

October 27, 2022

SENT VIA EMAIL TO: ERIC.MILLER@MYFLORIDAHOUSE.GOV

Eric H. Miller
Policy Chief
Local Administration & Veterans Affairs Subcommittee
The Florida House of Representatives
09 House Office Building
402 South Monroe Street
Tallahassee, FL 32399

Dear Mr. Miller,

In response to your letter dated October 13, 2022 (received by us via regular mail on October 18, 2022), which identified a number of deficiencies in the feasibility study submitted, please see our individual responses below.

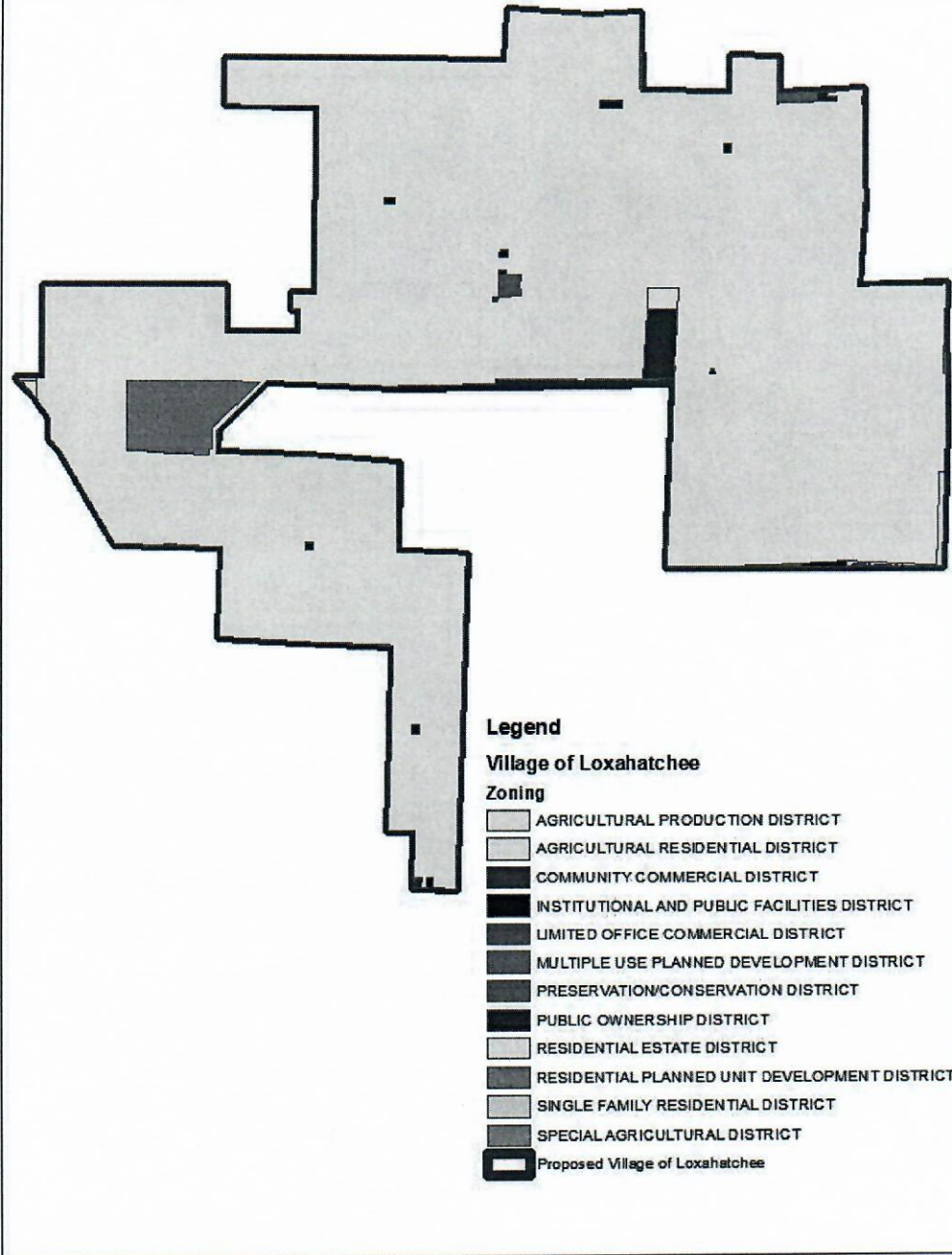
Identified Deficiency 1:

“Section 165.041(1)(b)3.a., F.S., requires a list of current land use designations applied to the subject area in the county comprehensive plan, while section 165.041(1)(b)3.b., F.S., requires a list of current county zoning designations. The feasibility study provides a narrative describing current land use and zoning designations and a series of maps. However, the image quality of the maps makes it unclear which designations apply to the areas on each map.”

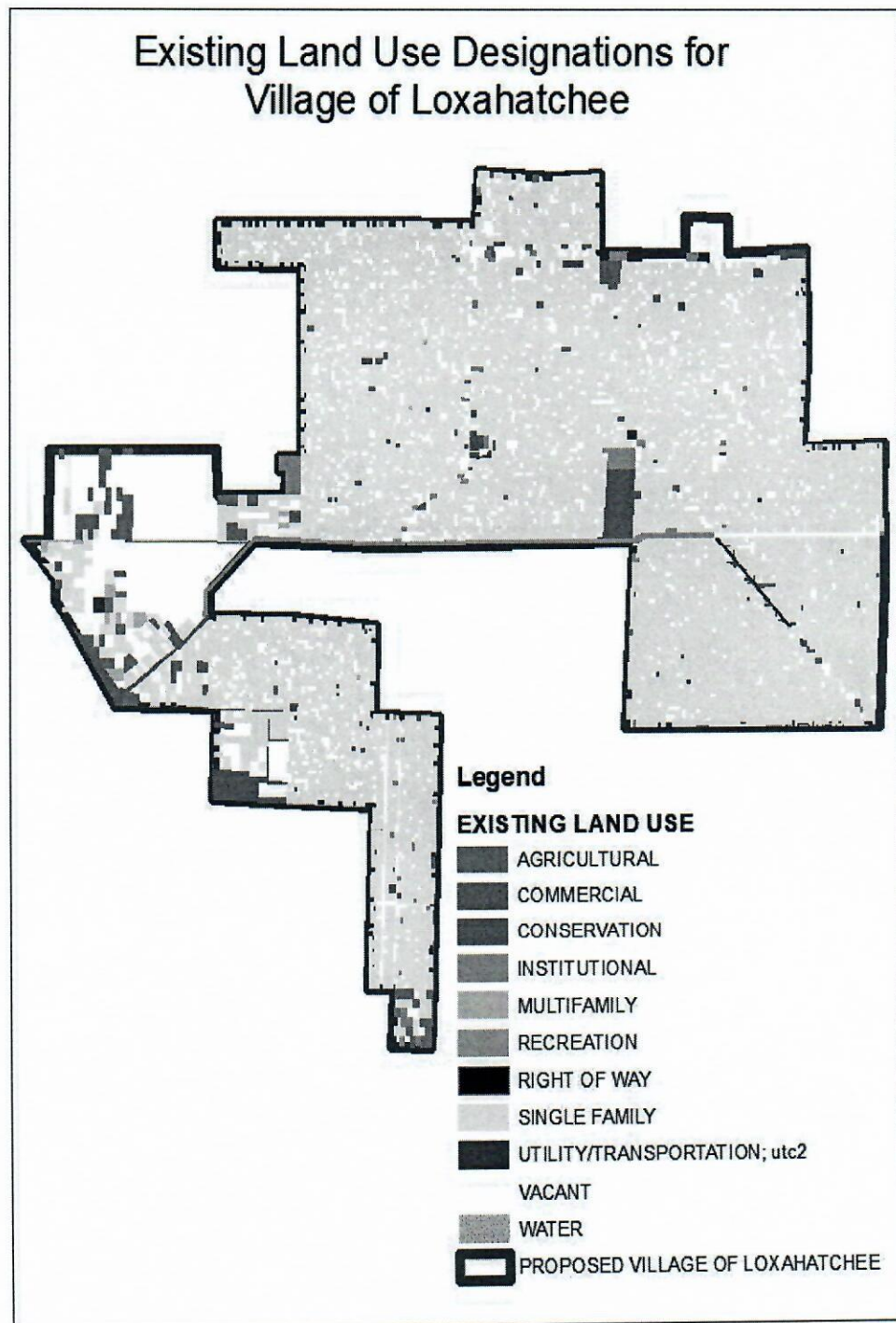
For those maps specifically identified, we have added in a legend, with a higher resolution frame below. The three maps for current zoning designations, existing land uses, and future land uses are included on the following pages. Hopefully they are clearer now. Please also see attached colored maps taken directly from Palm Beach County Planning and Zoning website.

- A. Zoning designations for the Village of Loxahatchee – Page 2 shows the zoning designations for all of the area. As previously noted, the area is primarily agricultural residential and that is shown in yellow. There are some properties that are either public owned or institutional use show in blue. There are some properties that have been approved for commercial or MUPD (Multiple Planned Use Development) and then there is one large parcel shown in mustard with approval for a Planned Use Development which includes some non-residential but is primarily residential.

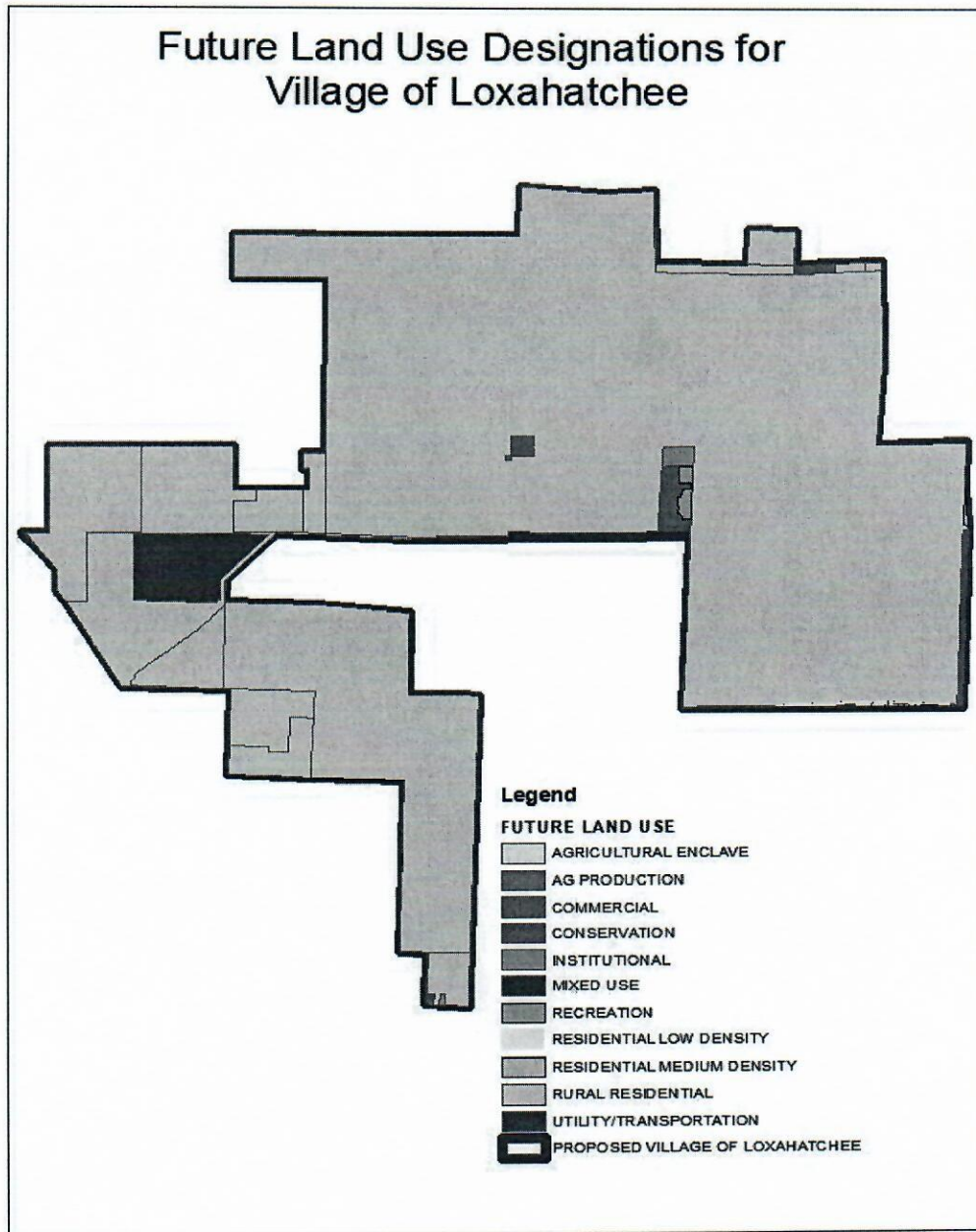
Zoning Designations for Village of Loxahatchee



B. The next map is the Existing Land Use Designations for the Village of Loxahatchee.



C. The next map is Future Land Use Designations.



For additional detail and clarification of these maps, (with limited resources available to us citizens), see the additional maps taken directly from the County site and zoomed in further. Attachments are set out below:

1. Appendix A – this is the Palm Beach County General Zoning Map with second page showing legend
2. Appendix B – this is the Village of Loxahatchee Aerial view
3. Appendix C – this is the Loxahatchee Zoning Map
4. Appendix D – Lox Pending - East section
5. Appendix E – Lox Pending - North section
6. Appendix F – Lox Pending - South section
7. Appendix G – Lox Pending - West section
8. Appendix H – Lox Land Use - East section as well as the Map Legend
9. Appendix I – Lox Land Use - North section
10. Appendix J – Lox Land Use – NW section
11. Appendix K – Lox Land Use – South section
12. Appendix L – Lox FLU – East
13. Appendix M – Lox FLU – North East
14. Appendix N – Lox FLU – North West
15. Appendix O – Lox FLU - South

Identified Deficiency 2:

“Section 165.041(1)(b)8., F.S., required evidence of fiscal capacity and an organizational plan including minimum requirements for revenue bases and operational capacity. Pages 34-36 refer to a planned interlocal agreement with the Indian Trails (sp) Improvement District to turn over certain services and assets to the new municipality, such as roads and park improvements, as well as for the district to continue providing other services such as drainage and water control. We note that litigation continues between the district, Minto PBLH, LLC, and Seminole Improvement District, raising issues of property rights, public road access, governmental permitting and governmental authority of the district. The feasibility study does not address the potential consequences for the new municipality of this litigation, such as the possible costs of increased obligations to the defendants if the district does not prevail.”

We note the District would remain an independent district, as it is today, in this proposed municipality. We are not party nor are we privy to all of the details of the lawsuit that has been brought against the District with the exception of the publicly available court documents. We can not make decisions for the future Village council nor can we make decisions for the District, now or in the future. It would be up to the future Village council to decide if they want to be a party to the lawsuit or to assume responsibilities relating to infrastructure and issues raised in the litigation and any expenses that may result, if the District does not prevail in the case. We also can not provide nor determine what the potential impact would be to the District of some unknown and yet undecided outcome of the lawsuit and since it would remain independent from the District, it seems to be irrelevant. In addition, it is our opinion that an adverse impact to the District and its taxpayers exists if the District were to do nothing, based upon the assertions of a private landowner that does not pay for improvements or maintenance of district roads, therefore we support the District defending and asserting its authority as an independent special district.

The infrastructure impacted and at issue in the lawsuit is not part of what would be turned over to the new municipality as part of the interlocal agreement with ITID and has not been relied on in our estimations for expense or income so therefore any consequences of the lawsuit would remain with the District and have no bearing on the municipality unless otherwise decided by future councils.

Please also note, contrary to what is asserted by Minto, District roads have not been dedicated to the public, therefore they are not “Public” roads. In order to provide the Legislature, elected representatives and legislative staff a more balanced view of the said litigation, we have attached as Appendix P – a letter from Attorney, Michael Burman addressed to Representative Rick Roth dated December 1, 2021 regarding the pending litigation.

Identified Deficiency 3:

“Section 165.061(1)(a), F.S. requires each new municipality to be compact, contiguous and amenable to separate municipal government. While the proposed municipality appears to be contiguous, it is unclear if it is sufficiently compact and amenable to separate municipal government.

This is a valid point. The term “compact” as it relates to municipal incorporation is not defined within Chapter 165 of the 2021 Florida Statutes, nor is it defined in any other chapter within the current Statutes. According to Oxford Languages Dictionary, compact is defined as “closely and neatly packed together; dense.” Therefore, whether or not the boundaries are compact is a matter of perspective. Is it a perfect square? No. Are there parts of the boundaries that are smaller than other parts? Yes.

The proposed boundaries, as drawn, are within the existing boundaries of the Indian Trail Improvement District, the majority of which has been effectively and successfully serviced as a limited purpose special district since 1957 providing drainage, roads, parks and recreation services. The same level of functionality should be expected as a general service municipality. These areas are a community of common interest. These areas are not compatible with neighboring municipalities which are not agricultural or equestrian focused communities. The District areas excluded from the proposed municipality, were done so at the request of the property owners of those areas, where appropriate, practical and in compliance with Section 165.061(1)(a) F.S. In addition, there are no enclaves being created.

To exclude certain areas from the proposed municipal boundaries, would be to create enclaves and possibly to disenfranchise residents. We contend that the proposed municipality is relatively compact and amenable to separate government. However, if the legislature does not agree, we respectfully request a waiver.

Identified Deficiency 4:

Section 165.061(1)(d), F.S. requires each new municipality to have a minimum distance of at least two miles from the boundaries of any existing municipality in the same county or to be separated from such municipality by an extraordinary natural barrier. The proposed municipality appears to share borders with five existing municipalities: Westlake, Loxahatchee Groves, Royal Palm Beach, Palm Beach Gardens, and West Palm Beach.

It is true that the proposed Village does in fact border these municipalities and the proposed boundaries do not have a 2 mile buffer. As noted in the feasibility study, one of the major reasons for seeking incorporation is to stave off potential annexation by these local governments, the continuing encroachment and to control land use decisions and designations within the Village. In fact, the majority of the area included in the municipality, that is the area that borders these municipalities, are all part of the historical neighborhood “The Acreage”. It has a neighborhood plan adopted by the County in 1995 and is recognized in the Palm Beach County comprehensive plan as The Acreage Neighborhood Plan. As part of that neighborhood plan, it was always intended that the

Acreage Landowners would move forward with a referendum on incorporation by 1997 however community efforts to organize have failed in the past.

Moreover, by attempting to satisfy the 2-mile minimum distance requirement, enclaves along all the Village's borders would be created which is contrary to Statutes and would separate pieces of the historic neighborhood planning area. We respectfully request a waiver on this requirement as it is in the best interests of the community.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Louis Colantuoni, Jr.', with a long, sweeping horizontal line extending to the right.

Louis Colantuoni, Jr.

Signing for
Louis Colantuoni, Jr.
Bob Morgan
Elizabeth Accomando

Cc. Representative Rick Roth