

COBOWRA

COALITION OF BOYNTON WEST
RESIDENTIAL ASSOCIATIONS

STRATEGIC PLAN

FOR

THE AG RESERVE/PRESERVE

Strategic Plan Presentation Prepared by Mel Morris (Pages 1-11)

“Review and Update” Study Prepared by Myrna Rosoff, Lewis Doctor, and Steven Oseroff (Pages 1.a-11.a)

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BACKGROUND

THE COMPREHENSIVE DEVELOPMENT PLAN FOR THE
AG RESERVE WAS SEVERELY UNDERMINED BY PRESSURE FROM
PRIVATE AND GOVERNMENTAL INTERESTS

THE REMAINING AG LANDS
MUST NOT BE ALLOWED TO DIMINISH

REVISED AG PLAN

- RECOGNIZING THE REALITY OF RESIDENTIAL GROWTH AND NEEDS OF NEW HOMEOWNERS, INCLUDING THE NEED FOR CONTROLLED COMMERCIAL GROWTH, COBWRA'S MAIN PRIORITIES ARE:
 - SUPPORTING A COMPREHENSIVE PLAN THAT INCLUDES THE 60/40 RULE FOR RESIDENTIAL AND COMMERCIAL DEVELOPMENT. [NOTE: 60/40 = 60% OF LAND IN PRESERVE, 40% AVAILABLE FOR DEVELOPMENT
 - NO COMMERCIAL OR RESIDENTIAL DEVELOPMENT PERMITTED WEST OF ROUTE 441

WHY ARE THESE ITEMS IMPORTANT?

- THE LAND WEST OF RTE 441 IS, CONTINUES TO BE, AND WILL ALWAYS BE OF CRITICAL IMPORTANCE
 - IT ABUTS THE ARTHUR M. MARSHALL LOXAHATCHEE NATIONAL WILDLIFE REFUGE
 - IT IS ALL THAT REMAINS OF THE NORTHERN PORTION OF THE EVERGLADES
- AS SUCH, IT IS AN INTEGRAL PART OF THREE MAJOR CHALLENGES FACING PALM BEACH COUNTY AND THE COBWRA SERVICE AREA:
 - WATER QUANTITY
 - WATER QUALITY
 - WATER DELIVERY

WHY ARE THESE ITEMS IMPORTANT?

- THE LAND BETWEEN THE REFUGE AND THE RESIDENTIAL AND COMMERCIAL DEVELOPMENT EAST OF RTE 441 PROVIDES MAJOR BENEFITS:
 - MITIGATES FLOODING THAT OCCURS WITH HURRICANES AND MAJOR RAIN EVENTS
 - PERMITS FLOOD WATERS TO FILTER DOWN AND REPLENISH THE AQUIFERS
 - SERVES AS A CRUCIAL BUFFER BETWEEN PEOPLE AND THE WILDLIFE OF THE REFUGE

COBWRA STRATEGY GOING FORWARD

**STAND FIRM TO PROTECT THE
REMAINING PRESERVE AREA**

**STRICT ENFORCEMENT OF EXISTING
RULES PROHIBITING RESIDENTIAL AND
COMMERCIAL DEVELOPMENT**

ACTIONS TO SUPPORT THE STRATEGY

- PROHIBITING RESIDENTIAL DEVELOPMENT MEANS PROHIBITING HOUSING OF ANY KIND. THIS INCLUDES THE COUNTY'S WORKFORCE HOUSING PROGRAM.
 - WORTHY AS IT IS, THIS HOUSING BELONGS IN THE CENTER OF EMPLOYMENT AND TRANSPORTATION, NOT THE BORDER OF THE EVERGLADES
- CONTINUE TO PROHIBIT AGRICULTURE-RELATED USES HARMFUL TO THE ENVIRONMENT IN THE PRESERVE AREA, BUT OTHERWISE PERMITTED IN THE RESERVE UNDER EXISTING REGULATIONS. THIS INCLUDES, BY EXAMPLE, BUSINESSES CONNECTED TO:
 - MULCHING
 - LANDSCAPE MAINTENANCE
 - EQUINE WASTE DISPOSAL

ACTIONS TO SUPPORT THE STRATEGY

- ENHANCE COBWRA'S ROLE AS AN ADVOCATE FOR THE REMAINING AG RESERVE
 - FOREMOST, THIS MEANS THE EDUCATION OF OUR COMMUNITY MEMBERS
- MEMBERS SHOULD BE ORGANIZED TO PROVIDE ACTIVE SUPPORT BY:
 - PETITION
 - VOTING
 - DEMONSTRATION, OR
 - PARTICIPATING IN COMMITTEES WITHIN THE VARIOUS HOA'S SET UP FOR THIS PURPOSE

ACTIONS TO SUPPORT THE STRATEGY

- ALIGN COBWRA WITH OTHER GROUPS THAT SUPPORT THIS AGENDA
 - REACH OUT AND WORK WITH CONSERVATION AND ENVIRONMENTAL PROTECTION ORGANIZATIONS
- ACTIVELY SEEK TO ACT CLOSELY WITH OUR SISTER ORGANIZATION, THE ALLIANCE OF DELRAY, AS PUBLIC ADVOCATES AND PROTECTORS OF THE AG RESERVE
- MAINTAIN A HIGH LEVEL OF COMMUNICATION WITH THE COUNTY REGARDING GRAVE CONCERNS FOR THE AG RESERVE
- HIRE, OR PARTICIPATE IN THE HIRING OF, PROFESSIONALS AND EXPERTS TO SUPPORT THE STRATEGY, AS NEEDED

CONCLUSION

- RESIDENTIAL DEVELOPMENT REQUIRES:
 - SCHOOLS
 - PUBLIC SAFETY (FIRE, POLICE, EMT)
 - STORES & OFFICES
 - MEDICAL FACILITIES & HOSPITALS
 - HOUSES OF WORSHIP

RESIDENTIAL SERVICES CANNOT CO-EXIST WITH
LARGE-SCALE AGRICULTURE

- COBWRA IS THE VOICE FOR THE RESIDENTS OF WEST BOYNTON
- WHILE ACKNOWLEDGING AND RESPECTING THE ROLE OF COUNTY GOVERNMENT, COBWRA HAS A DUTY TO PROTECT, ENHANCE AND PRESERVE QUALITY OF LIFE FOR THE RESIDENTS IT SERVES

**TOGETHER, WE CAN ALL
WORK TO
ENSURE VIABILITY
OF THE REMAINDER OF THE
COUNTY COMPREHENSIVE
PLAN**

**THE FOLLOWING PAGES (1.a-11.a)
CONTAIN THE FULL REPORT OF THE
SUMMARY IN PAGES 1-11.**



A REVIEW AND UPDATE
of the
COBWRA

PROPOSED POLICY FOR THE FUTURE OF THE
AGRICULTURAL RESERVE AREA

Prepared by Myrna Rosoff, Lewis Doctor and Steven Oseroff

AGRICULTURAL RESERVE: The area bounded by the Turnpike on the east, Clint Moore Road on the South, the Arthur Marshall Loxahatchee National Wildlife Refuge on the west, and a zigzag line just north of the Palm Meadows complex (south of Hypoluxo Road) west to State Road 7 and then northwest to the Loxahatchee National Refuge. The Ag Reserve area is 21,981 acres. It was created to preserve agriculture, wetlands and open space.

AGRICULTURAL PRESERVE: The Preserve consists of land within the Reserve that was purchased by the County with funds from the \$100M bond issue of 1999, and land set aside to satisfy the 60% preserve/40% development requirement to build in the Ag Reserve.

BACKGROUND OF THE COBWRA POLICY

In 2014, Palm Beach County, along with the nation, began to emerge from more than five years of recession. Low interest rates and pent-up demand created pressure from developers, farmers, growers, and other property owners for new uses on the remaining lands within the Ag Reserve/Preserve to expand existing uses. Developers requested the Master Plan be modified to permit greater density and more commercial development. Landowners looked to greater flexibility in the use and sale of their land. Smaller stakeholders looked to monetize their land and to finance their retirement.

PBC Board of County Commission Chambers filled with people wearing brightly colored tee shirts with the slogan Forced to Farm. Well-organized and represented by planners and lawyers, they lobbied through private text amendments to allow retail, commercial, industrial, offices, charter and private schools, and uses not permitted. Faced with a decision whether COBWRA's long-standing policy of support for the Ag Reserve Master Plan was still viable, COBWRA launched an intensive study of the issues to advise and ascertain the will of its membership. The effort culminated in a day-long Retreat in which ninety people participated. The Proposed Policy for the Future of the Agricultural Reserve was the result. It was adopted by COBWRA on September 17, 2014.

COBWRA POLICY FOR THE AG RESERVE

Little change was acceptable to, or proposed by COBWRA.

Modifications were suggested to recognize the reality of residential growth and needs of new homeowners.

1. **COBWRA supports the Comprehensive Plan, including the 60/40 rule for residential and commercial development.** (Note: 60/40 = 60% of land in preserve, 40% available for development).
2. **No commercial or residential development permitted west of Route 441.**
3. **Commercial Development** – The Comprehensive Plan permits only two traditional marketplaces, one at Boynton Beach Boulevard and Lyons Road, and the other at Lyons and Atlantic Avenue. Commercial space is limited to a total of 80 acres and 750,000 sq. ft. between the two locations.

COBWRA proposes an additional 400,000 sq. ft. of commercial development allocated between 4 nodes...

Route 441 at:

- 1) Boynton Beach Boulevard
- 2) Atlantic Avenue

Lyons Road at:

- 3) Boynton Beach Boulevard
- 4) Atlantic Avenue

Continued

COBWRA POLICY FOR THE AG RESERVE, continued

4. Preserve Area – COBWRA supported the amendment to the Comprehensive Plan eliminating the minimum size and contiguity requirements for land to become Preserve. (150 acres, or contiguous to existing preserve areas totaling 150 acres.) Land becomes Preserve when a conservation easement is attached to it. This occurs when the Development Rights are sold. Without Development Rights on it, the land can be farmed or left in conservation. Eliminating the contiguity requirement was to address the inequity to certain smaller owners unable to sell their development rights because the parcel was too small and not contiguous to larger preserve areas.

5. Transfer Development Rights (TDR) – COBWRA wants no change to the Comprehensive Plan. Land in the Ag Reserve has a Development Right of 1 unit per acre. Development Rights can be transferred within the Ag Reserve or out of the Ag Reserve. No Development Rights from other areas may be imported into the Ag Reserve. **Development rights are used to increase density. They are bought to satisfy the requirement of 60% preserve land for a project.** Originally, 60/40 had to be contained within a single development.

HOW THE COMPREHENSIVE PLAN WAS UNDERCUT

Even before the County allowed private text amendments to the Comprehensive Plan, unplanned events occurred:

- South Florida Water Management District land was excluded in the Plan with respect to potential units that could be built in the Ag Reserve. In 2004, 918 acres owned by SFWMD was approved as an offsite preserve area for the Appolonia Farms 60/40 AGR-PUD.
- In 2005, the County sold 40 acres purchased with Bond money to the Solid Waste Authority for a Transfer Station.
- In 2005, a land use amendment was adopted for the 63 acre site for the Bethesda West Hospital campus.
- In 2005-2006, several hundred acres of SFWMD were part of a \$20 million agreement with GL, again to meet preserve requirements, but offsite. The 60% preserve was met, but without reducing the density of the PUD (Planned Unit Development).
- A later agreement between GL and SFWMD, worth about \$10 million to the District, involved over 1,300 acres, creating additional density of 1,300 units not originally anticipated to be built in the Ag Reserve.

These events increased the density of the Ag Reserve, but also changed the character and contributed to development pressure. The conversion of SFWMD land into preserve put land into play that had been exempt from the scheme of development. The AGR-PUD's did not have to decrease density, and did not have to find alternative sites when the acreage available onsite fell short. These PUD's occupy land that might still be agricultural.

2015-2016 COMPREHENSIVE PLAN AMENDMENTS

In 2014 the County held a series of workshops and roundtable discussions regarding the future of the Ag Reserve. This was in response to pressure from farmers and stakeholders to expand development options in the Ag Reserve. Amendments to the Comprehensive Plan followed.

October, 2015 – Contiguity requirement for Development Preserves amended to allow free-standing preserve areas of less than 150 acres to be used to meet 60/40 PUD requirement. *[County initiated.]*

January, 2016 – Pre-existing (grandfathered), non-conforming land uses were amended to continue to expand the present land use. Some sites went from AGR to Commercial Low designation, greatly increasing the desirability and value of the land. *[County initiated.]*

New Non-Residential Land Uses – Thomas Packing Plant at Clint Moore Rd. and 441 removed from the Ag Reserve. The Land Use designation was changed from AGR to Multiple Land Use with Commercial Low and Low Residential. *[Private text amendment.]*

April, 2016 – Commercial Text. The Board of County Commissioners ordered this amendment as the basis to allow case-by-case consideration of future commercial land use requests. *[County initiated.]*

Commercial Land Uses – Alderman, Homrich and Delray Growers approved for commercial land use in the Ag Reserve. *[Privately Initiated.]*

Continued

2015-2016 COMPREHENSIVE PLAN AMENDMENTS, continued

Farm Residences – permitted owners of residences in the Ag Reserve to sell Development Rights from all but the one acre on which the home was situated, property having density of 1 unit per 5 acres. *[County initiated.]*

August, 2016 – BCC grants Commercial Low future land use designation to Feuring and Smiegiel properties. *[Privately initiated.]*

The above text amendments primarily impacted the COBWRA area.

Private text amendment requests continue to be processed by the County. They include land use changes from AGR to Commercial Low, Institutional, and Multiple Land Use, affecting parcels located in the Atlantic Avenue area and further south.

STATUS OF THE COBWRA POLICY PROPOSAL OF 2014

The COBWRA Proposal was well-researched and thought out, and remains just as pertinent today as in September, 2014. It relied on the County for implementation, and so has been of little effect. The County Comprehensive Plan itself, hopeful in concept and detail, largely achieved its goals during its early stage.

The beginning saw the planned continuation of large-scale farming, followed by planned development, adhering to the proscribed rules of 60/40. Then the situation grew more complicated as the chipping away at the Plan took hold. Developers grew more creative. Exceptions to the Comprehensive Plan brought money into the County, and the increased density at the time was seen to be readily accommodated. The one realization lacking was that one by one, seemingly benign policy changes were undermining the Ag Reserve.

With the Comprehensive Plan implemented almost to completion, development should have slowed. It did not, and has not. Enforcement of restrictions is lax and money is plentiful. What worries COBWRA, and the public, is that the frenzy for development is so strong it will overrun any semblance of restrictions. Certainly, the interests and the goals of the farming community itself are no longer the same.

With the explosion in the value of farmland, farmers want to cash out at top dollar, and that means more private text amendments for zoning changes.

THE AGRICULTURAL RESERVE AREA NOW

County Ordinance 2015-046 which redefined “contiguous” also repeated that “**the development area shall not be situated west of State Road 7**” (also known as Route 441). This is of vital importance.

For this analysis, we divide the Ag Reserve area into three sections:

- **Section A: The Turnpike west to Lyons Road** – There is very little left to develop. There are two small areas north and south of Boynton Beach Boulevard just west of the turnpike and there is the east side of Acme Dairy Road north of Boynton Beach Boulevard. The land south of the Valencia Bay community is believed sold.
- **Section B: Lyons Road to State Road 7** – Only the land purchased by the County with the \$100 million Bond money, roughly 3,000 acres, and Whitworth Farms with 600 acres, are left. There are some Preserve lands, such as the Amestoy land surrounding Bethesda West Hospital, but given the text amendment changes that are possible, this may not last.
- **Section C: State Road 7 to the Arthur R. Marshall Loxahatchee National Wildlife Reserve** -- This is the land west of State Road 7. It is the only hope to keep any portion of the Agricultural Reserve alive.

The plan for the Agricultural Reserve should have resulted in large preserve parcels east of State Road 7/Route 441, 60 per cent Preserve for 40 percent of development, on a minimum of 250 acres. That would have resulted in an adjoining 150 acres of Preserve to 100 acres of development. Instead, by permitting the Preserve land to be put elsewhere, 100 per cent of each parcel was developed, and the Preserve land ended up west of 441, an area never part of the Comprehensive Plan, and scattered about in smaller parcels.

The land west of 441 is, continues to be, and will always be of critical importance. It abuts the Arthur M. Marshall Loxahatchee National Wildlife Refuge, which is all that remains of the northern portion of the Everglades. As such, it is an integral part of three major challenges facing Palm Beach County and the southwestern COBWRA area: water quantity, water quality, water delivery.

The acreage between the Refuge and the residential and commercial development east of 441, is serving a critical purpose. Whether it is fallow or in crops, pasture, equestrian, water or environmental preserve, it mitigates the flooding that occurs with hurricanes and major rain events. The nature of the soil permits flood waters to filter down and replenish the aquifers. It also serves as a crucial buffer between people and the wildlife of the Refuge.

COBWRA STRATEGY GOING FORWARD

COBWRA must stand firm in its commitment to preserve this western preserve area. This requires:

- Strict enforcement of existing rules prohibiting residential and commercial development.
- Continuing to prohibit in the **Preserve** area agriculture related uses harmful to the environment, but otherwise permitted in the **Reserve** under existing regulations. This includes, by example, businesses connected to mulching, landscape maintenance and equine waste disposal
- Prohibiting residential development means prohibiting housing of any kind. This includes the County's Workforce Housing program. Worthy as it is, this housing belongs in the center of employment and transportation possibilities, not at the border of the Everglades.
- COBWRA must ally itself with other groups that support this agenda. This means reaching out and working with conservation and environmental protection organizations.
- COBWRA must enhance its role as an advocate for whatever remains of the Ag Reserve. Foremost, this means the education of our community members. Members should be organized to provide active support, whether by petition, voting, or demonstration. Participating committees within the various HOA's should be set up for this purpose.
- Effort should be made to act closely with our sister organization, the Alliance of Delray, as public advocates and protectors of the Ag Reserve.
- County commissioners and staff should be continually alerted to our grave concern for the Ag Reserve.
- As deemed necessary, we should be prepared to hire, or participate in the hiring, of professionals to make our case, such as lawyers, lobbyists, land planners, public relations experts and social media experts.

CONCLUSION

- Residential development, with all that it entails in support for the residents, such as schools, fire and public safety, stores, offices, and medical facilities, cannot co-exist with large-scale agriculture. The Comprehensive Plan envisioned an agrarian/rural/suburban society in which only basic support existed within the confines of the Reserve. This did not comply with the reality of increased density. The vision may have been flawed, but it was the exceptions to the Plan that were its eventual undoing.
- The County land remains, but with far fewer acres than originally anticipated because of the run-up in price when the County became a purchaser rich in public bond money. The Preserve land remains. South of the COBWRA area there are numerous small parcels of Preserve land resulting in an awkward situation. Then there is the Preserve land located west of 441, an area never meant to be a repository for Preserve. This area always had its own identity and purpose, for water, wetlands and conservation management.
- COBWRA recognizes the authority and sovereignty of County government. It also recognizes its own responsibility as a citizen and civic organization. It is the voice for its constituents residing in this area.
- Together we can all work to ensure observance of the remainder of the County Comprehensive Plan.