

August 13, 2019

Via Email: james.stansbury@deo.myflorida.com and
ray.eubanks@deo.myflorida.com

Mr. James Stansbury
Mr. D. Ray Eubanks
Department Economic Opportunity
107 East Madison Street
Caldwell Building
Tallahassee, FL 32399-4120

Re: Martin County Plan Amendment

Gentlemen:

This firm represents the Town of Jupiter Island (the Town). The Town has monitored Martin County's (the County) above referenced plan amendment of Martin County (the County). Amongst the text amendments contained therein is the creation of an exception to the County's Urban Service Boundary which would allow the extension of water and sewer utilities to an area of the western unincorporated county, in the vicinity of the new Village of Indiantown. The County proposed this amendment so that a parcel of property in this area could be developed as the County's fairgrounds (hereinafter referred to as the "Fairgrounds Amendment"). The Town does not oppose the substance of the Fairgrounds Amendment; in fact it supports it and believes that the use proposed in this area of the County is entirely appropriate. The Town's sole objection is as follows:

The Town owns the South Martin County Regional Utility (SMRU). The property which is the subject of the "Fairgrounds Amendment" is located within SMRU's approved water and sewer utility service territory. This SMRU water and sewer service territory was established by a Resolution of the Town Commission and this territory has been incorporated into the Town's Comprehensive Plan pursuant to an amendment that was recently reviewed by the Department of Economic Opportunity (DEO). The Town's amendment, which included text and graphics describing the SMRU service territory was adopted on June 5. The time for objections to the Town's plan amendments expired on July 5, 2019. Neither the County, nor any other person or entity objected to any of the Town's plan amendments, including the description and depiction of the SMRU service territory which was include therein.

The only other utility which could serve the area of the Fairgrounds Amendment is a small private utility within the Village of Indiantown, but its service territory does not include the property which is the subject of the Fairgrounds Amendment.

Attached is the Town's letter to the Treasure Coast Regional Planning Council (TCRPC). The Town and SMRU were represented by attorneys at the TCRPC meeting who outlined the basis of the Town's objections to the proposed Fairgrounds Amendment. In addition to the County's refusal to recognize the SMRU service

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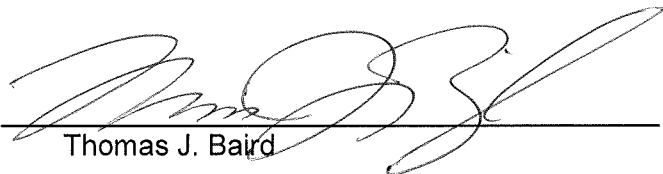
territory, the Town believed that Martin County's efforts to coordinate its plan amendment with the Town was neither timely nor adequate.

At the TCRPC meeting, the Town requested that the County be required to recognize that the property subject to the Fairgrounds Amendment Fairgrounds lies within the SMRU service territory, and that a statement be added to the text recognizing the SMRU territory. Such recognition would not only be an accurate recognition of the utility service areas in the County, but it would also demonstrate meaningful intergovernmental coordination. The Town also pointed out that in a similar situation, the County's plan amendments to Chapter 4, Policy 4.7A.3.1(1) of the Fairgrounds Amendment, specifically identified the utility service provider which would be serving a property in the northwestern portion of the County, pursuant to an exception it created to its Urbans Service Boundary. Specifically, the County recognized in the Fairgrounds amendment that utilities would be provided to that property by the City of Port St. Lucie's utility.

Accordingly, the Town's request of the DEO is that it comment that the County should be consistent and recognize the SMRU service territory in the context of the exception for the Fairgrounds Amendment. The failure to do so creates an internal inconsistency in the County's Comprehensive Plan and also creates an inconsistency between the Town and County Comprehensive Plans. The Town respectfully requests that DEO recommend that the County identify in the text and on any appropriate maps of its Comprehensive Plan that the property which is the subject of the Fairgrounds Amendment would be served by the SMRU.

Very truly yours,

JONES FOSTER P.A.

By 
Thomas J. Baird

Florida Bar Board Certified City, County and Local Government Attorney

TJB:MRG
Attachment

Cc: Gene Rauth
Ruben Cruz, CFM
Phillip C. Gildan, Esq.

J O N E S
F O S T E R

July 15, 2019

VIA ELECTRONIC MAIL: tlanahan@tcrpc.org

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

COPY

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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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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