

# Agricultural Reserve Chronology

1970 through November 2022

Palm Beach County Planning Division

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## **AG RESERVE CHRONOLOGY OF EVENTS**

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### 1970 & 1980 Comprehensive Plans Origins

Starting with Palm Beach County's 1972 Land Use Plan, the area now known as the Ag Reserve was designated from a larger area as "Residential Estates" with densities ranging from 1 dwelling unit (DU) per acre to 1 DU per 2.5 acres. In 1980, the County's Comprehensive Plan formally created the reserve area and defined its boundaries. The emphasis was preservation of agriculture and densities, which were reduced to 1 unit per 5 acres. It also allowed "80/20 Planned Unit Developments (PUDs)" with 1 unit per acre clustered on 20 percent of the land with a minimum of 40 acres, and established provisions for Transfer of Development Rights (TDRs) outside of the Ag Reserve.

### 1989 Comprehensive Plan – Moratorium declared

In 1989 the County's Comprehensive Plan revised the area's boundaries to remove non-contiguous portions and reflect land use changes made during the 1980s. These revisions reduced the area by more than 5,000 acres resulting in its current boundaries encompassing 21,981 acres. Also, a moratorium was enacted until a study could be completed to evaluate the long-term viability of agriculture. TDR options were still permitted, but the 80/20 PUD option and 1 DU per 5 acres provision were suspended.

### 1990 Ag Reserve Study

In 1990, the County hired Dames and Moore to conduct a phased study of the Ag Reserve, which included two initial phases:

- Phase I: An economic impact analysis and an analysis of agricultural determinants (Feb 1991)
- Phase II: A land use suitability analysis (October 1991) and development of alternative scenarios, related strategies, and impact assessment (February and March 1992)

Alternative scenarios ranged from maintaining agriculture (TDRs, Purchase of Development Rights, and Agricultural Districts), through an "anti-sprawl" development option with protection of natural resources and environmental sensitive lands, to expansion of development with no effort to preserve agriculture.

### 1993 Purchase of Agricultural Conservation Easements (PACE) Program

In May 1993, the County Planning Division staff completed a preliminary report as part of Phase III of the work to be originally completed by Dames and Moore. The report made recommendations for establishing a Purchase of Agricultural Conservation Easements (PACE) program. The study concluded that as much as \$100 to \$200 million would be needed to fund the PACE program.

### 1994-1995 New Ag Reserve Provisions & Lifting of Moratorium

The BCC adopted in 1994 new provisions for the Ag Reserve, based in some of the recommendations of the previous studies. These new provisions were found "Not In Compliance" by DCA. Subsequently in 1995, after an administrative hearing process, the Board adopted a Remedial Plan Amendment, which included an additional 60/40 development option with a minimum of 150 acres of preserve area and development clustered in 40% of the land. Preserve areas under this option were not required to be contiguous to the development area, and

development was limited to areas east of SR7. The moratorium was lifted in 1995 allowing all the development options to proceed.

### 1998 Ag Reserve Rezoning

In 1998, the County adopted a rezoning of approximately 20,000 acres of land to change predominately Agricultural Residential (AR) zoning to Agricultural Reserve (AGR) for consistency with the Agricultural Reserve future land use designation pursuant to State legislation that requires zoning to be consistent with future land use designations. The uses allowed within AR and AGR were different, although there was a greater range of agricultural uses allowed in AGR.

### 1996-1999 Ag Reserve Bond Issue

A PACE committee was established in 1996 with very little success, which led to exploring a bond issue to fund the PACE program. This resulted in a 1998 recommendation to utilize a Bond Issue to preserve agriculture in the Ag Reserve. In 1999 Palm Beach County voters approved a referendum authorizing a \$150 million bond issue to purchase agricultural and environmental sensitive lands. The PACE program was officially repealed in 2001 and its committee replaced with the then existing Conservation Land Acquisition Selection Committee (CLASC), which carried through the purchase of agricultural and environmental sensitive lands. Close to 2,400 acres were purchased with Bond moneys to date. The County has subsequently sold 167 acres with no development rights and deed restrictions to the SWA and farmers.

### 1998-1999 Master Plan for the Ag Reserve

In July 1998, the Palm Beach County Board of County Commissioners (BCC) authorized CH2M HILL to proceed with the development of a Master Plan for the Agricultural Reserve in south-central Palm Beach County. The master planning effort was a cooperatively funded agreement between the County and the South Florida Water Management District. Phase I Report was completed by the end of 1998 and Phase II (Development of the Master Plan) was completed by mid-1999 with the collaboration of Dover, Kohl, and Partners.

### 2000-2001 Managed Growth Tier System – Ag Reserve Tier

The County adopted in 1999 the Managed Growth Tier System (MGTS) which identified different development tiers. One of the Tiers created was the Ag Reserve Tier. In 2001, there was a re-writing of the Ag Reserve provisions to convert them into the Ag Reserve Tier. This effort included incorporating the Ag Reserve Master Plan into the Comprehensive Plan. These are the current provisions in the Comprehensive Plan to date.

### Post 2001 Managed Growth Tier System – Ag Reserve Tier Developments

Several developments utilizing the 60/40 development option and one utilizing the 80/20 option had already been approved by the time the Ag Reserve provisions were re-written in 2001. Subsequent to 2001, several more 60/40 planned unit developments were approved including two commercial developments utilizing the 60/40 Traditional Market Place Development (TMD) option adopted in 2001. The TMD developments were restricted by the Comprehensive Plan policies to just two intersections in the Ag Reserve.

## 2001-2011 Managed Growth Tier System – Unanticipated Events

A few events occurred in the Ag Reserve that were not anticipated by the Ag Reserve Master Plan or its incorporation into the Ag Reserve Tier provisions:

- **2004 Appolonia Farms 60/40 AGR-PUD Approval:** This development approval included over 1,500 acres of which 610 acres were proposed as the development area and 918 acres, owned by the South Florida Water Management District, proposed as offsite preserve area. The utilization of SFWMD lands to meet preserve area requirement of AGR-PUD's was not contemplated. Those SFWMD lands were in fact excluded during the formulation of the Master Plan with respect to the potential units that could be built in the Ag Reserve. However, the inclusion of the Strazzula tract as preserve was associated with the County's acceptance of 547 acres of land in north County for conservation purposes. The BCC therefore determined that there was a greater good served by allowing the Strazzula tract to be approved as preserve area only for the Appolonia Farms AGR-PUD.
- **2005 Hospital:** A land use amendment on a 63 acre site was adopted to allow for the development of the Bethesda West Community Hospital on the northeast corner of Boynton Beach Blvd. and State Road 7. Such a facility along with associated medical office development on the campus was not envisioned in the Ag Reserve Master Plan or policies adopted in the Comprehensive Plan. Although Institutional uses are allowed east of State Road 7, those uses were not envisioned to serve the needs of a population beyond the farm workers and residents of the Tier. The locating of a major hospital campus in the Ag Reserve has also increased development pressure on some surrounding properties resulting in property owners near the hospital campus submitting applications to change their land use designations to accommodate additional medical office.
- **2005-2006 County Sold Property Bought with Bond:**
  - **SWA** – the County sold a 40 acre property that was previously purchased with the voter approved Bond money, to the Solid Waste Authority (SWA) for the purpose of locating a Waste Transfer Station in the Ag Reserve. The absence of a facility in the area was contributing to capacity overloads at other facilities. The BCC adopted an amendment in 2005 to change the Future Land Use designation on the property from Agricultural Reserve with a Preserve Note (AGR-PR) to Transportation and Utilities Facilities (U/T) to allow the transfer station to develop.
  - **Brookside** – In April, 2006, the County issued a Request for Proposal to sell the property to a qualified buyer for agricultural production. The Brookside property was not leased in order to limit revenue, as tax exempt status of bonds limits the revenue that can be received from private parties. In May 16, 2006, the BCC selected The Bowman Group proposal, with purchase price of \$3,225,000 and uses to be restricted to: crop production; wholesale and retail nursery; green market; farmers market; produce stand; stable with a limit of 24 horses, pasture, or fallow land; and a maximum of 4 groom's quarters. All development rights will be removed, property will be subject to a conservation easement limiting the use to the agricultural uses proposed by the selected Respondent. On May 23, 2006, the Board approved the Contract. In June 21-22, 2006 a County Deed was executed by the County to Brookside Estates, LLC, and Smith Sundry Estates, LLC, and recorded (ORB 20514 PG 1702). The Conservation Easement was also recorded (ORB 20514 PG 1704) limiting uses to those in respondent's proposal. Brookside Estates, LLC, and Smith Sundry Estates, LLC, (entities controlled by the original buyer) later assigned and substituted as the grantee on the County Deed. In 2007, the property owner requested to develop a Farmer's Market. In 2010-2011, the property owner requested to modify the conservation easement to allow for Institutional and Public Facilities uses.

- **2005-2006 SFWMD Lands:** several GL Homes projects included several hundred acres of SFWMD lands again to meet the preserve requirements without utilizing any units associated with those preserve areas. This concept of allowing the inclusion of SFWMD lands, and not the units, had been done before with the approval of Appolonia Farms PUD. For the new approvals, the SFWMD reached a roughly 20 million dollar agreement with GL Homes. The County was supportive given the intent of the SFWMD was to then obtain a flowage/conservation easement over 335 acres of property near the Bee Line Hwy, known as the Gentle Ben property. Subsequent to the 2005 and 2006 approvals, based on another agreement between GL Homes and the SFWMD wherein the district received additional money, roughly 10 million, the district then agreed to allow GL Homes to utilize any units associated with those same district owned lands approved as preserve in 2005 and 2006 and some additional lands, a total of over 1,300 acres. The agreement did not include the 2004 approved Strazzula tract. Since the agreement, nearly all of those lands, and the units associated with them, have been included in GL Homes AGR-PUD approvals to not only meet the preserve requirements but also to utilize the units associated with the preserve areas to increase densities in the development areas.
- **2008-through today AGR-PUD Preserve Swaps:** Starting in 2008, a number of AGR-PUD approved projects returned with zoning applications to reconfigure the site plans, including adding, replacing and/or "swapping" preserve areas within other areas of the Ag Reserve Tier. Significant changes occurred in swapping out previously proposed development areas with preserves. Changes, however, still met the requirements of the 60/40 AGR-PUD regulations.

The result of the unanticipated events above related to AGR-PUD approvals have, in effect, increased the units above what was originally anticipated to be built in the Ag Reserve by roughly 1,300 units. Additionally, the inclusion of SFWMD lands as preserve area has, in effect, decreased the amount of land that would have been preserved for agriculture since those developments were not forced to seek out other alternate preserve areas, areas other than publicly owned lands, to meet their preserve requirements. The location of a hospital in the Ag Reserve has resulted in significant development pressure to develop properties proximate to the Hospital with commercial medical office development.

### 2012 January BCC Direction

In 2012, at the Board's request, staff coordinated tours and workshops to provide the Board with information and status report on each of the tiers of the MGTS. Following a workshop in January 2012, the Board re-affirmed support for the continuation of Ag Reserve policies and directed staff to enhance agriculture and support for farmers by allowing packing plants and green markets in preserve areas. These changes have been implemented. The Board also heard from several property owners and agents during that workshop regarding specific requests for development in Ag Reserve, but the Board did not direct staff to make any additional changes.

### 2014-2015 BCC Workshop and Roundtable Discussions

The BCC held a workshop in March 2014 to discuss issues and policies affecting the Agricultural Reserve Area, in response to requests by farmers, nurserymen, and other property owners seeking to expand the development options available in the Agricultural Reserve. Following that workshop, staff met with various interest groups, to prepare "roundtable" discussions for representatives of each interest group, and to bring the results to the BCC for discussion and direction at a future workshop. In the course of the Roundtable process, a number of additional concepts and ideas emerged, many reflected in the comments provided at various steps in the process. At the February 2015 Roundtable, community groups and organizations were encouraged to formally outline their recommendations, to allow those to be posted for public viewing and to be provided to the bcc for consideration. Based on the surveys and roundtable discussions, staff recommended the following:

- **Recommendation 1** – Contiguity Requirements for Preserve Areas: Revise the current requirements for preserve areas of 60/40 PUDs to eliminate the current requirement that a preserve property be at least 150 acres or be contiguous to preserved property totaling 150 acres.
- **Recommendation 2** – Review the Unified Land Development Code (ULDC) to consider: 1) amendment to the current 25,000 sq. ft. limitation on packing plants that are accessory to a bona fide agricultural use in the AGR preserve areas; and 2) allowing community gardens in preserve areas.
- **Recommendation 3** – Existing Non-residential Uses: Process County initiated map and text amendments to address inconsistencies and find solutions to existing commercial and non-residential uses and services that pre-dated the Agricultural Reserve's provisions.
- **Recommendation 4** – Agricultural Enhancement: Implement Agricultural Enhancement Strategies.

## 2016-2017 Subsequent Adoption of Amendments and Privately Initiated Requests

Based on the Workshop and Roundtable discussions, the BCC considered the following amendments:

- **2015 AGR Contiguity Requirements for Preserves:** The amendment offered an additional option for smaller parcels, consistent with the 1 du/ac density option to allow free-standing preserve areas of less than 150 acres to serve as preserves associated with Agricultural Reserve 60/40 planned developments. Prior to this change, parcels of less than 150 acres could only be eligible to sell development rights and become preserves if adjacent to preserves totaling 150 acres or more. This change allowed smaller, isolated parcels to become eligible to be preserves which, while not the intent of the original provisions when adopted, could facilitate the perpetuation of small-scale agricultural operations in the area, both existing and new. Units transferred do not represent additional units, as these were anticipated in the conceptual Master Plan prepared for the Agricultural Reserve. This amendment was **adopted** (motion by Comm. Abrams, seconded by Comm. Taylor passed in a 5-2 vote with Commissioners Burdick and McKinlay dissenting) at the October 26, 2015 BCC Hearing. As part of the adoption hearing report, staff proposed to add a provision that would prohibit the replacement or “swapping” of preserve areas for 60/40 Planned Developments, and to delete other language which could be interpreted to require contiguity. Staff also provided a memorandum proposing a less restrictive prohibition against the replacement of preserves. The Board discussed the proposed changes and ultimately voted against making any post transmittal changes. In addition, the Board discussed the maintenance of preserve areas, that the proposed amendment did not impact the lands purchased by the County with bond money, and that the units resulting from the amendment were anticipated as part of the calculations of the AGR Master Plan.
- **2016 AGR Pre-Existing Sites:** The BCC directed staff to make the pre-existing non-residential sites conforming. Concurrent with the text amendment were 8 County-Initiated Future Land Use Atlas (FLUA) site specific amendments to assign the pre-existing commercial and institutional parcels that are east of State Road 7 with a Commercial Low with an underlying AGR (CL/AGR) or Institutional and Public Facilities with an underlying AGR (INST/AGR) future land use designation respectively. All of the Ag Reserve Existing Use amendments were presented and discussed together. The Board discussed the original intent of accommodating the pre-existing uses and questioned whether the amendments would result in a significant increase in commercial and institutional square footages. The amendment was **adopted** (motion by Comm. Taylor, seconded by Comm. Vana) in a 7-0 vote at the January 27th public hearing. Each of the following county-initiated site specific amendments east of SR7 were adopted in 2016.

1. Caridad Center (LGA 2016-008)

2. Eternal Light Cemetery (LGA 2016-011)
  3. Faith Farm Ministries (LGA 2016-016)
  4. Dells Suburban Market (LGA 2016-009)
  5. Fina Station (LGA 2016-013)
  6. PF at West Boynton (LGA 2016-014)
  7. Three Amigos (LGA 2016-016)
  8. West Boynton Center (LGA 2016-015)
- **2016 AGR Farm Residence:** The BCC directed staff to address concerns raised by owners residing on small agricultural properties in the AGR, who cannot sell development rights from the 5 acres needed to meet the density requirement for the home. Based on BCC discussions, the amendment established this option only for properties that can demonstrate an active agricultural use. The policy provides for these properties to obtain a letter of determination from the Planning Director, valid for three years, which allows for the sale of development rights. As with other preserve properties, the transfer of development rights would occur at a rate of one per acre, but would exclude the acreage associated with the existing or planned residence and any other uses not permitted in preserve areas (a minimum of one acre). The proposed amendment also includes provisions to prevent the parceling of existing and future preserves for the purposes of accommodating residences. Staff's assessment was that the amendment would accomplish the Board's intent to accommodate the sale of development rights from residential properties with active agricultural uses. However, from a planning perspective, the amendment undermines the fundamental concept of density as it is applied in planning practice and in the County, and therefore staff did not support the amendment. Staff met with representatives of affected property-owners and community organizations. The amendment was revised to address the issue of the "snapshot timeframe" and to allow for eligible properties to obtain a Letter of Determination, valid for three years, verifying an active agricultural use and the ability to transfer of development rights. Revisions provided an alternative means to demonstrate an active agricultural use, in addition to an agricultural tax classification. The amendment also included provisions to prevent the parceling of existing and future preserves to accommodate residences. The BCC adopted the amendment (motion by Comm. Taylor, seconded by Comm. Vana in a 6-1 vote with Comm. Burdick dissenting) at the April 27, 2016 public hearing.
  - **2016 Agricultural Reserve Commercial Text Amendment:** The BCC directed staff to consider additional opportunities for smaller commercial sites and considering the development pattern that has resulted through the implementation of the current policies in the Plan. This amendment revised each policy to establish the original intent of the Master Plan to provide a context for each regulation. This amendment retained the following commercial requirements: Location within ¼ mile of Lyons/Boynton and Lyons/Atlantic intersections; Scale, character, design and concurrent zoning application; Minimum preserve area. Allowed ability for smaller commercial sites through: Increasing the total maximum allowable square footage; eliminating the Traditional Marketplace requirement and allowing Multiple Use Planned Developments (MUPDs); Allowing pre-existing commercial sites to be 'squared off'. And added language to provide the history of the Master Planning effort and to relocate language regarding bond purchases. The BCC directed staff to eliminate workforce housing, eliminate preserves for parcels 16 acres or less by January 1, 2016, and without mandatory concurrent rezoning. The Board discussed the importance of agricultural preservation, but that none of the properties were in agricultural production and that the percentage was high for such small sites. The Board identified that the Traditional Marketplaces were able to utilize both the non-residential and residential entitlements over the development and preserve areas. The amendment was adopted (motion by Comm. Abrams, seconded by Vice Mayor Valeche with Comm. Burdick and Comm. McKinlay dissenting) in a vote of 5-2 at the April 27th public hearing. Board discussion focused on the Ag Reserve Roundtable and the need for services for the

current and future residents of the Tier. The dissenting commissioners commented on the lack of preserve area for sites under 16 acres.

- **History of the Commercial maximum square footage.** The Phase II Report included a comprehensive examination of the maximum development potential envisioned by the actual Master Plan Graphic as shown in the table below. The Phase II report, the Consultant recommended the following under 5.5.1.2 The 60/40 Development Option: *“The amount of non-residential developments in the entire Ag Reserve should be limited to 500,000 square feet of retail, 600,000 square feet of office, and 330,000 square feet of industrial uses. The amount of civic uses should not be restricted within the two development areas.”* This totaled 1,100,000 million square feet of commercial uses. Phase II report indicates that these figures had been derived from the appropriate ratio of non-residential development to the 14,000 dwelling units that were considered to be the maximum number of new units under the “Status Quo” Development Alternative. Therefore, taking the total maximum number of units considered by the Consultants (14,000 new units) and the maximum number of square footage (1,100,000), the ratio of total new commercial square footage for each new units can be calculated as a maximum of 79 square feet per dwelling unit (1,100,000 sf / 14,000 du = 79 sq.ft). The numerical description of the master plan graphic included the following mix of uses as the maximum potential is described in the table below.

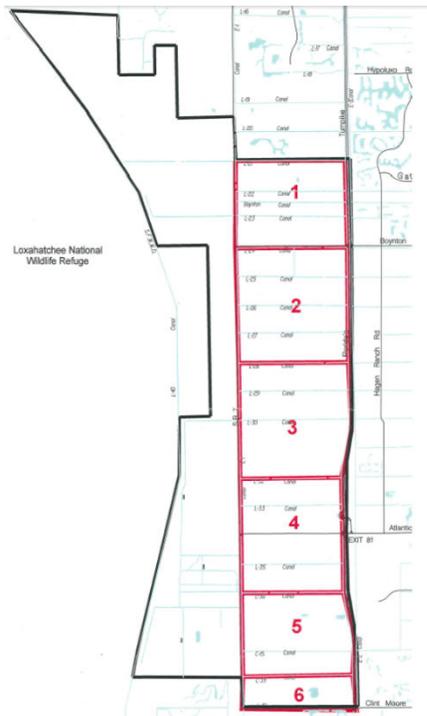
**Phase II Master Plan Graphic Status Quo Potential Build-out**

	Total	1 No. of BB	2 South of BB	3 Central	4 Atlantic	5 Far So. AA	6 Clint Moore
Single Family	7,280	1,680	1,840	-	1,040	2,080	640
Townhouse	4,200	1,440	720	-	1,680	360	-
Apartments	2,520	600	600	-	1,320	-	-
<b>Units</b>	<b>14,000</b>	<b>3,720</b>	<b>3,160</b>	<b>-</b>	<b>4,040</b>	<b>2,440</b>	<b>640</b>
Retail	502,440	125,000	125,000	-	250,000	2,440	-
Offices over shops	375,030	93,758	93,758	-	187,515	-	-
Office Park	244,970	122,485	122,485	-	-	-	-
<b>Commercial</b>	<b>1,122,440</b>	<b>341,243</b>	<b>341,243</b>	<b>-</b>	<b>437,515</b>	<b>2,440</b>	<b>-</b>
Industrial Park	330,000	-	165,000	-	165,000	-	-
<b>Total Non-Res</b>	<b>1,452,440</b>	<b>341,243</b>	<b>506,243</b>	<b>-</b>	<b>602,515</b>	<b>2,440</b>	<b>-</b>

The Final Master Plan summarizes and expresses staff and Board support for placing the cap on the Tier, stating: *“The Consultants identified a need for no more than 1,100,000 square feet of commercial retail and office space in the Ag Reserve. They recommended that this space be evenly divided between the two mixed use center locations which were identified, and that all development seeking to utilize this development option be required to establish a preserve area, similar to the clustered residential development requirements, with the ratio of preserve area to developed area for the commercial developments established 60/40. The minimum acreage recommended for the developed area of a commercial development was recommended to be 10 acres, with a 15 acre preserve area.”*

The 01-1 staff report which adopted the amendments to implement the Master Plan carries forward these theme of capping commercial development, but establishes an acreage requirement in addition to a square footage limitation, stating: *“This policy caps the maximum acreage and square footage that may be developed as Commercial in the Agricultural Reserve Tier to ensure that the uses are restricted to those which serve the needs of Tier residents and farmworkers. Establishing these caps on the intensity of commercial development, which were determined by the County's Consultants on the Agricultural Reserve*

Master Plan, ensures that the supply of commercial space will not exceed the demand, which could suggest that the development pattern in the Agricultural Reserve Tier was indicative of sprawl in violation of State regulations.” At the time of transmittal, the maximum square footage was 1,100,000 million square feet, but between transmittal and adoption the staff report was revised to reflect a cap of 750,000 square feet. There is no explanation for this reduction in the staff report, although a subsequent email from County Planner Alex Hansen to Planning Director Frank Duke in 2002 indicates that the reduction in square



footage was made to reflect the reduction in demand due to the reduction in dwelling units from the passing of the Bond referendum and County land purchases with retirement of development rights.

The new maximum of 980,000 sq. ft. proposed with the 2016 County Initiated amendment was based upon the calculation of 79 square feet per each of the up to approximately 13,000 dwelling units which may be allowed today. As of 2020, the maximum development potential in the Ag Reserve ranges from 10,744 dwelling units to 12,904 dwelling units. This figure is based upon a total of approved dwelling units total of 10,204 added to approximately 2,700 acres of land that is uncommitted which can yield anywhere between 1 unit per 5 acres to 1 unit per acre (540 to 2,700 acres respectively) depending upon the individual approvals. The proposed 980,000 sq. ft. cap was proposed to maintain both the ratio envisioned by the Master Plan documents and would also be consistent with the current square foot/units built ratio that exists within the Tier today. The ratio between the current total built units in the Tier (6,924 units) to the built commercial sq. ft. (522,504 sf) is approximately 75.46 sq. ft. per unit (522,504 sf / 6,924 du = 75.46 sf/unit).

- Each of the following privately-initiated site specific amendments were processed in 2016-2017.
  1. **2016 Thomas Packing (LGA 2014-015)** – The applicant requested a Tier change from the Agricultural Reserve Tier to the Urban Suburban Tier. The requested Tier change was to allow for a proposed FLUA amendment to change from the Agricultural Reserve future land designation to the Multiple Land Use future land designation (with Commercial Low and Low Residential 2 units per acre (MLU with CL and LR-2). The amendment was **adopted**, motion by Comm. Taylor, seconded by Vice Mayor Valeche in a 6-1 vote (with Comm. Burdick dissenting) at the January 27, 2016 public hearing. The Board discussion focused on the definition of contiguous and the industrial nature of the existing packing plant.
  2. **2016 Alderman Commercial (LGA 2016-004)** – The applicant requested to change a site with Ag Reserve FLU to Commercial Low on a site EAST of State Road 7. The Board discussed the need for services as one of the consequences of residential development within the Tier. The amendment was **adopted** with conditions (motion by Comm. Taylor, seconded by Vice Mayor Valeche with Comm. Burdick and Comm. McKinlay dissenting) in a 5-2 vote at the April 27th public hearing. Board discussion focused on allowing smaller sites to develop with commercial uses on a case by case basis. The dissenting commissioners commented on the lack of preserve area.
  3. **2016 Homrich Commercial (LGA 2016-019)** – The applicant requested to change a site with Ag Reserve FLU to Commercial Low on a site WEST of State Road 7 (SR7). Staff recommended denial of the application. The Board discussion focused on the surrounding uses and unique circumstances

surrounding this particular site, and although the site was located west of SR7, each site's circumstances needed to be considered on a case by case basis. The amendment was **adopted** with conditions (motion by Vice Mayor Valeche, seconded by Comm. Taylor with Comm. Burdick and Comm. McKinlay dissenting) in a 5-2 vote at the April 27th public hearing. Board discussion focused on the adjacent uses and unique circumstances surrounding this site. The dissenting commissioners commented on the lack of preserve area.

4. **2016 Delray Growers (LGA 2016-018)** – The applicant requested to change a site with Ag Reserve FLU to Commercial Low on a site EAST of State Road 7 (SR7). The BCC **adopted** the amendment with conditions (motion by Comm. Vana, seconded by Taylor with Comm. Burdick and McKinlay dissenting) in a 5-2 vote at the April 27th public hearing. There was minimal Board discussion. The applicant demonstrated that the proposed FLU designation was justified as the amendment would expand the commercial node that is proposed for the County Initiated 1 acre portion of the site thus 'squaring off' the remainder of the site with commercial. This would allow the site to be developed with a greater mix of uses and with a design that may be able to contribute to the area by adding smaller scaled neighborhood and community serving commercial uses as directed by the Board.
5. **2016 Feurring Commercial (LGA 2016-024)** – The applicant requested to change a site with Ag Reserve FLU to Commercial Low on a site EAST of State Road 7 (SR7). The BCC **adopted** the amendment (motion by Comm. Taylor, seconded by Comm. Vana with Comm. McKinlay and Comm. Burdick dissenting) in a 5-2 vote at the August 22nd hearing.
6. **2016 West Boynton Center Smigiel (LGA 2016-025)** – The applicant requested to change a site with Ag Reserve FLU to Commercial Low on a site EAST of State Road 7 (SR7). The BCC **adopted** the amendment (motion by Comm. Vana, seconded by Comm. Valeche with Comm. Burdick and Comm. McKinley dissenting) in a 5-2 vote at the August 22nd public hearing. There was minimal discussion.
7. **2016 Stop and Shop (LGA 2016-023)** – The applicant requested to change a site with Ag Reserve FLU to Commercial Low on a site WEST of State Road 7 (SR7). The site is identified in the Comprehensive Plan as a pre-existing commercial site and is allowed to develop with commercial uses up to 7,980 square feet of commercial uses and 6 fuel pumps under the existing AGR Zoning with AGR FLU. The amendment would allow the site to be developed with the full range of commercial uses and up to 0.18 FAR (or 40,000 square feet by condition of approval) of commercial uses under the proposed Commercial Low future land use designation. This site and 4 Points Market were the only two pre-existing commercial sites that **were not revised** to Commercial Low future land use in Round 16-A. This reflected the implementation of Board direction during the Ag Reserve Roundtable and Workshops to limit the assignment of the Commercial Low future land use to sites located east of State Road 7. Staff recommended denial of this amendment. The Board expressed support for the SR7 demarcation line, but that each site needed to be addressed on a case by case basis. The Board discussed the subject site's unique characteristics (long established commercial approval and surrounding non-residential land uses), that the site would not be utilized for agriculture with or without the land use change, the lack of gas sales in the area, and that the amendment would result in a more efficient use of the property that was supported by the Delray Alliance. The discussion also included comments regarding the need for agricultural preservation and that the amendment was not necessary for commercial uses to be built on the site. The BCC **adopted** the amendment with conditions (motion by Comm. Taylor, seconded by Comm. Vana with Comm. Burdick and Comm. McKinlay dissenting, and Comm. Valeche absent) in a 4-2 vote at the October 26th public hearing. The Board discussion included comments regarding the need to preserve agriculture, but that site has not been, and would not be in the future, used for agriculture due to the existing commercial approval.

8. **2017 Seneca Commercial (LGA 2017-001)** – The applicant requested to change a site with Ag Reserve FLU to Commercial Low on a site EAST of State Road 7 (SR7). The Board discussion included comments regarding the site's location in proximity to other commercial uses, and the need for additional commercial to accommodate current and future residents, history of commercial policies in the Agricultural Reserve, the recent expansion of commercial opportunities, and the importance of retaining agriculture in the Tier. The BCC **adopted** the amendment with conditions (motion by Comm. Abrams, seconded by Comm. Berger with Mayor Burdick, Vice Mayor McKinlay and Comm. Bernard dissenting) in a 4-3 vote at the January 30th public hearing.
  
9. **2017 Three Amigos Commercial (LGA 2017-018)** – The applicant requested to change a site with Ag Reserve FLU to Commercial Low on a site EAST of State Road 7 (SR7). A small portion of the subject site (.34 acres) has been partially operated with commercial uses since the 1960s, and has been recognized in the Comprehensive Plan as an allowable use since 1995. The County approved expansion of the subject site to a full acre last year by adopting Commercial Low future land use and rezoning the site to Community Commercial zoning which essentially tripled the applicant's commercial entitlement. Although the expansion of the site is consistent with Policies in the Plan that recognize the site as a long term commercial use, the increase would exceed the commercial cap in the Tier and the County has already tripled the commercial entitlement on the site. Considering that the basis of the cap was to limit the amount of commercial uses in the Tier and that approximately ½ of the approved square footage is vacant, there is no basis for increasing the allowable commercial uses in the Tier at this time. Staff recommended denial of the amendment. The Board questioned whether commercial expansion on the site was considered during the increase of the cap in 2016, and whether unutilized square footage from other projects could be transferred or expired. Staff stated that that the transfer of square footage to the subject site would require the property owners for the other commercial sites to pursue private future land use amendments, and an increase to the cap by policy was appropriate if the Board supported the expansion of this site. The BCC **adopted** the amendment with conditions (motion by Comm. Abrams, seconded by Comm. Berger with Comm. Bernard, Comm. Kerner, and Mayor Burdick dissenting) in a 4-3 vote at the October 30 public hearing. The Board discussed the history of the site as a long term grandfathered in use within the Ag Reserve, the unbuilt verses built commercial square footage in the tier, and that it was unanticipated that the allocated square footage assigned to commercial would be assigned prior to the applicant proceeding with the requested expansion.

### 2017 Proposed Exchange of density from the Rural Tier to the Ag Reserve

**2017 Indian Trails Grove WCR AGR (LGA 2018-008)** – This privately proposed amendment proposed to revise the text of Comprehensive Plan policies for the Agricultural Reserve Tier and the Western Communities Residential Overlay (WCRO) and future land use designation for the Rural Tier, and the Future Land Use Atlas (FLUA) for the subject site in the Rural Tier. The text amendment proposed to revise policies to allow approximately 3,010 acres of land in the WCRO to be used as Preserve Area for Agricultural Reserve Planned Developments (AGR-PUDs), and allow the associated development rights to be clustered in Development areas within the Agricultural Reserve. This could have allowed 2,420 residential development rights approved for the WCRO to be built within the Ag Reserve. The applicant submitted a letter to Planning staff on December 7, 2017, a day prior to the Planning Commission withdrawing the application. The withdrawal letter was submitted to the Board. **Status: WITHDRAWN**

## 2019 Policy Considerations for Congregate Living Facilities in the Ag Reserve

The following policies considerations were presented to the BCC for discussion on whether to revise the Comprehensive Plan standards for Congregate Living Facilities in the Agricultural Reserve Tier. Staff recommended that congregate living facilities be subject to the same 60% minimum preserve area requirement consistent with planned unit developments in the Tier. Prior to adoption of the amendment, the applicant withdrew the item and the Board did not have the opportunity to adopt a policy change in the Ag Reserve Tier on CLFs. As of the first quarter of 2021, there is a proposed amendment pending for CLFs in the AGR. **Status: PENDING**

## 2020 Amendments Not Initiated

The County allows private property owners to propose amendments to policies in the Comprehensive Plan in order to revise or remove policy restrictions that would not allow their proposed future land use amendments to be processed. Three such proposed text amendments within the Agricultural Reserve requested Comprehensive Plan text amendments as described below. The first two amendments were withdrawn by the applicant. The AGR MLU initiation was denied by the BCC (motion by Comm. McKinlay, seconded by Comm. Berger) in a 7 to 0 vote. Commissioners expressed that proposed changes to the Tier should begin with discussions between residents and farmers, rather than developer led projects. **Status: NOT INITIATED**

Name	Proposed Text Amendment	FLUA Amendment
<b>Boynton Technology Park - Withdrawn</b>	To allow the Economic Development Center future land use in the Agricultural Reserve Tier as a multiple use commercial, industrial, and residential Planned Industrial Park Development, increase the commercial cap, allow a base density of 3 units per acre with no preserve requirement, and including a requirement for workforce housing.	Change the Ag Reserve (AGR) future land use designation to Economic Development Center with an underlying 3 units per acre (EDC/3). The 140 acre site is located on the north and south sides of Boynton Beach Boulevard, west of the Florida Turnpike. The site is proposed to include 185,000 square feet of commercial, a 140 room hotel commercial, industrial, and residential pods with the 420 units clustered.
<b>Reserve at Atlantic - Withdrawn</b>	To add a new AGR-PDD option, Workforce Housing Residential option that allows a residential density up to 8 units per acre in the AGR future land use designation, smaller PDD size, and a reduction in preserve area for projects providing workforce housing.	Change the Ag Reserve (AGR) future land use designation on 4.5 acres to Industrial (IND) and 35.27 acres to remain Ag Reserve (AGR) with density up to 8 units per acre with workforce housing on the 480 units. The 39.77 acre site is located on the southeast corner of Atlantic Ave and Half Mile Rd.
<b>Ag Reserve Multiple Land Use – NOT Initiated</b>	To allow the Multiple Land Use future land use designation with Commercial Low and Medium Residential 5 units per acre (MLU, CL/5) in the Ag Reserve Tier, to allow additional mixed use commercial and residential centers exempt from the commercial cap, allow Transfer of Density Rights and Workforce Housing Program bonus density, with reduced preserve area acreage, new preserve area uses, and exempting some units from density.	Change the Ag Reserve (AGR) future land use designation to Multiple Land Use (Commercial Low and Medium Residential 5) with density bonuses available through the TDR and Workforce Housing Programs, for 432 units, 261,360 sq. ft. of commercial uses including retail, restaurant, grocer, office, theater, hotel, light industrial and fitness center. The 39.29 acre site is located at the southeast corner of Boynton Beach Boulevard and Acme Dairy Road.

## 2020-March 2021 Other Development Requests on Preserves & Conservation Easements

- **Landscape Service on Existing Preserves** – At the October 2019 BCC hearing, the Board directed staff to return with options for Landscape Services within the Agricultural Reserve Planned Unit Development (AGR-PUD) Preserves for existing and future preserves within the Agricultural Reserve (AGR) Tier. Staff recommended two options. **Option 1:** Collocated Landscape Service (50/30/20): Option 1 is to consider adopting the Collocated Landscape Service language for the AGR-PUD Preserves. However, the Collocated language does not require a minimum amount of land dedicated to agricultural uses such as nursery growing area. The sale and storage of non-agricultural products such as aggregate and mulch are allowed within the 50% nursery portion of the site. Since the Comprehensive Plan requires that the primary function of the Preserve area is to *“preserve the unique farmland and wetlands in order to preserve and enhance agricultural activity, environmental and water resources, and open space within the Agricultural Reserve Tier”* and the conservation easement purpose is to *“support, preserve and perpetuate bona fide agricultural and open space uses of the property, and to preserve any environmentally significant upland or wetland habitats located on the property”*, this zoning language is not consistent with the Comprehensive Plan. Therefore, this option would require an amendment to the Comprehensive Plan and may require modifications to the recorded Conservation Easements. **Option 2:** Nursery with Landscape Service (70/30): Option 2 is to consider language to retain a limitation on Landscape Service with Nurseries, but to change the word ‘accessory’ to ‘in conjunction with’, and replace the cap on business receipts with a cap on land area. This language ensures that the Nursery is the principal use of the property in land area, and proposes Landscape Service with the Common Area on a maximum of 30% of the lot with a minimum of 70% of the lot dedicated as ‘nursery growing area’ consisting of propagation, cultivation, growing, storage, and staging of plants. Since the portion of the lot for Landscape Service would be subordinate to the agricultural use, this language would be consistent with adopted Comprehensive Plan policies and recorded Conservation Easements. Staff examination of the identified nursery/landscape services sites existing in the AGR-PUD Preserves indicates that the vast majority meet these percentages. This option requires the initiation of a ULDC amendment to establish this language, but would not require a Comprehensive Plan amendment or conservation easement change, and can be applied to both existing and future sites. Planning staff recommended that the Board initiate Option 2, to initiate an amendment to the ULDC to pursue revisions establishing the Nursery with Landscape Service 70/30 language. The Board directed staff to implement Option 2. In March 2020, the Board adopted the 70/30 language only on existing sites for those that can demonstrate that they were an already-established landscape service. **Status: ADOPTED**
- **Lake Worth Drainage District (LWDD) Canals as Preserves** – The LWDD appealed the County Planning Director’s determination letter dated April 19, 2016 that stated that canal rights-of-way owned by a public agency and utilized for right-of-way purposes are not eligible to be Preserve Areas for an Agricultural Reserve Planned Development (AGR-PDD) for acreage calculations or for density purposes. On September 9, 2016, the Planning Commission upheld the Planning Director’s determination, and subsequently the LWDD appealed the decision to the BCC. LWDD requested several postponements prior to the review by the BCC from the hearings on October 26, 2016, January 30, 2017, July 26, 2017 and most recently, August 27, 2020. In January 2021, the Zoning Division received an application to utilize LWDD canal rights-of-way as AGR-PDD Preserve Areas. The Planning Division added a sufficiency issue based on the inability of the AGR-PDD to meet the 60% preserve requirement since the 2016 Planning determination, upheld by the Planning Commission, stated that they cannot be used for preserve area or density. If the LWDD appeals this determination, staff will present the item to the Planning Commission and BCC. **Status: PENDING**

- Lake Excavation on a Preserve** – A property owner for the property located approximately 0.29 miles east of State Road 7/US 441 requested information from the Planning, Zoning and Building Department on the uses allowed in a preserve. The bulk of the land area is within the Preservation Area for the Canyon Isles Agricultural Reserve Planned Unit Development (AGR-PUD), and the overall excavation includes a 5 acre tract outside the Preserve Area. In October 2019, the applicant requested a determination as to whether the owner of the subject Property could *"utilize a (to be constructed) 25 acre lake for private use water skiing. The lake will be originally constructed by the farmer of the Property to be incorporated into farming operations for drainage, water storage and irrigation."* The County's Zoning Division issued a Zoning Confirmation Letter stating that a lake excavation to support agricultural production would require an "Agricultural Excavation" Class A Conditional Use approval. The application for an "Agricultural Excavation" would need to demonstrate the changed circumstances or needed basis to warrant the excavation for the newly proposed bona fide agricultural use. The ULDC requires excavation to be the minimum necessary to support agricultural operations, and the property already had adequate drainage, water storage and irrigation from the Lake Worth Drainage District canals and water control structures for the existing agricultural uses on site. The applicant excavated the lake in 2020 without permits. Upon receipt of the initial complaints from the public in June 2020, the County's Code Enforcement Division conducted its due diligence, confirming that excavation and soil/land alteration was conducted without Building permits, and in violation of Article 18 of the Florida Building Code and Article 4 of the Unified Land Development Code. Notices of Violations along with Stop Work Orders were issued in mid-June and early July of 2020. Construction activity continued, and in August, were contacted by the respondent's legal counsel who advised that the *"excavation activity was a farm pond and protected by the Florida Statutes (Chapter 823) under the Florida Right to Farm Act, pre-emptying County process and requirements."* A Special Magistrate hearing was held in January 2021 and the property owner is working towards resolving the issues. **Status: PENDING**
- Brookside Conservation Easement** – The Brookside property was one of the sites purchased by the County through the Bond Referendum in the Agricultural Reserve Tier. A Request for Proposal (RFP) was conducted for Sale of a Property County Deed executed by the County to Brookside Estates, LLC, and Smith Sundry Estates, LLC, and recorded. The Conservation Easement was recorded limiting uses to crop production; wholesale and retail nursery; green market; farmers market; produce stand; stable with a limit of 24 horses, pasture, or fallow land; and a maximum of 4 groom's quarters. The property was purchased for over 5 million, and sold for just over 3 million, reflecting the removal of development rights. In 2007, the property owner requested to develop a Farmer's Market. In 2010-2011, the property owner requested to have an Institutional and Public Facilities use. In 2014, the property owner requested an amendment to Commercial Low. And in February 2021, the property owner is currently seeking to build a school and CLF. **Status: PENDING**

### 2020-March 2021 Current AGR Status

- Preservation of Agriculture and Natural Lands:** There have been no changes to the percentage of preserve requirements for residential planned developments in the Tier since initially established with the settlement agreement in 1995 predating the Master Plan. Previously in 2015, the County eliminated the minimum 150 acre contiguous preserve area requirement, opening the door to the introduction of farm residences the following year. In 2016 the Board established a policy exemption for commercial sites less than 16 acres. In this same amendment, Policy 1.5.1-a was revised to include new industrial lands as one of the uses that should require preserve areas; however, specific requirements were not added. To date, approximately 13,000 total acres have been preserved through the bond, government ownership, and clustering options with the Agricultural Reserve planned developments. The Bond Referendum as part of the Master Plan resulted in the County purchase of approximately 2,400 acres of land currently set aside

for natural areas. Approximately 12,436 acres of the Agricultural Reserve Tier have been approved as AGR-PDDs. Of this acreage, approximately 7,455 acres have been set aside as AGR-PDD preserve areas, of which 4,698 acres are privately owned and 2,757 acres are owned by the South Florida Water Management District or the County.

- **Planned Development - Clustering and Minimum Size:** Since 1980, the Agricultural Reserve density has been 1 unit per 5 acres with the opportunity for up to 1 unit per acre provided that the units are clustered onto a portion of the land and the remainder preserved as some form of open space. Originally, this option was only available to properties greater than 40 acres which committed to the preservation of 75% of the land. In 1995, a second option was created for properties with at least 250 acres, permitting them to develop on 40% of the land area and preserve the remaining 60%. The Master Plan Consultants recommended that the minimum acreage for a 60/40 AGR-PDD be reduced to 100 acres, thereby allowing a 40 acre development area and 60 acre preserve area minimum per project. The Consultants recommended that off-site preserve areas be restricted to west of SR 7 or in the central core of the Agricultural Reserve east of SR 7. Staff and the Board disagreed with this recommendation, and the minimum acreage for an AGR-PUD was maintained at 250 acres with a 100 minimum acre development area and 150 minimum acre preserve area. During the Agricultural Reserve Roundtable process conducted between 2012 and 2014, the Board considered reducing the minimum acreage, but ultimately decided not to revise this figure. Approximately 12,212 acres of the Agricultural Reserve have been approved as residential AGR-PDDs, with approximately 4,744 acres of development area. Residential subdivisions, including farm residences, account for an additional 1,213 acres. The remaining lands in the Tier without development approvals are approximately 1,700 acres. Other than the shifting of land or adding of land to existing Planned Developments, there are no remaining clusters of land to meet the 100 minimum acre development requirement for a 60/40 AGR-PUD other than Whitworth Farms 578 acres.
- **Density:** The Master Plan Consultant recommended that the County permit density bonuses in the non-agricultural, non-residential areas as a means of encouraging vertical integration of residential and non-residential uses. Staff dissented with this recommendation, noting that it was inconsistent with other recommendations which called for no density bonuses in the Agricultural Reserve. Staff also suggested that giving this density bonus was inconsistent with the commitments made during the bond referendum to endeavor to reduce the maximum number of residential units in the Agricultural Reserve through land acquisitions. The Board concurred in the staff recommendation and directed that densities remain at the levels they were set at in 1980. During the development of the Master Plan it was often discussed that the estimated number of units in the Tier should be approximately 14,000 units through the limitations in development set by the purchases and retirement of density through the bond and from limiting density to 1 unit per acre clustered. This assumption was based upon either 1 unit per acre clustered or 1 unit per 5 acres. The change to allow farm residences (allowing a subdivided tracts as small as 5 acres to use all but one acre for their home-site as preserve and density) has increased the amount of potential units in the Tier. However, since each farm residence application must demonstrate agricultural uses at the time of application, it is not possible to calculate the total impact of additional units. Currently, there are approximately 10,758 dwelling units approved in the residential AGR-PDDs and approximately 8,726 built units within the AGR-PDDs. Overall in there are currently 9,135 built units in the Tier as a whole. Higher net densities are approved, but unbuilt, within the two mixed use center AGR-PDDs. Canyons Town Center and Delray Marketplace have the ability to develop up to 166 total multi-family units. The built residential development within the Agricultural Reserve Tier is nearly exclusively single family and zero lot line homes, with the exception of farm worker quarters. The cap on density at 1 unit per 1 acre yields a net density of approximately 3 units per acre within the AGR-PDD development areas. Unlike the Urban Suburban Tier, which allows up to 12 units per acre future land use and additional density bonuses

through the Transfer of Development Rights and Workforce Housing programs, there is no ability to increase density as the Board has decided that this area was not appropriate for density bonus programs.

- **Workforce Housing:** In 2006 at the time the inclusionary workforce housing was adopted by the Board, the WHP applied in the Urban/Suburban, Exurban, and Rural Tiers, and the Ag Reserve Area was specifically excluded. In 2009, during the transmittal public hearing to the Affordable Housing and Workforce Housing Programs, the BCC discussed whether to apply the Program in the Ag Reserve Tier. The Board directed that the Programs be limited to the Urban Suburban Tiers. Subsequently, major amendments in the Rural Tier were required by adopting ordinance to include a portion of the units as workforce housing. There are approximately 9,100 units built in the Ag Reserve Tier, none of which have a condition of approval requiring workforce housing units. The Delray Marketplace and the Canyon Town Center mixed use projects allow for 73 and 93 multi-family units, respectively, with 59 of the Canyons units assigned to the County owned pod of the development. Inclusion of these multi-family units was intended to provide the opportunity for diversity in housing types and prices, but the units are not required to be income-restricted as workforce housing. To date, the units are unbuilt.
- **Commercial and Mixed Use Development:** The Master Plan Consultants identified a need for a maximum of 1,100,000 square feet of commercial retail and office space in the Agricultural Reserve. They recommended that this space be evenly divided between two mixed use centers, and that all new development be required to establish a 60% preserve area. The Consultants recommended the commercial cap and locating the centers in the interior of the Agricultural Reserve, away from away from the edges of the Tier where they would be more likely to draw customers from outside of the Tier. The Board adopted these recommendations by policy in 2001, with the exception that the commercial cap was reduced to 750,000 sq. ft. The County adopted amendments to eliminate the requirement for commercial to be developed as Traditional Marketplace Developments, eliminate the preserve requirement for small commercial sites, increase the commercial cap to 980,000 sq. ft., eliminate a maximum of 80 commercial acres, and change the future land use on pre-existing commercial sites to Commercial Low. Subsequently, the County adopted several privately proposed amendments which led to reaching the commercial cap. In 2017, the BCC adopted a privately proposed amendment, Three Amigos (LGA 2017-018), to increase the cap by 35,000 sq. ft. in order to expand this 'pre-existing' commercial site. The current cap of 1,015,000 sq. ft. has been reached with the commercial approvals within the Tier. Currently the commercial cap has been reached. The table below identifies the commercially designated properties in the Agricultural Reserve Tier, including the acreage and square footage approved.

## 2021 March Commercial Approvals in the Ag Reserve

Site	Adoption	Acres	Built Sq. Ft.	Approved Sq. Ft.
Canyons Town Center	2004	26.75	195,494	211,933
Delray Marketplace	2004	33.20	278,940	278,940
Small CL Sites	Pre-1999	1.83	22,712	22,712
Pre-existing Commercial	Pre-1999	19.29	28,007	76,625
<b>Subtotal Pre-2016</b>		<b>81.07</b>	<b>525,153</b>	<b>590,210</b>
Alderman	2016-B	15.34	112,779	133,642
Homrich	2016-B	13.44	0	29,400
Delray Growers	2016-B	11.15	0	86,744
Feurring	2016-C	4.91	34,885	42,776
Smigiel (additional)	2016-C	4.35	0	26,670
Stop & Shop (additional)	2016-D	5.11	32,818	32,020
Seneca Commercial	2017-A	4.51	0	38,538
Three Amigos (additional)	2017-D	3.60	0	35,000
<b>Subtotal Post-2016-2019</b>		<b>62.41</b>	<b>180,482</b>	<b>424,790</b>
<b>Subtotal Pre-2019</b>		<b>143.48</b>	<b>705,635</b>	<b>1,015,000</b>
<b>West Boynton (Release Sq. Ft.)</b>	<b>2019</b>			<b>-28,000</b>
	<b>Total</b>			<b>987,000</b>

- Preserve Uses and Location:** The location requirements and preserve uses have been revised on several occasions over the past 20 years. The Comprehensive Plan initially limited preserve areas to ‘no high value added agricultural uses’; however in 2012 the Board adopted FLUE Policy 1.5-g to allow packing plants within preserve areas subject to limitations. In 2016, the Board adopted changes to allow farm residences and eliminated the requirement that new preserve areas must be adjacent to other preserve areas totaling 150 acres or more. These changes have resulted in the swapping out of some of the larger agricultural based preserve areas and being replaced with farm residences. The Board is also currently revising ULDC regulations on landscape services operating within preserve area parcels. Of the approximately 7,455 acres of AGR-PDD preserve area, approximately 3,636 acres are in agricultural related uses. Agricultural uses are predominately 2,122 acres of crops, 762 acres of equestrian, 110 acres of farm residences, and 642 acres of nursery or other agricultural uses. Approximately 3,449 acres are in open space and natural areas, including 673 acres of privately owned natural lands, 2,271 acres of government owned natural lands, parkland and the rural parkway. The only approved and built civic uses in AGR-PDD preserves are currently schools.
- Industrial Development:** The 1999 Master Plan Consultants recommended that up to 330,000 square feet of industrial uses be allowed in the Agricultural Reserve, using the Economic Development Center future land use designation. The Consultants identified two locations, within 1/4 mile of the Turnpike interchanges with Boynton Beach Boulevard and Atlantic Avenue, as appropriate locations for these Economic Development Centers. The Consultants recommended requiring developers seeking to use this option be required to set aside preserve areas in the same ratio of preserve area to open space as the Traditional Marketplace. The Board did not concur in this recommendation and directed that no new Industrial designations be permitted in the Agricultural Reserve. In 2016, Policy 1.5.1-a was revised to

include industrial to the types of developments where preserve area should be required subject to requirements elsewhere in the Future Land Use Element. However, no specific requirements for preserve areas for new industrial development have not been incorporated into the Plan to date. There are 64 acres of Industrial future land use in the Tier. There has been only one amendment adopted by the Board to industrial since the Comprehensive Plan was adopted in 1989. In 2015, the Board adopted a commercial/industrial site on 13.44 acres called Homrich (LGA 2016-019) reflecting the unique circumstances of that site adjacent to a chipping/mulching use and a gas station. The Economic Development Center is a type of industrial future land use that is not currently allowed in the Tier.

- **Traffic Impacts:** On several occasions during the 30 year lifespan of FLUE Policy 3.5-d, the Board has adopted text amendments to exempt specific sites by policy. This policy applies to proposed amendments throughout the County (unless specifically exempted) and is not limited to the Agricultural Reserve Tier.
- **Service Delivery:** One of the fundamental goals of the 1980 and 1989 Comprehensive Plans, as further expounded upon in the 1999 Managed Growth Tier System, was to ensure that services for anticipated growth are managed effectively. The Agricultural Reserve Master Planning process included extensive examination by various County departments to predict the impacts and service delivery needs based upon the 1 unit per 1 acre development options in the Tier. To date, the Ag Reserve has largely grown as anticipated and the current 2020 population of 25,000 residents is nearly exactly as planned in the Master Plan.

### 2022 November Commercial Cap Update to Self-Storage Uses in the Ag Reserve

In 2022 a commercial cap update on self-storage uses in the Agricultural Reserve occurred as a result of the privately proposed future land use amendment, Atlantic Commercial and Self-Storage (Ord. 2022-032), a three-part request that changed the future land use designation on 9.89 acres (Atlantic Commercial) from AGR to Commercial Low, with an underlying Agricultural Reserve (CL/AGR), and revised the previously adopted conditions of approval on 9.41 acres, reducing the maximum allowable commercial square footage on the Feurring II (Ord. 2022-033) and Seneca II (Ord. 2022-034) sites. Revisions to the Feurring II and Seneca II conditions of approval released 13,444 sq. ft. from the Agricultural Reserve Tier commercial cap, allowing for the reallocation of commercial square footage to be utilized by Atlantic Commercial and Self-Storage, without increasing the cap.

- **Commercial Cap Update:** A commercial cap update limited self-storage uses on the site to 100,000 sq. ft. as a condition of approval at the November 2022 BCC adoption public hearing. This specific condition of approval was necessitated given that the Board sought to limit the total maximum allowable square footage of self-storage uses and the commercial cap (Policy 1.5-n f) did not include self-storage uses.
- **Modifying Preserve Area Boundaries:** The amendment modified Preserve Area boundary lines, removing land area dedicated for conservation as Preserve Area, and reallocated new land area into dedicated Preserve Area. The future land use change deleted the Atlantic Commercial and Self-Storage site, which had been a Preserve Area subject to a recorded conservation easement (ORB 29063, PG 88) for the Sussman Planned Unit Development, from the Preserve Area. To compensate for this land area reduction, square footage from the Feurring II and Seneca II properties were added and dedicated as Preserve Area.

The Atlantic Commercial and Self-Storage conditions of approval, updating the commercial cap to include self-storage uses and also requiring interconnectivity to adjacent commercial uses, were placed to ensure that the redistribution of Preserve Area and changes to land uses in the Agricultural Reserve Tier were consistent with Comprehensive Plan policies.