

# 2024 FUTURE LAND USE ATLAS AMENDMENT APPLICATION

## Part 1. Amendment Data

### A. Amendment Data

|                                    |   |   |   |
|------------------------------------|---|---|---|
| <b>Round</b>                       | 25-B  | <b>Intake Date</b>  | November 13, 2024                               |
| <b>Application Name</b>            | West Boynton Ranches  | <b>Revised Date</b>   | N/A   |
| <b>Acres</b>                       | 32.35 Acres   | <b>Control Number</b>   | 1979-053, 1997-120, 1991-010 (Offsite Preserve) |
|                                    |   | <b>Text Amend?</b>  | No  |
| <b>PCNs</b>                        | 00-42-43-27-05-053-0050, 00-42-43-27-05-053-0290, 00-42-43-27-05-053-0440, 00-42-46-18-01-000-0470 (Offsite Preserve)   |   |   |
| <b>Location</b>                    | South side of Boynton Beach Blvd. approximately 0.24 miles west of Lyons Road & South side of Happy Hollow Rd. approximately 0.10 miles east of SR-7 (Offsite Preserve) |   |   |
|                                    | <b>Current</b>  | <b>Proposed</b>   |   |
| <b>Tier</b>                        | Agricultural Reserve  | Agricultural Reserve  |   |
| <b>Use</b>                         | Agriculture (2,880 SF woodshed, 4,898 SF single family home, & 2,000 SF storage building)   | Multifamily Residential   |   |
| <b>Zoning</b>                      | Residential Estate (RE) and Agricultural Reserve (AGR)  | Multiple Use Planned Development (MUPD)                           |   |
| <b>Future Land Use Designation</b> | Agricultural Reserve (AGR)  | Essential Housing (EH) with underlying Agricultural Reserve (AGR) |   |
| <b>Conditions</b>                  | None  | To Be Determined  |   |

### B. Development Potential

|  | <b>Current FLU</b>                                      | <b>Proposed FLU</b>                                     |
|--|---|---|
| <b>Maximum Square Feet (for non-residential)</b> | 0.15 FAR x 32.35 acres = 211,375 SF of agriculture uses | 0.15 FAR x 32.35 acres = 211,375 SF of agriculture uses |
| <b>Maximum Units (for residential)</b>           | 1 du/5 acres x 32.35 ac. = 6 units                      | 8 du/acre x 32.35 ac. = 259 units                       |
| <b>Maximum Beds (for CLF proposals)</b>          | Not Applicable  | Not Applicable  |
| <b>Population Estimate</b>                       | 6 max du x 2.39 = 14 people                             | 259 max du x 2.39 = 619 people                          |

## Part 2. Applicant Data

### A. Agent Information

|                           |   |
|---------------------------|---|
| <b>Name</b>               | Lauren McClellan / Jennifer Morton  |
| <b>Company Name</b>       | JMorton Planning & Landscape Architecture   |
| <b>Address</b>            | 3910 RCA Boulevard, Suite 1015  |
| <b>City, State, Zip</b>   | Palm Beach Gardens, FL 33410  |
| <b>Phone / Fax Number</b> | (561) 721-4463 & (561) 500-5060   |
| <b>Email Address</b>      | <a href="mailto:lmcclellan@jmortonla.com">lmcclellan@jmortonla.com</a> / <a href="mailto:jmorton@jmortonla.com">jmorton@jmortonla.com</a> |

### B. Applicant Information

|                           |  |                           |
|---------------------------|--|---------------------------|
| <b>Name</b>               | Darin Montgomery, Vice President   | Bruce & Denise Bedner     |
| <b>Company Name</b>       | West Boynton Ranches GP Inc. agent for West Boynton Ranches Holdings, LP |                           |
| <b>Address</b>            | 5292 John Lucas Drive  | 9862 Happy Hollow Road    |
| <b>City, State, Zip</b>   | Burlington, Ontario L7L 5-Z9-CA  | Delray Beach, FL 33446    |
| <b>Phone / Fax Number</b> |  |                           |
| <b>Email Address</b>      |  |                           |
| <b>Interest</b>           | Owner  | Owner (Off-site Preserve) |

## Part 3. Site Data

### A. Site Data

|  |  |
|--|--|
| <b>Built Features</b>                  | 2,880 SF woodshed, various agriculture storage containers, 4,898 SF single family home, & 2,000 SF storage building  |
| <b>PCN</b>                             | 00-42-43-27-05-053-0050, 00-42-43-27-05-053-0290, 00-42-43-27-05-053-0440, & 00-42-46-18-01-000-0470 (Offsite Preserve)  |
| <b>Street Address</b>                  | 9344 Boynton Beach Blvd., 9281 105 <sup>th</sup> Street S, & 9862 Happy Hollow Rd. (Offsite Preserve)  |
| <b>Frontage</b>                        | 659.91 feet of frontage on Boynton Beach Boulevard, 1,273 feet of frontage on 102 <sup>nd</sup> Place South, and 2,599.94 feet of depth  |
| <b>Legal Access</b>                    | Boynton Beach Blvd., 102 <sup>nd</sup> Place S, 105 <sup>th</sup> Street S, Happy Hollow Rd. (Offsite Preserve)  |
| <b>Contiguous under same ownership</b> | 00-42-43-27-05-053-0430 (+/-5.01 acres), 00-42-43-27-05-053-0093 (+/-109.06 acres), 00-42-43-27-05-053-0391 (+/-5.05 acres), 00-42-43-27-05-053-0141 (+/-5.02 acres), & 00-42-43-27-05-053-0120 (+/-19.32 acres)   |
| <b>Acquisition details</b>             | The property was acquired on January 7, 2021, from Stuart Land Investment, LLC by Special Warranty Deed. According to the Special Warranty Deed, the Property was granted for the consideration of \$10.00.<br>The property was acquired on January 15, 2021, from Beverly H. Bauerband by Warranty Deed. According to the Warranty Deed, the Property was granted for the consideration of \$10.00.<br>The property was acquired on June 26, 1992, from Bruce Allen Bedner and Denise Bedner by Quit-Claim Deed. According to the Quit-Claim Deed, the Property was granted for the consideration of \$10.00. (Offsite Preserve). |
| <b>Size purchased</b>                  | 32.35 Acres  |

### B. Development History

|                                 |  |
|---------------------------------|--|
| <b>Previous FLUA Amendments</b> | None   |
| <b>Concurrency</b>              | None   |
| <b>Plat, Subdivision</b>        | Palm Beach Farms Co Plat No 3, Palm Beach Farms Co PI 1 Sub in PB 2 PGS 26 to 28 Inc (Offsite Preserve). |

### C. Zoning Approvals & Requests

| Reso. No.   | App. No.     | Status   | Type     | Description          | Changes proposed (if any) |
|-------------|--------------|----------|----------|----------------------|---------------------------|
| R-1979-0490 | Z-1979-00053 | Approved | Rezoning | Rezoning from AG RE  |                           |
| R-1998-0851 | Z-1997-120   | Approved | Rezoning | Rezoning from AR AGR |                           |

## Part 4. Consistency

### A. Surrounding Land Uses.

| Adjacent Lands | Use   | Future Land Use      | Zoning  |
|----------------|---|----------------------|---|
| <b>North</b>   | Agriculture   | Agricultural Reserve | Agricultural Reserve  |
| <b>South</b>   | Single-family residential (Valencia Reserve PUD)<br>1,096 dwelling units, 2.5 DU/AC net | Agricultural Reserve | Agricultural Reserve – Planned Unit Development                                     |
| <b>East</b>    | Single-family residential (Valencia Reserve PUD)<br>1,096 dwelling units, 2.5 DU/AC net | Agricultural Reserve | Agricultural Reserve – Planned Unit Development                                     |
| <b>West</b>    | Single-family residential & agriculture uses  | Agricultural Reserve | Agricultural Reserve & Agricultural Reserve – Planned Unit Development/Preservation |

#### *Offsite Preserve Parcel*

| Adjacent Lands | Use  | Future Land Use                                  | Zoning   |
|----------------|--|--|--|
| <b>North</b>   | BBX Park at Delray (672,533 SF of light industrial uses) | Commerce with an Underlying Agricultural Reserve | Multiple Use Planned Development                             |
| <b>South</b>   | Agriculture  | Agricultural Reserve                             | Agricultural Reserve – Planned Unit Development/Preservation |
| <b>East</b>    | Landscape Services                                       | Agricultural Reserve                             | Agricultural Reserve – Planned Unit Development/Preservation |
| <b>West</b>    | Agriculture  | Agricultural Reserve                             | Agricultural Reserve   |



### Part 5. Public Facilities Information

| <b>A. Traffic Information</b>                                       |  |                                    |
|---|--|------------------------------------|
|   | <b>Current</b>   | <b>Proposed</b>                    |
| <b>Max Trip Generator</b>   | 5 Acrea Nursery (Garden Center) (ITE LUC 817) +<br>28 acres Nursery (Wholesale) (ITE LUC 818)  | Multifamily Mid-Rise (ITE LUC 221) |
| <b>Maximum Trip Generation</b>                                      | 1,087 daily, 20 AM, 58 PM  | 1,199 daily, 98 AM, 103 PM         |
| <b>Net Daily Trips:</b>   | 112 (maximum minus current)  |                                    |
| <b>Net PH Trips:</b>  | 78 AM, 45 PM (maximum)   |                                    |
| <b>Significantly impacted roadway segments that fail Long Range</b> | None   | None                               |
| <b>Significantly impacted roadway segments for Test 2</b>           | None   | None                               |
| <b>Traffic Consultant</b>   | Simmons & White  |                                    |
| <b>B. Mass Transit Information</b>                                  |  |                                    |
| <b>Nearest Palm Tran Route (s)</b>                                  | Route 73 – Boynton Beach Crosstown via Boynton Beach   |                                    |
| <b>Nearest Palm Tran Stop</b>                                       | Stop #6795 – Boynton Beach Blvd at 102 <sup>nd</sup> Place South, south side of Boynton Beach Boulevard approximately 0.026 miles west of 102 <sup>nd</sup> Place South  |                                    |
| <b>Nearest Tri Rail Connection</b>                                  | Boynton Beach station  |                                    |
| <b>C. Potable Water &amp; Wastewater Information</b>                |  |                                    |
| <b>Potable Water &amp; Wastewater Providers</b>                     | Palm Beach County Water Utilities  |                                    |
| <b>Nearest Water &amp; Wastewater Facility, type/size</b>           | The nearest point of connection is a 12 inch sanitary sewer forcemain located within Boynton Beach Boulevard adjacent to the property. The nearest point of connection is a 16 inch potable water main located within Boynton Beach Boulevard adjacent to the property |                                    |
| <b>D. Drainage Information</b>                                      |  |                                    |

The site is situated in South Florida Water Management District's (SFWMD) C-16 Drainage Basin and within the Lake Worth Drainage District (LWDD) service area. The project will meet the requirements set forth by SFWMD, LWDD and Palm Beach County. The proposed stormwater management improvements may include but are not limited to storm sewer systems, swales, lakes, dry detention areas, and underground detention areas. Wet or dry detention areas will be utilized for water quality treatment and required storage prior to offsite discharge. The offsite connection will occur to the north via the existing LWDD Lateral No. 24 on the south side of Boynton Beach Boulevard.

**E. Fire Rescue**

|                             |  |
|-----------------------------|--|
| <b>Nearest Station</b>      | Palm Beach County Fire-Rescue Station # 47, located at 7950 Enterprise Center Circle |
| <b>Distance to Site</b>     | 2.50 miles   |
| <b>Response Time</b>        | Average response time is 7:44  |
| <b>Effect on Resp. Time</b> | The proposed amendment will have some impact on the response time for Station # 47   |

**F. Environmental**

|  |   |
|--|---|
| <b>Significant habitats or species</b> | The Property has previously been cleared and utilized for agriculture purposes. Per the Environmental Statement, no significant habitats or species were observed on the Property |
| <b>Flood Zone*</b>                     | The Property is located in Zone X, which is not a flood zone  |
| <b>Wellfield Zone*</b>                 | The Property is not located within a Wellfield Protection Zone  |

**G. Historic Resources**

There are no significant historic resources present on the Property

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

| <b>Park Type</b> | <b>Name &amp; Location</b>  | <b>Level of Svc.<br/>(ac. per person)</b> | <b>Population Change</b> | <b>Change in Demand</b> |
|------------------|---|---|--------------------------|-------------------------|
| <b>Regional</b>  | John Prince Park<br>2700 6 <sup>th</sup> Avenue South<br>Lake Worth, FL 33461   | 0.00339                                   | +619                     | +2.10 ac.               |
| <b>Beach</b>     | Ocean Ridge Hammock Park<br>6620 North Ocean Boulevard<br>Ocean Ridge, FL 33435 | 0.00035                                   | +619                     | +0.22 ac.               |
| <b>District</b>  | Canyon District Park<br>8802 Boynton Beach Blvd.<br>Boynton Beach, FL 33472     | 0.00138                                   | +619                     | +0.85 ac.               |

**I. Libraries - Residential Only (Including CLF)**

| <b>Library Name</b>       | West Boynton Branch        |                          |                         |
|---------------------------|----------------------------|--------------------------|-------------------------|
| <b>Address</b>            | 9451 Jog Road              |                          |                         |
| <b>City, State, Zip</b>   | Boynton Beach, FL 33437    |                          |                         |
| <b>Distance</b>           | 2.8 miles                  |                          |                         |
| <b>Component</b>          | <b>Level of Service</b>    | <b>Population Change</b> | <b>Change in Demand</b> |
| <b>Collection</b>         | 2 holdings per person      | +619                     | +1,238 holdings         |
| <b>All staff</b>          | 0.6 FTE per 1,000 persons  | +619                     | +0.37 FTE staff         |
| <b>Library facilities</b> | 0.6 square feet per person | +619                     | +371.4 sq. ft.          |

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

|                         | <b>Elementary</b>        | <b>Middle</b>           | <b>High</b>                           |
|-------------------------|--------------------------|-------------------------|---------------------------------------|
| <b>Name</b>             | Sunset Palms Elementary  | Woodlands Middle School | Olympic Heights Community High School |
| <b>Address</b>          | 8650 Boynton Beach Blvd. | 5200 Lyons Road         | 20101 Lyons Road                      |
| <b>City, State, Zip</b> | Boynton Beach, FL 33472  | Lake Worth, FL 33467    | Boca Raton, FL 33434                  |
| <b>Distance</b>         | 0.5 miles                | 6.6 miles               | 14.1 miles                            |



# Attachment F Built Feature Inventory & Map

Boynton Beach Blvd

Boynton Beach Blvd

Lyons Rd

Florida's Turnpike

s Rd

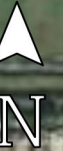
2,880 SF woodshed

Site

Agriculture storage  
containers

4,898 SF single family  
home

2,000 SF storage  
building





## Attachment G Consistency with the Comprehensive Plan and Florida Statutes

### Introduction

On behalf of the Applicant, JMorton Planning & Landscape Architecture is requesting a Comprehensive Plan Future Land Use Atlas amendment for the 29.35 acre property located on the south side of Boynton Beach Boulevard, approximately ¼ mile west of Lyons Road (“Property”) to amend the future land use designation from Agricultural Reserve (AGR) to Essential Housing, with an underlying Agricultural Reserve (EH/AGR). The Property is located within the Agricultural Reserve Tier and is currently utilized for agriculture row crops and former single-family home. In addition, three (3) acres of the +/- 5-acre property located on the south side of Happy Hollow Road, ½ mile west of Smith Sundry Road will be included in the project area as an off-site preserve parcel (“Off-site Preserve”). Together, the properties total 32.35 acres.

### **I. PROPOSED FLUA MAP AMENDMENT**

The Applicant is requesting a Future Land Use Atlas Amendment from Agricultural Reserve (AGR) to Essential Housing, with an underlying Agricultural Reserve (EH/AGR). The current future land use designation would allow for maximum of six (6) dwelling units on the entire (0.2 du/ac x 32.35 ac.). The proposed future land use designation will allow for a maximum of 259 residential units (8 du/acre x 32.35 ac.). The Applicant is proposing to pursue a rezoning to Planned Unit Development (PUD), which will allow for the development of a multi-family residential project.

### Description of Site Vicinity

The Property is located along the south side of Boynton Beach Boulevard, ¼ mile west of Lyons Road within the Agricultural Reserve. To the north, across Boynton Beach Boulevard, are agriculture uses, and to the south, east and west are single family homes.

Land uses directly abutting the Property include the following:

| Adjacent Property | Land Use Designation | Zoning Designation | Existing Use  | Control Number | Resolution Number           |
|-------------------|----------------------|--------------------|---|----------------|-----------------------------|
| <b>North</b>      | AGR                  | AGR                | Agriculture Uses                                    | 2005-0162      | R-2018-1703,<br>R-2018-1704 |
| <b>South</b>      | AGR                  | AGR-PUD/<br>PUD-P  | Single Family Residential –<br>Valencia Reserve PUD | 2005-0003      | R-2011-1846                 |
| <b>East</b>       | AGR                  | AGR-PUD            | Single Family Residential –<br>Valencia Reserve PUD | 2005-0003      | R-2011-1846                 |
| <b>West</b>       | AGR                  | AGR/ PUD-P         | Single Family Residential<br>& Place of Worship     | 2005-0162      | R-2018-1703,<br>R-2018-1704 |

### History

The Agricultural Reserve Master Plan was originally developed to preserve and enhance agricultural activity and environmental and water resources in the Ag Reserve. Since the adoption of the Ag Reserve related Comprehensive Plan policies, numerous residential developments have been built and the number of residents living within the boundaries of the Ag Reserve has significantly increased. The needs of those residents, as well as good planning practices, have spurred additional changes in the Ag Reserve. These changes included increasing the commercial square footage cap to allow for additional smaller commercial projects, allowing 5-acre standalone preserve parcels, and allowing smaller commercial projects to develop without the need to provide preserve acreage. Additional changes have been approved to allow the development of congregate living facilities and self-storage facilities within the Ag Reserve. Finally, the Reserve at Atlantic project, a private text and future land use amendment,

spurred the review by the County Board of Commissioners to consider a Future Land Use Designation of Essential Housing in the Agricultural Reserve. The Reserve at Atlantic project was adopted on July 28, 2022, by the County Board of Commissioners and the Logan Ranch Residential applied the following year with adoption of an Essential Housing designation on August 24, 2023. The Future Land Use Designation of Essential Housing expands the ability to develop multi-family housing options to serve the needs of nearby uses such as the commercial plazas, hospital, congregate living facility, schools and agricultural facilities.

### **Compliance with Comprehensive Plan Requirements**

This application is being submitted in compliance with the requirements of the Essential Housing designation as well as the standards required in the future land use amendment application as specified below:

#### **G.1 Justification**

Each proposed FLUA amendment must be found to be consistent with the Goals, Objectives, and Policies (GOPs) of the Comprehensive Plan. Future Land Use Element Policy 2.1.f requires that adequate justification for the proposed future land use be provided. Further, the justification statement must demonstrate that a change is warranted and demonstrate the following two factors:

**1. *The proposed use is suitable and appropriate for the subject site.***

**Response:** The proposed future land use designation of EH to allow for workforce housing in a PUD with density exceeding 1 dwelling unit per acre is suitable and appropriate for the Property. The Property is located along Boynton Beach Boulevard, which is a major east/west right-of-way that provides easy access to Florida's Turnpike as well as State Road 7 and I-95. Further, recent and future approved development near the Property includes a hospital, schools, light industrial, congregate living facility, commercial centers and the Logan Ranch Residential development on Acme Dairy Road. Locating higher-density, compact development on major corridors in proximity to the commercial plazas limits trips and facilitates transit access. Workforce housing in the Tier also furthers the County objectives of dispersing workforce housing and addressing the housing needs of lower income households where currently only high-income households exist.

Allowing additional housing opportunities within the Agricultural Reserve will encourage balanced growth. The Agricultural Reserve is comprised of single-family homes, most of which are planned gated communities. This is a homogeneous development pattern with little to no economic diversity. The recent changes to the Agricultural Reserve Master Plan have allowed increased services to be developed to support the increasing amount of residential development. However, no accommodation of workforce housing for those working in the service, education, and healthcare industries has been provided. The Property is well suited for increased density and workforce housing due to its location between the institutional uses to the north and west and the commercial and institutional uses to the east. The proposed multi-family project will provide a transition between those intense uses on Boynton Beach Boulevard and the existing single-family uses to the south and east.

The Master Plan envisioned the development of 2,520 multi-family units and 4,200 townhouse units. To date no townhouses or multi-family units have been constructed, and the Agricultural Reserve continues to be developed with large single-family homes generally priced above \$880,000. The consultants that prepared the Agricultural Reserve Master Plan recommended that the County allow density increases as a means of encouraging multi-family development and varied residential product types as well as encouraging integration between residential and non-residential uses. The development pattern of the Agricultural Reserve is segregated and lacks connectivity, as commercial uses are concentrated at the intersection of Boynton Beach Boulevard and Lyons Road, institutional uses are located along the Boynton Beach Boulevard corridor and the gated single family residential developments have primarily been developed with frontage/access on Lyons and Acme Dairy Roads. This type of development pattern requires residents to drive to and from the various services that they need. The Project will locate residential uses in proximity to services and encourage alternative modes of transportation. Additionally, the workforce of those various commercial businesses will have additional options

for housing within these residential developments. Approval of the proposed future land use will allow for the development of a housing product that will add a diverse and affordable housing option for the workers within the Agricultural Reserve.

The density increase to 8 units per acre is necessary to accommodate the development of multi-family units. Higher density already exists in the Tier with the “In The Pines” development that serves some of the farmworkers of the Tier. Additionally, the Reserve at Atlantic and Logan Ranch Residential has been approved at 8 units per acre. The Congregate Living Facility designation, recently approved for Erikson CCRC and Poet’s Walk CLF, allows for density at 8 dwelling units per acre. The Preserve area is still required and that additional density increase is needed to offset the cost of acquiring preserve land and providing workforce housing.

The creation of additional housing options within the Agricultural Reserve will allow the workforce in the area the opportunity to live close to their place of employment. By adding more housing options to the Agricultural Reserve, travel distance and time is reduced. This reduction would lessen the impacts on the major rights-of-way in the Tier, thus decreasing the burden for service provision on County taxpayers. Water and sewer lines have been installed along Boynton Beach Boulevard to serve the various residential projects being developed within the Agricultural Reserve. Allowing development of the Property with a workforce housing project would be an efficient use of these existing public facilities.

**2. *There is a basis for the proposed FLU change for the particular subject site based upon one or more of the following:***

**a. *Changes in FLU designations on adjacent properties or properties in the immediate area and associated impacts on the subject site.***

**Response:** As previously mentioned, significant changes to the original master plan have been approved within the Agricultural Reserve. Most recently on July 28, 2022, the Board of County Commissioners approved Reserve at Atlantic, for development of 476 multi-family residential units and a daycare for 120 children. The Reserve at Atlantic Project was also the catalyst for the Board of County Commissioners to direct staff to initiate the Future Land Use Amendment for Essential Housing. The Essential Housing Future Land Use Designation has been approved for Logan Ranch Residential at the corner of Acme Dairy Rd. and Boynton Beach Blvd. for a total of 314 units (since approval, the Logan Ranch Residential project has decreased the density to 180 units). With the approval of these two projects, workforce housing residential projects are beginning to proposed and developed within the Tier.

Continued residential growth has created a need for additional services within the Agricultural Reserve. The additional services that have been approved and developed along Boynton Beach Boulevard and in the immediate area, requires a workforce, and can benefit from housing options. The employees of these retail, restaurant, and other essential services that cater to the growing single family residential development are sometimes priced out of the single-family housing options that are currently available and being developed in the Agricultural Reserve. The employees and workforce of the existing nearby commercial, industrial and institutional uses would benefit from a more diverse housing option including multi-family or townhome developments. The increased density allows for a more affordable option of housing for these employees.

**b. *Changes in the access or characteristics of the general area and associated impacts upon the subject site.***

**Response:** The characteristics of the area have changed significantly since the 1989 Comprehensive Plan was adopted. The Agricultural Reserve Master Plan originally intended that more intense uses and development would occur along the major roadways and at nodes within the Tier. The Master Plan further intended for lower density residential to develop outside of the higher intensity core and eventually transition to the Agricultural Preserve parcels. This development pattern has not occurred, rather development is disconnected. Contributing factors to this development pattern that were not anticipated

include, several large farming families ceasing operations and no longer farming, including Whitworth, Winsberg, Mazzonni, Amestoy, and Dubois. Over the past 20 years, these large tracts of farmland have been converted into single family residential planned developments, thus significantly impacting the development pattern of the Tier. A majority of the residential developments in the Agricultural Reserve are comprised of single-family homes. As housing prices increase, the affordability of housing to the workforce of the nearby commercial is reduced. Previously, this Tier was exempted from the County's mandatory workforce housing program and has limited density of 1 dwelling unit per acre thus, therefore the area had become very homogeneous and cost prohibitive to workforce employees.

In the twenty years that have passed since the creation of the Agricultural Reserve Master Plan, the population has significantly increased. The 2020 population for Palm Beach County is 1,466,494 which represents a 30% population increase from 2000. The projected 2030 population will be 1,649,079, an increase of 15% over the period of 10 years. The Board of County Commissioners and the County Administrator have stated that Palm Beach County has a housing crisis due to a lack of workforce housing. The County's Workforce Housing Program was recently revised, in an attempt to provide more on-site construction of workforce housing and to ensure that units are being constructed and will meet the needs of the workforce population. The average home price in the Agricultural Reserve is approximately \$880,000 which is nearly double Palm Beach County's \$526,000 median single-family sales price (January 2020) and affordable only to households earning above the County's Moderate Household Income. The need for workforce housing is only being met by those developments within the Urban/Suburban Tier and being further exacerbated by the current development pattern and density limitations within the Agricultural Reserve.

Other changes to the Agricultural Reserve include increases to the commercial square footage cap in order to meet the demand for retail, restaurants and other services by the residents of the Agricultural Reserve. This has allowed for more commercial parcels to be developed in addition to the originally designated Traditional Marketplace Developments (TMDs) located at Boynton Beach Boulevard and Lyons Road and Atlantic Avenue and Lyons Road. Other non-residential uses have been developed in the area to support the residents of the Tier. A large regional hospital campus including approximately 170,000 square feet of medical office, several public and charter schools have been approved and developed along the Boynton Beach Boulevard corridor. These institutional uses have numerous employees that would benefit from workforce housing in proximity to their places of employment thereby reducing travel times.

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

**Response:** The Agricultural Reserve Master Plan recognized the need for workforce housing within the Tier by allowing and encouraging vertical and horizontal integration of residential units within the TMDs. However, this type of forced design was not affordable, feasible or marketable, especially at a density of 1 dwelling unit per acre. The Consultant recommended that the County permit density bonuses as a means of encouraging vertical integration and ensuring a greater diversity of housing types.

The Master Plan originally intended for development to be concentrated and radiate outward from two nodes (Boynton Beach Boulevard and Lyons Road and Atlantic Avenue and Lyons Road). Preservation parcels were anticipated to be located west of State Road 7 and within the core of the Agricultural Reserve. The proposed text amendment will allow for development to occur along Boynton Beach Boulevard in an area originally designated by the Master Plan as a location for multi-family development.

Recently, the Board of County Commissioners approved a multi-family development, Reserve at Atlantic, with a density of 8 dwelling units to the acre providing for a total of 476 residential dwelling units; and a daycare for 120 children. This project is seen as a catalyst for the County Board of Commissioner's direction to staff to initiate a Future Land Use Amendment that would provide an Essential Housing designation within the Agricultural Reserve. The Essential Housing Future Land Use Designation creates a higher-



density category with a significant workforce housing requirement and a preserve requirement, helping to create livable communities while recognizing the unique characteristics of the area. The higher density development will be located on major corridors with proximity to the marketplaces limiting trips and facilitating transit access.

Initially, multi-family was intended to locate within the two approved TMDs. The residential units have yet to be constructed within these two projects. The proposed project will provide additional housing options within the Tier that were originally contemplated but were never developed. These units will be located within proximity of the TMDs to ensure the intent of the Agricultural Reserve Master Plan is realized.

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

**Response:** AGR is not the most appropriate FLUA designation for the Property to create an appropriate balance of land uses within the Agricultural Reserve. Allowing an increase in density will allow for the original intent of the Master Plan which included a variety of housing types including multi-family to be realized. The existing density of 1 du/acre will not allow for the development of multi-family housing in the Agriculture Reserve. Many municipalities across the Country have recently begun to eliminate single family zoning and future land use designations as these categories have been determined by planners and government officials to be discriminatory to those residents with lower incomes. The EH Future Land Use category that allows multi-family development in addition to single family development would be more appropriate to ensure a diverse and economically strong locality.

**e. *Whether the adopted FLU designation was assigned in error.***

**Response:** N/A

## **G.2 Residential Density Increases**

Per Future Land Use Element Policy 2.4-b, the proposed request for a density increase is consistent with the following criteria:

- Demonstrate a need for the amendment.
- Demonstrate that the current FLUA designation is inappropriate.
- Provide a written explanation of why the Transfer of Development Rights, Workforce Housing, and Affordable Housing Programs cannot be utilized to increase density on the site.

**a. *Demonstrate a Need for the Amendment***

**Response:** As discussed above, Palm Beach County is in the middle of a Workforce Housing crisis. There is a significant deficit of workforce housing options available to working professionals such as teachers, police, nurses, etc. in Palm Beach County. The Density Bonus and Transfer of Development Rights as a means to increase density is not appropriate for this site as it is not permitted in the AGR. However, the Project will be increasing density through the requested amendment to the Future Land Use Designation of EH. As mentioned earlier, a requirement of the EH designation is to provide workforce housing. In addition, the amendment provides for market rate multi-family housing which is a needed option for so many of Palm Beach County's workforce. The Agricultural Reserve has been exempted from the mandatory Workforce Housing Program that has been in place since the early 2000's. This exemption has allowed the development of very expensive residential development within a 22,000-acre portion of Palm Beach County without any contributions to the housing crisis occurring throughout the County. This continued exclusive development has only exacerbated the divide between the "haves" and the "have nots" in Palm Beach County. The average home price of \$880,000 is not affordable for many workers within the Agricultural Reserve including the nurses, hospital staff, retail workers, restaurant workers, teachers, and future County Parks and Library Staff.

**b. *Demonstrate that the Current FLUA Designation is Inappropriate***

**Response:** As discussed above, the development of multi-family residential units will not occur in the Agricultural Reserve unless density rates are increased. With the adoption of the Essential Housing Future

*Land Use designation, increased density will be permitted in the AGR allowing development of multi-family housing and requiring workforce housing. Initially, multi-family was intended to locate within the two approved TMDs. The residential units have yet to be constructed within these two projects. The proposed project will provide additional housing options within the Tier that were originally contemplated but were never able to be developed. These units will be located within close proximity of the TMDs to ensure the intent of the Agricultural Reserve Master Plan is realized.*

**c. Explanation of Why TDR, WHP and AHP Cannot be Utilized to Increase Density on the Property**

***Response:** The Agricultural Reserve is a sending area for the Transfer of Development Rights (TDR) Program. The recently adopted Future Land Use Designation (EH), will provide the desired density 8 dwelling units per acre; and will set aside 25% of the proposed dwelling units for workforce housing units. Therefore, the proposed amendment is the appropriate means for providing these units.*

**G.3 Compatibility**

Compatible land uses are defined as those which are consistent with each other in that they do not create or foster undesirable health, safety, or aesthetic effects arising from direct association of dissimilar activities, including the impacts of intensity of use, traffic, hours of operation, aesthetics, noise vibration, smoke, hazardous odors, radiation, and other land use conditions. The definition of “compatibility” under the repealed Rule 9J-5, FAC, is “a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted, directly or indirectly by another use or condition”. With this definition in mind, the requested change would make the subject property more compatible with the surrounding properties which have undergone land use amendments.

To be compatible, it is not necessary that two uses have the exact same function (e.g. residential, commercial, institutional, etc.). Rather, compatibility is attained when uses do not adversely affect each other. Further, two uses whose functions are different can complement and support each other. For example, a commercial use can provide essential services to residents of surrounding neighborhoods, as well as the community at-large. In addition, buffering, screening, setback, height, and landscaping requirements can further enhance compatibility, and reduce the potential negative effects of functionally different land uses.

Several factors lead to the conclusion that the proposed FLUA Map Amendment designation will be compatible with neighboring uses.

- Access is available from Boynton Beach Boulevard, a right-of-way designated as an arterial road, thus directing traffic away from local roads in the vicinity.
- Boynton Beach Boulevard is currently developed with a mix of institutional, commercial, residential, and agricultural uses. The proposed MLU will provide for additional housing opportunities along this important east-west corridor of the Agricultural Reserve and Palm Beach County. On this basis, the proposed development concept at this location is determined to be compatible.
- The proposed use is compatible with the existing development pattern and adjacent uses that have occurred along the Boynton Beach Boulevard corridor.

The above factors, coupled with setbacks, buffers and landscaping requirements will dictate that on-site structure(s) will be compatible with the neighboring properties and not create or foster undesirable health, safety, or aesthetic effects.

**G.4 Comprehensive Plan**

The proposed Future Land Use Atlas Amendment is consistent with various goals, objectives, and policies in the Palm Beach County Comprehensive Plan as detailed below.

**Goals** – The proposed FLUA amendment furthers the County’s goals as described below.

- Balanced Growth** – “...to recognize the diverse communities within the County, to implement strategies to create and protect quality livable communities respecting the lifestyle choices for current residents, future generations, and visitors, and to promote the enhancement of areas in need of assistance.”

*Response: Approval of this proposed FLU amendment will allow for the development of multi-family residential units. Single-family residential development in the Agricultural Reserve has been growing substantially without any alternative housing options provided. Workers within the Agricultural Reserve continue to travel from outside of the Tier to work at various businesses, schools, and medical facilities. The proposed FLU amendment will bring additional housing opportunities to the Agricultural Reserve catering to the current workers and future residents of the Tier thus enhancing the quality of life for those that have chosen to live within the western Boynton Beach area.*
- Land Planning** – “...to create and maintain livable communities, promote the quality of life, provide for a distribution of land uses of various types, and at a range of densities and intensities, and to balance the physical, social, cultural, and environmental and economic needs of the current and projected residents and visitor populations. This shall be accomplished in a manner that protects and maintains a diversity of lifestyle choices, and provides for the timely, cost-effective provision of public facilities.”

*Response: Allowing additional housing options within the Agricultural Reserve will encourage balanced growth. The Agricultural Reserve is comprised of single family homes, most of which are planned gated communities out of the reach of workforce incomes. This is a homogeneous development pattern with little to no economic diversity. The recent changes to the Agricultural Reserve Master Plan have allowed increased services to be developed to support the increasing amount of residential development. However, no accommodation of housing for those working in the service, education, and healthcare industries has been provided.*

**Objectives** – The proposed FLUA amendment furthers the County’s objectives as further described below.

- FLUE Objective 1.5 Agricultural Reserve Tier** – “Development areas should be concentrated east of SR7 (in the vicinity of Boynton Beach Boulevard and in the vicinity and south of Atlantic Avenue) in order to protect the environmentally sensitive lands within and surrounding the Loxahatchee National Wildlife Refuge, foster the preservation of agriculture in the center of the Tier, and to reduce infrastructure costs and impacts on taxpayers.”

*Response: As mentioned above, if additional housing options were available within the Agricultural Reserve, much of the workforce would have the opportunity to live close to their place of employment. By adding more housing options to the Agricultural Reserve, travel distance and time is reduced. This reduction would lessen the impacts on the major rights-of-way in the Tier, thus decreasing the burden for service provision on County taxpayers. Water and sewer lines have been installed along Boynton Beach Boulevard to serve the various residential projects being developed within the Agricultural Reserve. All property owners with frontage along Boynton Beach Boulevard were required to pay assessments for the extension of these water and sewer lines. Allowing development of the Property with a workforce housing project would be an efficient use of these existing public facilities. Another contribution to a sustainable development pattern would be the reduction of carbon dioxide gas emissions as travel times are reduced.*
- FLUE Objective 3.1 Service Areas - General** – “Palm Beach County shall establish graduated service areas to distinguish the levels and types of services needed within a Tier, consistent with sustaining the characteristics of the Tier. These characteristics shall be based on the land development pattern of the community and services needed to protect the health, safety and welfare of residents and visitors; and the need to provide cost effective services based on the existing or future land uses.”

*Response: The Property is located within the Agricultural Reserve which is a Limited Urban Service Area (LUSA) where services and public facilities are already available. The Property’s location at a major transportation route with access/frontage on Boynton Beach Boulevard, within a mile of State Road 7 and Florida Turnpike contribute to timely, cost-effective service provision. The proposed project will better serve the immediate and future needs of the community as it will provide additional housing opportunities*

for those working for the existing retail, restaurant, and industrial businesses. Traffic on the east-west roadways in the Agricultural Reserve is caused by the number of residents leaving the Tier in the mornings for work and service providers traveling into the area. This proposed amendment will allow for the creation of additional housing opportunities thus keeping workers west of the Florida Turnpike and off the major east-west roadways and ultimately having a positive impact on the safety and welfare of the existing residents.

**Policies** – The proposed FLUA amendment furthers the County’s policies as further described below.

- **FLUE Policy 1.5.1-b:** “A residential AgR-PDD shall require the following:
  1. That the development area be compact, contiguous, and arranged as a unified whole and appropriately buffered so as not to interfere with the continued or future function of the preserve area.
  2. That the development area be situated adjacent to other existing, planned, or projected development areas.
  5. That preserve areas be used only for agriculture or open space uses.”

**Response:** *The proposed development will provide the appropriate percentage of preserve area similar to other planned developments within the Tier. The proposed project is located on Boynton Beach Boulevard.*

### **G.5 Florida Statutes**

Data and analysis demonstrating that the proposed development can be supplied by necessary services without violating adopted LOS standards are presented in Traffic Letter and Study, Drainage Statement, Fire Rescue Letter, and Water and Wastewater Provider Letter. Data and analysis discussing environmental and historical resources impacts are presented in Drainage Statement, Wellfield Zone Map, Natural Features Inventory and Map and Historic Resource Evaluation Letter. No negative environmental impacts are identified.

The primary indicators that a plan or plan amendment does not discourage the proliferation of urban sprawl are listed below along with the applicant’s descriptions. The evaluation of the presence of these indicators shall consist of an analysis of the plan or plan amendment within the context of features and characteristics unique to each locality in order to determine whether the plan or plan amendment discourages urban sprawl.

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

**Response:** *The applicant is requesting to change the FLU of the Property from AGR to EH which will provide additional housing opportunities within the Agricultural Reserve. The Agricultural Reserve is an existing area of low intensity/density and single-use development. The proposed amendment will provide housing options not currently in existence within the Boynton Beach Boulevard corridor of the Agricultural Reserve. The proposed text change will allow for the development of multi-family residential units that will counteract the urban sprawl that has been occurring since the creation of the Agricultural Reserve Master Plan.*
- Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.
 

**Response:** *The Property is located in the Agricultural Reserve which is a Limited Urban Service Area (LUSA) and along the Boynton Beach Boulevard corridor which is not rural in nature. Urban services such as police, fire rescue and water/wastewater/drainage utilities exist in the immediate area.*
- Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.
 

**Response:** *The development is not isolated in nature as development surrounds the Property along the Boynton Beach corridor. Specifically, commercial uses have been approved and developed at the intersection of Boynton Beach Boulevard and Lyons Road just to the east of the Property. The proposed*



*development would be considered infill development at a major intersection and transportation node between the intense commercial/industrial projects along a rapidly changing roadway corridor.*

- Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.  
**Response:** *This amendment does not fail to protect and conserve natural resources as the proposed development will have no negative impact on any other significant natural system. The Property does not support any environmentally sensitive areas. No listed species were located on the property, and it is located outside of any wellfield protection zone. As required by the ULDC, any native plant material will be addressed during the zoning approval process.*
- Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils.  
**Response:** *The Property is located within the Agricultural Reserve. Although it is currently utilized as agriculture row crops, the Property is not designated as a preserve parcel. The Property's location along a major right-of-way, bordered by development to the east and south is not an optimal location for agricultural uses. The overall development pattern for this corridor has been determined by the recent County approvals and existing uses (commercial, institutional, and residential).*
- Fails to maximize use of existing public facilities and services.  
**Response:** *Reports and letters are provided with this application to show the availability of roadway capacity, water/sewer service, drainage outfall and fire response. It is anticipated that the proposed residential development will not negatively impact public facilities and services.*
- Fails to maximize use of future public facilities and services.  
**Response:** *Reports and letters are provided with this application to show the availability of roadway capacity, water/sewer service, drainage outfall and fire response. In comparison to other uses that are allowed in the 1 du/ac planned unit developments, it is anticipated that the proposed residential development will not negatively impact public facilities and services.*
- Allows for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.  
**Response:** *Public services and facilities are already available in the immediate vicinity. The proposed amendment will provide for infill development and fit in with the existing land use pattern.*
- Fails to provide a clear separation between rural and urban uses.  
**Response:** *The Property is located within the Agricultural Reserve which is a Limited Urban Service Area (LUSA). The Property is not adjacent to the Rural Tier therefore, the proposal discourages the proliferation of Urban Sprawl by locating goods, services employment, and alternative housing options in close proximity to where people live.*
- Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.  
**Response:** *This amendment will allow for infill development as development surrounds the Property. The proposed project will serve the current and future needs for the surrounding communities and will also provide a much needed alternative housing option.*
- Fails to encourage a functional mix of uses.  
**Response:** *Approval of the proposed amendments will allow for a mix of uses. The proposed amendment will allow for the development of an alternative housing type within an area of the County that has historically only been developed with low intensity/density residential development. The proposed project will contribute to a functional mix of uses along the Boynton Beach Boulevard corridor which has been relatively homogeneous in the past.*
- Results in poor accessibility among linked or related land uses.  
**Response:** *The proposed development will be designed with pedestrian connections as required through the zoning process.*
- Results in the loss of significant amounts of functional open space.

**Response:** *This amendment does not result in a loss of any functional open space as the subject property is currently not utilized as functional open space. The development will still provide for the required preservation land.*

**Florida Statutes, Section 163.3177.(6).(a).9.b:** Of those criteria listed in this section the subject property will meet the following criteria which shows that it will discourage the proliferation of urban sprawl:

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

**Response:** *This amendment does not fail to protect and conserve natural resources as the property is vacant of natural resources. The site is undeveloped and it is located outside of any wellfield protection zone. As required by the ULDC, any native plant material will be addressed during the zoning approval process.*

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

**Response:** *The request for a FLUA amendment will maximize the use of future public facilities and services existing and within a relatively urban corridor. No facilities would be required to be installed in rural or sparsely populated areas, thereby maximizing the use of the existing facilities. Therefore, the proposal discourages the proliferation of Urban Sprawl by locating residential development near goods, services and employment adjacent to existing public infrastructure.*

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

**Response:** *The development will be designed meeting the requirements for a planned development (PDD) project which includes pedestrian connections, bike racks, multi-use paths, and other elements that support a compact development.*

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

**Response:** *Approval of this proposed amendment will allow the development of multi-family residential within an area of the County that has historically only been developed with low intensity/density residential development. The proposed project will contribute to a functional mix of uses within the Agricultural Reserve which has been relatively homogeneous in the past. The proposed uses will better serve the surrounding residential community as well as provide a much needed housing option for the workers within the Agricultural Reserve.*

### **Conclusion**

As described above, the proposed future land use amendment from Agricultural Reserve (AGR) to Essential Housing (EH) to allow increased density is consistent with the Goals, Objectives, and Policies of Palm Beach County's Comprehensive Plan and the Florida State Statutes. The proposed amendment is also compatible with the surrounding area. The proposed amendment does not contribute to urban sprawl. The amendment is consistent with the Agricultural Reserve Master Plan as well as provide a much needed service and alternative housing option to the area residents and workers that will not negatively impact service provision.



**Water Utilities Department  
Engineering**

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



**Palm Beach County  
Board of County  
Commissioners**

Gregg K. Weiss, Mayor  
Maria Sachs, Vice Mayor  
Maria G. Marino  
Michael A. Barnett  
Marci Woodward  
Sara Baxter  
Mack Bernard

**County Administrator**

Verdenia C. Baker

October 9, 2024

Morton  
3910 RCA Boulevard  
Palm Beach Gardens, Fl. 33410

RE West Boynton ranches  
PCN 00-42-43-27-05-053-0050, 00-42-43-27-05-053-0290, 00-42-43-27-05-053-0440 & 00-42-46-18-01-000-0470 (Offsite Preserve).  
Service Availability Letter

Dear Maryori,

This is to confirm that the referenced property is located within Palm Beach County Utility Department (PBCWUD) utility service area. Based on a review of current PBCWUD infrastructure and existing customers within the general vicinity of the referenced property, PBCWUD currently has the capacity to provide the level of service required for the proposed Essential housing (EH). The proposed change will allow for +/- 280 multifamily units.

The nearest point of connection is a 16" potable water main and a 12" sanitary sewer forcemain located within Boynton Beach Blvd. adjacent to the subject property. There is a 12" reclaimed water main located within Lyons Road approximately 1500 feet from the subject property.

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

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

Sincerely,

Jackie Michels, P.E.,  
Project Manager

"An Equal Opportunity  
Affirmative Action Employer"

**ENGINEER'S DRAINAGE STATEMENT  
WEST BOYNTON ESSENTIAL HOUSING  
PCN: 00-42-43-27-05-053-0050, 00-42-43-27-05-053-0290  
and 00-42-43-27-05-053-0440  
PALM BEACH COUNTY, FLORIDA**

**EXISTING SITE CONDITIONS**

The +/- 29.35-acre subject property is located on the south side of Boynton Beach Blvd approximately 1,200 feet west of Lyons Road in unincorporated Palm Beach County, Florida. The parcel control numbers (PCNs) of the property are 00-42-43-27-05-053-0050, 00-42-43-27-05-053-0290 and 00-42-43-27-05-053-0440. The existing project site is currently used for agricultural purposes and as single family homes.

**PERMITTING REQUIREMENTS**

The site is situated in South Florida Water Management District's (SFWMD) C-16 Drainage Basin and within the Lake Worth Drainage District (LWDD) service area. The project will meet the requirements set forth by SFWMD, LWDD and Palm Beach County.

**DRAINAGE FACILITIES**

The proposed stormwater management improvements may include but are not limited to storm sewer systems, swales, lakes, dry detention areas, and underground detention areas. Wet or dry detention areas will be utilized for water quality treatment and required storage prior to offsite discharge. The offsite connection will occur to the north via the existing LWDD Lateral No. 24 on the south side of Boynton Beach Boulevard. The LWDD L-24 Canal has a control water elevation of 16.00 ft-NGVD (14.50 ft-NAVD).

Water quality treatment equivalent to 2-½ -inch times the percent imperviousness of the site or 1-inch over the entire site, whichever is greater, will also be required. Water attenuation up to the 25-year, 3-day design storm event peak stage elevation must be retained onsite and a perimeter berm with the top of berm set at the 25-year, 3-day design storm event peak stage elevation will be required.

The project site falls within the Waters Not Attaining Standards (WNAS) Map as determined by the Florida Department of Environmental Protection (FDEP). This means that an additional 50% of water quality treatment will have to be provided for. Refer to Exhibit M. The existing site is discharging into an Outstanding Florida Water (OFW) area and into a basin that is considered an impaired water body, both of which require additional water quality treatment as a part of the proposed drainage system design.

The lakes within the development area will not be hydraulically connected to the passive park lakes within the preserve area. The project perimeter berm with a minimum elevation of the 25-year, 3-day storm event, will surround the development area to create an additional hydraulic separation between the development area and the preserve area.

The site is located within the South Florida Water Management District (SFWMD) C-16 Basin (See Exhibit J). This basin is controlled by the Boynton Canal which provides flood protection from a 25-year storm event. The allowable discharge within the C-16 Basin is 62.6 CSM for the 25-year design storm since the project is upstream of the SFWMD S-41 spillway control structure. No off-site areas contribute to the project sites drainage area.

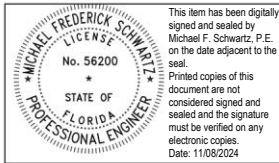


## **LEGAL POSITIVE OUTFALL**

Legal positive outfall will be provided for by piped connections to the LWDD L-24 Canal. Drainage outfall will be routed through the control structure consisting of a bleeder and a weir to meet water quality and attenuation requirements before discharging to the L-24 canal.

## **FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOODPLAIN**

According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM), the entirety of the project site lies within Flood Hazard Zone X as shown in Panel 12099C0765F. Flood Hazard Zone X is defined as an area of minimal flood hazard. This flood zone is further depicted as an area determined to be outside the 500-year flood and protected by levee from 100-year flood.



---

*Michael F. Schwartz, P.E.*  
*Florida Registration # 56200*  
Kimley-Horn and Associates, Inc.  
1920 Wekiva Way, Suite 201  
West Palm Beach, Florida 33411  
Phone: 561-404-7247

Authorization No. CA 00000696

**This item has been digitally signed and sealed by Michael F. Schwartz on the date adjacent to the seal. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.**



**Fire Rescue**

Chief Patrick J. Kennedy  
405 Pike Road  
West Palm Beach, FL 33411  
(561) 616-7000  
www.pbcgov.com



**Palm Beach County  
Board of County  
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Michael A. Barnett  
Marci Woodward  
Sara Baxter  
Mack Bernard

**County Administrator**

Verdenia C. Baker

*"An Equal Opportunity  
Affirmative Action Employer"*

Official Electronic Letterhead

September 30, 2024

J Morton Planning/Landscape Architecture  
Attention: Maryori Velasco  
3910 RCA Boulevard  
Suite 1015  
Palm Beach Gardens, FL 33410

Re: West Boynton Ranches

Dear Maryori Velasco:

Per your request for response time information to the subject property located south of Boynton Beach Blvd., west of Lyons Rd. This property is served currently by Palm Beach County Fire-Rescue Station #47, which is located at 7950 Enterprise Center Circle. The maximum distance traveled to subject property is approximately 2.50 miles from the station. The estimated response time to the subject property is 7 minutes 30 seconds. For fiscal year 2023, the average response time (call received to on scene) for this stations zone is 7:44.

Changing the land use of this property will have some impact on Fire Rescue.

If you have any further questions, please feel free to contact me at 561-616-6909.

Sincerely,

A handwritten signature in blue ink that reads "Cheryl Allan".

Cheryl Allan, Planner II  
Palm Beach County Fire-Rescue

**ENGINEER'S ENVIRONMENTAL STATEMENT  
WEST BOYNTON ESSENTIAL HOUSING  
PCN: 00-42-43-27-05-053-0050, 00-42-43-27-05-053-0290  
and 00-42-43-27-05-053-0440  
PALM BEACH COUNTY, FLORIDA**

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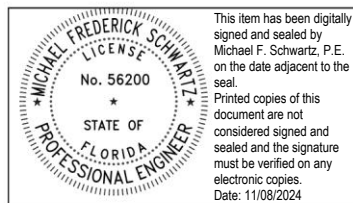
**PROJECT DESCRIPTION**

The project will consist of the construction of multi-story residential buildings. The project also includes a gatehouse, a pool, enhanced landscaping, stormwater management facilities, ancillary drive aisles, and associated surface parking within the developed area.

A preserve area will be provided within the property. A portion of the preserve area will be considered active with paths and gathering areas for the community and the public. The preserve area will include lakes.

All of the lakes, including the lakes within the preserve area, will include a variety of habitat types, such as upland open grassed areas, lakes and upland forested areas. The proposed stormwater management facilities will include littoral planting areas to enhance the water quality and environmental aspects to promote natural habitat conditions. Therefore, this natural area will provide suitable habitat for a variety of wildlife species including listed species, such as wood stork, Florida sandhill crane, American kestrels, and others. The natural area will be planted with native trees, shrubs and groundcovers, again which will provide habitat for wildlife.

In addition, this site lies within the South Florida Water Management District (SFWMD) C16 Drainage Basin, which is listed as an Impaired Water Body. In accordance with SFWMD requirements, the site will provide additional water quality treatment prior to discharge which will provide an additional layer of water quality treatment prior to discharge to the adjacent Lake Worth Drainage District Canal.



---

*Michael F. Schwartz, P.E.*  
Florida Registration # 56200  
Kimley-Horn and Associates, Inc.  
1920 Wekiva Way, Suite 201  
West Palm Beach, Florida 33411  
Phone: 561-404-7247

Authorization No. CA 00000696

**This item has been digitally signed and sealed by Michael F. Schwartz on the date adjacent to the seal. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.**

# NATURAL RESOURCE ASSESSMENT

**West Boynton  
Essential Housing  
Palm Beach County, Florida**

*November 2024*



PREPARED FOR:  
Darin Montgomery  
West Boynton Branch Holdings  
5594 Lago Del Sol Dr  
Lake Worth, FL 33449

**Kimley»Horn**

241201000

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561.845.0665

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## 1.0 INTRODUCTION

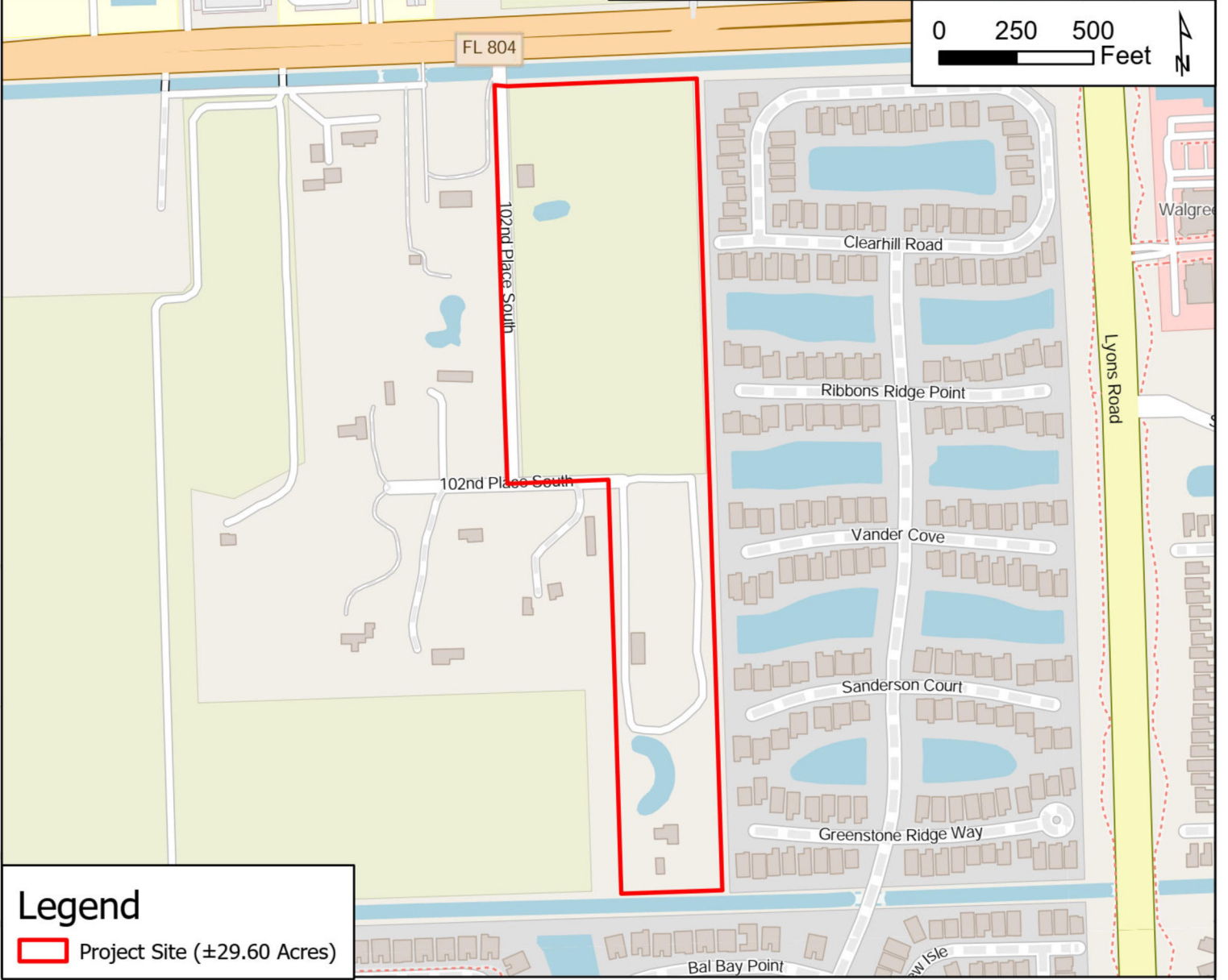
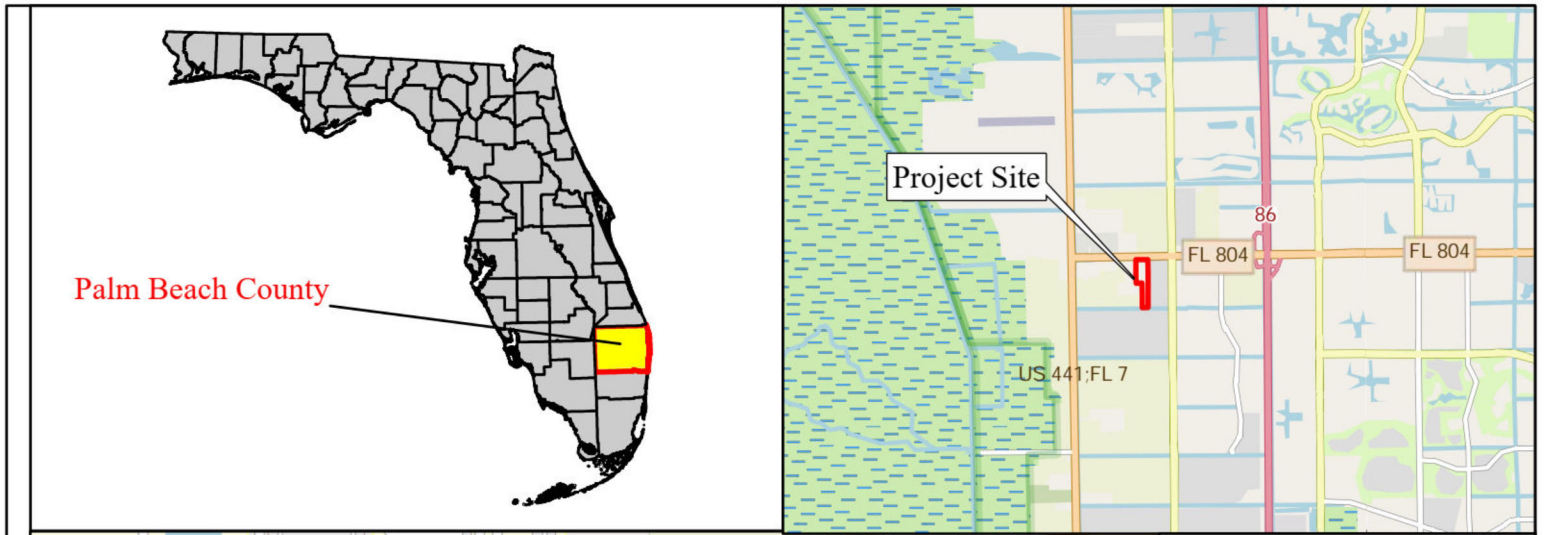
The following technical memorandum summarizes a review of readily available documentation and the results of field reconnaissance conducted within the project site. The purpose of this Natural Resource Assessment (NRA) is to characterize the existing conditions of the property relative to threatened and endangered species and their habitat, ecological communities, land cover and vegetation, wetlands, soils, hydrology, archaeological and historical resources, and floodplains.

The scope of this assessment included a review of readily available information from public databases as described in *Section 2.0 Methodology* and field reconnaissance to evaluate the environmental conditions of the site and future permit requirements for the parcels proposed for the development of the essential housing project. The scope also included a 15% gopher tortoise survey in accordance with the Florida Fish and Wildlife (FWC) Gopher Tortoise Permitting Guidelines.

The project site is approximately ±29.60 acres located west of Florida's Turnpike, east of US-441, and south of Boynton Beach Boulevard (Blvd) in the unincorporated area of Palm Beach County, Florida. This project is located in Section 30, Township 45 South, and Range 42 East on Parcel No's: 00-42-43-27-05-053-0440, 00-42-43-27-05-053-0290, and 00-42-43-27-05-053-0050. A location map is attached in *Figure 1* and a U.S. Geological Service (USGS) 7.5-Minute quadrangle map depicting the location of the project site is attached in *Figure 2*.

This report summarizes findings within the project site as delineated in the below figures.





**Legend**  
 Project Site (±29.60 Acres)

K:\WPB\_GIS\WPB\_Environmental\West Boynton Essential Housing GIS(MXD)\NRA\_Figures\

Source: ESRI, FDOT, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



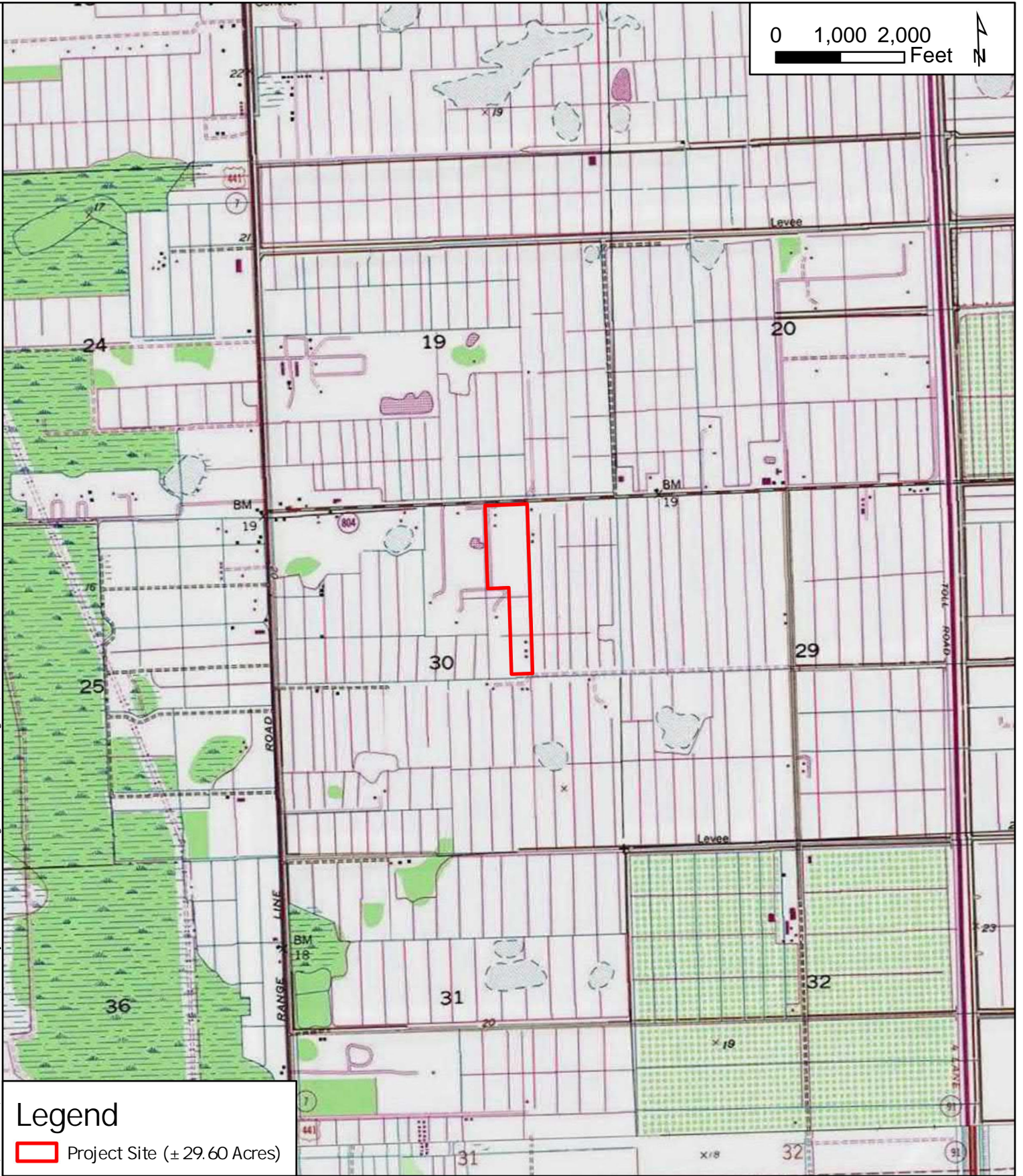
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**Project Location Map**

**West Boynton Essential Housing  
 Palm Beach County, Florida**



0 1,000 2,000 Feet



### Legend

 Project Site (± 29.60 Acres)

Source: ESRI, FDOT, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



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### USGS Topographic Map

### West Boynton Essential Housing Palm Beach County, Florida

1 inch = 2,000 feet

PROJECT NUMBER: 241201000

NOVEMBER 2024

FIGURE 2

K:\WPB\_GIS\WPB\_Environmental\West Boynton Essential Housing\GIS\MXD\NRA Figures\



## 2.0 METHODOLOGY

The methodology for this assessment included a review of the following resources:

- Florida Natural Areas Inventory (FNAI) Biodiversity Matrix (<http://www.fnai.org/biointro.cfm>)
- Various Geographic Information System (GIS) data layers from the U.S. Fish and Wildlife Service (USFWS), U.S. Geological Survey (USGS), Florida Fish and Wildlife Conservation Commission (FWC) [<https://myfwc.com/wildlifehabitats/wildlife/bba/species>)]
- USFWS IPaC Trust Resources Report (<https://ecos.fws.gov/ipac/>)
- U.S. Department of Agriculture (USDA) / Natural Resources Conservation Service (NRCS) Soil Survey of Palm Beach County, Florida (<http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>)
- State Historic Preservation Officer (SHPO), Florida Master Site File (<http://www.flheritage.com/>)
- USFWS National Wetlands Inventory (NWI) Maps (Web-based maps available from <http://www.fws.gov/wetlands/Data/mapper.html>)
- Federal Emergency Management Agency (FEMA) Digital Flood Insurance Rate Maps (FIRM; Web-based maps available from <http://msc.fema.gov/>)
- USGS Quadrangle Maps, Land Boundary Information System (LABINS; <http://www.labins.org>)
- South Florida Water Management District (SFWMD) GIS data
- Florida Department of Environmental Protection (FDEP) MapDirect GIS
- Palm Beach County Code of Ordinances

Field reconnaissance was conducted on October 29, 2024. Kimley-Horn biologists inspected the project site by walking representative transects, observing the state and conditions of the site, and adjacent properties as visible from the project site.

## 3.0 EXISTING CONDITIONS

### 3.1 SOILS

The USDA / NRCS *Soil Survey of Palm Beach County, Florida* maps the project site with the following hydric soils: (10) Cypress Lake Fine Sand, 0 to 2 Percent Slopes, and (37) Riviera Fine Sand, Frequently Pondered, 0 to 1 Percent Slopes. The following non-hydric soil was mapped within the project site: (25) Oldsmar Sand, 0 to 2 Percent Slopes. Additionally, one (1) unranked soil was mapped within the project site: (99) Water. A copy of the digital USDA/NRCS soil data is attached in *Figure 3*.

### 3.2 LAND COVER AND NATURAL COMMUNITIES

Land uses within the proposed project site were identified through pedestrian transects and aerial photograph interpretation. Land use types were classified using the *Florida Land Use, Cover, and Forms Classification System* (FLUCFCS, Florida Department of Transportation, 1999). A Land Use (FLUCFCS) map of the project site is attached as *Figure 4*. A description of the land cover included below characterizes dominant vegetation observed along random pedestrian transects and does not represent an all-inclusive vegetative inventory.

---

#### ***FLUCFCS 118 – RURAL RESIDENTIAL (±0.17 ACRES)***

This land cover was found within the southern end of the project site and consisted of an abandoned single-family home. Vegetation included Brazilian pepper (*Schinus terebinthifolia*), live oak (*Quercus virginiana*), cabbage palm (*Sabal palmetto*), dog fennel (*Eupatorium capillifolium*), cesarweed (*Urena lobata*), and cogon grass (*Imperata cylindrica*).

---

#### ***FLUCFCS 214 – ROW CROPS (±16.96 ACRES)***

This land cover was found within the majority of the northern portion of the project site. Extensive row crops in linear arrangements ran north and south within this section. Soil compaction and irrigation channels were also noted throughout this area. Vegetation along the irrigation channels included beggarstick (*Bidens aurea*), crowfoot (*Dactyloctenium aegyptium*), primrose (*Ludwigia grandiflora*) and alligator weed (*Alternather philoxeroides*).

---

***FLUCFCS 243 – ORNAMENTALS (±2.27 ACRES)***

This land cover was found within the middle of the project site consisting of an ornamental palm tree farm with various sections planted in rows. Vegetation included coconut palm (*Cocos nucifera*), cabbage palm, foxtail palm (*Wodyetia bifurcata*), pygmy date palm (*Phoenix roebelenii*), royal palm (*Roystonea regia*), and saw palmetto (*Serenoa repens*).

---

***FLUCFCS 740 – DISTURBED (±6.92 ACRES)***

This land cover was located along the southern end of the project site, consisting of a disturbed area with scattered debris. The area featured two abandoned sheds with deteriorating walls, surrounded by dense, overgrown vegetation. Large pieces of broken concrete were scattered throughout, along with various trash items, including plastic chairs, old tires, broken glass, and discarded plastic gallon containers. Vegetation included Brazilian pepper, Australian pine (*Casuarina equisetifolia*), live oak, silk tree (*Albizia julibrissin*), coconut palm, cabbage palm, saw palmetto, bishop wood (*Bischofia javanica*), Chinese wedelia (*Sphagneticola trilobata*), common ragweed (*Ambrosia artemisiifolia*), climbing dayflower (*Commelina diffusa*), muscadine (*Vitis rotundifolia*), torpedo grass (*Panicum repens*), castor bean (*Ricinus communis*), wild coffee (*Psychotria nervosa*), leather fern (*Acrostichum danaeifolium*), air potato (*Dioscorea bulbifera*), crowfoot grass (*Dactyloctenium aegyptium*), and switchgrass (*Panicum virgatum*).

### **3.3 WETLANDS, TIDAL WATERS, AND OTHER SURFACE WATERS**

The presence of wetlands and other surface waters was evaluated based on the Florida unified wetland delineation methodologies by Chapter 62-340, Florida Administrative Code (FAC) and the U.S. Army Corps of Engineers (USACE) 1987 Wetland Delineation Manual and Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region (Version 2.0). These methods consider the prevalence of wetland vegetation, hydric soil indicators, and wetland hydrology. Surface waters include both natural and manmade bodies of water, such as streams, lakes, ponds, canals, and ditches. Based on the initial database review and subsequent assessment of on-site conditions, there appears to be approximately ± 3.27 acres of surface waters on-site (*Figure 5*). No wetlands were found onsite.

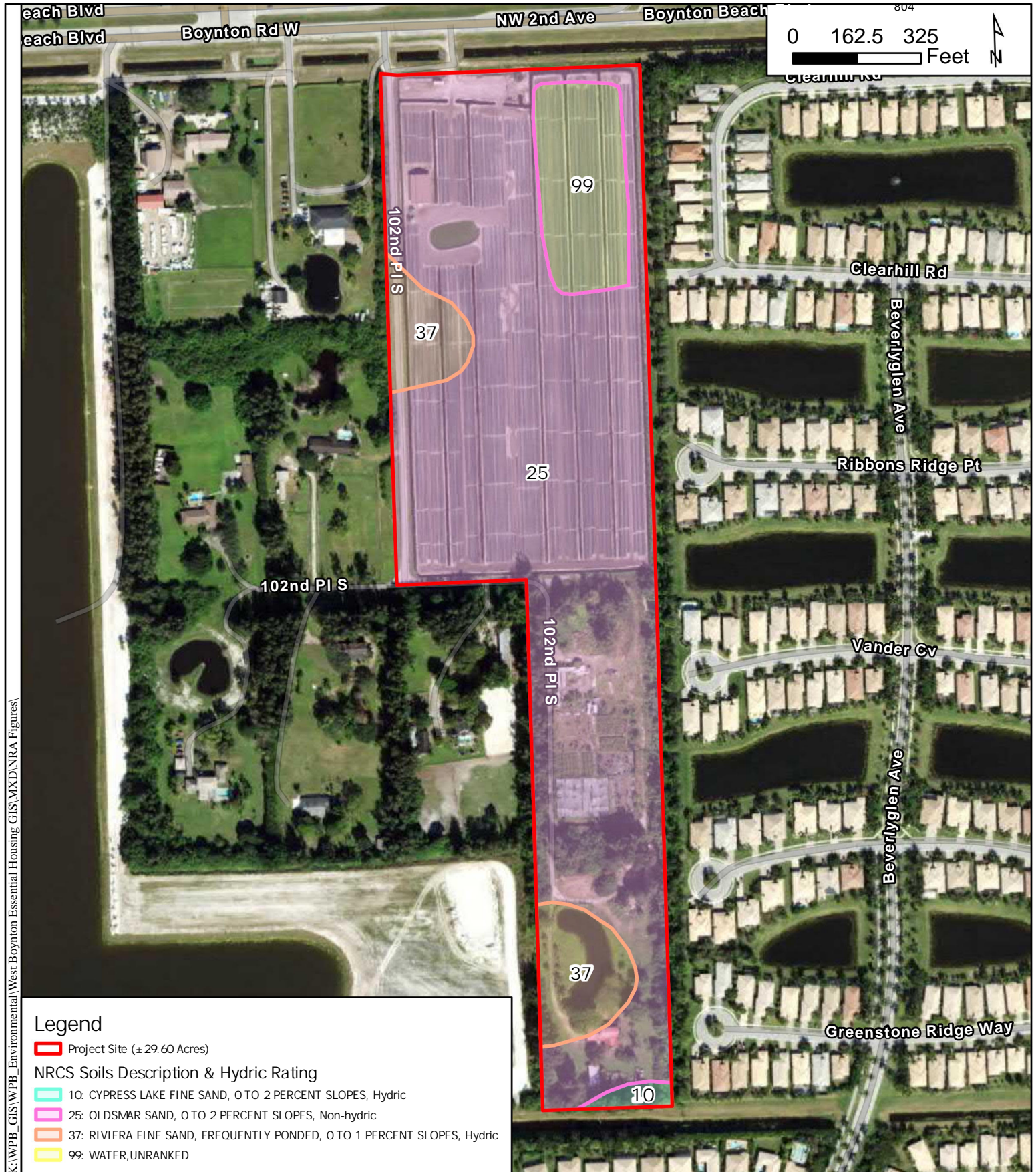
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***FLUCFCS 510 – STREAMS AND WATERWAYS (±3.27 ACRES)***

This land cover was found within the north and east end of the project site. Vegetation along the banks included Brazilian pepper, Australian pine, primrose willow, muscadine, Chinese wedelia,

climbing dayflower, air potato, golden pathos (*Epipremnum aureum*), water lettuce (*Pistia stratiotes*), duckweed (*Lemna minor*), alligator weed, castor bean, and leather fern.





**Legend**

- Project Site (± 29.60 Acres)
- 10: CYPRESS LAKE FINE SAND, 0 TO 2 PERCENT SLOPES, Hydric
- 25: OLDSMAR SAND, 0 TO 2 PERCENT SLOPES, Non-hydric
- 37: RIVIERA FINE SAND, FREQUENTLY PONDED, 0 TO 1 PERCENT SLOPES, Hydric
- 99: WATER, UNRANKED

Source: ESRI, FDOT, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



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**NRCS Soils Map**

**West Boynton Essential Housing  
 Palm Beach County, Florida**

1 inch = 325 feet

PROJECT NUMBER: 241201000

NOVEMBER 2024

FIGURE 3

K:\WPB\_GIS\WPB\_Environmental\West Boynton Essential Housing GIS\MXD\NRA Figures\





K:\WPB\_GIS\WPB\_Environmental\West Boynton Essential Housing\GIS\MXD\NRA Figures

### Legend

- Project Site (± 29.60 Acres)
- Land Use**
- 118: Rural Residential (± 0.17 Acres)
- 214: Row Crops (± 16.96 Acres)
- 243: Ornamentals (± 2.27 Acres)
- 510: Streams and Waterways (± 3.27 Acres)
- 740: Disturbed (± 6.92 Acres)

Source: ESRI, FDOT, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

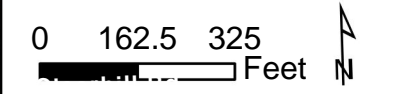


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### Land Use (FLUCFCS) Map

**West Boynton Essential Housing**  
**Palm Beach County, Florida**





**Legend**

- Project Site ( $\pm 29.60$  Acres)
- Surface Waters ( $\pm 3.27$  Acres)

K:\WPB\_GIS\WPB\_Environmental\West Boynton Essential Housing GIS\MXD\NRA Figures\

Source: ESRI, FDOT, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



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**Surface Water Map**

**West Boynton Essential Housing  
 Palm Beach County, Florida**

### 3.4 WILDLIFE UTILIZATION

Wildlife observed during field reconnaissance included the osprey (*Pandion haliaetus*), mourning dove (*Zenaida macroura*), American crow (*Corvus brachyrhynchos*), great egret (*Ardea alba*), and turkey vulture (*Cathartes aura*).

### 3.5 THREATENED AND ENDANGERED SPECIES

A listing of species potentially occurring within the project site was reviewed using the databases described in **Section 2.0 Methodology**. The results of the database review are as follows:

A review utilizing resources from the Florida Natural Areas Inventory (FNAI), Florida Fish and Wildlife Conservation Commission (FWC), and US Fish and Wildlife Service (USFWS) was completed to determine potential impacts to any protected species from the proposed project.

FNAI Biodiversity Matrix Report – Per the FNAI Biodiversity Matrix Report, the project site falls within Matrix Units 68076 and 68232 (see **Appendix A**). No documented species were noted within or near the Matrix Units. However, FNAI identifies the following species as potentially occurring on-site: wood stork (*Mycteria americana*), Florida burrowing owl (*Athene cunicularia floridana*), gopher tortoise (*Gopherus polyphemus*), and Eastern indigo snake (*Drymarchon couperi*). The site does not provide suitable habitat for the Florida burrowing owl, therefore this species will not be discussed further. The remaining species will be examined in greater detail below.

FWC – There are no known bald eagle (*Haliaeetus leucocephalus*) nests or wading bird colonies on or within one (1) mile of the project site. No bald eagles or wading bird rookeries were observed on-site. No further action should be required regarding bald eagle nests and wading bird rookeries.

USFWS Consultation Areas – The project site falls within the following USFWS Consultation Areas:

- Florida scrub-jay (*Aphelocoma coerulescens*)
- Everglade snail kite (*Rostrhamus sociabilis plumbeus*)

Although the project site falls within the USFWS Consultation Area for Florida scrub-jay and the Everglade snail kite, suitable habitat for these species does not exist on-site. As a result,



these species will not be addressed further.

USFWS Wood Stork Colonies – The project site is located within the core foraging area (CFA) for three (3) wood stork colonies. Solid Waste Authority, Lox NC-4, and Wakodahatchee. In South Florida, a wood stork CFA is defined as an area within an 18.6-mile radius of an active wood stork colony. Though no wood storks were observed during the field review, this species is discussed more below.

USFWS IPaC Data – The IPaC Trust Resources Report (**Appendix A**) includes historical data in their reporting, which results in some species findings that do not reflect current conditions within the project site. The following species are listed in the report and have suitable habitats within the project site: Eastern indigo snake, American alligator (*Alligator mississippiensis*), and wood stork. These species will be discussed further below. Species listed in the report that do not have suitable habitat within the project site include the Florida panther (*Puma [=Felis] concolor coryi*), puma (*Puma [=Felis] concolor*), Southeastern beach mouse (*Peromyscus polionotus niveiventris*), Everglade snail kite, Eastern black rail (*Laterallus jamaicensis ssp. jamaicensis*), Audubon’s crested caracara (*Caracara plancus audubonii*), green sea turtle (*Chelonia mydas*), hawksbill sea turtle (*Eretmochelys imbricata*), and the leatherback sea turtle (*Dermochelys coriacea*). These species will not be discussed further. The project site is not within any USFWS-designated Critical Habitat.

Based on the database review and field reconnaissance, a listing of the state and federally-listed species potentially occurring within the immediate vicinity of the project site has been compiled. **Table 1** lists species that may occur and their likelihood of occurrence. The likelihood of occurrence is based on actual observation of the species, signs of the species (burrows, tracks, scat, etc.), observance of suitable habitat, or documented occurrences of the species within various databases.

**TABLE 1 - POTENTIAL LISTED SPECIES OCCURRENCE**

| Common Name |                      | Scientific Name            | Status <sup>1</sup> | Comments  | Likelihood of Occurrence |
|-------------|----------------------|----------------------------|---------------------|---|--------------------------|
| REPTILES    | Eastern Indigo Snake | <i>Drymarchon couperi</i>  | FT                  | Observed On-site: No<br>Observed in Proximity: No<br>Habitat present: Marginal<br>Habitat Type: Burrowing and Foraging          | Low                      |
|             | Gopher Tortoise      | <i>Gopherus polyphemus</i> | ST                  | Observed On-site: No<br>Observed in Proximity: No<br>Habitat present: Marginal<br>Habitat Type: Marginal burrowing and foraging | Low                      |

**TABLE 1 - POTENTIAL LISTED SPECIES OCCURRENCE**

| Common Name |                    | Scientific Name                   | Status <sup>1</sup> | Comments  | Likelihood of Occurrence |
|-------------|--------------------|-----------------------------------|---------------------|---|--------------------------|
|             | American Alligator | <i>Alligator mississippiensis</i> | SAT                 | Observed On-site: No<br>Observed in Proximity: No<br>Habitat present: Yes<br>Habitat Type: Foraging                   | Low                      |
| Birds       | Wood Stork         | <i>Mycteria americana</i>         | FT                  | Observed On-site: No<br>Observed in Proximity: No<br>Habitat present: Marginal<br>Habitat Type: Roosting and Foraging | Medium                   |

<sup>1</sup> Based on Florida’s Endangered and Threatened Species updated December 2022 available on <http://myfwc.com/wildlifehabitats/imperiled/>.  
Legend: FT – Federally Threatened; ST – State Threatened, FE – Federally Endangered, SAT – Similarity of Appearance (Threatened)

Based on the database review and field reconnaissance, the following species may occur within the project site or require additional evaluation, survey, or permitting:

***EASTERN INDIGO SNAKE***

The eastern indigo snake inhabits a variety of habitats, including pine flatwoods, scrubby flatwoods, high pine, dry prairie, tropical hardwood hammocks, freshwater marsh edges, agricultural fields, coastal dunes, and human-altered environments. This species requires extensive tracts of land and frequently winters in the burrows of gopher tortoises, armadillos, cotton rats, and land crabs (in coastal areas), while foraging in hydric habitats. The presence of the eastern indigo snake was noted in both the FNAI and IPaC reports as a potential species on-site. Although no individuals were observed during field reconnaissance, suitable habitat exists on-site. To mitigate potential impacts, the implementation of the USFWS *Standard Protection Measures for the Eastern Indigo Snake (Appendix B)* will be required during construction. With these measures in place, significant impacts to the eastern indigo snake are unlikely, and no further action should be necessary.

***GOPHER TORTOISE***

The gopher tortoise is a burrowing species that thrives in upland habitats such as pine flatwoods, xeric oak hammocks, and open sandy pastures, and is also found in disturbed areas. A 15% survey for gopher tortoises was conducted during field reconnaissance, with no tortoises or burrows observed. A comprehensive 100% gopher tortoise survey will be required within suitable habitats no more than 90 days prior to site development. If any gopher tortoise burrows are discovered on-site or within 25 feet of the development footprint, an FWC gopher tortoise relocation permit will be necessary.

### ***AMERICAN ALLIGATOR***

The American alligator prefers freshwater lakes, slow-moving rivers, and their associated wetlands, but can also be found in brackish water habitats. Unlike the American crocodile, this species is rarely found in salt water. Though the American alligator was listed as having the potential to occur within the project site, this species is protected due to their similarity of appearance to the American crocodile. Habitat for this species is marginal within the agricultural ditches located within the project site. Best management practices will be implemented if surface water impacts are proposed within the project site. Based on the above considerations, this project will have no impacts on this species.

### ***WOOD STORK***

The wood stork inhabits both fresh and saltwater habitats, such as fresh and saltwater marshes, tidal flats, wet prairies, cypress swamps, and drainage features. The project site falls within the core foraging area (CFA) of three wood stork colonies. Solid Waste Authority, Lox NC-4, and Wakodahatchee. A wood stork CFA, within South Florida, is defined as the area within an 18.6-mile radius of an active wood stork colony. It appears that the ditches are either more than 15 inches deep or have significant vegetation, and therefore may not provide suitable foraging habitat. However, once a formal topographic survey is completed of the project site during permitting, these ditches can be further evaluated for use by wood storks.

### ***LISTED PLANT SPECIES***

The Florida Department of Agriculture and Consumer Service's *Notes on Florida's Threatened and Endangered Plants* and Richard Wunderlin's *Guide to Vascular Plants of Florida* were consulted to assess habitat requirements for listed plant species. Ten (10) state-listed and two (2) federally-listed plants were noted by the FNAI and IPaC reports as potentially occurring on the project site or its immediate vicinity. However, none were observed during field reconnaissance and are not likely to occur on-site as it has been previously altered. As a result, no further action should be required regarding the listed plant species.

## **3.6 HISTORICAL AND ARCHAEOLOGICAL RESOURCES**

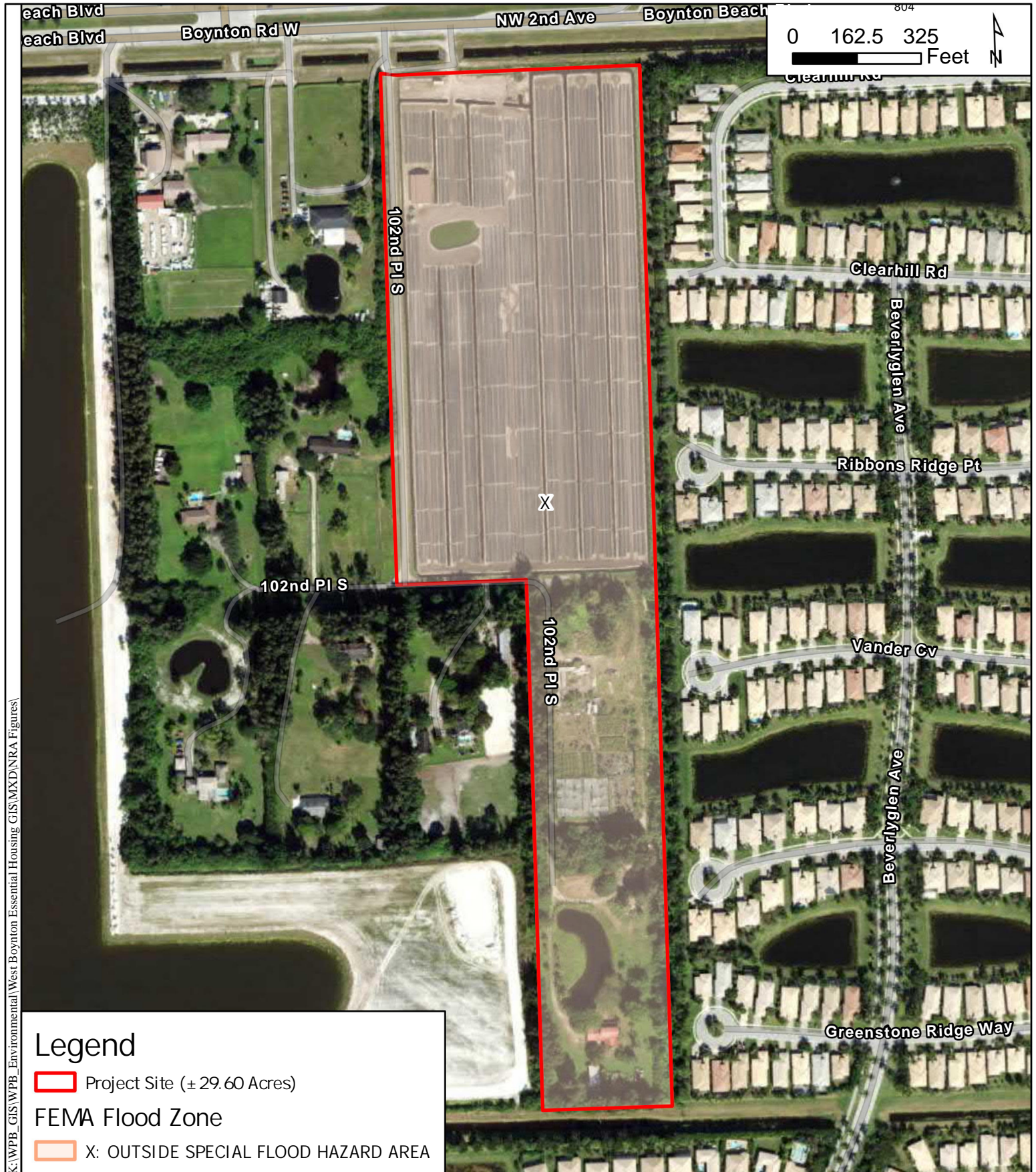
Kimley-Horn conducted an inquiry with the Department of State, Division of Historical Resources (DHR), specifically the State Historic Preservation Officer (SHPO), to investigate the presence of any known historic or archaeological findings on the project site or in its immediate vicinity (see ***Appendix C - SHPO Florida Master Site File Report***). The Florida Master Site File (FMSF) indicates that there are four (4) standing structures within a 0.25-mile radius of the project site. These resources were evaluated by SHPO and determined to be ineligible for listing with the National Register of Historic Places (NRHP). Additionally, none occur within the project site. Based on the above considerations, no impacts to historic

or archaeological resources are anticipated, and no further action is required at this time. SHPO will serve as a commenting agency during the Environmental Resource Permit (ERP) permitting process; should additional information regarding cultural resources be needed, it will be requested at that stage.

### **3.7 FLOODPLAIN**

The Federal Emergency Management Agency (FEMA) lists the following flood zones within the project site Flood Zone X: Outside Special Flood Zone Hazard Area. Flood zones occurring within the project site are shown in *Figure 6*.





**Legend**

- Project Site (± 29.60 Acres)
- FEMA Flood Zone
- X: OUTSIDE SPECIAL FLOOD HAZARD AREA

Source: ESRI, FDOT, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



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**FEMA Flood Zone Map**

**West Boynton Essential Housing  
 Palm Beach County, Florida**

K:\WPB\_GIS\WPB\_Environmental\West Boynton Essential Housing GIS\MXD\NRA Figures\

Figure 6 – FEMA FLOOD ZONE MAP

## 4.0 REGULATORY REQUIREMENTS

### 4.1 LOCAL ENVIRONMENTAL ORDINANCES

The project site falls within Palm Beach County and must adhere to the Palm Beach County Code of Ordinances. Tree mitigation will be required for the removal of any native trees on-site greater than three (3) inches in diameter at breast height (DBH). Tree mitigation entails planting replacement trees, the amount of which is planted is determined by the height and DBH of the removed tree. At least 25% of the replacement trees must be of the same species as the removed tree. All trees must be native and indigenous to the area.

All invasive non-native vegetation as defined per the Palm Beach County Code of Ordinances is required to be removed from the project site.

### 4.2 STATE REGULATORY REQUIREMENTS

#### ***ENVIRONMENTAL RESOURCE PERMIT (ERP)***

An Environmental Resource Permit (ERP) evaluates impacts on wetlands, surface waters, and stormwater management design including floodplain impacts before project development. An ERP will be required from the SFWMD if any stormwater improvements are proposed as part of this project. Additionally, surface water impacts will need to be quantified for the permit application. Drainage design and stormwater management are not discussed further in this report as the scope was limited to natural resources.

#### ***STATE LISTED SPECIES***

The following state listed species may potentially occur on-site:

- ***Gopher Tortoise***

A comprehensive 100% gopher tortoise survey will be required within suitable habitat 90 days prior to site development. If gopher tortoise burrows are discovered on-site or within 25 feet of the development footprint, an FWC gopher tortoise relocation permit will be necessary.

### 4.3 FEDERAL REGULATORY REQUIREMENTS

#### ***DREDGE AND FILL PERMITTING***

Under the current definition of Waters of the US (WOTUS), the project site does not appear to contain any surface waters which would be considered WOTUS. Therefore, at this time, a Section 404 permit is



not anticipated to be required. A No Permit Required letter is recommended to be obtained from the USACE to ensure no federal permits are required.

### ***FEDERALLY LISTED SPECIES***

The following federally listed species may potentially occur on-site:

- ***Eastern Indigo Snake***

Due to the presence of marginal habitat within the project site, implementation of the *Standard Protection Measures for the Eastern Indigo Snake (Appendix B)* during construction will be required.

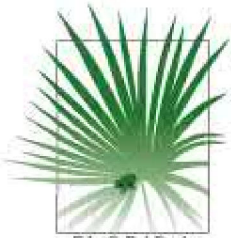
- ***Wood Stork***

It appears that the ditches are either more than 15 inches deep or have significant vegetation, and therefore may not provide suitable foraging habitat. However, once a formal topographic survey is completed, these ditches can be further evaluated for use by wood storks.

## **5.0 SUMMARY AND RECOMMENDATIONS**

- Tree mitigation is required for the removal of any native trees over three inches in diameter at breast height (DBH) in Palm Beach County, necessitating the planting of replacement trees.
- At least 25% of the replacement trees must be the same species as those removed, and all trees must be native to the area.
- An ERP will be required from the SFWMD if any stormwater improvements and surface water impacts are proposed as part of this project.
- The USFWS *Standard Protection Measures for the Eastern Indigo Snake* should be followed during construction to avoid and minimize potential impacts on this snake.
- Gopher tortoise – a 100% gopher tortoise survey will be required within 90 days before development commences; on-site potentially occupied burrows will require a gopher tortoise relocation permit from FWC.
- Impacts to potential wood stork foraging habitat may be required during permitting.

**APPENDIX A - FNAI BIODIVERSITY  
MATRIX/IPAC**



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 Tallahassee, FL 32303  
 850-224-8207  
 850-681-9364 fax  
 www.fnai.org

FLORIDA  
**Natural Areas**  
 INVENTORY

# Florida Natural Areas Inventory

## Biodiversity Matrix Query Results

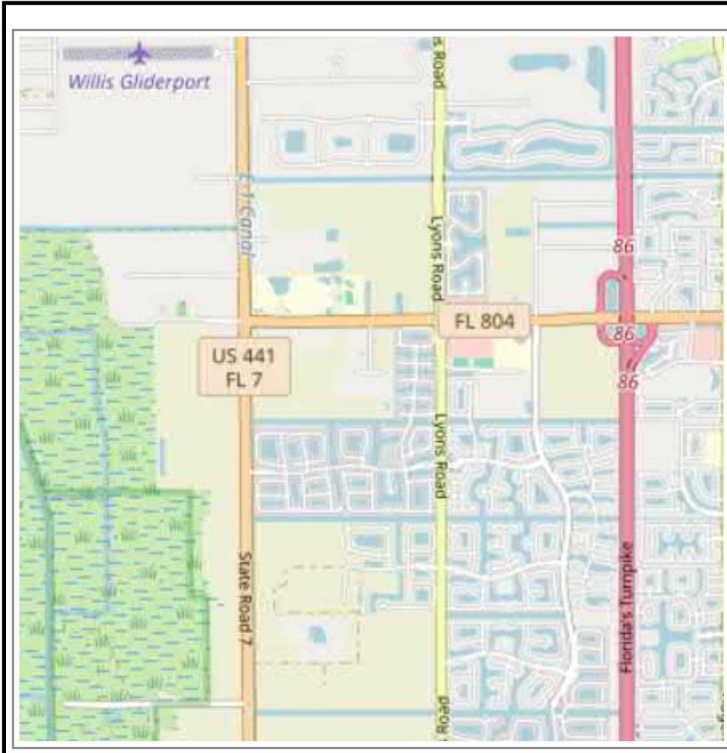
### UNOFFICIAL REPORT

Created 10/28/2024

(Contact the FNAI Data Services Coordinator at 850.224.8207 or  
 kbrinegar@fnai.fsu.edu for information on an official Standard Data Report)

NOTE: The Biodiversity Matrix includes only rare species and natural communities tracked by FNAI.

### Report for 2 Matrix Units: 68076 , 68232



#### Descriptions

**DOCUMENTED** - There is a documented occurrence in the FNAI database of the species or community within this Matrix Unit.

**DOCUMENTED-HISTORIC** - There is a documented occurrence in the FNAI database of the species or community within this Matrix Unit; however the occurrence has not been observed/reported within the last twenty years.

**LIKELY** - The species or community is *known* to occur in this vicinity, and is considered likely within this Matrix Unit because:

1. documented occurrence overlaps this and adjacent Matrix Units, but the documentation isn't precise enough to indicate which of those Units the species or community is actually located in; *or*
2. there is a documented occurrence in the vicinity and there is suitable habitat for that species or community within this Matrix Unit.

**POTENTIAL** - This Matrix Unit lies within the known or predicted range of the species or community based on expert knowledge and environmental variables such as climate, soils, topography, and landcover.

#### **Matrix Unit ID: 68076**

0 **Documented** Elements Found

0 **Documented-Historic** Elements Found

1 **Likely** Element Found

| Scientific and Common Names                      | Global Rank | State Rank | Federal Status | State Listing |
|--|-------------|------------|----------------|---------------|
| <a href="#">Mycteria americana</a><br>Wood Stork | G4          | S2         | T              | FT            |

#### **Matrix Unit ID: 68232**

0 **Documented** Elements Found

0 **Documented-Historic** Elements Found



0 **Likely** Elements Found

**Matrix Unit IDs: 68076 , 68232**

20 **Potential** Elements Common to Any of the 2 Matrix Units

| <b>Scientific and Common Names</b>  | <b>Global Rank</b> | <b>State Rank</b> | <b>Federal Status</b> | <b>State Listing</b> |
|---|--------------------|-------------------|-----------------------|----------------------|
| <a href="#"><i>Athene cunicularia floridana</i></a><br>Florida Burrowing Owl                | G4T3               | S3                | N                     | ST                   |
| <i>Coleataenia abscissa</i><br>cutthroatgrass   | G3                 | S3                | N                     | E                    |
| <a href="#"><i>Conradina grandiflora</i></a><br>large-flowered rosemary                     | G3                 | S3                | N                     | T                    |
| <a href="#"><i>Corynorhinus rafinesquii</i></a><br>Rafinesque's Big-eared Bat               | G3G4               | S1                | N                     | N                    |
| <a href="#"><i>Drymarchon couperi</i></a><br>Eastern Indigo Snake                           | G3                 | S2?               | T                     | FT                   |
| <i>Elytraria caroliniensis</i> var. <i>angustifolia</i><br>narrow-leaved Carolina scalystem | G4T2               | S2                | N                     | N                    |
| <i>Glandularia maritima</i><br>coastal vervain  | G3                 | S3                | N                     | E                    |
| <a href="#"><i>Gopherus polyphemus</i></a><br>Gopher Tortoise                               | G3                 | S3                | C                     | ST                   |
| <i>Jacquemontia curtissii</i><br>pineland jacquemontia                                      | G2                 | S2                | N                     | T                    |
| <a href="#"><i>Lechea cernua</i></a><br>nodding pinweed                                     | G3                 | S3                | N                     | T                    |
| <i>Linum carteri</i> var. <i>smallii</i><br>Small's flax                                    | G2T2               | S2                | N                     | E                    |
| <i>Lithobates capito</i><br>Gopher Frog   | G2G3               | S3                | N                     | N                    |
| <a href="#"><i>Nemastylis floridana</i></a><br>celestial lily                               | G2                 | S2                | N                     | E                    |
| <a href="#"><i>Podomys floridanus</i></a><br>Florida Mouse                                  | G3                 | S3                | N                     | N                    |
| <a href="#"><i>Polygala smallii</i></a><br>tiny polygala                                    | G1                 | S1                | E                     | E                    |
| <i>Prosthechea cochleata</i><br>clamshell orchid  | G4G5               | S2                | N                     | E                    |
| <a href="#"><i>Pteroglossaspis ecristata</i></a><br>giant orchid                            | G2G3               | S2                | N                     | T                    |
| <i>Roystonea regia</i><br>Florida royal palm  | G2G3               | S2                | N                     | E                    |
| <i>Sachsia polycephala</i><br>Bahama sachsia  | G2                 | S2                | N                     | T                    |
| <a href="#"><i>Trichomanes punctatum</i> ssp. <i>floridanum</i></a><br>Florida filmy fern   | G4G5T1             | S1                | E                     | E                    |

**Disclaimer**

The data maintained by the Florida Natural Areas Inventory represent the single most comprehensive source of information available on the locations of rare species and other significant ecological resources statewide. However, the data are not always based on comprehensive or site-specific field surveys. Therefore, this information should not be regarded as a final statement on the biological resources of the site being considered, nor should it be substituted for on-site surveys. FNAI shall not be held liable for the accuracy and completeness of these data, or opinions or conclusions drawn from these data. FNAI is not inviting reliance on these data. Inventory data are designed for the purposes of conservation planning and scientific research and are not intended for use as the primary criteria for regulatory decisions.

**Unofficial Report**

These results are considered unofficial. FNAI offers a [Standard Data Request](#) option for those needing certifiable data.



## United States Department of the Interior



FISH AND WILDLIFE SERVICE  
Florida Ecological Services Field Office  
777 37th St  
Suite D-101  
Vero Beach, FL 32960-3559  
Phone: (352) 448-9151 Fax: (772) 562-4288  
Email Address: [fw4flesregs@fws.gov](mailto:fw4flesregs@fws.gov)

In Reply Refer To:

10/28/2024 18:45:07 UTC

Project Code: 2025-0011997

Project Name: West Boynton Housing NRA

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat.

**Please include your Project Code, listed at the top of this letter, in all subsequent correspondence regarding this project.** Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.pdf>

**Migratory Birds:** In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see <https://www.fws.gov/program/migratory-bird-permit/what-we-do>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see <https://www.fws.gov/library/collections/threats-birds>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/partner/council-conservation-migratory-birds>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of

this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Bald & Golden Eagles
- Migratory Birds
- Wetlands

## **OFFICIAL SPECIES LIST**

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

**Florida Ecological Services Field Office**

777 37th St

Suite D-101

Vero Beach, FL 32960-3559

(352) 448-9151



## PROJECT SUMMARY

Project Code: 2025-0011997  
Project Name: West Boynton Housing NRA  
Project Type: Acquisition of Lands  
Project Description: West Boynton Housing NRA  
Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@26.523923600000003,-80.19863182686696,14z>



Counties: Palm Beach County, Florida

## ENDANGERED SPECIES ACT SPECIES

There is a total of 19 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

- 
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

**MAMMALS**

| NAME  | STATUS                                |
|---|---------------------------------------|
| Florida Panther <i>Puma (=Felis) concolor coryi</i><br>No critical habitat has been designated for this species.<br>Species profile: <a href="https://ecos.fws.gov/ecp/species/1763">https://ecos.fws.gov/ecp/species/1763</a><br>General project design guidelines:<br><a href="https://ipac.ecosphere.fws.gov/project/IWZ74VIF2FFUTEY7NJXKHGAR6Y/documents/generated/7123.pdf">https://ipac.ecosphere.fws.gov/project/IWZ74VIF2FFUTEY7NJXKHGAR6Y/documents/generated/7123.pdf</a> | Endangered                            |
| Puma (=mountain Lion) <i>Puma (=Felis) concolor (all subsp. except coryi)</i><br>Population: FL<br>No critical habitat has been designated for this species.<br>Species profile: <a href="https://ecos.fws.gov/ecp/species/6049">https://ecos.fws.gov/ecp/species/6049</a>  | Similarity of Appearance (Threatened) |
| Southeastern Beach Mouse <i>Peromyscus polionotus niveiventris</i><br>No critical habitat has been designated for this species.<br>Species profile: <a href="https://ecos.fws.gov/ecp/species/3951">https://ecos.fws.gov/ecp/species/3951</a>   | Threatened                            |

**BIRDS**

| NAME   | STATUS     |
|--|------------|
| Crested Caracara (audubon""s) [fl Dps] <i>Caracara plancus audubonii</i><br>Population: FL DPS<br>No critical habitat has been designated for this species.<br>Species profile: <a href="https://ecos.fws.gov/ecp/species/8250">https://ecos.fws.gov/ecp/species/8250</a>  | Threatened |
| Eastern Black Rail <i>Laterallus jamaicensis ssp. jamaicensis</i><br>No critical habitat has been designated for this species.<br>Species profile: <a href="https://ecos.fws.gov/ecp/species/10477">https://ecos.fws.gov/ecp/species/10477</a>   | Threatened |
| Everglade Snail Kite <i>Rostrhamus sociabilis plumbeus</i><br>There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat.<br>Species profile: <a href="https://ecos.fws.gov/ecp/species/7713">https://ecos.fws.gov/ecp/species/7713</a>  | Endangered |
| Wood Stork <i>Mycteria americana</i><br>Population: AL, FL, GA, MS, NC, SC<br>No critical habitat has been designated for this species.<br>Species profile: <a href="https://ecos.fws.gov/ecp/species/8477">https://ecos.fws.gov/ecp/species/8477</a><br>General project design guidelines:<br><a href="https://ipac.ecosphere.fws.gov/project/IWZ74VIF2FFUTEY7NJXKHGAR6Y/documents/generated/6954.pdf">https://ipac.ecosphere.fws.gov/project/IWZ74VIF2FFUTEY7NJXKHGAR6Y/documents/generated/6954.pdf</a> | Threatened |

**REPTILES**

| NAME  | STATUS                                |
|---|---------------------------------------|
| American Alligator <i>Alligator mississippiensis</i><br>No critical habitat has been designated for this species.<br>Species profile: <a href="https://ecos.fws.gov/ecp/species/776">https://ecos.fws.gov/ecp/species/776</a> | Similarity of Appearance (Threatened) |
| Eastern Indigo Snake <i>Drymarchon couperi</i>  | Threatened                            |

| NAME   | STATUS     |
|--|------------|
| No critical habitat has been designated for this species.<br>Species profile: <a href="https://ecos.fws.gov/ecp/species/646">https://ecos.fws.gov/ecp/species/646</a>  |            |
| Green Sea Turtle <i>Chelonia mydas</i><br>Population: North Atlantic DPS<br>There is <b>proposed</b> critical habitat for this species. Your location does not overlap the critical habitat.<br>Species profile: <a href="https://ecos.fws.gov/ecp/species/6199">https://ecos.fws.gov/ecp/species/6199</a> | Threatened |
| Hawksbill Sea Turtle <i>Eretmochelys imbricata</i><br>There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat.<br>Species profile: <a href="https://ecos.fws.gov/ecp/species/3656">https://ecos.fws.gov/ecp/species/3656</a>                          | Endangered |
| Leatherback Sea Turtle <i>Dermochelys coriacea</i><br>There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat.<br>Species profile: <a href="https://ecos.fws.gov/ecp/species/1493">https://ecos.fws.gov/ecp/species/1493</a>                          | Endangered |

## INSECTS

| NAME   | STATUS     |
|--|------------|
| Miami Blue Butterfly <i>Cyclargus thomasi bethunebakeri</i><br>No critical habitat has been designated for this species.<br>Species profile: <a href="https://ecos.fws.gov/ecp/species/3797">https://ecos.fws.gov/ecp/species/3797</a> | Endangered |
| Monarch Butterfly <i>Danaus plexippus</i><br>No critical habitat has been designated for this species.<br>Species profile: <a href="https://ecos.fws.gov/ecp/species/9743">https://ecos.fws.gov/ecp/species/9743</a>                   | Candidate  |

## FLOWERING PLANTS

| NAME   | STATUS     |
|--|------------|
| Beach Jacquemontia <i>Jacquemontia reclinata</i><br>Population:<br>No critical habitat has been designated for this species.<br>Species profile: <a href="https://ecos.fws.gov/ecp/species/1277">https://ecos.fws.gov/ecp/species/1277</a>               | Endangered |
| Florida Prairie-clover <i>Dalea carthagenensis floridana</i><br>Population:<br>There is <b>proposed</b> critical habitat for this species.<br>Species profile: <a href="https://ecos.fws.gov/ecp/species/2300">https://ecos.fws.gov/ecp/species/2300</a> | Endangered |
| Four-petal Pawpaw <i>Asimina tetramera</i><br>Population:<br>No critical habitat has been designated for this species.<br>Species profile: <a href="https://ecos.fws.gov/ecp/species/3461">https://ecos.fws.gov/ecp/species/3461</a>                     | Endangered |
| Tiny Polygala <i>Polygala smallii</i><br>Population:<br>No critical habitat has been designated for this species.<br>Species profile: <a href="https://ecos.fws.gov/ecp/species/996">https://ecos.fws.gov/ecp/species/996</a>                            | Endangered |



## LICHENS

| NAME   | STATUS     |
|--|------------|
| Florida Perforate Cladonia <i>Cladonia perforata</i><br>Population:<br>No critical habitat has been designated for this species.<br>Species profile: <a href="https://ecos.fws.gov/ecp/species/7516">https://ecos.fws.gov/ecp/species/7516</a> | Endangered |

## CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

## USFWS NATIONAL WILDLIFE REFUGE LANDS AND FISH HATCHERIES

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

## BALD & GOLDEN EAGLES

Bald and golden eagles are protected under the Bald and Golden Eagle Protection Act<sup>1</sup> and the Migratory Bird Treaty Act<sup>2</sup>.

Any person or organization who plans or conducts activities that may result in impacts to bald or golden eagles, or their habitats<sup>3</sup>, should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below. Specifically, please review the ["Supplemental Information on Migratory Birds and Eagles"](#).

- 
1. The [Bald and Golden Eagle Protection Act](#) of 1940.
  2. The [Migratory Birds Treaty Act](#) of 1918.
  3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

There are likely bald eagles present in your project area. For additional information on bald eagles, refer to [Bald Eagle Nesting and Sensitivity to Human Activity](#)

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, see the PROBABILITY OF PRESENCE SUMMARY below to see when these birds are most likely to be present and breeding in your project area.

| NAME  | BREEDING SEASON        |
|---|------------------------|
| <b>Bald Eagle <i>Haliaeetus leucocephalus</i></b><br>This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.<br><a href="https://ecos.fws.gov/ecp/species/1626">https://ecos.fws.gov/ecp/species/1626</a> | Breeds Sep 1 to Jul 31 |

## PROBABILITY OF PRESENCE SUMMARY

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read "[Supplemental Information on Migratory Birds and Eagles](#)", specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

### Probability of Presence (■)

Green bars; the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during that week of the year.

### Breeding Season (■)

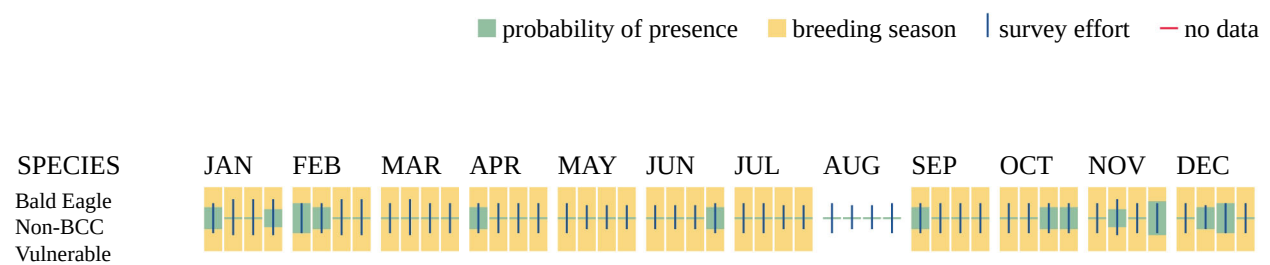
Yellow bars; liberal estimate of the timeframe inside which the bird breeds across its entire range.

### Survey Effort (|)

Vertical black lines; the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

### No Data (—)

A week is marked as having no data if there were no survey events for that week.



Additional information can be found using the following links:

- Eagle Management <https://www.fws.gov/program/eagle-management>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incident-take-migratory-birds>

- Nationwide conservation measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>
- Supplemental Information for Migratory Birds and Eagles in IPaC <https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action>

## MIGRATORY BIRDS

Certain birds are protected under the Migratory Bird Treaty Act<sup>1</sup> and the Bald and Golden Eagle Protection Act<sup>2</sup>.

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats<sup>3</sup> should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below. Specifically, please review the "[Supplemental Information on Migratory Birds and Eagles](#)".

- 
1. The [Migratory Birds Treaty Act](#) of 1918.
  2. The [Bald and Golden Eagle Protection Act](#) of 1940.
  3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, see the PROBABILITY OF PRESENCE SUMMARY below to see when these birds are most likely to be present and breeding in your project area.

| NAME  | BREEDING SEASON         |
|---|-------------------------|
| American Kestrel <i>Falco sparverius paulus</i><br>This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA<br><a href="https://ecos.fws.gov/ecp/species/9587">https://ecos.fws.gov/ecp/species/9587</a> | Breeds Apr 1 to Aug 31  |
| American Oystercatcher <i>Haematopus palliatus</i><br>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.<br><a href="https://ecos.fws.gov/ecp/species/8935">https://ecos.fws.gov/ecp/species/8935</a>                 | Breeds Apr 15 to Aug 31 |
| Bachman's Sparrow <i>Peucaea aestivalis</i><br>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.<br><a href="https://ecos.fws.gov/ecp/species/6177">https://ecos.fws.gov/ecp/species/6177</a>                        | Breeds May 1 to Sep 30  |

| NAME   | BREEDING SEASON         |
|--|-------------------------|
| <p><b>Bald Eagle <i>Haliaeetus leucocephalus</i></b><br/>           This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.<br/> <a href="https://ecos.fws.gov/ecp/species/1626">https://ecos.fws.gov/ecp/species/1626</a></p> | Breeds Sep 1 to Jul 31  |
| <p><b>Black Skimmer <i>Rynchops niger</i></b><br/>           This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.<br/> <a href="https://ecos.fws.gov/ecp/species/5234">https://ecos.fws.gov/ecp/species/5234</a></p>   | Breeds May 20 to Sep 15 |
| <p><b>Chimney Swift <i>Chaetura pelagica</i></b><br/>           This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.<br/> <a href="https://ecos.fws.gov/ecp/species/9406">https://ecos.fws.gov/ecp/species/9406</a></p>  | Breeds Mar 15 to Aug 25 |
| <p><b>Florida Burrowing Owl <i>Athene cunicularia floridana</i></b><br/>           This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA<br/> <a href="https://ecos.fws.gov/ecp/species/11977">https://ecos.fws.gov/ecp/species/11977</a></p>  | Breeds Mar 15 to Aug 31 |
| <p><b>Great Blue Heron <i>Ardea herodias occidentalis</i></b><br/>           This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA<br/> <a href="https://ecos.fws.gov/ecp/species/10590">https://ecos.fws.gov/ecp/species/10590</a></p>  | Breeds Jan 1 to Dec 31  |
| <p><b>Gull-billed Tern <i>Gelochelidon nilotica</i></b><br/>           This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.<br/> <a href="https://ecos.fws.gov/ecp/species/9501">https://ecos.fws.gov/ecp/species/9501</a></p>   | Breeds May 1 to Jul 31  |
| <p><b>Henslow's Sparrow <i>Centronyx henslowii</i></b><br/>           This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.<br/> <a href="https://ecos.fws.gov/ecp/species/3941">https://ecos.fws.gov/ecp/species/3941</a></p>  | Breeds elsewhere        |
| <p><b>King Rail <i>Rallus elegans</i></b><br/>           This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.<br/> <a href="https://ecos.fws.gov/ecp/species/8936">https://ecos.fws.gov/ecp/species/8936</a></p>   | Breeds May 1 to Sep 5   |
| <p><b>Least Tern <i>Sternula antillarum antillarum</i></b><br/>           This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.<br/> <a href="https://ecos.fws.gov/ecp/species/11919">https://ecos.fws.gov/ecp/species/11919</a></p>  | Breeds Apr 25 to Sep 5  |
| <p><b>Lesser Yellowlegs <i>Tringa flavipes</i></b><br/>           This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.<br/> <a href="https://ecos.fws.gov/ecp/species/9679">https://ecos.fws.gov/ecp/species/9679</a></p>  | Breeds elsewhere        |



| NAME   | BREEDING SEASON         |
|--|-------------------------|
| <p>Magnificent Frigatebird <i>Fregata magnificens</i><br/>           This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA<br/> <a href="https://ecos.fws.gov/ecp/species/9588">https://ecos.fws.gov/ecp/species/9588</a></p>    | Breeds Oct 1 to Apr 30  |
| <p>Painted Bunting <i>Passerina ciris</i><br/>           This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA<br/> <a href="https://ecos.fws.gov/ecp/species/9511">https://ecos.fws.gov/ecp/species/9511</a></p>                | Breeds Apr 25 to Aug 15 |
| <p>Pectoral Sandpiper <i>Calidris melanotos</i><br/>           This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.<br/> <a href="https://ecos.fws.gov/ecp/species/9561">https://ecos.fws.gov/ecp/species/9561</a></p>                             | Breeds elsewhere        |
| <p>Prairie Warbler <i>Setophaga discolor</i><br/>           This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.<br/> <a href="https://ecos.fws.gov/ecp/species/9513">https://ecos.fws.gov/ecp/species/9513</a></p>                                | Breeds May 1 to Jul 31  |
| <p>Red-headed Woodpecker <i>Melanerpes erythrocephalus</i><br/>           This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.<br/> <a href="https://ecos.fws.gov/ecp/species/9398">https://ecos.fws.gov/ecp/species/9398</a></p>                  | Breeds May 10 to Sep 10 |
| <p>Reddish Egret <i>Egretta rufescens</i><br/>           This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.<br/> <a href="https://ecos.fws.gov/ecp/species/7617">https://ecos.fws.gov/ecp/species/7617</a></p>                                   | Breeds Mar 1 to Sep 15  |
| <p>Ruddy Turnstone <i>Arenaria interpres morinella</i><br/>           This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA<br/> <a href="https://ecos.fws.gov/ecp/species/10633">https://ecos.fws.gov/ecp/species/10633</a></p> | Breeds elsewhere        |
| <p>Semipalmated Sandpiper <i>Calidris pusilla</i><br/>           This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA<br/> <a href="https://ecos.fws.gov/ecp/species/9603">https://ecos.fws.gov/ecp/species/9603</a></p>        | Breeds elsewhere        |
| <p>Short-billed Dowitcher <i>Limnodromus griseus</i><br/>           This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.<br/> <a href="https://ecos.fws.gov/ecp/species/9480">https://ecos.fws.gov/ecp/species/9480</a></p>                        | Breeds elsewhere        |
| <p>Swallow-tailed Kite <i>Elanoides forficatus</i><br/>           This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.<br/> <a href="https://ecos.fws.gov/ecp/species/8938">https://ecos.fws.gov/ecp/species/8938</a></p>                          | Breeds Mar 10 to Jun 30 |

| NAME   | BREEDING SEASON         |
|--|-------------------------|
| <b>Willet <i>Tringa semipalmata</i></b><br>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.<br><a href="https://ecos.fws.gov/ecp/species/10669">https://ecos.fws.gov/ecp/species/10669</a>   | Breeds Apr 20 to Aug 5  |
| <b>Worthington's Marsh Wren <i>Cistothorus palustris griseus</i></b><br>This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA<br><a href="https://ecos.fws.gov/ecp/species/9560">https://ecos.fws.gov/ecp/species/9560</a> | Breeds Apr 10 to Aug 31 |

## PROBABILITY OF PRESENCE SUMMARY

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read "[Supplemental Information on Migratory Birds and Eagles](#)", specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

### Probability of Presence (■)

Green bars; the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during that week of the year.

### Breeding Season (■)

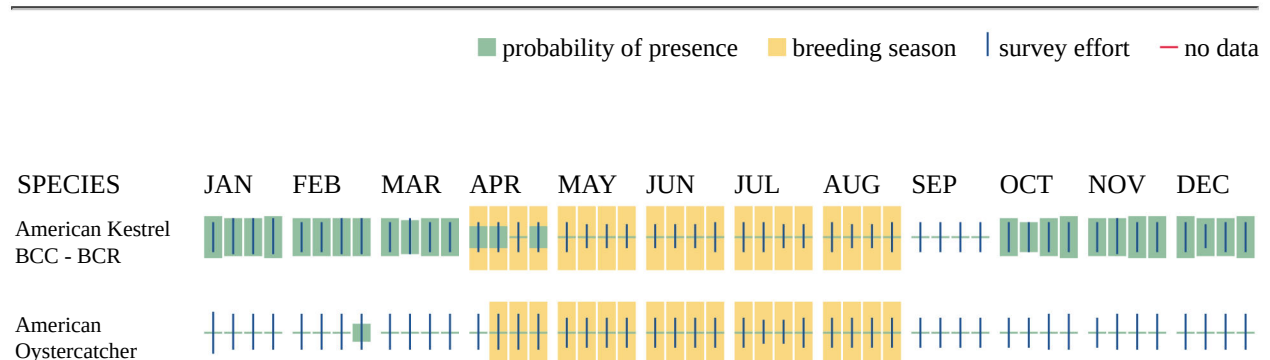
Yellow bars; liberal estimate of the timeframe inside which the bird breeds across its entire range.

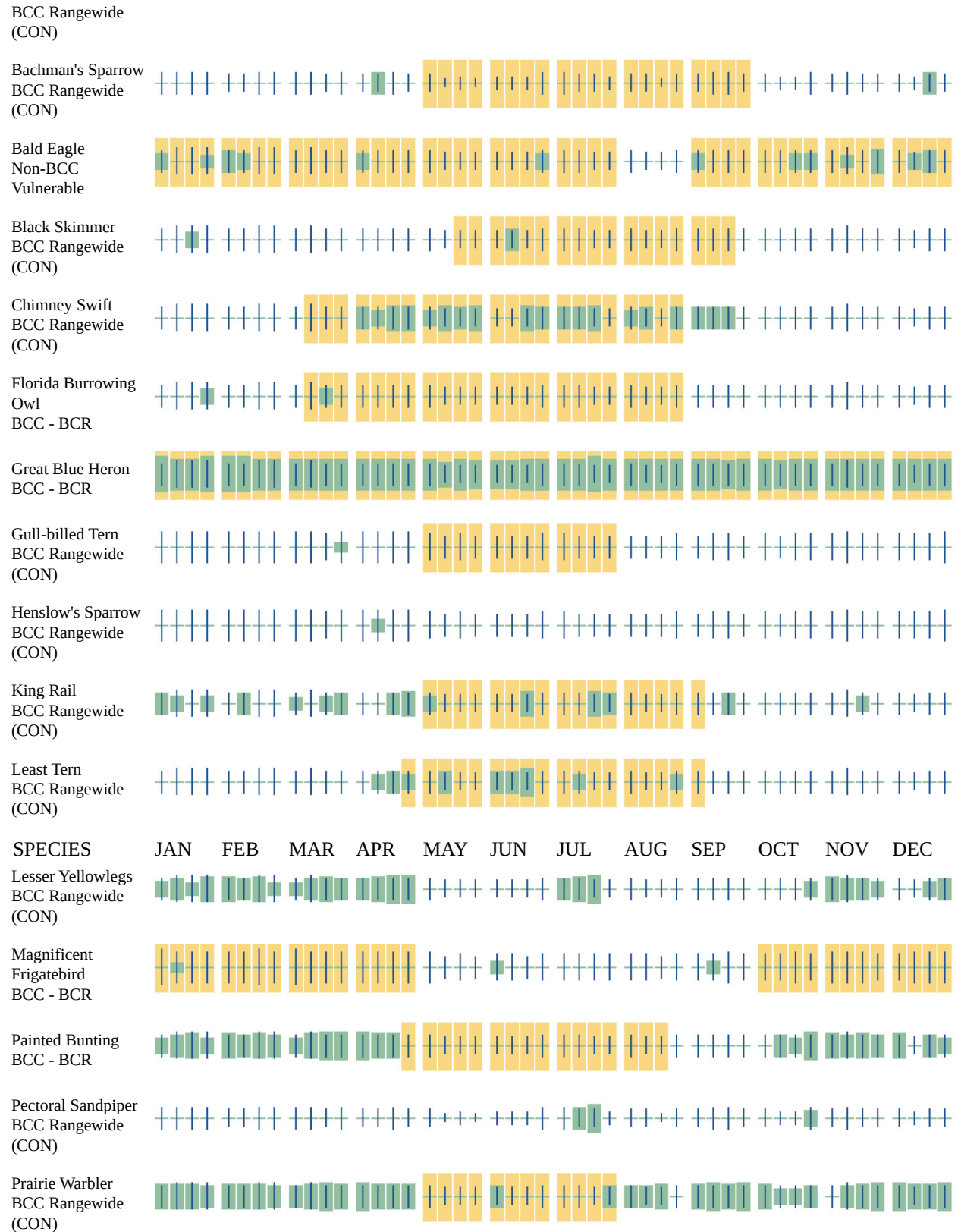
### Survey Effort (|)

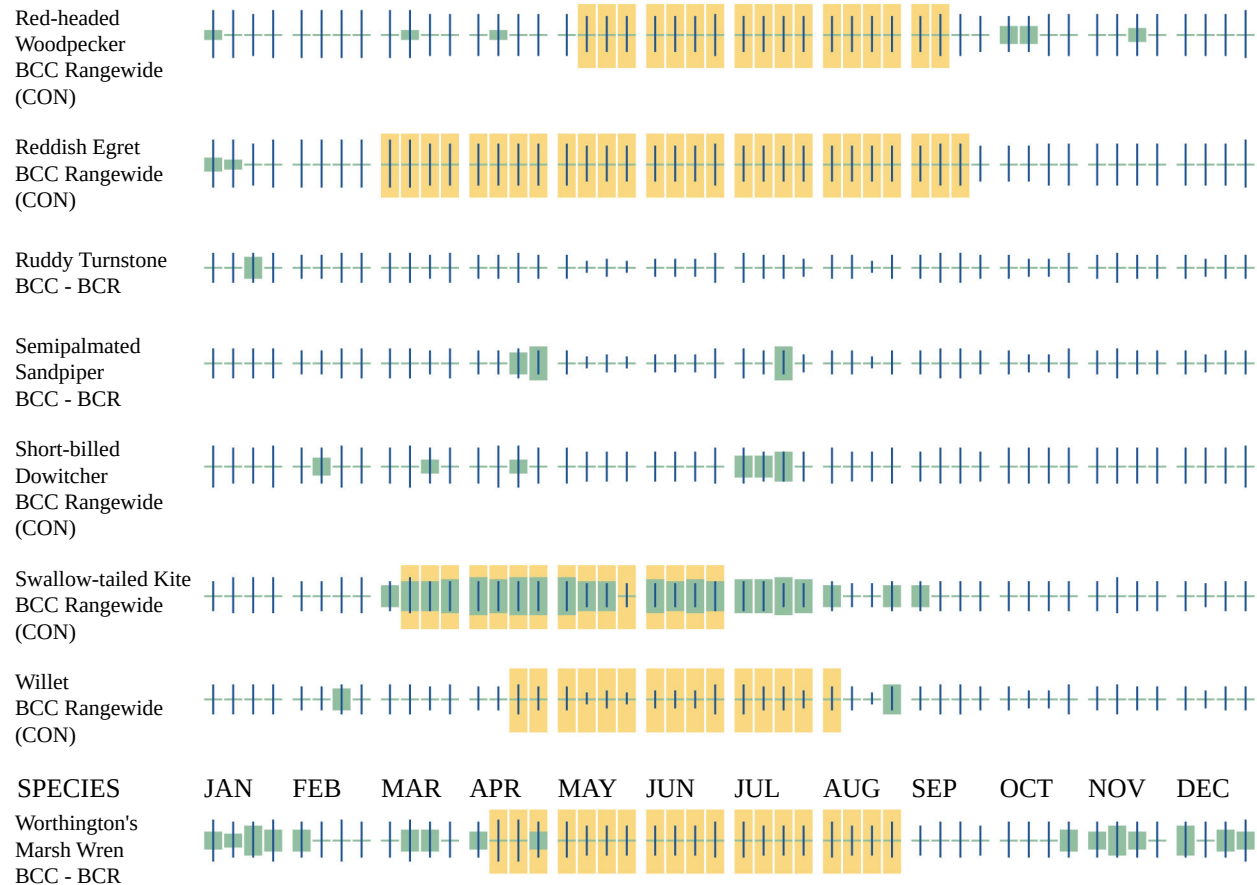
Vertical black lines; the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

### No Data (-)

A week is marked as having no data if there were no survey events for that week.







Additional information can be found using the following links:

- Eagle Management <https://www.fws.gov/program/eagle-management>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incident-take-migratory-birds>
- Nationwide conservation measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>
- Supplemental Information for Migratory Birds and Eagles in IPaC <https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action>

## WETLANDS

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).



**APPENDIX B - USFWS STANDARD PROTECTION  
MEASURES FOR THE EASTERN INDIGO SNAKE**

# STANDARD PROTECTION MEASURES FOR THE EASTERN INDIGO SNAKE

## U.S. Fish and Wildlife Service

May 2024

The Standard Protection Measures for the Eastern Indigo Snake (Plan) below has been developed by the U.S. Fish and Wildlife Service (USFWS) in Florida and Georgia for use by project proponents and their construction personnel help minimize adverse impacts to eastern indigo snakes. However, implementation of this Plan does not replace any state or federal consultation or regulatory requirements. At least 30 days prior to any land disturbance activities, the project proponent shall notify the appropriate USFWS Field Office (see Field Office contact information) via e-mail that the Plan will be implemented as described below.

As long as the signatory of the e-mail certifies compliance with the below Plan (including use of the approved poster and pamphlet ([USFWS Eastern Indigo Snake Conservation webpage](#))), no further written confirmation or approval from the USFWS is needed regarding use of this Plan as a component of the project.

If the project proponent decides to use an eastern indigo snake protection/education plan other than the approved Plan below, written confirmation or approval from the USFWS that the plan is adequate must be obtained. The project proponent shall submit their unique plan for review and approval. The USFWS will respond via e-mail, typically within 30 days of receiving the plan, either concurring that the plan is adequate or requesting additional information. A concurrence e-mail from the appropriate USFWS Field Office will fulfill approval requirements.

## STANDARD PROTECTION MEASURES

### BEFORE AND DURING CONSTRUCTION ACTIVITIES:

- All Project personnel shall be notified about the potential presence and appearance of the federally protected eastern indigo snake (*Drymarchon couperi*).
- All personnel shall be advised that there are civil and criminal penalties for harassing, harming, pursuing, hunting, shooting, wounding, killing, capturing, or collecting the species, in knowing violation of the Endangered Species Act of 1973.
- The project proponent or designated agent will post educational posters in the construction office and throughout the construction site. The posters must be clearly visible to all construction staff and shall be posted in a conspicuous location in the

Project field office until such time that Project construction has been completed and time charges have stopped.

- Prior to the onset of construction activities, the project proponent or designated agent will conduct a meeting with all construction staff (annually for multi-year projects) to discuss identification of the snake, its protected status, what to do if a snake is observed within the project area, and applicable penalties that may be imposed if state and/or federal regulations are violated. An educational pamphlet including color photographs of the snake will be given to each staff member in attendance and additional copies will be provided to the construction superintendent to make available in the onsite construction office. Photos of eastern indigo snakes may be accessed on USFWS, Florida Fish and Wildlife Conservation Commission and/or Georgia Department of Natural Resources websites.
- Each day, prior to the commencement of maintenance or construction activities, the Contractor shall perform a thorough inspection for the species of all worksite equipment.
- If an eastern indigo snake (alive, dead or skin shed) is observed on the project site during construction activities, all such activities are to cease until the established procedures are implemented according to the Plan, which includes notification of the appropriate USFWS Office. The contact information for the USFWS is provided below and on the referenced posters and pamphlets.
- During initial site clearing activities, an onsite observer is recommended to determine whether habitat conditions suggest a reasonable probability of an eastern indigo snake sighting (example: discovery of snake sheds, tracks, lots of refugia and cavities present in the area of clearing activities, and presence of gopher tortoises and burrows).
- Periodically during construction activities, the project area should be visited to observe the condition of the posters and Plan materials and replace them as needed. Construction personnel should be reminded of the instructions (above) as to what is expected if any eastern indigo snakes are seen.
- For erosion control use biodegradable, 100% natural fiber, net-free rolled erosion control blankets to avoid wildlife entanglement.

#### **POST CONSTRUCTION ACTIVITIES:**

Whether or not eastern indigo snakes are observed during construction activities, a monitoring report should be submitted to the appropriate USFWS Field Office within 60 days of project completion (See USFWS Field Office Contact Information).

#### **USFWS FIELD OFFICE CONTACT INFORMATION**

Georgia Field Office: Phone: (706) 613-9493, email: [gaes\\_assistance@fws.gov](mailto:gaes_assistance@fws.gov)  
Florida Field Office: Phone: (352) 448-9151, email: [fw4flesregs@fws.gov](mailto:fw4flesregs@fws.gov)

## POSTER & PAMPHLET INFORMATION

Posters with the following information shall be placed at strategic locations on the construction site and along any proposed access roads (final posters for Plan compliance are available on our website in English and Spanish and should be printed on 11 x 17in or larger paper and laminated ([USFWS Eastern Indigo Snake Conservation webpage](#))). Pamphlets are also available on our webpage and should be printed on 8.5 x 11in paper and folded, and available and distributed to staff working on the site.

### POSTER CONTENT (ENGLISH):

#### ATTENTION

Federally-Threatened Eastern Indigo Snakes may be present on this site!

Killing, harming, or harassing eastern indigo snakes is strictly prohibited and punishable under State and Federal Law.

#### IF YOU SEE A LIVE EASTERN INDIGO SNAKE ON THE SITE:

- Stop land disturbing activities and allow the snake time to move away from the site without interference. Do NOT attempt to touch or handle the snake.
- Take photographs of the snake, if possible, for identification and documentation purposes.
- Immediately notify supervisor/agent, and a U.S. Fish and Wildlife Service (USFWS) Ecological Services Field Office, with the location information and condition of the snake.
- If the snake is located near clearing or construction activities that will cause harm to the snake, the activities must pause until a representative of the USFWS returns the call (within one day) with further guidance.

#### IF YOU SEE A DEAD EASTERN INDIGO SNAKE ON THE SITE:

- Stop land disturbing activities and immediately notify supervisor/applicant, and a USFWS Ecological Services Field Office, with the location information and condition of the snake.
- Take photographs of the snake, if possible, for identification and documentation purposes.
- Thoroughly soak the dead snake in water and then freeze the specimen. The appropriate wildlife agency will retrieve the dead snake.

**DESCRIPTION:** The eastern indigo snake is one of the largest non-venomous snakes in North America, reaching up to 8 ft long. Named for the glossy, blue-black scales above and slate blue below, they often have orange to reddish color (cream color in some cases)



in the throat area. They are not typically aggressive.

**SIMILAR SPECIES:** The black racer resembles the eastern indigo snake. However, black racers have a white or cream chin, and thinner bodies.

**LIFE HISTORY:** Eastern indigo snakes live in a variety of terrestrial habitat types. Although they prefer uplands, they also use wetlands and agricultural areas. They will shelter inside gopher tortoise burrows, other animal burrows, stumps, roots, and debris piles. Females may lay from 4 to 12 white eggs as early as April through June, with young hatching in late July through October.

**PROTECTED STATUS:** The eastern indigo snake is protected by the USFWS, Florida Fish and Wildlife Conservation Commission, and Georgia Department of Natural Resources. Any attempt to kill, harm, harass, pursue, hunt, shoot, wound, trap, capture, collect, or engage eastern indigo snakes is prohibited by the U.S. Endangered Species Act. Penalties include a maximum fine of \$25,000 for civil violations and up to \$50,000 and/or imprisonment for criminal offenses. Only authorized individuals with a permit (or an Incidental Take Statement associated with a USFWS Biological Opinion) may handle an eastern indigo snake.

Please contact your nearest USFWS Ecological Services Field Office if a live or dead eastern indigo snake is encountered:

Florida Office: (352) 448-9151

Georgia Office: (706) 613-9493

## **POSTER CONTENT (SPANISH):**

### **ATENCIÓN**

¡Especie amenazada, la culebra Índigo del Este, puede ocupar el área!

Matar, herir o hostigar culebras Índigo del Este es estrictamente prohibido bajo la Ley Federal.

**SI VES UNA CULEBRA ÍNDIGO DEL ESTE O UNA CULEBRA NEGRA VIVA EN EL ÁREA:**

- Pare excavación y permite el movimiento de la culebra fuera del área sin interferir. NO atentes tocar o recoger la culebra.
- Fotografié la culebra si es posible para identificación y documentación.
- Notifique supervisor/agente, y la Oficina de Campo de Servicios Ecológicos del Servicio Federal de Pesca y Vida Silvestre (USFWS) apropiada con información acerca del sitio y condición de la culebra.

- Si la culebra está cerca de un área de construcción que le pueda causar daño, las actividades deben parar hasta un representante del USFWS regrese la llamada (dentro de un día) con más orientación.

#### SI VES UNA CULEBRA ÍNDIGO DEL ESTE MUERTA EN EL ÁREA:

- Pare excavación. Notifique supervisor/aplicante, y la Oficina de Campo de Servicios Ecológicos apropiada con información acerca del sitio y condición de la culebra.
- Fotografié la culebra si es posible para identificación y documentación.
- Emerge completamente la culebra en agua y congele la especie hasta que personal apropiado de la agencia de vida silvestre la recoja.

**DESCRIPCIÓN.** La culebra Índigo del Este es una de las serpientes sin veneno más grande en Norte América, alcanzando hasta 8 pies de largo. Su nombre proviene del color azul-negro brillante de sus escamas, pero pueden tener un color anaranjado-rojizo (color crema en algunos casos) en su mandíbula inferior. No tienden a ser agresivas.

**SERPIENTES PARECIDAS.** La corredora negra, que es de color negro sólido, es la única otra serpiente que se asemeja a la Índigo del Este. La corredora negra se diferencia por una mandíbula inferior color blanca o crema y un cuerpo más delgado.

**HÁBITATS Y ECOLOGÍA.** La culebra Índigo del Este vive en una variedad de hábitats, incluyendo tierras secas, humedales, y áreas de agricultura. Ellas buscan refugio en agujeros o huecos de tierra, en especial madrigueras de tortugas de tierra. Las hembras ponen 4 hasta 12 huevos blancos entre abril y junio, y la cría emergen entre julio y octubre.

**PROTECCIÓN LEGAL.** La culebra Índigo del Este es clasificada como especie amenazada por el USFWS, la Comisión de Conservación de Pesca y Vida Silvestre de Florida y el Departamento de Recursos Naturales de Georgia. Intento de matar, hostigar, herir, lastimar, perseguir, cazar, disparar, capturar, coleccionar o conducta parecida hacia las culebras Índigo del Este es prohibido por la Ley Federal de Especies en Peligro de Extinción. Penalidades incluyen un máximo de \$25,000 por violaciones civiles y \$50,000 y/o encarcelamiento por actos criminales. Solos individuales autorizados con un permiso o Determinación de toma incidental (Incidental Take Statement) asociado con una Opinión Biológico del USFWS pueden recoger una Índigo del Este.

Por favor de contactar tu Oficina de Campo de Servicios Ecológicos más cercana si encuentras una culebra Índigo del Este viva o muerta:

Oficina de Florida: (352) 448-9151

Oficina de Georgia: (706) 613-9493



# ATTENTION

## Federally-Threatened Eastern Indigo Snakes may be present on this site!

*Killing, harming, or harassing eastern indigo snakes is strictly prohibited and punishable under State and Federal Law.*

### If you see a **LIVE** eastern indigo snake on the site:

- Stop land disturbing activities and allow the snake time to move away from the site without interference. Do NOT attempt to touch or handle the snake.
- Take photographs of the snake, if possible, for identification and documentation purposes.
- Immediately notify supervisor/agent, and a U.S. Fish and Wildlife Service (USFWS) Ecological Services Field Office, with the location information and condition of the snake.
- If the snake is located near clearing or construction activities that will cause harm to the snake, the activities must pause until a representative of the USFWS returns the call (within one day) with further guidance.

### If you see a **DEAD** eastern indigo snake on the site:

- Stop land disturbing activities and immediately notify supervisor/applicant, and a USFWS Ecological Services Field Office, with the location information and condition of the snake.
- Take photographs of the snake, if possible, for identification and documentation purposes.
- Thoroughly soak the dead snake in water and then freeze the specimen. The appropriate wildlife agency will retrieve the dead snake.

**DESCRIPTION.** The eastern indigo snake is one of the largest non-venomous snakes in North America, reaching up to 8 ft long. Named for the glossy, blue-black scales above and slate blue below, they often have orange to reddish color (cream color in some cases) in the throat area. They are not typically aggressive.

Eastern indigo snake. Credit: Dirk Stevenson



**SIMILAR SPECIES.** The black racer resembles the eastern indigo snake. However, black racers have a white or cream chin, and thinner bodies.

**LIFE HISTORY.** Eastern indigo snakes live in a variety of terrestrial habitat types. Although they prefer uplands, they also use wetlands and agricultural areas. They will shelter inside gopher tortoise burrows, other animal burrows, stumps, roots, and debris piles. Females may lay from 4 to 12 white eggs as early as April through June, with young hatching in late July through October.

Gopher tortoise and burrow. Credit: James Hunt



**PROTECTED STATUS.** The eastern indigo snake is protected by the USFWS, Florida Fish and Wildlife Conservation Commission, and Georgia Department of Natural Resources. Any attempt to kill, harm, harass, pursue, hunt, shoot, wound, trap, capture, collect, or engage eastern indigo snakes is prohibited by the U.S. Endangered Species Act. Penalties include a maximum fine of \$25,000 for civil violations and up to \$50,000 and/or imprisonment for criminal offenses. Only authorized individuals with a permit (or an Incidental Take Statement associated with a USFWS Biological Opinion) may handle an eastern indigo snake.

Please contact your nearest USFWS Ecological Services Field Office if a live or dead eastern indigo snake is encountered:

Florida Office: (352) 448-9151  
Georgia Office: (706) 613-9493



**APPENDIX C - SHPO FLORIDA MASTER SITE  
FILE REPORT**





This record search is for informational purposes only and does **NOT** constitute a project review. This search only identifies resources recorded at the Florida Master Site File and does **NOT** provide project approval from the Division of Historical Resources. Contact the Compliance and Review Section of the Division of Historical Resources at [ComplianceService@dos.MyFlorida.com](mailto:ComplianceService@dos.MyFlorida.com) for project review information.

November 1, 2024

Deborah Santos de Azevedo  
**Kimley-Horn** | 1615 S Congress Ave #201,  
Delray Beach, FL 33445  
Direct: 561-484-5774 | Mobile: 954-826-6691



In response to your inquiry of October 31, 2024, the Florida Master Site File inventory shows four previously recorded standing structures recorded, within 0.25-mile buffer, for Essential Housing Boynton project in Palm Beach County, Fla.

When interpreting the results of our search, please consider the following information:

- This search area may contain *unrecorded* archaeological sites, historical structures or other resources even if previously surveyed for cultural resources.
- Because vandalism and looting are common at Florida sites, we ask that you limit the distribution of location information on archaeological sites.
- While many of our records document historically significant resources, the documentation of a resource at the Florida Master Site File does not necessarily mean the resource is historically significant.
- Federal, state and local laws require formal environmental review for most projects. This search DOES NOT constitute such a review. If your project falls under these laws, you should contact the Compliance and Review Section of the Division of Historical Resources at [ComplianceService@dos.MyFlorida.com](mailto:ComplianceService@dos.MyFlorida.com).

Please do not hesitate to contact us if you have any questions regarding the results of this search.

Sincerely,

Eman M. Vovsi, Ph.D.  
Data Base Analyst/Records Specialist  
Florida Master Site File  
[Eman.Vovsi@dos.state.fl.us](mailto:Eman.Vovsi@dos.state.fl.us)

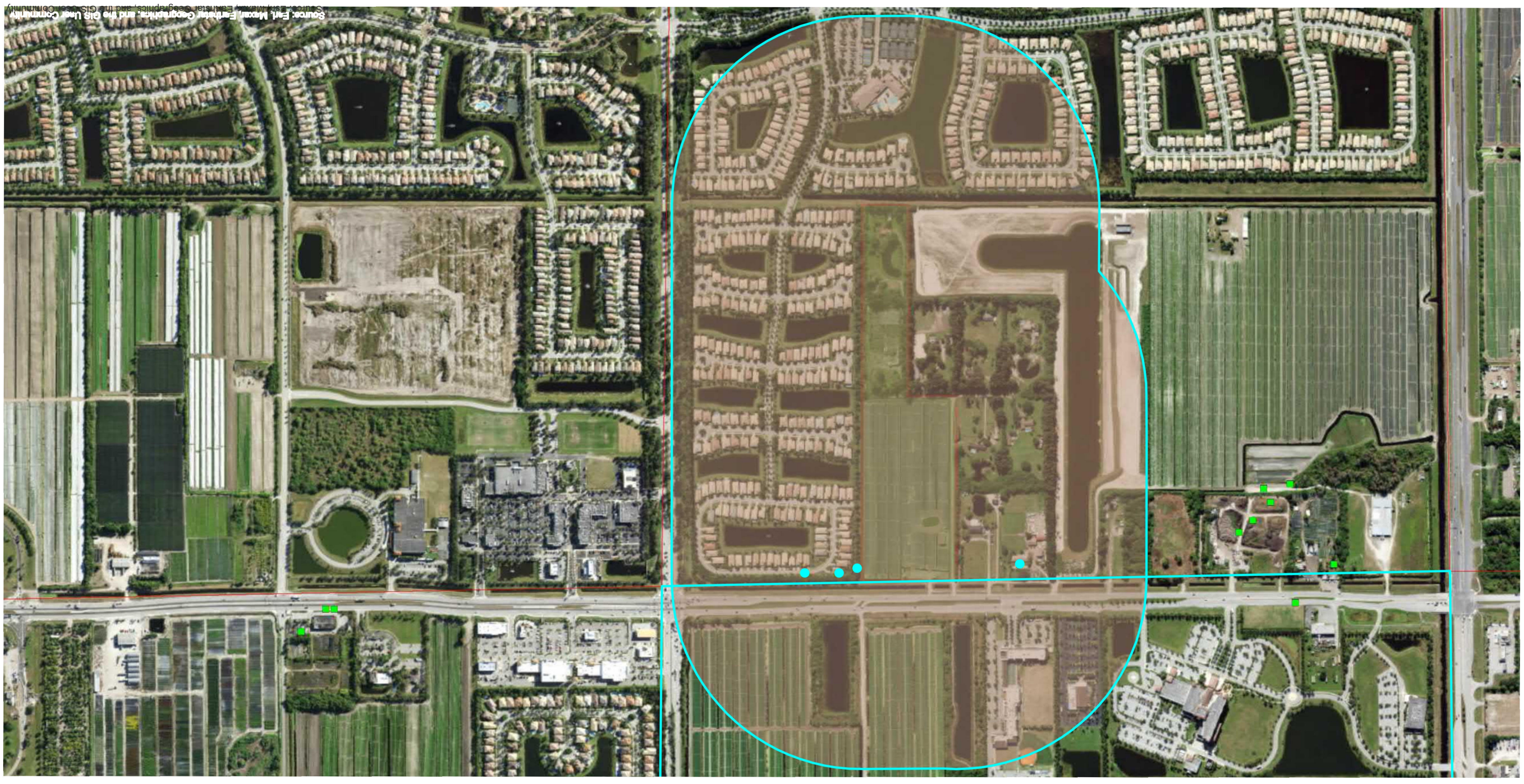


AR=0  
 SS=4  
 CM=0  
 RG=0  
 BR=0  
 Total=4

## Cultural Resource Roster

| SiteID  | Type | Site Name                      | Address                                  | Additional Info          | SHPO Eval    | NR Status |
|---------|------|--------------------------------|--|--------------------------|--------------|-----------|
| PB12536 | SS   | Vacant Commercial              | 9590 SR 804 (Boynton BLVD, Boynton Beach | 1955 Masonry Vernacular  | Not Eligible |           |
| PB12546 | SS   | Metal Storage Shed             | UNKN Near 9210 SR 804 HWY, Boynton Beach | 1950 Frame Vernacular    | Not Eligible |           |
| PB12547 | SS   | Packing House                  | 9210 State 804 RD, Boynton Beach         | c1950 Masonry Vernacular | Not Eligible |           |
| PB12548 | SS   | 9230 SR 804 (Boynton Bch Blvd) | 9230 State 804 RD, Boynton Beach         | c1950 Masonry Vernacular | Not Eligible |           |



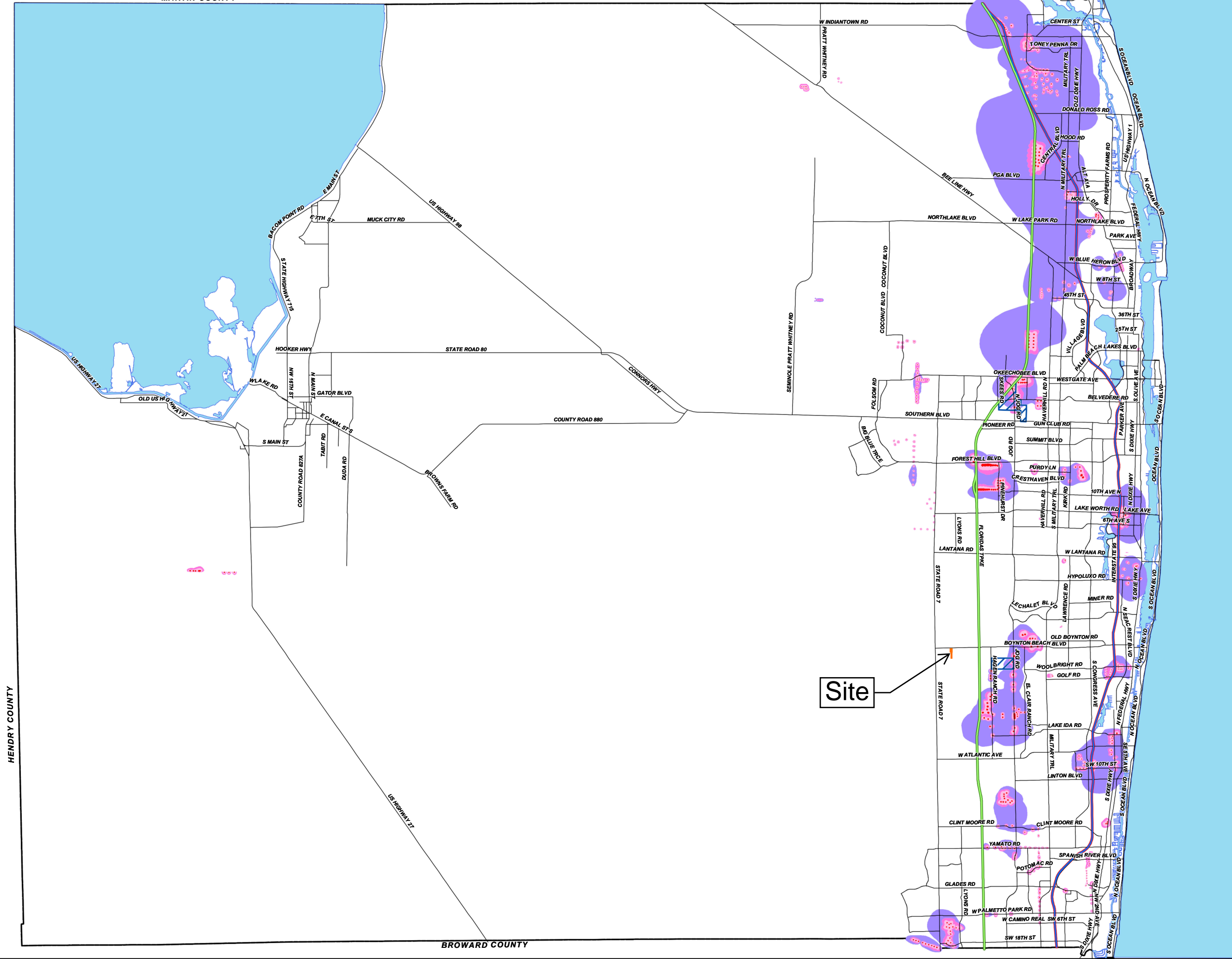









**Attachment M**  
**Wellfield Statement**

The Property is not located within a Wellfield Protection Zone.

MARTIN COUNTY



**MAP LU 4.1**  
**WELLFIELD PROTECTION**  
**ZONES IN PALM BEACH**  
**COUNTY, FLORIDA**

-  Zone 1
-  Zone 2
-  Zone 3
-  Zone 4
-  Turnpike Aquifer Protection Overlay

9J-5.006(4)(B)1  
 SOURCES:  
 PBC Dept. of Environmental Resources Management  
 Note: Official Wellfield Protection Maps are kept at, and can be obtained from, the Palm Beach County Department of Environmental Resources Management.  
 The information presented represents the most readily available data. No guarantee is made as to the completeness or accuracy of the information displayed. Consult appropriate County staff for final determination.



**PALM BEACH COUNTY**  
**COMPREHENSIVE PLAN**  
**MAP SERIES**



Effective Date: 10/29/04  
 Filename: N:\Map Series\MXD\Adopted  
 Contact: PBC Planning Dept.

HENDRY COUNTY

BROWARD COUNTY

Site





**Department of Planning,  
Zoning & Building**

2300 North Jog Road  
West Palm Beach, FL 33411-2741  
(561) 233-5000

Planning Division 233-5300  
Zoning Division 233-5200  
Building Division 233-5100  
Code Enforcement 233-5500  
Contractors Certification 233-5525  
Administration Office 233-5005  
Executive Office 233-5228  
[www.pbcgov.com/pzb](http://www.pbcgov.com/pzb)

**Palm Beach County  
Board of County  
Commissioners**

Maria Sachs, Mayor  
Maria G. Marino, Vice Mayor

Gregg K. Weiss  
Michael A. Barnett  
Marci Woodward  
Sara Baxter  
Mack Bernard

**County Administrator**

Verdenia C. Baker

"An Equal Opportunity  
Affirmative Action Employer"



October 1, 2024

Maryori Velasco  
J. Morton, Planning & Landscape Architecture  
3910 RCA Boulevard, Suite 1015  
Palm Beach Gardens, Florida 33410

RE: Historical and Archaeological Resource Review for project name: **West Boynton Ranches**, under PCN's: 00-42-43-27-05-053-0050, 00-42-43-27-05-053-0290, 00-42-43-27-05-053-0440 & 00-42-46-18-01-000-0470.

Dear Ms. Velasco:

This correspondence is in response to your request for a review of the above referenced properties in regards to the identification of any cultural resources (historical and archaeological resources) located on or within 500 feet of the properties.

Staff review of the County's survey of historic/architecturally significant structures, and of properties designated for inclusion in the National Register of Historic Places (NRHP), has identified no historic or architecturally significant resources on or within 500 feet of the above referenced properties.

Staff review of the County's map of known archaeological sites has identified no known archaeological resources located on or within 500 feet of the above referenced properties.

However, should any artifacts or skeletal remains be encountered during construction, per Chapter 827 Florida Statutes, construction must stop around the remains and the local sheriff and medical examiner contacted.

Should you have any questions or comments, please contact me at (561) 233-5331.

Sincerely,

Christian Davenport, MA, RPA  
County Historic Preservation Officer/ Archeologist

C: Thuy Shutt, AIA, NCARB, FRA-RA, Planning Director, PBC Planning Division  
Jeff Gagnon, AICP, Deputy Planning Director, PBC Planning Division  
Bryan Davis, CNU-A, Principal Planner, PBC Planning Division  
Nydia I. Pontón-Nigaglioni, PhD, RPA, PBC Archaeologist / Planner I

T:\Planning\Archaeology\County Departments\Planning\Land Use Amendments and Development Review\J. Morton\Project: West Boynton Ranches\_ PCN's\_00424327050530050,00424327050530290,00424327050530440&00424618010000470\_Letter\_10-1-2024.doc



**THE SCHOOL DISTRICT OF  
PALM BEACH COUNTY, FL**

**KRISTIN K. GARRISON, AICP  
DIRECTOR**

**MICHAEL J. BURKE  
SUPERINTENDENT**

PLANNING & INTERGOVERNMENTAL RELATIONS  
3661 INTERSTATE PARK ROAD NORTH, 200  
RIVIERA BEACH, FL 33404

**JOSEPH M. SANCHES, MBA  
CHIEF OPERATING OFFICER**

PHONE: 561-434-8020 / FAX: 561- 434-8942  
[WWW.PALM BEACHSCHOOLS.ORG](http://WWW.PALM BEACHSCHOOLS.ORG)

## SCHOOL CAPACITY AVAILABILITY DETERMINATION (SCAD)

|   |  |   |                                       |                                   |
|---|--|---|---------------------------------------|-----------------------------------|
| <b>Application</b>                                | <b>Submittal Date</b>  | 11/12/2024  |                                       |                                   |
|   | <b>SCAD No.</b>  | 24111201F - FLU   |                                       |                                   |
|   | <b>FLU /Rezoning/D.O. No.</b>  | Not Provided – Unincorporated Palm Beach County   |                                       |                                   |
|   | <b>PCN No. / Address</b>   | 00-42-43-27-05-053-0050, 0290, 0440, 00-42-46-18-01-000-0470/ 9344 Boynton Beach Boulevard & 9281 105 <sup>th</sup> Street S. |                                       |                                   |
|   | <b>Development Name</b>  | West Boynton Ranches  |                                       |                                   |
|   | <b>Owner / Agent Name</b>  | West Boynton Ranches Holdings LP/JMorton Planning & L.A.  |                                       |                                   |
|   | <b>SAC No.</b>   | 259A  |                                       |                                   |
|   | <b>Proposed Amendment</b>  | Maximum 259 Residential Units   |                                       |                                   |
| <b>Impact Review</b>                              |  | <b>Sunset Palms<br/>Elementary School</b>   | <b>West Boynton<br/>Middle School</b> | <b>Park Vista<br/>High School</b> |
|   | New Students Generated   | 41  | 21                                    | 30                                |
|   | Capacity Available   | -58   | 107                                   | -145                              |
|   | Utilization Percentage   | 106%  | 92%                                   | 105%                              |
| <b>School District Staff's<br/>Recommendation</b> | <p><b>Based on the findings and evaluation of the proposed development, there will be a negative impact on the public-school system. Given the recent increases in school impact fees, effective January 1, 2023, much of these impacts will be mitigated. The impact fees, however, will not fully cover impacts to the school system. Therefore, if the proposed development is approved by Palm Beach County government and if the Developer voluntarily agrees, School District staff recommends the following condition to mitigate such impacts.</b></p> <p>In order to address the school capacity deficiency generated by this proposed development at the District <b>elementary</b> and <b>high school level</b>, the property owner shall contribute a total of <b>\$522,675.00</b> to the School District of Palm Beach County prior to the issuance of first building permit.</p> <p>This voluntary school capacity contribution is intended to supplement the required school impact fee (impact fee credit has already been applied). The contribution amount may be adjusted to reflect the actual unit number and type during the Development Order process.</p> <p>Please note that the school impact fee credit is calculated based on the Net Impact Cost per Student, as calculated in the County's latest Impact Fee Ordinance, which was adopted on September 13, 2022.</p> |   |                                       |                                   |
| <b>Validation Period</b>                          | <p>1) This determination is valid from <b>11/15/2024 to 11/14/2025</b> or the expiration date of the site-specific development order approved during the validation period.</p> <p>2) A copy of the approved D.O. must be submitted to the School District Planning Dept. prior to <b>11/14/2025</b> or this determination will expire automatically on <b>11/14/2025</b>.</p>   |   |                                       |                                   |
| <b>Notice</b>                                     | <p>School age children may not necessarily be assigned to the public school closest to their residences. Students in Palm Beach County are assigned annually to schools under the authority of the School Board and by direction of the Superintendent, public school attendance zones are subject to change.</p>  |   |                                       |                                   |

*Michael C. Owens*

**November 15, 2024**

\_\_\_\_\_  
School District Representative Signature

\_\_\_\_\_  
Date

**Michael C. Owens, Senior Planner**

**michael.owens.1@palmbeachschools.org**

\_\_\_\_\_  
Print Name & Title

\_\_\_\_\_  
Email Address

CC: Kathleen Chang, Senior Planner, Palm Beach County  
Joyell Shaw, PIR Manager, School District of Palm Beach County