

MARTIN COUNTY EAR-BASED COMPREHENSIVE PLAN AMENDMENT

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REQUEST NUMBER: CPA 24-04: Chapter 4, Future Land Use Element

Report Issuance Date: September 26, 2024

APPLICANT: Martin County Board of County Commissioners

REPRESENTED BY: Paul Schilling
Growth Management Director
Martin County Board of County Commissioners

PLANNER-IN-CHARGE: Clyde Dulin, AICP
Comprehensive Planning Administrator

<u>PUBLIC HEARINGS:</u>	<u>Date</u>	<u>Action</u>
Local Planning Agency (LPA):	October 3, 2024	
Board of County Commission Transmittal:	October 22, 2024	
Board of County Commission Adoption:	TBD	

APPLICANT REQUEST: A text amendment to Chapter 4, of the Comprehensive Growth Management Plan (CGMP), to implement the recommended changes of the adopted Evaluation and Appraisal Report (EAR).

STAFF RECOMMENDATION: Staff recommends approval of the proposed amendments to Chapter 4, Future Land Use Element.

EXECUTIVE SUMMARY: Changes proposed for Chapter 4 are based upon changes in Florida Statutes and changes in local conditions. Some are not substantial policy changes. There are three policy recommendations that are based upon local conditions:

- Permitting the sharing of infrastructure between different future land uses;
- Disconnecting the planning periods from the Residential Capacity Analysis and making it a guideline instead of a directive; and
- Eliminating dependence on decennial Census data in the Residential Capacity Analysis methodology.

Section 163.3191, Florida Statutes.

(3) Local Governments shall comprehensively evaluate and, as necessary, update comprehensive plans to reflect changes in local conditions.

BACKGROUND: The Evaluation and Appraisal Report, is a required part of the State growth management process and could be generally described as a mechanism for determining whether the

need exists to amend the County's Comprehensive Growth Management Plan. Due to changes made by the Florida Legislature in 2011 via the Community Planning Act, local governments no longer need to submit evaluation and appraisal reports to the State reviewing agencies. Instead, local governments, at least every seven years, pursuant to Rule Chapter 73C-49, Florida Administrative Code, must determine if a need exists to amend the comprehensive plan to reflect changes in state requirements since the last time the comprehensive plan was updated. If the local government determines amendments to its comprehensive plan are necessary to reflect changes in state requirements, the local government must prepare and transmit within 1 year such plan amendment or amendments for review pursuant to the State Coordinated review process in s. 163.3184. Additionally, local governments shall comprehensively evaluate and, as necessary, update comprehensive plans to reflect changes in local conditions. Updates to the required elements and optional elements of the comprehensive plan must be processed in the same plan amendment cycle.

Staff began this work effort last year. The County Commission has been briefed via memos and Board items. The following chart summarizes the work done.

Aug. 29, 2023	Treasure Coast Regional Planning Council (TCRPC) presented a community public outreach workshop.
Nov. 21, 2023	BCC authorized notifying the State Land Planning Agency by letter that amendments are necessary.
Jan. 18, 2024	Treasure Coast Regional Planning Council (TCRPC) presented a second community public outreach workshop.
Feb. 15, 2024	LPA reviewed the full EAR.
Feb. 20, 2024	State Land Planning Agency acknowledged receipt of the Nov. 21, 2023 MC letter and established November 27, 2024 as the deadline for transmittal of EAR based amendments to State Agencies.
Mar. 5, 2024	BCC received a report from TCRPC summarizing public input and adopted Resolution 24-3.2 initiating EAR based amendments.

The Local Planning Agency must conduct a public hearing on each amendment and provide a recommendation. The Board of County Commissioners must hold a transmittal public hearing on each amendment, prior to November 27, 2024 and then the amendments will be reviewed by the various state and regional agencies that participate in the State Coordinated Review Process. After that review the Board of County Commissioners must hold its adoption public hearing.

CONTENT AND FORMAT:

The attached amendment consists of an updated Chapter 4. The attached Chapter contains, in strike and underline, the proposed changes to the Element to implement the recommendations of the EAR and any local issues identified.

Chapter 4, Future Land Use Element requires internal consistency with numerous other chapters. Therefore, additional updates to Chapter 4, may be necessary based on changes made to other chapters of the CGMP prior to final adoption.

DATA AND ANALYSIS:

Please see the attachments at the end of this report.

PROPOSED CHANGES:

1. Tabular data in Tables 4-1, 4-2, 4-3 and 4-4 have been updated and Figure 4-1 has been updated to reflect the data in Table 4-1. Please see pages 3-8 and 10-12 of 83 pages in Chapter 4. The Property Appraiser's office has changed the titles on a number of categories. Some Existing Use categories are stricken and new ones are underlined. Please see Figure 4-1 from 2010, shown stricken and the proposed 2024 Figure 4-1 attached.
2. A parcel control number is proposed for addition to Policy 4.7A.14, Allowable development outside the Primary Urban Service District. The parcel control number represents a 9.5-acre parcel acquired by Martin County and located between the Solid Waste Transfer and Recycling Facility and the Seven J's Freestanding Industrial Service District. Effectively, it is being included with the Solid Waste Transfer and Recycling Facility. Please see page 43 of 84 in Chapter 4.
3. Text is proposed for change in Section 4.1.B. describing Figure 9-1, Composite Wetland Map. This text change is proposed for consistency with proposed changes to Chapter 9, Conservation and Open Space, Policy 9.1G.2. The data provided in Figure 9-1 is dated and can be misinterpreted by the public as providing an accurate location of wetlands (as shown on the map) where these areas have not been verified as required by Florida Statutes. The County continues to use the best available data sources that can be analyzed to help identify the presence and potential location of wetlands. Related text changes are also found in Section 4.2.A.(6) and Policy 4.5A.1. Please see pages 8, 13 and 35 of 84 in Chapter 4.

Figure 9-1 was created over 20 years ago when potential wetland data sources were not readily available for staff and the public to access on the web. Today, map products are provided by both Martin County and the South Florida Water Management District with data that is not static. Figure 9-1 is both static and does not permit analysis of specific areas.

4. Minor text changes in Section 4.2.A. (1) are for internal consistency with Chapter 8, Coastal Management Element. Please see page 8 of 84 in the draft Chapter 4. Please also see Objective 4.5E. on Page 37 of 84.
5. In Objective 4.5C. and Policy 4.5C.1., USDA Natural Resources Conservation Service soil data, available on the web, is proposed for use. This would be in addition to the 1981 Soil Survey of Martin County. Please see page 36 of 84 in the draft Chapter 4.
6. Objective 4.5E. and Policy 4.5E.2 Barrier island development regulations includes changes proposed for consistency with Chapter 8, Coastal Management Element. As proposed, barrier island development regulations must also address exposure to flood risk and tidal inundation associated with sea level rise. Please see page 37 of 84 in the draft Chapter 4.
7. Chapter 163.3177 (5)(a), Florida Statutes, now requires at least two planning periods of 10 and 20 years. Numerous locations in Chapter 4 show a 15-year planning period stricken and replaced with a 20-year planning period.

In 1990, the Plan had a 15-year planning period for the Future Land Use Map that extended to 2005. Please see page 21 of 83 in the attached Chapter 4. In 2009 Plan amendments (following the 2008 Evaluation and Appraisal Report) changed the Future Land Use Map planning period from 2005 to 2025. In the attached draft of Chapter 4, the planning period is shown as changing from 2025 to

2045. The following is a quote from Chapter 163. 3177, Florida Statutes.

(5)(a) “Each local government comprehensive plan must include at least two planning periods, one covering at least the first 10-year period occurring after the plan’s adoption and one covering at least a 20-year period. Additional planning periods for specific components, elements, land use amendments, or projects shall be permissible and accepted as part of the planning process.”

8. Permitting the sharing of infrastructure between different future land uses

A proposed site plan that has a combination of underlying future land use designations can present challenges when reviewed for development orders. Past practice has been to maintain stormwater systems, private right-of-way and preserve areas separately to serve development on the different underlying future land use (FLU) designations. However, there are opportunities to share infrastructure within a single site plan where access to a residential use (on a residential future land use designation) can be more efficiently accomplished through a private right-of-way constructed over a commercial future land use designation. Or, vice-versa. Also, redevelopment complying with modern stormwater management is often affected by the topography of a site. Opportunities to improve stormwater within existing developed areas may be restricted or prevented by the practice of maintaining infrastructure on separate future land use designations.

There are also opportunities to consolidate more sustainable habitat areas by preserving the best upland habitat for the development where it is sited, in place, rather than where dictated independently by a future land use designation. The current practice typically results in smaller, less sustainable individual habitats established on separate future land use designations that may be fragmented and not connected to wetlands or providing potential wildlife corridors. Wetlands occur regardless of future land use designation and grouping of the best available habitat, regardless of future land use designation, may be accomplished as required in the preserve siting policies in Chapter 9.

Proposed policies 4.9A.3 and 4.10B.5 would permit residential and commercial development (occurring on the respective future land use designations) to share infrastructure and preserve areas. Please see Pages 48 and 52 of 84 of Chapter 4.

9. Disconnecting the planning periods from the Residential Capacity Analysis and making it a guideline instead of a directive.

Section 4.2.A. (9) and Policy 4.1D.6. require 10 and 15-year planning periods that appear tied to the Residential Capacity Analysis described in related portions of the Plan. Where there are planning periods, Florida Statute now require 10- and 20-year planning periods. The Board may wish to consider disconnecting the planning periods from the Residential Capacity Analysis to prevent approving an expansion of an urban service district that does not comply with all other Plan policies. Please see the analysis that follows the following quote from Section 4.2A.(9).

“When the undeveloped residential acreage within either the Primary Urban Service District or the Secondary Urban Service District no longer provides for projected population growth for the fifteen year planning period, planning for expansion of residential capacity shall commence. When the undeveloped acreage within either the Primary Urban Service District or the Secondary Urban Service District provides for no more than 10 years of projected population growth, the County is

required to expand capacity. The 15 year planning period for residential capacity shall begin with the 2010 Census and shall be updated to a new 15 year planning period every 5 years.”

The following Plan text requires the data to be updated prior to considering an amendment to the urban service districts, regardless of planning periods. However, it does not require residential capacity to be the sole determining factor for expanding capacity or expanding the urban service districts.

“Policy 4.7A.6. Any proposed amendment to either the Primary Urban Service District or the Secondary Urban Service District boundaries shall be considered only after the regular update to the Residential Capacity Analysis is completed and adopted by the Board of County Commissioners.”

The policy quoted below, provides eight criteria that must all be considered when applicants submit amendments to the Primary Urban Service District (PUSD). Similar text exists for amendments to the Secondary Urban Service District (SUSD). No one criterion has more weight than the others and none of the criterion require an expansion of the Primary Urban Service District. However, criterion (5) describes “reasonable capacity” in the 15-year planning period and may be seen as linked to Section 4.2.A. (9) and Policy 4.1D.6. that require 10 and 15-year planning periods.

“Policy 4.7A.7. Allowed alterations to the Primary Urban Service District boundary. The Primary Urban Service District boundaries delineated on Figure 4-2 (Urban Services District Boundary Map) are intended to separate urban from nonurban areas. The land uses and intensity of development permitted in the Primary Urban Service District and development in the district must have all public facilities and services at adopted LOS standards. Therefore, during consideration of any expansion, creation or contraction of these boundaries through the plan amendment process, the Board of County Commissioners must find that the requested alteration to the Primary Urban Service District boundary will:

Editor's note(s)—Figure 4-2 is on file in the office of the Martin County Growth Management Department.

- (1) Not create any internal inconsistency with other elements of the adopted CGMP;
- (2) Not result in incompatibilities with adjacent land uses;
- (3) Not adversely impact environmental, natural, historical or archaeological resources, features or systems to a degree that is inconsistent with this Plan;
- (4) Be consistent with Goal 4.9 relating to appropriate residential land use capacities;
- (5) Demonstrate that reasonable capacity does not exist on suitable land in the existing Primary Urban Service District for the 15 year planning period. For the purpose of this subsection, "reasonable" means available for development from the standpoint of environmental concerns, efficient use and expansion of public facilities and services, or availability of development sites in relationship to the projected needs of the population;
- (6) Demonstrate that the land affected is suitable for urban uses; at a minimum, unsuitable uses include environmentally sensitive areas (to the degree they are protected by this Plan), prime agricultural areas, prime groundwater recharge areas and critical habitat for endangered or threatened species. This criterion is not intended to preclude development of surrounding lands provided that the unsuitable areas are fully protected;
- (7) Demonstrate that the full range of urban public facilities and services can be economically and efficiently supplied at the adopted LOS standards; and

(8) Be consistent with the adopted Capital Improvements Element.”

There are notable differences between Section 4.2.A. (9) and Policy 4.7A.7 (5). and no determination has been made on which is more restrictive.

- Section 4.2.A. (9) says “When the undeveloped residential acreage within either the Primary Urban Service District or the Secondary Urban Service District no longer provides for projected population growth for the fifteen year planning period...”
- Policy 4.7A.7 (5). Says “Demonstrate that reasonable capacity does not exist on suitable land in the existing Primary Urban Service District for the 15 year planning period.”

Staff recommends the following text for Section 4.2.A. (9) and Policy 4.1D.6 to disconnect the linkage between the planning periods and amendments to the urban service districts. The text change maintains the importance of the eight criteria found in Policy 4.7A.7. so that no one criterion has more importance and a PUSD or SUSD expansion cannot be required when the other criterion have not been met. The following proposed text is found on Page 18 of 84 and Page 27 of 84 of Chapter 4.

“When the undeveloped residential acreage within either the Primary Urban Service District or the Secondary Urban Service District no longer provides for projected population growth for the ~~fifteen~~ 20-year planning period, planning for expansion of residential capacity shall commence. When the undeveloped acreage within either the Primary Urban Service District or the Secondary Urban Service District provides for no more than 10 years of projected population growth, the County is required to evaluate expanding capacity. Martin County shall not make Residential Capacity Analysis the sole determining factor for amending the urban service districts. All decisions to amend the urban service districts shall be consistent with Goal 4.7 and supporting policies. The ~~15~~ 20-year planning period for residential capacity ~~shall begin with the 2010 Census and~~ shall be updated to a new ~~15~~ 20-year planning period every 5 years.”

10. Eliminating dependence on decennial Census data in the Residential Capacity Analysis methodology.

In addition to Florida Statutes requiring an evaluation of local conditions, Chapter 1, Preamble has the following requirement.

“1.7.F. Every five years the staff shall analyze previous projections to determine the accuracy of the methodology and improve on it for future projections.”

Data Source

Section 4.2.A.(8) and Policy 4.1D.3. require obtaining data on “Occupied Housing Units” and “Vacant seasonal housing units” for calculating the demand for future housing units. That is only available from the US Census Bureau every 10 years. To bridge the gap between decennial census periods, staff previously recommended amending the Plan to allow the use of American Community Survey Data. However, that data is only based on a survey sample and is not equivalent to the decennial census data. Staff recommends deleting any references to American Community Survey Data and using total housing units in the applicable Plan policies. Total housing units can be

obtained from the Property Appraiser's office. Population estimates and projections are regularly updated by the Bureau of Economic and Business Research (BEBR). Please see the attached BEBR bulletins from October 2023 and January 2024. Please see pages 18, 25 and 26 of Chapter 4. Amendments to Chapter 1, Preamble and Chapter 2, Overall Goals and Definition will also be necessary for internal consistency with the proposed text in Chapter 4 cited above.

Excess Vacant Housing.

After the Residential Capacity Analysis methodology was added to the text of the Comprehensive Growth Management Plan in 2013, the text was challenged by four parties. That text was successfully defended in administrative hearings and found consistent with State Statute in 2016. One of the ways the 2013 methodology was different from past calculations was the addition of "excess vacant housing" units to the supply of vacant land available for development and site plans approved for development. Prior to 2013 supply calculations never included built units. However, the 2008 recession had lingering effects on the housing market and many homeowners walked away from homes leaving overgrown yards and green swimming pools. There was substantial justification for including built homes that owners had walked away from. Please see the following quote from Ordinance 938 justifying the addition of built units to the supply calculation.

"*Statistics from the 2010 Census make clear that the Great Recession, which began in 2008, resulted in a glut of vacant housing for sale, for rent or in foreclosure. In a normal housing market there will always be a percentage of vacant housing, but the current number of vacant units is at an historic high and serves to depress the housing economy. Calculations of "excess vacancy" are based on the assumption that 3% of the total unincorporated housing units will normally be vacant. When the vacant housing number exceeds 3% of the total number of housing units in actual use, the excess shall be included in the calculation of available residential capacity."

The housing market described above has been replaced with a 2024 housing market (post covid) where demand has driven prices to levels never before seen. Vacant housing units for sale or rent cannot be described as historically high or serving to depress the housing economy. Staff recommends deleting "excess vacant housing" from the methodology described in Plan text.

Also, the calculation of "excess vacant housing" can only be done with data obtained from the decennial Census like the Occupied Housing Units and the Vacant Housing Units describes above. Please see Section 4.2.A.(9) and Policy 4.1D.3. and Policy 4.1D.5. for the proposed text changes. Please see page 18 of 84 and pages 25 thru 27 of 84 of Chapter 4.

Additionally, staff recommends clarifying that incorporated municipalities are not included in the residential supply calculations and the de-annexed portion of the Secondary Urban Service District adjacent to the Village of Indiantown shall be included in the Eastern Urban Service District for purposes of residential capacity analysis.

Attached to this staff report is a draft Residential Capacity Analysis that shares much of the same data as the 2023 Residential Capacity Analysis. The draft analysis shows the result of the proposed text changes shown in Chapter 4 and analyzed in this report.

FIGURES/ATTACHMENTS

- Chapter 4, Future Land Use Element.
- Excerpt from the Evaluation and Appraisal Report, a Matrix for Evaluating Plan Policies.
- Stricken 2010 Figure 4-1.
- Proposed 2014 Figure 4-1.
- 2023 Residential Capacity Analysis.
- Draft Residential Capacity Analysis based on the proposed changes in the text of Chapter 4.
- Population Projections, Bureau of Economic and Business Research (BEBR) October 2023 and January 2024
- Notice.
- Public Comment.