



## Agenda Item Summary

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**File ID:** 22-0915

**PH-2**

**Meeting Date:** 6/21/2022

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**PLACEMENT:** Public Hearings

**TITLE:**

**LEGISLATIVE PUBLIC HEARING TO CONSIDER ADOPTION OF COMPREHENSIVE PLAN AMENDMENT (CPA) 21-08 BECKER B14 TEXT**

**EXECUTIVE SUMMARY:**

This is a request for an amendment to the text of Chapter 4, Future Land Use Element of the Comprehensive Growth Management Plan which, if approved, would create a new future land use designation, Rural Lifestyle.

**DEPARTMENT:** Growth Management

**PREPARED BY:** **Name:** Clyde Dulin

**Title:** Comprehensive Planning Administrator

**REQUESTED BY:** Morris Crady, AICP, Vice President, Lucido and Associates

**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 January 20, 2022. The second public hearing was conducted on February 22, 2022, 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.

The proposed Becker B14 Text amendment was initially advertised for an adoption hearing on April 19, 2022. At that time, the BCC voted to table the amendment. The text presented in the April 5, 2022 staff report and the April 12, 2022 supplemental memorandum have been consolidated into the May 31, 2022 staff report and are presented again for consideration.

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 an affected party challenges the adoption of a plan amendment, the petition must be filed within 30 days of the adoption date of the amendment. If the State Land Planning Agency challenges the adoption of a Plan amendment, the petition must be filed within 30 days of the completeness determination by the State Land Planning Agency.

### **ISSUES:**

Please see the attached staff report for analysis of the proposed amendment. Agency comments received following the BCC transmittal hearing on February 22, 2022, are attached to CPA 21-08 and 21-09 respectively. Agency comments that focus on the text amendment, CPA 21-8, are attached to this agenda item. The following agencies provided correspondence:

- Department of Economic Opportunity raised no objections but did provide technical assistance comments about the text amendment, CPA 21-08.
- Florida Department of Agriculture and Consumer Services had no comment.
- Treasure Coast Regional Planning Council provided a staff report on both CPA 21-08 and CPA 21-09. It included the following text: “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.” The TCRPC report also provides suggestions.

### **LEGAL SUFFICIENCY REVIEW:**

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 general rules of policy to specific situations. If approval of a 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 than 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 provisions are consistent. If approval of a Comprehensive Plan amendment is challenged, the process for administrative review will be as provided in Section 163.3184(5), FS.

### **RECOMMENDED ACTION:**

## RECOMMENDATION

Move that the Board approve the ordinance adopting CPA 21-08 amending the text of Chapter 4, Future Land Use Element of the Comprehensive Growth Management Plan.

## ALTERNATIVE RECOMMENDATIONS

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

## FISCAL IMPACT:

## RECOMMENDATION

Staff time.

## ALTERNATIVE RECOMMENDATIONS

Staff time.

## DOCUMENT(S) REQUIRING ACTION:

- |  |                                       |   |
|--|---------------------------------------|---|
| <input type="checkbox"/> Budget Transfer / Amendment | <input type="checkbox"/> Chair Letter | <input type="checkbox"/> Contract / Agreement |
| <input type="checkbox"/> Grant / Application         | <input type="checkbox"/> Notice       | <input checked="" type="checkbox"/> Ordinance |
| <input type="checkbox"/> Other:                      | <input type="checkbox"/> Resolution   |   |

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