



**Chapter 4
Special Topics**

SPECIAL TOPICS

SCHOOL CONCURRENCY AND PLANNING

Issues related to coordination of public schools with the comprehensive plan are not relevant for Palm Beach County since school concurrency was implemented in Palm Beach County in 2002. Therefore, the County and its municipalities are exempt from this section. A summary of successes related to public schools and planning, is described in the Public School Facilities Element.

COASTAL HIGH HAZARD AREAS

In May 2002, the Florida Legislature amended Section 163.3191(2)(m) Florida Statutes (F.S.) to require the following:

“If any of the jurisdiction of the local government is located within the coastal high-hazard area, an evaluation of whether any past reduction in land use density impairs the property rights of current residents when redevelopment occurs, including, but not limited to, redevelopment following a natural disaster. The property rights of current residents shall be balanced with public safety considerations. The local government must identify strategies to address redevelopment feasibility and the property rights of affected residents. These strategies may include the authorization of redevelopment up to the actual built density in existence on the property prior to the natural disaster or redevelopment.”

The State defines Coastal High Hazard Areas (CHHA) in Chapter 163.3178(2)(h) as: “the evacuation zone for a category one hurricane as established in the regional hurricane evacuation study applicable to the local government”.

Palm Beach County defines CHHA as the evacuation zone for a category one hurricane as established in the regional hurricane evacuation study. This definition will be updated in the County’s Comprehensive Plan during the 04-2 amendment round to include hurricane category two. This is a result of a 2003 redefinition by Palm Beach County Emergency Management Division, due to the availability of enhanced land elevation data. Since 2003, the CHHA has been defined as plan A by the Division of Emergency Management, which includes evacuation zones for hurricane categories one and two.

Most of the unincorporated CHHA lands are located in the northern section of Palm Beach County. The land uses for these lands are low residential, medium residential, high residential, commercial, parks, conservation, institutional, and industrial. A small segment of the CHHA lands are located in the southern area of the County near the municipalities of Briny Breezes and Gulf Stream. These land uses are medium residential, high residential, commercial, and park. The majority the CHHA land is located within 23 municipal boundaries and is therefore not addressed.

Below is a table listing the existing land uses and total acres in the unincorporated areas of Palm Beach County's Coastal High Hazard Area.

Palm Beach County Coastal High Hazard Area

Table 4.1

Existing Land Use	Total Acres
Agriculture	2.85
Commercial	11954.87
Conservation	4868.28
Industrial	245.28
Institutional	1688.74
Mixed Use	22.26
Recreation/Open Space	2154.22
Residential Mobile Home	272.47
Residential Multi-Family	7373.17
Residential Single Family	14688.51
Utility/Transportation	121.55
Vacant	6677.30

Since 1989, land use amendments that resulted in a reduction of residential areas have only occurred in two areas of the northern section of the CHHA. Both of the amendments were County initiated corrective amendments and were a result of data error. The corrections permitted the density of subject properties to be consistent with their current developed and surrounding land uses. Public notice was sent to each of the property owners. These corrective amendments did not affect property rights of the residents. The decisions considered property rights of residents balanced against public safety concerns, such as: safe evacuation of residents in the CHHA, amount of shelter space, etc. From this evaluation, the two past reductions in land use densities have not impaired property rights of residents.

County Objective and Policies Pertinent to Coastal High Hazard Area Development

OBJECTIVE 2.3 Development in High Hazard Area

Palm Beach County shall direct population concentrations away from known or predicted coastal high-hazard areas, and shall not approve increases in population densities in the coastal high hazard area. [9J-5.012(3)(b)6,7]

Policy 2.3-a: The County shall not increased densities in the coastal high hazard area. [9J-5.012(3)(c)3,4,7]

Policy 2.3-c: Infill or redevelopment densities and intensities in coastal high hazard areas shall be consistent with existing adjacent development but at densities and intensities no greater than the adopted future land use designations. [9J-5.012(3)(c)7,9]

The Comprehensive plan currently has three policies that address post-disaster redevelopment. They are as follows:

Policy 2.5-b: The County shall prohibit the rebuilding of non-conforming uses that have experienced damage of greater than or equal to 50 percent of value, in areas most vulnerable to the effects of storms. When structures are rebuilt, they shall be required to be brought up to code. [9J-5.012(3)(c)3,5]

Policy 2.5-c: The County shall explore the applicability of using transfers of development rights and other programs for the acquisition of property or property rights,

as methods of compensating property owners who do not rebuild structures in those areas most vulnerable to the effects of storms. Lands so acquired shall be used for parks and other recreational uses. [9J-5.012(3)(c)3,5]

Policy 2.5-d: The County shall continue to enforce regulations and codes which provide for hazard mitigation. These include land use, building construction, flood elevation, septic and sanitary sewer, coastal construction setback, and stormwater facility regulations. These regulations shall also be applied to eliminate unsafe conditions and inappropriate uses. [9J-5.012(3)(c)3,5]

Conclusion and Recommendations

In conclusion, after looking at various objectives and policies in the Comprehensive Plan, Palm Beach County does have policies in place that address property rights of residents balanced with public safety considerations. Since the adoption of the 1989 Comprehensive Plan, there has been two County initiated corrective amendments. From this evaluation of past reduction in land use densities, property rights of the residents were not impaired.

There should also be consideration for the following recommendation to address redevelopment issues besides post-disaster redevelopment. A strategy is to amend the Comprehensive Plan to include a policy of redevelopment areas or pre-disaster redevelopment since these areas are not currently addressed in the Comprehensive Plan. The policy should allow redevelopment areas or pre-disaster redevelopment to occur at the density in place as prescribed by the Comprehensive Plan. These densities have been deemed suitable for these areas.

TWENTY-YEAR WATER PLAN

Background

In anticipation of the State's continued population growth and increasing water demands, the 1997 Legislature amended the Florida Water Resources Act (Chapter 373, F.S.) requiring four water management districts to initiate regional water supply planning in the areas of the state where sources of water were considered inadequate to meet year 2020 projected demands. The water supply plans were to address a list of water source options to meet anticipated demands while sustaining water resources and related natural systems. As of August 2001, the required regional water supply plans were completed for Northwest Florida, Southwest Florida, St. Johns River, and South Florida.

Coordination of Land Use and Water Supply Planning

With freshwater demands increasing to meet the needs of a growing population, the 2002 Florida Legislature strengthened the coordination of water supply and land use planning. For the first time, a statutory linkage was created between the state's five water management districts' regional water supply plans and local government comprehensive plans throughout the state. Each local government that is responsible for its own water supply must now include in its comprehensive plan's potable water element a 10-year Work Plan for building water supply facilities necessary to serve existing and new development. Taking into consideration the regional water supply plan efforts of the water management districts, these Work Plans must project future water supply demands and identify the water supply sources available to meet those demands. The Work Plans will also include schedules for permitting, constructing and operating needed water supply facilities, together with any necessary amendments to a local government's comprehensive plan five-year schedule of capital improvements to provide those water supply facility needs. All local governments within the South Florida Water Management District (District) that are responsible for all, or a portion of, their water supply must prepare and adopt a minimum 10-year water supply facilities Work Plan into their comprehensive plans by

January 1, 2005, or their Evaluation and Appraisal Report (EAR) due date, whichever occurs first.

Staff from the Department of Community Affairs (DCA), the Florida Department of Environmental Protection (FDEP) and the District examined how to coordinate their activities more efficiently to help local governments integrate land use and water supply planning and agency coordination of Comprehensive Planning and Water Supply Planning in Florida. The District is currently investigating the possibility of increasing water storage capabilities through surface reservoirs and aquifer storage and recovery (ASR) facilities, and evaluating the feasibility of recharging the aquifer by using storm water runoff and reclaimed water. The Lower East Coast Regional Water Supply Plan is available for review as follows: South Florida WMD Water Supply Plan.

Local governments are to abide by the following new requirements:

1. Coordinate appropriate aspects of their comprehensive plans with the appropriate water management district(s) regional water supply plan(s). (see s.163.3177(4)(a), F.S.)
2. Revise the Potable Water sub-element to consider the regional water supply plan(s) of the appropriate water management district(s). (s.163.3177(6)(c), F.S.)
3. Revise the Potable Water sub-element to include a Water Supply Facilities Work Plan for at least a 10-year planning period addressing water supply facilities necessary to serve existing and new development for which the local government is responsible. (s.163.3177(6)(c), F.S.)
4. Revise the Conservation Element to assess projected water needs and sources for at least a 10-year planning period considering the appropriate regional water supply plan(s) or, in the absence of an approved regional water supply plan(s), the district water management plan(s) (s.163.3177(6)(d), F.S.).
5. Revise the Intergovernmental Coordination Element to ensure coordination of the comprehensive plan with the applicable regional water supply plan(s). (s.163.3177(6)(h)1., F.S.)
6. Consider, during preparation of the Evaluation and Appraisal Report, the appropriate regional water supply plan. (s.163.3191(2)(l), F.S.)
7. During preparation of the Evaluation and Appraisal Report and adoption of EAR-based amendments, revise the Potable Water Sub-element to include the Water Supply Facilities Work Plan. (s.163.3191(2)(l), F.S.)

Pilot Community Projects

In early 2003, the Department of Community Affairs funded one local government Work Plan pilot project in each of the five water management districts. DCA contracted with five communities, one in each water management district, to prepare a Pilot Community Work Plan in advance of their statutory deadline. The Pilot Communities and respective Districts included: City of Cocoa, St. Johns River Water Management District; Lake City, Suwannee River Water Management District; Oskaloosa County, Northwest Florida Water Management District; City of Venice, Southwest Florida Water Management District; and, Palm Beach County, South Florida Water Management District.

Palm Beach County Pilot Community Project

Palm Beach County was designated as a Pilot Community due to its diversity of community structures, population and size in square mile area. The South Florida Water Management District worked closely with Palm Beach County to assist in the development of its large urban county Work Plan model. The final product addressed the County's 20-year water supply facility needs, consistent with its Water Use Permit. Through the production of the County's Pilot Project, DCA and the District learned to effectively assist other local governments in the identification of data sources necessary to complete the process, preparation of water supply-related plan amendments and programmatic activities.

The Palm Beach County Pilot Community Work Plan was completed in March 2003. The Planning Division is currently preparing amendments to incorporate the 20-Year Water Supply Work Plan into the County Comprehensive Plan. The Pilot Community Work Plan consists of three primary components available for review:

1. **Facility Inventory** – Addresses utility service areas, current water supply demands, current permits, current facilities and treatment technologies.
2. **Facility Capacity Analysis** – Addresses the demands for the next 20 years, the South Florida Water Management District's Lower East Coast Regional Water Supply Plan, likely available sources, and the 20-Year Water Supply Facilities Work Plan.
3. **Draft Comprehensive Plan Amendments** – Addresses the actual language for revisions to the Palm Beach County comprehensive plan to comply with the new statutory requirements to prepare a minimum 10-Year Water Supply Facilities Work Plan and to take into consideration the appropriate Regional Water Supply Plan of the water management district.

Biotechnology Research Park. As the result of converting the 1,920 acre Mecca Property from its existing water intensive agricultural use to a new Biotechnology Research Park (BRP), overall water demand will be reduced by millions of gallons per day. The County does not intend to "recapture" any of this reduced demand by increasing its permitted allocation through modification of its existing SFWMD Water Use Permit. This reduced water demand will therefore provide additional water for other users and for environmental restoration projects in the vicinity of the Biotechnology Research Park. The projected build out water demand for the BRP is approximately 4% of the build-out demand in the County's current 20-year permit, and the County has notified the SFWMD that it will not be seeking an increase in water allocation for the BRP. The County is moving forward in development of a reclaimed water feasibility analysis for the BRP, and the results of this analysis are not yet known.

In conclusion, the Work Plan provides reasonable assurance that the conditions of its 20-Year Water Use Permit are met for the duration of the plan, as documented in 5-year intervals. The County has effectively demonstrated that the volume of water withdrawn during a 1 in 10 year drought condition are offset by alternative water sources. The County has proposed multiple alternative water supply projects that collectively eliminate the impact of additional water withdrawals on the Regional System and Lake Worth Drainage District canals. Alternative water supply projects primarily include reclaimed water, aquifer storage and recovery, and created wetlands systems.

FINANCIAL FEASIBILITY

Concurrency Management System

This section analyzes the financial feasibility of implementing the comprehensive plan and of providing needed infrastructure to achieve and maintain adopted Level of Service (LOS) standards and the ability to sustain concurrency management systems through the Capital Improvement Element (CIE), as well as the ability to address infrastructure backlogs and meet the demands of growth on public services and facilities. Pursuant to F.S. Sec. 163.3161, et seq., the Board of County Commissioners (BCC) implemented the Adequate Public Facilities Ordinance in 1990. The Ordinance is also known as Article 2.F of the County's Unified Land Development Code (ULDC). The purpose of the Ordinance is to ensure adequate public facilities are in place and are concurrent with the impact of development. As a result, this process directly involves review by the pertinent service providers to determine if services and infrastructures are adequate to serve proposed development on a subject property.

In Palm Beach County, the public facilities providers' LOS must be met prior to a concurrency reservation being issued. A concurrency finding is a prerequisite for any development order, and a concurrency reservation may be issued if a development agreement is executed with the developer/owner/applicant and the service provider(s) affected. This agreement must be acceptable to the providers, the County Attorney and the Zoning Director. A concurrency reservation involving a development agreement requires that the BCC approve the agreement, and if approved, the concurrency reservation is for that proposed development. Recent amendments to the Adequate Public Facilities Ordinance allow the service providers to impose some conditions without executing a development agreement. These conditions are specifically identified on the concurrency reservation and must be in place before development occurs.

To facilitate the concurrency process, the Comprehensive Plan and the ULDC require that the Planning, Zoning and Building Department Executive Director complete and submit to the Office of Financial Management and Budget (OFMB) an Annual Public Facilities Update Report (AUR). Since the Zoning Division serves as the coordinating center for the implementation of the Concurrency requirements, it is charged with the responsibility of preparing the AUR as part of the requirements of Article 2.F. The primary objective of the AUR is to provide an overview and audit of Concurrency for unincorporated Palm Beach County from the perspective of each service provider. Based upon analysis of the AUR, OFMB proposes to the BCC each year, any necessary amendments to the CIE, and any proposed amendments to the County's annual budget for public facilities, in order to increase LOS where needed.

The Palm Beach County Comprehensive Plan contains "level of service standards" for community infrastructure facilities that Palm Beach County provides services for. These services include potable water, wastewater, solid waste, drainage, parks and recreation, and traffic engineering (roads). A discussion of the County's ability to provide "level of service standards" for community infrastructure facilities follows.

Water Utilities

The Palm Beach County Water Utilities Department (PBCWUD) is an operating unit of the BCC, providing potable water, reclaimed water, and wastewater services to approximately 400,000 people within 177 square miles of the rapidly urbanizing, primarily unincorporated area of Palm Beach County. In addition to serving unincorporated areas, PBCWUD also provides service directly to the residents of several municipalities including Greenacres and Haverhill. Wholesale agreements are also maintained with the Village of Palm Springs, the City of Lake Worth and the City of Atlantis.

PBCWUD was formed in 1969 through the acquisition of the water system at what is now the Palm Beach County International Airport. Since that time, the PBCWUD service area has been expanded through the acquisition of a number of developer-built facilities, which were originally intended to serve limited areas of high-density development.

The Department's facilities include four regional water treatment plants and one regional water reclamation facility. Auxiliary facilities include an Administrative, Engineering and O&M Complex in Palm Springs, the Southern Regional Operations Center, Central Laboratory and Wakodahatchee Wetlands in suburban Delray Beach and a Customer Service Center in suburban Boynton Beach. Additionally, a new Northern Regional Operations Center is under construction adjacent to Cholee Park. The new facility will replace the Palm Springs complex. The Department is also finalizing design for the Winsberg Wetlands facility. Together, all of these facilities are designed to meet the needs of the Department's growing customer base.

Below is a listing of the eighteen (18) water and sewer providers involved in providing service to county residents. Levels of Service in the first two columns are average daily flows taken from the Utility Element of the Comprehensive Plan.

Levels of Service/Utilization

Table 4.2

SERVICE AREA	POTABLE WATER - GALLONS PER CAPITA/DAY	SANITARY SEWER GALLONS PER CAPITA/DAY	WATER UTILIZED ¹	SEWER UTILIZED ¹
Palm Beach County Water Utilities	126	100	80%	75%
Seacoast	191	107	92%	71%
Acme/Village of Wellington	125	100	52%	75%
Town of Jupiter	170	N/A	74.6%	N/A
City of Riviera Beach	195	135	65%	65%
Village of Palm Springs/Lake Worth Area	194	75	61%	68%
City of Boynton Beach	177	99	97%*	82%
City of Delray Beach	276	130	73%	70%
City of Boca Raton	307	122	50%	80%
Village of Royal Palm Beach	135	85	53%	49%
City of Belle Glade	91	101	53%	49%
City of Pahokee	86	108	65%	63%
City of South Bay	150	150	38%	62%
Loxahatchee River District (ENCON)	N/A	108	N/A	74%
City of Lake Worth	170	100	50%	70%
Seminole Water Improvement District	540 ²	60 ²	35%	33%
Village of Tequesta	3.9 ³	N/A	36%	N/A
City of West Palm Beach	47 ³	55 ³	63%	64%

1 Total amount of capacity obligated during the current year for the service provider's entire system (utilized and committed), expressed as a percentage of total available capacity.

2 Capacity in 000 gallons/day. Serves primarily non-residential uses.

3 Capacity in MGD.

- West Water Treatment Plant undergoing expansion

PBCWUD currently provides potable water, reclaimed water and wastewater services to the central and southern regions of suburban Palm Beach County. With the growth of the service area over time, and the resulting proliferation of developer-built package treatment plants, it became necessary for PBCWUD to consolidate treatment at permanent regional facilities. PBCWUD now operates four water treatment plants. One of the four plants is currently under construction to increase treatment capacity. The WTP No. 3 and No. 9 lime softening facilities will be demolished and replaced with membrane softening facilities. The 25.0 mgd membrane softening facility at WTP No. 9 became fully operational in 2003. Construction of the 30.0 mgd WTP No. 3 membrane softening plant is expected to be complete in 2005.

PBCWUD's water distribution system includes over 1,666 miles of pipe, 12 ground storage tanks and 12,013 hydrants. The mains are primarily constructed of ductile iron and PVC. Distribution system extensions generally financed by developers. The distribution system is being expanded to interconnect the four water treatment plants through several on-going pipeline construction projects.

Wastewater is treated at two regional facilities. PBCWUD owns and operates the Southern Region Water Reclamation Facility (SRWRF), a 30 MGD state-of-the-art wastewater treatment and water reclamation facility on Hagen Ranch Road in suburban Delray Beach. PBCWUD began construction for a 5 MGD expansion to the SRWRF to increase the plant's capacity to 35 mgd. This plant is ultimately expandable to 45 MGD. PBCWUD also owns 12.5 MGD of capacity in the 55 MGD East Central Region Wastewater Treatment Facility (ECRWWTF). The ECRWWTF is currently undergoing expansion to 71 MGD, and PBCWUD's capacity ownership will increase to 24.5 MGD.

On the wastewater collection side, PBCWUD maintains 955 miles of gravity sewers, 384 miles of force mains and 724 stations. Overall, the wastewater collection, transmission, and pumping systems are in above average condition and are well maintained. PBCWUD designs and constructs facility infrastructure upgrade for approximately 15 stations per year. In the fall of 2003, construction was completed for telemetry system improvements for 101 existing stations.

In 1990, PBCWUD initiated a reclaimed water program at SRWRF. In 1996, PBCWUD proactively sought to increase local use of reclaimed water. The golf courses and large residential communities near the SRWRF provided a source of potential end-users of reclaimed water. In 1997, Palm Beach County adopted a Reclaimed Water Ordinance (Ordinance No. 97-12) and established a Mandatory Reclaimed Water Service Area surrounding the SRWRF. The Ordinance was revised in January 2002 to require new developments located between Boynton Beach Boulevard to Linton Boulevard and Florida's Turnpike to Jog Road to install and utilize reclaimed water. PBCWUD is currently providing reclaimed water to six golf course customers with a total of 117 holes, and nine residential communities with a total of 4,042 units.

PBCWUD's reclaimed water distribution system includes 28 miles of piping with 59 flushing hydrants. Distribution system expansions of the reclaimed water system are scheduled for 2007 and 2012.

Wastewater

The minimum Level of Service (LOS) for urban sanitary sewer facilities for single lots of record in the urban service area, which represent infill development, is a septic tank permitted in accordance with state and local regulations.

Concurrency problems may arise with inadequate drainage, or those that do not meet the lot size or setback requirements of Environmental Control Rule 1 (ECR-1) and ECR-2. Problems with concurrency approvals may also arise with unincorporated properties in enclaves. The adjacent municipality usually provides water and sewer service to these properties. However, in some instances the municipality requires that the property be annexed.

Septic tanks are permitted under the provisions of Palm Beach County Environmental Control Rule 1, Rule 64E-6 of the Florida Administrative Code and Florida Statute 381.

Solid Waste

The Solid Waste Authority of Palm Beach County has disposal capacity available to accommodate the solid waste generation for the municipalities and unincorporated county for the coming year, and has sufficient capacity for both concurrency management and comprehensive planning purposes. Capacity is available for both the coming year, and the five and ten year planning periods specified in 9J-5.005(4).

As of September 30, 2003, the Authority's North County Landfills had an estimated 39,442,993 cubic yards of landfill capacity remaining. Based upon the existing Palm Beach County population, the most recently available population growth rates published by the University of Florida Bureau of Economic and Business Research (BEBR), and projected rates of solid waste generation, waste reduction and recycling, the Solid Waste Authority forecasts that capacity will be available through approximately the year 2024 assuming the depletion of the Class I and Class III landfills are approximately balanced.

The Authority continues to pursue options to increase the life of its existing facilities and to provide for the entire County's current and future disposal and recycling needs. As part of its responsibility, the Authority will provide an annual statement of disposal capacity, using the most current BEBR projections available.

Drainage

The LOS for drainage as indicated in the Adequate Public Facilities Ordinance is as follows: the drainage component shall be approved if the proposed development has access to a point of legal positive outfall or meets the exemption provisions of Sec. 7.8.D.

The Land Development Division of the Engineering and Public Works Department reviews all non-residential and multi-family applications for concurrency reservation. The drainage for these applications is not reviewed quantitatively, but rather only for confirmation of available access to legal positive storm water outfall or for conformance to the exemption provisions of Sec. 7.8.D.

In addition, if property is located in a water control district, that district reviews the Concurrency application for location in an area that is open for development (i.e., served by a district drainage facility). Twenty Water Control Districts cover Palm Beach County:

- Acme Improvement District
- East Beach Water Control District
- East Shore Water Control District
- Gladeview Drainage District
- Highland Glades Drainage District
- Indian Trail Improvement District
- Lake Worth Drainage District
- Loxahatchee Groves Water Control District

- Northern Palm Beach County Improvement District
- North Palm Beach Heights Water Control District
- Pahokee Water Control District
- Pal Mar Water Management District
- Pelican Lake Water Control District
- Pine Tree Water Control District
- Ritta Drainage District
- Seminole Water Improvement District
- Shawano Drainage District
- South Florida Conservancy District
- South Indian River Water Control District
- South Shore Drainage District

Parks And Recreation

County Park LOS is established in the Comprehensive Plan, Recreation & Open Space Element (R/OS), and in the CIE. Park LOS is calculated by comparing countywide population to current inventories and then expressing the results in terms of total acres and developed acres of parks available per 1,000 population. For concurrency management purposes each year, actual LOS for both total and developed acres are updated for each park class and compared to concurrency LOS in the ROSE and CIE.

The attached Table shows the "2004 Actual LOS" which is the combined existing and budgeted acres total as of January, 2004; the "Concurrency LOS" as established in the Comprehensive Plan R/OS Policy 1.2-A; and the "Current Status" indicates whether concurrency LOS has been met or if additional acreage is needed.

District, Regional and Beach Parks: Concurrency has been met for total acres of District, Regional, and Beach Parks provided by the County. The County has also met concurrency for developed acres of District, Regional, and Beach Parks for 2004.

Conclusions and Recommendations

- Concurrency has been met for total acres of District, Regional and Beach Parks provided by the County, and for developed acres of District, Regional and Beach Parks through a combination of existing inventory and projects currently budgeted to be completed in the next 12 months.

To continue to meet Park LOS in the future, continued development of District, Regional, and Beach Parks will be required. Of these three park classifications, Beach Park development will be the most critical need.

Park Level Of Service Measures (LOS)

Table 4.3

Park Class	Total Acres/1000 Population			
	2004 LOS Actual	Concurrency LOS	Current Status	Acres Needed to Meet LOS #
District	1.77	1.38	+.39	None
Regional	4.18	3.39	+.79	None
Beach	.41	.35	+.06	None
Total	6.36	5.12	1.24	None
	Developed Acres/1000 Population			
District	.86	.77	+.09	None
Regional	2.09	2.00	+.09	None
Beach	.20	.20	.00	None
Total	3.15	2.97	.18	None

Based on PZ&B Planning Division's projected 2003 population of 1,211,448 and Park Inventory 12/24/03. "NONE" indicates that Concurrency LOS has been met or exceeded.

Park Acreage Inventory

Table 4.4

PARK NAME AND CLASS	2004 AUR	
	ACTUAL + BUDGETED	
	Total	Developed
DISTRICT PARKS		
DISTRICT PARK SUB-TOTAL	2,146	1,039
REGIONAL PARK SUB-TOTAL	5,065	2,531
BEACH PARK SUB-TOTAL	490	245
COMMUNITY PARK SUB-TOTAL	322	240
NEIGHBORHOOD PARK SUB-TOTAL	20	16
TOTAL PARK ACREAGE	8,043	4,071

Traffic Engineering

In Palm Beach County, private and commercial vehicles account for 98% of all vehicular trips. The County, in anticipation of the demand for new and improved roads, approved a countywide impact fee ordinance that mandates that developers be required to provide road improvements to accommodate the new trips generated by their development. This, along with other measures such as an increased gas tax and ad valorem taxes, is utilized to provide necessary road improvements.

Additional funding sources such as the Municipal Service Taxing Units (MSTUs), user fees, public/private initiative, and public transportation are currently being investigated in an effort to provide adequate transportation simultaneously with development. The County's objective is to provide a multi-modal transportation system, incorporating private and commercial vehicles, a bus transit system, and rail.

An important objective of Concurrency is to ensure that development orders are not issued which will generate traffic that will exceed the adopted LOS on the roadways. The Traffic Engineering Division reviews concurrency applications and determines whether a particular application will cause the LOS Standards to be exceeded in certain traffic tests. The most recent Traffic Counts approved by the County Engineer for concurrency were for 2003.

Following is a table summarizing projected revenues and expenditures of the Palm Beach County Five Year Road Program.

**PALM BEACH COUNTY FIVE YEAR ROAD PROGRAM - (\$s in 1000s)
Annual Update - Public Hearing - December 16, 2003**

Table 4.5

ROAD REVENUES	PROGRAM	FY 2004 Projected	FY 2005 Projected	FY 2006 Projected	FY 2007 Projected	FY 2008 Projected	Total Projected
GASOLINE TAXES		33,512,000	34,349,800	35,208,545	36,088,759	36,990,978	176,150,082
INTEREST EARNINGS		4,000,000	4,100,000	4,200,000	4,300,000	4,400,000	21,000,000
LESS 5% STATUTORY RESERVES		(1,875,600)	(1,922,490)	(1,970,427)	(2,019,438)	(2,069,549)	(9,857,504)
MISCELLANEOUS		^A 2,215,000	^B 3,570,000	^C 9,200,000	^D 8,100,000	0	23,085,000
IMPACT FEES USED FOR PROJECTS		46,461,000	27,696,000	29,914,000	35,935,000	31,252,000	171,258,000
TOTAL CURRENT REVENUES		84,312,400	67,793,310	76,552,118	82,404,321	70,573,429	381,635,578
BALANCES FORWARD		27,405,241	9,657,641	5,810,951	503,069	337,390	27,405,241
TOTAL REVENUES		111,717,641	77,450,951	82,363,069	82,907,390	70,910,819	409,040,819
PROJECTED COSTS AS PROPOSED		102,060,000	71,640,000	81,860,000	82,570,000	70,650,000	408,780,000
REVENUES LESS PROJECT COSTS		9,657,641	5,810,951	503,069	337,390	260,819	260,819

FOOTNOTES:

- A - FDOT \$1,200,000 LAP Agreement for construction of Congress Ave./Melaleuca Lane Intersection.
FDOT \$1,015,000 Grant for construction of Congress Ave., Melaleuca Lane to Lake Worth Road.
- B - FDOT \$3,570,000 LAP Agreement for construction of Okeechobee Blvd., W. of S.R. 7 to E. of Florida's Turnpike
- C - Repayment of \$6,500,000 from the FDOT for ITS Facility.
FDOT \$2,700,000 JPA Agreement for construction of Congress Ave., Lantana Rd. to Melaleuca Ln.
- D - FDOT \$3,600,000 JPA Agreement for construction of 45th Street, Florida's Turnpike to Haverhill Rd.
FDOT \$4,500,000 Agreement for construction of Alternate A1A (SR 811), S. of Frederick Small Rd. to Indiantown Rd.

General note on interest projections:

Projections for interest earnings assume that average cash balances will approximate 3.0 times the current year revenue projections at an interest rate of 3.0%. Interest earnings on gas taxes are shown on this summary sheet. Interest earnings on impact fees are included in the amount of impact fees used for projects shown above.

General note on interest projections:

Projections for interest earnings assume that average cash balances will approximate 3.0 times the current year revenue projections at an interest rate of 3.0%. Interest earnings on gas taxes are shown on this summary sheet. Interest earnings on impact fees are included in the amount of impact fees used for projects shown above.

Public Transit

Palm Beach County provides fixed-route bus service through Palm Tran. The bus system is composed of 34 routes with most routes in operation seven days per week. During weekday peak hours, up to 107 buses are utilized to provide service. Coordination with Tri-Rail is provided by linking fixed-route bus service to Tri-Rail stations (Mangonia Park, West Palm Beach, Lake Worth, Boynton Beach, Delray Beach and Boca Raton) in the County. Palm Tran also has shuttle service between the West Palm Beach Tri-Rail station and the downtown of West Palm Beach.

Short-term Financial Feasibility

Facilities plans are expected to be financially feasible. Financially feasible facilities plans demonstrate the ability to finance capital improvements from existing revenue sources and funding mechanisms to correct deficiencies and meet future needs based on achieving and maintaining the adopted LOS for each year of the five year planning period, and for the long range planning period. All facilities have been found to be financially feasible, and with no infrastructure backlogs.

Water Utilities

The development of the 6-Year Capital Improvement Plan (CIP) for Water Utilities addresses plants that require technological upgrades and expansions related to capacity. The CIP developed for 2004-2009 includes the expansion of two water treatment plants and other facilities. The total funding estimated to meet these capital facility requests is \$180,411,000.00. The total cost of the 6-Year Capital Improvement Plan is projected to be \$725,559,945.00, which includes personnel costs. Palm Beach County Water Utilities will maintain its current performance with the addition of these facilities and will stay within the Concurrency Standard through the year 2009.

Solid Waste

The capital budget of the Solid Waste Authority (SWA), approved by the Board annually as part of the budget approval process, addresses the short-term (five-year) capital improvement projects. This plan and budget includes both a Renewal and Replacement component, including the development of landfill cells, and a Capital Improvement component that addresses new or expanded facilities or equipment. The five-year plan also includes those projects funded by Bond proceeds. The SWA has issued Revenue Bonds to construct some of its capital projects, such as the acquisition and construction of the Southwest County Transfer Station, and are included in the capital budget. The capital budget of the SWA shows no backlogs or deficiencies in the five-year plan.

Parks and Recreation

As indicated above, for 2004, Concurrency has been met for total acres of District, Regional and Beach Parks provided by the County. To continue to meet park LOS in future years, further development is required, Beach Park development in particular. The total funding programmed to meet these capital facility needs for 2004-2009 is \$143,973,100.00. Palm Beach County Parks

and Recreation will maintain its current performance with the addition of these facilities and will stay within the Concurrency Standard through the year 2009.

Roads

In Palm Beach County, road construction is prioritized per the County's Five Year Road Program. According to the most recently adopted Five Year Road Program, projected costs for 2004-2008 are \$408,780,000.00. The County has determined the adopted LOS is financially feasible if fewer than 20 percent (on a line-item basis) of the applicable and programmed road construction projects, over which the County has control, are more than 12 months behind schedule. In 2003, the County's Five Year Road Program Oversight and Advisory Council evaluated FY 2001 road construction projects to determine financial feasibility. The Council found that the County had commenced construction on all sixteen construction projects in the program for FY 2001, and thereby complied with the financial feasibility requirement.

A historical review found that the County did not meet the 20 percent requirement in FY 1998-99, so the BCC was obligated to review the financial feasibility of the adopted LOS. However, on March 27, 2001, the BCC made the required finding that the adopted LOS remained realistic, adequate and financially feasible despite the failure to start one of the programmed projects in a timely manner.

Long-Term Financial Feasibility

Revenues should be adequate over the long-term to fund needed facilities. In the future, further capital improvements will be funded both by a growing population and increasing property values. Once vacant properties are developed, it is anticipated that infill and redevelopment will continue to allow population growth in Palm Beach County.

While annexations by municipalities will continue to reduce the size of unincorporated Palm Beach County, Office of Financial Management and Budget (OFMB) states that annexations will not affect countywide property tax revenues. For countywide purposes, property location is irrelevant. However, location does matter for special taxing districts. Annexations may affect certain state or federal shared revenues which have a distribution component that considers unincorporated population and municipal population.

Gasoline taxes, state revenue sharing, the ½ cent sales tax, and various grants may be affected by shifts in population from unincorporated to municipal. However, these changes will not be significant in overall terms of revenues to the County.

Another funding issue is "build-out." As the County approaches build-out, and where essentially no new development will be occurring, impact fee collections will likely be affected. Approximately 25 percent of County revenues that fund the CIP come from impact fees. On a programmatic basis, impact fees can be a major funding element of specific capital programs. For example, the Road Program is 48 percent funded by impact fees.

However, as we approach build-out, the need for new capital improvements funded from impact fees should decline substantially. The demand for new capital should match the population growth trend, possibly with a lag of several years; that is, the drop off in impact fees should approximate the decline in the need for new projects. At that point, new funding requirements for maintenance of facilities may be an issue the County will need to address.

Water Utilities

Based upon the results of extensive comprehensive planning, master planning, and expected population growth, Palm Beach County has developed a capital improvement program to ensure adequate water supply, and water treatment facilities will be available to satisfy projected demand through the year 2025. The County's 20-Year Water Supply Facilities Work Plan should meet current and projected potable water needs, based on the availability and appropriate use of regional water resources and the combined use of alternative water supplies; the strategy has been designed to have a surplus condition for both raw water and finished water facilities throughout the 20-year planning period. The potable water facilities that will be needed during the 20-Year period to satisfy projected needs are listed in the appendix.

Between 2003 and 2010, a total of \$164 million will be spent on nine significant capital improvement projects that will be completed by 2020. These projects will add capacity and provide services to an anticipated population of 580,546 in 2025.

For Water Utilities, the projected population of 580,546 people will require an average daily raw water demand of 88.73 mgd to produce 73.26 mgd of potable water. All four water treatment facilities to be utilized in the 2025 condition will be membrane-softening plants. Assuming the two largest wells from each wellfield to be out of service, the County will have more than 61 mgd of surplus raw water pumping capacity and 37 mgd of surplus treatment capacity. Each individual wellfield and treatment plant will operate with surplus capacity. Palm Beach County's alternative water resources program is projected to provide nearly 20 percent (17.5 mgd) of the average day raw water demand. The 2025 alternative water resources program will include two wetland treatments, four aquifer storage and recovery wells, and the reclaimed water system. The County's use of alternative water resources will increase to 38.50 mgd under maximum month raw water pumping conditions. The balance of the raw water demand will be withdrawn from the surficial aquifer.

Historically, Palm Beach County has operated with a raw water per capita usage of 131 gallons per capita per day (gpd) and finished water per capita usage of 126 gpd. The finished water per capita usage does not change throughout the 20-year planning period. However, as the County increases use of membrane treatment technology, the raw water per capita rate increases by 11.8% to 146.5 gpd in the year 2025. The increased raw water per capita is attributed to the membrane process that produces higher quality water by generating a concentrated waste stream. The waste stream is equivalent to 15 percent of the incoming raw water flow.

Solid Waste

The long-range planning for the Solid Waste Authority (SWA) is accomplished first through an annual evaluation of remaining disposal capacity at the County's existing landfill. The annual evaluation is titled The Landfill Depletion Model Report. The current year's analysis indicates that the existing site will provide disposal capacity for the county until approximately 2023. Beyond the capacity in the existing landfill, the SWA owns a 1600-acre parcel in the western portion of the county (Everglades Agricultural Area) that can serve as a disposal site when the existing landfill is depleted. The time horizon to initiate the development of plans for the western site is approximately ten years from now. Assuming the use of this site, there is no long-range deficiency in disposal capacity for the County.

Parks and Recreation

The Parks and Recreation Department capital improvement funding is used for the acquisition, design and development of parks and recreational facilities. Funding generated from countywide Park Impact Fees is the primary recurring funding source for annual capital allocations to acquire and develop Regional, Beach and District Park projects. Other park capital projects,

such as community and neighborhood parks, or special facilities, are subject to annual Board allocations from ad valorem sources or from available grants, bonds or other revenue.

It is estimated that annual capital funding of \$15 to \$16 million per year is necessary to maintain existing County Park LOS and complete all park projects in the County park system. The park projects in the long range plan are intended to meet the goals, objectives, and policies of the Recreation and Open Space Element (ROSE), including the adoption of specific LOS requirements for Regional, Beach and District Parks, as well as for active and passive recreational facilities. Currently, impact fees are generating \$10 to 12 million annually with the balance of funding for capital projects from grants, bonds and ad valorem sources. As new residential building starts slowing down in the future, park impact fees will also diminish at a proportional rate, creating a greater reliance on non-impact fee sources for capital funding. Other conditions, primarily the need to redevelop or renovate older facilities, will also drive higher capital program needs in the future.

Acquisition of Environmentally Sensitive Lands for open space purposes has and will continue to be funded through the Bond Issues and state grants administered by County’s Department of Environmental Resource Management as detailed in the Conservation Element.

Roads

The Palm Beach County Metropolitan Planning Organization adopted the Year 2025 Transportation System Plan on November 19, 2001. The Cost Feasible Plan consists of a comprehensive highway, transit, bicycle, and pedestrian transportation system, and gives consideration to intermodal access and connectivity.

The Year 2025 Transportation System Plan has been determined to be financially feasible, and includes capacity expansion and maintenance of the system. Through coordination with the various area transportation providers, the revenue projected to be available for funding transportation system improvements from 2007 through 2025 has been identified as being approximately \$3.3 billion. The following table summarizes the overall cost of \$3.3 billion to implement the Plan (in millions).

Table 4.6

Component	Cost Feasible Plan (in millions)
Roadways	2,000
Buses	1,049
Water Taxi	Local
Paratransit	193
Tri-Rail (Local Match)	27
Bike/Sidewalks	29
Intelligent Transportation System	32
Total Cost	3,330
Total Revenue	3,316

CONSISTENCY WITH STATE AND REGIONAL PLANS

Chapter 163.3191 (2)(f) F. S. requires that the Evaluation and Appraisal Report (EAR) contain an evaluation and assessment of relevant changes to the state comprehensive plan (187.201, F.S.), Chapter 163, F.S. Rule 9J-5 and the Treasure Coast Regional Planning Council's Strategic Regional Policy Plan, since adoption of the last EAR update amendments. This analysis was conducted utilizing all of the changes that have occurred to these documents since 1996, when Palm Beach County adopted its most recent EAR. When an inconsistency was identified, such as a requirement not currently addressed in the Palm Beach County Comprehensive Plan, the appropriate element is identified for update. The sections containing the assessment of changes to Chapter 163, F.S. and Rule 9J-5, F.A.C. are presented in Table 4-7.

State Comprehensive Plan. The State Comprehensive Plan was amended in 1999 by Chapter 99-378 to include policies related to urban policy in the State Comprehensive Plan. Goal 17 identified as Downtown Revitalization was amended and entitled Urban and Downtown Revitalization. The goal was modified to state that "In recognition of the importance of Florida's vital urban centers and of the need to develop and redevelop downtowns to the state's ability to use..."

The following policies 4 through 12 were added:

4. Promote and encourage communities to engage in a redesign step to include public participation of members of the community in envisioning redevelopment goals and design of the community core before redevelopment.
5. Ensure that local governments have adequate flexibility to determine and address their urban priorities within the state urban policy.
6. Enhance the linkages between land use, water use, and transportation planning in state, regional, and local plans for current and future designated urban areas.
7. Develop concurrency requirements that do not compromise public health and safety for urban areas that promote redevelopment efforts.
8. Promote processes for the state, general purpose local governments, school boards, and local community colleges to coordinate and cooperate regarding education facilities in urban areas, including planning functions, the development of joint facilities and the reuse of existing buildings.
9. Encourage the development of mass transit systems for urban centers, including multi-modal transportation feeder systems, as a priority of local, metropolitan, regional and state transportation planning.
10. Locate appropriate public facilities within urban centers to demonstrate public commitment to the centers and to encourage the private sector development.

11. Integrate state programs that have been developed to promote economic development and neighborhood revitalization through incentives to promote the development of designated urban infill areas.
12. Promote infill development and redevelopment as an important mechanism to revitalize and sustain urban centers.

Chapter 2002-387 repealing the education goals and policies 187.201(1) of the State Comprehensive Plan also amended policies in 2002.

Although the Comprehensive Plan was not revised to address these provisions, they are already addressed through existing adopted provisions, which emphasize urban infill and redevelopment and the promotion of mass transit for urban centers, to the extent possible, based on density of the population. The Palm Beach County Comprehensive Plan is consistent with State Comprehensive Plan in Chapter 187.F.S. The EAR based amendments may include some refinements to the goals, objectives, and policies of the Palm Beach County Comprehensive Plan that further its consistency with these added state Comprehensive Plan policies.

Treasure Coast Strategic Regional Policy Plan. Chapter 186, F.S. governs the adoption and revision of the Strategic Regional Policy Plans (SRPP) by Regional Planning Councils. Based on the 1996 Evaluation and Appraisal Report, the Palm Beach County Comprehensive Plan remains consistent with the Treasure Coast Strategic Regional Policy Plan (TCSRPP), which was adopted on December 15, 1995 and was reviewed during the TCRPC EAR process in 2000. After final adoption of the TCSRPP update in 2007, Palm Beach County will evaluate the consistency of the Comprehensive Plan and address inconsistencies in the County's EAR Based amendments.

Changes to Chapter 163, F.S. Chapter 163 Part II provides GROWTH POLICY; COUNTY AND MUNICIPAL PLANNING, LAND DEVELOPMENT REGULATION. Subsection 163.3164, F.S. known as the Local Government Comprehensive Planning and Land Development Regulation Act, governs comprehensive planning in the State of Florida.

An analysis of all changes to Chapter 163, F.S. that have occurred since the adoption of Palm Beach County's most recent EAR in 1996 is provided in Table 4-7.

The changes are summarized by year including appropriate citations. Each change is classified by relevance to the Palm Beach County Comprehensive Plan. If the change is not applicable, no change is required. If the change is relevant, the Plan was reviewed and identification about whether the requirement was addressed or not is included (YES or NO). In those instances in which an amendment is needed (NO in the "Addressed" column) the elements, which need to be amended, are identified in the last column.

Changes to Rule 9J-5 F.A.C. Rule 9J-5 F.A.C. establishes the minimum criteria for the preparation, review and determination of compliance of the comprehensive plans and plan amendments pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163,F.S. An analysis of all of the changes to Rule 9J-5, F.A.C. that has occurred since the adoption of the Palm Beach County’s most recent EAR (1996) is provided in Table 4-7. The changes are summarized by year including appropriate citations. Each change is classified by relevance to the Palm Beach County Comprehensive Plan. If the change is procedural or not applicable (NA) no change is required. If the change is relevant, the Plan was reviewed and identification about whether the requirement was addressed or not is included (YES or NO). In those instances in which an amendment is needed (NO in the “Addressed” column) the elements that need to be amended are identified in the last column.

Table 4.7 Changes to Chapter 163 and 9J-5, F.A.C.

Changes to Chapter 163, F.S. 1996 – 2003		163, F.S. Citations	NA	Addressed	Amendment Needed By Element
1	Amended the criteria for small scale plan amendments that are exempt from the twice-per-year limitation.	163.3187(1)(c)			
2	Required the coastal management element to include the maintenance of ports.	163.3177(6)(g)9.			Coastal Element - Yes, updating or adding a policy to the Coastal Management Element and/or ports section of the Transportation Element will be needed
3	Provide that certain port related expansion projects are not DRIs under certain conditions.	163.3178(2), (3), and (5)			
4	Allowed a county to designate areas on the future land use plan for possible future municipal incorporation.	163.3177(6)(a)			
5	Required the ICE to include consideration of the school boards plans.	163.3177(6)(h)		Public School Facilities – School Facilities Policies 12.2-a and 2.2-b	
6	Revised the processes and procedures to be included in the ICE.	163.3177(6)(h)			
7	Establishment of joint processes one year after ICE adoption.	163.3177(6)(h)2.			
8	Required local governments who utilize school concurrency to satisfy intergovernmental coordination requirements	163.3180(1)(b)2.			
9	Permitted a county to adopt a municipal overlay amendment to address future possible municipal incorporation of a specific geographic area.	163.3217			

Table 4.7 Changes to Chapter 163 and 9J-5, F.A.C.

Changes to Chapter 163, F.S. 1996 – 2003		163, F.S. Citations	NA	Addressed	Amendment Needed By Element
10	Authorized DCA to conduct a sustainable communities demonstration project.	163.3244			
11	Amended the definition of de minimis impact as it pertains to concurrency requirements.	163.3180(6)			
12	Established that no plan or plan amendment in an area of critical state concern is effective until found in compliance by a final order.	163.3184(14)		TE 1.2-n.	
13	Amended the criteria for the annual effect of Duval County small scale amendments to be limited to 120 acres.	163.3187(1)(c)1.a .111.			
14	Prohibited amendments in areas of critical state concern from becoming effective if not in compliance.	163.3189(2)(b)			
15	Exempted brownfield area amendments from the twice-a-year limitation.	163.3187(1)(g)		X	
16	Required that the capital improvements element of the plan set forth standards for the management of debt.	163.3177(3)(a)4.		Capital Improvement Element - Policy 1.6-b (Debt Policies)	
17	Required inclusion of at least two planning periods – 5 years and 10 years.	163.3177(5)(a)			
18	Allowed multiple individuals comp plan amendments to be one amendment cycle.	163.3184(3)(d)			
19	Defined optional sector plan and created section allowing local governments to address DRI issues within certain identified geographic areas.	163.3164(31) and 163.324			
20	Established the requirements for a public school facilities element.	163.3177(12)		Public School Facilities –Policies 2.2-a and 2.2-b	

Table 4.7 Changes to Chapter 163 and 9J-5, F.A.C.

Changes to Chapter 163, F.S. 1996 – 2003		163, F.S. Citations	NA	Addressed	Amendment Needed By Element
21	Established the minimum requirements for imposing school concurrency.	163.3180(12), (now Section (13))		Public School Facilities – Objectives 1.1, 1.3, 2.1, 2.2, 2.3	
22	Required DCA adopt minimum criteria for the compliance determination of a public school facilities element imposing school concurrency.	163.3180(13), (now Section14))		Public School Facilities – Facilities Objective 1.1	
23	Required that EARs include coordination of the comp plan with existing public schools and 5-year work program.	163.3191(2)(i)			
24	In compliance includes consistency with Sections 163.3180 and 163.3245.	163.3184(1)(b)		Capital Improvement - CIE Objective 1.2; Public School Element – Schools Objectives 1.1,1.3, 2.1, 2.2, 2.3	
25	DCA required to maintain all documents received or generated relating to plan amendments and identify; list all written communications received within 30 days after proposed plan amendment transmittal and limited review of proposed plan amendments to written comments.	163.3184(2), (4), and (6)			
26	Allowed a local government to amend its plan for a period of up to one year after the initial determination of adopted EAR sufficiency even if the EAR is insufficient.	163.3187(6)(b)			
27	Substantially reworded Section 163.3191, F.S., EAR requirements of comp plans.	163.3191			

Table 4.7 Changes to Chapter 163 and 9J-5, F.A.C.

Changes to Chapter 163, F.S. 1996 – 2003		163, F.S. Citations	NA	Addressed	Amendment Needed By Element
28	Changed the population requirements for municipalities and counties that are required to submit optional elements.	163.3177(6)(i)			
29	Required that port and local governments in the coastal area, which has spoil disposal responsibilities, identify dredge disposal sites in the comp plan.	163.3178(7)			
30	Exempted certain port related amendments from the twice-per-year limitation.	163.3187(1)(h)			
31	Required rural counties to base their future land use plans and their planned industrial use be based on specific economic and job creation information.	163.3177(6)(a)			
32	Created new Sections as the Growth Policy Act to promote urban infill and redevelopment.	163.2511,163.25, 14,163.2517,163.2520,163.2523,163.2526			
33	Required that all comp plans comply with the school siting requirements by October 1, 1999.	163.3177(6)(a)			
34	Made transportation facilities subject to concurrency.	163.3180(1)(a)		TE 1.2-e.	
35	Required use of professionally accepted techniques for measuring level of service for cars, trucks, transit, bikes and pedestrians.	163.3180(1)(b)		TE 1.1-e.	
36	Excludes public transit facilities from concurrency requirements.	163.3180(4)(b)		TE 1.2-e.	

Table 4.7 Changes to Chapter 163 and 9J-5, F.A.C.

Changes to Chapter 163, F.S. 1996 – 2003		163, F.S. Citations	NA	Addressed	Amendment Needed By Element
37	Allowed multi-use DRIs to satisfy the transportation concurrency requirements when authorized by a local comprehensive plan under limited circumstances.	163.3180(12)			Needed in Transportation Element
38	Allowed multi-modal transportation districts in areas where priorities for the pedestrian environment are provided.	163.3180(15)			Needed in Transportation Element
39	Exempted amendments for urban infill, redevelopment areas public school concurrency from the twice-per-year limitation.	163.31879(1)(h) and (i)		Public School Facilities - In Land Use Element	
40	Defined brownfield designation and added the assurance that a developer may proceed with development upon receipt of a brownfield designation.	163.3220(2)		X	
41	Repealed Section 163.3184(11)(c), F.S., that funds from sanction for non-compliant plans go into the Growth Management Trust Fund.				
42	Repealed Section 163.3187(7), F.S., that required consideration of an increase in the annual total acreage threshold for small scale plan amendments and a report by DCA.				
43	Repealed Sections 163.3191(13) and (15), F.S.				
44	Small scale amendments in areas of critical state concern are exempt from the twice-per-year limitation only if for affordable housing.	163.3187(1)(c)1.e			

Table 4.7 Changes to Chapter 163 and 9J-5, F.A.C.

Changes to Chapter 163, F.S. 1996 – 2003		163, F.S. Citations	NA	Addressed	Amendment Needed By Element
45	Added exemption of sales from local option surtax imposed under Section 212.054, F.S. as examples of incentives for new development within urban infill and redevelopment areas.	163.2517(3)(j)2			
46	Required DCA to provide assistance to local governments to develop innovative and flexible planning and development strategies to discourage the proliferation of urban sprawl.	163.3177(11)(d)			
47	Required that all agencies that review comprehensive plan amendments and rezoning include a nonvoting representative of the district school board.	163.3174			
48	Required coordination of local comprehensive plan with the regional water supply plan.	163.3177(4)(a)			
49	Plan amendments for school-siting maps are exempt from s. 163.3187(1)'s limitation on frequency.	163.3177(6)(a)			
50	Required that by adoption of the EAR, the sanitary sewer, solid waste, drainage, potable water and natural groundwater aquifer recharge element consider the regional water supply plan and include a 10-year work plan to build the identified water supply facilities.	163.3177(6)(c)			
51	Required consideration of the regional water supply plan in the preparation of the conservation element.	163.3177(6)(d)			

Table 4.7 Changes to Chapter 163 and 9J-5, F.A.C.

Changes to Chapter 163, F.S. 1996 – 2003		163, F.S. Citations	NA	Addressed	Amendment Needed By Element
52	Required that the intergovernmental coordination element (ICE) include relationships, principles and guidelines to be used in coordinating comp plan with regional water supply plans.	163.3177(6)(h)			
53	Required the local governments adopting a public educational facilities element execute an inter-local agreement with the district school board, the county, and non-exempting municipalities.	163.3177(6)(h)4		Public School Facilities – School Facilities Objective 2.2	
54	Required that counties larger than 100,000 population and their municipalities submit a inter-local service delivery agreements (existing and proposed, deficits or duplication in the provisions of service) report to DCA by January 1, 2004. Each local government is required to update its ICE based on the findings of the report. DCA will meet with affected parties to discuss and identify strategies to remedy any deficiencies or duplications.	163.3177(6)(h)6,7, & 8			
55	Required local governments and special districts to provide recommendations for statutory changes for annexation to the Legislature by February 1, 2003.	163.3177(6)(h)9		Public School Facilities Element was adopted	

Table 4.7 Changes to Chapter 163 and 9J-5, F.A.C.

Changes to Chapter 163, F.S. 1996 – 2003		163, F.S. Citations	NA	Addressed	Amendment Needed By Element
56	Added a new section 163.31776 that allows a county, to adopt an optional public educational facilities element in cooperation with the applicable school board.	163.31776		Public School Facilities – School Facilities Objective 2.2	
57	Added a new section 163.31777 that requires local governments and school boards to enter into an inter-local agreement that addresses school siting, enrollment forecasting, school capacity, infrastructure and safety needs of schools, schools as emergency shelters, and sharing of facilities.	163.31777			
58	Added a provision that the concurrency requirement for transportation facilities may be waived by plan amendment for urban infill and redevelopment areas.	163.3180(4)(c)			Needed in Transportation Element
59	Expanded the definition of “affected persons” to include property owners who own land abutting a change to a future land use map.	163.3184(1)(a)			
60	Expanded the definition of “in compliance” to include consistency with Section 163.31776 (public educational facilities element).	163.3184(1)(b)		Public School Facilities – Addressed by adoption of School Facilities Element	
61	Streamlined the timing of comprehensive plan amendment review.	163.3184(3, (4), (6), (7), and (8)			
62	Required that local governments provide a sign-in form at the transmittal hearing and at the adoption hearing for persons to provide their names and addresses.	163.3184(15)(c)			

Table 4.7 Changes to Chapter 163 and 9J-5, F.A.C.

Changes to Chapter 163, F.S. 1996 – 2003		163, F.S. Citations	NA	Addressed	Amendment Needed By Element
63	Exempted amendments related to providing transportation improvements to enhance life safety on “controlled access major arterial highways” from the limitation on the frequency of plan amendments contained in s.163.3187(1).	163.3187(1)(k)			Needed in Transportation Element
64	Required EAR’s to include (1) consideration of the appropriate regional water supply plan, and (2) an evaluation of whether past reductions in land use densities in coastal high hazard areas have impaired property rights of current residents where redevelopment occurs.	163-3191(2)(1)			
65	Allowed local governments to establish a special master process to assist the local governments with challenges to local development orders for consistency with the comprehensive plan.	163.3215			
66	Created the Local Government Comprehensive Planning Certification Program to allow less state and regional oversight of comprehensive plan process if the local government meets certain criteria.	163.3246			

Table 4.7 Changes to Chapter 163 and 9J-5, F.A.C.

Changes to Chapter 163, F.S. 1996 – 2003		163, F.S. Citations	NA	Addressed	Amendment Needed By Element
67	Added a provision to Section 380.06(24), Statutory Exemptions, that exempts from the requirements for developments of regional impact, any water port or marina development if the relevant local government has adopted a “boating facility siting plan or policy” (which includes certain specified criteria) as part of the coastal management element or future land use element of its comprehensive plan. The adoption of the boating facility siting plan or policy is exempt from the limitation on the frequency of plan amendments contained in s.163.3187(1).	163.3187(1)			
68	Prohibited a local government, under certain conditions from denying an application for development approval for a requested land use for certain proposed solid waste management facilities.	163.3194(6)			

Table 4.7 Changes to Chapter 163 and 9J-5, F.A.C.

Changes to Rule 9J-5, F.A.C. 1996 – 2003		9J-5, F.A.C. Citations	NA	Addressed	Amendment Needed By Element
1	Repealed rule requirements for the Traffic Circulation Element; Mass Transit Element; Ports, Aviation and Related Facilities Element. <i>Note: Certain local governments must continue to prepare these elements pursuant to 163.3177, F.S., and 9J-5.019, F.A.C.</i>	9J-5.007, 9J-5.008, and 9J-5.009			
2	Repealed rule requirements for the Recreation and Open Space Element. <i>Note: Section 163.3177, F.S., requires local governments to prepare this element.</i>	9J-5.014			
3	Repealed rule requirements for consistency of local government comprehensive plans with Comprehensive Regional Policy Plans and with the State Comprehensive Plan. <i>Note: Local government comprehensive plans are required by section 163.3184(1)(b), F.S., to be consistent with the applicable Strategic Regional Policy Plan and the State Comprehensive Plan.</i>	9J-5.021			
4	Established requirements for the Public School Facilities Element for Public School Concurrency for local governments that adopt school concurrency.	9J-5.025		X	

Table 4.7 Changes to Chapter 163 and 9J-5, F.A.C.

Changes to Rule 9J-5, F.A.C. 1996 – 2003		9J-5, F.A.C. Citations	NA	Addressed	Amendment Needed By Element
5	Defined public transit and Stormwater management facilities	9J-5.003			
6	Revised the definitions of affordable housing, coastal planning area, port facility, and wetlands.	9J-5.003		No	Need to add Coastal Planning Area definition
7	Repeal the definitions of adjusted for family size, adjusted gross income, development, high recharge area or prime recharge area, mass transit, paratransit, public facilities, very low-income family.	9J-5.003			
8	Revised provisions relating to adoption by reference into the local comprehensive plan.	9J-5.005(2)(g) and (8)(j)			
9	Repealed transmittal requirements for proposed evaluation and appraisal reports, submittal requirements for adopted evaluation and appraisal reports, criteria for determining the sufficiency of adopted evaluation and appraisal reports, procedures for adoption of evaluation and appraisal reports. <i>Note: transmittal requirements for proposed evaluation and appraisal reports and submittal requirements for adopted evaluation and appraisal reports were incorporated Rule Chapter 9J-11, F.A.C.</i>	9J-5.0053(2) through (5)			

Table 4.7 Changes to Chapter 163 and 9J-5, F.A.C.

Changes to Rule 9J-5, F.A.C. 1996 – 2003		9J-5, F.A.C. Citations	NA	Addressed	Amendment Needed By Element
10	Repealed conditions for de minimis impact and referenced conditions in subsection 163.3180(6), F.S.	9J-5.0055(3)6		TE 1.2-n	
11	Required the future land use map to show the transportation concurrency exception area boundaries of such areas have been designated and areas for possible future municipal incorporation.	9J-5.006(4)			Needed in Transportation Element
12	Required objectives of the Sanitary Sewer, Solid Waste, Stormwater Management, Potable Water and Natural Groundwater Aquifer Recharge Element to address protection of high recharge and prime recharge areas.	9J-5.011(2)			
13	Repealed the Intergovernmental Coordination Element process to determine if development proposals would have significant impacts on other local governments or state or regional resources or facilities, and provisions relating to resolution of disputes, modification of development orders, and the rendering of development orders to the Department of Community Affairs (DCA)	9J-5.015(4)			

Table 4.7 Changes to Chapter 163 and 9J-5, F.A.C.

Changes to Rule 9J-5, F.A.C. 1996 – 2003		9J-5, F.A.C. Citations	NA	Addressed	Amendment Needed By Element
14	Clarified that local governments not located within the urban area of a Metropolitan Planning Organization are required to adopt a Traffic Circulation Element and that local governments with a population of 50,000 or less are not required to prepare Mass Transit and Ports, Aviation and Related Facilities Elements.	9J-5.019(1)			
15	Required objectives of the Transportation Element to:	9J-5.019()(b)			
	<ul style="list-style-type: none"> Coordinate the siting of new, or expansion of existing, ports, airports, or related facilities with the Future Land Use, Coastal Management, and Conservation Elements; 			TE 1.7, 1.8	
	<ul style="list-style-type: none"> Coordination surface transportation access to ports, airports, and related facilities with the traffic circulation system; 			TE 1.7, 1.8	
	<ul style="list-style-type: none"> Coordination ports, airports, and related facilities plans with plans of other transportation providers; and 			TE 1.7, 1.8	
	<ul style="list-style-type: none"> Ensure that access routes to ports, airports and related facilities are properly integrated with other modes of transportation. 			TE 1.7, 1.8	

Table 4.7 Changes to Chapter 163 and 9J-5, F.A.C.

Changes to Rule 9J-5, F.A.C. 1996 – 2003		9J-5, F.A.C. Citations	NA	Addressed	Amendment Needed By Element
16	Required policies of the Transportation Element to:	9J-5.019(4)(c)			
	<ul style="list-style-type: none"> • Provide for safe and convenient on-site traffic flow; 			TE 1.3, LU 4.3-f	
	<ul style="list-style-type: none"> • Establish measures for the acquisition and preservation of public transit rights-of-way and corridors; 				Needed in Transportation Element
	<ul style="list-style-type: none"> • Promote ports, airports and related facilities development and expansion; 			TE 1.7, 1.8	
	<ul style="list-style-type: none"> • Mitigate adverse structural and non-structural impacts from ports, airports and related facilities; 			TE 1.7, 1.8	
	<ul style="list-style-type: none"> • Protect and conserve natural resources within ports, airports and related facilities; 			TE 1.7, 1.8	
	<ul style="list-style-type: none"> • Coordinate intermodal management of surface and water transportation within ports, airports and related facilities; and 			TE 1.7, 1.8	
	<ul style="list-style-type: none"> • Protect ports, airports and related facilities from encroachment of incompatible land uses. 			TE 1.7, 1.8	
17	Added standards for the review of land development regulations by the Department.	9J-5.022			

Table 4.7 Changes to Chapter 163 and 9J-5, F.A.C.

Changes to Rule 9J-5, F.A.C. 1996 – 2003		9J-5, F.A.C. Citations	NA	Addressed	Amendment Needed By Element
18	Added criteria for determining consistency of land development regulations with the comprehensive plan.	9J-5.023			
19	Defined general lanes	9J-5.003			
20	Revised the definition of marine wetlands	9J-5.003			
21	Repeal the definition of public facilities and services.	9J-5.003			
22	Revised procedures for monitoring, evaluating and appraising implementation of local comprehensive plans.	9J-5005(7)			
23	Repealed requirements for evaluation and appraisal reports and evaluation and appraisal amendments.	9J-5.0053			
24	Revised concurrency management system requirements to include provisions for establishment of public school concurrency.	9J-5.005(1) and (2)			
25	Authorized local governments to establish multimodal transportation level of service standards and established requirements for multimodal transportation districts.	9J-B.0055(2)(b) and (3)(c)			Needed in Transportation Element
26	Authorized local governments to establish level of service standards for general lanes of the Florida Intrastate Highway System within urbanized areas, with the concurrence of the Department of Transportation.	9J-5.0055(2)(c)		TE 1.1-j	

Table 4.7 Changes to Chapter 163 and 9J-5, F.A.C.

Changes to Rule 9J-5, F.A.C. 1996 – 2003		9J-5, F.A.C. Citations	NA	Addressed	Amendment Needed By Element
27	Provide that public transit facilities are not subject to concurrency requirements.	9J-5.0055(8)		TE 1.2-e	
28	Authorized local comprehensive plans to permit multi-use developments of regional impact to satisfy the transportation concurrency requirements by payment of a proportionate share contribution.	9J-5.0055(9)			
29	Required the future land use map to show multimodal transportation district boundaries, if established.	9J-5.006(4)			Needed in Transportation Element
30	Authorized local governments to establish multimodal transportation districts and, if established, required local governments to establish design standards for such districts.	9J-5.006(6)			Needed in Transportation Element
31	Required data for the Housing Element include a description of substandard dwelling units and repealed the requirement that the housing inventory include a locally determined definition of standard and substandard housing conditions.	9J-5.010(1)(c)			
32	Authorized local governments to supplement the affordable housing needs assessment with locally generated data and repealed the authorization for local governments to conduct their own assessment.	9J-5.10(2)(b)			

Table 4.7 Changes to Chapter 163 and 9J-5, F.A.C.

Changes to Rule 9J-5, F.A.C. 1996 – 2003		9J-5, F.A.C. Citations	NA	Addressed	Amendment Needed By Element
33	Required the Intergovernmental Coordination Element to include objectives that ensure adoption of interlocal agreements within one year of adoption of the amended Intergovernmental Coordination Element and ensure intergovernmental coordination between all affected local governments and the school board for the purpose of establishing requirements for public school concurrency.	9J-5.015(3)(b)			
34	Required the Intergovernmental Coordination Element to include:	9J-5.015(3)(c)			
	<ul style="list-style-type: none"> • Policies that provide procedures to identify and implement joint planning areas for purposes of annexation, municipal incorporation and joint infrastructure service areas; 				
	<ul style="list-style-type: none"> • Recognize campus master plan and provide procedures for coordination of the campus master development agreement; 				
	<ul style="list-style-type: none"> • Establish joint processes for collaborative planning and decision-making with other units of local government; 				

Table 4.7 Changes to Chapter 163 and 9J-5, F.A.C.

Changes to Rule 9J-5, F.A.C. 1996 – 2003		9J-5, F.A.C. Citations	NA	Addressed	Amendment Needed By Element
	<ul style="list-style-type: none"> Establish joint processes for collaborative planning and decision making with the school board on population projections and siting of public school facilities; 			Public School Facilities – This is addressed in both Intergov. & School Elements	
	<ul style="list-style-type: none"> Establish joint processes for the siting of facilities with county-wide significance; and 			Public School Facilities – This is addressed in the School Element	
	<ul style="list-style-type: none"> Adoption of an interlocal agreement for school concurrency. 				
35	Required the Capital Improvements Element to include implementation measures that provide a five-year financially feasible public school facilities program that demonstrates the adopted level of service standards will be achieved and maintained and a schedule of capital improvements for multimodal transportation districts, if locally established.	9J-5.016(4)(a)		X	
36	Required the Transportation Element analysis for multimodal transportation districts to demonstrate that community design elements will reduce vehicle miles of travel and support an integrated, multi-modal transportation system.	9J-5.019(3)			Needed in Transportation Element

Table 4.7 Changes to Chapter 163 and 9J-5, F.A.C.

Changes to Rule 9J-5, F.A.C. 1996 – 2003		9J-5, F.A.C. Citations	NA	Addressed	Amendment Needed By Element
37	Required Transportation Element objectives for multimodal transportation districts to address provision of a safe, comfortable and attractive pedestrian environment with convenient access to public transportation.	9J-5.019(4)			Needed in Transportation Element
38	Authorized local governments to establish level of service standards for general lanes of the Florida Intrastate Highway System within urbanized areas, with the concurrence of the Department of Transportation.	9J-5.019(4)(c)		TE 1.1-j	

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