INDIAN TRAIL IMPROVEMENT DISTRICT
13476 61ST STREET NORTH
WEST PALM BEACH, FL 33412-1915
Office: 561-793-0874
Fax: 561-793-3716

Established 1957 **www.indiantrail.com**

July 24, 2014

Ms. Verdenia C. Baker, Deputy County Administrator
Palm Beach County Governmental Center
301 N. Olive Avenue
West Palm Beach, Florida 33401

Re: **Indian Trail Improvement District's Position Regarding and Comments on the Proposed Minto West Project**

Dear Ms. Baker;

This letter is submitted on behalf of Indian Trail Improvement District (ITID). It summarizes the key conclusions of ITID's staff and professional consultants regarding the impact on ITID's public facilities and services of the development project known as "Minto West", the approval of which is currently pending before Palm Beach County. The Board of Supervisors trusts that Palm Beach County will find the attached information helpful in evaluating the "package" of development order applications submitted by the developer, Minto SPW LLC ("Minto").

DISTRICT POSITION REGARDING MINTO WEST: At its meeting of July 9, 2014, the Board of Supervisors adopted a Resolution objecting to approval of Minto's current applications to change the mix of land uses and dramatically increase the densities and intensities on its property above those approved by Palm Beach County in 2008 for the Callery-Judge Agricultural Enclave (see attached Exhibit "M"). **The Board of Supervisors acknowledges the County's 2008 approvals for the site and strongly urges the Palm Beach County Board of County Commissioners not to change those approvals as Minto requests.** The reasons for the District's position are outlined in this letter and its attachments.

BACKGROUND: Indian Trail Improvement District is an independent special district of the State of Florida established in 1957 pursuant to Chapter 298, Florida Statutes and special acts of the Florida Legislature with a jurisdictional area of ±110 square miles. ITID was created to finance, construct and perpetually maintain public surface water management, road and park and recreation facilities and related services benefitting the unincorporated community known as the "Acreage." The Acreage currently encompasses approximately 35 square miles. It is subdivided into 19,803 parcels, of which 17,057 (86.1%) are developed, supporting an estimated population of 38,000. If it were incorporated, the Acreage would be the 4th largest in area and 8th most populous municipality in Palm Beach County. Over the past three decades, the Acreage has matured into a vibrant community with a cherished sense of its unique identity.

"WORKS OF THE DISTRICT" & COMMUNITY CONTROL: ITID has constructed and currently maintains more than 160 miles of drainage canals, four stormwater pump stations, two stormwater impoundments, 459 miles of paved and unpaved roadways, and nine community parks (collectively, the "Works" of the District). The character and quality of these Works were designed to reflect the rhythm and service demands of a relatively low intensity, "rural" lifestyle. ITID's Works were constructed and are currently maintained exclusively by non-ad valorem special benefit assessments imposed annually on District landowners, unassisted by the outside funding (e.g., Gas Tax, impact fees or general tax revenue). Since 1981, ITID has also issued more than $34,000,000 in bonds and loans (plus interest) to construct its Works, repayment of which debt is included in the landowners' annual assessment. ITID's proposed 2014-2015 Budget to maintain its Works is approximately $13,111,000, an average of $466 in assessments per parcel --- this is in addition to ad valorem property taxes imposed by the County and other taxing units. No other special district in Palm Beach County has provided basic facilities and services to a community on the scale of ITID.

Indian Trail Improvement District Board of Supervisors
Carol Jacobs ▪ Ralph Bair ▪ Michelle Damone ▪ Gary Dunkley ▪ Jennifer Hager

Understandably, because of this unique history Acreage residents have a special proprietary claim on ITID's Works which they take seriously. This is especially true when, as is the case with Minto West, the community's right to control or to use District facilities is challenged or ignored by non-residents and other governmental entities. ITID is responsible for protecting the Works of the District from forces, both natural and man-made, that would damage them, exceed their carrying capacity or hasten their deterioration.

THE "AGRICULTURAL ENCLAVE". In 2008, the County assigned an "Agricultural Enclave" Comprehensive Plan designation to the Callery-Judge Groves property, a 3791 acre (±6 square mile) parcel located in the heart of and almost entirely surrounded by the Acreage. Callery-Judge is often described as the "hole" in the Acreage "donut". For decades, Callery-Judge functioned as a citrus grove, a pre-existing agricultural operation consistent with the lifestyle of the surrounding community. Grove operations did not impose unreasonable burdens on the Works of the District. Several years ago, however, Callery-Judge discontinued agricultural production and pursued development. After a long and controversial struggle over the property's future, the property owner pursued and obtained special development rights from the Florida Legislature in the form of the Agricultural Lands and Practices Act, an amendment to Florida's Growth Management Law (Chapter 163, Part II, Florida Statutes) (the "Act"). The Act gave Callery-Judge an opportunity to have their land declared an "agricultural enclave", a land use designation designed to overcome many of the objections to their development plans.

In response to an application pursuant to the Act, Palm Beach County in 2008 approved an "Agricultural Enclave" Comprehensive Plan designation for the property, allowing the possibility of a maximum of 2,996 dwelling units and 235,000 square feet of neighborhood or community-oriented non-residential uses (hereafter, the "Callery-Judge Plan"). While the proposed form of the Callery-Judge Plan may be different, these levels of density and intensity were reasonably similar on average to those in the Acreage. The Callery-Judge Plan, however, was adopted with minimal review and virtually no assessment of its potential impacts on the surrounding community.

Minto, the successor to Callery-Judge, now proposes to scrap the Callery-Judge Plan, retaining only the "Agricultural Enclave" Comprehensive Plan land use designation. In its place, Minto proposes an intense, mixed use development modelled on "New Urbanist" principles with minimal resemblance to the Acreage. The Minto West Plan currently involves a 52% increase in residential density (from 2,996 du to 4549 du), a staggering 894% increase in non-residential (retail, office & "employment") uses (from 235,000 to 2.1-million sf), as well as free-standing uses including a 3000 student university, a 150 room hotel and a 126 acre "commercial recreation" area with "lighted fields". The full impacts of this project cannot be precisely calculated.

Minto West's proposed urban form, land use mix and development density/intensity are clearly inconsistent with that of the Acreage, Loxahatchee Groves and other surrounding communities. No amount of internal "buffering" will contain the project's development impacts entirely within its boundaries. This is especially true of its traffic, which (in combination with the expected traffic from several other equally large development projects planned for the area just north and west of the Acreage) will sprawl outward, blanketing roads in the Western Communities. It is easy to see why many have concluded that Minto West is not only a "game changer", but also a "block buster". Minto West and its fellow developments present in aggregate a profound challenge to maintaining the Works of the District, as well as to the Acreage community's ability to sustain and enhance the quality of life they have labored to create.

DISTRICT RESPONSE: Neither ITID's Board of Supervisors nor its staff can officially represent or fully articulate the range of the Acreage community's objections to and concerns raised by Minto West. ITID's primary responsibility is to assure that its "Works" – the roads, canals, and parks paid for and maintained exclusively by District property owners through their special benefit assessments – are not damaged or degraded by the impacts of unjustifiably intense, badly planned or inappropriately placed development on surrounding properties. In this regard, Minto and the County make many assumptions about the physical "carrying capacity" of ITID's infrastructure. Even more significantly, Minto and the County also seem to take for granted that the Works of the District -- built and maintained exclusively by Acreage landowners -- are available to be used by outside landowners without approval or adequate compensation.

ITID and its landowners have heavily invested in public facilities designed to serve and directly benefit themselves and their community. Because of the willingness of Acreage landowners to tax themselves, Palm Beach County taxpayers have been for decades relieved of the expense of constructing and maintaining those facilities. Acreage landowners did

not assume this financial burden in order to benefit land speculators or developers of adjacent lands like Minto or G. L. Homes. Nor should Palm Beach County consider the Acreage landowners' investment in the Works of the District to be an invitation to justify issuing land development orders that, while they may benefit the County and its interests, are clearly detrimental to the District and the Acreage community.

In response to the challenge presented by Minto West, the District's Board of Supervisors directed its staff and professional consultants to examine the current proposal in an effort to estimate its direct and indirect impacts on the Works of the District. The attached conclusions (see **Exhibit "A"**) accompanied by certain supporting documents are presented in summary form for the County's consideration. If requested, ITID's staff and professional consultants will be available to expand on or explain the information provided. **However, regardless of the County's response, ITID intends to use this information to act independently in its own best interests to address the challenges to the control and operation of its Works posed by Minto West, G. L. Homes and other imminent development projects.**

We trust the information we are providing will be useful to the County in evaluating Minto's and other applications for development approval. This letter does not exhaust ITID's comments on the Minto West project, and the District reserves its right to supplement and adjust its position as more information is provided by Minto, the County or other developers in the immediate area.

Sincerely yours,

INDIAN TRAIL IMPROVEMENT DISTRICT
BY ITS BOARD OF SUPERVISORS

Carol Jacobs
President

Attachments
CC: Hon. Priscilla Taylor, Mayor
Hon. Jess Santamaria, Commissioner
Hon. P. Burdick, Vice Mayor
Hon. Hal R. Valeché, Commissioner
Hon. S. Vana, Commissioner
Hon. S. Abrams, Commissioner
Hon. Mary Lou Berger, Commissioner
Robert Weisman, P.E., County Administrator
Verdenia C. Baker, Deputy County Administrator
George T. Webb, P.E., County Engineer
Dan Weisberg, P.E., Director, Traffic Division
Rebecca D. Caldwell, Executive Director, PBC PZB
Lorenzo Aghemo, Planning Director
Board of Supervisors, ITID
Ralph Bair, Vice President
Michelle Damone, Treasurer
Gary Dunkley, Assistant Secretary
Jennifer Hager, Supervisor
G. James Shallman, District Manager
Jay G. Foy, P.E., District Engineer
F. Martin Perry, Esq.

LIST OF EXHIBITS

EXHIBIT "A"		SUMMARY OF COMMENTS ON MINTO WEST PLAN BY ITID'S PROFESSIONAL CONSULTANTS
EXHIBIT "B"		MINTO WEST VICINITY SKETCH
EXHIBIT "C"		RESOLUTION OF THE BOARD OF SUPERVISORS OF ITID, SUPPORTING A REGIONAL APPROACH TO PLANNING IN THE WESTERN COMMUNITIES, ADOPTED MAY 13, 2014.
EXHIBIT "D"	D-1:	EXTRACT OF PBC COMPREHENSIVE PLAN, LAND USE MAP LU 1.1 (TIER)
	D-2:	EXTRACT OF PBC COMPREHENSIVE PLAN, TABLE III.C
EXHIBIT "E"	E-1:	EXTRACT OF PBC COMPREHENSIVE PLAN MAP TE 3.1 (FUNCTIONAL CLASSIFICATION OF ROADS)
	E-2:	EXTRACT OF FEDERAL FUNCTIONAL CLASSIFICATION OF ROADS MAP
EXHIBIT "F"		LRM DENSITY/INTENSITY ANALYSIS OF MINTO WEST PLAN, DATED JUNE 18, 2014
EXHIBIT "G"	G-1:	McMAHON- MINTO WEST/CALLERY JUDGE TRAFFIC ANALYSIS, DATED JUNE 2014
	G-2:	McMAHON-MINTO WEST/CALLERY JUDGE TRAFFIC ANALYSIS, TECHNICAL APPENDICES, DATED JUNE 2014
EXHIBIT "H"	H-1:	RELIEVER ROAD INTERLOCAL AGREEMENT, DATED 02-24-09
	H-2:	RELIEVER ROAD ITID PERMIT, DATED 04-27-09
EXHIBIT "I"	I-1:	INTERLOCAL AGREEMENT, TRANSFER OF "MAJOR LOOP ROADS", DATED 01-28-92
	I-2:	INTERLOCAL AGREEMENT, TRANSFER OF OTHER ROADS, DATED 08-15-95
EXHIBIT "J"		1966 MUTUAL ROW AGREEMENT
EXHIBIT "K"		CONCEPTUAL NEIGHBORHOOD TRAFFIC PROTECTIVE PLAN (NO LOCAL ACCESS), PREPARED BY GENTILE, GLAS ET AL, DATED JUNE 20, 2014
EXHIBIT "L"		ITID DRAINAGE SYSTEM MAP, PREPARED BY STORMWATERJ ENGINEERING
EXHIBIT "M"		RESOLUTION OF THE BOARD OF SUPERVISORS OF INDIAN TRAIL IMPROVEMENT DISTRICT IN OPPOSITION TO THE CURRENT MINTO WEST PROJECT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES, ADOPTED JULY 9, 2014

EXHIBIT "A"
IMPACT OF MINTO WEST ON THE "WORKS OF THE DISTRICT"
AND ON THE ACREAGE COMMUNITY[1]

SUMMARY

1. CALLERY-JUDGE GROVES (NOW MINTO WEST) IS THE "HOLE IN THE [ACREAGE] DONUT". IN ADOPTING THE "AGRICULTURAL ENCLAVE" LAW, THE FLORIDA LEGISLATURE FORCED THE COUNTY AND THE COMMUNITY TO ACCEPT A DEVELOPMENT PROCESS INCONSISTENT WITH THE COUNTY'S HISTORIC APPROACH AND WHICH PLACES EXCESSIVE DEVELOPMENT IN THE WRONG LOCATION WITHOUT PROVIDING FOR NECESSARY SUPPORTING INFRASTRUCTURE

As previously stated, the ITID Board of Supervisor acknowledges the land uses, densities and intensities of the 2008 "Callery-Judge Plan". However, it is also noted that the Agricultural Enclave Act[2] (the "Act") gave the County little choice but to accept Callery-Judge's application for a Comprehensive Plan amendment. The County was not required to approve any particular "plan" for the Callery-Judge Property. The mix of uses and levels of density/intensity approved in 2008 were (and remain) largely arbitrary and inconsistent with the overall development framework of the Comprehensive Plan -- a set of Goals, Objectives and Policies and related procedures that have been applied consistently to every other part of Palm Beach County for decades. The Act also shifted the burden of proof from the developer to the County regarding whether or not the "Agricultural Enclave" constituted impermissible "urban sprawl".[3] The Act did not prohibit the County from making such a finding, but required it to justify any such conclusion on "clear and convincing evidence." The County Attorney also concluded that the Act exempted Callery-Judge's Comprehensive Plan amendment application from certain threshold traffic concurrency rules that would formerly have prevented it from being considered without an extensive traffic impact analysis.

In the "negotiation" that ensued over the Callery-Judge Plan's "consistency" with the requirements of the Act, the County did not insist on submittal of the data and analysis it would normally have required from any applicant, accepting instead a promise that the project's impacts would be addressed "in the future" as applications were filed for zoning approvals. That promise, perhaps marginally persuasive in 2008, was subsequently made largely irrelevant when the Florida Legislature in a subsequent unforeseen stroke in 2011 and 2012 rewrote the Florida Growth Management Law[4], of which the Act is a part. These statutory changes virtually eliminated the state's role in or oversight of local comprehensive planning and zoning decisions.

The Legislature also eliminated certain key substantive protections of Florida law on which the County and the community might have relied to require Callery-Judge (and its successor, Minto) to honor its promises. The Department of Community Affairs was abolished and its role in overseeing local growth management polices largely extinguished. The remnants of State "oversight" were transferred to a new "Department of Economic Opportunity," an agency with a fundamentally different mission. The grounds for and standing to appeal local Comprehensive Plan amendments and development orders were limited and the application of the public facility "concurrency" rules severely restricted. Prior to 2012, Callery-Judge would have been required to address the full cost of providing the public facilities needed to serve

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[1] **Note**: The comments in this Summary were prepared before submittal of a revised Conceptual Plan for Minto West, of which we were not made aware until late on June 28. A limited attempt has been made to recognize the Project's revised density/intensity, but the District's review was based on Minto's original plan. .The District has had insufficient time to review the revised submittal. **In general, however, based on what has been revealed, our consensus is that that Minto's revised plan does not substantially affect our conclusions.**

[2] Ch. 2006-255, Laws of Florida. The relevant portion of the Act currently reads as follows (s. 163.3162(4), F.S.; emphasis added) :

> "...Such [Ag Enclave Comp Plan] amendment is presumed not to be urban sprawl as defined in s. 163.3164 **if it includes land uses and intensities of use that are consistent with the uses and intensities of use of the industrial, commercial, or residential areas that surround the parcel. This presumption may be rebutted by clear and convincing evidence."**

[3] "Urban sprawl" is defined in s. 163.3164, F.S., as follows: (51) "Urban sprawl" means a development pattern characterized by low density, automobile-dependent development with either a single use or multiple uses that are not functionally related, requiring the extension of public facilities and services in an inefficient manner, and failing to provide a clear separation between urban and rural uses.

[4] See Ch. 163, Part II, Florida Statutes, as amended by Chs. 2011-139 and 2012-99, Laws of Florida.

their project; after 2012, they only had to address their "proportionate share" of those costs. Minto now operates under a very different set of rules from Callery-Judge.

Nevertheless, while Palm Beach County apparently feels it cannot deny a new application from Minto modifying the Callery-Judge Plan, the Act still does not require any particular mix of land uses or level of density/intensity on a property that qualifies. The County and the landowner are only required "to *negotiate in good faith* to reach consensus on the land uses and intensities of use that are *consistent with* the uses and intensities of use of the industrial, commercial or residential areas *that surround the parcel* (emphasis added)". In any matter of "negotiation" over land use, the County – a sovereign local government with "Home Rule" and "Police" Powers -- retains significant leverage, especially where a developer needs a Comprehensive Plan amendment.

The County has significant ability to hold Minto accountable to the commitments made by its predecessor; for instance, by better defining the terms "consistency" and "surrounding area" used in the Act and the methodologies it intends to use to justify its new development plan. At a minimum and as a demonstration of its "good faith", why cannot Minto be required, to submit basic information – especially on traffic impacts -- that allows the County and the community to fairly compare and judge the relative costs and benefits of exceeding the mix of uses and levels of density/insanity approved in 2008?

County staff has stated that the densities and intensities assigned to the 2008 Callery-Judge Plan were artificially derived, if not entirely arbitrary.[5] Some impressive looking charts, graphs and tables were generated in 2008 purporting to demonstrate "consistency" with development within a 5-mile radius of the property. But this exercise was apparently only "window-dressing". The definition of "surrounding area" to be a "5-Mile Radius" was never actually applied to the Callery-Judge Plan's final development order.

Now comes Minto -- with a replacement plan that treats Callery-Judge's density/intensity as a "floor", rather than a "ceiling", for future development plans. It requests substantial changes in the land use mix and increases in density/intensity without providing necessary infrastructure, citing only its limited obligation under the "proportionate share" provisions of the Community Planning Act (Chapter 163, Part II, Florida Statutes). The Callery-Judge Plan may now be legally unassailable, but its basic artificiality remains. A development approval schedule has been "negotiated" for Minto West, but no agreement was reached to date defining its land use vocabulary or identifying the methodologies to be used to demonstrate "consistency" with development in the "surrounding area", as required by the Agricultural Enclave Act.

However, because the County's development review process is inherently an on-going or "rolling" "negotiation" process, it is not too late for the County to correct this apparent deficiency. Until agreement is reached on the land use vocabulary and planning methodologies, the County should not magnify or compound Callery-Judge's inherent defects by approving the land use mix or the massive increases in development intensity Minto proposes. The Minto West project is de facto "urban sprawl" and can be proved to be so by "clear and convincing evidence" with a little extra work on the County's part. The Act does not prevent Palm Beach County from applying its Comprehensive Plan to discourage undesirable development patterns. In the absence of adequate justification for any increases in density/intensity, Callery-Judge should be treated as the "ceiling", not the "floor" for the property's development. The "Acreage Donut Hole" should not be filled with indigestible land uses and unpalatable levels of density and intensity.

2. A SENSIBLE "REGIONAL" APPROACH TO MANAGING THE IMPACTS OF DEVELOPMENT IN THE WESTERN COMMUNITIES IS DEMANDED.

Although ITID is not responsible for "planning" the Acreage, its facilities will be most directly impacted by the development projects the County approves for the remaining undeveloped lands surrounding it. The impacts of Minto West cannot and should not be considered in isolation. Several other large parcels in the vicinity of the Acreage were recently approved (e.g., Highland Dunes), have development applications pending (Avenir), or are in advanced planning

[5] The fact that the gross density of the Callery-Judge Plan (0.8 du/acre) is essentially equivalent to that of the Acreage (0.8 du/acre) is purely coincidental. The Callery-Judge Plan's levels of density and intensity were chosen by the former landowner to assure that any future development of the site fell below the "DRI Aggregation Rule Threshold", then in place. These rules no longer apply to Minto.

stage (G. L. Homes) (see attached **Exhibit "B"**). If approved, these projects will in aggregate add an estimated 15,200 acres of residential/mixed use development. In addition, It has also been reported that an "economic development center" with several million square feet of industrial and "job generating" land uses is being planned, in direct competition with such land uses in Minto West and Avenir. Most of this new development is located west of the Acreage. Largely because of the lack of adequate North-South thoroughfares in the area, their traffic impacts will, unless obstructed or redirected, flow east through the Acreage and its neighboring communities.

At ITID's Board of Supervisors Meeting in June 2014, representatives from the Avenir Project in the City of Palm Beach Gardens promoted their plan, arguing that Avenir's mix of commercial and non-residential uses, drainage systems and roadways would "complement", "satisfy the needs" and "enhance quality of life" in the Acreage. Not surprisingly, Minto makes exactly the same arguments for Minto West. But neither Minto nor Avenir accounts for the other in its plans, and neither is considering the cumulative impacts of the other large, developable tracts in the area. While developers may be expected to seek a fair return on their investment and County goals include maximizing economic and fiscal enhancement through growth, these goals must not be pursued if they endanger the quality of life in impacted, "frontline" communities, like the Acreage, Royal Palm Beach, Loxahatchee and Wellington.

One must also be concerned with approval of excessive and badly placed commercial "attractors". Demand for commercial uses is driven by the number of approved residential units – if more units are allowed, more commercial can be justified. ITID's planning consultant calculated that Minto West and Avenir each independently propose to develop enough commercial to serve the needs of the entire Western Community including the Acreage, not just their own needs. Is it reasonable to expect that the other large landowners in the area will accept being shut out of commercial development because so much was allotted to Minto West?

A sensible outcome is unachievable if land use planning in the Western Communities continues to be "piecemeal". Instead of an equitable allocation of the costs and benefits of development, Palm Beach County and the Western Communities are now faced with a competitive "race to the wire", the winner of which will be able to hoard the available capacity of public facilities and services to the detriment of their competitors and the community as a whole. The negative effects are compounded by legislative interference, If developers are required only to pay their "proportionate share" of impacts on County or state infrastructure; the unmet costs of their growth are now the responsibility of County taxpayers. Under this approach, as first in the door, Minto gets a "windfall"; everyone else – including the affected local governments, the taxpayers and frontline communities – gets a "wipeout".

A sensible approach to land use planning should consider the cumulative impacts of residential development on transportation, stormwater management, environmental and other systems and facilities. ITID will not sacrifice the interests of its residents or endanger its Works, but the Board of Supervisors has expressed its willingness to join in a cooperative effort with Palm Beach County and neighboring communities to address the regional impacts of development. To that end, ITID's Board of Supervisors adopted and presented to its neighboring communities encouraging their participation (attached as **Exhibit "C"**). The Board of Supervisors urges the Palm Beach County Commission to join and take the lead in this effort.

3. MINTO HAS NOT ADDRESSED HOW ITS PLAN SATISFIES THOSE GOALS, OBJECTIVES AND POLICIES OF THE PALM BEACH COMPREHENSIVE PLAN THAT ACKNOWLEDGE THE IMPORTANCE OF PROTECTING "UNIQUE AND DIVERSE COMMUNITIES," ASSURING "LAND USE COMPATIBILITY" AND RESPECTING THE "INTEGRITY OF NEIGHBORHOODS".

The District has concerns regarding the failure or inadequacy of Minto's application to address the Goals, Objective and Policies of the Comprehensive Plan to its project. Minto's development plan may be able to address these concerns within its boundaries, but it ignores Minto West's external impacts on and compatibility with the character of "surrounding" communities. This is a particular concern for ITID because, as the project's immediate neighbor, the level of density/intensity development approved by the County will directly impact the Works of the District, especially its roads. While addition of an Agricultural Enclave Plan Category may have been, as a practical matter, legislatively commanded, the Act does not require the County to ignore its existing Comprehensive Plan framework. The Callery-Judge Agricultural Enclave is an anomaly clearly inconsistent with the framework of the Comprehensive Plan, especially the Tiered Growth Management System.

The Comprehensive Plan repeatedly states its intent to address the compatibility between new and existing development, particularly settled communities. From this perspective, Minto and the County should specifically address with the following "Directions" of the Land Use Element of the Comprehensive Plan that raise compatibility issues (emphasis added):

> ***"C. County Directions***
>
> *The Future Land Use Element was created and has been updated based on input from the public and other agencies through citizen advisory committees, public meetings, interdepartmental reviews, and the Board of County Commissioners. All contributed to the generation of the long-term planning directions, which provide the basis for the Goals, Objectives and Policies of the Future Land Use Element.* ***These directions reflect the kind of community the residents of Palm Beach County desire.***
>
> 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.*
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> **********
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> 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.*
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> 5. ***Neighborhood Integrity***. *Respect the integrity of neighborhoods, including their geographic boundaries and social fabric.*
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> **********
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> 14. ***A Strong Sense of Community***. *Encourage neighborhood spirit, local pride in the County and a commitment to working constructively on community problems.*
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> **********
>
> 15. ***Externalities***. *Recognize major negative externalities and attempt when economically feasible to place economic negative externalities away from neighborhoods.* "

The Land Use Element implements these strategic "directions" through the framework of the Managed Growth Tier System, the primary Goal of which is to "*recognize the diverse communities* within the County, to implement strategies to create and *protect quality livable communities respecting the lifestyle choices for current residents*, future generations, and visitors, and to promote the enhancement of areas in need of assistance." The primary Objective of the Managed Growth Tier System is "*to protect viable existing neighborhoods and communities* and to direct the location and timing of future development within 5 geographically specific Tiers to ... [among other goals] *[e]nhance existing communities* to improve or maintain livability, character, mobility, and identity."

The Managed Growth Tier System establishes land uses and forms of development consistent with each Tier. Plan Objective 1.1.1 references maintaining a variety of housing and lifestyle choices, including "rural living" and enhancing existing communities. Callery-Judge Grove was placed in the Rural Tier. That designation was not changed when the "Agricultural Enclave" designation was applied to the property (see attached **Exhibit "D"**). The land uses proposed for Minto West appear to be incompatible with those permitted in the Rural Tier, especially the New Urbanist Traditional Development form required by the Agricultural Enclave Act. In order to have a Traditional Development, the Comprehensive Plan would require the property to be re-designated to an appropriate Tier following the specific criteria and requirements under which a Tier may be re-designated. These do not appear to have been followed or addressed. It is

our understanding that Minto has argued that the "Tier Re-Designation" procedures and criteria of the Comprehensive Plan are inapplicable to Minto West because the Agricultural Enclave Act "trumps" Comprehensive Plan Policies. But while the Act may exempt an Enclave from being denied a land use redesignation solely because it may be considered "urban sprawl", it does not expressly exempt an eligible property from being reviewed within the context of the Comprehensive Plan as a whole or under any other of its individual provisions, including, but not limited to, the Comprehensive Plan's consistency and compatibility requirements. The issue is one of providing "clear and convincing evidence" to support the County's decision, not one of Legislative preemption or mandate.

4. ACCEPTED PLANNING PRINCIPLES AND COMMON SENSE DEMAND THAT A DEVELOPMENT PROJECT MINIMIZE ITS NEGATIVE IMPACTS ON ITS NEIGHBORS.

Good planning requires large developments like Minto West to limit ingress and egress to arterial, or at least collector, roads. Based on this principle, which the County has applied to other developments, Minto West's traffic should be internalized to the greatest extent possible. Access should be limited to Seminole Pratt Whitney Road and none of the three roadways along its eastern boundary -- t 60th Street North, Persimmon Boulevard or Orange Grove Boulevard. As shown on the County's Comprehensive Plan Map TE 3.1 and on the 2010 Federal Functional Classification and Urban Area Boundaries Map, these roadways are classified as "local" roadways (attached as **Exhibit "E"**). They were not designed or constructed to function as arterial or collector roadways, nor do they meet County design standards.

The County has established precedents by limiting through traffic into communities, including numerous changes in the Thoroughfare Plan (e.g. Steeplechase). It has also permitted traffic flow restrictions on Thoroughfare Plan roads in sensitive residential areas (e.g., manned gates on Jog Road/Ryder Cup Boulevard within PGA National and automatic gates on 17th Street North/Keller Road between the City of Lake Worth and the Town of Lake Clarke Shores).

We specifically request the County require Minto to internalize its traffic & eliminate roadway access on its east boundary. The implications of this request are addressed more fully in ITID's Traffic Study (see Comment 6, below).

5. MINTO'S JUSTIFICATIONS FOR INCREASED DEVELOPMENT DENSITY AND INTENSITY ABOVE THE LEVEL GRANTED TO CALLERY-JUDGE IN 2008 ARE UNPERSUASIVE.

While ITID does not normally engage in urban planning, the impacts of Minto West's proposal to dramatically increase development intensity above that approved in the 2008 Callery-Judge Plan severely challenge the capacities of the District's Works. As previously stated, the mix of land uses and the levels of density and intensity in the Callery-Judge Plan were entirely arbitrary. No "baseline" data exist that can be used objectively to assess or compare the proposed Minto West Plan with the approved Callery-Judge Plan. Because Minto, we are told, has declined to honor its predecessor's commitment to provide baseline data, ITID's Board of Supervisors commissioned its staff and consultants to independently evaluate two related "planning" aspects of Minto West: maximum density/intensity and project traffic. These aspects of Minto's plan directly affect traffic generation which in turn impacts the Works of the District, especially District roads.

With regard to maximum density/intensity, the District's planning consultant, Land Research Management, Inc. ("LRM"), examined the methodologies used by Minto to explain and justify their proposed density and intensity levels. A copy of LRM's Memorandum summarizing its findings and recommendations is attached as **Exhibit "E".** Without repeating the technical arguments, LRM conclusions are summarized as follows:

- **The "5-Mile Radius" Standard**: The Agricultural Enclave Act requires the developer and the County to "negotiate in good faith to reach consensus on the land uses and intensities of use that are consistent with the uses and intensities of use of the industrial, commercial, or residential areas that surround the parcel" (emphasis added).[6] The statute does not define the terms "consistency" or "surrounding area". In 2008, the County apparently did not question Callery-Judge's definition of "surrounding" to mean "within 5-mile radius" of the property.

[6] See sec. 163.3162(4)(a), F.S.

The "5-Mile Radius" standard seems to have been lifted from then-current State regulations defining the surrounding land area used to evaluate the impacts of a Development of Regional Impact (DRI). However, as we have stated above, applied to Minto West the "5-Mile Radius" standard is arbitrary. It was in fact irrelevant to the development order for Callery-Judge, which instead deliberately chose a mix of land uses and levels of density/intensity designed to fall below the DRI thresholds. After 2008, the Florida Legislature revised the DRI law[7] in such a way that prevented Palm Beach County from applying any such rules to Callery-Judge. So, after the repeal of the DRI rules, the County has no logical justification to use the "5-Mile Radius" Standard to define Minto West's "surrounding area".

From Minto's perspective, what the "5-Mile Radius" Standard does achieve is to allow the developer to "tap into" the urban land uses and densities and intensities of communities at the farthest perimeter of the "Radius" – a portion of the Village of Wellington and the majority of the Village of Royal Palm Beach. These communities bear no resemblance to and are patently "inconsistent" with the low-density, rural development patterns of the community that actually "surrounds" the property – the Acreage and Loxahatchee Groves. Minto West is not the "hole" in a "donut" created by the Village of Royal Palm Beach or by the Village of Wellington. Development patterns in those municipalities should not be given excess weight in establishing a mix of uses or densities/intensities "compatible" with Minto West's "surrounding area".

To achieve a result more nearly consistent with the Act and the intent of the County Comprehensive Plan, rather than a "5-Mile Radius" Standard, the County should negotiate a definition of "surrounding area" that minimizes to the greatest extent possible the "blockbusting" effect of the Agricultural Enclave Act. Any of the following terms could be applied by the County in approving an appropriate mix of land uses and levels of density/intensity: "abutting" or its synonyms, such as "adjoining" or "adjacent". Using such terms will add an element of "common sense" to the process. It will also have the effect of limiting harmful consequences resulting from applying a standard based on a series of concentric circles radiating from Minto West's property lines stretched out to an arbitrary and illogical extreme of five miles. With more accurately descriptive terms, the "area" considered "consistent" with the Minto West Property would, as a practical matter, still encompass a several mile radius, satisfy the intent and express language of the Agricultural Enclave Act, and not result in such an egregious deviation from the overall scheme of the County Comprehensive Plan.

- **Calculating Residential Density**: Although Minto does not expressly state the methodology used to calculate its requested residential density within the "5-Mile Radius", LRM concluded that the applicant resurrected a methodology similar to that attempted (and abandoned) by Callery-Judge. LRM further concluded by examining the Minto data that a "net", rather than a "gross", density formula. Minto counted only the acreage of existing and approved residential development I a 5-Mile Radius, excluding from its count the acreage of all other land uses (e.g., non-residential uses, open space, etc.). This approach results in a net (not gross) average density in the "5-mile Radius" of ±2.4 units per acre. Further, because the measurement extends into dense residential developments in the Villages of Wellington and Royal Palm Beach, Minto's methodology assigns disproportionate weight to development in these municipalities, those that are physically farthest from, and most unlike, the predominant development patterns of Minto West's actual "abutting" neighbors -- the Acreage and Loxahatchee Groves.

  An alternative, and in LRM's opinion, more conventional approach would have been to calculate density based on the number of units per gross acre within the 5-Mile Radius, resulting in an average net density of 0.984 units per acre, as opposed to the–2.4 units per acre figure calculated by Minto.[8] Further, if the applicant were being methodologically consistent, the average net density (0.984 du acre) would have been applied to the project's net residential acres. Since the Minto West Plan does not identify its net residential acreage, no final calculation of appropriate density can be made.

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[7] Ch. 380.06, F.S.

[8] Minto West is currently requesting an average gross density of ±1.2 units per gross acre (4549 du/3791 gross acres = ±1.2 du/acre). Minto appears to use a "net acre" standard to calculate maximum density, but uses a "gross acre" standard to within its own property.

While we do not accept the "5-mile Radius" as an appropriate definition of the "surrounding area", if average density had been calculated using the more "conventional" approach outlined by LRM, Minto West's density would not exceed 0.984 units per net residential acre -- a figure approaching and certainly more "consistent" with the average density in the Acreage. Finally, if the gross density in the "abutting" Acreage of 0.8 units per acre were used, Minto West would be not be entitled to more than 3032 units (0.8 x 3791 acres), slightly more than its current "entitlement".

- **Calculating Non-Residential Intensity**: The relationship between Minto's justification statement and the land uses proposed in the Application for Development Approval is difficult to evaluate because of similar inconsistencies in methodology and failure to define the vocabulary used. For example, Minto used a significantly larger project buildout population estimate (19,058) in its non-residential analysis to justify the amount of supportable non-residential space than was identified in its Application for Development Approval (14,535). The result is inflated "demand" for nonresidential uses. Further, supportable demand for non-residential space in the Minto analysis is based on the buildout population of its residential component. If an appropriate residential density is not established at the outset, the Minto methodology cannot be used to project demand for the non-residential component.

- Under the Agricultural Enclave Act, the formula to calculate intensity is to be "negotiated in good faith" between the developer and the County. LRM recommends that the parties "negotiate" and apply criteria that more precisely reflect and distinguish among "neighborhood", "community" and "regional" needs for each category of desired non-residential land use. For example, LRM recommends that Palm Beach County's "Western Northlake Corridor Land Use Study", which projected demand for commercial space using a formula of 27 square feet per capita be used. The Minto non-residential analysis does not distinguish among the various categories of "commercial" uses (e.g., neighborhood, community or regional). It also uses an excessive formula for all "Commercial/Retail Uses" of more than 46 square feet per capita. Finally, LRM recommends that the County insist on a standard terminology for naming and defining the nature of each non-residential land use category so that meaningful comparisons with the non-residential analysis can be made. Minto cannot justly its request for 1.4 million square feet of nonresidential development using any conventional methodology.[9]

6. BASED ON ITID'S TRAFFIC STUDY, THE COUNTY WILL REALIZE NO SUBSTANTIAL "BENEFITS" FROM MINTO WEST'S IMPROVEMENTS COMPARED TO THOSE REQUIRED BY THE 2008 CALLERY-JUDGE PLAN. FROM THE DISTRICT'S PERSPECTIVE, ANY "BENEFIT" THE COUNTY MAY RECEIVE IS OFFSET BY THE COSTS IMPOSED ON THE DISTRICT AND ACREAGE COMMUNITY.

In ITID's discussions with County staff regarding Minto West, both sides were confronted with the problem of evaluating and justifying increasing density and intensity on the Minto West property above the level granted to Callery-Judge in 2008. "Benefit" is one of those evasive terms the meaning of which varies, depending on context or the interests of the parties involved. From the County's perspective, the issue was framed as one of weighing the "benefits" to be achieved above the 2008 "floor" against project's detriments or costs.

Looking at "benefit" only in terms of roadway and traffic flow improvements, the County's concept of "benefit" is different from and broader than ITID's -- for example, development generates ad valorem property taxes, impact fees, "Gas Tax" revenue and "proportionate share" contributions to road improvements. The County can apply these and other revenues to improve its roads, but the District gets no share and receives no "benefit". State law provides for and the County has structured its Traffic Performance Standards Ordinance, Impact Fee Ordinance, and Comprehensive Plan concurrency requirements to address the impacts of development on County or State facilities. It directs these resources to meet County needs; they are not shared with ITID. The County may also consider less tangible costs and benefits from development, such as the likelihood that increased traffic will result in a burden on public safety.

[9] Minto's revised plan calls for 2.1 million square feet of non-residential uses, a figure that is even less justifiable. Although it is unclear how this amount was arrived at, the proposed simultaneous deletion of nearly 2000 dwelling units leads one to conclude that the traffic intensities assigned to those units have merely been "reprogrammed" and reassigned to "non-residential" uses.

From ITID's perspective, however, use of District roads by non-resident, pass-through travelers – whether from Minto West, G. L. Homes or any other outside developments that have no obligation to pay for the privilege – will merely hasten the deterioration of its roads, imposing increased financial and public health, safety and welfare burdens on Acreage landowners. As such, Minto West traffic imposes only costs on the District and confers no benefits. **ITID therefore urges Palm Beach County to adopt a development plan requiring Minto West (and other developers) to keep as much of its traffic internal to its site and limit the flow of such traffic onto the District's road system.**

The Minto West Property currently has approved levels of density and intensity which are sufficient to defeat any claim that the landowners are being denied their "right" to develop. Minto is asking the County to dramatically increase those existing levels, something to which they are not entitled. It would seem elementary to assume that, in evaluating Minto's request, the County should compare the impacts of the proposed with the approved project. Because no traffic analysis was required at the time the Callery-Judge Plan was approved, such a comparison is impossible. Because of the tremendous impact Minto West (and other development) traffic will have on ITID's roads, the District's Board of Supervisors decided to remedy this situation by authorizing preparation of an objective traffic analysis using accepted traffic engineering standards based on the 2008 Callery-Judge Plan. This study is intended to provide the County and the District with objective, baseline date that can be used to assess and verify Minto's claims that their requested increase in project density/intensity would result in a net "benefit" to the County, the District and the Acreage community.[10] A copy of the final traffic analysis, prepared by the traffic engineering firm of McMahon & Associates is attached hereto as **Exhibit "G"** (the "ITID Traffic Study").

The ITID Traffic Study examined two traffic scenarios. These scenarios examine Minto's assumption that it can access District Roads on its east boundary at 140th Street North. In one scenario tested ("All Access"), for the sake of argument only, Minto traffic is permitted to use District roads; in the second, "Restricted Access" scenario, Minto's traffic is denied use of District roads along its eastern boundary at 140th Street North. In both scenarios, traffic was calculated using the levels of density/intensity approved for the Callery-Judge Plan. Setting aside (for the sake of argument only) the legal issues raised by Minto's claim of "right of access"[11], both scenarios can be compared to the Minto's current application, which assumes increased density/intensity.[12]

The ITID Traffic Study is quite detailed and cannot be easily summarized. However, its basic conclusions are as follows:

- Comparing the Callery-Judge Plan[13] with "Minto West's Original Proposal"[14] under the "All Access" Scenario[15]:
    - Minto West causes 2 more intersections to fail than Callery-Judge (6 versus 8).
    - Minto West requires additional lane increases on segments of Beeline Highway, Seminole Pratt Whitney & Okeechobee
    - Minto West has no impact on the number of County roadway segments (9) where lanes must be expanded.

- Comparing the Callery-Judge Plan with Minto West under the "Restricted Access" Scenario[16]:

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[10] ITID also intends to use this analysis to develop its own internal strategy to deal with the expected impacts of the County's actions on District roads.

[11] Minto has argued its right is based on a 1966 "Mutual Right-of-Way Agreement" among the large landowners at the time the grove property was carved out of a much larger parcel. See discussion in Section 8, below, and **Exhibit "J".**

[12] The ITID Traffic Study does not reflect recently announced changes in the Minto West Plan. However, based on a cursory review of what has been revealed by Minto, ITID's consultant team does not believe that its recommendations should be changed in any substantial way.

[13] The "Callery Judge Plan" consists of 2996 units & 235,000 sf of non-residential uses.

[14] Minto West "Original Proposal" consists of 6500 units & 1.4-million square feet of non-residential uses (+ hotel, college, etc.)

[15] Under the "All-Access Scenario", Minto traffic would use 60th Street North, Persimmon Blvd & Orange Grove Blvd.

[16] Under the "Restricted Access Scenario", Minto traffic would be prohibited from using 60th Street North, Persimmon Blvd & Orange Grove Blvd.

- Limiting access on Minto West's east boundary restricts traffic ingress/egress to Seminole Pratt Whitney Road. This scenario is proposed in order to minimize the negative traffic impacts of Minto West on the Works of the District and on the quality of life in the Acreage neighborhoods east of Minto West.
- If Minto West is restricted to the level of density/intensity permitted by the Callery-Judge Plan, the number of improvements to County roads would not be significantly greater than under the "All Access" scenario, the plan favored by Minto West. For that reason, all other factors being equal, there is no reason for the County to favor Minto West's request for ingress/egress on its east boundary.

- Looking at the costs and benefits of alternatives for Minto West's traffic on District roads:

  - Under the "All Access" Scenario, Minto West traffic affects ±30.5 miles (61 lane miles).[17] Under the "Restricted Access" Scenario, Minto West traffic affects ±20.5 (41 lane miles). The "Restricted Access" Scenario is therefore approximately 1/3 less burdensome on ITID's roads, resulting in a significant savings and "benefit" to the District and its residents.
  - Cleary, ITID prefers the planning approach that provides the least burden on and greatest "benefit" to its Works – the "Restricted Access" Scenario. The District strongly urges Palm Beach County to require Minto West to amend its site plan to conform to the "Restricted Access" Scenario – no exit on its east boundary.

7. REGARDLESS OF THE LEVEL OF DENSITY/INTENSITY ULTIMATELY APPROVED BY PALM BEACH COUNTY FOR MINTO WEST, ITID MUST ADDRESS THE IMPACTS OF THE PROJECT ON THE "WORKS OF THE DISTRICT".

A. IMPACT OF MINTO WEST ON DISTRICT ROADS.

Traffic from Minto West and other projects will have the greatest direct impact on the Works of the District. As previously stated, ITID's roads were built and are maintained with the non-ad valorem assessments on the property owners within the activated Units of Development. Following are some basic principles the District will consider in developing its response to the challenges of Minto West and other development projects in the Western Communities.

- **DISTRICT ROADS ARE NOT COUNTY ROADS.**

  - The fact that certain District roads are shown on the County Thoroughfare Plan may be useful for the County's long-term traffic planning, but the adoption by the County Commission of a Thoroughfare Plan by itself confers no ownership interest in or access rights. Palm Beach County has repeatedly recognized ITID right to control its roads, most recently in the Interlocal Agreement & District Permits issued for the "Reliever Road" (future SR7) connections at Orange Grove and Persimmon Boulevards (see attached **Exhibit "H"**).
  - Certain District Roads that function as regional collectors and arterials have been transferred to the County (e.g., links of Royal Palm Beach, Coconut, Northlake, and Orange Boulevards). This was accomplished by two Interlocal Agreements that recognized the District's ownership rights (see attached **Exhibit "I"**).
  - As discussed, the Minto West Conceptual Plan and its related Traffic Study assume traffic ingress/egress through its east boundary to three District Roads: 60th Street North, Persimmon Boulevard and a convoluted right-of-way labeled "Orange Grove Boulevard". Only 60th Street North and Persimmon are currently identified as Thoroughfare Plan Roads from SR 7 to Seminole-Pratt Whitney Road. Only one short link of Orange Grove Boulevard, from SR 7 to Royal Palm Beach Boulevard, is a Thoroughfare Plan Road. The ITID Permit approving County road access from SR 7 on Persimmon and Orange Grove to Royal Palm Beach Boulevard expressly recognizes ITID's right to control its roads.[18]

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[17] The affected roads under the Minto West/All Access Scenario are: Citrus Grove, Temple, and Key Lime between SPW Rd and Coconut; Hall and 140th between Orange and North Lake; and 60th, Persimmon, and Orange Grove between 140th and SR 7.

[18] Minto seems to have abandoned direct access to the so-called "Orange Grove Boulevard" in its revised concept plan.

- **At a minimum, the County should not: (1) permit Minto West traffic to physically access "Orange Grove Boulevard" or any other District Road; (2) adopt a Project Concept or other Plan showing access to District Roads; or (3) allow Minto to include District Roads in its Traffic Study.**

- **MINTO HAS NO "RIGHT" TO ACCESS THE WORKS OF THE DISTRICT, INCLUDING ITS ROADS.**

  - Minto has assumed that it has an unqualified right to access District roads based on its status as successors-in-interest to one of the signatories to a 1966 Mutual Right-of-Way Agreement (see attached Exhibit "J"). By its express terms, this Agreement confers no such right. Despite a request by the County Attorney, Minto has presented no other evidence demonstrating access rights to District roads.

    - With some minor exceptions, ITID's roads are described as "road easements", originally conveyed by Royal Palm Beach Colony to ITID's predecessor, Indian Trail Water Control District ("ITWCD"). The roads in these easements were constructed by ITWCD/ITID using funds from special benefit assessment bonds, repayment of which is the sole responsibility of the land owners within the District. ITID roads are maintained by annual non-ad valorem assessments on landowners within the District.
    - With some minor exceptions, ITID's roads were not dedicated to the public by plat or any other means, as is common with County roads. The landowners retain title to the underlying fee interest and may have certain rights in addition to those of ITID regarding the use of the easements.
    - The fact that ITID may not have taken aggressive steps in the past to restrict access to its easement roads does not limit ITID's power to take appropriate actions in the future.

- **MINTO HAS NOT REQUESTED PERMISSION TO ACCESS THE WORKS OF THE DISTRICT.**

  - If the County approves Minto's plan for egress to the east, ITID has the discretion to permit or deny access to the Works of the District as provided in Ch. 298, F.S. The terms under which a connection permit would be issued, if at all, are matters of discretion by ITID's Board of Supervisors. Although the nature of such conditions has not been explored, if and when such request is made and a Connection Permit is granted, for the sake of argument only, Minto and other outside landowners should expect to address the present and desired condition of District roads and their perpetual maintenance. At a minimum, any hypothetical agreement between the District and the developer would provide for a "fair share" financial contribution. The exact nature and expanse of "fair share" contributions has not been explored, but would undoubtedly include such factors as compensating the District for its prior capital investment in creating roads, upgrading the affected roads to meet County and public safety standards, maintaining the upgraded roads in perpetuity, and providing traffic calming and other improvements to deter and discourage undesirable use of District roads that do not or should not function as major thoroughfares.
  - ITID expects Palm Beach County to impose appropriate conditions on development orders and to enter into interlocal agreements to assist and support the District in generating resources to upgrade and maintain its roads to support the level of development approved by the County in the Western Communities. ITID expects the County to keep the District informed as its staff drafts proposed Development Order conditions of approval affecting the Works of the District.
  - As a matter of sensible traffic and land use planning for the reasons stated herein, however, **ITID urges the County Commission to require Minto to terminate traffic access to the east entirely within the Minto West's project boundaries.**

- **DISTRICT ROADS WERE NOT DESIGNED OR BUILT TO COUNTY STANDARDS.**

  - Allowing Minto (and other developer) traffic on District roads raises serious public safety concerns.
  - ITID roads are built to the requirements of a low-intensity, rural community, not Palm Beach County standards. If ITID roads are to be used to accommodate regional traffic, they must be modified to meet County standards. This includes lane widths, shoulders, drainage, pavement structural number, and any other design feature that may be required. The extent and cost of such upgrade improvements have not been calculated.

- Palm Beach County cannot reasonably expect District landowners to bear the costs arising from use of District roads by outside developments approved by the County that do not meet County design standards. Nor can the County assume that ITID will grant Minto or any other developer permits to connect to the Works of the District.
- Allowing Minto West (and other) traffic to access ITID's local roads creates safety concerns arising from a conflict of incompatible uses. Additional traffic from outside the Acreage will impact existing pedestrian, bicycle, and equestrian uses along these corridors. These issues must be addressed in the development review process. Based on several recent traffic accidents, the District is already struggling to deal with the existing level of traffic. These problems will be aggravated by the additional regional traffic the County is considering adding to the Acreage's grid.

- **ITID IS TAKING PRUDENT STEPS TO MINIMIZE THE TRAFFIC IMPACTS OF MINTO WEST AND OTHER DEVELOPMENT ON ITS ROADS**

  - **ITID TRAFFIC PERFORMANCE STANDARDS FOR DISTRICT ROADS.**

    - ITID is considering adopting a Traffic Performance Standards Policy ("ITID-TPS") classifying its roads as "local roads". Roads previously conveyed by ITID to Palm Beach County will not be affected.
    - As presently conceived, an ITID-TPS would define Level of Service based on traffic from existing and projected buildout traffic for all lots within the District's Activated Units of Development. Allowing Minto or other developments to access ITID roads would substantially increase the traffic on and degrade the District's roadway Level of Service. The ITID-TPS will assume no access by development outside the District.
    - The traffic impacts identified in Minto's Traffic Study fall just below County thresholds requiring improvements to County roadway links (as compared to County intersections). The ITID-TPS will address both roadway links and intersections.
    - As a condition of a developer's agreement or issuance of a District Permit, ITID may consider requiring a traffic analysis of District roads, with a corresponding requirement to improve facilities that cannot satisfy District requirements. Such a requirement, if adopted, would not affect County roads in the Acreage.
    - The State's "proportionate share" contribution requirement applies to Minto's impact on County and State Thoroughfare Plan roads; it does not apply to ITID's local roads. As a condition of any access permit, ITID will expect to be fully compensated if outside traffic approved by the County requires improvements to District roads, such as traffic calming to discourage through-traffic.

  - **ITID CONCEPTUAL NEIGHBORHOOD TRAFFIC PROTECTIVE PLAN.**

    - Because of the threats posed by increased pass-through traffic from outside development, ITID has commissioned a draft "Conceptual Neighborhood Traffic Protection Plan" (attached as **Exhibit "K"**) (the "Conceptual Plan").
    - The Conceptual Plan assumes no access to District roads from Minto West's eastern boundary at 140th Avenue North. It identifies the location of traffic calming measures that can minimize the level and impacts of cut through traffic. The Conceptual Plan proposes various options available to the District to address traffic flow through the community. No decision has been made regarding the specific solutions that best address the community's needs.
    - The full costs of all improvements required specifically to address pass-through traffic from outside development should be the financial responsibility of those developments rather than Acreage landowners.

B. **IMPACT OF MINTO WEST ON THE DISTRICT'S WATER MANAGEMENT SYSTEM.**

- **MINTO'S OFFER OF A CONNECTION BETWEEN ITID'S AND SEMINOLE IMPROVEMENT DISTRICT'S DRAINAGE SYSTEMS DOES PROVIDE LIMITED BENEFIT TO THE DISTRICT,**

BUT SUCH BENEFIT IS FAR OUTWEIGHED BY THE COST TO THE DISTRICT OF MINTO'S TRAFFIC IMPACTS ON DISTRICT ROADS.

- ITID'S drainage system consists of two separate "basins": the "M-1 Basin", located generally to the North and East of Minto West, drains to the northwest and southeast. The M-1 Basin is not currently hydraulically connected to the drainage system maintained by Seminole Improvement District, the special district encompassing Minto West. ITID's "M-2 Basin", located generally southwest of Minto West, drains southward (see attached **Exhibit "L"**).

- ITID's major drainage issues arise primarily from permitting constraints limiting outfall from its M-1 Basin. The M-1 Basin is currently limited to approximately 0.25 inches/day unconditional discharge. To meet the District's desired level of service for drainage, the M-1 Basin should have at least 1"/day of unconditional discharge, or an additional 0.75"/day.

- Minto has offered to allocate to the District an additional 0.15" of unconditional discharge through a hydraulic connection to the Seminole Improvement District system, which it currently controls as primary landowner. This additional discharge, if accepted, would satisfy approximately 15% of the additional capacity ITID needs. It is helpful, but certainly not the "solution" to the Acreage's drainage problems as has been represented.

- In addition to Minto, ITID has also discussed possible drainage improvements with Avenir and G. L. Homes. In addition, ITID is current negotiating with SFWMD for possible drainage and rehydration benefits of the Moss property in association with SFWMD's improvement of its Mecca Farms Site. These alternatives remain speculative and are in different stages of review, but each could provide drainage discharge and storage superior to that offered by Minto.

- ITID's need for additional unconditional drainage will arise about every 5 years; Minto's traffic impacts will be permanent and perpetual. From this perspective, the "benefits" to ITID's drainage offered by Minto West are greatly outweighed by the costs imposed on the District and the Community from its traffic impacts.

C. **IMPACT OF MINTO WEST ON DISTRICT PARKS & RECREATION SYSTEMS.**

- Like its road system, ITID's nine parks and recreation facilities were built by and are maintained by non-ad valorem assessments on its landowners. Use by non-residents is not currently prohibited and such use is expected to continue. However, ITID has not had sufficient time to review or determine the impact of non-resident use on its park system.