



**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

Fiscal Years	2010	2011	2012	2013	2014
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
<b>NET FISCAL IMPACT</b>	_____	_____	_____	_____	_____
<b># ADDITIONAL FTE POSITIONS (Cumulative)</b>	_____	_____	_____	_____	_____
Is Item Included in Current Budget?			Yes _____	No _____	
Budget Account No.:	Fund _____	Department _____	Unit _____	Object _____	
	Program _____				


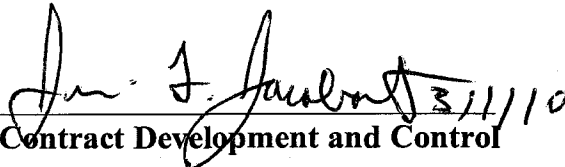
**B. Recommended Sources of Funds/Summary of Fiscal Impact:**

There is no fiscal impact associated with this item.

**C. Department Fiscal Review:**

**III. REVIEW COMMENTS**

**A. OFMB Fiscal and /or Contract Dev. and Control Comments:**

 _____ OFMB	 _____ Contract Development and Control
SN 2/24/10	2/25/10

**B. Legal Sufficiency:**

  
 \_\_\_\_\_  
 Assistant County Attorney

3-7 31-10

**C. Other Department Review:**

\_\_\_\_\_  
 Department Director

**Background and Policy Issues:** Bridgewater Ventures, LLC, the current owner of the Bridgewater Preserve, has applied to Martin County to change the Future Land Use designation for the 215 acres of the property within the plat of the Bridgewater Preserve that it controls from Agricultural Ranchette (one unit per 5 acres) to Rural Density (one unit per 2 acres), which could result in an increase from the present 36 lots to a maximum of 107 lots. The owner also requested that the property be rezoned from AR-5 (Agricultural Ranchette District) to RE-2A (Rural Estate) and that the Secondary Urban Services District boundary be extended to include the site. Martin County staff recommended denial of all three requests because they did not meet that criteria for approval in that County's Comprehensive Growth Management Plan and the changes would provide no additional benefit to the public. They stated that the changes are not appropriate given the Public Conservation land use designation for the adjacent Jonathan Dickinson State Park, because the site is a transitional area that buffers the Park and no other property directly abutting the Park has justified the establishment of the requested Rural Density land use designation. The currently installed roads and drainage structure on the site have been built in accordance with the existing land use and zoning designations.

Communities Finance Company, LLC, the original property owner, retained control of the northern 102 acres of the property within the plat as a wetlands mitigation and restoration site, and has granted a conservation easement over that portion of the property to the South Florida Water Management District. The changes requested by Bridgewater Ventures, LLC also have the potential to adversely affect this preserve as well as the adjacent Jonathan Dickinson State Park.

As an adjacent landowner, Palm Beach County was notified of the public hearing by Lucido and Associates, the agent for the owner. Palm Beach County owns two tracts within the Rialto development in the Town of Jupiter, totalling approximately 14 acres, which constitute one part of a 335-foot-wide wildlife/greenway corridor (Attachment 3). The remaining part of the corridor (approximately 6 acres) is located within five lots in the Bridgewater Preserve development in Martin County, adjacent to the tracts owned by Palm Beach County. Preservation of this portion of the corridor was required by the Town of Jupiter as one of the site plan approval conditions for the Rialto development. The Martin County portion of the corridor is dedicated by plat to the Town of Jupiter and Martin County, and there is a perpetual restriction in the deed for the Bridgewater Preserve property that also would be included in the deeds to the five lots that contain the corridor. The wildlife/greenway corridor connects Palm Beach County's North Jupiter Flatwoods Natural Area to Jonathan Dickinson State Park; the Palm Beach County portion includes an 80-foot-long wildlife crossing structure under Island Way that was paid for and constructed by the developer of Rialto.

According to the terms of the December 2008 Amended and Restated Management and Maintenance Agreement for the wildlife/greenway corridor, Palm Beach County will assume perpetual management responsibility for the entire corridor, including the portion of the corridor located within the Bridgewater Preserve in Martin County, in less than four years. Lennar Homes, LLC, the current owner of Rialto, completed planting of all three strips of the corridor with native vegetation on December 15, 2008 and is required to maintain the plantings until the survivability requirements in the conditions of site plan approval for the Rialto development imposed by the Town of Jupiter have been met (by or before December 15, 2013, based on the date on which planting was completed). After the Town of Jupiter and Palm Beach County concur that these requirements have been met, the County will assume perpetual management responsibility for the entire wildlife/greenway corridor, including the portion located within Martin County.

At the January 21, 2010 public hearing, the Martin County Local Planning Agency voted 2-2 to recommend approval of the proposed Future Land Use Map amendment, 2-2 to recommend approval of the zoning change, and 3-1 to deny the requested extension of the Secondary Urban Service District boundary, but with a recommendation that an exception be granted for the provision of water and sewer services to the site. Therefore, there is no recommendation from that board to the Martin County Board of County Commissioners on the first two requested changes, and a recommendation for denial for the third, with one exception. The Martin County Board of County Commissioners is scheduled to consider the requests at a public hearing on April 13, 2010, along with other Future Land Use Map changes, as part of the transmittal of

those changes to the Florida Department of Community Affairs. Palm Beach County Department of Environmental Resources staff believe that it is appropriate for Palm Beach County to continue to act as an Intervenor in the Martin County process for review of the requested changes in order to protect the wildlife/greenway corridor from any adverse impacts and to ensure that any changes that may be approved do not adversely impact the County's ability to fulfill its responsibility for management of the portion of the corridor that lies within the Bridgewater Preserve development.

The Town of Jupiter submitted a comment letter to Martin County regarding the proposed Future Land Use Map amendment. The Town expressed concern regarding the potential for increased traffic on Island Way as a result of the requested changes, and recommended that Bridgewater Ventures coordinate with Martin County, Palm Beach County, and the Town to increase the width of the wildlife/greenway corridor on the Bridgewater Preserve site to offset the effects of the increased density that would occur if the requested land use change was approved. The Town also recommended that Martin County initiate a Future Land Use Map amendment to change the land use on the Martin County portion of the corridor to an appropriate Martin County conservation land use designation. Martin County staff has indicated to Palm Beach County staff that such a change would not be approved unless that portion of the corridor was owned by a public entity.

The letter of Intent to Intervene includes a statement that Palm Beach County would consider acceptance of a conservation easement over the portion of the wildlife/greenway corridor on the Bridgewater Preserve site or a donation of that property to the County, if either is deemed appropriate by the current owners, the Town of Jupiter and Martin County as part of any plat or site plan modifications. If such an easement or donation were approved by the Board, the County would then have an interest in or own all three contiguous parts of the wildlife/greenway corridor and could more easily manage the corridor as a single unit.



March 9, 2010

P.O. Box 1989  
West Palm Beach, FL 33402-1989  
(561) 355-2001  
FAX: (561) 355-3990  
www.pbcgov.com

Ms. Taryn Kryzda, Acting County Administrator  
Martin County Administrative Center  
2401 SE Monterey Road  
Stuart, FL 34996

Dear Ms. Kryzda:

**SUBJECT: PALM BEACH COUNTY INTERVENTION ON REQUESTED  
FUTURE LAND USE AND ZONING DESIGNATION  
CHANGES FOR BRIDGEWATER PRESERVE**

**Palm Beach County  
Board of County  
Commissioners**

Burt Aaronson, Chair  
Karen T. Marcus, Vice Chair  
Jeff Koons  
Shelley Vana  
Steven L. Abrams  
Jess R. Santamaria  
Priscilla A. Taylor

**County Administrator**

Robert Weisman

Palm Beach County has filed a Request to Intervene at the April 13, 2010 public hearing of the Martin County Board of County Commissioners for transmittal of the requested Future Land Use Map amendment for the Bridgewater Preserve development. Bridgewater Ventures LLC, the current owner, has requested that the Future Land Use designation be changed from Agricultural Ranchette to Rural Density, that the zoning designation be changed from AR-5A to ER-2A, and that the Secondary Urban Service District boundary be extended to include the site. We are concerned that the changes requested by the owners may adversely affect the approximately 6-acre wildlife/greenway corridor located on the Bridgewater Preserve site and the responsibility Palm Beach County has to manage that portion of the corridor. At present this portion of the corridor is located within five platted lots on the site. Staff from the Palm Beach County Department of Environmental Resources Management will present a summary of these concerns at the April 13 public hearing.

The entire wildlife/greenway corridor contains approximately 20 acres and is 335 feet wide. The remaining two tracts are located in Palm Beach County within the plat of the Rialto development and are owned by Palm Beach County. The Future Land Use and zoning designations for these tracts are in the process of being changed to Conservation and Conservation Preservation, respectively, by the Town of Jupiter.

Under the terms of the December 2, 2008 Amended and Restated Management and Maintenance Agreement for the entire wildlife/greenway corridor, Palm Beach County is required to provide perpetual management for all three portions of the corridor, which connects Palm Beach County's North Jupiter Flatwoods Natural Area to Jonathan Dickinson State Park. The other parties to the Agreement include Bridgewater Ventures, LLC; the Bridgewater Preserve



Ms. Taryn Kryzda

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Homeowners' Association; Lennar Homes, LLC; the Rialto Community Association, Inc.; and the Town of Jupiter. Lennar Homes has planted the entire corridor with fire-resistant vegetation and is responsible for maintaining the plantings until the vegetation survivorship requirements specified in the conditions of site plan approval for the Rialto development have been met.

The State Park lands connect on the west to Palm Beach County's Cypress Creek Natural Area and the Cypress Creek lands owned by the South Florida Water Management District and Martin County. Palm Beach County has been working for 11 years to develop this wildlife/greenway corridor. The County's Comprehensive Land Use Plan directs the County to coordinate with other local governments to develop a continuous network of greenways linking viable natural systems and conservation lands throughout the county.

We are concerned that the increased residential density that would occur as a result of the requested changes would result in additional lights shining into the corridor during the evening hours and increased noise levels from human activities, including traffic and landscaping equipment, which could stress wildlife living in or traveling through the corridor. An increase in the number of domestic pets could lead to increased predation on wildlife using the corridor. Increased density also could result in land management issues typical of conservation sites in suburban and urban areas, such as dumping of yard clippings and vegetative debris over the fence into the corridor.

From a regional perspective, we also are concerned about potential adverse impacts of the requested changes on the biological communities within Jonathan Dickinson State Park and the 102-acre wetland mitigation and restoration area on the north end of the Bridgewater Preserve, as well as potential impacts on regional surface water and groundwater resources, some of which could adversely affect the northwest fork of the Loxahatchee River. We believe that the current Future Land Use and zoning designations for the Bridgewater Preserve are appropriate for a site that is bounded on three sides by conservation lands. Therefore, we support the Martin County staff recommendation for denial of the requested changes.

The portion of the wildlife/greenway corridor on the Bridgewater Preserve site has been dedicated on the plat to Martin County and the Town of Jupiter, and the deed for the sale of the property to Bridgewater Ventures, LLC shows that restriction on the five lots that contain the corridor, but the corridor would be owned by the owners of those five lots and their successors.

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The provisions of a June 2006 agreement between Bridgewater Ventures and Martin County specify that the corridor on the Bridgewater Preserve shall remain as a wildlife/greenway corridor in perpetuity and that Martin County has no obligation to maintain the corridor. They also specify that, if the corridor is not maintained in accordance with the deed and a subsequent Clarification and Partial Release of Deed Restrictions document, Martin County shall have the right to require that such maintenance be done by Bridgewater Ventures, LLC, the Bridgewater Preserve Homeowners' Association, and each owner of a lot that includes the corridor.

Although we oppose the currently requested changes, we request that if there is a revision of the plat in the future that the wildlife/greenway corridor be separated out from the five lots and that the land use and zoning designations for this new tract be changed to the appropriate conservation designations. Palm Beach County is willing to consider acceptance of a conservation easement over the portion of the wildlife/greenway corridor on the Bridgewater Preserve site or a donation of that property to the County, if either is deemed appropriate by the current owners, the Town of Jupiter and Martin County as part of any plat or site plan modifications, in order to fulfill its responsibility for perpetual maintenance of the entire wildlife/greenway corridor.

If you have any questions regarding Palm Beach County's comments, please contact Richard Walesky, Director of the Department of Environmental Resources Management, at 561-233-2400 or [rwalesky@pbcgov.org](mailto:rwalesky@pbcgov.org) or Kathleen Brennan of his staff at 561-233-2451 or [kbrennan@pbcgov.org](mailto:kbrennan@pbcgov.org).

Sincerely,

Burt Aaronson, Chair  
Board of County Commissioners

BA:REW:KMB

cc: Board of County Commissioners  
Robert Weisman, County Administrator  
Shannon Fox, Assistant County Attorney  
Richard E. Walesky, Director, Environmental Resources Management Department  
Harry King, Martin County Growth Management Department

11



MARTIN COUNTY BOARD OF COUNTY COMMISSIONERS  
REQUEST TO INTERVENE

Date: March 9, 2010 Proposal/Project Name: Bridgewater Ventures  
Agenda Date: April 13, 2010 Agenda Item Number: (To be determined)

An "intervenor" is a person who qualifies under the Land Development Regulations to receive mailed notice regarding the subject matter (property owners within 300 feet of the project if it is inside the urban service boundary, and within 600 feet of the project if it is outside the urban service boundary). Any person who qualifies may choose to be an Intervenor, or to just offer public comment. Someone who does not qualify to be an Intervenor, or could qualify, but chooses not to be one, will be allowed to speak briefly on his or her own behalf, either to present facts or to state opinions, during public comments on the application.

It should be noted that being an Intervenor in a matter under consideration by the Board does not guarantee that the Intervenor can challenge or appeal the final decision in a judicial or administrative proceeding. Also, being an Intervenor here may not even be a prerequisite to filing a challenge or appeal of the final decision, depending upon what state laws or court rules require.

Please complete the following information and return this form to the County Administrator at least seven (7) days prior to the hearing on the matter. No fee will be assessed. If requesting to intervene as a group, provide on group's letterhead, signed by an authorized representative of the group, stating the name of the group and the name of the individual who is authorized to speak for the group. Only one request needs to be submitted per each matter for which status as an Intervenor is sought, irrespective of the number of hearings to be held on the matter. All dvd, cd or video cassette tapes must be submitted for review by the County Administrator (or designee) by the Friday prior to the meeting.

A Request to Intervene may be used only for the purpose of presenting evidence and testimony on a matter, and not merely to extend the time allowed to an individual to speak during public comments.

(PLEASE PRINT CLEARLY)

Name (individual or group representative): Palm Beach County Board of County Commissioners/Department of Environmental Resources Management

Group Name (if applicable):

Address: 2300 N. Jog Road, 4<sup>th</sup> Floor City: West Palm Beach, FL

Zip Code: 33411-2743 Telephone: 561-233-2400 Email: rwalesky@pbcgov.org

1. Explain what interest(s) you, as an individual or group, believe will be impacted by the proposal. Examples of interests include health and safety, police and fire protection service systems, transportation facilities, and economic, environmental or natural resources. (Attach separate sheet, if more space is needed.)

As required by a December 8, 2008 management and maintenance agreement between Bridgewater Ventures, LLC, the Town of Jupiter, and other entities, Palm Beach County will be responsible for perpetual management of the wildlife/greenway corridor on the Bridgewater site after survivability requirements for the recent plantings are met. Palm Beach County is concerned that the proposed changes may adversely affect wildlife living in or using the corridor and the management of the corridor by Palm Beach County, as well as other conservation areas adjacent to the site.

2. State your position regarding the proposal. (Attach separate sheet if more space is needed.)

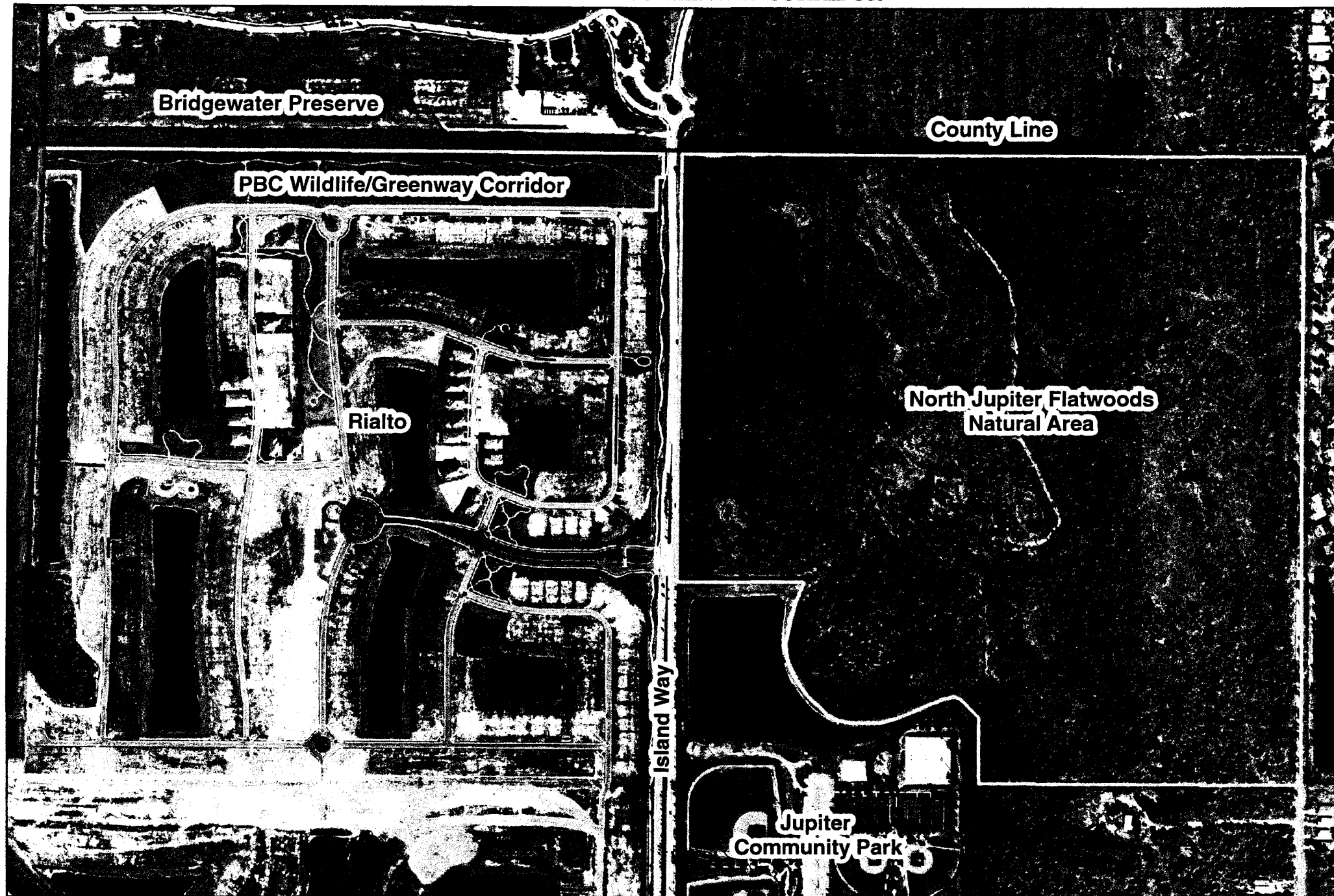
Palm Beach County opposes the requested future land use change, rezoning, and extension of the Secondary Urban Service District boundary to include the site and supports the Martin County staff recommendation for denial of the requested changes.

3. State all facts you believe support your position. (Attach separate sheet, if more space is needed.)

Palm Beach County has provided a comment letter stating the County's position. Palm Beach County staff will provide a summary of these comments at the April 13 public hearing.



NORTH JUPITER FLATWOODS NATURAL AREA  
AND WILDLIFE/GREENWAY CORRIDOR



— COUNTY LINE  
■ JONATHAN DICKINSON STATE PARK  
■ NORTH JUPITER FLATWOODS

