



COMPREHENSIVE PLAN AMENDMENT STAFF REPORT AMENDMENT ROUND 22-B

BCC TRANSMITTAL PUBLIC HEARING, MAY 4, 2022

I. General Data

Project Name: Agricultural Reserve Essential Housing Future Land Use Designation

Element: Future Land Use Element

Project Manager: Maria Bello, Principal Planner

Staff Recommendation: Staff recommends **approval** based on the findings and conclusions presented in this report.

II. Item Summary

Summary: This proposed County Initiated amendment would revise the Future Land Use Element to create a new Future Land Use (FLU) designation for the Agricultural Reserve (AGR) Tier only, and make related changes. Specifically, this amendment proposes to:

- Establish a new residential Future Land Use designation, **Essential Housing**, to facilitate higher-density residential development including multifamily in the AGR Tier; establish requirements for location, frontage, minimum size, and required percentages of preserve area and of workforce housing for the Essential Housing FLU designation; and, remove obsolete policies and clarify language in existing policies.

Assessment: The objective of the Agricultural Reserve is to “*preserve and enhance agricultural activity, environmental and water resources.*” Toward this objective, several development types have been implemented, including the low-density 60/40 AGR PUD, and the traditional marketplaces intended to provide services for residents and farmworkers in the AGR Tier. Other uses have introduced additional employment, including a hospital, several schools, and several industrial sites. Given the low-density development pattern in the AGR Tier, there are limited housing opportunities for most people employed in these workplaces. Creating a higher-density category with both a significant workforce housing requirement and a preserve requirement helps to address this imbalance while continuing to support the preservation objective, and helps to create livable communities while recognizing unique characteristics of the area. Locating that higher-density, compact development on major corridors in proximity to the marketplaces limits trips and facilitates transit access. Workforce housing in the AGR Tier also furthers the County objectives of dispersing workforce housing and addressing the housing needs of lower income households. Staff recommends **approval**.

III. Hearing History

Local Planning Agency: *Approval*, motion by Glenn Gromann, seconded by Angella Vann, passed in a 6 to 1 vote (with Cara Capp dissenting) at the April 8, 2022 public hearing. Under discussion, the Commission members asked questions about the density for the proposed future land use designation, utilizing preserve parcels for water management, the requirement for two housing types, and the ability for the preserve areas to be reassigned to another development area. Two members of the public, representing 1,000 Friends of Florida and the Sierra Club Loxahatchee Group, spoke in opposition stating that high density and workforce housing is not appropriate in the Agricultural Reserve Tier. Three members of the public spoke in support stating that workforce housing is needed in the County and requested modifications to delete the two housing type requirements and to allow water management tracts within preserve areas.

Following the Planning Commission, Staff added language to Exhibit 1 (shown in double underline) to require two housing types for projects over 200 units, which was inadvertently omitted.

Board of County Commissioners Transmittal Public Hearing:

State Review Agencies:

Board of County Commissioners Adoption Public Hearing:

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IV. Intent

This proposed amendment is intended to implement the Board direction provided on November 3, 2021, to develop a new, higher-density option in order to facilitate workforce housing in the AGR Tier. On February 2, 2022, the Board formally initiated a text amendment to the Comprehensive Plan for staff to proceed with the review and analysis of the proposed amendment. Based on Board discussion, the amendment addresses criteria for the minimum size, maximum density, minimum preserve and workforce housing requirements, as well as locational requirements reflecting Board discussions on roadway frontage and reasonable proximity to the marketplaces for access to employment and services. The amendment also includes updates to existing AGR Tier policies, removing obsolete provisions and clarifying others.

V. Background

History of the Agricultural Reserve and Residential Development Options. The AGR Tier is an area of the County with unique, limited development options. These limitations are intended to further the objective of the AGR Tier, as stated in Objective 1.5.

OBJECTIVE 1.5, The 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.*

The area was first designated as the “Reserve” in the 1980 Comprehensive Plan, with an emphasis on preservation of agriculture. Residential development options were limited to 1 unit per 5 acres, or 1 unit per acre in an “80/20” planned development that limited the buildable area to 20%. The Reserve was also designated as a sending area for transfer of development rights.

The Comprehensive Plan adopted in 1989 adjusted the boundaries and renamed the area the “Agricultural Reserve.” The Plan maintained the prior development options, but also called for a study to determine the long-term viability of agriculture. Following completion of the study, the County adopted policies to enhance agriculture, including a Purchase of Agricultural Conservation Easements (PACE) program, and adopted a framework for future development to be applied if the PACE program was not implemented and funded. These amendments were found not in compliance by the state review agency, stating that the inclusion of a plan for future development was inconsistent with the agricultural preservation objective of the Agricultural Reserve. The settlement of these non-compliance issues resulted in the elimination of the future development framework, and the addition of the 60/40 planned development option in 1995, as a means to promote preservation.

Bond Issue and Master Plan. In the late 1990’s the Board contemplated a bond issue to fund the fee-simple purchase of lands in the Agricultural Reserve, to replace the PACE program which had not been successful. In 1998, the Board directed development of a Master Plan for the Agricultural Reserve, to depict for voters the potential outcome if a bond were to be approved. The bond issue was approved by voters in 1999, and in the same year the Agricultural Reserve was designated as a Tier in the Managed Growth Tier System within the Comprehensive Plan. The Board ultimately did not adopt the Master Plan, but adopted amendments to the

Comprehensive Plan in 2001 incorporating some of the recommendations of the final Master Plan. With regard to residential development options, the Comprehensive Plan retained the prior development options, and allowed for residential density to be included in the two marketplace developments that were recommended by the Master Plan.

Master Plan Recommendations for Higher-density Residential Development. In addition to the recommendations to continue the low density and clustered residential development options already available in the Agricultural Reserve, the consultants hired to develop the Master Plan also addressed the provision of residential in several other recommendations:

Traditional Marketplaces: The consultants recommended that residential uses be encouraged in the two traditional marketplaces that were proposed for the area of Boynton Beach Boulevard and Lyons Road, and Atlantic Avenue and Lyons Road. The consultants recommended that the County permit the use of one residential dwelling unit per acre in addition to the nonresidential uses allowed in these areas, provided that the residential units were vertically integrated with the nonresidential uses. The consultants noted that this type of incentive would encourage affordable housing in the Agricultural Reserve and reduce traffic in the mixed use centers. When the recommendations were reviewed by the Board, the Board directed that no density bonuses be allowed in the mixed use centers. When the Comprehensive Plan was amended in 2001 to implement many of the Master Plan recommendations as approved or modified by the Board, the policies enabling the traditional marketplaces permitted residential at one unit per acre.

Subsequently, the two traditional marketplaces were developed. Both include residential components: 73 units at Delray Marketplace, and 34 units at Canyons Town Center; however, these units have not been constructed and there is no requirement that they be built or be income restricted if built.

Economic Development Centers: The consultants recommended that residential also be permitted as part of the two Economic Development Centers proposed to accommodate industrial uses in the Agricultural Reserve. These were proposed for two locations, within 1/4 mile of the Turnpike interchanges at Boynton Beach Boulevard and at Atlantic Avenue. The Board did not concur with this recommendation and directed that no new Industrial designations be permitted in the Agricultural Reserve. As a result, the Economic Development Center concept was not implemented.

Unit Types: The consultants' recommendations for code changes also included a broader recommendation regarding unit types that should be permissible in the Agricultural Reserve:

10. None of the following residential unit types should be prohibited:

- a) Apartments above shops*
- b) Apartments in buildings*
- c) Row houses/Townhouses*
- d) Accessory Dwelling units*
- e) Guest Cottages*
- f) Single Family Detached Houses*
- g) Adult Congregate Care Facilities*

All of the unit types listed in the consultant's recommendation are permitted in the AGR Tier, either in the AGR FLU, in the AGR Planned Developments, or in the traditional marketplaces. To date, however, only single family dwellings have been developed; a Comprehensive Plan

amendment to permit a Congregate Living Facility has been transmitted and is scheduled for adoption public hearing in April 2022.

Current Residential Development Options in the Agricultural Reserve. The base residential density in the Agricultural Reserve is 1 unit per 5 acres. There are approximately 1,200 acres in this development pattern in the AGR Tier, often with homes and on-site agricultural operations. More than 30 residences with agricultural operations on site have chosen to participate in the Agricultural Reserve Farm Residence Preserve option that the Board adopted in 2016, enabling all but one acre of the parcel to be placed under a conservation easement, and the associated development rights to be transferred to a 60/40 AGR-PUD.

Toward the stated objective of preserving the AGR Tier primarily for agricultural use, two additional residential development options are offered that are unique to this area of the County:

- **80/20 AGR Planned Unit Development:** 1 dwelling unit per 1 acre, with a minimum of 40 contiguous acres. Units are to be clustered onto 20% of the land area, and the balance preserved as agriculture, passive recreation, or other open space use.
- **60/40 AGR Planned Unit Development:** 1 dwelling unit per acre, with a minimum of 250 acres. Units are clustered onto 40% of the land area, and the balance preserved as agriculture, passive recreation, or other open space use. The preserved portion can be provided in multiple parcels, and need not be contiguous to one another nor to the development area; the development area must be located east of State Road 7.

The majority of the residential development in the Tier has been through 60/40 AGR Planned Unit Developments (PUD). Nearly 11,000 units have been approved in this form. The resulting net density of the 60/40 AGR PUD development areas is 2.5 units per acre (the clustered density on the development portion of the AGR PUD). These 60/40 AGR-PUDs have been developed exclusively with detached single-family or zero lot line units. The preserve areas resulting from these developments total nearly 7,500 acres.

In February 2022, the Board initiated a Comprehensive Plan amendment to consider allowing specific AGR 60/40 PUDs to use lands currently within the Indian Trails Grove approved development (located in the Rural Tier) to fulfill the 60/40 preserve requirements, and to allow these development areas and associated institutional uses to be located west of State Road 7. As part of this development proposal, the applicant is proposing a total of 250 workforce housing units, comprising 130 townhouses and 120 multifamily units. Public hearings to consider adoption of these amendments are anticipated in the fall of 2022.

One development used the 80/20 AGR PUD option, but did not use all of its available density and also developed with single-family homes. As noted above, the two marketplaces that have been developed in the Tier were each approved with a residential component based on plan policies that allow for residential at one unit per acre in the marketplaces: 73 units at Delray Marketplace, and 34 units at Canyons Town Center. These units have not been built.

Amendments Proposing Density Increases in the Agricultural Reserve. Since the adoption of the Master Plan implementing policies in 2001, several privately proposed future land use amendments have included multi-family residential components, as summarized below:

- **Morning Star Multiple Land Use.** This private text and future land use amendment proposed to change the future land use designation for 50.99 acres of land from AGR to Multiple Land Use with Commercial Low and High Residential, 8 Units per Acre (MLU with CL & HR-8). The

site is located on the north side of Atlantic Avenue, between Starkey Road and the Turnpike. The applicant proposed to develop the site with retail uses, a hotel, a congregate living facility, and 360 residential units with 40% provided as workforce housing. The proposal included no preserve area. This amendment was withdrawn by the applicant prior to the July 2017 Board transmittal hearing.

- **Boynton Technology Park.** This private amendment proposed text changes to allow the Economic Development Center (EDC) future land use in the Agricultural Reserve Tier. The intent was to develop a multiple use project on a 140 acre site located on the north and south sides of Boynton Beach Boulevard, adjacent to the Florida's Turnpike. The proposal included a large industrial park, a hotel, and 420 dwelling units (based on 3 units per acre). A total of 40% of the units were to be provided as workforce housing units and a total of 5% of the units as for-sale workforce housing units to be built on-site. The proposal included no preserve area. The initiation of this amendment was denied by the Board on June 29, 2020.
- **Boynton Park Plaza.** This private text and future land use amendment proposed to change the future land use designation on 47.21 acres of land from AGR to Multiple Land Use with Industrial and High Residential, 12 Units per Acre (MLU with IND & HR-12). The intent was to develop industrial uses and 376 multifamily units. No preserve area was proposed. The text initiation application was withdrawn in May of 2021.
- **Ag Reserve Multiple Land Use.** This private text and future land use amendment proposed to change the future land use designation on 39.29 acres, located at the southeast corner of Boynton Beach Boulevard and Acme Dairy Road, from AGR to Multiple Land Use with Commercial Low and Medium Residential, 5 units per acre (MLU with CL and MR-5). The amendment also proposed to enable the use of Transfer of Density Rights and Workforce Housing Program bonus density and make other changes in order to develop 432 residential units, commercial uses, and light industrial uses. A reduced preserve area acreage, and additional preserve area uses were also proposed. The initiation of this amendment was denied by the Board on May 5, 2021.
- **Reserve at Atlantic.** This private text and future land use amendment is in process in Amendment Round 22-A, proposing to change the land use on 59.46 acres from AGR to Multiple Land Use, with Institutional and Public Facilities, AGR, and High Residential, 8 units per acre (MLU with INST/AGR/8). The applicant proposes to develop a day care center and up to 480 residential rental units, with a minimum of 25% of the units to be workforce housing on site. The applicant is proposing development on 40% of the total project acreage, and preservation of 60%. The development area is located at the southeast corner of Atlantic Avenue and Half Mile Road. The preserve comprises one parcel located on Lyons Road, approximately one-half mile north of Atlantic Avenue, and several smaller parcels adjacent to the development area. The amendment was transmitted on November 3, 2021, and will be scheduled for the public hearing to consider adoption concurrent with the zoning hearing for the project.

VI. Proposed Amendment

This proposed amendment would create a new Future Land Use Designation to allow for higher density development, including multi-family, in appropriate locations in the Agricultural Reserve Tier. The proposed amendment includes eligibility criteria for use of the new designation, including locational criteria, workforce housing and preserve requirements. The proposed amendment also updates and clarifies some existing policy language.

VII. Data and Analysis

This section provides data and analysis, including an examination of consistency with the Comprehensive Plan, and information related to the parameters discussed by the Board at its November 3rd, 2021 discussion.

1. Consistency with the Comprehensive Plan

This proposed amendment relates to several provisions of the Future Land Use Element and the Housing Element of the Comprehensive Plan.

Future Land Use Element – Agricultural Reserve

OBJECTIVE 1.5 The Agricultural Reserve Tier

Objective: *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.*

Policy 1.5-n: *The County shall ensure a sustainable development pattern is achieved in the Agricultural Reserve by allowing commercial uses while ensuring that the supply of commercial square footage does not exceed the demand of the farm workers and residents of the Tier. The County may approve a maximum of 1,015,000 square feet of commercial uses (retail, service and office) within the Tier. Self-storage uses are not subject to the commercial cap.*

Policy 1.5.1-m: *Agricultural Reserve Commercial and Mixed Use Planned Developments. All commercial and mixed use Planned Developments are intended to provide one or more uses in a manner that is compatible with the scale and character of the surrounding residential uses and designed to promote a sense of place. The commercial and mixed use Planned Developments provide uses that can include shopping, entertainment, business, services, employment, cultural, civic, schools, places of worship, government services, and/or housing opportunities in a manner that increases a sense of community by creating a stronger pedestrian orientation through design, placement and organization of buildings connected to a common public space, while dispersing parking and respecting and maintaining the character of the surrounding area. The commercial and mixed use Planned Developments are intended to provide neighborhood and community serving scaled uses. Regional and large-scale big-box uses are not permitted.*

Future Land Use Element – General

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

Element. These directions reflect the kind of community the residents of Palm Beach County desire.

- 1. Livable Communities.** *Promote the enhancement, creation, and maintenance of livable communities throughout Palm Beach County, recognizing the unique and diverse characteristics of each community. Important elements for a livable community include a balance of land uses and organized open space, preservation of natural features, incorporation of distinct community design elements unique to a given region, personal security, provision of services 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.*

OBJECTIVE 1.1 Managed Growth Tier System

Policy 1.1-a: *The County shall develop and implement strategies for each unique community and/or geographic area based upon common characteristics, including physical development patterns and service provision, and shall map the location of each Tier on the Managed Growth Tier Map located in the Comprehensive Plan Map Series.*

SUB-OBJECTIVE 1.1.1 Climate Change

Policy 1.1.1-f: *Palm Beach County shall consider the use of mitigation strategies to increase energy efficiency and conservation, and to reduce greenhouse gas emissions. These could include, but are not limited to, land use and transportation strategies such as encouraging compact residential development, providing incentives for mixed use and redevelopment that maximize internal trip capture, clustering residential densities along transit routes, improving access to transit, improving non-motorized movement, requiring interconnectivity among adjoining parcels, and providing incentives for green building methods.*

2.2.1 Residential

Policy 2.2.1-b: *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.*

Housing Element

It is the GOAL of Palm Beach County to facilitate the provision of an adequate supply of safe, sanitary and affordable housing to meet the needs of the County's residents, with special attention to the needs of very low, and low income households in addition to special needs populations.

OBJECTIVE 1.5 Concentrations of Affordable Housing

The County shall make adequate provisions to enable the public, private and not-for-profit sectors to provide affordable housing, and shall support the distribution of housing for very low, low, moderate and middle income households, to avoid undue concentrations of very low and low income housing throughout the County through the Workforce Housing Program and the Affordable Housing Program.

Staff Assessment: The objective of AGR Tier, to “*preserve and enhance agricultural activity, environmental and water resources,*” has long been established in the Comprehensive Plan. Over the last four decades, several development types have been implemented as a means of achieving that objective, including the low-density residential 60/40 AGR PUD, and the traditional marketplaces that are intended to provide services for the residents and farmworkers in the AGR Tier. Other development approvals in the AGR Tier have introduced additional employment, including a hospital, several schools, and several industrial uses. According to 2018 U.S. Census data, there are approximately 7,300 persons employed in the Agricultural Reserve, with 77% reporting a monthly income of less than \$40,000.

Given the low-density development pattern in the AGR Tier, and the approved multifamily units that have never been built in the marketplaces, there are virtually no housing opportunities for most persons employed in these workplaces. According to Property Appraiser data, the median sales price of homes on less than one acre in the AGR Tier was \$880,000. Less than 3% of homes sold for under \$500,000, and more than 38% sold for over \$1,000,000. Creating a higher-density category with both a significant workforce housing requirement and a preserve requirement will help to address this imbalance while continuing to support the preservation objective. Locating that higher density development on major corridors and in proximity to the marketplaces implements the County’s climate change strategies relating to compact development, trip capture and transit access. Allowing for workforce housing in the AGR Tier also furthers the Housing Element objective to disperse workforce housing and addressing the housing needs of lower income households, and the County Direction to create livable communities that recognize the unique characteristics of each community.

2. Parameters for Higher Density Development in AGR Tier

The following section examines key considerations in implementing the Board’s November 3, 2021 direction, and proposes parameters for the amendment.

Workforce Housing Requirement and Percentage: The Agricultural Reserve Tier has been exempt from the County’s Workforce Housing Program (WHP) since the program was established in 2006; as a result, there are currently no workforce housing units in the AGR Tier. Given the maximum available density of 1 unit per acre, no higher-density housing that could facilitate more attainable housing prices or rents has been developed in the AGR Tier. As noted above, the two marketplace developments included approval of 107 multi-family units, but these have not been built, and are not required to be built or to be income restricted.

There are also limited opportunities for workforce and affordable housing in the area surrounding the AGR Tier. The FLU designations surrounding the AGR Tier are predominantly in the range of LR-1 to MR-5. There are some areas designated HR-8 along Boynton Beach Boulevard, but these are primarily east of Military Trail, and the majority are large-scale planned residential communities with a variety of housing types, but with limited high density components. Most predate the workforce housing program requirements. Some areas designated as HR-12 east of the AGR Tier along Atlantic Avenue have been developed as retirement communities, not viable for most workforce households. The closest rental developments to the Boynton Town Center are the Wellington Club (204 units, 154 workforce), located on SR 7 approximately 5.8 miles north, and The Florida Club (264 units, 0 workforce), located east of the Turnpike south of Boynton Beach Boulevard. The closest rental developments to the Delray Marketplace are at Atlantic Commons (395 units, 13 workforce units), located east of the Turnpike on Atlantic Avenue, and the Gables Palma Vista complex (189 units, 0 workforce) located 7.3 miles south on SR 7.

The February 2021 Affordable Housing Needs Assessment commissioned by the Palm Beach County Housing Leadership Council, and prepared by the Florida International University Jorge M. Perez Metropolitan Center, identified the need for additional attainable housing in Palm Beach County. Key findings include:

- *The majority (57%) of Palm Beach County workers are employed in low-wage service sector occupations with hourly wages equivalent to 40-60% of the County's median household income (MHI); the County's median household income in 2018 was \$59,943 according to the U.S. Census' American Communities Survey.*
- *Most of the top ten occupations in Palm Beach County earn wages below 80% of the MHI, including the top four occupations - Office & Administrative Support Occupations, Sales & Related Occupations, Food Prep & Serving Related Occupations, and Transportation & Material Moving Occupations.*
- *With 56.6 percent of renter households cost-burdened, Palm Beach County is one of the most unaffordable places to live in the US.*
- *There are more than 97,000 cost-burdened renter households in Palm Beach County, of which nearly 53% are "severely" cost-burdened; an estimated 91% of renter households with incomes between \$20,000-\$34,999 are cost-burdened;*
- *Palm Beach County's \$418,000 median single-family sale price (November 2020) is unaffordable to 80% of County households, precluding all buyers in the low-to-moderate income range (50-120% of MHI) and all buyers in the middle-income (121-140% of MHI) range, and affordable only to households earning 220% and above the County's MHI.*
- *The \$1,890 monthly average rent (second quarter, 2020) for a two-bedroom apartment creates substantial affordability gaps for renters in all household income categories, with the largest gaps in the low-to-moderate income (50-120% of MHI) ranges; the average rent is more than double the rent affordable to households in the low-income (50-80% of MHI) range.*
- *From 2014-2018, Palm Beach County has lost, due to market appreciation, an annual average of 13,419 units affordable to potential owner households earning less than 140% of the median household income (\$83,929) and 3,748 units affordable to renters earning less than 120% of the median household income (\$50,668).*
- *Projected population and employment estimates indicate Palm Beach County's future housing demand will continue to be substantially weighted towards renter households in the "very low" to "moderate" household income categories.*

Since the publication of this needs assessment, housing prices have continued to increase. The median sales price of single-family homes in January 2022 was \$526,000, an increase of more than 25% over the November 2020 median sales price of \$418,000 used in the needs assessment.

In the Urban/Suburban Tier, the County's WHP requires a specific percentage of workforce housing for projects using their adopted FLU designation, and offers density bonuses in exchange for a higher percentage of workforce housing. The workforce obligation for these developments can range from 2.5% to more than 20%, depending on the amount of density bonus and other options selected by the developer. However, when projects also seek additional density through

an amendment to the FLU designation, based on past Board direction, staff recommends conditions of approval for those proposed amendments, to require a larger minimum percentage to be provided as workforce housing on-site: at least 25% for multi-family, 20% for townhouses, and 10% for single-family developments.

Recommended Workforce Housing for EH: a minimum requirement of 25% of units provided on-site as workforce housing units. The on-site requirement is consistent with the Board's stated intent to facilitate workforce housing in the AGR Tier, in proximity to the marketplaces, rather than permitting the workforce units to be provided off-site or addressed through an in lieu fee. Requiring a significant percentage of units as workforce housing is consistent with the Board's direction to recommend a higher percentage when density increases are sought through the amendment process. Although the workforce obligation and the on-site disposition would be established by this amendment, the resulting workforce housing units would be subject to the other applicable requirements of the County's Workforce Housing Program, such as income restrictions, pricing, affordability periods, compatibility of exteriors, etc.

Locational Requirement: Board discussion in October and November 2021 focused on locating any higher density or multi-family development in proximity to the two existing marketplaces in the Agricultural Reserve, located at Boynton Beach Boulevard and Lyons Road, and at Atlantic Avenue and Lyons Road. The stated intent was to locate housing in areas that would best serve employees of the marketplaces, to facilitate pedestrian or bicycle access to the marketplaces, and to limit vehicle trips on the area roadways; a distance of ¼ mile is generally considered an acceptable walking distance. Locations proximate to the marketplaces would also be generally consistent with the recommendations of the Master Plan, which recommended that units be accommodated in the market places and in the economic development centers proposed for the areas adjacent to the two Turnpike interchanges, at Boynton Beach Boulevard and Atlantic Avenue. Finally, locating the units near the marketplaces is also generally consistent with the concept of reducing transportation costs for cost-burdened households. As cited in the Palm Beach County Housing Leadership Council's "Affordable Housing Needs Assessment" completed in February 2021, Palm Beach County's median monthly housing costs, as a percentage of household monthly income, is 40 percent; however, when transportation costs are combined with housing costs, the percentage of household income increases to 66 percent, far above the acceptable 45 percent affordability threshold.

Recommended Locational Criteria for EH: parcels located with **frontage** along:

- **Atlantic Avenue**, extending from ½ mile west of Lyons Road (Half-mile Road), to Florida's Turnpike; and,
- **Boynton Beach Boulevard**, extending from ½ mile west of Lyons Road, to Florida's Turnpike.

This is in keeping with the Board's discussion of locating the higher density and multifamily units in proximity to the marketplaces, and the concepts proposed in the Master Plan.

Preserve Requirement: All planned residential development options in the Agricultural Reserve have a preserve requirement, ranging from 60 to 80%. The developer sets aside a portion of the site, or secures additional land area in the AGR Tier, in order to meet the preserve requirement and further the objective of the AGR Tier, to "*preserve and enhance agricultural activity, environmental and water resources, and open space within the Agricultural Reserve Tier.*" Preserve area uses are limited to those that are consistent with this objective.

Recommended Preserve Requirement for EH: a 60% preserve requirement. This is consistent with the objective of the Agricultural Reserve, and consistent with the minimum required for the 60/40 Planned Unit Development pattern predominant in the Agricultural Reserve. As with the 60/40 Planned Unit Development, the preserve areas need not be adjacent to the development areas. An additional recommendation is to expand preserve uses to **allow the “Community Vegetable Garden”** use as defined in the Unified Land Development Code: *A plot of land used primarily as a vegetable garden which is cultivated and harvested by a group of residents from the surrounding area.* Because the density transferred from the EH preserves will be higher than the density transferred from other PUDs in the AGR Tier, a further recommendation is to **prohibit the exchange or swapping of EH preserve areas.**

Density: Board discussion in November 2021 cited the Uptown Boca (Johns Glades West) multi-family project recently developed on Glades Road in west Boca Raton as an example of the type of project whose density and form would be desirable for higher-density development in the AGR Tier. The Uptown Boca project is a mixed use development that includes rental apartments as well as retail, dining and entertainment uses. The complex includes 456 units, located on 18.24 acres of the 37.99 acre site. The density of the residential component is 25 units to the acre. This density is consistent with the density of other projects recently approved and under development on major corridors in the unincorporated Urban Suburban Tier, including:

Development	Location	Density (Units/Acre)
Banyan Ridge	Belvedere Rd, east of Turnpike	22
Lenox	US 1, north of PGA Blvd.	22.4
Pine Ridge	SR 80, east of Jog Rd	25
Fount	Okeechobee Blvd., west of Haverhill Rd.	25.6

Overall, multifamily projects with a workforce housing component in the unincorporated Urban/Suburban Tier have an average density of 19 units per acre.

Applying the 60/40 density clustering mechanism, a density of 8 units per acre applied to the entire project area would yield a net density 2.5 times higher, or 20 units per acre, reflecting the density transfer from the 60% preserve portion to the 40% development area. This net density is generally consistent with the density range of the projects cited in the Board discussion.

Recommended Density for EH: a density of 8 units per acre applied to the entire project area. While the focus of the Board's discussion was multi-family housing, the developer always has the option to provide a range or mix of unit types and tenures, including for-sale units such as townhomes and zero lot line units, as well as rental or for-sale multi-family housing. Given the potential number of units that could be developed in a single project under the EH FLU designation, an additional recommendation is to **require a second unit type** when the number of units exceeds 200 units. Under current code provisions for planned residential development, the second unit type is triggered when the number of units exceeds 300 and the project size exceeds 100 acres. To ensure compatibility with adjacent agricultural uses, the Unified Land Development Code typically requires a minimum of 50' of separation between residential structures and any agricultural uses. Minimum separations between existing residential development and the developments resulting from the EH FLU would also be addressed through setback and buffer requirements in the Unified Land Development Code; additional or expanded requirements can be imposed by the Board as conditions of approval when approving an amendment for the EH FLU, based on the site-specific circumstances.

Minimum Size: The Uptown Boca project cited in Board discussion in November 2021 has a residential component comprising approximately 18 acres. Other recent projects similar in character, such as Lenox, were developed on sites ranging from 11 to 36 acres. Overall, multi-family projects with a workforce housing component average 13.6 acres.

Recommended Minimum Size for EH: a minimum overall size of 30 acres. This would result in a minimum development area of 12 contiguous acres, consistent with the typical size of the projects identified as desirable, and allow for the 60% preserve area. As with the standard 60/40 AGR PUD option, the preserve area would not be required to be contiguous to the development area, and could be provided throughout the AGR Tier.

Potential Sites and Implementation Method: Based on the proposed locational/frontage requirements, there are currently five properties without development approvals that are of sufficient size to accommodate the proposed minimum size of 30 acres. These are depicted in Exhibits 2 and 3 and listed below:

Location/Frontage:	Parcel	Size
Boynton Beach Blvd.	North of Boynton Beach, west of Turnpike	47.22
	South of Boynton Beach, west of Turnpike	92.42
	South of Boynton Beach, west of Turnpike	39.4
Atlantic Ave.	North of Atlantic, west of Turnpike	50.14
	South of Atlantic, east of Half Mile	39.77
		268.95 Total

* part of 22-A FLUA Amendment to MLU transmitted Nov 2021

If the listed parcels were to be developed fully using this designation and providing the 60% preserves on site, then the maximum number of units would be 2,152 (269 acres x 8 du/ac). If each parcel used only the minimum acreage required for this designation, then the resulting maximum number of units would be 1,200 (5 sites x 30 acres x 8 du/ac).

If sufficient off-site preserves were to be secured, allowing these sites to be used solely as development areas, there would be the potential for a maximum of 5,379 units could result (269 acres x 8 du/ac x 2.5). Two additional parcels of 19 and 29.5 acres could also become eligible as development areas, if off-site preserves could be secured. These total 48.5 acres and would account for an additional 970 units, if off-site preserves could be secured and if the entire acreage were used for the development area (48.5 acres x 8 du/ac x 2.5).

It should be noted that there are also several other parcels, currently under conservation easements and serving as preserves for AGR 60/40 PUDs, which would also meet the criteria for size and location/frontage, if these preserves were to be replaced with preserves elsewhere in the Agricultural Reserve and the conservation easements removed. The preserve areas are also shown on Exhibits 2 and 3.

The number of higher density or multi-family units that could result from use of the EH FLU could represent a significant percentage of all dwelling units that could be developed in the AGR Tier. However, it is unlikely that all eligible parcels will pursue and be approved as EH, particularly in light of the newly-proposed Commerce FLU which is under consideration for many of the same eligible locations. Even if all eligible sites were to develop as EH, this is unlikely to represent a saturation of demand, given that there are currently no existing higher density or multi-family units in the AGR Tier available to serve the workforce, there are limited options in the surrounding area, and rapidly increasing housing and rental prices.

Recommended Implementation Method for EH: EH established as a **FLU designation, available only in the AGR Tier.** Through this method, the Board retains full legislative discretion in approving or denying any eligible application for the EH FLU designation, and has the benefit of data and analysis as well as the two public hearings required in the amendment process. The EH FLU would be implemented through zoning options, as either a type of 60/40 planned residential development, or could be incorporated into a mixed use zoning such as Mixed Use Planned Development (MUPD), provided that the minimum requirements for size and preserve area for the EH FLU were met. An additional recommendation is to **require a concurrent zoning application**, so that the site-specific conditions can be considered, and appropriate conditions applied when necessary, such as separation distances from surrounding uses and height limitations.

E. ULDC Implications

This proposed amendment will result in revisions to the ULDC to implement the new EH FLU designation, including allowing for a 60/40 EH PUD option reflecting the requirements outlined in this amendment.

VII. Public and Municipal Review

Intergovernmental Plan Amendment Review Committee (IPARC): Notification was sent to the County's Intergovernmental Plan Amendment Review Committee (IPARC), a clearing-house for plan amendments, on March 16, 2022. At the time of the printing of this report, no calls or written objections to the amendment had been received. In addition, an email to interested parties of the Agricultural Reserve was sent on March 30, 2022. Correspondence received through the public hearing process will be provided in Exhibit 4.

VIII. Assessment and Conclusions

The objective of Agricultural Reserve is to “*preserve and enhance agricultural activity, environmental and water resources.*” Toward this objective, several development types have been implemented, including the low-density 60/40 AGR PUD, and the traditional marketplaces intended to provide services for residents and farmworkers in the AGR Tier. Other uses have introduced additional employment, including a hospital, several schools, and several industrial sites. Given the low-density development pattern in the AGR Tier, there are limited housing opportunities for most persons employed in these workplaces. Creating a higher-density category with both a significant workforce housing requirement and a preserve requirement helps to address this imbalance while continuing to support the preservation objective, and helps to create livable communities while recognizing unique characteristics of the area. Locating the higher-density, compact development on major corridors in proximity to the marketplaces limits trips and facilitates transit access. Workforce housing in the AGR Tier also furthers the County objectives of dispersing workforce housing and addressing the housing needs of lower income households. Staff recommends **approval**.

Attachments

Exhibit 1 – Proposed revisions in strike-out and <u>underline</u> format	E-1
Exhibit 2 – Map of Boynton Beach Boulevard Corridor	E-9
Exhibit 3 – Map of Atlantic Avenue Corridor	E-10
Exhibit 4 – Correspondence Received	E-11

Exhibit 1

A. Future Land Use Element, Essential Housing Future Land Use Designation

REVISIONS: To establish a new future land use designation called Essential Housing. The added text is underlined, and the deleted text ~~struck out~~.

1. OBJECTIVE 1.5 The Agricultural Reserve Tier

Omitted for brevity

Objective: 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 primarily 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.

Residential

2. **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.
3. **NEW POLICY:** Residential uses shall be permitted within the Agricultural Reserve Tier under the Essential Housing 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 up to eight dwelling unit per acre (8DU/AC) if the property meets the requirements for an Essential Housing 60/40 Planned Unit Development (60/40 EH PUD) as described in Future Land Use Sub-Objective 1.5.1.
4. **NEW POLICY:** Any future land use amendment requesting the EH FLU shall be accompanied by a concurrent zoning application in order to demonstrate that the proposal meets the design, scale, and character requirements of the Tier.
5. **NEW POLICY:** Residential uses shall be permitted in an 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 density shall be determined by the Future Land Use Designation. Land designated AGR FLU may be developed at a density of up to 1 unit per acre. Land designated EH FLU may be developed at up to 8 units per acre, provided that the minimum requirements for project size, percentage of preserve area, percentage of workforce

housing, and locational criteria for an Essential Housing 60/40 Planned Unit Development (60/40 EH PUD) as described in Future Land Use Sub-Objective 1.5.1.

6. **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. The following Planned Development Districts (PDDs) are available in the AGR Tier, subject to eligibility requirements:

80/20 Agricultural Reserve Planned Unit Development (80/20 AgR PUD)
60/40 Agricultural Reserve Planned Unit Development (60/40 AgR PUD)
60/40 Essential Housing Planned Unit Development (60/40 EH PUD)
Agricultural Reserve Multiple Use Planned Development (AgR MUPD)
Agricultural Reserve Traditional Marketplace Development (AgR TMD)

7. **Residential Planned Developments**

Policy 1.5.1-b: A residential AgR PUDD in the AgR Tier 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 and 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-; and
9. that the preserve area be subject to an agricultural conservation easement in favor of Palm Beach County or deeded to the County. In addition, if the preserve area

is contiguous to the development area, it shall be shown on the PUD Master Plan as a Preserve Area.

8. 80/20 Agricultural Reserve Planned Unit Development Option

Policy 1.5.1-h: An 80/20 AgR-PUD shall require the following

1. a minimum of 40 contiguous acres, with a future land use designation of Agricultural Reserve (AGR);
2. that the buildable area be contained in one compact area and not exceed 20 percent of the gross acreage. Land dedicated as rights-of-way for the County's Thoroughfare System, land allocated for the internal street system, and water areas required for on-site drainage retention may be deducted from the 80 percent; however, in no event shall the buildable area be increased to greater than 25 percent of the gross acreage;
3. that the remainder of the gross acreage be maintained in agriculture, passive recreation or other open space use, except that water features may only be considered within the preserve area if the feature is designated by the South Florida Water Management District as a Water Preserve Area (WPA). No other open space or recreational use that is intensive in nature, such as a golf course; or, which would interfere with the future practice of agriculture on the subject property; or continued practice of agriculture on adjacent properties shall be permitted; and
4. that the preserve area be held in common ownership and control by an HOA or other party for access by, and on behalf of, residents of the AgR-PUD or agricultural users, and operate under common management of an HOA or third party.

9. 60/40 Agricultural Reserve Planned Unit Development Option

Policy 1.5.1-i: A 60/40 AgR PUD shall require the following:

1. a minimum of 250 acres exclusive of right-of-way as shown on the Thoroughfare Identification Map, with a future land use designation of Agricultural Reserve (AGR);
2. that the development area be contained in one compact area and not exceed 40 percent of the gross acreage less right-of-way as shown on the Thoroughfare Identification Map. The development area shall contain uses normally associated with a PDD such as the street system, water retention areas, water amenity areas, active recreational areas (including golf courses), open space, which is integral to the PDD, and civic center sites;
3. the development area and the protected area need not be contiguous;
4. that the development area shall be situated east of State Road 7 with frontage on either State Road 7, State Road 806 (Atlantic Avenue), State Road 804 (Boynton Beach Boulevard), Clint Moore Road, Lyons Road extending north of Boynton Beach Boulevard or Lyons Road extending south of Atlantic Avenue and Acme Dairy Road extending south of Boynton Beach Boulevard to the L-28 canal. Other roadways may be added to this list, by Plan amendment, consistent with the goal of preservation and perpetuation of agriculture in the Agricultural Reserve Tier;
5. the development area shall not be situated west of State Road 7; and

6. that the preserve area shall consist of, at least, 60 percent of the gross acreage less right-of-way identified on the Thoroughfare Identification Map and be maintained in agriculture, passive recreation or other open space use. The preserve area shall:
 - a) contain a minimum area of 150 acres; and,
 - b) be utilized for crop production, pasture, equestrian purposes, retained as fallow land, or serve water management purposes per one or more of the following:
 - 1) designated by the South Florida Water Management District (SFWMD) as either a Water Preserve Area, or certified by SFWMD as serving regional water management purposes; or
 - 2) to serve regional water management purposes as certified by the Lake Worth Drainage District (LWDD). Lands owned by LWDD as of May 5, 2021 shall be limited to lands adjacent to existing preserve areas and limited to a maximum 276.509 acres of preserved area identified in Zoning Application PDD/DOA 2021-0122. For the purposes of this provision, adjacent includes lands separated from existing preserves by lands owned by LWDD. Any changes to the LWDD-owned lands provisions above shall require approval by at least five members of the Board of County Commissioners; or
 - 3) for water management purposes not directly related to the **60/40 AgR-PDUD** if approved by the Department of Environmental Resources Management, and managed for environmental resource values.
 - c) Accessory agricultural structures such as barns and pump structures shall be permitted.
 - d) Agricultural support uses such as processing facilities, and the like shall not be accommodated in the protected area of an **AgR-PDUD**, unless the parcel meets the criteria provided in Policy 1.5-h; nor shall new residential uses be accommodated thereon except for farm worker quarters as described in Future Land Use Policy 1.5.1-k and Housing Policy 1.4-d or grooms quarters as described in Future Land Use Policy 1.5.1-k; and
 - e) that in cases of preserve areas that are contiguous to the associated development area, these preserves be held in common ownership and control by an HOA or other party for access by, and on behalf of, residents of the **AgR-PDUD** or agricultural users, and operate under common management of an HOA or third party.

10. 60/40 Essential Housing Planned Unit Development Option

NEW POLICY: A 60/40 Essential Housing PUD shall require the following:

- 1. a minimum of 30 acres exclusive of right-of-way as shown on the Thoroughfare Identification Map, with a future land use designation of Essential Housing (EH);**
- 2. that the development area be contained in one compact area and not exceed 40 percent of the gross acreage less right-of-way as shown on the Thoroughfare Identification Map. The development area shall contain uses normally associated with a PDD such as the street system, water retention areas, water amenity areas, active recreational areas (including golf courses), open space, which is integral to the PDD, and civic center sites;**
- 3. the development area and the protected area need not be contiguous;**

4. that the development area shall be situated with frontage on either: State Road 806 (Atlantic Avenue), extending from ½ mile west of Lyons Road (Half-mile Road), to Florida's Turnpike; or, State Road 804 (Boynton Beach Boulevard), extending from ½ mile west of Lyons Road, to Florida's Turnpike;
5. a minimum of 25% of all units to be provided as workforce housing units onsite, subject to the requirements of Article 5.G.1 of the Unified Land Development Code.
6. that a second unit type be provided when the number of units exceeds two-hundred.
67. that the preserve area shall consist of, at least, 60 percent of the gross acreage less right-of-way identified on the Thoroughfare Identification Map and be maintained in agriculture, passive recreation or other open space use. The preserve area shall:
 - a) contain a minimum area of 18 acres; and,
 - b) be utilized for crop production, pasture, equestrian purposes, retained as fallow land, or serve water management purposes per one or more of the following:
 - 1) designated by the South Florida Water Management District (SFWMD) as either a Water Preserve Area, or certified by SFWMD as serving regional water management purposes; or
 - 2) to serve regional water management purposes as certified by the Lake Worth Drainage District (LWDD). Lands owned by LWDD as of May 5, 2021 shall be limited to lands adjacent to existing preserve areas and limited to a maximum 276.509 acres of preserved area identified in Zoning Application PDD/DOA 2021-0122. For the purposes of this provision, adjacent includes lands separated from existing preserves by lands owned by LWDD. Any changes to the LWDD-owned lands provisions above shall require approval by at least five members of the Board of County Commissioners; or
 - 3) for water management purposes not directly related to the 60/40 EH PUD if approved by the Department of Environmental Resources Management, and managed for environmental resource values.
 - c) Accessory agricultural structures such as barns and pump structures shall be permitted.
 - d) Agricultural support uses such as processing facilities, and the like shall not be accommodated in the protected area of an 60/40 EH PUD, unless the parcel meets the criteria provided in Policy 1.5-h; nor shall new residential uses be accommodated thereon except for farm worker quarters as described in Future Land Use Policy 1.5.1-k and Housing Policy 1.4-d or grooms quarters as described in Future Land Use Policy 1.5.1-k; and
 - e) that in cases of preserve areas that are contiguous to the associated development area, these preserves be held in common ownership and control by an HOA or other party for access by, and on behalf of, residents of the 60/40 EH PUD or agricultural users, and operate under common management of an HOA or third party.
 - f) Community vegetable gardens, as defined in the Unified Land Development Code, shall be permitted in the preserve area.

11. **NEW POLICY:** The exchange of preserve areas associated with a 60/40 EH PUD shall be prohibited.

12. **Policy 1.5.1-f:** Nonresidential land uses, limited to those uses which the County allows in residential developments within the Urban/Suburban Tier, may be allowed as a pod within the development area of a ~~residential~~ **AgR-PDUD** master plan, provided that the nonresidential uses are situated to serve the residents of the **AgR-PDUD** as opposed to the general public. If the nonresidential land uses are government uses, such as fire stations, libraries, etc., they are not required to be situated to serve only the residents of the **AgR-PDUD**.
13. **Policy 1.5.1-k:** To accommodate farm worker housing or grooms quarters, some density may be retained on the preserve areas of a 60/40 AgR PUD or 60/40 EH PUD Agricultural Reserve Planned Development Districts (AgR-PDDs). Such housing may be located on these preserve areas at the following densities:
 1. Farm worker quarters – a minimum site size of 25 acres per Housing Policy 1.4-d and a maximum density of one unit per acre, provided such units are clustered onto a single compact area of the preserve area and are restricted to occupancy by farm workers.
 2. Grooms quarters - the number of grooms quarters shall be based upon the number of stalls in the preserve area with a maximum of 20 grooms quarters allowed with no density requirement. For 60/40 AgR-PDD PUD or 60/40 EH PUD Preserve Areas seeking more than 20 grooms quarters, the allowable density of the development area shall be decreased by one unit for each grooms quarter to a maximum reduction of one-half of the number of dwelling units associated with the preserve area property.

All such agricultural support housing shall require that density be left on the site of the preserve area at the time the 60/40 AgR-~~PDD~~ PUD or 60/40 EH PUD is platted.

14. **Table 2.2.1-g.1**
Residential Future Land Use Designation Maximum Density

Future Land Use Designation		Dwelling Units per Gross Acre ⁵
Agricultural Reserve	AGR	0.20 / 1 ³
<u>Essential Housing</u>	<u>EH</u>	<u>8⁶</u>
<i>Balance of table omitted for brevity...</i>		

6. See Agricultural Reserve Policy # TBD.

15.

**Table 2.2.1-j.1
Residential Future Land Use - Zoning Consistency¹**

Future Land Use Designation	Consistent Zoning	
	Zoning District	Planned Development
Agricultural Reserve	AGR	AGR-PUD
<u>Essential Housing</u>	-	<u>60/40 EH PUD; MUPD; TMD</u>
<i>Balance of table omitted for brevity...</i>		

16.

**TABLE III.C
FUTURE LAND USE DESIGNATION BY TIER**

Future Land Use	FLU Category	Tier				
		Urban/Sub & Glades USA	Exurban	Rural	Ag Reserve	Glades RSA ¹
Rural Residential	RR-20, RR-10	---	X	X	---	---
	RR-5	---	X	X	---	---
	RR-2.5	---	X	---	---	---
Western Communities Residential	WCR	---	---	X	---	---
Urban Residential	LR, MR, HR	X	---	---	---	---
Congregate Living Residential	CLR	X	---	---	---	---
<u>Essential Housing</u>	<u>EH</u>	<u>---</u>	<u>---</u>	<u>---</u>	<u>X</u>	<u>---</u>
<i>Balance of table omitted for brevity...</i>						

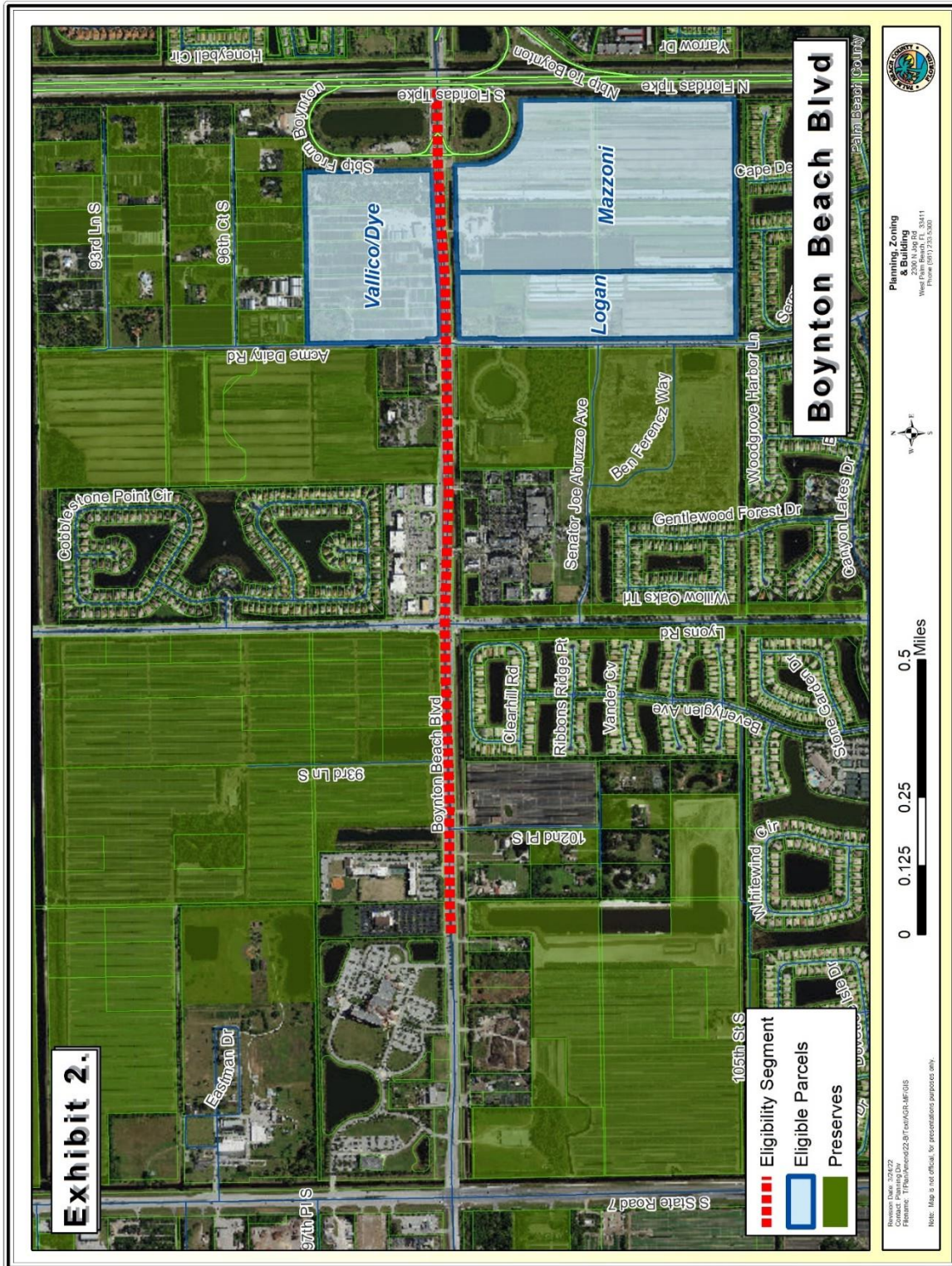
B. Future Land Use Element, Clarifications and Updates

REVISIONS: To clarify and update provisions of the Agricultural Reserve Tier, and delete obsolete language. The added text is underlined, and the deleted text ~~struck out~~.

- ~~**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-PDD₁ 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.~~

2. **Policy 1.5.1-e:** Property owners located along a designated rural parkway in the Agricultural Reserve Tier shall receive credit for the parkway easement as a portion of their required preserve area ~~as described in Future Land Use Policy 1.5.1-d without regard to the minimum contiguous acreage requirement for the preserve area of an of the AgR-PDD established in Future Land Use Policies 1.5.1-i and 1.5.1-m.~~
3. ~~**Policy 1.5.1-j:** The preserve area of a 60/40 AgR-PDD shall be subject to an agricultural conservation easement in favor of Palm Beach County or deeded to the County. In addition, if the preserve area is contiguous to the development area, it shall be shown on the AgR-PDD Master Plan as a Preserve Area.~~
4. **Policy 1.5.1-o:** The preserve area of ~~a 60/40~~ AgR-TMD shall be subject to an agricultural conservation easement in favor of Palm Beach County or deeded to the County. In addition, if the preserve area is contiguous to the development area, it shall be shown on the AgR-TMD Master Plan as a Preserve Area.



22-B County Initiated Text Amendment

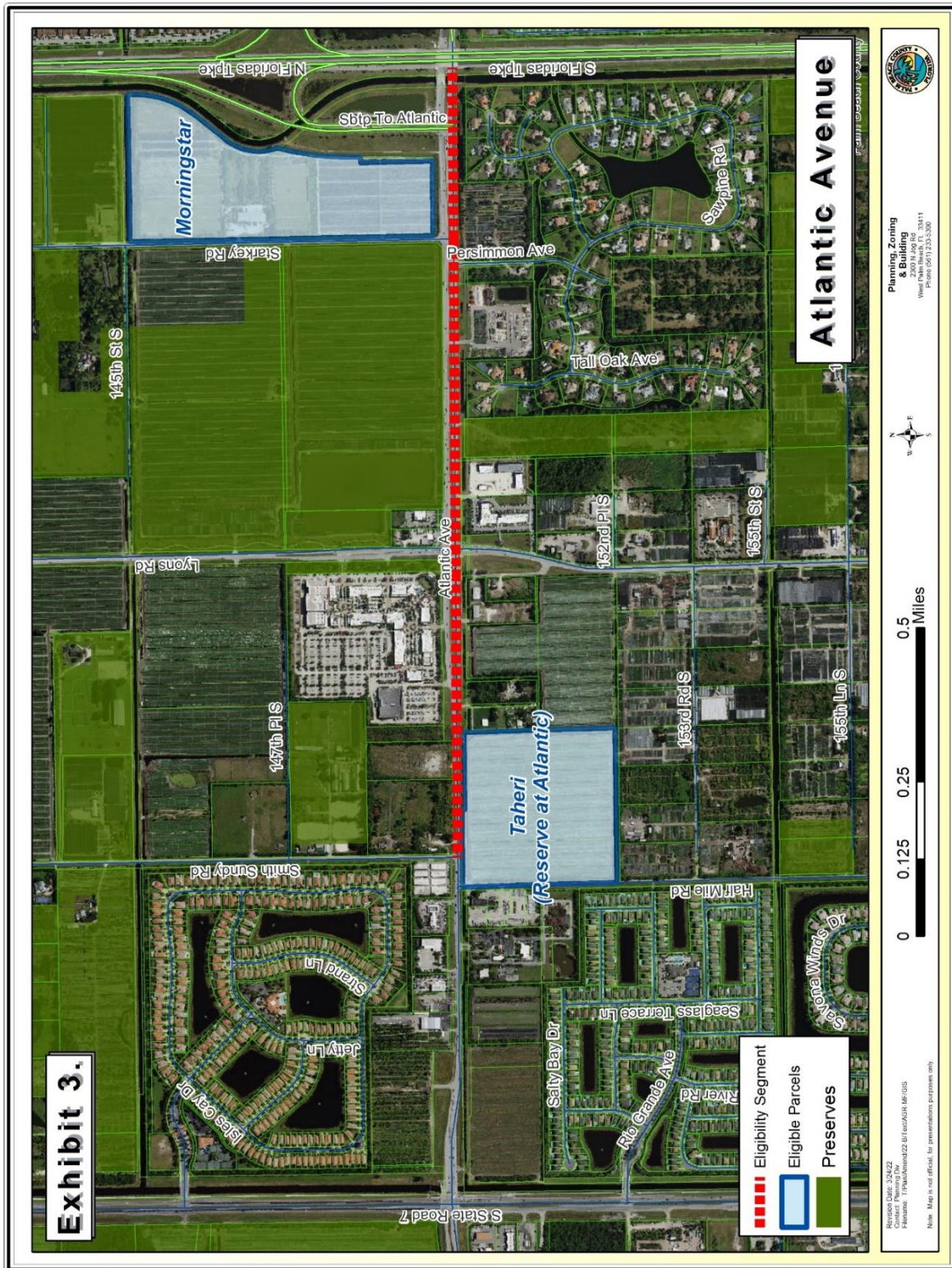


Exhibit 4 Correspondence

Correspondence provided at the Planning Commission Hearing

Agenda Items: III.A.3 and III.B.1



ROBERT N. HARTSELL, P.A.
61 N.E. 1st Street, Suite C
Pompano Beach, Florida 33060
(954) 778-1052
www.Hartsell-Law.com

April 7, 2022

Planning Commission
Palm Beach County, Florida
2300 N Jog Road
West Palm Beach, FL 33411-2741

Submitted via email:

kfischer@pbcgov.org; rbulkeley@pbcgov.org; eric@royalsinc.com; penny@pompei.com;
caracapp@gmail.com; sarahcpardue@gmail.com; nbrahs@gmail.com; rothcosys@comcast.net;
glenn.e.gromann@gmail.com; sbsiegel@teamsiegel.com; vinikoor@bellsouth.net;
restopekdc@gmail.com; marciavhayden@aol.com; safefarm@aol.com;
eferguson@thefergusonfirm.net; ajones-vann@wpb.org

Re: April 8, 2022, Planning Commission; Public Comments Agenda Items III.A.3 and III.B.1

Dear Planning Commissioners:

On behalf of our clients, 1000 Friends of Florida (“1000 Friends”) and Sierra Club Loxahatchee Group (“Sierra Club”), please kindly accept these comments to the Planning Commission and include them in the public record for the upcoming April 8, 2022, meeting regarding the following Agenda Items: III.A.3, West Atlantic Industrial Fina (LGA 2022-018) and III.B.1, Agricultural Reserve Multifamily – Essential Housing FLU Text.

1000 Friends is a statewide 501(c)(3) smart growth advocacy nonprofit organization with a substantial number of members that live and work in Palm Beach County. Similarly, Sierra Club is a national 501(c)(3) grassroots environmental organization with the Loxahatchee Group comprised of a substantial number of members that live and work in Palm Beach County.

The members of both non-profit environmental organizations advocate for preservation of agricultural resources that are a much-needed buffer for the environmental vitality of the communities without encroachment of increased high-density residential, commercial, mixed-uses, and industrial uses.

All members of these organizations residing within Palm Beach County are afforded the protections of the Palm Beach County Comprehensive Plan and will be directly affected by any amendments passed altering the Agricultural Reserve Tier.

The Agricultural Reserve Tier Must Remain Preserved

Palm Beach County, supported by its residents, has carved out a unique tier unlike any other in South Florida, the Agricultural Reserve Tier (Ag Reserve), that has development regulations set in place in order to preserve agricultural lands, environmental and water resources, and open space for the immediate benefit of the County and for future generations to come 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.” Objective 1.5 FLUE.

However, time and time again this Commission is presented with requests from developers and landowners to grant exceptions and alterations to these specific regulations without consideration of the environmental consequences of expanding density and intensity beyond those anticipated in the creation of this Tier. This is a fundamental departure from the long-standing principles set out in the Comprehensive Plan for the preservation of the Ag Reserve. The law is clear that a comprehensive plan is to act as a “a constitution for all future development,” *Machado v. Musgrove*, 519 So.2d 629, 631 (Fla. 3d DCA 1987), and is to be enforced by citizens and not the State. *Pinecrest Lakes, Inc. v. Shidel*, 795 So. 2d 191, 199 (Fla. 4th DCA 2001).

There must be a reckoning of the importance of the Ag Reserve and the benefits inured to the County residents as a whole, rather than any obligation that this Commission may feel to any one individual landowner or developer that seeks to modify the founding principles for their own gain. Despite the “justifications” of applicants, sustainable growth within the Ag Reserve ***does not necessitate modifying*** the Comprehensive Plan to accommodate additional densities and intensities. The founding principles of the Ag Reserve, and the associated bond paid for by the residents of the County to secure the preservation lands, require an ***unwavering dedication to the purpose and intent of this unique Tier***.

The Ag Reserve provides great benefits to Palm Beach County by (1) buffering detrimental impacts from development on water quality, (2) improving flood control, (3) engaging in highly beneficial carbon sequestration that reduces air pollution and mitigates climate change, and (4) providing wildlife habitat for native flora and fauna, as well as threatened and endangered species, and a safe haven for transient and migratory wildlife.

Most importantly, the Ag Reserve is situated just east of the Arthur R. Marshall Loxahatchee National Wildlife Refuge (“Loxahatchee Refuge”), which supports more than 100 jobs, provides the County with nearly \$2 million in sales tax revenue, and spans 145,189 acres of the northern Everglades and cypress swamp. The ecological and economic benefits of the Refuge have been a motivating factor in County Planning Staff attempting to draw a hard line in the sand by recommending denial of any industrial uses and high-density residential PUDs ***west of SR 7***.

This Commission in the past has taken these concerns to heart and recommended denial of applications that would essentially modify the purpose of preserving the Ag Reserve right out of the Comprehensive Plan. We urge you to remain steadfast on these principles and deny the applications discussed in greater detail herein.

III. A. 3
Privately Proposed Text Amendment
West Atlantic Industrial Fina (LGA 2022-018)

The property at issue in the West Atlantic Industrial Fina application is located on 10.11 acres, half a mile *west* of SR 7, less ***than one mile from the Loxahatchee Refuge, surrounded on all sides by preserve parcels***, some of which abut conservation lands. The applicant is requesting an amendment to change the future land use designation from Agricultural Reserve (AG) to Industrial with an underlying Agricultural Reserve (IND/AGR) with conditions for light industrial. On the parcel sits a single-family residential home and agricultural storage, which is the subject of code enforcement violations, and is presently allowed up to ***66,059 square feet of agricultural uses***. The proposed amendment would allow up to ***198,178 square feet of light industrial uses***, require a *Subdivision Variance* for its rezoning request, and result in an increase in traffic of 224 net daily trips and 125 AM and 112 PM net peach hour trips, which is the *maximum potential allowed*.



County Planning Staff has recommended denial, as it has consistently recommended on all applications for industrial uses in the Ag Reserve, based upon a number of reasons depicted in the thorough Staff Report, including, but not limited to:

1. The applicant “does not adequately justify the request”;
2. County staff is “unable to determine if the proposed amendment ... would further County Directions, including respecting the characteristics of the area, aiding the management growth in the Tier, or contributing to the support or enhancement of agriculture.”;
3. The “introduction of Industrial future land use on this parcel would contribute to incompatibilities with the surrounding agricultural land uses and agricultural preservation intended for the Tier.”;
4. A “lack of a comprehensive analysis and policy direction for considering appropriate locations, uses, extent, and intensity for new industrial uses in the Tier.”

West Atlantic Industrial Staff Report pp. E-4, E-5, E-8 *respectively*.

Staff also notes that due to the “sensitive agricultural and environmental considerations in the Tier, and the extensive land use planning in the Tier to date, it is appropriate for any new industrial use designations be considered only as part of an overall, comprehensive approach.” *Id.* at p. 10.

It is important to note that prior applicants have taken the approach of requesting exemptions for their properties, claiming that it is only a sliver of the Tier, yet applications currently before the Commission and those undoubtedly to come look at the expansion of industrial uses above and beyond the vacant 64 acres grandfathered in as a precedent for approval. This very “death by a thousand cuts” has been a resounding warning by 1000 Friends and Sierra Club for years. It is time to take a hard stance and ensure that the Comprehensive Plan requiring the preservation of the Ag Reserve is not rendered meaningless.

Most concerning are the applicant’s own justifications and belief regarding the character of the Ag Reserve that clearly demonstrate a fundamental departure from the founding principles of the Comprehensive Plan. The applicant cites to “numerous changes recently,” such as the increase to the commercial cap, residential projects that have changed the “characteristics of State Road 7 within the Agricultural Reserve,” and the recently approved light industrial uses with the Sunflower Light Industrial and Las Farms Industrial approvals / transmittals. West Atlantic Industrial Staff Report pp. E-15, E-16.

The applicant then goes on to state with conviction, in clear contradiction to everything that the Ag Reserve has been implemented to prevent:

These changes indicate the Agricultural Reserve has continued to change from a rural agricultural area to a suburban community with a growing population that needs various services and goods within proximity of their homes.

Id. at p. E-16.

Finally, the applicant notes that twenty (20) years have passed since the Ag Reserve policies were incorporated in the Comprehensive Plan and the Tier is nearly “built out,” with only a total of 5% of the Tier not entitled for development or preservation. The mere fact that there remains a small percentage of land that can neither be developed nor utilized as a preserve for development does not devoid those properties of value in the Tier under the current regulations of the Comprehensive Plan, i.e. single family residential, agricultural uses, open space, and water resources.

Furthermore, the requirement to adhere to the regulations governing the land to which one knowingly purchased and now is prevented from utilizing or selling for a purpose not authorized by these governing regulations is not a valid cause for altering the principles of the Comprehensive Plan protecting the Ag Reserve Tier.

The danger of a pro-development mindset that will place the needs of a landowner and/or developer above that of the general public that will benefit from open space cannot be overstated. Time and time again, the Commission has been advised that *vacant land is not land waiting to be developed*; there are so many ecological benefits discussed herein that can be lost were a property to be exempted from the principles of the Ag Reserve in contradiction to the very constitution governing the Tier.

The Ag Reserve Tier has achieved the preservation of acreage that would otherwise have been overdeveloped and the environmental benefits forever lost. There is no expiration of the Ag Reserve once it is “built out.” There is still a need to maintain the integrity of the Tier to ensure that all that has been preserved is not degraded by increased densities and intensities of uses inappropriate for this unique agricultural area endowed with environmental and water resources and open spaces to act as a rural “safe haven” and environmental buffer from the urban and suburban tiers.

Developers should not look to the Ag Reserve for exemptions from the fundamental preserve and density requirements unique to this Tier. “Balanced growth” does not mandate that the guiding policies and objectives of the Comprehensive Plan be displaced; rather, smarter, and more sustainable, development must be achieved in conformity with the regulations already set forth to protect the Ag Reserve Tier.

1000 Friends and Sierra Club respectfully request that the Planning Commission adopt the Planning Staff’s recommendation of denial, and issue a recommendation to the County Commissioners to deny the West Atlantic Industrial application.

III. B. 1
County Proposed Text Amendment
Agricultural Reserve Multifamily – Essential Housing FLU Text

1000 Friends and Sierra Club agree that there is a need for *affordable housing* in Palm Beach County, yet disagree that the introduction of an Essential Housing designation to facilitate higher-density residential development with workforce housing for multifamily units in the Ag Reserve is appropriate. A resolution to the housing crisis must not result in inconsistent density and intensity in the Ag Reserve that would make it more like the Urban / Suburban Tier.

The purpose of the Ag Reserve is to *preserve unique farmland and wetlands in order to enhance agricultural activity, environmental and water resources, and open space, by limiting uses to agriculture, conservation, low density residential development, and non-residential uses which serve the needs of farmworkers and residents of the Ag Reserve Tier.*

To effectuate this purpose, the current density for the Ag Reserve is 1 unit per 5 acres, unless the parcel is located in a PUD (250 acres for a 60/40 preserve or 40 acres for a 80/20 preserve) or Traditional Marketplace, then the allowance is 1 unit per 1 acre. However, farm residences and grooms quarters are exempt from the 1 unit to 5 acres restrictions for residential development in the Ag Reserve and can be located on the bona fide agricultural property / preserve.

Whereas, the proposal for Essential Housing would allow for a density of 8 units per acre, a minimum of 30 acres, with a 60/40 preserve requirement, and limited to an area near the two existing marketplaces, in exchange for 25% on site “workforce housing” units that would be regulated according to the County’s Workforce Housing Program and “generally target households having 60% to 140% of Area Median Income, which was \$80,200.00 in 2021.”¹

There are a number of concerns that will be addressed in turn. First, the density of 8 units per acre could potentially be compounded by the use of off-site preserves, resulting in a parcel that could have an allowable 2,152 units to jump up to 5,379 units at a 2.5 increased density rate. Second, Staff notes that there is a possibility of removing conservation easements on preserves for existing PUDs to be developed while replacing those preserves elsewhere in the Tier. This could result in lower quality preserves.

Third, workforce housing is not the same as affordable housing, and unfortunately many farmworkers will still fall short of the Area Median Income to afford the proposed units. It is not disputed that Palm Beach County needs more affordable housing, but a workforce housing program is simply inappropriate for the Ag Reserve as it does not support the agricultural community and increased densities. The County would be better served focusing on public transportation for workers to come into the Ag Reserve rather than altering the Ag Reserve to accommodate incompatible residential densities.

There are other options approved in the Ag Reserve for diverse housing units. For example, the Essential Housing Staff Report mentions, multiple times, the multifamily units that have already been approved in two traditional marketplaces, specifically 73 units at Delray Marketplace and 34 units at Canyons Town Center. However, as noted by Staff, these units have not been constructed and there is no requirement that they be built. These units were intended to provide an opportunity for housing types and prices located in mixed use areas, yet have not been utilized.

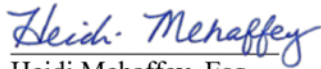
Finally, the increased densities and intensities could alter the character of the Ag Reserve Tier. Staff has taken great care to limit the designation to a certain area, yet the impact may be felt Tier-wide as there will be increased traffic, roadway mortality of wildlife, development construction that could impact local water and environmental resources, and an overall loss of agricultural lands and the benefits of open spaces that have been discussed herein.

¹ <https://discover.pbcgov.org/pzb/planning/Projects-Programs/WorkforceHousingProgram.aspx> (last visited April 7, 2022)

1000 Friends and Sierra Club respectfully request that the Planning Commission issue a recommendation to the County Commissioners to deny the Agricultural Reserve Essential Housing Future Land Use Designation application.

Thank you for your time and consideration of these comments.

Respectfully,



Heidi Mehaffey, Esq.
Robert N. Hartsell, P.A.
Fla. Bar No. 118806

CC: 1000 Friends of Florida
Sierra Club Loxahatchee Group