

**MINUTES OF THE
TREASURE COAST REGIONAL PLANNING COUNCIL
MAY 20, 2011**

Vice Chairman Foley called the meeting to order at 9:30 a.m. and welcomed everyone to the meeting. He led the pledge of allegiance and requested roll call.

The following members and alternates were present:

Indian River County: Commissioner O’Bryan
 Commissioner Solari

St. Lucie County: Commissioner Mowery
 Commissioner Craft
 Councilwoman Martin (Alternate)

Martin County: Commissioner Hayes
 Commissioner Smith
 Commissioner Scott

Palm Beach County: Commissioner Marcus
 Commissioner Taylor
 Mayor Ferreri
 Mayor Golonka
 Mayor Pro Tem Dr. Priore
 Councilman Lowe
 Vice Mayor Pro Tem Andel (Alternate)
 Commissioner Mitchell (Alternate)

Gubernatorial Appointees: Michael Davis
 Kevin Foley
 Bill Hall
 Richard Oujevolk

Ex-Officios: Lois Bush, Florida Department of Transportation
 Pam Mac’Kie, South Florida Water Management District
 Mary Murphy, Florida Department of Environmental Protection
 Ann Benedetti, St. Johns River Water Management District

Council Staff: Michael Busha
 Kim DeLaney
 Anthea Gianniotis
 Sandy Gippert
 Liz Gulick
 Wynsum Hatton
 Stephanie Heidt
 Terry Hess
 Dana Little
 Peter Merritt

Greg Vaday
Joan Young

Council Attorney: Roger Saberson

The Executive Director announced a quorum was present.

**PUBLIC COMMENT ON
CONSENT AGENDA ITEMS**

With respect to the Palm Beach County comprehensive plan amendments, Rosa Durando asked if there was a definition for establishing a more flexible process. She stated she fears what is unknown about these amendments and she felt the presentation of the amendments was meaningless.

Drew Martin, representing the Sierra Club agreed with Ms. Durando's comments.

AGENDA AND CONSENT AGENDA

Commissioner Smith moved to approve the Agenda and Consent Agenda as presented. Mayor Pro **Motion**
Tem Dr. Priore seconded the motion, which carried unanimously.

Items on the Consent Agenda were: 5A, Financial Report – February 28, 2011; 5B, Financial Report – March 31, 2011; 5C, Minutes – March 18, 2011; 5D, Subgrant Agreement with the Florida Division of Emergency Management for the Hazard Mitigation Grant Program; 5E, Indian River County Comprehensive Plan Amendments DCA Ref# 11-1; 5F, Jupiter Island Comprehensive Plan Amendments DCA Ref# 11-1ER; 5G, Loxahatchee Groves Comprehensive Plan Amendments DCA Ref# 11-1; 5H, Comprehensive Plan Amendments DCA Ref# 11-1; 5I, Port St. Lucie Comprehensive Plan Amendments DCA Ref# 11-1; and 5J, Intergovernmental Coordination and Review Log.

**LOCAL GOVERNMENT COMPREHENSIVE PLAN AMENDMENTS
MARTIN COUNTY DCA REF# 11-1**

Staff gave an overview of the proposed amendment which included text amendments to two elements and two Future Land Use Map amendments to the County Comprehensive Plan. Staff noted the recommendation to find one of the Future Land Use Map amendments inconsistent with the Strategic Regional Policy Plan because of the potential for more adverse impacts to Jonathan Dickinson State Park, a significant regional facility; the proposed development would create low density, urban sprawl; and the designation conflicts with Regional Goals regarding a sustainable countryside and the preservation of natural systems as the increased density may create negative impacts for wildlife and natural systems surrounding the property.

Councilmember Davis asked staff the ecological value of the wildlife corridor in terms of mitigating the impacts of concern raised in the report. Staff indicated the monetary value is not known, but both County governments consider the wildlife corridor very important and it is consistent with the Strategic Regional Policy Plan.

Commissioner Marcus noted the Palm Beach County Environmental Resources Management Department supports this amendment as it will allow Palm Beach County to have ownership and be able to maintain this corridor as part of the natural area to the east.

Mayor Golonka asked if the easement was proposed, or already in existence. Staff indicated there is a 100 foot conservation easement as a result of a previous land owner and development to the south. However, the conservation easement is not owned by Palm Beach County. Mayor Golonka asked if the land currently has a conservation designation. Staff indicated it did not. Mayor Golonka noted when the project to the south was approved by the Town of Jupiter there was a requirement for a substantial wildlife corridor and she would like to see more on the Martin County side as well. She also expressed concern for the increase in units from 40 to potentially 83 or 107. She stated this would create too much traffic on Indiantown Road, which is already at capacity.

Commissioner Hayes asked about the density on the property to the south. Staff indicated that within the Rialto Development to the south the density varies between the northern and southern areas but the density is between two to four dwelling units per acre. Commissioner Hayes asked the density across the street from the proposed development. Staff indicated the FLUM designation is Rural Density Residential. Commissioner Smith indicated it was two unit to the acre. Commissioner Hayes stated it was unfortunate that Council could not consider the planned unit development that is in the process of being negotiated with the County. He stated he did not believe the 107 units would even be considered by the County Commission and there would be more benefits than just the one wildlife corridor. Commissioner Hayes asked if anyone knew the distance from the park on the property to the south. Vice Chairman Foley stated he had been one of the developers on that property and there had been a significant contribution for the wildlife corridor to the north and it was believed there would be a subsequent corridor on the property now under discussion in Martin County. He indicated there was also concern to keep a significant distance between the residential and the river. He stated he would also like to see expansion of the wildlife corridor from what is being proposed.

Commissioner Hayes stated that when the comprehensive plan was done thirty years ago, this area was much more rural than today and now the County would like to be able to leverage the tax dollars and donation of land to make the improvements and connectivity being proposed by this developer. He stated his disappointment Council could not take into consideration the on-going negotiations.

Commissioner Smith stated it appeared the lot sizes on the Palm Beach County side appear to be quarter-acre lots. Staff indicated Jupiter staff has indicated that it is a planned unit development with varying densities, but the lots could be as small as quarter-acre lots. Commissioner Smith indicated it also appeared the setbacks to the property to the south were the same on the west side of the property as that being proposed in Martin County. Commissioner Smith asked if Council had done an evaluation of the property to the south. Staff could not recall, but indicated it would most likely have been through a comprehensive plan amendment.

Commissioner Mowery noted that there had been a lawsuit involving the Rialto development to the south which modified the density from what was originally approved.

Commissioner Smith expressed his frustration that he felt there was inconsistency in how the staff assessed the consistency of proposed amendments with the Strategic Regional Policy Plan on the property to the south, and the currently proposed property in Martin County. Mayor Golonka stated

she believed this area was perceived as a more urbanized area and the site plan was never reviewed by Council. She stated she did not recall any land use changes being proposed to Council.

Commissioner Smith stated his issue was that staff recommends a shift in the density to the east side of the subject property away from Jonathan Dickinson State Park, yet the property to the south, which has a much higher density, is also adjacent to the park. Staff indicated this was because the proposed Bridgewater property is surrounded on two sides by the park, and the property to the south is at the very bottom of the park. Staff stated the current subject property was a more sensitive piece of land with a current land use that is more appropriate to the current comprehensive plan. Staff indicated Council could not consider a planned unit development that was being proposed, but rather could only be concerned with the proposed land use change and its potential impacts to the regional resources. Commissioner Smith asked if staff was looking for smaller lots. Staff indicated smaller lots would be more efficient and by clustering them to the east side of the property would provide more of a conservation buffer adjacent to the park. Commissioner Hayes asked how many units staff would recommend. Staff indicated Council does not get the opportunity to determine how many units will be allowed, but is suggesting that rather than have two-acre lots spread across the entire property, something more compact would be preferable. Commissioner Hayes noted that water and sewer would be required for the property, not septic tanks, due to its close proximity to the Loxahatchee River.

Commissioner O'Bryan stated his experience is that five-acre ranchettes will draw the type of residents who are stewards of the land and would not be adverse to the wildlife in the area. He said these types of residents will not demand a lot of services from the local government. He stated that higher density will attract those who believe they want a more rural lifestyle but who will not appreciate the wildlife and prefer it to go away. He stated with the higher density and more expensive homes, these residents will demand more services, such as police and fire in order to avoid higher insurance premiums. He stated the huge increase in demand for services will result in a loss of tax dollars. He stated he agreed with the staff recommendation that this is a rural area, and should remain rural. Additionally, he noted that the existing planned unit development to the south is undeveloped, which makes it hard to justify a need for additional density in the area. He stated he would be supporting the staff recommendation.

Commissioner Scott asked who is negotiating the planned unit development and how those negotiations would be affected if Council were to vote against the amendment. Staff explained that Martin County and the developer are negotiating the planned unit development, and under the law Council can only address the land use changes. Commissioner Marcus asked if staff was objecting to the increase in density due to the close proximity to Jonathan Dickinson State Park. Staff indicated yes, and noted the recommendation that by clustering the development on smaller lots the amendment would be more consistent with the Strategic Regional Policy Plan than two-acre lots.

Councilmember Hall noted he lives in Jupiter Farms on a five-acre lot and the wildlife gets around very well in smaller densities. He agreed that 107 units would not be palatable, and that by clustering the development there will be both protection of the park and an increase in density. He stated that when looking at the economic impact of what is currently happening with real estate, people are down-sizing in both square footage and lot size. He stated that if it is truly a market-drive aspect, then the feasibility of what is being proposed needs to be addressed. He stated he would like to make a motion to approve the amendment as requested and deny the staff recommendation. He stated this would allow Martin County to continue with their negotiations with the understanding of what Council is recommending in terms of clustering the development. He

Motion

stated this would be the most sustainable, profitable and proper way to address this piece of property. Commissioner Hayes seconded the motion.

Mayor Pro Tem Dr. Priore stated he was concerned that staff was stating this property was more endangered than the property to the south and staff was using feelings or attitudes to call for a specific action to be taken by selective treatment. Staff indicated it was not selective treatment, but a locational issue. Staff indicated the current property is far more significant in terms of the park's protection than the property to the south. Mayor Pro Tem Dr. Priore asked if it was Council policy to make decisions based on locations. Staff indicated in the affirmative.

Mayor Ferreri asked if the motion was in disagreement with the staff recommendation, as the motion maker mentioned the clustering. Councilmember Hall stated the County will need to do the negotiating for the clustering, but he did agree that concept should be utilized.

With respect to the development of border properties, Mayor Ferreri stated that, in defense of staff, each county has their own comprehensive plan and intensities, densities and utility requirements which may cause each development to appear different. He suggested that in the future Counties should do more intergovernmental coordination in the border areas to address incompatibilities.

Commissioner O'Bryan noted this was not the first time there had been a motion to not approve a staff recommendation of inconsistency. He stated that with respect to this amendment, converting rural land to two acre units is inconsistent with the Strategic Regional Policy Plan. He stated that if Council does not agree with this, then the Strategic Regional Policy Plan should be changed. He stated a better way to handle this particular amendment would be to approve the staff recommendation, then make a subsequent motion with the commentary that if the developer will cluster the development as recommended, then it would be more consistent with the Strategic Regional Policy Plan. He stated it was inappropriate to keep voting against staff recommendation to find something inconsistent when from a technical aspect it is inconsistent.

Vice Chairman Foley indicated he was in agreement that the proposed amendment was inconsistent, but agreed the density should be increased. He stated he agreed with the proposal for eighty units, because that number is well below the 107 units that would be allowed under the proposed land use. He stated he shares Mayor Golonka's concern with respect to the added traffic to Indiantown Road. He also agreed with the clustering to the east on smaller lots.

Commissioner Hayes stated that if the motion on the floor were to be defeated and it goes forward with the negative inconsistent recommendation, then it would put a strain on the County to negotiate for something more like what Council is proposing. He asked Council to approve the motion to enable the County to have flexibility in its negotiations with the developer.

Commissioner Smith stated he believed the Counties did work together to come to an agreement on the wildlife corridor. He stated that the wildlife does not know local government boundaries so it is irrelevant if this is a wildlife issue, and that the entire Jonathan Dickinson State Park is sensitive and all bordering properties should be handled the same.

Councilmember Hall called the question.

**Call the
Question**

Commissioner Scott stated there seemed to be a parliamentary muddle as there was a motion on the floor that a vote in support of would be to recommend against staff recommendation, which was

confusing. She stated she would like to make a substitute motion. Vice Chairman Foley indicated there would first need to be a vote on whether to call the question. A vote was taken on calling the question, which was defeated.

Commissioner Scott made a substitute motion to approve staff recommendation and transmit the report to the Department of Community Affairs.

**Substitute
Motion**

Commissioner Marcus asked if the substitute motion could be amended to ask the County to include in their discussions with the developer the clustering option. She noted Palm Beach County was in support of the donation of the wildlife corridor and there was time for the developer to bring back a development that would address Council concerns.

Mayor Pro Tem Dr. Priore asked if the item could be tabled in order to give the County more time to negotiate. Staff indicated there was a deadline to transmit the report to the Department of Community Affairs.

As follow up to Commissioner Marcus' comments, Councilmember Davis suggested revising the recommendation to conclude that it is not consistent with our plan, but to articulate a list of things that would make it more consistent, if not consistent. Vice Chairman Foley indicated this would be an amendment to the substitute motion. He asked if Commissioner Scott would accept this amendment to allow the Council's dialog and comments to be included in a perspective that would make it more consistent with the Strategic Regional Policy Plan. Commissioner Scott indicated this would be an acceptable amendment to the substitute motion.

Commissioner Hayes asked if this would then mean the report would make the inconsistent recommendations, but if the County were to initiate the Council recommendations it would then be consistent. He stated this would allow the County more flexibility in its negotiations with the developer. Commissioner Scott asked if either the Vice Chairman or staff could state the motion.

Commissioner O'Bryan quoted the following from the staff report: "If the PUD agreement called for the clustering of the residential units into a neighborhood of smaller lots on the eastern portion of the property, and as a result, the majority of the property could be preserved to serve as a buffer for the surrounding conservation lands, the amendment would be more consistent with the SRPP." He suggested the inconsistent recommendation be made and this sentence be included in the recommendation. Vice Chairman Foley noted comments would also need to be added addressing the services and donation of the 100 foot wildlife corridor.

Commissioner Hayes asked if this meant that if the County were to get the developer to agree to the clustering, then the amendment would be consistent. Commissioner Marcus indicated that once the recommendations are made, Council would probably like it more.

Mr. Saberson clarified that the report would contain the language noted by Commissioner O'Bryan as read, with the addition of the sewer and water as well as the donation of the 100 foot wildlife corridor on the southern edge of the property. Both Commissioner Scott and Councilmember Davis, as the seconder of the motion, agreed to this motion.

Mayor Pro Tem Dr. Priore asked if the report could read "would be consistent" rather than "would be more consistent" to make the recommendation more positive and not a questionable consistency. Commissioner Scott indicated that would not be acceptable.

A vote on the motion passed.

BUDGET AMENDMENT FOR FISCAL YEAR 2010-2011

Commissioner O'Bryan motioned to approve the Budget Amendment for Fiscal Year 2010-2011 as presented. Commissioner Marcus seconded the motion. **Motion**

Commissioner O'Bryan asked the Budget/Personnel Committee to consider any additional revenue be used to pay down the outstanding loan on Council's office building.

As a member of the Committee, Mayor Ferreri noted the committee had asked staff to provide a breakdown of expenditures on some the new revenues. He stated this was done to better analyze if expenditures are recurring, or are associated with projects.

A vote on the motion passed unanimously.

COMPREHENSIVE EVERGLADES RESTORATION PLAN – PRESENTATION BY STUART J. APPELBAUM, DEPUTY DISTRICT ENGINEER FOR EVERGLADES RESTORATION, CORPS OF ENGINEERS, JACKSONVILLE DISTRICT

Stuart Appelbaum with the U. S. Army Corps of Engineers provided Council with an update on the implementation of the Comprehensive Everglades Restoration Plan.

With respect to the C-44 project, Commissioner Hayes asked Mr. Appelbaum to give dollar amounts on Contracts One, Two and Three. Mr. Appelbaum indicated he could not give procurement information, but Contract One would be in the range of \$30-60 million. Commissioner Hayes stated he thought the appropriation was only for \$20 million and asked if there had been an increase. Mr. Appelbaum stated that due to re-programming of funding, there is a work plan in place that will allow Contract One of the project to be fully funded. He stated he could not give a breakdown of on Contract Two and Three, but the cost of entire C-44 project will be just under \$400 million, which includes acquisition of land.

Commissioner Hayes stated that it will be a lot more tougher to get money out of Washington to make our schedules. Mr. Appelbaum noted that the President's Fiscal Year 2012 request was basically continuation of the funding levels, although he stated he could not predict what the Congress will enact, or what will happen in the future.

With respect to the Herbert Hoover Dike, Commissioner Taylor asked if it is anticipated that the rehabilitation of the dike will be funded to completion. Mr. Appelbaum stated he believes the funding is currently there, but there is no guarantee for the future. He stated the funding has been appropriated in the past as this is a high-risk dam. But as the risk are mitigated, it will become harder to compete for the dollars as there may be higher priority projects nationwide that have more need for the funding.

Commissioner Marcus asked for a status of the work between the water management district and the Corps on the flow way process in the northern areas of the Loxahatchee River program. Mr. Appelbaum explained that the water management district has been completing work on this for a

number of years at their own expense. In order to bring it into the fold of Comprehensive Everglades Restoration, a Project Implementation Report needs to be completed and sent to Congress to authorize the project and credit the water management district for their contributions. Commissioner Marcus asked if there would be delays. Mr. Appelbaum stated that it is a challenging report, but there has been an intensive effort over the last several months between the two staffs to complete the report.

Under Public Comment, Ms. Durando pronounced herself the official wet blanket. She stated that if the Corps and water management staff had cooperated over the last fifty years we would not have the problems that exist today. She stated she did not see the cooperation or the honoring of good engineering studies, and the planners and politics run the show, especially in Palm Beach County. She noted she had fought in the past to straighten the Kissimmee Ditch, but lost. She stated the taxpayers did not straighten it, but they paid for the horrible impacts and will have to pay to unstraighten it. She stated she did note a victory to stop a citrus permit for 1,000 acres of wetland in between Heritage Farms and a water conservation area, otherwise known as a national refuge. She stated the information from the seepage studies done on the dike is not new information. She admonished the latest proposal by the Corps to take Stormwater Treatment Area 1 and turn it into a deep water reservoir. With respect to the proposal to send extra water from the C-51 Canal to Broward, she stated this would be dirty water and should not go into the refuge. She stated that the issue of coastal rising water and the invasion of saltwater into our coastal wells have not been addressed. She stated taxpayers probably do not realize it, but they are paying a lot of money to try to stabilize the deterioration of Lake Worth Lagoon. She said it will never happen as long as the Corps and water management district keep grinding out permits. She said she did not want to denigrate the staffs of the two organizations, because they turn out some great information, but the problem is their boards of directors do not read or do not pay attention and are unduly influenced by politics.

Councilmember Hall stated he has served on many boards with Ms. Durando and noted her extensive knowledge of water and said he appreciated her historical perspective. Vice Chairman Foley stated he could not agree more that Ms. Durando brings as wealth of knowledge to the table.

Mr. Martin stated he appreciates the work the Army Corps has done on the Kissimmee River, the Picayune strand and the Tamiami Trail bridging. He noted there is still concern that if there is going to be Everglades restoration, then development needs to be kept from moving into the Everglades Agricultural Area, because ultimately there needs to be flow through that area. He stated the other issue of concern is the rock mining, as it has a tendency to de-water the area. He said the Palm Beach Aggregates reservoir has not been a success because of the connate water that has seeped into it, and there is concern the proposed C-51 reservoir will have the exact problem. He stated Everglades restoration is to open things up so the water can start to flow. With respect to the Herbert Hoover Dike, he said that no matter how much rehabilitation is done, it will not be perfect if we get a severe storm event. He said we have to look at the possibility of how water can flow through that area, what areas can be flooded and how to protect the areas that are not able to be flooded where you have a lot of people, where you do not want to have a loss of life.

Due to time constraints, Vice Chairman Foley asked that Council reconsider Agenda Item 9, Regional Demographic Profile: 2010 Census and Agenda Item 11 Orientation Series on Mix of Housing: The Integration of Varying Building Types and Price Points, so that Agenda Item 10 Legislative Update on Growth Management could be presented.

Commissioner Solari motioned to amend the agenda as requested. Mayor Pro Tem Dr. Priore seconded the motion, which carried unanimously.

LEGISLATIVE UPDATE ON GROWTH MANAGEMENT

Staff gave an update to Council on the recent changes made by the Legislature.

Commissioner Hayes asked staff to provide a written copy of all the information covered in the presentation to all Councilmembers. He also indicated he would like to see a workshop go into a little more depth on the recent changes. Staff indicated there have been discussions with the Department of Community Affairs to have workshops around the state.

Commissioner Mowery noted there will be a workshop on Friday, June 3, 2011 to outline the legislative changes. Staff asked Commissioner Mowery to forward the information and staff will disseminate it to all Councilmembers.

Under public comment, Mr. Martin stated the Sierra Club is opposed to the recent legislation with respect to growth management. He stated this is a serious loss for the State, particularly the loss of concurrency requirements which will now be the burden of the local governments to enforce.

ANNOUNCEMENTS

It was noted that this was the last Council meeting for staff member Wynsum Hatton who will be leaving Council in June and moving to Germany with her family.

It was also noted that the June meeting will be the last for staff member Terry Hess who will be retiring.

Staff also indicated that there will be no Council meetings in July and August.

Commissioner Marcus asked that there be an update on the inland port status from the Department of Transportation at the June meeting. Ms. Bush indicated she will arrange to have the update presented.

Staff reminded the Budget/Personnel Committee members to remain after the meeting.

COUNCIL MEMBER INFORMATION EXCHANGE

None.

STAFF COMMENT

None.

CHAIRMAN'S COMMENT

None.

ADJOURNMENT

There being no further business, Vice Chairman Foley adjourned the meeting at 12:07 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 May 20, 2011 meeting of the Treasure Coast Regional Planning Council.

Date

Signature