

Alliance of Delray Residential Associations, Inc.

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- *Serving more than 100 Communities between the Everglades and the Ocean in south Palm Beach County.*
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- *Applying Resilience Thinking to Our Natural Resources*

October 19, 2023


Palm Beach County Board of County Commissioners
301 North Olive Avenue Suite 1201
West Palm Beach, Florida 33401


Re: Red Flag Items Comprehensive Plan & Zoning Meeting October 24, 2023 Indian Trails Grove Agricultural Reserve Exchange


Sent via USPS & email to: Mayor Gregg Weiss (District 2); Vice Mayor Maria Sachs (District 5); Commissioner Maria Marino (District 1); Commissioner Michael Barnett (District 3); Commissioner Marci Woodward (District 4); Commissioner Sara Baxter (District 6); Commissioner Mack Bernard (District 7)


Dear Commissioners:


The following are several red-flag items that need to be addressed before considering approval of the Indian Trails Grove Agricultural Reserve Exchange Adoption.


 There are more than 3700 families currently residing within the six planned unit developments the preserve areas of which are components of the proposed swap. Most of the more than 14,000 folks residing in those communities probably do not know that they are being directly impacted because there are no public notices posted on those developments which include 7 Bridges, Valencia Reserve, Canyon Isles, Canyon Lakes, Canyon Springs, and the Whitworth Planned Unit Development (PUD). These six PUD's are clearly listed on the zoning applications and since they are clearly affected, they should be properly posted.


 Following the November 5, 2023 Zoning Commission meeting the agenda was changed to describe the location of the preserve parcel as the "affected area" and the community as the "development area." The Comprehensive Plan clearly defines a development having the meaning given it in 380.04 Florida Statutes which includes "a change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land." Therefore, the preserve parcels are clearly "development" parcels. Further, the communities and their preserve parcels are the "affected areas" as clearly indicated in the Unified Land Development Code because their prior approvals are clearly being modified.


 Further, the "locations" of the affected and development areas are incomplete on the agenda. There are more parcels that are part of the original PUD's. Examples: Canyon Isles, Canyon Lakes, Canyon Springs, and Valencia Reserve all have portions of their developments located along the State Road 7/441 corridor. The Agricultural Reserve is unique in that the 60/40 planned unit developments contain crucial components that are not necessarily adjacent to the residential units but still represent an important, integral part of the PUD and any alteration of that PUD must be clearly noticed to the public with posted signage and clear location information on the agenda.


 Agenda item 3.B.4., the Canyon Isles application, describes the location of the impacted development as "east side of State Road 7/US 441" when in fact it is located on the east side of Lyons Road, also with no posted public notice. This agenda item needs to be corrected and reposted prior to any future meeting.

 VHB consultant's analysis clearly states that the proposed development will impact several of the county facilities including traffic, environmental, fire rescue, and community facilities. The VHB presentation appears as the final item on the agenda. Why is this study not being discussed prior to consideration of the application? According to VHB the proposed development is expected to prolong the response time to Station 54 which serves the area and staff concurs with the findings of the Fire Rescue memo. The consultant also indicates that a plan for capacity improvements as a result of the impacts should be in place before development.

 VHB consultant and the Florida Fish and Wildlife Conservation Commission both call for further assessment of the wetlands and protected species prior to development. The proposed development area is located adjacent to preserved wetlands and the Geographic Information System data information points to habitats of state and federally protected species in the area.

 VHB consultant's traffic analysis finds adverse levels of service on several segments of several roadways including Yamato Road, Clint Moore Road, Atlantic Avenue, and SR7 with the crucial portion, Atlantic Avenue to Winner's Circle, expected to fail.

 The value of the subject preserve lands comes into question. The Treasure Coast Regional Planning Council indicated that agricultural sales were estimated at \$120,000,000 in 2017 in the Agricultural Reserve Tier. Further, there is leasing value in the farmland of the Agricultural Reserve. An appraisal of the lands involved in this exchange is most important for good business practice and to maintain the good faith of the public.

 The public is still waiting for the answers to Paul Linton, Water Resources Manager's concerns in the Memo dated April 27, 2023 which includes the "fundamental question" as to who will operate and maintain the above ground reservoir, pump station, control structures, vegetation, and canals. Further, the result of the feasibility and cost estimate requested by the applicant for the pumps which need to be "highly reliable long life electrical pumps" appears to be an important factor in the discussion. There have also been no new details available on the County's need to have sufficient land interest for all Operation, Maintenance, Repair, Rehabilitation, or Replacement by Palm Beach County and any future entity. Has staff been able to evaluate potential revenue from agricultural leases on the 725 acres mentioned in the report? The County should obtain that information along with appraisals of the properties in order to demonstrate that best business practices have been followed.

Please postpone the agenda items concerning this application. Before discussing approval or denial of the Indian Trails Grove Agricultural Reserve Exchange application, the Alliance suggests that the agenda be corrected where indicated, the public notice signage be posted on all of the affected areas as indicated above, a monetary value/appraisal of the exchange properties be obtained and the issues arising from VHB consultant and County's Water Resources Department be addressed.

As always, thank you for your service to the residents of Palm Beach County.

THANK YOU.

Sincerely,

Lori Vinikoor

Dr. Lori Vinikoor, President

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