

Rick Scott
GOVERNOR



Jesse Panuccio
EXECUTIVE DIRECTOR

December 2, 2015

The Honorable Cary Glickstein
Mayor, City of Delray Beach
100 NW 1st Avenue
Delray Beach, Florida 33444

Dear Mayor Glickstein:

The Department of Economic Opportunity has completed its review of the proposed comprehensive plan amendment for the City of Delray Beach (Amendment No. 15-1ESR), which was received on November 2, 2015. We have reviewed the proposed amendment pursuant to Sections 163.3184(2) and (3), Florida Statutes (F.S.), and identified no comment related to important state resources and facilities within the Department's authorized scope of review that will be adversely impacted by the amendment if adopted.

We are, however, providing two technical assistance comments consistent with Section 163.3168(3), F.S. The Agency's technical assistance comments will not form the basis of a challenge but are offered to strengthen the City's comprehensive plan or ensure compliance with the provisions of the Community Planning Act.

The first technical assistance comment pertains to the language to adopt the Water Supply Facilities Work Plan (WSFWP). The amendment proposes to revise Policy A-5.1 of the Conservation Element to specify that the City shall adopt a Water Supply Facilities Work Plan in 2015. As written, this Policy does not actually state the WSFWP has been or will be adopted by reference through this amendment. To avoid confusion and ensure compliance with Section 163.3177(6)(c)3., F.S., the City should revise the Policy or add a new Policy to specify that "the City adopts, by reference, the City of Delray Beach's 2015 10-year Water Supply Facilities Work Plan." The City may use other similar wording, as appropriate.

The second technical assistance comment pertains to the proposed revision of the Capital Improvement Schedule. The amendment proposes to add the Table RW-CIP to update its Five-Year Schedule of Capital Improvement. However, the Table RW-CIP does not sufficiently cover the five-year period and it only covers the Capital Improvement of reclaimed water. In order to ensure compliance with Section 163.3177(3)(a)4., F.S., the City should revise the Five-Year Schedule of Capital Improvement to include water supply, reuse, and conservation projects and programs to be implemented during the five-year periods.

The City is reminded that pursuant to Section 163.3184(3)(b), F.S., other reviewing agencies have the authority to provide comments directly to the City. If other reviewing agencies provide comments, we recommend the City consider appropriate changes to the amendment based on those comments. If unresolved, such comments could form the basis for a challenge to the amendment after adoption.

The City should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. Also, please note that Section 163.3184(3)(c)1, F.S., provides that if the second public hearing is not held and the amendment adopted within 180 days of your receipt of agency comments, the amendment shall be deemed withdrawn unless extended by agreement with notice to the Department and any affected party that provided comment on the amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment.

If you have any questions concerning this review, please contact Qianying Wu, at (850) 717-8463, or by email at Qianying.Wu@deo.myflorida.com.

Sincerely,

A handwritten signature in black ink, appearing to read "J.A. Dennis", with a stylized flourish at the end.

Julie A. Dennis, Interim Director
Division of Community Development

JAD/qw

Enclosure: Procedures for adoption of comprehensive plan amendments

cc: Mark E. Stivers, AICP, Principal Planner, Planning and Zoning Department, City of Delray Beach
Michael J. Busha, AICP, Executive Director, Treasure Coast Regional Planning Council

SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS
FOR EXPEDITED STATE REVIEW

Section 163.3184(3), Florida Statutes

NUMBER OF COPIES TO BE SUBMITTED: Please submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the Department of Economic Opportunity and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

SUBMITTAL LETTER: Please include the following information in the cover letter transmitting the adopted amendment:

_____ Department of Economic Opportunity identification number for adopted amendment package;

_____ Summary description of the adoption package, including any amendments proposed but not adopted;

_____ Identify if concurrency has been rescinded and indicate for which public facilities. (Transportation, schools, recreation and open space).

_____ Ordinance number and adoption date;

_____ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

_____ Name, title, address, telephone, FAX number and e-mail address of local government contact;

_____ Letter signed by the chief elected official or the person designated by the local government.

ADOPTION AMENDMENT PACKAGE: Please include the following information in the amendment package:

_____ In the case of text amendments, changes should be shown in strike-through/underline format.

_____ In the case of future land use map amendments, an adopted future land use map, in **color format**, clearly depicting the parcel, its future land use designation, and its adopted designation.

_____ A copy of any data and analyses the local government deems appropriate.

Note: If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

_____ Copy of the executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for expedited review:

The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the Department of Economic Opportunity notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the Department of Economic Opportunity or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Department of Economic Opportunity.

_____ List of additional changes made in the adopted amendment that the Department of Economic Opportunity did not previously review;

_____ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

_____ Statement indicating the relationship of the additional changes not previously reviewed by the Department of Economic Opportunity in response to the comment letter from the Department of Economic Opportunity.

From: [Oblaczynski, Deborah](#)
To: [Stivers, Mark](#)
Cc: [Michael J Busha \(mbusha@tcrcpc.org\)](#); [Ray Eubanks \(DCPexternalagencycomments@deo.myflorida.com\)](#); [James Stansbury \(James.stansbury@deo.myflorida.com\)](#)
Subject: City of Delray Beach, DEO # 15-1ESR Comments on Proposed Comprehensive Plan Amendment Package
Date: Friday, November 20, 2015 4:08:27 PM

Dear Mr. Stivers:

The South Florida Water Management District (District) has completed its review of the proposed amendment package from the City of Delray Beach (City). The proposed amendment updates the Water Supply Facilities Work Plan and includes the associated Comprehensive Plan Amendments. There appear to be no regionally significant water resource issues; therefore, the District has no comments on the proposed amendment package. The District offers the following technical assistance for the City's consideration. The suggested changes are noted in underline/strikethrough:

- Consider updating Conservation Policy A-5.1 to read: In 2015, the City shall adopt a Water Supply Facilities Work Plan to assess ~~access~~ projected water needs and sources for at least a 10-year planning period considering the South Florida Water Management District's Lower East Coast Water Supply Plan.
- Update the reference to the Work Plan on Public Facilities Element page PF-3 to read "...within in the ~~2014~~ 2015 10-Year Water Supply Facilities Work Plan..."

The District offers its technical assistance to the City and the Department of Economic Opportunity in developing sound, sustainable solutions to meet the City's future water supply needs and to protect the region's water resources. Please forward a copy of the adopted amendments to the District. Please contact me if you need assistance or additional information.

Sincerely,

Deb Oblaczynski
Policy & Planning Analyst
Water Supply Implementation Unit
South Florida Water Management District
3301 Gun Club Road
West Palm Beach, FL 33406
(561) 682-2544 or doblaczy@sfwmd.gov

We value your opinion. Please take a few minutes to share your comments on the service you received from the District by clicking on this [link](#).

From: [Stillings, Tim](#)
To: [Stivers, Mark](#)
Subject: FW: City of Delray Beach 15-1ESR - FDOT District Four Review
Date: Wednesday, November 25, 2015 1:41:35 PM

FYI

From: Hymowitz, Larry [<mailto:Larry.Hymowitz@dot.state.fl.us>]
Sent: Wednesday, November 25, 2015 1:33 PM
To: DCPexternalagencycomments; Stillings, Tim; PZmail@MyDelrayBeach.com
Cc: Wu, Qianying; Bush, Lois
Subject: City of Delray Beach 15-1ESR - FDOT District Four Review

I am writing to advise you that the Department has no formal comments for the proposed City of Delray Beach comprehensive plan amendments with DEO reference number 15-1ESR related to the 10 Year Water Supply Facilities Work Plan.

The Department requests one copy, which may be on CD ROM in Portable Document Format (PDF), of all adopted plan amendment materials, including graphic and textual materials and support documents.

Thank you.

Larry Hymowitz
Planning Specialist – Policy Planning & Growth Management
Planning & Environmental Management - FDOT District Four
3400 West Commercial Boulevard
Fort Lauderdale, Florida 33309-3421
Phone: (954) 777-4663; Fax: (954) 677-7892
larry.hymowitz@dot.state.fl.us

Marva Johnson, *Chair*
John R. Padget, *Vice Chair*
Members
Gary Chartrand
Tom Grady
Rebecca Fishman Lipsey
Michael Olenick
Andy Tuck



November 4, 2015

Mr. Mark E. Stivers, AICP, Principal Planner
Planning and Zoning Department
City of Delray Beach
100 Northwest First Avenue
Delray Beach, Florida 33444
Via Email: stiversm@mydelraybeach.com

Re: Delray Beach 15-1ESR

Dear Mr. Stivers:

Thank you for the opportunity to review the City of Delray Beach's 15-1ESR amendment package, which the Florida Department of Education received on November 2, 2015. According to the department's responsibilities under section 163.3184(3), Florida Statutes, I reviewed the amendment considering provisions of chapter 163, part II, F.S., and to determine whether the proposal, if adopted, would have the potential to create significant adverse effects on public school facilities.

The proposal would amend the comprehensive plan to reflect update the 10-year water supply facilities work plan. Because the proposed amendment does not appear to have the potential to adversely affect public school capacity or sites, I offer no comment.

Again, thank you for the opportunity to review the amendment package. If I may be of assistance, please contact me at 850-245-9312 or Tracy.Suber@fldoe.org.

Sincerely,

Tracy D. Suber
Growth Management & Facilities Policy Liaison

TDS/

cc: Ms. Angela Usher, AICP, The School Board of Palm Beach County
Mr. James Stansbury, DEO/State Land Planning Agency

Thomas H. Inserra
Director, Office of Educational Facilities

From: [Miller, Diane](#)
To: [Stivers, Mark](#)
Subject: FW: Delray Beach 15-1ESR Proposed
Date: Sunday, November 29, 2015 8:44:38 AM
Attachments: [image003.png](#)
[image001.png](#)
[image002.png](#)

Diane Miller



*Executive Assistant to
Tim Stillings, Director
Planning & Zoning Dept.
City of Delray Beach
100 NW 1st Avenue
Delray Beach, Fl. 33444
561-243-7041 (Office)
561-243-7221 (Fax)
millerd@mydelraybeach.com*



PUBLIC RECORDS NOTE: Florida has a very broad public records law. Most written communications to or from local officials, employees, or the general public regarding city business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

From: Ray, Suzanne E. [<mailto:Suzanne.E.Ray@dep.state.fl.us>]
Sent: Monday, November 23, 2015 3:08 PM
To: PZmail@MyDelrayBeach.com; DCPexternalagencycomments@DEO.myflorida.com
Subject: Delray Beach 15-1ESR Proposed

To: Mark Stivers, Principal Planner


Re: Delray Beach 15-1ESR – Expedited Review of Proposed Comprehensive Plan Amendment

The Office of Intergovernmental Programs of the Florida Department of Environmental Protection (Department) has reviewed the above-referenced amendment package under the provisions of Chapter 163, Florida Statutes. The Department conducted a detailed review that focused on potential adverse impacts to important state resources and facilities, specifically: air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, conservation easements; solid waste; and water and wastewater treatment.

Based on our review of the submitted amendment package, the Department has found no provision that, if adopted, would result in adverse impacts to important state resources subject to the Department's jurisdiction.

Feel free to contact me at Suzanne.e.ray@dep.state.fl.us or (850) 245-2172 for assistance or additional information. Please send all amendments, both proposed and adopted, to plan.review@dep.state.fl.us or

Florida Department of Environmental Protection
Office of Intergovernmental Programs, Plan Review
3900 Commonwealth Blvd., MS 47
Tallahassee, FL 32399-3000

A handwritten signature in black ink, reading "Suzanne E. Ray". The signature is written in a cursive style with a large, stylized "S" and "R".A small, empty rectangular box with a thin black border, likely a placeholder for a stamp or additional text.A small, empty rectangular box with a thin black border, likely a placeholder for a stamp or additional text.

From: [Stephanie Heidt](#)
To: [DEO CPA Reports](#); [Stivers, Mark](#)
Cc: ["Eubanks, Ray"](#); Adam.biblo@deo.myflorida.com; [Wu, Qianying](#)
Subject: City of Delray Beach Comprehensive Plan Amendment No. 15-1ESR
Date: Wednesday, November 04, 2015 1:40:59 PM

This is to notify you that the Treasure Coast Regional Planning Council will be reviewing the above-referenced plan amendments, which we received on October 23, 2015.

Council staff will review the amendments for extrajurisdictional impacts and impacts on significant regional resources and facilities. Council will provide a written report to the City and a copy of the report to the State Land Planning Agency within 30 calendar days of receipt.

If you have any questions or comments, please feel free to call.

Stephanie Heidt
Intergovernmental/Brownfields Coordinator
Treasure Coast Regional Planning Council
772.221.4060 Office
772.475-3863 Cell
sheidt@tcrpc.org

TREASURE COAST REGIONAL PLANNING COUNCIL

MEMORANDUM

To: Council Members AGENDA ITEM 8E

From: Staff

Date: December 11, 2015 Council Meeting

Subject: Local Government Comprehensive Plan Review
Draft Amendment to the City of Delray Beach Comprehensive Plan
Amendment No. 15-1ESR

Introduction

The Community Planning Act, Chapter 163, *Florida Statutes*, requires that the regional planning council review local government comprehensive plan amendments prior to their adoption. The regional planning council review and comments are limited to adverse effects on regional resources or facilities identified in the strategic regional policy plan (SRPP) and extrajurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within the region. Council must provide any comments to the local government within 30 days of the receipt of the proposed amendments and must also send a copy of any comments to the state land planning agency.

The amendment package from the City of Delray Beach contains text changes to the Future Land Use, Public Facilities, Coastal Management, Conservation, Intergovernmental Coordination, and Capital Improvements elements of the comprehensive plan. The amendment also includes text changes to the Introduction and Summary of Major Features section of the comprehensive plan and an update to the 10-Year Water Supply Facilities Work Plan (WSFWP). This report includes a summary of the proposed amendment and Council comments.

Summary of Proposed Amendment

The proposed amendment includes text changes to the comprehensive plan, which are primarily based on an update to the 10-Year WSFWP. The proposed changes and the updated WSFWP are available as supplements to this report on Council's website. The most significant changes are summarized below:

- Updated references to the 2015 10-Year WSFWP throughout the comprehensive plan;
- Updated references to City of Delray Beach Planning Area, which includes 17.1 square miles, with 0.80 square miles currently under county jurisdiction;

DRAFT
Subject to Modifications

- Updated level of service standards for Water Treatment System, including Finished Water Usage (234.8 gal per person per day); Raw Water (19.1 million gallons per day); and Permitted Water Treatment Capacity (26 million gallons per day);
- Revised data in Table L-3, City of Delray Beach Population Projections, and associated text to reflect updated population projections;
- Revised statement indicating that with the development of the Morikami Wellfield, west of the Planning Area, and expansion of the city's reclaimed distribution system the city has sufficient raw water capacity to meet the needs of the 2030 population;
- Edited Policy B-3.5 in the Future Land Use Element to delete a requirement to prepare an urban services annexation report for an area known as Country Club Acres;
- Deleted text and maps in the Public Facilities Element that contained information from the 2008 WSFWP and replaced this section by attaching the updated 2015 WSFWP as an appendix;
- Deleted Policy B-1.2 in the Public Facilities Element indicating the city shall continue to seek approval for utilization of the Aquifer Storage and Recovery well to supplement water supply during conditions of drought or well field contamination and as a method of balancing the demand on water supply wells during periods of high and low demand;
- Revised Policy B-2.1 in the Public Facilities Element to indicate the city will participate in the South Florida Water Management Districts (SFWMD) Conservation Hotel and Motel Program to promote water conservation for many of the city's hotels;
- Revised text in the Coastal Management Element to indicate the city has completed projects to provide reclaimed water to a significant portion of the barrier island and has capital improvements plans to expand the system to most of the other potential residents identified in the Reclaimed Water Master Plan within the next five years;
- Revised text in the Conservation Element indicating the surficial aquifer is the primary source of the city's potable water supply, and the Floridan aquifer is currently used to supplement the surficial aquifer system for potable water supply;
- Revised text in the Conservation Element describing the city's current and projected water source needs; and
- Updated text and list of projects in the Capital Improvement Element to be consistent with the 2015 WSFWP.

The purpose of the WSFWP is to identify and plan for the water supply sources and facilities needed to serve existing and new development within its jurisdiction. The work plan was updated to be consistent with the Lower East Coast Regional Water Supply Plan, which was

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Subject to Modifications

approved by SFWMD on September 12, 2013. The City of Delray Beach Public Utilities Division service area is approximately 18 square miles and includes the Town of Gulf Stream and some sections of unincorporated Palm Beach County. The city has a lime softening plant that is rated at 26 million gallons per day (MGD) by the Florida Department of Environmental Protection. The city's current SFWMD Water Use Permit was issued in 2010 and expires in 2030. Under this permit, the annual groundwater allocation is not to exceed 6,972 MG (19.10 MGD) and the maximum monthly allocation is not to exceed 654 MG (21.8 MGD).

The city withdraws groundwater from the surficial aquifer and Floridan aquifer for treatment and distribution to its service area. The water use permit provides for operation of over 30 wells in four wellfields: the Eastern (12 wells); Morikami (3 wells); 20-series (6 wells); and Golf Course (9 wells) wellfields. Eight additional wells are proposed in the Morikami wellfield. The city can withdraw all 19.10 MGD from the surficial aquifer or it can withdraw less from the surficial aquifer and supplement their supply with water from one Floridan aquifer. The city has emergency interconnect agreements with neighboring municipal water systems, including the City of Boynton Beach, Palm Beach County Utilities, and City of Boca Raton. The WSFWP indicates the city has sufficient raw water capacity to meet the projected water demands until 2030 with the allocation. The WSFWP indicates the city continues to support a variety of water conservation strategies and techniques and water reuse initiatives.

Regional Impacts

No adverse effects on regional resources or facilities have been identified.

Extrajurisdictional Impacts

The proposed amendment package was submitted to the Palm Beach County Intergovernmental Plan Amendment Review Committee Clearinghouse Coordinator on September 17, 2015. No extrajurisdictional impacts have been identified.

Conclusion

No adverse effects on regional resources or facilities and no extrajurisdictional impacts have been identified.

Recommendation

Council should approve this report and authorize its transmittal to the City of Delray Beach and the Florida Department of Economic Opportunity.

Attachment

List of Exhibits

Exhibit

1 General Location Map

Exhibit 1
General Location Map



CITY OF DELRAY BEACH



100 N.W. 1st AVENUE • DELRAY BEACH, FLORIDA 33444 • 561/243-7000

December 10, 2015

Ms. Julie A Dennis, Interim Director
Division of Community Development
Florida Department of Economic Opportunity
Caldwell Building
107 E. Madison Street
Tallahassee, FL 32399

Re: City of Delray Beach, DEO #15-1ESR.

Dear Ms. Dennis:

Thank you for your comments on the City's proposed comprehensive plan amendment addressing the 2015 Water Supply Facilities Work Plan (WSP). The following is in response to your letter dated December 2, 2015. The following is offered with regard to the technical comments provided with the correspondence.

1. Conservation Element Policy A-5.1. Consistent with DEO's recommendation, Policy A-5.1 has been revised to read, "The City adopts, by reference, the City of Delray Beach's 2015 10-year Water Supply Facilities Work Plan."
2. Revisions to the Capital Improvements Plan. DEO has requested amendments noting Table RW-CIP does not sufficiently cover the five-year period and only covers the Capital Improvement of reclaimed water. The City is currently undertaking a complete review of the CIP process, including establishing clear criteria for the ranking and funding of all capital projects. In addition, the City has begun a Water Treatment and Feasibility study. The results of this study will have a direct impact on the future CIP.
3. Finally, the City Council has directed staff to begin a major update to the City's Comprehensive Plan. With this update, the City will update the Capital Improvement element to be in compliance with all State statues, including Section 163.3177(3)(a)4., F.S.

In addition, the City did receive responses back from the other agencies. There were no significant comments in those responses that have not been addressed in the changes noted above.

Following the adoption of the proposed Ordinance and study, a complete set of all required materials will be remitted to your office as well as to all agencies as required.

The City is committed to working with DEO and appreciates your consideration of the responses and corrective measures.

If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark E. Stivers', with a long horizontal flourish extending to the right.

Mark E. Stivers, AICP
Principal Planner
City of Delray Beach

CC: Kimley-Horn
File