



COMPREHENSIVE PLAN AMENDMENT STAFF REPORT AMENDMENT ROUND 21-B2

DEO TRANSMITTAL REPORT, JULY 28, 2021

A. Application Summary

I. General

Project Name:	Natural Lands Updates Juno Dunes (LGA 2021-19) and Palm Beach Heights (LGA-2021-020)
FLUA Summary:	RR-20 and PARK to CON
Acres:	5.94 acres total
Location:	North of Indiantown Road, east of the Bee Line Highway and east of Ellison Wilson Road, south of Donald Ross Road
Project Manager:	Sussan Gash, Senior Planner
Applicant/Owner:	Palm Beach County
Staff Recommendation:	Staff recommends approval based upon the findings and conclusions contained within this report.

II. Assessment & Conclusion

This is a County initiated amendment to amend County owned lands to the Conservation Future Land Use Designation at the request of the Department of Environmental Resources Management (ERM). Specific changes consist of:

- Future Land Use Atlas Amendment.** The proposed amendment will amend the Future Land Use designation on four County-owned parcels totaling 5.94 acres from Rural Residential, 1 unit per 20 acres (RR-20) and Park (PARK) to Conservation (CON). The parcels are in two separate locations. Three parcels (3.76 acres) are adjacent to the Pine Glades Natural Area located east of Bee Line Highway along the north side of Indiantown Road. One parcel (2.18 acres) is adjacent to the Juno Dunes Natural Area on the east side of Ellison Wilson Road just south of Donald Ross Road.

The amendment complies with the requirement of Future land Use Element Policy 2.2.7-b which states that *“the County shall initiate amendments to designate environmentally sensitive lands purchased by the County as Conservation...”* by changing the future land use designation for the acquired parcels to Conservation. The amendment also complies with several goals, objectives and policies by helping to guarantee the appropriate use of lands with significant native vegetation. The proposed amendment is consistent with the Comprehensive Plan and compatible with surrounding land uses.

III. Hearing History

Local Planning Agency: *Approval*, motion by Rick Stopek, seconded by John Carr, passed in an 11 to 0 vote at the June 11, 2021 public hearing. Under discussion, Commission members asked questions regarding the uses allowed within the Conservation future land use designation, maintenance of Conservation parcels, and the prior ownership of the proposed amendment sites. Staff stated that Conservation designated Natural Areas are maintained by the Department of Environmental Resource Management, typically open to public, and may include trail heads and pathways. The subject parcels were acquired by the County from Florida Inland Navigation District and tax deed sales. There was no public comment.

Board of County Commissioners Transmittal Public Hearing: *Transmit*, motion by Commissioner Marino, seconded by Vice Mayor Weinroth, passed in a 7 to 0 vote at the July 28, 2021 public hearing. There was minimal Board discussion and no public comment.

State Review Agency Comments:

Board of County Commissioners Adoption Public Hearing:

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B. Petition Summary

I. Site Data

Current Future Land Use

- Current FLU:** Rural Residential, 1 unit per 20 acres (RR-20) and Parks and Recreation (PARK)
- Existing Land Use:** Natural Area
- Current Zoning:** Agricultural Residential (AR) and Public Ownership (PO)
- Current Dev. Potential Max:** Conservation (County-owned)

Proposed Future Land Use Change

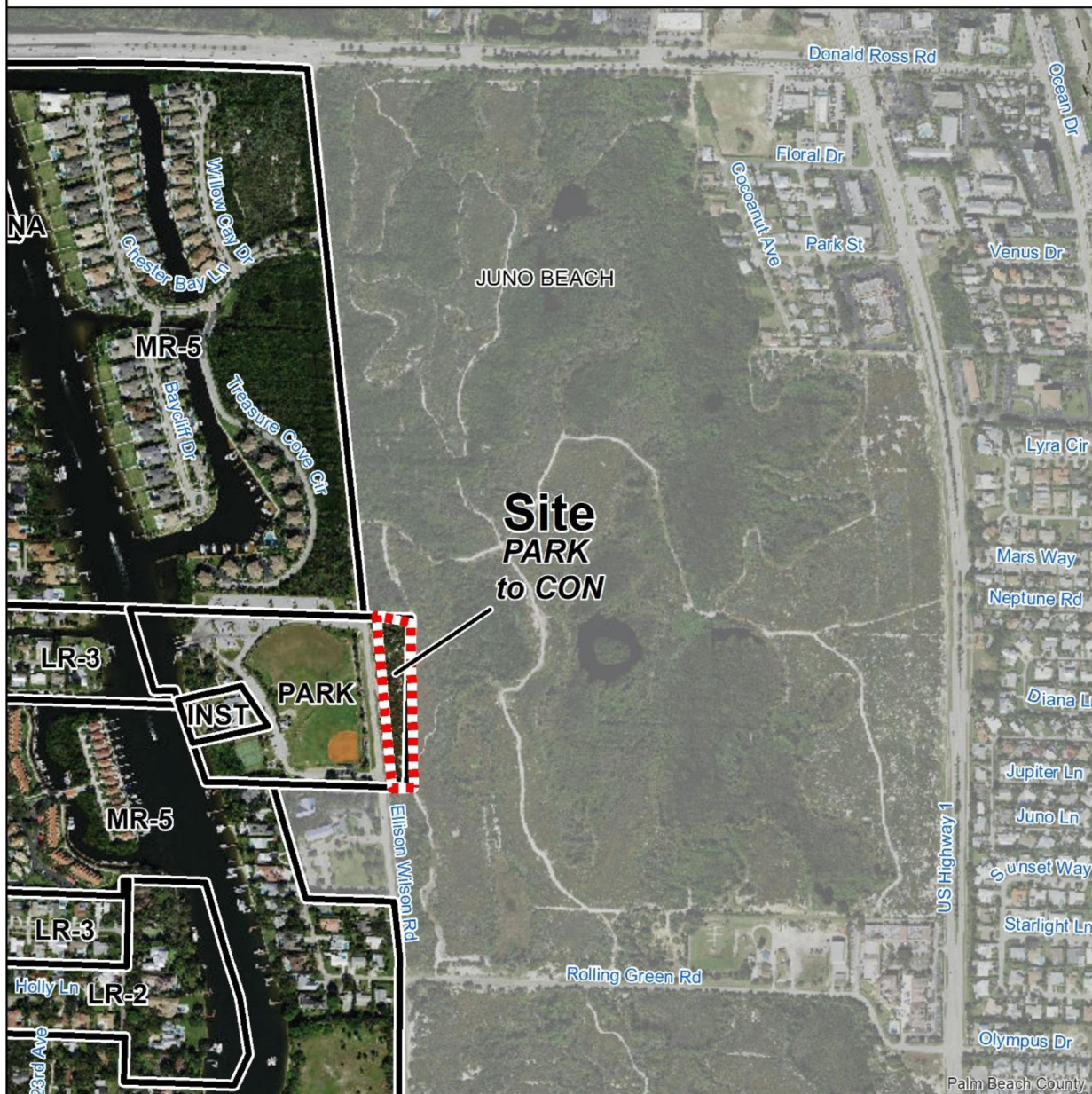
- Proposed FLU:** Conservation (CON)
- Proposed Use:** Natural Area
- Proposed Zoning:** Agricultural Residential (AR) and Public Ownership (PO)
- Dev. Potential Max/Conditioned:** Natural Area

General Area Information for Site

- Tier/Tier Change:** Rural Tier and Urban Suburban Tier - No change
- Utility Service:** Palm Beach County Water Utilities Department and Town of Jupiter
- Overlay/Study:** None
- Annexation Area:** None
- Comm. District:** Commissioner Maria G. Marino, District 1

Future Land Use Atlas Amendment

Juno Dunes Natural Area (LGA 2021-019)



Site Data

Size: 2.18 acres
 Existing Use: Park
 Proposed Use: Natural Area
 Current FLU: PARK
 Proposed FLU: CON

Future Land Use Designations

LR-2 Low Residential, 2 units/acre
 LR-3 Low Residential, 3 units/acre
 MR-5 Medium Residential, 5 units/acre
 PARK Park
 INST Institutional
 NA

Date: 4/26/2021
 Contact: PBC Planning
 Filename: AMEND/21-B2/Site/Conservation FLUA
 Note: Map is not official, for presentation purposes only.

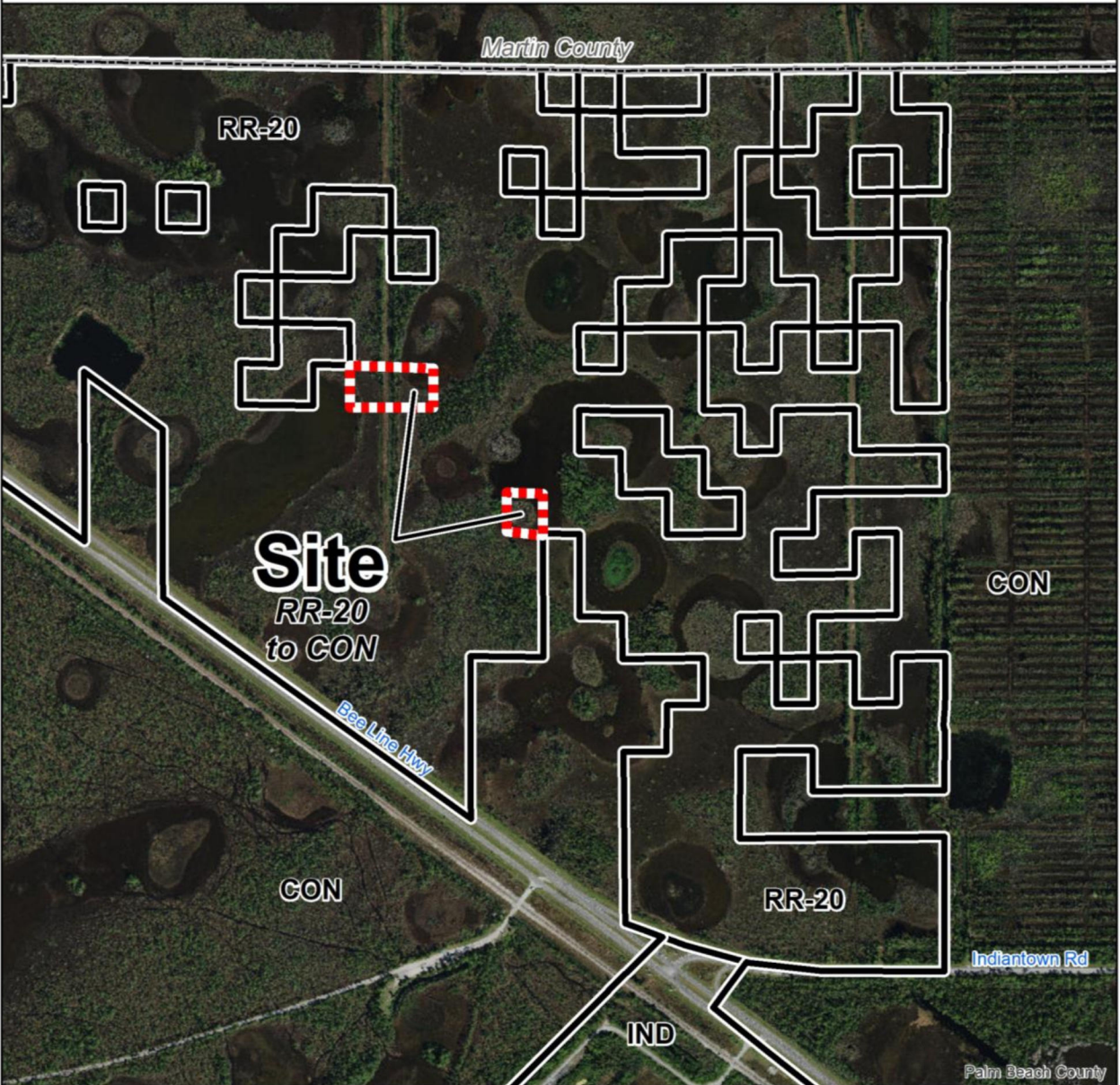


Planning, Zoning & Building
 2300 N. Jog Rd, WPB, FL 33411
 Phone (561) 233-5300



Future Land Use Atlas Amendment

Pine Glades Natural Area (LGA 2021-020)



Site Data

Size: 3.76 acres
 Existing Use: Vacant
 Proposed Use: Natural Area
 Current FLU: Rural Residential, 1 unit per 20 acres (RR-20)
 Proposed FLU: Conservation (CON)

Future Land Use Designations

RR-20	Rural Residential, 1 unit per 20 acres
CON	Conservation
IND	Industrial

Date: 4/26/2021
 Contact: Planning
 Filename: AMEND/20-B2/Site/Conservation FLUA
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C. Introduction & Review

I. Intent of the Amendment

This is a County initiated amendment to amend County owned lands to the Conservation Future Land Use Designation at the request of the Department of Environmental Resources Management (ERM). Specific changes consist of:

- **Future Land Use Atlas Amendment.** The proposed amendment will amend the Future Land Use designation on four County-owned parcels totaling 5.94 acres from Rural Residential, 1 unit per 20 acres (RR-20) and Parks and Recreation (PARK) to Conservation (CON). The parcels are in two separate locations. Three parcels (3.76 acres) are adjacent to the Pine Glades Natural Area located east of Bee Line Highway along the north side of Indiantown Road. One parcel (2.18 acres) is adjacent to the Juno Dunes Natural Area on the east side of Ellison Wilson Road just south of Donald Ross Road.

Parcel Background: The parcels are located in two separate areas in the North end of the County. Three are north of Indiantown Road, east of Bee Line Highway adjacent to the Pine Glades Natural Area and one is located south of Donald Ross Road on the east side of Ellison Wilson adjacent to the Juno Dunes Natural Area. The general location and brief description of the parcels can be found in Exhibit 1, and a more detailed description of the parcels are found in Exhibit 3. The parcels adjacent to Pine Glades are undeveloped and occupied primarily by native communities such as remnants of high-quality depression marsh, dome swamp, hydric hammock, mesic flatwoods and wet prairie communities. The parcel adjacent to Juno Dunes is also undeveloped and contains high quality scrub habitat. All of the parcels are part of important wildlife corridors that contribute to the publicly-owned conservation areas in the area. There is no associated zoning petition.

The County, through ERM, has acquired these parcels for the purposes of environmental preservation, restoration and conservation. Acquisition and management of the lands will preserve the existing biological diversity, including the endangered, threatened and rare species of plants and animals that live within the parcels. The 3.76 acres in the Palm Beach Heights area were acquired by the County through the tax deed process in June 2020. Costs related to the acquisition of these parcels were paid from the County's Natural Areas Fund. The 2.18 acres in Juno Dunes area were acquired by the County in 1975 from the Florida Inland Navigation District (FIND) for future parks and recreation purposes. In 2010, the Board of County Commissioner's approved a land swap of these lands, and lands in Winding Waters Natural Area, between the Parks Department and Environmental Resources Management via Resolution R-2010-1452. The parcels are available to the public for recreational, environmental education and scientific research activities that do not adversely affect the environmentally sensitive nature of these areas.

II. Data and Analysis Summary

This section of the report summarizes the consistency of the amendment with the County's Comprehensive Plan. Exhibit 2 details the consistency of the amendment with Plan policies, including justification, compatibility, public facilities impacts, intergovernmental coordination, and consistency with specific overlays and plans. The substantive factors from Exhibit 2 are summarized below.

A. Proposed Amendment

This amendment, consisting of four parcels, proposes to amend the Future Land Use for a total of 5.94 acres, from RR-10 and PARK to Conservation (CON). The addition of lands to the Conservation Land Use is part of an ongoing program to save native communities and ecosystems as required by the Comprehensive Plan, and acquisitions have occurred since the last update in 2020.

B. Appropriateness of the Amendment

The proposed future land use amendment supports and is consistent with several Comprehensive Plan policies including:

- Conservation Element Goal 2, “Protection of Native Communities and Ecosystems” which states that is it the County’s goal “...to conserve, appropriately use, and protect the natural functions of native communities and ecosystems.”
- Conservation Element Objective 2.1, which directs the County to “...preserve and protect native communities and ecosystems to ensure that representative communities remain intact...,” with priority given to lands with significant native vegetation.
- Conservation Element Policy 2.2-f, which requires the County to “support wetland creation, restoration, enhancement, and preservation”. The subject parcels contain environmentally significant wetland, upland and scrub habitats which benefit and support the surrounding ecosystems.
- Conservation Element Policy 2.3-b regarding the Loxahatchee Slough and River Corridor, which requires the County to “continue to designate as Conservation on the County’s Land Use Plan Map any acquired conservation areas within the area defined as the “Corridor” by the South Florida Water Management District, as well as all slough and river natural areas acquired or managed by the County”. This will further Policy 2.3-f to re-establish the historic hydrologic connections within the Loxahatchee River watershed.

Assessment and Recommendation. The amendment complies with the requirement of Future Land Use Element Policy 2.2.7-b which states that “the County shall initiate amendments to designate environmentally sensitive lands purchased by the County as Conservation...” and will reflect the County’s purchase of environmentally sensitive parcels by changing the Future Land use designation to Conservation. This land use change will guarantee the appropriate use of lands with significant native vegetation, protect the natural functions of the native communities and ecosystems, ensure that representative communities remain intact and help to create conservation greenway/wildlife corridors that will link conservation areas. The proposed amendment is consistent with the Comprehensive Plan and compatible with surrounding land uses.

Staff recommends **approval** based upon the findings within this report.

Exhibits	Page
1. Future Land Use Map & Property Control Numbers	E-1
2. Consistency with the Comprehensive Plan	E-3
3. Natural Area Description	E-7
4. Correspondence	E-9

Exhibit 1-A

Amendment No:	Juno Dunes (LGA 2021-019)
FLUA Page No:	21
Amendment:	From Parks and Recreation (PARK) to Conservation (CON)
Location:	South of Donald Ross Road, along the East side of Ellison Wilson Road
Size:	2.18 acres approximately
Property No:	00-43-41-29-00-000-5830

Conditions: None

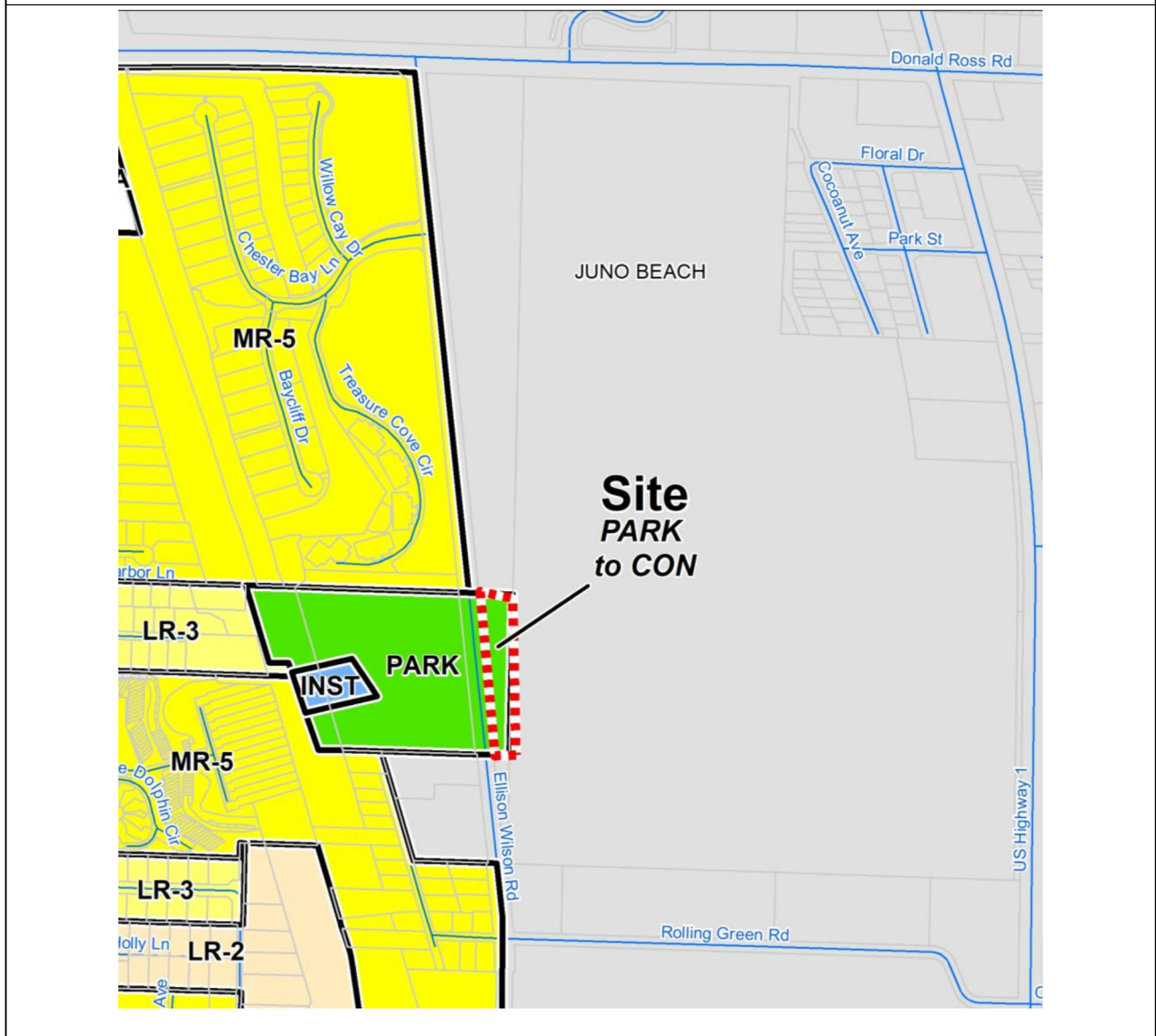


Exhibit 1-B

Amendment No:	Palm Beach Heights (LGA 2021-020)
FLUA Page No:	3
Amendment:	From Rural Residential, 1 unit per 20 acres (RR-20), to Conservation (CON)
Location:	North of Indiantown Road, East side of Bee Line Highway
Size:	3.76 acres approximately
Property No:	00-40-40-32-00-000-1240 1.14 acres 00-40-40-32-00-000-1480 1.31 acres 00-40-40-32-00-000-1490 1.31 acres

Conditions: None



Exhibit 2

Consistency with Comprehensive Plan

This Exhibit examines the consistency of the amendment with the County's Comprehensive Plan, Tier Requirements, applicable Neighborhood or Special Area Plans, and the impacts on public facilities and services.

A. Consistency with the Comprehensive Plan - General

1. **Justification: FLUE Policy 2.1-f:** This policy states that *“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, and 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), F.S.;*
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)*

Staff Analysis: This policy is the umbrella policy over the entire amendment analysis and many of the items are addressed specifically elsewhere in this report as identified above. This amendment is proposed to reflect the County's acquisition of property for conservation purposes and, therefore, has met the justification requirements.

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.*

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

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

Staff Analysis: This amendment fosters the preservation of natural areas through the assignment of the Conservation future land use designation which furthers the above referenced directions.

B. Consistency with Urban/Suburban Tier Requirements for the Specific FLU

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.....*”

1. **Future Land Use Element, Policy 1.2-a:** *Within the Urban/Suburban Tier, Palm Beach County shall protect the character of its urban and suburban communities by:*
 1. *Allowing services and facilities consistent with the needs of urban and suburban development;*
 2. *Providing for affordable housing and employment opportunities;*
 3. *Providing for open space and recreational opportunities;*
 4. *Protecting historic, and cultural resources;*
 5. *Preserving and enhancing natural resources and environmental systems; and,*
 6. *Ensuring development is compatible with the scale, mass, intensity of use, height, and character of urban or suburban communities.*

Staff Analysis: This amendment reflects the identification, preservation and enhancement of natural resources and environmental systems, and provides open space and recreational opportunities; it is therefore consistent with this policy.

2. **Future Land Use Element, Policy 2.2.7-b:** *The County shall initiate amendments to designate environmentally sensitive lands purchased by the County as Conservation. The County shall also coordinate with municipalities to designate County acquired environmentally sensitive lands within incorporated areas as Conservation.*

Staff Analysis: This amendment is consistent with and mandated by Future Land Use Element Policy 2.2.7-b and will accurately reflect the use of these sites as county-owned Conservation lands.

3. **Conservation Element Goal 2, “Protection of Native Communities and Ecosystems”** and the Conservation Element, Objective 2.1, which directs the County to “...preserve and protect native communities and ecosystems to ensure that representative communities remain intact. Priority shall be given to lands with significant native vegetation.”

Staff Analysis: The proposed amendment is consistent with the stated goal and objective which directs the County to conserve/preserve and protect native communities and ecosystems for public benefit.

4. **Conservation Element Policy 2.2-f**, which directs the County to “*support wetland creation, restoration, enhancement, and preservation...*”.

Staff Analysis: The acquisition and preservation of the subject parcels, which contain environmentally sensitive wetland and upland habitats, is consistent with this policy.

5. **Conservation Element, Goal 5 (Linked Open Space Network - Conservation Greenways/Wildlife Corridors), Objective 5.1 (Greenways and Corridors)** and its associated policies.

Staff Analysis: The acquisition, preservation of county-owned conservation lands and modification of the Future Land Use designation on those parcels to Conservation, will support Conservation Element Objective 5.1. This objective directs the County to “...create Conservation Greenway/Wildlife Corridors linking Conservation Areas and lands with significant native vegetation...”. The recently acquired parcels will help support nearby natural areas/conservation areas, along with the listed species that utilize those areas. The parcels, in combination with other publicly-owned conservation lands, will be managed as part of a linked open space network to assure the survival of species that would be jeopardized by isolation.

6. **Future Land Use Element OBJECTIVE 5.6** The Greenways and Linked Open Space System (GLOSS) Objective contains policies that identify and encourage the creation of an interconnected system of trails, natural/Conservation areas and multipurpose open spaces that will bridge designated conservation lands with recreational opportunities and other publicly owned open spaces via the continued acquisition of lands and intergovernmental coordination.

Staff Analysis: The proposed amendment will further the goal to add lands for Conservation purposes and that may provide lands available to expand existing trail networks or for new trails.

C. Compatibility

The County-owned properties within the amendment are adjacent to, or near, other County and other Government owned conservation lands within the Loxahatchee River Watershed and Pine Glades Natural area system, which will be retained as natural lands and, therefore, there are no compatibility issues with this amendment.

D. 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 subject request is not located within any neighborhood plans, overlays or plan study areas as identified in the Comprehensive Plan.

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 subject site is not located within the boundaries of a Neighborhood Plan or Planning Area Special Study.

E. Public Facilities and Services Impacts

The County-owned property within the amendment site will be retained as conservation lands, therefore, there will be no impacts to public facilities and/or services.

F. 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 was sent to the County’s Intergovernmental Plan Amendment Review Committee (IPARC), a clearing-house for plan amendments, on May 20, 2021. At the time of the printing of this report, no calls or written requests for information or objections to the amendment have been received.
2. **Other Notice:** At the time of the printing of this report no comments have been received from other interested groups, or members of the public.

Exhibit 3-A

Natural Area Description Juno Dunes

This amendment will change the Future Land Use designation on the subject parcel (2.18 acres) from Parks and Recreation (Park), to Conservation (CON). The western edge of the subject parcel fronts Ellison Wilson Road. It is bordered to the north, east and south by undeveloped, scrub-dominated lands. Lands lying north and east of the subject parcel are owned by the state and managed by the County as part of the Juno Dunes Natural Area, pursuant to a 50-year lease (State Lease No. 4161, as amended). The parcel immediately south of the subject parcel is part of an upland preserve area; it is subject to a 2006 Conservation Easement granted to ERM. Lands north, east and south of the subject parcel have a Future Land Use designation of Conservation (Town of Juno Beach's Future Land Use Map, revised in January 2010).

Acquisition of the Juno Dunes Natural Area Addition: Palm Beach County (County) acquired the subject parcel and other lands from the Florida Inland Navigation District (FIND) in February 1975. FIND conveyed the subject parcel and other lands to the County for future park/recreational purposes. The lands lying west of Ellison Wilson Road were developed into an active park, known as Bert Winters Park. The subject parcel, lying east of Ellison Wilson Road, was never developed.

In 2010, the County's Board of County Commissioners approved a land swap between the County's Department of Environmental Resources Management (ERM) and its Parks and Recreation Department (Parks). Pursuant to Resolution 2010-1452, ERM took over management responsibilities for the subject parcel and incorporated it into the adjacent Juno Dunes Natural Area. In exchange, Parks took over the management of a 1.9-acre parcel south of the County's Winding Waters Natural Area and converted it into a neighborhood park.

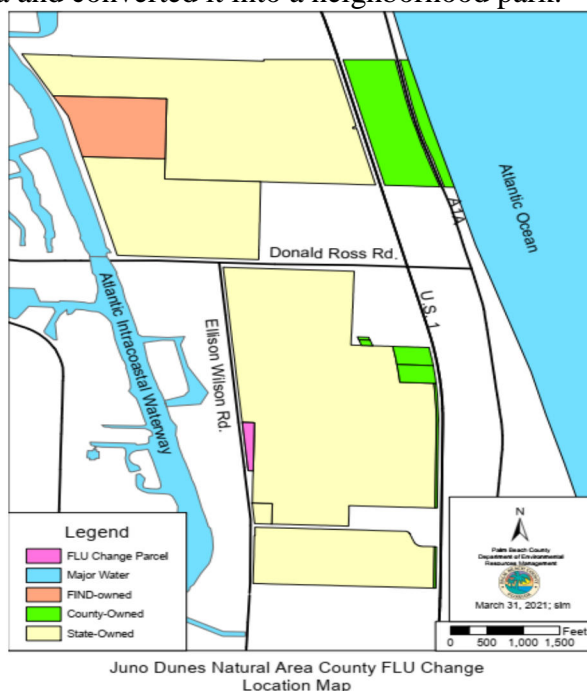


Exhibit 3-B

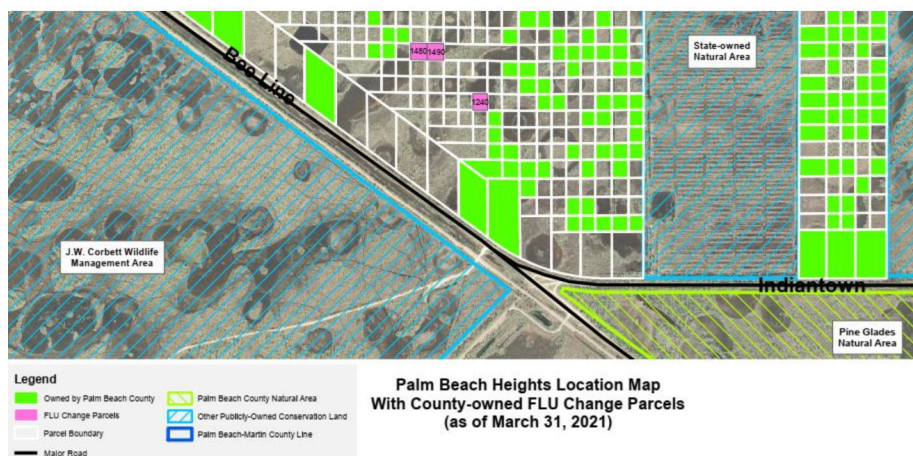
Natural Area Description Palm Beach Heights

This amendment will change the Future Land Use designation on three parcels (3.7 acres) located north of Indiantown Road and Pine Glades Natural Area, and east of Beeline Highway (SR 710) from Rural Residential, 1 unit per 20 acres (RR-20), to Conservation (CON). The subject parcels are located in an area known as the Palm Beach Heights portion of Palm Beach County (County).

The subject parcels do not meet current land development regulations and therefore are not buildable (see attached April 2017 report and June 2005 White Paper, or <http://discover.pbcgov.org/erm/Publications/2017Report-LackofDevelopmentPotentialPalmBeachHeightsParcels.pdf> and <http://discover.pbcgov.org/erm/Publications/2005PalMarWhitePaper.pdf>).

The parcels are considered the product of an illegal subdivision. Unlike some of the Jupiter Farms areas, the owners of the Palm Beach Heights area failed to apply for and obtain an Affidavit of Exemption which could have exempted the area from the subdivision rule. As a result, they cannot meet the requirements listed under Zoning's Potentially Buildable Lot Review.

Acquisition of the Palm Beach Heights/Pine Glades Natural Area Addition: The County, through its Department of Environmental Resources Management, acquired title to the subject parcels through the tax deed process in June 2020. Costs related to the acquisition of these parcels were paid from the County's Natural Areas Fund. The purpose of these acquisitions was to help reduce the number of nongovernment-owned parcels within an area that does not conform with County land development regulations, preserve high-quality freshwater wetland, transitional and low lying upland habitats, preserve one of the most significant (42" to 60") aquifer recharge areas in the County (see MAP UT 1.1, Palm Beach County Comprehensive Plan), preserve freshwater flows to the Northwest Fork of the Loxahatchee River (a Nationally-designated Wild and Scenic River), and eventually create a wildlife and greenway corridor that would connect conservation lands within the Pratt Whitney complex and J.W. Corbett Wildlife Management Area, to conservation lands within the John C. and Mariana Jones/Hungryland Wildlife and Environmental Area. The County manages the subject parcels as part of the nearby Pine Glades Natural Area.



**Exhibit 5
Correspondence**
