



Agenda Item Summary

File ID: 25-0522

PH-7

Meeting Date: 2/25/2025

PLACEMENT: Public Hearings

TITLE:

LEGISLATIVE PUBLIC HEARING TO CONSIDER ADOPTION OF EVALUATION AND APPRAISAL REPORT (EAR) BASED COMPREHENSIVE PLAN AMENDMENT 24-16, ARTS, CULTURE AND HISTORIC PRESERVATION, A TEXT AMENDMENT

EXECUTIVE SUMMARY:

This is a request to consider the adoption of Comprehensive Plan Amendment 24-16, a text amendment to Chapter 16, Arts, Culture and Historic Preservation Element, of the Comprehensive Growth Management Plan, Martin County Code (CGMP) based upon the 2024 EAR.

DEPARTMENT: Growth Management

PREPARED BY: **Name:** Clyde Dulin, AICP
Title: Comprehensive Planning Administrator

REQUESTED BY: Board of County Commissioners

PRESET:

PROCEDURES: Plan Amendment

BACKGROUND/RELATED STRATEGIC GOAL:

In accordance with Section 163.3184(4), Florida Statutes, evaluation and appraisal plan amendments must follow the state coordinated review process.

All plan amendments require three public hearings. The first public hearing is before the Local Planning Agency. At the second hearing, the Board of County Commissioners (Board) determines whether to transmit or not to transmit plan amendments as part of a set of amendments. After the hearing, the County has 10 working days to send the amendments to the State Land Planning Agency (State).

The State will issue an objections, recommendations, and comments (ORC) report regarding the proposed plan amendment(s) within 60 days after receipt of the amendment package. Any other unit of local government or government agency may provide comments within 30 days after receipt by the State Land Planning Agency of the complete proposed plan or plan amendment.

Martin County must hold the adoption public hearing within 180 days after receipt of the ORC report. If the County fails to hold an adoption hearing within 180 days after receipt of the ORC report, the

amendments shall be deemed withdrawn unless extended by agreement with notice to the State Land Planning Agency and any affected person that provided comments on the amendment. After the adoption hearing, adopted plan amendments must be transmitted within 10 working days to the State and any other agency or local government that provided timely comments.

The State has 45 days to determine if the plan amendments are in compliance with Florida Statutes and will issue a notice of intent to find that the plan amendments are in compliance or not in compliance. A plan amendment adopted under the state coordinated review process shall go into effect pursuant to the State Land Planning Agency's notice of intent. 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.

Decisions approving or rejecting proposed amendments constitute legislative actions because they involve the policy making function of the Board. 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 Board 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 CGMP, the court would strike down the amendment only if the court found no reasonable person would think that the two provisions are consistent.

The Local Planning Agency reviewed the amendment on July 18, 2024 and voted 5-0 to recommend approval. The Board of County Commissioners reviewed the amendment on September 10, 2024 and voted 5-0 to continue the public hearing to October 22, 2024. On October 22, 2024, the BCC voted to transmit this amendment to the State Land Planning Agency. The State provided the ORC report on December 30, 2024.

ISSUES:

Staff has scheduled the public hearings for adoption of the EAR based plan amendments on the following dates:

- February 25, 2025
- March 11, 2025
- March 25, 2025

At each of the dates listed above, the Board will be asked to consider amendments to one or more chapters of the CGMP. Each public hearing will be opened on its scheduled day. The public hearings on February 25, 2025 and March 11, 2025, will be continued to March 25, 2025. During the March 25, 2025, Board meeting, the continued public hearings will be reopened for the Board to vote on adoption of the amendment. After adoption, each amendment must be transmitted to the State Land Planning Agency within 10 days.

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

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 continue this public hearing to March 25, 2025, at 9:00 am or as soon after as the matter may be heard in Chambers at the Martin County Administrative Building.

ALTERNATIVE RECOMMENDATIONS

Move that staff provide additional information and continue the item to March 25, 2025, at 9:00 am or as soon after as the matter may be heard in Chambers at the Martin County Administrative Building.

FISCAL IMPACT:

RECOMMENDATION

Staff time.

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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