

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA**

RESOLUTION NUMBER 26-

**REGARDING DENIAL OF A CERTIFICATION OF AN AGRICULTURAL ENCLAVE FOR
THE WATERSIDE PROPERTY PROPOSED BY KANNER/96TH ST. INVESTMENTS, LLC**

WHEREAS, the Board of County Commissioners ("Board") has made the following findings of fact:

1. Kanner/96th St. Investments, LLC ("Applicant") submitted an application on July 1, 2026, seeking certification of three parcels of land (the "Waterside Property") as an agricultural enclave pursuant to Section 163.3164(4), Florida Statutes.

2. The Waterside Property is comprised of 3 parcels: Parcel 1, Parcel 2 and Parcel 3.

3. The Applicant was issued a Staff Report on July 22, 2026, detailing the reasons the application failed to satisfy the requirements of Section 163.3164(4), Florida Statutes.

4. Upon proper notice, the Board has considered such application at a public hearing held on August 11, 2026.

5. At the public hearing, all interested parties were given an opportunity to be heard.

6. The Waterside Property does not satisfy the requirements of Section 163.3164(4)(b), Florida Statutes. Specifically, two of the three parcels comprising the Waterside Property have not been in continuous use for bona fide agricultural purposes for the five-year period preceding the application, as described in Section 193.461, Florida Statutes.

7. The Waterside Property does not comply with Section 163.3164(4)(c)1.a., Florida Statutes, because at least 75 percent of its perimeter is not surrounded by parcels that have existing industrial, commercial, or residential development.

8. The Waterside Property does not satisfy the requirements of Section 163.3164(4)(c)1.b., Florida Statutes. The application does not identify the specific portions of Parcel 2 that were not used for agricultural purposes, and as a result, compliance with this provision cannot be fully evaluated. Nonetheless, even under the most favorable interpretation, it is insufficient. Only 53.97 percent of the Waterside Property's perimeter is surrounded by land designated on the zoning and future land use maps for industrial, commercial, or residential uses; and only 38.14 percent of the property's perimeter is surrounded by existing industrial, commercial, or residential development. Furthermore, because the statute requires a "parcel", rather than a portion of a parcel, to have been in continuous bona fide agricultural use, Parcel 2 does not qualify since the entire parcel has not

been in continuous use, which would further reduce these percentages. Accordingly, the Waterside Property does not satisfy the requirements of Section 163.3164(4)(c)1.b., Florida Statutes.

9. Regarding Section 163.3164(4)(c)2., Florida Statutes, for the reasons set forth in Paragraph 8, even under the most favorable interpretation of the application, 53.97 percent of the Waterside Property's perimeter is surrounded by land designated on the zoning and future land use maps for industrial, commercial, or residential development. However, because the statute requires an entire parcel or parcels, rather than a portion of a parcel, to have been in continuous bona fide agricultural use, Parcel 2 does not qualify since the entire parcel has not been in continuous use, further reducing the applicable percentage. Accordingly, the applicant did not establish the Waterside Property meets the requirements of Section 163.3164(4)(c)2, Florida Statutes.

10. Based on the foregoing findings, the application to certify the Waterside Property as an agricultural enclave is not consistent with the requirements of Section 163.3164(4), Florida Statutes.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MARTIN COUNTY, FLORIDA, THAT:

The application for the certification of an agricultural enclave proposed by Kanner/96th St. Investments, LLC does not demonstrate that the Waterside Property complies with the requirements of Section 163.3164, Florida Statutes. The agricultural enclave certification application is hereby denied.

DULY PASSED AND ADOPTED THIS 11TH DAY OF AUGUST 2026.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

BY: _____
CAROLYN TIMMANN
CLERK OF THE CIRCUIT COURT
AND COMPTROLLER

BY: _____
SARAH HEARD, CHAIR

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:

BY: _____
ELYSSE A. ELDER
COUNTY ATTORNEY