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Re: Minto West Plan Amendment – Palm Beach County

Dear Reviewing Agencies:

I am writing in opposition to the Palm Beach County Minto West Application for a Land Use Amendment under Agricultural Enclave, Fla. Stat. 163.3162 and 163.3164. I am requesting all reviewing agencies carefully review and consider this Application, as it is fraught with issues, problems, and negative impacts. Further, I request that all reviewing agencies find this Application noncompliant and incompatible and submit objections with a recommendation to the BCC to deny approval of the Applicant's Application.

Recognizing the grave issues and impacts, other local municipalities, governmental entities and communities have issued Resolutions in Opposition: CityWatch, Riverwalk, Iron Horse, Fox Trail, Indian Trail Improvement District (twice), Village of Royal Palm Beach, Acreage Landowner's Association, Town of Loxahatchee Groves, and ALERTS of PBC, Inc. City of West Palm Beach is also considering passing a resolution in opposition to be voted on at their next regular city commission meeting on September 15, 2014. As well, 1000 Friends of Florida and The Sierra Club have spoken in opposition at Board of County Commission (BCC) meetings, as have hundreds of attending residents. Additionally, ALERTS of PBC, Inc., has garnered nearly 5000 non-duplicative petitions in opposition which will be presented at the October 29, 2014, BCC meeting.

Anything beyond what Minto is legally entitled to build should *not* be approved. Taking into consideration the State of Florida BEBR population projections, it is clear the requested expansion of Minto West is neither needed nor justified. The currently approved Minto development (2996 residential units and 235000 square feet of commercial) more than adequately meets anticipated market demand, and approving anything beyond that will be deleterious to the Acreage and surrounding communities. As well, The PBC Planning Staff has confirmed there are sufficient un-built, approved residential units *and* non-residential square footage to meet anticipated population growth beyond the year 2035.

The impacts of the proposed Minto project (4546 residential units, 2.1 million square feet of commercial/industrial [equivalent to the Saw Grass Mall which is the 7th largest mall in the United States] consisting of retail, professional offices, research and development/light industrial, 200,000 square feet of civic, a 150 room hotel and 3000 student college) are many and include but not limited to:

I. Traffic, Roads and Health, Safety, and Welfare of Residents

II. Drainage and Water Quality and Quantity

III. Environmental Concerns

IV. Educational Concerns

V. Population Increase

VI. Economic Outlook

VII. Taxpayer Costs

VIII. Quality of Life

IX. Domino Effect

X. Incompatibility and Inconsistency with Current Laws and Surrounding Areas

It is my hope, and in my prayers, that after careful review of the BCC transmittal package and resident feedback, all reviewing agencies will be in unanimous agreement that this project poses significant hardships and negative impacts on Palm Beach County residents, especially those in the Acreage and surrounding communities, is *noncompliant* with Florida Statutes, and is *inconsistent* with the State Comprehensive Land Use Plan, the Palm Beach County Comprehensive Land Use Plan, and the Treasure Coast Strategic Regional Policy Plan with all agencies issuing reports with strong objections and recommendations of denial to the BCC.

Though the proposed Minto West project may be a lovely development, it is ill-conceived and ill-placed in an Exurban area, which is in the Rural Tier and in a Rural Service Area. It is, for all intents and purposes, an URBAN development being built in the middle and in the heart of the Acreage and as such meets the legal definition of “leapfrog” development in that it requires the extension of public facilities and services and roads on existing peripheral areas. Such extensions are not provided for in the existing plans of local, County and State governing bodies. It is not new urbanism; it is not smart growth; it is urban sprawl in a rural area. The presumption that the project is not urban sprawl as set forth under Fla. Stat. 163.3162(4) is clearly rebutted, as there is nothing “agricultural” about this “agricultural enclave.”

I. Traffic, Roads and Health, Safety, and Welfare of Residents

Within the Indian Trail Improvement District (ITID) service area, the area most directly impacted by the proposed Minto West expansion, are hundreds of miles of roads that are privately owned by residents (to the center of the road) and maintained via property taxes to ITID. Both the County and developer continue to contend that our privately owned roads are free for their access and use. This smacks of eminent domain, not for the sake of public safety, health and welfare, but solely for a profit-driven private developer, which is in direct violation of our Florida Constitution.

None of the roads were ever designed and constructed to DOT standards (some were constructed with millings) to handle the volume of traffic that will be generated by Minto West (over 70,000 vehicular trips per day per PBC Zoning staff). Many roads within the Acreage are unpaved (dirt). Most of the streets are two lanes running through quiet residential areas. These are roads that are either already at over-capacity or roads that have minimal traffic. Faced with traffic congestion and accidents on major roads, it is reasonable to expect drivers to cut-through the Acreage via two lane residential streets, especially during peak morning and evening rush hours, posing significant safety risks to residents and their children.

Most of the road intersections in the Acreage are comprised of two- or four-way stop intersections. Currently, there are there are 16 designated Constrained Roadway at Lower Level of Service (CRALLS) that stand to be impacted by Minto traffic, posing further substantial increased risks to the health, safety and welfare of residents and visitors utilizing those roadways.

Southern Boulevard (an SIS road), Okeechobee Boulevard, Northlake Boulevard and the proposed extension of SR 7, all of which are State roads, will also be impacted by Minto West. George Webb (Palm Beach County Engineer) has reported that these roads have been expanded to their full potential east of State Road 7. Therefore, they cannot be further expanded. Adding additional vehicular traffic will pose increased hazards, endangering the health, safety and welfare of residents and visitors utilizing those roadways.

Of considerable concern is the stacking of commercial components along Seminole Pratt Whitney Road with multi-family housing behind it. Seminole Ridge High School is right beside these components. There already exists a high volume of traffic and congestion especially during mornings and afternoons that will further increase the already existing dangerous traffic situation. Expanding this section by adding two additional lanes will be of no help in addressing safety issues.

II. Drainage and Water Quality and Quantity

Minto developers frequently site Tropical Storm Isaac as justification for a need for and promises of flood and drainage control. TS Isaac was a weather anomaly coupled with human error that resulted in flooding that was more extensive than it should have been had timely and appropriate action been taken. Per FEMA's recently released proposed flood zone data, many areas of Minto West are designated high-risk flood zones.

Rather than facilitating drainage, the Minto West project will likely worsen flooding due to the construction of impervious roads, structures and parking areas resulting in less surface area where water can percolate. Therefore, any of their lakes, kept high for aesthetic purposes, and canals will fill up faster increasing their need for drainage capacity for their floodwaters. As well, if the Acreage floods again, it is likely Minto West will be flooded and will be unable to relieve Acreage floodwaters. Flooding will be worsened even more as both residential and commercial units will need to be built at higher elevations. It is important to note that Minto, in the M2 basin, is promising drainage to ITID for the M1 Basin. During TS Isaac, the M2 basin flooded for an extended period of time. The promise of provision of additional drainage capacity to areas outside of Minto West simply cannot be kept. As far as directing floodwaters into the C-51 Basin, Minto has not contacted SFWMD, U.S. Army Corp. or the FL DEP for such proposals of drainage, to date.

The developer has promised provision of surface water to the City of West Palm Beach, and the Loxahatchee Slough. It should be noted that the "M" Canal providing water to the City of West Palm Beach is a Class I body of water. No environmental studies have been conducted to determine if drainage waters would meet water quality standards for

environmental or potable water purposes.

The developer has proposed building a lake system that supposedly will filter water resulting in good quality water. Construction of such a system of lakes will involve disturbing soil that for at least four decades has been subjected to herbicides, fungicides, pesticides and fertilizers. This lake system is not a Stormwater Treatment Area (STA) and studies have been not conducted to ascertain whether such water will meet Class I water standards required for environmental and potable water purposes.

Results of testing on Minto's surficial water have revealed high levels of phosphorus. Introduction of high concentrations of phosphorus to highly environmentally sensitive areas, such as Grassy Waters Preserves should be of great concern to the City of West Palm Beach, County and State.

In addition to promises of surface water to the City of West Palm Beach, Minto has also promised water to the Town of Loxahatchee, as well as promises to provide water supply to the Loxahatchee Slough; however, to date, the developer has failed to provide any evidence to support these promises.

With respect to water quantity, the EPA states the average family of four uses 400 gallons of water per day (or 100 gallons per person), with 70% of that water being used indoors. The applicant is proposing 4546 homes. Using an anticipated population increase of 18,184, that equates to a daily consumption of *over* 1,800,000 gallons of water each day; per month (30 days) that equals approximately **54,000,000** gallons of water consumed. The applicant is permitted to only withdraw only **7 million gallons** of water **per month**. Currently, SID is using ½ of their permitted withdrawal amount and permit increases in water withdrawal to meet water demands will probably not be approved. Seminole Improvement District (SID) will have to buy bulk water from the County and that water will come from Wellfield 8, which provides water to Riverwalk. As a result PBC Water Utilities is causing major water issues for this community, especially during the dry season.

Now, add to this other developments that are sure to be approved for our area resulting in an increased demand on water. Water is not an infinite resource. Due to over-development, both the City of West Palm Beach and Broward County face water shortages, especially during dry season. The Acreage and Western Communities enjoy an abundance of clean potable water but developments such as Minto West, and over-development in general, will surely compromise both quality and quantity of water; we are then left facing a future that for City of West Palm Beach and Broward County has already arrived.

III. Environmental Concerns:

A. Soil, Water and Air

Minto West is situated on a former orange grove operation, formerly known as Callery Judge Groves that operated for over four (4) decades. Over the course of

this operation numerous violations and fines were issued. The soil has been subjected to pesticides (some of which have since been banned), fungicides, herbicides, and fertilizers year after year. Construction of residential and commercial units and a system of lakes requires the soil to be disturbed.

To date, no environmental studies with respect to soil, water and air quality have been conducted to determine whether and what dangers and risks there are to the health, safety and wellbeing of Minto and existing residents of the Acreage and other local communities and animals. While Minto residents will be supplied with “city” water, the majority of Acreage residents rely on well water as the source of their potable water. Disturbingly, the developer has also proposed deep well injection of sewage water into to the Florida aquifer upon which our residents rely to fill their wells, which could very well compromise and contaminate our wells and water.

B. Photo-pollution (aka Luminous, Light Pollution) Concerns

Common to rural and exurban tiers are dark, star filled skies. Common to developments such as Minto West is artificial lighting resulting in photo-pollution, also known as luminous pollution, and commonly referred to as light pollution. The impact of photo pollution in developed areas in South Florida is apparent when people see white bright clouds at night, when in fact clouds should appear black against a black sky. Such light pollution obscures stars and interferes with those who enjoy star gazing (astronomers).

At night, our vision relies on rod cells. Repeated exposure to artificial night lighting, especially lighting emitting high levels of bluish light, impedes production of Rhodopsin resulting in diminished night vision. Light pollution also interferes with the production of Melatonin, critical to the sleep-wake cycle of humans and animals.

Protecting night skies is critical to bio-diversity as the biological activity of fauna is highest at night than during the day and artificial night light interferes with the timing of normal biological processes and activities. Artificial night illumination puts nocturnal animals at risk by reducing the time they have to forage for food, find shelter, mate, and exposes them to predators. Plants are affected as well. In short, no life form has evolved that flourishes in continuous lighting. To date, no studies have been conducted with respect to the photo pollution that will be generated by the Minto West project to humans, wildlife, livestock, or plant life.

C. Urban Heat Islands (UHI)

Within the Acreage and surrounding communities are bona fide agricultural operations, which include livestock, nurseries, farming, equestrian and rescue operations. Each of these operate in a “micro climate.” It is well established that urban areas are significantly warmer than surrounding rural areas, especially at night, due to man-made land modifications. Such increases in temperature impact animals, plant life, and humans. UHIs affect local weather patterns by altering

local wind patterns, cloud formations, humidity, rainfall and storm activity. Coupled with air pollution, smog results. Those closest to the proposed development may be more adversely impacted. To date, the applicant has neither addressed this nor have studies been done to assess the impact of UHI.

D. Noise Pollution:

Noise from the projected 70,000+ new external vehicular trips generated each day by Minto's traffic will impact the rural milieu that residents in the rural and exurban communities enjoy. Noise is anticipated to increase anywhere from 15 decibels to 66 decibels or more. The County is not required to mitigate leaving residents to mitigate out of their own pockets. The Federal government will not intercede on local, County or State roads, only on roads subsidized by the Federal government. One of the worst areas for noise pollution is Northlake Boulevard between Seminole Pratt Whitney Road and Coconut and these residents will be particularly impacted.

Studies have shown that noise results in physical and psychological stress and can stimulate aggression and trigger anti-social behaviors. Uninterrupted sleep is essential to good physiologic and mental and social functioning. One of the major causes of disturbed sleep is environmental noise, such as that generated by traffic, which typically results in difficulty concentrating, fatigue, irritability, decreased work productivity, impaired social interactions and reduced driving skills in terms of attention and delayed reactions to changing road conditions. Studies have demonstrated that driving while sleep deprived is equivalent to driving under the influence of alcohol. To date, the Applicant has not addressed noise pollution, and no studies have been done to assess impact on human *and* animal life or the mitigation costs.

IV. Educational Concerns

Although the applicant has "set aside" land for an elementary school, the Applicant has not set aside funds for school expansion or construction of schools resulting from student increases. All schools will be negatively impacted by the increased student population; however, those serving Minto West (Golden Grove Elementary, Western Pines Middle, and Seminole Ridge High) will be especially impacted and are projected to exceed 100% FISH utilization by 2017. Palm Beach County School District has no funds available to address this impact and upon request was denied financial assistance by the developer, who publicly accused the school district of reaching into "deep pockets."

As a result of increases in student population, existing students may be subjected to forced bussing to other schools and/or educated in mobile units, which is potentially dangerous in high wind situations. This will erode the educational experience and quality of student education and achievement, as students may have to rise earlier to attend school and arrive home later, extending their school day and decreasing family time. It will also strain receiving schools and resources. Any net fiscal deficits to accommodate the increase in student population generated by Minto West will be shouldered by

property owners in the form of increased property taxes.

V. Population Increase

The current population of the area known as the Acreage is roughly 39,000. Most property owners moved to this area to escape highly dense, congested areas. The Applicant's proposed plan represents a 52% increase from the currently approved residential density of 2996 units on the property. According to US Census data, on average, two people reside in a home. Typically, couples have, on average two children. At 4546 residential units with four occupants per home, that is roughly an added population of approximately 18,000, making the total population around 57,000.

Population increase cannot be considered in isolation of other developers such as GL Homes and IOTA Carol, who are waiting in the wings to build equally large developments. Though technically in Palm Beach Gardens, Avenir will add to our population as its development is along the Northlake Boulevard corridor. If development continues to be approved, in a few short years, this tranquil rural area will be a mirror image of Broward and Miami-Dade counties in terms of the sheer volume of people, traffic congestion, pollution, crime and other negative impacts.

VI. Economic Outlook

The applicant continues to assert that Minto West will bring approximately 3000 jobs to the Acreage and surrounding areas, with the average annual salary being in excess of \$100,000.00. The fact that the number of working age new residents will surpass the number of jobs created resulting in a net loss of job opportunities seems overlooked by the developer and remains unaddressed.

Many of the jobs will be short-term construction jobs. Most likely most other jobs will be dead-end, minimum wage jobs more suitable for teenagers, who will be in competition with Minto teens and teens outside the Acreage.

The notion that jobs will result in traffic capture is absurd. Does the Applicant really think that to save a few miles in travel, my husband, who is a Principal Network Engineer at FPL, will quit his job to be a busboy, cashier, or clerk and that his salary will be in excess of \$100,000.00? As well, when the Applicant has been asked to identify businesses that have committed to operating in Minto West, the Applicant has been unable to answer. Finally, one only has to remember the history of promises of jobs made by other developers in Palm Beach County to know that these promises are rarely, if ever, realized. Let history not repeat itself.

VII. Taxpayer Costs

Developments such as Minto West do not pay for themselves. Instead, they result in huge net fiscal deficits that are shouldered by all property owners in Palm Beach County in the form of hiked property taxes. The estimated tax dollars necessary for improvements just for the County and State roads exceed \$177,000,000, money the County does not have.

Residents in the ITID service area will be additionally taxed to pay for Minto's traffic on our privately owned and maintained roads. Furthermore, residents will be faced with further taxation to pay for Minto's impact on public services such as schools, fire, rescue, library, police, etc.

Palm Beach County BCC is currently forming the budget for 2014-2015. I invite you to read the article below. You will notice roads are not addressed.

http://www.mypalmbeachpost.com/news/news/local-govt-politics/palm-beach-county-budget-tax-rate-gets-first-publi/nhG3K/?icmp=pbp_internallink_textlink_apr2013_pbpstubtomypbp_launch#c2b6619e.2542355.735484

As well please consider the price of sprawl by visiting:

<http://www.priceofsprawl.com/blog/2014/08/21/minto-west-sprawling-into-the-everglades-spirals-taxpayer-deficits-3/>

The County and State *must* place more consideration and importance on taxpayer impact, not developer profits.

VIII. Quality of Life

Throughout my letter are references to quality of life issues. They include potential environmental issues, pollution, water quantity and quality, drainage, educational impacts, population increase, traffic, etc. All of these pose life stressors on residents and stand to negatively impact resident health, safety, and wellbeing and rob them of hard earned dollars that will be needed to pay for the net fiscal deficits stemming from the Applicant's proposed project.

IX. Domino Effect

As mentioned earlier, Minto is not the only developer interested in developing large tracts of land, furthering urban sprawl and forever changing the rural ambience and life style of residents. GL Homes and IOTA Carol are waiting in the wings to see if the Minto West project is approved by the BCC on 10/29. If it is, the dominoes will cascade adding to area and resident impact.

X. Incompatibility and Inconsistency with Current Laws and Surrounding Areas

Please Note: Knowing that the project has been transmitted to the DEO and other reviewing agencies, that time is of the essence in submitting letters to reviewing agencies, and given the complexity of existing laws, I have taken the liberty, with Patricia Curry's consent to use, verbatim, her analysis of incompatibility and inconsistency with currently existing laws that the Applicant is seeking to amend. I would like to point out that the extensive revisions being sought by the developer is the first indication that Minto, in effect, is terraforming and transforming the area into something it was never intended to

be, cannot support, and is neither desired nor needed by the majority of residents: an URBAN area.

“Fla. Stat. 163.3162 and 163.3164 – Agricultural Enclave:

The amendment application seeks to amend an existing approved Agricultural Enclave under Fla. Stat. 163.3162 and 163.3164, adopted by Palm Beach County in 2008. The previous adoption gave the property an entitlement of 2,996 residential units, and 235,000 square feet of non-residential use. This resulted in a density of 0.8 units/acre. This property remains in the Rural Tier; surrounded by property in the Rural Tier and the Exurban Tier as established by the Tier System under the Palm Beach County Comprehensive Land Use Plan.

This plan amendment seeks to increase the entitlements to 4,546 residential units, 2.1 million square feet of non-residential in the form of retail, professional office, research and development/light industrial, plus 200,000 square feet of civic, PLUS a 150 room hotel, PLUS a 3,000 student university – all in a remote location that is not suitable for this level of development.

Surrounding:

The previous approval already provided this property with more density and intensity than what “surrounds” and “abuts” the perimeter of the property. To the west of the parcel is land in the Rural Tier having a land use of RR 10 and/or RR20. To the south of the parcel is land in the Rural Tier having a land use of RR 5. To the north and east of the parcel is land in the Exurban Tier having a land use of RR 2.5. Calculations provided by Dr. William Louda reflect that at most the density allocated to the parcel should not have exceeded 2,300 units.

A cut-out from this parcel is a small shopping plaza, the square footage of which is unknown; however, I do not believe it exceeds 150,000 square feet. It should be noted that this is a failed shopping plaza with no anchor tenant, and has been in this state for approximately 5 years. Except for a packing plant located on the subject parcel, together with three schools, there are no other non-residential properties surrounding the perimeter of the property.

The definition of “surrounding” in Fla. Stat. 163.3164 (4)(c) should be based on the surrounding perimeter as clearly intended by Florida Statute 163.3164(4)(c) “...surrounded on at least 75 percent of its perimeter...” The applicant seeks to define “surrounding” as 5 miles out in order to achieve higher density and intensity that can be found in the municipalities of Royal Palm Beach and Wellington, and this is incorrect. These urbanized municipalities do not surround the perimeter of the parcel. Based on the density and intensity being proposed, which is heavily weighted because it encompasses far greater area in the outer perimeter between 4-5 miles than the actual perimeter of 1-2 miles this gives undue weight to the density of the outer limits/edges of a 5 mile radius (in a circular fashion), rather than the surrounding perimeter, this application does not comply with the requirements of Fla. Stat. 163.3164(4). Further, if one wished to include

the outer limits of a 5 mile radius, the application ignores the tens of thousands of acres of conservation land comprised of Grassy Waters, the JW Corbett Wildlife Refuge, the Royal Palm Beach Natural Area, and the Pond Cypress Natural Area, all of which have zero (0) density and intensity, yet for intensity purposes, the applicant utilized things such as clubhouses and schools for their analysis. This is a leap frog development which creates an urban enclave that exceeds the density and intensity of the surrounding area and is not served by public services.

Continuing Amendments to an existing Agricultural Enclave:

This new pending application seeks to amend an existing Agricultural Enclave. There are no other approved developments in the entire State of Florida under the Ag Enclave statutes, which is setting the precedent for any and all future applications made under these Statutes.

The County Staff has taken the position that the owner of property designated as an agricultural enclave can seek amendments to the agricultural enclave as many times as they wish at the whim of an applicant. This defies the intent of comprehensively planning for the future intended by growth “management” and proper planning – this is a remote area that should not be planned to accommodate additional density and intensity in this location. Such uses should be located more central to the urbanized areas of Palm Beach County that are served by roadways and public services.

Between 2008 and 2014 there have been no changes in circumstance in the area’s surrounding density and intensity. It should be noted that the master plan submitted for this project leaves a large portion of the property for “future build” and “subject of a future application under Agricultural Enclave”, should the County’s position on continuous amendments and expansion of urban enclaves that exceed the density and intensity of the surrounding area become the standard for the State rather than the limits imposed by the legislature. A review of Florida Statutes for Agricultural Enclave do not reflect that this increase in the density and intensity of an existing Ag Enclave should be permitted or encouraged. This project is inconsistent with Florida Statute. This is a leap frog development which creates an urban enclave that exceeds the density and intensity of the surrounding area and is not served by public services.

Single Owner:

Further, as set forth under Fla. Stat. 163.3164(4)(a), the property should be owned by a single person or entity. Fla. Stat. 163.3164(4)(a) “is owned by a single person or entity”. The property comprising of the parcel under the amended application filed by Minto in late July has two property owners, i.e. Minto PBLH, LLC, and the Seminole Improvement District. Therefore this project does not comply with, and is inconsistent with, the aforementioned provisions of Fla. Stat. 163.3164(4)(a).

Urban Sprawl:

This is a leap frog development which creates an urban enclave that exceeds the density and intensity of the surrounding area and is not served by public services. Due to the fact

that the density and intensity far surpasses the surrounding perimeter of the parcel, the presumption that the project is not urban sprawl as set forth under Fla. Stat. 163.3162(4) is clearly rebutted. This property remains in the rural tier. The exurban tier and the rural tier in question here are considered equestrian communities, are located in agricultural/residential areas where there are numerous bona fide and hobby agricultural operations, and are incompatible with such urban type development as is contained in this project. There is nothing “agricultural” about this “agricultural enclave”. This is a leap frog development which creates an urban enclave that exceeds the density and intensity of the surrounding area and is not served by public services.

Public Services:

Under Fla. Stat. 163.3164(4)(d), the property which is the subject of an application should: “(d) Has public services, including water, wastewater, transportation, schools, and recreation facilities, available or such public services are scheduled in the capital improvement element to be provided by the local government...”

The property does not have “transportation” or “schools” which are scheduled in the capital improvement element. There is no bus service in the area, nor is any planned. The three schools available are all either currently or anticipated to be over-capacity, and the Palm Beach County School Board has no scheduled capital improvement for the expansion of the existing schools or new schools. The Applicants, while agreeing to provide land for a new elementary school (which was required under the 2008 approval) have not agreed to provide any funding for expansion of the existing elementary school, existing middle school, and existing high school; or for the construction of new schools.

There are no county parks/recreation in the area to service this project, and there are no scheduled capital improvements to provide the same; whether by Palm Beach County or by the Seminole Improvement District.

The water/wastewater that will supply the project is insufficient to service the proposed residential/non-residential uses anticipated by this project. The applicants indicated that the Seminole Improvement District will be the provider of these services; however, the permit that S.I.D has for providing public water supply with the South Florida Water Management District under Permit No: 50-03711-W - reflects that the total annual allocation of ground water from the surficial aquifer system shall not exceed 82.6957 MG. This is insufficient for providing public water for a project of the magnitude proposed here.

Based on the foregoing, this application does not comply with the requirements of Fla. Stat. 163.3164(4)(d). This is a leap frog development which creates an urban enclave that exceeds the density and intensity of the surrounding area and is not served by public services.

Exemption from Policy 3.5-d:

As a result of the 2008 prior Agricultural Enclave, Palm Beach County inserted language into the Palm Beach County Comprehensive Land Use Plan under Policy 3.5-d: “This

policy shall not be applicable to an Agricultural Enclave pursuant to Florida Statutes section 163.3162(5).” However, no such exemption was required under Fla. Stat. 163.3162(5) and in fact, the 2013 Florida Statutes does not contain a section (5) under Fla. Stat. 163.3162.

The Staff Report prepared for the 2008 Adoption Hearing – Page 8 contains the following statement:

“County staff agrees with the intensity and density proposed in the [prior] Callery-Judge Grove Ag Enclave land use amendment. Future Land Use Element Policy 3.5-d provides the County “shall not approve a change to the Future Land Use Atlas which results in density or intensity that significantly impact any roadway segment projected to fail to operate at adopted level of service standard “D” based upon the Metropolitan Planning Organization’s 2025 Long Range Transportation Plan... or results in a project that fails Test 2 regulations adopted to implement TE Policy 1.1b.” It is the opinion of the County Attorney’s Office that failure of the Ag Enclave Amendment to meet the Future Land Use Policy 3.5-d should not prevent the Board from approving the amendment... Therefore, the County Attorney’s Office recommends **that if the Board of County Commissioners wishes to approve the Ag Enclave Amendment**, [emphasis added] that the Board include an exemption from Future Land Use Element Policy 3.5-d in the Comprehensive Plan amendments adopted to effectuate the Ag Enclave Amendment.”

As indicated, there is no requirement under Fla. Stat. 163.3162 that Palm Beach County exempt an Agricultural Enclave from Policy 3.5-d, and the insertion of such language in the Palm Beach County Comprehensive Land Use Plan is contrary to State law.

The prior approval reflects that this exemption was a “choice” that the Board of County Commissioners should make “if” they wished to approve the Ag Enclave amendment. This new amended application also fails to meet the requirements of Policy 3.5-d, as did the prior application. Palm Beach County is not required to approve the amendment under Fla. Stat. 163.3162, nor is the state required to find any amendment to an existing Ag Enclave in compliance. Fla. Stat. 163.3162 only requires transmittal, but not adoption or compliance determinations.

Increased Intensity:

In addition, under the previously mentioned Staff Report for the 2008 Adoption Hearing contains this further information on Page 7, Paragraph 4:

“County staff recommended significantly higher non-residential development for the Callery site during the CWC Sector Plan Remedial Amendment process and recommended higher intensities during the negotiation process for the Ag Enclave Amendment. **However, the applicant declined to increase square footage since an increase would be above the per capita ratio within the 5 mile study area, and may not be permissible under the Ag Enclave legislation.**” [Emphasis

added]

Under this new application, the County Staff, utilizing the same (voided) Sector Plan (found not to be in compliance), suggests that 2.1 million square feet, plus 200,000 square feet of civic, plus a hotel and a university fits within the definition of “surrounding”, while clearly, the prior property owner of [prior] Callery Judge Grove felt that the same suggestion would not be permissible under the Ag Enclave legislation. If it wasn’t permissible in 2008, it isn’t permissible in 2014. It should not be approved and should be found not in compliance. This is a leap frog development which creates an urban enclave that exceeds the density and intensity of the surrounding area and is not served by public services.

This new amended application fails to meet the intention of the Agricultural Enclave statutes. It fails by placing extreme intense types of uses on the property which cannot be found anywhere in the surrounding areas. Therefore, the application is inconsistent with Florida law.

Palm Beach County Comprehensive Land Use Plan

This project is inconsistent with the Goals, Objectives and Policies of the Palm Beach County Comprehensive Land Use Plan, and should not be sanctioned by the State of Florida or any of its agencies.

Section 1 A.

Under Section I A of the Future Land Use Element – Introduction, of the 7 broad principles sustainable land use planning, the following principles can be found:

- (1) Conserve and protect natural and man-made resources, and restore and maintain key ecosystems to provide adequate supplies of clean and safe water for natural, human and economic systems;
- (2) Prevent urban sprawl through establishing urban development areas and encouraging urban revitalization and redevelopment;
- (3) Provide for sufficient open space to protect wildlife, and provide natural and recreational areas for public use;
- (4) Create quality livable communities by balancing, distributing and integrating the relationship among land uses to meet the needs of the diverse communities and their associated lifestyle choices, and improve the quality of life through better housing, recreational, and cultural opportunities for all;
- (5) Manage the development of land and service delivery, so that its use is appropriate, orderly, timely and cost effective;

This project violates each of these broad principles. The areas consisting of the Acreage, Loxahatchee and Loxahatchee Groves are all outside of the urban service boundary, being in the rural service boundary pursuant to our Comprehensive Land Use Plan. Our communities are in the exurban and rural tiers. As is contemplated by the Palm Beach County Comprehensive Land Use Plan, these exurban and rural areas consist of low density, low intensity development, with agricultural uses that are utilized by the existing

residents of the communities. This is a leap frog development which creates an urban enclave that exceeds the density and intensity of the surrounding area and is not served by public services.

Many properties in the area are bona fide agricultural operations which include raising livestock of all forms, nurseries, farming operations, equestrian activities, and rescue operations. Roads in the area are generally unpaved. We have a unique country lifestyle that we wish to preserve and maintain. Water is provided by individual potable wells, and sewer by individual septic systems. Most areas of the community have easy access to the amenities that can be found in suburban and urban areas, which can be reached in less than 10 to 20 minutes. This project is incompatible and inconsistent with the area.

This project is especially incompatible and inconsistent with the great equestrian lifestyle enjoyed by many in our rural communities. Equestrians will have a difficult time crossing 6 to 8 lane roads anticipated to be needed to accommodate this project, competing with an additional 70,000 external daily trips.

Section 1 B.

Under Paragraph B of Section 1 can be found:

The protection of the quality of life for present and future citizens is undermined by piecemeal development. This requires a framework as the basis for providing land use decisions that create and maintain sustainable communities and ensure resources are maximized and used cost effectively. The Future Land Use Element addresses actions to correct unforeseen problems and opportunities of development, ensures consistency with State and regional plans and implements the direction provided by the Board of County Commissioners to:

1. Maintain lifestyle choices;
2. Create new land use designations to more closely reflect development patterns in the rural residential areas;
3. Strengthen and facilitate revitalization and redevelopment and infill development programs;
4. Protect agricultural land and equestrian based industries;

This project fails to protect the “quality of life” of present and future citizens, and is a piecemeal development. This project fails to maintain lifestyle choices by placing urban development in the rural tier which abuts the exurban tier. This project is not infill or redevelopment, and there are many areas of the county in the urban/suburban tier that are in need of infill development and/or redevelopment. This project does not protect or preserve

agricultural land and equestrian based industries. This is a leap frog development which creates an urban enclave that exceeds the density and intensity of the surrounding area and is not served by public services.

Section 1 C.

This project is inconsistent with Section I - Paragraph C, #1, 2, 3, 4, 5, 10, 12, 14 and 15 of the Palm Beach County Comprehensive Land Use Plan. The County should not entertain or adopt a project that is inconsistent with the Palm Beach County Comprehensive Land Use Plan. This is a leap frog development which creates an urban enclave that exceeds the density and intensity of the surrounding area and is not served by public services.

Section II

This project is inconsistent with Section II – Objective 1.1 and policies thereunder, and specifically Policy 1.1-b, 1.1-c, 1.1-d. This project is inconsistent with Objective 1.3, and all Policies thereunder, and Objective 1.4 and all Policies thereunder. The County should not adopt a land use amendment that is inconsistent with the Palm Beach County Comprehensive Land Use Plan.

This project will place urban development with huge residential and non-residential components in the rural tier, and detrimentally affect the quality of life enjoyed by our residents in the exurban and rural tiers, creating incompatibility and inconsistency of lifestyles. This is a leap frog development which creates an urban enclave that exceeds the density and intensity of the surrounding area and is not served by public services.

As aforementioned, and as anticipated by Objective 1.3 and Objective 1.4, the exurban and rural tiers feature low density and low intensity types of lifestyle, that are agricultural and equestrian in nature. An urban project such as presented here, with greatly increased density (50%) and greatly increased intensity (800%) hardly can be considered compatible with existing communities and the lifestyle enjoyed by us.

Policy 3.5-d, Palm Beach County Comprehensive Plan – Prohibits Amendment.

As aforementioned, this project should not continue to be exempted from Policy 3.5-d, as there is no statutory requirement for such an exemption at adoption. Adoption of this proposed plan amendment is prohibited by, and would be inconsistent with, Policy 3.5 d of the Palm Beach County Comprehensive Plan.

The traffic study submitted by the applicant or required by the County for this plan amendment is not adequate under the requirements of the Transportation Element of the Palm Beach County Comprehensive Land Use Plan. The County Staff is aware that this project will cause road failures, traffic congestion, impact existing failing and constrained roadways (Palm Beach CRALLS roadways), and endangers the health, safety and welfare of the area, region and state.

This is a leap frog development which creates an urban enclave that exceeds the density and intensity of the surrounding area and is not served by public services or collector and arterial roadways.

Health Safety and Welfare – Traffic Impacts

No study has been conducted on the harmful impacts to both humans and/or wildlife for

an urban project in the rural area, due to unsafe traffic conditions expected by this project. As indicated, the communities are surrounded by preserves and conservation areas as mentioned above. Further, these are equestrian communities, as well as communities engaged in bona fide agricultural operations, as well as hobby farming, involving the rearing of livestock.

The Department of Environmental Protection should address all of the above concerns by requiring studies of how this project will affect water (surface and ground), air, and soil; the harmful effects resulting from light pollution, and the harmful effects resulting from excessive traffic impacts.

Population Increases and Crime:

The existing population of the communities that will be impacted is approximately 40,000, all of whom reside in the rural/exurban areas 110 square miles in size. This project, on a much smaller parcel of land (3,800 acres), will greatly increase the overall area population by an estimated 15,000 to 20,000 new residents. No study has been conducted on the negative health impacts resulting from urbanizing a rural area.

The rural and exurban areas representing our communities suffer from relatively low amount of crime. This urban project, both with adding new population, as well as with its incredible intensity of 2.1 million square feet, will negatively impact the communities by increasing the crime rates. Commercial activities are well known to result in greatly increased crime.

Over-allocation of Density and Intensity:

The existing Ag Enclave was purchased out of bankruptcy after it failed to start. The requested increased level of increased residential and non-residential development in this area should not be approved. The existing Ag Enclave more than sufficiently meets the minimum number of units and square footage of non-residential development to surpass the anticipated market in this location.

This project will lead to over-allocation and depress market conditions causing a real estate “crash.”

Without sufficient demand for supply (i.e., commonly called scarcity or demand), additional density will prevent recovery and compatible development in the area.

Population projections by the State of Florida BEBR do not support this project.

Palm Beach County Staff have verified that more than enough residential units have been approved to be built in the County that will meet all projected population projections beyond the year 2035. There is no need for approval of this level of increase in dwelling units for residential uses in this particular area of Palm Beach County.

Palm Beach County Staff have verified that there are thousands of acres of already approved yet unbuilt non-residential development, both in the immediate area, the

surrounding area, and County for retail, professional office, light industrial, and research and development. Shopping Centers have vacancies and have not been filled, others have not been built. There is no need for approval of more non-residential square footage in this area at this time. Over- allocation will depress an already struggling real estate market for residential and commercial markets – this is too much too soon and will hinder economic recovery.

Attached to this letter please review the information submitted to Palm Beach County showing adequate existing entitlements to meet the minimum “need” for population growth which must be balanced against economic market recovery.

Continued approval of development lacking need, endangers property values and is harmful to the economy and tax base of the County and State.

Further, this project, in the rural areas, will set off a domino effect where other large landowners would seek the same sort of density and intensity being sought with this project.”

Conclusion:

I hope each reviewing agency recognizes the enormity of the Applicant’s project and the profound negative impacts on the area’s infrastructure, the area’s character, public services, environment, and residents’ quality of life, and the enormous net fiscal deficits that will result if this project is approved. As well, the Applicant’s proposal is inconsistent with Florida Statutes, the Palm Beach County Comprehensive Land Use Plan, and regional and state needs. It is grossly incompatible with the surrounding areas and communities, equestrian activities, livestock, and bona fide and hobby agricultural operations.

Please find the Applicant’s proposal *noncompliant* and *incompatible* with Florida Statutes Chapter 163, and Florida Statutes Sections 163.3177 and 163.3162 and recommend that the BCC deny the Applicant’s project.

Sincerely,

Jean L. Edwards