



COMPREHENSIVE PLAN AMENDMENT STAFF REPORT AMENDMENT ROUND 22-B2

BCC TRANSMITTAL PUBLIC HEARING, AUGUST 31, 2022

A. Application Summary

I. General Data

| | |
|------------------------------|---|
| Project Name: | Indian Trails Grove - Ag Reserve Exchange (LGA 2022-021) |
| FLUA Summary: | To modify previously adopted conditions of approval and conceptual plan for the Indian Trails Grove site found in Ordinance 2016-041. |
| Text Summary: | <p>The privately proposed text amendment request would modify the Western Communities Residential Overlay (WCRO), Western Communities Residential (WCR) future land use designation, modify existing policies and establish new Agricultural Reserve Tier policies as described below:</p> <ul style="list-style-type: none"> • Revise the policies of the WCRO & WCR to allow for a 532-acre expansion of Water Resource/Agricultural uses and establish an exchange of development potential for use in the County's Agricultural Reserve Tier; • Revise Ag Reserve Tier Sub-Objective 1.5.1 to allow for specific Agricultural Reserve Planned Unit Developments (AGR-PUDs) to utilize WCRO land to partially fulfill the 60/40 preserve requirements; • Establish a new Sub-Objective for an Overlay in the Agricultural Reserve Tier in the "West Hyder" area to allow for two new AGR-PUDs with 1,277 units and institutional uses west of SR-7, using WCRO land as preserve area for AGR-PUDs; and • Revise the Map Series Special Planning Areas Map LU 3.1 to create a new overlay within the Agricultural Reserve Tier for the West Hyder Overlay area. |
| Acres: | 4,866.10 acres |
| Location: | West of 180 th Avenue North, North and West of the M-Canal |
| Project Manager: | Bryan M. Davis, CNU-A, Principal Planner/Urban Designer |
| Applicant: | GL Homes of Florida |
| Owner: | Palm Beach West Associates I, LLLP |
| Agents: | J. Morton Planning & Landscape Architecture and Urban Design Studio |
| Staff Recommendation: | Staff recommends denial based upon the conclusions contained within this report. |

II. Executive Summary

The intent of the proposed amendment is to revise the Comprehensive Plan to allow land area located in the previously approved Indian Trails Grove project, in the Western Communities Residential Overlay (WCRO) in the County's Rural Tier to become preserve areas for planned developments in the Agricultural Reserve (Ag Reserve) Tier. This change would allow up to approximately 1,600 acres of WCRO land to be used as Ag Reserve Planned Development (AGR-PUD) preserve areas with a density of .80 units per acre. The units that had been approved in the WCRO will be available to be clustered into development areas of AGR-PUDs the Ag Reserve Tier. Specifically, the amendment would:

- Eliminate approximately 534 acres of existing preserve parcels within six approved AGR-PUDs in the Ag Reserve along with approximately 48 acres of unrestricted land, and replace with approximately 670 acres of preserve areas in the WCRO, allowing a .80 density (approximately 534 units) for the preserve areas to be allocated from the WCRO to the Ag Reserve;
- Add two new AGR-PUDs on 582 acres of development area in the Ag Reserve with approximately 932 acres of additional preserve to be located in the WCRO, allowing a .80 density (approximately 746 units) for the preserve areas to be allocated from the WCRO to the Ag Reserve; and
- Provide 1,600 acres of land to be deeded to Palm Beach County for Water Resources and Agricultural uses that could ultimately provide an additional regional public benefit to address water management needs in the Central Western Communities and L-8 Basin.

The Agricultural Reserve Tier has long been recognized as an area of unique farmlands and wetlands, and the concept of an Agricultural Reserve has long been a fundamental tenet of the County's long range comprehensive planning. The fundamental concept of the Tier has been to allow for limited development while fostering the preservation of agriculture. Beginning with the adoption of the 1980 Comprehensive Plan, the County has implemented policies and programs toward this end, such as limiting densities, designating the area as a sending area for the Transfer of Development Rights program to transfer units to the urban area, adoption of the 60/40 Ag Reserve Planned Development (AGR-PUD) concept in 1994, and the Bond referendum and Master Plan in the late 1990s. The County has adjusted policies over time, responding to changes in conditions, but has remained within the policy framework of limited development, and environmental and agricultural preservation. The Tier remains an important production area, with agricultural sales estimated at \$120 million per year in 2017.

The Agricultural Reserve Tier is approaching fulfillment of the development pattern that was anticipated in the Master Plan. This realization of the vision of the Ag Reserve means that few developable parcels remain. Consistent with the Master Plan, much of the land area has been developed as 60/40 AGR-PUDs, with 60% of each project set aside as preserve area, and the units clustered to the development area of each project. GL Homes has been the most active developer in the Ag Reserve, accounting for a majority of the AGR-PUDs approved and developed.

In September 2016, the Board of County Commissioners (BCC) approved the Indian Trails Grove (LGA 2016-017) privately proposed future land use and text amendment proposed by GL Homes for the 4,871 acre subject site in the Central Western Communities (CWC) in the Rural Tier. The approval increased the development potential from 359 residential units to 3,897 units and allowed 350,000 sq. ft. of non-residential uses on this site, as well as establishing the WCRO, which allows for the Indian Trails Grove (ITG) project. The applicant is now requesting to

reallocate 33% of the residential entitlement at ITG to the Agricultural Reserve Tier, and proportionally reduce the remaining project accordingly.

The amendment would not affect the approximately 2,400 acres in the Ag Reserve purchased by the County with proceeds from the Bond. However, the proposed amendment proposes to increase the number of units potentially allowed in the Ag Reserve by 1,277 units. As of April 2022, there are 11,208 approved units in the Tier (of which 10,248 are built) and 1,779 acres of uncommitted lands. The latest estimate is that the total buildout in the Tier will be approximately 13,200 units. The proposed amendment would increase the potential maximum in the Tier by 10% to approximately 14,477 units, beyond the amount anticipated by the County in the Ag Reserve Master Plan process.

The increase of residential development and the reduction in preserve acreage would alter the fundamental policy concepts to preserve agriculture in the Ag Reserve Tier. This amendment would reduce the acreage available for agricultural preservation in the Tier and significantly compromise basic concepts of the Comprehensive Plan. For the Ag Reserve, the concepts include the preservation of agriculture, the prohibition of institutional uses west of State Road 7, and policies to designate the Tier as a sending area through the TDR program. The proposed amendment also reduces the number of workforce housing units anticipated by the original WCRO approval. The amendment proposes to provide workforce housing units in a separate "Civic PUD" with 277 units proposed to be allocated to the Ag Reserve.

In the WCRO, the amendment would reduce the allowable number of units by 33% (1,285 units), expand the Water Resource/Agriculture area on the Conceptual Plan to 1,600 acres (up from 1,068 acres) and allow this acreage to serve as the preserve areas for the AGR-PUDs. This increased Water Resource/Agriculture acreage is the primary benefit identified by the applicant. Due to the difference in density allowed in the WCR future land use designation (0.8 unit per acre) and the Ag Reserve designation (1 unit per acre), each acre of Agricultural Reserve preserve would be replaced by 1.25 acres of preserve in the WCRO, in an area less affected by residential encroachment. The two new AGR-PUDs enabled through this amendment would also result in preserve areas at the rate of 1.25 acres of WCRO land for every unit allocated to the Ag Reserve. Although the proposed amendment would provide some benefit in terms of increased preserves in the WCRO and reduced traffic impacts, the proposed amendment would reduce some of the public benefits that were required with the adoption of the original ITG amendment approved in 2016. Specifically, the proposed amendment would result in a reduced trail network; in addition, the amendment will result in a reduction of 129 workforce housing units in the Rural Tier. The 640-acre impoundment area for ITID is unchanged; additionally, land for civic purposes, although modified, is proportionally adjusted due to the increment of reduction in the proposed development, but retains 40-plus acres for County park expansion, fire station site, and land for the school district.

The proposed amendment represents a departure from the vision anticipated for the Ag Reserve as stated in the Comprehensive Plan objectives and policies. However, the proposal offers a potential to achieve a long term outcome that could improve regional water management and the movement of water to the Lake Worth Lagoon and potentially even the Loxahatchee Slough and River system, as well as the potential to store water during periods of inundation, and address water quality within the L-8 Basin. Since the initiation of the amendment in February 2022, the applicant proposed constructing an approximately 750-acre above ground reservoir for approximately 3,000 acre-feet of storage and water quality treatment. Although this is a significant regional benefit that could ultimately be achieved, it will require a lengthy revision process in amending existing, approved state and federal water management plans and permits, and could take two-or-more years to complete permitting and construction. Furthermore, allowing dwelling

units to be shifted from one geographic area of the County to another is a significant policy departure for the County, with significant repercussions for the County's Managed Growth Tier System. These include the potential for subsequent amendment requests, not only from the WCRO, but from any other location in the County. If the true intention is only to assist with water resources issues in the central part of the County, the proposed amendment could be significantly reduced in scope (retaining the entitlement wholly within the WCRO), such that the approved conceptual plan and some minor policy alterations would only be necessary, and all but eliminate any implications the Ag Reserve Tier. This would preserve the integrity of the WCRO and the Ag Reserve, as well as eliminating the introduction of transferring/sending/exchanging density between Tiers outside of the Urban/Suburban Tier.

Based on the findings presented in this report, County staff recommends **denial** of the proposed amendment.

III. Hearing History

Local Planning Agency:

Board of County Commissioners Transmittal Public Hearing:

State Review Comments:

Board of County Commissioners Adoption Public Hearing:

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B.1 Petition Summary for Indian Trails Grove

I. Site Data

Current Future Land Use

| | |
|------------------------------------|--|
| Current FLU: | Western Communities Residential (WCR) |
| Existing Land Use: | Agricultural |
| Current Zoning: | Western Communities Residential Planned Unit Development (WCR-PUD) |
| Current Dev. Potential Max: | 3,897 dwelling units and 350,000 square feet of non-residential uses |

Proposed Future Land Use Change

| | |
|--|---|
| Proposed FLU: | Western Communities Residential (WCR) – No Change |
| Proposed Uses: | Residential, Commercial, Civic, and Preserve uses including Water Resources and Agriculture |
| Proposed Zoning: | Western Communities Residential Planned Unit Development (WCR-PUD) – No Change |
| Dev. Potential Max/Conditioned: | 2,612 dwelling units and 233,500 square feet of commercial uses |

General Area Information for Site

| | |
|-------------------------|--|
| Tier: | Rural Tier – No Change |
| Utility Service: | Palm Beach County Water Utilities Department |
| Overlay/Study: | Western Communities Residential Overlay (WCRO) |
| Comm. District: | Commissioner Melissa McKinlay, District 6 |

B.2 Petition Summary for West Hyder

I. Site Data

Current Future Land Use

Current FLU: Agricultural Reserve (AGR)
Existing Land Use: Agriculture
Current Zoning: Agricultural Reserve (AGR) and Agricultural Reserve Planned Unit Development (AGR-PUD)

Proposed Future Land Use Change

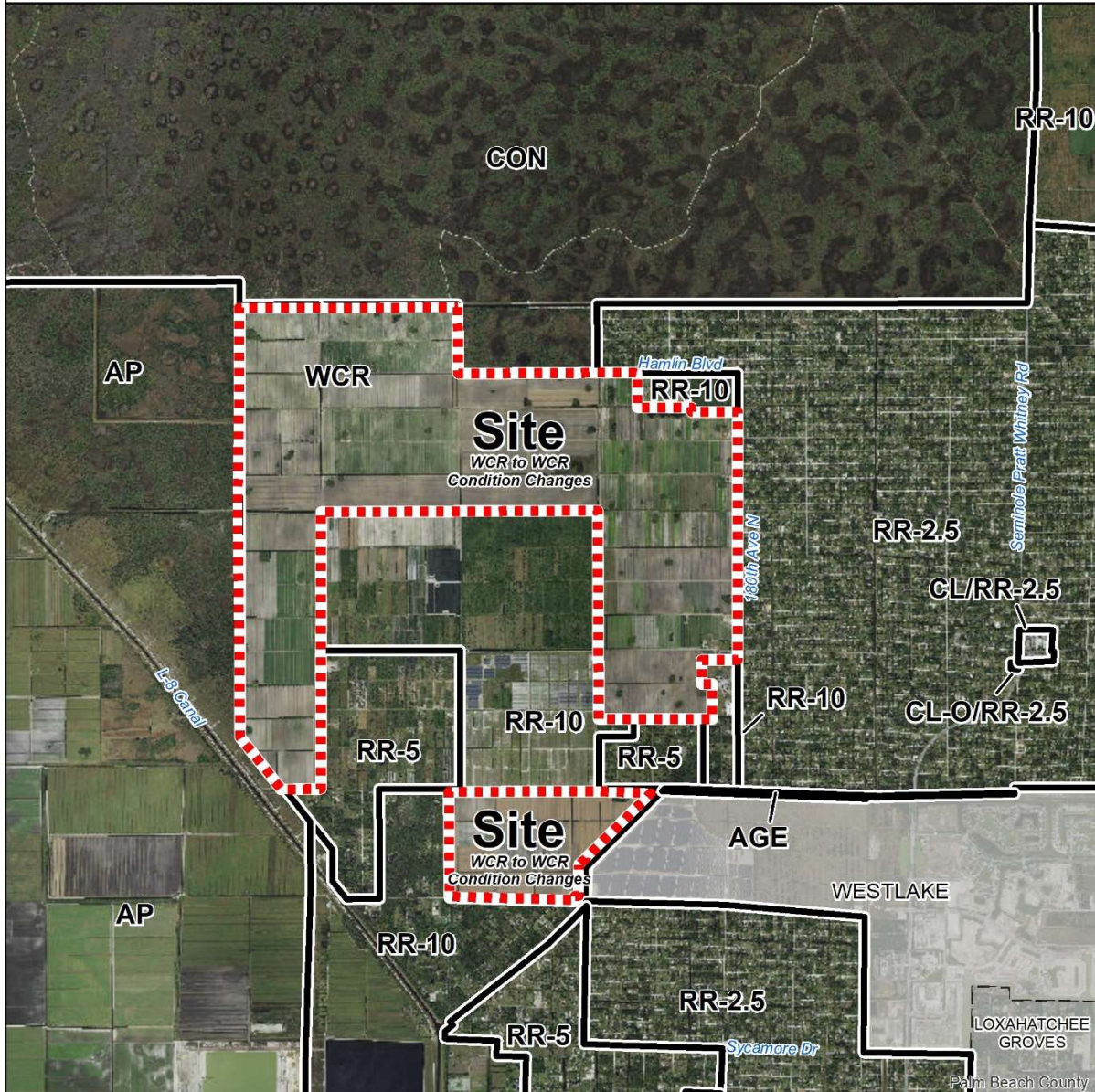
Proposed FLU: Agricultural Reserve (AGR) – No Change
Proposed Use: Residential and Civic/Institutional Uses
Proposed Zoning: Agricultural Reserve Planned Unit Development (AGR-PUD)
Dev. Potential Maximum: 1,277 dwelling units and Civic/Institutional uses

General Area Information for Site

Tier: Agricultural Reserve – No Change
Utility Service: Palm Beach County Water Utilities Department
Overlay/Study: West Hyder Overlay (proposed); Agricultural Reserve Master Plan
Comm. District: Commissioner Maria Sachs, District 5

Future Land Use Atlas Amendment

ITG AGR Exchange (LGA 2022-21)



Site Data

Size: 4,866.10 acres
 Existing Use: Agricultural
 Proposed Use: Residential, Commercial and Preserve
 Current FLU: Western Communities Residential (WCR)
 Proposed FLU: Western Communities Residential (WCR)
 and to revise adopted conditions of approval

Future Land Use Designations

RR-10 Rural Residential, 1 unit/10 acres
 RR-5 Rural Residential, 1 unit/5 acres
 RR-2.5 Rural Residential, 1 unit/2.5 acres
 WCR Western Communities Residential
 CL/RR-2.5 Commercial Low, underlying RR-2.5
 CL-O/RR-2.5 Commercial Low Office, underlying RR-2.5

CON Conservation
 AP Agricultural Production
 AGE Agricultural Enclave

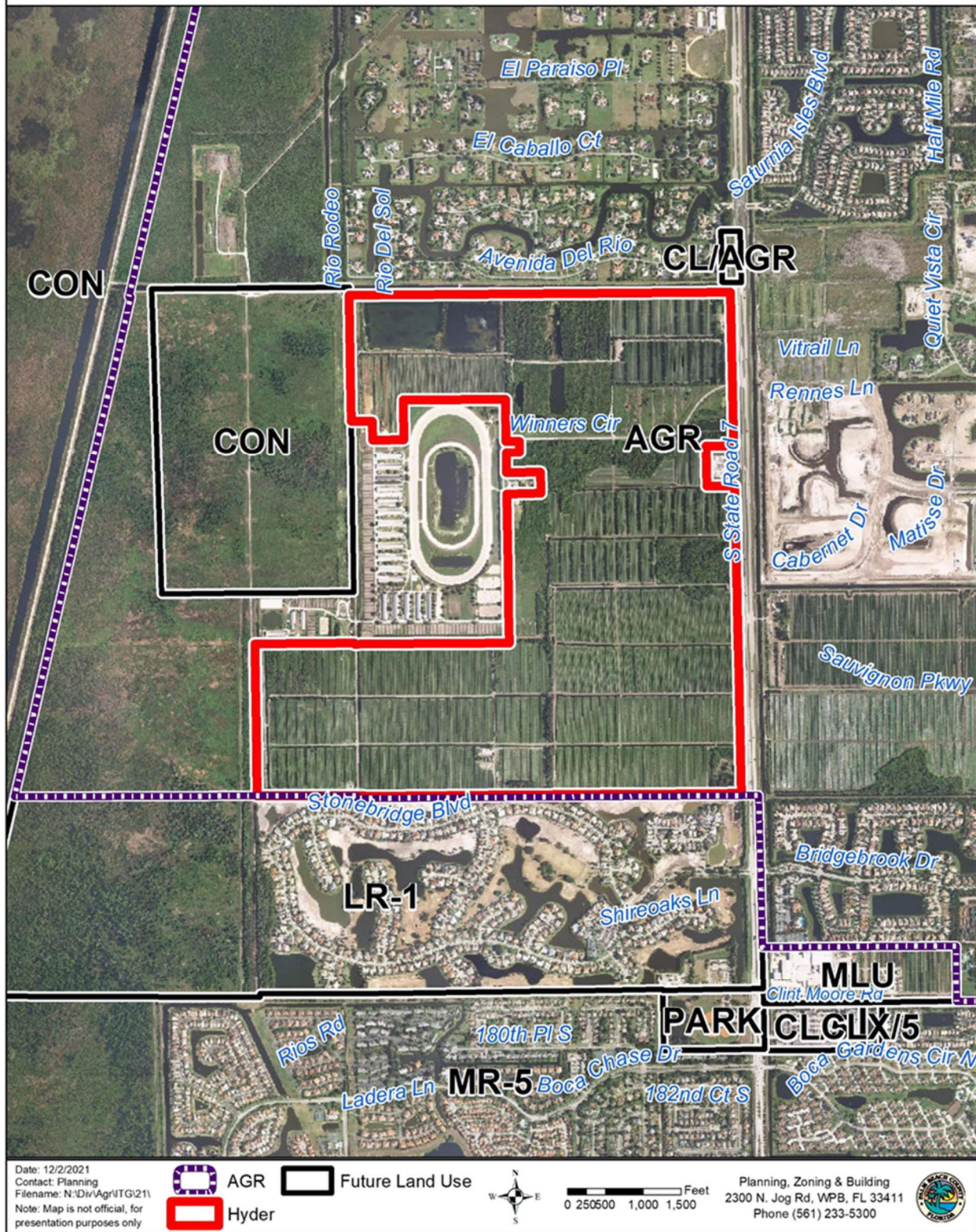
Date: 2/15/2022
 Contact: PBC Planning
 Filename: T:Planning/Amend/22-B2/SiteSpecific/ITG
 Note: Map is not official, for presentation purposes only.



Planning, Zoning & Building
 2300 N. Jog Rd, WPB, FL 33411
 Phone (561) 233-5300



Agricultural Reserve Tier - Hyder West



C. Introduction

I. Intent of the Amendment

This privately proposed amendment is comprised of a text amendment to revise the text of the Comprehensive Plan for the Agricultural Reserve (Ag Reserve) Tier and the Western Communities Residential Overlay (WCRO) and future land use designation located in the Rural Tier, and a Future Land Use Atlas amendment to revise previously adopted conditions of approval for the subject site in the Rural Tier.

The text amendment proposes to revise policies to allow approximately 1,600 acres of land in the WCRO to be used as Preserve Area for Agricultural Reserve Planned Unit Developments (AGR-PUDs), and allow a portion of the previously approved development rights to be clustered within the development areas in the Ag Reserve. This would allow residential development rights previously approved for the WCRO to be allocated to and built within the Ag Reserve. The specific text changes are proposed in Exhibit 1.B, and are summarized as enabling the following:

- Allow six approved AGR-PUDs to release and replace a portion of their 60/40 preserve area requirements and density through select areas within the WCRO; and
- Allow two new AGR-PUDs to be created using land area in the WCRO for Preserve.

The FLUA amendment proposes to modify previously adopted conditions of approval for the 4,871.57-acre subject site as adopted by Ord. 2016-041 and located in the Central Western Communities (CWC) of the Rural Tier. The specific conditions of approval proposed for revision are provided in Exhibit 1.A, and summarized as follows. The revisions to the Conceptual Plan are provided in Exhibit 1.C.

- Decrease the maximum number of dwelling units to be built on the WCRO site from 3,897 to 2,612, a 1,285-unit reduction;
- Decrease the maximum allowable commercial square footage within the WCRO site from 350,000 sq. ft. to 233,500 sq. ft., a reduction of 116,500 sq. ft.;
- Decrease the workforce housing obligation from 390 units to be provided onsite in the WCRO to 261 units; and
- Reduce the overall size of the previous approval by approximately 5 acres to reflect a recent taking by FPL.

The proposed amendment would allow 33% of the WCRO site's land area to satisfy a portion of AGR-PUD Preserve requirements, and 33% of the 2016 approval's residential development rights to be utilized within AGR-PUD Development Areas in the Agricultural Reserve. The WCRO would retain the remaining 67% of the residential development rights to be developed at the site within the Rural Tier subject to the provisions of the Overlay.

The 1,600 acres in the WCRO are proposed by the applicant to be conveyed to the County for the purposes of expanding the 1,068 acres of Water Resources/Agriculture area. This is the primary public benefit proposed in this amendment. Also, the applicant proposes to modify the site specific amendment conditions of approval for Indian Trails Grove to reflect the reduced density and intensity proposed in this amendment.

Associated Zoning Applications

The applicant proposes to replace AGR-PUD preserves in the Ag Reserve with preserve areas in the WCRO, and to then use the released preserve areas as development areas for the two new

AGR-PUDs. A multi-step process will be required because some of the land area to be used for the new AGR-PUDs proposed by the amendment are currently preserve areas within existing AGR-PUDs. A total of nine zoning applications have been submitted to implement this amendment. For the six existing AGR-PUDs, the zoning applications are requesting to release existing recorded conservation easements for the affected AGR-PUD preserves to eliminate portions of preserve areas for the affected AGR-PUDs, and utilize allocations of open space in the WCRO to satisfy the density and 60/40 preserve area requirements. For the two new AGR-PUDs, the applicant submitted zoning applications are for development areas in the Ag Reserve (both of which are located on the released preserve areas) and preserve areas to be located in the WCRO.

The six affected existing AGR PUDs which will have a portion of their West Hyder area preserves replaced and satisfied via the Indian Trails Grove (ITG)/WCRO are listed below:

- Seven Bridges (Hyder) AGR-PUD, Control Number 2005-455
- Valencia Reserve (Lyons West) AGR-PUD, Control Number 2005-003
- Canyon Lakes (Fogg North) AGR-PUD, Control Number 2002-067
- Canyon Isles (Fogg Central) AGR-PUD, Control Number 2002-068
- Canyon Springs (Fogg South) AGR-PUD, Control Number 2002-069
- Whitworth AGR-PUD, Control Number 2021-031

The two new AGR-PUDs in the West Hyder area that are proposed to be established, which will have their entire 60/40 preserve area requirements satisfied through land allocated from the WCRO, and are listed below.

- **West Hyder AGR-PUD** (Control Number 2022-005) is proposed for a 477-acre development area located on the west side of SR-7, south of Atlantic Avenue, north of Clint Moore Road. The southern boundary of the parcel is also the boundary of the Agricultural Reserve. The proposed development area is currently comprised mostly of existing AGR-PUD Preserve areas and is in active agriculture. The project is proposed to be a 60/40 AGR-PUD. The development is proposed as a 55+ age restricted community of 1,000 dwelling units.
- **West Hyder Civic AGR-PUD** (Control Number 2022-004) is proposed for approximately 105-acre development on the west side of SR-7, approximately 1.3 miles south of Atlantic Avenue. The proposed development area is currently comprised mostly of existing AGR-PUD Preserve areas and is in active agriculture. The project is proposed to be a 60/40 AGR-PUD, with 277 dwelling units designated as workforce housing. Additionally, 32 acres are proposed for public civic uses and 12 acres are proposed for private civic uses. Civic requirements for the 1,000-unit West Hyder AGR-PUD are proposed to be fulfilled within this Civic AGR-PUD

The Indian Trails Grove WCR-PUD (Control Number 2002-90045), approved in 2019 consistent with the 2016 amendment, is accordingly proposed for reduction consistent with this amendment (from 3,897 units to 2,612 units, and reducing commercial uses from 350,000 sq. ft. to 233,500 sq. ft.), and modifying the development order consistent with the proposed Conceptual Plan.

II. Background/History

The following sections provide an overview of the two areas of the County affected by the proposed amendment, as well as a brief history of land use planning efforts in each area.

A. Agricultural Reserve

Overview

The County's Agricultural Reserve Tier is approximately 22,000 acres in size, located west of the Florida Turnpike, east of the Arthur R. Marshall National Wildlife Refuge, north of Clint Moore Road, and generally south of the Village of Wellington, and Heritage Farms. Per the Comprehensive Plan, it is intended to allow limited residential and non-residential uses in order to "preserve and enhance agricultural activity, environmental and water resources, and open space within the Agricultural Reserve Tier." It is designated as a Limited Urban Service Area (LUSA), which allows both urban and rural levels of service.

According to the Agricultural Extension office, the Ag Reserve has 8,471 acres in agricultural uses: 6,359 acres are in row crops; 1,221 acres are in plant and tree nurseries, and approximately 891 acres are in equestrian pastureland. More than 40 different vegetables and herbs (exceeding 80 varieties) are grown in the Ag Reserve, including fresh sweet bell peppers, fresh green beans and peas, Asian vegetables, cabbage, lettuce, squash, eggplant, tomatoes, okra, and herbs. In addition, a wide variety of nursery crops are grown. The estimated 2017 economic sales of agriculture (row crops, nursery, equestrian and ancillary businesses) from the Ag Reserve was \$120 million. The Ag Reserve represents 1.9% of the County's farmland, but yields 8.4% of agricultural revenue for the entire County, reflecting the higher return per acre resulting from both high dollar-value crops and multiple harvests.

The Comprehensive Plan allows several development options within the Agricultural Reserve Tier as summarized below:

- Residential subdivisions area are allowed at one dwelling unit per 5 acres
- Residential Planned Developments are allowed subject to a minimum acreage and a required minimum preserve area and the residential units to be clustered within the development area:
 - 60/40 AGR-PUDs require a 250-acre minimum with a 60% preserve area/ 40% development area, and must be located east of State Road 7 (SR-7)
 - 80/20 AGR-PUDs require a 40-acre minimum with an 80% preserve area/ 20% development area, and are allowed west of SR-7, but require contiguous preserve areas
- Residential development rights may be transferred to a designated receiving area outside the Ag Reserve, at a rate of 1 unit per acre;

Nearly all of the existing and proposed planned residential developments approved since the completion of the Ag Reserve Master Plan have utilized the 60/40 AGR-PUD option. As of October 2021, approximately 31% of the Ag Reserve is approved or built with residential or non-residential development. Nearly 60% has been preserved through AGR-PUDs or public ownership for agriculture, conservation, environmentally sensitive lands or other uses allowed, and 3% is undevelopable (right-of-way, drainage canals, or other public infrastructure). Approximately 1,779 acres or 8% of the Tier is currently uncommitted and is currently in agriculture, residential (not otherwise allocated to an AGR-PUD), or other uses allowed in the Tier.

Agricultural Reserve Tier Acreage by Approval Status

| Approval Status (as of October 2021) | Acres | % of AGR Land Area |
|--|---------------|--------------------|
| Development Areas Residential & Non Residential approvals | 6,800 | 31% |
| Preserves in Natural/Conservation lands | 6,193 | 28% |
| Preserves in Agriculture | 6,059 | 27% |
| Preserves in Other uses allowed | 587 | 3% |
| Uncommitted / Other Remaining Lands | 1,779 | 8% |
| Other Uses (R/W, Canals, etc.) | 652 | 3% |
| Total Land Area | 22,070 | 100% |

History

The County's 1980 Comprehensive Plan formally created the "Reserve," in an area previously designated as "Residential Estates." The Plan also recognized the Reserve as a potential future urbanized area, but intended it "to be preserved if possible, and if not, to be maintained as very low density residential" through the year 2000. The 1980 Plan reduced densities to 1 unit per 5 acres, but allowed "80/20 Planned Unit Developments (PUDs)" with 1 unit per acre clustered on 20 percent of the land with a minimum of 40 acres, and established provisions for the Transfer of Development Rights (TDRs) to areas outside of the Ag Reserve.

In adopting the County's current Comprehensive Plan in 1989, the area's boundaries were reduced to its current 22,000 acres, and a moratorium was enacted until a study could be completed to evaluate the long-term viability of agriculture. In 1994, new provisions were adopted for the Agricultural Reserve, based on some of the study recommendations. Following a challenge by property owners/farmers and an administrative hearing, the Board adopted a Remedial Plan Amendment, which created the 60/40 development option, allowing for planned developments at one unit per acre with a minimum of 150 acres of preserve area and development clustered on 40% of the land. Preserve areas under this option were not required to be contiguous to the development area, which was limited to areas east of SR-7. The moratorium on development in the Ag Reserve was lifted in 1995, allowing all the development options to proceed.

A Purchase of Agricultural Conservation Easements program was established in 1996 which ultimately led to the idea of a bond referendum to preserve agriculture in the Ag Reserve. In July 1998, the Board of County Commissioners and the South Florida Water Management District authorized the development of a Master Plan for the Agricultural Reserve, and in 1999 Palm Beach County voters approved a referendum authorizing a \$150 million bond issue to purchase agricultural and environmentally sensitive lands, with \$100 million targeted for the Ag Reserve. Approximately 2,400 acres have been acquired with the bond funds.

The Board of County Commissioners implemented the Agricultural Reserve Master Plan by incorporating the concepts as policy revisions to the Comprehensive Plan. In 1999, the County created the Managed Growth Tier System (MGTS) which included the Ag Reserve Tier. In 2001, the Ag Reserve provisions were rewritten to conform to the Tier system structure, and to incorporate the Ag Reserve Master Plan concepts into the Comprehensive Plan.

The development pattern envisioned in the Master Plan, and implemented by the policies adopted in 2001, included clustering development in two primary areas, and limiting development west of SR 7. The intent was to lower infrastructure costs, allow for the aggregation and concentration of

open space, allow for additional water management areas, and locate development away from the Loxahatchee National Wildlife Refuge.

In 2014, at the request of Ag Reserve property owners, the BCC directed staff to hold a series of roundtable discussions to determine the needs and expectations of residents, farmers, and other interested parties within the Agricultural Reserve. As a result of the roundtable process and BCC workshops, the BCC adopted several Plan amendments to revise Agricultural Reserve policies in the Comprehensive Plan. The amendments included changes to allow small, neighborhood serving commercial locations, establish an AGR-MUPD zoning district, eliminate the contiguity requirement for AGR-PUD/preserves, and allow preserve areas associated with farm residences. These changes resulted in additional commercial uses within the Tier, and additional parcels becoming eligible for AGR-PUD/preserves. Multiple AGR-MUPDs have been established in the Tier, including several that had Industrial future land use designations that predated the establishment of the Tier. Others parcels have received amendments for Industrial land uses along the SR-7 corridor. After several years of exploring the concept of adding assisted living facilities in the Tier, the County adopted provisions that allow for the Congregate Living Residential (CLR) land use designation that accommodate such uses within the Tier.

In 2019, the County addressed the proliferation of “landscape services” in the Ag Reserve on AGR-PUD Preserve parcels under conservation easement. The effort resulted in amendments to the Unified Land Development Code (ULDC) that sought to either eliminate the unlawful uses in preserves, or provide a path towards compliance within the limitations established under the conservation easement. Other more recent changes to AGR-PUD Preserves include the allowance for up to 275 acres of Lake Worth Drainage District canals to serve as preserve areas; however, future such instances are prohibited. One trend, that has increased over the past decade, and fueled with the ending of the contiguity requirement for preserves, is the “swapping” of preserves between development orders, or freeing previously preserved larger agricultural operations from their conservation easements, and replacing them with a series of smaller preserve parcels of comparable acreage.

Active proposals for the Ag Reserve under consideration by the County include the introduction of a Commerce future land use designation, limited to light industrial uses, and the Essential Housing (EH) future land use designation, which proposes to allow up to 8 units per acre, through the land use amendment process and the provision of considerable workforce housing units provided.

The Agricultural Reserve Tier is approaching fulfillment of the development pattern that was anticipated in the Master Plan. This realization of the vision of the Ag Reserve means that few developable parcels remain. Consistent with the Master Plan, much of the land area has been developed as 60/40 AGR-PUDs, with 60% of each project set aside as preserve area, and the units clustered to the development area of each project.

The existing West Hyder area constitutes approximately 682 acres of privately-owned land at the southwest corner of the Ag Reserve Tier, located between the Stonebridge and Rio POCO developments on the west side of SR-7. Most of the West Hyder land serves as preserve areas for existing and proposed AGR-PUDs.

The amendment would not affect the approximately 2,400 acres in the Agricultural Reserve purchased by the County with proceeds from the Bond.

B. Western Communities Residential

Overview

The 4,866.10-acre Indian Trails Grove site is located within an area of the County known as the Central Western Communities (CWC), a 57,000-acre area with mainly low density residential development and large tracts of undeveloped agricultural lands. The property is within the boundaries of the Cypress Grove Community Development District, and is an inactive unit of the Indian Trail Improvement District (ITID), a special district created by the Legislature in 1957. It is located in the Rural Tier, and surrounded by lands in the Exurban, Rural, and Glades Tiers. The site is currently in agricultural row crop production. The uses surrounding the subject site include residential, agricultural, schools, parks, solar energy center, and conservation lands.

History

The site was cleared and drained for citrus production in the 1960s. The site continued in active citrus production until various blights eliminated the citrus industry in the County in the 2000s. The applicant acquired the property in November 2005, and transitioned agricultural uses from citrus into row crop production.

The WCRO is located in the CWC area which has been the subject of numerous planning efforts due to the long-standing land use imbalances of the area, the need to address infrastructure deficiencies, as well as the increasing number of land use amendment requests for large, vacant parcels in the Rural Tier. In 2005, the County adopted a Sector Plan for the CWC, which required developments to provide public benefits such as regional water management, open space, recreational and equestrian uses, and environmental mitigation, enhancement, and restoration. The Sector Plan was subsequently repealed, but the BCC has relied upon the concepts established in the CWC Sector Planning process in considering proposals since 2005, particularly the public benefits concept, compact development form, preservation of open space for agricultural as well as water resources and open spaces uses, and the introduction of non-residential uses. The Minto West Agricultural Enclave amendments to the Comprehensive Plan (LGA 2014-007, Ordinance 2015-030), subsequently incorporated as the Village of Westlake, includes many of these concepts, as did the original amendment adopted in 2016 for the subject site.

In September 2016, the County approved the Indian Trails Grove (LGA 2016-017) private text and future land use amendment proposed by GL Homes for the 4,871-acre subject site. The amendment changed 3,592 acres of Rural Residential, 1 unit per 10 acres (RR-10) which allowed 359 dwelling units along with an additional 1,279 acres of land designated Agricultural Production (AP), to the new future land use designation and overlay created by the Western Communities Residential (WCR) amendment. The approval increased the development potential from 359 residential units to 3,897 units and allowed 350,000 sq. ft. of non-residential uses in the Central Western Communities (CWC) in the Rural Tier. The companion text amendment established the objectives and policies for the Western Communities Residential Overlay (WCRO) and the Western Communities Residential future land use designation, which included the clustering of density and a provision of open space for various public benefit purposes. Also as part of the 2016 amendment, Indian Trails Grove is designated as a Limited Urban Service Area (LUSA), which allows both urban and rural levels of service. One of the significant benefits provided in the approval was the requirement for a 640-acre impoundment area for the future use of the Indian Trails Improvement District to ameliorate long-standing water storage concerns within the district. A condition of approval on the amendment required the owner of the land to provide a deed conveying the property to ITID by April 1, 2018, which is to be held in escrow. The agreement

was signed and the deed for the 640-acre impoundment was placed in escrow on March 30, 2018. Subsequent revisions to the ULDC to create the Western Communities Residential Planned Unit Development (WCR-PUD) zoning district were also adopted. A concurrent zoning application to implement the WCR-PUD on the property was submitted but was withdrawn.

In 2017, a text and map series amendment (Indian Trails Grove WCR AGR, LGA 2018-008), was proposed by GL Homes to allow agricultural land within ITG to serve as preserve areas for Agricultural Reserve Planned Unit Developments (AGR-PUDs), including the relocation of 2,315 residential development rights from the ITG site to six existing AGR-PUDs, and three proposed new AGR-PUDs in the Agricultural Reserve Tier. This included significant departures from established policies, served no additional public benefit or purpose, and left an “open-ended” opportunity to shift density between the two tiers through the land use amendment process. However, the 2017 proposal did not proceed to public hearings as the applicant withdrew the request prior to the Planning Commission meeting.

In 2019, the applicant made a subsequent zoning application to secure a zoning approval commensurate with the 2016 site specific amendment, consistent with the conceptual master plan which rezoned the parcel to WCR-PUD (Control Number 2002-90045, via Resolution R-2019-0389).

Also of note, in September 2019, Florida Power and Light Company (FPL) secured a stipulated final judgement taking 5.47 acres at the southwestern most corner of the site for a 230kV electric transmission line project that runs parallel to the SFWMD L-8 Canal. Consequently, the area that was a part of the 2016 amendment is no longer included in the current amendment.

A. Water in Central Palm Beach County

LEGEND

- Structure (Existing)
- Structure (Proposed)
- Canal (Existing)
- Canal (Proposed)
- Irrigation/Water Supply
- Stormwater Runoff
- Lake Okeechobee Discharges

Map Labels:

- Lake Okeechobee
- SFWMD DuPont Mgmt Area
- FWC J.W. Corbett Wildlife Management Area
- Corbett Overflow Structures
- Corbett Canal (Permit capacity = 274 cfs)
- ITID M-1 Impoundment
- ITID PS #3 (1,100 cfs)
- ITID M-1A Storage (proposed)
- ITG North Feature (880 acres)
- ITG South Feature (720 acres)
- Moss Property (owned by State)
- Irrigation PS
- FWC Shooting Sports Complex
- FWC School Board Property
- Indian Trails Grove (proposed)
- Mecca Reservoir (proposed)
- Perimeter Mecca Canals (owned by PBC)
- C-18W Canal
- To Loxahatchee Slough and River
- Avenir
- Northlake Blvd
- Seminole Pratt Whitney Road
- ITID M-2 Canal
- ITID M-1 Canal
- To Grassy Waters Preserve
- WPB CS #3
- WPB M Canal
- Siphon under M-Canal
- City of Westlake
- To C-51 Canal
- WPB PS #2
- L-8 Tieback Canal
- To C-51 Canal
- L-8 Flow Equalization Basin
- To C-51 Canal
- C-51 Reservoir Phase 2 (proposed)
- C-51 Reservoir Phase 1 (proposed)
- S-271

The Indian Trails Grove WCR site has considerable potential for a future water resources facility that could improve the conveyance of water intra-regionally, between the L-8 Canal, the M-O Canal, and the M-Canal (all of which are adjacent to portions of the project site). Additionally, Indian Trails Grove affords opportunities to address the storage of water during periods of inundation, as well as prospects for improving the water quality through engineered marshes, basins, and flow ways within the L-8 Basin. This property presents opportunities to address and improve water issues within the County such as, but not limited to: reduction of discharges to the Lake Worth Lagoon and Lake Okeechobee through the redirection of conveyances to the West Palm Beach Water Catchment Area/Grassy Waters Preserve and Loxahatchee Slough and River, improve flood protection for ITID, as well as the potential to improve water quality on-site, prior to discharging into the L-8 Basin.

The County, through initiatives that date back to the 1999 Comprehensive Everglades Restoration Plan (CERP) and the Sector Plan efforts, sought to address and improve water storage, conveyance, and quality within the L-8 Basin, and between adjacent basins to the east and north

(C-51, C18, and WPB Catchment Area). At the time of the 2016 Indian Trails Grove amendment, the County anticipated that a long-term regional water management plan would soon be reached, as water storage and conveyance features to improve conditions in and around the L-8 Basin have been contemplated for more than 20 years. Indian Trails Grove was contemplated in many of the various studies and alternatives considered at that time, but there was no finalized plan in place. In the 2016 approval, the County accommodated some water storage needs through the provision of a 640-acre impoundment site for ITID's use. It also anticipated the need for a larger regional water use for an additional 1,068 acres designated for Water Resources/Agriculture uses—the “water resources” concept was left vague intentionally. It was not clear if Indian Trails Grove would be planned to address water quantity/quality/conveyance issues, or a variation of any or all of these.

When the South Florida Water Management District (SFWMD) and US Army Corps of Engineers (USACE) issued their preliminary/draft report of their *Loxahatchee River Watershed Restoration Project* (LRWRP) in 2019, it notably excluded any water resources use on Indian Trails Grove. Rather, the LRWRP draft proposed using the Mecca property (roughly 2,000 acres in land area), located approximately 2.5 miles northeast of Indian Trails Grove, as an above-ground reservoir, with an embankment height of 20-feet above the existing grade. Several of the alternatives considered in the process of drafting the LRWRP evaluated using various configurations of the Indian Trails Grove property as a shallow storage basin and connection between the L-8 and M-O Canals. The County conducted its own study in 2019 to address its concerns with the Mecca Reservoir proposal and provide technical information on other alternatives not considered or overlooked by SFWMD/USACE. The County devised three alternatives for consideration, two of which utilized the 640-acre ITID impoundment area combined with additional land within Indian Trails Grove for shallow storage within the L-8 Basin as part of the solution, and the third alternative used the L-8 Canal outfall from Indian Trails Grove as part of the connection. All of these concepts reduced the Mecca Reservoir to shallow storage, and incorporated storage and water quality improvements. However, despite the County's concerns, the USACE approved the LRWRP in December 2020. The opportunity to revisit the Indian Trails Grove approval and reconfigure the developable area represents an opportunity to reduce pollution in the L-8 Basin, provide the desired connections between the L-8, M-O, and M-Canals as an integrated system, assist in regional stormwater impoundment needs, and improve the overall health of the Lake Worth Lagoon Estuary and Loxahatchee Slough and River system. As previously stated, this potential value to address water resources is the primary public benefit and improvement offered in the amendment.

B. Developer's Commitments

Upon initiation of this amendment in February 2022, the County departments (Facilities Development & Operations, Parks & Recreation, Engineering, Housing & Economic Development, Environmental Resources Management, PZB, and Administration) examined the developer's concept and sought to better understand and clarify the potential public benefits initially proposed during initiation and in the application materials. Generally, staff encouraged the applicant to specify the civic site opportunities in both geographies, to look into providing active recreation in the Ag Reserve, financial contributions to roadway design and construction, and to enhance the workforce housing units offered (in terms of quantity, range of unit types, and exclusively on-site, for sale units). However, the greatest emphasis focused on the increased land to be provided for water resources purposes and to understand what that proposal entails.

The applicant met with County staff on June 22, 2022 to go over their preliminary responses before providing a written and graphic summary on July 5, 2022. The applicant's proposal is provided in Exhibit 6. The applicant generally agreed to not seek impact fee credits for any land

that it would be donating as part of any required civic site dedications in either the Rural or Ag Reserve Tiers, and indicated they would meet 2% civic site requirements required of residential developments. The applicant elected to keep their \$5 million contribution to County roads from the 2016 approval, but made no other commitments, citing the County has the authority to determine how those contributions are allocated. At the ITG/WCR project, the land for the regional park was generally unchanged, and the proposed 100-acre passive park was modified to be more equestrian in orientation, but no commitment was made to providing land for an “active recreation” Park facility. Regarding the workforce housing component in the Ag Reserve, the unit count was increased from 250 units proposed at initiation by 27 units, for a total of 277 units to be split between for-sale (152 units) and rental units (125 units), all to be provided on-site (as multifamily units), but proposed at 60-140% of the average median income. There was no change proposed from the application at Indian Trails Grove, still 261 workforce housing units, with the developer proposing to amend the requirements in policy and conditions to allow for off-site and exchange builder options. The off-site and exchange builder options are part of the County’s workforce housing program provisions for the Urban/Suburban Tier.

Most critical to the understanding of this project, applicant provided a conceptual overview regarding the water resources area, the 1,600 acres proposed to be deeded to the County for a regional public benefit. Proposed is a developer-designed, permitted, and constructed project that would result in the establishment of a 750-acre above ground reservoir in the north-central portion of the Indian Trails Grove project, adjacent to the 640-acre ITID impoundment area. The proposed 750-acre reservoir concept is stated to accommodate 3,000 acre-feet of storage at a depth of 4 feet, provide treatment of water, and is proposed to be situated directly east of the 640 acres allocated to ITID Impoundment purposes, and is approximately 875 acres of the proposed 1,600 acres to be deeded to the County (and the area that would be able to allocate units to the Ag Reserve). Included with the above-ground reservoir concept are various pumps and gravity outfalls that initially take water out of the SFWMD L-8 Canal, and move it to the M-O Canal, providing a desired connection between the two canals within the L-8 Basin. Water can be routed east or west in the M-O Canal to the M-1 Impoundment west of Indian Trails Grove, or to the L-Canal to the east, which flows south to the M-Canal, before conveyance to the Grassy Waters Preserve (City of West Palm Beach Water Catchment Area). Water may also be returned to the L-8 Canal, but in retaining water and processing through the proposed improvements, it reduces total phosphorous/nutrients in the system, which benefits the water resources of the region. The remaining 725 acres that are generally south of the 640-acre ITID Impoundment Area are proposed to be left in agricultural production. A system of pumps and control structures are also proposed both within Indian Trails Grove, and outside of the subject site. If such a project were to be constructed, it is estimated, that it could take two-or-more years to complete design, permitting and construction of such a facility. Critically, the project does not include, nor propose any means of conveyance to the Mecca Reservoir, and C-18W Canal. Such a connection would be left to the County or other entities to provide.

IV. Data and Analysis Summary

This section of the report provides a summary of the consistency of the amendment with the County’s Comprehensive Plan. The chapters in Exhibit 2 detail the consistency of the amendment with Plan policies, including justification, compatibility, public facilities impacts, intergovernmental coordination, and consistency with specific overlays and plans.

- A. Justification.** The proposed amendment seeks to use general planning concepts found in the Comprehensive Plan, including clustered development and agricultural preservation, as justification to rearrange development potentials across two areas of the County. The primary benefit identified by the applicant is the increased acreage to be provided for agricultural or water resource preserve in the Western Communities Residential Overlay (WCRO).
- B. Policy Concepts.** As indicated in the applicant's justification statement (Exhibit 3.A and 3.B), the amendment enables each acre of Ag Reserve preserves to be replaced by 1.25 acres of preserve in the WCRO—within the Rural Tier, an area less affected by residential encroachment. Preserves for existing and new AGR-PUDs enabled through this amendment would also result in preserve areas that are outside of the Ag Reserve Tier, and allocate density at a lower rate than preserves within the Ag Reserve (at the rate of 1.25 acres of WCRO land for every unit allocated to the Ag Reserve). The increased acreage (of preserved land) is due to the difference in density allowed in the WCR future land use designation (0.8 unit per acre) and the Ag Reserve future land use designation (1 unit per acre).

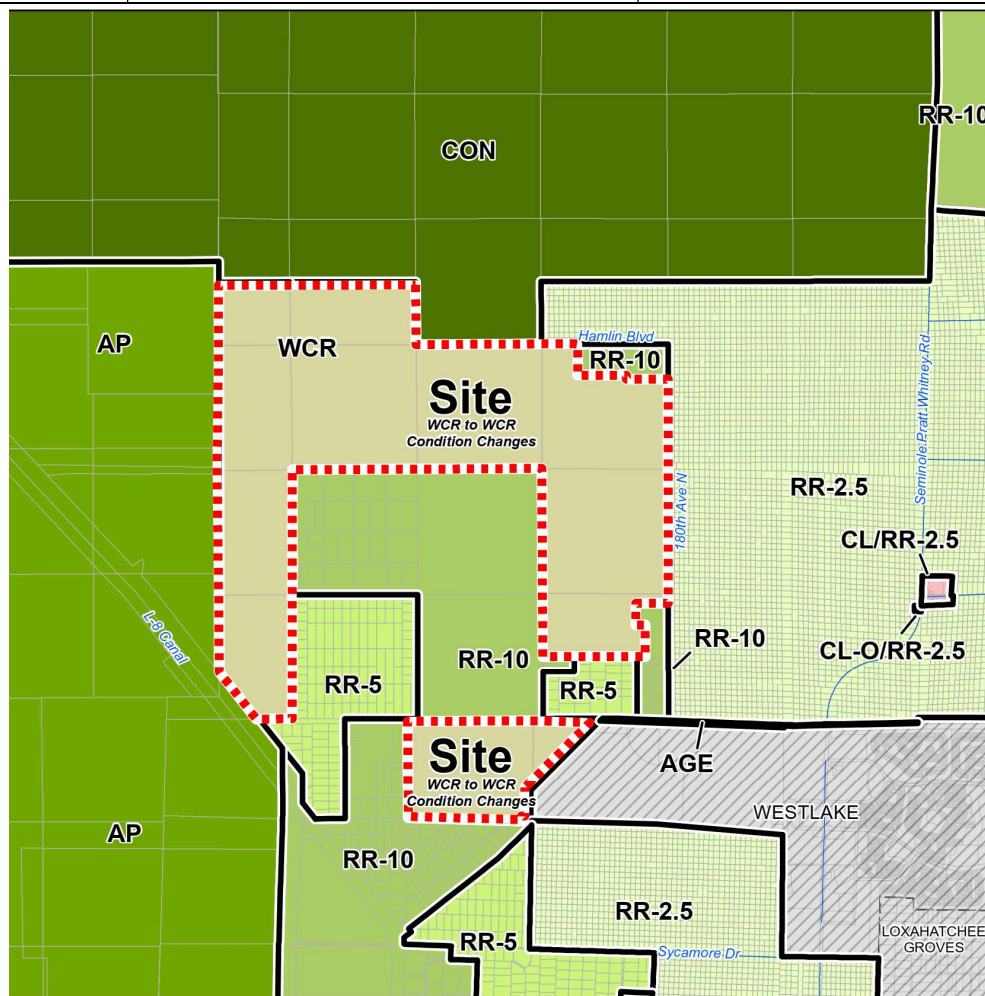
The increase of residential development and the reduction in preserve acreage in the Ag Reserve would alter the fundamental policy concepts to preserve agriculture in the Agricultural Reserve Tier. This amendment would also reduce the acreage available for agricultural preservation in the Tier and run contrary to basic concepts of the Comprehensive Plan for the Tier. These include the preservation of agriculture, the prohibition of institutional uses west of SR-7, the integrity of the Ag Reserve Tier as a self-contained tier in terms of development rights (except when serving as a sending area for transfer of development rights to the Urban/Suburban Tier). The proposed amendment also reduces the number of workforce housing units anticipated by the original WCRO approval. However, a total of 277 units proposed in the West Hyder Civic AGR-PUD would be provided as workforce housing, while the WCRO would be reduced from 390 workforce housing units to 261. The net result is an overall increase of 148 workforce housing units.

- C. Assessment and Recommendation.** The proposed amendment represents a departure from the vision anticipated for the Ag Reserve as stated in the Comprehensive Plan objectives and policies (see Exhibit 2A). However, the proposal offers a potential to achieve a long term outcome that could improve regional water management and the movement of water to the Lake Worth Lagoon and potentially even the Loxahatchee Slough and River system, as well as the potential to store water during periods of inundation, and address water quality within the L-8 Basin. Although this is a significant regional benefit that could ultimately be achieved, it will require a lengthy process in amending existing, approved state and federal water management plans and permits. Furthermore, allowing dwelling units to be shifted from one geographic area of the County to another is a significant policy departure for the County, with significant repercussions for the County's Managed Growth Tier System. These include the potential for subsequent amendment requests, not only from the WCRO, but from any other location in the County. The proposed amendment could be significantly reduced in scope, such that the approved conceptual plan and some minor policy alterations would only be necessary, and limit policy implications within the Ag Reserve Tier (see Exhibit 2D). This would preserve the integrity of the WCRO and the Ag Reserve. Based on the findings presented in this report, County staff recommends **denial** of the proposed text and future land use amendment.

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| 2. Staff Consistency and Compatibility Analysis | |
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| 2.D. Evaluation of Indian Trails Grove Design | E-60 |
| 3. Applicant's Data & Analysis of Proposed Amendment | |
| 3.A. Applicant's Text Amendment Justification Statement | E-62 |
| 3.B. Applicant's FLUA Amendment Justification Statement | E-66 |
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| 5. Public Facilities Data & Analysis for West Hyder Overlay | |
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| 6. Developer's Commitments –July 5, 2022 | E-114 |
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Exhibit 1-A

| | | |
|----------------------|--|--|
| Amendment No: | Indian Trails Grove – Agricultural Reserve Exchange (LGA 2022-021) | |
| FLUA Page No: | 33, 39, 40, and 4042 | |
| Amendment: | To modify conditions of approval and the conceptual master plan for a site with Western Communities Residential (WCR) as previously adopted in Ordinance 2016-041. | |
| Location: | Approximately three miles west of the intersection of Seminole Pratt Whitney Road and Orange Boulevard | |
| Size: | 4,866.10 acres | |
| Property No: | 00-40-42-17-00-000-7000 00-40-42-18-00-000-7000 00-40-42-19-00-000-9000 00-40-42-20-00-000-9000 00-40-42-21-00-000-9000 00-40-42-22-00-000-1010 | 00-40-42-27-00-000-9000 00-40-42-30-00-000-9000 00-40-42-31-00-000-9000 00-40-42-34-00-000-1010 00-40-43-03-00-000-3020 00-40-43-04-00-000-9010 |



Conditions: To modify conditions of approval as previously adopted in Ordinance 2016-041. Conditions numbers 10 – 18 were omitted from Ordinance 2016-041 and will be renumbered.

1. Development of the site is limited to a maximum gross density of 0.8 dwelling units/acre (~~3,897~~ 2,612 units maximum); no additional density bonuses are permitted;
2. Development of the site must conform with the site data table and the conceptual plan;
3. Commercial development to the site is limited to a maximum ~~300,000~~ 200,000 square feet and office development is limited to a maximum of ~~50,000~~ 33,500 square feet;
4. Prior to the issuance of the ~~2,598th~~ 1,741th residential building permit, a minimum of ~~233,000~~ 155,511 square feet of commercial uses shall receive a certificate of occupancy/certificate of completion;
5. Recordation of the first plat required within three years of any development order approval, subject to time extensions as allowed by the ULDC, or otherwise permitted pursuant to State Law and County Policy;
6. Prior to the recordation of the first plat for the development, the developer shall record a conservation easement for the ~~1,068~~ 448 acres of land identified as Water Resources/Agriculture on the Conceptual Plan, in favor of Palm Beach County, subject to the approval of the County Attorney;
7. A deed conveying the Impoundment Expansion area of 640 acres to the Indian Trail Improvement District (ITID), as shown on the conceptual plan, shall be executed by the property owner and placed in escrow prior to the recordation of the first plat, or April 1, 2018, whichever occurs first. The terms of the release from escrow and recordation of the deed shall be pursuant to the terms of an agreement by and between the applicant, its successors and assigns, and the ITID. Upon written notice to the County by ITID, that the 640-acre Impoundment Expansion area will not be utilized by the District, then the land shall be deeded to the County for storm water retention/water management purposes; the timing and conveyance of such dedication and any other conditions pertaining to the conveyance (to Palm Beach County rather than ITID) shall be established in the zoning development order issued by the BCC;
8. Within 60 days of the effective date of the comprehensive plan amendments regarding the Indian Trails Grove site, the developer shall provide the County Attorney an executed restrictive covenant, approved by the County Attorney, which shall be recorded in the public records prohibiting the property owned by the developer, affiliated entities, and any and all successors and assigns, within the area covered by the Western Communities Residential Overlay, from voluntarily annexing into a municipality, signing annexation petitions or otherwise consenting to annexation, seeking to incorporate as a municipality, or consenting to participating in or financially contributing to efforts to incorporate a municipality until the threshold established in Chapter 720.307 F.S. (2016, as amended from time to time) is achieved. The developer shall provide the County with a certified copy of the executed and recorded restrictive covenant prior to certification of any development order. In the event the developer seeks certification of any development order application prior to recording the covenant, the developer shall provide to the County Attorney the executed covenant in recordable form, with the appropriate filing fee, to be held in escrow by the County Attorney and recorded after the effective date of the comprehensive plan amendments.
9. The Zoning development order shall include the provision of at least 10% of the residential units, a total of ~~390~~ 261 units, shall be provided as workforce housing, subject to the following requirements:

- a. The property owner shall provide these units on site, and between 60-120% of the Average Median Income ranges for the County, in three ranges (60-80%, 81-100% and 101-120%).
- b. Prior to the issuance of the first residential building permit, a master covenant for all ~~390~~ 261 workforce housing units shall be recorded;
- c. Prior to the issuance of the certificate of occupancy for each designated workforce housing unit a deed restriction for each units shall be recorded containing all relevant information implementing the workforce housing conditions, specified in this ordinance and any subsequent zoning approval;
- d. Upon the recordation of sale for each workforce housing unit, a copy of the deed restriction shall be provided to the Planning Director and the Department of Economic Sustainability (DES) (or its successor);
- e. The deed for each workforce housing unit sold shall include restrictions requiring:
 - i. that all identified units be sold or resold only to qualified households in the applicable targeted income range at an attainable housing cost for each of the targeted income ranges;
 - ii. that these restrictions remain in effect for 15 years recurring from the date of the certificate of occupancy for each unit; and
 - iii. that in the event a unit is resold before the 15-year period concludes, a new 15 year period shall take effect on the date of the resale;
- f. Prior to final site plan approval for each subdivision plan per pod, the total number of workforce housing units provided shall be identified within that pod;
- g. A release of obligation to construct workforce housing units consistent with the ULDC provisions shall be included in the zoning development order;
- h. Beginning in October 2020, an annual report shall be submitted to DES and the Planning Director denoting compliance with the workforce housing requirements adopted with the amendment and any future development order. Should no units receive a certificate of occupancy prior to October 2020, the reporting requirement shall begin one year after the issuance of the first certificate of occupancy, and continue each year thereafter;
- i. Prior to the issuance of the ~~663rd~~ 444th building permit, ~~39~~ 26 workforce housing units (all located in Parcel A) shall be issued a certificate of occupancy;
- j. Prior to the issuance of the ~~4797th~~ 1,202nd building permit, ~~495~~ 157 workforce housing units shall be issued a certificate of occupancy;
- k. Prior to the issuance of the ~~2,499th~~ 1,671st building permit, ~~292~~ 196 workforce housing units shall be issued a certificate of occupancy;

- I. Prior to the issuance of the ~~3,358th~~ 2,246th building permit, all ~~390~~ 261 workforce housing units shall be issued a certificate of occupancy;
19. The Zoning development order and proportionate fair share agreement shall include timing mechanisms and proportionate share dollar amounts for the construction of all identified Thoroughfare Identification map roads, relative to the timing of construction and roadway impacts, and shall be to the satisfaction of the County Engineer;
20. Regarding 60th Street North:
- a. Prior to issuance of the first residential permit, the developer shall improve and construct as a 2-lane section to County thoroughfare standards 60th St. N. from the existing east/west pavement west of Seminole Pratt-Whitney Rd. to 190th St. N., inclusive of a new bridge crossing over the M-Canal at the ultimate 4-lane section;
 - b. Prior to issuance of the 1,663rd residential permit, should the additional right-of-way for 60th St. N. from Seminole Pratt-Whitney Rd. to the western limits of the City of Westlake not have been dedicated to the County by Minto, the developer shall fund acquisition of said right-of-way;
 - c. Prior to issuance of the 2,320th residential permit, the developer shall improve and construct a 4-lane section to County thoroughfare standards 60th St. N. from Seminole Pratt Whitney Rd. to 190th St. N.;
21. To facilitate road improvements in the area, the developer shall pay the County \$1.25 million prior to the issuance of the first building permit; additional payments of \$1.25 million shall be made to the County prior to the issuances of the ~~974th~~ 653rd, ~~1,948th~~ 1,306th, and ~~2,922nd~~ 1,959th building permits; these payments shall be subject to the cost adjustment clause in the proportionate fair share agreement to account for changes in road development costs over time;
22. The land depicted on the conceptual plan as the ~~42~~ 43-acre park expansion shall be conveyed to Palm Beach County; the timing of the conveyance and any other conditions shall be established in the zoning development order issued by the BCC;
23. The land depicted on the conceptual plan as the 5-acre fire/police/utility location shall be conveyed to Palm Beach County; the timing of the conveyance and any other conditions shall be established in the zoning development order issued by the BCC; ~~as an alternative to placing Fire/Rescue Services on the 5-acre site, the County may request, and the developer shall provide a 2.5-acre site to the County for a future Fire/Rescue Station at the non-residential node at the northwest corner of 190th Street North and Indian Trails Blvd.; in the event the County accepts another site for Fire/Rescue purposes outside of the Indian Trail Groves within a two-mile radius of the 5-acre location identified on the conceptual plan, the developer is relieved of the fire station dedication option within the non-residential node at 190th Street N. and Indian Trails Blvd.;~~
24. The land depicted on the conceptual plan as the ~~25-acre proposed middle school, 22.6-acre proposed park, and 15.5-acre proposed elementary school~~ 40-acre school site shall be conveyed to the Palm Beach County School District; the timing of the conveyance and any other conditions shall be established in the zoning development order issued by the BCC; in the event the School District does not utilize the sites for related schools and recreational facilities, ownership of any remaining unbuilt sites shall be conveyed to Palm Beach County at the County's sole discretion;

25. Rural Parkway easements shall be located along the south side of 60th Street North, both sides of Orange Blvd., the west side of 180th, and the east and west sides of 190th within the project boundaries, for the purposes of buffering and providing pedestrian, bicycle and equestrian trail connections within the development, and adjacent to the thoroughfare road network. These rural parkway easements shall:
- a. be a minimum of 50 feet in width, except for 180th which shall be a minimum 80 feet in width;
 - b. include 8-foot-wide multi-purpose pathways and 10-foot wide equestrian trails as indicated, which shall be accessible to the public;
 - c. obtain conceptual approval for signage located in the rural parkway that is context sensitive to the Rural Tier and subject to Planning Director approval, prior to final master plan approval;
 - d. obtain conceptual approval for all rural parkway planting plans prior to final master plan approval;
 - e. all rural parkway easements shall be recorded in the public record prior to the recordation of the first plat;
 - f. commence construction of each rural parkway segment prior to the first building permit in the adjacent pod, and shall be further detailed in the zoning development order;
 - g. complete construction of each rural parkway segment prior to the first certificate of occupancy in the adjacent pod, as further detailed in the zoning development order; and
 - h. include a minimum of 70% native plant material in each rural parkway planting plan, and the following minimum quantities of each type of vegetation, notwithstanding any ULDC buffer requirements:
 1. canopy trees, 1 per 1,000 square feet of rural parkway easement;
 2. flowering trees, 1 per 4,000 square feet of rural parkway easement;
 3. palms, 1 per 1,600 square feet of rural parkway easement;
 4. pines, 1 per 2,000 square feet of rural parkway easement;
 5. large shrubs, 1 per 400 square feet of rural parkway easement;
 6. medium shrubs, 1 per 300 square feet of rural parkway easement;
 7. small shrubs, 1 per 200 square feet of rural parkway easement;
 8. turf grass and/or other ground cover as applicable for areas not planted with landscape material.
26. Prior to the issuance of the first residential building permit, the property owner will convey the 1,600 acres labeled on the Conceptual Plan as the "WCR Exchange Parcel/Palm Beach County Conveyance (1,600 acres)" to Palm Beach County.

Legal Description

PARCEL 1:

A PARCEL OF LAND LYING IN SECTIONS 19, 20, 21, 22, 27, 30, 31, THE SOUTH HALF OF SECTIONS 17 AND 18, AND THE NORTH HALF OF SECTION 34, TOWNSHIP 42 SOUTH, RANGE 40 EAST, AND SECTIONS 25 AND 26, TOWNSHIP 42 SOUTH, RANGE 39 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING ALL OF SECTIONS 19, 20, 21, 22, 27 AND 30; TOGETHER WITH THE SOUTH ONE-HALF (S 1/2) OF SECTIONS 17 AND 18; ALL THAT PART OF SECTION 31 LYING NORTH AND EAST OF THE 660 FOOT FLORIDA POWER & LIGHT COMPANY RIGHT OF WAY AS RECORDED IN OFFICIAL RECORDS BOOK 2431, AT PAGE 1704 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; AND THE NORTH ONE-HALF (N 1/2) OF SECTION 34, ALL IN TOWNSHIP 42 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA.

LESS AND NOT INCLUDING THE FOLLOWING DESCRIBED PARCEL, AS RECORDED IN OFFICIAL RECORDS BOOK 4004, AT PAGE 136 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA:

THE NORTH 135 FEET OF THE SOUTH 1/2 OF SECTIONS 17 AND 18, TOWNSHIP 42 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA.

ALSO LESS AND NOT INCLUDING THE FOLLOWING DESCRIBED PARCEL, AS RECORDED IN OFFICIAL RECORDS BOOK 9363, AT PAGE 813 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA:

PARK

THE PARCELS OF LAND LYING IN THE NORTH HALF (N 1/2) OF THE NORTH HALF (N 1/2) OF SECTION 22, TOWNSHIP 42 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 22, LESS THE EAST 425 FEET THEREOF; ALSO LESS THE NORTH 50 FEET THEREOF;

TOGETHER WITH

THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 22, LESS THE WEST 195 FEET THEREOF; ALSO LESS THE NORTH 50 FEET THEREOF.

ALSO LESS AND NOT INCLUDING THE FOLLOWING DESCRIBED PARCEL:

SCHOOL SITE (OFFICIAL RECORDS BOOK 11559, PAGE 1999)

THE EAST 978.88 FEET OF THE SOUTH 1335.00 FEET OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SECTION 34, TOWNSHIP 42 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA.

ALSO LESS AND NOT INCLUDING THE FOLLOWING PARCEL:

MIDDLE SCHOOL SITE (OFFICIAL RECORDS BOOK 13335, PAGE 1490)

A PARCEL OF LAND LYING IN THE NORTHEAST ONE-QUARTER (NE 1/4) OF SECTION 34, TOWNSHIP 42 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID NORTHEAST ONE-QUARTER (1/4); THENCE NORTH 00° 05' 37" WEST, ALONG THE EAST LINE OF SAID SECTION 34, A DISTANCE OF 1335.00 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID EAST SECTION LINE, NORTH 89° 58' 53" WEST, A DISTANCE OF 1372.00 FEET; THENCE NORTH 00° 05' 37" WEST, A DISTANCE OF 901.00 FEET; THENCE NORTH 89° 26' 02" EAST, A DISTANCE OF 1372.04 FEET TO THE EAST LINE OF SAID SECTION 34; THENCE SOUTH 00° 05' 37" EAST, A DISTANCE OF 915.00 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON THE SOUTH LINE OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SECTION 34, TOWNSHIP 42 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, BEING NORTH 89° 58' 53" WEST.

AND LESS AND NOT INCLUDING THE FOLLOWING PARCEL:

HIGH SCHOOL SITE (OFFICIAL RECORDS BOOK 14689, PAGE 1639)

A PARCEL OF LAND LYING IN THE NORTHEAST ONE-QUARTER (1/4) OF SECTION 22, TOWNSHIP 42 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 22; THENCE SOUTH 00° 02' 47" WEST ALONG THE EAST LINE OF SAID NORTHEAST QUARTER (NE 1/4), A DISTANCE OF 1481.20 FEET; THENCE NORTH 89° 53' 55" WEST, A DISTANCE OF 1763.98 FEET; THENCE NORTH 00° 00' 18" EAST, A DISTANCE OF 1481.20 FEET TO A POINT ON THE NORTH LINE OF SAID NORTHEAST QUARTER (NE 1/4); THENCE SOUTH 89° 53' 55" EAST, A DISTANCE OF 1765.05 FEET TO THE POINT OF BEGINNING.

ALSO LESS AND NOT INCLUDING THE FOLLOWING DESCRIBED PARCEL:

PALM BEACH COUNTY PARCEL

THE PARCELS OF LAND LYING IN THE NORTH HALF (N 1/2) OF THE NORTH HALF (N 1/2) OF SECTION 22, TOWNSHIP 42 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTH 50.00 FEET OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 22, LESS THE EAST 425.00 FEET THEREOF.

TOGETHER WITH

THE NORTH 50.00 FEET OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 22, LESS THE WEST 195.00 FEET THEREOF.

PARCEL 2:

SECTION 4, TOWNSHIP 43 SOUTH, RANGE 40 EAST; AND ALL THAT PART OF SECTION 3, TOWNSHIP 43 SOUTH, RANGE 40 EAST, LYING NORTH OF THE FOLLOWING DESCRIBED LINE: BEGINNING AT A POINT ON THE WEST LINE OF SAID SECTION 3, SAID POINT BEING 2,632.90 FEET SOUTH OF THE NORTHWEST CORNER OF SAID SECTION; THENCE RUNNING IN A NORTHEASTERLY DIRECTION A DISTANCE OF 3,610.56 FEET, MORE OR LESS, TO A POINT ON THE NORTH LINE OF SAID SECTION, 2,530.47 FEET EAST OF THE NORTHWEST CORNER THEREOF.

EXCEPTING THEREFROM, THAT PORTION OF SAID SECTION 4 CONVEYED TO THE CITY OF WEST PALM BEACH AS DESCRIBED IN THE DEED FROM INDIAN TRAIL RANCH, INC., DATED JULY 26, 1956 AND RECORDED SEPTEMBER 25, 1956 IN DEED BOOK 1156, PAGE 58, WHICH DEED WAS CORRECTED IN PART BY THE CORRECTIVE QUIT CLAIM DEED DATED OCTOBER 7, 1963 AND FILED OCTOBER 8, 1963 IN OFFICIAL RECORDS BOOK 924, PAGE 965, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

ALSO EXCEPTING THEREFROM, PARCEL 8, A PARCEL OF LAND VESTED IN FLORIDA POWER & LIGHT COMPANY BY THE STIPULATED FINAL JUDGMENT AS TO PARCEL 8, RECORDED IN OFFICIAL RECORDS BOOK 30909, PAGE 650, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID PARCEL 8 LYING WITHIN THE SOUTH 50.00 FEET OF SAID SECTION 4.

ALSO EXCEPTING THEREFROM THE NORTH 100 FEET OF SECTION 4 AND THE NORTH 100 FEET OF THAT PORTION OF SECTION 3 LYING WEST OF THE RIGHT OF WAY LINE OF THE M CANAL, ALL IN TOWNSHIP 43 SOUTH, RANGE 40 EAST, SAID PALM BEACH COUNTY.

CONTAINING A TOTAL OF 4,866.102 ACRES MORE OR LESS.

Exhibit 1-B

Applicant's Proposed Text Amendments

A. Introduction & Administration Element, Western Communities Residential Definition

REVISE WESTERN COMMUNITIES RESIDENTIAL - A future land use designation ~~reflecting a development pattern~~ which allows for the preservation of large contiguous acres of land for agriculture, water resources, and open space while also accommodating a mixed-use design concept comprised of a ~~mixture~~ of land uses, including residential, retail, office, recreation, civic, etc., located within close proximity to each other, in order to provide for a variety of housing, recreation, shopping, and employment opportunities.

B. Future Land Use Element, Agricultural Reserve Tier

NEW Policy 1.5.1-XX: In order to promote regional water management opportunities outside of the Agricultural Reserve Tier, limited land in the Agricultural Reserve may convert from agricultural preservation to unique development options that are not otherwise available in the Tier. The six projects listed below may utilize land dedicated to the County as designated on an adopted Western Communities Residential Conceptual Plan for a regional water management or agriculture use within the Western Communities Residential Overlay (WCRO) as also indicated in Policy 1.11-j, to partially satisfy 60/40 AGR-PUD Preserve requirements as specified for the following existing 60/40 AGR-PUDs.

1. Hyder (Seven Bridges) AGR-PUD (Control Number 2005-455) may utilize up to 29.80 acres of WCR land, to satisfy 29.80 acres and 23.85 units of AGR-PUD requirements;
2. Lyons West (Valencia Reserve) AGR-PUD (Control Number 2005-003) may utilize up to 462.51 acres of WCR land to satisfy 462.51 acres and 370.01 units of AGR-PDD requirements;
3. Fogg North (Canyon Lakes) AGR-PUD (Control Number 2002-067) may utilize up to 23.87 acres of WCR land to satisfy 23.87 acres and 19.09 units of AGR-PUD requirements;
4. Fogg Central (Canyon Isles) AGR-PUD (Control Number 2002-068) may utilize up to 29.28 acres of WCR land to satisfy 29.28 acres and 23.42 units of AGR-PUD requirements;
5. Fogg South (Canyon Springs) AGR-PUD (Control Number 2002-069) may utilize up to 32.21 acres of WCR land to satisfy 32.21 acres and 25.76 units of AGR-PUD requirements; and
6. Whitworth AGR-PUD (Control Number 2021-031) may utilize up to 94.44 acres of WCR land to satisfy 94.44 acres and 72.35 units of AGR-PUD requirements.

The corresponding zoning development order shall clearly depict the preserve and unit allocation from the Western Communities Reserve Overlay on the approved development plan and corresponding resolution; however, the WCRO lands themselves are excluded from the corresponding AGR-PUD development order.

C. Future Land Use Element, West Hyder Overlay

NEW SUB-OBJECTIVE 1.5.2 The West Hyder Overlay (WHO)

In order to foster opportunities for long-term regional water management benefits for the overall County, the County shall allow 60/40 Agricultural Reserve Planned Developments and institutional uses within the West Hyder Overlay (WHO). The purpose of the Overlay is to promote regional water management opportunities outside of the Agricultural Reserve Tier by allowing limited land in the Agricultural Reserve to convert from agricultural preservation to unique development options not otherwise available in the Tier, and allow for these development's AGR-PUD 60/40 preserve requirements to be fulfilled entirely by lands preserved outside of the Tier.

NEW Policy 1.5.2-a: The West Hyder Overlay (WHO) is depicted on the Special Planning Areas Map LU 3.1 in the Map Series and generally delineated as the area bounded on the north by the LWDD L-36 Canal, on the east by SR-7, on the south by the LWDD L-39 Canal, and on the west by the LWDD S-11 Canal and the Sunshine Meadows equestrian facility. The overlay comprises approximately 683 acres of land.

NEW Policy 1.5.2-b: Lands within the West Hyder Overlay shall either remain in an agricultural, environmental, or other open space use in accordance with the requirements of the Tier, or may be eligible to convert to development areas of 60/40 AGR-PUDs only in the following limited circumstances, with the uses specified:

1. West Hyder Civic AGR-PUD (Control Number 2022-004):
 - a. Up to 277 units of workforce housing, distributed between 60-120% affordability range, and to be provided on-site (with no buyout or in-lieu option);
 - b. Institutional Uses as identified in the ULDC Use Matrix; and
 - c. Civic site requirements for the West Hyder AGR-PUD development area within this overlay may be satisfied within this development area.
2. West Hyder AGR-PUD (Control Number 2022-005)
 - a. Up to 1,000 units of residential development;
 - b. The zoning development order shall require conditions of approval requiring a deed restriction limiting the units to 55+; this restriction shall remain unless a development order amendment is submitted to delete the conditions for the deed restriction, and may only be approved upon demonstration that the impacts associated with removing the age restriction have been addressed and any impacts to service providers are mitigated;
 - c. Civic site requirements for this AGR-PUD may be satisfied within the West Hyder Civic AGR-PUD; and
 - d. Fulfillment of all required workforce housing unit obligations associated with the West Hyder Civic AGR-PUD shall be completed prior to the issuance of 277 residential building permits for this development.

NEW Policy 1.5.2-c: New 60/40 AGR-PUDs, consistent with Policy 1.5.2-b, shall utilize contiguous lands within the Western Communities Residential Overlay—that are deeded to the County or other governmental entity, consistent with an adopted WCR Conceptual Plan, and are designated for a regional water management or agriculture use—to wholly satisfy 60/40 AGR-PUD Preserve requirements and densities as specified:

1. West Hyder Civic AGR-PUD (Control Number 2022-004) may utilize up to 216.36 acres of WCR land, to satisfy 216.36 acres and 173.09 units towards AGR-PUD requirements; and
2. West Hyder AGR-PUD (Control Number 2022-005) may utilize up to 715.57 acres of WCR land to satisfy 715.57 acres and 572.45 units towards AGR-PUD requirements.

Lands within the WCRO that are not allocated to WCR-PUD development areas, and that are deeded to the County in fee simple, shall count toward satisfying the minimum 250-acre requirement for 60/40 AGR-PUD for the acreages specified above, but do not need to be included in any Zoning development order application.

NEW Policy 1.5.2-d: Within the West Hyder Overlay, institutional uses may be allowed west of SR-7 provided they are located within the development area of an AGR-PUD listed in Policy 1.5.2-b, or are on land deeded to the County.

D. Future Land Use Element Western Communities Residential Overlay

REVISE OBJECTIVE 1.11 Western Communities Residential Overlay

General: The Purpose of the Western Communities Residential Overlay (WCRO) is to provide a transition from rural/suburban development and other uses to existing and future conservation areas, specifically the J.W. Corbett Wildlife Management Area and Everglades restoration programs and projects, as well as providing the opportunity for regional water management benefits. The Overlay complements existing provisions in the Comprehensive Plan prohibiting the expansion of urban and suburban activities into conservation areas. It achieves compatibility with the existing residential development pattern in the surrounding area while furthering remediation of the historic land use imbalance in that area through the additional non-residential uses and residential support for other projects whose non-residential development is intended to do so, including but not limited to the City of Westlake.

In 2016, the County adopted the Western Communities Residential Overlay along with the corresponding Western Communities Residential future land use designation in the Comprehensive Plan, and adopted site specific amendment and Conceptual Plan with an overall density of 1 unit per 1.25 acres resulting in 3,897 dwelling units, and corresponding non-residential uses. In 2022, in consideration of property owner rights, and the potential to achieve a larger, regional public benefit and improve regional water management and agricultural holdings, the owner proposed exchanging density and land within the WCRO for additional development on land in the Agricultural Reserve Tier. This exchange of density between the Tiers is based on the original 3,897 units in the 2016 approval (Ordinance 2016-040). However, this exchange proportionally reduced the development contemplated within the WCRO by one-third, and the reduction is incorporated in this Objective and Objective 4.5 and their respective policies.

Only the density associated with the 2016 WCRO approval is exchanged with the Agricultural Reserve Tier, at a ratio of 1.25 units of WCR development potential to one unit of AGR development potential (1.25:1).

REVISE Objective: The Western Communities Residential Overlay (WCRO) enables the appropriate transition between rural/suburban development, preservation and conservation areas while allowing for residential development at a density that is compatible with the surrounding area through the preservation of large tracts of contiguous acres of land for water resources, agriculture, or other suitable open space uses. The WCRO achieves compatibility with the existing residential development pattern in the surrounding area and remediates the historic land use imbalance in the central western communities and provides other regional benefits. This overlay complements existing provisions and concepts within the Comprehensive Plan to further the potential to address regional Water Resources needs, and also perpetuate limited Agricultural uses in areas that are not proposed for development.

REVISE Policy 1.11-a: The Western Communities Residential Overlay is depicted on the Special Planning Areas Planning Map LU 3.1, in the Map Series and consists of approximately 4,871 acres of land generally located approximately two (2) miles west of the intersection of Seminole Pratt Whitney Road and Orange Boulevard.

REVISE Policy 1.11-b: The Western Communities Residential (WCR) Future Land Use category designation shall ~~be established to~~ allow a compatible density with the existing rural residential lifestyle adjacent to the Western Communities Residential Overlay.

REVISE Policy 1.11-c: Development within the Western Communities Residential Overlay shall only occur in the form of a Planned Development District, Planned Unit Development and commercial nodes consistent with the form of the Traditional Marketplace in the Comprehensive Plan, with a minimum gross land area of 900 acres. Within the Overlay, the maximum number of residential units shall be limited to 3,897 2,612; the maximum amount of non-residential commercial ~~retail~~ uses shall be limited to 300,000 233,500 square feet; ~~and, the maximum amount of non-residential commercial office uses shall be limited to 50,000 comprised of 200,000 square feet of commercial retail uses and 33,500 square feet of commercial office uses.~~

REVISE Policy 1.11-e: In addition to other public facilities required by the ULDC, the following within the Western Communities Residential Overlay shall be provided at developer expense:

1. Paved on-site roads to serve all uses.
2. On-site central water and wastewater service and facilities adequate to meet adopted level of service standards, with an off-site loop main that will allow other residences in the vicinity to connect to central services.
3. On-site retention and drainage facilities that connect to the L-8 canal.
4. A minimum 14.9 miles of 8-foot-wide pedestrian and bicycle pathways, open to the public.
5. A minimum 17.5 9.6 miles of equestrian trails open to the public.
6. On-site bus shelter easements for Palm Tran.
7. Off-site road improvements that include:
 - a. Extension of 60th Street North from Seminole Pratt Whitney to 190th Street North.
 - b. Extension of 190th Street North from 60th Street North to Hamlin Boulevard.
 - c. Extension of Orange Blvd. from 180th Ave. North to 190th Street North.
 - d. Connection of Hamlin Boulevard from its present terminus to 190th Street North.
8. In addition to the project's fair share proportionate share obligation, fund an additional \$5,000,000.00 for road improvements in the Central Western Communities.

REVISE Policy 1.11-h: The Western Communities Residential Overlay developer shall dedicate the following land for public facilities to serve on-site residents and other users within the surrounding area:

1. Upon the date mutually agreed to in written agreement between Indian Trail Improvement District and the developer, a minimum 640-acre parcel will be dedicated to the Indian Trail Improvement District or the County. The dedication shall stipulate that the use of the 640 acres is restricted for use by the ITID/County as a storm water retention/water management area.
2. Upon written request of the Palm Beach County School Board and receipt of at least 250 building permits, whichever shall later occur, dedicate a ~~15.5-acre site for a future elementary school and a 25.0-acre site for a future middle school, an approximate 40-acre school site constructed at school board expense. An additional 22.6 acres adjacent to either the elementary school site or middle school site shall be dedicated upon request of the Palm Beach County School Board with the concurrence of Palm Beach County.~~ The development shall take all required drainage from the school sites into the development's storm water management system.
3. Prior to receipt of no less than 250 building permits, a minimum 40 acres adjacent to District Park "F" for its expansion, constructed at County expense.
4. Prior to receipt of no less than 250 building permits, a five-acre site for a fire/police/utility site.
5. Prior to the receipt of no less than 250 building permits, a minimum 10.7-acre site for civic site uses to be dedicated to the County.

NEW Policy 1.11-i: The areas within the Overlay that are designated as Water Resources/Agriculture/Impoundment Area on the Conceptual Plan, and conveyed via warranty deed to the County, or other governmental entity that is not a CDD, shall be restricted to the following uses and purposes consistent with this Overlay, including, but not limited to: excavation for regional water management, stormwater impoundment, flow ways and other means of water conveyance, water quality enhancement projects, environmental restoration, environmental mitigation banks, Everglades restoration, conservation, and bona fide agriculture. The County shall adopt conditions of approval in the zoning development order to address the timing and construction of the excavation.

Excavation for the purposes of fulfilling the requirements of this policy, including but not limited to the development of fill for use on-site or to support the drainage system of the development, shall not be removed from the site and nor subject to the limitations of Objective 2.3, Mining and Excavation. In addition, areas designated as water resources or impoundment on an adopted WCR Conceptual Plan, and dedicated to the County, the South Florida Water Management, or the Indian Trail Improvement District are permitted to excavate in support of water management projects that associated with but not limited to ecosystem restoration, regional water supply, and flood protection.

NEW Policy 1.11-j: Lands within the Western Communities Residential Overlay that are dedicated to the County or other government entity for Water Resources/Agriculture/Impoundment areas, and are depicted as such on the adopted Conceptual Plan and Site Data table, shall satisfy Agricultural Reserve Tier AGR-PUD Preserve area and density requirements for the projects and amounts, as follows:

1. Hyder (Seven Bridges) AGR-PUD (Control Number 2005-455) may utilize up to 29.80 acres of WCR land, to satisfy 29.80 acres and 23.85 units of AGR-PUD requirements;
2. Lyons West (Valencia Reserve) AGR-PUD (Control Number 2005-003) may utilize up to 462.51 acres of WCR land to satisfy 462.51 acres and 370.01 units of AGR-PUD requirements;
3. Fogg North (Canyon Lakes) AGR-PUD (Control Number 2002-067) may utilize up to 23.87 acres of WCR land to satisfy 23.87 acres and 19.09 units of AGR-PUD requirements;
4. Fogg Central (Canyon Isles) AGR-PUD (Control Number 2002-068) may utilize up to 29.28 acres of WCR land to satisfy 29.28 acres and 23.42 units of AGR-PUD requirements;
5. Fogg South (Canyon Springs) AGR-PUD (Control Number 2002-069) may utilize up to 32.21 acres of WCR land to satisfy 32.21 acres and 25.76 units of AGR-PUD requirements;
6. Whitworth AGR-PUD (Control Number 2021-031) may utilize up to 90.44 acres of WCR land to satisfy 90.44 acres and 72.35 units of AGR-PUD requirements;
7. West Hyder Civic AGR-PUD (Control Number 2022-004) may utilize up to 216.36 acres of WCR land, to satisfy 216.36 acres and 173.09 units towards AGR-PUD requirements; and
8. West Hyder AGR-PUD (Control Number 2022-005) may utilize up to 715.57 acres of WCR land to satisfy 715.57 acres and 572.45 units towards AGR-PUD requirements.

E. Future Land Use Element, Western Communities Residential future land use designation

REVISE OBJECTIVE 4.5 Western Communities Residential

The County shall recognize the unique characteristics of agricultural parcels that are adjacent to existing residential communities within the Rural Tier and the Western Communities Residential Overlay that seek to develop by assigning the Western Communities Residential (WCR) future land use designation through a Future Land Use Amendment process. A WCR site specific amendment that supports balanced growth may occur in the Rural Tier and may exceed rural densities and intensities. A WCR site specific amendment shall achieve compatibility with the existing residential development pattern in the surrounding area of the Rural Tier while furthering remediation of the historic land use imbalance in the western communities and providing other regional benefits.

REVISE Policy 4.5-d: Western Communities Residential Conceptual Plan shall include a Site Data table establishing an overall density and intensity for the project, as well as minimum and/or maximum percentages for the acreages shown on the Plan and other binding standards. The Conceptual Plan shall include a depiction of the residential, non-residential, recreational, civic and open space elements of the project and allow the clustering of the density to promote a variety of neighborhoods and housing types and to act as transition areas between the Western Communities Residential and adjacent existing communities. The Conceptual Plan and Site Data table shall also include specific acreages for lands and units within the Overlay that provide density and satisfy preserve area requirements in the Agricultural Reserve Tier, for developments specified in Policy 1.11-j.

REVISE Policy 4.5-e: A property with Western Communities Residential future land use designation shall utilize the Planned Unit Development (PUD) zoning district of the Unified Land Development Code, with the form of the commercial nodes reflected on the Conceptual Plan, which commercial nodes shall be designed consistent with the form of the Traditional Marketplace provisions in the Comprehensive Plan. Each residential pod within a WCR Planned Unit Development ~~may~~ shall be developed according to the density/intensity assigned on the Conceptual Plan.

REVISE Policy 4.5-f: In order to achieve compatibility with the existing residential development pattern in the surrounding area and create a more sustainable land use pattern through compactness of design, any land developed utilizing the WCR future land use shall be required to exhibit the following characteristics:

1. A maximum permissible gross residential density of 0.80 DU/AC.
2. The project shall provide a minimum of 66.67% of the gross site acreage in open space uses (the Required Open Space). A minimum of 50% of the gross site acreage shall be in the form of Exterior Open Space which shall be limited to preservation, conservation, passive and/or active recreation, perimeter landscape buffers, rural parkways, pedestrian pathways and greenways, wetlands, bona fide agriculture, regional water management, fallow land, perimeter water management areas, public and/or private civic uses, and/or, equestrian uses. Perimeter water management areas shall only count as Exterior Open Space if the water management area is accessible to the general public from a publicly accessible buffer or open space tract that includes a minimum 8-foot wide paved pedestrian pathway that connects the perimeter of the site to the water management area. Perimeter water management areas shall be available for use by the general public for fishing and non-motorized boating activities. Land area allocated as Exterior Open Space counts towards meeting the minimum Required Open Space.
3. A minimum of 33.33% of the gross site acreage shall be provided in one large contiguous open space land area and shall be depicted on the Conceptual Plan approved by the Board of County Commissioners. Land area allocated as part of the 33.33% contiguous open space counts towards meeting the minimum Required Open Space.
4. Neighborhood-serving commercial nodes shall comprise no less than 2% of the overall developable land area (developable land area being defined as the area available for development less the required Exterior Open Space). The commercial nodes shall: (1) be designed consistent with the form of the Traditional Marketplace provisions of the Comprehensive Plan; and, (2) be depicted on the Conceptual Plan approved by the Board of County Commissioners.
5. A minimum 20% of the residential units shall be located within one-quarter mile radius of commercial nodes; a minimum 40% of the residential units shall be located within one-half mile radius of commercial nodes; and a minimum of 66% of the residential units shall be located within one-quarter mile radius of commercial nodes or civic uses (public or private) or recreation uses (public or private).
6. Higher density residential areas shall be located adjacent to and within one-quarter mile radius of any commercial node. Lower density residential areas shall be located around the perimeter of the development area to promote compatibility with existing development in the surrounding area. Medium density residential shall be located between commercial nodes/High density residential areas and the Low density residential areas. All of which shall be reflected on the Conceptual Plan approved by the Board of County Commissioners.
7. A minimum of 10.0% of on-site for-sale units shall be provided as workforce

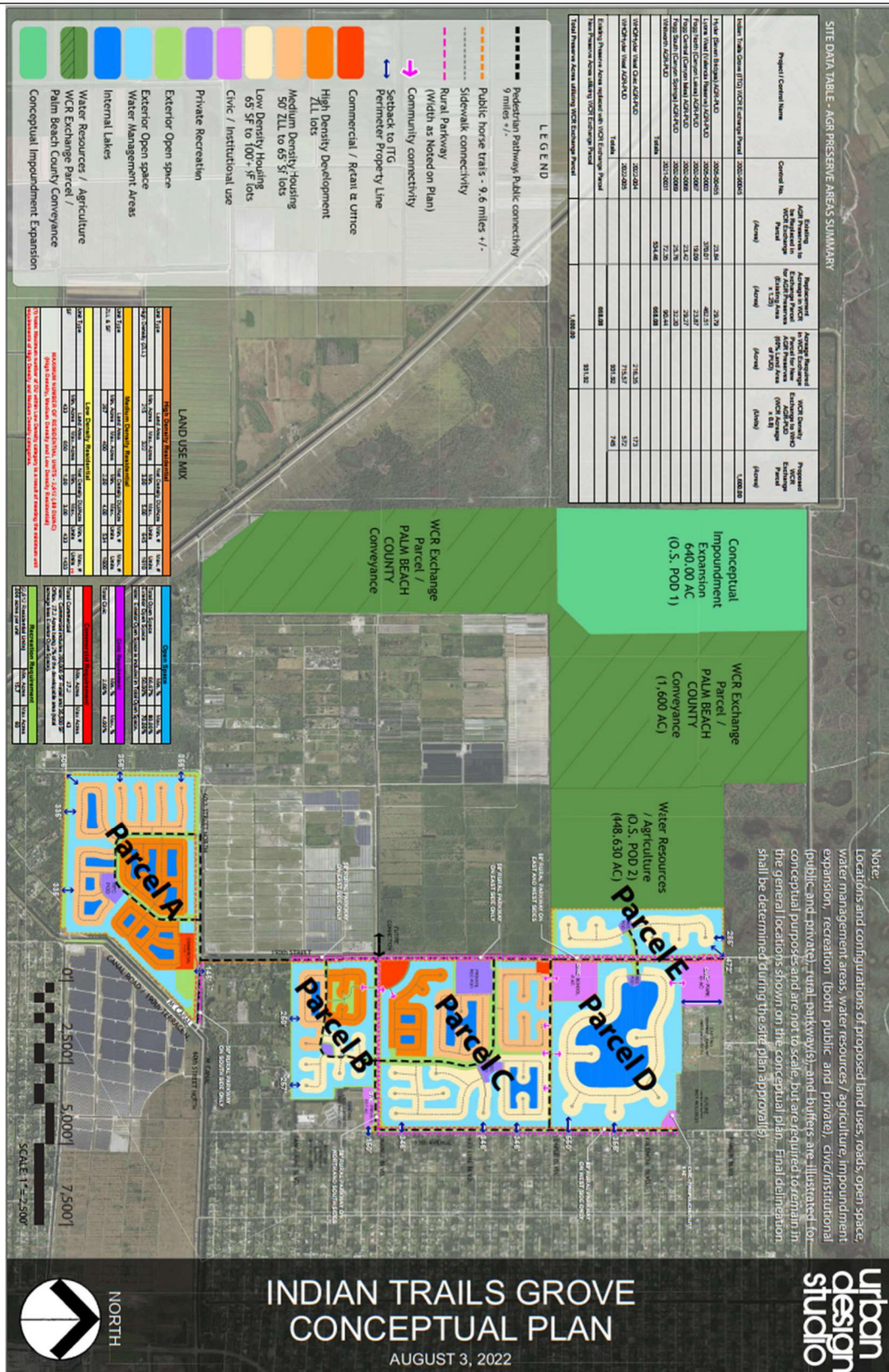
housing based on the County's affordability standards.

8. ~~A maximum permissible non-residential intensity of 350,000 square feet of commercial uses, comprised of 300,000 square feet of commercial retail uses, and 50,000 square feet of commercial office uses~~ Commercial uses shall be limited to 233,500 square feet comprised of 200,000 square feet of commercial retail uses and 33,500 square feet of commercial office uses.

Proposed Map Series Special Planning Areas Map to be replaced



Proposed Indian Trails Grove Conceptual Plan



ITG-AGR Exchange (LGA 2022-021)

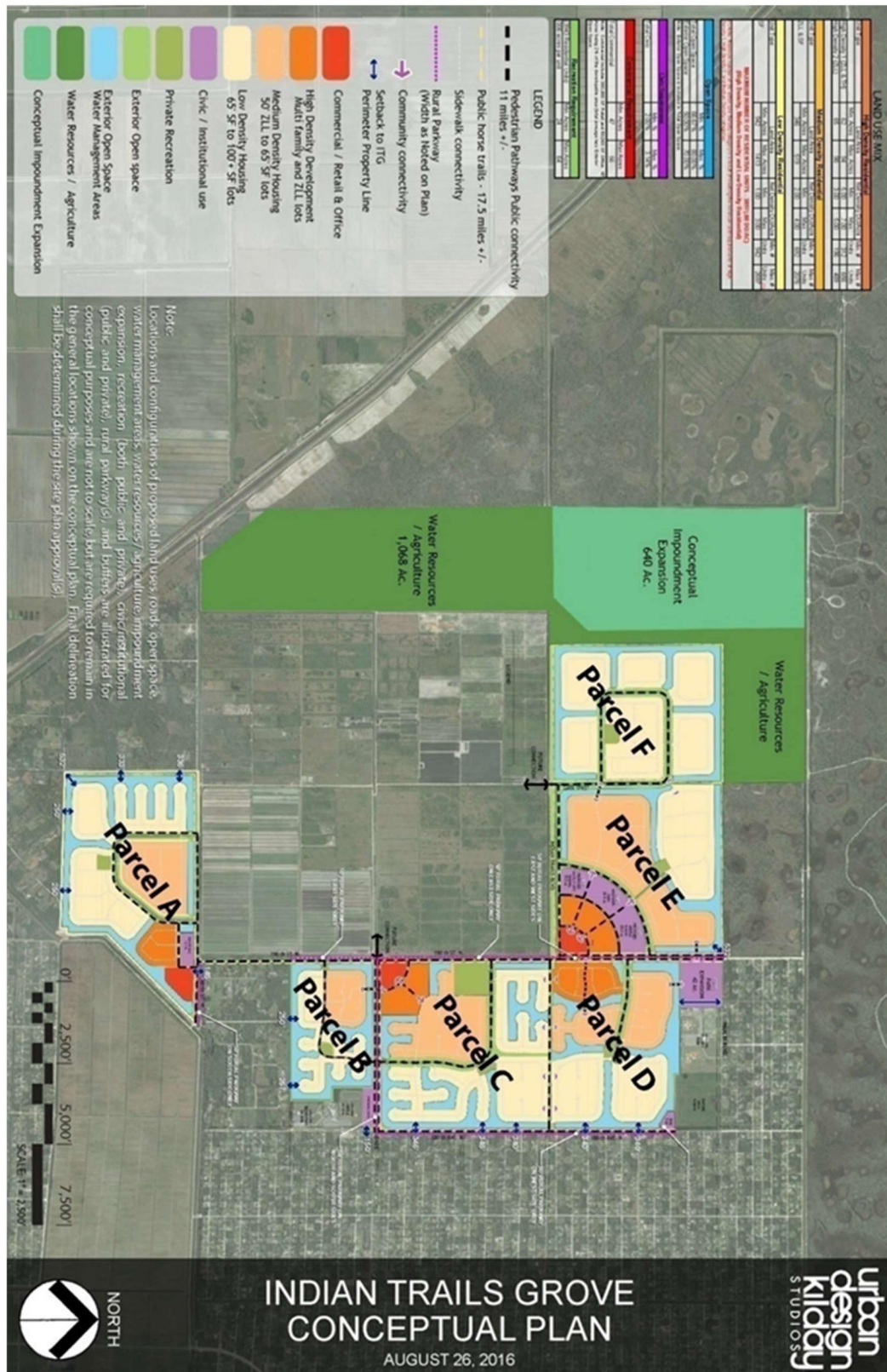


Exhibit 2-A

Staff Analysis of Proposed Text Amendments

A. Introduction & Administration Element, Western Communities Residential Definition

1. **REVISE** WESTERN COMMUNITIES RESIDENTIAL - A future land use designation reflecting a development pattern which allows for the preservation of large contiguous acres of land for agriculture, water resources and open space while also accommodating a mixed-use design concept comprised of a mixture of land uses, including residential, retail, office, recreation, civic, etc., located within close proximity to each other, in order to provide for a variety of housing, recreation, shopping, and employment opportunities.

Staff Assessment: This amendment proposes to revise the definition of the 'Western Communities Residential.' The change has no impact on the actual regulatory concept of the "WCR" future land use designation or overlay other than it provides an improved description of the preserve area characteristics.

B. Future Land Use Element, Agricultural Reserve Tier Revisions

1. **NEW Policy 1.5.1-XX:** In order to promote regional water management opportunities outside of the Agricultural Reserve Tier, limited land in the Agricultural Reserve may convert from agricultural preservation to unique development options that are not otherwise available in the Tier. The six projects listed below may utilize land dedicated to the County as designated on an adopted Western Communities Residential Conceptual Plan for a regional water management or agriculture use within the Western Communities Residential Overlay (WCRO) as also indicated in Policy 1.11-j, to partially satisfy 60/40 AGR-PUD Preserve requirements as specified for the following existing 60/40 AGR-PUDs.

1. Hyder (Seven Bridges) AGR-PUD (Control Number 2005-455) may utilize up to 29.80 acres of WCR land, to satisfy 29.80 acres and 23.84 units of AGR-PUD requirements;
2. Lyons West (Valencia Reserve) AGR-PUD (Control Number 2005-003) may utilize up to 462.51 acres of WCR land to satisfy 462.51 acres and 370.01 units of AGR-PDD requirements;
3. Fogg North (Canyon Lakes) AGR-PUD (Control Number 2002-067) may utilize up to 23.87 acres of WCR land to satisfy 23.87 acres and 19.10 units of AGR-PUD requirements;
4. Fogg Central (Canyon Isles) AGR-PUD (Control Number 2002-068) may utilize up to 29.28 acres of WCR land to satisfy 29.28 acres and 23.42 units of AGR-PUD requirements;
5. Fogg South (Canyon Springs) AGR-PUD (Control Number 2002-069) may utilize up to 32.21 acres of WCR land to satisfy 32.21 acres and 25.77 units of AGR-PUD requirements; and
6. Whitworth AGR-PUD (Control Number 2021-031) may utilize up to 90.44 acres of WCR land to satisfy 90.44 acres and 72.35 units of AGR-PUD requirements.

The corresponding zoning development orders shall clearly depict the preserve and unit allocation from the Western Communities Reserve Overlay on the approved development order plans and corresponding resolution; however, the WCRO lands themselves are excluded from the Zoning development order.

Staff Assessment: This is the first of multiple revisions that incorporate the concept of density exchange into the existing policy framework of the Ag Reserve Tier. It provides for an exchange rate for WCRO land that satisfies AGR-PUD Preserve requirements, only for land that is deeded to the County, and established on an adopted Conceptual Plan approved by the BCC. It substitutes approximately 535 acres of land in the Ag Reserve, already allocated as AGR-PUD Preserves, with 668 acres of land in the WCRO. This represents a significant departure from established Plan mechanics, the Ag Reserve Tier Objective, and its policies; however, as proposed, it does not conflict with any statutory requirements and remains within the purview of the County's legislative discretion to set policy for development and preserve options. Along with the other proposed text amendments, it would establish a set of interlocking policies limited to reallocating one-third of the units originally anticipated within the WCRO, to these enumerated AGR-PUDs, and the two new AGR-PUDs proposed in the West Hyder Overlay.

C. Future Land Use Element, West Hyder Overlay (WHO)

1. NEW SUB-OBJECTIVE 1.5.2 The West Hyder Overlay (WHO)

In order to foster opportunities for long-term regional water management benefits for the overall County, the County shall allow 60/40 Agricultural Reserve Planned Developments and institutional, public and civic uses within the West Hyder Overlay (WHO). The purpose of the Overlay is to promote regional water management opportunities outside of the Agricultural Reserve Tier by allowing limited land in the Agricultural Reserve to convert from agricultural preservation to unique development options not otherwise available in the Tier, and allow for these development's AGR-PUD 60/40 preserve requirements to be fulfilled entirely by lands preserved outside of the Tier.

Staff Assessment: A new overlay is proposed within the Ag Reserve Tier. This would be the first overlay within the Tier. The West Hyder Overlay attempts to provide exceptions to restrictions within the Tier, but these restrictions are fundamental to the purposes of the Tier itself, i.e., preservation of agriculture, environmentally sensitive lands, and open space. This establishes an overlay within a tier that is intended to accommodate potential improvements outside of the Tier that do not directly benefit the Ag Reserve. It would allow for land that is already in agricultural operations, to be relieved of the development restrictions already in place, and then allow for new development in a location where it is not allowed.

2. NEW Policy 1.5.2-a: The West Hyder Overlay (WHO) is depicted on the Special Planning Areas Map LU 3.1 in the Map Series and generally delineated as the area bounded on the north by the LWDD L-36 Canal, on the east by SR-7, on the south by the LWDD L-39 Canal, and on the west by the LWDD S-11 Canal and the Sunshine Meadows equestrian facility. The overlay comprises approximately 682 acres of land.

Staff Assessment: The Future Land Use Element typically describes the geographic boundaries of overlays as the "a" policy, and this new policy is proposed in that tradition, it also indicates the proposed acreage of the overlay. The 682-acre size would include the existing AGR-PUD Preserve known as "Hyder North." This preserve is proposed by the applicant to be provided as a passive park with an equestrian emphasis.

3. NEW Policy 1.5.2-b: Lands within the West Hyder Overlay shall either remain in an agricultural, environmental, or other open space use in accordance with the requirements of the Tier, or may be eligible to convert to development areas of 60/40 AGR-PUDs only

in the following limited circumstances, with the uses specified:

1. West Hyder Civic AGR-PUD (Control Number 2022-004):
 - a. Up to 277 units of workforce housing, distributed between 60-140% affordability range, and to be provided on-site (with no buyout or in-lieu option);
 - b. Institutional, Public and Civic Uses as identified in the ULDC Use Matrix; and
 - c. Civic site requirements for the West Hyder AGR-PUD development area within this overlay may be satisfied within this development area.
2. West Hyder AGR-PUD (Control Number 2022-005)
 - a. Up to 1,000 units of residential development;
 - b. The zoning development order shall include conditions of approval requiring a deed restriction limiting the overall development to an adult age restricted community; this restriction shall remain unless a development order amendment is submitted to delete the conditions for the deed restriction, and may only be approved upon demonstration that the impacts associated with removing the age restriction have been addressed and any impacts to service providers are mitigated;
 - c. Civic site requirements for this AGR-PUD may be satisfied in the West Hyder Civic AGR-PUD; and
 - d. Fulfillment (issuance of Certificate of Occupancy – COs) of all required workforce housing unit obligations associated with the West Hyder Civic AGR-PUD shall be completed prior to the issuance of 277 residential Certificate of Occupancies for this development.

Staff Assessment: The proposed policy addresses the AGR-PUD Development areas within the West Hyder Overlay. This policy provides for the exceptions to the Ag Reserve Tier, specifically allowing 60/40 AGR-PUD development areas west of SR-7 (prohibited by Future Land Use Element Policy 1.5.1-i #4), and the prohibition of institutional and public facilities uses west of SR-7 (Future Land Use Element Policy 1.5-s). The application at initiation specified 250 units of workforce housing, but was later increased to 277 units. The workforce housing is intended to result in delivery of units on-site only, with no buyout or offsite options allowed, and the applicant indicated as such in the July 5, 2022 developer commitments (Exhibit 6). Staff recommends that in the event the amendment is transmitted, that the language is amended to reflect that the affordability ranges be reduced to 60-120% and that the 120-140% is removed, and that the threshold is revised to building permit issuance, rather than withholding the Certificate of Occupancy. The applicant has also proposed a unique 1:1 timing mechanism for the delivery of workforce housing units, tying the two together. This would allow no more than 277 units at the 1,000 unit PUD to be delivered until the 277-unit Civic PUD (those required to be 100% workforce units) are completed. This, although unusual, provides some certainty, as to the delivery of the workforce housing units. Also proposed in this new policy are allowances for individual PUD civic site obligations to be satisfied by concentrating the requirements for multiple into one PUD. This has been done before, but outside of the Comprehensive Plan process. However, it is included here as policy to authorize the combined civic site obligations to be concentrated in one development, hence the “Civic PUD” name. The developer could combine all the development areas into one AGR-PUD but has not elected to do so), which would eliminate multiple aspects of this proposed policy (fulfillment of civic site obligations, restricting one development until another development fulfills a certain obligation). Finally, a provision is proposed for the West Hyder AGR-PUD that requires the adult-restricted community to provide an analysis of impacts to infrastructure (schools, traffic, etc.) should the proposed deed restriction be

removed. This would require an analysis that has not been done at this time, normally required of any site specific amendment to account for and mitigate any impacts to infrastructure and service providers.

4. **NEW Policy 1.5.2-c:** New 60/40 AGR-PUDs, consistent with Policy 1.5.2-b, shall utilize contiguous lands within the Western Communities Residential Overlay—that are deeded to the County or other governmental entity, consistent with an adopted WCR Conceptual Plan, and are designated for a regional water management or agriculture use—to wholly satisfy 60/40 AGR-PUD Preserve requirements and densities as specified:
1. West Hyder Civic AGR-PUD (Control Number 2022-004) may utilize up to 216.35 acres of WCR land, to satisfy 216.35 acres and 173.08 units towards AGR-PUD requirements; and
 2. West Hyder AGR-PUD (Control Number 2022-005) may utilize up to 715.57 acres of WCR land to satisfy 715.57 acres and 572.45 units towards AGR-PUD requirements.

Lands within the WCRO that are not allocated to WCR-PUD development areas, and that are deeded to the County in fee simple, shall count toward satisfying the minimum 250-acre requirement for 60/40 AGR-PUD for the acreages specified above, but do not need to be included in any Zoning development order application.

Staff Assessment: The proposed policy addresses the AGR-PUD Preserve area requirements for the two new AGR-PUDs proposed within the West Hyder Overlay and utilize the WCRO to wholly meet their 60/40 preserve requirements. It mimics the proposed Policy 1.11-j in the WCRO in allowing for these new AGR-PUDs to use WCRO land as their required preserve areas. The proposed policy also indicates, due to the complexity of the exchange that would otherwise require units to be under multiple zoning development orders and/or some sort of a transfer of entitlement through a “bank” that the requirements and allotments for preserve area and densities are as specified, and are not included in the Zoning development orders. Also, 60/40 AGR-PUDs are otherwise restricted in Future Land Use Element Policy 1.5.1-i #1, and must be a minimum of 250 acres. The existing AGR-PUDs proposed to remove preserves from the West Hyder Overlay already meet the 250-acre threshold. However, the proposed West Hyder-Civic AGR-PUD does not meet the 250-acre minimum requirement (the development area consisting of approximately 105-acres within the WHO), and would therefore necessitate an exception to count the proposed preserve allocation acreage in the WCRO to meet this requirement.

5. **NEW Policy 1.5.2-d:** Within the West Hyder Overlay, institutional, public and civic uses may be allowed west of SR-7 provided they are located within the development area of an AGR-PUD listed in Policy 1.5.2-b, or are on land deeded to the County.

Staff Assessment: Although already covered in proposed new Policy 1.5.2-b, this proposed policy for the West Hyder Overlay provides an explicit exception to the prohibition on institutional uses west of SR-7 for areas within a development area of an AGR-PUD, and also accounts for the approximately 100-acre AGR-PUD Preserve area within the overlay, if it is deeded to the County.

D. Future Land Use Element Western Communities Residential Overlay

1. REVISE OBJECTIVE 1.11 Western Communities Residential Overlay

General: The Purpose of the Western Communities Residential Overlay (WCRO) is to

provide a transition from rural/suburban development and other uses to existing and future conservation areas, specifically the J.W. Corbett Wildlife Management Area and Everglades restoration programs and projects, as well as providing the opportunity for regional water management benefits. The Overlay complements existing provisions in the Comprehensive Plan prohibiting the expansion of urban and suburban activities into conservation areas. It achieves compatibility with the existing residential development pattern in the surrounding area while furthering remediation of the historic land use imbalance in that area through the additional non-residential uses and residential support for other projects whose non-residential development is intended to do so, including but not limited to the City of Westlake.

In 2016, the County adopted the Western Communities Residential Overlay along with the corresponding Western Communities Residential future land use designation in the Comprehensive Plan and adopted a site specific amendment and Conceptual Plan with an overall density of 1 unit per 1.25 acres, resulting in 3,897 dwelling units, and corresponding non-residential uses. In 2022, in consideration of property owner rights, and the potential to achieve a larger, regional public benefit and improve regional water management and agricultural holdings, the property owner proposed exchanging density and land within the WCRO for additional development on land in the Agricultural Reserve Tier. This exchange of density between the Tiers is based on the original 3,897 units in the 2016 approval (Ordinance 2016-040). However, this exchange proportionally reduced the development contemplated within the WCRO by one-third, and the reduction is incorporated in this Objective and Objective 4.5, and their respective policies.

Only the density associated with the 2016 WCRO approval is exchanged with the Agricultural Reserve Tier, at a ratio of 1.25 units of WCR development potential to one unit of AGR development potential (1.25:1).

Staff Assessment: The objective general language is descriptive, indicating that the intent of the Overlay is to provide assurances for compatibility with and provides appropriate transitions between very low density suburban scale development with rural character, agriculture, and conservation lands within and adjacent to the Overlay. An additional sentence is proposed in the general statement before the objective language itself, that again restates the acres of land within the WCR land use and the Overlay may be used for the exchange bank. The objective itself is proposed to incorporate “regional” benefits. The acreage figure is not proposed to be revised, as it is the ultimate limitation of the size of the overlay, and the site specific amendment is now proposed to be smaller in size than the Overlay. The FPL order of taking and settlement does not affect the Overlay itself.

Overall, new language is proposed that memorializes the 2016 approval and explains it in context of the proposed amendment as the basis for the proposed change, and offers a detailed explanation of the exchange process to eliminate any ambiguity regarding the entirety of the WCRO. It explains the exchange when WCRO land is used to satisfy AGR-PUD Preserve requirements. This difference in the exchange rate results in more WCR preserve land than Ag Reserve land, while yielding the same number of dwelling units in a planned development.

2. **REVISE Objective:** The Western Communities Residential Overlay (WCRO) enables the appropriate transition between rural/suburban development, preservation and conservation areas while allowing for residential development at a density that is compatible with the surrounding area through the preservation of large tracts of contiguous

acres of land for water resources, agriculture, or other suitable open space uses. The WCRO achieves compatibility with the existing residential development pattern in the surrounding area and remediates the historic land use imbalance in the central western communities and provides other regional benefits. This overlay complements existing provisions and concepts within the Comprehensive Plan to further the potential to address regional Water Resources needs, and also perpetuate Agricultural uses in areas that are not proposed for development.

Staff Assessment: This proposed change is to increase the scope of the objective to include the regional potential for water resources and agricultural uses. It is in keeping with the other proposed changes in the amendment, and further clarifies the County's original intent that led to the 640-acre Impoundment area and 1,068-acre Water Resources/Agriculture area in the open space requirement. The Water Resources/Agriculture area is now proposed to be dedicated to the County and has increased potential to provide a regional benefit than originally contemplated.

3. **REVISE Policy 1.11-a:** The Western Communities Residential Overlay is depicted on the Special Planning Areas Planning Map LU 3.1, in the Map Series and consists of approximately 4,871 acres of land generally located approximately two (2) miles west of the intersection of Seminole Pratt Whitney Road and Orange Boulevard.

Staff Assessment: This proposed change is to correct the reference to the name of the Map Series in the Policy.

4. **REVISE Policy 1.11-b:** The Western Communities Residential (WCR) Future Land Use category designation shall ~~be established to~~ allow a compatible density with the existing rural residential lifestyle adjacent to the Western Communities Residential Overlay.

Staff Assessment: The proposed change is to use consistent nomenclature when referring to future land use designations. Given that the WCR designation is already established and in use, a minor change is proposed to reflect this.

5. **REVISE Policy 1.11-c:** Development within the Western Communities Residential Overlay shall only occur in the form of a Planned Development District, Planned Unit Development and commercial nodes consistent with the form of the Traditional Marketplace in the Comprehensive Plan, with a minimum gross land area of 900 acres. Within the Overlay, the maximum number of residential units shall be limited to ~~3,897~~ 2,612; the maximum amount of ~~non-residential~~ commercial ~~retail~~ uses shall be limited to ~~300,000~~ 233,500 square feet; ~~and, the maximum amount of non-residential commercial office uses shall be limited to 50,000 comprised of 200,000 square feet of commercial retail uses and 33,500 square feet of commercial office uses.~~

Staff Assessment: This policy caps the overall density and intensity associated with the Overlay. These figures were also adopted as part of the Ordinance for the original future land use amendment approval, and are proposed to be revised to reflect the current amendment, decreasing the overall number of units from 3,897 to 2,612 and reducing the non-residential uses by 33% as well. Changes are proposed to consistently refer to the commercial uses that are limited (rather than all non-residential uses). Typically, PUDs within the County do not receive specific entitlement for civic/institutional uses through the land use designation, but rather, they are a product of the Zoning PUD approval.

6. **REVISE Policy 1.11-e:** In addition to other public facilities required by the ULDC, the following within the Western Communities Residential Overlay shall be provided at developer expense:

1. Paved on-site roads to serve all uses.
2. On-site central water and wastewater service and facilities adequate to meet adopted level of service standards, with an off-site loop main that will allow other residences in the vicinity to connect to central services.
3. On-site retention and drainage facilities that connect to the L-8 canal.
4. A minimum ~~14.9~~ 9.6 miles of 8-foot-wide pedestrian and bicycle pathways, open to the public.
5. A minimum ~~17.5~~ 9.6 miles of equestrian trails open to the public.
6. On-site bus shelter easements for Palm Tran.
7. Off-site road improvements that include:
 - a. Extension of 60th Street North from Seminole Pratt Whitney to 190th Street North.
 - b. Extension of 190th Street North from 60th Street North to Hamlin Boulevard.
 - c. Extension of Orange Blvd. from 180th Ave. North to 190th Street North.
 - d. Connection of Hamlin Boulevard from its present terminus to 190th Street North.
8. In addition to the project's fair share proportionate share obligation, fund an additional \$5,000,000.00 for road improvements in the Central Western Communities.

Staff Assessment: The proposed reduction in trail length is a direct result of the exchange of density to the Ag Reserve Tier. The Trails had been proposed around the extent of the development area in the WCRO. Reducing the land for residential development is the rationale behind the shortened trail system, and does result in an appreciable reduction in the benefit to residents in the Rural and Exurban Tiers, which was part of the basis for the 2016 approval by the County.

7. **REVISE Policy 1.11-h:** The Western Communities Residential Overlay developer shall dedicate the following land for public facilities to serve on-site residents and other users within the surrounding area:

1. Upon the date mutually agreed to in written agreement between Indian Trail Improvement District and the developer, a minimum 640-acre parcel will be dedicated to the Indian Trail Improvement District or the County. The dedication shall stipulate that the use of the 640 acres is restricted for use by the ITID/County as a storm water retention/water management area.
2. Upon written request of the Palm Beach County School Board and receipt of at least 250 residential building permits, whichever shall later occur, dedicate ~~a 15.5 acre site for a future elementary school and a 25.0 acre site for a future middle school, minimum 40-acre school site subject to the conditions in the zoning development order, constructed at school board expense. An additional 22.6 acres adjacent to either the elementary school site or middle school site shall be dedicated upon request of the Palm Beach County School Board with the concurrence of Palm Beach County.~~ The development shall take all required drainage from the school sites into the development's storm water management system.
3. Prior to receipt of no less than 250 residential building permits, a minimum forty

- (40) acres adjacent to District Park “F” for its expansion, constructed at County expense subject to the conditions in the zoning development order.
4. Prior to receipt of no less than 250 residential building permits, a minimum five (5) acre site for a fire/police/utility site subject to the conditions in the zoning development order.
 5. Prior to the receipt of no less than 250 residential building permits, a minimum ten (10)-acre site for civic site uses to be dedicated to the County subject to the conditions in the zoning development order.

Staff Assessment: This policy establishes some of the minimum public facilities that are required as part of the development of the WCRO that would be provided by the developer. These public facilities were established by policy to capture the quantifiable public benefits that the CWC Sector Plan intended for any developments to include in order to address infrastructure deficiencies, land use imbalances, and remediate an existing sprawl pattern. As with Policy 1.11-e, the public facilities dedications are reduced, with a single consolidated 40-acre school site replacing multiple sites. However, a change is proposed requiring an additional 10-acre civic site in the WCRO has been added to reflect potential longer-term needs in the Rural Tier, and may be used as a future private civic site. Other changes are proposed for consistency and readability, but do not affect the overarching policy requirements.

8. **NEW Policy 1.11-i:** The areas within the Overlay that are designated as Water Resources/Agriculture/Impoundment Area on the adopted WCR Conceptual Plan, and conveyed via warranty deed to the County or other governmental entity that is not a CDD, shall be restricted to the following uses and purposes consistent with this Overlay, including, but not limited to: excavation for regional water management, stormwater impoundment, flow ways and other means of water conveyance, water quality enhancement projects, environmental restoration, environmental mitigation banks, Everglades restoration, conservation, and bona fide agriculture. The County shall adopt conditions of approval in the zoning development order to address the timing and construction of the excavation.

Excavation for the purposes of fulfilling the requirements of this policy, including but not limited to the digging of fill for use on-site or to support the drainage system of the development, shall not be removed from the site and not subject to the limitations of Objective 2.3, Mining and Excavation. In addition, areas designated as water resources or impoundment on an adopted WCR Conceptual Plan, and dedicated to the County, the South Florida Water Management, or the Indian Trail Improvement District are permitted to excavate in support of water management projects that are associated with, but not limited to, ecosystem restoration, regional water supply, and flood protection.

Staff Assessment: This proposed policy is intended to enable the necessary excavations on-site to enable the water resources regional benefit to occur. Typically, excavation uses are addressed through Objective 2.3 in the Future Land Use Element (along with mining too). However, this instance is unique to the overlay, and this allowance would provide for a means to authorize the excavation to potentially provide fill for the development area, but more likely to provide the berms for the above-ground reservoir for the proposed 750-acre water feature. The policy specifically enables this provision provided there is a conveyance to the County or other drainage entity for one of the specified uses, and requires further conditions in the Zoning development order. This policy is necessary to enable the regional public benefit, and not require a subsequent Plan amendment and Zoning development order amendments to allow for a future excavation. There is no

intention of providing for a mining operation, and the proposed policy language reflect this intent.

9. **NEW Policy 1.11-j:** Lands within the Western Communities Residential Overlay that are dedicated to the County or other government entity for Water Resources/Agriculture/Impoundment areas, and are depicted as such on the adopted WCR Conceptual Plan and Site Data table, shall satisfy Agricultural Reserve Tier AGR-PUD Preserve area and density requirements for the projects and amounts, as follows:
1. Hyder (Seven Bridges) AGR-PUD (Control Number 2005-455) may utilize up to 29.80 acres of WCR land, to satisfy 29.80 acres and 23.84 units of AGR-PUD requirements;
 2. Lyons West (Valencia Reserve) AGR-PUD (Control Number 2005-003) may utilize up to 462.51 acres of WCR land to satisfy 462.51 acres and 370.01 units of AGR-PUD requirements;
 3. Fogg North (Canyon Lakes) AGR-PUD (Control Number 2002-067) may utilize up to 23.87 acres of WCR land to satisfy 23.87 acres and 19.10 units of AGR-PUD requirements;
 4. Fogg Central (Canyon Isles) AGR-PUD (Control Number 2002-068) may utilize up to 29.28 acres of WCR land to satisfy 29.28 acres and 23.42 units of AGR-PUD requirements;
 5. Fogg South (Canyon Springs) AGR-PUD (Control Number 2002-069) may utilize up to 32.21 acres of WCR land to satisfy 32.21 acres and 25.77 units of AGR-PUD requirements;
 6. Whitworth AGR-PUD (Control Number 2021-031) may utilize up to 90.44 acres of WCR land to satisfy 90.44 acres and 72.35 units of AGR-PUD requirements;
 7. West Hyder Civic AGR-PUD (Control Number 2022-004) may utilize up to 216.35 acres of WCR land to satisfy 216.35 acres and 173.08 units towards AGR-PUD requirements; and
 8. West Hyder AGR-PUD (Control Number 2022-005) may utilize up to 715.57 acres of WCR land to satisfy 715.57 acres and 572.45 units towards AGR-PUD requirements.

Staff Assessment: The applicant initially proposed to establish an exchange bank using the existing approval, tied to the dedication of land (Palm Beach County Conveyance) proposed in the amendment as the identified principal public benefit. However, this proposed benefit is both beyond the scope of the existing Plan's provisions, and contrary to the underpinnings of the County's Comprehensive Plan. In the revised application, all references to an "exchange bank" were removed from the amendment. Instead, the applicant now proposes that a specified amount of WCRO acreage produces a given quantity of both units and acres that satisfy the AGR-PUD Preserve for each development using the 'exchange' in the WCRO. The proposed acres of WCRO land at ITG to be used as AGR-PUD preserves tally to just over 1,600 acres as written (1,600.03 acres to be exact, when using the County's established policy of rounding acreage figures to the hundredths place). However, the applicant's proposed revised Conceptual Plan (dated August 3, 2022, see Exhibit 1E) indicates the total acreage is exactly 1,600.00 acres in WCRO area to be allocated to AGR-PUD Preserves.

E. Future Land Use Element, Western Communities Residential future land use designation

1. REVISE OBJECTIVE 4.5 Western Communities Residential

The County shall recognize the unique characteristics of agricultural parcels that are adjacent to existing residential communities within the Rural Tier and the Western Communities Residential Overlay that seek to develop by assigning the Western Communities Residential (WCR) future land use designation through a Future Land Use Amendment process. A WCR site specific amendment that supports balanced growth may occur in the Rural Tier and may exceed rural densities and intensities. A WCR site specific amendment shall achieve compatibility with the existing residential development pattern in the surrounding area of the Rural Tier while furthering remediation of the historic land use imbalance in the western communities and providing other regional benefits.

Staff Assessment: Proposed for revision is to insert the word “regional” into the description of the objective. The proposed change clarifies the intention to provide benefits that are not just for the Tier itself, but are also intended to serve areas beyond the Tier.

- 2. REVISE Policy 4.5-d:** Western Communities Residential Conceptual Plan shall include a Site Data table establishing an overall density and intensity for the project, as well as minimum and/or maximum percentages for the acreages shown on the Plan and other binding standards. The Conceptual Plan shall include a depiction of the residential, non-residential, recreational, civic and open space elements of the project and allow the clustering of the density to promote a variety of neighborhoods and housing types and to act as transition areas between the Western Communities Residential and adjacent existing communities. The Conceptual Plan and Site Data table shall also include specific acreages for lands and units within the Overlay that provide density and satisfy preserve area requirements in the Agricultural Reserve Tier, for developments specified in Policy 1.11-j.

Staff Assessment: This revision requires the Conceptual Plan to include an additional site data table for the WCRO areas that are intended to serve as AGR-PUD Preserves. Other than the larger policy issue of exchanging density between Tiers, this is an issue of administrative redundancy, to clear indicate the information, in policy, on the Conceptual Plan, and as provided elsewhere in this amendment package, in the specific Zoning development orders too.

- 3. REVISE Policy 4.5-e:** A property with Western Communities Residential future land use designation shall utilize the Planned Unit Development (PUD) zoning district of the Unified Land Development Code, with the form of the commercial nodes reflected on the Conceptual Plan, which commercial nodes shall be designed consistent with the form of the Traditional Marketplace provisions in the Comprehensive Plan. Each residential pod within a WCR Planned Unit Development may shall be developed according to the density/intensity assigned on the Conceptual Plan.

Staff Assessment: Proposed for revision is to replace the permissive “may” with the required “shall” to strengthen the role of the Conceptual Plan, reflecting the intent in the original WCRO. It was not intended to be permissive, but rather, a preliminary concept

depicting how the densities would be allocated and their relationship to the rest of the site and surrounding areas.

4. REVISE Policy 4.5-f: In order to achieve compatibility with the existing residential development pattern in the surrounding area and create a more sustainable land use pattern through compactness of design, any land developed utilizing the WCR future land use shall be required to exhibit the following characteristics:

1. A maximum permissible gross residential density of 0.80 DU/AC.
2. The project shall provide a minimum of 66.67% of the gross site acreage in open space uses (the Required Open Space). A minimum of 50% of the gross site acreage shall be in the form of Exterior Open Space which shall be limited to preservation, conservation, passive and/or active recreation, perimeter landscape buffers, rural parkways, pedestrian pathways and greenways, wetlands, bona fide agriculture, regional water management, fallow land, perimeter water management areas, public and/or private civic uses, and/or, equestrian uses. Perimeter water management areas shall only count as Exterior Open Space if the water management area is accessible to the general public from a publicly accessible buffer or open space tract that includes a minimum 8-foot wide paved pedestrian pathway that connects the perimeter of the site to the water management area. Perimeter water management areas shall be available for use by the general public for fishing and non-motorized boating activities. Land area allocated as Exterior Open Space counts towards meeting the minimum Required Open Space.
3. A minimum of 33.33% of the gross site acreage shall be provided in one large contiguous open space land area and shall be depicted on the Conceptual Plan approved by the Board of County Commissioners. Land area allocated as part of the 33.33% contiguous open space counts towards meeting the minimum Required Open Space.
4. Neighborhood-serving commercial nodes shall comprise no less than 2% of the overall developable land area (developable land area being defined as the area available for development less the required Exterior Open Space). The commercial nodes shall: (1) be designed consistent with the form of the Traditional Marketplace provisions of the Comprehensive Plan; and, (2) be depicted on the Conceptual Plan approved by the Board of County Commissioners.
5. A minimum 20% of the residential units shall be located within one-quarter mile radius of commercial nodes; a minimum 40% of the residential units shall be located within one-half mile radius of commercial nodes; and a minimum of 66% of the residential units shall be located within one-quarter mile radius of commercial nodes or civic uses (public or private) or recreation uses (public or private).
6. Higher density residential areas shall be located adjacent to and within one-quarter mile radius of any commercial node. Lower density residential areas shall be located around the perimeter of the development area to promote compatibility with existing development in the surrounding area. Medium density residential shall be located between commercial nodes/High density residential areas and the Low density residential areas. All of which shall be reflected on the Conceptual Plan approved by the Board of County Commissioners.
7. A minimum of 10.0% of on-site for-sale units shall be provided as workforce housing based on the County's affordability standards.
8. ~~A maximum permissible non-residential intensity of 350,000 square feet of commercial uses, comprised of 300,000 square feet of commercial retail uses, and 50,000 square feet of commercial office uses~~ Commercial uses shall be limited to 233,500 square feet comprised of 200,000 square feet of commercial retail uses and 33,500 square

feet of commercial office uses.

Staff Assessment: This policy established specific requirements for the WCR future land use designation. These requirements are to ensure compatibility with the surrounding residential, agricultural, conservation areas, and other uses adjacent to the Indian Trails Grove project, and specify largely the development form and its limitations. The applicant has not proposed any changes other than the reduction of commercial retail and office square footage that directly reflects the proportional reduction of the proposed non-residential uses. Of note, the applicant indicated at the BCC initiation, and in their initial application, that they were requesting an off-site disposition of the workforce housing unit obligation. That requested change was deleted and is no longer included. The 10% on-site provision is retained, and the workforce housing obligation would be 261 units.

F. Map Series Map LU 3.1, Special Planning Areas, Future Land Use Regulation Section

1. REVISE Map Series Map LU 3.1

Staff Assessment: The Special Planning Areas Map is one that graphically depicts all studies, plans, overlays and areas within the Comprehensive Plan. As the amendment proposes to establish the West Hyder Overlay, it is also necessary to show it on the appropriate map that is part of the Comprehensive Plan. See Exhibit 1-C.

Exhibit 2-B

Consistency with Comprehensive Plan

A. Consistency with the Comprehensive Plan - General

This section of the report examines the consistency of the text and FLUA amendments with the County's Comprehensive Plan and the impacts on public facilities and services.

1. **Justification: FLUE Policy 2.1-f:** *Before approval of a future land use amendment, the applicant shall provide an **adequate justification** for the proposed future land use and for residential density increases demonstrate that the current land use is inappropriate. In addition, the County shall review and make a determination that the proposed future land use is compatible with existing and planned development in the immediate vicinity and shall evaluate its impacts on:*

1. *The natural environment, including topography, soils and other natural resources; (see Public Facilities Section)*
2. *The availability of facilities and services; (see Public Facilities Section)*
3. *The adjacent and surrounding development; (see Compatibility Section)*
4. *The future land use balance;*
5. *The prevention of urban sprawl as defined by 163.3164(51) FS; (See consistency with Florida Statutes in Exhibit 2.B.)*
6. *Community Plans and/or Planning Area Special Studies recognized by the Board of County Commissioners; and (see Neighborhood Plans and Overlays Section)*
7. *Municipalities in accordance with Intergovernmental Coordination Element Objective 1.1. (see Public and Municipal Review Section)*

The applicant has prepared a Justification Statement for the text amendment and the FLUA amendment, which state the following:

Text Amendment. The applicant's Justification statement in Exhibit 3.A. states that the proposed text amendments:

- *"The re-allocation of existing AGR-PUD required preserve areas (both acreage and units) from the West Hyder Overlay (WHO) to the Western Communities Residential Overlay (WCRO), and the approval of new 60/40 PUDs within the WHO Overlay and allowing the required preserve (both acreage and units) for new AGR PUDs within the WHO Overlay to be satisfied within the Western Communities Residential Overlay (WCRO) will result in the dedication of 1,600 acres of the Indian Trails Grove PUD land to Palm Beach County."*
- *"This proposed amendment would create more publicly controlled land for water resource purposes, by providing the potential of regional benefits such as supporting the restoration effort for the Loxahatchee River Watershed by creating a flow way on the 1,600 acres to move water from the SFWMD L-8 canal to the MO canal, reducing harmful discharges into the Lake Worth Lagoon, providing an alternative route for water discharges into the Grassy Waters Preserve, which is the City of West Palm Beach's drinking water supply, and/or storing discharges from Lake Okeechobee in the SFWMD L-8 canal that would otherwise discharge directly into the Lake Worth Lagoon."*
- *"Overall, the proposed text amendments would increase the amount of preservation*

land in Palm Beach County... ..as well as add 1,600 acres of preserve land under the ownership and direct control of Palm Beach County.”

- *“Overall, the proposed text amendments would result in a decrease in the number of units approved by 35 units (a reduction of 1,285 units at Indian Trails Grove and the addition of 1,250 units within the WHO Overlay).”*

FLUA Amendment. The applicant’s Justification statement in Exhibit 3.B. states that the modifications to the previously approved Comprehensive Plan amendment are “suitable and appropriate for the subject site” as the *“proposed uses and plan of development have been previously found to be suitable and appropriate for the subject site and compatible with the surrounding uses.”* Furthermore, the applicant indicates that *“the proposed modifications to the development program do not significantly change the prior finding for the site.”* The Justification Statement indicates that the site specific land use amendment request is not proposing to increase residential density and is only amending the entitlements that reduce the development potential of the FLU designation that it recently was given in 2016.

Staff Assessment: This policy is the umbrella policy over the entire FLUA amendment analysis and many of the items are addressed elsewhere in this report as identified above.

Text Amendment. The applicant states that the text amendment reallocates residential density to Ag Reserve, an urbanized area, rather than the rural WCRO, and because the Ag Reserve has existing public facilities and infrastructure it is more appropriate for these units than the WCRO where these facilities are substandard or do not exist, and this *“supports smart growth management practices”*. The WCRO was approved with the consideration and planning for the necessary public facilities and infrastructure improvements to support the development. A portion of the cost of these improvements would be funded by the applicant. By relocating the units to the Agricultural Reserve, the applicant will benefit from the existing infrastructure and the applicant’s obligation for improvements would be diminished, while increasing the impacts in the Ag Reserve and further deviating from the intent to preserve agriculture within the Ag Reserve.

The applicant states that the agricultural use of the WHO property for agriculture is not an efficient use of the property due to it being surrounded by development, SR-7, and is contiguous to the Urban/Suburban Tier. Staff notes that it was the applicant who elected to put these lands under conservation. The West Hyder area had little development opportunities in the Ag Reserve Tier being as they are located west of SR-7. Therefore, the only viable development option under the existing provisions of the Comprehensive Plan would be to use the 80/20 AGR-PUD (of which there has been one in the entirety of Tier). However, as indicated elsewhere in this report, there are an increasingly limited number of large unencumbered parcels in the Ag Reserve, the approach in this application represents a way to free up older, contiguous preserve areas and allow for development of the sites. Nevertheless, the applicant is scheduled to have the Monticello AGR-PUD development order amendment (and other related zoning actions) before the Board of County Commissioners at their August 2022 public hearing. Part of the related actions include rezoning nearly 275-acres of committed preserves (Amestoy and Swaney preserves) back to the Ag Reserve (AGR) zoning district. They are adjacent to the Boynton Beach Blvd. corridor, and would be eligible to be future AGR-PUD development areas due to their size and configuration, and are also free of the “west of SR-7” restriction. The applicant also states that using the WCRO for preserve will result in a greater portion of land in preserve due to the difference in density (.80 du/acre vs. 1 du/acre) and that the amendment will not result in an increase in units in the County overall. Staff concurs that

the increase in preserve for agriculture would provide some benefit, but this would come at the expense of the established Comprehensive Plan objectives and policies that implement the Ag Reserve, as envisioned during the Master Plan planning process in the 1990s.

The applicant states that the Ag Reserve has a 'checker board' pattern of both agriculture and residential development which is not compact and undesirable for the preservation of agriculture. The applicant states that the pattern has resulted in small agricultural tracts that are not as efficient or effective for farming as large tracts of land. Further, the applicant states that agriculture is incompatible with residential development, and the use of WCRO for preserve area would allow more flexibility for farmers to cultivate and harvest land, and would reduce conflicts between residents and farming. However, the mix of agriculture and residential land in the Tier, this 'checker board' pattern as described by the applicant, represents fulfillment of the development pattern that was the vision of the Master Plan as anticipated and implemented by Comprehensive Plan policies.

As demonstrated in this report, agriculture in the Ag Reserve Tier is a viable and appropriate use for this area of the County that contributes to the County's economy. The 60/40 development option that has yielded the development pattern was specifically adopted in the plan as a result of efforts from farmers in the Ag Reserve in the early 1990s. The majority of the loss of agricultural land in the Tier has been to residential development stemming from the development options created specifically for the Tier. With regards to compatibility, farming and residential development continue to coexist successfully in the Ag Reserve as envisioned. Staff does not agree that the items included in the applicant's justification statement justify adoption of the text amendment.

FLUA Amendment. With regard to the changes proposed for WCRO, that amendment was determined to be beneficial in that it would ameliorate a long-standing land use imbalance in the CWC area to some extent and provide real and meaningful public benefits to the CWC. By saying that the reduction of units in the WCRO is a benefit for the County, the applicant calls in to question the justification and basis of the original WCRO approval, and presents claims that are counter to findings made by the BCC on the prior ITG and Minto West/Westlake approvals. The changed circumstances are the offer of 1,600 acres to be conveyed to the County for a 532-acre increase in land available for water resources and agricultural uses. This comes just a few years after the County amended the land use designation from Agricultural Production (AP) on nearly 1,280 acres of Indian Trails Grove, which allowed for no dwelling units. However, staff also feels that the overall ITG site could be redesigned in such a way to achieve an increase in open space that would provide the 1,600 acres and maintain the existing 3,897 units and 350,000 square feet of non-residential uses while staying within the criteria established for the WCRO. If not, it would take minimal plan amendments to the text of the plan, conditions of approval and conceptual plan to accommodate such changes. Thus, the changed circumstances are of the applicant's own making. Therefore, the applicant has not met the requirements for an adequate justification.

2. **County Directions – FLUE Policy 2.1-g:** *The County shall use the County Directions in the Introduction of the Future Land Use Element to guide decisions to update the Future Land Use Atlas, provide for a distribution of future land uses in the unincorporated area that will accommodate the future population of Palm Beach County, and provide an adequate amount of conveniently located facilities and services while maintaining the diversity of lifestyles in the County.*

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 and alternative transportation modes at levels appropriate to the character of the community, and opportunities for education, employment, health facilities, active and passive recreation, and cultural enrichment.*
2. **Growth Management.** *Provide for sustainable communities and lifestyle choices by: (a) directing the location, type, intensity, timing and phasing, and form of development that respects the characteristics of a particular geographical area; (b) requiring the transfer of development rights as the method for most density increases; (c) ensuring smart growth, by protecting natural resources, preventing urban sprawl, providing for the efficient use of land, balancing land uses; and, (d) providing for facilities and services in a cost efficient timely manner.*
- ...
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.*
- ...
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, through the Workforce Housing Program.*

Staff Assessment: The County's Managed Growth Tier System is the primary vehicle by which the County directions are realized. The Tier system identifies distinct geographic areas, which, together offer lifestyle choices for all residents, and allow for sustainable communities. The associated Comprehensive Plan policies and land development regulations to implement each Tier also reflect the County Directions. The proposed amendment seeks to fundamentally alter the provisions in place for the Ag Reserve Tier, no longer maintaining the combination of preserve/development that was deemed the appropriate pattern for that lifestyle and that type of sustainable community. The proposed provision to add workforce housing units in the Ag Reserve does further to some extent the direction regarding housing opportunity, but only in the instance of low-income housing, which is one of the ranges (60-80% of the area median income). Shifting to the WCRO, the proposed amendment proportionally reduces the amount of allowable development, and increases the amount of land available for agriculture and water resources in the Rural Tier. The reduction in units combined with the requirements for the WCR land use designation, in Policy 4.5-f require configurations of units in relational proximity to one another, which forces additional compaction. Thus, the intended pattern of the WCR is retained, but in a reduced footprint, that maintains compatibility of land uses, and sustainable communities in a manner that does not cause urban sprawl, while also reducing impacts within the Rural Tier. Nevertheless, it is the addition of units to the Ag Reserve that is the most problematic. As such, these changes proposed for the Ag Reserve are inconsistent with the intent of the County Directions.

3. **Piecemeal Development – FLUE Policy 2.1-h:** *The County shall not approve site specific Future Land Use Atlas amendments that encourage piecemeal development or approve such amendments for properties under same or related ownership that create*

residual parcels. The County shall also not approve rezoning petitions under the same or related ownership that result in the creation of residual parcels.

Staff Analysis: There are no other parcels under the same or related ownership that are not included in the proposed site-specific amendment that have development potential. Therefore, the proposed amendment would not constitute piecemeal development.

- 4. Residual Parcel – FLUE Policy 2.1-i:** *As a means of promoting appropriate land development patterns the County shall discourage the creation of residual parcels within or adjacent to a proposed development. If such a situation is identified, and the residual parcels cannot be eliminated, then the development shall be designed to allow for inter-connectivity with the residual parcels through various techniques including, but not limited to, landscaping and pedestrian and vehicular access. In addition, the future land use designation and/or zoning district of the residual parcel shall also be considered by the Board of County Commissioners, concurrently with the development, to ensure that an incompatibility is not created.*

Staff Analysis: The Comprehensive Plan's Introduction and Administration Element defines a residual parcel as "a property under the same or related ownership that has been left out of a development area, resulting in a parcel which has limited development options and connections to surrounding properties." As there are no other parcels under the same or related ownership that are excluded from the application with development potential, the proposed amendment would not result in the creation of any residual parcels.

- 5. Density Increases – Policy 2.4-b:** *The Transfer of Development Rights (TDR) Program is the required method for increasing density within the County, unless:*
- 1. an applicant can both justify and demonstrate a need for a Future Land Use Atlas (FLUA) Amendment and demonstrate that the current FLUA designation is inappropriate, as outlined in the Introduction and Administration Element of the Comprehensive Plan, or*
 - 2. an applicant is using the Workforce Housing Program or the Affordable Housing Program as outlined in Housing Element Objectives 1.1 and 1.5 of the Comprehensive Plan and within the ULDC, or*
 - 3. an applicant proposes a density increase up to, but not exceeding, the density proposed by and supported by a Neighborhood Plan prepared in accordance with FLUE Objective 4.1 and formally received by the BCC. To date, the following Neighborhood Plan qualifies for this provision:*
 - a. West Lake Worth Road Neighborhood Plan.*

Staff Analysis and Discussion: The proposed amendment affects land in the Rural and Ag Reserve Tiers. The subject property of the FLUA amendment and the AGR-PUDs are not eligible to utilize TDRs as a method to increase density. Regarding the second provision, although not explicitly exempted in the Housing Element, no Rural or Ag Reserve Tier future land use designations are included in the policies, and are therefore not eligible to utilize any density bonuses under the Workforce Housing or Affordable Housing programs. The third provision of this policy does not apply as the proposed amendment is not located within an identified Neighborhood Plan. Although the site specific amendment does not result in an increase in density in the Rural Tier/WCRO/ITG area, the text amendments collectively enable an increase in density in the Ag Reserve

by employing and modifying existing development concepts within the Tier. These impacts were not previously considered, nor anticipated.

The Comprehensive Plan designates specific future land use designations and other lands within the MGTS as sending areas, and the Urban/Suburban Tier as the receiving area for TDRs. Both the Ag Reserve and certain land use designations within the Rural Tier are designated sending areas for TDRs, and there are no allowances for TDRs to be received in either of these Tiers. This is to implement one of the fundamental concepts in the Plan—that the Urban/Suburban Tier is to accommodate 90% of the County's population, and services (inclusive of municipalities). However, both the WCRO and the Ag Reserve have unique options that share some commonalities with each other, and allow for the clustering of densities within a project to accomplish agricultural, environmental and open space preservation. In the Ag Reserve, this is through the use of the various AGR-PUDs, and the WCR, through the WCR PUD. Both effectively pull density from the desired preserve area and cluster the entitlement in a concentrated area for development purposes—this is enabled through specific Plan provisions, and implemented through Zoning development orders. The County has long recognized and promoted the clustering of density (taking the overall development potential for the entire project and concentrating it in a selected area of the project), but it does not regard clustering as a density transfer, because it is within the limits of a specific project in a single contiguous location—not separated by miles. What this amendment proposes, while not specifically using a TDR program, is the transfer of a portion of the entitlement between tiers, from the WCRO to the Ag Reserve—these developments are not linked by a common development order, nor are they proposed to be.

Perhaps most unusual is the proposed “transfer rate” between the tiers. Generally, lands in the TDR program “send” density at a rate of one (1) unit per five (5) acres, with the exception of lands within the Ag Reserve which transfer at a rate out of the tier at one (1) unit per acre (cf. FLUE Policies 1.5-e and 2.4-d). The proposed concept utilizes a rate that addresses only the comparative density disparity between the WCR in the Rural Tier and the Ag Reserve Tier one (1) unit per 1.25 acres—that is one unit of density would be placed in the AGR for each 1.25 acres of WCR land that is preserved for Water Resources/Agriculture purpose. FLUE Policy 2.4-c indicates the areas appropriate for sending, and even before the 2016 amendment for Indian Trails Grove, the area was not regarded as a sending area, nor had it been designated by the BCC as such (the prior FLU designations for the land were RR-10 and AP, with an overall development potential of 359 units, before they were designated as WCR). Note that the BCC could designate other areas in the Rural Tier, per Article 5.G.3.F.2.e of the ULDC. In principle, this means that land that had never been regarded in the TDR program terms as a “sending area” is now proposed to “send” density to a “receiving” area that has never been designated as such. Furthermore, before 2016, the WCR had a maximum development potential of 359 units, and under the current proposal, it would allow for 1,600 acres to provide approximately 1,277 units for development in the Ag Reserve Tier.

6. **ULDC Implications:** Revisions to the Unified Land Development Code (ULDC) related to implementation of the Western Communities Residential Planned Unit Development (WCR PUD) were approved by the BCC in 2017. However, additional changes to the ULDC may be necessary to accommodate use of WCRO lands for the AGR-PUD preserve requirements. Given the concurrent Zoning development orders involved, there is some level of comfort with the zoning going forward with extensive conditions of approval to implement any adopted Plan changes that would affect the proposed development.

B. Consistency with the Managed Growth Tier System

Future Land Use Element Objective 1.1, Managed Growth Tier System, states that *“Palm Beach County shall implement the Managed Growth Tier System strategies to protect viable existing neighborhoods and communities and to direct the location and timing of future development within 5 geographically specific Tiers to:*

1. *Ensure sufficient land, facilities and services are available to maintain a variety of housing and lifestyle choices, including urban, suburban, exurban and rural living;*
2. *Preserve, protect, and improve the quality of natural resources, environmentally sensitive lands and systems by guiding the location, type, intensity, and form of development;*
3. *Accommodate future growth but prohibit further urban sprawl by requiring the use of compact forms of sustainable development;*
4. *Enhance existing communities to improve or maintain livability, character, mobility and identity;*
5. *Facilitate and support infill development and revitalization and redevelopment activity through coordinated service delivery and infrastructure upgrades;*
6. *Protect agricultural land for farm uses, including equestrian uses;*
7. *Strengthen and diversify the County’s economic base to satisfy the demands of the population for employment growth, and provide opportunities for agricultural operations and employment centers; and,*
8. *Provide development timing and phasing mechanisms in order to prioritize the delivery of adequate facilities and services to correct deficiencies in existing communities and accommodate projected growth in a timely and cost effective manner.”*

Staff Analysis: This objective links the Tier System to the concepts in the County Directions. The proposed amendment would reduce the development potential in the WCRO, and provide for continued agriculture and water management on a larger portion than anticipated under the current approval for the site. The developer would continue to address some existing infrastructure deficiencies in the CWC, but would add the potential for an increased regional public benefit for water resources purposes on the proposed 1,600 acres to be dedicated to the County. These outcomes are generally consistent with the objectives of the Rural Tier, but depart from the 2016 adopted development plan for the WCRO, and fundamentally change the intent of the Ag Reserve as envisioned in the Tier System, inconsistent with the intent of this objective.

C. Consistency with Agricultural Reserve Tier

1. **Objective 1.5 – FLUE Objective 1.5** states *“Palm Beach County shall preserve the unique farmland and wetlands in order to preserve and enhance agricultural activity, environmental and water resources, and open space within the Agricultural Reserve Tier. This shall be accomplished by limiting uses to agriculture and conservation with residential development restricted to low densities and non-residential development limited to uses serving the needs of farmworkers and residents of the Tier. The Agricultural Reserve Tier shall be preserved primarily for agricultural use, reflecting the unique farmlands and wetlands within it.”*

Staff Analysis: The Tier’s objective is to preserve the farmland and wetlands of the Tier to maintain the agriculture, environmentally sensitive lands, water resources, and open space within it, with limited low density residential development. It does not contemplate

the preservation of agriculture though preserve parcels located outside of the Tier. This is accomplished through low density development patterns that require clustering the units on the development portion, and preservation of the balance of the property for agricultural, water management, open space or other similar uses. The proposed amendment allows for the development of AGR-PUDs with the required preserves in a different Tier of the County, and in doing so allows for the conversion of existing preserve areas in the Ag Reserve to be replaced and subsequently developed. The three AGR-PUDs enabled through this amendment would also result in preserve areas at the rate of 1.25 acres of WCRO land for every unit allocated to the Ag Reserve. Due to the difference in density between the Ag Reserve (1 unit per acre) and the WCRO (.8 unit per acre), the amendment would result in a larger preservation area. However, this preservation area will be far outside the Tier and therefore not consistent with the intent of the objective to create reserve areas within the Ag Reserve Tier, and results in a potential increase of 1,277 units that were not anticipated within the Tier.

Further, the objective and policies for the Ag Reserve Tier were adopted specifically to implement the Ag Reserve Master Plan. The Master Plan refers to a potential additional 14,000 dwelling units possible in the Ag Reserve; this was considered to be the development potential available under the current 1998 rules at the time, based upon a 1 unit per acre calculation of the 14,000 acres of 'land available for development'. It represented an estimate of what the development potential was at the time considering the current Agricultural Reserve development options available. It was used as a baseline, from which the County could illustrate the potential reduction in units that could be achieved with a successful Bond Referendum, as lands could be acquired through the bond funds, and the associated units could be 'retired.' This figure was not adopted as a cap and it was not considered to be an exact figure to be achieved. However, the proposed amendment would significantly increase the amount of units in the Tier above the 14,000 figure while not adding additional preservation area within the Ag Reserve Tier as 60/40 and 80/20 AGR-PUDs do. The proposed amendment proposes to increase the number of units potentially allowed in the Ag Reserve by 1,277 units. As of April 2022, there are 11,208 approved units in the Tier (of which 10,248 are built) and less than 1,779 acres of uncommitted lands. The latest estimate is that the total residential unit potential of the Tier would not exceed 13,200 units. The proposed amendment would increase the potential maximum in the Tier by 10% to approximately 14,477 units which is beyond the amount anticipated in the Master Plan.

2. **Policy 1.5-e** states *“The Agricultural Reserve Tier shall be designated as a sending area for the Transfer of Development Rights (TDR) program established under Future Land Use Objective 2.4. TDR credits shall be assigned to lands within the Agricultural Reserve Tier at a transfer rate of one (1) du/acre.”*

Staff Analysis: The policy outlines another existing available method of preserving farmland and wetlands in the Tier to maintain the agriculture, environmentally sensitive lands, water resources, and open space within it. The proposed changes are contrary to this policy as the end result is the Ag Reserve would be the “receiving area” of density from another tier.

3. **Policy 1.5-h:** *Residential uses shall be permitted within the Agricultural Reserve Tier under the Agricultural Reserve land use designation as further regulated by the Unified Land Development Code. Consistent with the provisions of Future Land Use Policy 2.1-b and Table 2.2.1-g.1, Residential Future Land Use Designation Maximum Density, the land shall be allowed to develop at a density of one dwelling unit per five acres (1DU/5AC),*

unless the property meets the requirements for an Agricultural Reserve Planned Unit Development (AgR-PUD) , Agricultural Reserve Multiple Use Planned Development (AgR-MUPD), or an Agricultural Reserve Traditional Marketplace Development (AgR-TMD) as described in Future Land Use Sub-Objective 1.5.1, in which case the land may be developed at a density of one dwelling unit per acre.

Staff Analysis: This policy confines all residential uses within the Tier to the Agricultural Reserve future land use designation and establishes the density of such lands. The applicant proposes to revise this policy as shown in Exhibit 1.B to allow lands with a WCRO future land use designation and an approved Conceptual Plan to serve as AGR-PUD Preserves (at a rate of 0.8 unit per acre). This proposed revision would be counter to this adopted policy for the Ag Reserve Tier.

4. **Policy 1.5-s:** *Institutional and Public Facilities uses shall be allowed in the Agricultural Reserve Tier. Such uses shall not be permitted west of State Road 7. Institutional related uses, including but not limited to, churches and social service facilities shall be allowed within the AGR Zoning District as a part of the continuation of the Tier.*

Staff Analysis: This policy explicitly references one of the geographical markers that was a limitation to development in the Ag Reserve Tier. Parcels to the west of SR-7 are intended to establish a “buffer” between development in the Tier and the Loxahatchee National Wildlife Refuge. The applicant proposes to revise this policy as shown in Exhibit 1.B to allow lands that are currently designated as AGR-PUD Preserves west of SR-7 to be removed from their active agricultural status for the development of two new 60/40 AGR-PUDs, and replaced with agricultural lands in the WCRO. Included in one of these are multiple civic pods, which are for institutional uses. This proposed revision would be counter to this adopted policy for the Ag Reserve Tier. However, the applicant has also proposed the West Hyder Overlay, which proposes an exemption from this prohibition. Adoption of the Overlay would remedy this. Regarding the buffer concept to the wildlife refuge, the applicant noted that lands outside the Tier are in some cases developed where separated by only a canal from the refuge, and this proposed instance has approximately one-mile separation from the closest point in the refuge.

5. **Policy 1.5.1-a:** *In order to preserve and enhance agricultural activity, environmental and water resources, open space, and sustainable development within the Agricultural Reserve Tier, all new residential, commercial, industrial, and/or mixed use developments shall be developed as an Agricultural Reserve Planned Development that contributes to the fulfillment of these objectives by meeting the preserve area requirements, subject to the provisions of this Element, with the exception of 1) Residential subdivisions predating the Ag Reserve Tier and those that are subdivided at 1 unit per 5 acre density; 2) pre-existing commercial sites identified in Policy 1.5-i which develop at the square footages identified within the Policy; and 3) the sites which received an industrial future land use designation as part of the adoption of the 1989 Comprehensive Plan.*

Staff Analysis: This policy explicitly holds that new development within the Tier shall be consistent with the aim of preserving and enhancing agriculture, water resources, and open space within the Ag Reserve Tier, and use the established development form. The proposed amendment is contrary to this policy as it does not preserve more land in the Tier, it removes land from existing preserves and allows it to develop. Therefore, it is inconsistent in allowing for the AGR-PUD preserve areas to be located outside of the Ag Reserve Tier (and within the Rural Tier).

6. **Policy 1.5.1-b:** *A residential AgR-PDD shall require the following:*
1. *that the development area be compact, contiguous, and arranged as a unified whole and appropriately buffered so as not to interfere with the continued or future function of the preserve area. For this purpose, a meandering or intrusion of the development area into the preserve area would only be considered in an equestrian community;*
 2. *that the development area be situated adjacent to other existing, planned, or projected development areas;*
 3. *that the development area provide an appropriate buffer between non-agricultural uses land adjacent agricultural uses to ensure that new non-agricultural uses do not adversely affect agricultural uses. When golf courses and similar amenities are provided in the development area, they shall be situated to serve as a buffer between non-agricultural uses and agricultural uses, though water features shall not have to be located adjacent to the buffers of the development;*
 4. *that preserve areas not be regarded as part of any development lot;*
 5. *that preserve areas be used only for agriculture or open space uses;*
 6. *that any structures built within preserve areas be for agricultural uses only (as further specified in the ULDC), and shall be considered common resources of the development's residents or agricultural users;*
 7. *that the dedication requirements (e.g. civic use) and calculations for land uses (e.g. non-residential pods) be based only upon the development area; and*
 8. *that the development area use native or drought tolerant species for at least 60% of any landscape requirement.*

Staff Analysis: This policy describes the attributes of AGR-PUD development areas and their accompanying preserve areas and provides the basis for planned developments in the Ag Reserve Tier. The applicant proposes to revise this policy as shown in Exhibit 1.B to add language to allow WCRO land outside of the Ag Reserve Tier to satisfy the preserve area requirement for AGR-PUDs. This proposed revision would be counter to this adopted policy for the Ag Reserve Tier to preserve land within the Tier.

7. **Policy 1.5.1-d:** *Utilization of these planned development options may result in a maximum density for an AgR-PDD of 1 du/ac for a residential AgR-PDD except that the maximum number of units shall be reduced to reflect the number of farm worker quarters and/or grooms quarters located in the preserve area. For a residential AgR-PDD or an AgR-TMD, the preserve area requirement shall be established as:*
1. *a 80/20 development, 75 percent of the total land area;*
 2. *a 60/40 development, 60 percent of the total land area; and*
 3. *a TMD, 60 percent of the total land area.*

Staff Analysis: This policy establishes the rate of allocation within Ag Reserve Planned Developments (1 unit per 1 acre) and identifies the minimum amount of land that is required for preserve areas. These three development options are the basis for increasing density from the base 1 unit per 5 acres to a 1 unit per acre density in the Ag Reserve Tier. The applicant proposes to revise this policy as shown in Exhibit 1.B to allow WCRO designated lands as preserve at the rate of 0.8 unit per acre. This proposed revision would be counter to the adopted policy for the Ag Reserve Tier to preserve land within the Tier.

D. Consistency with the Rural Tier

The WCRO project remains within the Rural Tier. Future Land Use Element Objective 1.4, Rural Tier, indicates that *"the Rural Tier includes agricultural land and rural settlements,"* that the area

supports "large agricultural operations as well as single-family homes with small family-owned agricultural businesses, including equestrian related uses." It goes on to indicate that "the Rural Tier is beginning to experience pressure for urban densities and nonresidential intensities normally associated with a more urban area," and that the strategies for the tier "are established to protect and enhance rural settlements that support agricultural uses and equestrian uses." The objective itself sets forth the operative conditions for the Tier: "Palm Beach County shall plan for the impacts of growth outside of the Urban Service Area, recognizing the existence of both large undeveloped tracts as well as areas containing densities equal to or less than 1 dwelling unit per 5 acres established prior to the adoption of the 1989 Comprehensive Plan located in proximity to environmentally sensitive natural areas while protecting the Rural Tier Lifestyle."

Policy 1.4-a: *The County shall protect and maintain the rural residential, equestrian and agricultural areas within the Rural Tier by:*

1. *Preserving and enhancing the rural landscape, including historic, cultural, recreational, agricultural, and open space resources;*
2. *Providing facilities and services consistent with the character of the area;*
3. *Preserving and enhancing natural resources; and,*
4. *Ensuring development is compatible with the scale, mass, intensity of use, height, and character of the community.*

Staff Analysis: This amendment is consistent with this policy, as approximately 3,440 acres of the ITG site will be retained in agriculture, water resources uses, or other open space uses, even after build-out, as is currently proposed. The entire 4,866-acre site is currently utilized to grow row crops, and would remain in agricultural use until the site physically converts to development.

Policy 1.4-i: *Future development in the Rural Tier shall be consistent with native ecosystem preservation and natural system restoration, regional water resource management protection, and incorporation of greenway/linked open space initiatives.*

Staff Analysis: This amendment is consistent with this policy, as approximately 1,600 acres are proposed for regional water resources uses, and maintains the inclusion of designated rural parkways, and a reduced system of trails for bicycle, pedestrian and equestrian users.

E. Compatibility

Compatibility is defined as a condition in which land uses can co-exist in relative proximity to each other in a stable fashion over time such that no use is negatively impacted directly or indirectly by the other use. The applicant lists the surrounding uses and FLU designations and provides a discussion of compatibility analysis the justification statement in Exhibit 3.B.

FLUE Policy 2.1-f states that *"the County shall review and make a determination that the proposed future land use is compatible with existing and planned development in the immediate vicinity."* And **FLUE Policy 2.2.1-b** states that *"Areas designated for Residential use shall be protected from encroachment of incompatible future land uses and regulations shall be maintain to protect residential areas from adverse impacts of adjacent land uses. Non-residential future land uses shall be permitted only when compatible with residential areas, and when the use furthers the Goals, Objectives, and Policies of the Plan."*

Staff Analysis: The subject site in the WCRO was determined to be compatible in the prior Amendment round that involved a significantly greater number of dwelling units and intensity of non-residential uses. Existing Policies within the WCRO were written explicitly to ensure compatibility by requiring separation, extensive open-space provisions, and density clustering well within the overlay—these policies are not proposed to be changed in this amendment. Thus, the reduction in density and intensity on the site should have no deleterious effects on compatibility between the subject site and the surrounding areas. Additionally, the conceptual plan proposed with the site specific FLUA amendment indicates the nearest residential lot would be set back at least 250 feet from the adjacent Rural Tier lot, and approximately a minimum of 350 feet from the nearest adjacent boundary with the Exurban Tier. With regard to the additional AGR-PUDs in the Ag Reserve that would result from this amendment, there are no compatibility concerns. The AGR-PUDs are required to provide considerable buffering, separation, and setbacks from agriculture.

F. Consistency with County Overlays, Plans, and Studies

- 1. Overlays – FLUE Policy 2.1-k** states *“Palm Beach County shall utilize a series of overlays to implement more focused policies that address specific issues within unique identified areas as depicted on the Special Planning Areas Map in the Map Series.”*

Staff Analysis: The Indian Trails Grove is wholly located within the Western Communities Residential Overlay (WCRO), within the Rural Tier. The proposed amendments are to modify the overlay to permit the shifting of units and the use of WCRO lands as preserves for AGR-PUDs.

- 2. Neighborhood Plans and Studies – FLUE Policy 4.1-c** states *“The County shall consider the objectives and recommendations of all Community and Neighborhood Plans, including Planning Area Special Studies, recognized by the Board of County Commissioners, prior to the extension of utilities or services, approval of a land use amendment, or issuance of a development order for a rezoning, conditional use or Development Review Officer approval…….”*

Staff Analysis: The Indian Trails Grove site is not located within a Neighborhood Plan area. Several of the areas in the Ag Reserve that are the subject of the proposed text amendments are within the boundaries of the West Boynton Area Community Plan (WBACP), which was developed in 1995 as a joint effort of the Coalition of Boynton West Residential Associations (COBWRA), municipal staff from Boynton Beach, and County staff. The Community Plan is a reference document for the BCC’s consideration and is not binding upon the Commission. The Plan was prepared at a time when new policies such as the 60/40 PUD and PACE program were being implemented in the Ag Reserve. As a result, most of the references in the WBACP to the Ag Reserve relate to COBWRA monitoring any future actions there, endorse maintaining the urban service area boundary, and ensuring a continued agricultural use of the land. However, COBWRA, has actively engaged in advocacy for the Ag Reserve since the development of the Plan, reviewing and commenting on most proposed policy and land use changes in the Ag Reserve and participating in the 2014-15 Ag Reserve Roundtables.

G. Public Facilities and Service Impacts

The proposed amendment is for a site specific future land use change in the WCRO and a text amendment that will apply to sites in the Ag Reserve. The future land use amendment will reduce

the development potential on the WCRO site from 3,897 units to 2,612 units, and from 350,000 square feet of commercial uses to 233,500 square feet of commercial uses. The text amendment allows up to 1,277 additional dwelling units to be allowed in the in the Ag Reserve Tier through the zoning approval process. However, due to the applicant's revised proposal that increased the overall number of units in the Ag Reserve from 1,250 units to 1,277 units, the service provider analysis is based on the 1,250-unit proposal. If the amendment is transmitted by the BCC, the applicant would need to update all materials and studies for consistency with the 1,277-unit concept prior to adoption. That would necessitate a new evaluation of potential impacts. The analysis for the reduction in WCRO units exclusively related to that area of the County is provided in Exhibit 4.A. Public facilities analysis for both Tiers are provided below.

1. **Facilities and Services – FLUE Policy 2.1-a:** *The future land use designations, and corresponding density and intensity assignments, shall not exceed the natural or manmade constraints of an area, considering assessment of soil types, wetlands, flood plains, wellfield zones, aquifer recharge areas, committed residential development, the transportation network, and available facilities and services. Assignments shall not be made that underutilize the existing or planned capacities of urban services.*

Staff Analysis: Due to the complexity of the amendment, staff consulted directly with County departments including Environmental Resources Management, Fire Rescue, Parks and Recreation, Zoning Division, the County's Water Resources Manager, Facilities Development & Operations, and the Engineering Department. Public facilities impacts are detailed in the table in Exhibit 4.A for the WCRO and Exhibit 5.A for the WHO and Ag Reserve Tier impacts, and are as follows:

2. **Traffic Impacts.** For the WCRO, the proposed amendment results in a reduction in trip generation as shown in the table below.

| ITG/WCR Trip Generation | |
|-------------------------|-------------------------------------|
| | Trip Generation |
| Current FLU | 45,950 Daily / 3,067 AM / 3,790 PM |
| Proposed FLU | 31,960 Daily / 2,107 AM / 2,664 PM |
| Difference | -13,990 Daily / -960 AM / -1,126 PM |

The prior land use amendment (LGA 2016-017) exempted the Western Communities Residential/Reserve Overlay from complying with Policy 3.5-d. The long-term traffic study presented to the County for the proposed amendment indicates a reduction in net daily trips from 45,950 to 31,960, a decrease of 13,960 tpd in the CWC. The Traffic Division determined "that the proposed modification to the development plan will result in reduction in daily and peak hour trips compared to that of the previously approved land use amendment." Notably, the applicant elected to maintain the \$5 million "sweetener" payment above proportionate fair share obligation, as required in FLUE Policy 1.11-e #8. However, the overall reduction in units and non-residential uses will decrease the developer's proportionate share obligation by approximately one-third (roughly \$12 million). Also of note is the reduction of equestrian trails (7.9 miles), and pedestrian trails (2 miles) at the edge of the future development areas.

Since the increase in dwelling units in the Ag Reserve Tier is by text amendment, and not by future land use atlas amendment, the applicant is not required to comply with the long

range traffic requirements in Future Land Use Element Policy 3.5-d. However, the applicant elected to provide a long range traffic analysis for consideration.

West Hyder Overlay Trip Generation

| | Trip Generation |
|-----------------------------|--------------------------------|
| Current AGR FLU | 11,791 Daily / 164 AM / 300 PM |
| Proposed Development | 8,726 Daily / 597 AM / 712 PM |
| Net Trips | -3,065 Daily / 433 AM / 412 PM |

The long-term traffic study assumed that the highest trip generator for the 582 acres proposed for development for the West Hyder Overlay in the Ag Reserve is a retail and wholesale nursery, despite the presence of row crops on the site. Given that 1,000 units are proposed to be age restricted single family detached homes, and the other 250 units for the Civic WHO AGR-PUD, which similarly uses a lower trip generation rate due to their proposed multi-family form, the traffic study indicates a reduction in net daily trips from 11,791 to 8,726 tpd, a decrease of 3,065 trips in the Ag Reserve. This is presented for information only.

3. **Fire-Rescue:** Regarding the WCRO site, according to Palm Beach County Fire Rescue in a letter dated January 24, 2022, "Palm Beach County Fire Rescue serves this area from station #22 located at 5060 Seminole Pratt Whitney Road." However, their letter goes on to state that "due to the distance from this facility to the property, station #22 is not capable of serving this new development. In order to serve this property an additional fire rescue facilities are needed."

With regard to the Ag Reserve, Fire Rescue staff indicated that the area is currently underserved. In a letter dated April 1, 2022, Fire Rescue stated that the estimated response time will be in excess of two minutes over the average response time for Station 54, which is located approximately 3.50 miles from the WHO. Fire Rescue indicated the change will generate an additional 184 calls per year. Furthermore, the high number of age-restricted units proposed would cause additional demands on requests for service than is otherwise anticipated for developments that do not have deed restrictions limiting the age of owners.

4. **Drainage:** There are no negative impacts of the amendment on drainage on the WCRO portion of the amendment as detailed in Exhibit 4.A.

Regarding the impacts on the Ag Reserve, the Lake Worth Drainage District (LWDD) has not provided formal comments through the amendment process. They have reviewed through the zoning process and their comments indicate that no substantive issues are evident. Staff sent correspondence to the LWDD inviting their comment and participation, but has not received a response as of the writing of this report.

5. **Parks and Recreation Impacts:** The Parks and Recreation Department has provided the following comments:

The reduction of dwelling units within Indian Trails Grove will not adversely impact current Levels of Service standards. However, additional park property will be needed in the future in order to meet countywide Level of Service Standards for the projected 2030 population for the Acreage community. The approved Indian Trail Groves conceptual plan includes

the dedication of a 40-acre civic site to the County for inclusion in County Pines Recreational Complex at Samuel Friedland Park. This civic site dedication is needed to accommodate future growth in this area. The proposed amendment does not affect the condition of the adopted WCRO amendment, requiring the dedication of an expansion area for the County Park.

The Parks and Recreation Department currently has adequate total and developed park acreage within the Ag Reserve to accommodate future residential growth based upon countywide LOS standards defined in the County's Comprehensive Plan. The Department acknowledges a critical need for additional active recreational facilities to serve the residents of this area beyond the Canyon District Park and has requested that the applicant provide active recreational facilities, specifically a 50-acre district park with ballfields and courts for active recreational uses. The request predates the initiation of the amendment and was referenced in the BCC workshops preceding the initiation of the amendment back in October through December of last year. To date, the applicant has declined to provide any active recreation as part of their application. Furthermore, the applicant is proposing to grant approximately 100 acres of existing AGR-PUD Preserve lands (known as the Hyder North preserve, and associated with the Seven Bridges/Hyder AGR-PUD), as a passive County Park site, subject to the existing encumbrances of the conservation easement. The Parks Department is unwilling to take on this proposed passive park as there are ample passive park facilities within the Ag Reserve, as well as the additional fiscal burden associated with the ongoing operations and maintenance costs. The applicant is proposing to include additional lakes, equestrian trails, equestrian trailer parking, pedestrian trails, and pavilions that overlook the expanded lakes. The proposed equestrian trails would provide some measure of benefit to the nearby equestrian operations at Sunshine Meadows and residents within the area. However, the Parks Department reported that when they do provide equestrian trails and facilities, they are underutilized when compared to other uses such as pickleball courts and ball fields.

6. **Public School System:** For the 2022 Indian Trails Grove amendment, the School District (they were given a figure of 2,612 new units), identified a negative impact on the public school system. In attempting to assess the impacts of the proposed additional residential units in the WCRO they determined that the total K-12 enrollment impact would be 955 new students (408 elementary, 225 middle, and 322 high), based on existing generation rates. The School District requests conditions to mitigate impacts at the District Elementary and Middle School levels that a 40-acre site to accommodate new students generated by the project; also requested is a \$5,065,382 contribution from the owner to the School District to supplement the required school impact fee prior to the issuance of the first building permit.

Relative to the Ag Reserve, based on information provided by the Planning & Intergovernmental Relations section of the School District, attempting to assess the impacts of the proposed additional residential units in the Agricultural Reserve (they were given a figure of 250 new units), they determined that the total K-12 enrollment impact would be 92 new students (39 elementary, 22 middle, and 31 high), based on existing Ag Reserve generation rates. The School District requests conditions to address school capacity deficiencies generated by the proposed development at the District Elementary, Middle, and High School levels, the owner is requested to contribute \$971,816 to the School District to supplement the required school impact fee prior to the issuance of the first building permit.

7. **Historic Resources:** The WCRO site was previously reviewed for potential historical and archaeological resources prior to and during the course of that amendment. However, the County Archaeologist noted that “deeply buried resources could not be accounted for” in the prior analysis. Furthermore, a Certificate to Dig (CTD) is required per Article 9.A.1.B.6 of the Unified Land Development Code due to the proximity of a known archaeological resource within 300 feet of the amendment site, and will be addressed through the Zoning development review process. Additionally, the County Archaeologist recommends that remote sensing be used to evaluate “high probability areas” (former hammock and wetland locations), as well as having an archaeologist on-site to monitor excavations in excess of two feet of depth. Sites in the Ag Reserve will be reviewed for potential historical or archaeological resources during the Zoning development review process.
8. **Property and Real Estate Management:** For the WCRO, PREM staff indicated that due to the way that civic sites are calculated at the time of zoning (based on gross acreage of a given development), that the reduction in acreage in WCRO units results in reduced civic site obligation for the WCRO development areas (unless the developer consents to dedicating more civic land than the minimum requirement). Some concern was expressed by PREM staff relative to the inclusion of future school sites as part of the civic site obligation. However, this provision of school sites was included in the 2016 WCRO approval. PREM indicated an acceptance to honor the prior inclusion of school sites as part of the public civic requirements. Furthermore, as the County has been approached by non-profit agencies seeking potential land for their operations, which are otherwise regarded as civic or institutional uses, the applicant has agreed to provide an additional 10-acre parcel within the WCRO.

Regarding the Ag Reserve, the relocation of lower density (0.8 DU/acre gross in the WCRO) into an area with the ability to cluster higher density (1.0 DU/acre gross in the AGR) would also enable additional units located into a comparatively smaller space, and thereby compound the problem of less civic site obligation with higher demand for civic uses. However, the applicant has included provisions for a Civic-PUD as part of the WHO, which is providing multiple public civic pods, and one private civic pod. The Civic PUD in the WHO affords the County opportunities to provide and address multiple civic needs in the future.

9. **Zoning Applications:** The following zoning applications were submitted in January 2022 to implement the proposed amendment:
- Hyder/Seven Bridges AGR-PUD (Application DOA2022-00203)
 - Lyons West/Valencia Reserve AGR-PUD (Application DOA 2022-00204)
 - Fogg North/Canyon Lakes AGR-PUD (Application DOA 2022-00206)
 - Fogg Central/Canyon Isles AGR-PUD (Application DOA 2022-00205)
 - Fogg South/Canyon Springs AGR-PUD (Application DOA 2022-00207)
 - Whitworth AGR-PUD (Application PDD/DOA 2022-00213)
 - West Hyder Civic AGR-PUD (Application PDD 2022-00142)
 - West Hyder AGR-PUD (Application PDD 2022-00143)
 - Indian Trails Grove WCR-PUD (Application ABN/ZV/DOA/W-2022-00155)

As of the publication of this report, the application has not been certified for public hearings. Additional comments may be provided through the zoning process as the zoning application is further reviewed and revised that may impact the proposed Future Land Use application. Zoning staff expressed concern at simultaneously processing the number of Development Order Amendments and associated complexity necessary to “unwind” the

established AGR-PUD/preserves and the logistical complexity of having WCRO lands outside of the Ag Reserve Tier serve as preserve areas, particularly given that these are for developments that are under construction, or even built-out. To date, the applicant is working with Planning and Zoning staff to simplify the submittals to the greatest extent possible, while meeting all applicable provisions. The stated intention, if transmitted, is for the Zoning petitions to be heard concurrently with the adoption of the Comprehensive Plan amendment package in October 2022.

10. **Disproportionate Benefits/Burdens:** In allowing for additional development potential in the Rural Tier—a concept that dates back to the origins of the Sector Plan efforts in the late 1990s—the County consistently contemplated a strategy in which the increased development and its impacts are mitigated through developer provided public benefits, far beyond the minimum requirements for the Urban/Suburban Tier. These public benefits are largely in terms of providing additional infrastructure beyond the needs of the increment of development proposed (*i.e.*, additional trails, recreation, fire rescue, school sites, etc.). The emphasis on providing beneficial opportunities to the public was intended to correct existing infrastructure deficiencies within the Rural and Exurban Tiers. In the case of the Indian Trails Grove project, the development was approved 2016-2019, but no construction on the project has commenced to date. Thus there are no impacts that have occurred due to the development, and similarly, almost none of the benefits are realized either (there is a deed that is held in escrow for the 640 acres of land allocated to Indian Trails Improvement District for a future impoundment basin).

The proposed project would result in a proportional reduction of the impacts to infrastructure in the Central Western Communities from the 2016 approval by approximately one-third. Consequently, the increment of impact generates less benefits in terms of trails (due to the reduction in size of the development areas). As previously indicated, the project would maintain the 640-acre ITID impoundment area allocation, as well as the additional land for the Regional Park, future fire station, and other civic uses. The increased land allocated to water resources by 532 acres and the deeding this land in fee simple to the County for regional water purposes is the principal public benefit to the CWC, but also those who are the beneficiaries of the proposed changes are in north and central County.

That increment of impact reduction in the CWC is effectively re-located to the Ag Reserve. This is the “West Hyder” area at the southwest corner of the Ag Reserve that has been off-limits to any significant residential development other than the 80/20 AGR-PUD. To reduce impacts to schools, the applicant has proposed an age-restricted community of 1,000 units (known for having a lower traffic generating rate, as well as not requiring school concurrency). However, there will still be an increase in the demands upon the service providers, beyond those studied, contemplated, and anticipated within the Ag Reserve and South County as a whole. Yet it is an area that already has more capacity readily available to handle the impacts caused by this unanticipated development.

Finally, there is a component that is outside of the typical realm of land use and zoning consideration, but merits consideration. Historically and comparatively speaking, pricing of new, single family detached homes in the CWC are generally less costly than new construction in the Ag Reserve. Since September 2016, GL Homes, the developer behind the Indian Trails Grove proposal, has not built any homes in the County’s Rural Tier, despite having an entitlement on that property for 3,897 units—to do so would require the developer to make a more significant capital investment than maintaining the existing operations in the Ag Reserve. The applicant attributes this to the infrastructure availability

in the Ag Reserve Tier, but equally cites it as being the reason for not building in the WCRO. Both areas are designated as Limited Urban Service Areas, but the critical distinction is that there is existing infrastructure in the Ag Reserve. However, in the Rural Tier, to develop in the Indian Trails Grove project, the applicant is obligated to provide some contributions to the infrastructure needs, but the County does not have immediate plans to construct the necessary infrastructure to support the Indian Trails Grove development. Furthermore, there are multiple large-scale developments in the area that are underway by a variety of competing home builders in both the unincorporated County and the municipalities of Palm Beach Gardens and Westlake.

Returning to the original Indian Trails Grove approval and the present, GL Homes and its subsidiaries, received multiple approvals and modified other existing approvals in the Ag Reserve. Among other things, many of these approvals shifted preserves allowing for multiple, smaller preserves to be substituted for an equivalent larger parcel, and or involved policy changes that increased the potential units within the Ag Reserve (areas not regarded as having development potential (Faith Farms, LWDD Canals). As a homebuilder, GL Homes constructed over 3,457 units in the Ag Reserve between October 2016 and April 2022, roughly the time between the original Indian Trails Grove approval and the current application. Furthermore, this period has been one of general economic growth and prosperity, across the County, particularly in terms of residential construction. This residential increase was fueled by the CoVID-19 pandemic and an influx of new residents from outside of Florida. Residential development across the County has increased to near pre-Great Recession levels (during the last housing boom), with more than 16,000 residential permits issued between January 1, 2020 through the end of the first quarter of 2022.

II. Water Resources Considerations

The entirety of the 4,866-acre site that comprises the Indian Trails Grove WCR portion is located solely within the SFWMD L-8 Basin and Cypress Grove Community Development District (CDD). The present configuration of the site drainage is that the outfall from the Indian Trails Grove site is solely through a canal that discharges into the SFWMD L-8 Canal at the southern/western extent of the L-8 Basin. The L-8 basin spans from Lake Okeechobee to the west, incorporates portions of Dupuis and Corbett Wildlife Management Areas, and residentially developed rural residential estates within the County's Rural and Exurban Tiers at its eastern extent. The L-8 Basin consistently has excess stormwater runoff that does not meet established water quality criteria which in turn negatively affects the Lake Worth Lagoon and Estuary. Historically (1995-2009) the L-8 Basin's outfall was distributed as follows: 40% to Lake Okeechobee, 13% to S-5A Basin, 7% into the Water Catchment Area 1 (Loxahatchee National Wildlife Refuge), 30% into the C-51 Canal and Basin (which flows into the Lake Worth Lagoon), and finally about 10% was distributed to the West Palm Beach Catchment Area via the M-Canal. However, the Indian Trails Grove site has considerable value for improving the conveyance of water intra-regionally, between the L-8 Canal, the M-O Canal, and the M-Canal (all of which are adjacent to portions of the project). Additionally, ITG affords opportunities to address the storage of water during periods of inundation, as well as prospects for improving the water quality through engineered marshes, basins, and flow ways within the L-8 Basin. Collectively, this property presents opportunities to address and improve water issues within the County such as, but not limited to: reduction of discharges to the Lake Worth Lagoon and Lake Okeechobee through the redirection of conveyances to the WPB catchment area and Loxahatchee Slough and River, improve flood

At the time of the 2016 Indian Trails Grove amendment, the County anticipated that a long-term regional water management plan would soon be reached, as water storage and conveyance features to improve conditions in and around the L-8 Basin have been contemplated for more than 20 years. These studies and efforts include the SFWMD's *Interim Plan for Lower East Coast Regional Water Supply* (1998), USACE/SFWMD *Comprehensive Everglades Restoration Plan* (CERP) (1999), USACE/SFWMD North Palm Beach County Part I Planning (2003-2011), SFWMD *Restoration Strategies Regional Water Quality Plan* (2012), and the USACE/SFWMD *Loxahatchee River Watershed Restoration and Project* (2015-2020). ITG parcels were contemplated in many of the various studies and alternatives considered, but nothing had been finalized. The 2016 approval reflected the uncertainty and attempted to forge its own path absent a finalized plan that would work complementary with, but not contrary to any adopted subsequent plan. In 2016, the County's approval accommodated some water storage needs of the secondary drainage district (ITID) through the provision of 640 acres as an impoundment site for the ITID's use. It also anticipated the need for a larger regional water use for an additional 1,068 acres designated for Water Resources/Agriculture uses—the "water resources" concept was left vague intentionally, as it was uncertain whether it would be planned to address water quantity/quality/conveyance issues, or a variation of any or all of these. The 1,068 acres is conditioned such that the developer must provide a conservation easement, with the County as the grantee/beneficiary of the easement, restricting uses accordingly prior to the first plat for any portion of the project. To date the property has not been platted and therefore there is not yet a conservation easement in place on the 1,068 acres.

By 2019, the SFWMD/USACE issued preliminary/draft report of their *Loxahatchee River Watershed Restoration Project* (LRWRP) which notably excluded the ITG property. Instead the report proposed using the Mecca property, located approximately 2.5 miles northeast of ITG, as an above-ground reservoir, with an embankment height of 20-feet above the existing grade.

However, several of the alternatives considered in the process of drafting the LRWRP evaluated using various configurations of the ITG property as a shallow storage basin and connection between the L-8 and M-O Canals. The County initiated a consultant to produce the *Loxahatchee River Restoration Local Initiative and Mecca Site Evaluation* (2019-2020) to address its concerns with the Mecca Reservoir proposal and provide technical information on other alternatives not considered or overlooked by SFWMD/USACE. The County's consultant devised three alternatives for consideration, two of which utilized the 640-acre ITID impoundment area combined with additional land within ITG for shallow storage within the L-8 Basin as part of the solution, and the third alternative used the L-8 Canal outfall from ITG as part of the connection. All of these concepts reduced the Mecca Reservoir to shallow storage, and incorporated storage and water quality improvements. However, despite the County's concerns, the USACE approved the LRWRP in December 2020. This LRWRP includes the above-ground Mecca Reservoir with its 20-foot embankment but proposes no improvements for ITG as part of its long-term plans for restoring flow to the Loxahatchee River watershed. One of the reasons relayed to County staff was that the ITG lands were not under government ownership, and even if the conservation easement were in place for the 1,068 acres, it was still owned in fee by a subsidiary of GL Homes, and that was why it was excluded from consideration.

The County, through initiatives that date back to CERP and the Sector Plan efforts, sought to address and improve water storage, conveyance, and quality within the L-8 Basin, and between adjacent basins to the east and north (C-51, C18, and WPB Catchment Area). The County's land use and zoning approvals of Minto West (now the City of Westlake) and Indian Trails Grove in the last decade, are an endorsement of these established concepts and implemented as a matter of policy. The current application and proposed changes would further established and relevant Comprehensive Plan policy. In the Plan's Conservation Element, Policy 2.3-f, it states: "The County shall participate with the South Florida Water Management District and other appropriate agencies to re-establish the historic hydrologic connections between the West Palm Beach Water Catchment Area, the Loxahatchee Slough, and the Wild and Scenic River segments of the Corridor." Indian Trails Grove represents the last large undeveloped parcel appropriately located to implement this policy and to effect the desired outcome.

In July 2022 the applicant provided a conceptual overview regarding the water resources area, the 1,600 acres proposed to be deeded to the County for a regional public benefit (Exhibit 6). Proposed is a developer-designed, permitted, and constructed project that would result in the establishment of a 750-acre above ground reservoir in the north-central portion of the Indian Trails Grove project, adjacent to the 640-acre ITID impoundment area. The proposed 750-acre reservoir concept is stated to accommodate 3,000 acre-feet of storage at a depth of 4 feet, provide treatment of water, and is proposed to be situated directly east of the 640 acres allocated to ITID Impoundment purposes, and is approximately 875 acres of the proposed 1,600 acres to be deeded to the County (and the area that would be able to allocate units to the Ag Reserve). Included with the above-ground reservoir concept are various pumps and gravity outfalls that initially take water out of the SFWMD L-8 Canal, and move it to the M-O Canal, providing a desired connection between the two canals within the L-8 Basin. Water can be routed east or west in the M-O Canal to the M-1 Impoundment west of Indian Trails Grove, or to the L-Canal to the east, which flows south to the M-Canal, before conveyance to the Grassy Waters Preserve (City of West Palm Beach Water Catchment Area). Water may also be returned to the L-8 Canal, but in retaining water and processing through the proposed improvements, it reduces total phosphorous/nutrients in the system, which benefits the water resources of the region. A system of pumps and control structures are also proposed both within Indian Trails Grove, and outside of the subject site. If such a project were to be constructed, it is estimated, that it could take two-or-more years to complete design, permitting and construction of such a facility. Critically, the project does not include, nor propose any means of conveyance to the Mecca Reservoir, which leads to

the C-18W Canal, and ultimately to Loxahatchee River. The details of a connection between Indian Trails Grove and the Mecca reservoir would be left to the County or other entities to provide.

The remaining 725 acres that are generally south of the 640-acre ITID Impoundment Area would remain in agricultural production under the applicant's proposal, and under County ownership and management. The configuration, elevation and location of the 725-acre portion (nearest the L-8 and south of the 640-acre ITID future Impoundment area), reportedly constrains its use as a flow way or other treatment or storage feature (despite the application's statement that the 1,600-acre portion for conveyance to the County could be flow way and provide a regional benefit). With the available information, it is difficult to evaluate if any of the proclaimed benefit is achievable, and quantifying the extent of the benefit. It is dependent upon approval by other entities, affects other interests, and proposes improvements that are offsite and not under ownership of the applicant. Further, what it contemplates is outside of the purview of a land use and zoning approval. Such approvals are coordinated with existing plans, and applicants are required to obtain permits from the requisite drainage district, but this proposes new drainage concepts that are outside of established plans, and would require potential modification of those plans as well as permits to be issued to achieve this proffered regional benefit. It is hoped that the applicant would provide additional details for consideration, but as of the publishing of this report, the extent of details provided are those identified in the July 2022 developer commitments in Exhibit 6.

The applicant did propose a new condition of approval that would preclude any residential development from occurring on Indian Trails Grove until after the 1,600 acres is deeded to Palm Beach County. However, the timing of this further obscures potential benefits to the County and its residents and ultimately leaves potential benefits that may be achieved to the developer electing to commence development at Indian Trails Grove. There is no corresponding link to the Ag Reserve. Therefore, the applicant proposes to allocate land within the WCRO at Indian Trails Grove to satisfy preserve requirements and entitlement to the Ag Reserve, to replace and replenish existing built-out developments' preserves, and enable two new AGR-PUDs with 1,277 units in a location otherwise precluded from being a development area, with no guarantee that the stated regional public benefit in the CWC will have a deadline.

III. Public and Municipal Review

The Comprehensive Plan Intergovernmental Coordination Element Policy 1.1-c states that *"Palm Beach County will continue to ensure coordination between the County's Comprehensive Plan and plan amendments and land use decisions with the existing plans of adjacent governments and governmental entities....."*

1. **Intergovernmental Coordination:** Notification of this amendment was sent to the Palm Beach County Intergovernmental Plan Amendment Review Committee (IPARC) for review on July 6, 2022. Any written comments will be added to Exhibit 7 throughout the hearing process.
2. **Other Notice:** Public notice by letter, was mailed to the owners of properties within 1,000 feet of the perimeter of the Indian Trails Grove site, and to property owners within 500 feet of the West Hyder Overlay new AGR-PUD sites on July 6, 2022. In addition, on the same date, interested parties were notified by mail including the Acreage Landowners Association, Coalition of Boynton West Residential Associations, the Delray Alliance, the West Boca Community Council, South Florida Water Management District, Lake Worth Drainage District, and Indian Trail Improvement District. Additional notification was sent

on July 14, 2022 to the Seminole Improvement District, Arthur R. Marshall National Wildlife Refuge, and the J.W. Corbett Wildlife Management Area. Any written letters of support or objection are added to Exhibit 7 throughout the hearing process. Additionally, the sites have been posted with signage in accordance with the County's sign requirements of the ULDC.

3. **Informational Meeting:** The Planning Division hosted a virtual meeting via the Zoom platform on July 26, 2022 with area residents and interested parties to relay information regarding the amendment and development approval process. The meeting was attended by approximately 25 persons, including 10 members of the public, the applicant, as well as staff from County departments such as Environmental Resources Management, County Administration, and Planning, Zoning and Building. Several members of the public spoke, with many of the questions regarding administrative matters such as providing comments to the County, the ability to participate in public hearings remotely, and information regarding a future meeting at the Indian Trail Improvement District on August 10, 2022.

Exhibit 2-C

Consistency with Florida Statutes

1. **Data and Analysis Applicable to F.S.:** Section 163.3177(6)(a), Florida Statutes, require that local governments future land use plans be based on a number of factors, including population projections, the character of undeveloped land, availability of public services, and other planning objectives.

Staff Analysis: This amendment has been analyzed for consistency with the Florida Statutes as demonstrated throughout the body of this report and the attached exhibits. Therefore, the site meets all applicable Florida Statutes.

Section 163.3168(1), Florida Statutes, reads, *"the legislature recognizes the need for innovative planning and development strategies to promote a diverse economy and vibrant rural and urban communities, while protecting environmentally sensitive areas."* As evidenced in this report, the proposal complies with and promotes the statutory direction for innovative planning solutions.

2. **Data and Analysis Applicable to Florida Statutes - Consistency with Urban Sprawl:** In order to address the Urban Sprawl criteria in the statute, the applicant has provided an analysis in Exhibit 3.

Section 163.3177(6)(a)9.a., Florida Statutes, establishes a series of primary indicators to assess whether a plan amendment discourages the proliferation of urban sprawl. The statute states that the evaluation of the presence of these indicators shall consist of an analysis of the plan amendment within the context of features and characteristics unique to each locality. The adopted 2016 Indian Trails Grove amendment was determined to discourage urban sprawl. The analysis in the table below demonstrates that the proposed amendment has no indicators of urban sprawl.

An urban sprawl analysis was not done for the proposed AgR-PUD development areas within the Agricultural Reserve Tier as, they would develop in an established manner in the Tier that has been widely used, and previously established that it does not constitute urban sprawl. Furthermore, an urban sprawl analysis is not required of projects seeking zoning approval. Therefore, the following table includes only the WCR portion of the amendment.

| Primary Indicators that an amendment does not discourage urban sprawl | Staff Assessment | Sprawl Indicated? |
|--|--|--------------------------|
| (I) Promotes, allows or designates for development substantial areas of the jurisdiction to develop as low intensity, low-density, or single use development or uses. | The subject site would not constitute a substantial area of the jurisdiction as the acreage of this property is minimal when considering the overall land area of unincorporated Palm Beach County. | No |
| (II) Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development. | The project does not meet this indicator as it is adjacent to residentially developed land. Although the intended character of the Exurban and Rural Tiers is that of "rural," it features suburban density. The undeveloped land located between the amendment site and the coastal urban areas is either conservation land, within a municipality, or vacant unbuilt lots within the Acreage. | No |
| (III) Promotes, allows or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments. | The proposed development does not promote radial, strip, isolated, or ribbon patterns of development that emanate from existing urban areas. It is adjacent to low density residential development ranging from 1 unit per 1.25 acres to 1 unit per 10 acres, and is adjacent to other parcels with development entitlement. | No |
| (IV) Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems. | The environmental assessment submitted with the proposed amendment does not identify any significant natural resources on site. It does reference several isolated wetlands on the parcel which have been degraded due to agricultural operations. The parcel is adjacent to the JWCWMA, and proposes separations of at least 1-mile from the closest portion. Also a drainage proposal is on offer that may contribute to rehydrating wetlands adjacent to the M-O Overflow basin west of the proposed project. | No |
| (V) Fails adequately to protect adjacent agricultural areas and activities, including silviculture, and including active agricultural and silvicultural activities as well as passive agricultural activities and dormant, unique and prime farmlands and soils. | Agricultural activities exist adjacent to this site. The applicant proposes to have separations of at least 50 feet and up to 250 feet from any proposed development area. The minimum separation of 50 feet is more than twice the largest specified landscape buffer in the ULDC. | No |
| (VI) Fails to maximize use of existing public facilities and services. | Information regarding the proposed amendment was distributed to the County service departments for review. There are adequate public facilities and services available to support the amendment. | No |
| (VII) Fails to maximize use of future public facilities and services. | Information regarding the proposed amendment was distributed to the County service departments for review. There are adequate public facilities and services available to support the amendment. | No |
| (VIII) Allows for land use patterns or timing which disproportionately increase the cost in time, money and energy, of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government. | Adequate services can be provided to this site, according to the service providers. The subject site is partly surrounded by existing residential communities which receive services. Additionally, the project would ameliorate an existing sprawl pattern in the area. | No |

| Primary Indicators that an amendment <i>does not discourage</i> urban sprawl | Staff Assessment | Sprawl Indicated? |
|--|--|-------------------|
| (IX) Fails to provide a clear separation between rural and urban uses. | The amendment will provide a clear separation between rural and urban uses as the applicant is proposing to cluster the development on one-third of the overall land area, and provide considerable separation between parcels in the Rural and Exurban Tiers as well as lands in environmental conservation. | No |
| (X) Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities. | This amendment does not discourage or inhibit infill development or the redevelopment of existing neighborhoods and communities as the site is located within the Rural Tier which provides a different lifestyle than that of the Urban/Suburban Tier where infill and redevelopment are a priority. | No |
| (XI) Fails to encourage functional mix of uses. | The proposed development pattern enables a functional mix of uses by requiring the development area to be clustered on no more than one-third of the overall project. It is providing commercial retail and office/employment uses in three nodal locations, plus additional civic use and recreational uses, with density gradients clustered around them. These are connected by extensive pedestrian/trail systems throughout the development and connect to existing developed areas outside the amendment site. | No |
| (XII) Results in poor accessibility among linked or related land uses. | The amendment proposes to connect to the existing road network, and does not eliminate any existing connections. The amendment also proposes to include an extensive trail network that is available to the public, therefore improving access and linkages and incorporating modes in an area that do not have dedicated non-vehicular paths. | No |
| (XIII) Results in the loss of significant amounts of functional open space. | The proposed amendment will not result in the loss of functional open space. It will do the opposite. Additional functional open space would be created by this project through the establishment of new recreational areas, trails, and gathering areas. | No |
| Overall Assessment: As demonstrated above, the proposed amendment <i>does not meet</i> any indicators of urban sprawl, and would not contribute to urban sprawl in the County. | | |

If urban sprawl indicators are noted in evaluating Section 163.3177(6)(a)9.a Florida Statutes, the proposed amendment is then reviewed under the following, Section 163.3177(6)(a)9.b, Florida Statutes, which establishes that the plan amendment shall be determined to discourage the proliferation of urban sprawl if it incorporates a development pattern or urban form that achieves four or more of eight additional criteria. Despite not having any indicators of sprawl, an analysis was conducted as follows:

| Indicators that an amendment <i>discourages urban sprawl</i> | Staff Assessment | Sprawl Discouraged ? |
|--|--|----------------------|
| (I) Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems. | With the exception of the 46 acre park expansion site, the applicant has proposed minimum separation of at least 1-mile from the development area to the JWCWMA. Additionally, the project includes the potential for 640 acres of land to be dedicated for regional water management solutions, addressing long standing drainage concerns in the CWC area. This may include the potential to provide additional water to re-hydrate deteriorated wetlands west of the amendment site, enhancing and improving natural resources and ecosystems. | Yes |
| (II) Promotes the efficient and cost-effective provision or extension of public infrastructure and services. | As noted elsewhere in the report, the applicant proposes to dedicate land for parks, a school, and emergency response services, and pay impact fees. Regarding water and wastewater services, the applicant proposes to connect to existing infrastructure in the vicinity of the development. There will be impacts to the road network, and the developer is proposing to fund several improvements to the network and make additional money available for the County and ITID to use to address other deficiencies in the area. | Yes |
| (III) Promotes walkable and connected communities and provides for compact development and a mix of uses at densities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available. | The amendment includes at least 66% of the residential units (1,055 units of 1,582 overall units) within 1/4 mile of either a commercial, civic or recreation node. As a result, the community form is reasonably compact, provides a mix of densities (1-7 DU/ac.), a range of housing types (townhouses, zero lot lines, & single family), and pedestrian, bicycle and equestrian trails, with provisions for future bus stops if transit service is provided. Furthermore, the applicant will provide a trolley service to the nearby Westlake town center, 2.2 miles away. | Yes |
| (IV) Promotes conservation of water and energy. | Including some limited commercial uses in the project enables energy conservation to be achieved in that opportunities for shorter trips for existing residents outside of the development are created. More efficient water conservation (in the context of regional flood control) is provided by the site to benefit the larger area in times of inundation. | Yes |
| (V) Preserves agricultural areas and activities, including silviculture, and dormant, unique, and prime farmlands and soils. | Although the site is currently in agriculture and proposes to put less than one-third of the land into development (or would support development in the form of buffering, drainage, etc.), over 2,900 acres would be retained expressly in agriculture. Furthermore, should the proposed regional drainage solution not be realized, that land would also continue in agriculture, resulting in 3,552 acres remaining for agriculture. | Yes |

| Indicators that an amendment <i>discourages urban sprawl</i> | Staff Assessment | Sprawl Discouraged ? |
|--|--|----------------------|
| (VI) Preserves open space and natural lands and provides for public open space and recreation needs. | At present, no publically accessible open space exists on the site. The amendment includes over 9 miles of equestrian trails, 7 miles of pedestrian trails, and an additional 46 acres of park sites that will serve as new public open space and accommodate recreation needs appropriate to the area. | Yes |
| (VII) Creates a balance of land uses based upon the demands of the residential population to the nonresidential needs of an area. | The amendment proposes to include commercial uses that mainly serve the needs of the projected residents of the amendment, and relies upon the City of Westlake to the east to serve as the regional "hub" for employment. However, the project would also enable residents of both the Rural and Exurban Tiers outside of the project to meet some of their commercial needs closer to home. | Yes |
| (VIII) Provides uses, densities, and intensities of use and urban form that would remediate an existing or planned development pattern in the vicinity that constitutes sprawl or if it provides for an innovative development pattern such as transit-oriented developments or new towns as defined in s. 163.3164. | The project, while not an innovative development pattern such as a transit-oriented development or a new town, provides a remedial development pattern adjacent to an area comprised wholly of low-density residential development. It provides greater opportunities for convenience, amenities, and services that are not currently found in the existing neighborhoods to the east and south of the amendment site. | Yes |
| Overall Assessment: As demonstrated above, <i>the proposed amendment discourages urban sprawl</i> , and therefore, does not contribute to urban sprawl in the County. | | |

Exhibit 2.D

Indian Trails Grove Conceptual Plan Revision

In reviewing the proposed changes to the Indian Trails Grove Conceptual Plan, staff noted the existing criteria in Policy 4.5-e are prescriptive in their design, but perhaps are not sufficiently exact in requiring compact development as internal drainage features are allowed to count towards open-space requirements. Also noted in the current proposal is the elimination of any reference to townhouse and multi-family unit types, and that only single-family detached residential units are indicated (single family and zero lot line residential uses).

The applicant failed to account for the existing policies regarding the WCR designation and overlay could be modified so as not to reallocate the approved units from Indian Trails Grove in the Rural Tier, to the Ag Reserve Tier, but rather, could reconfigure the 2016 conceptual plan and 2019 development order. This could keep all 3,897 units on site, but would necessitate a reconfiguration of the approved conceptual plan, as well as potentially minor amendments to the conditions of approval and associated policies involving the WCR land use designation and WCRO. In doing so, the applicant could reduce the development footprint sufficiently to accommodate the proposed 532-acre increase to the Water Resources area that comprises the integrated open space. Staff acknowledges the development pattern proposed in the initial approval is one that the applicant prefers, and it is consistent with the Comprehensive Plan. However, it is the developer's custom and practice to produce such a development pattern, but it is not the only development pattern that could be implemented at that location.

The WCRO's density ranges and allocations in the existing policies are intended to provide some measure of flexibility in design at Indian Trails Grove, while also providing a degree of certainty to the adjacent residents in the Exurban and Rural Tiers. The establishment of minimum and maximum density ranges was done to preclude the development from being urban sprawl, but also to ensure that existing adjacent development was not encroached upon by development of the scale typically seen in more urbanized coastal areas, but localized in a very small area of the overall site. Accordingly, the applicant could opt to concentrate more units in the higher density ranges on the minimum land areas allowed, shrinking the development footprint, but staying within the density maximums. Also, a cursory review of the approved conceptual plan indicates that the proposed development's drainage is arranged such that both the interior and exterior open space effectively prevents any units from having other units directly adjacent to the rear lot lines. If the development were clustered and rendered in a more compact development form within the net density limitations, with the site drainage configured differently, then the development area could be reduced considerably. For example, the existing approved zoning development order's master plan (2019) indicates that the "internal lakes," which count as open space but not towards the net density, comprise nearly 260 acres of the overall site, and serve only the development itself. Such an opportunity that could provide a greater regional benefit and not appreciably effect the Ag Reserve is squandered in this amendment. Further, a more compact development area, even with the same number of units, will warrant a smaller area for drainage requirements. Before leaving the topic of drainage, the information submitted with the 2019 rezoning for the WCR-PUD indicated that over 630 acres, which is nearly one square mile in land area, is proposed for "external lakes" that serve the development area. These "external lakes" are separate and distinct from any of the 1,708 acres required for the ITID impoundment and Water Resources/Agriculture areas in the 2016 approval. This additional component of density clustering would further the provisions of Future Land Use Element Sub-Objective 1.1.1, which encourages increased community resiliency to protect property, infrastructure, and other resources from the impacts of climate change. Specifically, Policy 1.1.1-f, encourages the County to consider land use and

mitigation strategies regarding compact residential development among other things. If implemented here, it could promote a more resilient development form, as well as providing a larger regional public benefit, without compromising the Ag Reserve Tier Objectives and Policies. However, the applicant's justification statement included an analysis of the climate change sub-objective, in which it indicated that:

"...allowing additional density to be relocated out of the Rural Tier into the WHO will contribute to the reduction of Urban Sprawl. Urban Sprawl is one of the primary contributing factors to climate change, sea level rise, changes in rainfall patterns, and extreme weather events because it spreads housing out further away from employment opportunities and other services creating longer drive times for residents. Keeping development within close proximity of other development and out of rural areas will help minimize urban sprawl and lessen the factors that contribute to climate change such as greenhouse gases. "

The applicant's analysis appears to contradict their 2016 application where they (and the County) argued the Indian Trails Grove project was not urban sprawl.

Returning to potential changes to the existing approval, the applicant could elect to include units within the commercial areas in the WCRO, as they are required by policy to be developed as a Traditional Marketplace Development (TMD), which allow for mixed-use development (residential and non-residential development) on the same parcel. While staff is not proposing that they incorporate units in what is known as vertical integration, that is, placing residential uses above non-residential uses in the same building, there are opportunities for more compact development that is horizontally integrated and provides opportunities for more efficient use of the land.

Staff estimates that a creative redesign of the existing conceptual plan and tweaking of the existing policies would be the best opportunity to achieve the applicant's offer of making more land available for water resources purposes. It would maintain the existing development potential within the Rural Tier, at the levels of development anticipated and planned, as approved in 2016, but in a smaller, more compact development pattern at the same density. All of this would be done without introducing additional development into the Ag Reserve Tier, and the otherwise unplanned policy changes it would warrant that are contrary to existing Plan directives, goals, objectives, and policies.

Exhibit 3.A

Applicant's Text Amendment Justification Statement

ELEMENTS & POLICIES TO BE REVISED

- Revise Future Land Use Element Objectives and Policies related to Agricultural Reserve Tier, Western Communities Residential Overlay (WCRO), and Western Communities Residential (WCR)
- Revise Map Series to identify new Overlay within Agricultural Reserve Tier

PURPOSE

Amend Sub-Objective 1.5.1 (Planned Developments) and create new Sub-Objective 1.5.2 (West Hyder Overlay (WHO)) of the Future Land Use Element to establish a new overlay specific to the Hyder West property located west of State Road 7 and south of Rio Poco Planned Unit Development within the Agricultural Reserve (AGR) Tier. The WHO overlay would:

- (1) Allow specific existing approved AGR PUDs preserve areas (inclusive of acreage and units) to be re-allocated and satisfied within the Western Communities Residential Overlay (WCRO);
- (2) Allow new 60/40 AGR PUD development areas within the WHO Overlay, inclusive of public and private civic uses; and,
- (3) Allow the required preserve area (inclusive of acreage and units) for any new 60/40 AGR PUDs approved within the WHO Overlay to be allocated and satisfied within the Western Communities Residential Overlay (WCRO).

Amend Objective 1.11 (Western Communities Residential Overlay (WCRO)) and Objective 4.5 (Western Communities Residential) of the Future Land Use Element to:

- (1) Allow 1,600 acres identified on the Indian Trails Grove Conceptual Plan for water resource/agricultural purposes, and proposed to be conveyed to Palm Beach County, to be utilized as a water resources/agriculture regional benefits bank that can be utilized to meet the required preservation area (inclusive of acreage and units) for specific AGR PUDs currently approved within the new WHO Overlay.
- (2) Allow 1,600 acres identified on the Indian Trails Grove Conceptual Plan for water resource/agricultural purposes, and proposed to be conveyed to Palm Beach County, to be utilized as a water resources/agriculture regional benefits bank that can be utilized to meet the required preservation area (inclusive of acreage and units) for new 60/40 AGR PUD development areas approved within the proposed WHO Overlay.
- (3) Establish the transfer rate of units from the 1,600 acre water resource/agriculture regional benefits bank at .8 du/ac.
- (4) Amend specific Objectives and Policies of the WCRO Overlay (Objective 1.11) and Western Communities Residential (Objective 4.5) consistent with these concepts, the revised Conceptual Plan for Indian Trails Grove and other requested amendments.

Amend other Objective and Policies of the Comprehensive Plan, as needed, to implement the above.

JUSTIFICATION

The re-allocation of existing AGR PUD required preserve areas (both acreage and units) from the West Hyder Overlay (WHO) to the Western Communities Residential Overlay (WCRO), and the approval of the new 60/40 PUDs within the WHO Overlay and allowing the required preserve (both acreage and units) for new AGR PUDs within the WHO Overlay to be satisfied within the Western

Communities Residential Overlay (WCRO) will result in the dedication of 1,600 acres of the Indian Trails Grove PUD land to Palm Beach County. The potential regional environmental benefits of the 1,600 acres being in public ownership include (either alone or in combinations with connections to nearby properties and canals): water storage; flow way connections between the L-8 Canal and M0 Canal; fresh water flows to the Loxahatchee River and Grassy Waters Preserve; decreased harmful discharge to the Lake Worth Lagoon; and, flood control to benefit the Acreage community. Overall, the proposed text amendments would increase the amount of preservation land in Palm Beach County as well as add 1,600 acres of preserve land under the ownership and direct control of Palm Beach County. Additionally, overall, the proposed text amendments would result in a decrease in the number of units approved by 35 units (a reduction of 1,285 units at Indian Trails Grove and the addition of 1,250 units within the WHO Overlay).

CONSISTENCY

This proposed Comprehensive Plan Text Amendment is consistent with the intent, objectives and policies of the Comprehensive Plan as follows:

County Goals

Goal 1. Strategic Planning. It is the goal of Palm Beach County 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.

Goal 2. Land Planning. It is the goal of Palm Beach County to create and maintain livable communities, promote the quality of life, provide for a distribution of land uses of various types, and at a range of densities and intensities, and to balance the physical, social, cultural, environmental and economic needs of the current and projected residents and visitor populations. This shall be accomplished in a manner that protects and improves the quality of the natural and manmade environment, respects and maintains a diversity of lifestyle choices, and provides for the timely, cost-effective provision of public facilities and services.

Goal 3. Service Areas and Provision of Services. It is the goal of Palm Beach County to create and maintain livable communities, promote the quality of life, provide for a distribution of land uses of various types, and at a range of densities and intensities, and to balance the physical, social, cultural, environmental and economic needs of the current and projected residents and visitor populations. This shall be accomplished in a manner that protects and improves the quality of the natural and manmade environment, respects and maintains a diversity of lifestyle choices, and provides for the timely, cost-effective provision of public facilities and services.

Goal 5. Natural and Historic Resource Protection. It is the goal of Palm Beach County to provide for the continual protection, preservation, and enhancement of the County's various high quality environmental communities and historic resources for the benefit of its current and future residents and visitors.

County Objectives

Sub-Objective 1.1.1. Climate Change. Palm Beach County shall adopt, implement, and encourage strategies which increase community resiliency and protect property, infrastructure, and cultural and natural resources from the impacts of climate change, including sea level rise, changes in rainfall patterns, and extreme weather events.

Objective 1.4. Rural Tier. Palm Beach County shall plan for the impacts of growth outside of the Urban Service Area, recognizing the existence of both large undeveloped tracts as well as areas

containing densities equal to or less than 1 dwelling unit per 5 acres established prior to the adoption of the 1989 Comprehensive Plan located in proximity to environmentally sensitive natural areas while protecting the Rural Tier lifestyle. The Rural Tier shall be afforded rural levels of service, except in special planning areas such as, but not limited to, the Western Communities Residential Overlay (WCRO).

Objective 1.11. Western Communities Residential Overlay. The Western Communities Residential Overlay (WCRO) enables the appropriate transition between rural/suburban development, preservation and conservation areas while allowing for residential development at a density that is compatible with the surrounding area. The WCRO achieves compatibility with the existing residential development pattern in the surrounding area and remediates the historic land use imbalance in the central western communities and provides other benefits.

Objective 2.1. Balanced Growth. Palm Beach County shall designate on the Future Land Use Atlas sufficient land area in each land use designation to manage and direct future development to appropriate locations to achieve balanced growth. This shall be done to plan for population growth and its need for services, employment opportunities, and recreation and open space, while providing for the continuation of agriculture and the protection of the environment and natural resources through the long-range planning horizon.

Objective 3.1 Service Areas – General. Palm Beach County shall establish graduated service areas to distinguish the levels and types of services needed within a Tier, consistent with sustaining the characteristics of the Tier. These characteristics shall be based on the land development pattern of the community and services needed to protect the health, safety and welfare of residents and visitors; and, the need to provide cost effective services based on the existing or future land uses.

County Policies

Policy 2.1-a: The future land use designations, and corresponding density and intensity assignments, shall not exceed the natural or manmade constraints of an area, considering assessment of soil types, wetlands, flood plains, wellfield zones, aquifer recharge areas, committed residential development, the transportation network, and available facilities and services. Assignments shall not be made that underutilize the existing or planned capacities of urban services.

***Response:** The proposed changes to the Comprehensive Plan will create a new Overlay within the Agricultural Reserve Tier, and amend Objectives and Policies of the Agricultural Reserve, WCRO Overlay, and WCR land use. Approval of these changes will result in the conveyance of 1,600 acres from the Indian Trails Grove Planned Unit Development to Palm Beach County that could provide water resource/agriculture regional benefits to the residents of Palm Beach County. The regional benefits as a water resource include (either alone or in combination with connections to nearby properties and canals), water storage, water filtration, and/or flow ways that will be beneficial in assisting with saltwater intrusion to the Loxahatchee River, decreased harmful discharges to the Lake Worth Lagoon and Grassy Waters Preserve, and water storage for flood mitigation in the Acreage area.*

TEXT CHANGES

The proposed text changes generally include:

- The creation of new West Hyder Overlay (WHO) within the AGR Tier that would allow specific existing AGR PUD preserve areas (inclusive of acreage and units) approved within the WHO Overlay to be re-allocated and satisfied within the Western Communities Reserve

Overlay (WCRO), allow 60/40 AGR PUD development areas, inclusive of public and private civic uses, and preserve areas within the WHO Overlay; and, allow the required preserve area (inclusive of acreage and units) for any new 60/40 AGR PUD development areas approved within the WHO Overlay to be allocated and satisfied within the Western Communities Residential Overlay (WCRO).

- Amend objectives and policies related to the Western Communities Residential Overlay (WCRO) and Western Communities Residential (WCR) to allow 1,600 acres of the Indian Trails Grove Planned Unit Development to be utilized as a water resource/agriculture regional benefits bank to meet the required preserve acreage and density for PUDs approved within the WHO Overlay.
- Amend Sub Objective 1.5.1, Objective 1.11 and/or Sub-Objective 4.5 of the Future Land Use Element to identify the specific acreage/units/project name and control number of the Planned Unit Developments that are authorized to utilize the 1,600 acre water resources/agriculture regional benefits bank within the WCRO Overlay as required 60/40 PUD preservation area .
- Establish the transfer rate of units for the 1,600 acre water resource/agriculture regional benefits bank at .8 du/ac.
- Amend Objectives and Policies of the WCRO Overlay (Objective 1.11) and Western Communities Residential (Objective 4.5) consistent with these concepts, the revised Conceptual Plan for Indian Trails Grove and other requested amendments.
- Reduce the total number of approved units within Objective 1.11 WCRO Overlay, Policy 1.11-c from 3,897 to 2,612 (a reduction of 1,285 units).
- Amend WCR Policies to expand opportunities for providing workforce housing through on-site, off-site or exchange programs (and also specifically precluding cash out option).
- Restrict the maximum number of total residential units that can be built within the proposed WHO Overlay 60/40 PUD development areas at 1,250, of which 250 will be on-site workforce housing units.

ULDC CHANGES

Proposed ULDC amendments will be modified to match proposed Comprehensive Plan text as needed.

Exhibit 3.B

Applicant's FLUA Amendment Justification Statement

On behalf of the owner/developer/applicant, GL Homes, Urban Design Studio, and JMorton Planning & Landscape Architecture as co-Agents have prepared and hereby respectfully submit this request for a Comprehensive Plan Text Amendment and Site-Specific Future Land Use Amendment as further described below. These applications are being processed concurrently with numerous Zoning Development Order Amendment and Rezoning applications. Indian Trails Grove will host the newly created Western Communities Residential (WCR) Exchange Parcel that will support the preserve areas for several AGR-PUDs to meet the 60/40 AGR-PUD requirements. This Exchange Parcel will allow land within the newly created West Hyder Overlay (WHO) at the southwest corner of the Agricultural Reserve to be entitled as two new AGR-PUDs. This Exchange Parcel will be implemented through the new policy language in the Plan proposed via this amendment, amendments to the Indian Trails Grove Future Land Use Ordinance also proposed via this amendment, and amendments to the associated Zoning Resolutions for this project and others via concurrent Development Order Amendment applications.

If approved, the proposed FLUA Map Amendment and the proposed Comprehensive Plan Text Amendment will:

- 1) Decrease the residential and non-residential land use approvals previously granted on the Indian Trails Grove property while ensuring the decrease remains in full compliance with the WCR development requirements;
- 2) Authorize the use of lands designated as the WCR Exchange Parcel on the Indian Trails Grove Conceptual Plan as the WCR Exchange Parcel for specific AGR-PUDs; and
- 3) Authorize the reallocation of units from the Indian Trails Grove Conceptual Plan to specific AGR-PUD Development Areas.

Collectively, these changes apply to both the Rural and Agricultural Reserve Tiers of the Comprehensive Plan.

Future land use plans evolve over time. The Applicant opines that the proposed FLUA Map Amendment and Text Amendments result in better land use planning for both the Ag Reserve Tier and the Rural Tier, and thus are a benefit to Palm Beach County in totality by:

- 1) Ensuring the revised Indian Trails Grove Conceptual Plan complies with the requirements of Policy 4.5-f of the FLUE, even though the proposed amendment is a reduction in density and intensity;
- 2) Resulting in MORE large tracts of contiguous land being preserved in Palm Beach County, which PBC may also elect to convert into unique development options otherwise not available in the Tier, such as excavation for regional water management or agriculture uses with the WCRO;
- 3) Authorizing two new residential developments in an area of the Agricultural Reserve

- Tier already developed with residential neighborhoods of similar density; and,
- 4) Allowing for the allocation of land to provide additional civic uses and opportunities for Workforce Housing within the Agricultural Reserve.
 - 5) Promote regional water management benefits and agriculture opportunities outside of the Agricultural Reserve Tier.

The proposed Text Amendment modification language is contained in Attachment Q of this application.

COMPREHENSIVE PLAN TEXT AMENDMENT REQUEST

On behalf of the owner/developer/applicant, GL Homes and JMorton Planning & Landscape Architecture as co-Agents have prepared and hereby respectfully submit this request for a Comprehensive Plan Text Amendment. The re-allocation of existing AGR-PUD required preserve areas (both acreage and units) from the West Hyder Overlay (WHO) to the Western Communities Residential Overlay (WCRO), and the approval of new 60/40 PUDs within the WHO Overlay and allowing the required preserve (both acreage and units) for new AGR PUDs within the WHO Overlay to be satisfied within the Western Communities Residential Overlay (WCRO) will result in the dedication of 1,600 acres of the Indian Trails Grove PUD land to Palm Beach County. This proposed amendment would create more publicly controlled land for agricultural uses and water resource purposes, which the later provides the potential of regional benefits such as supporting the restoration effort for the Loxahatchee River Watershed by creating a flow way on the 1,600 acres to move water from the SFWMD L-8 canal to the MO canal, reducing harmful discharges into the Lake Worth Lagoon, providing an alternative route for water discharges into the Grassy Waters Preserve, which is the City of West Palm Beach's drinking water supply, and/or storing discharges from Lake Okeechobee in the SFWMD L-8 canal that would otherwise discharge directly into the Lake Worth Lagoon. Overall, the proposed text amendments would increase the amount of preservation land in Palm Beach County as indicated in the table below, as well as add 1,600 acres of preserve land under the ownership and direct control of Palm Beach County.

| | Existing | | Proposed | |
|---|----------------|-------------------------|----------------|-------------------------|
| | Approved Acres | County Controlled Acres | Proposed Acres | County Controlled Acres |
| Indian Trail Improvement District Impoundment Area | 640 | 0 | 640 | 0 |
| Indian Trails Grove Agriculture/Water Resources/O.S. | 1,068 | 0 | 1,600 | 1,600 |
| Indian Trails Grove Additional Agriculture/Water Resources/O.S. | 0 | 0 | 448 | 0 |
| Hyder West PUD Preservation | 477 | 0 | 25 | 0 |
| Hyder Civic PUD Preservation | 104 | 0 | 0 | 30 |

| | | | | |
|-----------------------------------|--------------|---|--------------|---------------|
| Hyder West Preserve | 100 | 0 | 100 | 100 |
| Total Preservation Lands | 2,389 | 0 | 2,813 | 1,730 |
| Difference (Approved to Proposed) | | | +424 | +1,730 |

Additionally, overall, the proposed text amendments would result in a decrease in the number of units approved by 35 units (a reduction of 1,285 units at Indian Trails Grove and the addition of 1,250 units within the WHO Overlay).

SITE-SPECIFIC FUTURE LAND USE ATLAS AMENDMENT REQUEST

On behalf of the owner/developer/applicant, Palm Beach West Associates I, LLLP, GL Homes and Urban Design Studio as co-Agents have prepared and hereby respectfully submit this request for a Site-Specific Future Land Use Amendment to the previously adopted Indian Trails Grove (LGA 2016-017) to modify the Conceptual Plan to reflect a revised plan of development. The subject site is located approximately two (2) miles west of the intersection of Seminole Pratt Whitney Road and Orange Boulevard, in the Limited Urban Service Area (LUSA). The site has a Western Communities Residential (WCR) Future Land Use designation and is located within the Western Communities Residential Overlay (WCRO). The subject site is not located in any neighborhood planned area, or Redevelopment or Countywide Community Revitalization Team (CCRT) area.

The property that is the subject of the Site-Specific Amendment includes the following Property Control Numbers (PCN's):

| Indian Trails Grove - PCN List | |
|---------------------------------------|-------------------------|
| 00-40-42-17-00-000-7000 | 00-40-42-27-00-000-9000 |
| 00-40-42-18-00-000-7000 | 00-40-42-31-00-000-9000 |
| 00-40-42-19-00-000-9000 | 00-40-42-30-00-000-9000 |
| 00-40-42-20-00-000-9000 | 00-40-42-34-00-000-1010 |
| 00-40-42-21-00-000-9000 | 00-40-43-03-00-000-3020 |
| 00-40-42-22-00-000-1010 | 00-40-43-04-00-000-9010 |

In 2015, the Applicant filed a Site-Specific Future Land Use Amendment for the subject site concurrent with Comprehensive Plan Text Amendments to create a new FLU designation and Overlay to allow for a planned development supporting predominately residential development along with supporting commercial and public services on the site. In creating the new Western Communities Residential (WCR) designation and description, Policy 4.5-a required that the Site-Specific amendment ordinance include a Conceptual Plan, and Policy 4.5-b required that all development orders within the WCR be consistent with the Conceptual Plan.

Following adoption of these amendments via Ordinance 2016-041 on September 22, 2016, the applicant sought, and was granted approval for Indian Trails Grove PUD (ITG PUD) based on a design that was consistent with the Conceptual Plan adopted in Ordinance 2016-041. The current approved plan of development includes approximately 4,871.57 acres and six (6) Development Pods (Pods A thru F) consisting of 3,897 dwelling

units, each having their own access, Recreation Pods, School Bus Shelters, Trolley Stops, Focal Points, Pedestrian Gathering Areas and other amenities, and interconnected via Equestrian and Pedestrian Trails. The ITG PUD also includes 7 Civic Pods (5 public and 2 private) and 3 Commercial Pods totaling approximately 55.89 acres.

With this request, the applicant is proposing to modify the plan of development. The Applicant is proposing to reduce the amount of land area within the Conceptual Plan to address the 2019 taking of 5.467 acres by Florida Power and Light along the south perimeter of the site, reducing the overall acreage from 4,871.57 to 4,866.10 acres. The FPL holding will no longer be included in the Conceptual Plan boundaries.

The most significant change is a proposal to convey 1,600 acres of land previously approved as all of Pod F, a small portion of Pod E and Open Space Pod 2, to Palm Beach County for use for water resources, and/or continued agriculture use, including potential use for water storage/filtration, flow-way connections, reduced flooding, and/or other regional water management strategies. This dedication will reduce the number of dwelling units and amount of non-residential development. The number of units will be decreased from 3,897 units to 2,612 units, a reduction of 1,285 units; non-residential development will be reduced from 300,000 square feet (SF) of commercial intensity to 200,000 SF; and office intensity reduced from 50,000 SF to 33,500 SF. The previously approved Place of Worship consisting of 42,689 SF has been removed and 45,000 SF Government Services added. All civic sites are proposed for public use. The amount of land dedicated to Open Space will increase with this amendment, from 3,251 acres to 3,735 acres. The land dedicated to Commercial will decrease proportionate to the intensity decrease, however will still exceed the minimum acreage required by FLUE Policy 4.5-f that states "Neighborhood-serving commercial nodes shall comprise no less than 2% of the overall developable land area (developable land area being defined as the area available for development less the required Exterior Open Space). The Net PUD acreage is 4,799.078 acres (4,866.102 gross acres less 67.024 acres of ROW dedications). A total of 3,438.795 acres of Exterior Open Space is provided, leaving 1,360.512 acres of developable land area. Based on providing a minimum of 2% for commercial, the minimum commercial area required is 27.21 acres. Proposed is 29 acres +/-.

This Site-Specific Amendment will implement the changes proposed by the afore-referenced Comprehensive Plan Text Amendments for changes to various objectives and policies for the AGR and Rural Tier, the WCR and WCRO. Even with the above referenced changes, the overall development concept for the site will remain. A compact form of development continues to be proposed with the development area clustered on the eastern and southern portions of the site. Commercial and civic uses are integrated into the community. Open space surrounds the development area. The equestrian and pedestrian trail systems within these open space corridors will continue to connect the Pods within the development, and also provide external connections. Alternative transportation options include the commitment for a trolley to provide service from homes in Indian Trails Grove to on-site non-residential uses. In addition, the trolley will take Indian Trails Grove residents to commercial areas within the Minto West project, in part reducing vehicular trips on external roads.

The aforementioned concurrent zoning applications associated with new and existing

AGR PUDs will utilize these 1,600 acres to exchange the required AGR preserve lands from the proposed West Hyder Overlay (WHO) to the WRCO. With the proposed dedication of the 1,600 acres in this manner, the applicant is proposing to amend the development program accordingly to reduce the amount of 'usable/developable area' shown on the Conceptual Plan, thereby resulting in a reduction in the amount of proposed dwelling units and non-residential development.

The Applicant has also filed a concurrent Development Order Amendment application to the Indian Trails Grove PUD on January 19, 2022 with the Zoning Division to similarly modify the Planned Unit Development (PUD) Preliminary Master Plan and conditions of approval contained in Resolution No. 2019-0389 to reflect the revised plan of development.

This application is not requesting a Future Land Use Atlas change to the current WCR designation. Based on the revised plan of development, the Applicant is requesting to:

- modify the overall acreage of the FLUA Conceptual Plan;
 - modify the FLUA Conceptual Plan; and
 - amend several conditions of approval contained in Ordinance No. 2016-041 as stated below:
1. Development of the site is limited to a maximum gross density of 0.8 dwelling units/acre
(~~3,897~~ 2,612 units maximum); no additional density bonuses are permitted;
 3. Commercial development on the site is limited to a maximum ~~300,000~~ 200,000 square feet and office development is limited to a maximum of ~~50,000~~ 33,500 square feet;
 4. Prior to the issuance of the ~~2,598th~~ 1,741th residential building permit, a minimum of ~~233,000~~ 155,511 square feet of commercial uses shall receive a certificate of occupancy/certificate of completion;
 6. Prior to the recordation of the first plat for the development, the developer shall record a conservation easement for the ~~4,068~~ 448 acres of land identified as Water Resources/Agriculture on the Conceptual Plan, in favor of Palm Beach County, subject to the approval of the County Attorney;
 9. The Zoning development order shall include the provision of at least 10% of the residential units, a total of ~~390~~ 261 units, shall be provided as workforce housing, subject to the following requirements:
 - a. The property owner shall provide these units on site and between 60-120% of the Average Median Income ranges for the County, in three ranges (60-80%, 81-100% and 101-120%);
 - b. Prior to the issuance of the first residential building permit, a master covenant for all ~~390~~ 261 workforce housing units shall be recorded;

- c. Prior to the issuance of the certificate of occupancy for each designated workforce housing unit a deed restriction for each unit shall be recorded containing all relevant information, implementing the workforce housing conditions, specified in this ordinance and any subsequent zoning approval;
- d. Upon the recordation of sale for each workforce housing unit a copy of the deed restriction shall be provided to the Planning Director and the Department of Economic Sustainability (DES) (or its successor);
- e. The deed for each workforce housing unit sold shall include restrictions requiring:
 - i. that all identified units be sold or resold only to qualified households in the applicable targeted income range at an attainable housing cost for each of the targeted income ranges;
 - ii. that these restrictions remain in effect for 15 years recurring from the date of the certificate of occupancy for each unit; and
 - iii. that in the event a unit is resold before the 15-year period concludes, a new 15-year period shall take effect on the date of the resale;
- f. Prior to final site plan approval for each subdivision plan per pod, the total number of workforce housing units provided shall be identified within that pod;
- g. A release of obligation to construct workforce housing units consistent with the ULDC provisions shall be included in the zoning development order;
- h. Beginning in October 2020, an annual report shall be submitted to DES and the Planning Director denoting compliance with the workforce housing requirements adopted with the amendment and any future development order. Should no units receive a certificate of occupancy prior to October 2020, the reporting requirement shall begin one year after the issuance of the first certificate of occupancy, and continue each year thereafter;
- i. Prior to the issuance of the ~~663rd~~ 444th building permit, ~~39~~ 26 workforce housing units (all located in Parcel A) shall be issued a certificate of occupancy;
- j. Prior to the issuance of the ~~1,797th~~ 1,202nd building permit, ~~495~~ 157 workforce housing units shall be issued a certificate of occupancy;
- k. Prior to the issuance of the ~~2,499th~~ 1,671th building permit, ~~292~~ 196 workforce housing units shall be issued a certificate of occupancy;
- l. Prior to the issuance of the ~~3,358th~~ 2,246th building permit, all ~~390~~ 261 workforce housing units shall be issued a certificate of occupancy;

Condition numbering 10 – 18 omitted from original Ordinance.

- 21. To facilitate road improvements in the area, the developer shall pay the County \$1.25 million prior to the issuance of the first building permit; additional payments of

\$1.25 million shall be made to the County prior to the issuances of the 974th 653rd, 1,948th 1,306th, and 2,922nd 1,959th building permits; these payments shall be subject to the cost adjustment clause in the proportionate fair share agreement to account for changes in road development costs over time;

23. The land depicted on the conceptual plan as the 5-acre fire/police/utility location shall be conveyed to Palm Beach County; the timing of the conveyance and any other conditions shall be established in the zoning development order issued by the BCC; ~~as an alternative to placing Fire/Rescue Services on the 5-acre site, the County may request, and the developer shall provide a 2.5-acre site to the County for a future Fire/Rescue Station at the non-residential node at the northwest corner of 190th Street North and Indian Trails Blvd.; in the event the County accepts another site for Fire/Rescue purposes outside of the Indian Trail Groves within a two-mile radius of the 5-acre location identified on the conceptual plan, the developer is relieved of the fire station dedication option within the non-residential node at 190th Street N. and Indian Trails Blvd.;~~
24. The land depicted on the conceptual plan as the ~~25-acre proposed middle school, 22.6-acre proposed park, and 15.5-acre proposed elementary school~~ 40-acre school site shall be conveyed to the Palm Beach County School District; the timing of the conveyance and any other conditions shall be established in the zoning development order issued by the BCC; in the event the School District does not utilize the sites for related schools and recreational facilities, ownership of any remaining unbuilt sites shall be conveyed to Palm Beach County at the County's sole discretion;

Additionally, the Applicant will agree to the addition of a new condition of approval to convey the 1,600 acres labeled on the Conceptual Master Plan as "WCR Exchange Parcel / Palm Beach County Conveyance (1,600 acres)" to Palm Beach County. The proposed language is:

25. Prior to the issuance of the first residential building permit, the property owner will convey the 1,600 acres labeled on the Conceptual Master Plan as "WCR Exchange Parcel / Palm Beach County Conveyance (1,600 acres)" to Palm Beach County.

BACKGROUND/PROJECT HISTORY

The subject property is located west of 180th Avenue North, south and east of the J.W. Corbett Wildlife Management Area and north and west of the "M" Canal. The 4,866.10-acre subject site is in active agricultural operation/production with accessory agriculture structures located in the southeast corner of the northern portion of the site.

The subject property is within the boundaries of the Cypress Grove Community Development District (CGCDC), which is a special district created in 1993 by the Governor and Cabinet, sitting as the Florida Land and Water Adjudicatory Commission. The CGCDC has the authority to provide public infrastructure and services and to operate district facilities. While the subject property is within the CGCDC, the owner/applicant is

committing (subject to Indian Trail Improvement District (ITID) agreement and acceptance), that each single-family residential unit (upon closing to a third party within the development), will become an active unit of the ITID, and that the proposed commercial/office uses, once developed, will become an active member of the ITID; subject to the terms and conditions of such an agreement to be negotiated with the ITID. The ITID is also a special district created by the Florida Legislature in 1957.

To the north and northwest of the subject property is the J.W. Corbett Wildlife Management Area, which is a 60,348-acre wildlife management area managed by the Florida Fish and Wildlife Conservation Commission (FWCC). In 1947 the Florida Game and Fish Commission (GFC) (predecessor to the FWCC) purchased approximately 52,000 acres from the Southern States Land and Timber Company and named it after James Wiley Corbett, a former commissioner. In 1993 another 2,331 acres were added to the wildlife management area with funds from the Conservation and Recreation Lands program and leased to the then GFC. The additional lands added in 1993 are parcels due west of the subject property and were sold by Indian Trail Groves, Ltd. which was an entity controlled by Irving Cowan who was also the managing member of Indian Trail Groves, L.P., the entity that sold a portion of the subject property to the current owner / applicant.

Abutting the property to the northeast, east and southeast are residential, single-family lots within what is commonly referred to as The Acreage. According to the Historical Society of Palm Beach County, The Acreage was established in the early 1960's by Samuel Nathan Friedland's Royal Palm Beach Colony, Ltd. that began selling 1.25-acre lots for \$5,000 per lot. Based on an analysis of aerials from 1953 and 1968 obtained from the University of Florida's George A. Smathers Libraries, it appears that the drainage canals on the subject property were dug at the same time as the residential development. The subject property and the areas that became "The Acreage" were primarily wetlands in 1953. By 1968 roadways and drainage canals were in place so that "The Acreage" could be developed for residential and the subject property could be utilized for agriculture. While the lots being sold were 1.25 acres in size, the lot configuration included the roadway easements and associated swale drainage area necessary to provide legal access to each of the lots.

The site had been in agricultural production since the early 1960s as a citrus farm. In the early 2000s, the citrus trees became diseased due to greening and eventually died. The Applicant purchased the property in 2005 as the citrus production was completed and greening devastated the property.

Instead of allowing the land to sit idle, the applicant took steps to convert the site into a row crop farm. This transformation entailed knocking down dead trees, root raking the property, burning the material, and then de-rocking the site. The property was filled with a cap rock, which had large veins running great distances throughout the property. (The ability for a row crop farmer to grow crops would be impaired if the rocks had remained because phosphorus levels would be too high and the plants would lack the required nutrients to thrive.) Once these activities were completed, the site had to be leveled. It took approximately five years to complete the majority of the conversion. Today, the property is leased to farmer(s) who grow sugar cane, peppers, beans, squash, Chinese

vegetables, and other crops.

In September of 2016, the applicant brought forward a development plan to PBC that would result in the creation of a new Future Land Use designation and associated overlay, known today as Western Communities Residential and the Western Communities Residential Overlay respectively. The BCC granted approval of the request via Ordinance No. 2016-014, which adopted the following:

1. Designation of the subject property as a Limited Urban Service Area (LUSA); and
2. Amended the FLUA designation of the subject property from AP, in part, and RR-10, in part, to Western Communities Residential (WCR), in whole.

The previously approved FLUA application also included the following revisions to the text of the PBC Comprehensive Plan:

- a. Added new objective and policies to the Future Land Use Element (FLUE) to create the Western Communities Residential Overlay;
- b. Revised the Managed Growth Tier System Map LU 1.1 to identify the boundaries of the Western Communities Residential Overlay (WCRO);
- c. Revised the Service Areas Map LU 2.1 to show the subject property's removal from the rural service area and inclusion within the limited urban service area;
- d. Revised the Special Planning Areas Map LU 3.1 to identify the location of the Western Communities Residential Overlay;
- e. Revised the Thoroughfare Right of Way Identification Map TE 14.1 to show the extension of 60th Street North as an 80' right of way west from Seminole Pratt Whitney Road to 190th Street;
- f. Revised the Thoroughfare Right of Way Identification Map TE 14.1 to show the extension of 190th Street as an 80' right of way north from 60th Street North to Orange Blvd;
- g. Revised the Functional Classification of Roads Map TE 3.1 to show the extension of 60th Street North as an undefined right of way Seminole Pratt Whitney Road to 190th Street;
- h. Revised the Functional Classification of Roads Map TE 3.1 to show the extension of 190th Street as an undefined right of way from 60th Street North to Orange Blvd; and
- i. Created Future Land Use Atlas (FLUA) designation titled Western Communities Residential Development (WCR) along with the establishment of the subject property as a LUSA.

In addition to the Comprehensive Plan revisions noted above, the Unified Land Development Code (ULDC) was also amended via Ordinance No. 2017-011 to include the Purpose and Intent, Applicability, Development Review Procedures, and Planned Unit Development (PUD) Exceptions of the WCR PUD.

In 2017, the Applicant submitted a privately initiated Comprehensive Plan Text Amendment application, Indian Trails Grove WCR AGR (LGA 2018-008), to allow lands within the WCRO to be used as Preserve Areas for AGR-PUDs, and to allow the WCR development rights to be allocated to, and clustered in, AGR-PUD Development Areas.

This amendment did not receive Staff support, and was withdrawn prior to the Planning Commission meeting on December 8, 2017. The amendment was not publicly debated nor did the Board of County Commission (BCC) analyze or deliberate the request.

There are changed conditions and benefits from the 2017 request that merit further consideration with the current proposal. Unlike the 2017 request, the approval of this application will result in the conveyance of 1,600 acres of land to Palm Beach County. This proposed amendment would create more publicly controlled land for water resource purposes, by providing the potential for regional benefits such as supporting the restoration effort for the Loxahatchee River Watershed by creating a flow way on the 1,600 acres to move water from the SFWMD L-8 canal to the MO canal, reducing harmful discharges into the Lake Worth Lagoon, providing an alternative route for water discharges into Grassy Waters Preserve, which is the City of West Palm Beach's drinking water supply, and/or storing discharges from Lake Okeechobee in the SFWMD L-8 canal that would otherwise discharge directly into the Lake Worth Lagoon.

At their December 15, 2021 Zoning Hearing, the BCC discussed this changed condition whereby 1,600 acres of land within the WCRO would be conveyed to Palm Beach County in public ownership and utilized as the County deems most appropriate for water resources, in exchange for the relocation of residential development potential from the WCRO to the AGR Tier. A majority of the members of the BCC supported exploring this opportunity in more detail. The Applicant responded to their direction by submitting this privately initiated Comprehensive Plan Text Amendment application. "Phase 1" was again considered by the BCC at their February 2, 2022 Comprehensive Plan Public Meeting. A majority of the members of the BCC voted to move into "Phase 2" and analyze the public benefit and impact on water resources that could result from this initiative.

The initial 4,871.57-acre PUD rezoning and PMP were approved in 2019.

In February of 2019, as part of the rezoning application, the Zoning Commission approved a Type 2 Variance via Resolution ZR-2019-009 allowing the applicant to eliminate the landscape requirements of a Type 2 Incompatibility Buffer along 1,658 linear feet of the northern perimeter between Pod D and PBC District Park F to accommodate an existing lake.

In March of 2019, the applicant was further granted approval by the Board of County Commission (BCC) to rezone the subject properties from Agricultural Production (AP) in part and Agricultural Residential (AR) in part to the Western Communities Residential Planned Unit Development (WCR-PUD) with 3,897 residential dwelling units, 300,000 SF of commercial use, 50,000 SF of office use, and a 42,689 SF Place of Worship. The BCC also granted a Type 2 Waiver via Resolution No. R-2019-0390 to allow for an increase in the number of local streets that terminate in a cul-de-sac or dead-end condition over the 40% permitted by ULDC Article 3.E.1.c.2.a.5.b.

The development order has not yet been implemented. FPL acquired 5.467 acres through a Stipulated Final Judgement in the fall of 2019, as recorded in ORB 30909, Page 650.

A. FUTURE LAND USE AMENDMENT CONSISTENCY & COMPATIBILITY

G.1 - Justification

Per Policy 2.1-f of the FLUE of the PBC Plan, before approval of a future land use amendment, the applicant shall provide an adequate justification for the proposed future land use, and for residential density increases, demonstrate that the current land use is inappropriate.

- The applicant is not requesting to amend the current FLUA designation of WCR or for a residential density increase. The request is to modify the Conceptual Plan to reflect a revised plan of development and reduce acreage, and modify conditions of approval included in the governing Ordinance.

The proposed FLUA amendment meets the required standard as follows:

1) The proposed use is suitable and appropriate for the subject site:

Applicant's Description: The proposed uses and plan of development have been previously found to be suitable and appropriate for the subject site, and compatible with surrounding uses. The proposed modifications to the development program do not significantly change the prior finding for the site, which is that the use and design of the overall project as provided on the Conceptual Plan minimizes the environmental impacts to water, air, storm-water management, wildlife, vegetation, wetlands and the natural functioning of the environment by utilizing the majority of the lands as open space. A total of 3,735.957 acres of open space is reflected on the Conceptual Plan, which equates to 77.85% of the overall site. The extensive lake system will have a positive effect on the natural environment by providing additional habitat and sanctuary for various species of wildlife.

The project has been designed to maintain the environmental integrity within the area including the encouragement to restore and protect the viable, native ecosystems and endangered and threatened wildlife within the surrounding area by limiting the impacts of growth on those systems; directing incompatible growth away from them; and by utilizing environmentally sound land use planning and development, and by recognizing the carrying capacity and/or limits of stress upon these fragile areas.

The project continues to be designed in a manner that creates an appropriate transition and separation between the proposed development and the J.W. Corbett Wildlife Management Area thereby protecting it from any potential impact from the project. And although there are no on-site natural features that warrant preservation, the project provides a minimum of 77.85% of the site as Required Open Space, with more than 50 percent of the site being retained in Exterior Open Space. This includes areas for water resources and agricultural production, and other perimeter open space uses such as lakes, greenway buffers and trails. This Exterior Open Space is in addition to the Interior Open Space areas located within the developable portion of the project. As a result of

both the Exterior Open Space and Interior Open Space, only 1/3 of the overall site is eligible for use as a vertical development area.

By strategically locating more than 50 percent of the open space on the perimeter of the site, the adjoining State-owned Moss property and Corbett WMA are protected from further encroachment of residential development. The amended Conceptual Plan contributes to the better storage and/or distribution of storm-water in the general area. The project promotes the conservation of water and energy by concentrating the developable portion of the site to less than one-half of the overall, the master plan promotes conservation of water and energy through site design. The proposed conveyance of 1,600 acres to PBC for water resources and/or agricultural uses, along with 448.630 acres of retained area for agricultural or water resources, and dedication of 640.00 acres for the Indian Trails Improvement District (ITID) along the western limits of the site, the resulting development pattern reduces the travel distance to the on-site centers and civic areas for shopping, work, and recreation, which reduces energy consumption. The clustering of units onto a smaller portion of the site, as opposed to a development pattern of 1 unit per 1.25 acres over the entirety of the site, results in a more compact development pattern. The development plan continues to be designed to concentrate development on a smaller footprint of the site (less than 50 percent) through the clustering of units, density range, allocation of non-residential uses throughout the development plan, and the transition of uses from the core to the perimeter. Through these measures, a more balanced development pattern is created than that which exists exterior to the site. The result promotes a more compact form of development that promotes the conservation of water and energy.

This request to modify the Conceptual Plan to reduce the land area, density and intensity, and reconfigure the development does not adversely affect its suitability and compatibility. The proposed modifications to the Conceptual Plan provide for additional land conservation, and reduced density and intensity across the project, thus further reducing and adverse impacts.

The proposed text amendment to allow the creation of the West Hyder Overlay (WHO) allows for the reallocation of density from the rural tier where public infrastructure and other services are more limited to lands situated immediately to the north of the Urban/Suburban Tier. As evidenced by previous BCC discussion and proposed bond funded initiatives, housing and water quality/supply are at the epicenter of County priorities. With these proposed changes, additional housing opportunities will be available which will help to address general needed housing supply as well as provide for workforce housing opportunities within an area of the County where public infrastructure is more readily available. Additionally, the transfer of density out of the ITG will allow for the preservation of significant land that is anticipated to contribute to water storage/quality needs of the County residents and agriculture use. Therefore, approval of this one application would contribute to addressing top priorities of the Board of County Commissioners. The lands proposed for development within the WHO are immediately contiguous to existing residential developments to the north, east and south.

2) The basis for the requested change for this particular site is based upon the following criteria:

- ***New information or change in circumstances which affect the subject site.***

Applicant's Description: This amendment is a result of a change in circumstances. This request is part of a "bundle" of related development order applications submitted concurrently involving the Indian Trails Grove site and the property known as Hyder West, located west of SR 7 and south of Atlantic Avenue in the Agricultural Reserve Tier. A total of 1,600 acres of land within this site will be designated for water resources or agricultural purposes, and be utilized to replace AGR preserve area acres on the Hyder West property. Of the 1,600 acres that will be conveyed to PBC, the cumulative changes will authorize 1,565.965 acres to be utilized as required preserve area for AGR PUDs (existing or proposed).

The regional benefits of this plan of development will be to create 1,600 acres owned and controlled by Palm Beach County that is contiguous to the L-8, MO and M Canals, providing potential to send fresh water flows to the Loxahatchee River, Grassy Waters and the Lake Worth Lagoon, and for potential water storage. This land could create a potential flow way connecting the L-8 canal to the MO Canal. This land is also contiguous to the west to 640 acres within the PUD that has been previously committed to Indian Trail Improvement District (ITID) to increase stormwater storage for the Acreage that is adjacent to their existing +550-acre drainage impoundment area, and to the east to an additional 448.63 acres of open space designated for water resources or agriculture.

Accommodating a larger contiguous mosaic of lands for water resources and/or agriculture provides more flexibility in addressing both water management challenges, and/or supporting agricultural production in Palm Beach County. Reducing density/intensity in an area where infrastructure is limited in exchange for increasing density in the AGR where infrastructure exists is prudent long-range planning.

Future land use plans evolve over time. The Applicant opines that the proposed Text Amendments result in better land use planning for both the Ag Reserve Tier and the Rural Tier, and thus are a benefit to Palm Beach County in totality. Via the 60/40 and 80/20 development options authorized in the Comprehensive Plan, over 7,100 acres have been preserved; meaning residential development approvals have resulted in three times as much land being preserved than was acquired by the County through the bond (and at no taxpayer expense). Development, therefore, has been the primary mechanism by which more land has been preserved in the Agricultural Reserve Area. The use of the WHO property for agriculture is not an efficient use of the property as it is bounded by the Urban/Suburban Tier to the south, Rio POCO to the north and State Road 7 to the east. As discussed above keeping environmentally sensitive lands and agriculture lands aggregated into larger tracts of land ensures efficiency.

- ***Inappropriateness of the adopted FLU designation.***

Applicant's Description: This application does not request a change to the WCR future land use designation as the designation is not inappropriate for the site.

G.2 Residential Density Increases

Per Future Land Use Policy 2.4-b the proposed FLUA amendment meets the required factors as follows:

- The applicant is not requesting to amend the current FLUA designation of WCR or for a residential density increase. The request is to modify the Conceptual Plan and reduce the number of dwelling units from 3,897 to 2,612.
- The proposed text changes will allow for an increase of residential units within the Ag Reserve Tier not originally contemplated by the Ag Reserve Master Plan. While the proposed text changes will allow for the increase of residential units within the Ag Reserve Tier, the approval of this application will reduce the number of residential units intended to be developed in totality throughout the County.

- ***Demonstrate a need for the amendment.***

Applicant's Description: This Future Land Use Atlas amendment application does not request a change to the WCR future land use designation, and the revised plan of development results in a decrease in the number of units. The revised plan of development that proposed to dedicate 1,600 acres to Palm Beach County for water resources or agricultural purposes, the resulting change to the design of the project necessitates an amendment to the Conceptual Plan. Pursuant to Policy 4.5-b, all development orders must be consistent with the Conceptual Plan. As the proposed plan of development is changing, this application seeks to modify the Conceptual Plan.

The proposed text amendment will allow for the increase of residential units within the Ag Reserve Tier and reduce the number of units being built within the Rural Tier. The need for additional density in areas of the County where services, jobs, and infrastructure are available is key to addressing the need for housing. Additionally, the proposed WHO will ensure an additional 277 units of workforce housing is available within an area of the County that has historically been developed with single family housing for those residents above the workforce housing income brackets.

- ***Demonstrate that the current FLUA designation is inappropriate.***

Applicant's Description: This Future Land Use Atlas amendment application does not request a change to the WCR future land use designation as the designation is not inappropriate for the site, and there is a proposed decrease in the number of units as a result of the revised plan of development. The proposed text amendments to create the WHO will allow development of a 60/40 residential PUD on the west side of State Road 7 on property bounded by residential development to the north, south and east. It is arguable that the use of agriculture on the property within the proposed WHO is inappropriate. Farming is most efficient when it is aggregated into large tracts of land not surrounded by residential uses. The original intent of the Agricultural Reserve Master Plan was to keep the farming uses in the central core of the Agricultural Reserve while providing a transition of density from the Urban/Suburban Tier boundaries to that central core. The proposed overlay will ensure that a transition area is accommodated while also protecting the environmentally sensitive lands further to the west of the WHO as well as

in the WCRO.

- ***Explain why the Transfer of Development Rights, Workforce Housing, and/or Affordable Housing Programs cannot be utilized to increase density.***

Applicant's Description: The Owner/Applicant is not requesting any additional density than that permitted by the WCR designation. No utilization of the above density bonus programs is proposed although the Applicant is proposing to provide 277 workforce housing units within the WHO. In totality, the number of workforce housing units throughout the County will increase with this proposal.

| | WHP Units based on Current Entitlement | Proposed | Change |
|-------------------------|--|----------|--------|
| Indian Trails Grove PUD | 390 | 261 | -129 |
| Hyder West Preserve | 0 | 277 | +277 |
| Total | 390 | 511 | +148 |

G.3 - Compatibility

Provide written data and analysis to demonstrate compatibility with the surrounding and adjacent land uses.

Applicant's Description: Compatibility is defined in the County's Unified Land Development code as: *"Land uses that are congruous, similar and in harmony with one another because they do not create or foster undesirable health, safety or aesthetic effects arising from direct association of dissimilar, contradictory, incongruous, or discordant activities, including the impacts of intensity of use, traffic, hours of operation, aesthetics, noise, vibration, smoke, hazardous odors, radiation, function and other land use conditions."*

Based on this definition and accepted growth management ideals, the proposed amendment to revise the proposed plan of development and change the Conceptual Plan does not cause the project to be incompatible with the surrounding uses and adjacent lands. It will not create or foster undesirable effects. The Conceptual Plan has been previously found to be compatible with surrounding uses. This request to modify the plan to reduce the land area, density and intensity, and reconfigure the development does not adversely affect its compatibility to those uses.

The project continues to be designed in a manner that creates an appropriate transition and separation between the proposed development and the J.W. Corbett Wildlife Management Area thereby protecting it from any potential impact from the project. And although there are no on-site natural features that warrant preservation, the project provides a minimum of 77.85% of the site as Required Open Space, with more than 50 percent of the site being retained in Exterior Open Space. This includes areas for water resources and agricultural production, and other perimeter open space uses such as lakes, greenway buffers and trails. This Exterior Open Space is in addition to the Interior Open Space areas located within the developable portion of the project. As a result of both the Exterior Open Space and Interior Open Space, only 1/3 of the overall site is

eligible for use as a vertical development area.

By strategically locating more than 50 percent of the open space on the perimeter of the site, the adjoining State-owned Moss property and Corbett WMA are protected from further encroachment of residential development. The amended Conceptual Plan contributes to the better storage and/or distribution of storm-water in the general area. The project promotes the conservation of water and energy by concentrating the developable portion of the site to less than one-half of the overall, the master plan promotes conservation of water and energy through site design. The proposed conveyance of 1,600 acres to PBC for water resources and/or agricultural uses, along with 448.630 acres of retained area for agricultural or water resources, and dedication of 640.00 acres for the Indian Trails Improvement District (ITID) along the western limits of the site, the resulting development pattern reduces the travel distance to the on-site centers and civic areas for shopping, work, and recreation, which reduces energy consumption. The clustering of units onto a smaller portion of the site, as opposed to a development pattern of 1 unit per 1.25 acres over the entirety of the site, results in a more compact development pattern. The development plan continues to be designed to concentrate development on a smaller footprint of the site (again less than 50 percent) through the clustering of units, density range, allocation of non-residential uses throughout the development plan, and the transition of uses from the core to the perimeter. Through these measures, a more balanced development pattern is created than that which exists exterior to the site.

As previously mentioned, the proposed WHO is located immediately to the north of the Urban/Suburban Tier and immediately to the south of the Rio POCO community. Development of residential uses within this proposed Overlay is more compatible with the existing surrounding residential uses than the site's existing agriculture use, and will serve as a transition area from the Urban/Suburban Tier to the agriculture uses further to the north within the Ag Reserve Tier.

G.4 -Comprehensive Plan

The applicant has the option of including written data and analysis to demonstrate consistency with specific objectives and policies in the Comprehensive Plan, and Special Plans or Overlays identified in the Future Land Use Element.

Applicant's Description: The Future Land Use (FLU) designation for the site was established by application LGA 2016-017 (Ordinance 2016-041), changing the designation from AP, in part, and RR-10, in part, to Western Communities Residential (WCR) in whole. The WCR land use requires that a site-specific FLUA Conceptual Plan be adopted as part of the WCR Future Land Use, reflecting the proposed development program, which can only be revised through the FLUA amendment process. This application is being processed concurrently with numerous other applications, including a Privately Initiated Comprehensive Plan Text Amendment to various Policies in the Comprehensive Plan to establish a new option for preserve and density assignments in the Agricultural Reserve Tier for sites associated with land dedications in the Rural Tier. The new set of Policies will allow land area in the Western Communities Residential Overlay (WCRO) and within the Western Communities Residential future land use (WCR)

to be dedicated to the County, and that land area contribute towards the preserve area and density assignments for Agricultural Reserve Planned Developments (AGR-PUDs) in the Agricultural Reserve. The proposed modifications to the plan of development and the Conceptual Plan are to be in compliance with Policies 4.5-b and d of Objective 4.5.

This amendment is in compliance with **Objective 1.11, Western Communities Residential Overlay** and **Objective 4.5, Western Communities Residential**, as proposed to be amended via the aforementioned text amendment. The project was found to be consistent with the Comprehensive Plan when the FLU of WCR was adopted in 2016, and continues to be consistent with the following objectives and policies with the revised plan of development:

- **County Directions**

1. *Livable Communities.*
2. *Growth Management.*
4. *Land Use Compatibility.*
5. *Neighborhood Integrity*
10. *Level of Service Standards*
11. *Linear Open Space and Park Systems*
12. *Environmental Integrity*
13. *Design*
14. *A Strong Sense of Community*
15. *Agricultural and Equestrian Industries*

- **FLUE Policy 1.4-a:** The County shall protect and maintain the rural residential, equestrian and agricultural areas within the Rural Tier

- **FLUE Policy 1.4-g:** Non-residential development shall be designed in the form of a Traditional Marketplace, or the development shall comply with rural design standards in the ULDC to ensure protection of the character of the Tier and to minimize impacts on adjacent neighborhoods. Standards for Traditional Marketplace Development shall also reflect the scale and character of the Rural Tier.

- **FLUE Policy 1.4-h:** The County shall promote the development of central community places where feasible, considering the existing development pattern, by clustering and collocating neighborhood commercial uses, day care, places of worship, and public community-serving uses. Community-serving uses may include, but are not limited to, a mix of government satellite offices, meeting space, schools, parks and recreation facilities, and libraries. Buildings in these central community places should be sited to form a public common or green space for community use. Site planning, building orientation, architectural treatment, and landscaping of non-residential development should reflect the character of a rural community.

- **FLUE Policy 1.4-i:** Future development in the Rural Tier shall be consistent with native ecosystem preservation and natural system restoration, regional water resource management protection, and incorporation of greenway/linked open space initiatives.

- **FLUE Objective 2.1:** PBC shall designate on the FLUA sufficient land area in each land use designation to manage and direct future development to appropriate locations to achieve balanced growth.

- **FLUE Policy 2.1-g:** The County shall use the County Directions in the Introduction

of the Future Land Use Element to guide decisions to update the Future Land Use Atlas, provide for a distribution of future land uses in the unincorporated area that will accommodate the future population of Palm Beach County, and provide an adequate amount of conveniently located facilities and services while maintaining the diversity of lifestyles in the County.

This proposed Comprehensive Plan Text Amendment is consistent with the intent, objectives and policies of the Comprehensive Plan as follows:

- **County Goals**

Goal 1. Strategic Planning. It is the goal of Palm Beach County 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.

Response: *The proposed text amendment will reduce the number of residential units within the Rural Tier. The Indian Trails Grove property is ideally located to provide critical connections between various water bodies with the potential to contribute to enhancing water resources for all residents of Palm Beach County. The creation of the WHO will allow for additional development in the Agricultural Reserve Tier which is a Limited Urban Service Area (LUSA) where services are already available. The proposed WHO will also provide for the development of workforce housing within the Tier. The Agricultural Reserve Tier has historically been developed with single family homes that are not attainable to middle income and low-income residents. This Overlay and Future Land Use amendment will ensure that residents with variable income levels have the opportunity to live within the Agricultural Reserve Tier.*

Goal 2. Land Planning. It is the goal of Palm Beach County to create and maintain livable communities, promote the quality of life, provide for a distribution of land uses of various types, and at a range of densities and intensities, and to balance the physical, social, cultural, environmental and economic needs of the current and projected residents and visitor populations. This shall be accomplished in a manner that protects and improves the quality of the natural and manmade environment, respects and maintains a diversity of lifestyle choices, and provides for the timely, cost-effective provision of public facilities and services.

Response: *The proposed text and future land use atlas amendment will contribute to improvements of the environmental and economic needs of the County. As evidenced by previous BCC discussion and proposed bond funded initiatives, housing and water quality/supply are at the epicenter of County priorities. With these proposed changes, workforce housing units within the Agricultural Reserve Tier will be constructed. Additionally, the transfer of density from Indian Trails Grove will allow for the conveyance and preservation of significant land that is anticipated to contribute to water supply/quality needs of the County residents. Therefore, approval of this one application would contribute to addressing the two top priorities of the Board of County Commissioners and contribute to good planning practices.*

Goal 3. Service Areas and Provision of Services. It is the goal of Palm Beach County to create and maintain livable communities, promote the quality of life, provide for a distribution of land uses of various types, and at a range of densities and intensities, and to balance the physical, social, cultural, environmental and economic needs of the current and projected residents and visitor populations. This shall be accomplished in a manner that protects and improves the quality of the natural and manmade environment, respects and maintains a diversity of lifestyle choices, and provides for the timely, cost-effective provision of public facilities and services.

Response: *The proposed text and future land use amendments would allow for additional development on a parcel of land that is bounded by the Urban/Suburban Tier to the south and Rio Poco to the north, which was a neighborhood in existence prior to the creation of the Agricultural Reserve Tier. Development within the proposed WHO would serve as a transition between the Urban/Suburban Tier and the Agricultural Reserve Tier, and more specifically between two residential communities with larger lots to the north and smaller lots to the south. Although located on the west side of State Road 7 (as is Stonebridge Golf and Country Club to the north and Rio Poco to the south), development on this Property better utilizes existing public services and facilities than any proposed development within the Rural Tier, where water, sewer and roadway infrastructure is more limited.*

Goal 5. Natural and Historic Resource Protection. It is the goal of Palm Beach County to provide for the continual protection, preservation, and enhancement of the County's various high quality environmental communities and historic resources for the benefit of its current and future residents and visitors.

Response: *As previously indicated and further expanded upon later in this justification statement, allowing additional density to be relocated out of the Rural Tier into the WHO will contribute to the preservation and enhancement of regional water resources for Palm Beach County.*

- **County Objectives**

Sub-Objective 1.1.1. Climate Change. Palm Beach County shall adopt, implement, and encourage strategies which increase community resiliency and protect property, infrastructure, and cultural and natural resources from the impacts of climate change, including sea level rise, changes in rainfall patterns, and extreme weather events.

Response: *As previously indicated, allowing additional density to be relocated out of the Rural Tier into the WHO will contribute to the reduction of Urban Sprawl. Urban Sprawl is one of the primary contributing factors to climate change, sea level rise, changes in rainfall patterns, and extreme weather events because it spreads housing out further away from employment opportunities and other services creating longer drive times for residents. Keeping development within close proximity of other development and out of rural areas will help minimize urban sprawl and lessen the factors that contribute to climate change such as greenhouse gases.*

Objective 1.4. Rural Tier. Palm Beach County shall plan for the impacts of growth outside of the Urban Service Area, recognizing the existence of both large

undeveloped tracts as well as areas containing densities equal to or less than 1 dwelling unit per 5 acres established prior to the adoption of the 1989 Comprehensive Plan located in proximity to environmentally sensitive natural areas while protecting the Rural Tier lifestyle. The Rural Tier shall be afforded rural levels of service, except in special planning areas such as, but not limited to, the Western Communities Residential Overlay (WCRO).

Response: *The County initially created the WCRO within the Rural Tier as a method to provide a transition from the Rural Tier to the newly formed City of Westlake. The transition was necessary to accommodate the pressure for new housing opportunities within the vicinity of the City of Westlake. Since that time, it has become evident that water supply and water quality has become a resource of expanding regional significance. Approval of the proposed text and future land use atlas amendments will ensure the protection of 1,600 acres of land under County ownership and control within the Rural Tier, while relocating approved density to another area of the County where urban services are readily available and where jobs and shopping opportunities are located within close proximity.*

Objective 1.5. Agricultural Reserve Tier. Palm Beach County shall preserve the unique farmland and wetlands in order to preserve and enhance agricultural activity, environmental and water resources, and open space within the Agricultural Reserve Tier. This shall be accomplished by limiting uses to agriculture and conservation with residential development restricted to low densities and non-residential development limited to uses serving the needs of farmworkers and residents of the Tier. The Agricultural Reserve Tier shall be preserved primarily for agricultural use, reflecting the unique farmlands and wetlands within it.

Response: *The proposed text and future land use amendment would allow for additional development on a parcel of land that is bounded by the Urban/Suburban Tier to the south (Stonebridge Golf and Country Club) and Rio POCO (which was a neighborhood in existence prior to the creation of the Agricultural Reserve Tier) to the north, as well as, multiple 60/40 AGR PUD developments on the east side of State Road 7 (Boca Bridges, Seven Bridges, The Oaks, Saturnia Isles and Dakota). Development within the proposed WHO would serve as a transitional development between the Urban/Suburban Tier and the Agricultural Reserve Tier for those preservation lands located north of Rio POCO, Tierra Del Ray South and Tierra Del Ray North. Although located on the west side of State Road 7, development on this Property better utilizes existing public services and facilities, and provides a better transition of uses and development intensity rather than an isolated tract of land utilized for agriculture purposes abutting multiple existing residential communities contained within both the Urban/Suburban Tier and the Agricultural Reserve Tier.*

Future land use plans evolve over time. The Applicant opines that the Text Amendments proposed result in better land use planning for both the Ag Reserve Tier and the Rural Tier, and thus are a benefit to Palm Beach County in totality. Via the 60/40 and 80/20 development options authorized in the Comprehensive Plan, over 7,100 acres have been preserved; meaning RESIDENTIAL development approvals have resulted in THREE TIMES as much land being preserved than was acquired by

the County through the bond (and at no taxpayer expense). DEVELOPMENT, therefore, has been the primary mechanism by which MORE land has been preserved in the Agricultural Reserve Area.

Objective 1.11. Western Communities Residential Overlay. The Western Communities Residential Overlay (WCRO) enables the appropriate transition between rural/suburban development, preservation and conservation areas while allowing for residential development at a density that is compatible with the surrounding area. The WCRO achieves compatibility with the existing residential development pattern in the surrounding area and remediates the historic land use imbalance in the central western communities and provides other regional benefits.

Response: *The County initially created the WCRO within the Rural Tier as a method to provide a transition from the Rural Tier to the newly formed City of Westlake. The transition was necessary to accommodate the pressure for new housing opportunities within the vicinity of the City of Westlake. Since that time, it has become evident that water supply and water quality has become a resource of expanding regional significance. Approval of the proposed text and future land use atlas amendments will ensure the protection of 1,600 acres of land under County ownership and control within the Rural Tier while relocating approved density to another area of the County where urban services are readily available and where jobs and shopping opportunities are located within close proximity. Revising the Indian Trails Grove entitlement to move residential dwelling units farther away from the City of Westlake will ensure a better transition and use of land while preserving and conserving lands that are critical to the management of regional water resources within the County.*

Objective 2.1. Balanced Growth. Palm Beach County shall designate on the Future Land Use Atlas sufficient land area in each land use designation to manage and direct future development to appropriate locations to achieve balanced growth. This shall be done to plan for population growth and its need for services, employment opportunities, and recreation and open space, while providing for the continuation of agriculture and the protection of the environment and natural resources through the long-range planning horizon.

Response: *With these proposed amendments, workforce housing units within the Agricultural Reserve Tier will be constructed. Additionally, the transfer of density from Indian Trails Grove to the AGR will allow for the conveyance and preservation of significant land that is anticipated to contribute to water supply/quality needs of the County residents. Therefore, approval of this one application would contribute to addressing the two top priorities of the Board of County Commissioners, and contribute to good planning practices as well as ensure that growth is kept to areas where services and public infrastructure is more readily available.*

Objective 3.1 Service Areas – General. Palm Beach County shall establish graduated service areas to distinguish the levels and types of services needed within a Tier, consistent with sustaining the characteristics of the Tier. These characteristics shall be based on the land development pattern of the community and services needed to protect the health, safety and welfare of residents and visitors; and, the

need to provide cost effective services based on the existing or future land uses.

Response: *The Agricultural Reserve Tier is a Limited Urban Service Area (LUSA) where public infrastructure is more readily available. The proposed WHO will be located on a parcel of land situated between the Urban/Suburban Tier and a residential subdivision that pre-existed the creation of the Ag Reserve. Allowing development of property where services are available provides a better transition of uses and development intensity rather than an isolated tract of land utilized for agriculture purposes abutting two residential communities, the Urban/Suburban Tier (Stonebridge Golf and Country Club) and existing 60/40 development areas east of State Road 7 (Boca Bridges, Seven Bridges, The Oaks, Saturnia Isles, and Dakota).*

- **County Policies**

Policy 2.1-a: The future land use designations, and corresponding density and intensity assignments, shall not exceed the natural or manmade constraints of an area, considering assessment of soil types, wetlands, flood plains, wellfield zones, aquifer recharge areas, committed residential development, the transportation network, and available facilities and services. Assignments shall not be made that underutilize the existing or planned capacities of urban services.

Response: *The proposed changes to the Comprehensive Plan will create a new Overlay within the Agricultural Reserve Tier, and amend Objectives and Policies of the Agricultural Reserve, WCRO Overlay, and WCR land use. There is no change in the future land use designation for the land S within the Agricultural Reserve Tier, WCRO Overlay or WCR designated lands. The permitted density and intensity, therefore, do not exceed the natural or manmade constraints of the area. Approval of these changes will result in the conveyance of 1,600 acres from the Indian Trails Grove Planned Unit Development to Palm Beach County that could provide water resource/agriculture regional benefits to the residents of Palm Beach County. The regional benefits as a water resource include (either alone or in combination with connections to nearby properties and canals), water storage, water filtration, and/or flow ways that will be beneficial in assisting with saltwater intrusion to the Loxahatchee River, decreased harmful discharges to the Lake Worth Lagoon and Grassy Waters Preserve, and water storage for flood mitigation.*

G.5. - Florida Statutes

The following is optional data and analysis to demonstrate consistency with Chapter 163.3177, F.S.

Applicant's Description: The Indian Trails Grove amendment (LGA 2016-017) was found to be consistent with the Florida Statutes when adopted in 2016, and continues to meet the criteria with the revised plan of development.

Florida law requires that Comprehensive Plans and Plan Amendments discourage the proliferation of urban sprawl. § 163.3177(6)(a)9., F.S. By statutory definition, 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.” § 163.3164(51), F.S. Florida law further provides that a plan amendment that incorporates at least four of eight statutory criteria “shall be determined to discourage the proliferation of urban sprawl.” § 163.3177(6)(a)9.b., F.S.

A sprawl analysis of proposed development in the Central Western Communities must begin with consideration of the planning context of that portion of Palm Beach County. The site is at the western edge of the Acreage, a residential community consisting of approximately 15,000 single-family lots. There are limited commercial opportunities in the area and many of the non-arterial roadways are dirt roads which turn into dead ends. The community was developed in a grid like pattern and is comprised entirely of single-family homes on a minimum of 1¼-acre lots. The site is bordered on the north and west sides by State-owned land that will never be developed.

Public facilities are a major concern. The vast majority of the homes are served by wells and septic tanks, and there are virtually no water bodies in the area to address drainage. As a result, the area is prone to flooding during heavy storms. In the early 1990s, the area was exempted from transportation concurrency, which meant that all homes built in the area no longer had to meet the County’s traffic performance standards. This exemption resulted in many homes being built, notwithstanding the amount of traffic generated by new residents. With limited job opportunities in the area due to the paucity of nonresidential development, most workers must leave the area in the morning and return home at night.

As the Central Western Communities grew, Palm Beach County began studying the area to determine how best the remaining large undeveloped parcels—including the +5,000-acre site of Indian Trails Grove--would fit into the community and remediate the land use imbalance caused by the overwhelming predominance of single-family residences in The Acreage. The objective was to ameliorate the existing pattern of development by providing more commercial opportunities, varied housing types, and a job base in conjunction with any residential development. The County first studied the area with the Midlands Study, which was completed in 1989. This was followed up by the Acreage Neighborhood Plan in 1995, the Loxahatchee Groves Neighborhood Plan in 1996, the Managed Growth Tier in 1999, and the Central Western Communities Sector Plan from 1999-2007, including the Central Western Communities Sector Plan Remedial Amendment prepared by Palm Beach County to address compliance issues with that Sector Plan, but which was withdrawn before going into effect. This prior planning work found ways to remediate the existing sprawl pattern while taking steps to ensure new development would be compatible with it.

In 2016, the Applicant took great care in designing the Indian Trails Grove community utilizing principles contained in the Central Western Communities Sector Plan Remedial Amendment, which were intended to remediate the existing sprawl pattern and complement the development pattern of the Minto West project, now known as Westlake. These design standards also intended to make Indian Trails Grove compatible with the surrounding area of only 0.8 units per acre. The design principles required setting aside land that would not be used for development. With the applicant preserving over two-thirds of the site in open space, the area remaining for vertical development will be more

compact with various commercial nodes, office, and light industrial uses provided to service the proposed residential units. Land was allocated for use as civic sites, both public and private, schools, parks, a fire station, religious institutions, and such services as day care. This amendment request eliminates any private civic sites. Through the extensive trail systems and interconnectivity, the design of the community will encourage walkability. Over 40 percent of the community is within a one-half mile radius of a commercial node and over two-thirds of the residents will be within a one-quarter mile radius of an amenity (commercial, recreation, or civic site). A 640-acre parcel was dedicated to the Indian Trail Improvement District (ITID) to alleviate the historic drainage problems in The Acreage, which in turn will allow streets and home sites within the upper basin of The Acreage to drain quicker.

The proposed West Hyder Overlay is also consistent with *Chapter 163.3177, F.S.* as the Overlay will apply to a geographic area that is more suburban in character than agricultural. There are existing residential developments on three sides of the site. Stonebridge Golf and Country Club to the south is comprised of a golf course and single-family lots developed in a traditional suburban golf course layout. The community of Rio POCO is to the north and is comprised of approximately 1.25-acre single family lots. To the east of the Overlay is State Road 7, currently developed with 6 travel lanes and a major thoroughfare road heading north and south. East of State Road 7 and the Overlay is Seven Bridges and Boca Bridges, comprised of single-family lots approximately .25 acres in size. North and south of these communities are other 60/40 AGR PUD development areas (The Oaks, Saturnia Isles and Dakota). All of these communities have sidewalks, recreation areas and vehicular and pedestrian connections to State Road 7.

The Indian Trails Grove and West Hyder Overlay Comprehensive Plan Text and Future Land Use Amendments discourage the proliferation of urban sprawl because it satisfies all thirteen (13) of the following criteria, as set forth in *Chapter 163.3177(6)(a)9.a., F.S.*

- I. Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses.*

Applicant's Description: The proposed modifications to the WCR conceptual plan of development continues to be designed with a mix of uses, including community serving commercial and civic uses that will not only service residents of Indian Trails Grove, but also residents in The Acreage. The proposed text amendment will allow for the development of additional dwelling units within the Ag Reserve Tier, where urban services are available. It will also provide for civic, government services, and educational uses, workforce housing and parks and therefore will not promote a single-use development.

- II. Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.*

Applicant's Description: All of the surrounding lands of the WCRO and WHO continue to be either developed, under development or will not be developed as they are owned by government and are designated conservation areas.

- III. Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.*

Applicant's Description: The proposed modifications to the Comprehensive Plan text and plan of development do not further isolate the site nor create a strip or ribbon pattern of development. It continues to be a planned development with open space and buffering on the perimeter, commercial and civic nodes at strategic locations, and residential pods connected internally and externally by trail corridors. The West Hyder Overlay (WHO) is located immediately to the north of the Urban/Suburban Tier boundary, and to the south and west of other pre-existing residential developments. The proposed overlay would contribute to an orderly development pattern that will utilize the existing services and public infrastructure.

- IV. Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.*

Applicant's Description: The proposed modifications to the Comprehensive Plan text and plan of development continues to protect and enhance environmentally sensitive areas. The proposed change in the program to dedicate 1,600 acres to Palm Beach County for water resources or agriculture furthers this protection.

- V. Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils.*

Applicant's Description: The proposed modifications to the Comprehensive Plan text and plan of development continues to protect and enhance environmentally sensitive areas. The proposed change in the program to dedicate 1,600 acres to Palm Beach County for water resources or agriculture furthers this protection.

- VI. Fails to maximize use of existing public facilities and services.*

Applicant's Description: The proposed modifications to the Comprehensive Plan text and plan of development will result is a decrease in demand for public facilities and services within the Rural Tier where minimal existing public services and facilities exist. The proposed changes will ensure that the additional dwelling units within the Ag Reserve Tier will maximize the utilization of the existing public facilities and services.

- VII. Fails to maximize use of future public facilities and services.*

Applicant's Description: The proposed modifications to the Comprehensive Plan text and plan of development will result is a decrease in demand for public facilities and services within the Rural Tier. In conjunction with the 2016 FLU adoption and 2019 Development Order, conditions of approval to construction new public facilities and services were imposed. As a result, in the decrease in density and intensity, it is anticipated that the level of new public facilities will be decreased, however still their use

will be maximized. The proposed changes will ensure that the additional dwelling units within the Ag Reserve Tier will maximize the utilization of the future public facilities and services.

VIII. Allows for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.

Applicant's Description: The proposed modifications to the Comprehensive Plan text and plan of development do not significantly alter or increase the cost of providing public services within the Ag Reserve Tier. The cost of providing public services to the Rural Tier will be reduced as there will be less density and intensity in an area of the County previously developed with residential uses accessing unpaved roads, septic tanks and wells.

IX. Fails to provide a clear separation between rural and urban uses.

Applicant's Description: The proposed modifications to the Comprehensive Plan text and plan of development does not result in the failure to continue to provide a clear separation. The Rural Tier will continue as previously approved, and the proposed West Hyder Overlay (WHO) will be located between two residential projects and contribute to an orderly development pattern.

X. Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.

Applicant's Description: The proposed modifications to the plan of development does not discourage or inhibit infill development or redeveloping on the surrounding properties. The proposed Comprehensive Plan text amendment will encourage infill development as the West Hyder Overlay is located north of the Urban/Suburban Tier, immediately south of other existing residential developments thus contribute to an orderly development pattern.

XI. Fails to encourage a functional mix of uses.

Applicant's Description: The proposed modifications to the Comprehensive Plan text and plan of development does not result in a failure to continue to provide a functional mix of uses.

XII. Results in poor accessibility among linked or related land uses.

Applicant's Description: The proposed modifications to the Comprehensive Plan text and plan of development does not results in poor accessibility within or externally to land uses.

XIII. Results in the loss of significant amounts of functional open space.

Applicant's Description: The proposed modifications to the Comprehensive Plan text and plan of development does not result in the loss of functional open space. In fact, it significantly increases the amount of consolidated open space.

The proposed text amendment to create the West Hyder Overlay, and the Indian Trails Grove plan amendment continues to discourage the proliferation of urban sprawl because it satisfies at least four (4) of the eight (8) following criteria, as set forth in *Chapter 163.3177(6)(a)9.b., F.S.*

- I. Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.*

Applicant's Description: The proposed modifications to the text and plan of development continues to locate areas for economic growth and land development in a logical and orderly manner, and protects and enhances natural resources and ecosystems. The dedication of 1,600 acres for water resources or agriculture will be a benefit to the geographic area. The WHO will allow for development to occur where services and public infrastructure are currently available and can support the proposed development.

- II. Promotes the efficient and cost-effective provision or extension of public infrastructure and services.*

Applicant's Description: The proposed modifications to the text and plan of development continue to promote the efficient and cost-effective provision of public infrastructure and services. The development area continues to be consolidated, and dedication for education and public services continue to be incorporated in the plan of development.

- III. Promotes walkable and connected communities and provides for compact development and a mix of uses at densities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.*

Applicant's Description: The proposed modifications to the text and plan of development continue to promote a walkable and connected community through continuous paved pedestrian/bicycle pathways and paved sidewalks. The development area continues to be compact, with more than two-thirds of the residential units being located within one quarter-mile radius of commercial, civic, or recreation uses, with one-quarter mile to one-half mile being generally accepted as "walkable clusters". Development of the property between two existing residential communities will ensure connectivity and provision of public infrastructure along a major right-of-way. Additionally, the Applicant is proposing to connect the new residential community with the residential community to the south via pedestrian and vehicular connections.

- IV. Promotes conservation of water and energy.*

Applicant's Description: The proposed modifications to the text and plan of development will allow and continue to promote conservation of water and energy through the clustering of the development area on less than 50% of the WCRO site, and the expansion of land dedicated for water resources or agricultural.

- V. *Preserves agricultural areas and activities, including silviculture, and dormant, unique, and prime farmlands and soils.*

Applicant's Description: The proposed modifications to the text and plan of development continue to preserve lands for agricultural areas and will increase the opportunity through the dedication of 1,600 acres to Palm Beach County for water resources or agricultural uses. The clustering of development on less than 50 percent of the WCRO site also serves to preserve existing farmland in an area where farmland can be aggregated into an efficient area for farming.

- VI. *Preserves open space and natural lands and provides for public open space and recreation needs.*

Applicant's Description: The proposed modifications to the text and plan of development continue to preserve open space and natural lands and provides for public open space and recreation needs within the WCRO. The land use atlas map amendment provides for additional open space for water resources or agriculture and continues to provide open space and recreation for the public and residents. The proposed WHO will provide for additional civic area to be dedicated to Palm Beach County for public infrastructure purposes as needed.

- VII. *Creates a balance of land uses based upon the demands of the residential population to the nonresidential needs of an area.*

Applicant's Description: The proposed modifications to the text and plan of development continue to provide a balance of land uses based on the demands of the existing residential population in The Acreage and the proposed residents in Indian Trail Groves. There is a reduction in non-residential intensity corresponding with the reduction in dwelling units. The proposed WHO will accommodate additional residential units in an area of the County already served by roads, utilities and other public infrastructure. The County is experiencing a housing crisis because there is not enough market rate or workforce housing stock to supply the increasing demand. These changes will accommodate that demand in an appropriate area of County that can support the increase of residential units.

- VIII. *Provides uses, densities, and intensities of use and urban form that would remediate an existing or planned development pattern in the vicinity that constitutes sprawl or if it provides for an innovative development pattern such as transit-oriented developments or new towns as defined in s. 163.3164.*

Applicant's Description: The proposed modifications to the text and plan of

development continue to provide for a consolidated pattern of development that incorporates commercial and community services, public services and an integrated network of streets, trails and trolley routes. Reducing the density in the Rural Tier lessens the impacts of low density residential in an area underserved by roads and public infrastructure therefore lessening the Urban Sprawl previously approved with the WCRO and, in turn, committing significant land holding to a continuing and emerging public need for water resources. Locating residential development within the WHO will ensure development within an area already served by utilities, roads, schools, and other public infrastructure.

B. SURROUNDING USES

| Adjacent Lands | Use | Future Land Use | Zoning |
|-----------------------|----------------------------------|---|------------------------------------|
| North | Conservation | Conservation (CON) | Conservation (CON) |
| | Residential | Rural Residential, 1 unit per 2.5 acres (RR-2.5) | Agricultural Residential (AR) |
| | Public Park | Rural Residential, 1 unit per 10 acres (RR-10) | Public Ownership (PO) |
| South | Agricultural Production | Rural Residential, 1 unit per 10 acres (RR-10) | Agricultural Production (AP) |
| | Residential | Rural Residential, 1 unit per 10 acres (RR-10) and Rural Residential, 1 unit per 5 acres (RR-5) | Agricultural Residential (AR) |
| East | Residential | Rural Residential, 1 unit per 2.5 acres (RR-2.5) | Agricultural Residential |
| | Public Middle/Elementary Schools | Rural Residential, 1 unit per 10 acres (RR-10) | Agricultural Residential (AR) |
| | Proposed Mixed Use | Agricultural Enclave (AGE) | Traditional Town Development (TDD) |
| West | Utilities | Agricultural Production (AP) | Agricultural Production (AP) |
| | Conservation | Agricultural Production (AP) | Agricultural Production (AP) |

Below is a description of the uses on the adjacent properties (or those on the other side of abutting R-O-W's) to the north, south, east and west of the subject property.

North: There are 2 existing parcels that lie directly north and include approximately 25 acres that are utilized for canal and drainage purposes, and are owned by the Indian Trail Improvement District (ITID). The FLUA designation is RR-10 with an AP Zoning District. Beyond the canal lies the J.W. Corbett Wildlife Management Area including over 60,000 acres of conservation area. Some of the uses within the conservation area include; drainage, hunting, birding, hiking, camping, and horseback riding. The aforementioned

J.W. Corbett Wildlife Management Area also includes a rather large parcel directly north of the north central subject Pod, all including a FLUA designation of CON (Conservation). Also to the Northeast are 7 residential parcels along with a 62-acre Park owned by Palm Beach County (District Park F, aka County Pines Recreational Complex at Samuel Friedland Park). In addition, there is an existing 60-acre undeveloped parcel owned by the School District of Palm Beach County. These properties either have a FLUA designation of RR-2.5 or RR-10 with either a PO Zoning District or an AR Zoning District.

South: There are 7 residential / agricultural parcels ranging from 5 acres to 20 acres in size with a FLUA designation of either RR-5 or RR-10 and are within the AR Zoning District. In addition, there is approximately 1,265 acres supporting agricultural operations with a FLUA designation of RR-10 and with an AP or AR Zoning District. There are two parcels comprising 16.28 acres that are utilized for drainage, and there are 2 additional parcels owned by Florida Power and Light which are utilized for utility purposes.

East: Across 180th Avenue North (a 100' ingress/egress easement) are a variety of residential parcels with a minimum lot size of 1.25 acres. All have a FLUA designation of RR-2.5 and are within the AR Zoning District. Directly to the east of the southeast section of the subject property are two parcels that equate to 58.82 acres, both owned by the School District of PBC. These parcels support the existing Frontier Elementary School and Osceola Creek Middle School. These parcels have a FLUA designation of RR-10 and are within the AR Zoning District. Residential single-family lots within what is commonly referred to as The Acreage are noted on the PMP as "Royal Palm Beach Acreage" – Unrecorded Plat.

West: There are 4 parcels totaling approximately 1,079 acres owned by the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida. These parcels have a FLUA designation of AP, are within the AP Zoning District and are part of the J.W. Corbett Wildlife Management Area. In addition, there is a parcel containing approximately 773 acres known as the Indian Trails Grove Impoundment Area that provides additional storage for flood control for the general area. The L-8 Canal is owned by the South Florida Water Management District. All have a FLUA designation of AP within the AP Zoning District.

On behalf of the applicant, GL Homes, UDS, and JMorton respectfully request approval of this amendment. The project managers at GL Homes are Kevin Ratterree and Gladys Digirolamo who can be reached at (954) 753-1730 or via email at kevin.ratterree@glhomes.com and gladys.digirolamo@glhomes.com. At Urban Design Studio, project managers are Collene Walter and Sandra Megrue who can be reached at (561) 366-1100 or via email at cwalter@udsflorida.com and smegrue@udsflorida.com. At JMorton Planning & Landscape Architecture, project managers are Jennifer Morton and Lauren McClellan who can be reached at (561) 500-5060 or via e-mail at jmorton@jmortonla.com and lmcclellan@jmortonla.com. Please contact the agent with any questions or for additional information in support of the requested applications.

Exhibit 3.C
Applicant's Disclosure of Ownership Interest

PALM BEACH COUNTY - ZONING DIVISION

FORM # 08

DISCLOSURE OF OWNERSHIP INTERESTS - APPLICANT

TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE
DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA
COUNTY OF BROWARD

BEFORE ME, the undersigned authority, this day personally appeared N. Maria Menendez, hereinafter referred to as "Affiant," as the Vice President of Palm Beach West I Corporation, a Florida corporation, the general partner of Palm Beach West Associates I, LLLP, a Florida limited liability limited partnership, who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the Vice President of Palm Beach West I Corporation, a Florida corporation, the general partner of Palm Beach West Associates I, LLLP, a Florida limited liability limited partnership (the "Applicant"). Applicant seeks Comprehensive Plan amendment or Development Order approval for the real property legally described on the attached Exhibit "A" (the "Property").
2. Affiant's address is 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Applicant. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy and will be relied upon by Palm Beach County in its review of Applicant's application for Comprehensive Plan amendment or Development Order approval. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of the Applicant.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Applicant that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.
7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and, to the best of Affiant's knowledge and belief, it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.



N. Maria Menendez, as the Vice President of Palm Beach West I Corporation, a Florida corporation, the general partner of Palm Beach West Associates I, LLLP, a Florida limited liability limited partnership

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 27th day of December 2021, by N. Maria Menendez, as the Vice President of Palm Beach West I Corporation, a Florida corporation, the general partner of Palm Beach West Associates I, LLLP, a Florida limited liability limited partnership, ☒ who is personally known to me or ☐ who has produced _____ as identification and who did take an oath.



Notary Public



(Print Notary Name)



NOTARY PUBLIC

State of Florida at Large

My Commission Expires: 12/09/22

Indian Trails Grove (Overall)

LEGAL DESCRIPTION:

PARCEL 1:

A PARCEL OF LAND LYING IN SECTIONS 19, 20, 21, 22, 27, 30, 31, THE SOUTH HALF OF SECTIONS 17 AND 18, AND THE NORTH HALF OF SECTION 34, TOWNSHIP 42 SOUTH, RANGE 40 EAST, AND SECTIONS 25 AND 26, TOWNSHIP 42 SOUTH, RANGE 39 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING ALL OF SECTIONS 19, 20, 21, 22, 27 AND 30; TOGETHER WITH THE SOUTH ONE-HALF (S 1/2) OF SECTIONS 17 AND 18; ALL THAT PART OF SECTION 31 LYING NORTH AND EAST OF THE 660 FOOT FLORIDA POWER & LIGHT COMPANY RIGHT OF WAY AS RECORDED IN OFFICIAL RECORDS BOOK 2431, AT PAGE 1704 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; AND THE NORTH ONE-HALF (N 1/2) OF SECTION 34, ALL IN TOWNSHIP 42 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA.

LESS AND NOT INCLUDING THE FOLLOWING DESCRIBED PARCEL, AS RECORDED IN OFFICIAL RECORDS BOOK 4004, AT PAGE 136 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA:

THE NORTH 135 FEET OF THE SOUTH 1/2 OF SECTIONS 17 AND 18, TOWNSHIP 42 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA.

ALSO LESS AND NOT INCLUDING THE FOLLOWING DESCRIBED PARCEL, AS RECORDED IN OFFICIAL RECORDS BOOK 9363, AT PAGE 813 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA:

PARK

THE PARCELS OF LAND LYING IN THE NORTH HALF (N 1/2) OF THE NORTH HALF (N 1/2) OF SECTION 22, TOWNSHIP 42 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 22, LESS THE EAST 425 FEET THEREOF; ALSO LESS THE NORTH 50 FEET THEREOF;

TOGETHER WITH

THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 22, LESS THE WEST 195 FEET THEREOF; ALSO LESS THE NORTH 50 FEET THEREOF.

ALSO LESS AND NOT INCLUDING THE FOLLOWING DESCRIBED PARCEL:

SCHOOL SITE (OFFICIAL RECORDS BOOK 11559, PAGE 1999)

THE EAST 978.88 FEET OF THE SOUTH 1335.00 FEET OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SECTION 34, TOWNSHIP 42 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA.

ALSO LESS AND NOT INCLUDING THE FOLLOWING PARCEL:

MIDDLE SCHOOL SITE (OFFICIAL RECORDS BOOK 13335, PAGE 1490)

A PARCEL OF LAND LYING IN THE NORTHEAST ONE-QUARTER (NE 1/4) OF SECTION 34, TOWNSHIP 42 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID NORTHEAST ONE-QUARTER (1/4); THENCE NORTH 00° 05' 37" WEST, ALONG THE EAST LINE OF SAID SECTION 34, A DISTANCE OF 1335.00 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID EAST SECTION LINE, NORTH 89° 58' 53" WEST, A DISTANCE OF 1372.00 FEET; THENCE NORTH 00° 05' 37" WEST, A DISTANCE OF 901.00 FEET; THENCE NORTH 89° 26' 02" EAST, A DISTANCE OF 1372.04 FEET TO THE EAST LINE OF SAID SECTION 34; THENCE SOUTH 00° 05' 37" EAST, A DISTANCE OF 915.00 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON THE SOUTH LINE OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SECTION 34, TOWNSHIP 42 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, BEING NORTH 89° 58' 53" WEST.

AND LESS AND NOT INCLUDING THE FOLLOWING PARCEL:

HIGH SCHOOL SITE (OFFICIAL RECORDS BOOK 14689, PAGE 1639)

A PARCEL OF LAND LYING IN THE NORTHEAST ONE-QUARTER (1/4) OF SECTION 22, TOWNSHIP 42 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 22; THENCE SOUTH 00° 02' 47" WEST ALONG THE EAST LINE OF SAID NORTHEAST QUARTER (NE 1/4), A DISTANCE OF 1481.20 FEET; THENCE NORTH 89° 53' 55" WEST, A DISTANCE OF 1763.98 FEET; THENCE NORTH 00° 00' 18" EAST, A DISTANCE OF 1481.20 FEET TO A POINT ON THE NORTH LINE OF SAID NORTHEAST QUARTER (NE 1/4); THENCE SOUTH 89° 53' 55" EAST, A DISTANCE OF 1765.05 FEET TO THE POINT OF BEGINNING.

ALSO LESS AND NOT INCLUDING THE FOLLOWING DESCRIBED PARCEL:

PALM BEACH COUNTY PARCEL

THE PARCELS OF LAND LYING IN THE NORTH HALF (N 1/2) OF THE NORTH HALF (N 1/2) OF SECTION 22, TOWNSHIP 42 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTH 50.00 FEET OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 22, LESS THE EAST 425.00 FEET THEREOF.

TOGETHER WITH

THE NORTH 50.00 FEET OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 22, LESS THE WEST 195.00 FEET THEREOF.

PARCEL 2:

SECTION 4, TOWNSHIP 43 SOUTH, RANGE 40 EAST; AND ALL THAT PART OF SECTION 3, TOWNSHIP 43 SOUTH, RANGE 40 EAST, LYING NORTH OF THE FOLLOWING DESCRIBED LINE: BEGINNING AT A POINT ON

THE WEST LINE OF SAID SECTION 3, SAID POINT BEING 2,632.90 FEET SOUTH OF THE NORTHWEST CORNER OF SAID SECTION; THENCE RUNNING IN A NORTHEASTERLY DIRECTION A DISTANCE OF 3,610.56 FEET, MORE OR LESS, TO A POINT ON THE NORTH LINE OF SAID SECTION, 2,530.47 FEET EAST OF THE NORTHWEST CORNER THEREOF.

EXCEPTING THEREFROM, THAT PORTION OF SAID SECTION 4 CONVEYED TO THE CITY OF WEST PALM BEACH AS DESCRIBED IN THE DEED FROM INDIAN TRAIL RANCH, INC., DATED JULY 26, 1956 AND RECORDED SEPTEMBER 25, 1956 IN DEED BOOK 1156, PAGE 58, WHICH DEED WAS CORRECTED IN PART BY THE CORRECTIVE QUIT CLAIM DEED DATED OCTOBER 7, 1963 AND FILED OCTOBER 8, 1963 IN OFFICIAL RECORDS BOOK 924, PAGE 965, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

ALSO EXCEPTING THEREFROM, PARCEL 8, A PARCEL OF LAND VESTED IN FLORIDA POWER & LIGHT COMPANY BY THE STIPULATED FINAL JUDGMENT AS TO PARCEL 8, RECORDED IN OFFICIAL RECORDS BOOK 30909, PAGE 650, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID PARCEL 8 LYING WITHIN THE SOUTH 50.00 FEET OF SAID SECTION 4.

ALSO EXCEPTING THEREFROM THE NORTH 100 FEET OF SECTION 4 AND THE NORTH 100 FEET OF THAT PORTION OF SECTION 3 LYING WEST OF THE RIGHT OF WAY LINE OF THE M CANAL, ALL IN TOWNSHIP 43 SOUTH, RANGE 40 EAST, SAID PALM BEACH COUNTY.

CONTAINING A TOTAL OF 4,866.102 ACRES MORE OR LESS.

Exhibit 4.A

Indian Trails Grove Public Facilities Analysis and Table

| A. Traffic Information | | |
|---|--|---|
| Please see Attachment H for the Land Use Plan Amendment Application Traffic Statement prepared by Simmons & White and PBC Traffic Letter <i>(Pending)</i> . | | |
| | Current | Proposed |
| Max Trip Generator | Single Family Residential – ITE 210: 10 trips/DU; Multifamily DU – ITE 220: 7.32 trips/DU; Church – ITE 560: 6.95 trips/1,000 S.F.; Office – ITE 710: $\text{Ln}(\text{T}) = 0.97\text{Ln}(\text{X})+2.5$; Commercial – ITE 820: $\text{Ln}(\text{T}) = 0.68\text{Ln}(\text{X})+5.57$ | Single Family Residential – ITE 210: 10 trips/DU; Church – ITE 560: 6.95 trips/1,000 S.F.; Office – ITE 710: $\text{Ln}(\text{T}) = 0.97\text{Ln}(\text{X})+2.5$; Commercial – ITE 820: $\text{Ln}(\text{T}) = 0.68\text{Ln}(\text{X})+5.57$ |
| Maximum Trip Generation | 45,950 Daily Trips | 31,960 Daily Trips |
| Net Daily Trips: | -13,990 Daily Trips | |
| Net PH Trips: | AM Net Trips: -960 (2,107 proposed – 3,067 current) PM Net Trips: -1,126 (2,664 proposed – 3,790 current) | |
| Significantly impacted road-way segments that fail Long Range | The proposed application results in a reduction in vehicle trips and therefore no Long Range analysis is required. | The proposed application results in a reduction in vehicle trips and therefore no Long Range analysis is required. |
| Significantly impacted road-way segments for Test 2 | The proposed application results in a reduction in vehicle trips and therefore no Test 2 analysis is required. | The proposed application results in a reduction in vehicle trips and therefore no Test 2 analysis is required. |
| Traffic Consultant | Simmons & White, Inc. – Bryan G. Kelley, P.E. & Kyle Duncan, Vice President | |
| B. Mass Transit Information | | |
| Nearest Palm Tran Route (s) | Palm Tran Route 40 runs along Southern Boulevard approximately 4.7 miles south of the subject property, with bus stops 3246 and 3747 located at Seminole Pratt Whitney Road and Southern Boulevard. | |
| Nearest Palm Tran Stop | The nearest stops are at the intersection of Southern Boulevard and Seminole Pratt Whitney Road (3246 & 3747) which is 7+ miles from the subject property. Bus stops have been approved to be provided as part of the development of the Indian Trails Grove PUD. | |

| | |
|--|--|
| Nearest Tri Rail Connection | Route 40 has a direct link to the Downtown West Palm Beach Tri-Rail Station. |
| C. Potable Water & Wastewater Information | |
| Please see Attachment I for the Level of Service letter from the PBC Water Utilities Department dated January 18, 2022. | |
| Potable Water & Wastewater Providers | Palm Beach County Water Utilities Department (WUD) has confirmed that it has capacity for the proposed 2,612 dwelling units and 233,500 square feet of proposed development. |
| Nearest Water & Wastewater Facility, type/size | The nearest potable water mains and sewer mains are located in (1) Hamlin Boulevard at PBC Park "F" (12" water main and 8" force main) approximately 1200 feet from the ITG PUD northern limits; (2) 180 th Avenue North (12' water main and 4" force main) approximately 1000 feet from the ITG PUD southern limits. |
| D. Drainage Information | |
| <p>As provided for in the Drainage Statement (Attachment J), the property is currently permitted under SFWMD Permit No. 50-02564-S. Legal positive outfall will be provided through the existing 200' easement per O.R.B. 1428, Pg. 581 which is under the maintenance obligation of the Cypress Grove CDD and all storm water will ultimately discharge into the L-8 Canal, which is adjacent to the west side of the subject property.</p> <p>The residential and commercial components of the property will be designed to meet the following criteria:</p> <ol style="list-style-type: none"> 1. All discharge to the L-8 Canal will be through a control structure. 2. Minimum finished floor elevation for any structure shall be set above the 100-year, 3-day, zero discharge storm event. 3. A continuous berm shall be constructed around the drainage system with a top elevation set at or above the 25-year, 3-day storm event. <p>The exterior Open Space consists of a 640 acre impoundment, 1,600 acre exchange bank and 448.63 acres of agriculture/water resources. The impoundment will be interconnected with the existing Indian Trail Improvement District (ITID) impoundment off-site and shall be operated by ITID. No storm water from the Indian Trails Grove WCR-PUD will discharge into the impoundment. Additionally, the water resources/agriculture will meet the requirements of SFWMD and Cypress Grove CDD. All discharge from these areas will be through the Cypress Grove CDD canals to the L-8 Canal.</p> | |
| E. Fire Rescue | |
| Nearest Station | Palm Beach County Fire-Rescue Station #22, 5060 Seminole Pratt Whitney Road. |
| Distance to Site | Approximately 2.41 miles, however Fire Station #22 is not capable of serving the ITG PUD, so civic area has been dedicated for a new fire station, as needed by PBC. |
| Response Time | TBD |
| Effect on Resp. Time | Please see letter from the Fire-Rescue Department in Attachment K. Response times are unable to be calculated as Fire Station #22 is not capable of servicing the ITG PUD. A 5 acre Civic dedication is proposed by ITG to provide for a Fire-Rescue Station. |
| F. Environmental | |

| | |
|--|---|
| Significant habitats or species | Per the CPA Environmental Assessment Report prepared by WGI and included as Attachment L, the subject property is an active agricultural operation producing a variety of crops (bell peppers, cabbage, etc.). The majority of the site has been altered for farming practices including rows and furrows and a network of drainage ditches. Little to no vegetation besides the specific crop is present within these areas. In addition, there are numerous wetland areas that have been left in place throughout the property. These herbaceous wetlands are disturbed by exotic and nuisance species. There is one area in the southernmost parcel that has been impacted as a shallow borrow pit. Finally, there is an operations center located in the southeast corner of the site where a barn and offices are located and farm equipment is stored. Due to the current condition and use of the subject property, there are no significant environmental concerns. The lack of quality habitat makes it improbable for any listed animal or plant species to occur on the site. However due to the proximity of the JW Corbett Wildlife Management Area usage by transient species for foraging or other uses may occur on the subject property. |
| Flood Zone* | A majority of the property is located in Flood Zone "B" with a small portion (along the southwest side) being located in Flood Zone AO – Depth 1.0'. Please see Attachment M for Floodplain Statement prepared by GLH Engineering. |
| Wellfield Zone* | The subject property is located outside of the wellfield protection zones. Please see Attachment M for Wellfield Protection Zone Statement prepared by GL Homes. |
| <i>* If the site is located within an A or V flood zone and/or within a Wellfield Protection zone, requests for greater intensity may be viewed unfavorable.</i> | |

G. Historic Resources

Please see Attachment N for Historic Resource Evaluation Letter from the County Historic Preservation Officer/Archeologist dated January 10, 2022. Per the 2015 letter of findings, the Archaeological and Historical Conservancy's (2006) report found no resources, but deeply buried resources could not be accounted for. As such, a Certificate to Dig (CTD) will be required for any excavation of soils to a depth greater than two feet. In addition, the present review of the County's map of known archaeological sites has identified a known archaeological resource (8P815987) located on or within 300 feet of the above referenced properties.

H. Parks and Recreation - Residential Only (Including CLF)

| Park Type | Name & Location | Level of Svc. (ac. per person) | Population Change | Change in Demand |
|-----------------|--|-----------------------------------|----------------------|---------------------|
| Regional | Okeeheelee Park, 7715 Forest Hill Boulevard, West Palm Beach, FL | 0.00339 | 6242 | 21.16 acres |
| Beach | Phil Foster Park, 900 E. Blue Heron Boulevard, Riviera Beach, FL 33404 | 0.00035 | 6242 | 2.18 acres |
| District | Samuel Friedland Park, 18500 Hamlin Boulevard, Loxahatchee, FL 33470 | 0.00138 | 6242 | 8.61 acres |

I. Libraries - Residential Only (Including CLF)

| | | | |
|---------------------------|-------------------------------------|--------------------------|-------------------------|
| Library Name | Acreage Branch | | |
| Address | 15801 Orange Boulevard | | |
| City, State, Zip | Loxahatchee, FL 33470 | | |
| Distance | Approximately 2.2 miles | | |
| Component | Level of Service | Population Change | Change in Demand |
| Collection | 2 holdings per person | 6242 | 12,484 holdings |
| Periodicals | 5 subscriptions per 1,000 persons | 6242 | 32 subscriptions |
| Info Technology | \$1.00 per person | 6242 | \$6,242.00 |
| Professional staff | 1 FTE per 7,500 persons | 6242 | 0.83 FTE |
| All other staff | 3.35 FTE per professional librarian | 6242 | 2.8 FTE |
| Library facilities | 0.34 sf per person | 6242 | 2,122 s.f. |

J. Public Schools - Residential Only (Not Including CLF)

Please see Attachment O for the Level of Service request letter to the School District of PBC.

| | | | |
|-------------------------|-------------------------------------|-------------------------------------|----------------------------------|
| | Elementary | Middle | High |
| Name | Frontier | Osceola Creek | Seminole Ridge Community |
| Address | 6701 180 th Avenue North | 6775 180 th Avenue North | 4601 Seminole Pratt Whitney Road |
| City, State, Zip | Loxahatchee, FL 33470 | Loxahatchee, FL 33470 | Loxahatchee, FL 33470 |
| Distance | Adjacent | Adjacent | 4.4 miles |

Exhibit 4.B

Indian Trails Grove Traffic Division Letter



**Department of Engineering
and Public Works**

P.O. Box 21229
West Palm Beach, FL 33416-1229
(561) 684-4000
FAX: (561) 684-4050
www.pbcgov.com

**Palm Beach County
Board of County
Commissioners**

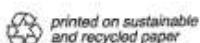
Robert S. Weinroth, Mayor
Gregg K. Weiss, Vice Mayor

Maria G. Marino
Dave Kerner
Maria Sachs
Melissa McKinlay
Mack Bernard

County Administrator

Verdenia C. Baker

"An Equal Opportunity
Affirmative Action Employer"



February 15, 2022

Bryan G. Kelley, P.E.
Simmons & White
2581 Metrocentre Boulevard, Suite 3
West Palm Beach, FL 33407

**RE: Indian Trails Grove
FLUA Amendment Policy 3.5-d Review
Round 2022-22-B2**

Dear Mr. Kelley:

Palm Beach County Traffic Division has reviewed the Land Use Plan Amendment Application Traffic Statement for the proposed Future Land Use Amendment for the above referenced project, revised January 31, 2022, pursuant to Policy 3.5-d of the Land Use Element of the Palm Beach County Comprehensive Plan. The project is summarized as follows:

| | | |
|----------------------------|---|---|
| Location: | Approximately 2 miles west of the intersection of Seminole Pratt Whitney Road and Orange Boulevard | |
| PCN: | 00-40-42-17-00-000-7000 (<i>others on file</i>) | |
| Acres: | 4,866.102 acres | 3,266.102 acres |
| | Current FLU | Proposed FLU |
| FLU: | Western Communities Residential | Western Communities Residential |
| Zoning: | Western Communities Residential – Planned Unit Development | Western Communities Residential – Planned Unit Development |
| Density/Intensity: | 0.80 DU/acre | 0.80 DU/acre |
| Maximum Potential: | Single Family Detached = 3,632 DUs Condo/TH = 265 DUs Church Synagogue = 42,689 SF General Office = 50,000 SF General Commercial = 300,000 SF | Single Family Detached = 2,612 DUs Church Synagogue = 42,689 SF General Office = 33,500 SF General Commercial = 200,000 SF |
| Proposed Potential: | None | None |
| Conditions: | 3,897 DUs of residential uses, | Due to 1,600 acres |



Bryan G. Kelley, P.E.
February 15, 2022
Page 2

| | | |
|--|---|--|
| | 350,000 SF of non-residential uses and private civic site (42,689 SF Place of Worship) <i>Per ORD 2016-041</i> | developable land area to be dedicated to PBC, the residential and non-residential uses are to be reduced to 2,612 DUs and 233,500 SF; and private civic site to remain |
| Net Daily Trips: | -13,898 (maximum -- current) | |
| Net PH Trips: | -960 (-276/-684) AM, -1,126 (-697/-430) PM (maximum) | |
| <i>* Maximum indicates typical FAR and maximum trip generator. Proposed indicates the specific uses and intensities/densities anticipated in the zoning application.</i> | | |

Based on the review it has been determined that the proposed modification to the development plan will result in reduction in daily and peak hour trips compared to that of the previously approved land use amendment, as approved through Ordinance No. 2016-041. Since the project is within the Western Communities Residential Overlay, it is therefore exempt from Policy 3.5-d.

Please contact me at 561-684-4030 or email to DSimeus@pbc.gov.org with any questions.

Sincerely,

Dominique Simeus, P.E.
Professional Engineer
Traffic Division

DS:qg
ec:

Quazi Bari, P.E., PTOE – Manager – Growth Management, Traffic Division
Lisa Amara – Director, Zoning Division
Bryan Davis – Principal Planner, Planning Division
Stephanie Gregory – Principal Planner, Planning Division
Khurshid Mohyuddin – Principal Planner, Planning Division
Kathleen Chang – Senior Planner, Planning Division
Jorge Perez – Senior Planner, Planning Division

File: General - TPS – Unincorporated - Traffic Study Review
N:\TRAFFIC\Development Review\Comp Plan\22-B2\Indian Trails Grove.docx

Exhibit 4.C

Indian Trails Grove Water and Wastewater Letter



**Water Utilities Department
Engineering**

8100 Forest Hill Blvd.
West Palm Beach, FL 33413
(561) 493-6000
Fax: (561) 493-6085
www.pbcwater.com



**Palm Beach County
Board of County
Commissioners**

Robert S. Weinroth, Mayor

Gregg K. Weiss, Vice Mayor

Maria G. Marino

Dave Kerner

Maria Sachs

Melissa McKinlay

Mack Bernard

County Administrator

Verdenia C. Baker

"An Equal Opportunity
Affirmative Action Employer"



printed on sustainable
and recycled paper

January 18, 2022

Urban Design Kilday Studios
610 Clematis Street Suite CU02
West Palm Beach, FL 33401

RE: Indian Trails Grove

PCN 00-40-42-17-00-000-7000, 00-40-42-18-00-000-7000, 00-40-42-19-00-000-9000, 00-40-42-20-00-000-9000, 00-40-42-21-00-000-9000, 00-40-42-22-00-000-1010, 00-40-42-27-00-000-9000, 00-40-42-30-00-000-9000, 00-40-42-31-00-000-9000, 00-40-42-34-00-000-1010, 00-40-43-03-00-000-3020 and 00-40-43-04-00-000-9010

Service Availability Letter

Dear Ms. Megrue,

This is to confirm that the referenced property is located within Palm Beach County Utility Department (PBCWUD) utility service area. PBCWUD has the capacity to provide the level of service required for the proposed future land use of 2612 dwelling units and 233,500 square feet commercial.

A 12" potable water main and 8" wastewater forcemain are located within Hamlin Blvd approximately 1200 feet from the subject property at the northern limits of the property. A 12" potable water main and 4" wastewater forcemain are located within 180th Avenue N approximately 1000 feet from the subject property at the southern limits of the property. Potable water and sanitary sewer extensions will be required to provide a looped system from the north connection on Hamlin Blvd. to the southern connection on 180th Avenue.

Please note that this letter does not constitute a final commitment for service until the final design has been approved by PBCWUD.

If you have any questions, please give me a call at (561)493-6116.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jackie Michels".

Jackie Michels, P.E.,
Plan Review Manager

Exhibit 4.D

Indian Trails Grove School District Correspondence



THE SCHOOL DISTRICT OF
PALM BEACH COUNTY, FL

KRISTIN K. GARRISON
DIRECTOR

JOSEPH M. SANCHES, MBA
CHIEF OPERATING OFFICER

PLANNING AND INTERGOVERNMENTAL RELATIONS
3661 INTERSTATE PARK RD. N., STE 200
RIVIERA BEACH, FL. 33404

PHONE: 561-434-8020 / FAX: 561-357-1193
WWW.PALMBEACHSCHOOLS.ORG/PLANNING

SCHOOL CAPACITY AVAILABILITY DETERMINATION (SCAD)

| | | | | |
|---|--|---|--------------------------------|-------------------------------|
| Application | Submittal Date | 01/07/2022 | | |
| | SCAD Case No. | 22010601F/FLU and 22010601D/D. O. | | |
| | FLU /Rezoning/D.O. No. | Not Provided – Palm Beach County | | |
| | PCN No. / Address | 00-40-42-27-00-000-9000/18033 70th RD N and more | | |
| | Development Name | Indian Trails Grove | | |
| | Owner / Agent Name | Palm Beach West Associates I, LLLP / Sandra J. Megrue | | |
| | SAC No. | 420H | | |
| | Proposed FLU Amendment | Maximum 2,612 Residential Units | | |
| | Proposed Unit No. & Type | 2,612 Single-Family Units | | |
| Impact Review | | Frontier Elementary School | Osceola Creek Middle School | Seminole Ridge High School |
| | New Students Generated | 408 | 225 | 322 |
| | Capacity Available | -296 | -130 | -326 |
| | Utilization Percentage | 135% | 112% | 114% |
| School District Staff's Recommendation | <p>Based on the findings and evaluation of the proposed development, there will be a negative impact on the public school system. Therefore, if the proposed development is approved by the Palm Beach County government, School District staff recommends the following condition to mitigate such impacts.</p> <p>1) To mitigate impacts at the District Elementary and Middle School level, the property owner shall convey to the Palm Beach County School District a 40-acre site to accommodate K-8 new students generated from the subject project;</p> <p>2) In order to address the school capacity deficiency created by this proposed project at the District High School level, the property owner shall contribute \$5,065,382.00 to the School District of Palm Beach County prior to issuance of first building permit. This school capacity contribution is intended to supplement the required school impact fee (impact fee credit has already been applied).</p> <p>Please note that the school impact fee credit is calculated based on the Net Impact Cost per Student, as calculated in the County's latest Impact Fee Ordinance, which was adopted on April 16, 2019.</p> | | | |
| Validation Period | <p>1) This determination is valid from 02/16/2022 to 02/15/2023 or the expiration date of the site-specific development order approved during the validation period.</p> <p>2) A copy of the approved D.O. must be submitted to the School District Planning Dept. prior to 02/15/2023 or this determination will expire automatically on 02/15/2023.</p> | | | |
| Notice | <p>1) The SCAD letter under case# 180522012 and 18052202D is replaced by this letter.</p> <p>2) School age children may not necessarily be assigned to the public school closest to their residences. Students in Palm Beach County are assigned annually to schools under the authority of the School Board and by direction of the Superintendent, public school attendance zones are subject to change.</p> | | | |

Joyce Cai

School District Representative Signature

Joyce C. Cai, Senior Planner

Print Name & Title

February 16, 2022

Date

joyce.cai@palmbeachschools.org

Email Address

CC: Patricia Behn, Planning Director, Palm Beach County
Kevin Fischer, Interim Planning Director, Palm Beach County
Vismayr Dorta, Site Plan Technician, Palm Beach County
Joyell Shaw, PIR Manager, School District of Palm Beach County

The School District of Palm Beach County, Florida
A Top High-Performing A Rated School District
An Equal Education Opportunity Provider and Employer

Exhibit 5.A

Public Facilities Data & Analysis for West Hyder Overlay

| A. Traffic Information | | |
|--|--|---|
| | Current | Proposed |
| Max Trip Generator | Nursery (Garden Center): T = 108.1x; Nursery (Wholesale): T = 576.923x | Maximum: Single Family: T = 10x; Proposed: Multifamily: T = 7.32x, 55+ SF: T = 4.27x, Church: T = 6.95x, Office: Ln(T) = 0.97Ln(x)+2.5; Elementary School: T = 1.89x |
| Maximum Trip Generation | The trip generation for the maximum potential | The trip generation for the maximum potential AND the proposed potential |
| Net Daily Trips: | 5,659 Increase (maximum minus current) 3,360 Decrease (proposed minus current) | |
| Net PH Trips: | 973 AM, 652 PM (proposed development including school) 809 AM, 352 PM (proposed development including school minus existing maximum potential) | |
| Significantly impacted roadway segments that fail Long Range | None | None |
| Significantly impacted roadway segments for Test 2 | None | Atlantic Ave from SR 7 to Lyons Rd, Sr 7 from Atlantic Ave to Clint Moore Road, SR 7 from Clint Moore Rd to Yamato Rd, SR 7 from Yamato Rd to Glades Rd, Clint Moore Rd from SR 7 to Lyons Rd |
| Traffic Consultant | Simmons & White | |
| B. Mass Transit Information | | |
| Nearest Palm Tran Route (s) | Route 81 – Delray Beach via Atlantic Avenue | |
| Nearest Palm Tran Stop | Stop # 6409 - Oriole Plaza, Northeast corner of Hagen Ranch Road & Atlantic Avenue Approximately 5 miles to the northeast of Property | |
| Nearest Tri Rail Connection | Via Route 81 - Delray Beach TriRail Station, East side of Congress Avenue, approximately ¼ mile south of Atlantic Avenue Approximately 9 miles to the northeast of the Property | |
| C. Potable Water & Wastewater Information | | |

| | |
|---|--|
| Potable Water & Wastewater Providers | Palm Beach County Water Utilities Department. Sufficient capacity is available for the proposed development. Connection to sewer will require a lift station and force main extension. |
| Nearest Water & Wastewater Facility, type/size | The nearest point of connection is a 42" potable water main and a 10" sanitary sewer forcemain located within SR 7 adjacent to the subject property. Offsite improvements may be required. |

D. Drainage Information

Summarize Drainage Statement here and refer to Application Attachment J which must provide:

1. *Identify the drainage provider for the site and attach a drainage statement with an engineer's seal prepared within 90 days of submittal. Drainage providers include drainage districts, improvement districts, water control districts, the South Florida Water Management District, and the Florida Department of Transportation (for properties fronting on I-95 or the Florida Turnpike).*
2. *Indicate in which drainage basin the subject property is located (e.g. C-18 basin; C-51 basin; and the Hillsboro Canal basin).*
3. *Identify the drainage facility that would service the subject property and the point of legal positive outfall to that facility. Facilities include swales, ditches, canals, and storm sewers.*
4. *Describe the level of protection standard established for the site as identified in the Stormwater Management Sub-Element in the Comprehensive Plan. Identify what measures will be taken to assure that the volume, rate, timing, and pollutant load of runoff based on the proposed FLUA designation of the property do not exceed those which occurred based on the property's current FLUA designation. LOS information is available in Stormwater Management Sub-Element in the Comprehensive Plan.*

E. Fire Rescue

| | |
|-----------------------------|--|
| Nearest Station | Station # 54 – 18501 State Road 7 |
| Distance to Site | Approximately 2 miles |
| Response Time | This property is served currently by Palm Beach County Fire-Rescue station #54, which is located at 18501 S. State Road 7. The maximum distance traveled to subject property is approximately 3.50 miles from the station. The estimated response time to the subject property is 9 minutes 30 seconds. For fiscal year 2021, the average response time (call received to on scene) for this station's zone is 7 minutes 22 seconds. |
| Effect on Resp. Time | This land use change will generate approximately 184 additional calls/year to this station, with a response time of 9 minutes and 30 seconds, which is much greater than our standard of 7 minutes and 30 seconds. This change will have a significant impact on Fire Rescue. |

F. Environmental

| | |
|--|--|
| Significant habitats or species | There are no significant habitats or species on the Property. The site has previously cleared and utilized for agricultural row crops. |
| Flood Zone* | The Property is located in Zone X, which is not a flood zone. |
| Wellfield Zone* | The Property is not located within a Wellfield Protect Zone. |

G. Historic Resources

There are no significant historic resources on the Property or within 500 feet of the Property. See Attachment N.

H. Parks and Recreation - Residential Only (Including CLF)

| Park Type | Name & Location | Level of Svc. (ac. per person) | Population Change | Change in Demand |
|-----------|---|-----------------------------------|----------------------|---------------------|
| Regional | West Delray Regional Park 10875 Atlantic Avenue Delray Beach, Florida 33436 | 0.00339 | +1,250 | +4.24 ac |
| Beach | South Inlet Park 1100 S. Ocean Boulevard Boca Raton, Florida 33432 | 0.00035 | +1,250 | +0.44 ac |
| District | Loggers' Run Park 11185 Palmetto Park Road Boca Raton, Florida 33428 | 0.00138 | +1,250 | +1.73 ac |

I. Libraries - Residential Only (Including CLF)

| Library Name | West Boca Branch Library | | |
|--------------------|----------------------------|-------------------|---------------------|
| Address | 18685 State Road 7 | | |
| City, State, Zip | Boca Raton, Florida 33498 | | |
| Distance | Approximately 2 miles | | |
| Component | Level of Service | Population Change | Change in Demand |
| Collection | 2 holdings per person | +1,250 | +2,500 holdings |
| All staff | 0.6 FTE per 1,000 persons | +1,250 | +0.75 FTE |
| Library facilities | 0.6 square feet per person | +1,250 | +750 SF |

J. Public Schools - Residential Only (Not Including CLF)

| | Elementary | Middle | High |
|------------------|-----------------------|-----------------------|---------------------------|
| Name | Sunrise Park | Eagles Landing | Olympic Heights Community |
| Address | 19400 Coral Ridge Dr. | 19500 Coral Ridge Dr. | 20101 Lyons Road |
| City, State, Zip | Boca Raton, FL 33498 | Boca Raton, FL 33498 | Boca Raton, FL 33434 |
| Distance | Approximately 4 miles | Approximately 4 miles | Approximately 5 miles |

Exhibit 5.B

Potable Water and Wastewater Letter for West Hyder Overlay



**Water Utilities Department
Engineering**

8100 Forest Hill Blvd.
West Palm Beach, FL 33413
(561) 493-6000
Fax: (561) 493-6085
www.pbcwater.com



**Palm Beach County
Board of County
Commissioners**

Robert S. Weinroth, Mayor

Gregg K. Weiss, Vice Mayor

Maria G. Marino

Dave Kerner

Maria Sachs

Melissa McKinlay

Mack Bernard

County Administrator

Verdenia C. Baker

April 5, 2022

Morton
3910 RCA Boulevard
Palm Beach Gardens, FL 33410

RE: West Hyder Overlay

PCN 00-41-46-25-00-000-1050, 00-42-43-27-05-069-0011, 00-41-46-25-00-000-1040, 00-42-43-27-05-069-0012, 00-42-46-25-00-000-5020, 00-42-43-27-05-069-0092, 00-41-46-25-00-000-5030, 00-42-43-27-05-069-0132, 00-41-46-25-00-000-5040 & 00-41-46-35-00-000-1010
Service Availability Letter

Ms. Velasco,

This is to confirm that the referenced property is located within Palm Beach County Utility Department (PBCWUD) utility service area. Based on a review of current PBCWUD infrastructure and existing customers within the general vicinity of the referenced property, PBCWUD currently has the capacity to provide the level of service required for the development of a 60/40 AGR-PUD on the Property. The proposed density will be 1du/ac for a total of 1,250 units developed on this property.

The nearest point of connection is a 42" potable water main and a 10" sanitary sewer forcemain located within SR 7 adjacent to the subject property. Offsite improvements may be required.

Please note that this letter does not constitute a final commitment for service until the final design has been approved by PBCWUD. In addition, the addition of new developments/customers prior to service initiation to the property may affect the available capacity. PBCWUD does not make any representations as to the availability of capacity as of the future service initiation date.

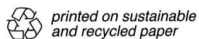
If you have any questions, please give me a call at (561)493-6116.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jackie Michels".

Jackie Michels, P.E.,
Project Manager

"An Equal Opportunity
Affirmative Action Employer"



printed on sustainable
and recycled paper

Exhibit 5.C

School District Letter West Hyder Overlay



THE SCHOOL DISTRICT OF
PALM BEACH COUNTY, FL

PLANNING AND INTERGOVERNMENTAL RELATIONS
3661 INTERSTATE PARK RD. N., STE 200
RIVIERA BEACH, FL. 33404

PHONE: 561-434-8020 / FAX: 561-357-1193
WWW.PALMBEACHSCHOOLS.ORG/PLANNING

KRISTIN K. GARRISON
DIRECTOR

JOSEPH M. SANCHES, MBA
CHIEF OPERATING OFFICER

SCHOOL CAPACITY AVAILABILITY DETERMINATION (SCAD)

| | | | | |
|---|--|--|---------------------------------|--------------------------------|
| Application | Submittal Date | 03/02/2022 | | |
| | SCAD No. | 22030201Z – Re-Zoning | | |
| | FLU /Rezoning/D.O. No. | Not Provided – Palm Beach County | | |
| | PCN No. / Address | 00-41-46-25-00-000-1040; 1050 / 16533 S State Road 7 | | |
| | Development Name | Hyder West Civic AGR- PUD | | |
| | Owner / Agent Name | Palm Beach West Associates I, LLLP/Ryan Vandenburg | | |
| | SAC No. | 295C | | |
| | Proposed Re-Zoning | Maximum 250 Residential Units | | |
| Impact Review | | Sunrise Park Elementary School | Eagles Landing Middle School | Olympic Heights High School |
| | New Students Generated | 39 | 22 | 31 |
| | Capacity Available | -426 | -610 | -548 |
| | Utilization Percentage | 144% | 147% | 124% |
| School District Staff's Recommendation | Based on the findings and evaluation of the proposed development, there will be a negative impact on the public school system. Therefore, if the proposed development is approved by the Palm Beach County government, School District staff recommends the following condition to mitigate such impacts. | | | |
| | In order to address the school capacity deficiency generated by this proposed development at the District elementary, middle and high school level, the property owner shall contribute a total of \$971,816.00 to the School District of Palm Beach County prior to the issuance of first building permit. | | | |
| | This school capacity contribution is intended to supplement the required school impact fee (impact fee credit has already been applied). The contribution amount may be adjusted to reflect the actual unit number and type during the Development Order process. | | | |
| | Please note that the school impact fee credit is calculated based on the Net Impact Cost per Student, as calculated in the County's latest Impact Fee Ordinance, which was adopted on April 16, 2019. | | | |
| Validation Period | 1) This determination is valid from 03/11/2022 to 03/10/2023 or the expiration date of the site-specific development order approved during the validation period. 2) A copy of the approved D.O. must be submitted to the School District Planning Dept. prior to 03/10/2023 or this determination will expire automatically on 03/10/2023. | | | |
| Notice | School age children may not necessarily be assigned to the public school closest to their residences. Students in Palm Beach County are assigned annually to schools under the authority of the School Board and by direction of the Superintendent, public school attendance zones are subject to change. | | | |

Joyce Cai

School District Representative Signature

Joyce C. Cai, Senior Planner

Print Name & Title

March 11, 2022

Date

joyce.cai@palmbeachschools.org

Email Address

CC: Vismary Dorta, Site Plan Technician, Palm Beach County
Joyell Shaw, PIR Manager, School District of Palm Beach County

The School District of Palm Beach County, Florida
A Top High-Performing A Rated School District
An Equal Education Opportunity Provider and Employer

Exhibit 6

Developer's Commitments, July 5, 2022

GL Homes Indian Trail Groves Water Resource Project:

GL Homes is proposing:

- Dedication of 1,600 acres to Palm Beach County
- Design, Permit and Construction of a water resources project to benefit the region

Land Proposal

The proposed 1,600-acre Indian Trail Groves dedication is located within the Cypress Groves Community Development District (CGCDD). It is shown as the blue area in Figure 1.

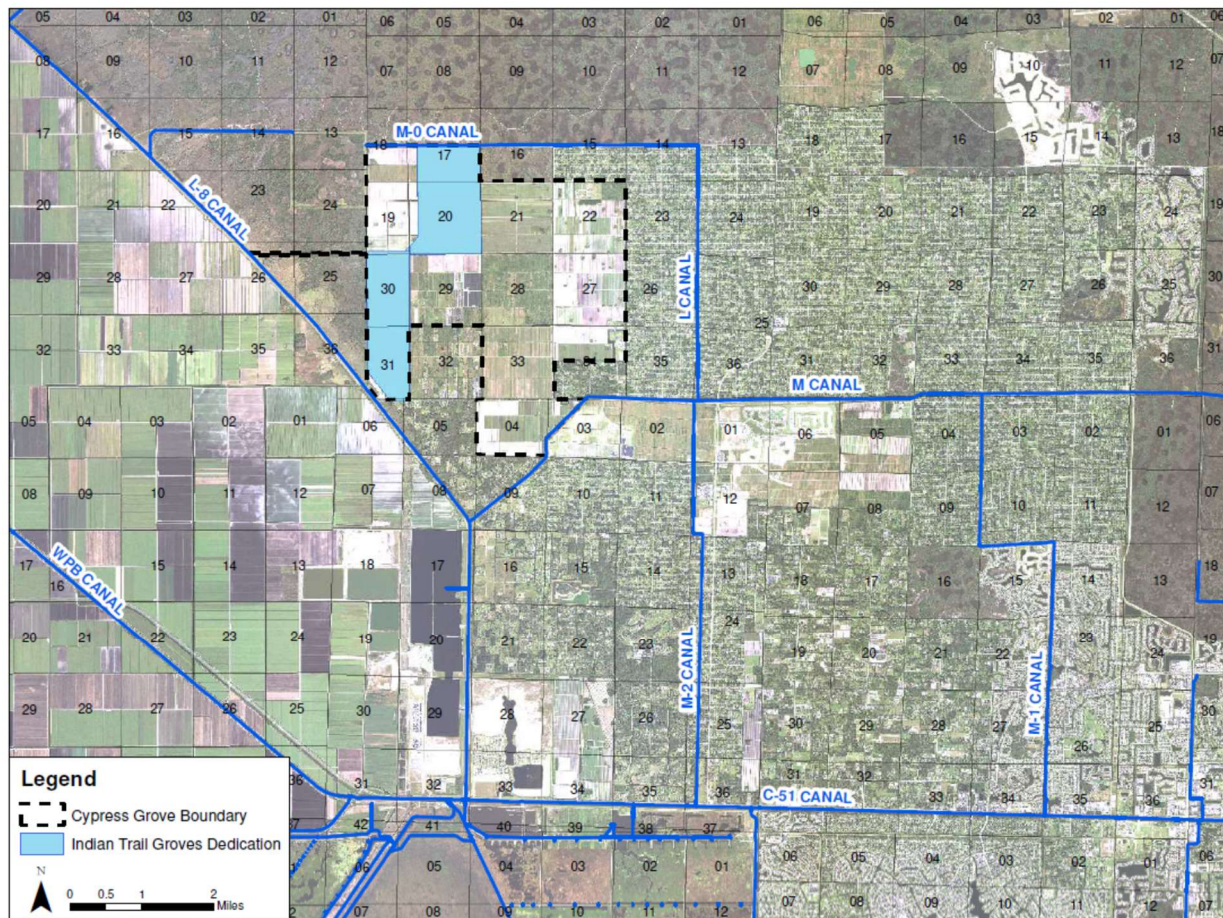


Figure 1

The northern portion (Sections 17 and 20) is the location for the proposed water resources project (discussed below). The southern portion (Sections 30 and 31) is currently in agricultural production and is proposed to remain in agriculture for the following reasons:

- The south parcel has over 3 feet of elevation change from north to south, which makes the design of a water resources reservoir, and treatment facility difficult, because the design would require breaking the property into smaller reservoir cells to maximize storage potential.
- The adjacent properties to the southeast in the Santa Rosa Groves area are already prone to flooding and any above ground reservoir would potentially exacerbate their existing drainage problems.

The lease payments from the dedicated property will help offset the anticipated operations and maintenance costs of the proposed water resources project and keep current agricultural land in continued agricultural production.

Water Resources Project Proposal

The proposed water resource project includes the construction of an approximate 750-acre above ground reservoir that would provide approximately 3,000 acre-feet of storage and water quality treatment. The project will also include construction of new pump stations and gravity outfalls to increase the County's flexibility in managing water resources in the area. The location of the proposed reservoir is shown as the yellow area on Figure 2. It will have a normal high water depth of 4 feet and the perimeter berm top elevation will provide 2 feet of freeboard above the high water depth. The perimeter berm is proposed to have a 20-foot wide top width, an approximate top elevation of 25.5 ft. NAVD88 and 3:1 side slopes.

1. Proposed Water Routing

Excess stormwater runoff will be pumped from the SFWMD L-8 Canal into the CGCDD main inflow/outflow canal using a new 30,000 GPM pump constructed by GL Homes in existing Pump Station PS1. Proposed pump station PS3 will move water into the Sections 17 and 20 reservoir using two new 15,000 GPM pumps. Water retention in the reservoir will provide water quality treatment and removal of nutrients. In general, the source water from the L-8 Canal is approximately 120-150 parts per billion (ppb) Total Phosphorus (TP) and the reservoir will reduce that to approximately 45-60 ppb TP. The water in the reservoir can then be moved in a variety of different directions (Figure 2), which will benefit the water resources of the region:

- Route 1 – treated water can gravity discharge into the Indian Trails Improvement District's (ITID) M-O canal by a new gravity control structure, S3, constructed by GL Homes. Treated water would then travel east through the ITID canal system and discharge into the M-Canal via a new

30,000 gpm pump station, PS4, that G.L. Homes would construct on ITID's L-Canal. The M-Canal is used to recharge the Grassy Waters Preserve.

- Route 2 – as in Route 1, treated water can gravity discharge into the Indian Trails Improvement District's (ITID) M-O canal by a new gravity control structure, S3, constructed by GL Homes. Treated water would then travel west into the ITID M-1 Impoundment, where it could then be pumped into the Moss Property North or the L-8 Canal.
- Route 3 – Treated water can gravity discharge back into the CGCDD internal canal system using the proposed gravity outfall S4, constructed by GL Homes and be discharged back into the L-8 Canal using pump station PS2. The water returning to the L-8 Canal would have better quality due to the retention in the reservoir.

2. Moss Property South Improvements

The proposed water resources project includes a 4,500 GPM pump, Pump Station PS5, which will move water out of the CGCDD primary inflow and outflow canal and discharge it onto the South Moss Property (See Figure 2). The new pump station will provide water to extend the hydroperiods on the South Moss Property, which is a desired environmental benefit.

3. Proposed new water control structures constructed by GL Homes

- Pump Station PS1 - a new 30,000 GPM pump which will bring the total pump station capacity of Pump Station 1 to 44,376 GPM. It will move water from the L-8 Canal into the CGCDD internal canal system.
- Pump Station PS3 – two new 15,000 GPM pumps. It will move water from the CGCDD internal canal system into the Sections 17 and 20 Reservoir.
- Pump Station PS4 – two new 15,000 GPM pumps. It will move water from the ITID L- Canal into the M-Canal.
- Pump Station PS5 – a new 4,500 GPM pump to move water out of the CGCDD inflow/outflow canal and discharge it on the Moss Property.
- Gravity outfall S3 - discharge from the Sections 17 and 20 Reservoir into the ITID M-O Canal.
- Gravity outfall S4 - discharge from the Sections 17 and 20 Reservoir into the CGCDD internal canal system.

Water Resources Project Benefits

- Improves Lake Worth Lagoon by capturing fresh water discharges that would have otherwise damaged the lagoon ecosystem.
- Stores and cleans water that goes to Grassy Waters Preserve, the City of West Palm Beach Water Treatment Plant and the Loxahatchee River.

- Provides a critical regional connection of the L-8 to the M-O Canal. This partially completes Flowway 2 of the Loxahatchee River Watershed Restoration Plan proposed by Palm Beach County.
- Improves the South Moss Property by increasing the hydroperiod of the property.
- Provides Indian Trail Improvement District with better flood protection by removing the reservoir property from ITID's contributing area.
- Improves the water quality of the discharges going to the Lake Worth Lagoon – if discharged back into the L-8 Canal after treatment and storage.

FD&O:

- ITG Civic:

- Required Public and/or Private Civic (2% of gross 4866.102 acres) = 97.322 acres.

Provided (Public):

Civic Pod 2 (School) – 40.025 gross/37.943 net

Civic Pod 4 (Public – Fire/Police) – 5.570 gross/4.247 net

Civic Pod 4 (Park) – 43.448 gross/38.201 net

Provided (Private):

Civic Pod 1 (church) – 10.722 gross/8.255 net

TOTAL PUBLIC & PRIVATE – 99.765 gross/88.646 net

- Developer agrees to not seek impact fee credits for any public civic dedication (schools, fire-rescue, law enforcement, library, public buildings, and parks and recreation).

- Hyder West PUD:

- Required Public Civic (2% of gross 477.05 acres) = 9.541 acres.

Provided (Public – gross): 0.000 gross/0.000 net¹

¹ Public civic requirement to be provided off-site on Hyder West Civic PUD.

- Developer agrees to not seek impact fee credits for any public civic dedication (schools, fire-rescue, law enforcement, library, public buildings, and parks and recreation).

- Hyder West Civic PUD:

- Required Public Civic (2% of gross 104.88 acres) = 2.098 acres.

- Provided (Public – gross): 28.630 gross/24.999 net
- Developer agrees to not seek impact fee credits for any public civic dedication (schools, fire-rescue, law enforcement, library, public buildings, and parks and recreation).

Engineering – Traffic:

- ITG: Traffic report submitted with rezone application includes the allocation of the \$5M phased in the same proportion (25%) based on the reduced number of units. The BCC has the authority to decide the allocation of the \$5M.

Parks & Recreation:

- Hyder West: Developer agrees to design, permit, construct and convey to PBC a 100 acre passive public park and equestrian riding trail. The passive park design will include parking areas for both cars and equestrian trailers, pedestrian trail and equestrian trail. Equestrian access will be provided within Hyder West Civic PUD to connect Sunshine Meadows to the 100 acre passive public park equestrian element.

Housing and Economic Development:

- Hyder West Civic PUD: Agree to increase WFH from 250 units total to 277 units total (152 For Sale and 125 MF Rentals). 152 For Sale (38 Low, 38 Mod 1, 38 Mod 2, 38 Middle); 125 Rentals (32 Low, 31, Mod 1, 31 Mod 2, 31 Middle). WFH unit delivery within Hyder West Civic PUD: (1) agree to CO 100th WFH unit prior to issuance of the 100th CO in Hyder West PUD; (2) agree to CO 200th WFH unit prior to issuance of the 200th CO in Hyder West PUD; and (3), agree to CO all 277 WFH units prior to issuance of the 277th CO in Hyder West PUD.
- ITG: no change from developers request: 261 on-site, off-site or exchange

Environmental Management:

- ITG: Phase I Environmental assessment will be done and all necessary soil remediation will be completed prior to conveyance to PBC.
- Hyder West: All exotic/prohibitive non-native plants species will be removed in accordance with the Hyder Ag. Reserve Exotic Vegetation Management Plan (as to be amended if the PUDs are approved).

Exhibit 7 Correspondence

Staff received 16 emails with the letter below.

From: jaestor@gmail.com
Sent: Wednesday, July 13, 2022 5:40 PM
To: [Bryan Davis](#); [Dave Kerner M.](#); [Gregg Weiss](#); [Mack Bernard](#); [Maria Marino G.](#); [Melissa McKinlay](#); [Maria Sachs](#); [Robert Weinroth S.](#)
Subject: Agricultural Reserve Tier south of Rio POCO

***** Note: This email was sent from a source external to Palm Beach County. Links or attachments should not be accessed unless expected from a trusted source. *****

Dear County Commissioner:

We are OPPOSED to 1,250 new units in the Agricultural Reserve Tier south of Rio POCO. This land was specifically zoned agriculture and we want to save our farm land. This land does not have TDR's and under current rules, developers can only trade land within the reserve to add homes. This is unprecedented. This has to stop! We understand that Thomas Produce's land is going to have a tiny fraction of the amount of homes and that will create tremendous congestion in the area. We cannot imagine 1,260 more.

Thanks in advance for your help

Regards,

Jairo De La Espriella

Home owner

16170 Rio Del Paz,

Delray Beach, FL 33446

From: [Kathy Sutton](#)
Sent: Tuesday, July 19, 2022 10:11 AM
To: [Bryan Davis](#); [Maria Sachs](#); [Robert Weinroth S.](#); [Gregg Weiss](#); [Maria Marino G.](#); [Dave Kerner M.](#); [Melissa McKinlay](#); [Mack Bernard](#)
Cc: [Jay Pearlman](#)
Subject: Proposed Future Land Use

***** Note: This email was sent from a source external to Palm Beach County. Links or attachments should not be accessed unless expected from a trusted source. *****

Dear County Commissioners:

My family moved here from Houston, Texas almost two years ago. My son trains tennis full time but we mainly moved to West Delray to get away from the traffic congestion and the flooding. One of our scariest times in Houston was during Hurricane Harvey. We were surrounded by water but ended up being very lucky that our property was not damaged. However, we could not get out for 5 days until the water finally receded. There were those that were less fortunate and they lost everything. It was devastating!!! We helped so many people that had their homes and lives destroyed. It was very sad. There are currently hundreds of individual lawsuits against the County and the US Army Corps of Engineers for over development and for not planning for flood control due to the developments. The amount of traffic congestion and the over development of housing created by those within the County affected everyone.

We live in Rio POCO and when it rains a lot in a short period of time, we have a few areas that flood, currently. For this reason, we are 100% OPPOSED to the 1,250 new units in the Agricultural Reserve Tier south of Rio POCO. It is my understanding that this land was specifically zoned agriculture and we want to save our farm land. This land does not have TDR's and under current rules, developers can only trade land within the reserve to add homes. This is unprecedented. This has to stop! We understand that Thomas Produce's land is going to have a tiny fraction of the amount of homes and that will also create tremendous congestion in the area. We cannot imagine an 1,250 additional homes. The traffic during rush hour on 441 has increased tremendously in the short period of time since we have lived in our home.

I wanted to make the Commissioners aware of our past experiences and the current situation in our area of Palm Beach County. Thank you for your consideration.

Stephanie Gregory

From: PBCGOV Form Service <form@surveygizmo.com>
Sent: Monday, May 2, 2022 5:22 PM
To: pbc-comment; David Kelly A.
Subject: Public Comment Form

***** Note: This email was sent from a source external to Palm Beach County. Links or attachments should not be accessed unless expected from a trusted source. *****

Public Comment Form

First Name: vanessa

Last Name: geraci

Address: 6062 Las Colinas Circle

City: Lake Worth

State: FL

Zip Code: 33463

Email: vanessger@gmail.com

Agenda Item # or Topic:

Hyder-West Property

Your Message:

Please stop Gl Homes from doing the land swap to obtain the Hyder-West Property. This is where Sunshine Meadows Equestrian is located and this should not be destroyed by GL Homes. My children boarded their horses there and enjoyed the beautiful riding trails throughout the AG Reserve. Enough is enough GL Homes you already took over Lyons road!

GL Homes builds communities for the Boca Raton address for the purpose of sales. Boca sells, but GL is inundating and harming the Boca schools. Eagles Landing Middle School is severely over enrolled and Gl just keeps building homes to tout they are in the "Boca School System" but the schools and the teachers are suffering.

Please: VOTE NO AND STOP GLHOMES FROM DESTROYING MORE OF THE AG RESERVE .

VOTE NO ON THE HYDER-WEST PROPERTY AND SAVE SUNSHINE MEADOWS.