

# MARTIN COUNTY EAR-BASED COMPREHENSIVE PLAN AMENDMENT

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**REQUEST NUMBER:** CPA 24-09: Chapter 9, Conservation and Open Space Element

Report Issuance Date: August 28, 2024

**APPLICANT:** Martin County Board of County Commissioners

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

**PLANNER-IN-CHARGE:** Darryl DeLeeuw, Administrator, Environmental Division  
Samantha Lovelady, AICP, Principal Planner

<b><u>PUBLIC HEARINGS:</u></b>	<u>Date</u>	<u>Action</u>
Local Planning Agency (LPA):	August 15, 2024	Recommend approval 5-0
Board of County Commission Transmittal:	October 22, 2024	
Board of County Commission Adoption:	TBD	

**APPLICANT REQUEST:** A text amendment to Chapter 9, 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 9, Conservation and Open Space Element.

**EXECUTIVE SUMMARY:** Changes proposed for Chapter 9 are noted in the Issues section of this report.

**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.

During the August 15, 2024 LPA meeting, the board recommended approval 5-0 for the proposed changes to Chapter 9, Conservation and Open Space Element. However, the board wanted to make note that carbon sequestration and heat absorption by green spaces are two important components of why the County should be preserving these areas.

**CONTENT AND FORMAT:**

The attached amendment consists of an updated Chapter 9. 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.

**DATA AND ANALYSIS:**

Reference data materials include the 2010 Florida Natural Areas Inventory (FNAI) Guide to the Natural Communities of Florida with excerpts for FNAI Global and State Element Rankings for rare and endangered habitats in Florida. A reference to F.S. Section 581.091 for *Noxious weeds and infected plants or regulated articles; sale or distribution; receipt; information to department; withholding information* is provided for text proposed to be stricken, as described in the Issues section below. 2013 correspondence from Growth Management Department staff to the Florida Department of Agriculture and Consumer Services is provided for context regarding interpretation of these statutes. In 2013, County staff were considering adopting the Exotic Pest Plant Council list of invasive plant species for use as prohibited species in the County’s regulations for landscaping via Ordinance.

**ISSUES:**

**Chapter 9, Conservation and Open Space Element – Matrix/Description of proposed policy amendments**

<b>Goal / Objective / Policy</b>	<b>Page #</b>	<b>Description of change</b>
Section 9.1. Background	1, 2	Rainfall data and dates from South Florida Water Management District (SFWMD) have been updated per the SFWMD South Florida Environmental Report 2024. The data for El Niño conditions in water year 2016 (WY2016) have been removed since this data is now outdated.
9.1 / 9.1G. / 9.1G.2.(1) Wetlands, general provisions	17, 18	<p>Added text in Policy 9.1G.2(1) is consistent with text found in Policy 2.2A.1. This sentence was added for internal consistency within the CGMP.</p> <p>Stricken text adopting figure 9-1, The Martin County Composite Wetland Map. This map provides an archival data analysis of features including 1981 data on hydric soils, the 1985 National Wetlands Inventory data, and 1990’s satellite classification data which has been used for historic planning purposes to approximate areas of potential wetlands in Martin County. The information provided in this map is now dated and can be misinterpreted by the public as providing an accurate location and quantification of wetlands (as shown on a map) where these areas have not been verified as required by Florida Statutes.</p> <p>The County continues to use best available data sources that can be analyzed to help identify the presence (aerial photos) and potential location of wetlands as noted in the paragraph that follows the stricken text.</p>
9.1 / 9.1G. / Policy 9.1G.5.(2) Special upland habitats.	26	<p>There are no changes proposed for this section. However, the definition for “Special upland habitats” found in this section has been added for reference and for consistency throughout this element.</p> <p>This term is defined in Policy 9.1G.5.(2). Text is proposed to be updated throughout this Element to be consistent with this terminology, definition, and reference to FNAI as provided in Chapter 9:</p> <p>“Special upland habitats: Native upland habitats that are endangered, unique, threatened or rare in Martin County, or regionally rare. Determination of</p>

		<p>endangered or regionally rare habitat will be based on habitats identified by the Florida Natural Areas Inventory's (FNAI) Guide to the Natural Communities of Florida and supported by applicable state and federal authorities.”</p> <p>The FNAI habitat descriptions are summarized in the <u>Florida Land Cover Classification System</u>, as established by the Florida Fish and Wildlife Conservation Commission. This system is used to identify native habitats as part of an environmental assessment of a property and provides the basis for determining the portions of a development site to be preserved.</p>
9.1 / 9.1G. / Policy 9.1G.11.(2) Commercial agricultural uses.	29	Text added and deleted for consistency with definition of Special upland habitats in Policy 9.1G.5.(2).
9.1 / 9.1G./ Policy 9.1G.13.(3) PAMP.	30	Text added and deleted for consistency with definition of Special upland habitats in Policy 9.1G.5.(2).
9.1 / Objective 9.1H. To protect and enhance wildlife and fish populations and habitat.	32	Text added and deleted for consistency with definition of Special upland habitats in Policy 9.1G.5.(2).
9.1 / 9.1H./ Policy 9.1H.7. Prohibition of certain exotic pest plant species. Stricken Text: <del>The County shall use the Exotic Pest Plant Council list and determine which species shall be prohibited in the County; this shall be specified in the Land Development Regulations.</del>	33	<p>Stricken text.</p> <p>Florida Statutes govern the use of invasive plants in local regulations and ordinances pursuant to F.S. 581.091(4): “...<i>A water management district when identifying by rule pursuant to s. 373.185, or a local government when identifying by ordinance or regulation adopted on or after March 1, 2002, a list of noxious weeds, invasive plants, or plants deemed to be a public nuisance or threat, shall only adopt the lists developed under this chapter or rules adopted thereunder...</i>”</p> <p>This criterion would apply to the adoption of a prohibited species list for an Ordinance to amend the County Landscape Code. However, note that this statutory section does not apply to local ordinances or regulations requiring the removal of invasive plants or noxious weeds from <u>publicly or privately owned conservation areas or preserves</u> which “<i>shall be exempt from the limitations in this subsection.</i>”</p> <p>Preserve Area Management Plans (PAMPs) established for the protection of wetland and upland habitats in this element require the removal and management of a more comprehensive list exotic plant species (non-</p>

		<p>native species) in addition to the non-native species identified in the Exotic Pest Plant Council list (FLEPPC, now known as FISC) lists.</p> <p>References:  Article 4, Division 2, Land Development Regulations, Martin County Code (LDR):  <i>Exotic vegetation: A plant that is a nonnative species including all nonnative species identified in the most current Florida Exotic Pest Plant Council (FLEPPC) invasive plant list.</i></p> <p>Section 4.36.B., LDR: <i>Minimum requirements. The PAMP shall contain the following: 1. Provisions for the initial removal and ongoing management of exotic vegetation, nuisance native vegetation and debris.</i></p>
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**FIGURES/ATTACHMENTS**

- Chapter 9, Conservation and Open Space Element shown in ~~strikeout~~ and underline.
- Figure 9-1 proposed to be stricken.
- Excerpt from Florida Statute Section 581.091 discussing the identification and regulation of noxious weeds, invasive plants, or plants deemed to be a public nuisance or threat.
- Florida Natural Areas Inventory's (FNAI) habitat rank and status explanation.
- FNAI 2010 natural community short descriptions.
- The Florida Fish and Wildlife Conservation Commission's explanation of the Florida Land Cover Classification System.