



## COMPREHENSIVE PLAN AMENDMENT STAFF REPORT AMENDMENT ROUND 24-A2

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### BCC ADOPTION PUBLIC HEARING, MAY 1, 2024

#### I. General Data

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<b>Project Name:</b>	<b>Utilities Element Revisions</b>
<b>Element:</b>	<b>Utilities Element</b>
<b>Project Manager:</b>	Bret Hammell, P.E., Environmental, Health and Safety Manager, PBCWUD David Wiloch, Senior Planner
<b>Staff Recommendation:</b>	Staff recommends <b>approval</b> based on the findings and conclusions presented in this report.

#### II. Item Summary

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<b>Summary:</b>	<p>The proposed Comprehensive Plan amendment would revise the Utilities Element (UE) to be consistent with new legislative requirements. This amendment has been requested by the Palm Beach County Water Utilities Department. Specifically, this amendment proposes to:</p> <ul style="list-style-type: none"> <li>• Add new UE Policy 1.3-f regarding the feasibility of providing sewer service within a 10-year horizon for developments of 50 lots and less than one acre. This policy also proposes to include additional language to define an onsite system.</li> <li>• Add new UE Policy 1.3-g to identify the name and location of wastewater facilities that could receive sanitary sewer flows after connection and the capacity of those facilities and associated transmission facilities.</li> <li>• Add new Tables 3.a and 3.b to the Utilities Element to show the projected wastewater flow at the aforementioned wastewater facilities for the next 20 years, including expected future new construction and connections of onsite sewage treatment and disposal systems to sanitary sewer, and a timeline for the construction of the sanitary sewer system.</li> </ul>
<b>Assessment:</b>	<p>Florida House Bill 1379/Senate Bill 1632 enacted by the Legislature during the 2023 session changed several State statutes including 163.3177 F.S., which contains requirements for Comprehensive Plans. The changes involved environmental regulations related to sewage treatment and system evaluation. While most provisions of this bill can be accommodated during the Evaluation and Appraisal Report (EAR) in 2026, certain requirements need to be addressed by July 1, 2024. The proposed new Utilities Element policies and tables would satisfy these requirements.</p>

### III. Hearing History

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**Local Planning Agency: *Approval***, motion made by Barbara Roth, seconded by Lori Vinikoor passed in an 11 to 0 vote at the January 12, 2024 public hearing. The Commission asked questions regarding the applicability of the statutory requirements and whether additional legislative changes are anticipated. There was no public comment.

**Board of County Commissioners Transmittal Public Hearing: *Transmit***, motion by Commissioner Weiss, seconded Commissioner Baxter passed in a 7 to 0 vote at the January 31, 2024 public hearing. There was minimal discussion and no public comment.

**State Review:** The State Land Planning Agency reviewed this amendment under Round 24-01 ESR and issued a letter dated March 7, 2024 stating that the Agency had no comment on the proposed amendment. The Florida Department of Environmental Protection (FDEP) provided technical comments requesting that the County “identify the applicable timeline for development of any sanitary sewer determined to be feasible” for consistency with the requirements outlined in 163.3177(6)(3), F.S.

**Changes Subsequent to Transmittal:** In response to the technical review comments provided by FDEP, the text language proposed for adoption was modified in Exhibit 1 to provide a timeline for studying the feasibility of providing sanitary sewer service to the applicable developments and a timeline to provide this service to the applicable developments if determined to be feasible. These revisions are shown in double underline with red text.

**Board of County Commissioners Adoption Public Hearing:**

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## IV. Intent

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The intent of this amendment is to revise the Utilities Element to add new provisions to address statutory requirements. The proposed amendment includes the following changes:

- Add new UE Policy 1.3-f regarding the feasibility of providing sewer service within a 10-year horizon for developments of 50 lots and less than one acre. This policy also proposes to include additional language to define an onsite system.
- Add new UE Policy 1.3-g to identify the name and location of wastewater facilities that could receive sanitary sewer flows after connection and the capacity of those facilities and associated transmission facilities.
- Add new Tables 3.a and 3.b to the Utilities Element to show the projected wastewater flow at those facilities for the next 20 years, including expected future new construction and connections of onsite sewage treatment and disposal systems to sanitary sewer and a timeline for the construction of the sanitary sewer system.

The specific changes are shown in strike out and underline in Exhibit 1.

## V. Data and Analysis Summary

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This section provides data and analysis, including an examination of consistency with the Comprehensive Plan.

### A. New Requirements in Florida Statutes

Florida House Bill 1379/Senate Bill 1632 was signed into law by Governor DeSantis on May 31, 2023 with an effective date of July 1, 2023. This legislation requires local governments to adopt Comprehensive Plan Goals, Objectives and Policies related to wastewater management to reduce pollution related to septic systems.

Some aspects of this new legislation must be addressed in local governments' Comprehensive Plans prior to July 1, 2024. Specifically, the legislation requires the sanitary sewer and solid waste element to prioritize advanced waste treatment with a plan to provide sanitary sewer connection services for properties with a density of more than one septic system per acre, and requires the local government to submit septic to sewer conversion plans to the Florida Department of Environmental Protection for review.

The new statute language is as follows:

**163.3177(6)(c)3, F.S.** *Within the local government's jurisdiction, for any development of more than 50 residential lots, whether built or unbuilt, with more than one onsite sewage treatment and disposal system per 1 acre, the element must consider the feasibility of providing sanitary sewer services within a 10-year planning horizon and must identify the name and location of the wastewater facility that could receive sanitary sewer flows after connection; the capacity of the facility and any associated transmission facilities; the projected wastewater flow at that facility for the next 20 years, including expected future new construction and connections of onsite sewage treatment and disposal systems to sanitary sewer; and a timeline for the construction of the sanitary sewer system. An onsite*

*sewage treatment and disposal system is presumed to exist on a parcel if sanitary sewer services are not available at or adjacent to the parcel boundary. Each comprehensive plan must be updated to include this information by July 1, 2024, and as needed thereafter to account for future applicable developments. This subparagraph does not apply to a local government designated as a rural area of opportunity under s. 288.0656*

Other requirements of this new legislation did not include a specific deadline for compliance and as such will be addressed as part of the next scheduled evaluation and appraisal of the Comprehensive Plan in 2026. At that time, the County will identify all new Comprehensive Plan requirements enacted since the last evaluation and appraisal, and propose amendments to address those requirements.

## **B. Proposed Text Amendments to the Utilities Element**

The requirements for 163.3177(6)(c)3, Florida Statutes, are listed below along with the changes proposed by staff. A compliance chart can also be found in Exhibit 2.

**Requirement:** Within the local government’s jurisdiction, for any development of more than 50 residential lots, whether built or unbuilt, with more than one onsite sewage treatment and disposal system per 1 acre, the element must consider the feasibility of providing sanitary sewer services within a 10-year planning horizon.

**Staff Assessment:** The Capital Improvements Element (CIE) currently shows the Water Utilities Department (WUD) Five Year Capital Improvements Schedule. To satisfy the new requirement, Policy 1.3-f is being added to the Utilities Element to cover the 10-year planning horizon. The PBC WUD currently has a planning document known as the Integrated Utility Master Plan (IUMP) which covers the 10-year period required and additionally covers a 30-year planning horizon. The purpose of the IUMP is to identify the needs of the water distribution and wastewater collection systems over the next 30 years.

**Requirement:** The County must identify the name and location of the wastewater facility that could receive sanitary sewer flows after connection.

**Staff Assessment:** Policy 1.3-g is being added to the Utilities Element to address this requirement. The County has two wastewater facilities, the Southern Region Wastewater Reclamation Facility (SRWRF) and the East Central Regional Water Reclamation Facility (ECRWF). In addition, five other non-county facilities are shown that can accept wastewater through local agreements.

**Requirement:** The County must identify the capacity of the wastewater facility and any associated transmission facilities and the projected wastewater flow at that facility for the next 20 years including expected future new construction and connections of onsite sewage treatment and disposal systems to sanitary sewer; and a timeline for the construction of the sanitary sewer system.

**Staff Assessment:** Tables 3.a and 3.b are being added to the Utilities Element to comply with this requirement. These tables show Projected Annual Average Daily Flow for PBCWUD Eastern Region Wastewater facilities through 2050, as well as data from the five non-county facilities that can accept wastewater through local agreements. The data for Table 3.a was obtained from Table 2-3 of the IUMP - Wastewater and Reclaimed Water, February 2023 and Data from Table 6-5 of the IUMP - Collection and Distribution

Systems, March 2023. As previously mentioned, the PBC Water Utility Department IUMP is a planning document to identify the needs of the water distribution and wastewater collection systems over the next 30 years, so planning periods to 2025, 2030, 2040, and 2050 served as the basis in identifying these needs. The analysis of the wastewater collection system for PBCWUD was performed using the hydraulic model developed by Tetra Tech, Inc. The scenarios evaluate the existing wastewater treatment system taking into consideration physical characteristics and operational parameters as inputs for the model. The allocation of wastewater flow was reviewed for each large user and pump station. Based on this allocation, wastewater flows for each planning period were created in the Model. Section (IUMP) 6.2.1.4 provides a summary of the projected wastewater flows as developed based on the Tetra Tech WW IUMP. The Tetra Tech WW IUMP wastewater flow projections were based on the number of Equivalent Residential Connections (ERCs) and assumed growth according to the population projections. The number of ERCs were calculated by converting the water billing records to ERCs based on American Water Works Association (AWWA) meter equivalents according to the meter type (residential or non-residential). Data from the five jurisdictional wastewater plants was obtained for Table 3.b by contacting the individual authorities and sources are cited below the table.

**Requirement:** The statute includes language regarding onsite sewage treatment and disposal systems which are presumed to exist on a parcel if sanitary sewer services are not available at or adjacent to the parcel boundary. Each comprehensive plan must be updated to include this provision by July 1, 2024, and as needed thereafter to account for future applicable developments.

**Staff Assessment:** This requirement is being addressed with new policy 1.3-f, which covers minimum level of service for septic. This portion of the statute also contains the due date of July 1, 2024.

### C. Consistency with the Comprehensive Plan

This proposed amendment is consistent with the following goal of the Utilities Element.

#### **GOAL 1: PROVISION OF SERVICES**

*To ensure that potable water and wastewater service in the County Water Utilities Department service area is provided concurrent with development within the Urban Service Area and to foster the provision of these services in unincorporated areas outside the County Water Utilities Department service area, within the Urban Service Area. The provision of service shall be in accordance with the growth management guidelines and allow for water wells, septic or sanitary service in unincorporated areas not served by PBCWUD public utilities, in accordance with the growth management guidelines.*

**Staff Assessment:** This proposed amendment will further the County Goal identified above. The new proposed policies address statutory requirements related to new legislation while supporting Goal 1 of the Utilities Element above. This amendment will support the above referenced provisions in the Comprehensive Plan and no inconsistencies with the policies in the Comprehensive Plan were identified.

## D. Unified Land Development Code Implications

This proposed amendment will not require revisions to the Unified Land Development Code, and will not require changes to the County's development review process managed by PZ&B.

## VI. Public and Municipal Review

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The Comprehensive Plan Intergovernmental Coordination Element **Policy 1.1-c** states that "*Palm Beach County will continue to ensure coordination between the County's Comprehensive Plan and plan amendments and land use decisions with the existing plans of adjacent governments and governmental entities.....*"

- A. **Intergovernmental Coordination:** Notification of this amendment was sent to the Palm Beach County Intergovernmental Plan Amendment Review Committee (IPARC) for review on December 29, 2023. At the time of the printing of the Planning Commission report, no correspondence had been received.
- B. **Other Notice:** This amendment was developed in coordination with multiple County departments including the Palm Beach County Water Utilities Department, The Florida Department of Health Palm Beach County and the County Planning, Zoning and Building.

## VII. Assessment and Conclusions

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The intent of this amendment is to revise the Utilities Element for compliance with Florida House Bill 1379/Senate Bill 1632, which was signed into law by Governor DeSantis in 2023. This legislation added new Comprehensive Plan requirements related to sewage treatment and system evaluation that the Utilities Element must address by the stated deadline of July 1, 2024. The proposed new Utilities Element policies and the new tables satisfy these requirements.

As such, staff recommends **approval** of this amendment.

### Attachments

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Exhibit 1 – Proposed changes in strike out and underline format	E – 1
Exhibit 2 – Palm Beach County Compliance Chart	E – 3
Exhibit 3 – Correspondence	E – 4

## Exhibit 1

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### A. Utilities Element, Environmental Protection

**REVISIONS:** To revise the Utilities Element for compliance with Florida House Bill 1379/Senate Bill 1632 related to Environmental Protection. The added text is underlined, and the deleted text ~~struck-out~~.

**NEW Policy 1.3-f:** Within unincorporated Palm Beach County for any development of more than 50 residential lots, whether built or unbuilt, with more than one onsite sewage treatment and disposal system per 1 acre, the County shall consider the feasibility of providing sanitary sewer services within a 10-year planning horizon. The foregoing does not apply to areas designated as a rural area of opportunity. An onsite sewage treatment and disposal system is presumed to exist on a developed parcel if sanitary sewer services are not available at or adjacent to the parcel boundary. ~~By June 2026, and every ten (10) years thereafter, Palm Beach County will complete a study identifying the applicable developments and assessing the feasibility of providing sanitary sewer service to those developments. For those developments for which the provision of sanitary sewer service is determined to be feasible, the County will endeavor to provide sanitary sewer services within ten (10) years of the feasibility determination.~~

**NEW Policy 1.3-g:** Sanitary sewer flows from current and potential developments in Unincorporated Palm Beach County are received at the following locations:

- 1) Southern Region Wastewater Reclamation Facility (SRWRF)  
Boynton Beach, FL 33437  
Serves the southern portion of the PBCWUD Eastern Service Area (generally south of Lake Worth Road) discharges into the SRWRF.
- 2) East Central Regional Water Reclamation Facility (ECRWF)  
West Palm Beach, FL 33417  
Services the northern portion of the PBCWUD Eastern Service Area (generally north of Lake Worth Road) discharges into the ECRWF
- 3) City of Boca Raton Waste Water Treatment Facility (WWTF)  
Boca Raton, FL 34341  
Services customers in the vicinity of Boca Raton
- 4) Loxahatchee River District WWTF  
Jupiter, FL 34341  
Services customers in the vicinity of the Town of Jupiter
- 5) Seacoast Utility Authority PGA Regional WWTF  
Palm Beach Gardens, FL 33418  
Services customers in the vicinity of Palm Beach Gardens
- 6) South Central Regional Wastewater Treatment Facility (SCRWWTF)  
Delray Beach, FL 33445  
Services customers in the vicinity of the Cities of Boynton Beach & Delray Beach
- 7) Village of Wellington WWTP  
Wellington, FL 33414  
Services customers in the vicinity of the Village of Wellington

The Annual Average Daily Flow (AADF) capacity of the facilities under the full or partial governance or Palm Beach County, any associated transmission facilities and the projected wastewater flow at these facilities for at least the next 20 years are depicted in Tables 3.a and 3.b. All values in Tables 3.a and 3.b are in millions of gallons per day (MGD). Expected future new construction and connections of onsite sewage treatment and disposal systems to sanitary sewer are currently on a 20 year, or more, planning horizon as demonstrated in the Integrated Utility Master Plan (IUMP) Collection and Distribution Systems, as may be amended periodically and which is on file at PBCWUD. Developers of new construction are required to add infrastructure commensurate to the size of the new construction as per the existing PBCWUD Uniform Policies and Procedures Manual (UPAP) Chapter 3 – Concurrency and Facilities Extension.

**Table 3.a**  
**Projected AADF for PBCWUD Eastern Region Wastewater**

<u>Year</u>	<u>Total AADF to SRWRF<sup>1</sup></u>	<u>Total AADF to ECRWRF from PBCWUD<sup>2</sup></u>	<u>Total AADF Wastewater Flow Projection</u>
<u>2025</u>	<u>24.71</u>	<u>19.39</u>	<u>44.10</u>
<u>2030</u>	<u>26.84</u>	<u>22.21</u>	<u>49.05</u>
<u>2040</u>	<u>29.83</u>	<u>24.79</u>	<u>54.62</u>
<u>2050</u>	<u>31.97</u>	<u>26.01</u>	<u>57.98</u>

1. Data from Table 2-3 of Integrated Utility Master Plan (IUMP) – Wastewater and Reclaimed Water, Brown and Caldwell, February 2023
2. Data from Table 2-19 of ECRWRF Master Plan Report, Hazen and Sawyer, September 2023

**Table 3.b**  
**Total AADF Wastewater Flow Projection**

<u>Year</u>	<u>City of Boca Raton<sup>1,2</sup></u>	<u>Loxahatchee River Environmental Control District<sup>4</sup></u>	<u>Seacoast Utility Authority PGA Regional</u>	<u>City of Delray Beach</u>	<u>City of Boynton Beach</u>	<u>Village of Wellington<sup>5</sup></u>
<u>2023</u>	<u>13.37</u>		<u>7.94</u>			
<u>2025</u>		<u>7.52</u>		<u>7.16</u>	<u>10.07</u>	<u>4.9</u>
<u>2028</u>	<u>13.79</u>					
<u>2030</u>		<u>7.74</u>	<u>8.24</u>	<u>7.49</u>	<u>10.54</u>	<u>6.2</u>
<u>2033</u>	<u>14.16</u>					
<u>2035</u>		<u>7.95</u>				<u>6.4</u>
<u>2038</u>	<u>14.61</u>					
<u>2040</u>	<u>14.80</u>	<u>8.17</u>	<u>8.46</u>	<u>7.96</u>	<u>11.19</u>	
<u>2043</u>	<u>14.96<sup>3</sup></u>					
<u>2050</u>		<u>9.79</u>	<u>8.69</u>	<u>8.32</u>	<u>11.61</u>	

1. Data from the City of Boca Raton 2023 Capacity Analysis Report.
2. Data from projected AADF wastewater flows are based on estimated 113.34 gallons per capita per day (GPCD, baseline) and City's planning per capita of 144.0 gpcd for population increase over the 10-year planning period. A maximum three month average daily flow (TMADF) to AADF peaking factor of 1.088 was estimated based on the last 10 years of historical flow data (January 2013 to December 2022).
3. Data extrapolated from previous years.
4. The District's defined service area includes the Town of Jupiter, Village of Tequesta, Town of Juno Beach, portions of unincorporated Palm Beach County, and portions of unincorporated Martin County.
5. Water Reclamation Facility Master Plan, Village of Wellington, Hazen, August 2019.



## Exhibit 2

### Palm Beach County's Compliance Chart

State Requirement - 163.3177(6)(c)3, F.S.	How requirement will be addressed by text amendment
Within the local government's jurisdiction, for any development of more than 50 residential lots, whether built or unbuilt, with more than one onsite sewage treatment and disposal system per 1 acre, the element must consider the feasibility of providing sanitary sewer services within a 10-year planning horizon.	New Policy 1.3-f.
and must identify the name and location of the wastewater facility that could receive sanitary sewer flows after connection;	New Policy 1.3-g.
the capacity of the facility and any associated transmission facilities;	Table 3.a and 3.b under new Policy 1.3-g
the projected wastewater flow at that facility for the next 20 years, including expected future new construction and connections of onsite sewage treatment and disposal systems to sanitary sewer; and a timeline for the construction of the sanitary sewer system.	New Policy 1.3-g.
An onsite sewage treatment and disposal system is presumed to exist on a parcel if sanitary sewer services are not available at or adjacent to the parcel boundary. Each comprehensive plan must be updated to include this element by July 1, 2024, and as needed thereafter to account for future applicable developments.	New Policy 1.3-f.
This subparagraph does not apply to a local government designated as a rural area of opportunity under	New Policy 1.3-f.

## **Exhibit 3 Correspondence**

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