

TREASURE COAST REGIONAL PLANNING COUNCIL

MEMORANDUM

To: Council Members AGENDA ITEM 4B8

From: Staff

Date: July 12, 2019

Subject: Local Government Comprehensive Plan Review  
Draft Amendment to the Martin County Comprehensive Plan  
Amendment No. 19-01ESR

Introduction

The Community Planning Act, Chapter 163, *Florida Statutes*, requires that the regional planning council 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 June 24, 2019 and contains text amendments to the Potable Water Services/10 Year Water Supply Facilities Work Plan, Sanitary Sewer Services, and Future Land Use elements of the comprehensive plan. This report includes a summary of the proposed amendment and Council comments.

Summary of Proposed Amendment

Due to parking limitations, it has been determined that the current location of the Martin County fairgrounds may not be a viable site for the annual fair after 2019. The proposed new location of the Martin County Fairgrounds is on the north side of SW Citrus Boulevard just east of the Indiantown Airport. The property is outside the Primary Urban Service District (PUSD), within which the comprehensive plan limits the extension of public potable water facilities and regional sewage systems. In 2009, the property's future land use designation was changed to Institutional-Recreation and the zoning designation was changed to Public Recreation. Use as a fairgrounds is consistent with the designations according to the County's staff report.

The proposed amendments are required in order to allow the extension of potable water and sanitary sewer service to the future fairgrounds site ~~by the Indiantown Company~~.

In addition, amendments are proposed to align policy language in the Sanitary Sewer Services and Potable Water elements in regards to the payment of capital facility costs when services are reserved and the provision of easements when lines are transferred to the County. Obsolete references to Indiantown will also be removed from the Future Land Use Element due to incorporation of the Village of Indiantown in December of 2017.

### 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 June 29, 2019. ~~No extrajurisdictional impacts have been identified.~~ On July 15, 2019, Council received correspondence from Thomas J. Baird as the attorney representing the Town of Jupiter Island related to the amendment to allow extension of water and sewer services to the Fairground property. The correspondence is included as Exhibit 3. A response from Martin County was received on July 18, 2019 and is included as Exhibit 4.

### Conclusion

~~No adverse effects on regional resources or facilities and no extrajurisdictional impacts have been identified.~~ Council recommends that Martin County consider adding language to policies 4.7A.3.1(2), 4.7A.14(8), 10.1A.10, and 11.1C.11(8) to indicate that the use of the property is for a public fairgrounds since that is the justification for allowing services outside the PUSD. The site appears to be within the SMRU's utility service area according to Town of Jupiter Resolution 801 (Exhibit 5). However, this is not reflected in Figures 11-1 or 11-2 of the Martin County Growth Management Plan (Exhibits 6 and 7). Therefore, Council also recommends there be continued coordination between the South Martin Regional Utility (SMRU) and the County regarding provision of utility services to the Fairground site in order to avoid possible extrajurisdictional impacts to adjacent local governments and agencies.

### Recommendation

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

### Council Action – July 19, 2019

Commissioner Smith from Martin County moved approval of the staff recommendation subject to the inclusion of the July 15, 2019 correspondence from Thomas J. Baird; the July 17, 2019 correspondence from Martin County; Town of Jupiter Island Resolution #801; Martin County Figure 11-1, Areas Currently Serviced by Regional Utilities; and Martin County Figure 11-2, Potential service areas. Additionally the motion approved the changes shown above in ~~strikeout~~

and underline format concerning collaboration between Martin County and the South Martin Regional Utility regarding provision of utility services to the Fairground site. Councilman Carvelli from the City of Port St. Lucie seconded the motion, which carried unanimously.

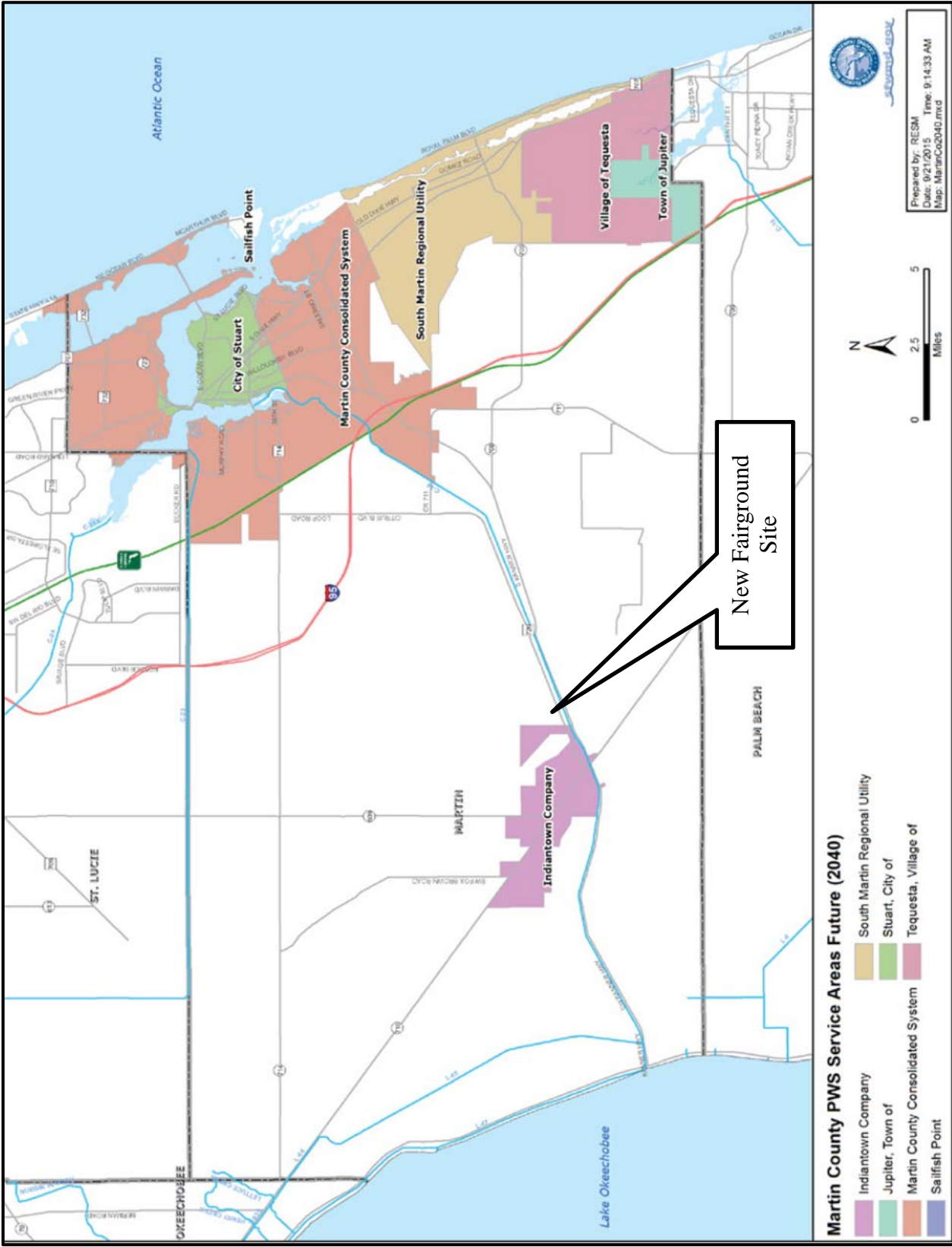
Attachments

## List of Exhibits

### Exhibit

- 1 Future Fairgrounds Site Location Map
- 2 Proposed Text Amendments in ~~Strikeout~~ and Underline Format
- 3 Letter Dated July 15, 2019 from Thomas J. Baird, Attorney Representing the Town of Jupiter Island
- 4 Letter Dated July 17, 2019 from Martin County
- 5 Town of Jupiter Island Resolution 801
- 6 Martin County Figure 11-1, Areas Currently Served by Regional Utilities
- 7 Martin County Figure 11-2, Potential Service Areas

Exhibit 1  
General Location Map



## **EXHIBIT 2**

### **Proposed Text Amendments in ~~Strikeout~~ and Underline Format**

Proposed Text in Chapters 4, 10 and 11

With all the changes to Chapter 4 that include striking out the references to Indiantown, the full chapter is being provided. However, changes specific to this amendment are provided below.

*Policy 4.7A.3.1.* All future development of a use or intensity that requires public urban facilities, including water and sewer, will be permitted only within the Primary Urban Service District, except the following facilities may be served with water and sewer service ~~by the City of Port St. Lucie:~~

- (1) The Martin Correctional Institution, consistent with an interlocal agreement between Martin County, the City of Port St. Lucie and the Florida Department of Corrections for service to be provided by the City of Port St. Lucie.
- (2) The 107-acre parcel of County owned land located on the north side of SW Citrus Boulevard, approximately 2,000 feet east of the Indiantown airport, parcel number 03-40-39-000-00011-0 and parcel number 34-39-39-000-000-00021-0.

*Policy 4.7A.14. Allowable development outside the Primary Urban Service District.* The following forms of development are recognized exceptions to the general prohibitions on development outside of the Primary Urban Service District set forth in Policies 4.7A.1. through 4.7A.13.:

- (1) The County landfill, parcel number 07-38-40-000-000-00020-7.
- (2) The AgTEC land use category as set forth in Policy 4.13A.9.
- (3) Facilities in Jonathan Dickinson State Park, as set forth in Policy 10.1A.7. and Policy 11.1C.10.
- (4) Seven J's Industrial Area, as recorded in Plat Book 15, Page 97 and/or any replat or redevelopment of the property contained within the plat recorded in Plat Book 15, Page 97.
- (5) Martingale Commons PUD f/k/a Palm City 95 PUD.
- (6) Sheriff's Shooting Range, parcel number 07-38-40-000-000-00030-5.
- (7) Parcel number 28-40-42-000-000-00020-5, parcel number 28-40-42-000-000-00040-1, parcel number 28-42-000-000-00011-0, and parcel number 21-40-42-004-000-00005-0 on S.E. Island Way.
- (8) The 107-acre parcel of County owned land located on the north side of SW Citrus Boulevard, approximately 2,000 feet east of the Indiantown airport, parcel

number 03-40-39-000-000-00011-0 and parcel number 34-39-39-000-000-00021-0.

## Chapter 10, Water and Sewer Services Element

*Policy 10.1A.10.* An exception to the prohibition of public facilities outside the Primary Urban Service District shall be provided for the 107-acre parcel of County owned land located on the north side of SW Citrus Boulevard, approximately 2,000 feet east of the Indiantown airport, parcel number 03-40-39-000-000-00011-0 and parcel number 34-39-39-000-000-00021-0.

*Policy 10.1A.10.11* The County aims to fairly balance developers' ability to economically develop property with the public interest in providing regional wastewater service in the primary urban service district. Development proposals shall not be approved where adequate regional water and sewage facilities cannot be provided, unless the development can meet the requirements for an on-site sewage treatment and disposal system found in Policies 10.2A.7 and 10.2A.8.

*Policy 10.1A.11.12* Package treatment plants shall be prohibited except within the Seven J's Industrial Area and Martingale Commons PUD, provided that the respective project is proceeding in accordance with its timetable of development and conditions of approval.

*Policy 10.1A.12.13* In accordance with Policy 10.1A.8, if there is a gravity sewer line, force main or lift station in a public easement or right-of-way within 500 feet of Seven J's or Martingale Commons, the respective property will be required to connect to these facilities and the construction and/or utilization of package treatment plants or onsite treatment and disposal systems within these developments shall be prohibited...

*Policy 10.1A.8.* Sanitary sewer lines may be extended from the Primary Urban Service District to serve the following previously approved projects provided that the project is proceeding in accordance with its timetable of development, is consistent with all conditions of approval, and is maintaining its schedule of construction or other activities established in the development order.

~~(1) Fort Dawson Parcel as described in Comprehensive Plan Amendment 07-40, Indiantown International.~~

(2) 1 Lots 67, 68, 75, 89, 90, 119 through 122 and lots 191 through 220 of Canopy Creek PUD (f/k/a Tusawilla PUD as recorded in Plat Book 16, Pages 039-001 to 039-036, Public Records of Martin County, Florida).

(3) 2 Bridgewater Preserve as recorded in Plat Book 16, Pages 033-001 to 033-007, Public Records of Martin County, Florida. Any increase in

residential density shall require approval by the Board of County Commissioners for a PUD Zoning Agreement and revised master/final site plan which is consistent with the Rural Density future land use designation and requires that the project connect to the existing potable water and sanitary sewer lines.

- (4 3) Seven J's Industrial Subdivision, as recorded in Plat Book 15, Page 97 and/or any replat or redevelopment of the property contained within the plat recorded in Plat Book 15, Page 97.
- (~~5~~ 4) The County landfill, parcel number 07-38-40-000-000-00020-7.
- (~~6~~ 5) Martingale Commons PUD f/k/a Palm City 95 PUD.
- (~~7~~ 6) Sheriff's Shooting Range, parcel number 07-38-40-000-000-00030-5.
- (~~8~~ 7) Parcel number 28-40-42-000-000-00020-5, parcel number 28-40-42-000-000-00040-1, parcel number 28-42-000-000-00011-0, and parcel number 21-40-42-004-000-00005-0 on S.E. Island Way.

#### Chapter 11, Potable Water Services Element

*Policy 11.1C.11.* Potable water lines may be extended from the Primary Urban Service District to serve:

- ~~(1) Fort Dawson Parcel as described in Comprehensive Plan Amendment 07-10, Indiantown International.~~
- (~~2~~ 1) Lots 67, 68, 75, 89, 90, 119 through 122 and lots 191 through 220 of Canopy Creek PUD (f/k/a Tuscawilla PUD as recorded in Plat Book 16, Pages 039-001 to 039-036, Public Records of Martin County, Florida).
- (~~3~~ 2) Bridgewater Preserve as recorded in Plat Book 16, Pages 033-001 to 033-007, Public Records of Martin County, Florida. Any increase in residential density shall require approval by the Board of County Commissioners for a PUD Zoning Agreement and revised master/final site plan which is consistent with the Rural Density future land use designation and requires that the project connect to the existing potable water and sanitary sewer lines.
- ~~(4) A project approved pursuant to a development order that may be issued by Martin County on the Tesoro Groves parcels 05-40-39-000-000-00010-1 and 05-40-39-007-000-00020-2 as described in Official Record Book 02367 Page 0313 through 0317.~~
- (4 3) Seven J's Industrial Subdivision, as recorded in Plat Book 15, Page 97 and/or any replat or redevelopment of the property contained within the plat recorded in Plat Book 15, Page 97.
- (~~5~~ 4) The County landfill, parcel number 07-38-40-000-000-00020-7.
- (~~6~~ 5) Martingale Commons PUD f/k/a Palm City 95 PUD.
- (~~7~~ 6) Sheriff's Shooting Range, parcel number 07-38-40-000-000-00030-5.



(§ 7) Parcel number 28-40-42-000-000-00020-5, parcel number 28-40-42-000-000-00040-1, parcel number 28-42-000-000-00011-0, and parcel number 21-40-42-004-000-00005-0 on S.E. Island Way.

(8) The 107-acre parcel of County owned land located on the north side of SW Citrus Boulevard, approximately 2,000 feet east of the Indiantown airport, parcel number 03-40-39-000-000-00011-0 and parcel number 34-39-39-000-000-00021-0.

## **Part II – CPA19-14 Sanitary Sewer Services Element**

As shown below, the policy in the Sanitary Sewer element is worded differently than the same policy in the Potable Water Element. The proposed text amendment would provide consistent language for both services. Both existing policies are shown below.

*Policy 10.1C.5.* All developments approved in the County's sewer service areas shall donate all needed sanitary sewer collection lines, lift stations, force mains and appurtenances along with suitable easements. In addition, all approved developments shall pay all capital facility costs when service is reserved by the County. This policy shall be implemented by:

- (1) Formation of special assessment districts; or
- (2) Execution of a standard developer's agreement.

*Policy 11.1C.5.:* All development within established potable water service areas shall donate needed water distribution lines and pay all applicable capital facility costs when services are provided by the County. This policy shall be implemented by (a) formation of special assessment districts, or (b) execution of a standard developer's agreement, or (c) execution of an interim agreement in accordance with the Land Development Regulations.

### **Proposed Text Amendment**

The proposed text amendment provides consistent language for both potable water and sanitary sewer services.

*Policy 10.1C.5.:* All developments ~~approved in the County's~~ within established sewer service areas shall donate all needed sanitary sewer collection lines, lift stations, force mains and appurtenances along with suitable easements. ~~In addition, all approved developments and~~ shall pay all applicable capital facility costs when services is are reserved by the County. This policy shall be implemented by: ~~(1) (a) Formation of special assessment districts; or (2) (b)~~ (a) Formation of special assessment districts; or (b) execution of a standard developer's agreement; or (c) execution of an interim agreement in accordance with the Land Development Regulations.

*Policy 11.1C.5.:* All development within established potable water service areas shall donate all needed water distribution lines and appurtenances along with suitable easements, and shall pay all applicable capital facility costs when services are ~~provided~~ reserved by the County. This policy shall be

implemented by (a) formation of special assessment districts, or (b) execution of a standard developer's agreement, or (c) execution of an interim agreement in accordance with the Land Development Regulations.

**Exhibit 3**  
**Letter Dated July 15, 2019 from Thomas J. Baird,**  
**Attorney Representing the Town of Jupiter Island**

J O N E S  
F O S T E R

July 15, 2019

VIA ELECTRONIC MAIL: [tlanahan@tcrpc.org](mailto:tlanahan@tcrpc.org)

Thomas Lanahan  
Executive Director  
Treasure Coast Regional Planning Council  
421 SW Camden Avenue  
Stuart, FL 34994

Re: Martin County Comprehensive Plan Amendment No. 19-01 ESR

Dear Mr. Lanahan:

I represent the Town of Jupiter Island (Town). The Martin County Board of County Commissioners (BCC) has adopted Resolution 19-1.6 to initiate amendments to Chapters 4, 10 & 11 to the Martin County's Growth Management Comprehensive Plan (the Plan) to allow for the extension of water and sewer services to the "Fairgrounds location" (the Amendment). The Amendment would allow for water and sewer services outside the County's Primary Urban Services District (PUSD). Of concern to the Town is that the Amendment would allow the Indiantown Company to provide utility services to the Fairground location.

The Town owns and operates the South Martin Regional Utility (SMRU). The SMRU has an established service territory which extends to Indiantown which is the County's western urban service district boundary. The Amendment would expand the existing urban services district and permit the delivery of water and sewer services eastward within SMRU's service territory.

SMRU has received and maintains a Consumptive Use Permit from the South Florida Water Management District (SFWMD). The Consumptive Use Permit authorizes SMRU, and only SMRU to withdraw water for the delivery of utility services to properties within the SMRU's service territory. The Amendment which would enable the Indiantown Company to provide water and sewer utility services and facilities within SMRU's existing service territory would compete with and be contrary to the permit obtained by SMRU for the withdrawal of water within the SMRU service territory.

Further, please note that the SMRU has a comprehensive utility extension policy (the Policy) which provides the financial means for potential customers to obtain utility service within the SMRU utility territory. This Policy includes 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 service area including the Fairgrounds Property. Consequently, there is no need

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Thomas Lanahan  
July 15, 2019  
Page 2

for an alternative utility such as the Indiantown Company to deliver water and sewer infrastructure to the Fairgrounds Property as is contemplated by the Amendment.

As part my review of the Fairgrounds Amendment, I also reviewed the County's Intergovernmental Coordination Element. Based upon my review of this Element, I am of the opinion that the County has failed to coordinate the Amendment with the Town. As a result the County has not complied with its own Intergovernmental Coordination Element. The specific objectives and policies are identified below.

Objective 3.1.D directs the County to coordinate the impacts of planning and development activities proposed by the Plan (or in this case the Amendment) with development activities in the County's municipalities. Although the Town does not have development activities in this area, it is still important for the County to coordinate the anticipated development activities (and expansion of utilities) with the Town's utility (SMRU).

Next, Objective 3.1.E and its implementing Policies 3.1 E 1, 3.1 E 3 and 3.1 E 4 require the County to coordinate the timing, location, capacity and delivery of public facilities to ensure that a level of service standard (LOS) is met. Objective 3.1 F. mandates that the County continue its intergovernmental process to ensure it gives "full consideration" to the impacts of developments resulting from the implementation of the Plan (or in this case the Amendment) on other governmental entities.

Finally, Objective 3.1 H. requires the County to coordinate, on an ongoing basis, the implementation of the Plan with the plans of other local governments, including the Town.

On behalf of the Town, I request that the TCRPC staff object to the County's proposed Fairgrounds Amendment.

Very truly yours,

JONES FOSTER P.A.

By   
Thomas J. Baird

Florida Bar Board Certified City, County and Local Government Attorney

TJB:MRG

Cc: Mayor and Commission  
Gene Rauth, Town Manager  
Ray Eubanks, State of Florida, Department of Economic Opportunity  
Taryn Kryzda, CPM, County Administrator  
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**Exhibit 4**  
**Letter Dated July 17, 2019 from Martin County**



**MARTIN COUNTY**  
**BOARD OF COUNTY COMMISSIONERS**  
2401 S.E. MONTEREY ROAD • STUART, FL 34996

DOUG SMITH	Commissioner, District 1	TARYN KRYZDA, CPM	County Administrator
STACEY HETHERINGTON	Commissioner, District 2	SARAH W. WOODS	County Attorney
HAROLD E. JENKINS II	Commissioner, District 3		
SARAH HEARD	Commissioner, District 4	TELEPHONE	(772) 288-5400
EDWARD V. CIAMPI	Commissioner, District 5	WEBSITE	<a href="http://www.martin.fl.us">www.martin.fl.us</a>

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July 17, 2019

Dear Mr. Lanahan:

This letter is written in response to the July 12, 2019 letter from Thomas J. Baird regarding Martin County Comprehensive Plan Amendment 19-01 ESR. Mr. Baird's letter, written on behalf of the Town of Jupiter Island, requests that the Treasure Coast Regional Planning Council staff object to the County's amendment. The request appears to be based on Jupiter Island's assertion that this area is within the South Martin Regional Utility (SMRU) service area and that the text amendment would enable the Indiantown Company to service the county owned parcel that is the subject of Part 1 of the text amendment. However, the text amendment does not refer to any service provider, but merely provides the opportunity for the extension of services to this parcel.

Mr. Baird also asserts that the County did not coordinate with Jupiter Island. The County provided a copy of the amendment to all the municipalities as it routinely does. It is my understanding that some members of Jupiter Island's staff also met with the Deputy County Administrator to clarify the amendment while I was on vacation.

I believe that the staff report may be the cause of the Town's concern. Attached is a revised staff report that clarifies that the text amendment is to address provision of service to a County owned property, not a fairground, and that no service provider has been identified. I trust this clarification will resolve the Town's concerns.

Sincerely,

*Nicki van Vonno*

Nicki van Vonno, AICP

Cc:

Tom Baird, Esquire, Jones Foster PA  
Ray Eubanks, Department of Economic Opportunity  
Gene Rauth, Town of Jupiter Island Town Manager  
Taryn Kryzda, Martin County Administrator  
Sarah Woods, County Attorney, Martin County  
Don Donaldson, Deputy County Administrator

## **Exhibit 5**

### **Town of Jupiter Island Resolution 801**

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.

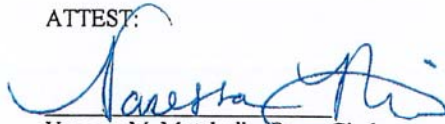
NOW, THEREFORE, BE IT RESOLVED by the Town Commission of the Town of Jupiter Island, Martin County, Florida, that:

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.

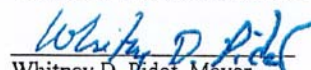
Section 2. This resolution shall take effect immediately upon its adoption.

DULY ADOPTED the 21<sup>st</sup> day of February, 2018.

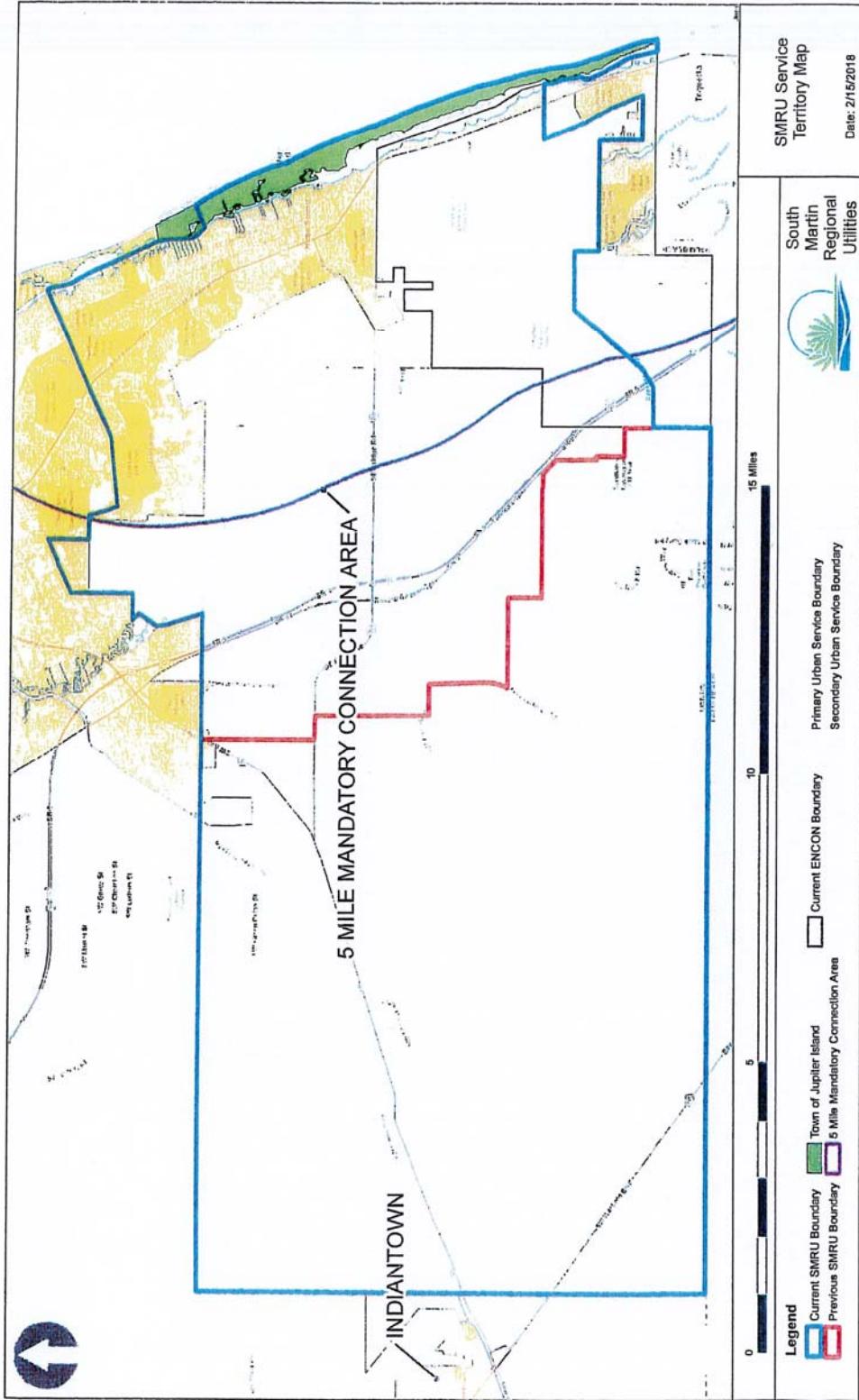
ATTEST:

  
Vanessa M. Mutchnik, Town Clerk

TOWN OF JUPITER ISLAND

  
Whitney D. Fido, Mayor

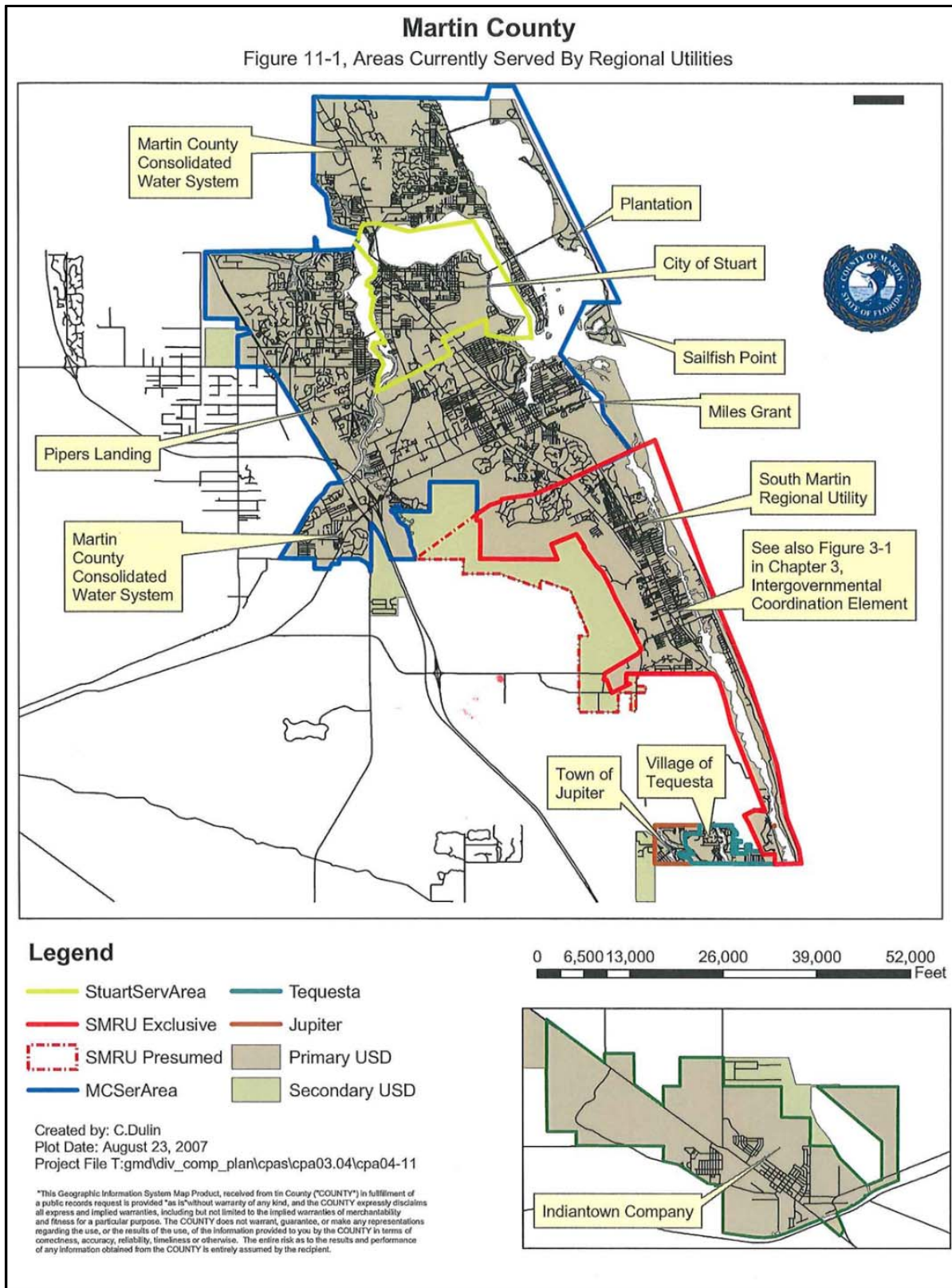






# Exhibit 6

## Martin County Figure 11.1, Areas Currently Served By Regional Utilities



# Exhibit 7

## Martin County Figure 11.2, Potential Service Areas

