

MARTIN COUNTY EAR-BASED COMPREHENSIVE PLAN AMENDMENT

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REQUEST NUMBER: CPA 24-13: Chapter 13, Drainage and Natural Groundwater Aquifer Recharge Element

Report Issuance Date: February 13, 2025

APPLICANT: Martin County Board of County Commissioners

REPRESENTED BY: Paul Schilling
Growth Management Director
Martin County Board of County Commissioners

PLANNER-IN-CHARGE: Anne Murray, Hydrogeologist, Utilities and Solid Waste Department
Samantha Lovelady, AICP, Principal Planner

<u>PUBLIC HEARINGS:</u>	<u>Date</u>	<u>Action</u>
Local Planning Agency (LPA):	September 12, 2024	Recommend approval 4-0
Board of County Commission Transmittal:	October 22, 2024	Voted 5-0 to transmit
Board of County Commission Adoption:	March 25, 2025	TBD

APPLICANT REQUEST: A text amendment to Chapter 13, of the Comprehensive Growth Management Plan (CGMP), to implement the recommended changes of the adopted Evaluation and Appraisal Report (EAR).

STAFF RECOMMENDATION: Staff recommends approval of the proposed amendments to Chapter 13, Drainage and Natural Groundwater Aquifer Recharge Element.

STATE AGENCY COMMENTS: No comments require action.

EXECUTIVE SUMMARY: Changes proposed for Chapter 13 are largely updating information, adding resiliency elements, and housekeeping changes such as recognizing the Village of Indiantown incorporating in 2017.

BACKGROUND: The Evaluation and Appraisal Report, is a required part of the State growth management process and could be generally described as a mechanism for determining whether the need exists to amend the County's Comprehensive Growth Management Plan. Due to changes made by the Florida Legislature in 2011 via the Community Planning Act, local governments no longer need to submit evaluation and appraisal reports to the State reviewing agencies. Instead, local governments, at least every seven years, pursuant to Rule Chapter 73C-49, Florida Administrative Code, must determine if a need exists to amend the comprehensive plan to reflect changes in state requirements since the last time the comprehensive plan was updated. If the local government determines amendments to its comprehensive plan are necessary to reflect changes in state requirements, the local government must

prepare and transmit within 1 year such plan amendment or amendments for review pursuant to the State Coordinated review process in s. 163.3184. Additionally, local governments shall comprehensively evaluate and, as necessary, update comprehensive plans to reflect changes in local conditions. Updates to the required elements and optional elements of the comprehensive plan must be processed in the same plan amendment cycle.

Staff began this work effort last year. The County Commission has been briefed via memos and Board items. The following chart summarizes the work done.

Aug. 29, 2023	Treasure Coast Regional Planning Council (TCRPC) presented a community public outreach workshop
Nov. 21, 2023	BCC authorized notifying the State Land Planning Agency by letter that amendments are necessary.
Jan. 18, 2024	Treasure Coast Regional Planning Council (TCRPC) presented a second community public outreach workshop
Feb. 15, 2024	LPA reviewed the full EAR.
Feb. 20, 2024	State Land Planning Agency acknowledged receipt of the Nov. 21, 2023 MC letter and established November 27, 2024 as the deadline for transmittal of EAR based amendments to State Agencies.
Mar. 5, 2024	BCC received a report from TCRPC summarizing public input and adopted Resolution 24-3.2 initiating EAR based amendments.

The Local Planning Agency must conduct a public hearing on each amendment and provide a recommendation. The Board of County Commissioners must hold a transmittal public hearing on each amendment, prior to November 27, 2024 and then the amendments will be reviewed by the various state and regional agencies that participate in the State Coordinated Review Process. After that review the Board of County Commissioners must hold its adoption public hearing.

CONTENT AND FORMAT:

The attached amendment consists of an updated Chapter 13. The attached Chapter contains, in strike and underline, the proposed changes to the Element to implement the recommendations of the EAR and any local issues identified.

DATA AND ANALYSIS:

Please see the attached excerpt from the Evaluation and Appraisal Report that specifies changes in Florida Statutes regarding environmental protection and onsite sewage treatment and disposal systems.

Since Chapter 13, Drainage and Natural Groundwater Aquifer Recharge Element, contains definitions and summaries of topics discussed elsewhere in the CGMP, changes to other chapters may need to be reflected in Chapter 13, Drainage and Natural Groundwater Aquifer Recharge Element. Therefore, additional updates to Chapter 13, Drainage and Natural Groundwater Aquifer Recharge Element may be necessary based on changes made to other chapters of the CGMP for the sake of internal consistency prior to final adoption.

PROPOSED CHANGES:

1. In Section 13.1.B. Purpose and Intent, the Coastal and Conservation and Open Space Elements were added as additional elements that the Drainage and Natural Groundwater Aquifer

Recharge Element is consistent with.

2. In Section 13.1.C (1), sea level rise is added to the control of water subsection; existing and future land use and sea level rise is added to the environmental concerns subsection; and a new restoration section has been added.
3. Indiantown was removed from Section 13.2.
4. Section 13.2.B was updated to include the most recent studies that have been conducted within Martin County along with references to Chapter 8 figures. Also, the reference to the Capital Improvements Element was changed to the Capital Improvements Plan as adopted every year.
5. Section 13.2.D was updated to reflect language in the Land Development Code and includes criteria that may be used in establishing finish floor elevations in areas at risk as defined by the Florida Department of Environmental Protection (FDEP) for reducing flood risk and infrastructure damage. Since the September 24, 2024 Board meeting that introduced this amendment, a minor revision was made to parenthesis (3) of Section 13.2.D under the flood protection level of service standards. This change was made so the language is internally consistent between Chapters 13 and 14 of the CGMP.
6. Additional study needs to determine the existing level of service along with proposed capital improvements to mitigate level of service deficiencies as well as adding resiliency elements were added to the surface water study needs of Section 13.2.E.
7. Under Capital Improvements in Section 13.2.E, the reference to the Capital Improvement Element was deleted since this element does not specifically identify projects.
8. Section 13.3., Groundwater System and Aquifer Recharge, is updated with the most recent information.
9. Table 13-2 has been revised with more up-to-date data for historical and projected average gross water demands.
10. Policy 13.1A.3 was corrected with the correct references to minimum water quality standards.
11. Added Policy 13.1A.17, Improve water quality of surface waters, to show that the county will continue its efforts on reducing pollutants.
12. In compliance with Policy 13.1B.1. Applicability of latest Upper East Coast Water Supply Plan. The most current Upper East Coast Water Supply Plan shall be referenced when determining water availability, use, and allocation (See 2021 Upper East Coast Water Supply Plan Update Appendices).
13. Sea level rise was added to Policy 13.1C.1 Funding for stormwater management to ensure that proposed infrastructure has considered flood risk from sea level rise or any other threat that may cause a flood risk.
14. The Phase II National Pollutant Discharge Elimination System (NPDES) notice of intent is referenced under Policy 13.1C.4 as the basis for the operation and maintenance program.

15. Policy 13.1G.18. Coordination for water allocation plans. Martin County shall coordinate with the SFWMD, City of Stuart, Village of Indiantown, Village of Tequesta, Town of Jupiter, South Martin Regional Utility, Palm Beach County, City of Port St. Lucie and St. Lucie County to develop water allocation plans. Adding the City of Stuart and the Village of Indiantown.
16. Section 13.5.A was updated to give the status of the C-44 Reservoir and Stormwater Treatment Area project; adding green infrastructure to protective initiatives; and adding the County wastewater treatment and onsite sewage treatment and disposal system (OSTDS) plan. Also, deleted references to the Lands for Healthy Rivers Initiative, which does not exist.
17. Deleted references to the NPDES program for the establishment of water quality monitoring criteria. The purpose of this program is not to determine impaired waters, but to stop illicit discharges from non-stormwater discharges.
18. Added water quality to Policy 13.2A.10.
19. Policy 13.2A.11 has been deleted and does not align with the County's position on base flows conditions in the St. Lucie River and Estuary.
20. Added green infrastructure to Policy 13.3A.2.
21. Reference to Section 13.4 in Goal 13.4 was incorrect and was updated to 13.3.
22. Policy 13.4A.7 was modified from first phase objectives to best management practices as identified in the generic permit.
23. Green Infrastructure is added to Policy 13.4A.9.
24. Added resiliency to Policy 13.4A.10.
25. In compliance with 2023 changes to Chapter 163, F.S. Environmental Protection (Chapter 2023-169) Policy 13.4A.12. Priority to septic tank problem areas. Martin County shall prioritize septic tank problem areas for connection to centralized wastewater disposal facilities pursuant to 163.3177, F.S.
26. Figures 13-5, 13-6, and 13-7 were deleted. They are no longer referenced in the document. Figure 13-5, General Locations of Needed ROW, was not referenced in the document. Right-of-way acquisition is generally described under 13.2.E. Figure 13-6, Ground-Water Drainage Basins Estimated From Wet Season Water Table Contours, (Oct. 1974), was not referenced in the document. This is information that is outdated and can be generally found through South Florida Water Management District (SFWMD) sources. As part of the resiliency program, there may be a need to complete a study on this, but currently, SFWMD is the primary source for this data. Figure 13-7, Potential Wellfield Development Areas, was deleted, since the County will be conducting its own wellfield feasibility study or obtain this information from SFWMD.

ADDITIONAL CHANGES:

27. Section 13.6 was added at the direction of the Board during the October 22, 2024, Board meeting for transmittal of this amendment. Section 13.6 is a new sub-element for the North and

Northwest forks of the Loxahatchee River and outlines a new goal, objective, and policy for the reduction of discharges to this waterway. This new text was not included in the transmittal package for this amendment to the State Land Planning Agency but is included in the adoption materials for Board consideration.

FIGURES/ATTACHMENTS:

- Excerpt from the Evaluation and Appraisal Report, a Matrix for Evaluating Plan Policies.
- LPA approved minutes.
- Objections, Recommendations, and Comments (ORC) letter from reviewing state agencies.
- Draft ordinance with draft Chapter 13, Drainage and Natural Groundwater Aquifer Recharge Element, shown in ~~strikeout~~ and underline as “Exhibit A.”
- Existing figures and those figures proposed for deletion from Chapter 13, Drainage and Natural Groundwater Aquifer Recharge Element.
- 2021 South Florida Water Management District Upper East Coast Water Supply Plan Update.
- Florida Department of Environmental Protection 2024 Integrated Water Quality Assessment for Florida: Sections 303(d), 305(b), and 314 Report and Listing Update.
- Florida Department of Environmental Protection Lake Okeechobee Basin Management Action Plan, January 2020.
- Florida Department of Environmental Protection Loxahatchee River Pollutant Reduction Plan, February 2020.
- Florida Department of Environmental Protection St. Lucie River and Estuary Basin Management Action Plan, February 2020.
- Legal notice.
- Public comment relating to Chapter 13.