DRAINAGE SYSTEMS DOES PROVIDE LIMITED BENEFIT TO THE DISTRICT,**
BUT SUCH BENEFIT IS FAR OUTWEIGHED BY THE COST TO THE DISTRICT OF MINTO'S TRAFFIC IMPACTS ON DISTRICT ROADS.

- ITID’s drainage system consists of two separate “basins”: the “M-1 Basin”, located generally to the North and East of Minto West, drains to the northwest and southeast. The M-1 Basin is not currently hydraulically connected to the drainage system maintained by Seminole Improvement District, the special district encompassing Minto West. ITID’s “M-2 Basin”, located generally southwest of Minto West, drains southward (see attached Exhibit “L”).

- ITID’s major drainage issues arise primarily from permitting constraints limiting outfall from its M-1 Basin. The M-1 Basin is currently limited to approximately 0.25 inches/day unconditional discharge. To meet the District’s desired level of service for drainage, the M-1 Basin should have at least 1”/day of unconditional discharge, or an additional 0.75”/day.

- Minto has offered to allocate to the District an additional 0.15” of unconditional discharge through a hydraulic connection to the Seminole Improvement District system, which it currently controls as primary landowner. This additional discharge, if accepted, would satisfy approximately 15% of the additional capacity ITID needs. It is helpful, but certainly not the “solution” to the Acreage’s drainage problems as has been represented.

- In addition to Minto, ITID has also discussed possible drainage improvements with Avenir and G. L. Homes. In addition, ITID is currently negotiating with SFWMD for possible drainage and rehydration benefits of the Moss property in association with SFWMD’s improvement of its Mecca Farms Site. These alternatives remain speculative and are at different stages of review, but each could provide drainage discharge and storage superior to that offered by Minto.

- ITID’s need for additional unconditional drainage will arise about every 5 years; Minto’s traffic impacts will be permanent and perpetual. From this perspective, the “benefits” to ITID’s drainage offered by Minto West are greatly outweighed by the costs imposed on the District and the Community from its traffic impacts.

C. IMPACT OF MINTO WEST ON DISTRICT PARKS & RECREATION SYSTEMS.

- Like its road system, ITID’s nine parks and recreation facilities were built by and are maintained by non-ad valorem assessments on its landowners. Use by non-residents is not currently prohibited and such use is expected to continue. However, ITID has not had sufficient time to review or determine the impact of non-resident use on its park system.
FW: Please DO NOT endorse Minto's Proposal to devastate the Palm Beach County Western Communities - Character set not allowed

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Please be aware that when we send electronic data out of our office, we do not have control over how the information is subsequently used. We request that you do not provide this electronic file to any third party.

From: Steven Gutman [mailto:avantisteve@gmail.com]
Sent: Tuesday, September 16, 2014 9:28 AM
To: hvaleche@pbcgov.org; jsantamaria@pbcgov.org; ptaylor@pbcgov.org; svana@pbcgov.org; pburdick@pbcgov.org; sabotrams@pbcgov.org; agerwig@wellingtonfl.gov; jhmara@royalpalmbeach.com; sferreri@ci.greenacres.fl.us; jszerdl@lakeworth.org; karenjuniper.fl.us; Bguyton@rivierabch.com; Joni Brinkman; mtinsley@pbgfl.com; jdubois@lakeparkflorida.gov; npbclerk@village-npb.org; mdavis@keithandschnars.com; psachs@ssclawfirm.com; ksmallridge@bdb.org; lewisp@stlucieco.org; dzadovskyc@stlucieco.org; moweryt@stlucieco.org; johnsonkim@stlucieco.org; mayor@cityofpsl.com; district3@cityofpsl.com; tperona@city-fpierce.com; angelawilkins@city-fpierce.com; reece.parrish@bellsouth.net; realtimefla@aol.com; efieldin@martin.fl.us; ascott@martin.fl.us; jhaddox@martin.fl.us; dsmith@martin.fl.us; jkrauskopf@ci.stuart.fl.us; jthurlow@w pBuffernan.com; mhoustoun@hjadstudio.com; toby@crossroadsenvironmental.com; pobryan@ircgov.com; jflescher@ircgov.com; bsnlari@ircgov.com; tzcrc@ircgov.com; sarlams@cityofellsmere.org; council@irshores.com; cityclerk@covb.org; jadams@cityofsebastian.com; info@icitrusleague.org
Subject: Please DO NOT endorse Minto's Proposal to devastate the Palm Beach County Western Communities - Character set not allowed

My name is Steve Gutman and I have lived for 14 years with my wife and her dogs and cats at 13050 Marcella in Loxahatchee Groves. I am a retired professional planner with bachelors and masters degrees in my field. I have worked for developers such as ITT Levitt & Sons and for public sector entities. I have participated in the master planning of numerous new towns in rural areas including Palm Coast, FL and I have also managed numerous Environmental Impact Statements. I also co-chaired the Charter Committee of the Committee to Incorporate Loxahatchee Groves, Palm Beach Counties 38th municipality, in an effort to prevent in our community the senseless atrocity Minto is seeking to wreak on the property immediately adjoining our ag-residential rural town.

I know how developers work, and I am speaking today to voice my strong feelings against Minto’s request for even higher housing and retail densities than they already have been approved for. In my professional opinion, one of the last places on earth appropriate for a new town and employment center is the middle of The Acreage...
ag-residential area. I specifically note that the proposed Minto development does NOT reflect the average density of the surrounding area as required by the Ag Enclave statute. It doesn’t even come close, and Minto’s proposal should be rejected out-of-hand for that reason. I also note that Monto’s proposal was calculated to dodge designation as a development having significant regional impact requiring DRI review, and it is appalling that the County’s planning staff were instructed to not consider the ripple effect caused by setting a precedent for other major landowners to ask for the same upzoning. Minto West’s latest proposal in fact will have a massive regional impact. Furthermore, an “real” Environmental Impact Statement would conclude that the Minto proposal is completely incompatible with its Western Communities rural environment and ability of infrastructure to meet the long term needs of this development and the many other out-of-scale developments for which Minto will be a precedent.

It has been several years since Commissioner Vana celebrated with the Incorporation Committee the birth of the Town of Loxahatchee Groves, formed precisely to protect our community from similar disrespectful upzoning proposals by developers wanting to do to The Groves what Minto proposes to do to The Acreage today. But today the stakes are much greater for the entire Western Communities area, and not just because of the massive traffic, public services, and public cost impacts of their proposal to drop a new city in the middle of an agricultural-residential area. Again, the critical point is that, if Minto gets approval for any more units than what they have already been approved for, it will set the precedent for every other major land owner/developer to get the thousands of units they want, which will forever change this area and its leave-us-alone lifestyle, to the profound detriment of current and future residents and County taxpayers.

So, I and other vocal opponents of Minto’s catastrophic proposal hope that the TCRPC will see the Minto proposal for what it is, the tipping point where the future of this important Palm Beach County rural ag/residential area will be lost to rampant upzoning, with almost imaginable near term and long term public expense that has not been examined and explained to the public.

Florida Atlantic University conducted an economic feasibility study before we decided to go forward with incorporation in Loxahatchee Groves, and made it clear to our Incorporation Committee that new development does not come close to paying its own way in Florida. Will Minto be paying the tens of millions of dollars Sherriff Bradshaw will need to police a new town out here, followed by the other “mini new towns” which will happen. And, how about long-term costs of expanding public transit? And providing adequate water and sewage treatment? These won’t be Minto’s concern, they will be ours.

Minto also trumpets all the jobs its proposed new town will bring. Not true. Minto has not been able to point to a single major or even small employer displaying any interest whatsoever in locating in the middle of the Acreage. Look at all the readily available and much more accessible land that is already zoned for economic development not only in the immediate environs of the former citrus groves that Minto wants to upzone, but all the additional property further east which is close to necessary interstate highway and rail access. Look also at the numerous commercially-zoned properties and even built-out properties in the Western Communities, such as the vacant Winn-Dixie center on Seminole Pratt Whitney right next to Minto’s property, which remain empty or undeveloped due to lack of demand. And when the jobs don't materialize, we all know that Minto will be back to change zoning again to allow even more houses.
What Minto is asking to be approved is nothing more than a huge upzoning play to increase the value of their farmland many times over, which will bring them huge profits in the near term and the long term, before they ever turn a shovel. On behalf of my neighbors, many of whom you will never hear from because we ALL moved out West to simply be left alone to enjoy a peaceful rural way of life, I plead with you to give careful consideration to what Minto is asking for, and its tidal wave impact that will open up the rest of our area to similar projects that are inconsistent with the values which caused us to move out here. Consider also the enormous public costs that the County will incur to feed the community services appetites of suburbanites living in zero lot line homes and the 800 townhouses that will be included. Unthinkable!

Please do the right thing for County taxpayers and residents of our Western Communities by rejecting Minto’s latest proposal for a huge financial windfall at our expense and recommending to State agencies that Minto’s latest proposal NOT be approved.

Thank you for your consideration.

Steve Gutman, RA, RLA (retired)
Dear Members of Treasure Coast Regional Planning Council;

Please see the stand that 1,000 FRIends oforida has taken.

http://www.1000friendsofflorida.org/minto-west/

As always, I thank you for your time and considertaion.

Dr. J. William (Bill) Louda
Scale Back Minto West

With the economic recovery in full swing, there are now numerous proposals for major development in rural western Palm Beach County. Put together, these developments would add 15,003 more houses and apartments, more than 3 million square feet of commercial, retail and office space (the equivalent of three Gardens Malls), plus a university campus to this area. They would bring at least another 40,000 residents to the region, an area now characterized by its rural communities, agricultural lands, as well as wetlands critical to Everglades restoration;

In a highly controversial five-two vote, on August 27 the Palm Beach County Commission approved transmitting plans for one of these developments – Minto West – to a variety of state agencies for their review. The plan then comes back to the commissioners for final approval at a meeting and public hearing on October 29.

This preliminary approval came despite the fact that the proposal will bring 2.2 million square feet of commercial development – roughly the equivalent of the massive Sawgrass Mills Mall in Broward County – to a remote corner of Palm Beach County now best known for its agricultural lands and horse trails. And this does not include the thousands of new homes and college campus Minto West also will bring.

Both the planning commission and the County previously had approved smaller scale development for this parcel, more in keeping with the rural character of the area. **Minto West was aware of the amount of development allowed when they purchased the property, so should be encouraged to proceed with the earlier plans for the site. Please let your County Commissioners and state agency reviewers know about your concerns regarding the expanded Minto West.** We’ve provided information below to assist you.

TO FIND OUT MORE:

Check out 1000 Friends of Florida’s letters to the Palm Beach County Commission and State Reviewing Agencies outlining our concerns. Also, see the outstanding editorial in the August 28 edition of the South Florida Sun-Sentinel. Please also sign up for 1000 Friends of Florida’s email alerts and support 1000 Friends!

**NEW:** 1000 Friends’ Op Eds run in the Palm Beach Post and Sun-Sentinel. Please check out both as they are not the same op ed!

WHAT CAN YOU DO?

Contact your County Commissioners by October 29, and speak out at the October 29 Public Hearing:

Let your County Commissioners know you want them to VOTE NO when this project returns to them for final approval at a public hearing and meeting on October 29. Please thank both Vice Mayor Paulette Burdick and Commissioner Jess Santamaria who both voted “no” on August 27.

**Group Email:** Priscilla Taylor, Paulette Burdick, Hai R. Valeche, Shelley Vans, Steven L. Abrams, Mary Lou Berger, Jess R. Santamaria

Individual contacts:

District 7: Priscilla Taylor, Mayor, (561) 355-2207
District 2: Paulette Burdick, Vice Mayor, (561) 355-2202
District 1: Hai R. Valeche, (561) 355-2201
District 3: Shelley Vans, (561) 355-2203
District 4: Steven L. Abrams, (561) 355-2204
District 5: Mary Lou Berger, (561) 355-2205
District 6: Jess R. Santamaria, (561) 355-6300

**Mailing Address:** 301 North Olive Avenue, Suite 1201, West Palm Beach, FL 33401

Contact State Agency Review Representatives:

Let the state agency representatives reviewing the plan know that you have serious traffic and environmental concerns about the proposed development.

**Group email:** Executive Director@deo.myflorida.com; Ray.Eubanks@deo.myflorida.com; bill.pable@deo.myflorida.com; PlanReview@dep.state.fl.us; Chris.Stahl@dep.state.fl.us; suzanne.e.ray@dep.state.fl.us; FWCCConservationplanningservices@myfwc.com; Jason.Hight@MyFWC.com; gerry.orenly@dot.state.fl.us; compplans@freshfromflorida.com; deena.woodward@SOS.myflorida.com; mbugaha@lorpc.org; tmanning@sawmd.gov

Individual emails:

Florida Department of Economic Opportunity: Jesse Panuccio, Executive Director:  
Executive Director@deo.myflorida.com; Ray.Eubanks@deo.myflorida.com; bill.pable@deo.myflorida.com

Florida Department of Environmental Protection: PlanReview@dep.state.fl.us; Chris.Stahl@dep.state.fl.us; suzanne.e.ray@dep.state.fl.us
Florida Fish and Wildlife Conservation Commission: FWCConservationplanningservices@myfwc.com, Jason.Hight@MyFWC.com
Florida Department of Transportation: gerry.oreilly@dot.state.fl.us
Florida Department of Agriculture and Consumer Services: complans@freshfromflorida.com
Florida Department of State: Deana.Woodward@DOS.myflorida.com
Treasure Coast Regional Planning Council: mbushe@tcrc.org
South Florida Water Management District: tmanning@sfwmd.gov

Please check back. We'll update this page as more information becomes available!
September 18, 2014

Re: Minto West Plan Amendment Objections – Palm Beach County No. 14-3ESR

State of Florida Department of Economic Opportunity (DEO)
Caldwell Building, 107 East Madison - MSC 160,
Tallahassee, Florida 32399 Email: ray.eubanks@deo.ourflorida.com

Palm Beach County c/o County Attorney, Robert Banks, Esq. via email rbanks@pbg.gov
lreilly@pbg.gov fax (561) 233-5212; (561) 233-5365

Re: Minto West Plan Amendment – Palm Beach County

Dear Reviewing Agencies:

I represent ALERTS of PB, Inc, in opposition to the Palm Beach County Minto West Application for a Land Use Amendment in an Agricultural Enclave, transmitted pursuant to Fla. Stat. §§163.3162 and 163.3164.

Our request is that the State and all of the various agencies review this application and send objections, comments and a recommendation of “do not adopt” because this plan amendment not only adversely affects Palm Beach County and its residents, but also will have adverse regional impacts on other local municipalities and government entities have objected to this development including the Town of Royal Palm Beach, the Town of Loxahatchee Groves and the Indian Trail Improvement District and unincorporated communities, including the Acreage. The municipalities have objected to this plan amendment as proposed.

Minto West is located far removed from the infrastructure and services and lacks regional road networks to serve such a large scale development with regional impacts:

General Location Map
It is expected to cost taxpayers at least $177 million dollars in taxpayer funded improvements (even beyond any proportionate fair share payment by the developer).

The existing Ag Enclave was purchased out of bankruptcy after it failed to start initially. The requested increase in the level of proposed residential and non-residential entitlements in this remote rural area of Palm Beach County should not be approved. The existing Ag Enclave more than sufficiently meets the minimum number of units and square footage of non-residential development to surpass the anticipated market in this location. This project will lead to over-allocation and will have the effect of over-supply further depressing existing market conditions. Without sufficient demand for supply (i.e., commonly called scarcity or demand), and additional density will prevent recovery and job growth from compatible development in the area. Population projections by the State of Florida BEBR and vacancy rates for non-residential space in western Palm Beach County do not support this project. This is a leap frog development which creates an urban enclave that exceeds the density and intensity of the surrounding area and is not served by public services.

It is our hope that the DEO will review and issue an ORC report with strong objections, and a recommendation for denial, and ultimately find that this project is not in compliance with Florida Statutes, and inconsistent with the State comprehensive land use plan, the Palm Beach County Comprehensive Land Use Plan, and the Treasure Coast Strategic Regional Policy Plan, as follows:

**Fla. Stat. 163.3162 and 163.3164 – Agricultural Enclave:**

The amendment application seeks to amend an existing approved Agricultural Enclave under Fla. Stat. 163.3162 and 163.3164, adopted by Palm Beach County in 2008. The previous adoption gave the property an entitlement of 2,996 residential units, and 235,000 square feet of non-residential use. This resulted in a density of 0.8 units/acre. This property remains in the Rural Tier; surrounded by property in the Rural Tier and the Exurban Tier as established by the Tier System under the Palm Beach County Comprehensive Land Use Plan.

This plan amendment seeks to increase the entitlements to 4,546 residential units, 2.1 million square feet of non-residential in the form of retail, professional office, research and development/light industrial, plus 200,000 square feet of civic, PLUS a 150 room hotel, PLUS a 3,000 student university – all in a remote location that is not suitable for this level of development.

**Surrounding:**

The previous approval already provided this property with more density and intensity than what “surrounds” and “abuts” the perimeter of the property. To the west of the parcel is land in the Rural Tier having a land use of RR 10 and/or RR20. To the south of the parcel is land in the Rural Tier having a land use of RR 5. To the north and east of the parcel is land in the Exurban Tier having a land use of RR 2.5. Calculations provided by Dr. William Louda reflect that at most the density allocated to the parcel should not have exceeded 2,300 units.
A cut-out from this parcel is a small shopping plaza, the square footage of which is unknown; however, I do not believe it exceeds 150,000 square feet. It should be noted that this is a failed shopping plaza with no anchor tenant, and has been in this state for approximately 5 years. Except for a packing plant located on the subject parcel, together with three schools, there are no other non-residential properties surrounding the perimeter of the property.

The definition of “surrounding” in Fla. Stat. 163.3164 (4)(c) should be based on the surrounding perimeter as clearly intended by Florida Statute 163.3164(4)(c) “...surrounded on at least 75 percent of its perimeter...” The applicant seeks to define “surrounding” as 5 miles out in order to achieve higher density and intensity that can be found in the municipalities of Royal Palm Beach and Wellington, and this is incorrect. These urbanized municipalities do not surround the perimeter of the parcel. Based on the density and intensity being proposed, which is heavily weighted because it encompasses far greater area in the outer perimeter between 4-5 miles than the actual perimeter of 1-2 miles this gives undue weight to the density of the outer limits/edges of a 5 mile radius (in a circular fashion), rather than the surrounding perimeter, this application does not comply with the requirements of Fla. Stat. 163.3164(4). Further, if one wished to include the outer limits of a 5 mile radius, the application ignores the tens of thousands of acres of conservation land comprised of Grassy Waters, the JW Corbett Wildlife Refuge, the Royal Palm Beach Natural Area, and the Pond Cypress Natural Area, all of which have zero (0) density and intensity, yet for intensity purposes, the applicant utilized things such as clubhouses and schools for their analysis. This is a leap frog development which creates an urban enclave that exceeds the density and intensity of the surrounding area and is not served by public services.

**Continuing Amendments to an existing Agricultural Enclave:**

This new pending application seeks to amend an existing Agricultural Enclave. There are no other approved developments in the entire State of Florida under the Ag Enclave statutes, which is setting the precedent for any and all future applications made under these Statutes.

The County Staff has taken the position that the owner of property designated as an agricultural enclave can seek amendments to the agricultural enclave as many times as they wish at the whim of an applicant. This defies the intent of comprehensively planning for the future intended by growth “management” and proper planning – this is a remote area that should not be planned to accommodate additional density and intensity in this location. Such uses should be located more central to the urbanized areas of Palm Beach County that are served by roadways and public services.

Between 2008 and 2014 there have been no changes in circumstance in the area’s surrounding density and intensity. It should be noted that the master plan submitted for this project leaves a large portion of the property for “future build” and “subject of a future application under Agricultural Enclave”, should the County’s position on continuous amendments and expansion of urban enclaves that exceed the density and intensity of the surrounding area become the standard for the State rather than the limits imposed by the legislature. A review of Florida Statutes for Agricultural Enclave do not reflect that this increase in the density and intensity of an existing Ag Enclave should be permitted or encouraged. This project is inconsistent with
Florida Statute. This is a leap frog development which creates an urban enclave that exceeds the density and intensity of the surrounding area and is not served by public services.

Single Owner:

Further, as set forth under Fla. Stat. 163.3164(4)(a), the property should be owned by a single person or entity. Fla. Stat. 163.3164(4)(a) “is owned by a single person or entity”. The property comprising of the parcel under the amended application filed by Minto in late July has two property owners, i.e. Minto PBLH, LLC, and the Seminole Improvement District. Therefore this project does not comply with, and is inconsistent with, the aforementioned provisions of Fla. Stat. 163.3164(4)(a).

Urban Sprawl:

This is a leap frog development which creates an urban enclave that exceeds the density and intensity of the surrounding area and is not served by public services. Due to the fact that the density and intensity far surpasses the surrounding perimeter of the parcel, the presumption that the project is not urban sprawl as set forth under Fla. Stat. 163.3162(4) is clearly rebutted. This property remains in the rural tier. The exurban tier and the rural tier in question here are considered equestrian communities, are located in agricultural/residential areas where there are numerous bona fide and hobby agricultural operations, and are incompatible with such urban type development as is contained in this project. There is nothing “agricultural” about this “agricultural enclave”. This is a leap frog development which creates an urban enclave that exceeds the density and intensity of the surrounding area and is not served by public services.

Public Services:

Under Fla. Stat. 163.3164(4)(d), the property which is the subject of an application should: “(d) Has public services, including water, wastewater, transportation, schools, and recreation facilities, available or such public services are scheduled in the capital improvement element to be provided by the local government...”

The property does not have “transportation” or “schools” which are scheduled in the capital improvement element. There is no bus service in the area, nor is any planned. The three schools available are all either currently or anticipated to be over-capacity, and the Palm Beach County School Board has no scheduled capital improvement for the expansion of the existing schools or new schools. The Applicants, while agreeing to provide land for a new elementary school (which was required under the 2008 approval) have not agreed to provide any funding for expansion of the existing elementary school, existing middle school, and existing high school; or for the construction of new schools.

There are no county parks/recreation in the area to service this project, and there are no scheduled capital improvements to provide the same; whether by Palm Beach County or by the Seminole Improvement District.
The water/wastewater that will supply the project is insufficient to service the proposed residential/non-residential uses anticipated by this project. The applicants indicated that the Seminole Improvement District will be the provider of these services; however, the permit that S.I.D has for providing public water supply with the South Florida Water Management District under Permit No: 50-03711-W - reflects that the total annual allocation of ground water from the surficial aquifer system shall not exceed 82,6957 MG. This is insufficient for providing public water for a project of the magnitude proposed here.

Based on the foregoing, this application does not comply with the requirements of Fla. Stat. 163.3164(4)(d). This is a leap frog development which creates an urban enclave that exceeds the density and intensity of the surrounding area and is not served by public services.

**Exemption from Policy 3.5-d:**

As a result of the 2008 prior Agricultural Enclave, Palm Beach County inserted language into the Palm Beach County Comprehensive Land Use Plan under Policy 3.5-d: “This policy shall not be applicable to an Agricultural Enclave pursuant to Florida Statutes section 163.3162(5).” However, no such exemption was required under Fla. Stat. 163.3162(5) and in fact, the 2013 Florida Statutes does not contain a section (5) under Fla. Stat. 163.3162.

The Staff Report prepared for the 2008 Adoption Hearing – Page 8 contains the following statement:

> “County staff agrees with the intensity and density proposed in the [prior] Callery-Judge Grove Ag Enclave land use amendment. Future Land Use Element Policy 3.5-d provides the County “shall not approve a change to the Future Land Use Atlas which results in density or intensity that significantly impact any roadway segment projected to fail to operate at adopted level of service standard “D” based upon the Metropolitan Planning Organization’s 2025 Long Range Transportation Plan… or results in a project that fails Test 2 regulations adopted to implement TE Policy 1.1b.” It is the opinion of the County Attorney’s Office that failure of the Ag Enclave Amendment to meet the Future Land Use Policy 3.5-d should not prevent the Board from approving the amendment... Therefore, the County Attorney’s Office recommends **that if the Board of County Commissioners wishes to approve the Ag Enclave Amendment**, [emphasis added] that the Board include an exemption from Future Land Use Element Policy 3.5-d in the Comprehensive Plan amendments adopted to effectuate the Ag Enclave Amendment.”

As indicated, there is no requirement under Fla. Stat. 163.3162 that Palm Beach County exempt an Agricultural Enclave from Policy 3.5-d, and the insertion of such language in the Palm Beach County Comprehensive Land Use Plan is contrary to State law.

The prior approval reflects that this exemption was a “choice” that the Board of County Commissioners should make “if” they wished to approve the Ag Enclave amendment. This new amended application also fails to meet the requirements of Policy 3.5-d, as did the prior application. Palm Beach County is not required to approve the amendment under Fla. Stat. 163.3162, nor is the state required to find any amendment to an existing Ag Enclave in
compliance. Fla. Stat. 163.3162 only requires transmittal, but not adoption or compliance determinations.

**Increased Intensity:**

In addition, under the previously mentioned Staff Report for the 2008 Adoption Hearing contains this further information on Page 7, Paragraph 4:

“County staff recommended significantly higher non-residential development for the Callery site during the CWC Sector Plan Remedial Amendment process and recommended higher intensities during the negotiation process for the Ag Enclave Amendment. **However, the applicant declined to increase square footage since an increase would be above the per capita ratio within the 5 mile study area, and may not be permissible under the Ag Enclave legislation.**” [Emphasis added]

Under this new application, the County Staff, utilizing the same (voided) Sector Plan (found not to be in compliance), suggests that 2.1 million square feet, plus 200,000 square feet of civic, plus a hotel and a university fits within the definition of “surrounding”, while clearly, the prior property owner of [prior] Callery Judge Grove felt that the same suggestion would not be permissible under the Ag Enclave legislation. If it wasn’t permissible in 2008, it isn’t permissible in 2014. It should not be approved and should be found not in compliance. This is a leap frog development which creates an urban enclave that exceeds the density and intensity of the surrounding area and is not served by public services.

This new amended application fails to meet the intention of the Agricultural Enclave statutes. It fails by placing extreme intense types of uses on the property which cannot be found anywhere in the surrounding areas. Therefore, the application is inconsistent with Florida law.

**Palm Beach County Comprehensive Land Use Plan**

This project is inconsistent with the Goals, Objectives and Policies of the Palm Beach County Comprehensive Land Use Plan, and should not be sanctioned by the State of Florida or any of its agencies.

**Section 1 A.**

Under Section I A of the Future Land Use Element – Introduction, of the 7 broad principles sustainable land use planning, the following principles can be found:

1. Conserve and protect natural and man-made resources, and restore and maintain key ecosystems to provide adequate supplies of clean and safe water for natural, human and economic systems;
2. Prevent urban sprawl through establishing urban development areas and encouraging urban revitalization and redevelopment;
3. Provide for sufficient open space to protect wildlife, and provide natural and recreational areas for public use;
(4) Create quality livable communities by balancing, distributing and integrating the relationship among land uses to meet the needs of the diverse communities and their associated lifestyle choices, and improve the quality of life through better housing, recreational, and cultural opportunities for all;

(5) Manage the development of land and service delivery, so that its use is appropriate, orderly, timely and cost effective;

This project violates each of these broad principles. The areas consisting of the Acreage, Loxahatchee and Loxahatchee Groves are all outside of the urban service boundary, being in the rural service boundary pursuant to our Comprehensive Land Use Plan. Our communities are in the exurban and rural tiers. As is contemplated by the Palm Beach County Comprehensive Land Use Plan, these exurban and rural areas consist of low density, low intensity development, with agricultural uses that are utilized by the existing residents of the communities. This is a leap frog development which creates an urban enclave that exceeds the density and intensity of the surrounding area and is not served by public services.

Many properties in the area are bona fide agricultural operations which include raising livestock of all forms, nurseries, farming operations, equestrian activities, and rescue operations. Roads in the area are generally unpaved. We have a unique country lifestyle that we wish to preserve and maintain. Water is provided by individual potable wells, and sewer by individual septic systems. Most areas of the community have easy access to the amenities that can be found in suburban and urban areas, which can be reached in less than 10 to 20 minutes. This project is incompatible and inconsistent with the area.

This project is especially incompatible and inconsistent with the great equestrian lifestyle enjoyed by many in our rural communities. Equestrians will have a difficult time crossing 6 to 8 lane roads anticipated to be needed to accommodate this project, competing with an additional 70,000 external daily trips.

Section 1 B.

Under Paragraph B of Section 1 can be found:

The protection of the quality of life for present and future citizens is undermined by piecemeal development. This requires a framework as the basis for providing land use decisions that create and maintain sustainable communities and ensure resources are maximized and used cost effectively. The Future Land Use Element addresses actions to correct unforeseen problems and opportunities of development, ensures consistency with State and regional plans and implements the direction provided by the Board of County Commissioners to:

1. Maintain lifestyle choices;
2. Create new land use designations to more closely reflect development patterns in the rural residential areas;
3. Strengthen and facilitate revitalization and redevelopment and infill development programs;
4. Protect agricultural land and equestrian based industries;

This project fails to protect the “quality of life” of present and future citizens, and is a piecemeal development. This project fails to maintain lifestyle choices by placing urban development in the rural tier which abuts the exurban tier. This project is not infill or redevelopment, and there are many areas of the county in the urban/suburban tier that are in need of infill development and/or redevelopment. This project does not protect or preserve agricultural land and equestrian based industries. This is a leap frog development which creates an urban enclave that exceeds the density and intensity of the surrounding area and is not served by public services.

Section I C.

This project is inconsistent with Section I - Paragraph C, #1, 2, 3, 4, 5, 10, 12, 14 and 15 of the Palm Beach County Comprehensive Land Use Plan. The County should not entertain or adopt a project that is inconsistent with the Palm Beach County Comprehensive Land Use Plan. This is a leap frog development which creates an urban enclave that exceeds the density and intensity of the surrounding area and is not served by public services.

Section II

This project is inconsistent with Section II – Objective 1.1 and policies thereunder, and specifically Policy 1.1-b, 1.1-c, 1.1-d. This project is inconsistent with Objective 1.3, and all Policies thereunder, and Objective 1.4 and all Policies thereunder. The County should not adopt a land use amendment that is inconsistent with the Palm Beach County Comprehensive Land Use Plan.

This project will place urban development with huge residential and non-residential components in the rural tier, and detrimentally affect the quality of life enjoyed by our residents in the exurban and rural tiers, creating incompatibility and inconsistency of lifestyles. This is a leap frog development which creates an urban enclave that exceeds the density and intensity of the surrounding area and is not served by public services.

As aforementioned, and as anticipated by Objective 1.3 and Objective 1.4, the exurban and rural tiers feature low density and low intensity types of lifestyle, that are agricultural and equestrian in nature. An urban project such as presented here, with greatly increased density (50%) and greatly increased intensity (800%) hardly can be considered compatible with existing communities and the lifestyle enjoyed by us.

Policy 3.5-d, Palm Beach County Comprehensive Plan – Prohibits Amendment.

As aforementioned, this project should not continue to be exempted from Policy 3.5-d, as there is no statutory requirement for such an exemption at adoption. Adoption of this proposed plan amendment is prohibited by, and would be inconsistent with, Policy 3.5 d of the Palm Beach Count Comprehensive Plan.
The traffic study submitted by the applicant or required by the County for this plan amendment is not adequate under the requirements of the Transportation Element of the Palm Beach County Comprehensive Land Use Plan. The County Staff is aware that this project will cause road failures, traffic congestion, impact existing failing and constrained roadways (Palm Beach CRALLS roadways), and endangers the health, safety and welfare of the area, region and state.

This is a leap frog development which creates an urban enclave that exceeds the density and intensity of the surrounding area and is not served by public services or collector and arterial roadways.

**Traffic - Roads:**

No traffic study was submitted by the applicant for the July 2014 amended application for a comprehensive land use amendment. The traffic study tendered for zoning purposes shows huge increases in external traffic associated with this project, over 70,000 vehicular trips per day on roads that are already over-capacity; and/or on roads that are privately owned and maintained that today have minimal traffic flow.

There are 16 designated CRALLS that will be impacted by this project, creating and/or worsening the danger to health, safety and welfare of residents and visitors to the State, County and area.

Four State Roads will be impacted by this project, i.e. Southern Boulevard (an SIS road), Okeechobee Boulevard, Northlake Boulevard and the proposed extension of SR 7. As advised by George Webb, Palm Beach County Engineer, Southern Boulevard, Okeechobee Boulevard and Northlake Boulevard have been expanded to their full potential east of State Road 7, and therefore cannot be further expanded. This creates a hazard and endangers the health, safety and welfare of residents and visitors to the State, County and area.

This estimated tax dollars necessary for improvements just for the County and State roads exceed $177,000,000, which will be left the burden of taxpayers.

In addition, and not calculated in the aforementioned taxpayer costs, this project intends to utilize privately owned roads within the Indian Trail Improvement District. The County is asserting some public right to allow the developer's use of such roads. Residents in the community own to the center of the roads, and pay taxes to the ITID for their maintenance.

Many roads within the community are unpaved. The paved roads in the community have not been built to DOT standards, some simply being constructed with millings, and consist of two lane quiet residential streets that were not built to sustain the type of traffic anticipated by this project. This will further result in cut-thru traffic on other privately owned, quiet neighborhood residential roads.

This is a leap frog development which creates an urban enclave that exceeds the density and intensity of the surrounding area and is not served by public services.
The developer’s position and the County’s position that our privately owned roads are free for their taking and use, offers a theory of eminent domain for private developer interest, in violation of our Florida Constitution.

**Environmental Concerns:**

This project is contemplated for a former citrus grove operation that operated over some 40 plus years. The subject property has an extensive history of violations and fines. The citrus grove operation required decades of pesticides (some of which have since been banned), herbicides and fertilizers.

**Soil, Water and Air:**

No environmental study has been performed that would indicate what danger might exist to surface water, ground water, and/or the air, once the soil is disturbed for a residential/non-residential project such as is being proposed. There is a potential for causing great harm to the existing residents of the local communities which no one is discussing.

The communities surrounding this project all rely upon individual potable wells for drinking water. In addition to concerns about disturbing the soil and negatively impacting/polluting surface and found water, this project proposes to utilize deep well injection of sewage.

**Dark Sky – Light Pollution:**

The rural and exurban tiers enjoy a “dark sky” lifestyle, consistent with sharing the area with wildlife. The communities are surrounded by preserves and conservation areas as mentioned above. No study has been conducted on the harmful impacts to both humans and/or wildlife for an urban project in the rural area, due to light pollution that will be associated with this project.

**Noise Pollution:**

Due to the anticipated over 70,000 new external vehicular trips expected from the project, the rural residential quiet all in the rural and exurban communities enjoy will be detrimentally impacted by an increase in noise levels by greater than 15 decibels. The noise levels in some instances will exceed the 66 decibel level, which is considered the maximum for residential areas. Under Federal standards this would require mitigation. Noise has not been considered as a factor by the County; however, noise pollution will result negatively impacting the existing communities.

**Health Safety and Welfare – Traffic Impacts**

No study has been conducted on the harmful impacts to both humans and/or wildlife for an urban project in the rural area, due to unsafe traffic conditions expected by this project. As indicated, the communities are surrounded by preserves and conservation areas as mentioned above. Further, these are equestrian communities, as well as communities engaged in bona fide agricultural operations, as well as hobby farming, involving the rearing of livestock.
The Department of Environmental Protection should address all of the above concerns by requiring studies of how this project will affect water (surface and ground), air, and soil; the harmful effects resulting from light pollution, and the harmful effects resulting from excessive traffic impacts.

**Population Increases and Crime:**

The existing population of the communities that will be impacted is approximately 40,000, all of whom reside in the rural/exurban areas 110 square miles in size. This project, on a much smaller parcel of land (3,800 acres), will greatly increase the overall area population by an estimated 15,000 to 20,000 new residents. No study has been conducted on the negative health impacts resulting from urbanizing a rural area.

The rural and exurban areas representing our communities suffer from relatively low amount of crime. This urban project, both with adding new population, as well as with its incredible intensity of 2.1 million square feet, will negatively impact the communities by increasing the crime rates. Commercial activities are well known to result in greatly increased crime.

**Education:**

As previously mentioned, the elementary, middle, and high school are all projected to exceed their expected capacity. The Palm Beach County School District has no funds available for the expansion of existing schools or the building of new schools.

Local children may indeed be forced to be bussed outside of the area due to the over-capacity expected to be generated by this project; therefore displacing children of the existing communities.

Placing local schools in a state of over-capacity fails to meet the educational standards of the County or the State. The financial burden of expansion or construction will be placed on the taxpayers of the County and the State.

**Drainage – Water Resources – SFWMD and DEP:**

This project offers promises that can never be fulfilled. The benefit of additional drainage to the Indian Trail Improvement District is minimal. The potential for flooding actually increases due to higher elevations required for the new residential and non-residential components.

The applicant, in the M2 basin, promises drainage to ITID for the M1 Basin, while during the 2012 Tropical Storm Isaac incident, the M2 basin itself flooded for extended periods of time. No study has been conducted concerning drainage issues.

It is noted that the developer will desire, for purposes of aesthetics, to keep the lakes full, thereby leaving little capacity for runoff and drainage needs generated by their own project, much less provide additional capacity to areas outside of the project. Neither the applicant nor the County
has made an inquiry of the SFWMD, U.S. Arour Corp. or the FL DEP for the proposals of drainage of this property in the C-51 Basin.

Promises of providing surface water supply to the City of West Palm Beach, and the Loxahatchee Slough have not been the subject of any study. The “M” Canal servicing the City of West Palm Beach is a Class I water body. No evidence has been proffered that would reflect the drainage waters would be of sufficient water quality for environmental or drinking water purposes.

The applicant proposes the construction of a lake system on property used for decades as a citrus grove operation. The applicant claims this lake system will serve as a filtering agent in generating good water quality. The lake system is not an STA. There is no evidence that the water quality will meet Class I standards which could be utilized for environmental and/or drinking water purposes.

Existing testing of surface water on the site reflect extremely high levels cf phosphorus. The City of West Palm Beach would not and should not desire to be the receiving entity of discharges of this nature into the Grassy Waters Preserve. The County and the State further should not desire that environmentally sensitive areas needing water supply be the recipient of such water discharges.

The applicant in addition to promising the City of West Palm Beach surface water, also promises the Town of Loxahatchee Groves to its south with surface water, while also promises to provide water supply for the Loxahatchee Slough. No study has been conducted that would support such promises.

The SFWMD is currently in the process of building a reservoir on the Mecca Farms parcel for supplying the Loxahatchee Slough. In addition, the SFWMD, the State, and ITID are having discussions concerning the Moss parcel, a wetland that has been cut off from hydrologic flow. The Moss parcel could substantially benefit from the clean water discharges of the ITID, thereby creating a true public benefit totally unassociated with this project.

As previously mentioned, the existing permit for public water supply is insufficient to meet the public water supply that will be demanded by the new residential and non-residential components of this project.

**Jobs – Economic Promises - Public Benefits:**

The applicant claims that some 3,000 jobs paying an average in excess of $100,000 per year will be generated by the project. The proposal of new residential units numbering 4,546 (an estimated population increase of some 10,000 working age new residents) reflects that the project will be adding new population to the area that far surpasses any number of jobs promised to be created, thereby increasing the net deficit of jobs for existing residents of the area, county and state.
The promised average annual salary is just ridiculous on its face, and should simply be ignored. There have been no studies provided as to the viability of the proposed area to support R&D or light industrial as shown in the Minto plans. Due to the isolated nature of the parcel with respect to other county industry, offices, and universities it should be a requirement to determine viability of such claims. Additionally there has not been any specific company(ies) come forward expressing an interest in the area for the fulfilling these Minto stated demands. The county has negotiated no guarantees regarding the number and/or quality of the proposed jobs and thus simply providing a claim of 3,000 jobs at any specific salary is highly skeptical.

Palm Beach County was recently called “over-retailed” due to the ever increasing excess retail space available and approved. The Villages of Royal Palm Beach and Wellington are both finding their businesses and commercial areas under-utilized and struggling.

Many thousands of square feet of existing professional office and light industrial exist as vacant built and/or unbuilt without demand for such non-residential components. An additional 2.1 million square feet, in an area that is already inundated with built and/or approved unbuilt square footage lacks vision, offers promises that will not be met now, or in the future. Development for development sake rather than need is sprawl, and is harmful to the econoour and lacking in any recognizable public benefit. Indeed, the negative of economic disruption is a very real possibility.

As reflected, the public benefits of this project are ill-defined, lack any supportive study, and should therefore be ignored.

**Taxpayer Costs:**

In road costs alone, the Minto West project is anticipated to result in a net deficit of $177,000,000 for county and state roads; this after deducting proportionate share/impact fees associated with this project. This deficit does not include the burden that would be borne by residents and taxpayers of the Indian Trail Improvement District on privately owned and maintained roads.

In addition to roads, this project will not generate sufficient revenue to cover public services in the form of fire rescue, schools, sheriff’s department, public water utilities, recreations/parks, libraries, and other governmental services that will be demanded by new population.

This is a leap frog development which creates an urban enclave that exceeds the density and intensity of the surrounding area and is not served by public services.

Please visit:


which projects estimated taxpayer costs. Development does not pay for itself, and does not for Minto West!
Overburdening taxpayers for a developer’s profit should not be the goal of the County or State.

**Overallocation of Density and Intensity:**

The existing Ag Enclave was purchased out of bankruptcy after it failed to start. The requested increased level of increased residential and non-residential development in this area should not be approved. The existing Ag Enclave more than sufficiently meets the minimum number of units and square footage of non-residential development to surpass the anticipated market in this location.

This project will lead to overallocation and depress market conditions causing a real estate “crash.”

Without sufficient demand for supply (i.e., commonly called scarcity or demand), additional density will prevent recovery and compatible development in the area.

Population projections by the State of Florida BEBR do not support this project.

Palm Beach County Staff have verified that more than enough residential has been approved to be built in the County that will meet all projected population projections beyond the year 2035. There is no need for approval of this level of increase in dwelling units for residential uses in this particular area of Palm Beach County.

Palm Beach County Staff have verified that there are thousands of acres of already approved yet unbuilt non-residential development, both in the immediate area, the surrounding area, and County for retail, professional office, light industrial, and research and development. Shopping Centers have vacancies and have not been filled, others have not been built. There is no need for approval of more non-residential square footage in this area at this time. Over-allocation will depress an already struggling real estate market for residential and commercial markets – this is too much too soon and will hinder economic recovery.

Attached to this letter please review the information submitted to Palm Beach County showing adequate existing entitlements to meet the minimum “need” for population growth which must be balanced against economic market recovery.

Continued approval of development lacking need, endangers property values and is harmful to the econour and tax base of the County and State.

Further, this project, in the rural areas, will set off a domino effect where other large landowners would seek the same sort of density and intensity being sought with this project.

**Conclusion:**

This is a leap frog development which creates an urban enclave that exceeds the density and intensity of the surrounding area and is not served by public services.
This project is inconsistent with Florida Statutes; inconsistent with the Palm Beach County Comprehensive Land Use Plan; inconsistent with regional needs and state needs; endangers quality of life; is incompatible with the surrounding areas and communities; is incompatible with equestrian activities and bona fide and hobby agricultural operations; will result in huge negative traffic impacts; will overburden existing infrastructure; lacks available infrastructure; will overburden taxpayers; lacks any true identifiable public benefit; lacks economic benefit; is likely to result in local, regional and state economic disruption; endangers property values; will result in greatly increased crime; will result in harmful environmental impacts; and does not fulfill any existing or anticipated future “need”.

The quality of life of existing residents should never be ignored, and is required to be protected! Please find this Plan Amendment “not in compliance” with Florida Statutes Chapter 163, and Florida Statutes Sections 163.3177 and 163.3162.

Our objections and concerns have not been adequately addressed and are summarized below:

There is no demand or need for the proposed increase in development.

The proposed development will negatively impact the regional roadway network and existing infrastructure in the area.

The proposed development will cause taxes to rise.

The jobs offered by the proposed development are not needed, because there is relatively low unemployment in the area.

The proposed development is not compatible with lifestyles in the rural surroundings and will destroy the quality of life in the area.

The proposed development will negatively impact existing agricultural operations in the area.

The proposed development will be a detriment to the environment and negatively impact stormwater management systems in the area.

The proposed development will place unsustainable demands and excess burdens on public services.

The proposed development is an urban enclave that exceeds the density and intensity of the surrounding area.

**Regional Impacts**

The proposed amendment was sent to the Palm Beach County Intergovernmental Plan Amendment Review Committee Clearinghouse for review on May 2, 2014.
The amendment package from Palm Beach County contains correspondence and resolutions opposing the proposed amendment from several organizations, including nearby land owners associations, home owners associations, the Indian Trail Improvement District, Town of Loxahatchee Groves, and Village of Royal Palm Beach.

The resolution adopted by the Town of Loxahatchee Groves expresses concern for Okeechobee Boulevard, which runs from east to west through the center of the town. The resolution indicates that the proposed development would result in a massive development on the town’s border, and the conversion of Okeechobee Boulevard into a thoroughfare for traffic from the proposed development would permanently alter the rural lifestyles of the town and western communities. The resolution urges the Palm Beach County Commission to deny the proposed amendment. The resolution from the Village of Royal Palm Beach supports Palm Beach County’s previous approvals to the subject property, and strongly urges the Palm Beach County Board of County Commissioners not to change the previous approvals. The resolution indicates the Village Council believes the proposed amendments to increase the size of the project are not in the best interest of the citizens of Royal Palm Beach. review of local government comprehensive plans is to identify extraterritorial impacts that are inconsistent with the comprehensive plan of any local government (Section 163.3184, Florida Statutes).

As noted above, the Town of Loxahatchee Groves and Village of Royal Palm Beach have adopted resolutions opposing the proposed amendment and encouraging Palm Beach County not to approve it. The resolutions refer to concerns related to increase traffic impacts and the potential to permanently alter rural lifestyles of citizens in the adjacent communities. We recommend that Palm Beach County adequately address the concerns of the Town of Loxahatchee Groves and Village of Royal Palm Beach and any other extraterritorial comprehensive plan impacts prior to approval of the proposed amendment.

The primary regional resources and facilities that could be impacted by the proposed amendment include the regional drainage system and regional roadway network. Regarding drainage facilities, the M-canal is located along the northern boundary of the Minto West property.

The M-canal flows eastward and conveys water from western parts of the county to Grassy Waters Preserve, which is a 20-square mile wetland that forms the historic headwaters of the Everglades and Loxahatchee River. The Grassy Waters Preserve also serves as the primary source of drinking water for the City of West Palm Beach. A major function of the M-canal is to provide drinking water to communities along the coast.

Development of the Minto West property is not expected to negatively impact the M-canal, because the Seminole Improvement District provides drainage from the site by way of a canal system running approximately four miles south to the C-51 canal, which flows to Lake Worth Lagoon. The Palm Beach County staff report contains considerable discussion on how the Minto West property has the potential to provide a public benefit as a component of a comprehensive regional water approach to address existing issues, such as flood control, water storage, and water quality treatment. The county and the applicant are continuing to discuss possible ways a public benefit could be provided by providing additional water storage on the Minto West
property. The provision of additional water storage and treatment on the subject property would significantly reduce the potential for adverse effects on regional canals, waterbodies, and natural resources of regional significance.

Regarding impacts to the regional roadway network, significant regional facilities that could be impacted by the proposed amendment include: Seminole-Pratt Wh State Road 7; Southern Boulevard; Northlake Boulevard; and Okeechobee Boulevard. The transportation analysis submitted with the amendment package concluded there are deficiencies in level of service based on current county long range plan projections with or without approval of the proposed amendment. The county staff report indicated that due to the complexity of the Minto West Agricultural Enclave project, and the concurrent zoning requests, traffic analysis is ongoing and a full determination of the traffic impacts and associated mitigation will be available prior to the public hearing to adopt the proposed amendment. This analysis will address the proportionate share of improvements required to mitigate the roadway impacts.

The county staff report also incorrectly indicated that the proposed amendment is exempt from the county’s Policy 3.5-d, because it is an Agricultural Enclave pursuant to Section 163.3162(4), Florida Statutes. This policy states the county shall not approve a change to the Future Land Use Atlas which results in an increase in density or intensity of development generating additional traffic that significantly impacts any roadway segment projected to fail to operate at adopted level of service standard “D” based upon the Metropolitan Planning Organization’s 2025 Long Range Transportation Plan. This policy is not contrary to state law. While the plan amendment must be transmitted under the Agricultural Enclave statute (Section 163.3162(4), Florida Statutes), Policy 3.5-d does not require approval of the plan amendment or mandate a finding of compliance.

The full impacts to the regional roadway network are not available for review at this time. However, it is clear from the materials in the amendment package that the increases in density and intensity of the proposed amendment are likely to significantly impact the level of service on the regional roadway network. The proportionate share contributions required to mitigate the roadway impacts are inadequate and will result in degradation of the level of service on the regional roadway network.

Approval of the proposed amendment has the potential to degrade the quality of life in the Central Western Communities of Palm Beach County by adversely impacting the level of service on several regional roadways. These include: Seminole-Pratt Whitney Road; State Road 7; Southern Boulevard; North Lake Boulevard; and Okeechobee Road. The provision of proportionate share payments to mitigate the roadway impacts does not guarantee that roadways will operate at an acceptable level of service and the existing quality of life will be maintained.

Based on the information provided, the amendment is inconsistent with SRPP Regional Goal 8.1 and Strategy 8.11, which is to provide levels of public facilities and services necessary to achieve a high quality of life, cost effectively.
s/ Ralf Brookes Esq.

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cc. Reviewing Agencies

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Mike Busha

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Sent: Thursday, September 18, 2014 6:02 PM
To: Group email; Ray.Eubanks@deo.myflorida.com; bill.pable@deo.myflorida.com; Plan.Review@dep.state.fl.us; Chris.Stahl@dep.state.fl.us; suzanne.e-ray@dep.state.fl.us; FWCConservationplanningservices@myfwc.com; Jason.Hight@MyFWC.com; gerry.oreilly@dot.state.fl.us; compplans@freshfromflorida.com; deena.woodward@DOS.myflorida.com; mbusha@torpc.org; tmanning@sfwmd.gov; Florida Department of State
Subject: re Minto west

Dear All;

Remember--when we, the vocal majority out here, say NO TO MINTO it means NO to the expanded proposal--we can accept the 2,996 units and 235,000 ft2 of commercial---PERIOD!

Thank you.

Dr. J. William (Bill) Louda
Loxahtachee Groves