



## Legislation Details (With Text)

**File #:** 20-1045

**Type:** Public Hearing

**Status:** Passed

**In control:** Board of County Commissioners

**On agenda:** 9/29/2020

**Final action:** 9/29/2020

**Title:** LEGISLATIVE PUBLIC HEARING TO CONSIDER ADOPTION OF COMPREHENSIVE PLAN AMENDMENT (CPA) 20-01, HODAPP PROPERTY

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. StaffReport\_Hodapp FLUM CPA20-01.pdf, 2. Resolution 20-4.8\_Request to Initiate.pdf, 3. PowerPoint Presentation Hodapp.pdf, 4. Public Notice and Other Materials.pdf, 5. Ad BCC Sept 29.pdf, 6. Ordinance\_FLUM.pdf

Date	Ver.	Action By	Action	Result
9/29/2020	1	Board of County Commissioners	approved	Pass

**PLACEMENT:** Public Hearings

### TITLE:

**LEGISLATIVE PUBLIC HEARING TO CONSIDER ADOPTION OF COMPREHENSIVE PLAN AMENDMENT (CPA) 20-01, HODAPP PROPERTY**

### EXECUTIVE SUMMARY:

This is a request for a small-scale amendment to the Future Land Use Map (FLUM) on a 5-acre parcel. The request would change the future land use designation from Mobile Home (up to 8 units per acre) to Agricultural Ranchette (up to 1 unit per 5 acres). The parcel is addressed at 7715 SW 39th Street and is located south of SW Martin Highway.

**DEPARTMENT:** Growth Management

**PREPARED BY:** **Name:** Maria Jose, M.S.  
**Title:** Planner

**REQUESTED BY:** Martin County Board of County Commissioners

**PRESET:**

**PROCEDURES:** Plan Amendment

### BACKGROUND/RELATED STRATEGIC GOAL:

Section 1.11.D(3) of the Comprehensive Plan Growth Management Plan (Comp Plan) authorizes small-scale development amendments in accordance with Section 163.3187, Florida Statutes (FS). Small-scale development amendments require two public hearings. The first public hearing was

conducted by the Local Planning Agency on August 20, 2020. The second public hearing is the adoption hearing before the Board of County Commissioners. Small-scale development amendments are not transmitted to the state land planning agency or other local and regional reviewing agencies.

A proposed amendment of the Comprehensive Plan is eligible to be processed as a small-scale development amendment if:

- (a) ten or fewer acres are involved;
- (b) the proposed amendment does not involve a change to the text of the Goals, Objectives or Policies of the Comp Plan; however, text changes relating directly to, and adopted simultaneously with, a small-scale amendment of the Future Land Use Map, are permitted; and,
- (c) the land that is the subject of the proposed amendment is not located within an area of critical state concern, unless the proposed amendment involves the construction of affordable housing and meets other statutory criteria.

If not timely challenged, the effective date of a small-scale Comp Plan amendment is 31 days after adoption by the Board of County Commissioners. If timely challenged, an amendment does not become effective until the state land planning agency or the Administration Commission, respectively, issues a final order determining that the adopted small-scale development amendment is in compliance. If approval of a small-scale plan amendment is challenged, the process for the administrative review will be as provided in Section 163.3187(5), FS.

### **ISSUES:**

Please see the attached staff report for analysis of the proposed amendment.

### **LEGAL SUFFICIENCY REVIEW:**

Decisions approving or rejecting proposed amendments constitute legislative actions because they involve the policy making function of the BCC. They are different from rezoning and site plan decisions which are quasi-judicial actions involving the application of general rules of policy to specific situations. If approval of a Comprehensive Plan amendment is challenged by an affected person, the approval will be sustained if it complies with Florida Statutes regarding (1) procedural requirements (e.g. proper notice, public hearing), and (2) substantive requirements (e.g. adequate data and analysis, internal consistency). The fairly debatable standard is applicable to the review and requires judicial approval of a BCC approval if reasonable persons could differ as to the propriety of the decision. For example, if a petitioner were to claim that an amendment adopted a provision that was not consistent with an existing provision of the Comprehensive Plan, the court would strike down the amendment only if the court found no reasonable person would think that the two provisions are consistent.

### **RECOMMENDED ACTION:**

#### **RECOMMENDATION**

Move that the Board approve CPA 20-01, Hodapp Property, which assigns the Agricultural Ranchette future land use designation to the property.

#### **ALTERNATIVE RECOMMENDATIONS**

Move that staff provide additional information and continue the item to a future date.

**FISCAL IMPACT:**

**RECOMMENDATION**

Staff time.

Funding Source	County Funds	Non-County Funds
	\$6,100	
Subtotal		
Project Total		

**ALTERNATIVE RECOMMENDATIONS**

Staff Time.

**DOCUMENT(S) REQUIRING ACTION:**

- ☐ Budget Transfer / Amendment ☐ Chair Letter ☐ Contract / Agreement  
☐ Grant / Application ☐ Notice ☒ Ordinance ☐ Resolution  
☐ Other:

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