MEMORANDUM

To: Council Members
From: Staff
Date: September 13, 2019
Subject: Local Government Comprehensive Plan Review

Introduction

The Community Planning Act, Chapter 163, Florida Statutes, requires that the regional planning council review local government comprehensive plan amendments prior to their adoption. The regional planning council review and comments are limited to adverse effects on regional resources or facilities identified in the Strategic Regional Policy Plan (SRPP) and extrajurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within the region. Council must provide any comments to the local government within 30 days of the receipt of the proposed amendments and must also send a copy of any comments to the state land planning agency.

The amendment package from the Town of Highland Beach was received on August 23, 2019 and contains text changes to the Coastal Management – Conservation Element and changes to the Future Land Use Map (FLUM). The proposed changes are based on the Town’s Evaluation and Appraisal Review (EAR). This report includes a summary of the proposed amendments and Council comments.

Summary of Proposed Amendments

The purpose of the EAR is to determine whether the need exists to amend the comprehensive plan to reflect changes in state requirements since the last time the comprehensive plan was updated and to address issues of local concern. On June 18, 2018, the Town sent a letter to the Florida Department of Economic Opportunity (FDEO) indicating that amendments to their comprehensive plan were necessary. A summary of the amendments follows.

Coastal Management – Conservation Element

In 2015, under Chapter 163, Florida Statutes, the legislature passed requirements under the Peril of Flood Act for jurisdictions with Coastal Management Elements contained in their comprehensive plan to create a redevelopment component with principles to use to eliminate inappropriate and unsafe development in coastal areas. The Act defines components that must be included in the comprehensive plan. Proposed changes to this element address the state-
mandated process of revising the Coastal Management Element of the Town’s Comprehensive Plan to address sea level rise and other related issues. The proposed amendments revise several policies within the element to provide compliance with state statutes and current Town policies and practices. The Town provided the proposed text amendments in strikeout and underline format, which is included as Exhibit 2.

**Future Land Use Map Amendment**

The staff report indicates the FLUM is proposed to be modified to eliminate a “Potential Conservation” overlay, because it is not defined within the comprehensive plan and is difficult to apply to properties. The Town has provided the existing and proposed FLUM maps, which are included as Exhibits 3 and 4 respectively.

**Regional Impacts**

No adverse effects on regional resources or facilities have been identified.

**Extrajurisdictional Impacts**

The proposed amendments were circulated by the Palm Beach County Intergovernmental Plan Amendment Review Committee Clearinghouse Coordinator on August 22, 2019. No extrajurisdictional impacts have been identified.

**Conclusion**

No adverse effects on regional resources or facilities have been identified. Although the Town does address Peril of Flood Principles in the comprehensive plan through various policies and references to the Town’s Land Development Codes, Council recommends enhancing it by adding policy language to the comprehensive plan to ensure the Town is meeting the requirements of the Peril of Flood Act. That language should:

- Include a policy to require the Town to review all plans for construction within the floodplain area and that the requirements be consistent with, or more stringent than, the minimum requirements of the Florida Building Code for such construction.

- Include specific development and redevelopment principles, strategies, and engineering solutions that will reduce flood risk in coastal areas that result from high-tide events, storm surge, flash floods, stormwater runoff, and related impacts of sea level rise.

- Add language to Policy 1.2.1 and Policy 2.3.1 stating that the Town shall require construction activities seaward of the established coastal construction control line to be consistent with Chapter 161 Florida Statutes.

- Encourage development and redevelopment best practice principles, strategies, and engineering solutions that will result in the removal of coastal real property from flood zone designations established by the Federal Emergency Management Agency.
Recommendation

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

Council Action – September 20, 2019

Commissioner Smith from Martin County moved approval of the staff recommendation. Commissioner O’Bryan from Indian River County seconded the motion, which carried unanimously.

Attachments
## List of Exhibits

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Exhibit 1
General Location Map
Coastal Management/Conservation Element

The Town of Highland Beach was incorporated in 1949. Located in the southern portion of eastern Palm Beach County, the barrier island town encompasses 1.1 square miles (0.5 square miles of land plus 0.6 square miles of water) and is bounded on the north and northwest by the City of Delray Beach and on the south and southwest by the City of Boca Raton. The Atlantic Ocean lies adjacent to the Town on the east and the Intracoastal Waterway lies to the west. The overall length of the town is approximately 2.8 miles.

The governing body of the Town consists of a five-member Town Commission, each elected for three-year, overlapping terms. Terms to elected office are limited to two. Day-to-day operations of the Town are under the leadership of the Town Manager who is appointed by the Town Commission. The Town provides general municipal services such as police protection and a library, as well as water and wastewater utility service. The Town also provides, through contract, fire protection and emergency services, solid waste, and postal services.

The town has a current year-round population of approximately 4,150 which increases by about 40 percent to approximately 8,500 during the winter months. Residents are composed of approximately 80% retirees and 20% persons employed or engaged in business enterprises in Palm Beach and Broward Counties.

The Town’s “main street” is State Road A1A, which has a 100-foot wide right of way and relies on swales to manage storm-water run-off, retention and ground-water infiltration.

Highland Beach is a residential community with one remaining non-conforming oceanfront hotel known as the Highland Beach Delray Sands. At this time there are no public beaches, although Palm Beach County has purchased a small site near the south end of the town for future development as Milani Park.

In 2007, an evaluation of existing gross acreage by land uses revealed that 263.85 acres or 67% of the total gross acreage of 396.7 acres in the Town is dedicated to residential use. The remaining gross acreage is allocated to non-residential such as governmental, institutional, recreation and right-of-way. This ratio has not changed in recent years. The residential and non-residential growth rate is anticipated to be minimal for the next 10 to 20 years.

The Town is substantially built-out (98%), with minimal future new development potential and population growth limited by the scarcity of vacant and developable land. Potential for redevelopment is limited to single-family lots and by the land use densities established within the Comprehensive Plan; therefore, the majority of redevelopment activity in the future will likely result from “tear-down” of older residential structures and replacement with new at densities permitted by current ordinances. The potential expansion of the Town’s current boundaries through annexations is not practical due to its location.
Goal 1

To ensure a beach and dune system and other natural environmental features which are preserved and enhanced to minimize erosion under normal conditions, provide protection against storm impacts, stormwater run-off, sea level rise, chronic flooding, and protect/conserve environmental features and wildlife habitats either through protection or mitigation programs.

Objective 1.1

The Town will prevent damage and destruction to the dune system, resulting from construction activities, pedestrian crossings and other disturbances. The Town shall annually review waterfront construction permit activities and assess the resulting impacts as the measure of this objective.

Policy 1.1.1

The Town will enforce rigorously Chapter 6, 20 and 30 (Trees, Shrubs, and Vegetation) of its Code of Ordinances.

Policy 1.1.2

The Town encourages removal of invasive exotic species.

Policy 1.1.3

The Town will support beach and dune restoration programs and activities as necessary in order to maintain and improve its coastal resources and shoreline.

Policy 1.1.4

The Town will coordinate with Palm Beach County and Florida Department of Environmental Protection to ensure beach maintenance activities comply with all local and state regulations.

Policy 1.1.5

The Town will coordinate with local and state agencies in the event that beach restoration and renourishment activities occur within the Town.

Policy 1.1.6

The Town will coordinate and support Palm Beach County in its study of the possible impacts of shore protection structures, such as groins, revetments or seawalls on the Town’s beaches, beach renourishment, or other means.

Objective 1.2

The Town will prohibit construction activities and location of buildings and site improvements which might cause or increase harmful effects of hurricanes and other natural disasters,
including property damage, degradation of natural resources, wetlands and estuaries, inappropriate or conflicting land uses and exposure of human life. **The Town shall annually review all construction activities and assess the resulting impacts as the measure of this objective.**

Policy 1.2.1

The Town supports environmental conservation programs and directs the Town Manager to monitor enforcement of applicable regulations of State and Federal and local governmental agencies regarding construction within the coastal high hazard area. **Petitioners for land development within the coastal high hazard area shall provide the Town with copies of all applicable state and federal permits** and require certified statements of all permittees as to how requirements have been met prior to the Town’s approval of developments prior to issuance of occupancy building permits.

Policy 1.2.2

The Town supports and will assist effective local government review and comment processes for projects and actions proposed seaward of the Coastal Construction Control Line.

Policy 1.2.3

The Town supports the periodic re-evaluation of the Coastal Construction Control Line in accordance with current accepted methodology.

Policy 1.2.4

The Town shall define its coastal high hazard area as the area below the elevation of the Category 1 storm surge line as established by the National Oceanic and Atmospheric Administration’s Sea, Lake and Overland Surges from Hurricanes (SLOSH) computerized storm surge model. The Coastal High Hazard Area shall be shown on the Future Land Use Map series.

Policy 1.2.5

The Town will not permit shoreline uses which will be incompatible with the established residential character, will not provide public marina sites, and will not permit activities or land uses which could cause estuarine pollution or endanger living marine resources.

Policy 1.2.6

The Town will continue to prohibit removal of sand from the Town as a result of construction activities and requires that sand shall be retained and deposited on beachfront property.

Policy 1.2.7

The Town will enforce rigorously Chapter 20 (Trees, Shrubs, and Vegetation) of its Code of Ordinances as a means of protecting mangroves.
Objective 1.3

The Town will establish guidelines and enforcement procedures, requiring removal, repair or replacement of any structure or site improvements within or adjacent to the beach when such structure or improvements have experienced damage due to erosion or storm effects, thereby constituting a potential safety hazard for the public. **In the event of structural damage in excess of 50\% of the value of the structure, the structure should be rebuilt to current codes. The objective will be met with the creation of the guidelines and enforcement procedures for damaged structures.**

Policy 1.3.1

The Town, in accordance with Section 163.3202 (1) Florida Statutes, shall maintain and enforce applicable ordinances and administrative procedures to assure that unsafe conditions due to damaged structures or hazardous conditions shall not be permitted to remain indefinitely on the beach and foredune areas.

Policy 1.3.2

**By the year 2020, the Town shall initiate a study or participate in a regional study to evaluate the Town’s vulnerabilities to the effects of sea level rise, regional water releases, and chronic flooding. Sea level rise refers to the long-term average sea level rise relative to the local land level. Chronic flooding refers to localized flooding that occurs annually exceeds a 100-year storm events. The study shall examine the following:**

a. **Areas of the Town which experience periodic flooding:**

b. **Identification of natural areas impacted by sea level change and chronic flooding:**

c. **Identification of infrastructure impacted by sea level change and chronic flooding, including drainage systems within the Town:**

d. **Evaluate the option to establish Adaptation Action Area(s), which are defined in Florida Statutes Section 163.3164 (1), as a designation within the Coastal Management element which identifies areas that experience coastal flooding due to extreme high tides and storm surge, and that are vulnerable to the related impacts of rising sea levels:**

e. **Identify policies and land development regulations to be modified to address sea level change and chronic flooding, including seawall heights; and**

f. **Identify funding sources for staff and infrastructure to address the impacts of sea level change and chronic flooding.**
Objective 1.4

The Town will actively support protection and conservation of coastal natural resources including manatees, sea turtles, seagrass beds, and mangrove stands. **The Town will have met this objective through the provision of education materials regarding the protection of the coastal natural resources within the community.**

Policy 1.4.1

The Town will coordinate with the appropriate agencies in order to ensure the protection of its coastal natural resources, including manatees, sea turtles, seagrass beds, and mangrove stands.

Policy 1.4.2

The Town shall maintain and enforce provisions to protect its coastal natural resources, including manatees, sea turtles, seagrass beds, and mangrove stands, in its Code of Ordinances.

**Policy 1.4.3**

The town will continue to encourage boat users to reduce speeds in the Town’s waterways to protect manatees and reduce erosion and related impacts to canal banks and seawalls from excessive wake.

Objective 1.5

The Town will coordinate with the South Florida Water Management District to ensure that all future developments meet stormwater retention criteria and requirements of that agency. **The Town shall annually review construction permits to assess on whether the District’s stormwater retention requirements have been addressed.**

**Policy 1.5.1**

**The Town will take affirmative action to improve the stormwater drainage systems within Town.** Such review will identify areas of improvement where the system can be more efficient, identify possible enhancements such as on-site water retention, capital improvements, and development code modifications.

**Policy 1.5.2**

**The Town shall continue to revise land development regulations to enhance flood mitigation measures in vulnerable areas to reduce future risks associated with high tide events, storm surge, chronic flooding, stormwater runoff, and the related impacts of sea level rise.**

**Policy 1.5.3**

**Rise in sea level projected by the federal government (Army Corps of Engineers) shall be taken into consideration in all future decisions regarding the design, location, and development of infrastructure and public facilities in the Town.**
**Policy 1.5.4.**
The Town shall continue to apply the best planning and engineering practices in development to attenuate and mitigate future flood events and modify the Land Development Regulations and other relevant regulatory documents as needed.

**Objective 1.6**
The Town’s standard for prioritizing shoreline land uses gives priority to water-dependent uses so that {4} beaches will be conserved and protected for public recreation and resource conversation purposes; and {2} that in the event post disaster (or other cause) redevelopment is necessitated, or conditions occur to enable demolition and reconstruction of oceanfront structures. The Town shall annually review any oceanfront land use changes and/or oceanfront redevelopment activities to ensure compliance with this objective.

**Goal 2**
To ensure the provision of maximum feasible protection of life and property from the effects of storms and natural disasters.

**Objective 2.1**
The Town will coordinate its planning and permitting activities with the Palm Beach Emergency Operations Center (EOC) so as to maintain an evacuation time of not more than six (6) hours during daytime conditions and eight (8) hours during nighttime conditions. Any future land use change which would increase the allowable density will require compliance with this objective.

**Policy 2.1.1**
The Town’s Future Land Use Map shall reflect residential density ranges and allocation of land area to those density ranges so as to enable the Town to maintain the evacuation times set forth in Objective 2.1.

**Policy 2.1.2**
The Town shall review its Emergency Management Plan annually to determine needed activities or procedures to facilitate maximum safety conditions and minimum evacuation times following issuance of an evacuation order.

**Policy 2.1.3**
Through active participation in the Palm Beach County emergency planning program, the Town will assure its activities and procedures are coordinated with those of adjacent communities and Palm Beach County.
Policy 2.1.4

The Town will not expend public funds to subsidize development within the coastal high hazard area other than expenditures necessary to achieve the objectives and policies of the Comprehensive Plan.

Policy 2.1.5

The Town will only permit development in areas subject to potential storm hazards in accordance with Chapter 6 of the Town’s Code of Ordinances (Coastal Construction Code) and shall maintain that Code to conform with the Comprehensive Plan as well as State and Federal requirements.

Policy 2.1.6

The Town’s land development regulations shall continue to include provisions to ensure that required infrastructure is available to serve development or redevelopment in accordance with adopted level of service standards, sound practices of coastal resource protection, and safe evacuation.

Objective 2.2

The Town will not permit rebuilding of structures experiencing damage due to storm-related conditions or erosion when such damage exceeds fifty percent (50%) of the value of the structure unless reconstruction is in compliance with the Town’s Code of Ordinances, applicable to new construction. **The Town shall annually review construction permits to ensure compliance with this objective.**

Objective 2.3

The Town shall coordinate with Palm Beach County on policies that increase community resiliency and protect property, infrastructure, and cultural and natural resources from the impacts of climate change, including sea level rise, stormwater run-off and collection, impact of king tides, changes in rainfall patterns, and extreme weather events. Compliance with this objective shall be determined through a biennial review of the Town’s resiliency to sea level rise, chronic flooding and related impacts.

Policy 2.3.1

The Town will continue to enforce its building code and drainage requirements. The Town will coordinate with, and will rely on, the Florida Department of Environmental Protection to enforce building limitations seaward of the Coastal Construction Control Line.
Goal 3

To ensure the protection of air, water, and soil standards as well as wildlife and natural systems during land development activities.

Objective 3.1

The Town will prohibit the construction of any land uses which could have a negative impact on air and water quality, stormwater management, and those that would or which will generate hazardous wastes. The Town shall annually review all construction activities and assess the resulting impacts as the measure of this objective.

Policy 3.1.1

The Future Land Use Plan shall not reflect any commercial or industrial land use designations.

Policy 3.1.2

The Town shall continue to identify and protect environmentally sensitive lands, and maintain and enforce requirements and standards related to the disturbance of those areas due to development activities.

Policy 3.1.3

The Town shall coordinate with Palm Beach County and State regulatory agencies all activities related to hazardous waste management which may occur in the Town so as to protect human life and natural resources.

Policy 3.1.4

In all applications seeking Future Land Use Map amendments and/or rezoning requests, the petitioner shall provide the Town with a drainage statement that addresses the impact of sea level rise and on-site stormwater retention on the subject site. The drainage statement shall incorporate the latest sea level rise information from the Army Corps of Engineers. The provision of this drainage and stormwater retention statement shall be in addition to the other application requirements.

Policy 3.1.5

The Town shall require all petitioners of land development and redevelopment efforts in the Town to maximize the environmental, recreational and economic resources while enhancing resilience to sea level rise and chronic flooding impacts.
Objective 3.2

The Town will coordinate permitting with State and County agencies so as to ensure the preservation of existing native tropical vegetation including mangroves and seagrasses in accordance with State and County permitting standards so as to protect the functions of natural systems. **The Town shall annually review all environmental permitting activities within the Town and assess the resulting impacts as the measure of this objective.**

Policy 3.2.1

The Town will enforce Chapter 20 and 30 (Trees, Shrubs, and Vegetation) of its Code of Ordinances requiring that vegetation assessments be submitted to the Town prior to land clearing and development and the Town must determine that the proposed activity will offer maximum achievable protection of vegetation including mangroves and seagrasses.

Policy 3.2.2

The Town will continue to coordinate with the City of Delray Beach, Palm Beach County, the City of Boca Raton and other coastal communities in the development, maintenance and enforcement of regulations affecting waterfront development of consistent to regulate and manage development along the Intracoastal Waterway and to ensure the Intracoastal Waterway’s protection from environmental degradation including control of surface runoff, protection of marine resources, ensuring public access to the Waterway, and reduction of exposure to natural hazards.

Policy 3.2.3

The Town will continue to maintain within its development permitting process procedures that ensure compliance with all resource management plans applicable within the Town and copies of such plans will be kept on file for reference.

Objective 3.3

The Town will take steps to protect endangered or threatened wildlife species. **The Town shall periodically review its code of ordinances to ensure that this objective is addressed.**

Policy 3.3.1

The Town shall abide by its standing policy supporting wildlife conservation including all listed endangered and threatened wildlife species and shall not permit development that will result in a net loss of such species.

Policy 3.3.2

The Town will maintain within its land development regulations appropriate provisions requiring that habitat assessments be made for all new development prior to permitting, and will make a determination if the proposed activity will offer maximum protection for habitats identified in the assessment.
Policy 3.3.3

The Town will include within its land development regulations provisions to require limitations on outside lighting so as to not attract sea turtle hatchlings away from the water during hatching season.

Objective 3.4

The Town shall take steps to conserve, appropriately use, and protect the quality and quantity of current and projected water sources and waters that flow into estuarine waters or oceanic waters. The Town shall periodically review its code of ordinances to ensure that this Objective is addressed.

Policy 3.4.1

The Town shall maintain and enforce provisions within its land development regulations requiring all future development to meet stormwater quality standards as set forth by the South Florida Water Management District.

Policy 3.4.2

The Town will maintain and enforce provisions within its land development regulations requiring that when existing developments are altered to increase their density or intensity by 30% or more; or, when redevelopment is required due to damage resulting in a 50% or more loss in the structure’s value, that stormwater management regulations applicable to new development shall be imposed as a condition of permitting for such repair or reconstruction.

Policy 3.4.3

The Town shall enforce emergency conservation requirements in accordance with the plans of the South Florida Water Management District.

Policy 3.4.4

Implementation of the 20-year Water Supply Work Plan shall ensure that adequate water supplies and public facilities are available to serve the water supply demands of any population growth the Town may experience.

Policy 3.4.5

The Town shall coordinate the planning of potable water and sanitary sewer facilities, water supply sources, demands, other services and level-of-service standards with the Palm Beach County Water Utilities Department, Palm Beach County Department of Environmental Resources Management, South Florida Water Management District, and through the Lower East Coast Water Supply Plan Update, as necessary.
Policy 3.4.6

As a result of the potable water network’s ability to interconnect to the County-wide system through the City of Boca Raton or the City of Delray Beach, the Town’s Public Works Department will cooperate with Palm Beach County Water Utilities Department and the City of Boca Raton and the City of Delray Beach to jointly develop methodologies and procedures for biannually updating estimates of system demand and capacity, and ensure that sufficient capacity to serve development exists.

Policy 3.4.7

If in the future there are issues associated with water supply, conservation or reuse the Town will immediately contact the Palm Beach County Water Utilities Department, the City of Boca Raton, and the City of Delray Beach to address the corresponding issue(s). In addition, the Town will follow adopted communication protocols with the Water Utilities Department to communicate and/or prepare an appropriate action plan to address any relevant issue associated with water supply, conservation or reuse.

Policy 3.4.8

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

Policy 3.4.9

The Town will encourage the use of Florida Friendly Landscape guidelines and principals; gutter downspouts, roof runoff, and rain harvesting through the use of rain barrels and directing runoff to landscaped areas; drip irrigation or micro-sprinklers; rain gauges; and the use of porous surface materials (bricks, gravel, turf block, mulch, pervious concrete, etc.) on walkways, driveways and patios.

Policy 3.4.10

The Town will participate, when warranted, in the SFWMD’s Water Savings Incentive Program (WaterSIP) for large-scale retrofits as recommended by the Lower East Coast Water Supply Plan.

Objective 3.5

The Town will cooperate with Palm Beach County and other local governments in meeting established air quality standards. **The Town shall periodically review its code of ordinances to ensure that this objective is addressed.**
Objective 3.6

The Town shall seek to reduce greenhouse gas emissions and conserve energy resources. The Town shall periodically review its code of ordinances to ensure that this objective is addressed.

Policy 3.6.1

The Town shall continue to implement low impact development techniques and energy-efficient green building standards that reduce the negative environmental impacts of development and redevelopment found in the Florida Building Code, by: reducing building footprints to the maximum extent feasible, and locating building sites away from environmentally sensitive areas; promoting the preservation of natural resources; providing for on-site mitigation of impacts (i.e., retention and treatment of stormwater runoff, water reuse, Master Stormwater Management Systems); promoting energy conservation through design, landscaping and building techniques (i.e., solar power, increased tree canopies); promoting water conservation through landscaping and building design; ensuring environmentally friendly building practices (i.e., use of environmentally friendly building materials, recycled materials); and, developing and implementing a green building certification program, with associated regulations, incentives and standards.

Policy 3.6.2

The Town shall limit greenhouse gas emissions through the implementation of strategies to reduce the number of vehicle-miles travelled. These strategies include: the promotion of compact mixed-use development that provides for a mixture of residential and non-residential land uses in a pedestrian-friendly environment with multi-modal transportation connectivity to other areas; promoting the use of alternate transportation modes as specified herein, including mass transit, bicycles, and pedestrianism; and, requiring Transportation Demand Management Programs as a condition for development approvals.

Goal 4

To ensure the Town shall continue to require land development applicants to utilize best practices and initiate mitigation strategies to stop chronic flooding in coastal areas that may result from high tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea level rise.

Objective 4.1

The Town will continue to examine community-wide strategies to increase the resiliency of the Town to address future effects of coastal storms and climate change on the community. Compliance with this objective shall be determined through a biennial review of the Town’s resiliency to sea level rise, chronic flooding and related impacts.
Policy 4.1.1

The Town shall support Palm Beach County’s efforts to increase regional resilience by sharing technical expertise, assessing local vulnerabilities, and advancing agreed upon mitigation and adaptation strategies.

Policy 4.1.2

The Town will evaluate the benefits of participating in the National Flood Insurance Program Community Rating System (CRS) and will strive to obtain a positive CRS rating.
Exhibit 3
Existing Future Land Use Map

Future Land Use Map

Year 2030

Legend
- Government
- Multi Family High Density
- Multi Family Low Density
- Multi Family Medium Density
- Recreational Open Space
- Single Family
- Conservation
- Potential Conservation
Exhibit 4
Proposed Future Land Use Map

Future Land Use Map

Year 2030

Legend
- Government
- Multi Family High Density
- Multi Family Low Density
- Multi Family Medium Density
- Recreational Open Space
- Single Family
- Conservation