

To: Council Members

From: Staff

Date: March 4, 2010

Subject: Local Government Comprehensive Plan Amendment Review
Adopted Amendments to the Village of North Palm Beach Comprehensive Plan
DCA Reference No. 10-1ER (formerly 09-1ER)

Background

On January 28, 2010, the Village of North Palm Beach adopted text amendments to all elements of the Village Comprehensive Plan. Most of the amendments were pursuant to an Evaluation and Appraisal Report adopted by the Village on November 30, 2006. Others were to address statutory requirements for water supply planning.

The Treasure Coast Regional Planning Council (TCRPC) reviewed the proposed amendments at a regular meeting held on December 11, 2009. The Florida Department of Community Affairs (DCA) issued an Objections, Recommendations and Comments (ORC) Report on the proposed amendments on December 15, 2009.

Evaluation

A. TCRPC Report

The report approved by the TCRPC contained three comments/recommendations for modification. The comments/recommendations are shown in Attachment A.

B. DCA ORC Report

The DCA ORC Report contained several objections. The objections are shown in Attachment B.

C. Village Response

1. To TCRPC Comments/Recommendations for Modification

No response received.

2. To the DCA ORC Report

The Village's response to the DCA objections is shown in Attachment B.

Conclusion

For information only.

Attachment

Attachment A
Excerpts from TCRPC report on Village of North Palm Beach
Comprehensive Plan Amendments (DCA Ref# 10-1ER, formerly 09-1ER)
Approved at December 11, 2009 Council Meeting, Agenda Item 5I

Analysis of Consistency with Strategic Regional Policy Plan

Comments/Recommendations for Modification

1. Proposed Policy 1.B.2 allows for a workforce housing density bonus for lands designated with the Mixed Use FLUM category. If units are constructed on site, 50 percent of the bonus units shall be for affordable as defined under the County Workforce Housing Program Income Guidelines. A developer can also get the density bonus if funding is provided to assist an affordable housing program in another jurisdiction. Such funds, estimated to be 5 percent of the cost of construction of the bonus units, are to be contributed to the Palm Beach County Affordable Housing Trust Fund or other appropriate alternative as determined by the Village.

This is an important policy, and is consistent with SRPP Policy 2.1.1.4. While the SRPP is silent on the issue of the location of units that are given as a bonus to meet affordable housing needs, it is preferable that these units be provided on the site of the development, or at least within the municipality that is granting the density bonus. The location of those units outside the granting municipality may be appropriate in some cases, but they should be located so that there is a nexus between that location and the workforce locations. In applying this policy, the Village is encouraged to ensure that those units are built in such locations that the employees who work in and about the Village but cannot afford to live in the Village can still live in a reasonable proximity to their jobs.

2. Revised Policy 3.11 in the Housing Element indicates the Village will work with the Palm Beach County IPARC to develop an interlocal agreement whereby coastal municipalities could jointly pursue a comprehensive approach and solution to the county-wide low income and workforce housing shortage problem. This is to occur within two years. This is an excellent policy. The Village should formally request that the IPARC initiate this effort, if this has not been done previously.
3. Reference is made in Section 6.1 of the Infrastructure Element to the WSFWP. However, the Plan has not been adopted as part of the comprehensive plan. Consistent with the requirements of 163.3177(6)(c) F.S., the Village should adopt the WSFWP as part of the Infrastructure Element.

Attachment B

VILLAGE OF NORTH PALM BEACH
OBJECTIONS, RECOMMENDATIONS AND COMMENTS REPORT RESPONSE
FOR PROPOSED AMENDMENT #09-1ER

January 21, 2010

Prepared By: Land Research Management, Inc.
Prepared For: Village of north Palm Beach, Florida:

This report is prepared pursuant to Rule 9J-11.010, F.A.C.

INTRODUCTION

The following ORC Report Response is submitted to address the objections and recommendations prepared by the Florida Department of Community Affairs (FDCA), based upon its review of the Village of North Palm Beach #09-1ER proposed amendment to its Comprehensive Plan pursuant to s. 163.3184, Florida Statutes (F.S.).

DCA's objections relate to specific requirements of relevant portions of Chapter 9J-5, Florida Administrative Code (F.A.C.), and Chapter 163, Part II, F.S. Each DCA objection includes a recommendation of one approach that might be taken to address the cited objection. In the following ORC Response, the Village has prepared a specific response to each of DCA's objections. Village of North Palm Beach Comprehensive Plan pages, revised in response to ORC Report objections, are included in Attachment A.

The Village's response has resulted in proposed Comprehensive amendments oriented to addressing DCA's objections and procuring a Finding of Compliance by the Department.

Since the comments that follow the objections and recommendations section of the ORC are advisory in nature, and will not form bases of a determination of non-compliance, the Village has elected not to address them at this time.

I. CONSISTENCY WITH CHAPTER 163, F.S., AND RULE 9J-5, F.A.C.

Village of North Palm Beach's proposed amendment, DCA #09-1ER was received on October 13, 2009. The amendment contains the Village's Evaluation and Appraisal Report-based amendments, 10-Year Water Supply Facilities Work Plan and the annual Capital Improvements Element update. The Department has identified the following objections, recommendations and comments to the proposed comprehensive plan amendments as they do not meet all of the requirements in Chapter 163, F.S., and Rule 9J-5, F.A.C.

OBJECTIONS AND RECOMMENDATIONS

10-Year Water Supply Facilities Work Plan

Objection 1: Proposed Future Land Use Policy 2.6, Infrastructure Policy 5.6 and Intergovernmental Coordination Policy 4.5, all defer updating the Ten-Year Water Supply Facilities Work Plan at the time the Village prepares its Evaluation and Appraisal Report, rather than 18 months of the update to the South Florida Water Management District's Lower East Coast Regional Water Supply Plan. These policies are inconsistent with statute requirements which state that the Water Supply Facility Work Plans are to be updated every five years and within 18 months of the South Florida Water Management District's update of its *Lower East Coast Regional Water Supply Plan*.

Citations: Sections 163.3177(6)(a), (6)(c), (6)(d), 6(h)(1); and 163.3177(9)(h), F.S.; Rules 9J-5.005(2)(g); and 9J-5.013(1)(c), 9J-5.015(3)(b)2, (c)1, 3 and 11, F.A.C.

Recommendation: Revise proposed Future Land Use Policy 2.6, Infrastructure Policy 5.6 and Intergovernmental Coordination Policy 4.5 to state that the Village will update its Water Supply Plan within 18 months after the South Florida Water Management District updates its *Lower East Coast Regional Water Supply Plan*.

Response 1: *Future Land Use Element Policy 2.8, Infrastructure Element Policy 5.6 and Intergovernmental Coordination Element 4.5 have been revised to state that the Village will update its Water Supply Plan within 18 months after the South Florida Water Management District updates its Lower East Coast Regional Water Supply Plan. Revised Comprehensive Plan pages 3-6, 6-9 and 10-5 are attached hereto.*

Future Land Use Element

Objection 2: Coastal High Hazard Area Map (figure 3-7) is incorrect because the area shown, per the map legend is the area to be evacuated in the event of a category 1 or category 2 hurricane rather than based on the Coastal High Hazard Area definition in Section 163.3178(2)(h), F.S. [see also Section 163.3178(9)(c), F.S.].

Citations: Sections 163.3177(6)(g), and 3178(2)(d), (2)(h), (9), F.S., and Rule 9J-5.006(4)(b)6, 9J-5.012(2)(e)3, and (3)(c)7, F.A.C.

Recommendation: Revise the Coastal High Hazard Area map based on the statutory definition as stated in the Future Land Use Element Section 3.5.3.5 (page 3-12 of amendment) and Coastal Management Element Objective 6 (The coastal high-hazard area is the area below the elevation of the category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model).

Response 2: Figure 3-7 (Coastal High Hazard Area) of the Future Land Use Element (page 3-24) has been revised to illustrate the Category 1 storm surge area encompassing the Village limits, as determined by the Florida Hurricane Surge Atlas Treasure Coast Jurisdiction (Post, Buckley, Schuh and Jernigan; 11/93). Based upon discussions with Treasure Coast Regional Planning Council and Palm Beach County Planning Division, this source is determined to be the best available data on the subject. Revised Figure 3-4 is attached hereto.

Objection 3: The Village has not included a minimum 10 year planning period in its comprehensive Plan.

Citations: Sections 163.3177(5)(a) and (6)(a), F.S., and Rules 9J-5.005(1)(e), (4), 9J-5.006(1) and 9J-5.006(4), F.A.C.

Recommendation: The Village needs to revise its comprehensive plan to include a long range planning period of at least 10 years to 2020.

Response 3: The Comprehensive Plan Cover Page, pages 1-8 and 1-9 of the General Requirements section, and the Cover Page of the Future Land Use Atlas have been revised to indicate a 2020 planning period. Revised cover pages and revised Comprehensive Plan pages 1-8 and 1-9 are attached hereto.

Objection 4: Future Land Use Map (figure 3-2) does not have a future date which it is intended to represent.

Citations: Sections 163.3177(5)(a) and (6)(a), F.S., and Rules 9J-5.005(1)(e), (4), 9J-5.006(1) and 9J-5.006(4), F.A.C.

Recommendation: Revise the Future Land Use Map to include the established long term planning horizon. The long term planning timeframe should be at least 10 years to 2020. Revised Page 3-15 of the Future Land Use Element is attached hereto.

Response 4: The Future Land Use Map (Figure 3-2 of the Future Land Use Element) has been revised to indicate a 2020 planning period. Revised Figure 3-2 (Comprehensive Plan page 3-15) is attached hereto.

INFRASTRUCTURE ELEMENT

Objection 5: The Infrastructure Element does not include a policy to incorporate the Village of North Palm Beach 10-Year Water Supply Facilities Work Plan by reference.

Citations: Sections 163.3167(13), 163.3177(4)(a), (6)(a), (c), (d), and (8), F.S. Rule 9J-5.005(2)(g), F.A.C.

Recommendation: Revise the Infrastructure Element to include a policy with title, author and date/edition of the Water Supply Plan being adopted by reference. Documents adopted by reference and subsequently revised, will need to be incorporated into the Comprehensive Plan through the plan amendment process.

Response 5: Policy 5.6 of the Infrastructure Element has been further revised to indicate the title, author and date of the Water Supply Plan being adopted by reference. Revised page 6-9 of the Infrastructure Element is attached hereto.

ANNUAL UPDATE TO THE CAPITAL IMPROVEMENTS ELEMENT AND THE 5-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS

Objection 6: The Village did not use the correct planning time frame in the Five Year Schedule of Capital Improvements because the included Schedule is for the past FY 2008/2009 – 2012/2013.

Citations: Sections 163.3177(3)(b)1, (5)(a), F.S.; and Rules 9J-5.005(4), and 9J-5.016 (4)(a)1, F.A.C.

Recommendation: The Village needs to revise the Five-Year Schedule of Capital Improvements to reflect the correct five-year period of 2009/2010 -2013/2014.

Response 6: *Sections 11.1 and 11.4.1 and Tables 11-2 through 11-4 of the Capital Improvements Element have been revised to reflect the correct five-year period of 2009/2010 -2013/2014. Revised pages 11-1 and 11-13 through 11-16 of the Capital Improvements Element are attached hereto.*

Objection 7: The Village proposes to adopt an outdated version of the Palm Beach County School Board's Capital Improvements Program. The current version was adopted by the School Board on September 10, 2009 and effective October 1, 2009.

Citations: Citations: Section 163.3177(1), (6)(a), (8), (10), (12), (13) and Rules 9J-5.005(2), and 9J-5.025(2)(a) – (j), (3)(b)3, (3)(c)2, F.A.C.

Recommendation: The Village should replace Capital Improvements Element Appendix A with the updated Capital Improvement Program. The level of service analysis prepared by the school district should also be referenced by the Village to support adoption of the 2009/2010 through 2013/2014 Capital Improvement Program.

Response 7: *Appendix A of the Support Documentation of the Village of North Palm Beach Florida Capital Improvements Element Comprehensive Plan Amendments 2009, as amended and Capital Improvements Element Appendix A have been amended to include the current Palm Beach County School District Capital Improvement Program in order to support the Village's FY 2010 – FY 2014 Five-Year Schedule of Improvements. Revised pages 11-13 through 11-16 of the Capital Improvements Element and Appendix A of the Support Documentation and Capital Improvements Element are attached hereto.*

COMMENTS

TRANSPORATION ELEMENT

Comment 1: Although the Mixed Use land use category is established in Objective 1.B and Policy 1.B.1, the Village has not included this land use category in Table 3-1, Land Use Classification System, which is also adopted as part of the comprehensive plan. The Village should include the Mixed Use category in Table 3-1.

Comment 2: The Village should consider enhancing the transit supportive policies in its comprehensive plan relative to South Florida East Coast (FEC) corridor (e.g., Transportation Element Objective 9). The policies should cover land use, movement of people between the corridor and destinations in the Village, multi-modal integration, and the quality of transit service to be delivered.

Also, to enhance opportunities for residents and business owners to utilize premium transit on the FEC rail corridor, the Village should consider participation in the development and implementation of station area planning activities along the corridor to promote a transit-supportive land use pattern (e.g., Intergovernmental Coordination Element Policy 2.1).

Comments Response: *The Village has elected not to prepare a response to the above comments at this time.*

II. CONSISTENCY WITH CHAPTER 187, F.S.

The proposed amendment is inconsistent with the following provisions of Chapter 187, F.S., the State Comprehensive Plan:

Section 187.201(6), Public Safety, Policies (b) 22 and 23: provide for the safe evacuation of coastal residents, and protect public and private property and human lives from natural disasters.

Section 187.201(7), Water Resources, Policies (b) 2, 3, 5, 9, 10, 11, and 13: protect groundwater and aquifers and conserve water resources.

Section 187.201(16) Urban and Downtown Revitalization, Policies (b)6 and 8: Enhance the linkages between land use, water use, and transportation planning; coordinate and cooperate with school boards regarding educational facilities.

Section 187.201(17), Public Facilities, Policies (b) 3, 4, 5, 6, 7, and 9: Ensure the provision of public facilities.

Section 187.201(25), Plan Implementation, Policies (b) 1, 3 and 7: Ensure that local plans implement and accurately reflect State goals and policies and that address problems, issues, and conditions that are of particular concern in a region.

Response: *By addressing the objections noted in Section I., the inconsistencies with Chapter 187, Florida Statutes, have been addressed.*