

**Agency Comments**  
**CPA 21-08 BECKER B14**  
**Text Amendment**

March 31, 2022

The Honorable Doug Smith  
Chairman, Martin County  
Board of County Commissioners  
2401 S.E. Monterey Road  
Stuart, Florida 34996

Dear Chairman Smith:

The Department of Economic Opportunity ("Department") has reviewed Martin County's proposed comprehensive plan amendment (Amendment No. 22-01ESR), received on March 1, 2022, pursuant to the expedited state review process in Section 163.3184(2)(3), Florida Statutes (F.S.). We have identified no comment related to adverse impacts to important state resources and facilities within the Department's authorized scope of review.

We are, however, providing a technical assistance comment consistent with Section 163.3168(3), F.S. The technical assistance comment will not form the basis of a challenge. It is offered either as a suggestion which can strengthen the County's comprehensive plan in order to foster a vibrant, healthy community or is technical in nature and designed to ensure consistency with the Community Planning Act in Chapter 163, Part II, F.S. The technical assistance comment is:

- *The Department has noted that the amendment to the FLUE to create a Rural Lifestyle designation will allow for non-residential development but does not set a maximum intensity standard for it. Section 163.3177(6)(a)1., F.S. requires that a comprehensive plan define at least the maximum densities and intensities allowed for all allowed uses in each Future Land Use category, and Section 163.3177(1), F.S. requires that the plan "establish meaningful and predictable standards for the use and development of land and provide meaningful guidelines for the content of more detailed land development and use regulations." Prior to adoption, the amendment should be revised to establish at least a maximum intensity standard to guide non-residential development within the Rural Lifestyle Future Land Use category.*

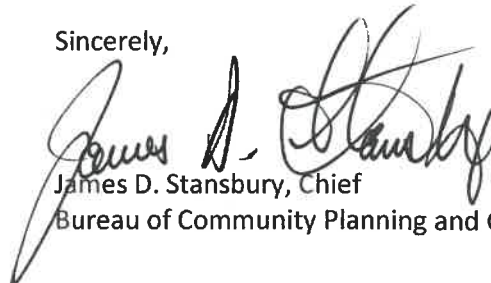
*To further assist with the establishment of meaningful and predictable standards for the use and development of land as required by Section 163.3177(1), F.S., the County may want to consider how they will treat accessory dwelling units in the proposed Rural Lifestyle designation. The County could consider how they will count accessory dwelling units towards density allowances and towards affordable housing. In addition, the County could consider the inclusion of additional specificity pertaining to the size and character of these units.*

The County should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment. In addition, the County is reminded that:

- Section 163.3184(3)(b), F.S., authorizes other reviewing agencies to provide comments directly to the County. **If the County receives reviewing agency comments and they are not resolved, these comments could form the basis for a challenge to the amendment after adoption.**
- **The second public hearing**, which shall be a hearing on whether to adopt one or more comprehensive plan amendments, **must be held within 180 days** of your receipt of agency comments or the amendment shall be **deemed withdrawn** unless extended by agreement with notice to the Department and any affected party that provided comment on the amendment pursuant to Section 163.3184(3)(c)1., F.S.
- **The adopted amendment must be rendered to the Department.** Under Section 163.3184(3)(c)2. and 4., F.S., the **amendment effective date** is 31 days after the Department notifies the County that the amendment package is complete or, if challenged, until it is found to be in compliance by the Department or the Administration Commission.

If you have any questions concerning this review, please contact Melissa Corbett, CFM, FCCM, Planning Analyst, by telephone at (850) 717-8505 or by email at [Melissa.Corbett@deo.myflorida.com](mailto:Melissa.Corbett@deo.myflorida.com).

Sincerely,



James D. Stansbury, Chief  
Bureau of Community Planning and Growth

JDS/mc

Enclosure(s): Procedures for Adoption

cc: Don G. Donaldson, P.E., Deputy County Administrator, Martin County  
Thomas Lanahan, Executive Director, Treasure Coast Regional Planning Council

## SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS

### FOR EXPEDITED STATE REVIEW

Section 163.3184(3), Florida Statutes

**NUMBER OF COPIES TO BE SUBMITTED:** Please submit electronically using the Department's electronic amendment submittal portal "**Comprehensive Plan and Amendment Upload**" (<https://floridajobs.secure.force.com/cp/>) or submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the State Land Planning Agency and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

**SUBMITTAL LETTER:** Please include the following information in the cover letter transmitting the adopted amendment:

\_\_\_\_\_ State Land Planning Agency identification number for adopted amendment package;

\_\_\_\_\_ Summary description of the adoption package, including any amendments proposed but not adopted;

\_\_\_\_\_ Identify if concurrency has been rescinded and indicate for which public facilities. (Transportation, schools, recreation and open space).

\_\_\_\_\_ Ordinance number and adoption date;

\_\_\_\_\_ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

\_\_\_\_\_ Name, title, address, telephone, FAX number and e-mail address of local government contact;

\_\_\_\_\_ Letter signed by the chief elected official or the person designated by the local government.



**ADOPTION AMENDMENT PACKAGE:** Please include the following information in the amendment package:

\_\_\_\_\_ In the case of text amendments, changes should be shown in strike-through/underline format.

\_\_\_\_\_ In the case of future land use map amendments, an adopted future land use map, **in color format**, clearly depicting the parcel, its future land use designation, and its adopted designation.

\_\_\_\_\_ A copy of any data and analyses the local government deems appropriate.

**Note:** If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

\_\_\_\_\_ Copy of the executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for expedited review:

"The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If the amendment is timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance."

\_\_\_\_\_ List of additional changes made in the adopted amendment that the State Land Planning Agency did not previously review;

\_\_\_\_\_ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

\_\_\_\_\_ Statement indicating the relationship of the additional changes not previously reviewed by the State Land Planning Agency in response to the comment letter from the State Land Planning Agency.



FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES  
COMMISSIONER NICOLE "NIKKI" FRIED

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March 18, 2022

VIA US MAIL/EMAIL (pschilli@martin.fl.us)

Martin County  
Paul Schilling  
2401 SE Monterey Rd  
Stuart, Florida 34996

Re: DACS Docket # 20220302-29-Martin  
Martin County  
March 2<sup>nd</sup>, 2022  
Dear, Paul Schilling;

The Florida Department of Agriculture and Consumer Services (the "Department") received the above-referenced proposed comprehensive plan amendment on **March 2<sup>nd</sup>, 2022 and** has reviewed it pursuant to the provisions of Chapter 163, Florida Statutes, to address any potential adverse impacts to important state resources or facilities related to agricultural, aquacultural, or forestry resources in Florida if the proposed amendment(s) are adopted. Based on our review of your county's submission, the Department has no comment on the proposal.

If we may be of further assistance, please do not hesitate to contact me at 850-410-2292.

Sincerely,

Thomas Poucher  
Budget Director  
Office of Policy and Budget

cc: Florida Department of Economic Opportunity  
(SLPA #: Martin County 22-01ESR)

TREASURE COAST REGIONAL PLANNING COUNCIL

MEMORANDUM

To: Council Members

AGENDA ITEM 4B\_\_

From: Staff

Date: March 31, 2022

Subject: Local Government Comprehensive Plan Review  
Draft Amendment to the Martin County Comprehensive Plan  
Amendment No. 21-01ESR

Introduction

The Community Planning Act, Chapter 163, *Florida Statutes*, authorizes the regional planning council to review local government comprehensive plan amendments prior to their adoption. The regional planning council review and comments are limited to adverse effects on regional resources or facilities identified in the Strategic Regional Policy Plan (SRPP) and extrajurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within the region. Council must provide any comments to the local government within 30 days of the receipt of the proposed amendments and must also send a copy of any comments to the state land planning agency.

The amendment package from Martin County was received on March 1, 2022 and contains text amendments to the Future Land Use Element of the County's Comprehensive Growth Management Plan (CGMP) and one Future Land Use Map (FLUM) amendment. This report includes a summary of the proposed amendments and Council comments.

Summary of Proposed Amendments

**Text Amendment**

The proposed text amendments create a new future land use designation called "Rural Lifestyle." The County's staff report indicates that the new land use designation, as proposed, will provide an opportunity for the protection of open space and development of self-supporting, self-contained rural communities on land outside the Primary Urban Service District with a gross density of one unit per 20 acres and allowances for a maximum gross density up to one unit per five acres with preservation of off-site open space. Additionally, the County staff report concludes that the proposed future land use designation has a maximum density comparable to other designations permitted outside the urban service districts while preserving open space in perpetuity. Unlike Agricultural and Agricultural Ranchette designations, it permits recreational amenities, the expense of which must be supported by the small number of project residents/investors. The County staff report from the February 22, 2022 transmittal hearing,

which contains the proposed amendments and staff analysis, is included as Exhibit 2. In summary, the provisions of the new Rural Lifestyle future land use designation include:

- A minimum of 1,000 contiguous acres located within unincorporated Martin County and outside the Primary Urban Service District;
- Approval of a comprehensive plan amendment for any changes proposed to the Future Land Use Map;
- Development of a specific parcel must be implemented through a Planned Unit Development (PUD) zoning agreement and concurrent rezoning approved pursuant to the requirements of the Land Development Regulations;
- Development shall not exceed a maximum building height of four stories or 40 feet;
- A minimum of 70 percent of the gross land area shall be established and maintained as open space;
- Specifications for residential development;
- Requirements related to accessory residential housing for employees;
- Availability of potable water and sanity sewer services, with all associated costs to be paid by the developer;
- Requiring an economic analysis to evaluate the PUD's impact on the availability of public services and facilities and the net fiscal effect on the County;
- Conditions for addressing public facilities, infrastructure, and timing of development; and
- Development requirements for:
  - specific parcels related to biological and ecological impacts
  - enhanced water quality
  - protection and management of natural lands
  - compatibility with adjacent agricultural land uses
  - fostering a healthy lifestyle
  - minimizing greenhouse gas emissions
  - providing self-supporting services such as security, first-aid and recreational amenities
  - public and private recreational events

### **Future Land Use Map Amendment**

The FLUM amendment proposes to change  $\pm 1,493.91$  acres from an Agricultural future land use designation, which allows one dwelling unit per 20 acres, to Rural Lifestyle, a new designation being proposed concurrent with this request, which allows a maximum of one dwelling unit per 5 acres. This would result in a potential increase of 224 dwelling units. The subject property is located on the north side of SE Bridge Road and east of the I-95 Interchange in Hobe Sound, outside both the Primary and Secondary Urban Service Districts. The subject site is a former citrus grove that had previously been planned for 20-acre lots and the Hobe Sound Polo Club. The property ownership also includes  $\pm 36$  acres with a Rural Density future land use designation (located in the Secondary Urban Service District) that allows up to 0.5 units per acre on the north boundary of the subject site.

The associated off-site open space to be preserved consists of 811 acres along I-95 south of Bridge Road used for agriculture. Adjacent future land use designations include: Rural Density Residential and Recreational to the north; Agricultural and Agricultural Ranchette to the south;

Agricultural, Recreational, and a portion of Agricultural Ranchette to the east; and Agricultural to the west. The County staff report indicates that the proposed designation has densities comparable to the Agricultural and Agricultural Ranchette future land use designation and requires open space preservation far in excess of the minimum 50 percent found in other future land use designations, which may result in the placement of easements on hundreds of off-site acres of agricultural and environmentally sensitive lands and result in the protection of productive agricultural lands. The report also indicates that the site may be potentially served by either Martin County Utilities or the South Martin Regional Utility with each of the regional utilities having available capacity. Any proposed development will be required to submit an application for development review, at which time satisfaction of the level of service for water and wastewater will be verified.

In terms of Transportation capacity, the County Engineer indicated that the proposed change could result in a net increase of 213 peak hour trips when evaluating strictly residential density and finds that SE Bridge Road will be the recipient of all the generated trips, which has available capacity. Additionally, the staff report indicates that the proposed future land use change will not diminish the level of service below capacity for fire/public safety/emergency services. A General School Capacity Analysis indicates that elementary, middle, and high school enrollment are projected to meet the level of service capacity, with a 3-year outlook. A School Concurrency Review is required for all final site plan applications that include residential units. At that time, a Final Concurrency Determination will be conducted and any mitigation needed to reach level of service standards will be identified.

### Regional Impacts

No adverse effects on regional resources or facilities have been identified.

### Extrajurisdictional Impacts

Council requested comments from local governments and organizations expressing an interest in reviewing the proposed amendment on March 2, 2022. No extrajurisdictional impacts have been identified. Correspondence from the Loxa-Lucie Headwaters Initiative was received by Council on March 21, 2022 and is included as Exhibit 3.

### Conclusion

No adverse effects on regional resources or facilities and no extrajurisdictional impacts have been identified. The County is to be commended for developing an alternative approach to ranchette development on rural lands to minimize sprawl and reduce environmental impacts. However, in order to enhance clarity in the amendments and minimize the potential for unintended consequences, the following changes are suggested: commended

- Future Land Use Policy 4.13A.18(1) would be enhanced by stipulating that any “open space” within the bounds of an individual subdivided house lot does not count towards the required 70% on-site open space since this open space may become isolated by fencing and replaced by patios, etc. over time.

- In order to ensure that the density bonus provided leads to net new preservation of open space, Future Land Use Policy 4.13A.18(3)(b) should require that the additional off-site preserved open space be newly designated preservation in conjunction with the proposed project and not part of any other approved development (a golf course in another subdivision, for example). In addition, any preserved off-site open space should have development potential in order to qualify (for example, not a drainage district canal right-of-way) and that development rights on the off-site preserved open space are retired upon project approval. The 501(3)(c) conservation organization should be long-standing and experienced in open space management and not created specifically for, or under the control of, the development.
- It appears that Policy 4.13A.18(4)(c) will allow new development with individual septic tanks. Martin County has set admirable goals and devoted substantial public money for the elimination of existing septic systems and these goals will be harder to achieve if new systems are allowed. In addition, requiring connection to central sewer will help ensure that Rural Lifestyle developments are reasonably close to urbanized areas and services.
- Policy 4.13A.18(7) would be enhanced by requiring that on-site and off-site open spaces be arranged to create contiguous open spaces and corridors with other adjacent open spaces and preserves.
- In general, provisions should be included which steer new Rural Lifestyle developments to appropriate locations and ensure that open space preservation, including off-site open space preservation, retains land integrated with good adjacent natural areas or agricultural production as relevant utilizing a systematic approach.

#### Recommendation

Council should approve this report and authorize its transmittal to Martin County and the Florida Department of Economic Opportunity.

#### Council Action – April 15, 2022

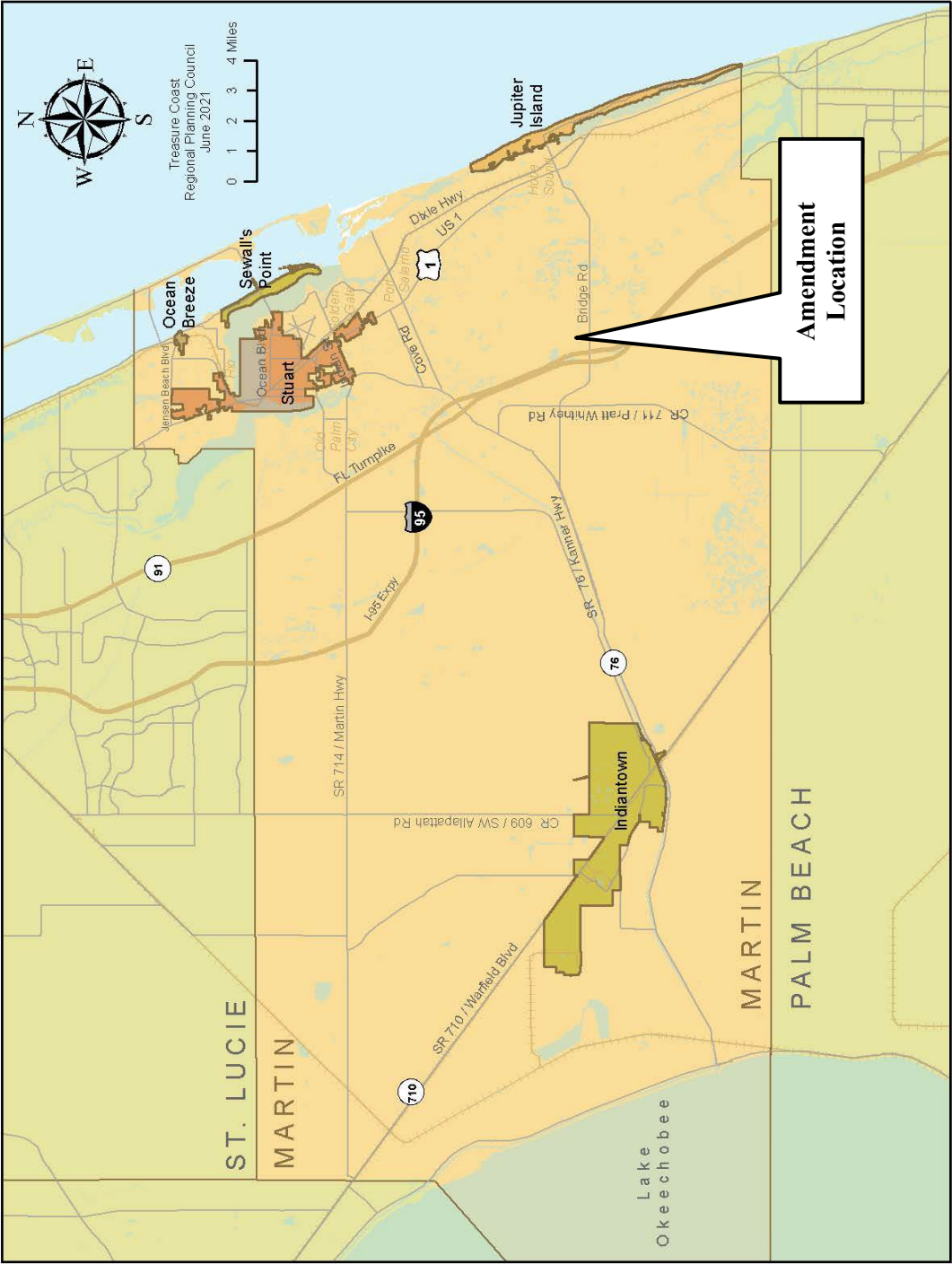
#### Attachments

## **List of Exhibits**

### **Exhibit**

- 1 General Location Map
- 2 Staff Report on Text Amendments
- 3 Correspondence Received from Loxa-Lucie Headwaters Initiatives
- 4 Aerial Location Map
- 5 Existing Future Land Use Map
- 6 Proposed Future Land Use Map

**Exhibit 1**  
**General Location Map**





## Exhibit 2

### Staff Report on Text Amendments

#### PROPOSED AMENDMENT TO THE MARTIN COUNTY COMPREHENSIVE PLAN

This document may be reproduced upon request in an alternative format by contacting the County ADA Coordinator (772) 320-3131, the County Administration Office (772) 288-5400, Florida Relay 711, or by completing our accessibility feedback form at [www.martin.fl.us/accessibility-feedback](http://www.martin.fl.us/accessibility-feedback)

**REQUEST NUMBER:** CPA 21-08 Becker B14 Text

Report Issuance Date: February 25, 2021

**APPLICANT:** Becker B-14 Grove, LTD and Hobe Sound Equestrian LLC  
Company Representatives: Thomas Hurley and Rick Melchiori

**REPRESENTED BY:** Lucido & Associates  
Morris Crady, AICP  
701 SE Ocean Blvd.  
Stuart, FL 34994

**PLANNER-IN-CHARGE:** Clyde Dulin, AICP  
Comprehensive Planning Administrator  
Growth Management Department

**PUBLIC HEARINGS**

Local Planning Agency:  
BCC Transmittal:  
BCC Adoption:

**Date**

January 20, 2022  
February 22, 2022  
TBD

**Action**

Voted 4-0 to recommend approval  
Voted 3-2 to transmit

**APPLICANT REQUEST:** Amend Chapter 4, Future Land Use Element, Chapter 10, Sanitary Sewer Element and Chapter 11, Potable Water Element of the Comprehensive Growth Management Plan (CGMP) to create a new future land use designation, Rural Lifestyle. The applicant's proposed text one of the attachments to the staff report.

**STAFF RECOMMENDATION:** Staff does not recommend the language as drafted by the applicant. If the Board is amenable to the creation of a new future land use designation, revised language is offered for the Board's consideration within this staff report.

**EXECUTIVE SUMMARY:**

The Rural Lifestyle future land use designation, as proposed, will provide an opportunity for the protection of open space and development of self-supporting, self-contained rural communities on land outside the Primary Urban Service District with a maximum gross density of one unit per five acres.

**1. PROPOSED TEXT AMENDMENT.**

Stricken text is proposed for deletion. Underlined text is proposed for addition to Chapter 4, Future Land Use Element. No other elements are proposed for amendment.

**Staff analysis.** A new policy 4.13A.18 is proposed for the Rural Lifestyle future land use designation.

Policy 4.13A.18. Rural Lifestyle. The Rural Lifestyle future land use designation is intended to guide development of self-supporting, self-contained and rural communities including affiliated recreational amenities with an emphasis on maintaining and enhancing natural and manmade open space and promoting sustainability and stewardship of the land and water. In order to be eligible for the Rural Lifestyle future land use designation, a minimum of 1,000 contiguous acres located within unincorporated Martin County and outside the Primary Urban Service District is required. Approval of an amendment to the Future Land Use Map changing the future land use designation on a specific parcel to Rural Lifestyle shall be required. Development of a specific parcel with the Rural Lifestyle future land use designation shall be implemented through a Planned Unit Development (PUD) zoning agreement and concurrent rezoning approved pursuant to the requirements of the Land Development Regulations and the standards established herein.

**Staff analysis:** Subsection (1) requires a minimum of 70 percent open space within any parcel designated as Rural Lifestyle on the Future Land Use Map. Subsection (3) distinguishes between habitat and open space on land with the Rural Lifestyle future land use designation from open space provided off-site and encumbered by a perpetual conservation or agricultural easement. Also, when development at a density of more than one unit per 20 acres is proposed, a minimum one acre of open space must be provided for every two acres of land receiving a Rural Lifestyle future land use designation.

- (1) Within a specific parcel designated as Rural Lifestyle on the Future Land Use Map, development shall not exceed a maximum building height of four-stories or 40 feet and a minimum of 70 percent of the gross land area shall be established and maintained as open space. Wetlands, landlocked water bodies, upland habitat and land used for agricultural production may be used in calculating open space.
- (2) Blended densities, as described in Chapter 4, Future Land Use Element, shall be permitted.
- (3) Within the Rural Lifestyle future land use designation, gross residential density, including employee housing, shall not exceed a maximum of one unit per 5 acres.
  - (a) Development proposed at a density of one unit per 20 acres or less shall be required to comply with all minimum preserve area, habitat protection and open space requirements in the Comprehensive Plan. Development proposed at a density of more than one unit per 20 acres shall be required to exceed the minimum habitat protection and open space requirements and provide proportionally more of the type of public benefits listed in subsection (7) below.
  - (b) Development proposed at a density of more than one unit per 20 acres, but not exceeding the allowed maximum of one unit per five acres, shall provide open space preservation outside of the specific parcel designated as Rural Lifestyle on the Future Land Use Map. A minimum of one acre of open space shall be provided off-site for every two acres assigned the Rural Lifestyle future land use designation. The open space provided off-site shall be located within unincorporated Martin County and maintained in perpetuity. The following forms of open space may be provided off-site:

- Native upland habitat.
- Wetland habitat.
- Lands in agricultural production.
- Areas of restored habitat
- Water farming.

**Staff analysis:** In response to questions at the Local Planning Agency public hearing, the following text was added to increase predictability. The Board of County Commissioners directed a change on February 22, 2022 requiring both a governmental organization and a conservation organization be easement holders.

The off-site open space shall be encumbered by a perpetual conservation or agricultural easement conveyed to at least one governmental organization and a 501 (c)(3) conservation organization, to be specified within the PUD Zoning Agreement. The property shall not be designated as Rural Lifestyle on the Future Land Use Map and shall not be rezoned, but shall be governed by the PUD Zoning Agreement and identified therein by legal description. The perpetual easement shall restrict future use of the property in perpetuity to open space, prohibiting development of the property inconsistent with this policy and the terms and conditions established within the PUD Zoning Agreement.

(d) Golf cottages utilized for guest accommodations as an accessory use to a golf course shall not be counted toward the maximum gross density. The maximum number of golf cottages shall not exceed one cottage per hole on a golf course.

(e) Dormitories provided for permanent or temporary employee housing shall comply with all requirements of the Florida Building Code. A maximum of 6 employees shall be permitted per 100 acres of a specific parcel with a Rural Lifestyle future land use designation. The maximum number of single-family residential units permitted in the Rural Lifestyle future land use shall be reduced by one unit for every six employee dormitory beds.

(f) Employee quarters and accessory dwellings provided on the same lot as a residential unit shall be considered part of the primary dwelling.

(4) Notwithstanding the prioritization of public services and any prohibition to the extension of services outside the Primary Urban Service District, described in Chapters 4, 10 and 11, the Rural Lifestyle future land use designation may receive potable water and sanitary sewer service through facilities provided by a regional utility.

**Staff Analysis:** The following text was drafted to clearly limit the extension of utility services, and clarify that the extension of utility services may not extend to other properties. It also restates the requirement for a specific PUD to pay for the cost of extending service.

No extension of utility services from the Primary, the Secondary Urban Service District or through the Secondary Urban Service District to a specific parcel with a Rural Lifestyle future land use designation and a Planned Unit Development zoning classification shall serve any other property outside of the urban service districts. All costs associated with the

extension, ongoing service and maintenance of utility services serving a specific parcel with a Rural Lifestyle future land use designation and a Planned Unit Development zoning classification shall be paid by the Planned Unit Development. The following additional requirements shall also be applicable:

- (a) A utility plant for a regional sewage system shall not be constructed within the Rural Lifestyle future land use designation.
  - (b) Package water and wastewater treatment plants, as defined in Chapter 2, shall not be permitted in the Rural Lifestyle future land use designation.
  - (c) An advanced wastewater treatment system consisting of individual wastewater treatments units that treat domestic waste to secondary standards may be utilized, as permitted by the State of Florida.
  - (d) A specific Municipal Services Taxing Unit (MSTU) may be established for all costs associated with the extension, ongoing service and maintenance of utility services within each Planned Unit Development within the Rural Lifestyle future land use designation.
- (5) The applicant for a PUD shall plan and appropriately fund public facilities consistent with Policy 14.1B.2. which requires that future development shall pay for the full cost of the capital improvements needed to address the impacts of such development. The PUD Agreement shall include conditions that address public facilities, infrastructure and the timing of development to be adopted prior to or concurrent with final site plan approval.
- (6) An economic analysis prepared by a qualified economic analyst shall evaluate the PUD's impact on the availability of public services and facilities, and the benefits provided by the PUD, to show a net positive fiscal impact to the County.
- (a) Physical improvements made within the PUD shall have a taxable value that far exceeds the value of physical improvements typically found in the Agricultural future land use designation (1 unit per 20 acres). The gross density permitted within the Rural Lifestyle future land use shall not exceed one unit per five acres.
- (7) PUD Zoning Agreement. All development within a specific parcel designated as the Rural Lifestyle on the Future Land Use Map must be developed in accordance with a Planned Unit Development (PUD) Zoning Agreement. At a minimum, the PUD Zoning Agreement shall require the following public benefits:
- (a) The offset of biological and ecological impacts of new development through low impact development and environmentally beneficial practices including community farming, water and energy conservation techniques and innovative stormwater management systems that restore and enhance native habitat.
  - (b) Enhanced water quality above the minimum requirements established in the Martin County Land Development Regulations through retention, detention and on-site irrigation prior to discharge into receiving waters and ultimately discharging into the St. Lucie River, the Loxahatchee River or the Indian River Lagoon.
  - (c) Protection and management of natural lands in perpetuity over and above minimum wetland and upland preserve area and open space requirements. The PUD Zoning

Agreement shall require the perpetual management and/or maintenance of off-site lands encumbered by an agricultural or conservation easement and establish a funding mechanism for the required management and/or maintenance.

- (d) Compatibility with adjacent agricultural uses and surrounding rural development through site design and location of open space.
- (e) Foster healthy lifestyles by creating an interconnected trail system providing access to managed natural areas, open space, parks and civic spaces.
- (f) Minimize greenhouse gas emissions and vehicle miles traveled by providing a mix of transportation alternatives including multi-modal paths, alternative powertrain vehicles and equipment, on-site charging stations, etc.
- (g) Provide for self-supporting project elements such as first-aid, private security, recreation amenities, community store and/or land use restrictions to reduce traffic impact and dependence on the lands within the urban service districts.
- (h) Provide private or public recreation uses and events that support or complement sustainable rural or agricultural lifestyles and local charities or that provide direct environmental benefit, employment or economic opportunities.

**Staff Analysis.** Goal 4.7 describes Martin County's desire to regulate urban sprawl by directing higher densities to the urban service districts. Objective 4.7A., and supporting policies, describes how the highest densities and intensities are intended for the Primary Urban Service District. Objective 4.7B., describes how densities of one unit per acre and one unit per two acres are intended for the Secondary Urban Service District. The Agricultural future land use designation permits one unit per 20 acres and the Agricultural Ranchette future land use designation permits one unit per 5 acres. Neither of these densities are intended for the Primary or Secondary Urban Service Districts. The existing text of Policy 4.7A.5. is amended to recognize the existing future land use designations with densities lower than those densities found in the urban service districts. The change to Small scale service establishments provides a clarifying reference to an existing future land use designation, Rural Services Node, Policy 4.13A.8 (5).

Policy 4.7A.5. Development options outside urban service districts. Martin County shall provide reasonable and equitable options for development outside the urban service districts, including all uses permitted in the following future land use designations:

- (1) Agricultural, ~~agriculture~~; and
- (2) Agricultural Ranchette.
- (3) Rural Lifestyle.
- (4) Small-scale service establishments necessary to support rural and agricultural uses (as described in the Rural Services Node future land use designation). A small-scale service establishment shall be defined as a small, compact, low intensity development within a rural area containing uses and activities which are supportive of, and have a functional relationship with the social, economic and institutional needs of the surrounding rural areas.

**Staff analysis of Policy 4.1D.7.** The following is an existing policy regarding active residential development tracking. The applicant proposed a change to subsection (4)(f) adding the Rural Lifestyle future land use designation to the other designations permitting residential units outside the urban service districts, Agricultural and Agricultural Ranchette. The proposed text is necessary for internal consistency.

Policy 4.1D.7. Active residential development tracking system. Martin County will implement and maintain an active residential tracking system for all residential development approvals. By limiting approvals within the first five-year period of the 15-year planning period to 125% of the housing demand for that five-year period, the County can maintain a fiscally feasible and cost-effective concurrency management system. The same 15-year planning period used for residential capacity planning shall be used. The 15-year planning period for residential capacity began with the 2010 Census and shall be updated to a new 15-year planning period every 5 years. Implementation of the Active residential development tracking system shall begin within 12 months of the date this text becomes effective.

- (1) In the fourth year of the five year planning period, Martin County shall begin preparing the update to the residential capacity analysis described in Policies 4.1D.5 and 6. Demand calculations must be available for the following five year period before a given five year period expires.
- (2) The County shall:
  - (a) Remove all projects that have breached or exceeded their timetables.
  - (b) Ensure for the current five-year period that the active development pool does not exceed 125% of the five-year residential demand.
- (3) Ten percent of the available residential units shall be set aside for small residential developments. Small residential developments are defined as projects that contain 25 units or fewer. If the set aside units for each five-year planning period are not allocated by the third year of that planning period, the set aside units shall be available for allocation to large residential developments.
- (4) Residential development approved under the active residential development process must meet locational suitability requirements including:
  - (a) Locating within the primary or secondary urban service district.
  - (b) Consistency with the CIE.
  - (c) Protection of natural resources.
  - (d) Adequate provision of facilities and services at adopted levels of service standards; and
  - (e) Consistency with all goals, objectives and policies of this Plan and the requirements of chapter 1.
  - (f) Proposed residential development that encroaches into active agricultural lands shall not be permitted unless the proposed project's density is permittable within the Rural Lifestyle land use designation (up to one unit per five acres) or under an agricultural use designation (minimum five acre lots in Agricultural Ranchette and twenty acre lots



in the Agricultural future land use). Active agricultural land is defined as land currently receiving an Agricultural Classification from the Martin County Property Appraiser.

(g) This criterion does not prevent the Board of County Commissioners from approving a residential development on land with an agricultural classification in place provided the exemption is removed after approval of a final development order. This policy only applies to the land area subject to the final development order. Any land area that is found by the Board of County Commissioners to maintain the agricultural classification for ad valorem tax purposes after approval of a final development order shall be found in violation of the final development order and be subject to breach proceedings.

## **2. EXAMPLES**

During the Board of County Commissioners meeting scenarios like the following were discussed.

1. An application is made to change 1,000 acres from Agricultural (permitting a maximum of one unit per 20 acres) to the Rural Lifestyle future land use designation. The applicant seeks a maximum of 50 residential units (one unit per 20 acres).
  - A minimum of 70 percent open space is required within the 1,000 acres and no open space outside of the Rural Lifestyle future land use designation is required.
  - No agricultural or conservation easements are necessary.
  - Golf cottages are permitted as described in the text and are an accessory to a golf club and are not considered residential units.
  - Dormitory housing is permitted as described in the proposed Plan text. However, 12 dormitory beds will reduce the number of potential residential units to 48.
2. An application is made to change 1,000 acres from Agricultural (permitting a maximum of one unit per 20 acres) to the Rural Lifestyle future land use designation. The applicant seeks a maximum of 55 residential units (one unit per 18 acres).
  - A minimum of 70 percent open space is required within the 1,000 acres and a minimum 500 acres of open space outside of the Rural Lifestyle future land use designation shall be required.
  - A perpetual agricultural or conservation easement shall be required on the minimum 500 acres of open space outside the Rural Lifestyle future land use designation.
  - Golf cottages are permitted as described in the text and are an accessory to a golf club and are not considered residential units.
  - Dormitory housing is permitted as described in the text. However, 12 dormitory beds will reduce the number of potential residential units to 53.
3. An application is made to change 1,000 acres from Agricultural (permitting a maximum of one unit per 20 acres) to the Rural Lifestyle future land use designation. The applicant seeks a maximum of 200 residential units (one unit per 5 acres).

- A minimum of 70 percent open space is required within the 1,000 acres and a minimum 500 acres of open space outside of the Rural Lifestyle future land use designation shall be required.
- A perpetual agricultural or conservation easement shall be required on the minimum 500 acres of open space outside the Rural Lifestyle future land use designation.
- Golf cottages are permitted as described in the text and are an accessory to a golf club and are not considered residential units.
- Dormitory housing is permitted as described in the text. However, 12 dormitory beds will reduce the number of potential residential units to 198.

### **3. DATA AND ANALYSIS**

- Excerpts from two studies conducted by the Board of County Commissioners in 2002 and in 2006.
- Economic and Fiscal Impact Analysis. Prepared by GAI Consultants, Inc. for Becker B-14 Grove, LTD. Staff and Metro Forecasting Models have reviewed the document and find no objections to the analysis.
- The applicant has also provided excerpts from Chapter 4.7 and Chapter 4.12 of a 2009 American Planning Association publication. Smart Codes: Model Land-Development Regulations, Marya Morris, General Editor, Planning Advisory Service Report No. 556.

In 2002, Martin County contracted with EDAW to conduct a Rural and Agricultural Lands Study. First goal: conduct a parcel-based review of all lands outside the Primary Urban Service District. Second Goal: provide a list and analysis of new methods of protecting agriculture and environmentally sensitive lands that have come about since the Comprehensive Plan was first adopted in 1982. Attached to this supplemental memorandum is Task 4 providing a list of conservation methods. Portions of method No. 3. cluster zoning/conservation subdivision and No. 4 agricultural conservation easements are a comparable to the proposed text amendment CPA 21-08.

In 2005, Martin County contracted with another respected planning firm, Glatting Jackson, to conduct a Development Patterns Study of Martin County. It included an enhanced public participation component that provided community workshops and Resource Advisory Panel meetings that were taped by MCTV and broadcast on Chanel 20. Attached to this supplemental memorandum is the Executive Summary of Findings and Recommendations. The study was concluded with a presentation to the Board of County Commissioners on February 20, 2007. At that meeting the Board deferred action on the recommendations of the study until after a pending Plan amendment application was completed.

The pending Plan amendments (discussed on February 20, 2007) were CPA 07-12 Atlantic Ridge Preserve (a Future Land Use Map Amendment) and CPA 07-13 Atlantic Ridge Preserve text. Neither amendment was never adopted.



The 2002 and 2005 studies conducted by Martin County provide documentation the conservation methods proposed in CPA 21-09 Becker B14 are comparable to methods of preserving agricultural land recommended by professional planning firms, used in other communities around the United States and considered by Martin County over the past 20 years.

The Economic and Fiscal Analysis prepared by GAI Consultants, Inc. is only an example of the type of analysis required by the proposed text amendment. If the proposed future land use designation Rural Lifestyle is adopted the full public hearing process (for a Future Land Use Map Amendment) must be followed to assign the Rural Lifestyle designation on each property where it is proposed. Following the assignment of the Rural Lifestyle future land use designation to a site, a full Public Hearing process (before the Local Planning Agency and the Board of County Commissioners) must occur for a Planned Unit Development on said site. Rural Lifestyle Plan text being considered requires a PUD application contain an Economic and Fiscal analysis like the one attached.

Based in Chicago IL, The American Planning Association (APA) is the largest membership organization of professional planners. It provides, research, numerous publications, training for planners and a certification program called the American Institute of Certified Planners (AICP). The applicant has provided excerpts from a 2009 APA publication providing Model Land Development Regulations that communities around the nation may reference and utilize. The attached excerpt of Chapter 4.7 identifies the benefits of clustering of residential development. However, the density of residential units permitted in the Rural Lifestyle future land use designation does not permit urban densities of residential development.

#### **4. CONCLUSION**

The proposed future land use designation has a maximum density comparable to other designations permitted outside the urban service districts while providing an opportunity to preserve open space in perpetuity. Unlike Agricultural and Agricultural Ranchette designations, it permits expensive recreational amenities that must be supported by a small number of residents/investors. This development pattern has the potential to more than pay for itself and yet be self-limiting by the number of people that can support the cost.

#### **5. FIGURES/ATTACHMENTS**

Attachments: Application materials

Rural Ag\_Task 4 from 2002 EDAW study

Development Patterns Study – Executive Summary of Findings and Recommendations, 2007

Economic and Fiscal Analysis by GAI Consultants, Inc.

Excerpts from Model Land Development Regulations, American Planning Association Planning Advisory Service Report No. 556, 2009

Public Comment for both CPA 21-08 Becker B14 Text and CPA 21-09 Becker B14 Future Land Use Map amendment

# Exhibit 3

## Correspondence Received from Loxa-Lucie Headwaters Initiative



RECEIVED  
MAR 21 2022  
TREASURE COAST  
REGIONAL PLANNING COUNCIL

March 14, 2022

To: See Distribution List (below)

Re: Martin County's Proposed Rural Lifestyle Comprehensive Plan Amendment (CPA 21-08 Becker B-14)

Dear Reviewer:

On behalf of the Steering Committee for the Loxa-Lucie Headwaters, we submit an objection to the Comprehensive Plan amendment noted above. Our consortium of non-profit organizations and community members' goal is to permanently conserve the headwaters of the South Fork of the St. Lucie River and the Loxahatchee River. Our effort will re-connect the hydrology on fragmented parcels, creating an ecologically sustainable network of conservation lands between Jonathan Dickinson and Atlantic Ridge Preserve State Parks. We've raised over \$3.5 million from hundreds of community donors. Our common interest is the formal protection of this hydrologic and ecological corridor. Our goals include: conservation of native flora and fauna including threatened and endangered species; enhanced resilience to climate change affecting natural and built infrastructure; improve water quality and hydrologic issues, including flooding and salt-water intrusion; and increase recreational opportunities for residents and visitors.

Our Steering Committee has analyzed the new Rural Lifestyle zoning that has been proposed as an Amendment to Martin County's Comprehensive Growth Management Plan. We recommended that the Martin County Commission table this currently-proposed Rural Lifestyle Comprehensive Plan Amendment ("Amendment") to provide adequate public input to ensure that this significant change to the Comprehensive Plan is consistent with the goals of the community. We have concerns regarding un-anticipated adverse impacts that are likely to occur if this new zoning category is adopted in its current state. We ask you to consider the following as you review the proposed Amendment and develop your agency's comments to Martin County:

1. Prior to drafting the Comp Plan Amendment no public input was sought, other than from the developer of the Becker site. Only limited opportunities for public input have been offered since. The advertisement at the LPA misrepresented the amendment as

unique to one parcel of land, when it will apply to any parcel of 1,000 acres or more that is outside Martin County's Urban Services Districts. See attached public notice.

2. This Amendment appears inconsistent and/or contradictory to several previously well-studied options (Sustainable Martin, Ecological Greenways etc.) regarding the future of Martin County that were the result of extensive community outreach and which recognized the urban services district and viable conservation areas.
3. We believe that financially profitable agriculture should continue to be a viable component of the economy in Martin County. The unqualified and subjective definition of Open Space in this Amendment would allow the conversion of agricultural lands to non-agricultural residential uses outside of the current urban services boundary.
4. The proposed Rural Lifestyle zoning classification may encourage sprawl by allowing the extension of water and sewer services to projects eligible for this rezoning. The proposed document states the rural lifestyle zoning will not create urban sprawl. We disagree. Prior experience in other counties frequently demonstrates once utility lines are available, other properties will feel entitled and litigate for parity.
5. The Rural Lifestyle zoning classification fails to substantiate "open space" objectives and utility. We feel this is a significant gap in a major concept of this new category. As proposed, the open space benefits private use at the exclusion of public open space, nor required ecological benefit.
6. We believe that permanent conservation easements on portions of the properties that are set aside for conservation must have a neutral 3<sup>rd</sup> party as the conservator. This ensures that applicants and governmental entities alone will not have sole authority to eliminate or reduce future protections.
7. The proposed Amendment fails to consider the unique ecological values of individual properties. The Amendment avoids language to address protection or remediation of ecological corridors between conservation lands, the need to avoid impacts on threatened and endangered species, and minimization of habitat fragmentation.
8. No information has been provided regarding the short-term and long-term impacts on existing and surrounding communities, nor have all the properties eligible for this rezoning been identified. We believe it could be over 100,000 acres. Martin County is 482,000 acres, this could dramatically impact Martin County.

9. The potential economic impacts could unfairly burden existing residents living in more densely occupied developments who are more efficiently serviced by public services (e.g., fire/rescue, police, etc.). The associated costs of servicing Rural Lifestyle communities will likely suggest sub-optimized service and additional costs to existing residents.
10. A major failing of this proposal is that the Rural Lifestyle amendment may be inconsistent with the Conservation Element(s) of the Comprehensive Plan. We do not find any integrative language nor has any information been provided on the location of all the properties this Amendment and category may apply.
11. There has been limited, if any, evaluation of potential impact resulting from all the parcels that would qualify for this new Zoning Classification as to:
  - a. Economic and land development patterns within short-term and long-term perspectives
  - b. Potential loss/impact to agricultural production
  - c. Transportation needs
  - d. Maintaining Levels of Service for other needs (e.g., schools, emergency services, etc.).

The proposed amendment fails to address the essential elements of a Comprehensive Plan Amendment that is as far reaching as this one. It does not provide a long-range impact analysis, it has not included the entire geographical area of the planning body; and it has not included short or long term plans for all physical elements within that geographical area.

We ask that you consider these comments as you weight the costs, benefits and long-term impacts of the proposed amendment to Martin county's Comprehensive Plan.

Sincerely,



Geraldine Genco-Dube

On behalf of the Loxa-Lucie Headwater Steering Committee

Distribution:

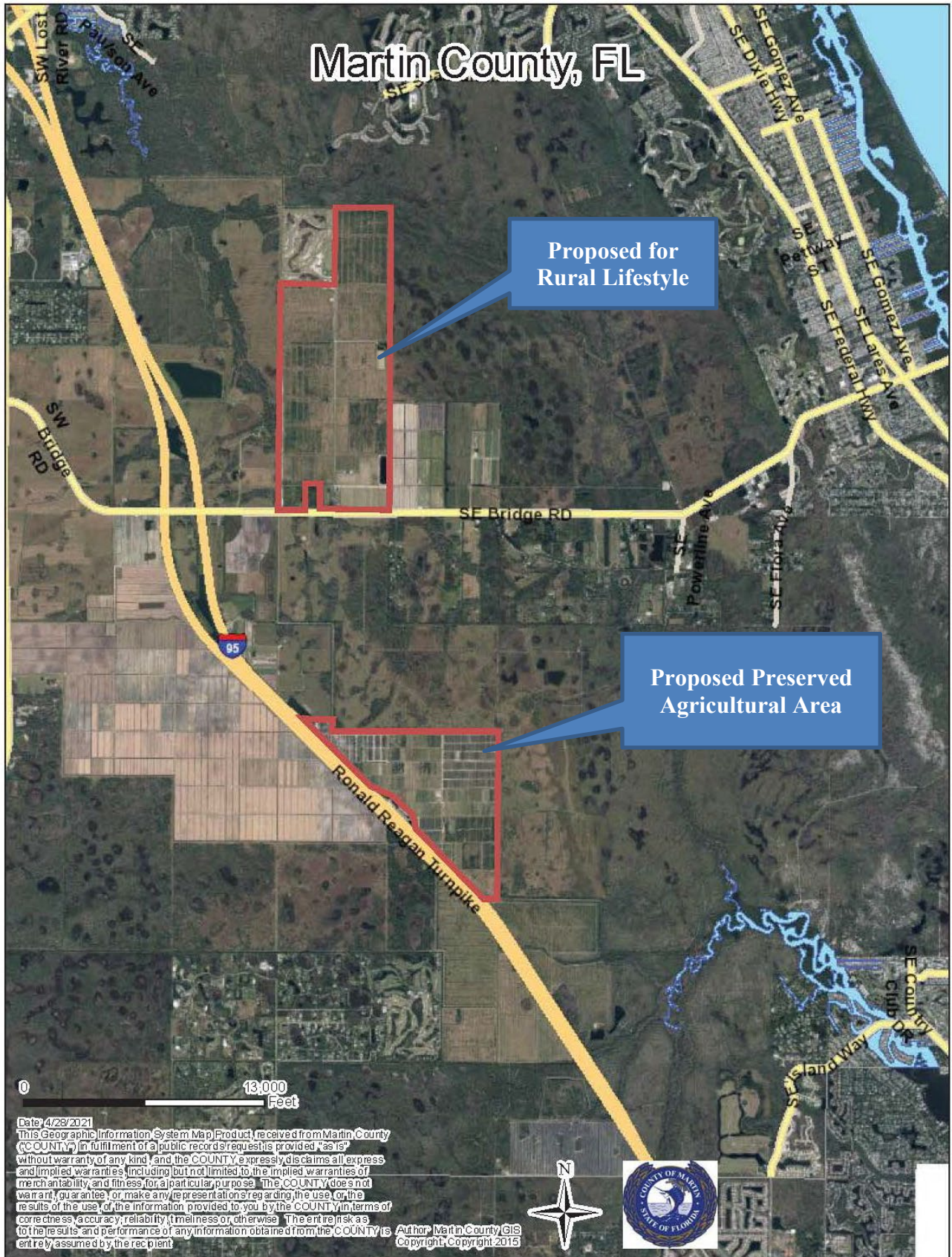
Office of Policy and Budget, Dept of Agriculture and Consumer Services  
The Honorable Nikki Fried, Secretary, FI Department of Agriculture  
Tracy D. Stuber, Dept of Education

Florida Department of Environmental Protection  
Jason Aldridge, Supervisor compliance and Review Section, Dept of State  
Sherri Martin, Bureau of Economic Development  
John Krane, Dept of Transportation, District 4  
Stephanie Heidt, Treasure Coast Regional Planning Council  
Pam Orr, Town of Ocean Breeze  
David Dyess, City of Stuart  
Frank Kitzerow, Town of Jupiter  
Patricia Behn, Palm Beach County Planning Department  
Kaija Mayfield, Town of Sewall's Point  
Jeremy Allen, Village of Tequesta  
Michael Ventura, Town of Jupiter Island  
Teresa Lamar-Sarno, City of Port St. Lucie  
Leslie Olson, St. Lucie County Board of County Commissioners  
Althea Jefferson, Village of Indiantown  
Beth Beltran, Martin County MPO  
Taryn Kryzda, Martin County  
[FWCConservationPlanningServices@myfwc.com](mailto:FWCConservationPlanningServices@myfwc.com)



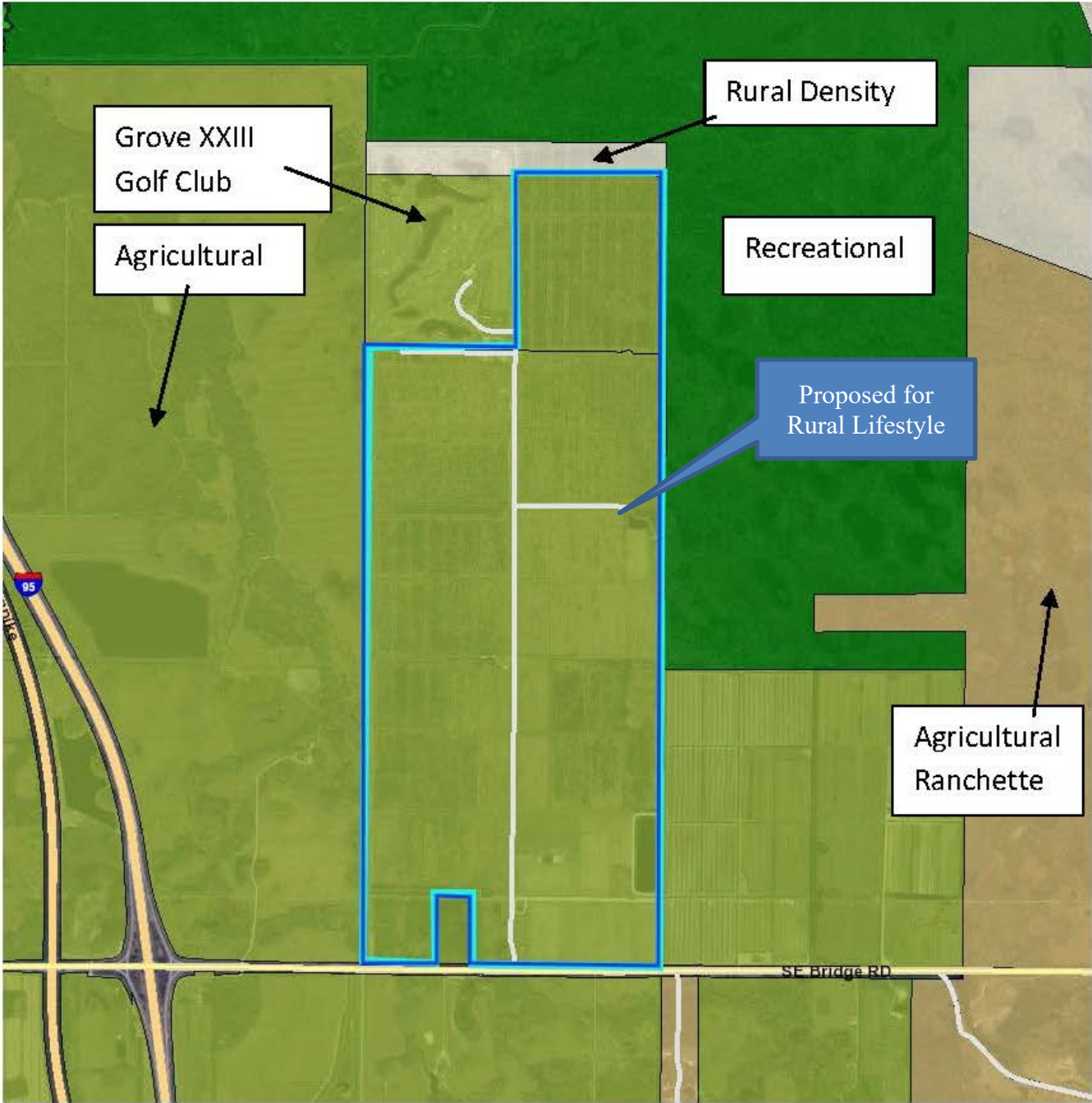


## Exhibit 4 Aerial Location Map





**Exhibit 5**  
**Existing Future Land Use Map**





## Exhibit 6 Proposed Future Land Use Map

