2011 Evaluation and Appraisal Report
Major Issue: Demonstration of Need
Outline of Data and Analysis

Issue: What are the overriding goals of the Comprehensive Plan which merit approval of additional density?

Why is this an issue?

With the adoption of the Growth Management Act in 1985, local government Comprehensive Planning requirements were established. The Statute and implementing rule, Chapter 9J-5, F.A.C., required that Comprehensive Plans and subsequent amendments be based upon analysis of several factors, including the amount of land needed to accommodate the projected population. An adopted Future Land Use Atlas (FLUA) is intended to represent a balance between need (created by anticipated population) and supply (amount of land use designated) for each future land use designation through the planning horizon.

Since 1985, this "need" requirement has been interpreted in different ways by local governments adopting or amending their comprehensive plans. While neither the Statute nor Rule 9J-5 provide specific guidance, the Florida Department of Community Affairs (DCA) has indicated informally that a local government can reasonably approve enough residential land to accommodate 125% of the projected population for the planning period, and that additional residential land may be allocated if needed to achieve legitimate goals of the local Comprehensive Plan. DCA has also indicated that, although the focus is residential capacity, allocation of non-residential land is also to be consistent with the anticipated growth.

The 2009 Marion County amendment case highlighted the issue of the "amount of land needed to accommodate the projected population" and the "need" for proposed amendments. Marion County approved an amendment to increase density on a large parcel outside its Urban Service Area. The methodology used by Marion County was determined to be unacceptable, in part because it used a need parameter far exceeding 125%.

The DCA, which ultimately found the amendment not in compliance, has indicated that it has been applying additional scrutiny because of the large numbers of amendments approved by local governments throughout the state that have added additional capacity well beyond the need associated with their respective projected populations. DCA is currently developing a new rule to provide guidance to local governments.

In Palm Beach County, current projections from the University of Florida Bureau of Economic and Business Research (BEBR) for the County as a whole show population increasing to 1,549,400 by the year 2030. This is in contrast to the projection made in 2005, when BEBR projected a 2030 population of 1,916,200. The Planning Division projects that the unincorporated portion of population for 2030 will be just under 700,000, depending on future annexation activity. The Planning Division also estimates that the build-out population capacity associated with the adopted future land use map for unincorporated Palm Beach County is approximately 1.024 million. Thus, there is more than adequate population capacity to accommodate the projected population through 2030, and there is no need to increase density on the basis of accommodating projected population through the planning period.

Given these data, the County should identify the overriding goals of the Comprehensive Plan which merit approval of additional density.

Additional resources on this topic:

DCA presentations:

www.dca.state.fl.us/.../LandUse**Needs**Analysis-Pelham.pdf
www.dca.state.fl.us/fdcp/dcp/gmw/2009/McDaniel**Needs**.pdf
www.dca.state.fl.us/fdcp/dcp/gmw/2009/Pennock**Needs**.pdf

Proposed Rule:

http://www.dca.state.fl.us/Notices/Files/draftrule082010.pdf

Legislative Analysis:

http://www.flsenate.gov/data/Publications/2010/Senate/reports/interim_reports/pdf/2010-107ca.pdf

Why evaluate need?

Consideration of need is fundamental to planning. All other parts of the planning process are driven by this. Too little land allocated constrains desirable development. Too much land allocated undermines planning for efficient urban services and infrastructure, compact and energy efficient land use patterns, and allows for sprawl, which impacts natural resources and agricultural lands preservation.

A closer look at the requirements…

Florida Statutes require that every local government comprehensive plan include, among others, a future land use element:

163.3177(6)(a) A **future land use plan element** designating proposed future general distribution, location, and extent of the uses of land for residential uses, commercial uses, industry, agriculture, recreation, conservation, education, public buildings and grounds, other public facilities, and other categories of the public and private uses of land. … The future land use plan shall be based upon surveys, studies, and data regarding the area, including **the amount of land required to accommodate anticipated growth; the projected population of the area**; the character of undeveloped land; the availability of water supplies, public facilities, and services; the need for redevelopment, including the renewal of blighted areas and the elimination of nonconforming uses which are inconsistent with the character of the community; the compatibility of uses on lands adjacent to or closely proximate to military installations; lands adjacent to an airport as defined in s. 330.35 and consistent with s. 333.02; the discouragement of urban sprawl; energy-efficient land use patterns accounting for existing and future electric power generation and transmission systems; greenhouse gas reduction strategies; and, in rural communities, the need for job creation, capital investment, and economic development that will strengthen and diversify the community's economy. … In addition, for rural communities, the amount of land designated for future planned industrial use shall be based upon surveys and studies that reflect the need for job creation, capital investment, and the necessity to strengthen and diversify the local economies, and may not be limited solely by the projected population of the rural community.

Florida Administrative Code rules in Chapter 9J-5.006 restate and expand on these requirements:

(1) Existing Land Use Data Requirements. The element shall be **based upon** the following data requirements pursuant to subsection 9J-5.005(2), F.A.C.…
   (g) **Population projections** as prescribed in the general requirements section of this chapter.

(2) Land Use Analysis Requirements. The element shall be **based upon** the following analyses which support the comprehensive plan pursuant to subsection 9J-5.005(2), F.A.C.:
   (a) An analysis of the availability of facilities and services as identified in the traffic circulation, transportation, and sanitary sewer, solid waste, drainage, potable water and natural groundwater aquifer recharge elements, to serve existing land uses included in the data requirements above and land for which development orders have been issued;
   (b) An analysis of the character and magnitude of existing vacant or undeveloped land in order to determine its suitability for use, including where available:
      1. Gross vacant or undeveloped land area, as indicated in paragraph (1)(b);
      2. Soils;
      3. Topography;
      4. Natural resources; and
      5. Historic resources;
   (c) An analysis of the amount of land needed to accommodate the projected population, including:
      1. The categories of land use and their densities or intensities of use,
      2. The estimated gross acreage needed by category, and
      3. A description of the methodology used;

(d) An analysis of the need for redevelopment including:
    1. Renewal of blighted areas, and
    2. Elimination or reduction of uses inconsistent with the community's character and proposed future land uses;
(e) An analysis of the proposed development and redevelopment of flood prone areas based upon a suitability determination from Flood Insurance Rate Maps, Flood Hazard Boundary Maps, or other most accurate information available.
(f) For coastal counties and municipalities with dredge spoil responsibilities, include an analysis of the need for additional dredge spoil disposal sites through the long term planning period established in the plan.
(g) An analysis of proposed development and redevelopment based on recommendations, deemed appropriate by the local government, contained in any existing or future hazard mitigation reports.

The Future Land Use Element must be "based on" an analysis of the amount of land needed to accommodate the projected population, along with other factors. To be "based on" means:

9J-5.005(2)All goals, objectives, policies, standards, findings and conclusions within the comprehensive plan and its support documents, **and within plan amendments** and their support documents, shall be **based upon** relevant and appropriate data and the analyses applicable to each element. **To be based on data means to react to it in an appropriate way and to the extent necessary indicated by the data available on that particular subject at the time of adoption of the plan or plan amendment at issue**….

Local governments, in evaluating proposed amendments to the Future Land Use, need to consider whether any proposed increase in density or intensity is necessary to accommodate the projected population, and/or is based on the analysis of any of the other factors listed in the rule.

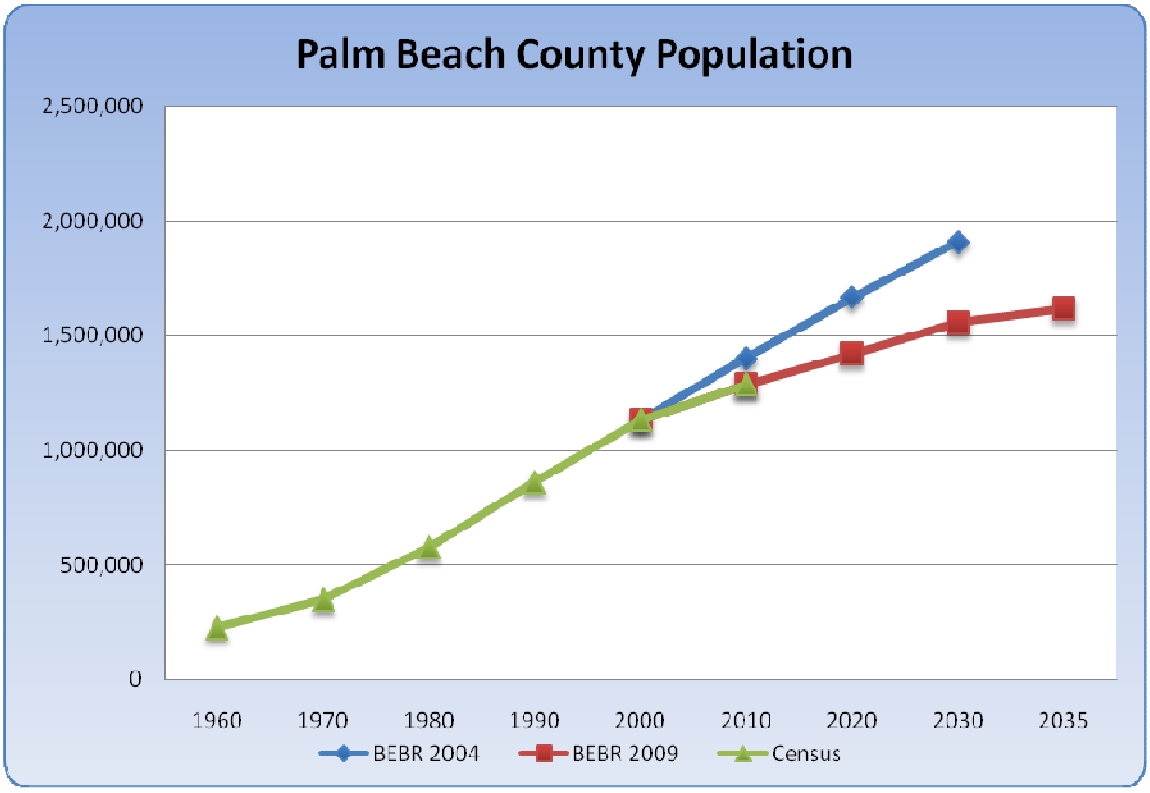
A closer look at the population requirements…

9J-5.005(2)(e) The comprehensive plan shall be based on resident and seasonal population estimates and projections. **Resident and seasonal population estimates and projections shall be either those provided by the University of Florida, Bureau of Economic and Business Research, those provided by the Executive Office of the Governor, or shall be generated by the local government**. If the local government chooses to base its plan on the figures provided by the University of Florida or the Executive Office of the Governor, medium range projections should be utilized. If the local government chooses to base its plan on either low or high range projections provided by the University of Florida or the Executive Office of the Governor, a detailed description of the rationale for such a choice shall be included with such projections.

1. If the local government chooses to prepare its own estimates and projections, it shall submit estimates and projections and a description of the methodologies utilized to generate the projections and estimates to the Department with its plan when the plan is due for compliance review unless it has submitted them for advance review….
2. The Department will evaluate the application of the methodology utilized by a local government in preparing its own population estimates and projections and determine whether the particular methodology is professionally accepted. The Department shall provide its findings to the local government within sixty days….

The Rule notwithstanding, projections from BEBR are available only at the countywide level. Each local government is therefore effectively still required to either develop its own projection methodology or a methodology to determine its share of the Countywide BEBR projection.

The 2010 BEBR Countywide projections are provided below, along with the same released in 2004, the date of the last EAR:



Palm Beach County Population Projections

Publication	2010	2015	2020	2025	2030
BEBR 2004	1,402,300	1,534,500	1,666,100	1,792,400	1,908,500
BEBR 2010	1,285,700	1,343,300	1,415,700	1,485,200	1,549,400
Difference	*-115,500*	*-191,200*	*-250,400*	*-307,200*	*-359,100*

The following table identifies the unincorporated and incorporated share of BEBR projections, based on the share identified in the latest (preliminary 2010) estimates for local governments published by BEBR.

Palm Beach County Population Estimates & Projections

Jurisdiction	BEBR Preliminary		BEBR 2010 Projections Based on 2010 Share				
	Estimate	%	2010	2015	2020	2025	2030
Incorporated	**727,850**	56.6%	728,042	760,008	800,970	840,292	876,615
Unincorporated	**558,611**	43.4%	558,758	583,292	614,730	644,908	672,785
County	**1,286,461**		**1,286,800**	**1,343,300**	**1,415,700**	**1,485,200**	**1,549,400**

A closer look at land use capacity…

Potential capacity is determined by the amount of developable residential land and the density specified in the County's Comprehensive Plan, with available Transfer of Development Rights Units allotted to vacant unincorporated residential parcels over 5 acres within the Urban Service Area. Additional considerations such as underutilized lands and persons per household are documented in the Model Assumptions Section of the County's Population Allocation Model. Preliminary analysis for the EAR indicates that the future land use map for unincorporated Palm Beach County has a unit capacity of approximately 418,000, based on the adopted future land use designations. Of these, approximately 337,000 units are located in the coastal area, and the balance in the unincorporated urban service area in the Glades. At an average person per household figure of 2.45, the total unincorporated area could accommodate a total of 1,024,122 people at buildout. Additional evaluation of these data and assumptions will be undertaken in the course of the EAR.

What does this mean for Palm Beach County?

Comparing the unincorporated portion of projected population for 2030 (672,785), with the estimated population capacity associated with the adopted future land use map for coastal unincorporated Palm Beach County, there is sufficient capacity to accommodate the total projected unincorporated population through 2030. Including the capacity of the unincorporated area in the urban service area in the Glades, (approximately 1.024 million total), there is more than adequate population capacity to accommodate the projected population well beyond 2030.

It should be noted that the density and population capacity of the current Plan is largely based on the land use plan adopted for Palm Beach County in 1972, which was expected to ultimately support a population of about 3 million people. The 1989 Plan and subsequent changes scaled back some residential densities, particularly at the highest densities such as HR 18 (High Residential 18 du/acre). Since 1989, the net increase from adopted land use amendments in the current unincorporated Palm Beach County is 4,549. Two amendments, Callery-Judge Groves and Palm Beach Aggregates, account for 5,434, units; without these two, there was a net decrease in residential units since the adoption of the Comprehensive Plan in 1989

At the time of the last EAR in 2004, the land use capacity was determined to be adequate through the planning period at the time, 2025. With the downward revision of population projections since the last EAR, the ability of the land use plan to accommodate projected population is now extended through at least 2030, if considering only the unincorporated coastal area, and well beyond if considering the unincorporated urban service area in the Glades as well.

Thus, there is no numeric need to increase density in Palm Beach County. However, as outlined in the Statute and in the guidance provided by DCA, accommodation of projected population is not the only consideration in determining whether a density increase may be appropriate. In addition to the other factors outlined in the Statute, DCA has recognized that density increases may be appropriate if furthering legitimate objectives of the Comprehensive Plan.

Returning to the original question: what are the overriding goals of the Comprehensive Plan which merit approval of additional density?

As a starting point for discussion, from the Future Land Use Element attached are:

County Directions
Sustainability Principles
Land Use Element Assessments and Conclusions
Characteristics of a Livable Community
Goals and Objectives of the Future Land Use Element

County Directions

1. Livable Communities. Promote the enhancement, creation, and maintenance of livable communities throughout Palm Beach County, recognizing the unique and diverse characteristics of each community. Important elements for a livable community include a balance of land uses and organized open space, preservation of natural features, incorporation of distinct community design elements unique to a given region, personal security, provision of services at levels appropriate to the character of the community, and opportunities for education, employment, active and passive recreation, and cultural enrichment.
2. Growth Management. Provide for sustainable communities and lifestyle choices by: (a) directing the location, type, intensity and form of development that respects the characteristics of a particular geographical area; (b) ensuring smart growth, by protecting natural resources, preventing urban sprawl, providing for the efficient use of land, balancing land uses; and, (c) providing for facilities and services in a cost efficient timely manner.
3. Infill Development. Encourage infill development in urban areas to increase efficient use of land, and existing public facilities and services.
4. Land Use Compatibility. Ensure that the densities and intensities of land uses are not in conflict with those of surrounding areas, whether incorporated or unincorporated.
5. Neighborhood Integrity. Respect the integrity of neighborhoods, including their geographic boundaries and social fabric.
6. Economic Diversity and Prosperity. Promote the growth of industries that have relatively high wages and that can diversify the economic base.
7. Housing Opportunity. Ensure that housing opportunities are compatible with the County's economic opportunities by providing an adequate distribution of very-low and low-income housing, Countywide.
8. Economic Activity Centers. Encourage the development of Planned Industrial Developments primarily designed to accommodate and promote manufacturing industry and other value-added activities.
9. Research and Development Communities. Support the location of regional economic development activities in the County, which promote science and/or technology uses and other significant employment opportunities and educational initiatives resulting in new technologies and manufacturing activities.
10. Level of Service Standards. Establish specific, public facility level of service standards that are directly linked to the Capital Improvement Program, to accommodate an optimum level of public facility and service improvements needed as a result of growth**.**
11. Linear Open Space and Park Systems. Enhance the appearance of the County by providing an open space network that will become a visual and functional organizer of recreational activities, natural resources and other open space areas. This should include public lands, passive as well as active recreation areas, beaches and conservation areas.
12. Environmental Integrity. Encourage restoration and protection of viable, native ecosystems and endangered and threatened wildlife by limiting the impacts of growth on those systems; direct incompatible growth away from them; encourage environmentally sound land use planning and development and recognize the carrying capacity and/or limits of stress upon these fragile areas.
13. Design. Promote the concept of design to direct development, in rural and urban areas. Design is used to prepare and implement policies and plans that guide the physical development of the built environment and make such development functional, orderly, efficient, visually pleasing, environmentally sound, economically viable and supportive of generally accepted community goals.
14. A Strong Sense of Community. Encourage neighborhood spirit, local pride in the County and a commitment to working constructively on community problems.
15. Externalities. Recognize major negative externalities and attempt when economically feasible to place economic negative externalities away from neighborhoods.

Sustainability Principles

Seven broad principles guide sustainable land use planning and development:

(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; and,
(6) Promote sustainable economic development initiatives in the County to diversify its economic base and enhance the quality of life of current and future County generations.
(7) Promote energy-efficient land use planning, greenhouse gas reduction strategies, energy conservation and the use of renewable energy resources.

Land Use Element Assessments and Conclusions

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;
5. Balance growth throughout the county;
6. Support opportunities for economic growth to enhance the quality of life and well being of current and future county generations;
7. Increase the integration between land use planning, natural resource protection, water resource management, transportation planning, and economic planning;
8. Provide incentives for mixed-use and new town developments and urban design;
9. Establish a timing and phasing program to provide for orderly growth;
10. Address the needs of developed urban areas that lack basic services;
11. Coordinate growth with the provision of infrastructure;
12. Define how growth/services will be managed in rural residential areas;
13. Define service areas and the type of services to be provided within each service area.

Characteristics of a Livable Community

The Characteristics of a Livable Community, as contained in the County Directions, outline the components necessary to provide for sustainable communities with a high quality of life. The primary characteristics include:

For all tiers:

1. Citizen involvement, to foster pride of ownership and responsibility;
2. Employment opportunities;
3. A central neighborhood or community focal point, such as a civic space or commercial area;
4. Civic uses, such as schools, places of worship, and libraries, parks, and government services;
5. Security, police, fire-rescue and community patrols;
6. Health facilities, adult and child care;
7. Preservation of historic sites, structures and natural features and natural resources; and,
8. Elimination of facilities and uses that are incompatible with the community in which they reside.

Housing, in all Tiers, which includes:

1. Accessory apartments behind homes and above shops, where feasible and appropriate;

Housing, in the Urban/Suburban Tier, which includes:

1. Higher density residential near commercial centers, transit lines, and parks;
2. Homes having a stronger relationship to the street through porches, stoops, and walks; and,
3. Compact, diverse mix of housing for a wide range of family and household types, with continuous sidewalks, and alleyways if desired.

Public space, within the Urban /Suburban Tier, which includes;

1. Organized open space, landscaping, plazas, squares, greens, parks, gardens and appealing vistas;
2. Neighborhood and community parks (with walkways, seating, and appropriate recreational facilities);
3. Lighted, safe, and comfortable streets, and sidewalks;
4. Dispersal of parking, including provisions for on-street parking; and,
5. Public and private buildings placed to create human scale and pedestrian-oriented spaces.

Public spaces, within the Exurban and Rural Tiers, which provide:

1. Open space, squares, parks with landscaping, walkways, seating, appropriate recreational facilities and appealing vistas;
2. Comfortable streets, pathways, and trails;
3. Public and private buildings designed and placed to reflect a rural character.

Modes of alternative transportation, including:

1. Pedestrian access appropriate for each tier, which includes safe and physically appealing sidewalks or pathways;
2. Alternative modes of transportation appropriate for each tier, including bike paths and equestrian trails; and,
3. Public transit in the Urban/Suburban Tier, which includes available, timely, and affordable multi-modal opportunities.

Commercial centers addressing the neighborhoods daily needs include:

1. Limited mix of neighborhood-based commercial uses compatible with the character of the tier.

Goals and Objectives of the Future Land Use Element

GOAL 1 STRATEGIC PLANNING
- Objective 1.1 Managed Growth Tier System
- Objective 1.2 Urban/Suburban Tier – Urban Service Area
  - Sub-Obj. 1.2.1 Revitalization and Redevelopment Overlay
  - Sub-Obj. 1.2.2 Urban Redevelopment Area
  - Sub-Obj. 1.2.3 Westgate/Belvedere Homes Community Redevelopment Area Overlay
  - Sub-Obj. 1.2.4 PBIA Approach Path Conversion Area Overlay
  - Sub-Obj. 1.2.5 Indiantown Road Overlay Zone
  - Sub-Obj. 1.2.6 Marine Waterfront Commercial Overlay
- Objective 1.3 Exurban Tier
- Objective 1.4 Rural Tier
- Objective 1.5 Agricultural Reserve Tier
  - Sub-Obj. 1.5.1 Planned Developments
- Objective 1.6 Glades Tier
  - Sub-Obj. 1.6.1 Glades Area Economic Development Overlay
  - Sub-Obj. 1.6.2 Sugar Cane Growers Cooperative of Florida Protection Area Overlay
  - Sub-Obj. 1.6.3 Lake Okeechobee Scenic Trail Overlay
- Objective 1.7 United Technologies Corporation (Pratt-Whitney) Protection Area Overlay
- Objective 1.8 Glades Area Protection Overlay
- Objective 1.9 Bioscience Research Protection Overlay
- Objective 1.10 SR-7 Economic Development Overlay

GOAL 2 LAND PLANNING
- Objective 2.1 Balanced Growth
- Objective 2.2 Future Land Use Provisions - General

GOAL 3 SERVICE AREAS AND PROVISION OF SERVICES
- Objective 3.1 Service Areas - General
- Objective 3.2 Urban Service Area
- Objective 3.3 Limited Urban Services Area (LUSA)
- Objective 3.4 Rural Service Area
- Objective 3.5 Levels of Service Required for Development
- Objective 3.6 Prioritizing Services

GOAL 4 COMMUNITY PLANNING AND DESIGN
- Objective 4.1 Community and Neighborhood Planning
- Objective 4.2 Joint Planning Areas
- Objective 4.3 Community Design
- Objective 4.4 Mixed Use Development
  - Sub-Obj. 4.4.1 Traditional Town Development
  - Sub-Obj. 4.4.2 Multiple Land Use
  - Sub-Obj. 4.4.3 Planned Residential Development
  - Sub-Obj. 4.4.4 Traditional Marketplace Development
  - Sub-Obj. 4.4.5 Traditional Neighborhood Development
  - Sub-Obj. 4.4.6 Mixed Use Planned Development
  - Sub-Obj. 4.4.7 Planned Industrial Park Development
  - Sub-Obj. 4.4.8 Transit Oriented Development

GOAL 5 NATURAL AND HISTORIC RESOURCE PROTECTION
- Objective 5.1 Protection of Natural Resources and Systems
- Objective 5.2 Native Ecosystem Overlay
- Objective 5.3 John D. MacArthur Beach State Park Greenline Overlay
- Objective 5.4 Jonathan Dickinson State Park Greenline Overlay
- Objective 5.5 Turnpike Aquifer Protection Overlay (TAPO) District
- Objective 5.6 Greenways and Linked Open Space System (GLOSS)
- Objective 5.7 Historic Preservation