

**MARTIN COUNTY, FLORIDA
SUPPLEMENTAL MEMORANDUM**

TO: Honorable Members of the Board of County Commissioners **DATE:** April 12, 2022

VIA: Taryn Kryzda
County Administrator

FROM: Paul Schilling, Growth Management Director

REF: 22-0717

**SUBJECT: LEGISLATIVE PUBLIC HEARING TO CONSIDER ADOPTION OF
COMPREHENSIVE PLAN AMENDMENT (CPA) 21-09 BECKER B14
FLUM**

On March 31, 2022 the South Florida Water Management District (SFWMD) provided comments via email on CPA 21-09 Becker B14, Future Land Use Map Amendment. SFWMD has clearly stated the comments do not apply to CPA 21-08 Becker B14 Text. The following are responses to the March 31, 2022 email from SFWMD, attached.

1. The SFWMD email incorrectly cites Section 163.3184(3) (g), Florida Statutes, as the basis for its comments. No such section exists. It appears that the intent may have been to cite to Section 163.3184(3) (b) 4. g, Florida Statutes. That section limits the water management district to comments on floodplain management, wetlands and other surface waters, and regional water supply. That section of Florida Statute is preceded by Section 163.3184(3)(b) 2., limiting the role of state agencies in the comprehensive planning process.

“State agencies shall only comment on important state resources and facilities that will be adversely impacted by the amendment if adopted. Comments provided by state agencies shall state with specificity how the plan amendment will adversely impact an important state resource or facility and shall identify measures the local government may take to eliminate, reduce, or mitigate the adverse impacts.”

The SFWMD email states “The important state resource impacted by this amendment is regional water supply.” However, contrary to the requirements Section 163.3184(3)(b) 2., the SFWMD does not state with specificity how the Future Land Use Map amendment will adversely impact important state resources and does not identify measures the local government may take to eliminate, reduce, or mitigate the adverse impacts. Instead, the SFWMD appears to prematurely request an analysis that would be required at the project development stage if the applicant seeks an Environmental Resource Permit from the South Florida Water Management District. Environmental Resource permits are not required for a future land use map amendment.

2. The SFWMD email also cites Section 163.3177(6)(d), F.S. Please see the quoted text from the email.
 - The amendment should be revised to demonstrate how the County will conserve, appropriately use, and protect existing or proposed water sources as required by Section 163. 3177(6)(d), F.S.

First, as a proposed amendment to the Future Land Use Map, a map change only with no text, SFWMD's request that the "amendment should be revised ..." appears to represent a lack of understanding of the item under review. There is no "amendment" to be revised.

Second, Martin County is in full compliance with Section 163.3177(6)(d), F.S., quoted below. That text requires the Martin County Comprehensive Growth Management Plan to have a Conservation Element.

"(6) In addition to the requirements of subsections (1)-(5), the comprehensive plan shall include the following elements:

(d) A conservation element for the conservation, use, and protection of natural resources in the area, including air, water, water recharge areas, wetlands, waterwells, estuarine marshes, soils, beaches, shores, flood plains, rivers, bays, lakes, harbors, forests, fisheries and wildlife, marine habitat, minerals, and other natural and environmental resources, including factors that affect energy conservation."

3. Without citing any statutory authority and without recognizing that CPA 21-09 is only an amendment to the Future Land Use Map, the SFWMD email goes on to state that "The proposed amendment should be revised to include amendments to the Capital Improvements Element (CIE) and the Five-Year Capital Improvements Schedule (CIS) for the needed facilities. The email (concerning the Future Land Use Map amendment) does not acknowledge the following text proposed with CPA 21-08 Becker B14 Text amendment.

(5) The applicant for a PUD shall plan and appropriately fund public facilities consistent with Policy 14.1B.2. which requires that future development shall pay for the full cost of the capital improvements needed to address the impacts of such development. The PUD Agreement shall include conditions that address public facilities, infrastructure and the timing of development to be adopted prior to or concurrent with final site plan approval.

4. In the second paragraph of the email, the SFWMD states that the comments contained in the email "need to be addressed before final adoption of this amendment. If these comments are not addressed prior to adoption, the District may recommend the state land planning agency, the Department of Economic Opportunity, challenge the amendment." Given that statement, and in an abundance of caution, the applicant has provided the attached data and analysis to address the comments. The attached documents include:

- Conceptual Stormwater Report
- Conceptual Plans
- Stormwater Calculations
- Letter from HSLCD accepting operation and maintenance of the system
- Water Control Plan for Unit 1A of the HSLCD

BCC MEETING DATE: April 19, 2022
AGENDA ITEM: PH-2

5. The SFWMD has not made the type of comments contained in the March 31, 2022 email in its review of previous Future Land Use Map amendments. For example, the SFWMD sent the attached email dated May 31, 2018. The May 2018 email was issued in response to a prior transmittal of a proposed Future Land Use Map amendment considered by Martin County in 2018. That amendment proposed a new future land use designation on 3,411 acres permitting a maximum of 4,200 units and over 2 million square feet of commercial and industrial development. However, that 2018 email only included technical assistance comments and did not require analysis normally required for an Environmental Resource Permit or any of the changes requested in the 2022 email.

Reviewed by County Attorney's Office

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