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*Re: January 14, 2022, Planning Commission Meeting; Public Comments*

Dear Director Behn and Planning Commissioners:

On behalf of our clients, 1000 Friends of Florida (“1000 Friends”) and Sierra Club Loxahatchee Group (“Sierra Club”), please kindly accept these comments to the Planning Commission and include them in the public record for the upcoming January 14, 2022, meeting regarding the following Agenda Items: IV. A. 1. *Indian Trails Grove* – Agricultural Reserve Exchange Privately Proposed Text and Map Series Initiation; IV. A. 2. *County Proposed Text Amendments* (Industrial Future Land Use in the Agricultural Reserve and AGR Multifamily).

1000 Friends is a statewide 501(c)(3) smart growth advocacy nonprofit organization with a substantial number of members that live and work in Palm Beach County. Similarly, Sierra Club is a national 501(c)(3) grassroots environmental organization with the Loxahatchee Group comprised of a substantial number of members that live and work in Palm Beach County.

The members of both non-profit environmental organizations advocate for preservation of agricultural resources that are a much-needed buffer for the environmental vitality of the communities without encroachment of increased high-density residential, commercial, mixed-uses, and industrial uses. All members of these organizations residing within Palm Beach County are afforded the protections of the Palm Beach County Comprehensive Plan and will be directly affected by any amendments passed altering the Agricultural Reserve Tier.

### ***Importance of Protecting the Ag Reserve Tier***

The purpose of the Agricultural Reserve is to preserve unique farmland and wetlands in order to **enhance** agricultural activity, environmental and water resources, and open space, by **limiting** uses to agriculture, conservation, low density residential development, and non-residential uses which serve the needs of farmworkers and residents of the Agricultural Reserve Tier.

The Ag Reserve Tier provides great benefits to Palm Beach County above and beyond the fruits of its agricultural labors, to wit: preserving agricultural lands, environmental and water resources, and open space, (1) buffers detrimental impacts from development on water quality, (2) improves flood control, (3) engages in highly beneficial carbon sequestration that reduces air pollution and mitigates climate change, (4) provides wildlife habitat for native flora and fauna, as well as threatened and endanger species, and a safe haven for transient and migratory wildlife.

The Agricultural Reserve Tier of Palm Beach County comprises 22,000 acres west of the suburban unincorporated communities of West Boca, West Delray, West Boynton, and east of the Arthur R. Marshall Loxahatchee National Wildlife Refuge (“Refuge”). The Refuge supports more than 100 jobs and nearly \$2 million in sales tax revenue for the County, but more importantly, spans 145,189 acres of the only remnant of northern Everglades and cypress swamp, thereby protecting the integrity of the entirety of the remaining Everglades ecosystem. The Refuge is currently adjacent to agricultural lands actively farmed, however if modifications are made to the Comprehensive Plan that encourages expansion of development, increased densities and intensities, there is grave concerns that it will lead to a catastrophic impact to this federally protected natural reserve.

It is undisputed that Palm Beach County will experience an increase in population and demand for development. However, smart and sustainable land development practices, such as those already enshrined in the Comprehensive Plan, will ensure that growth does not mean the upheaval of the Ag Reserve Tier.

In 2016, 1000 Friends, the University of Florida and the Florida Department of Agriculture produced a landmark pair of reports, *Florida 2070* and *Water 2070*, to examine the impact of increased population on land use and water demand in Florida over the next half century. Specifically, the data found that if Palm Beach County continued development at its current trend, more than 150,000 acres will be developed, and agricultural lands will be severely reduced to only 23% of the County by 2070. Whereas, if Palm Beach County increase its development density *moderately* by 20%, more than 100,000 acres of land can be preserved while accommodating the projected increase in population, thereby decreasing development-related water demands and protecting water resources.

Palm Beach County Planning Commissioners has the unique opportunity and responsibility of preserving the vast majority of remaining natural resources and open space in the tri-counties. This Commission has always had the foresight to protect the County's resources that not only provide ecological economic benefits today, but also protect the environmentally sensitive areas for generations to come.

It must be understood that while the small land use changes may seem minor to resolve immediate issues, these changes can result in a cumulative impact that will shape the future landscape of Florida. Remaining steadfast in growth management guided by these principles is of the utmost importance in protecting the original intent of Ag Reserve. The Commission must "Stick with the Plan" as currently delineated in the Comprehensive Plan for the Ag Reserve Tier and refrain from yielding to requests for increased densities and intensities.

### ***Endangering the Ag Reserve Tier***

1000 Friends and Sierra Club have long raised concerns to Palm Beach County regarding development in the Ag Reserve that summarily reduce, segregate, or altogether eliminate agriculture, conservation and preserve acreage, and very low-density residential development in favor of higher density developments that are in direct contradiction to the spirit of the Ag Reserve.

Specifically, both organizations were instrumental in challenging the wholly incompatible Scripps Biological Research Institute, a massive commercial development on the rural western Palm Beach County Mecca Farms, 15 years ago. The Institute is now situated east at an infill site near existing infrastructure and services, whereas the nearly 2,000-acre Mecca Farms is now owned by the South Florida Water Management District, as was proposed by 1000 Friends and Sierra Club, and protected in perpetuity to provide freshwater flows to the Loxahatchee River and Everglades.

1000 Friends' position has remained steadfast since its participation in 2015 with the Ag Reserve workshop, in that contiguity and minimum size are fundamental requirements absolutely necessary to protect agriculture with the understanding that elimination of these requisites *would encourage development of the reserve* and discourage, and quite possibly endanger, the continued existence of farming by *chipping away at the critical mass necessary for continued viable farming operations, open spaces, and environmental and water resources in the Ag Reserve Tier*.

### ***IV. A. 1. Indian Trails Grove Agricultural Reserve Exchange Privately Proposed Text and Map Series Initiation***

On October 26, 2021, during the Agricultural Reserve Workshop, Commissioner McKinlay requested Palm Beach County Planning Staff to meet with GL Homes to discuss their *withdrawn* 2018 proposal for a "land swap" of preserve parcels to be located in Indian Trails Grove (ITG) for increased development densities within the Ag Reserve Tier (AGR). The proposal was withdrawn before it was brought before the Commissioners, but did garner opposition from the environmental community, including 1000 Friends and Sierra Club.

On December 15, 2021, the Palm Beach County Commissioners heard staff presentations, hopeful-applicant presentation, and limited public comments on the land swap proposal. During the discussion, many concerns were again brought to light that must be considered by this Commission and should lead to the decision to deny initiation:

- ITG is far north from the Ag Reserve, resulting in preserve parcels being far removed from the Tier that has been specifically set aside by the County for preservation of agricultural lands, environmental and water resources, and open spaces.
- The land swap would also eliminate 582 committed preserves in the AGR, allow 60/40 PUDs west of SR 7, allow industrial uses west of SR 7, and overall result in more residential in the AGR than envisioned in the Master Plan.
- There was much talk about the “benefits” of uses of the ITG land for water resources on December 15, however it is important to emphasize that were the ITG property to be developed *without the land swap* there will be a conservation easement transferred to the County for agriculture or water resource uses, such as water flow or storage. This land can still be utilized for water resources without needing to compromise the AGR.
- ITG lacks infrastructure, yet was allowed to be given entitlement to development rights with the promise of road projects being constructed. It is highly unlikely that it will be developed in the near future as it is currently leased for active agriculture uses that are beneficial for the County and community as a whole.
- Commissioner Kerner pointed out that there was an underlying tone that the property was selected, and development rights were fought for through legislative action to be utilized for particular purpose of a deal to increase density in the AGR, which is drastically rising in high density projects to meet the cap allowed by the Master Plan. He stated in no unequivocal terms, “At some point the Commission needs to step in and say we are not going to be strong armed into these maneuvers.” He argued that the Commission should not be victimized by legislative action dictating local land use, and if this land swap were to move forward, it is encouraging this type of behavior for developers to go to the legislature rather than the County.

The open space within the Ag Reserve has nearly been extinguished with commercial structures, light industrial uses, and residential communities. Parcels that are still undeveloped, in agricultural production or have the potential for agricultural production, have caught the eye of developers, such as GL Homes<sup>1</sup>, and this Commission has been on the receiving end of countless development proposals.

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<sup>1</sup> GL Homes has purchased three farms within the last year that represent nearly 1,000 acres of farmland that will be lost forever and developed into high residential communities: Whitworth Farm west of Boynton Beach, Mecca Farm west of Delray Beach, and most recently the Johns Family farm west of Boca Raton. This encroachment west must have a logical end, and that end is not within the Everglades or Loxahatchee National Wildlife, but rather within an appropriate distance to maintain a healthy environmental buffer.

The proposal by GL Homes before this Commission is for the transfer of 2,315 residential development units from the Indian Trails Grove to the Agricultural Reserve to construct a development on the Hyder West parcel – currently comprised of Hyder Preserves – in exchange for the preservation of 1,600 acres in the ITG for agricultural production or water resources / management. Of these 1,600 acres, nearly 700 acres would replace 534.464 acres of preservation on the Hyder West property for existing and approved AGR-PUD, opening up more of the property for development and reducing the environmental buffer of the property which abuts conservation lands; and nearly 900 acres in the ITG would be preservation for two new PUDs on the Hyder West parcel.

While the preservation of agricultural land is compelling, there are a number of reasons why this proposal is concerning and in contravention of the intent of the Agricultural Reserve Tier as laid out in the Comprehensive Plan. It is for the below reasons that 1000 Friends and Sierra Club oppose the proposal.

Firstly, the Hyder West parcel is situated *west of State Road 7 / US Route 441*, and sits on the edge of the Ag Reserve Tier just *east of Sunshine Meadows Equestrian*, abutting publicly owned *conservation wetlands managed by the South Florida Water Management District to the west that buffer the Arthur R. Marshall Loxahatchee National Wildlife Refuge*, residential to the north and east, and a county club to the south.

The Loxahatchee National Wildlife Refuge is currently adjacent to agricultural lands and the Hyder West parcel is a prime piece of open space in an extremely sensitive area that, if developed beyond the density envisioned in the Comprehensive Plan, can result in detrimental impacts to the only remnant of northern Everglades and cypress swamp, which protects the integrity of the entirety of the remaining Everglades ecosystem.

Secondly, there is a stark lack of infrastructure to support a community that GL Homes is proposing, i.e. 60/40 PUDs west of SR 7. Building the infrastructure, at the expense of the residents of the Ag Reserve, would not only be an unanticipated burden, but create detrimental impacts on the surrounding agricultural and environmentally sensitive areas, and the wildlife that rely upon these areas, through increased density, traffic, noise, and light pollution.

County staff has identified an issue is that there is not that much land left to meet the 250 minimum acres required for a planned unit development. However, the Comprehensive Plan has the solution already that does not result in over clustering of density to the point of sacrificing preserving areas. Currently, an AGR-PUD has a minimum 250 acres requirement for a 60/40 PUD and **40 acres** for a 80/20 PUD. Parcels that are less than 40 acres could be a part of an assemblage of properties meeting the minimum acreage. Anything less does not fit within the confines of the Ag Reserve as it will result in incompatible densities and reductions of preserve requirements.

Thirdly, the transfer into the Ag Reserve of development rights and the transfer out of preserve parcels directly conflicts with the bond requirements for the Ag Reserve Tier. Palm Beach County, through its constituents, secured a \$100 million bond to save open spaces and prevent misuse of valuable land within the unique Agricultural Reserve Tier.

The explicit purpose of the Ag Reserve is to *preserve unique* farmland and wetlands *within in the Tier itself* in order to *enhance* agricultural activity, environmental and water resources, and open space, *by limiting uses* to agriculture, conservation, low density residential development, and non-residential uses which *serve the needs* of farmworkers and residents of the Ag Reserve Tier.

The voters of Palm Beach County placed their trust in the hands of this Commission to stay true to its promises to protect the integrity of the Ag Reserve, and the continued compromises hurts the community and environment on so many levels. The Ag Reserve provides so many critical benefits to the community, including agricultural production that drives the local economy, flood prevention, aquifer recharge that residents depend on for their drinking water, and water filtration of nutrient-rich pollutants that are filtered naturally before being released into our waterways.

Finally, the continued segmentation and conversion of agricultural lands into high density residential communities, industrial and commercial complexes, defies the purpose of the Ag Reserve by converting it into a suburban ambiance to the detriment of the rural character that the Comprehensive Plan is meant to protect. Simply stated, *the death of the Ag Reserve by a thousand cuts must cease*. To allow for the continued increase of density and intensity beyond the original intention of the Comprehensive Plan will nullify the very spirit of the Ag Reserve and will mutate the environmentally sensitive and rural lands into an urbanized area indistinguishable from the rest of Palm Beach County.

County staff has recognized that allowing this land swap would “alter some established, fundamental policy concepts to preserve agriculture in exchange for allowing limited development with the Agriculture Reserve Tier...reduce the acreage available for agricultural preservation .... [alter] the fundamental policy concepts include[ing] the preservation of agriculture, the prohibition of institutional uses and 60/40 AGR-PUD development areas west of State Road 7.” Staff Report: VI. Issues and Implications.

The Ag Reserve Tier has achieved the preservation of acreage that would otherwise have been overdeveloped and the environmental benefits forever lost. There is still a need to maintain the integrity of the Tier to ensure that all that has been preserved is not degraded by increased densities and intensities of uses inappropriate for this unique agricultural area endowed with environmental and water resources and open spaces to act as a rural “safe haven” and environmental buffer from the urban and suburban tiers.

Developers should not look to the Ag Reserve for exemptions from the fundamental preserve and density requirements unique to this Tier. “Balanced growth” does not mandate that the guiding policies and objectives of the Comprehensive Plan be displaced; rather, smarter, and more sustainable, development must be achieved in conformity with the regulations already set forth to protect the Ag Reserve Tier.

*1000 Friends and Sierra Club respectfully that the Planning Commission deny initiation of Phase I to further the proposal by GL Homes to allow for transfer of development rights into the Ag Reserve Tier in exchange for the transfer out of preserve acreage into the Indian Trails Grove.*

***IV. A. 2. County Proposed Text Amendments  
(Industrial Future Land Use in the Agricultural Reserve and AGR Multifamily)***

The October 26, 2021, Ag Reserve Workshop was requested by Commissioners to address the increased proposals for recent private text and future land use amendments for increased density and intensities, reduced or relinquished preserve requirements, as well as expansion of commercial and low industrial uses, many applications of which County Staff has recommended denial due to the departure from the fundamental principles of the Ag Reserve Tier.

The stated issues to be addressed in the Ag Reserve included: increased density for workforce housing and industrial land uses in the Ag Reserve.

As is delineated below, 1000 Friends and Sierra Club encourage the Commissioners to deny initiation of County Text Amendments and rather “Stick with the Plan,” as the resolutions to these issues are available within the current language of the Comprehensive Plan itself.

*Stick with the Plan*

A. Fully Implement Objective 1.5

In order to ensure that the Ag Reserve does not evolve into the Suburban or Urban Tiers, there must be a line drawn in the sand. Objective 1.5 of the Future Land Use Element of the Palm Beach County Comprehensive Plan created the Agricultural Reserve Tier to govern land use development in the “unique farmland and wetlands” under the guiding objectives of the Master Plan and states in pertinent part:

Palm Beach County shall 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. This shall be accomplished by limiting uses to agriculture and conservation with residential development restricted to low densities and non-residential development limited to uses serving the needs of farmworkers and residents of the Tier. The Agricultural Reserve Tier shall be preserved primarily for agricultural use, reflecting the unique farmlands and wetlands within it.

It must be noted that the Ag Reserve mandates the perseverance (i.e. “*the perpetual maintenance of areas in their original state*”) not only of agricultural lands, but also environmental and water resources, and open space. In fact, the Ag Reserve was created with an overall framework that recognized preservation of open space “was more efficient and could better accommodate a variety of public, agricultural, equestrian, and environmental uses when it consisted of large areas.” *Piecemeal exemptions reducing acreage requirements work in opposition to this concept.*

Furthermore, environmental and water resources would be best preserved were development “concentrated east of SR7 ... in order to protect the environmentally sensitive lands within and surrounding the Loxahatchee National Wildlife Refuge,” as well as ensure that growth is clustered appropriate where infrastructure and services already exists in order to “reduce [] costs and impacts on tax payers,” and finally, new development should occur as “planned developments with a preserve area.”

*Accordingly, the County is within the guiding principles of the Comprehensive Plan to prevent development west of State Road 7 near the Refuge, restrict higher densities of residential and commercial to certain areas more appropriate infrastructure, and maintaining strict compliance with preserve requirements.*

Applicants for text amendments have consistently cited to a reduction in farming operation as justification for opening up these lands for development. However, this is simply a red herring as smaller farming operations can still be viable through evolving farming techniques such as greenhouses, or growing more sustainable and compact crops, such as hemp. The decline of farms, or the desire to farm, does not necessitate the decrease of requirements to preserve such lands as open space or environmental and water resources.

Objective 1.5 should be implemented in full, and simply because a land may not be actively farmed does not mean that it is less deserving of preservation; as discussed herein, there are so many environmental benefits to serve the residents of the Ag Reserve and that have a net gain for the County.

#### B. Workforce Housing

There is a very specific reason why the development restrictions in the Ag Reserve Tier is distinct from that of the Urban/Suburban Tier, which allows for 12 units per acre and density bonuses such as Transfer of Development Rights and Workforce Housing programs: The purpose of the Ag Reserve is to **preserve unique** farmland and wetlands in order to **enhance** agricultural activity, environmental and water resources, and open space, **by limiting uses** to agriculture, conservation, low density residential development, and non-residential uses which **serve the needs** of farmworkers and residents of the Ag Reserve Tier.

During the October Workshop there was very limited discussion regarding the already approved 166 multi-family units approved but not yet built in the Ag Reserve that were intended to provide the opportunity for diversity in housing types and prices. A resolution to the housing crisis must not result in inconsistent density bonuses in the Ag Reserve that would make it more like the Urban / Suburban Tier. So long as the multi-family units can be built within the preserve area requirements, the County should focus on incentivizing those units being constructed, rather than holding the Ag Reserve hostage in a housing crisis in exchange for density bonuses by implementing a workforce housing requirement.

Palm Beach County does need more affordable housing, but a workforce housing program is simply inappropriate for the Ag Reserve as it does not fall in line with the bond referendum for purchasing preserve space as it created an inconsistent and unreliable pattern of density bonuses, and workforce housing is best suited where there is a much more comprehensive public transport system. The County would be better served focusing on public transportation for workers to come into the Ag Reserve rather than altering the Ag Reserve to accommodate incompatible residential densities.

#### C. Industrial Land Uses

There is no guidance in the Comprehensive Plan for additional industrial uses in the Ag Reserve for the very reason that it was never contemplated to be increased. The appropriate resolution is not to introduce an industrial light designation into the Ag Reserve, despite conditional overlay



zones, but rather to take the time and consideration of resolving a more overarching issue of the appropriate location for a landscape service operation.

During the October Workshop, staff reiterated many times that allowing for industrial uses would take the review process out of the hands of the Commissioners and directly into the permitting department to ensure that a checklist of requirements had been completed. This carte blanche permitting process will remove the consideration of environmental impacts and sensitive lands that may surround proposed industrial uses in the Ag Reserve where the Comprehensive Plan did not anticipate any additional industrial uses be incorporated.

1000 Friends and Sierra Club concur with the Treasure Coast Regional Planning Counsel that expressed valid concerns in relation to the Sunflower Industrial application that the allowance of light industrial into the Ag Reserve could reduce the potential for agricultural related uses and **“degrades the integrity of the process used to guide development activity in the Agricultural Reserve by creating yet another ‘special case’ revision to the general rules.”**

### *Conclusion*

To protect the Ag Reserve from becoming extinct, 1000 Friends and Sierra Club recommend the following guidance to help the County “Stick with the Plan:”

- 1) Prevent any development, commercial, and / or industrial uses west of State Road 7 / US 441 to maintain and protect the environmental buffer currently in place for the Loxahatchee National Wildlife Refuge. Additional density will result in increased traffic, light, and noise that will negatively impact this important environmental and water resource.
- 2) Focus on preserving more green space, including parks with equestrian trails, wetland restoration, additional tree canopy of natural plants such as cypress, etc. to assist with water quality and buffering, and return the Ag Reserve Tier to its unique farmland and wetlands composition rather than sprawling developments situated throughout. There should be restrictions on preserving agricultural activities that are environmentally damaging or degrades the land.
- 3) Preserve Areas should truly be environmental; public services such as schools, fire stations, hospitals, roadways, etc. should never be designed as “preserve areas.”
- 4) Encourage more Agrihood communities, such as Arden, that has a mixed agriculture and development community. This could be a beneficial zoning designation to allow continued farming and residential needs to co-exist.
- 5) Encourage infill and redevelopment in a manner that is sensitive to existing communities that already have the infrastructure.
- 6) When new areas are development, give priority to areas near existing communities and infrastructures.
- 7) Encourage County acquisition of lands to remain preserved, converted to open space, natural trails, tree buffers, etc., rather than rezoning for residential or commercial uses.

- 8) Incentivize the construction of multi-family units already approved in the Ag Reserve to allow for diverse affordable housing, as workforce housing programs would create an incompatible density bonus system.
- 9) Preclude additional industrial from the Ag Reserve, and focus on creating an appropriate location for landscape services.

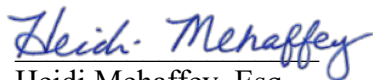
The Ag Reserve is falling victim to consequences not unlike the childhood story of “If You Give a Mouse a Cookie,” to wit: if you give developers an exception, they will always want more. The Ag Reserve is at risk of phasing out agricultural lands in favor of high density residential, increased commercial, minuscule or elimination of preserve parcels, and low industrial sectors, all of which have been used by developers as examples of the “good planning practices” that “have spurred additional changes in the Ag Reserve.”

This concerning statement attempts to justify a piecemeal departure from the founding objectives of the Ag Reserve to protect the agricultural community when “good planning” mandates a holistic approach to such drastic changes in the Tier that would, ultimately, alter the foundation of the Ag Reserve Tier wholly inconsistent with the Comprehensive Plan.

To allow for the continued increase of density and intensity beyond the original intention of the Comprehensive Plan will nullify the very spirit of the Ag Reserve and will mutate the environmentally sensitive and rural lands into an urbanized area indistinguishable from the rest of Palm Beach County.

Thank you for your time and consideration of these comments.

Respectfully,



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CC: 1000 Friends of Florida  
Sierra Club Loxahatchee Group