



ROBERT N. HARTSELL, P.A.
61 N.E. 1st Street, Suite C
Pompano Beach, Florida 33060
(954) 778-1052
www.Hartsell-Law.com

February 1, 2022

Palm Beach County Commissioners
301 N. Olive Avenue
West Palm Beach, 33401

Submitted via email:

RWeinroth@pbcgov.org; DKerner@pbcgov.org; MMarino@pbcgov.org; GWeiss@pbcgov.org;
MSachs@pbcgov.org; MMcKinlay@pbcgov.org; MBernard@pbcgov.org; KFischer@pbcgov.org;
RBulkeley@pbcgov.org; RBanks@pbcgov.org

Re: February 2, 2022, Commissioner Meeting Agenda Items: 3.C.1; 5.A.1; 5.A.2; and Request for Additional Time to Present Public Comments

Dear Mayor Weinroth and Commissioners of Palm Beach County:

On behalf of our clients, 1000 Friends of Florida (“1000 Friends”) and Sierra Club Loxahatchee Group (“Sierra Club”), please kindly accept these comments regarding the February 2, 2022, Commissioner Meeting Agenda Items: 3.C.1 (*Las Farms*); 5.A.1 (*Indian Trails Groves – Agricultural Reserve Exchange Privately Proposed Initiation*); 5.A.2 (*County Proposed Amendment Initiation*), and please include these comments in the public record.

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.

REQUEST FOR ADDITIONAL TIME TO PRESENT PUBLIC COMMENTS

As you may be aware, 1000 Friends has been actively following and participating in Palm Beach County-wide planning for decades and specifically engaged in planning the Agricultural Reserve (Ag Reserve) since its inception. By invitation, 1000 Friends participated as a stakeholder in the Ag Reserve Workshop in 2015 resulting in a directive from the Board of County Commissioners upon which all future Ag Reserve planning would be based, and the Sierra Club was specifically invited by Commissioner Sachs to present recommendations for the October 26, 2021, Workshop regarding the Agricultural Tier. 1000 Friends and Sierra Club have consistently provided planning expertise and local knowledge to the Commission on many occasions regarding the Ag Reserve, and will continue to do so.

Mr. Robert Hartsell, Esq., legal counsel for 1000 Friends and Sierra Club, will be present at the February 2, 2022, Commissioner meeting to offer expertise and advocate for the preservation of the original intention of the Ag Reserve while balancing sustainable and smart land planning. We respectfully request the opportunity to make comments during the meeting, and engage in discussion if requested with Commissioners, in excess of the general three-minute comment time period afforded to the general public.

We respectfully ask for, at a minimum, five minutes per each agenda item discussed herein, and will ensure that comments are succinct and beneficial to the commission and community during this public process.

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. *See* Objective 1.5.

The Ag Reserve Tier provides great benefits to Palm Beach County above and beyond the fruits of its agricultural labors. In preserving *agricultural lands, environmental and water resources, and open space*, the Ag Reserve Tier (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, and (4) provides wildlife habitat for native flora and fauna, as well as threatened and endangered 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 garners nearly \$2 million in sales tax revenue for the County. More importantly, the Refuge 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 encourage expansion of development, increased densities and intensities, and industrial uses, especially west of SR 7, there are 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 continues development at its current trend, more than 150,000 additional acres will be developed, and agricultural lands will be severely reduced from 35% to only 23% of the County by 2070.

Whereas, if Palm Beach County increases its development density *moderately* by 20%, more than 100,000 acres of land can be spared from development and more than 100,000 acres of agricultural land can be preserved while accommodating the projected increase in population, thereby decreasing development-related water demands and protecting water resources.

The Palm Beach County Commission 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 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.

Applicants seeking to open up “empty” swaths of land the Ag Reserve to development and industrial uses would have this Commission believe that development is the financial motivator needed in today’s economy. However, this is a red herring as agriculture, and agri-related businesses, are still economically viable so long as the developers are hands off, as required by the current Comprehensive Plan. Even more importantly, the use of open spaces will preserve the invaluable and indispensable environmental and water resources of Palm Beach County that once gone, will be gone forever.

A recent article in the Palm Beach Post¹ touches upon this conundrum where farmland is vanishing as developers are offering high prices for land to convert to residential development. According to the article, GL Homes paid more than \$600,000 an acre for the John’s family farm west of Boca Raton, in an offer that was “difficult to refuse” according to Dan John, whose farm had been in his family for generations. Sadly, and what must be abundantly clear to this Honorable Commission and taken with the utmost consideration, the majority of farmland loss in Palm Beach County has occurred in the Agricultural Reserve, which has some of the most productive soil in the county.

The position of 1000 Friends and Sierra Club has remained steadfast, 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.***

¹ Diamond, Mike, PALM BEACH POST, *From Soil to Subdivisions* (Jan. 21, 2022).

Alliance of Delray Residential Associations, Inc.

10290 West Atlantic Avenue #480504
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August 15, 2022
Palm Beach County Board of County Commissioners
301 North Olive Avenue
West Pam Beach, Florida 33401

Re: Indian Trails Grove - Agricultural Reserve Exchange (LGA 2022-021)

Dear Commissioners:

On August 12, 2022, the Palm Beach County (PBC) Planning Commission denied the application for the Indian Trails Grove (ITG) - Agricultural Reserve (AGR) Exchange (LGA 2022-021). As for the Staff's report, res ipsa loquitur, recommending denial citing a litany of flaws in the justification for such an exchange.

The Alliance agrees with the Planning Commission and County Staff. 7 years ago, the AGR Roundtable discussions took place. As a result, changes were made to accommodate the farmers and to correct some perceived inequities involving landowners in the AGR, keeping in mind the intent of the Master Plan and always considering parcels west of State Road 7/441 to be of maximum importance for conservation and water preservation. The current proposal would severely impact the goal of protecting these precious lands.

Further, the deviations from the intent of the plan for the AGR Tier are great with this application to wit, decreasing the proportional requirement of preservation/development from 80/20 to 60/40 west of State Road 7/441. This further emphasizes the Applicant's digression from the intent and understanding of the specialists who designed the Master Plan to cause the least amount of impact on water resources, considering that the Everglades and South Florida Water Management District lands are steps away from the proposed severely increased density of development.

Recently, Staff recommended, and the Planning Commission advised, to provide for an Essential Housing Element to be instituted along Atlantic Avenue and Boynton Beach Boulevard. This would allow for multifamily housing and workforce housing units to be built within the AGR. Staff and the Planning Commission *did not* recommend the land west of State Road 7/441 for use to create essential, multifamily, or workforce housing.

The AGR boundaries were established considering climate/weather elements. Exchanging preserve lands from outside of the Tier in northern PBC where the climate is colder than the AGR in certain growing seasons is not an equitable exchange. Some tropical fruits that are grown in the AGR cannot be grown above the Tier. Chinese vegetables are grown in the Rural Tier but keep in mind that it snows in China.

The inequities resulting from this project are clear. The residents of the AGR and south PBC already pay taxes for flood protection and water supply. By relinquishing preserve lands within the AGR, the south County taxpayers would essentially be paying the bill for services that benefit others and this is clearly a non-equitable arrangement. Further, other landowners west of State Road 7/441 would request similar overlays leading to greater stress on environmentally sensitive lands and water resources.

The PBC Board of County Commissioners voted to retain an expert to examine the impact the increased density of development would have west of State Road 7/441 prior to the approval of any further development. It is the Alliance's position that this is a wise decision. The Alliance requests the time to evaluate and comment on the expert's report prior to action on any application considered by the Board of County Commissioners.

Thank you for your attention to this most serious matter.

Sincerely,

Lori Vinikoor

Dr. Lori Vinikoor, President

OFFICERS AND DIRECTORS OF THE ALLIANCE:

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February 1, 2022

Board of County Commissioners
301 North Olive Ave. Suite 1201
West Palm Beach, FL 33401

Via Email: BCC-AllCommissioners@pbcgov.org

Re: February 2, 2022 | Comprehensive Plan Public Hearing

Dear Mayor Weinroth, Vice Mayor Weiss, and Commissioners Marino, Kerner, Sachs, McKinlay, and Bernard,

COBWRA did not take a position on the Indian Trail Grove/Hyder matter prior to December 15, 2021 as we wished to attend and observe with the goal of gaining a better understanding of the land swap details and potential benefits. After careful consideration, we determined the proposal would be a detriment to quality of life in the Ag Reserve with no benefit to our residents. We provided our position on the issue January 13, 2022, and it can be found in the staff report (pages 33-34). Also included in the staff report (pages 35-36) is a letter provided in advance of the "Ag Reserve Workshop" reiterating the positions we have steadfastly maintained through the years.

In support of our position against this proposal, please find attached a digital petition signed by over 1,500 residents in just three business days, with signatures continuing to stream in. These 1,500 residents stand with COBWRA, The Alliance of Delray Residential Associations, SARA (Save the Ag Reserve for Agriculture), Sierra Club, and 1000 Friends of Florida among many others all asking you to vote against this proposal.

We share your concern for the future of Palm Beach County and thank you for your thoroughness and thoughtfulness in discussing this matter.

Most Sincerely,

Beth Rappaport

BETH RAPPAPORT, President

On behalf of the Coalition of Boynton West Residential Associations

cc:

Mr. Patrick Rutter, Assistant County Administrator PRutter@pbcgov.org

Mr. Ramsay J. Bulkeley, Esq., Executive Director, PZ and B RBulkeley@pbcgov.org

Ms. Lisa Amara, Zoning Director LAmara@pbcgov.org

Ms. Patricia Behn, Planning Director PBehn@pbcgov.org

From: Joe O'Donnell <joe.odonnell1@gmail.com>
Sent: Monday, December 13, 2021, 1:37 PM
Subject: FW: County commission 12/15/21 meeting

Dear Commissioner Sachs,

Ref: Indian Trails Grove/ AGR, Agenda item 12/15/21 Board of County Commissioners

SARA, Save Agriculture Reserve for Agriculture, is a new and expanding organization of farms, nurseries and ag. businesses dependent upon the Ag. Res. Currently 12 business belong to the group. The purpose of SARA is to work with the county government to implement programs, regulations and projects that will help ag. businesses and farmers prosper, while enhancing the value of their lands. I am sending you this letter as the representative of SARA.

There are three reasons moving TDRs from ITG into the Ag.Res. would be both a major mistake as well as a colossal injustice.

- 1) The county commission has frequently referenced how the 12,839 acres preserved in the Ag.Res. demonstrates the concept of the Ag. Res. is a success. Restricting TDRs to acreage within the Ag. Res has been a major contributor to this preservation. Allowing TDRs to be transferred into the Ag. Res. would destroy it. After setting the precedent for one developer, the commission would have no grounds to stop others.
- 2) County government would be forced to spend more infrastructure dollars to support 2500 more PUDs than envisioned in the comprehensive plan.
- 3) Developer wants to relocate housing units from ITG to the Agriculture Reserve for one reason and one reason alone, GREED. His increased profits would again be achieved on the backs of ag. businesses in the Ag. Res.

SARA strongly recommends this proposal be given no further consideration.

Thank You
Joseph O'Donnell
SARA
561 866 3794

Hi All: I am writing to you today to ask for your help in saving the Agricultural Reserve for farming and preserved land. On Wednesday the Palm Beach County Board of County Commissioners voted to allow GL Homes to move forward on a proposal to swap land in exchange for a housing development being permitted on the Ag Reserve. The attached P. B. Post article details the deal.

I would ask that you please take the time to write or call the commissioners to let them know that this will be the end of our Agriculture Reserve. They must stand by the agreement that allowed for a 60/40 split on development. A development of the size that GL is looking to do will definitely put an end to Agriculture as it will give precedent to allow other developers (GL included for sure) to do the same. Farmers and housing are just not compatible in this manner.

A few members of our Loxahatchee Group attended the meeting and GL Homes had nerve enough to say that making this a development for 55+ would not create undo traffic issues and that is just the beginning of other issues that will be created if this development is approved. Very importantly we will lose the fresh produce that comes from this area and the economic benefits produced by the sale of our products to our northern neighbors on the east coast in the winter months.

Please read the article if you have not read it already and make your voices heard. If you voted for the bond issue in 1999 to preserve the Ag Reserve for just that and preservation of the land - you have every right to speak out now for sure.

THANK YOU

Sheila Calderon
Sierra Club Loxahatchee Group
Conservation Committee
Shecal711@gmail.com