TREASURE COAST REGIONAL PLANNING COUNCIL

MEMORANDUM

To: Council Members
From: Staff
Date: January 18, 2013 Council Meeting
Subject: Local Government Comprehensive Plan Review
Draft Amendment to the City of Port St. Lucie Comprehensive Plan
Amendment No. 13-1ESR

Introduction

The Community Planning Act, Chapter 163, Florida Statutes, requires that the Treasure Coast Regional Planning Council (TCRPC) review local government comprehensive plan amendments prior to their adoption. TCRPC comments are limited to adverse effects on regional resources and facilities identified in the Strategic Regional Policy Plan (SRPP) and extrajurisdictional impacts that would be inconsistent with the comprehensive plan of any local government within the Region. TCRPC must provide any comments to the local government within 30 days of the receipt of the proposed amendments and must also send a copy of any comments to the State Land Planning Agency.

Background

The City is proposing a text amendment to the Infrastructure Element of the comprehensive plan.

Evaluation

The proposed amendment is to revise Policy 4.D.2.1.1 of the Infrastructure Element to adopt an updated water supply facility work plan as required by Section 163.3177(6)(c)(3), Florida Statutes. The Water Supply Facility Work Plan Update 2012 is adopted by reference in the City’s comprehensive plan. The work plan update was designed to be consistent with the Upper East Coast Planning Area Regional Water Supply Plan, which was updated by the South Florida Water Management District in 2011.

The work plan includes projections of water demand and identifies alternative water sources, conservation and reuse measures, and the need for new and expanded facilities. The 10-year work plan indicates that based on water demand projections, it is anticipated that the City will need to implement the construction of additional water supply wells, additional treatment facilities, and additional water delivery infrastructure to ensure that safe and reliable drinking
water is supplied to existing and future customers. However, for the near future it is anticipated that sufficient capacity is available to meet user demand utilizing the existing water facilities.

**Extrajurisdictional Impacts**

Under the informal agreement facilitated by the TCRPC, local governments in the northern three counties of the region are to provide copies of amendment materials to other local governments and agencies that have expressed an interest in receiving such materials. On December 12, 2012 TCRPC requested comments from these local governments and organizations regarding any conflicts with the proposed amendment. On January 17, 2013, Council received a letter from David Carlin, Planning Manager with the City of Fort Pierce, expressing an objection to the comprehensive plan amendment (Exhibit 3). The letter indicates that the Service Area Boundary shown on Figures 1 and 2 of the Water Supply Facilities Work Plan is not consistent with:

1) the 2011 South Florida Water Management District Upper East Coast Water Supply Plan Map, Figure B-3, which shows utility service areas in St. Lucie County;
2) the Utilities Map adopted by the City of Port St. Lucie in Ordinance 07-22 in 2007; and
3) the City of Port St. Lucie Utility Systems Department Map.

The letter from the City of Fort Pierce requests clarification from the City of Port St. Lucie on the boundaries of the utility service area, and assistance from Council in resolving this issue before the amendment is adopted.

**Effects on Significant Regional Resources and Facilities**

No adverse effects on significant regional resources and facilities have been identified.

**Conclusion**

The proposed amendment is not in conflict or inconsistent with the SRPP. However, Council acknowledges the concern with the utility service area boundary expressed by the City of Fort Pierce. In order to help resolve this issue, Council offers the availability of Council staff to assist in facilitating a meeting between the City of Port St. Lucie, City of Fort Pierce, and St. Lucie County. The goal of the meeting would be to resolve any inconsistencies with the boundaries of the utility service area prior to final adoption of the amendment by the City of Port St. Lucie.

**Recommendation**

Council should approve this report and authorize its transmittal to the City of Port St. Lucie and the Florida Department of Economic Opportunity.

**Attachments**
## List of Exhibits

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Exhibit 1
General Location Map
Exhibit 2
Service Area and Water Facilities Map
January 17, 2013

Michael J. Busha, Executive Director
Treasure Coast Regional Planning Council
421 SW Camden Avenue
Stuart, Florida 34994

Re: City of Port St. Lucie Proposed Amendment 13-1ESR

Dear Mr. Busha,

Thank you for providing the opportunity to review the proposed Water Supply Plan Amendment to the City of Port St. Lucie’s Comprehensive Plan. The City of Fort Pierce has the following objection:

Maps in Section 2.1.2 of the PSL Water Supply Facility Work Plan (exhibits 1 & 2) are not consistent with the following attached maps:

1. The 2011 South Florida Water Management District (SFWMD) Upper East Coast Water Supply Plan Map-Figure B-3 which shows an area north of Midway Road currently served by Port St. Lucie (exhibit 3);
2. The Utilities Map adopted by Port St. Lucie City Council via Ordinance 07-22 on March 26, 2007 (exhibit 4);
3. The City of Port St. Lucie Utility Systems Department Map (exhibit 5);

The consistency issue pertains to expanded utility service areas authorized by the City of Port St. Lucie City Council via Ordinance 07-22 approved on March 26, 2007 (exhibit 5). The 2007 adopted map clearly shows and area of utility service provided north of Midway Road which is inconsistent with maps included in Amendment 13-1ESR. Port St. Lucie subsequently attempted to update its utility service area map in the Comprehensive Plan to reflect the boundaries north of Midway Road during the 2007 update to the Water Supply Plan. However, at that time, St. Lucie County objected to the update to the Water Supply Plan in August 2007 (exhibit 7) because the service areas delineated via Ordinance 07-22 violated existing agreements. Port St. Lucie subsequently revised the map in the Comprehensive Plan to show that utility service areas remained south of Midway Road. However, the approved utility service area map via Ordinance 07-22 has not been changed. In addition, the most recent map on file with St. Lucie County (exhibit 8) identifies this area to be served by St. Lucie County Utilities via the 2004 Bulk Water Service Agreement executed with the Fort Pierce Utilities Authority (FPUA). Staff is requesting clarification from the City of Port St. Lucie on what the utility service area boundaries are given the discrepancies between maps before the amendment is adopted.

It is important to note that City of Fort Pierce Staff previously raised this issue in 2012 (exhibit 9). However, despite TCRPC recommendations, this issue was never addressed. Additionally, it appears that the Department of Economic Opportunity (DEO) already issued a notice of compliance for the proposed amendment on December 21, 2012 (exhibit 10); prior to TCRPC consideration. Staff looks forward to working with TCRPC Staff and Port St. Lucie Staff to remedy this discrepancy before the amendment is adopted.

Please feel free to contact me should you require further information regarding this matter.

Sincerely,

David Carlin
Planning Manager
MEMORANDUM

TO: DONALD B. COOPER, CITY MANAGER
THRU: JESUS MEREJO, UTILITY SYSTEMS DIRECTOR
FROM: THERESA J. FONTANA, ASSISTANT CITY ATTORNEY
DATE: FEBRUARY 14, 2007

SUBJECT: AMENDED ORDINANCES SETTING FORTH CITY COUNCIL FINDINGS AND REDEFINING CITY OF PORT ST. LUCIE UTILITY SERVICE AREA

Pursuant to City Council directive at the Special Meeting of the City Council of the City of Port St. Lucie on February 8, 2007, attached hereto, please find the amended Ordinances setting forth City Council's findings and redefining the City of Port St. Lucie Utility Service Area. Please place this item on the February 20, 2007 City Council agenda. If you have any questions, you may contact me at ext. 5294.

/tjf

c: Roger G. Orr, City Attorney
AN ORDINANCE AMENDING THE PORT ST. LUCIE CITY CODE: AMENDING SECTION 63.02, COUNCIL FINDINGS; AMENDING SECTION 63.03, DEFINITIONS; AMENDING SECTION 63.24, SERVICE AREAS; PROVIDING AN EFFECTIVE DATE.

THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:

That Section 63.02, Port St. Lucie City Code, is hereby amended as follows:

Section 1. Sec. 63.02. Council findings.

In adopting this ordinance, the city council The City Council hereby makes the following findings:

(a) The city deems it necessary to establish rules so that water and wastewater service may be made available and extended to new customers on an equitable basis.

(b) The city declares that these service availability and extension rules have, as their goal, the establishment of a uniform method of determining contributions in aid of construction such that all such contributions shall be nondiscriminatory against consumers in the service area of the utility and shall be applied as nearly as possible with uniformity to all consumers and prospective consumers in the service area of the city.

(c) The city has full and exclusive authority over the management, operation, and control of all of the city's water and wastewater utilities and the authority to prescribe rules and regulations governing the use of such facilities whenever such are provided by the city, and to make such changes from time to time in such rules and regulations as it deems necessary.

(d) The construction of water and wastewater system improvements and extensions is an essential utility service.

(e) The city recognizes that there are current obligations to certain entities covered by developer agreements assumed by the city in the transfer of the system from St. Lucie County. The City recognizes that there is

Additions to text are indicated by underline; deletions by strikeout.
a need for water and wastewater sewer outside our municipal boundaries that is not being met.

(f) The city has provided the required public notice and held the necessary public hearing(s) in order to adopt these rules. The City has the current ability to meet the water and wastewater needs of certain properties outside its municipal boundaries.

(g) In order to protect the health, safety, and welfare of the community's residents, the City may provide water and wastewater utility service to properties located within and without its municipal boundaries consistent with federal and state law and the City's Code of Ordinances governing its utility.

Section 2. Sec. 63.03. Definitions.
That Section 63.03, Port St. Lucie City Code, is hereby amended as follows:

Sec. 63.03. Definitions.
Unless specifically defined below, words or phrases used in these rules shall be interpreted consistent with chapter 61 of this title, and to give these rules the most reasonable application, consistent with state and federal law. The following words and phrases shall have the following meanings unless the context requires otherwise.

Contributions-in-aid-of-construction. The sum of money and/or the value of property represented by the cost of certain water and wastewater facilities contributed to the city in advance of construction by a developer so that the city may provide service to a specific development.

Developer's agreement. A contract between the developer and the city which outlines the responsibilities of each party concerning the provisions of water service and/or wastewater service to a property.

Directly benefited benefited property. A property will be deemed to be directly benefited benefited by a utility main line if it is not currently re-

Additions to text are indicated by underline; deletions by strikeout.
ceiving the type of utility service provided by the main line and is able to connect to that utility line by using a "service line."

Main line. A main line shall be a utility line which is equal to the size of, or greater in size than, a "minimum size line," as determined by the city for the particular type of utility service being provided. Minimum size lines.

(1) For water service: six inches.
(2) For wastewater service using a grinder pump: two and one-half inches.
(3) For wastewater service using a gravity system: eight inches.

Off-site facilities. Water and/or wastewater lines, force mains and lift stations including water distribution and transmission and wastewater collection and transmission facilities constructed to connect on-site facilities with the nearest approved point in the existing water and/or wastewater system (as appropriate) at which adequate capacity is available to meet the requirements of the new services.

On-site facilities. The services, water and/or wastewater lines, force mains and lift stations, including water distribution and transmission and wastewater collection and transmission facilities installed within a residential, commercial or industrial development; including those facilities in peripheral streets and easements constructed wholly or in part for use by such development.

Service areas. Those areas, both within and without the corporate limits of the city, as indicated in the chapter 62 appendix Section 63.24, where water and wastewater services are, or will be, exclusively provided by the city to its utilities customers.

Service line. A service line shall be a utility line which is smaller in size than a minimum size line and connects a customer's property to a utility main line.
ORDINANCE 07–22

Wastewater permit. A permit issued by the city providing for the disposal of wastewater pursuant to city rules and regulations.

Wastewater facilities. All wastewater collection, transmission, treatment, and effluent disposal facilities, including all interceptors, lines, pipes, meters, couplings, pumps, force mains, and appurtenant equipment necessary to provide water and/or wastewater service capacity or wastewater service capacity.

Water facilities. All water distribution, transmission, treatment, storage, and production facilities, including all pipes, lines, meters, couplings, pumps, force mains, and appurtenant equipment necessary to provide water service capacity.

Water permit. A permit issued by the city providing for the receipt of water pursuant to city rules and regulations.

Section 3. That Section 63.24, Port St. Lucie City Code, is hereby amended as follows:

Sec. 63.24. Service areas.

(a) The city hereby confirms that its water and wastewater service areas have been designated as shown in the chapter 62 appendix. The area shall be defined as the "City of Port St. Lucie Water and Wastewater Utility Service Areas" and shall include identifies all areas within and without the corporate boundaries of the City of Port St. Lucie pursuant to the Agreement of Transfer dated June 28, 1994 as amended by the First Amendment to Agreement of Transfer dated September 27, 1994 and exclude those areas currently provided service by other utilities. Said Utility Service Area shall also extend five (5) miles from the corporate limits of the City's western municipal boundary and north of Midway Road to State Road 70. The where the City shall be the exclusive provider of water and wastewater services in this area. As such, the city shall have all the rights provided to it by law.

Additions to text are indicated by underline; deletions by strikeout.
ORDINANCE 07-22

(b) The City of Port St. Lucie Water and Wastewater Service Areas shall not include any area within the city limits of any other incorporated municipality nor shall it include areas currently provided service by another utility.

(c) A full map of the City of Port St. Lucie Water and Wastewater Service Areas are on file with the city clerk and in the utility offices the Utility Systems Department, and are available for inspection and review.

(d) Wherever in title VI of this Code reference is made to service area or areas or service area or areas, such reference shall be deemed to, and shall, refer to the City of Port St. Lucie Water and Wastewater Service Areas.

Section 4. This ordinance shall become effective upon adoption.

PASSED AND APPROVED by the City Council of the City of Port St. Lucie, Florida, this 20th day of March, 2007.

CITY COUNCIL
CITY OF PORT ST. LUCIE

By: Patricia P. Christensen, Mayor

ATTEST:
Karen A. Phillips, City Clerk

APPROVED AS TO FORM: Roger Orr, City Attorney

Additions to text are indicated by underline; deletions by strikeout.
Exhibit 7

TREASURE COAST REGIONAL PLANNING COUNCIL

MEMORANDUM

To: Council Members
From: Staff
Date: September 21, 2007 Council Meeting
Subject: Local Government Comprehensive Plan Review
Draft Amendments to the City of Port St. Lucie Comprehensive Plan
DCA Reference No. 07RWSP1

Introduction

The Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Florida Statutes, requires that Council review local government comprehensive plan amendments prior to their adoption. Under the provisions of this law, the Department of Community Affairs (DCA) prepares an Objections, Recommendations, and Comments (ORC) Report on a proposed amendment only if requested to do so by the local government, the regional planning council, an affected person, or if an ORC Report is otherwise deemed necessary by the DCA. If an ORC Report is to be prepared, then Council must provide DCA with its findings of consistency or inconsistency with the Strategic Regional Policy Plan (SRPP), and provide any comments and recommendations for modification on the proposed amendments within 30 days of its receipt.

Background

The City of Port St. Lucie is located in the southeast portion of St. Lucie County (see Exhibit 1). The City has submitted text amendments to the Infrastructure Element, the Sanitary Sewer Sub-Element, the Potable Water Sub-Element and the Capital Improvements Element. The amendments relate to the adoption of a Water Supply Facility Work Plan. The City has requested a formal review of the proposed amendments.

Evaluation

In 2005, the Florida Legislature passed legislation requiring that local governments which are subject to a regional water supply plan prepare a 10-year water supply facility work plan and adopt it into the Comprehensive Plan by January 12, 2008. The City has prepared a plan and is proposing amendments to the Comprehensive Plan adopting the plan by reference, updating municipal population forecasts for water supply purposes and identifying necessary capital facility improvements.
The Port St. Lucie Water Supply Plan is a planning document for the purpose of quantifying the raw water resources it must secure and develop to ensure adequate supply for future demand. The Plan identifies a “Service Area Boundary” (see Exhibit 2), that extends beyond the Utility Service Area currently identified in the Port St. Lucie Comprehensive Plan (see Exhibit 3). For consistency purposes, the map in the City’s Water Supply Plan should be amended to clarify that the extended boundary is a long-range planning area and not a new, expanded Utility Service Area.

**Extrajurisdictional Impacts**

According to Chapter 163 of the Florida Statutes and contract agreement between the DCA and the Treasure Coast Regional Planning Council, one of the most important roles played by the regional planning council in reviewing proposed local government comprehensive plan amendments is to identify extrajurisdictional impacts which would be inconsistent with the comprehensive plan of an affected local government.

The service area identified in the Port St. Lucie Water Supply Plan (see Exhibit 2) and generally referenced in the text amendments includes areas currently identified by St. Lucie County (see Exhibit 4) as County Utility Service Areas. The City has an executed agreement with St. Lucie County regarding the provision of water supply and service. Under this agreement, County consent is required to extend utility service into the County utility district. While the context of the Water Supply Plan is for general planning purposes, some aspects of the plan and the proposed supporting policies raise potential conflict with the agreement between the City and County.

For example, the amendments proposed on page 4D-12 identify “projected utility service areas” including:

> "Northeast (those unincorporated areas northeast of city limits which receive municipal utility service) and "Western Service Expansion Area" (unincorporated area west of Rangeline Rd. encompassing 49,000 acres)."

In addition, the proposed plan amendments reference the City’s new Water Supply Plan which includes a map showing an expanded service area boundary into the County’s current Utility Service Area.

St. Lucie County submitted a written objection (see Attachment A) to the proposed plan amendments as they relate to the executed agreement between the County and City.

**Effects on Significant Regional Resources or Facilities**

Analysis of the proposed amendments indicates that they would not have adverse effects on significant regional resources or facilities.
Analysis of Consistency with Strategic Regional Policy Plan

Comments

1) For consistency purposes with the City’s Comprehensive Plan, the new boundary map in the City’s Water Supply Plan should be amended to clarify the boundary is a long-range planning area and not a new, expanded Utility Service Area.
2) In order to resolve potential conflict between the City and County, any reference to expanded service area boundary or extension of service areas should be removed from the proposed amendments.

Consistency with Strategic Regional Policy Plan

The contract agreement between the DCA and Council requires it to include a determination of consistency with the SRPP as part of the written report to be submitted to the DCA. Unless the changes suggested in its comments above are implemented, Council finds the proposed amendments to be INCONSISTENT with the SRPP.

Recommendation

Council should adopt the above comments and instruct staff to transmit the report to the Department of Community Affairs.

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Port St. Lucie City Council  
City of Port St. Lucie  
121 SW Port St. Lucie Boulevard  
Port St. Lucie, Florida 34984

Re: Ordinance 07-119 Amending the City’s Comprehensive Plan for Utility Planning Purposes

Dear Council Members:

St. Lucie County hereby objects to the adoption of Ordinance 07-119 Amending the City’s Comprehensive Plan for Utility Planning Purposes to the extent the Ordinance purports to extend the City’s water and sewer utility service outside of the northern and western boundaries of the City and into the established utility service area of the St. Lucie County Water and Sewer Utility District (“District”).

The County sets forth the following written objection to the Ordinance, and requests the City remove the District service area from the City’s Ordinance.

1. Pursuant to the Agreement of Transfer by and between St. Lucie County and City of Port St. Lucie, dated June 28, 1994, in which the County transferred the former GDU utility system to the City (“GDU Transfer Agreement”), the City and the County agreed to utility service area boundaries. Pursuant to the definition of “Service Areas” contained in Section 1.1 of the GDU Transfer Agreement, the City agreed that before water and sewer service was extended beyond the service area, the consent of the County would have to be obtained. The GDU Transfer Agreement, Exhibit “L” sets forth the limits of the City’s utility service area as Range Line Road to the west and Midway Road to the north (“City Utility Boundary”). Accordingly, as the Ordinance purports to extend the City’s utility service area beyond the contractually obligated Utility Boundary, and the City did not obtain the County’s consent to such purported extension, the Ordinance would breach the City’s contractual agreement under the GDU Transfer Agreement and is a nullity.

2. Pursuant to County Ordinance 04-023, adopted June 15, 2004, the County established the St. Lucie County Water and Sewer Utility District pursuant to Chapter 182, Part II, Florida Statutes (Section 153.585 et seq.) (“Act”). Pursuant to Section 153.86 of the Act, the City is statutorily precluded from extending any of its utilities facilities into the District utility service area without the consent of the County Commission sitting as the District Board.
153.86 District approval of construction of water and sewage facilities. - No sewage disposal plant or other facilities for the collection and treatment of sewage or any water treatment plant or other facilities for the supply and distribution of water, shall be constructed within the district unless the district board shall give its consent thereto and approve the plans and specifications therefore; subject, however, to the terms and provisions of any resolution, authorizing any bonds and agreements with bondholders.

Pursuant to Section 153.88, Florida Statutes, the provisions of the Act, including Section 153.86 above, "shall not be subject to the limitations or provisions of any other law or laws except as expressly provided herein." Accordingly, the provisions of Chapter 180 do not exempt the City from compliance with the consent requirements of Section 153.86, Florida Statutes. As the City has not obtained the consent of the County to an extension of the City's utility service area into the County Utility District service area, the City's Ordinance violates the provisions of Section 153.85, Florida Statutes, and is a nullity.

We would like to work with the City to propose alternatives to resolve these issues.

Sincerely,

[Signature]

Douglas M. Anderson
County Administrator

Copy to: Board of County Commissioners
County Attorney
Utility Services Director
September 20, 2007

Mr. Michael Busha
Executive Director
Treasure Coast Regional Planning Council
301 East Ocean Boulevard, Suite 300
Stuart, Florida 34994

RE: Comprehensive Plan Amendment

Dear Mr. Busha:

The Local Government Comprehensive Planning and Land Development Regulation Act ("Act") provides the following two requirements that are pertinent to the City of Port St. Lucie ("City") proposed Comprehensive Plan Amendment before the Treasure Coast Regional Planning Council ("RPC"):

Section 163.3177 6(c) a general utility element - "Local governments ... are encouraged to cooperatively plan for the development of multijurisdictional water supply facilities that are sufficient to meet projected demands for established planning periods, including the development of alternative water sources to supplement traditional sources of groundwater and surface water supplies."

Section 163.3177 4(a) "Coordination of the local comprehensive plan with the comprehensive plans of ... the county...shall be a major objective of the local comprehensive planning process. To that end, in the preparation of a comprehensive plan or element thereof, the governing body shall include a specific policy statement indicating the relationship of the proposed development of the area to the comprehensive plans of ... the county... as the case may require and as such adapted plans or plan may exist."

The City's proposed Comprehensive Plan Amendment violates these two Act requirements as the City has not cooperatively planned with the County regarding utility service to an area of the unincorporated County within the County's utility service area, referred to in the City's proposed amendment as the "Western Service Expansion Area,” nor...
included a policy statement indicating the relationship of the "Western Service Expansion Area" to the County's existing comprehensive plan. As set forth in the County letter submitted to Port St. Lucie, attached as Attachment 1 to the RPC Staff Memorandum to Council members for the September 21, 2007, RPC Meeting, the "Western Service Expansion Area" is within the County's utility planning and service area and the City has no right to plan for or provide utility service in that area without the prior consent of the County, which has not be granted.

The RPC staff has recommended that the City's proposed amendment be approved as consistent with the Strategic Regional Policy Plan subject to the City removing "any reference to expanded service area boundary or extension of service areas." The County concurs with RPC staff recommendation on this point, but would request the RPC to further require the City to remove any reference to the "Western Service Expansion Area" as a further condition to receipt of consistency approval of the City amendment.

Until such time as the City complies with the cited provisions of the Act set forth above and cooperates with the County with respect to planning in the unincorporated County area the City has described as the "Western Service Expansion Area" and coordinates its planning efforts with the County's existing plan for this area of County jurisdiction, the RPC should not determine consistency for the element of the City amendment addressing the "Western Service Expansion Area."

Sincerely,

[Signature]
Douglas M. Anderson
County Administrator

DMA/c afl
Copy to: County Attorney
Utility Services Director
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General Location Map
City of Port St. Lucie
Exhibit 3
Utility Service Area – Port St. Lucie
Exhibit 9

TREASURE COAST REGIONAL PLANNING COUNCIL

MEMORANDUM

To: Council Members
From: Staff
Date: June 15, 2012 Council Meeting
Subject: Local Government Comprehensive Plan Review
Draft Amendments to the City of Port St. Lucie Comprehensive Plan
Amendment No. 12-4ER

AGENDA ITEM 5J

Introduction

The Community Planning Act, Chapter 163, Florida Statutes, requires that the Treasure Coast Regional Planning Council (TCRPC) review local government comprehensive plan amendments prior to their adoption. TCRPC comments are limited to adverse effects on regional resources and facilities identified in the Strategic Regional Policy Plan (SRPP) and extrajurisdictional impacts that would be inconsistent with the comprehensive plan of any local government within the Region. TCRPC must provide any comments to the local government within 30 days of the receipt of the proposed amendments and must also send a copy of any comments to the State Land Planning Agency.

Background

The City of Port St. Lucie is proposing text amendments to the goals, objectives and policies of the Future Land Use, Transportation, Housing, Infrastructure, Conservation and Coastal Management, Intergovernmental Coordination, Recreation and Open Space, Economic Development and Capital Improvements elements of the City Comprehensive Plan. No changes are proposed to the Public School Facilities Element or the Future Land Use Map. The proposed text amendments are pursuant to an Evaluation and Appraisal Report (EAR) adopted by the City on April 26, 2010 and found sufficient by the Department of Community Affairs on July 6, 2010.

Evaluation

The following summarizes the major EAR-based amendments to the City’s Comprehensive Plan:
A. Future Land Use Element

1. Incorporated new objectives and policies to facilitate neighborhood planning. The policies address the neighborhood preservation needs of the City and the strategic review of infill development and redevelopment opportunities.
2. Added policies to promote the study and identification of acceptable locations for potential infill and redevelopment. Updated policies to address mixed use and transit supportive developments and included design standards and review criteria to ensure compatibility with surrounding neighborhoods.
3. Established new objectives and policies that promote targeted infill development identified through the strategic review of infill development and redevelopment opportunities.
4. Established location criteria and development standards for transit supportive development.
5. Incorporated new objectives and policies to facilitate redevelopment in the City of Port St. Lucie Community Redevelopment Area. Policies encourage mixed use and multi-modal and energy efficient development.
6. Incorporated a mixed land use category to replace the current practice of designating multiple land uses on a parcel to allow mixed use development.
7. Incorporated new objectives and policies which specifically address incorporation of green development standards and transit supportive land use and site design guidelines.
8. Included policies that provide procedures to identify and implement joint planning areas for purposes of annexation, and joint infrastructure service areas.
9. Added new objectives and policies to establish criteria for evaluating annexation proposals based on the following:
   - City and County future land use
   - Existing enclaves
   - A demonstrated need for additional land to accommodate projected population growth
   - Potential for economic opportunity and job growth
   - Availability of existing utilities and logical and practical service area expansions
   - Analysis of the public facilities that are necessary and desirable for providing community services to the projected population/need.
   - Compact and efficient growth patterns
   - Fair share obligations to major community infrastructure required for the overall Urban Service Area that exceed the development and required improvements.
   - A fiscal impact analysis that provides a cost/benefit analysis of each of the proposed annexations and demonstrates that each development area will pay for itself and will cover costs of the City’s ongoing maintenance.
   - A conceptual phasing plan that ties development levels to provision of services and infrastructure.
   - Use of development agreements for all annexation projects to provide the city with certainty as to the completion of improvements in conjunction with development, and to provide developers with certainty of the protection of entitlements.
10. Established criteria for the review of amendments to the Future Land Use Map based on consistency with the goals, objectives, and policies of all elements of the Comprehensive Plan and other considerations such as:
   - satisfy a deficiency or mix of uses in the Plan map;
   - accommodate projected population or economic growth of the City;
   - diversify the housing choices in the City;
   - enhance or impede provision of services at adopted level of service standards;
   - compatibility with abutting and nearby land uses;
   - enhance or degrade environmental resources; and
   - job creation within the targeted industry list.

11. Revised the Future Land Use Element to remove the Western Annexation Area sub-element. The revisions incorporated the data and analysis, and goals, objectives, and policies contained in the Western Annexation Area sub-element into the overall Future Land Use Element. Strengthened the goals, objectives and policies to include appropriate development controls to discourage urban sprawl, encourage mixed use development, a well-planned network for public infrastructure, employment opportunities, and a diversity of housing choices and affordability.

12. Provided for a new Planned Industrial Park future land use designation that would accommodate the City’s targeted industries list and economic development directives.

B. Transportation Element

13. Developed appropriate goals, policies, and objectives to support the establishment of a multimodal approach to transportation planning by raising the priority of the transit user, cyclist, and pedestrian. Areas addressed include:
   - Pedestrian facilities including well maintained sidewalks, shelters, and crosswalks
   - Bicycle parking facilities
   - Transit bus stops and transit stop amenities (i.e., bench, bus shelter, etc.)
   - Phased traffic signals to accommodate pedestrian movements
   - Removal of barriers that discourage walking
   - Compliance with Americans with Disabilities Act requirements
   - Buffering between vehicular areas and sidewalks
   - Linkage to existing or future sidewalks and/or bikeway network and transit route

14. Added policies to promote cooperation with the County on their Greenways and Trails program and with the St. Lucie County Transportation Planning Organization on their Bicycle and Pedestrian Plan.

15. Strengthened existing policies to require better coordination with adjacent jurisdictions on multi-modal approaches to transportation planning and implementation of concurrency or mobility.

16. Revised the Transportation Element to remove the Western Annexation Area sub-element. The revisions incorporated data and analysis, and goals, objectives, and policies on the development of the Western Annexation Area into the overall Transportation Element.
C. Housing Element

17. Revised the Element to add the following Affordable Housing Advisory Committee recommendations approved by the City Council:
   • Support development of affordable and/or workforce housing near (within ½ mile) of a transportation hub, major employment centers, and mixed use developments.
   • Allow for the reduction of parking and setback requirements for affordable housing projects where it can be shown such reduction would be compatible with surrounding neighborhood and not have adverse impact on neighborhood.

18. Revised the element to address energy efficiency in the design and construction of new housing and the use of renewable energy resources.

19. Incorporated policies to address the housing needs of an aging population.

D. Infrastructure Element

20. Revised the Sanitary Sewer Sub-Element to promote water conservation through greater use of reclaimed water.

21. Updated the level of service standards for potable water and sanitary sewer.

22. Under the Stormwater Sub-Element, developed policy language supportive of surface water quality protection and improvement.

23. Revised the Infrastructure Element to remove the Western Annexation Area sub-element. Incorporated data and analysis and goals, objectives, and policies on the development of the Western Annexation Area into the overall Infrastructure Element.

E. Conservation and Coastal Management Element

24. Revised the definition of coastal planning area and the coastal high hazard area.

25. Updated data and analysis specific to the Coastal High Hazard Area and hurricane evacuation as identified for St. Lucie County in the 2010 Statewide Regional Evacuation Study for the Treasure Coast Region.

26. Incorporated updated data on the status of threatened, endangered and species of special concern.

27. Created objectives and policies for the acquisition, conservation, and preservation of native habitats.

28. Revisited policies to ensure future development in the coastal area should be limited to those land uses which are resource dependent or compatible with the physical and environmental characteristics of the coastal area.

29. Included a policy to facilitate energy conservation in existing public buildings.

F. Intergovernmental Coordination Element

30. Included a policy to ensure adoption of interlocal agreements within one year of adoption of the amended Intergovernmental Coordination Element.

31. Established policies to provide for effective continued coordination and participation among pertinent public and quasi-public entities to best maintain the City’s quality of life and efficient use of resources.
32. Added a policy to address coordination with the Florida Department of Environmental Protection, South Florida Water Management District, local municipalities and other appropriate agencies regarding water conservation, and water supply planning.

G. Recreation and Open Space Element

33. Created policies to promote greenways and trails as part of the City’s recreation component and to tie the City’s recreational trail system into existing County greenways and trails systems.
34. Created policies to encourage passive recreation and eco-tourism in conservation areas, where feasible.
35. Created policies to promote partnerships with local arts/cultural organizations and sports organizations, and promote recreational tourism opportunities.

H. Economic Development Element

36. Revised policies to promote coordination with the Economic Development Council of St. Lucie County, St. Lucie County, Chamber of Commerce, Florida’s Research Coast and other agencies to promote economic development, access resources to assist economic development and help promote economic diversification.
37. Created objectives and policies to support coordination with local and regional job creation and retention efforts.
38. Created policies to support working with educational partners to ensure there are appropriate educational opportunities, job skills programs, and facilities to meet business and industry needs.
39. Created policies that provide stronger guidance for land use decisions to ensure that there is adequate industrial land for economic development.
40. Added policies relating to Industrial and Office land uses to facilitate recruiting of targeted industries to the City, consistent with employer workforce needs and emerging Industrial and Office land use trends.
41. Incorporated objectives and policies to promote recreation and tourism based on the natural resources in the area.

I. Capital Improvements Element

42. Revised the Capital Improvements Element to remove the Western Annexation Area sub-element. The revision incorporated data and analysis, and goals, objectives, and policies on the development of the Western Annexation Area into the overall Capital Improvements Element.

Extrajurisdictional Impacts

Under the informal agreement facilitated by the TCRPC, local governments in the northern three counties of the region are to provide copies of amendment materials to other local governments and agencies that have expressed an interest in receiving such materials. On May 9, 2012, the
TCRPC requested comments from these local governments and organizations regarding any conflicts with the proposed amendments.

The City of Fort Pierce provided comments concerning an inconsistency with the utility service area map (see Exhibit 2). Prior to adoption, the City should ensure the concerns raised by the City of Fort Pierce have been adequately addressed.

Effects on Significant Regional Resources and Facilities

No adverse effects on significant regional resources and facilities have been identified.

Conclusion

The proposed amendments are not in conflict or inconsistent with the SRPP. The City should coordinate with the City of Fort Pierce to address concerns regarding the utility service area map.

Recommendation

Council should approve this report and authorize its transmittal to the City of Port St. Lucie and the Florida Department of Economic Opportunity.

Attachments
**List of Exhibits**

<table>
<thead>
<tr>
<th>Exhibit</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>General Location Map</td>
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<tr>
<td>2</td>
<td>Correspondence from David Carlin, Assistant Director of Planning, City of Fort Pierce</td>
</tr>
</tbody>
</table>
Exhibit 1
General Location Map

ST LUCIE COUNTY
FLORIDA

Municipalities
Fort Pierce
Port St. Lucie
St. Lucie Village

City of Port St. Lucie
May 29, 2012

Stephanie Heidt
Administrative Coordinator/ICR Coordinator
Treasure Coast Regional Planning Council
421 SW Camden Avenue
Stuart, Florida 34994

Re: EAR Based Amendments-Port St. Lucie

Dear Ms. Heidt,

Thank you for providing the opportunity to review the proposed EAR Based Amendments to the City of Port St. Lucie’s Comprehensive Plan. The City of Fort Pierce has the following comment:

On page 1-10 of the Future Land Use Element, the Utility Service Area subsection contains a reference to map INF-1 which identifies the northern utility service area to end at Midway Road. However, this map is inconsistent with the following maps:

- The 2011 South Florida Water Management District (SFWMD) Upper East Coast Water Supply Plan Map-Figure B-3 which shows an area north of Midway Road currently serviced by Port St. Lucie (attached);

- The Utilities Map adopted by Port St. Lucie City Council via Ordinance 07-22 on March 26, 2007, and the City of Port St. Lucie Utility Systems Department map (attached).

It should be noted that part of the utility service areas included have already been identified in the 2004 Interlocal Agreement between St. Lucie County and the Fort Pierce Utilities Authority (FPUA) as being within the FPUA retail or bulkwater service.

It is recommended that a policy be included to the Future Land Use Element to reflect that Port St. Lucie currently provides limited utility services to the St. Lucie County Landfill which is currently located within the City Limits of Fort Pierce. This was previously established by an agreement executed by the City of Port St. Lucie on September 21, 1993 which limits capacity to 1 ERC.
Please feel free to contact me should you require further information.

Sincerely,

David Carlin
Assistant Director of Planning
The Honorable JoAnn Faiella
Mayor, City of Port St. Lucie
121 South West Port St. Lucie Boulevard
Port St. Lucie, Florida 34984-5099

Dear Mayor Faiella:

The State Land Planning Agency has completed its review of the comprehensive plan amendment adopted by the City of Port St. Lucie on October 22, 2012 (Number 12-1ESR) by Ordinance Number 11-82. We have reviewed the amendment in accordance with the expedited state review process set forth in Sections 163.3184(2), (3) and (5), Florida Statutes (F.S.), and have identified no provision that necessitates a challenge of the Ordinance adopting the amendment.

If this plan amendment is not challenged by an affected person, the amendment will become effective 31 days after the State Land Planning Agency notified the local government that the plan amendment was complete. If this plan amendment is challenged by an affected person, the amendment will not become effective until the State Land Planning Agency or the Administration Commission enters a final order determining the amendment to be “In Compliance.” No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective.

We appreciate the opportunity to work with the Port St. Lucie staff in the review of the amendment. If you have any questions relating to this review, please contact Laura Regalado, at (850) 717-8508, or by email at laura.regalado@deo.myflorida.com.

Sincerely,

James D. Stansbury
Regional Planning Administrator

JDS/lmr

cc: Mr. Daniel Holbrook, AICP, Director of Planning and Zoning, City of Port St. Lucie
Mr. Michael Busha, AICP, Executive Director, Treasure Coast Regional Planning Council