

## **History of Policy 10.2A.8.9. Waiver of the 2000 gpd limitation on septic tanks**

### **GMD Department**

**October 4, 2019**

The adoption public hearing on Plan Amendment CPA 19-17 Grove XXIII Golf Course, LLC text amendment is scheduled for October 22, 2019. In response to comments made at the transmittal public hearing on August 27, 2019, staff has researched the history of the 2000 gpd waiver provision. Staff listened to five County Commission meetings on this topic to prepare this report.

### **Executive Summary**

Since 1982, Martin County's Comprehensive Plan (Plan) limited the use of on-site sewage treatment and disposal system (OSTDS), also known as septic tanks to 2000 gallons per day (gpd). That was the state standard in 1982. At some point the state revised its maximum flow standards. Florida Statute 381.0065(3) allows up to a maximum flow of 10,000 gpd for domestic uses and up to 5,000 gpd per establishment for commercial uses.

Martin County retained its 2000 gpd standard until 2009, when the Plan was amended through the EAR process to defer to the state standard. This amendment did not become effective until 2011. In 2014, the Board of County Commissioners (Board) amended the Plan to return to the 2000 gpd standard. In 2017, the Board amended the Plan to allow a waiver of the 2000 gpd maximum flow. To date two waivers have been approved: one for The Grove Golf Club and one for the Humane Society of the Treasure Coast.

### **Details on the Plan Changes**

As part of the 2009 EAR based amendments, the Board adopted revisions to the Plan that removed the 2000 gpd flow restriction for OSTDS and adopted the state standards that are in use throughout Florida. Ordinance 851 became effective in January 2011.

On December 14, 2014, the Board adopted Ordinance 965 amending Chapter 10, Sanitary Sewer Services, and other elements of the Plan. The amendment included changes to Section 10.2.B(2) that restricted OSTDS to a maximum flow of 2,000 gpd per total site area.

On February 14, 2017, the Board adopted Resolution 17-2.16, which directed staff to prepare an amendment to the Plan to consider the use of septic tanks at a maximum of 5,000 gpd and to consider whether the provision of utility service was warranted for areas of the County that were environmentally sensitive. The Plan

amendment that was ultimately adopted was more narrowly focused than the Board 's initial direction.

The proposed amendment underwent 5 public hearings and generated considerable public comment as well as Local Planning Agency (LPA) and Board discussion. Staff listened to the three Board meetings on this amendment: May 9, 2017; the transmittal hearing on May 23, 2017; and the adoption hearing on August 22, 2017. Each meeting lasted several hours.

During discussions on the sizing of septic tanks, three sites were mentioned: a business undergoing site plan approval in an industrial subdivision, an agri-tourism location, and a golf course in south Martin County. The adopted amendment did three things:

1. It established a process to allow OSTDS flows of up to 5,000 gpd for permitted uses outside the PUSD, if granted a waiver by the Board.
2. It allowed the extension of water and wastewater services to several existing or approved vested developments.
3. It also prohibited any new package treatment plants in addition to the ones that had been previously approved.

This memo does not address items 2 and 3.

When the amendment was adopted, staff stated that:

1. The amendment does not change any of the existing permitted uses allowed by the Plan or zoning districts.
2. The amendment does not change the future land use map designation of any property.
3. The amendment does not increase intensities or densities of use.

Ordinance 1032 was adopted on August 22, 2017. The Plan amendment authorized a waiver to the OSTDS limitation of 2,000 gpd maximum for nonresidential and agricultural uses outside the Primary Urban Service District. The amendment became effective on October 6, 2017. On November 14, 2017, the Board adopted an amendment to Article 4, Divisions 6 and 7 of the Land Development Regulations (LDR) in order to bring the LDR into compliance with Ordinance 1032. Both items were approved by a unanimous vote of the Board.

### **The Grove Golf Club**

On July 25, 2016, The Grove Golf Club, LLC, submitted an application for a major final site plan to construct an 18-hole private golf course with driving range, clubhouse and maintenance facilities on approximately 226 acres of agricultural land located at the northern end of SE Polo Drive, approximately two miles north-northeast of the I-95 and Bridge Road interchange in Martin County. The site has a future land use

designation of Agricultural and a zoning district classification of AG-20A, General Agricultural. Approximately 37 acres along the north property boundary for a depth of approximately 600 feet have a future land use designation of Rural Density and a zoning district classification of RE-2A, Rural Estate. A golf course is a permitted use in both land use designations and zoning districts.

The final site plan application for The Grove Golf Club included a waiver application submitted by the applicant pursuant to Policy 10.2A.8. of the Plan for two OSTDS that would total 4,995 gpd. The final site plan for The Grove Golf Club was approved on November 14, 2017 contingent upon the effective date of Ordinance 1032. Staff watched the recordings of these two meetings. Both the ordinance and The Grove Golf Club final site plan were approved by 5-0 votes.

A plat for the project was approved on June 12, 2018. On April 26, 2018 The Grove Golf Club revised its site plan to add a 4,555 square foot expansion of the club house, and to modify two golf tees, accessory buildings, the golf course layout, and minor landscaping changes. This minor amendment received approval in September 2018. The amendment did not affect the waiver previously approved by the Board.

On February 18, 2019, an application for Plan Amendment CPA 19-17, Grove XXIII Golf Course, LLC was found to be sufficient. The initial staff review of the proposed text amendment recommended denial. In response to the staff report, the applicant revised the application. The revised application materials were resubmitted on May 15, 2019. The revised application, now recommended for approval, is the one considered by the LPA at its public hearing and by the Board at the transmittal public hearing.

The revised text amendment proposes amendments to two Plan policies: Policy 4.1B.2 and Policy 10.2A.8. Proposed is a site-specific sub-area policy that would authorize the golf club to increase its OSTDS flow up to a maximum of 2000 gpd for golf cottages, if such an increase is approved by the Health Department.