

**MINUTES OF THE  
TREASURE COAST REGIONAL PLANNING COUNCIL  
SEPTEMBER 21, 2007**

Chairman Christensen called the meeting to order at 9:35 a.m. and welcomed everyone to the meeting. She led the pledge of allegiance and requested roll call.

The following members and alternates were present:

Indian River County:	Commissioner O'Bryan Councilmember Neglia
St. Lucie County:	Mayor Christensen Commissioner Coward Commissioner Grande
Martin County:	Commissioner Valliere Commissioner Bausch
Palm Beach County:	Commissioner Marcus Commissioner Koons Mayor Ferreri Mayor Golonka Councilmember Brinkman Councilmember Dr. Priore Mayor Jacobson Councilor Gottlieb, Alternate
Gubernatorial Appointees:	Herman Baine Richard Hurley Ramon Trias Laurence Davenport Kevin Foley Susan Caron
Ex-Officios:	Marguerita Engle, SJRWMD Lois Bush, FDOT, Alternate
Council Staff:	Marlene Brunot Michael Busha Kim Delaney Anthea Gianniotes Sandy Gippert Elizabeth Gulick Wynsum Hatton Stephanie Heidt Trayce Jones

Peter Merritt  
Gregory Vaday

Council Attorney: Roger Saberson

The Executive Director announced a quorum was present.

### AGENDA

Chairman Christensen noted requests for removal of Items 4F, Palm Beach County Comprehensive Plan Amendments DCA Ref#07-2 and 4G, Port St. Lucie Comprehensive Plan Amendments DCA Ref#07RWSP1 from the Consent Agenda for separate consideration.

Commissioner O'Bryan moved approval of the amended Agenda. Mayor Ferreri seconded the motion, which carried unanimously.

**Motion**

### CONSENT AGENDA

Commissioner Marcus moved approval of the Consent Agenda with the removal of Agenda Items 4F and 4G. Commissioner Koons seconded the motion, which carried unanimously.

**Motion**

Items remaining on the Consent Agenda were: 4A, Financial Report – June 30, 2007; 4B, Financial Report – July 31, 2007; 4C, Minutes – June 22, 2007; 4D, 2007-2008 Hazards Analysis Grant Agreement; 4E, Delray Beach Comprehensive Plan Amendments DCA Ref# 07-2; 4H, Stuart Comprehensive Plan Amendments DCA Ref#07-1; and 4I, Intergovernmental Coordination and Review Log.

### PALM BEACH COUNTY COMPREHENSIVE PLAN AMENDMENTS DCA REF#07-2

Councilmember Brinkman recused herself from voting on the Future Land Use Map amendment for the Palm Beach International Airport Buyout area, and the text amendments for the floor area ratio increase in the Ag Reserve Tier as her employer provides services to the applicants who will benefit from these amendments.

Mr. Saberson noted that Agenda Item 4F will then need to be voted in two votes in order to allow Councilmember Brinkman to vote on the remainder of the Agenda Item. He asked for separate motion, one for the two items in which Councilmember Brinkman is recusing herself and one for the remainder of the Agenda Item.

Commissioner Marcus moved for approval of the Agenda Item with the removal of the requested items. Mayor Jacobson seconded the motion, which carried unanimously.

**Motion**

Commissioner Marcus moved approval of the Future Land Use Map amendment for the Palm Beach International Airport Buyout area, and the text amendments for the floor area ratio increase in the Ag Reserve Tier. Commissioner O'Bryan seconded the motion, which carried unanimously.

**PORT ST. LUCIE COMPREHENSIVE PLAN AMENDMENTS  
DCA REF# 07RWSP1**

Staff briefed Council on the proposed Comprehensive Plan Amendments which are related to the City's adoption of a Water Supply Facility Work Plan. This plan was prepared in response to the 2005 legislation requiring local governments to prepare a 10 Year Water Supply Plan by January, 2008. The City is proposing to adopt the plan by reference, update municipal population forecasts for water supply purposes and identify necessary capital improvements. Staff noted that while the plan is a planning document for the purpose of quantifying raw water resources for long-term supply, it does, in the legend, identify the planning area as the Service Area Boundary. Staff noted that there is an issue of consistency as in the existing comprehensive plan there is a Utility Service Area that is identified that does not include all of the area identified in the Water Supply Facility Workplan. Staff suggested that the Water Supply Facility Work Plan identify the planning areas as a long-range planning area and not reference it as a new expanded Facility Service Area. Staff further noted that while the context of the Water Supply Plan is for general planning purposes, some aspects of the map and proposed supporting policies raise a conflict with the County as they are contradictory to an executed agreement between the City and the County with respect to water supply and distribution services. Staff pointed out that the text amendments have a projected utility service area described which includes areas that overlap with the Utility Service Areas identified by the County. Staff also provided Council with a letter from St. Lucie County dated September 20, 2007.

Laurie Case, Utility Director for St. Lucie County, stated that the County believes the City's proposed comprehensive plan amendment violates two sections of the Comprehensive Planning and Land Development Regulation Act. She stated the County's concerns with the proposed amendments are that the City has not cooperatively planned with the County in this western service expansion area, the proposed western service area is within the County's established Utility Planning and Service Area, and the City has no authority to plan for or provide utility service in that area without prior consent of the County, which has not been granted. She noted that the County has been planning for this area and it was included in their water use permit application submitted to the water management district on November 28, 2006. She noted that while the County does concur with the Staff recommendation to remove any reference to the expanded City service area, or extension of service area, the County requests that staff additionally require the City to remove any reference to the western service expansion, even as the City's long-range planning area.

Daniel Holbrook, Interim Director of Planning and Zoning for the City of Port St. Lucie, thanked staff for their comments. He noted that the City is expanding its Utility Service

Area as adopted by Ordinance 07-22 by the City Council. He stated that the proposed comprehensive plan amendment is an update to the City's Infrastructure Element and Capital Improvement Element for utility planning purposes to comply with state statutes. He noted that the amendments will only reference the Water Supply Plan and will not be incorporated into the City Comprehensive Plan, but be part of the data analysis in the policy section. He noted that in the Infrastructure Element the City is proposing three updates to figures, one is for population, one new policy for the infrastructure element and updates, and one table in the Capital Improvement Element, but will not update any of the maps. He responded to the County objections by stating that the City does have in its Intergovernmental Coordination Element Goal 8.1 which establishes effective coordination measures with pertinent public sector entities. He noted that the City has submitted the materials to the County as required by state statutes and believes they have met the intent of the law.

Councilmember Foley asked for clarification from Staff as it appeared both the County and City were using the same statutes to justify their positions.

Mr. Saberson noted that although Council does have a responsibility to consider extrajurisdictional impacts when reviewing proposed comprehensive plan amendments, Council is only to make recommendations to the Department of Community Affairs on consistency with the Strategic Regional Policy Plan. He stated that it will ultimately be the decision of the Department and the water management district, and in this case the courts, to decide who is correct.

Commissioner Koons noted that the Department of Community Affairs and the water management district are becoming more stringent when looking at water issues.

Councilmember Foley asked if the item could be tabled until the dispute is resolved. Staff stated that there is not time to table the item as Council has a statutory obligation to make a recommendation on the proposed amendments. It was clarified that the staff comments are not to the requirement to do the work plan, but to what is contained in the plan. Staff comments in the report state that for consistency purposes with the City's Comprehensive Plan, the new Boundary Map in the Water Supply Plan should be amended to clarify the Service Area Boundary. The area which overlaps into the County's area should be renamed as a Planning Area. Staff noted in a comment that in order to resolve conflict between the City and the County on this issue, that any reference to the Expanded Service Area Boundary referenced in the Water Supply Plan or extension of service areas be removed from the proposed amendments. Additionally, the Staff recommendation in the report is that if the City makes the recommended changes, then Council will find the amendments to be consistent with the Strategic Regional Policy Plan.

Mr. Holbrook stated that if the recommendation to amend the map is contained within the Objections, Recommendations, and Comments Report from the Department of Community Affairs the City will amend the maps. He stated that he would not be supportive of removing the text because if the map is amended, then the text would need to be included as background. Staff noted that the comment is to refer to the area as a

planning area and not an extended service area. Mr. Holbrook stated that this would be contradictory to the City-adopted ordinance.

Commissioner Bausch stated that this is an issue between the County and the City and Council should not be involved. Staff noted that Council is not making an objection, only suggesting changes to the plan to resolve any extrajurisdictional conflict.

Commissioner Marcus stated that she felt the language needed to be strengthened to say Council objects unless the comments are incorporated into the proposed amendments. She suggested changing the language to state that the City's proposed amendments would be inconsistent if they do not make the changes recommended by Council.

Councilmember Dr. Priore stated that he understood the problem as the City has created an ordinance which is contradictory to a long-standing agreement between the County and the City. He stated that if that agreement takes preference to the ordinance that was created, then the City should revise their ordinance.

Chairman Christensen noted that this is an issue that the City and County have been dealing with for months. She stated that there is a difference of opinion between the City and the County as to whether the County actually had a legal established utility service area at the time the City chose to extend its service area from the original boundaries. She noted that this is currently in mediation and the City Council is committed to resolving the conflict.

Councilmember Dr. Priore asked Mr. Saberson how Council taking a position on this might ultimately effect the consequences of the disagreement. Mr. Saberson stated that this is a disagreement over the interpretation of an agreement that will be decided by a court. He noted that Council's only legal obligations are to review the proposed amendments in terms of consistency with the Strategic Regional Policy Plan, identify any multi-jurisdictional issues and conflicts, and make recommendations. He stated that Council has no role to arbitrate what is in the agreement between the City and the County.

Commissioner Grande noted that if the report does not object to the proposed amendments, it would appear Council is giving tacit approval on an issue that has not yet been adjudicated. He stated that if the report does not clearly object to the proposed amendments, then it should not be forwarded.

Councilmember Baine asked for guidance. Chairman Christensen stated that Council is only being asked to approve the staff recommendation and comments and forward those to the Department of Community Affairs so the City can move forward. Councilmember Baine noted that over the last two to three years Council's recommendations of consistency are being interpreted as support. Staff noted that the report will require Council to take the position that if the City does not address the two staff comments to resolve the issue, then Council finds the proposed amendments to be inconsistent with the Strategic Regional Policy Plan.

**Motion**

Commissioner Marcus suggested for clarification adding the word "City's" to first comment with respect to the comprehensive plan, and changing "With" to "Unless" in the *Consistency with Strategic Regional Policy Plan* section. She noted that it must be clear that if these comments are not implemented, then Council finds the proposed amendments to be inconsistent with the Strategic Regional Policy Plan. She motioned to make these changes to the Staff report.

Councilmember Dr. Priore stated that this would be taking a clear position that the County is correct and the City is not. Commissioner Marcus stated that the recommendation is only stated that if the City were to make the recommended changes to their plan, then they would not be inconsistent.

Mayor Jacobson seconded the motion.

Councilmember Brinkman asked if, by leaving in the first comment to change the language to Planning Area from expanded Utility Service Area, Council will be saying the County is correct. Staff noted that there is an agreement and staff was not aware the City could unilaterally expand their service area without approval from the County.

Chairman Christensen asked the City's attorney to address Council.

Theresa Fontana, Assistant City Attorney, City of Port St. Lucie and legal advisor for the Utility Systems Department, stated that the agreement between the City and County dated back to 1997 when the City took over the Utility from the County and this situation was never anticipated as part of that agreement. She stated that Chapter 180 of the Florida Statutes provides that a municipality may expand their service area five miles outside of their municipal boundaries and that the County has created a service area under a different statute that, in the City's review and several attorney general opinions requires a referendum of the people that live within that proposed service area. Ms. Fontana also stated that the County has enacted a charter which they have never put into action with respect to this proposed district. She stated that it was only after the City expanded the service area did the County even report the district to the Department of Community Affairs. She stated the City has the utility system currently present in the area and are ready and able to provide services.

Councilmember Trias stated that he supported the motion and believes this issue can only be resolved by the City and County. He stated that this is important as it is one of the highest growth areas in the Treasure Coast and expressed concern that there be collaboration between the County and the City.

Chairman Christensen called for a vote on the motion, which carried with one dissenting vote by Chairman Christensen.

## ANNOUNCEMENTS

Staff provided information about the Treasure Coast Green Conference which is scheduled for October 18<sup>th</sup>. This conference will provide information about going green and green buildings. Registration is \$45 prior to October 4<sup>th</sup>. For additional registration information, the website [www.treasurecoastgreen.com](http://www.treasurecoastgreen.com) was provided.

Staff additionally noted the Rail-Volution conference October 31<sup>st</sup> through November 3<sup>rd</sup>. This conference will provide information with respect to transit, transit-oriented development, trains, land use and transportation planning.

Staff noted that Florida Atlantic University will hold the first major live seminar on the Supreme Court Decision related to Community Redevelopment Areas and their ability to bond for TIF-backed funds. This Seminar will be held on October 19<sup>th</sup> at the Coconut Creek Community Center.

Staff also provided handouts related to Hometown Democracy. Staff stated that on the October Agenda there will be a Pro/Con conversation on this issue. Information will be provided about the amendment with an update in terms of the signature requirements and presentations for both sides of this issue.

Staff informed Council that after adjournment of the regular October Board meeting, there will be a joint meeting between South Florida Regional Council members and Treasure Coast Regional Planning Council members. A short, concise agenda on how the two Councils would like to approach visioning for Southeast Florida will be provided prior to the meeting.

Commissioner Koons noted that for the last two or three months Council staff has been assisting the Florida Association of Counties in developing new strategies for infill development. He noted that staff will be speaking at the Association meeting next week in Gainesville. He additionally noted the formation of a Growth Management Task Force to look at strategies for rewrites to make more efficient and effective growth management legislation. He noted Secretary Pelham's article and his interest in a regional ecosystem strategy.

### **TRANSPORTATION OUTLOOK – PRESENTATION BY JAMES WOLFE, DISTRICT SECRETARY, FLORIDA DEPARTMENT OF TRANSPORTATION**

Secretary Wolfe reported to Council that there have been several circumstances that have caused the outlook of transportation needs being met to look grim. He noted that there has always been the expectation that if there is land development there will be the roads to service it. The proposed development would be put into a planning model to determine the transportation needs and how the need would be met using 20 year projections. As time has passed, the gulf between the transportation need and the transportation funding has widened to the point that transportation needs cannot be met either because there are no funds required for a needed project, or perhaps the roads

cannot be feasibly widened, or there are environmental concerns. Secretary Wolfe noted that there is a population growth of 1.6 percent per year and, compounded annually, that will be 50 percent more population in 25 years. He stated there is absolutely no way that our state roads will have 50 percent more lane miles in 25 years. He noted that this is not just a state problem, but a national one, and it is partly due to a lack of transportation funding. Americans are buying more fuel efficient cars and using less gasoline which is great for the economy, but bad for transportation revenues. The Federal Highway Administration is having to deal with not enough revenue coming in for their work program and the funds they have committed to the states, so there will be a decline in what they authorize in those programs.

Secretary Wolfe noted that at a March transportation revenue estimating conference that projects the funds that are going to be available in transportation and other activities based on future tax collections, transportation funds were reduced by \$243 million. He stated that although this is only 2 percent over the next five years, transportation costs have risen over fifty percent in the last three years. He noted that another conference will be held in the next few weeks and the expectation is that there will be another cut of \$400 - \$800 million from the five-year work program. Not only has the Department had to reduce the projected amount of funding, but there are also revenue estimating conferences outside transportation that are impacting the state and there will be a special session to discuss taking the growth management money, the doc stamp money out of transportation and using that funding for other activities such as schools, education, and human services. This could result in impact of between \$100 to \$250 million a year to the Department. Since the Department is a cash flow agency, if there is a cut of \$100 million in the current year, that will mean the Department will not be able to commit projects that must pay out over 3 years. Additionally, he noted that if the Department loses all the doc stamp revenue, they could be moving \$600 million out of the current year and will have to absorb that and rebuild their work program. He cautioned that if the doc stamp revenues are cut, then a lot of local government initiatives and activities that support trip funding will be affected. He stated that the characteristic of Palm Beach County is different from the rest of the Treasure Coast as it is more of a major urban area. Transportation solutions such as managed lanes and tolled lanes on the interstate are already in the counties to the south and are likely to be in Palm Beach County within the next ten years. He stated that planning agencies know that we need Transit-Oriented development coupled with workforce housing and higher densities around areas that can be served with mass transit. Development and transportation services need to be planned concurrently. One answer would be that land development needs to match the ability to provide transportation services. He stated that developers need to maximize their profit and their interests are not necessarily always on the same page as government and the public. He said that one of the challenges is to try and merge those interests and create incentives for the proper types of development that can in fact be serviced with a transportation system.

Secretary Wolfe noted a phenomena called Edge Cities where the natural office development is not occurring in traditional downtown areas, but occurring at different locations where there is good transportation and green fields and there is a new

accumulation of fairly high density development at new locations. He noted that one of the problems with edge cities is that they are also projected to reach a density that falls just a little short of properly supporting a good mass transit system and unless they are prodded by some sort of encouragement by government or planning, they still may not support good mass transit. He then noted that more recently a new description called Edgeless Cities which have most office development spread to the suburbs along arterials which is even worse for mass transit. He noted that it is a challenge to steer land development in directions that can actually provide the services to and maintain a quality of life when economic pressures and development pressures are not yielding the desired solutions. He stated that there are some projects that are transit-oriented developments, but they are not the norm. It is apparent that in the future there has to be better mass transit systems and light rail. He noted that one such opportunity involves the FEC railroad corridor. There is a vision where there is a corridor that goes through traditional downtowns through Miami-Dade, Broward and Palm Beach Counties, most of which border railroad tracks with light industrial. There will need to be redevelopment around the stations and higher residential density in order to spur redevelopment that is of a model that can be served with mass transit. Planning also needs to look at redirecting land development to the areas that currently provide the transit services. He stated that the Department wants to be a partner in these efforts, but there are limited resources and most must be directed to the Strategic Intermodal System. He stated that the primary function of the Department is to ensure that the backbone of the transportation system is in place, so local governments need to find solutions and not rely on federal or state funding.

Commissioner Koons thanked the Secretary and noted for Council that one thing not mentioned by the Secretary was that the District is losing \$490 million of SIS funding to other portions of the state. Additionally, District 6 will also be losing this amount, so effectively \$1 billion will be redirected out of South Florida to other areas of the state. He encouraged the gubernatorial appointees to write the Governor to stress the importance of infrastructure for growth management.

Mayor Ferreri commented that he was in the southern counties and noted that there is a considerable amount of undeveloped land near the existing roadways. He expressed his concern that there is not a mechanism to get the development costs shifted so that there is more incentive to build where the infrastructure already exists. He agreed with the Secretary that local governments need to find a solution and not rely on state or federal funding.

Commissioner Marcus expressed her concern that in Florida we will need rail and better transit, but it does not appear that the state is engaged at all in transit funding. She asked the Secretary if he had any suggestions on how to deal with the Legislature on this issue.

Secretary Wolfe stated that, unfortunately, with the potential for large budget cuts on top of all of the impacts that have already happened to the Department's work program, the Department will protect the projects already in the Five Year work program. He noted that this was contrary to what Commissioner Marcus was requesting, but noted that

cities with major transit systems have a dedicated transit revenue source. He stated that the formula for transit around the country is that operation is funded locally with participation from state and federal funds in capital costs. He stated that if there is no dedicated revenue source for operating, it is hard to have a major transit system.

Commissioner Marcus asked if the Secretary could suggest ways to generate revenue such as property tax reductions and roll backs. Secretary Wolfe stated that the Department cannot make funding recommendations.

Commissioner Coward thanked the Secretary for his presentation and stated that he was particularly interested in his comments with respect to balancing the private and public interests. He stated that it has been his observation that growth is not paying for itself. He noted that local governments are making efforts to address the issue, and there is a lot of discussion about not having enough revenue and that the fair share of that existing revenue is not there, but he noted that he has not heard of any concepts on new revenue. He stated that the Secretary had talked of a partnership between the Department and local governments and suggested an impact fee collected at the local level that would not only benefit the County, but provide funding for state road improvements as well. He asked the Secretary if there could be such a partnership between the local governments and the Department.

Secretary Wolfe stated that the Department could not charge impact fees. He noted that it is a local issue and would need to be the determination of the local government to spend those dollars on local, county or state roads. Commissioner Coward stated that he understood it was not currently being done, but asked if the Department would have an objection to the concept. Secretary answered certainly not.

Commissioner Koons personally thanked the Secretary for putting planning dollars into this regional planning council to allow for smart transportation planning and growth management that does not happen in the rest of the state. Staff also acknowledged Lois Bush, Jeff Weidner, Nancy Zeigler, and Larry Hymowitz, staff in the Department, for their assistance and noted that they have been helpful with land use transportation planning and have been instrumental in getting the region a little further ahead than most regions in determining how to move people around in the next 50 years.

Commissioner Bausch noted that there is a tremendous volume of trucks on the highways and asked if there was a way to reduce the volume of freight being moved through trucking.

Secretary Wolfe noted that the Department is working to improve the connectivity between the ports, railways and highways. He noted that a lot of freight does arrive through the ports, but trucks and rail lines are needed to get the freight to its local destination. He noted that the economic vitality of our region depends on movement of freight and delays can be costly.

Councilmember Foley asked Secretary Wolfe to provide a brief explanation of the Inland Port concept that the Department is working to establish.

Secretary Wolfe noted that there is a study underway for the Inland Port Concept that has been largely promoted by the Port of Palm Beach. He stated that the plan is to take a large area south of Lake Okeechobee, around Belle Glade, and put in a freight transfer point there. Goods would come out of the Port of Palm Beach, whether by rail or truck, to be broken down and then distributed from that point. He stated that although there are many complex issues to consider such as putting in a rail line on US 27 and SR 80 and the environmental concerns to the Everglades as well as the cost, this would move freight off the eastern corridor to the interior where there is less passenger car traffic and congestion.

Chairman Christensen thanked Secretary Wolfe.

Ralph Fritz, a citizen of Port St. Lucie, asked Secretary Wolfe if the Department of Transportation was going to allow the City of Port St. Lucie to construct roundabouts and traffic circles along Becker Road between the Turnpike and I95. He stated that this will slow traffic and only cater to a handful of residents who do not own property along Becker Road. He voiced concern that the roundabouts and traffic circles will jeopardize the safety of emergency vehicles, school buses, emergency evacuation traffic and contribute to the unneeded amount of road rage.

Secretary Wolfe informed Mr. Fritz that the Department has no control over Becker Road as it is a City-owned road. He stated that no federal funds have been directed to this project. He further stated that roundabouts, if designed properly are an appropriate and effective transportation solution.

Chairman Christensen noted that the project was a study area by the Regional Planning Council that actually recommended roundabouts on that roadway as well as reducing the road from a six-lane down to a four-lane roadway. She stated that the project is a City and developer-funded project.

## **COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY 2007-2012**

Staff made a presentation to Council on the draft Comprehensive Economic Development Strategy document developed by Council staff and Council's Comprehensive Economic Development Strategy Committee. This document, which incorporates a number of regionally significant vital projects and their implementation through goals and objectives, is required to qualify for Economic Development Administration assistance under its public works, economic adjustment, and most planning programs, and is a prerequisite for designation as an economic development district. Staff outlined the sections of the document which include: background; analysis; goals and objectives; community and private sector participation; a "Vital" projects list of the Region's greatest needs; economic clusters; a plan of action; and performance measures.

Candace Walker from the Economic Development Council of St. Lucie County, thanked members of the St. Lucie County Commission for the opportunity to serve on the Comprehensive Economic Development Committee. She additionally thank Council and Council staff for assistance in developing the document and expressed complete endorsement of the final work product.

Commissioner Marcus moved approval of the staff recommendation. Commissioner Koons seconded the motion, which carried unanimously.

**Motion**

### **CAPRON LAKES DEVELOPMENT OF REGIONAL IMPACT ASSESSMENT REPORT**

Staff made a presentation to Council which outlined Council's responsibilities as charged by the State of Florida to coordinate the review of Developments of Regional Impact in the Region. As part of the presentation, Staff discussed key regional issues, including the master development plan, transportation, natural resources, housing, schools, and hurricane preparedness.

Staff noted that the Capron Lakes DRI is designed to be consistent with the Strategic Regional Policy Plan. The project has been designed to minimize environmental impacts and provide positive fiscal and social impacts to the County. It was noted that there is a great opportunity for the County to ensure that the plan results in self-contained, walkable, transit-ready neighborhoods and mixed-use districts that connect all the important components of public and private life. Council's report identifies regional impacts and suggests ways to mitigate these impacts. The draft report contains 68 recommended conditions of approval that address urban form issues, minimize project-related regional impacts, improve the project's capacity to address regional issues, and to further implement the Strategic Regional Policy Plan. Staff noted that in its current form and commitment to follow the policies and regulations of the TVC Future Land Use Element and Land Development Regulations, the Capron Lakes DRI is consistent with the Strategic Regional Policy Plan. Staff stated that if St. Lucie County chooses to approve the Capron Lakes DRI, it is recommended the conditions of approval contained in Council's DRI Assessment Report be included in the development order issued by St. Lucie County.

Councilmember Dr. Priore asked where the eight percent workforce housing would be located within the project. Staff stated that the provision of the land development regulations for the TVC specifically states that the eight percent be spread out throughout the project in concert with the development pattern. Councilmember Dr. Priore asked if this ensured that there will be workforce housing in each of the levels of density throughout that development. Staff replied yes.

Commissioner Coward asked staff to elaborate on the quality of the wetlands and if staff is comfortable that the proposed plan appropriately addresses the wetland characteristics on site. Staff noted that after a site visit it was determined that there are some wetlands that have a good potential to be restored, but almost all of the wetlands on the site have

been impacted by drainage, lowering of the water table, and the impacts from the cattle operations on site. Staff noted that the applicant has applied for an environmental resource permit, but the water management district has not yet taken a position. Staff noted that a number of the wetlands are extremely impacted and it is difficult to determine if the proposed mitigation will be adequate. Staff suggested that it will take further review from the Water Management District, the U.S. Army Corps of Engineers and the St. Lucie County Environmental Division using the Unified Wetland Mitigation rule to determine how much mitigation is required. Staff also noted a positive feature of the environmental restoration plan is that all the mitigation is proposed to occur on the project site, rather than being transferred off site.

Commissioner Grande noted that it is being presented that this proposed development will conform to the Transfer of Development Rights program similar to what is in place in the TVC Element, yet there is no transfer. He stated that this is a single development concept and questioned the movement up from the existing entitlement to the number proposed. He stated he thought as this site is a component of a larger existing community development district, then it would be an outstanding opportunity to implement the transfer concept by moving density from other areas within the same district. He stated that he finds it hard to support a recommendation without asking for the movement of additional density from other areas within the existing district. Staff suggested that this would need to be addressed by the County.

Commissioner Grande agreed that the County should address the issue, but raised concern that when there is a perception that the regional planning council endorses a project, that it is already approved. Staff noted that the language in the recommendation "if the County chooses to approve the project" then Council suggests some strategies on how to approve it the way it has been recommended. If the County chooses, they can use these recommendations or implement their own. Staff additionally noted that the density does not come from off site as the project is not within the TVC area. The staff is recommending, and the applicant is in agreement, that the plan should follow the TVC Land Development Regulations as well as the Element. Ultimately, it is up to the County to decide whether or not to apply the TVC regulations to this project. Councilmember Trias asked if staff has reviewed the plan for consistent with TVC requirements. Staff confirmed that the plan is consistent with the comprehensive plan element, but consistency with the Land Development Regulations will have to be done when a more detailed plan is submitted.

Mayor Ferreri asked if there was a pedestrian plan of movement along the roadway. Staff noted that network of streets throughout the entire project will include pedestrian and bicycle pathways.

Commissioner Coward stated that the density transfer in the TVC area was derived through a year-long process that began with the local citizens of St. Lucie County, and is the vision that has come from the community. He noted that density is not being given away. He stated that there is a list of public benefits that must first be achieved in order for the developer to earn the right for additional units. He noted that if the County

chooses to not approve this project, the current land uses will produce 2,000 one-acre lots spread across the countryside with septic tanks, no open space, no mix of land use, automobile dependent communities which is the worst type of sprawl. He stated that the plan before Council was good urban design that provides a proper mix of land use, a targeted industries component that will create jobs, a plan for environmental restoration, and open space.

Councilmember Trias stated that he is very concerned that there is too much development occurring outside the urban service boundary when there are numerous infill opportunities in the urban areas of the County. He stated that although he believes this project is of the highest standard in terms of development, he believes more work needs to be done in term of the quality of the urban design. Commissioner Coward asked if Councilmember Trias could make specific recommendations. Councilmember Trias noted that the project is spread out and he would like to see more concentration of development along Indrio Road to the south. He also noted there is too much water used as open space.

Mayor Golonka asked if the lakes would be used for recreational purposes. Staff noted that a representative of the applicant was available and could better answer that question.

Steven Ball, President of Land Planning Systems and representative of the property owners, Indrio Land Group and Huizenga Holdings made a presentation to provide clarity to some of Council concerns and focus on the community benefits of the project. He noted that twelve centers that could be used for parks or community recreation; civic areas; large green areas; a school site; town center; and targeted industry site on the site. He explained that there is a sand and rock mining operation currently on the site that will be transformed into an 825 acre lake that will have public access, but will not be for motor boats. He stated that once completed, the lake will be fifty to sixty feet deep and will allow for over 14 billion gallons of water storage, helping to recharge the aquifer and reduce the amount of water discharged into the adjacent canals and Indian River Lagoon. He noted that the transportation network is consistent with the TVC area and the applicant will be providing roadway improvements in the TVC area as well as the drainage system for the flowway. He stated that the three phases of the project will begin in the south and move northward with the commercial centers and mix of uses coming on line in conjunction with those phases. He noted the public benefits of the project as a positive net fiscal impact; seventy percent open space; transportation improvements in both St. Lucie and Indian River Counties; dedicated sites for a fire station and school; variety of housing types, both multi-family and single-family; workforce housing; and protection from hurricanes. He concluded by supporting Council's draft assessment report.

Councilmember Brinkman stated that it appears a lot of staff report is based on the applicant's voluntary commitment to comply with the TVC Element and Land Development Regulations, but one of the recommendations acknowledges that the applicant can ask for variances. She questioned staff why this is in the recommendations.

Staff replied that as it was already a right of the property owner, it did not impact the recommendation one way or the other.

Mayor Golonka asked if the two smaller commercial parcels in the plan would allow for any additional neighborhood commercial and if the district would allow live/work units. Mr. Ball stated that the project anticipates those areas as mixed use, and feels there are certain uses that would be compatible with the residential uses, which will come on line in those areas. Staff noted that live/work units are allowed in the mixed use area.

Mayor Golonka asked if live/work units would be allowed in the residential areas. Staff replied that there is a whole series of building types that are specified in different areas of each neighborhood and referenced Appendix K, the Transect, which is the basis for the Land Development Regulations. Staff noted that when the project comes through with its regulating plan, the transect zones will be assigned to allow for the ability to expand opportunities like live/work within the land development code. Staff also noted that it is the intention through the TVC Land Development Regulations to encourage live/work units throughout the neighborhoods in an effort to capture traffic as well as provide some unique abilities for smaller businesses.

Commissioner Koons indicated he was recently appointed to the FDOT Aggregate Mining Task force, and he asked if the current mining operation on site had been coordinated on a regional basis.

Jim Goldasich, a biologist representing the applicant, indicated there is currently an Environmental Resource Application on file with the South Florida Water Management District, and a dredge and fill permit application filed with the U.S. Army Corps of Engineers. These permits are currently undergoing review. The overall plan was to incorporate all of the lakes and all of the wetland mitigation, all of the natural system restoration efforts into one cohesive unit.

Commissioner Koons indicated that Mr. Ball had indicated that this is going to be connected into the regional system. He stated that he is very interested if there is sufficient regional review of a mining operation that ties in that has positive environmental impacts. He noted that Mr. Ball stated that it is part of a regional water system, but did not see it on the map.

Staff noted that Council did not get a change to review the mining operation, which has been ongoing for some time. The project came to Council with the mining operation after it was permitted.

Commissioner Koons indicated it would be helpful to be able to review the regional water system and how the mining operation fits into this system.

Commissioner Coward noted that as a part of this comprehensive planning effort the County intends to have a coordinated look at flowway interconnections and water quality. He reiterated his concern that if this plan is not approved, the area will be developed with

**Motion**

single family homes and no supporting infrastructure. Commissioner Coward moved approval of staff recommendation. Councilmember Hurley seconded the motion.

Councilmember Caron expressed her belief that although the plan is the cutting edge of design for the future she is concerned with the timing. She noted that the TVC has not been approved and if it does not manifest, then it would create a problem to approve this project in the middle of an area that is not developed. She stated that the plan is certainly what the citizens in the North County want, but the location to the west of the TVC area raises concern.

Commissioner Grande restated his concern that the opportunity is being missed to capture density from other areas within the same community development district.

Chairman Christensen called for a vote on the motion, which carried with one dissenting vote by Commissioner Grande.

#### **COUNCILMEMBER EXCHANGE**

None

#### **PUBLIC COMMENT**

None

#### **STAFF COMMENT**

None

#### **CHAIRMAN COMMENT**

None

#### **ADJOURNMENT**

There being no further business, Chairman Christensen adjourned the meeting at 12:05 p.m. This signature is to attest that the undersigned is the Secretary or a designated nominee of the Treasure Coast Regional Planning Council, and that the information provided herein is the true and correct minutes of the September 21, 2007, meeting of the Treasure Coast Regional Planning Council.

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Date

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Signature

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS	
LAST NAME—FIRST NAME—MIDDLE NAME <i>Brinkman Joni S.</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>TCRPC</i>
MAILING ADDRESS <i>201 Rex Ct Palm Bch</i>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input checked="" type="checkbox"/> OTHER LOCAL AGENCY
CITY <i>Palm Springs FL 33461</i>	NAME OF POLITICAL SUBDIVISION: <i>Palm Beach</i>
DATE ON WHICH VOTE OCCURRED <i>9-21-07</i>	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTEE

#### WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes. The requirements of this law are mandatory; although the use of this particular form is not required by law, you are encouraged to use it in making the disclosure required by law.

Your responsibilities under the law when faced with a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

#### INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

##### ELECTED OFFICERS:

A person holding elective county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his special private gain. Each local officer also is prohibited from knowingly voting on a measure which inures to the special gain of a principal (other than a government agency) by whom he is retained.

In either case, you should disclose the conflict:

**PRIOR TO THE VOTE BEING TAKEN** by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

**WITHIN 15 DAYS AFTER THE VOTE OCCURS** by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

##### APPOINTED OFFICERS:

A person holding appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his special private gain. Each local officer also is prohibited from knowingly voting on a measure which inures to the special gain of a principal (other than a government agency) by whom he is retained.

A person holding an appointive local office otherwise may participate in a matter in which he has a conflict of interest, but must disclose the nature of the conflict before making any attempt to influence the decision by oral or written communication, whether made by the officer or at his direction.

**IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:**

- You should complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes.
- A copy of the form should be provided immediately to the other members of the agency.
- The form should be read publicly at the meeting prior to consideration of the matter in which you have a conflict of interest.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You should disclose orally the nature of your conflict in the measure before participating.
- You should complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Joni S. Brinkman, hereby disclose that on Sept 21, 2007

(a) A measure came or will come before my agency which (check one)

injured to my special private gain; or

injured to the special gain of Kilday & Assoc. Inc., by whom I am retained.

(b) The measure before my agency and the nature of my interest in the measure is as follows:

Agenda Item 4F

LUPA's  
Item 3. PBIA Buyout Area LUPA  
Assisted Divisions of Airports in facilitating  
Text Amendment.

Amendments

Item 9. FAR Increase for 11051/PF in AGR Tier  
Assisted Bethesda Hospital in facilitating  
amendment.

9.21.07

Date Filed

Joni Brinkman  
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317 (1985), A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$5,000.