



Agenda Item Summary

File ID: 20-0279

PH-2

Meeting Date: 2/18/2020

PLACEMENT: Public Hearings

TITLE:

LEGISLATIVE PUBLIC HEARING TO CONSIDER ADOPTION OF COMPREHENSIVE PLAN AMENDMENT (CPA) 19-24, OLD PALM CITY FUTURE LAND USE MAP

EXECUTIVE SUMMARY:

CPA 19-24 proposes to amend the Future Land Use Map on approximately 609 acres of the Old Palm City CRA from Low Density Residential, Medium Density Residential, Commercial Office/Residential, Limited Commercial, General Commercial and General Institutional future land use designations to CRA Center, CRA Neighborhood, Public Conservation, Recreational or General Institutional future land use designations, and to eliminate the Old Palm City Mixed-Use Future Land Use Overlay.

DEPARTMENT: Growth Management

PREPARED BY: **Name:** Irene A. Szedlmayer, AICP
Title: Senior Planner

REQUESTED BY: Board of County Commissioners

PRESET:

PROCEDURES: Plan Amendment

BACKGROUND/RELATED STRATEGIC GOAL:

In accordance with Sections 163.3174(4)(a) and 163.3184(3)(c)1 and (11), Florida Statutes (FS), all Plan amendments require three public hearings. The first public hearing for this Plan amendment was conducted before the Local Planning Agency on December 5, 2019. The second public hearing was conducted on December 17, 2019, at which time the Board of County Commissioners (BCC) decided to transmit the plan amendment to the State Land Planning Agency and other state and regional reviewing agencies.

Upon transmittal, Section 163.3184, FS, requires state and regional reviewing agencies to provide comments to the County regarding any impacts to important state resources and facilities. The state and regional reviewing agencies must provide their comments, if any, to Martin County within 30 days of the agency receipt of the amendments. If comments are received regarding impact to state resources and facilities, they must be addressed prior to adoption of the Plan amendment. Failure to successfully address impacts to state resources and facilities may form the basis for a challenge to the amendment after adoption.

The adoption public hearing is the third required public hearing. Pursuant to Section 163.3184(3)(c)1 and (11), FS, Martin County must hold the adoption public hearing within 180 days after the receipt of reviewing agency comments. If Martin County fails to hold an adoption public hearing, the amendment is deemed withdrawn unless extended by agreement and notice to the State Land Planning Agency and any affected party that provided comments on the amendment. If approved, Martin County has 10 days to send the amendment adoption package to the State Land Planning Agency. The State Land Planning Agency has 5 days to determine whether the amendment adoption package complete.

If not timely challenged, the effective date of a plan amendment adopted under the state expedited review process is 31 days after the state land planning agency notifies the County that the plan amendment package is complete. If timely challenged, an amendment does not become effective until the state land planning agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance. If approval of a Plan amendment is challenged, the process for the administrative review will be as provided in Section 163.3184(5), FS.

Decisions approving or rejecting proposed Plan amendments constitute legislative actions because they involve the policymaking function of the BCC. They are different from rezoning and site plan decisions which are quasi-judicial actions involving the application of specific rules of policy to specific situations. If approval of a Plan amendment is challenged, 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). If approval of a plan amendment is challenged, the process for administrative review will be as provided in Section 163.3184(5), FS.

ISSUES:

The County Surveyor is finalizing the legal descriptions for the future land use designations. The legal descriptions will be provided by Supplemental Memorandum.

LEGAL SUFFICIENCY REVIEW:

This is a legislative matter. Legislative decisions are those in which the local government formulates policy rather than applying specific rules to a particular situation. A local government's approval or denial of an issue in its legislative capacity is typically subject to a fairly debatable standard of review. Fairly debatable means that the government's action must be upheld if reasonable minds could differ as to the propriety of the decision reached. Decisions subject to the fairly debatable standard of review need only be rationally related to a legitimate public purpose, such as the health, safety, and welfare of the public, to be valid. Given this broad discretion, only decisions that are arbitrary and capricious or illegal are subject to serious legal challenge.

RECOMMENDED ACTION:

RECOMMENDATION

Move that the Board approve the ordinance adopting CPA 19-24 which assigns the CRA Center, CRA Neighborhood, General Institutional, Recreational, and Public Conservation future land use designations and repeals the Old Palm City Mixed-Use Future Land Use Overlay.

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
Subtotal		
Project Total		

ALTERNATIVE RECOMMENDATIONS

1. Staff time.

DOCUMENT(S) REQUIRING ACTION:

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