

# Public Comment

CPA 19-5  
KL Waterside  
Text

September 16, 2020

Via Email: [slovelady@martin.fl.us](mailto:slovelady@martin.fl.us) and [pschilling@martin.fl.us](mailto:pschilling@martin.fl.us)

Local Planning Agency  
c/o Samantha Lovelady, AICP  
Principal Planner  
Martin County Growth Management Department  
2401 SE Monterey Road  
Stuart, FL 34996

Re: Martin County Comprehensive Plan Amendment – CPA 19-5 KL Waterside, LLC (fka Neill  
Parcels), Text (the Property)

Dear Ms. Lovelady:

This firm represents the Town of Jupiter Island (the Town). Please include this letter as part of the record of the Local Planning Agency's public hearing on the above referenced plan amendment which is to be heard at tonight's meeting. Unfortunately, the Town only recently learned that the Martin County Growth Management Department (the County) has received an application to amend the County's Comprehensive Growth Management Plan (the Plan). The proposed amendment would create an exception to the County's currently established Primary Urban Service Boundary. The failure to coordinate with Town did not enable the Town to review the staff report with the Department before it was prepared was not consistent with Policy 3.1E.4 of the Martin County Growth Management Plan (the Plan). Had coordination taken place, the Town would have brought the following to your attention, again.

As the County is well aware, the Town owns and operates the South Martin County Regional Utility (SMRU). Although a significant portion of the Property, including parcels with an Industrial land use are located within the approved SMRU service area, the County's staff report fails to recognize the SMRU service territory. The report also does not indicate whether, if the amendment is adopted, SMRU has the capacity to serve the Property. In this respect, the application and the staff analysis of the same, are not consistent with the concurrency mandate of § 163.3180(1) and (2), Fla. Stat. and concurrency policies of the County's Plan.

Because the County did not coordinate the proposed amendment with the Town, the application and staff analysis is not consistent with the intergovernmental coordination requirements of the

E S T .  
1 9 2 4

tbaird@  
jonesfoster.com  
561-650-8233 T  
561-650-5300 F

4741 Military Trail  
Suite 200  
Jupiter  
Florida 33458

Town and County's respective Comprehensive Plans. Additionally, this lack of coordination is inconsistent with §§163.3177 (6)(c) and 163.3177(6)(h), Fla. Stat. Importantly, § 163.3177(6) (h) 1. a., Fla. Stat. requires the County to identify and implement joint planning areas with respect to the provision of infrastructure by the County and the Town. The existing Joint Planning area established by the Town and County through an Interlocal Agreement, does not address the area which is the subject of the proposed plan amendment. Accordingly, the County's Plan and the staff report on the proposed plan amendment fail to comply with § 163.3177(6) (h) because there are no policies in the Plan and no discussion in the staff report to address the potential for the joint delivery of utility services to the property, which must occur because of the Town's approved utility service area. Nevertheless, the proposed plan amendment is not consistent with Policy 3.1E. 4 which requires the County to coordinate utility services with other government owned utilities, such as SMRU.


It should also be noted that Town staff and SMRU's general counsel have noted that Figures 11-1 and 11-2 incorrectly identify the utility service provider as the County, and not SMRU. The Town respectfully requests that the County amend the staff report so that it accurately recognizes the SMRU utility service area. The recognition of the SMRU service area will also demonstrate the County's interest in meaningful intergovernmental coordination, which the Town understood to be the County's commitment when the parties amicably resolved the Town's administrative petition challenging the Fairgrounds amendment.

The County's continuing refusal to recognize that SMRU's approved service area will continue to create an inconsistencies between the Town and County Comprehensive Plans, and conflict between the Town and the County. To avoid the conflict created by this proposed amendment, the Town respectfully requests that consideration by the Local Planning Agency be postponed until the respective Town and County representatives can meet to discuss it. While I regret that this letter is being delivered so late, it was unavoidable given that there was not prior communication between the County and Town staffs even though the amendment has apparently been under review for some time.

Very truly yours,

JONES FOSTER P.A.

By

  
Thomas J. Baird

Florida Bar Board Certified City, County and Local Government Attorney

TJB:MRG

September 17, 2020

Page 3

Cc: Paul Schilling  
Michael Ventura  
Ruben Cruz  
P. Gildan, Esq.

\\JF-PLFS01\Apps\Docs\18270\00002\LTR\2121677.DOCX