BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

RESOLUTION NUMBER 19-2019

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, MARTIN COUNTY, FLORIDA, URGING THE FLORIDA LAND AND WATER ADJUDICATORY COMMISSION TO REJECT THE PETITION OF HOBE SOUND RANCH LTD. TO ESTABLISH THE HARMONY RANCH COMMUNITY DEVELOPMENT DISTRICT; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

* * * *

WHEREAS, the Martin County Board of County Commissioners (BCC) has adopted a Comprehensive Growth Management Plan (the Plan) which has previously determined by the state land planning agency of the State of Florida to be in compliance with Chapter 163, Part II, Florida Statutes; and

WHEREAS, Florida courts have recognized that a Comprehensive Plan is the equivalent of a Constitution for counties and cities; and

WHEREAS, the residents and businesses of the City of Stuart, and the residents and businesses of other municipalities within Martin County are entitled to rely upon the Goals, Objectives and Policies of the Martin County Growth Management Plan; and

WHEREAS, the Plan has established Primary and Secondary Urban Service Districts, the intent of which is to manage growth and to provide for the expansion of urban or community development services and capital infrastructure to areas of the County which are suitable for urbanization; and

WHEREAS, the Plan contains a Goal which provides that Martin County shall direct growth in a timely and efficient manner to those areas where urban or community development services and capital infrastructure is to be made available to undeveloped land at the levels of service adopted in the Plan's Capital Improvement Element; and

WHEREAS, the Primary and Secondary Urban Service Districts were established by the Plan to regulate growth and to provide for community development or urban services and capital infrastructure; and

WHEREAS, the creation of a Community Development District (CDD) is essentially a "stand- alone" urban service district with the capacity to provide urban or community development services and capital infrastructure to property irrespective of whether it is located outside of the County's Primary and Secondary Urban Service Districts in an area where the Comprehensive Plan would otherwise not encourage urban services; and

WHEREAS, pursuant to § 190.003 (6), Fla. Stat. CDDs are special purpose governments which are created for the purpose of the delivery of community development or urban services and capital infrastructure; and

WHEREAS, pursuant to§ 190.002 (1)(a) and (c), Fla. Stat., CDDs provide a way to finance the delivery of basic urban or community development services, and capital infrastructure; and

WHEREAS,§ 163.3164(51), Fla. Stat., defines an Urban Service Area as areas identified in a comprehensive plan where public capital infrastructure and services including, but not limited to drainage, water and sewer infrastructure and capacity, and roads, are already in place or are identified in the capital improvements element of a comprehensive plan; and

WHEREAS, the Harmony Ranch property has land use and zoning designations of agricultural and has been approved by Martin County for the development of 129 20-acre lots on its currently undeveloped 2,717 acres; and

WHEREAS, the Harmony Ranch CDD Petitioner represents that the currently approved 20- acre lot project that it may develop requires urban or community development capital infrastructure and services at a cost of $5,104,200, or $39,567 per 20-acre lot with the completion of this urban or community development infrastructure estimated to be by December 2021; and

WHEREAS, after filing its Petition for a CDD to provide urban or community development capital infrastructure and services to 129 residential dwelling units within the 2,717 acre Harmony Ranch property, Harmony Ranch filed a lawsuit against Martin County, in which it admitted that it would be **"economic suicide"** and **"cost prohibitive"** to develop its property in this manner, indicating its clear intent to build substantially more residential units in the proposed CDD; and

WHEREAS, Harmony Ranch's CDD Petition represents that the urban or community development capital infrastructure that will be financed for 129 homes will be limited to roads, drainage and landscaping, and would not be incompatible with the capacity and use of existing local and regional community development services and facilities; and

WHEREAS, the Harmony Ranch CDD Petition identified only a need to construct Roadways, Storm Water Management System, and Lake Plantings, if the Petition is granted, the CDD would not be limited to providing these urban services, because the CDD statute authorizes every CDD, once established, and regardless of what was initially identified in the Petition, to provide the full range of urban or

community development services and capital infrastructure without further State authorization, including, water supply and central water and sewer utility services; and

WHEREAS, the City of Stuart, being a urban area in Martin County where development should be directed, to compact growth patterns identified within the City of Stuart Comprehensive Plan and by the 1000 Friends of Florida in their 2070 Florida alternative growth pattern report.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF STUART, MARTIN COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. The "whereas" clauses above are incorporated herein as findings of the City Commission.

SECTION 2. The City of Stuart City Commission finds that the establishment of a Community Development District (CDD) authorizing the delivery of urban community development services and facilities upon the Harmony Ranch property would be in conflict with the Martin County Comprehensive Growth Management Plan.

SECTION 3. The City of Stuart City Commission finds that the establishment of a Community Development District (CDD) authorizing the delivery of urban community development services and facilities upon the Harmony Ranch property would be in conflict with the **Objective of the Stuart Comprehensive Plan to facilitate urban development in a compact form** To reduce sprawl.

SECTION 4. The City Commission finds that the establishment of the Harmony Ranch CDD would expand the Urban Service District established in the Martin County Comprehensive Plan and therefore be inconsistent with the Constitution and laws of Martin County which were intended to further the health, safety and general welfare of all citizens and businesses of Martin County.

SECTION 5. The City Commission urges the Florida Land and Water Adjudicatory Commission to reject the petition of Hobe Sound Ranch Ltd. to establish the Harmony Ranch Community Development District.

SECTION 6. This Resolution shall take effect immediately upon its adoption.

Commissioner _____ offered the foregoing resolution and moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a roll call vote, the vote was as follows:

	YES	NO	ABSENT	ABSTAIN
REBECCA S. BRUNER, MAYOR				
EULA R. CLARKE, VICE MAYOR				
KELLI GLASS LEIGHTON, COMMISSIONER				
MERRITT MATHESON, COMMISSIONER				
MIKE MEIER, COMMISSIONER				

ADOPTED this 11 day of February, 2019.

ATTEST:

_____ _____

MARY R. KINDEL
CITY CLERK

REBECCA S. BRUNER
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

_____

MICHAEL MORTELL
CITY ATTORNEY