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ALEXANDRA M. MCGEE  
ALSO ADMITTED IN PENNSYLVANIA & NEW JERSEY

June 25, 2019

The Honorable Peter Sweeney  
City Attorney, City of Fort Pierce  
Post Office Box 1480  
Fort Pierce, FL 34954

Via U.S. Mail & Email to [psweeney@cityoffortpierce.com](mailto:psweeney@cityoffortpierce.com)

RE: Fort Pierce Industrial Aggregate Recycling Facility – Rezoning

Dear Peter:

I am writing directly to you concerning this matter based upon the prior direction from Rebecca Guerra of your City staff. As you know from my prior emails, our office is representing River Oaks at Ten Mile Creek Homeowners Association, Inc. ("River Oaks HOA") in connection with the above-referenced application for rezoning. As a residential PUD, the residents of River Oaks have concerns regarding the noise, dust pollution, visual effect and hours of operation of a heavy industrial aggregate recycling facility being located immediately adjacent to their homes.

I would normally address these comments to and work directly with City or County planning staff on these types of issues. This has been a normal working relationship that I have enjoyed with the County planning staff and the planning staffs of other municipalities. Due to the direction, however, from Ms. Guerra to forward all inquiries to your office, I am unsure how to proceed in that regard and would appreciate your advice.

One specific matter which may be more suitably directed to you, however, is a public records request for certain specific records. In that regard, I am enclosing a copy of St. Lucie County Resolution 04-013 which is the February 17, 2004 Resolution granting a zoning change for what is now the River Oaks property from RS-2 to PUD. At the time this occurred, the property was located within St. Lucie County and it had not yet been annexed into the City of Fort Pierce. In reviewing the last page of this Resolution, there is a land use map which shows that while in the County, there were additional lands holding a Residential Suburban (RS) land use to both the west and

The Honorable Peter Sweeney

June 25, 2019

south of the now River Oaks property. The County Industrial (IND) land use did not start until further to the west.

The River Oaks property together with numerous other parcels were annexed into the City of Fort Pierce pursuant to Ordinance K-310 adopted on December 20, 2004. Pursuant to Fla. Stat. §171.06(2), when the area annexed is subject to a county land use plan and county zoning or subdivision regulations those regulations remain in full force and effect until the municipality adopts a comprehensive plan amendment that includes the annexed area.

I am unaware of same, but am assuming that the City must have adopted some type of land use amendment after December 20, 2004 changing the land use of the subject property from the combination of County (IND)/(RS) to a pure Heavy Industrial (HI) land use pursuant to the City Comprehensive Plan. Such an amendment, of course, would require appropriate notice to the surrounding landowners, hearings, etc. Since I do not have copies of any of these documents, please consider this as a formal public records request for any documents relating to any Comprehensive Plan land use amendment involving the subject property from December 20, 2004 to current and the entire file on same including specifically but not limited to any documentation proving or demonstrating actual notice, service of notice, notice of publication, etc. related to that Comprehensive Plan amendment.

Due to the importance of this matter, I will need to receive hard paper copies of the public records documents involved and we will certainly pay the City the reasonable fees and costs for providing same.

It is also my understanding, although no one has provided me with notice, that the hearing before the City Planning Board on the subject parcel rezoning has been set for Tuesday, July 9, 2019. Unfortunately, I will be out of the country that date and unable to attend on behalf of my client, River Oaks HOA. Accordingly, I am asking that the hearing before the Planning Board be rescheduled to a later date so that I can attend. This would also be appropriate, because should it turn out that there was no valid plan amendment adopted for the subject property, then it would be impossible for the zoning change to take place in a legal and proper manner due to the actual underlying land use.

I will be out of the country beginning Wednesday, June 26, 2019 and not returning until Friday, July 12, 2019. Since we are going to a somewhat remote island in the Bahamas, I will probably not have telephone service and email may be sporadic

The Honorable Peter Sweeney

June 25, 2019

at best. Nevertheless, I will try to stay in touch with you on these matters until my return.

Thank you very much for your attention to these matters.

Sincerely,



Harold G. Melville

HGM/py

Enclosure

CC: Comm. Dev.  
B+Z  
OMB  
Finance  
File

# RESOLUTION 04-013

FILE NO.: RZ-03-031 & PUD-03-020

## A RESOLUTION GRANTING A CHANGE IN ZONING FOR CERTAIN PROPERTY IN ST. LUCIE COUNTY, FLORIDA AND FOR PRELIMINARY AND FINAL DEVELOPMENT PLAN APPROVAL FOR A PROJECT KNOWN AS SHADOW OAKS @ 10-MILE CREEK.

WHEREAS, the Board of County Commissioners of St. Lucie County, Florida, based on the testimony and evidence, including but not limited to the staff report, has made the following determinations:

### CHANGE IN ZONING

1. Robert Stiegele, Centerline Homes, presented a petition for a Change in Zoning from RS-2 (Residential, Single-family – 2 du/acre) to PUD (Planned Unit Development) for certain property in St. Lucie County, Florida, the purpose of which is to receive Preliminary and Final Planned Unit Development approval for an 84-unit townhouse development.
2. On January 15, 2004, the Planning and Zoning Commission held a public hearing on the petition of Robert Stiegele, Centerline Homes, after publishing a notice of such hearing in the Tribune and the Port St. Lucie News and notifying by mail all property owners within the 500 feet of the property boundaries.
3. On February 17, 2004, this Board held a public hearing on the petition of Robert Stiegele, Centerline Homes, after publishing a notice of such hearing in the Tribune and the Port St. Lucie News and notifying by mail all property owners within the 500 feet of the property boundaries.
4. The proposed zoning change is consistent with the St. Lucie County Comprehensive Plan and has satisfied the requirements of Section 11.06.03 of the St. Lucie County Land Development Code.

### SITE PLAN

5. Robert Stiegele, Centerline Homes, presented a petition for a Preliminary and Final Planned Unit Development Plan for an 84-unit townhouse project known as **Shadow Oaks @ 10-Mile Creek**.

JOANNE HOLMAN, CLERK OF THE CIRCUIT COURT - SAINT LUCIE COUNTY  
File Number: 2361463 OR BOOK 1912 PAGE 2342  
Recorded: 03/04/04 10:10

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- 1 6. On December 2, 2003, this Board approved Resolution 03-242 granting approval for a  
2 Shoreline Variance to allow development within the required 300-foot shoreline  
3 setback zone.
- 4
- 5 7. On January 15, 2004, the Planning and Zoning Commission held a public hearing on  
6 the petition of Robert Stiegele, Centerline Homes, after publishing a notice of such  
7 hearing in the Tribune and the Port St. Lucie News and notifying by mail all property  
8 owners within 500 feet of the property boundaries.
- 9
- 10 8. The petitioner, Robert Stiegele, Centerline Homes, is now seeking Preliminary and  
11 Final Planned Unit Development for an 84-unit townhouse project known as **Shadow**  
12 **Oaks @ 10-Mile Creek**.
- 13
- 14 9. On February 17, 2004, this Board held a public hearing on the petition of Robert  
15 Stiegele, Centerline Homes, for Preliminary and Final Planned Unit Development  
16 approval for **Shadow Oaks @ 10-Mile Creek** after publishing a notice of such hearing  
17 in the Tribune and notifying by mail all property owners within 500 feet of the subject  
18 property.
- 19
- 20 10. The Development Review Committee has reviewed the Preliminary and Final Planned  
21 Unit Development site plan for the proposed project and found it to meet all technical  
22 requirements and to be consistent with the future land use maps of the St. Lucie  
23 County Comprehensive Plan, subject to the conditions set forth in Part E of this  
24 Resolution.
- 25
- 26 11. The proposed project is consistent with the general purpose, goals, objectives and  
27 standards of the St. Lucie County Land Development Code, the St. Lucie County  
28 Comprehensive Plan, and the Code of Ordinances of St. Lucie County.
- 29
- 30 12. The proposed project will not have an undue adverse effect on adjacent property, the  
31 character of the neighborhood, traffic conditions, parking, utility facilities or other  
32 matters affecting the public health, safety and general welfare.
- 33
- 34 13. All reasonable steps have been taken to minimize any adverse effect of the proposed  
35 project on the immediate vicinity through building design, site design, landscaping and  
36 screening.
- 37
- 38 14. The proposed project will be constructed, arranged and operated so as not to interfere  
39 with the development and use of neighboring property, in accordance with applicable  
40 district regulations.
- 41
- 42 15. The proposed project will be served by adequate public facilities and services.
- 43 16. The applicant has demonstrated that water supply; evacuation facilities and  
44 emergency access are satisfactory to provide adequate fire protection.
- 45
- 46 17. A Certificate of Capacity, a copy of which is attached to this Resolution, was granted  
47 by the Community Development Director on February 17, 2004.
- 48
- 49

1 NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Lucie  
2 County, Florida:  
3  
4

5 **CHANGE IN ZONING**  
6  
7

8 A. The property on which the change in zoning from RS-2 (Residential, Single-  
9 family – 2 du/acre) to PUD (Planned Unit Development – Shadow Oaks) is being  
10 granted is described as follows:  
11

12 A PARCEL OF LAND LYING IN PART OF SECTION 29 AND 32, TOWNSHIP 35 SOUTH,  
13 RANGE 40 EAST, ST. LUCIE COUNTY, FLORIDA, BEING MORE PARTICULARLY  
14 DESCRIBED AS FOLLOWS:  
15

16 FROM THE NORTHEAST CORNER OF SAID SECTION 32, RUN SOUTH 02°46'06" WEST  
17 ALONG THE SECTION LINE, 1458.58 FEET; THENCE RUN NORTH 87°13'54" WEST 25 FEET  
18 TO THE WEST RIGHT OF WAY LINE FOR HAWLEY ROAD FOR THE POINT OF BEGINNING;  
19 THENCE RUN NORTHWESTERLY ALONG A CURVE CONCAVE TO THE NORTHEAST, (SAID  
20 CURVE HAVING A CENTRAL ANGLE OF 90 DEGREES AND A RADIUS OF 266.55 FEET) A  
21 DISTANCE OF 418.70 FEET; THENCE RUN NORTH 02°46'06" EAST, 175.96 FEET; THENCE  
22 RUN NORTH 77°17'28" WEST, 537.78 FEET; THENCE RUN SOUTH 87°54'16" WEST, 1225.8  
23 FEET; THENCE RUN NORTH 00°55'06" EAST, 1188 FEET TO THE TOP OF THE SOUTH  
24 BANK OF CANAL NO. 71; THENCE RUN SOUTHEASTERLY ALONG THE TOP OF THE BANK  
25 2457 FEET TO THE WEST RIGHT OF WAY LINE FOR HAWLEY ROAD. THENCE RUN SOUTH  
26 02°46'06" WEST ALONG SAID RIGHT OF WAY LINE 584 FEET TO THE POINT OF  
27 BEGINNING.  
28

29 LESS AND EXCEPT THE FOLLOWING DESCRIBED PORTION THEREOF CONVEYED TO ST.  
30 LUCIE COUNTY, FLORIDA BY DEEDS RECORDED IN OFFICAL RECORDS BOOK 734, PAGE  
31 2463 AND OFFICIAL RECORDS BOOK 735, PAGE 1629 OF THE PUBLIC RECORDS OF ST.  
32 LUCIE COUNTY, FLORIDA.  
33 PARCEL 21  
34

35 A STRIP OF LAND LYING IN THE NORTHEAST ¼ OF SECTION 32. TOWNSHIP 35 SOUTH,  
36 RANGE 40 EAST, ST. LUCIE COUNTY, FLORIDA AND BEING MORE PARTICULARLY  
37 DESCRIBED AS FOLLOWS:  
38

39 COMMENCE AT THE SOUTHEAST CORNER OF SAID NORTHEAST ¼; THENCE NORTH  
40 89°55'42" WEST, ALONG THE SOUTH LINE OF SAID NORTHEAST ¼, A DISTANCE OF 25.02  
41 FEET TO THE INTERSECTION OF SAID SOUTH LINE AND THE WEST RIGHT OF WAY LINE  
42 OF SOUTH 25TH STREET; THENCE NORTH 02°31'39" EAST, PARALLEL WITH THE EAST  
43 LINE OF SAID SECTION 32 AS SET FORTH BY STATE ROAD DEPARTMENT RIGHT OF WAY  
44 MAP, SECTION 94504-2605, A DISTANCE OF 1442.23 FEET TO THE POINT OF BEGINNING.  
45 THENCE CONTINUE NORTH 02°31'39" EAST, ALONG SAID WEST RIGHT OF WAY LINE OF  
46 SOUTH 25TH STREET AND PARALLEL WITH SAID EAST LINE OF SECTION 32 AS SET  
47 FORTH BY S.R.D., A DISTANCE OF 584.00 FEET TO THE TOP OF BANK OF TEN MILE  
48 CREEK; THENCE NORTH 46°28'21" WEST, ALONG SAID TOP OF BANK, A DISTANCE OF  
49 26.50 FEET TO A POINT ON A LINE 45.00 FEET WEST OF AND PARALLEL WITH SAID EAST  
50 LINE OF SECTION 32 AS SET FORTH BY S.R.D.; THENCE SOUTH 02°31'39" WEST, ALONG  
51 SAID LINE 45.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SECTION 32 AS  
52 SET FORTH BY S.R.D., A DISTANCE OF 600.63 FEET TO THE INTERSECTION OF SAID LINE  
53 45.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SECTION 32 AS SET  
54 FORTH BY S.R.D. AND A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF  
55 266.55 FEET, A CHORD DISTANCE OF 20.01 FEET AND A CHORD BEARING OF SOUTH  
56 85°19'15" EAST; THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL

OR BOOK 1912 PAGE 2344

1 ANGLE OF 04°18'11" SOUTHEASTERLY A DISTANCE OF 20.02 FEET TO THE POINT OF  
2 BEGINNING.

3 SAID LAND CONTAINS 42.07 ACRES MORE OR LESS.

4 Tax ID#: 2429-431-0060-000/5)

5 Location: West side of South 25<sup>th</sup> Street, directly across from Sweetwater Drive (southwest  
6 corner of 25<sup>th</sup> Street and the Ten Mile Creek)

7 Is hereby approved.

- 8  
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13 B. A copy of this Resolution shall be attached to the site plan drawings described in Part  
14 C, which plan shall be placed on file with the St. Lucie County Community  
15 Development Director.

16  
17  
18 **SITE PLAN**

- 19  
20  
21 C. Pursuant to Section 11.02.05(B) of the St. Lucie County Land Development Code, the  
22 Preliminary and Final Site Plan for the project to be known as **Shadow Oaks @ 10-**  
23 **Mile Creek**, be, and the same is hereby, approved as shown on the site plan drawings  
24 for the project prepared by Julian Bryan & Associates on June 25, 2003, last revised  
25 on November 20, 2003, and date stamped received by the St. Lucie County  
26 Community Development Director on November 25, 2003, subject to the following  
27 conditions:

- 28  
29  
30 1. No other restricted use or encroachment into the 300-foot shoreline  
31 setback may be permitted, except as depicted on the site plan and  
32 approved under Resolution 03-1841, shoreline variance application, unless  
33 varied in accord with the applicable standards of the County's Land  
34 Development Code.
- 35 2. As part of the submission of any construction plans for any activity in the  
36 area of authorized encroachment, full and complete mitigation/restoration  
37 plans shall be required demonstrating compliance with all applicable  
38 County and State standards for the areas impacted by development  
39 activities.
- 40 3. Prior to issuance of the first building permit, the developer's shall dedicate  
41 to the county a minimum 50-foot strip of land along 10-Mile Creek the entire  
42 length of the northern property line, in a manner acceptable by the St.  
43 Lucie County.
- 44 4. Prior to issuance of a building permit for the first residential unit, the  
45 developer's, their successors and assigns, shall provide for the  
46 creation/establishment of a Conservation Easement over all areas of  
47 protected upland/wetland preservation areas as shown on the project site  
48 plan. This conservation easement shall be in favor of St. Lucie County. No  
49 alterations of land within these areas so designated may take place without  
50 the prior consent of the County and determination by the County that the  
51 proposed activity is not in violation of any provision of the County's  
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Comprehensive Plan or development standard of the County's Land Development Code.

5. Prior to issuance of the first building permit for this site plan, the applicant shall be required to submit to the County a final tree mitigation plan that indicates the location of all trees preserved and relocated and details the number of inches of trees removed. If the mitigation credit does not exceed the tree mitigation criteria, the applicant will be required to provide a means for satisfying the remainder of the tree mitigation criteria.
6. Prior to the issuance of the first building permit for this site plan, the developers, their successors and assigns, shall provide St. Lucie County with a management plan for all areas of protected upland/wetland preservation areas as shown on the project site plan that are to be covered through the creation/establishment of a Conservation Easement over all areas.
7. The applicant shall be required to submit to St. Lucie County an annual monitoring report demonstrating compliance with the above conditions. The requirement for this report shall begin on the anniversary date of commencement of construction and shall continue on that date until two (2) years after the completion of the development.
8. Prior to the issuance of any Land Clearing Permits for the Shadow Oaks @ 10-Mile Creek Site, the developers shall clearly delineate all areas to be preserved and/or protected. Delineation shall be by either the placing of silt fencing, safety fencing or similar type of materials. Flagging shall not be used except to guide the installation of the fencing materials. All land clearing activities shall be in accordance to the specific conditions/standards outlined in the Land Clearing Permit.
9. Right and left turn lanes along South 25<sup>th</sup> Street shall be constructed at the primary project access driveways. All construction shall be in manner and form acceptable to the Florida department of Transportation and St. Lucie County. These turn lanes shall be constructed as part of the primary driveway connection onto South 25<sup>th</sup> Street. At the option of the County, these specific improvements may be waived and the developer's only responsibility is to pay funds equating to the cost to provide these improvements if it is determined that it is more effective to have them constructed as part of the planned widening of South 25<sup>th</sup> Street.
10. The developer shall as part of the construction of this development provide for the construction of a weather shelter, or other similar structure at the main project entrance with South 25<sup>th</sup> Street for the purpose of providing for a central pick-up and drop off location for any school bus stops/demand response transit or other like transit activity that may be caused by the development of this property.

D. The property on which this site plan approval is being granted is described in Part A.

1 E. The approvals and authorizations granted by this Resolution for the purpose of  
2 obtaining building permits on this property, shall expire on February 17, 2006,  
3 unless the developer has obtained a building permit approval for the site plan  
4 described in Part C or an extension has been granted in accordance with Section  
5 11.06.06(B)(3), St. Lucie County Land Development Code.  
6

7  
8 F. The Final Planned Unit Development Site Plan/General Site Plan approval  
9 granted under this Resolution is specifically conditioned to the requirement that  
10 the petitioner, Robert Stiegele, Centerline Homes, including any successors in  
11 interest, shall obtain all necessary development permits and construction  
12 authorizations from the appropriate State and Federal regulatory authorities,  
13 including but not limited to; the United States Army Corp of Engineers, the  
14 Florida Department of Environmental Protection, and the South Florida Water  
15 Management District, prior to the issuance of any local building permits of  
16 authorizations to commence development activities on the property described in  
17 Part A.  
18

19  
20 G. The conditions set forth in Part C are an integral nonseverable part of the site  
21 plan approval granted by this Resolution. If any condition set forth in Section C is  
22 determined to be invalid or unenforceable for any reason and the developer  
23 declines to comply voluntarily with that condition, the site plan approval granted  
24 by this resolution shall become null and void.  
25

26  
27 H. A copy of this Resolution shall be attached to the site plan drawings described in  
28 Part C, which plan shall be placed on file with the St. Lucie County Community  
29 Development Director.  
30

31  
32 After motion and second, the vote on this resolution was as follows:  
33

- |    |                                 |     |
|----|---------------------------------|-----|
| 34 | Chairman Paula Lewis            | AYE |
| 35 | Vice-Chairman John Bruhn        | AYE |
| 36 | Commissioner Cliff Barnes       | AYE |
| 37 | Commissioner Frannie Hutchinson | AYE |
| 38 | Commissioner Doug Coward        | AYE |

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46 **PASSED AND DULY ADOPTED** this 17<sup>TH</sup> day of February 2004.  
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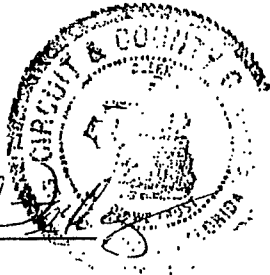
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BOARD OF COUNTY COMMISSIONERS  
ST. LUCIE COUNTY, FLORIDA

BY Paula A. Lewis  
Chairman

ATTEST

M. [Signature]  
Deputy Clerk



APPROVED AS TO FORM  
AND CORRECTNESS

[Signature]  
County Attorney

Cs  
H:\projects\Shadow Oaks\BCC\Agenda\Resolution04013.doc

**St Lucie County  
Certificate of Capacity**

**Date** 2/24/2004

**Certificate No.** 1481

**This document certifies that concurrency will be met and that adequate public facility capacity exists to maintain the standards for levels of service as adopted in the St Lucie County Comprehensive Plan for:**

**1. Type of development** Preliminary and Final PUD

**Number of units** 84

**Number of square feet**

**2. Property legal description & Tax ID no.**

2429-431-0060-000/5

SW Corner of S 25th St and 10-Mile Creek

Shadow Oaks @ 10-Mile Creek

**3. Approval: Building**

**Resolution No.** 04-013

**Letter**

**4. Subject to the following conditions for concurrency:**

Construction of an 84-unit townhouse community

**Owner's name**

Centerline Homes @ Ten Mile Creek, LLC

**Address**

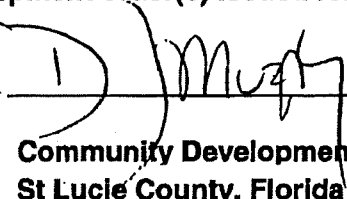
12534 Wiles Road

Coral Springs FL 33076

**6. Certificate Expiration Date** 2/17/2006

**This Certificate of Capacity is transferable only to subsequent owners of the same parcel, and is subject to the same terms, conditions and expiration date listed herein. The expiration date can be extended only under the same terms and conditions as the underlying development order issued with this certificate, or for subsequent development order(s) issued for the same property, use and size as described herein.**

Signed



Date: 2/24/2004

**Community Development Director  
St Lucie County, Florida**

Tuesday, February 24, 2004

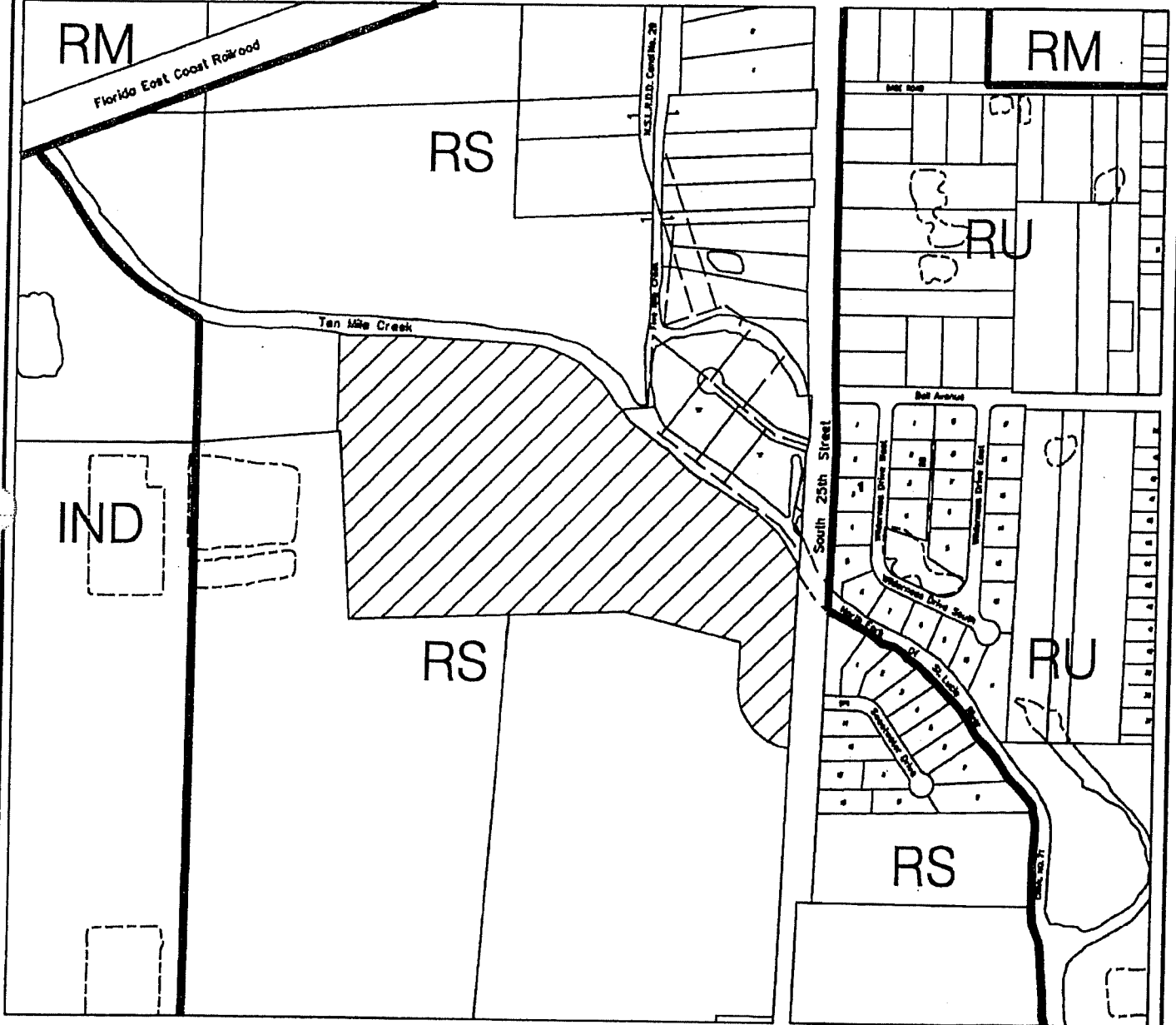
Page 1 of 1

DR BOOK 1912 PAGE 2349

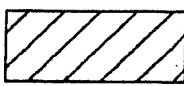


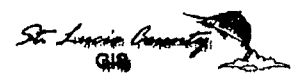
# Robert Stiegele

Land Use



RZ 03-031 & PUD 03-020

 This pattern indicates subject parcel



Map prepared December 29, 2003

This map has been compiled for general planning and reference purposes only. While every effort has been made to provide the most current and accurate information possible, it is not intended for use as a legally binding document.



