

PH-5

TOWN OF JUPITER ISLAND

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July 19, 2018

Chairman Ed Ciampi
Martin County Board of County Commissioners
2401 SE Monterey Road
Stuart, FL 34996

FILED FOR RECORD
COMMISSION RECORDS
MARTIN COUNTY, FL
Date 7/24/18 Time _____
CAROLYN TIMMANN
CLERK OF CIRCUIT COURT
By MKV D.C.

Re: Harmony Ranch Petition to Establish a Community Development District

Dear Chairman Ciampi:

I write in my capacity as Mayor and on behalf of the residents and property owners of the Town of Jupiter Island (Town) to advise the Martin County (County) Board of Commissioners (BCC) of our concern regarding the proposed establishment of a Community Development District (CDD) encompassing the 2,717 acres of the Harmony Ranch property. The Town Commission authorized me, as Mayor, to communicate these concerns to the BCC. Pursuant to the legislative finding codified at § 190.002, Fla. Stat., a CDD may be created to deliver basic community development services and capital infrastructure only if such establishment is the "best alternative available for delivering community development services and facilities to the area to be served by the District." Further, Section 190.002 (1) (a), Fla. Stat. clearly mandates that a CDD be in compliance with all planning and permitting laws, rules, regulations and policies of Martin County.

Hobe Sound Ranch, Ltd. has petitioned the Florida Land and Water Adjudicatory Commission (FLWAC) to create the Harmony Ranch CDD for a proposed community of 129 single-family homes within an area of 2,717 acres of land. Pursuant to § 190.005 (1) (c), Fla. Stat., the BCC has elected to conduct a public hearing to consider the relationship of the proposed Harmony Ranch CDD with the factors set forth in § 190.005 (e), Fla. Stat.

The Town believes that the proposed establishment of the Harmony Ranch CDD is not consistent with the factors of § 190.005 (1) (e), Fla. Stat. The establishment of a CDD encompassing the property of Harmony Ranch for 129 homes is contrary to subsections 2, 4 and 5 of § 190.005 (1) (e), Fla. Stat.:

2. The establishment of the CDD would be inconsistent with applicable elements of the Martin County Comprehensive Growth Management Plan.
4. The CDD is not the best alternative available for delivering community development services and facilities to the rural area of western Hobe Sound.
5. The CDD would be incompatible with the capacity and uses of Martin County and regional (SMRU) community development services.

Martin County's Comprehensive Growth Management Plan (the Plan) has established a Primary Urban Services Districts (PUSD). The purposes of the PUSD is to limit urban sprawl. By establishing these PUSD, County residents and property owners benefit due to a reduction of

expenditures on infrastructure and services. The establishment of the PUSD also protects agricultural enterprises, watersheds and natural lands. The PUSD is subject to periodic evaluation to determine its residential capacity with the idea that when growth reaches the residential capacity the PUSD can be expanded to accommodate additional growth. New growth invariably requires the County to expend tax dollars to deliver urban services to the residents and property owners in the expanded urban area.

According to Plan Policy 4.7A.10, the County's first priority for public investment in the expansion of urban services and facilities is in regional water and wastewater services. In 2017, Harmony Ranch proposed text amendments to the Plan to expand the PUSD. Inherent in Harmony Ranch's requested amendment was the assumption that Martin County Utilities would serve the expanded PUSD. In part because this proposal would have necessitated a significant investment in regional water and wastewater services by the County, the proposed text amendments for Harmony Ranch were unanimously denied.

The Town shares the BCC's concern regarding the potential significant financial impact that would result from the establishment of urban services for 129 homes within the Harmony Ranch property (the Petitioner estimates \$5,104,200 to install storm water management, roadways and lake plantings, which equals \$39,567 for each of the 129 homes to be built on the property). The Town expressed its concerns regarding the expansion of urban services to the Harmony Ranch property in a March 23, 2018 letter to County Administrator Taryn Kryzda. In this letter, the Town clarified that the Harmony Ranch property actually lies within the South Martin Regional Utility (SMRU) water and sewer utility service territory.

Also of concern regarding the proposed establishment of a CDD for Harmony Ranch's 2,717 acres is that the current land use intensities do not justify the delivery of urban services to the property. Pursuant to the adopted Plan, the number of dwelling units allocated to Harmony Ranch's 2,717 acres is 129. This represents a density of 1 unit per 21 acres, hardly an urban density. It is unreasonable to propose a CDD of 2,717 acres to provide 129 dwelling units with urban services. This facially unreasonable request gives the Town a grave concern that the purpose of the developer of Harmony Ranch in seeking to establish a CDD could be to circumvent the County's Comprehensive Plan requirements to reach a result it could not achieve by amending the Plan, i.e. a substantial increase in dwelling units which are to be developed at densities requiring urban services.

The BCC has already made the legislative determination that Harmony Ranch's proposal to expand the PUSD so that urban services can be delivered to its property is not consistent with the Plan. The BCC's determination was supported by the data and analysis contained in the Growth Management Department's Executive Summary and staff report to the BCC regarding Harmony Ranch's proposed text amendments to Chapters 4, 10 and 11 of the Plan. The Growth Management staff analysis of the proposed Harmony Ranch's text amendments is an equally sound analysis to be applied to the proposal to create a CDD for the Harmony Ranch property. When applied to the proposal to create a CDD, it is clear that the establishment of a CDD for Harmony Ranch would not be consistent with at least the Future Land Use, Water and Wastewater Elements of the Plan. Given the policies of these Elements of the Plan, the creation

of a CDD would not be the best alternative to deliver community development services and facilities to Harmony Ranch because the creation of a CDD would be directly contrary to the BCC's legislative directives regarding the establishment of the PUSD. Finally, the creation of the CDD would be incompatible with the capacity, uses and existing utility service territories of the County and SMRU utilities.

Further, as noted to the County in the Harmony Ranch Plan Amendment process, the Harmony Ranch property lies within the Town's SMRU utility service territory. SMRU has a comprehensive utility extension policy which provides the financial means for potential customers to obtain utility service within the SMRU utility service territory. These provisions of this Policy include the ability of property owners to access SMRU special assessment financing to defray the cost for the property owners' utility infrastructure needs. Consequently, SMRU already has in place an effective and affordable means of delivering utility services to all properties within its SMRU service area, and there would be no need for a CDD to be established as an alternative utility infrastructure delivery method (and in fact, since the Harmony Property lies within the SMRU exclusive utility service territory, a CDD would not technically be permitted to provide competing utility service, again obviating one of the essential public interest requirements needed to prove entitlement to establishment of a CDD).

I respectfully request on behalf of the Town, that the BCC strongly oppose the establishment of a CDD for the Harmony Ranch property and vehemently express its opposition to the establishment of a CDD in western Hobe Sound to the FLWAC.

Very truly yours,



Mayor Whitney D. Pidot

Cc: Town Commission
Gene A. Rauth, Town Manager
Taryn Kryzda, Martin County Administrator
Sarah Woods, Martin County Attorney
Phil Gildan, Utility Counsel
Tom Baird, Town Counsel

TOWN OF JUPITER ISLAND

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March 23, 2018

Mrs. Taryn Kryzda
Martin County Administrator
2401 SE Monterey Road
Stuart, FL 34996

Re: Harmony Ranch Comprehensive Plan Amendments and Rezoning

Dear Mrs. Kryzda,

It has come to the attention of the Town of Jupiter Island that the Martin County Comprehensive Plan Amendments, Request #18-1 Harmony Ranch, FLUM change and #18-2 Harmony Ranch, Text Amendments ("Harmony Ranch Application") has been scheduled for a Board of County Commissioners' Transmittal Hearing for April 24, 2018 (we also see that an LPA Meeting was held March 15, 2018, which unfortunately, the Town could not attend). We have since reviewed the Martin County Staff Report, dated January 10, 2018, regarding the Harmony Ranch Application ("Staff Report"). The Town supports the Staff's Recommendation of denial of the Harmony Ranch Application. However, we did want to point out some inconsistencies in the Staff Recommendation and recommend some revisions to the Staff Report to reconcile these inconsistencies and strengthen the Staff's recommendation of denial when the Harmony Ranch Application is heard by the County Commission on April, 24, 2018.

Regarding the provision of water and sewer utility service to the Harmony Ranch Development, at one point the Staff Report correctly acknowledges that the Harmony Ranch Development lies within the South Martin Regional Utility water and sewer utility service territory and outside the Martin County utility service territory; that the Harmony Ranch Development does not lie within the Joint Planning Agreement between the Town and the County; and that if Martin County were to consider providing utility service to the Harmony Ranch Development, the County would need to obtain the consent of the Town and an amendment to the Joint Planning Agreement to obtain the legal right to provide service inside the South Martin Regional Utility service area.

However, other areas of the Staff Report suggest that while the Harmony Ranch Development is not within the Urban Service Boundaries (neither the Primary Urban Service Boundary (PUSD) nor the Secondary Urban Service Boundary (SUSD)), and the Martin County Utility Department could not (and did not) undertake any planning, permitting or utility infrastructure development to serve Harmony Ranch Development; the County utility nonetheless currently has water and sewer capacity available to serve the Harmony Ranch Development. We believe this statement is

incorrect and is inconsistent with the current County Comprehensive Plan. As such, the conclusions in the Staff Report should be corrected.

The Town believes the correct representation is that Martin County utility has no existing and no planned water and sewer utility capacity to serve the Harmony Ranch Development, and that, consistent with Martin County Commission directives, all of the current Martin County utility planning, permitting and utility infrastructure development has already been implemented to serve the anticipated future needs of utility customers inside the current PUSD and SUSD. Consequently, there is no capacity available to serve the Harmony Ranch Development or any other properties outside the PUSD and SUSD. Therefore, the Staff Report, to be accurate, should state that Martin County has no water and sewer capacity currently available to serve the Harmony Ranch Development. Moreover, it should state that if current capacity planned, permitted and constructed to serve inside the Urban Services Boundary were to be diverted to serve the Harmony Ranch Development, then that would create a deficit in utility capacity available for development inside the current PUSD and SUSD.

To further demonstrate that Martin County does not have capacity to serve the Harmony Ranch Development, we would direct your attention to the Martin County Utility's South Florida Water Management District ("SFWMD") Consumptive Use Permit ("SFWMD Permit") and SFWMD staff recommendation accompanying the SFWMD Permit. As part of its application for the SFWMD Permit the County relied upon population growth projects and water demands only from within the current PUSD and SUSD, and did not request capacity to serve the water demands for Harmony or any other properties outside the PUSD and SUSD. The SFWMD Permit accordingly does not provide any water allocation to serve the Harmony Ranch Development. Likewise, consistent with the current Comprehensive Plan requirements, the County Utility's Five Year Capital Improvement Plan provides for no projects to serve Harmony or any other properties outside the PUSD and SUSD.

Other inconsistencies in the Staff Report include a scant analysis of beach access, and the impacts on the level of service for parking which is critical to beach access. The staff analysis is limited to the acknowledgement that the population which would be generated by Harmony Ranch's proposed plan amendments whereby the dwelling units (and the corresponding population) assigned to this property would increase from 129 to 2,670 would exacerbate an existing deficit in beach parking facilities by 2021 without any increases in density in Martin County. The analysis states that the County's 2018 Capital Improvements Plan includes expanding the parking at Stuart Beach. This beach, located in Jensen Beach, is the furthest location geographically possible to serve new residents generated by the development of Harmony Ranch at increased densities. If this analysis is being offered to suggest that the deficit that Harmony Ranch will contribute to will be rectified, it should be re-evaluated because it seems to suggest that residents from Harmony Ranch would be accommodated by assuming that these residents will drive from southwestern Martin County to the northeastern most point of Martin County, an estimated 25 miles, or more. If that is indeed the analysis, then it is respectfully suggested that this is absurd.

The closest beaches in Martin County to serve the new residents of Harmony would be those on Jupiter Island. As outlined in previous correspondence from Thomas J. Baird, Esquire, to Ms. Nicki van Vonno, St. Lucie Inlet State Park offers an opportunity for the County to expand beach

access to meet the needs of increased population in southern Martin County. However, this assumes the County would take the appropriate action of creating parking on the mainland of southern Martin County, and provide a means of access to the park. Given that the other beaches on Jupiter Island are small and have limited parking; the provision of parking and access to St. Lucie Inlet State Park is the only logical and workable means to provide additional beach access for new residents in southern Martin County. Until the County makes this commitment, there will remain a deficit in the level of service for beach parking in southern Martin County, and thus beach access. Until such time as the County corrects the deficit of beach parking and access in southern Martin County, the Harmony Ranch amendment should be denied because it is not consistent with the level of service components of the Comprehensive Plan, and will have an adverse impact upon Jupiter Island residents.

Again, the Town supports the Staff Recommendation of denial, and the LPA recommendation of denial of the Harmony Ranch Application. Please contact me with any questions.

Sincerely,

A handwritten signature in cursive script, reading "Gene A. Rauth". The signature is written in dark ink and is positioned above the typed name of the signatory.

Gene A. Rauth,
Town Manager

Cc: Town Commissioners
Michael Ventura, Deputy Town Manager
Mario Loaiza, SMRU Director
Phil Gildan, SMRU Attorney
Tom Baird, Town Attorney
Sarah Woods, Martin County Attorney

RESOLUTION NO. 421

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF JUPITER ISLAND, FLORIDA, RATIFYING AND APPROVING THE SOUTH MARTIN REGIONAL UTILITY SERVICE AREA BOUNDARY; AND PROVIDING AN EFFECTIVE DATE.

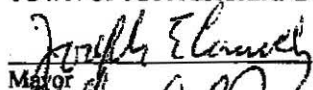
NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF JUPITER ISLAND, FLORIDA:

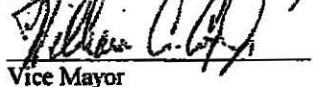
Section 1. The utility service area of the South Martin Regional Utility (SMRU) as set forth on the attached Service Area Map is hereby ratified and approved as the utility service area boundary of SMRU.

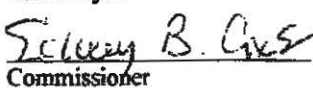
Section 2. This Resolution shall take effect immediately upon passage.

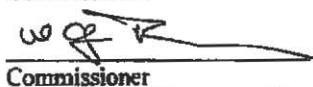
PASSED AND ADOPTED THIS 11TH DAY OF JULY, 2000.

TOWN OF JUPITER ISLAND


Mayor

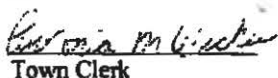

Vice Mayor


Commissioner


Commissioner


Commissioner

Authentication:


Town Clerk

TOWN OF JUPITER ISLAND, FLORIDA

RESOLUTION NO. 801

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF JUPITER ISLAND, MARTIN COUNTY, FLORIDA, AMENDING THE TOWN'S WATER, WASTEWATER AND RECLAIMED WATER UTILITY SERVICE AREA FOR SOUTH MARTIN REGIONAL UTILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Jupiter Island, Florida, (the "Town") owns and operates a water, wastewater and reclaimed water utility (the "Town Utility System") within and outside its corporate limits, through a proprietary fund known as South Martin Regional Utility ("SMRU"); and

WHEREAS, pursuant to the Town's Charter, the Town's Home Rule Powers, and authority in Section 180.02(2), Florida Statutes, the Town Commission may extend its corporate powers to provide water, wastewater and reclaimed water utility service outside its corporate limits as may be desirable or necessary for the promotion of the public, health, safety and welfare; and

WHEREAS, the Town Commission has reviewed scientific studies regarding the degradation of water quality in the surface water and surficial water aquifers in Southern Martin County due to the presence and proliferation of septic tanks and other on-site wastewater disposal systems, due to nutrient and other chemical loading which has led to dangerous algae blooms and the potential for contamination of current and future potable water supplies; and

WHEREAS, the Town Commission has reviewed studies regarding the negative impact of the proliferation of potable water self-supplies through the use of individual user onsite water withdrawal wells that have led to degradation of surficial aquifers, threatened salt water intrusion into surficial aquifers used for public water supply, and have resulted in environmental degradation of wetlands and other surficial water bodies; and

WHEREAS, the Town Commission has accordingly determined that it is in the public interest for the betterment of the health, safety and welfare of the residences and businesses within the Town and Southern Martin County, and to protect the and preserve the environment, wetlands, surface and underground water resources and aquifers, and current and future potable water supplies in the Town and Southern Martin County for the benefit of the residents and businesses within the Town and the utility customers of SMRU, for the Town to amend its SMRU water, wastewater and reclaimed water service territory to encompass all of Southern Martin County not within the municipal boundaries of another utility or within the currently established water, wastewater or reclaimed water utility service territory of another utility service provider.

NOW, THEREFORE, BE IT RESOLVED by the Town Commission of the Town of Jupiter Island, Martin County, Florida, that:

Section 1. The SMRU water, wastewater, and reclaimed water utility service territory of the Town is hereby amended and re-adopted to include all of the property in Southern Martin County as delineated on Exhibit "A" to this Resolution.

Section 2. This resolution shall take effect immediately upon its adoption.

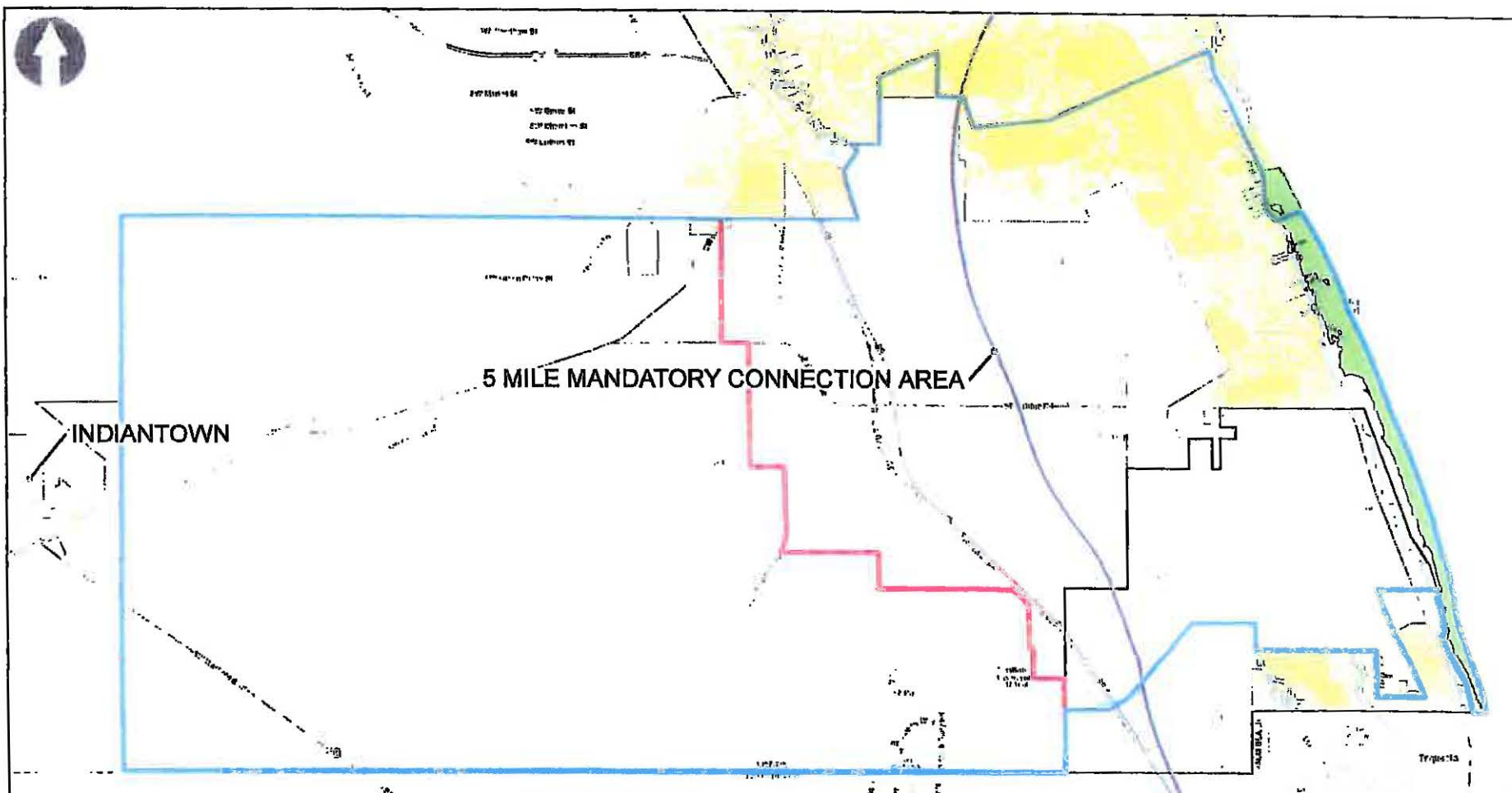
DULY ADOPTED the 21st day of February, 2018.

ATTEST:


Vanessa M. Mutchnik, Town Clerk

TOWN OF JUPITER ISLAND


Whitney D. Pidot, Mayor



Legend

Current SMRU Boundary
Previous SMRU Boundary

Town of Jupiter Island
5 Mile Mandatory Connection Area

Current ENCON Boundary

Primary Urban Service Boundary
Secondary Urban Service Boundary



**South
Martin
Regional
Utilities**

**SMRU Service
Territory Map**

Date: 2/18/2018