

State Agency Comments



FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES COMMISSIONER WILTON SIMPSON

April 4, 2023

VIA US MAIL/EMAIL (pschilli@martin.fl.us)

Martin County
Paul Schilling
2401 SE Monterey Rd
Stuart, Florida 34996

Re: DACS Docket # 20230317-25-Martin
Martin County
March 17th, 2023

Dear, Paul Schilling;

The Florida Department of Agriculture and Consumer Services (the "Department") received the above-referenced proposed comprehensive plan amendment on **March 17th, 2023** and has reviewed it pursuant to the provisions of Chapter 163, Florida Statutes, to address any potential adverse impacts to important state resources or facilities related to agricultural, aquacultural, or forestry resources in Florida if the proposed amendment(s) are adopted. Based on our review of your county's submission, the Department has no comment on the proposal.

If we may be of further assistance, please do not hesitate to contact me at 850-410-2292.

Sincerely,

Thomas Poucher
Budget Director
Office of Policy and Budget

cc: Florida Department of Economic Opportunity
(SLPA #: Martin County 23-02ESR)

Samantha Lovelady

Subject: FW: FWC's Comments on Martin County 23-02ESR (CPA# 22-07 County Operations Text Amendment)

772-288-5473

From: Hinton, William <William.Hinton@MyFWC.com>

Sent: Wednesday, March 22, 2023 4:44 PM

To: Paul Schilling <pschilli@martin.fl.us>

Cc: Conservation Planning Services <conservationplanningservices@MyFWC.com>;
dcpexternalagencycomments@deo.myflorida.com; Irving, Robert <Robert.Irving@MyFWC.com>

Subject: FWC's Comments on Martin County 23-02ESR (CPA# 22-07 County Operations Text Amendment)

**Caution: This email originated from an external source.
Be Suspicious of Attachments, Links, and Requests for Login Information**

Dear Mr. Schilling:

Florida Fish and Wildlife Conservation Commission (FWC) staff reviewed the proposed comprehensive plan amendments in accordance with Chapter 163.3184(3), Florida Statutes. We have no comments, recommendations, or objections related to listed species and their habitat or other fish and wildlife resources to offer on this amendment.

FWC staff appreciate the opportunity to review this project. Please send any requests for further information to ConservationPlanningServices@MyFWC.com.

Sincerely,

William Hinton
Division of Habitat & Species Conservation
Florida Fish & Wildlife Conservation Commission
Office: (904).731.3098
William.Hinton@MyFWC.com

Martin County_23-02ESR_53425

TREASURE COAST REGIONAL PLANNING COUNCIL

MEMORANDUM

To: Council Members AGENDA ITEM 4B3

From: Staff

Date: April 14, 2023

Subject: Local Government Comprehensive Plan Review
Draft Amendment to the Martin County Comprehensive Plan
Amendment No. 23-02ESR

Introduction

The Community Planning Act, Chapter 163, *Florida Statutes*, authorizes the regional planning council to review local government comprehensive plan amendments prior to their adoption. The regional planning council review and comments are limited to adverse effects on regional resources or facilities identified in the Strategic Regional Policy Plan (SRPP) and extrajurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within the region. Council must provide any comments to the local government within 30 days of the receipt of the proposed amendments and must also send a copy of any comments to the state land planning agency.

The amendment package from Martin County was received on March 16, 2023 and contains one text amendment to the Future Land Use Element (FLUE) of the County's comprehensive plan. This report includes a summary of the proposed amendment and Council comments.

Summary of Proposed Amendment

The proposed amendment is a site-specific text amendment to revise FLUE sub-area Policy 4.1B.2.(2) to add language excluding a 29.8-acre parcel from Planned Unit Development (PUD) requirements. The subject property is located on the west side of SW Kanner Highway, south of SW 96th Street, and north of SW Bridge Road. The County staff report indicates this is being done to ensure that the Martin County Board of County Commissioners will not be in the position of both applicant and reviewing agency of a PUD development agreement.

Policy 4.1B.2 allows restrictions for particular sites to limit the impact on public facilities. Subsections apply site-specific restrictions within unincorporated Martin County. The County recently purchased approximately 29.8 acres within a larger 250-acre parcel with an Industrial future land use designation. It is the County's intention to build an operations facility on the subject site. The proposed amendment will exclude the subject 29.8 acres from the PUD requirements and a development agreement, however, all other requirements of the policy remain applicable to the subject site and the remaining area (220 acres) of the 250-acre property

identified in the Policy. The proposed amendment is highlighted below and shown in underline format:

Policy 4.1B.2. Analysis of availability of public facilities.

Sub-area development restrictions apply to the following sites:

(2) The following restrictions shall be applied to the tract of real property designated as Industrial on the Future Land Use Map and described in Ordinance No. 1153:

(a) Uses on the subject property shall be limited to nonresidential uses. Residential uses shall not be permitted.

(b) Uses on the property shall be consistent with the future land use designations for the property and the applicable land use policies of the Martin County Comprehensive Growth Management Plan (CGMP).

(c) The net inbound AM peak hour trips generated by all uses shall be limited to 950 trips, as demonstrated during the review of final site plans consistent with Article 5, Adequate Public Facilities Division 3, Traffic Impact Analysis, Land Development Regulations.

(d) All future applications for development approval shall be processed as a Planned Unit Development (PUD), except for the 29.8-acre parcel described in the Warranty Deed recorded in OR Book 3325 and Page 2134, Public Records of Martin County, Florida.

(e) The building footprint of any individual warehouse or distribution facility shall not exceed 1,050,000 square feet.

(f) No final site plan shall be approved, which provides access to SW 96th Street from that portion of the property designated as Industrial on the Future Land Use Map, unless it is restricted to provide access for emergency purposes only.

Regional Impacts

No adverse effects on regional resources or facilities have been identified.

Extrajurisdictional Impacts

Council requested comments from local governments and organizations expressing an interest in reviewing the proposed amendment on March 17, 2023. No extrajurisdictional impacts have been identified.

Conclusion

No adverse effects on regional resources or facilities and no extrajurisdictional impacts have been identified.

Recommendation

Council should approve this report and authorize its transmittal to Martin County and the Florida Department of Economic Opportunity.

Council Action – April 21, 2023

Commissioner Smith from Martin County moved approval of the staff report. Commissioner Adams from Indian River County seconded the motion, which carried unanimously.

Attachments

List of Exhibits

Exhibit

- 1 General Location Map
- 2 Aerial Location Map
- 3 Site Location Map with Adjacent Future Land Use Designations

Exhibit 1
General Location Map

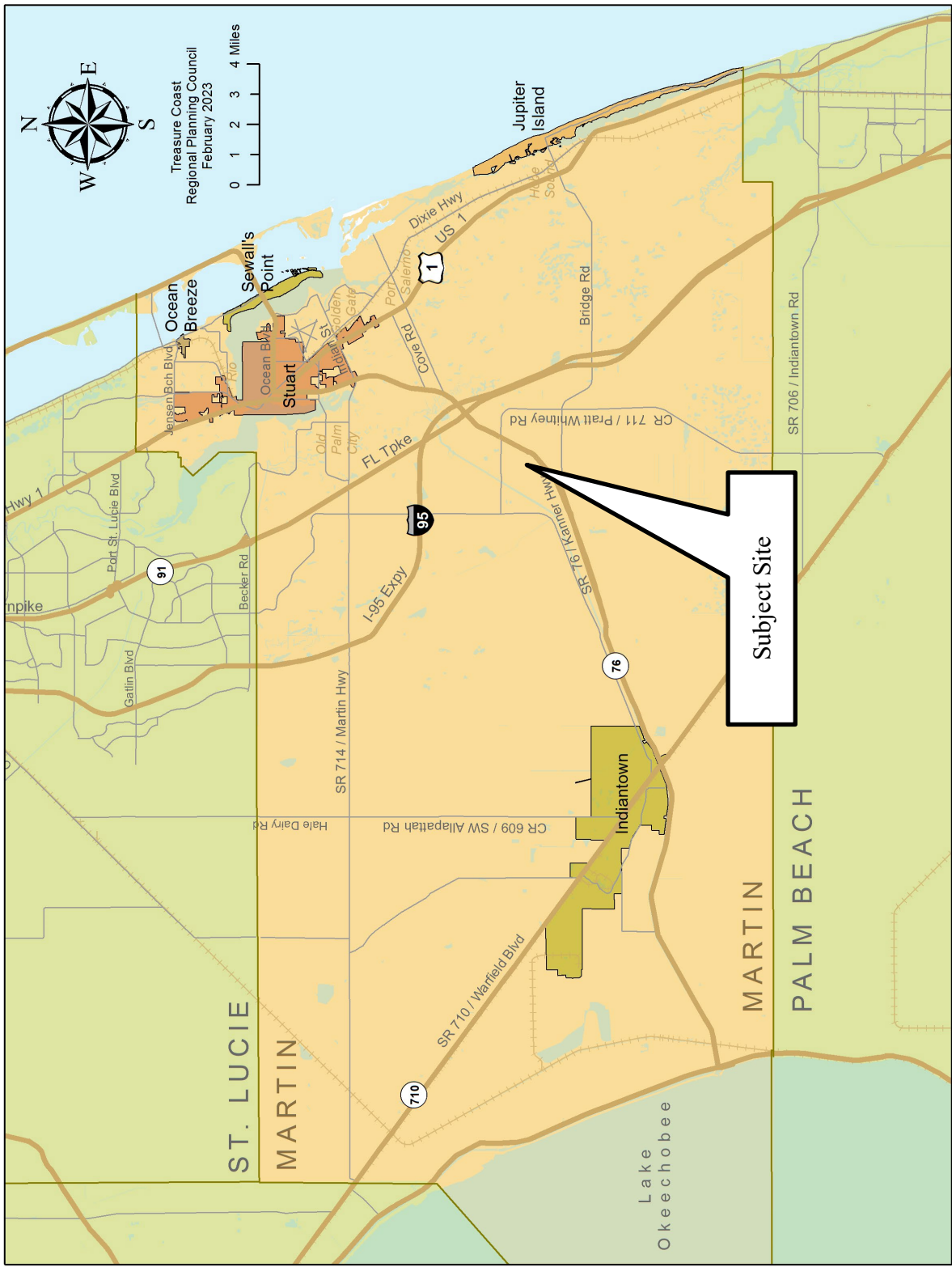


Exhibit 2

Aerial Location Map

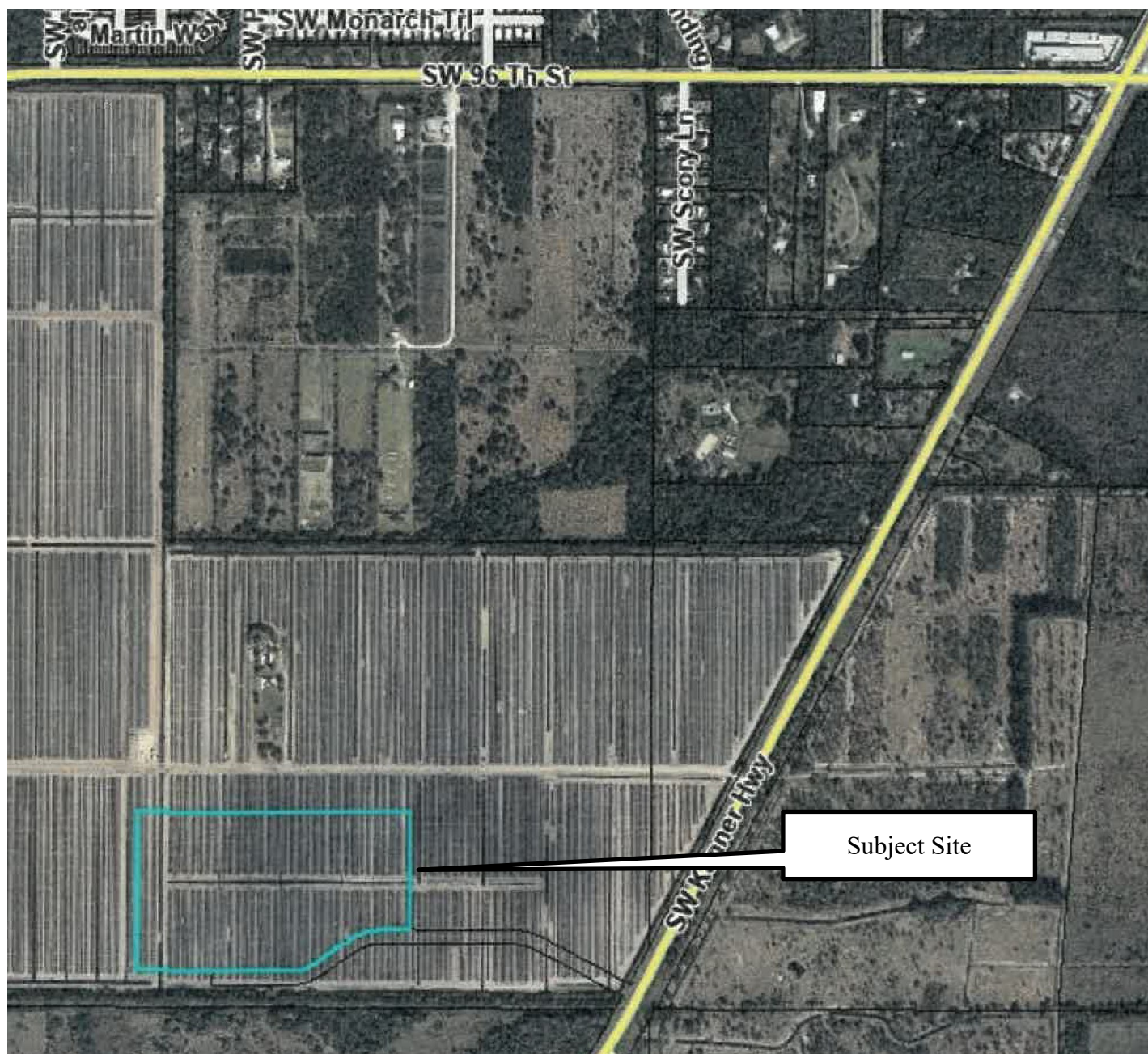
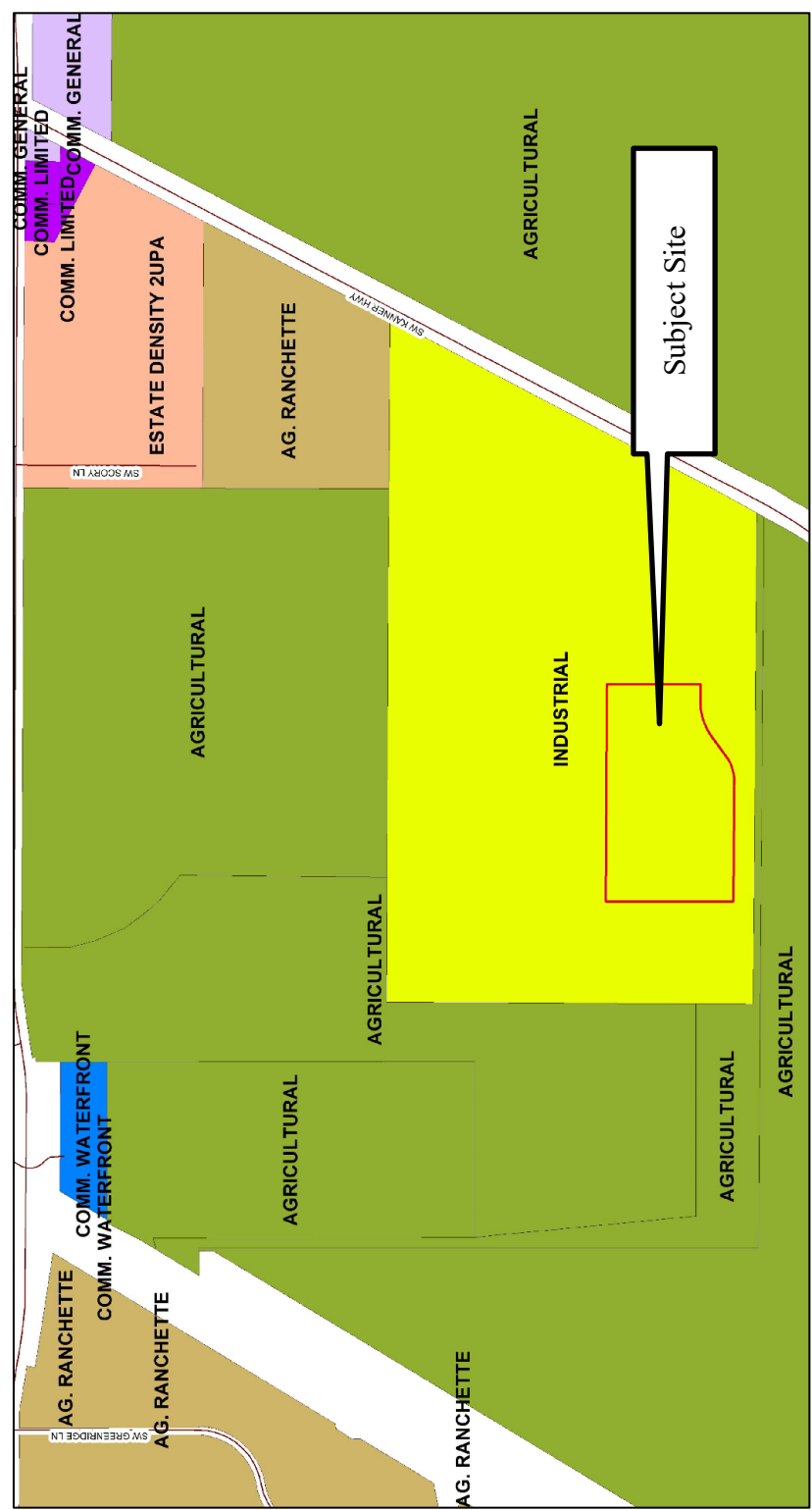


Exhibit 3
Site Location Map with Adjacent
Future Land Use Designations





CITY OF PORT ST. LUCIE

Planning & Zoning Department

MEMORANDUM

TO: Ray Eubanks, DEO
Matthew Graham, Assistant County Administrator, Martin County

FROM: Mary Savage-Dunham, AICP, Division Director *MSD*

SUBJECT: CPA 22-07

DATE: April 14, 2023

On behalf of the City of Port Saint Lucie I would like to report that, upon review, we have no substantive comments to offer on this matter.

From: [Paul Schilling](#)
To: [Carolyn Grunwald](#); [Clyde Dulin](#)
Subject: FW: Martin County 23-02ESR Proposed
Date: Wednesday, April 12, 2023 5:32:59 PM
Attachments: [image001.png](#)

Paul Schilling

Director
Growth Management Department
Martin County Board of County Commissioners
772-288-5473

From: Plan_Review <Plan.Review@dep.state.fl.us>
Sent: Wednesday, April 12, 2023 5:29 PM
To: Paul Schilling <pschilli@martin.fl.us>; DCPexternalagencycomments <dcpexternalagencycomments@deo.myflorida.com>
Cc: Plan_Review <Plan.Review@dep.state.fl.us>
Subject: Martin County 23-02ESR Proposed



To: Paul Schilling, Growth Management Department Director

Re: Martin County 23-02ESR – Expedited State Review of Proposed Comprehensive Plan Amendment

The Office of Intergovernmental Programs of the Florida Department of Environmental Protection (Department) has reviewed the above-referenced amendment package under the provisions of Chapter 163, Florida Statutes. The Department conducted a detailed review that focused on potential adverse impacts to important state resources and facilities, specifically: air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, conservation easements; solid waste; and water and wastewater treatment.

Based on our review of the submitted amendment package, the Department has found no provision that, if adopted, would result in adverse impacts to important state resources subject to the Department's jurisdiction.

Please submit all future amendments by email to Plan.Review@FloridaDEP.gov. If your submittal is too large to send via email or if you need other assistance, contact Lindsay Weaver at (850) 717-9037.

From: [Chelsea Love](#)
To: [Carolyn Grunwald](#)
Subject: FW: Martin County 23-02ESR
Date: Friday, April 14, 2023 11:58:02 AM

From: Stroh, Justin <Justin.Stroh@dot.state.fl.us>
Sent: Friday, April 14, 2023 11:37 AM
To: DCPexternalagencycomments <DCPexternalagencycomments@deo.myflorida.com>; Chelsea Love <clove@martin.fl.us>
Cc: Krane, John <John.Krane@dot.state.fl.us>; Fasiska, Christine <Christine.Fasiska@dot.state.fl.us>; Hymowitz, Larry <Larry.Hymowitz@dot.state.fl.us>
Subject: Martin County 23-02ESR



I am writing to advise you that the Department will not be issuing formal comments for the Martin County 23-02ESR proposed comprehensive plan amendment.

The Department requests one electronic copy of all adopted comprehensive plan amendment materials, including graphic and textual materials and support documents.

Sincerely,

Justin Stroh

Planning Specialist II
Planning and Environmental Management
FDOT – District Four
3400 W. Commercial Blvd.
Fort Lauderdale, Florida 33309
Justin.Stroh@dot.state.fl.us
Office: (954) 777-4294

April 3, 2023

The Honorable Edward V. Ciampi
Chairman, Martin County
Board of County Commissioners
2401 S.E. Monterey Road
Stuart, Florida 34996

Dear Chairman Ciampi:

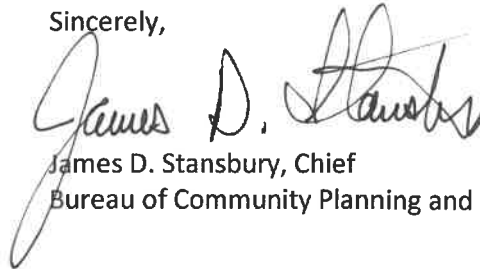
The Department of Economic Opportunity ("Department") has reviewed the proposed comprehensive plan amendment for Martin County (Amendment No. 23-02ESR) received on March 16, 2023. The review was completed under the expedited state review process. We have no comment on the proposed amendment.

The County should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment. In addition, the County is reminded that:

- Section 163.3184(3)(b), F.S., authorizes other reviewing agencies to provide comments directly to the County. **If the County receives reviewing agency comments and they are not resolved, these comments could form the basis for a challenge to the amendment after adoption.**
- **The second public hearing**, which shall be a hearing on whether to adopt one or more comprehensive plan amendments, **must be held within 180 days** of your receipt of agency comments or the amendment shall be **deemed withdrawn** unless extended by agreement with notice to the Department and any affected party that provided comment on the amendment pursuant to Section 163.3184(3)(c)1., F.S.
- **The adopted amendment must be rendered to the Department.** Under Section 163.3184(3)(c)2. and 4., F.S., the **amendment effective date** is 31 days after the Department notifies the County that the amendment package is complete or, if challenged, until it is found to be in compliance by the Department or the Administration Commission.

If you have any questions concerning this review, please contact David Pullin, Planning Analyst, by telephone at (850) 717-8503 or by email at David.Pullin@deo.myflorida.com.

Sincerely,

A handwritten signature in black ink, appearing to read "James D. Stansbury". The signature is fluid and cursive, with the first name "James" being the most prominent.

James D. Stansbury, Chief
Bureau of Community Planning and Growth

JDS/dp

Enclosure(s): Procedures for Adoption

cc: Don G. Donaldson, P.E., County Administrator, Martin County
Thomas Lanahan, Executive Director, Treasure Coast Regional Planning Council

SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS
FOR EXPEDITED STATE REVIEW

Section 163.3184(3), Florida Statutes

NUMBER OF COPIES TO BE SUBMITTED: Please submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the State Land Planning Agency and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

SUBMITTAL LETTER: Please include the following information in the cover letter transmitting the adopted amendment:

_____ State Land Planning Agency identification number for adopted amendment package;

_____ Summary description of the adoption package, including any amendments proposed but not adopted;

_____ Identify if concurrency has been rescinded and indicate for which public facilities.
(Transportation, schools, recreation and open space).

_____ Ordinance number and adoption date;

_____ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

_____ Name, title, address, telephone, FAX number and e-mail address of local government contact;

_____ Letter signed by the chief elected official or the person designated by the local government.

ADOPTION AMENDMENT PACKAGE: Please include the following information in the amendment package:

_____ In the case of text amendments, changes should be shown in strike-through/underline format.

_____ In the case of future land use map amendments, an adopted future land use map, **in color format**, clearly depicting the parcel, its future land use designation, and its adopted designation.

_____ A copy of any data and analyses the local government deems appropriate.

Note: If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

_____ Copy of the executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for expedited review:

"The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If the amendment is timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance."

_____ List of additional changes made in the adopted amendment that the State Land Planning Agency did not previously review;

_____ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

_____ Statement indicating the relationship of the additional changes not previously reviewed by the State Land Planning Agency in response to the comment letter from the State Land Planning Agency.