MEMORANDUM

To: Regional Planning Council Members                              AGENDA ITEM 7A
From: Staff
Date: October 16, 2009 Regional Planning Council Meeting
Subject: Local Government Comprehensive Plan Review
Draft Amendments to the Martin County Comprehensive Plan
DCA Reference No. 09-2ER

Introduction

The Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Florida Statutes, requires that the Treasure Coast Regional Planning Council (TCRPC) review local government comprehensive plan amendments prior to their adoption. Under the provisions of this law, the Department of Community Affairs (DCA) prepares an Objections, Recommendations, and Comments (ORC) Report on a proposed amendment only if requested to do so by the local government, the regional planning council, an affected person, or if an ORC Report is otherwise deemed necessary by the DCA. If an ORC Report is to be prepared, then the TCRPC must provide DCA with its findings of consistency or inconsistency with the Strategic Regional Policy Plan (SRPP), and provide any comments and recommendations for modification on the proposed amendments within 30 days of its receipt.

Background

Martin County is proposing text amendments to all elements of the County Comprehensive Plan. Most of the amendments are to carry out the recommendations of an Evaluation and Appraisal Report (EAR) adopted by the County on July 15, 2008 and found sufficient by the DCA on September 29, 2008. In addition, as part of this amendment transmittal, the County is proposing four Future Land Use Map (FLUM) amendments and text amendments that are not directly related to the EAR. The County has requested a formal review of the amendments by the DCA.

Evaluation

Community Profile

Named after former Florida Governor John W. Martin, Martin County was created in 1925 from portions of St. Lucie and Palm Beach Counties. The County consists of 556
square miles of land area and 197 square miles of water. The estimated population of the County in 2008 was 143,868. The County Growth Management Department projects that the 2010 population will be 147,900. Martin is the third largest county in the Region in both area and population. The County seat and largest city is Stuart with an estimated 2008 population of 16,577. Other incorporated municipalities are Ocean Breeze Park, Sewall’s Point and Jupiter Island. Important unincorporated villages include Hobe Sound, Indiantown, Jensen Beach, Palm City and Port Salerno.

Following are the major issues that were evaluated by the County according to the EAR adopted on July 15, 2008:

1. Determine if urban service districts and policies need refinement.
2. Evaluate effectiveness of the Active Residential Development Preference (ARDP) Planning system.
3. Investigate feasibility of green building standards.
4. Sufficiency of wildlife protection policies.
5. Determine cohesiveness of wetland preservation.
6. Review policies regarding acquisition of lands for the Comprehensive Everglades Restoration Plan (CERP).
7. Determine if plan provides for a sustainable future.
8. Protect areas east of the Herbert Hoover Dike.
9. Maintain public access to waterfront areas.
10. Encourage employment opportunities.
11. Provide sufficient affordable housing.
12. Analyze adequacy of level of service standards and concurrency.
13. Assess potential for reduced traffic congestion.
14. Consider regional transportation initiatives.
15. Sufficiency of policies to support greenways.
17. Analyze methods for monitoring concurrency.

A. EAR-Based Amendments

In order to carry out the recommendations of the EAR, as well as to reduce redundancy and improve the format of the comprehensive plan, Martin County is proposing hundreds of amendments to the text of the plan. A few of the highlights of these amendments follows:

1. Chapter 1 – Preamble

Sections dealing with Transmittal of Plan Amendments (1.11G) and Continuing Evaluation (1.8B) have been deleted since these activities are guided by State Statutes.
2. Chapter 2 – Definitions

All definitions located in the various elements (Chapters) of the comprehensive plan have been relocated to this Chapter. There are 178 definitions.

3. Chapter 3 – Intergovernmental Coordination Element

- Added new Sections for Existing Conditions and Future Needs.
- New Policies (3.1A.8 and 3.1A.9) have been added to address state dredging regulations and resolution of dredging conflicts.
- New Policy 3.1D.5 indicates the County shall use the informal mediation process of the TCRPC to resolve conflicts with other local governments.
- New Policy 3.1H.7 indicates the County shall participate with the Metropolitan Planning Organization and transportation planning organizations in adjacent areas of the Treasure Coast Region in planning for the long-range transportation needs of the County.

4. Chapter 4 – Future Land Use Element

- Policy 4.1A.2 is revised to indicate that the comprehensive plan is the controlling document for all land use and development decisions when there is a conflict with the Land Development Regulations.
- New Policy 4.1D.3 requires the County to provide a residential capacity analysis every two years.
- New Policy 4.7C.6 indicates the County shall identify additional sites for affordable and workforce housing including medium and high density residential development.
- New Policy 4.10A.3 is to permit essential service nodes at intersections of arterial highways west of Interstate 95 in order to reduce the distances that rural residents must travel for commercial services.
- New Policy 4.10C.3 indicates that the analysis of underutilized shopping centers shall consider the feasibility of affordable housing opportunities.
- Revised Policy 4.13A.5 allows accessory dwelling units in the Primary and Secondary Urban Service Districts.

5. Chapter 6 – Housing Element

- The background to this element indicates the County will seek to increase private sector participation in developing affordable housing through incentive-based regulatory programs, subsidy funding, and enhanced public/private partnerships. The element incorporates newly adopted programs for a publicly owned land bank and a local housing
trust fund which aim to provide land and funds for affordable housing in combination with help from local, private and non-profit housing providers.

- New Policy 6.1A.2 indicates the County shall undertake special housing studies as needed to develop local strategies for resolving unanticipated housing problems and issues to ensure that housing policies respond to changing conditions.
- New Policy 6.1B.2 indicates the County shall provide varied housing types, sizes and prices consistent with local need, including affordable housing.
- Revised Policy 6.1D.2 requires the Affordable Housing Advisory Committee to submit a report to the Board of County Commissioners evaluating the implementation of affordable housing incentives and making recommendations for changes.
- Revised Policy 6.1D.4 indicates the County will utilize the Housing Land Bank program to identify public and privately owned land that is suitable for affordable housing.
- Revised Policy 6.1D.7 allows for a density bonus for the provision of very low, low and moderate income housing on lands designated for Medium and High Density Residential development.
- Revised Policy 6.1E.12 indicates that public lands identified as suitable for affordable housing shall be transferred to the Affordable Housing Land Bank and used for projects consistent with the policies and guidelines of that program.

6. Chapter 5 – Transportation Element

- New Policy 5.1A.2 requires that the County regularly assess the need for alternative transportation systems such as public transportation, rail, sidewalks, and bikeways and greenway trails.
- Revised Policy 5.2C.4 calls for the adoption of a thoroughfare right-of-way plan within one year after the adoption of the Regional Long Range Transportation Plan update.
- New Policy 5.3A.13 reports that the County is working on a plan for a north-south trail system for off-road, non-motorized travel; as well as an east-west trail system.
- New Policy 5.3B.7 indicates the County shall seek opportunities for land-based and water-based intermodal logistics facilities as a means of increasing transportation efficiency and reducing vehicular travel.
- New Policies 5.4B.2, 5.4B.3 and 5.4B.4 support the provision of improved sidewalks and bicycle facilities and better access for bicyclists and pedestrians.
- New Objective 5.5E and its supporting policies are to establish transit and/or rail service by 2015 to connect to nearby regional hubs such as Port St. Lucie and Palm Beach County.
7. Chapter 7 – Recreation Element

- Revised Policy 7.1A.4 is to ensure effective recreation planning, to include 1) maintaining an accurate and up-to-date inventory of all County-owned and County-maintained recreational facilities and sites; 2) updating the Parks and Recreation Master Plan every five years; and 3) coordinate with organized sports groups and concerned citizens in evaluating the need for recreational facilities and resources.
- Revised Policy 7.1C.1 indicates the County will coordinate with the School Board to provide for after-hours use of school parks, playgrounds and gymnasiums.

8. Chapter 8 – Coastal Management Element

- Policy 8.1A.2 is revised to strengthen manatee protection measures, including boater speed zone marking and sign maintenance.
- New Objective 8.1B is to continue to support and participate in the Indian River Lagoon portion of the Comprehensive Everglades Restoration Plan.
- New Objective 8.1C is to protect and preserve the functions and values of estuarine river systems and revised Policy 8.1C.1 addresses shoreline performance standards.
- New Objective 8.1D is to develop and implement criteria for prioritizing water dependent and water-related land use activities within the most appropriate identified waterfront land use areas.
- New Policy 8.1D.2 contains siting criteria for commercial marinas.
- New Policy 8.1E.5 addresses shoreline preservation and restoration.
- New Objective 8.2D is to encourage low-density land uses in coastal high hazard areas.
- New Policy 8.2D.3 is to seek the acquisition of coastal high-hazard area lands; and new Policy 8.2B.4 addresses construction restrictions in hurricane surge areas.

9. Chapter 9 – Conservation and Open Space Element

- Policy 9.1F.3 is revised to require planting of native littoral vegetation and upland transitional vegetation around all deep water habitats following completion of new excavation or mining activities.
- Clarifications were made to Policy 9.1G.2 regarding wetlands protection/preservation.
- Revisions were made to Policy 9.1G.4 regarding buffer zones and performance criteria for wetlands.
- Provisions to Policy 9.1J.13 regarding intensity and density transition zones abutting conservation areas and passive public parks.
10. Chapter 12 – Solid and Hazardous Waste Element

- New Policy 12.1H.2 is to implement a conservation effort to revitalize closed landfills, including efforts to plant native vegetation. Invasive plant species are to be controlled.
- New Objective 12.1P and supporting policies are to continue implementation of a recycling program for residents and businesses in the unincorporated areas of Martin County.
- New Objective 12.1Q and supporting policies are to provide safe and convenient recycling drop-off areas to residents who do not have access to recycling in their community.
- New Objective 12.1R and supporting policies are to implement a recycling program at the Transfer and Recycling Facility for the County’s businesses and residents.

11. Chapter 15 – Economic Element

The following objectives and many of the policies to implement the objectives are new:

- Objective 15.1A. To maintain and enhance programs designed to expand and improve its economic base.
- Objective 15.1B. To enhance the business environment by providing incentives and removing disincentives to locating companies in the County and retaining businesses that add value to the local economy.
- Objective 15.1C. To maintain and use an Industrial Development Authority that is empowered to fully carry out its activities as defined by State Statutes.
- Objective 15.2A. To retain, expand and recruit targeted businesses.
- Objective 15.2B. To achieve a business climate that promotes economic diversity and supports the retention and expansion of existing businesses.
- Objective 15.2C. To continue Martin County’s strong history of tourism and its recognition as a desirable tourist destination.
- Objective 15.2D. To promote a strong regional economy enhanced by cooperation, recognizing that Martin County is not an isolated entity, but an integral component of the Treasure Coast/Research Coast Region.
- Objective 15.3A. To facilitate design flexibility and ensure quality redevelopment through the County’s Land Development Regulations.
- Objective 15.3B. To ensure balanced and orderly economic growth by managing the timing, scale and character of economic development opportunities.
- Objective 15.4A. To ensure an educated and prepared workforce through support to K-12 education and technical and college-level courses.
• Objective 15.4B. To become the region’s center of innovative academic programs through support to development of world-class education at all levels, including workforce development.

12. Chapter 17 – Public School Facilities Element
No changes are made to this element other than deletion of definitions that now appear in Chapter 2.

B. Future Land Use Map Amendments (not related to the EAR)

The four FLUM amendments are summarized in Table 1. The locations of the amendments are shown on Exhibits 2 through 9. Three of the amendments are located along Cove Road where the County has been considering comprehensive plan amendments for a number of years. Council has previously reviewed proposed comprehensive plan amendments for all three of these properties (see Attachments A, B, and C).

**Table 1**

**Proposed Amendments to the Future Land Use Map**
**Martin County Comprehensive Plan**
**DCA Reference No. 09-2ER**

<table>
<thead>
<tr>
<th>Amendment Number/Name</th>
<th>Approx. Acreage</th>
<th>Current FLUM Designation</th>
<th>Proposed FLUM Designation</th>
<th>Approximate Location</th>
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<tbody>
<tr>
<td>1. CPA# 08-3 A.I. Homes</td>
<td>49.8</td>
<td>Rural Density Residential</td>
<td>Estate Density Residential</td>
<td>South side of Cove Road immediately east of Anderson Middle School.</td>
</tr>
<tr>
<td>2. CPA# 08-4 Wright</td>
<td>47.1</td>
<td>Rural Density Residential</td>
<td>Estate Density Residential</td>
<td>Between Salerno Road and Cove Road, west of Burnett Avenue and east of Kanner Highway.</td>
</tr>
<tr>
<td>3. CPA# 08-5 Grussmark</td>
<td>37.7</td>
<td>Rural Density Residential</td>
<td>Estate Density Residential</td>
<td>The north side of Cove Road between Burnett Avenue and Pepperwood Drive.</td>
</tr>
<tr>
<td>4. CPA# 09-22 Citrus Boulevard Public Land</td>
<td>107.0</td>
<td>Agricultural</td>
<td>Institutional Recreational</td>
<td>North side of Citrus Boulevard approximately 2,000 east of the Indiantown Airport.</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td><strong>241.6</strong></td>
<td></td>
<td></td>
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</table>

**Key to FLUM Designations**

<table>
<thead>
<tr>
<th>Designation</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rural Density Residential</td>
<td>Allows a maximum of one unit per two acres.</td>
</tr>
<tr>
<td>Estate Density Residential</td>
<td>Allows a maximum of two units per acre.</td>
</tr>
</tbody>
</table>
1. Amendment #CPA 08-3, A.I. Homes

This 49.8 acre property lies along the south side of Cove Road, immediately east of a middle school (see Exhibits 3,4,5). Council reviewed a proposed amendment for this property previously (in 2007) when it was referenced as Mia Bella’s Cove (CPA #07-6). The present FLUM designation for the property is Rural Density Residential (maximum of one dwelling unit per two acres). The proposed FLUM designation is Estate Density Residential (maximum of two dwelling units per acre).

The current land uses on surrounding properties is residential development to the north, residential units and an institutional use to the east, the Atlantic Ridge Conservation Area to the south, and a middle school to the west, across Atlantic Ridge Drive. The FLUM designations on surrounding properties are Estate Density Residential to the north (across Cove Road), and Rural Density Residential to the south, east and west.

2. Amendment #CPA 08-4, Wright

This 47.1 acre property lies between Cove Road and Salerno Road, just east of SR 76 (see Exhibits 3,4,5). Council reviewed proposed amendments for this property in 2006 and 2007. These proposed amendments were not adopted by the County.

The present FLUM designation of the property is Rural Density Residential. The application proposed a FLUM designation of Low Density Residential (maximum of 5 dwelling units per acre). However, the Board of County Commissioners transmitted the amendment with a proposed designation of Estate Density Residential, a designation that was “reluctantly” accepted by the applicant (see Attachment D), according to a letter to the DCA dated September 16, 2009.

The existing land uses on surrounding properties include a convenience store/gas station and residential units to the north, a residential development to the south, undeveloped lands to the east, and a golf center and multi-family residential development to the west. The FLUM designations on surrounding properties are General Commercial and Low Density Residential to the north, Rural Density Residential to the south and east, and General Commercial and Medium Density Residential to the west.

3. Amendment #CPA 08-5, Grussmark

This 37.7 acre property is located along the north side of Cove Road, to the northeast of Amendment #08-3, and to the east of Amendment #08-4
Council reviewed proposed amendments for this property in 2006 and 2007. However, the amendments were not adopted by the County.

The present FLUM designation for the property is Rural Density Residential. The proposed FLUM designation is Estate Density Residential. The existing land use on surrounding properties includes undeveloped land, residential units and a nursery to the north, a residential subdivision to the east, a residential development, public middle school and a residential subdivision to the south, and undeveloped land to the west. FLUM designations on surrounding properties are Rural Density and Estate Density Residential to the north, Estate Density Residential to the east and Rural Density Residential to the south and west.

4. Amendment #09-22, Citrus Boulevard

This 107 acre property is part of a much larger tract of land (approximately 32,000 acres) that has been acquired by the South Florida Water Management District (SFWMD). These lands have been heavily impacted by agricultural activity and cleared of native habitat (see Exhibits 7,8,9). The County has acquired the 107 acre property for use as a park.

The current FLUM designation of the property is Agricultural. The proposed designation of the property is Institutional Recreation. The County Comprehensive Plan requires lands acquired by the County to be reclassified to the appropriate Institutional FLUM designation. Existing land uses on surrounding properties include agricultural lands (acquired by the SFWMD) to the north, east and west; and vacant land to the south. The FLUM designations on surrounding lands is Agricultural to the north, east and west, and Rural Density Residential to the south.

C. Text Amendments (Not Related to the EAR)

The proposed amendments are applicable only to the Martin Correctional Institution (MCI) which is located on an approximately 640 acre property along Allapattah Road near the Port St. Lucie City/St. Lucie County line (see Exhibit 9). The amendments would allow the MCI to obtain utility services from the City of Port St. Lucie. The MCI facility, owned by the State of Florida and operated by the Florida Department of Corrections (DOC) was established in 1985 and has a capacity for 1,509 inmates. The facility is currently served by on-site water and wastewater treatment facilities. The County and DOC have been discussing a course of action to resolve issues relating to the on-site facilities for a number of years.

The MCI facility is located outside the Martin County Primary Urban Service District (PUSD). Under the current County Plan, urban services cannot be provided outside
the PUSD. Even with an exception to the policy, the cost of extending utilities lines from a location in Martin County would be prohibitive. Since the western border of the City of Port St. Lucie is along Rangeline Road (aka Allapattah Road in Martin County) in close proximity to the MCI facility, the County intends to execute an interlocal agreement with the City and the DOC regarding utility services.

1. Future Land Use Element

Policy 4.4G.1. is to be revised to allow public urban facilities, including water and sewer, to be provided to the MCI in accordance with the interlocal agreement.

2. Utilities (Sanitary Sewer) Element

Policy 10.4A.1.h is to be revised to allow the extension of sanitary sewer lines to serve the MCI.

3. Utilities (Potable Water) Element

Policy 11.5A.3.k is revised to allow the extension of potable water lines to serve the MCI.

Extrajurisdictional Impacts

Under the informal agreement facilitated by the Treasure Coast Regional Planning Council (TCRPC), local governments in the northern three counties of the region are to provide copies of amendment materials to other local governments that have expressed an interest in receiving such materials. According to the transmittal letter dated September 16, 2009, Martin County provided copies of the amendment materials to the Town of Ocean Breeze Park, the City of Stuart, the Town of Jupiter, the Town of Sewall’s Point, Palm Beach County, the Village of Tequesta, the Town of Jupiter Island, the City of Port St. Lucie, St. Lucie County, the St. Lucie Transportation Planning Organization and the Martin Metropolitan Planning Organization. Council sent a memo to surrounding local governments and agencies on October 1, 2009 seeking comments regarding conflicts with the proposed amendments. As of the date of the preparation of this report, no comments have been received.

Effects on Significant Regional Resources or Facilities

Analysis of the proposed amendments indicates that they would not have adverse effects on significant regional resources or facilities.
Analysis of Consistency with Strategic Regional Policy Plan

FLUM Amendments

Three of the FLUM amendments are located along Cove Road (see Exhibits 3,4,5). The amendment properties represent a total of 134.6 acres. Each currently has a FLUM designation of Rural Density Residential, allowing a maximum of one dwelling unit per two acres. The current designation, arguably not appropriate for either a rural or an urban area, is inappropriate for lands such as these which lie within the PUSD of Martin County. The proposed designations for all three amendment properties is Estate Density Residential, which allows a maximum of two dwelling units per acre.

Cove Road is a major arterial east-west roadway that connects to Dixie Highway, U.S. 1, Willoughby Boulevard, and SR 76 (Kanner Highway). The intersection of Cove and SR 76 is very near to the I-95/SR 76 interchange. The amendment materials point out that the subject properties are part of a large area (hundreds of acres) along Cove and Salerno Roads that were assigned a Rural Density designation under the 1989 Comprehensive Plan (see Exhibit 5). In the past 20 years, significant changes in this area have occurred. Some of these changes in character in the area include:

- The growth of the U.S.1 corridor to a six lane road.
- The expansion of S.E. Kanner Highway to a four-lane road between Stuart and an Interstate 95 interchange.
- Development in and around the Interstate-95 interchange.
- The Cove Road right-of-way has been used to connect the Martin County Utilities, Port Salerno facilities with the Tropical Farms Water and Wastewater Plant.
- Martin Memorial South Hospital and a related campus have been developed.
- Indian River State College Chastain Campus.
- Robert Morgade Library Branch.
- Construction of a new Middle School.
- Pinewood Elementary and Mary Brogan Park.

Due to the change in this area (often referred to as the Greater Salerno Area), the County began to carry out special planning efforts as early as 1994. A Conceptual Master Plan prepared for the area in 2002 is shown in Exhibit 10. During the past several years, the County has considered (but often not adopted) comprehensive plans for this area. In fact, Council has previously reviewed comprehensive plan amendments for these three subject properties and other properties in the Greater Salerno Area in 2006, 2007 and 2008. Excerpts from the Council reports for these amendments are included as Attachments A, B and C. (Note: the A.I. Homes amendment #08-3 was formerly referred to as Mia Bella’s Cove).

Most of these proposed amendments were found to be inconsistent with the SRPP. Council concluded that:
1. the amendments promoted low density urban sprawl in an important emerging urban area;
2. the amendments would not result in a well-balanced, compatible mix of uses and would not lend themselves to a network of streets that would accommodate different modes of transportation;
3. the amendments would not allow for a mix of housing types, sizes and affordabilities; and
4. there was no overall master plan for the area on which to judge the amendments.

In each previous amendment cycle, Council recommended that Martin County adopt the Conceptual Master Plan for the Greater Salerno area or an alternative plan that would represent coordinated land use and transportation on planning for this very important area. The County has not responded to previous Council recommendations to prepare and adopt a plan for the area. No plan is under consideration.

In the three FLUM amendments along the Cove Road Corridor in this amendment round, the County proposes to assign a FLUM designation of Estate Density Residential for a total of 134.6 acres. Council has reviewed proposed amendments for each of these properties previously and found each to be inconsistent with the SRPP goals and policies including:

**Regional Strategy 6.1.1** – Encourage the formation of sustainable neighborhoods and communities.

**Regional Policy 6.1.1.1** – New neighborhoods and communities should contain a balanced, well-planned, compatible mix of land uses appropriately located so that State, local and regional goals are achieved.

**Regional Policy 6.1.1.2** – New neighborhoods and communities should have compact designs, with a mix of building types.

**Regional Policy 7.1.1.2** – Allow small-lot, single family houses, well-designed multi-family buildings, and garage apartments.

**Regional Policy 10.1.1.1** – Plan and design development to effectively accommodate alternative modes of transportation.

**Strategy 2.2.1** – Ensure that all areas have a reasonable mix of housing, employment opportunities, and services.

**Policy 2.2.1.3** – Encourage the development of a mix of residential land uses which provide for a range of housing types and affordabilities.

**Strategy 2.2.2** – Ensure that all areas have a reasonable mix of housing types and affordabilities, for both owner and renter households.
The applicant for amendment #08-4 (Wright) sought a FLUM designation of Low Density Residential (maximum of five dwelling units per acre). The property is located near the SR 76 corridor and is identified as appropriate for higher density development in the 2002 Conceptual Master Plan. The FLUM designation may have allowed some variation in the type, size and affordability of housing in the area. In correspondence dated September 16, 2009 (see Attachment D), the applicant made an argument that the Low Density Residential designation was appropriate. The amendment received a favorable recommendation from County staff. However, at the Transmittal Hearing, the Board of County Commissioners did not approve the transmittal of the Low Density Residential designation. Instead, the amendment was transmitted with the much lower density Estate designation.

The County has not elected to take advantage of preparing a conceptual plan which would be a guide for future development of the Greater Salerno Area. These proposed amendments do not demonstrate that the County intends to promote the necessary mix of housing types, sizes and affordabilities in this area that will allow people who work in the area to have the choice to live and work in the same vicinity.

Council recognizes that neighborhoods and communities should provide for a variety of residential choices and lot sizes for present and future residents. Some larger lots are appropriate to allow a choice in housing types and sizes. Although the current Rural Density Residential designation is not appropriate for these lands, the redesignation of all lands to Estate Density is also not appropriate. Given the land values in the area, only very high end homes will be developed on these estate-sized lots. Absent a master plan, it is not clear where the County will allow for the development of other housing sizes and affordabilities in this area suitable for the needs of the workforce.

The proposed FLUM amendments (#08-3, #08-4, and #08-5) to assign this extremely low density residential designation to the entire 134.6 acres of property cannot be considered consistent with the SRPP.

**Public Comment**

Council has received correspondence from a number of residents and landowners expressing concern about the proposed amendments. Many of the public comments are similar. The focus of the comments is that:

1. the EAR amendments go well beyond the scope of what is called for in the EAR;
2. the EAR amendments “destroy” the urban service boundary;
3. the EAR amendments have the effect of changing the FLUM designation in the western areas of the County;
4. concerns regarding Essential Service Nodes in western areas of the County; and
5. the lack of need for additional residential development in regards to the FLUM amendments along Cove Road.
Council staff discussed these concerns with the County Growth Management Staff. The County should continue to carry out public information efforts to explain and clarify these and other comprehensive plan amendments.

**Consistency with Strategic Regional Policy Plan**

The contract agreement with the DCA requires the TCRPC to include a determination of consistency with the SRPP as part of the written report to be submitted to the DCA. The TCRPC finds the proposed amendments to be CONSISTENT with the SRPP, with the exception of FLUM amendments #08-3 (A.I. Homes), #08-4 (Wright), and #08-5 (Grussmark) which are found to be INCONSISTENT with the SRPP.

**Recommendation**

The Treasure Coast Regional Planning Council should adopt the above comments and instruct staff to transmit the report to the Department of Community Affairs.

Attachments
# List of Exhibits

**Exhibit**

<table>
<thead>
<tr>
<th>#</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>General Location Map</td>
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<tr>
<td>2</td>
<td>Amendment Location Map</td>
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<tr>
<td>3</td>
<td>Cove Road Amendments – Location Map</td>
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<tr>
<td>4</td>
<td>Cove Road Amendments – Aerial Photo</td>
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<tr>
<td>5</td>
<td>Cove Road Amendments – Future Land Use Map</td>
</tr>
<tr>
<td>6</td>
<td>Citrus Boulevard Public Lands – Location Map</td>
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<tr>
<td>7</td>
<td>Citrus Boulevard Public Lands – Proposed Future Land Use Map</td>
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<td>8</td>
<td>Citrus Boulevard Public Lands – Aerial Map</td>
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<td>9</td>
<td>Martin Correctional Institute – Location Map</td>
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<tr>
<td>10</td>
<td>Mid-County Greater Salerno Small Area Plan – Conceptual Master Plan</td>
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Exhibit 7
Citrus Boulevard Public Lands – Proposed Future Land Use Map

Legend
- Rural Density -up to 0.5 UPA
- Rural Heritage -up to 0.5 UPA
- Estate Density -up to 1 UPA
- Estate Density -up to 2 UPA
- Low Density -up to 5 UPA
- Medium Density - up to 8 UPA
- High Density -up to 10 UPA
- Mobile Home Density -up to 8 UPA
- Commercial General
- Commercial Limited
- Commercial / Office / Residential
- Commercial Waterfront
- Recreational
- Public Conservation Area
- General Institutional
- Industrial
- Agricultural
- Agricultural Ranchette
- Major Power Generation Facility
- No Data (Incorporated Area)
- WATER

09-22, Citrus Blvd.
Exhibit 8
Citrus Boulevard Public Lands – Aerial Map
List of Attachments

Attachment

A Excerpts from TCRPC report on Martin County Comprehensive Plan Amendments (DCA Ref# 06-1) Approved at June 16, 2006 Council Meeting, Agenda Item 6A
B Excerpts from TCRPC report on Martin County Comprehensive Plan Amendments (DCA Ref# 07-1) Approved at June 22, 2007 Council Meeting, Agenda Item 7B
C Excerpts from TCRPC report on Martin County Comprehensive Plan Amendments (DCA Ref# 08-1) Approved at June 20, 2008 Council Meeting, Agenda Item 8A
D September 16, 2009 letter from Morris A. Crady, AICP, Senior Vice President of Lucido & Associates regarding the Martin County Comprehensive Plan Amendments (CPA) #08-4, Wright (FLUM)
E October 3, 2009 email from Leslie Kenneth Karen
F October 3, 2009 email from Eugene Gillis
G October 3, 2009 email from Eugene Gillis
H October 3, 2009 email from Mrs. Sandra Odell
I October 3, 2009 email from Virginia Sherlock
J October 3, 2009 email from Paul Carls
K October 3, 2009 email from Clifford A. Sandlin
L October 3, 2009 email from Karen Sandlin
M October 3, 2009 email from Geraldine Knam
N October 4, 2009 email from Marguerite Hess
O October 4, 2009 email from Marguerite Hess
P October 4, 2009 email from Dr. George Lundstedt
Q October 4, 2009 email from D.D. Glass
R October 5, 2009 email from Martha Bennett
S October 5, 2009 email from John M. Cloninger, Jr.
T October 5, 2009 email from Alfred M. Levy
U October 5, 2009 email from Pat and Al Atkinson
V October 6, 2009 email from Jeanine Sala
W October 6, 2009 email from Jack I. Estep, Jr.
X October 6, 2009 email from Linda Kay Estep
Y October 6, 2009 email from Richard and Blanche Wells
Z September 23, 2009 letter from Modesto and Dolores Panaro
AA October 8, 2009 email from Henry Chamberlain
BB October 10, 2009 email from Marge Ketter
CC October 11, 2009 email from Maggy Hurchalla
DD October 12, 2009 email from Ed Fielding
EE October 12, 2009 email from Martin County Conservation Alliance, Signed by Donna Melzer
FF October 12, 2009 email from William Thornton
GG October 13, 2009 email from Sarah Heard
HH October 14, 2009 email from Donna Melzer
II October 15, 2009 email from Joan Bausch
Analysis of Consistency with Strategic Regional Policy Plan

FLUM Amendments

CPA #06-7 (Rastrelli); 8. CPA #06-8 (Grussmark); 14. CPA# 06-16 (Wright); 20. CPA #06-27 (Willoughby)

These four amendments (and CPA #05-8) are all located in the Cove Road Corridor. They are in an area, between SR 76 and U.S.1 that was previously characterized by very low density residential and agricultural land uses. They are part of an area that was recently added to the USRD and that is arguably the primary urban growth area in the unincorporated county. This “Greater Salerno/76” Planning Area has been the subject of previous planning efforts. A mid-county planning forum was held as early as 1994. A conceptual master plan for the Greater Salerno area was prepared in 2002, but never completed or adopted by the County. Recently, the County has initiated a study for a 2,200 acre portion of the area. This study has also not been completed, but the County has estimated the residential and commercial build out of the area for the year 2025. The following recent development has altered the character of the area:

- The growth of the U.S.1 corridor to a six lane road.
- The expansion of S.E. Kanner Highway to a four-lane road between Stuart and the Interstate 95 interchange at 76.
- Development in and around the I-95/SR76 interchange.
- The Cove Road right-of-way has been used to connect the Martin County Utilities, Port Salerno facilities with the Tropical Farms Water and Wastewater Plant.
- Martin Memorial South Hospital and a related campus have been developed.
- Indian River Community College Chastain Campus.
- Robert Morgade Library Branch.
- Construction of a new Middle School directly across from the subject site.
- Pinewood Elementary and Mary Brogan Park.

Other residential development is currently underway. At the same time, the County has showed support to protect the “Rural Heritage” of part of the area with the recent adoption of the Linden, Appaloosa, Gaines, Salerno(LAGS) amendment (amendment round #05-2).

The County staff recommended denial of a number of these amendments as a result of compatibility (with the more rural uses) issues, but acknowledged the need for a small area plan to guide decision making for this area that is undergoing a transition from rural to urban.

As indicated above in the comments and recommendations on CPA #05-10, the SRPP anticipates that: 1) future development will be part of existing or proposed cities, towns or villages that include a well-balanced, compatible mix of land uses appropriately located and a fine grained network of streets that can accommodate different modes of transportation and 2) local government will create plans and maps identifying preferred locations for new cities, towns and villages. The future of the Greater Salerno/76 Area is
too important to Martin County for new land use designations to be assigned on a project by project basis in the absence of a more detailed comprehensive plan for the area. By all accounts, the amendments proposed for this area are not designed to function together as a series of integrated neighborhoods but rather as isolated “projects”. One of the unsustainable ideas behind projects is the very notion that they are projects, abstracted out of the existing fabric and set apart. To think of salvaging, regulating or improving projects, is to compound this root mistake and foster growth by “projects” forever weakening and fragmenting the County into dysfunctional pieces. The aim should be to get that project or projects woven into a coherent, sustainable fabric – and in doing so, strengthen the surrounding fabric as well. Changing the FLUM from rural and agricultural designations to estate density (two acre lots) will do little to ensure the area becomes an important part of the urban fabric of the County. Instead, the County should not adopt FLUM amendments in this area until a more detailed comprehensive plan is prepared that: 1) integrates and shapes those projects into discrete neighborhoods and districts that complement one another; and 2) accommodates a mix of uses, a variety of housing types, affordabilities and densities, and an interconnected street system. Revisions made without the advantage of a plan will make it difficult for the County to retrofit the area in the future. The County should not adopt these or any other amendments until a more coordinated and complex plan for settlement of the area is completed and adopted. Appendix A, Neighborhood Structure as the Essential Unit for Comprehensive Planning According to the Strategic Regional Policy Plan, provides some instructions on how to prepare and what should be included in such a plan.

Consistency with Strategic Regional Policy Plan

The contract agreement between the DCA and the Treasure Coast Regional Planning Council requires Council to include a determination of consistency with the SRPP as part of the written report to be submitted to the DCA. Council finds the proposed amendments to be CONSISTENT with the SRPP with the exception of the following amendments which are considered to be INCONSISTENT with the SRPP:

CPA #05-10 (Hobe Sound West)
CPA #06-7 (Rastrelli)
CPA #06-8 (Grussmark)
CPA #06-16 (Wright)
CPA #06-27 (Willoughby)
CPA #06-21 (Camayen Cattle Company)

Although not considered consistent with the Strategic Regional Policy Plan, Council recognizes there are special circumstances regarding these amendments.

For Amendment #05-10, it is acknowledged that the County considers low density residential development more compatible than industrial development adjacent to the Kitching Creek wetlands and the Conservation Lands; and that residential development should be allowed to occur prior to the completion and analysis of the Vacant Industrial Site Evaluation Study. For amendment #06-21, it is acknowledged that the County intends to allow development that is served by package treatment plants on lands already designated for commercial use as a preferable alternative to the installation of a significant number of on-lot septic systems.

Finally, for the Cove Road corridor amendments (#06-7, #06-8, #06-16, #06-27) it is acknowledged that the proposed amendments represent improvements in the land use mix of the area. In order to promote better planning and be more consistent with the policies of the SRPP, the County is encouraged to adopt the 2002 Conceptual Master Plan of the Mid County Greater Salerno Small Area Plan.
Analysis of Consistency with Strategic Regional Policy Plan

FLUM Amendments

CPA #05-8 (Grien); CPA# 06-7 (Rastrelli); CPA# 06-8 (Grussmark); CPA #06-16 (Wright);
CPA #06-27 (Willoughby); and CPA#07-6 (Mia Bella’s Cove)

These amendments are all in the Cove Road Corridor. With the exception of CPA #07-6, all
amendments have been reviewed previously by Council. Following is a summary of
Council’s previous analysis and recommendations:

These amendments are located in the Cove Road Corridor. They are in an area, between
SR 76 and U.S.1 that was previously characterized by very low density residential and
agricultural land uses. They are part of an area that was recently added to the PUSD and
that is arguably the primary urban growth area in the unincorporated county. This
“Greater Salerno/76” Planning Area has been the subject of previous planning efforts. A
mid-county planning forum was held as early as 1994. A conceptual master plan for the
Greater Salerno area was prepared in 2002, but never completed or adopted by the
County. Recently, the County has initiated a study for a 2,200 acre portion of the area.
This study has also not been completed, but the County has estimated the residential and
commercial build out of the area for the year 2025. The following recent development
has altered the character of the area:

- The growth of the U.S.1 corridor to a six lane road.
- The expansion of S.E. Kanner Highway to a four-lane road between Stuart and
  the Interstate 95 interchange at 76.
- Development in and around the I-95/SR76 interchange.
- The Cove Road right-of-way has been used to connect the Martin County
  Utilities, Port Salerno facilities with the Tropical Farms Water and Wastewater
  Plant.
- Martin Memorial South Hospital and a related campus have been developed.
- Indian River Community College Chastain Campus.
- Robert Morgade Library Branch.
- Construction of a new Middle School directly across from the subject site.
- Pinewood Elementary and Mary Brogan Park.

The SRPP anticipates that: 1) future development will be part of existing or proposed
cities, towns or villages that include a well-balanced, compatible mix of land uses
appropriately located and a fine grained network of streets that can accommodate
different modes of transportation and 2) local government will create plans and maps
identifying preferred locations for new cities, towns and villages. The future of the
Greater Salerno/76 Area is too important to Martin County for new land use designations
to be assigned on a project by project basis in the absence of a more detailed
comprehensive plan for the area. By all accounts, the amendments proposed for this area
are not designed to function together as a series of integrated neighborhoods but rather as
isolated “projects”. One of the unsustainable ideas behind projects is the very notion that
they are projects, abstracted out of the existing fabric and set apart. To think of
salvaging, regulating or improving projects, is to compound this root mistake and foster
growth by “projects” forever weakening and fragmenting the County into dysfunctional pieces. The aim should be to get that project or projects woven into a coherent, sustainable fabric – and in doing so, strengthen the surrounding fabric as well. Changing the FLUM from rural and agricultural designations to estate density (two acre lots) will do little to ensure the area becomes an important part of the urban fabric of the County. Instead, the County should not adopt FLUM amendments in this area until a more detailed comprehensive plan is prepared that: 1) integrates and shapes those projects into discrete neighborhoods and districts that complement one another; and 2) accommodates a mix of uses, a variety of housing types, affordabilities and densities, and an interconnected street system. Revisions made without the advantage of a plan will make it difficult for the County to retrofit the area in the future. The County should not adopt these or any other amendments until a more coordinated and complex plan for settlement of the area is completed and adopted. Appendix A, Neighborhood Structure as the Essential Unit for Comprehensive Planning According to the Strategic Regional Policy Plan, provides some instructions on how to prepare and what should be included in such a plan.

Finally, for the Cove Road corridor amendments it is acknowledged that the proposed amendments represent improvements in the land use mix of the area. In order to promote better planning and be more consistent with the policies of the SRPP, the County is encouraged to adopt the 2002 Conceptual Master Plan of the Mid County Greater Salerno Small Area.

Consistency with Strategic Regional Policy Plan

The contract agreement between the DCA and the Treasure Coast Regional Planning Council requires Council to include a determination of consistency with the SRPP as part of the written report to be submitted to the DCA. Council finds the proposed amendments to be CONSISTENT with the SRPP, with the following exceptions, which are considered to be INCONSISTENT with the SRPP:

CPA #05-8 (Grien); CPA# 06-7 (Rastrelli); CPA# 06-8 (Grussmark); CPA #06-16 (Wright); CPA #06-27 (Willoughby); CPA#07-6 (Mia Bella’s Cove)

These amendments are considered inconsistent with the SRPP because of the failure of the County to adopt the 2002 Conceptual Master Plan for the Mid County Greater Salerno Area; or a similar plan that would be consistent with Regional Policies 6.1.1.1 and 6.1.1.2.
Analysis of Consistency with Strategic Regional Policy Plan

The proposed FLUM amendment to the Willoughby Research Park would allow commercial office and residential development on a property located at a prominent intersection (Cove Road and Willoughby Boulevard) within the County Urban Service District. County staff recommended denial of this amendment because of traffic level of service issues and compatibility with the FLUM designations on surrounding lands (Rural Density Residential, maximum one dwelling unit per two acres). However, this area is no longer rural in nature. The Martin Memorial Hospital lies almost adjacent to the northeast of the subject property. County office facilities and the Indian River Community College are nearby. Higher intensity development also is located nearby along SR 76 and U.S. 1. The proposed FLUM designation for this property would improve the land use mix in the area and allow residential use at a density where a mix of housing types and affordability may be possible. It is only incompatible with surrounding uses because a plan for the area has not been adopted as recommended previously by Council; a plan that could improve upon the low density sprawl that has characterized recent development in the area. The County considered other residential FLUM amendments in the Cove Road Corridor during this amendment cycle, but continued action on them until late in 2008 and 2009.

Text amendment CPA #08-10 addresses connectivity among properties fronting collector and arterial roads to reduce congestion. A new Policy (5.5.B.1.g) requires connection between new, adjacent non-residential development. This is a good policy, however it is important to have connections between new residential development and existing non-residential development, as well, so that trips between adjacent uses do not have to be via the collector or arterial road. However, proposed Policy 5.5.B.1.h indicates only that the County will encourage, rather than require, connectivity between new residential development and adjacent non-residential development.

Comment/Recommendation

1. The County should complete, adopt and implement the 2002 Conceptual Master Plan for the Mid County Greater Salerno Area or an alternative coordinated and complex plan for this area.

2. The County should modify proposed Policy 5.5.B.1.h to require connections (pedestrian, bicycle, vehicular) between new residential development and existing or new non-residential development. The County should also adopt regulations to ensure these and other connections are carefully designed and constructed to promote safe and convenient pedestrian and bicycle traffic.

Consistency with Strategic Regional Policy Plan

The contract agreement between the DCA and the Treasure Coast Regional Planning Council requires Council to include a determination of consistency with the SRPP as part of the written report to be submitted to the DCA. Council finds the proposed amendments to be CONSISTENT with the SRPP. Council recommends that the County complete, adopt and implement the 2002 Conceptual Master Plan for the Mid County Greater Salerno Area or an alternative coordinated and complex plan for this area. Council also recommends the County modify proposed Policy 5.5.B.1.h in the Transportation Element to require connectivity between residential and non-residential development.
September 16, 2009

Mr. Mike McDaniel, Chief  
Office of Comprehensive Planning  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100

RE: Martin County Comprehensive Plan Amendment (CPA) # 08-4, Wright (FLUM)

Dear Mr. McDaniel:

As per the attached transmittal letter from Martin County dated September 16, 2009, the Wright future land use amendment was approved for transmittal by the Board of County Commissioners on September 2, 2009. On behalf of the property owner and applicant, please find the following enclosed documents that support the conversion of the future land use on the approximately 50-acre site from Rural Density @ 1 unit per 2 acres to a more intense residential land use category consistent with the Martin County Comprehensive Growth Management Plan (CGMP) policies and land use amendment criteria:

- A current aerial photograph identifying the property’s physical characteristics and the surrounding land uses along the Cove Road and Salerno Road corridors;
- A Residential Capacity chart prepared by the Martin County Growth Management Department that identifies the disproportionate amount of vacant Rural Density land use within the Primary Urban Service District (PUSD) when compared to urban residential land uses such as the Low, Medium and High Density Residential categories;
- A copy of the Residential Vacant Land Inventory and Residential Capacity Analysis report prepared by the Martin County Growth Management Department and adopted by the Board of County Commissioners on August 11, 2009 that shows a deficit of units necessary to meet the projected 2025 population within the eastern urban service areas;
- A copy of the Mid County Greater Salerno Small Area Plan that was completed in 2002 that justifies higher intensity land uses on the subject property; and
- A copy of a letter dated August 11, 2008 from the Treasure Coast Regional Planning Council commenting on the county’s Evaluation and Appraisal Report (EAR) and the obvious lack of suitable residential land use densities needed to meet their affordable housing needs.

These documents substantiate staff’s original recommendation of Low Density Residential @ 5 units per acre. Their recommendation is also supported by their own Comprehensive Plan analysis and their analysis of applicable Rule 9J-5 criteria. The conversion of Rural Density to Low Density Residential land use also helps alleviate the land use and housing supply deficiencies identified in the County’s adopted EAR.
Please be aware that we are in agreement with staff’s original recommendation of Low Density Residential @ 5 units per acre. However, the County Commission majority denied staff’s recommendation and transmitted the application with an Estate Density Residential land use @ only 2 units per acre, which is the minimum residential density recommended within the Primary Urban Service District (PUSD). Rather than face a denial, which would have retained the existing Rural Density future land use, the applicant reluctantly accepted the Board’s alternative of Estate Density Residential in order to transmit the application and obtain constructive feedback from your office.

The commissioners who voted against staff’s recommendation for Low Density Residential justified their lack of support because the applicant could not guarantee that affordable housing would be developed on the subject property. Due to the current housing market, the applicant has no plans to develop the property and could not agree to such a condition. However, staff and the applicant understand that the alternative of retaining the Rural Density land use category or changing it to Estate Density ensures that no affordable housing can be developed on the property. These very low density alternatives are not consistent with, and do not further the CGMP future land use policies for creating affordable housing opportunities through the allocation of higher density residential land uses where appropriate.

In summary, the subject property has several key characteristics that support the allocation of higher density residential land use. It is located immediately adjacent to general commercial uses on SR 76 and Salerno Road that include a former gas station, an existing retail/office plaza, an amusement park with a golf cart track, batting cages, putt-putt course, an arcade and a driving range. An existing two-story condominium complex is adjacent to the parcel on Cove Road. Employment centers are located in close proximity to the site such as the recently opened David Anderson Middle School across Cove Road. The Martin Memorial South Hospital campus that includes a skilled nursing facility and medical offices along with the Robert Morgade Library and the Indian River State College campus are located less than one mile to the east.

For the past 15 years while these employment centers were under development, residential development on the surrounding vacant lands has been limited to single family estates at 2 units per acre or less with home values ranging from $350,000 to more than 1 million dollars. Because no land in this vicinity was designated for low, medium or high density, no opportunities to deliver affordable housing were available. The critical need for workforce housing is obvious to the employees that work within the nearby school, hospital, college campus and other commercial establishments in the area.

The Low Density Residential future land use on the subject property will form an appropriate land use transition between the general commercial uses on SR 76 and the single family estate residential uses to the east. There are no neighborhoods adjacent to the subject property that
would be impacted by the Low Density Residential future land use and there are no listed species or upland or wetland plant communities on site that could impede an efficient development plan. Most importantly, the parcel is located within the county’s originally established Primary Urban Service District (PUSD) and enjoys a full range of public facilities and urban services consistent with the County’s adopted levels of service.

With this application the County has the opportunity to promote the efficient use of vacant lands and public facilities within the PUSD. By changing the future land use to Low Density Residential, the County can move one step closer to meeting the affordable housing policies of their own CGMP while simultaneously addressing the deficient housing supply and disproportionate mix of residential future land uses that have been documented in their Evaluation and Appraisal Report.

We hope that you will consider the documents and facts presented in this letter and recommend the Board of County Commissioners accept staff’s original recommendation for Low Density Residential in lieu the of Estate Density or the existing Rural Density future land use.

Please feel free to contact me if you have any questions or comments.

Sincerely,

[Signature]

Morris A. Crady, AICP
Senior Vice President

ENCL.
Copy to: Michael Busha, TCRPC
Ray Eubanks, DCA
Laura Regalado, DCA
Jim McNamara
Robert Burson
From: ikarenfl@aol.com  
Sent: Saturday, October 03, 2009 8:57 AM  
To: ray.eubanks@dca.state.fl.us; laura.regalado@dca.state.fl.us; bob.dennis@dca.state.fl.us; mike.mcdaniel@dca.state.fl.us; thess@tcrpc.org; jim.quinn@dep.state.fl.us; jjackson@sfwmd.gov; evansw@dcaocs.state.fl.us; lois.bush@dot.state.fl.us; maryann.poole@MyFWC.com; gerry.oreilly@dot.state.fl.us; tracy.suber@fldeo.org; sharp@dos.state.fl.us; dhudson@ci.stuart.fl.us; donj@eastcoastlumber.com; grauth@ji.martin.fl.us; info@cityofpsl.com; satterleem@stlucieco.org; nikkiv@martin.fl.us; aperrotti@martin.fl.us; mary.blakeslee@myflorida.com; commissioners@martin.fl.us; jkaren1225@gmail.com; HuserT3@aol.com  
Subject: Martin County Comprehensive Plan

Please keep Martin County as is

I love Martin County
Leslie Kenneth Karen  
5605 SW Honey Terr  
Palm City FL 33467  
I am an affected person with respect to the Martin County Comprehensive Plan Amendments which have been submitted for your review pursuant to the most recent Evaluation and Appraisal Report. I own property or live within Martin County and I am making comments and objections between the time of transmittal and the time of adoption of the amendments.

Please note that my comments are submitted within 30 days after transmittal by the local government and, therefore, must be considered as if submitted by a governmental agency and must be made a part of your file pursuant to Section 163.3184(4), Florida Statutes.

Please review and object to each of these amendments.

They go far beyond the scope of the approved EAR process. The amendments constitute a virtual re-writing of the entire Martin County Comprehensive Plan without proper notice to the public and without giving the public a meaningful opportunity to participate.

The manner in which these amendments were presented and approved by the Martin County Board of County Commissioners is the stuff of which Hometown Democracy is made. This process deviating from the EAR Recommendations, "adjusting" the "demonstrated needs test" and rushing a complete rewrite of our entire Comp Plan that shreds our urban boundary presents a sound argument why residents will vote for Amendment 4.

The amendments violate our local comprehensive plan=s goals and objectives. They destroy the Urban Services Boundary which has been so vigorously defended by Martin County residents for years, changing the "boundary" to an "area" that is poorly defined and without measurable delineation, inviting invasion and uncontrollable sprawl.

The amendments turn agricultural land into smaller tracts for increased development and higher density, eliminating historically productive farmland in favor of urbanization.

The County has failed to address issues relating to adequate roads, schools, potable water, public safety, protection of natural resources, habit and species.

The amendments provide for land use changes and new designations without Future Land Use Map amendments. The elimination of FLUM amendment requirements makes these changes legally indefensible as well as undesirable from a land planning standpoint.

There is inadequate data and analysis to support these amendments and there is no demonstrated need for the
changes. In fact, the amendments weaken the requirement that land use change applicants demonstrate need for increased densities or new development, despite the strong support for the need requirement demonstrated by the Governor and the Cabinet in the recent Marion County challenge.
</div>

Many of the materials furnished to the Department with the transmittal are outdated, rejected or disavowed by the County and have no scientific, economic, or legal basis.

The transmittal itself is so voluminous and so disorganized that it can only discourage meaningful comment and effective review.

Please do not simply accept the thousands of pages of irrelevant, contradictory, and worthless materials that the County has thrown at you in an attempt to bog down the process. If the Department will engage in thorough and careful review of the proposed amendments, the only conclusion you can reach is that they are inconsistent with the state and local comprehensive plans and must be rejected.

Thank you.
Bob Dennis, Regional Planning Administrator
Florida Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

Re: EAR-based Plan Amendments - Martin County Comprehensive Plan

Dear Mr. Dennis:

I am an affected person with respect to the Martin County Comprehensive Plan Amendments which have been submitted for your review pursuant to the most recent Evaluation and Appraisal Report. I own property and live within Martin County and I am making comments and objections between the time of transmittal and the time of adoption of the amendments.

Please note that my comments are submitted within 30 days after transmittal by the local government and, therefore, must be considered as if submitted by a governmental agency and must be made a part of your file pursuant to Section 163.3184(4), Florida Statutes.

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The amendments turn agricultural land into smaller tracts for increased development and higher density, eliminating historically productive farmland in favor of urbanization.

The County has failed to address issues relating to adequate roads, schools, potable water, public safety, protection of natural resources, habitat and species.

The amendments provide for land use changes and new designations without Future Land Use Map amendments. The elimination of FLUM amendment requirements makes these changes legally indefensible as well as undesirable from a land planning standpoint.

There is inadequate data and analysis to support these amendments and there is no demonstrated need for the changes. In fact, the amendments weaken the requirement that land use change applicants demonstrate need for increased densities or new development, despite the strong support for the need requirement demonstrated by the Governor and the Cabinet in the recent Marion County challenge.

Many of the materials furnished to the Department with the transmittal are outdated, rejected or disavowed by the County and have no scientific, economic, or legal basis.

10/5/2009
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Thank you.
Signed: Eugene Gillis
Address: 8343 SE Angelina Court
        Hobe sound, FL 33455
Phone: 772-545-9304 E-
Mail: gene11@genegillis.com
10/5/2009
From: Gene Gillis [gene111@genegillis.com]
Sent: Saturday, October 03, 2009 9:54 AM
To: ray.eubanks@dca.state.fl.us; laura.regalado@dca.state.fl.us; bob.dennis@dca.state.fl.us; mike.mcdanie@dca.state.fl.us; thess@crpc.org; jim.quinn@dep.state.fl.us; j.jackson@sfrm.gov; evansw@doacs.state.fl.us; lois.bush@dot.state.fl.us; maryann.poole@MyFWC.com; gerry.oreilly@dot.state.fl.us; tracy.suber@lidoe.org; sharp@dos.state.fl.us; dhudson@ci.stuart.fl.us; donjr@eastcoastlumber.com; grauth@ijj.martin.fl.us; info@cityofpsl.com; satterlee@stlucieco.org; nikkiv@martin.fl.us; aperrrott@martin.fl.us; mary.blakeslee@myflorida.com; commissioners@martin.fl.us; elzer@gate.net

Subject: Martin County Comp Plan Amendments

To: State Agency Reviewers of Martin County Comp Plan Amendments

I am a person affected by the Martin County Comprehensive Plan Amendments CPAs #09-5 though #09-12 and #09-15-#09-18, #09-21 and #09-23, that Rewrite our Comprehensive Plan.[i] I/we own property or live within Martin County and make these comments and objections within 30 days of the County’s Sept 16 transmittal of the Amendments to be considered as required by Sec. 163.3184(4), Florida Statutes.

The amendments are inconsistent with the Growth Management Act. Issues include:

1. **EAR Report Ignored**: The changes go far beyond the recommendations of the adopted EAR Report. Residents participated in the EAR process in good faith, attending the meetings in 2008. Instead of following those recommendations, the Amendments seriously undermine the Comp Plan that residents rely on. The changes are an economic boon for developers but a long-term loss for residents. In these economic times, we cannot afford to weaken our protections this way. The process angers residents and causes a cry for Hometown Democracy.

2. **Residents Shut Out**. Not only is the EAR Report that residents worked on thrown out, but this Comp Plan that SUPERCEDES the existing Comp Plan was not made available to the public until the day before the Commission’s two-day voting spree. Even today it is difficult to obtain the hundreds and hundreds of Comp Plan REWRITES in a meaningful way. Even the re-numbering appears to be intended to make it harder to find key information; for example, the Goals, Objectives and Policies (GOPs) of Chapter 4 begin with Goal 4.1… UNDER Sec. 4.4. and following Sec. 4.1, Sec. 4.2… It is almost impossible to make one’s way through this maze.

3. **Tarnishes The Gold Standard**. Martin County’s Comp Plan was award-winning. The Goals, Objectives and Policies in the critical Chapter 4 were strong “Martin County shall” statements that residents could use for enforcement. Not anymore. The Goals and Objectives are now toothless sentence fragments that developers can ignore with impunity: Ex. - Objective 4.2C. “To encourage…”

4. **The Commission Thumbs its Nose At The Cabinet Vote On Marion County Project**. The Cabinet and DCA stance on the Marion County project gave residents a ray of hope. However, as the Secretary noted, the decision can be undermined. And that is what the Martin County “needs” analysis, adopted August 11 for this EAR CPA process, did. Instead of the residential “needs” being based on accurate data and analysis, the County kept making “adjustments” to their methodology – “adjustments” different from the current Comp Plan, different from an extensive community-involved study done in 2007, and different even from the update of July 14, 2009. The cumulative “adjustments” finally show “need.” Their “adjustments” include:

   - Supply not at maximum density. The County threw in some additional subtractions without data and analysis: (i) a new, additional 15% deduction, (ii) dropping “old” lots and (iii) excluding any CRA redevelopment potential despite spending millions of tax dollars to make it happen. The same day, the PUD they approved had a density of 97% of acreage times land use max density.

   o NEW Table 4-5 (pages 28-30 of 145) of CPA #09-6, Chap 4 has a total for newly
separated “Eastern Urban Service District” non-CRA that is 56% of the total obtained by multiplying the gross acres times the max density.

- **Demand Inconsistent.** Likewise, through "adjustments" to the "demand" side the Eastern Urban Boundary was made to show a "need."
  
  o For the first time, the County separated the Eastern Urban Service District from the Indiantown Urban Service District and chose an allocation of 4.1% total growth for Indiantown instead of the utilities allocation of about 20.8% (Chapter 11) of the growth to that area.
  
  o Figure 4-10, page 27 of 145 shows that in the past about 5.46% of the growth was allocated to the agricultural land uses. Now the allocation is 0%.

DCA strongly advocated to the Cabinet the importance of applying the “needs” to projects. **Now, we request you demand that Counties preserve the integrity of the “needs” calculation or the Cabinet vote is meaningless.**

5. **Bypasses The FLUM CPA Process For Changing Some Land Uses**  The County adds some new land uses to the Agricultural Land Use area without requiring FLUM CPAs. As the testimony in the Crane Island case in Nassau County hammered home, that cuts out the citizens, which undermines the Growth Management Act implementation and enforcement. Specifically:

- **Essential Service Nodes Policy 4.10A.3.** provides:
  
  o "Essential service nodes shall be allowed at the intersection of arterial highways in western Martin County west of Interstate 95, as approved by the Board of County Commissioners…. and they (3)... **shall not require an amendment to the Future Land Use Map** but, shall be approved through a Planned Unit Development zoning district.
  
  o Although the nodes are not to exceed 5 gross acres at each intersection, the uses are not limited to getting the gallon of milk or getting farm supplies.
  
  o "Arterial highways" are not defined and appear to mean "arterial roads" which are in Chapter 2. Not only is the definition open ended but roads can meet the definition in the future as well, thus adding more FLUM changes without CPAs.

There are hundreds of acres that are receiving a land use change with no FLUM. The water supply is not addressed; land suitability is ignored; environmental issues are potentially large for the amount of impact including pollution that can result. There are no traffic analyses for having multiple 5-acre commercial nodes near each other or adding/attracting traffic to the same roadways.

The data and analysis is seriously lacking to support this change – there is not even a mapping of the current “arterial highways” of Martin County. The impact to the agricultural areas is large as well as being internally inconsistent with the limitation that **commercial shall not be located outside the urban boundary.**

- **Expressway Oriented Transient Commercial Service Center rules** - which have existed since the 1982 Comp Plan – are being changed. The result is change in land uses for acres of lands without FLUM CPAs.

Specifically the inclusion of the intersection of I-95 and Bridge Road does not have a black diamond nor has it satisfied the major road arterial requirement. That is now deleted without any
land suitability review, any FLUM CPAs and without any traffic and water supply data and analysis. “Major arterials” are not defined in Chapter 2.

Excerpts from the Executive Session conducted by the Commission on Nov. 27, 2007, include the attorney discussion attached substantiate that land use change without FLUM CPAs.

6. Urban Boundary Blurred Or Eliminated The urban boundary rules are drastically changed via the SUSD provisions. Currently the County delineates both the PUSD and the SUSD on the Urban Boundary Map. To move the boundary now requires a CPA; the citizen involvement and oversight, like the Crane Island testimony re FLUM CPAs, is invaluable.

The revised language provides that the SUSD boundary will be adjusted on the map based on certain “area” uses. Perhaps the new “area” uses will involve a site plan approval (or not) but this process allows a move of the urban boundary, via a bypass or down-shifting of any public process before the Commission. The citizen involvement in changing the SUSD boundary is removed or drastically restricted.

The urban boundary rule bypass/down-shifting without a CPA and the citizen oversight involved is authorized by new “Policy 4.B.5. inclusion in Secondary Urban Service Districts” which strikes through “The Secondary Urban Service Districts shall be delineated on the Urban Service Boundary Map...”

Instead this Policy allows the new Land Preservation Amendment 2.01 acre clusters [arguably “consist with” 1 unit per two acres is the density criteria] on Ag Land Use if located correctly to get water and sewer. “Areas that meet the density criteria...shall be delineated as Secondary Urban Service Districts on the Urban Services Boundary Map.” So water and sewer can be taken to Agricultural Land Use areas despite those utilities being at the heart of the urban boundary rules that have protected again Martin County for the last 19 years. The SUSD CPA adopted in 2008 allows water and sewer to SUSD lands.

7. Internal Inconsistencies

• The new changes encourage non-agricultural development in the agricultural land use areas. The taxpayers subsidizing new suburban development in agricultural areas in these economic times is unwanted by the residents.

• The Tesoro CPAs adopted August 11, 2009 are now internally inconsistent, since one parcel was “swapped” into the Secondary Urban Service District (SUSD) with an Ag Ranchette land use of 1 unit per 5 acres. However, the new Rewritten Chap 4, Policy 4.13A.5. page 96 seems to characterize the SUSD as a land use allowing only 1 upa and 1 unit per two acres.

• The rush is on making serious citizen oversight impossible. The burden on residents is great to try read the cumbersome, poorly numbered, poorly written documents totaling 3,267 with all Goals and Objectives stripped of enforcement weight and review the additional 3,206 pages of data. The staff also was rushed and often ignored.

In Conclusion:
The end result of this poorly managed process was only shown one day before transmittal as a Superseding Comp Plan. The “tweakings" from the EAR were not adopted and/or were overshadowed, and the impacts changed by the rushed Comp Plan Rewrite.

Contrary to the Growth Management Act:

• Data and analysis are lacking or defective. The Marion County “win” will be hollow if this kind of “adjusted” data is accepted.

• Important urban boundary language is vague and ambiguous. Most of the Goals and Policies of Chapter 4, FLUE as rewritten become phrases and not sentences and had their legal standards removed. Going from “Martin County shall protect natural resources” to “To protect natural resources...” is contrary to the Growth Management Act.
- The FLUM was changed with FLUM CPAs including, but not limited to the above.

- The urban boundary SUSD line was blurred or effectively moved inconsistent with the Comp Plan requirements.

- There are internal inconsistencies including inconsistencies with the recently adopted Tesoro Grove urban boundary "swap" and FLUM CPAs.

- The public participation in the process violates the letter and spirit of the EAR process since the CPAs being adopted include serious inconsistencies with the EAR Report as well as including developer-sought changes far beyond the scope of the EAR Report.

Thank you for your consideration.

Signed: __________ Eugene Gillis
Address: ____ 8343 SE Angelina Court
_____________________________
_____________________________
Hobe sound, FL 33455

Phone: ____ 772-545-9304 ______________ E-
Mail: ______ gene11@genegillis.com

cc: Nicki van Vonno, Martin County Growth Management Director
    Mike McDaniel, DCA
    Ray Eubanks, DCA
    Laura Regalado, DCA
    Terry L. Hess, TCRPC
    Jim Quinn, DEP
    Jim Jackson, SFWMD
    Wendy Evans, DOACS
    Tracy Suber, Dept. of Education
    Susan Harp, Dept. of State
    Mary Ann Poole, FWC
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    Gerry O'Reilly, FDOT
    Ann Perrotta, MPO
    Dan Hudson, City of Stuart
    Gene A. Rauth, Town of Jupiter Island
    Don Osteen, Town of Sewalls' Point
    Terry O'Neill, Town of Ocean Breeze Park
    Daniel Holbrook, City of Port St. Lucie
    Mark Satterlee, St. Lucie County

10/5/2009
Bob Dennis
Florida Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

Re: EAR - based Plan Amendments - Martin County Comprehensive Plan

Dear Mr. Dennis:

My husband and I are property owners in Martin County and therefore affected by the Martin County Comprehensive Plan Amendments which have been submitted to you for review. My comments and objections herein, are being submitted within the 30 days after notice of transmittal by the local government and, therefore, should be considered as if submitted by governmental agencies and must be made part of your file pursuant to Section 163.3184(4), Florida Statutes.

Please review and OBJECT to these Martin County Comprehensive Plan Amendments. Some of the issues include: The "Need" Numbers. Density increases and moving the urban boundary require a showing of "need." Are they accurate or fudged? We think they are outright altered to fit developers "needs." The numbers don't add up.

Commercial Everywhere. The new proposals put commercial almost everywhere, even in residential. They also want to claim all the land around intersections.

EAR Process Hijacked. The developers Future Group rushed radical rewrites shortly before the commission vote that would benefit developers. The Rewrite to "supercede" the current good Comp. Plan was adopted with little resident review or awareness.

Goals and Objectives subverted from what Martin County now requires to what Martin County would encourage but NOT require. The rewritten Comp. Plan, especially Chapter 4, essentially guts the Goals and Objectives, virtually eliminating important quality of life protections.

The rushed manner and time of year presented, reflect not only a lack of respect for residents but also seems to indicate to us, skulduggery. Our Comp. Plan as is, has kept for us a pleasant place to live and we object to changing it.

The shear volume of changes amount to nothing short of a full, all out assault on the County by an industry. Please reject these amendments as inconsistent with the state and local comprehensive plans.

Thank you,

Mrs. Sandra Odell
16444 SW Four Wood Way
Indiantown, FL 34956
From: Littman Sherlock & Heims P.A. [ishlaw@bellsouth.net]
Sent: Saturday, October 03, 2009 3:54 PM
To: ray.eubanks@dca.state.fl.us; laura.regalado@dca.state.fl.us; bob.dennis@dca.state.fl.us; mike.mcdaniel@dca.state.fl.us; thess@tcrpc.org; jim.quinn@dep.state.fl.us; jjackson@sfwmd.gov; evansw@doacs.state.fl.us; lois.bush@dot.state.fl.us; maryann.poole@MyFWC.com; gerry.oreilly@dot.state.fl.us; tracy.suber@fdoe.org; sharp@dos.state.fl.us; dhudson@ci.stuart.fl.us; donjr=eastcoastlumber.com; grauth@tlj.martin.fl.us; info@cityofpsl.com; satterleem@stlucieco.org; nikkv@martin.fl.us; aperrott@martin.fl.us; mary.blakeslee@myflorida.com
Cc: commissioners@martin.fl.us
Subject: Reject Unnecessary and Massive Overhaul of Martin Comp Plan

October 3, 2009

Bob Dennis, Regional Planning Administrator
Florida Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

Re: EAR-based Plan Amendments - Martin County Comprehensive Plan

Dear Mr. Dennis:

I am an affected person with respect to the Martin County Comprehensive Plan Amendments which have been submitted for your review pursuant to the most recent Evaluation and Appraisal Report. I own property or live within Martin County and I am making comments and objections between the time of transmittal and the time of adoption of the amendments. As an owner of a business, a home, and vacant waterfront property in the County, I am adversely affected by massive changes to the plan which destroy shoreline protections, weaken educational and economic prospects for existing businesses, and irreversibly harm my quality of life, the value of my property, and my ability to enjoy my property.

Please note that my comments are submitted within 30 days after transmittal by the local government and, therefore, must be considered as if submitted by a governmental agency and must be made a part of your file pursuant to Section 163.3184(4), Florida Statutes.

10/5/2009
Please review and object to each of these amendments which have purportedly been submitted in response to the Martin County EAR. The fact is that these amendments go far beyond the scope of the approved EAR process. The amendments constitute a virtual re-writing of the entire Martin County Comprehensive Plan without proper notice to the public and without giving the public any meaningful opportunity to participate.

There is no demonstrated need for this massive overhaul of our comprehensive plan, which has been called the "gold standard" for comprehensive plans in the state of Florida. Our County Commission is determined to throw away years of planning and refining our plan, but residents wholeheartedly disagree with this effort to trash the plan. The manner in which these amendments were presented and approved is the stuff of which Hometown Democracy is made. The process initiated by Martin County is exactly the type of shut-the-public-out planning that is producing overwhelming support for Amendment 4 and makes passage a virtual certainty.

The amendments transmitted by Martin County violate our local plan's goals and objectives and attempt to remedy this transgression by entirely re-writing the preamble and re-casting the goals of our plan. Citizens had no input whatsoever in this major revision of the foundation of our plan. The new goals and objectives adopted by the County Commission and revisions in virtually every chapter destroy the Urban Services Boundary which has been so vigorously defended by Martin County residents, changing the "boundary" to an "area" that is poorly defined and without measurable delineation, inviting invasion and uncontrollable sprawl. They sacrifice agricultural land for smaller tracts with increased development and density, eliminating historically productive farmland in favor of urbanization.

The County has failed to address issues relating to adequate roads, schools, potable water, public safety, protection of natural resources, habitat and species. The amendments provide for land use changes and new designations without Future Land Use Map amendments. The elimination of FLUM amendment requirements makes these changes legally indefensible as well as undesirable from a land planning standpoint.

There is inadequate data and analysis to support these amendments and there is no demonstrated need for the changes. In fact, the amendments weaken the requirement that land use change applicants demonstrate need for increased densities or new development, despite the strong support for the need requirement demonstrated by the Governor and the Cabinet in the recent Marion County challenge. An expensive and very thorough EAR report was prepared and approved by the Department last year. This effort has been cast aside in favor of a complete re-write of our plan without any reason or any request except from the development community.

Many of the materials furnished to the Department with the transmittal are outdated, rejected or disavowed by the County and have no scientific, economic, or legal basis. The transmittal is so voluminous and so disorganized that it is obvious the intent was to discourage meaningful comment and effective review. Please do not fall for this deception. Do not simply accept the thousands of pages of irrelevant, contradictory, and worthless materials that the County has thrown at you in an attempt to bog down the process.

If the Department will engage in thorough and careful review of the proposed amendments, the only conclusion you can reach is that they are inconsistent with the state and local comprehensive plans and must be rejected.

10/5/2009
Thank you.

Virginia P. Sherlock
P.O. Box 1197
Stuart, FL 34995
Telephone: (772) 287-0200
Facsimile: (772) 283-1010
E-mail: lshlaw@bellsouth.net

cc: Nicki van Vonno, Martin County Growth Management Director
    Mike McDaniel, DCA
    Ray Eubanks, DCA
    Laura Regalado, DCA
    Terry L. Hess, TCRPC
    Jim Quinn, DEP
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    Gerry O'Reilly, FDOT
    Ann Perrotta, MPO
    Dan Hudson, City of Stuart

10/5/2009
Gene A. Rauth, Town of Jupiter Island
Don Osteen, Town of Sewall's Point
Terry O'Neill, Town of Ocean Breeze Park
Daniel Holbrook, City of Port St. Lucie
Mark Satterlee, St. Lucie County
From: Paul Carls [paulrcarls@hotmail.com]
Sent: Saturday, October 03, 2009 6:27 PM
To: ray.eubanks@dca.state.fl.us; laura.regalado@dca.state.fl.us; bob.dennis@dca.state.fl.us;
mike.mcclain@dca.state.fl.us; tesse@tcrpc.org; jim.quinn@dep.state.fl.us; jjackson@sfwmd.gov;
evansw@dacs.state.fl.us; lois.bush@dot.state.fl.us; maryann.poole@MyFWC.com;
gerry.oreilly@dot.state.fl.us; tracy.suber@flokde.org; sharp@dos.state.fl.us; dhudson@ci.stuart.fl.us;
donjr@eastcoastlumber.com; grauth@lji.martin.fl.us; info@cityofpsl.com; satterlee@stlucieco.org;
nikkiv@martin.fl.us; aperrott@martin.fl.us; mary.blakeslee@myflorida.com;
commissioners@martin.fl.us

Subject: I am opposed to the plan to change the Martin County Comp Plan etc

TO all addressees.. I have provided you a copy of this letter to inform you of my feelings on the rewrite of the Martin County Comp plan etc. - it's time to listen to the people and prohibit the debasing of our beautiful county- thank you - P. Carls

Bob Dennis, Regional Planning Administrator

Florida Department of Community Affairs

2555 Shumard Oak Boulevard

Tallahassee, FL 32399-2100

Re: EAR-based Plan Amendments - Martin County Comprehensive Plan

Dear Mr. Dennis:

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10/5/2009
Please review and object to each of these amendments.

They go far beyond the scope of the approved EAR process. The amendments constitute a virtual re-writing of the entire Martin County Comprehensive Plan without proper notice to the public and without giving the public a meaningful opportunity to participate.

The manner in which these amendments were presented and approved by the Martin County Board of County Commissioners is the stuff of which Hometown Democracy is made. This process deviating from the EAR Recommendations, "adjusting" the "demonstrated needs test" and rushing a complete rewrite of our entire Comp Plan that shreds our urban boundary presents a sound argument why residents will vote for Amendment 4.

The amendments violate our local comprehensive plan=s goals and objectives. They destroy the Urban Services Boundary which has been so vigorously defended by Martin County residents for years, changing the "boundary" to an "area" that is poorly defined and without measurable delineation, inviting invasion and uncontrollable sprawl.

The amendments turn agricultural land into smaller tracts for increased development and higher density, eliminating historically productive farmland in favor of urbanization.

The County has failed to address issues relating to adequate roads, schools, potable water, public safety, protection of natural resources, habit and species.

The amendments provide for land use changes and new designations without Future Land Use Map amendments. The elimination of FLUM amendment requirements makes these changes legally indefensible as well as undesirable from a land planning standpoint.

There is inadequate data and analysis to support these amendments and there is no demonstrated need for the changes. In fact, the amendments weaken the requirement that land use change applicants demonstrate need for increased densities or new development, despite the strong support for the need requirement demonstrated by the Governor and the Cabinet in the recent Marion County challenge.

10/5/2009
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The transmittal itself is so voluminous and so disorganized that it can only discourage meaningful comment and effective review.

Please do not simply accept the thousands of pages of irrelevant, contradictory, and worthless materials that the County has thrown at you in an attempt to bog down the process. If the Department will engage in thorough and careful review of the proposed amendments, the only conclusion you can reach is that they are inconsistent with the state and local comprehensive plans and must be rejected.

Thank you.

Signed: ___Paul Carls

address: ___9254 SE Hawks Nest Court __

Hobe Sound, Fl 33455

______________________________

______________________________

Phone: _______________________ E-Mail: ________________________

10/5/2009
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Florida Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100

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Thank you.

Signed: Clifford A. Sandlin  
Address: 522 SE Southwood Trail, Stuart, FL 34997  
Phone:772-781-4238  E-Mail: thesandlins@live.com

cc: Nicki van Vonno, Martin County Growth Management Director  
    Mike McDaniel, DCA  
    Ray Eubanks, DCA  
    Laura Regalado, DCA  
    Terry L. Hess, TCRPC  
    Jim Quinn, DEP  
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    Terry O'Neill, Town of Ocean Breeze Park  
    Daniel Holbrook, City of Port St. Lucie  
    Mark Satterlee, St. Lucie County

10/5/2009
I am a person affected by the Martin County Comprehensive Plan Amendments CPAs #09-5 through #09-12 and #09-15 through #09-23, that Rewrite our Comprehensive Plan. I own property and live within Martin County and make these comments and objections within 30 days of the County’s Sept 16 transmittal of the Amendments to be considered as required by Sec. 163.3184(4), Florida Statutes.

The amendments are inconsistent with the Growth Management Act. Issues include:

1. **EAR Report Ignored**: The changes go far beyond the recommendations of the adopted EAR Report. Residents participated in the EAR process in good faith, attending the meetings in 2008. Instead of following those recommendations, the Amendments seriously undermine the Comp Plan that residents rely on. The changes are an economic boon for developers but a long-term loss for residents. In these economic times, we cannot afford to weaken our protections this way.

The process angers residents and causes a cry for Hometown Democracy.

2. **Residents Shut Out** Not only is the EAR Report that residents worked on thrown out, but this Comp Plan that SUPERCEDES the existing Comp Plan was not made available to the public until the day before the Commission’s two-day voting spree. Even today it is difficult to obtain the hundreds and hundreds of Comp Plan REWRITES in a meaningful way. Even the re-numbering appears to be intended to make it harder to find key information; for example, the Goals, Objectives and Policies (GOPs) of Chapter 4 begin with Goal 4.1... UNDER Sec. 4.4. and following Sec. 4.1, Sec. 4.2... It is almost impossible to make one’s way through this maze.

3. **Tarnishes The Gold Standard** Martin County’s Comp Plan was award-winning. The Goals, Objectives and Policies in the critical Chapter 4 were strong “Martin County shall” statements that residents could use for enforcement. Not any more. The Goals and Objectives are now toothless sentence fragments that developers can ignore with impunity: Ex. - Objective 4.2C. “To encourage…”

4. **The Commission Thumbs its Nose At The Cabinet Vote On Marion County Project** The Cabinet and DCA stance on the Marion County project gave residents a ray of hope. However, as the Secretary noted, the decision can be undermined. And that is what the Martin County “needs” analysis, adopted August 11 for this EAR CPA process, did. Instead of the residential “needs” being based on accurate data and analysis, the County kept making “adjustments” to their methodology – “adjustments” different from the current Comp Plan, different from an extensive community-involved study done in 2007, and different even from the update of July 14, 2009. The cumulative “adjustments” finally show “need.”

Their “adjustments” include:

- **Supply not at maximum density** The County threw in some additional subtractions without data and analysis: (i) a new, additional 15% deduction, (ii) dropping “old” lots and (iii) excluding any CRA redevelopment potential despite spending millions of tax dollars to make it happen. The same day, the PUD they approved had a density of 97%
of acreage times land use max density.

- NEW Table 4-5 (pages 28-30 of 145) of CPA #09-6, Chap 4 has a total for newly separated "Eastern Urban Service District" non-CRA that is 56% of the total obtained by multiplying the gross acres times the max density.

- Demand Inconsistent Likewise, through "adjustments" to the "demand" side the Eastern Urban Boundary was made to show a "need."

  - For the first time, the County separated the Eastern Urban Service District from the Indiantown Urban Service District and chose an allocation of 4.1% total growth for Indiantown instead of the utilities allocation of about 20.8% (Chapter 11) of the growth to that area.

  - Figure 4-10, page 27 of 145 shows that in the past about 5.46% of the growth was allocated to the agricultural land uses. Now the allocation is 0%.

DCA strongly advocated to the Cabinet the importance of applying the "needs" to projects. **Now, we request you demand that Counties preserve the integrity of the "needs" calculation or the Cabinet vote is meaningless.**

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In Conclusion:

The end result of this poorly managed process was only shown one day before transmittal as a Superceding Comp

10/5/2009
Plan. The "tweakings" from the EAR were not adopted and/or were overshadowed, and the impacts changed by the rushed Comp Plan Rewrite.

**Contrary to the Growth Management Act:**

- Data and analysis are lacking or defective. The Marion County "win" will be hollow if this kind of "adjusted" data is accepted.

- Important urban boundary language is vague and ambiguous. Most of the Goals and Policies of Chapter 4, FLUE as rewritten become phrases and not sentences and had their legal standards removed. Going from "Martin County shall protect natural resources" to "To protect natural resources..." is contrary to the Growth Management Act.

- The FLUM was changed with FLUM CPAs including, but not limited to the above.

- The urban boundary SUSD line was blurred or effectively moved inconsistent with the Comp Plan requirements.

- There are internal inconsistencies including inconsistencies with the recently adopted Tesoro Grove urban boundary "swap" and FLUM CPAs.

- The public participation in the process violates the letter and spirit of the EAR process since the CPAs being adopted include serious inconsistencies with the EAR Report as well as including developer-sought changes far beyond the scope of the EAR Report.

Thank you for your consideration.

Signed: Karen Sandlin  
522 SE Southwood Trail  
Stuart, FL 34997  
772-781-4138 phone; Email: sandlink@bellsouth.net

cc: Nicki van Vonno, Martin County Growth Management Director  
Mike McDaniel, DCA  
Ray Eubanks, DCA  
Laura Regalado, DCA  
Terry L. Hess, TCRPC  
Jim Quinn, DEP  
Jim Jackson, SFWMD  
Wendy Evans, DOACS  
Tracy Suber, Dept. of Education  
Susan Harp, Dept. of State  
Mary Ann Poole, FWC

10/5/2009
Mary Helen Blakeslee, Office of Tourism and Economic Development
Gerry O'Reilly, FDOT
Ann Perrotta, MPO
Dan Hudson, City of Stuart
Gene A. Rauth, Town of Jupiter Island
Don Osteen, Town of Sewalls' Point
Terry O'Neill, Town of Ocean Breeze Park
Daniel Holbrook, City of Port St. Lucie
Mark Satterlee, St. Lucie County

[i] See page 8, Sec. 1.10 of new Chapter 1 "Supercedes..."
From: Ms Gerry P Knam [gerryk@bellsouth.net]
Sent: Saturday, October 03, 2009 11:29 PM
To: bob.dennis@dca.state.fl.us
Cc: ray.eubanks@dca.state.fl.us; laura.regalado@dca.state.fl.us; mike.mcdaniel@dca.state.fl.us; thess@tcrpc.org; jim.quinn@dep.state.fl.us; jjackson@sfwmd.gov; evansw@doacs.state.fl.us; lois.bush@dot.state.fl.us; maryann.poole@MyFWC.com; gerry.oreilly@dot.state.fl.us; tracy.suber@fdioe.org; sharp@dos.state.fl.us; dhudson@cl.stuart.fl.us; donjr@eastcoastlumber.com; grauth@tji.martin.fl.us; info@cityofpsl.com; satterleem@stlucieco.org; nkkiv@martin.fl.us; aperrott@martin.fl.us; mary.blakeslee@myflorida.com; County Commission

Subject: Martin County Comprehensive Plan

Bob Dennis, Regional Planning Administrator

Florida Department of Community Affairs

2555 Shumard Oak Boulevard

Tallahassee, FL 32399-2100

Re: EAR-based Plan Amendments - Martin County Comprehensive Plan

Dear Mr. Dennis:

I am an affected person with respect to the Martin County Comprehensive Plan Amendments which have been submitted for your review pursuant to the most recent Evaluation and Appraisal Report. I own property or live within Martin County and I am making comments and objections between the time of transmittal and the time of adoption of the amendments.

Please note that my comments are submitted within 30 days after transmittal by the local government and, therefore, must be considered as if submitted by a governmental agency and must be made a part of your file pursuant to Section 163.3184(4), Florida Statutes.

Please review and object to each of these amendments.

They go far beyond the scope of the approved EAR process. The amendments constitute a virtual re-writing of the entire Martin County Comprehensive Plan without proper notice to the public and without giving the public a meaningful opportunity to participate.

10/5/2009
The manner in which these amendments were presented and approved by the Martin County Board of County Commissioners is the stuff of which Hometown Democracy is made. This process deviating from the EAR Recommendations, "adjusting" the "demonstrated needs test" and rushing a complete rewrite of our entire Comp Plan that shreds our urban boundary presents a sound argument why residents will vote for Amendment 4.

The amendments violate our local comprehensive plan=s goals and objectives. They destroy the Urban Services Boundary which has been so vigorously defended by Martin County residents for years, changing the “boundary” to an “area” that is poorly defined and without measurable delineation, inviting invasion and uncontrollable sprawl.

The amendments turn agricultural land into smaller tracts for increased development and higher density, eliminating historically productive farmland in favor of urbanization.

The County has failed to address issues relating to adequate roads, schools, potable water, public safety, protection of natural resources, habit and species.

The amendments provide for land use changes and new designations without Future Land Use Map amendments. The elimination of FLUM amendment requirements makes these changes legally indefensible as well as undesirable from a land planning standpoint.

There is inadequate data and analysis to support these amendments and there is no demonstrated need for the changes. In fact, the amendments weaken the requirement that land use change applicants demonstrate need for increased densities or new development, despite the strong support for the need requirement demonstrated by the Governor and the Cabinet in the recent Marion County challenge.

Many of the materials furnished to the Department with the transmittal are outdated, rejected or disavowed by the County and have no scientific, economic, or legal basis.

The transmittal itself is so voluminous and so disorganized that it can only discourage meaningful comment and effective review.

Please do not simply accept the thousands of pages of irrelevant, contradictory, and worthless materials that the County has thrown at you in an attempt to bog down the process. If the Department will engage in thorough and careful review of the proposed amendments, the only conclusion you can reach is that they are inconsistent
with the state and local comprehensive plans and must be rejected.

Thank you.

Signed: Geraldine P. Knam

Address: 7547 SE Bay Cedar Circle

Hobe Sound, FL 33455

Phone: 772 220-8989  E-Mail: gerryk@bellsouth.net

cc: Nicki van Vonno, Martin County Growth Management Director
    Mike McDaniel, DCA
    Ray Eubanks, DCA
    Laura Regalado, DCA
    Terry L. Hess, TCRPC
    Jim Quinn, DEP
    Jim Jackson, SFWMD
    Wendy Evans, DOACS
    Tracy Suber, Dept. of Education
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    Gerry O'Reilly, FDOT
    Ann Perrotta, MPO
    Dan Hudson, City of Stuart
    Gene A. Rauth, Town of Jupiter Island

10/5/2009
Don Osteen, Town of Sewall's Point

Terry O’Neill, Town of Ocean Breeze Park

Daniel Holbrook, City of Port St. Lucie

Mark Satterlee, St. Lucie County

I am using the Free version of SPAMfighter.
We are a community of 6 million users fighting spam.
SPAMfighter has removed 212 of my spam emails to date.
The Professional version does not have this message.
Bob Dennis, Regional Planning Administrator
Florida Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

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The amendments turn agricultural land into smaller tracts for increased development and higher density, eliminating historically productive farmland in favor of urbanization. The County has failed to address issues relating to adequate roads, schools, potable water, public safety, protection of natural resources, habit and species. The amendments provide for land use changes and new designations without Future Land Use Map amendments. The elimination of FLUM amendment requirements makes these changes legally indefensible as well as undesirable from a land planning standpoint.

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Thank you.
Signed: Marguerite A Hess
Address: 1195 Ocean View Circle
         Jensen beach Florida 34957
Phone: 772 334 7731  E-Mail: dphess@bellsouth.net
Re: EAR-based Plan Amendments - Martin County Comprehensive Plan

Dear Mr. Dennis:

I am an affected person with respect to the Martin County Comprehensive Plan Amendments which have been submitted for your review pursuant to the most recent Evaluation and Appraisal Report. I own property or live within Martin County and I am making comments and objections between the time of transmittal and the time of adoption of the amendments.

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Thank you.

Signed: Marguerite A Hess

Address: 1195 Ocean View Circle
        Jensen beach Florida 34957

Phone: 772 334 7731  E-Mail: dphess@bellsouth.net
From: Peggy Hess [dphess@bellsouth.net]
Sent: Sunday, October 04, 2009 10:42 AM
To: thess@tcrpc.org; jim.quinn@dep.state.fl.us
Subject: Making Objections

Bob Dennis, Regional Planning Administrator
Florida Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

Re: EAR-based Plan Amendments - Martin County Comprehensive Plan
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Phone: 772 334 7731

E-Mail: dphess@bellsouth.net
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Tallahassee, FL 32399-2100

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I attended many of the meetings held in 2008 and ALL of the meetings in 2009 despite what appeared to me to be , at times , a deliberate attempt to make the presence of voters challenging.

Please review and object to each of these amendments. They go far beyond the scope of the approved EAR process. The amendments constitute a virtual re-writing of the entire Martin County Comprehensive Plan without proper notice to the public and without giving the public a meaningful opportunity to participate. In my comments to the Commissioners I described it as a "hi-jacking" by a well organized group that were not so transparently being directed by people associated with development and intent on destroying the best Comp Plan in the State.

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Many of the materials furnished to the Department with the transmittal are outdated, rejected or disavowed by the County and have no scientific, economic, or legal basis. The transmittal itself is so voluminous and so disorganized that it can only discourage meaningful comment and effective review. The end result of this poorly managed process, shown only one day before being transmitted, was not an update to our Gold Standard Plan but a rewrite.

Please do not simply accept the thousands of pages of irrelevant, contradictory, and worthless materials that the County has thrown at you in an attempt to bog down the process. If the Department will engage in thorough and careful review of the proposed amendments, the only conclusion you can reach is that they are inconsistent with the state and local comprehensive plans and must be rejected.

Thank you.

Signed: Dr. George Lundstedt
Address: 2125 SE Talbot Pl. Stuart, Fl.

Phone: 772-463-6614 E-Mail: above

cc: Nicki van Vorno, Martin County Growth Management Director
Mike McDaniel, DCA
Ray Eubanks, DCA
Laura Regalado, DCA
Terry L. Hess, TCRPC
Jim Quinn, DEP
Jim Jackson, SFWMD
Wendy Evans, DOACS
Tracy Suber, Dept. of Education
Susan Harp, Dept. of State
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Don Osteen, Town of Sewall's Point
Terry O'Neill, Town of Ocean Breeze Park
Daniel Holbrook, City of Port St. Lucie
Mark Satterlee, St. Lucie County

George Lundstedt
george@lundstedt.us

10/5/2009
From: DOROTHEA GLASS [theabob@yahoo.com]
Sent: Sunday, October 04, 2009 11:53 PM
To: ray.eubanks@dca.state.fl.us; laura.regalado@dca.state.fl.us; bob.dennis@dca.state.fl.us; mike.mcdaniel@dca.state.fl.us; thess@crpc.org; jim.quinn@dep.state.fl.us; jjackson@sfwmd.gov; evansw@doacs.state.fl.us; lois.bush@dot.state.fl.us; maryann.poole@MyFWC.com; gerry.oreilly@dot.state.fl.us; tracy.suber@fdoe.org; sharp@dos.state.fl.us; dhudson@ci.stuart.fl.us; donjr@eastcoastlumber.com; grauth@tji.martin.fl.us; info@cityofpsl.com; satterleem@stlucieco.org; nikkiv@martin.fl.us; aperrott@martin.fl.us; mary.blakeslee@myflorida.com; commissioners@martin.fl.us

Subject: Martin County Comprehensive Plan Amendments

Bob Dennis, Regional Planning Administrator
Florida Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

Re: EAR-based Plan Amendments - Martin County Comprehensive Plan

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Thank you.

Signed: _D.D. Glass____________________

Address:1755 Captains Place____________

_Palm City, FL 34990____________

Phone:772 286 6064_________E-Mail:____________________________

cc: Nicki van Vonno, Martin County Growth Management Director

Mike McDaniel, DCA
Ray Eubanks, DCA
Laura Regalado, DCA
Terry L. Hess, TCRPC
Jim Quinn, DEP
Jim Jackson, SFWMD
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Dan Hudson, City of Stuart

Gene A. Rauth, Town of Jupiter Island

Don Osteen, Town of Sewall's Point

Terry O'Neill, Town of Ocean Breeze Park

Daniel Holbrook, City of Port St. Lucie

Mark Satterlee, St. Lucie County
Attached please find my comments and objections to the recently submitted Martin Cty Comprehensive Plan.

I am an affected person with respect to the Martin County Comprehensive Plan Amendments which have been submitted for your review pursuant to the most recent Evaluation and Appraisal Report. I own property or live within Martin County and I am making comments and objections between the time of transmittal and the time of adoption of the amendments.

Please note that my comments are submitted within 30 days after transmittal by the local government and, therefore, must be considered as if submitted by a governmental agency and must be made a part of your file pursuant to Section 163.3184(4), Florida Statutes.

Martha Bennett
October 4, 2009

Re: EAR-based Plan Amendments - Martin County Comprehensive Plan

To: State Agency Reviewers of Martin County Comp Plan Amendments

I am a person affected by the Martin County Comprehensive Plan Amendments CPAs #09-5 though #09-12 and #09-15-#09-18, #09-21 and #09-23, that Rewrite our Comprehensive Plan I own property in Martin County and make these comments and objections within 30 days of the County’s Sept 16 transmittal of the Amendments to be considered as required by Sec. 163.3184(4), Florida Statutes.

After your review of the submitted amendments, I request that you object and disapprove. The document is nothing less than a complete rewrite of our Comprehensive Plan with little data to support the drastic changes proposed.

Martin County has proudly and consistently upheld the “gold-standard” of Comprehensive Plans throughout the State of Florida. Many neighboring counties repeatedly express their envy and wish they could return the protections Martin County enjoys to their own plans. However, if the EAR before you is adopted, Martin County is in danger of losing all those protections and more, due to the numerous inconsistencies and the manipulation and lack of substantive data and analysis.

Having paid close attention to the EAR process over the past three years, I know for a fact the amendments before you do not resemble the draft EAR report you saw in 2008. The EAR process is supposed to review the plan and make changes in order to better comply with goals and objectives. Instead, the entire plan as known was discarded in favor of the rewrite before you which was not even completed in time for final public review before transmittal.

Included in the packet are numerous reports that were previously rejected as invalid data by the Commission, i.e. the Urbanomics report rejected in 2007, which now is used as supportive data for housing needs. The data presented has been manipulated to favor more housing development. In fact, the inventory of vacant and foreclosed houses is not even included. I respectfully remind you that the Marion County decision should set a precedent for determination of housing needs.

Directives and mandates are eliminated, replaced instead with unspecific goals which will weaken the protections that make Martin County unique. Tight language is replaced with vague generalizations open to wide interpretation and loopholes. The proposed amendments are also inconsistent in content and meaning from chapter to chapter. Clear and concise definitions, policies and goals are required to mesh, but no longer do so. Also, please pay particular attention to the language. The interpretations of such small words as “shall” and “may” can make a dramatic difference in the future of our county.
My biggest concern is that segments of these proposed amendments, not yet reviewed nor adopted as law, are already being used in several of the land use change requests submitted since the transmittal date of September 16. They are obviously using the flawed data regarding housing needs to promote the projects when population projections do not support the need for further residential development.

Numerous essays and editorials have been published pointing to the glut of housing as a source of Florida's economic problems. Allowing faster and easier processing of changes to our land use planning without demonstrated need will only exacerbate the problem, not cure it. As the cost of further development is shifted away from those traditionally responsible, more people will be economically forced to move away and those of us remaining will shoulder additional tax burdens. Loosening the rules to continue on the same path is lunacy.

Again, I ask that you object to and deny the numerous changes in these amendments which will, if utilized, bring about the end to Martin County as we know and love it.

Sincerely,

Martha Bennett

Martin County Resident and small business owner

cc: Nicki van Vorno, Martin County Growth Management Director
    Bob Dennis, Regional Planning Administrator
    Mike McDaniel, DCA
    Ray Eubanks, DCA
    Laura Regalado, DCA
    Terry L. Hess, TCRPC
    Jim Quinn, DEP
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    Don Osteen, Town of Sewalls' Point
    Terry O'Neill, Town of Ocean Breeze Park
    Daniel Holbrook, City of Port St. Lucie
    Mark Satterlee, St. Lucie County
Terry Hess

From: Jack [netjack@netzero.net]
Sent: Monday, October 05, 2009 3:29 PM
To: bob.dennis@dca.state.fl.us
Cc: ray.eubanks@dca.state.fl.us; laura.regalado@dca.state.fl.us; mike.mcdaniel@dca.state.fl.us; thess@tcrcp.org; jim.quinn@dep.state.fl.us; jjackson@sfwmd.gov; evansw@dacs.state.fl.us; lois.bush@dot.state.fl.us; maryann.poole@MyFWC.com; gerry.oreilly@dot.state.fl.us; tracy.suber@fldoe.org; sharp@dos.state.fl.us; dhudson@ci.stuart.fl.us; donjr@eastcoastlumber.com; gauth@tji.martin.fl.us; info@cityofpsl.com; satterleem@stlucieco.org; nikkiv@martin.fl.us; aperrott@martin.fl.us; mary.blakeslee@myflorida.com; commissioners@martin.fl.us

Subject: Rewrite of Martin County Comprehensive Plan

Bob Dennis, Regional Planning Administrator
Florida Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

Re: EAR-based Plan Amendments - Martin County Comprehensive Plan

Dear Mr. Dennis:

I am an affected person with respect to the Martin County Comprehensive Plan Amendments which have been submitted for your review pursuant to the most recent Evaluation and Appraisal Report. I own property or live within Martin County and I am making comments and objections between the time of transmittal and the time of adoption of the amendments.

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Please review and object to each of these amendments.

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10/6/2009
eliminating historically productive farmland in favor of urbanization.

The County has failed to address issues relating to adequate roads, schools, potable water, public safety, protection of natural resources, habitat and species.

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Thank you.

Signed:  _John M. Cloninger, Jr_____________________
Address: _7129 SE Rivers Edge St_____________________
_____ Jupiter, FL 33458-1055_____________________

Phone: _561-744-1591____ E-Mail: _netjack@netzero.net_____

cc:  Nicki van Vonno, Martin County Growth Management Director
     Mike McDaniel, DCA
     Ray Eubanks, DCA
     Laura Regalado, DCA
     Terry L. Hess, TCRPC
     Jim Quinn, DEP
     Jim Jackson, SFWMD
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Daniel Holbrook, City of Port St. Lucie
Mark Satterlee, St. Lucie County
Bob Dennis, Regional Planning Administrator Florida Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100  

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Signed: Alfred M. Levy
Address: 7129 SE Rivers Edge St
Jupiter, FL 33458-1055

Phone: 561-744-1591 E-Mail: netalfred@netzero.net

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Pat and Al Atkinson

10/6/2009
1270 Covered Bridge Rd.
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4starfire@bellsouth.net
Bob Dennis, Regional Planning Administrator Florida Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

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Signed: Jeanine L. Sala
Address: 1424 SW Silver Pine Way C
Palm City, FL 34990
Phone: 772-781-4912    E-Mail: Jeaninesala@yahoo.com

cc: Nicki van Vonno, Martin County Growth Management Director
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Signed: ___Jack I Estep Jr__________________________

Address: ___6183 Orange Blossom Trail__________________________

              Hobe Sound, FL 33455__________________________

Phone: _____(772)781-9947__________________________E-Mail: mr_and_mrs_breeze@msn.com

10/6/2009
From: mr_and_mrs_breeze_estep [mr_and_mrs_breeze@msn.com]
Sent: Tuesday, October 06, 2009 1:21 PM
To: ray.eubanks@dca.state.fl.us; laura.regalado@dca.state.fl.us; bob.dennis@dca.state.fl.us; mike.mcdaniel@dca.state.fl.us; thess@tcrpc.org; jim.quinn@dep.state.fl.us; jjackson@sfwmd.gov; evansw@doacs.state.fl.us; lois.bush@dot.state.fl.us; maryann.poole@MyFWC.com; gerry.oreilly@dot.state.fl.us; tracy.suber@fido.org; sharp@dos.state.fl.us; dhudson@ci.stuart.fl.us; donjr@eastcoastlumber.com; grauth@tji.martin.fl.us; info@cityofpsl.com; satterleem@stlucieco.org; nikkiv@martin.fl.us; aperrott@martin.fl.us; mary.blakeslee@myflorida.com; commissioners@martin.fl.us

Subject: Martin County Comp Plan Amendments

To: State Agency Reviewers of Martin County Comp Plan Amendments

I am a person affected by the Martin County Comprehensive Plan Amendments CPAs #09-5 though #09-12 and #09-15-#09-18, #09-21 and #09-23, that Rewrite our Comprehensive Plan.[1] I/we own property or live within Martin County and make these comments and objections within 30 days of the County's Sept 16 transmittal of the Amendments to be considered as required by Sec. 163.3184(4), Florida Statutes.

The amendments are inconsistent with the Growth Management Act. Issues include:

1. **EAR Report Ignored**: The changes go far beyond the recommendations of the adopted EAR Report. Residents participated in the EAR process in good faith, attending the meetings in 2008. Instead of following those recommendations, the Amendments seriously undermine the Comp Plan that residents rely on. The changes are an economic boon for developers but a long-term loss for residents. In these economic times, we cannot afford to weaken our protections this way.

The process angers residents and causes a cry for Hometown Democracy.

2. **Residents Shut Out** Not only is the EAR Report that residents worked on thrown out, but this Comp Plan that SUPERCEDES the existing Comp Plan was not made available to the public until the day before the Commission's two-day voting spree. Even today it is difficult to obtain the hundreds and hundreds of Comp Plan REWRITES in a meaningful way. Even the re-numbering appears to be intended to make it harder to find key information; for example, the Goals, Objectives and Policies (GOPs) of Chapter 4 begin with Goal 4.1... UNDER Sec. 4.4. and following
Sec. 4.1, Sec. 4.2.... It is almost impossible to make one's way though this maze.

3. **Tarnishes The Gold Standard**  Martin County's Comp Plan was award-winning. The Goals, Objectives and Policies in the critical Chapter 4 were strong "Martin County shall" statements that residents could use for enforcement. Not any more. The Goals and Objectives are now toothless sentence fragments that developers can ignore with impunity: Ex. - Objective 4.2C. "To encourage..."

4. **The Commission Thumbs its Nose At The Cabinet Vote On Marion County Project**  The Cabinet and DCA stance on the Marion County project gave residents a ray of hope. However, as the Secretary noted, the decision can be undermined. And that is what the Martin County "needs" analysis, adopted August 11 for this EAR CPA process, did. Instead of the residential "needs" being based on accurate data and analysis, the County kept making "adjustments" to their methodology – "adjustments" different from the current Comp Plan, different from an extensive community-involved study done in 2007, and different even from the update of July 14, 2009. The cumulative "adjustments" finally show "need."

Their "adjustments" include:

- **Supply not at maximum density**  The County threw in some additional subtractions without data and analysis: (i) a new, additional 15% deduction, (ii) dropping "old" lots and (iii) excluding any CRA redevelopment potential despite spending millions of tax dollars to make it happen. The same day, the PUD they approved had a density of 97% of acreage times land use max density.
  - NEW Table 4-5 (pages 28-30 of 145) of CPA #09-6, Chap 4 has a total for newly separated "Eastern Urban Service District" non-CRA that is 56% of the total obtained by multiplying the gross acres times the max density.

- **Demand Inconsistent**  Likewise, through "adjustments" to the "demand" side the Eastern Urban Boundary was made to show a "need."
  - For the first time, the County separated the Eastern Urban Service District from the Indiantown Urban Service District and chose an allocation of 4.1% total growth for Indiantown instead of the utilities allocation of about 20.8% (Chapter 11) of the growth to that area.
  - Figure 4-10, page 27 of 145 shows that in the past about 5.46% of the growth was allocated to the agricultural land uses. Now the allocation is 0%.
DCA strongly advocated to the Cabinet the importance of applying the "needs" to projects. **Now, we request you demand that Counties preserve the integrity of the "needs" calculation or the Cabinet vote is meaningless.**

5. **Bypasses The FLUM CPA Process For Changing Some Land Uses**  
The County adds some new land uses to the Agricultural Land Use area without requiring FLUM CPAs. As the testimony in the Crane Island case in Nassau County hammered home, that cuts out the citizens, which undermines the Growth Management Act implementation and enforcement. Specifically:

- Essential Service Nodes Policy 4.10A.3. provides:

  - "Essential service nodes shall be allowed at the intersection of arterial highways in western Martin County west of Interstate 95, as approved by the Board of County Commissioners.... and they (3)... **shall not require an amendment to the Future Land Use Map** but, shall be approved through a Planned Unit Development zoning district.

  - Although the nodes are not to exceed 5 gross acres at each intersection, the uses are not limited to getting the gallon of milk or getting farm supplies.

  - "Arterial highways" are not defined and appear to mean "arterial roads" which are in Chapter 2. Not only is the definition open ended but roads can meet the definition in the future as well, thus adding more FLUM changes without CPAs.

There are hundreds of acres that are receiving a land use change with no FLUM. The water supply is not addressed; land suitability is ignored; environmental issues are potentially large for the amount of impact including pollution that can result. There are no traffic analyses for having multiple 5-acre commercial nodes near each other or adding/attracting traffic to the same roadways.

The data and analysis is seriously lacking to support this change – there is not even a mapping of the current "arterial highways" of Martin County. The impact to the agricultural areas is large as well as being internally inconsistent with the limitation that **commercial shall not be located outside the urban boundary.**
Expressway Oriented Transient Commercial Service Center rules - which have existed since the 1982 Comp Plan – are being changed. The result is change in land uses for acres of lands without FLUM CPAs.

Specifically the inclusion of the intersection of I-95 and Bridge Road does not have a black diamond nor has it satisfied the major road arterial requirement. That is now deleted without any land suitability review, any FLUM CPAs and without any traffic and water supply data and analysis. “Major arterials” are not defined in Chapter 2.

Excerpts from the Executive Session conducted by the Commission on Nov. 27, 2007, include the attorney discussion attached substantiate that land use change without FLUM CPAs.

6. **Urban Boundary Blurred Or Eliminated** The urban boundary rules are drastically changed via the SUSD provisions. Currently the County delineates both the PUSD and the SUSD on the Urban Boundary Map. To move the boundary now requires a CPA; the citizen involvement and oversight, like the Crane Island testimony re FLUM CPAs, is invaluable.

The revised language provides that the SUSD boundary will be adjusted on the map based on certain “area” uses. Perhaps the new “area” uses will involve a site plan approval (or not) but this process allows a move of the urban boundary, via a bypass or down-shifting of any public process before the Commission. The citizen involvement in changing the SUSD boundary is removed or drastically restricted.

The urban boundary rule bypass/down-shifting without a CPA and the citizen oversight involved is authorized by new **"Policy 4.B.5.inclusion in Secondary Urban Service Districts"** which strikes through **"The Secondary Urban Service Districts shall be delineated on the Urban Service Boundary Map..."** Instead this Policy allows the new Land Preservation Amendment 2.01 acre clusters [arguably "consist with" 1 unit per two acres is the density criteria] on Ag Land Use if located correctly to get water and sewer. "Areas that meet the density criteria... shall be delineated as Secondary Urban Service Districts on the Urban Services Boundary Map." So **water and sewer can be taken to Agricultural Land Use areas despite those utilities being at the heart of the urban boundary rules that have protected ag in Martin County for the last 19 years.** The SUSD CPA adopted in 2008 allows water and sewer to SUSD lands.
7. Internal Inconsistencies

- The new changes encourage non-agricultural development in the agricultural land use areas. The taxpayers subsidizing new suburban development in agricultural areas in these economic times is unwanted by the residents.

- The Tesoro CPAs adopted August 11, 2009 are now internally inconsistent, since one parcel was “swapped” into the Secondary Urban Service District (SUSD) with an Ag Ranchette land use of 1 unit per 5 acres. However, the new Rewritten Chap 4, Policy 4.13A.5. page 96 seems to characterize the SUSD as a land use allowing only 1 upa and 1 unit per two acres.

- The rush is on making serious citizen oversight impossible. The burden on residents is great to try to read the cumbersome, poorly numbered, poorly written documents totaling 3,267 with all Goals and Objectives stripped of enforcement weight and review the additional 3,206 pages of data. The staff also was rushed and often ignored.

In Conclusion:

The end result of this poorly managed process was only shown one day before transmittal as a Superceding Comp Plan. The “tweakings” from the EAR were not adopted and/or were overshadowed, and the impacts changed by the rushed Comp Plan Rewrite.

Contrary to the Growth Management Act:

- Data and analysis are lacking or defective. The Marion County “win” will be hollow if this kind of “adjusted” data is accepted.

- Important urban boundary language is vague and ambiguous. Most of the Goals and Policies of Chapter 4, FLUE as rewritten become phrases and not
sentences and had their legal standards removed. Going from “Martin County shall protect natural resources” to “To protect natural resources...” is contrary to the Growth Management Act.

- The FLUM was changed with FLUM CPAs including, but not limited to the above.
- The urban boundary SUSD line was blurred or effectively moved inconsistent with the Comp Plan requirements.
- There are internal inconsistencies including inconsistencies with the recently adopted Tesoro Grove urban boundary “swap” and FLUM CPAs.
- The public participation in the process violates the letter and spirit of the EAR process since the CPAs being adopted include serious inconsistencies with the EAR Report as well as including developer-sought changes far beyond the scope of the EAR Report.

Thank you for your consideration.

Signed: ___Linda Kay Estep___________________________
Address: ___6183 Orange Blossom Trail_______________
          ____Hobe Sound, Fl 33455____________________
Phone: _(772)781-9947____________________________E-Mail: mr_and_mrs_breeze@msn.com

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Signed: Richard and Blanche Wells
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23 September 2009

Bob Dennis
Florida Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

Re: EAR-based Plan Amendments—Martin County Comprehensive Plan

Dear Mr. Dennis:

We are Martin County residents who will be adversely affected by the changes being proposed to the Martin County Comprehensive Plan being submitted for your review. We own property and live in Martin County, and are submitting comments and objections during the period of transmittal, prior to the time for adoption.

Please note that our comments are being submitted within thirty days of transmittal by the local government, and therefore, should be considered submitted by government agencies, and must be made part of your files, pursuant to Section 163.3184(4), Florida Statutes.

The Martin County Comprehensive Plan is in reality a contract with its residents. The Plan should be accurate; however, the amendments contain many inaccuracies and inconsistencies too numerous to list here. These amendments eliminate all directives and mandates. The amendments go far beyond the scope of the EAR, are so numerous as to completely gut the Plan. The amendments violate and destroy the Comprehensive Plan's goals and objectives (which are also the goals and objectives of the majority of Martin County residents), while lacking any justification or demonstrable need for the changes.

We ask that you please reject the amendments as arbitrary and inconsistent with state and local comprehensive plans.

Sincerely, and thank you.

Modesto (Dusty) C. Panaro

Dolores J. Panaro

cc: List attached.
Re: EAR-based Plan Amendments - Martin County Comprehensive Plan

cc: Mary Helen Blakeslee, Office of Tourism and Economic Development
Wendy Evans, DOACS
Susan Harp, Dept. of State
Terry L. Hess, TCRPC
Dan Hudson, City of Stuart
Jim Jackson, SFWMD
Mike McDaniel, DCA
Gerry O'Reilly, FDOT
Don Osteen, Town of Sewall's Point
Mary Ann Poole, FWC
Ann Perrotta, MPO
Jim Quinn, DEP
Gene A. Rauth, Town of Jupiter Island
Tracy Suber, Dept. of Education
Nicki van Vonno, Martin County Growth Management Director

Board of County Commissioners, Martin County
Patrick Hayes
Sarah Heard
Edward Ciampi
Doug Smith
Susan Valliere
From: kb2ijv [kb2ijv@bellsouth.net]
Sent: Thursday, October 08, 2009 3:59 PM
To: ray.eubanks@dca.state.fl.us; laura.regalado@dca.state.fl.us; bob.dennis@dca.state.fl.us; mike.mcdaniel@dca.state.fl.us; thess@tcrpc.org; jim.quinn@dep.state.fl.us; jjackson@sfwmd.gov; evansw@doacs.state.fl.us; lois.bush@dot.state.fl.us; maryann.poole@MyFWC.com; gerry.oreilly@dot.state.fl.us; tracy.suber@fdoe.org; sharp@dos.state.fl.us; dhudson@ci.stuart.fl.us; donjr@eastcoastlumber.com; grauth@lj.martin.fl.us; info@cityofpsl.com; satterleem@stlucieco.org; nikkiv@martin.fl.us; aperrott@martin.fl.us; mary.blakeslee@myflorida.com; commissioners@martin.fl.us
Cc: elzer@gate.net; kb2ijv@bellsouth.net
Subject: Re: EAR-based Plan Amendments - Martin County Comprehensive Plan

Bob Dennis, Regional Planning Administrator
Florida Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

Re: EAR-based Plan Amendments - Martin County Comprehensive Plan

Dear Mr. Dennis:

I am an affected person with respect to the Martin County Comprehensive Plan Amendments which have been submitted for your review pursuant to the most recent Evaluation and Appraisal Report. I own property or live within Martin County and I am making comments and objections between the time of transmittal and the time of adoption of the amendments.

Please note that my comments are submitted within 30 days after transmittal by the local government and, therefore, must be considered as if submitted by a governmental agency and must be made a part of your file pursuant to Section 163.3184(4), Florida Statutes.

Please review and object to each of these amendments.

They go far beyond the scope of the approved EAR process. The amendments constitute a virtual re-writing of
the entire Martin County Comprehensive Plan without proper notice to the public and without giving the public a meaningful opportunity to participate.

The manner in which these amendments were presented and approved by the Martin County Board of County Commissioners is the stuff of which Hometown Democracy is made. This process deviating from the EAR Recommendations, "adjusting" the "demonstrated needs test" and rushing a complete rewrite of our entire Comp Plan that shreds our urban boundary presents a sound argument why residents will vote for Amendment 4.

The amendments violate our local comprehensive plan=s goals and objectives. They destroy the Urban Services Boundary which has been so vigorously defended by Martin County residents for years, changing the “boundary” to an “area” that is poorly defined and without measurable delineation, inviting invasion and uncontrollable sprawl.

The amendments turn agricultural land into smaller tracts for increased development and higher density, eliminating historically productive farmland in favor of urbanization.

The County has failed to address issues relating to adequate roads, schools, potable water, public safety, protection of natural resources, habit and species.

The amendments provide for land use changes and new designations without Future Land Use Map amendments. The elimination of FLUM amendment requirements makes these changes legally indefensible as well as undesirable from a land planning standpoint.

There is inadequate data and analysis to support these amendments and there is no demonstrated need for the changes. In fact, the amendments weaken the requirement that land use change applicants demonstrate need for increased densities or new development, despite the strong support for the need requirement demonstrated by the Governor and the Cabinet in the recent Marion County challenge.

Many of the materials furnished to the Department with the transmittal are outdated, rejected or disavowed by the County and have no scientific, economic, or legal basis.

The transmittal itself is so voluminous and so disorganized that it can only discourage meaningful comment and effective review.

10/8/2009
Please do not simply accept the thousands of pages of irrelevant, contradictory, and worthless materials that the County has thrown at you in an attempt to bog down the process. If the Department will engage in thorough and careful review of the proposed amendments, the only conclusion you can reach is that they are inconsistent with the state and local comprehensive plans and must be rejected.

Thank you.

Signed: Henry Chamberlain_____________________________________

Address: 826 SW All American Blvd_____________________________________

__Palm City, Fl. 34990_____________________________________

Phone: 772 287 1785_____________________________________

E-Mail: __kb2ijv@bellsouth.net_____________________________________

10/8/2009
Bob Dennis, Regional Planning Administrator Florida Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

Re: EAR-based Plan Amendments - Martin County Comprehensive Plan

Dear Mr. Dennis:

I am an affected person with respect to the Martin County Comprehensive Plan Amendments which have been submitted for your review pursuant to the most recent Evaluation and Appraisal Report. I own property or live within Martin County and I am making comments and objections between the time of transmittal and the time of adoption of the amendments.

My comments are submitted within 30 days after transmittal by the local government and, therefore, must be considered as if submitted by a governmental agency and must be made a part of your file pursuant to Section 163.3184(4), Florida Statutes.

Please review and object to each of these amendments.

They go far beyond the scope of the approved EAR process. The amendments constitute a virtual re-writing of the entire Martin County Comprehensive Plan without proper notice to the public and without giving the public a meaningful opportunity to participate. In my opinion, excluding or ignoring the public and accommodating special interests is becoming the norm in Martin County and must stop.

The manner in which these amendments were presented and approved by the Martin County Board of County Commissioners is the stuff of which Hometown Democracy is made. This process deviating from the EAR Recommendations, "adjusting" the "demonstrated needs test" and rushing a complete rewrite of our entire Comp Plan that sheds our urban boundary presents a sound argument why residents will vote for Amendment 4.

The amendments violate our local comprehensive plan's goals and objectives. They destroy the Urban Services Boundary which has been so vigorously defended by Martin County residents for years, changing the "boundary" to an "area" that is poorly defined and without measurable delineation, inviting invasion and uncontrollable sprawl.

The amendments turn agricultural land into smaller tracts for increased development and higher density, eliminating historically productive farmland in favor of urbanization.

The County has failed to address issues relating to adequate roads, schools, potable water, public safety, protection of natural resources, habit and species.

The amendments provide for land use changes and new designations without Future Land Use Map amendments. The elimination of FLUM amendment requirements makes these changes legally indefensible as well as undesirable from a land planning standpoint.

There is inadequate data and analysis to support these amendments and there is no
demonstrated need for the changes. In fact, the amendments weaken the requirement that
land use change applicants demonstrate need for increased densities or new development,
despite the strong support for the need requirement demonstrated by the Governor and the
Cabinet in the recent Marion County challenge.

Many of the materials furnished to the Department with the transmittal are outdated,
rejected or disavowed by the County and have no scientific, economic, or legal basis.
The transmittal itself is so voluminous and so disorganized that it can only discourage
meaningful comment and effective review.

Please do not simply accept the thousands of pages of irrelevant, contradictory, and
worthless materials that the County has thrown at you in an attempt to bog down the
process. If the Department will engage in thorough and careful review of the proposed
amendments, the only conclusion you can reach is that they are inconsistent with the state
and local comprehensive plans and must be rejected. We trust you to do the right thing.

Thank you.

Marge Ketter
7088 SE Rivers Edge St
South Martin County
Jupiter FL 33458
561 747 9487
margeketter@bellsouth.net

cc: Nicki van Vonno, Martin County Growth Management Director Mike McDaniel, DCA Ray
Eubanks, DCA Laura Regalado, DCA Terry L. Hess, TCRPC Jim Quinn, DEP Jim Jackson, SFWMD
Wendy Evans, DOACS Tracy Suber, Dept. of Education Susan Harp, Dept. of State Mary Ann
Poole, FWC Mary Helen Blakeslee, Office of Tourism and Economic Development Gerry
O'Reilly, FDOT Ann Perrotta, MPO Dan Hudson, City of Stuart Gene A. Rauth, Town of Jupiter
Island Don Osteen, Town of Sewall's Point Terry O'Neill, Town of Ocean Breeze Park Daniel
Holbrook, City of Port St. Lucie Mark Satterlee, St. Lucie County
Terry Hess

From: Maggy Hurchaila [mhurchaila@hotmail.com]
Sent: Sunday, October 11, 2009 10:19 AM
To: ray.eubanks@dca.state.fl.us; laura.regalado@dca.state.fl.us; bob.dennis@dca.state.fl.us;
    mike.mcdaniel@dca.state.fl.us; nikkv@martin.fl.us; commissioners@martin.fl.us
Cc: thess@tcp.org; jim.quinn@dep.state.fl.us; jackson@sfwmd.gov; evansw@doacs.state.fl.us;
    lois.bush@dot.state.fl.us; maryann_poole@myfwc.com; gerry.oreilly@dot.state.fl.us;
    tracy.suber@fldoe.org; sharp@dos.state.fl.us; dhudson@ci.stuart.fl.us;
    donjr@eastcoastlumber.com; grauth@tji.martin.fl.us; info@cityofpsl.com; satterleem@stlucieco.org;
    aperrott@martin.fl.us

Subject: Martin Count EAR amendments

Bob Dennis                                      Oct. 11, 2009
Dept. of Community Affairs

Dear Bob,

Martin County has just sent you a bunch of EAR amendments and the deadline for comments is
approaching. I know you are stretched thin and it's hard to pay close attention to the details of all
the local plan amendments.

Without dragging you into a complicated fight about specific numbers, I would like to make sure
that DCA reviewers pay close attention to the strategy for assessing residential capacity needs.

I think that the concept of tying land use to population expectations is the only way that urban
sprawl can be contained. It has worked wonderfully in Martin County. Check us out on Google
Earth. The County has held the line on expanding the urban boundary because of the Comp Plan
policy that it cannot be expanded unless a need is shown. That policy remains in place.

What happened in the EAR amendments is that the strategy for calculating the residential capacity
got gutted. It wasn't part of the Evaluation and Appraisal Report. It was not backed up by any data
and analysis. It is not consistent with the goals, objectives and policies of the Plan.

Faced with the fact that the County still has ample residential capacity and that developers want
very badly to expand the urban boundary, the County created a new fudge factor.

The available residential capacity is cut across the board by 15% based on the idea that some
parts of the site are unbuildable so maximum density cannot be achieved.

It sounds plausible: since land must be dedicated for wetland setbacks, upland preserves and
drainage facilities, it cannot be used for development. Therefore 15% will be deducted from the
available acreage to get the usable acreage.

The premise is false. Land used for wetland setbacks, upland preserves and drainage facilities CAN
be used for density calculations. A project that has 25% of the land in preserve areas and 25% in
drainage lakes can still get maximum density on the entire acreage.

You will be told that it is just like the adjustment for wetlands. That's not true. It is exactly NOT
like the wetlands restrictions. The Martin County Plan requires that all wetlands must be preserved.
It specifies that the density allocated in the development approval for the wetland acreage can be
only half of the maximum density allowed by the property's land use. In calculating available
residential capacity Martin County identifies the amount of wetlands in each land use category and calculates half credit for wetland acreage. That is right and proper. That is not a fudge factor.

But the 15% deduct is NOT valid. You can't build on the areas, but you can get full credit for density.

Wetland preserves can get only half credit for density. Setbacks, road right of ways, upland preserves, drainage facilities and all other parts of a development proposal can get 100% credit for density.

The 15% was not backed by any data and analysis. Of several numbers suggested it was the one that reduced capacity sufficiently to allow expansion of the urban boundary.

In order to support this adjustment, the County analysis must show that maximum density cannot be awarded to projects that have unbuildable areas within the development. They can't show that because it is not true. Setbacks, road right of ways, drainage facilities and upland preserves are granted the maximum allowable land use density to be transferred to the built portion of the site. The Comp Plan allows it. The County has a whole slew of site plan approvals that prove the point.

I hope that DCA will make it clear to the County that needs assessments must be logical, consistent and accurate. Otherwise there is no point in requiring a needs assessment.

Sincerely,

Maggy Hurchalla
5775 SE Nassau Ter
Stuart, Fl. 34997

IM EMAILING FOR THE GREATER GOOD
Join me

10/12/2009
Subject: MARTIN COUNTY EAR - Comp Plan rewrite

Bob Dennis, Regional Planning Administrator
Florida Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

Re: CITIZENS BETRAYED BY COMMISSIONERS AND STAFF
EAR-based Plan Amendments - Martin County Comprehensive Plan;
Dear Mr. Dennis:

I own property and live within Martin County and am making comments and objections within 30 days after transmittal by the local government and, therefore, must be considered as if submitted by a governmental agency and must be made a part of your file pursuant to Section 163.3184(4), Florida Statutes.

Please review and object to each of the amendments filed by Martin County.

They go far beyond the scope of the approved EAR process. The amendments constitute a virtual re-writing of the entire Martin County Comprehensive Plan without proper notice to the public and without giving the public a meaningful opportunity to participate.

After a year and a half of participating in various County sponsored ERA meetings, we now find in 2009 that the modest changes originally submitted by Martin County and reviewed by DCA have been transformed into a total rewrite of our Comp Plan. Though the guise of "plain language editing" and subterfuge of not giving citizens time to review and object to Comp Plan changes that were often formulated and passed in the same meeting; the essence of our Comp Plan is being destroyed.

No longer are there imperatives, binding goals, objectives and policies but now we have suggestions. Our Urban Services District, meaningful agricultural zoning and the requirement for supporting data and analysis preceding modification of land use to increase commercial or industrial, all have fallen prey to that failed economic model - "Build it and they will come."

Martin County is a vital link in the Everglades restoration plan, but we will no longer be able to perform, as commercial/industrial lands will be far too expensive to be purchased for conservation. Also the random nature of the proposed Commercial/Industrial zoning changes will require road, water, sewer, schools, and other urban services to be provided all over the county further taxing the financial abilities of the County.
Applicants have already filed 21 major Comp Plan changes for thousands of acres to take advantage of the rewrite now being submitted by Martin county; attacking the restrictions of the Urban Services Boundary and locating commercial and industrial in our current agricultural areas. So our concerns are not theoretical.

Thank you,
Ed Fielding
103 SW Linden St.
Stuart, FL 34997
email - evl7660@gmail.com
Phone (772) 286 6131; (772) 288 1322

cc: Nicki van Vonno, Martin County Growth Management Director
Mike McDaniel, DCA
Ray Eubanks, DCA
Laura Regalado, DCA
Terry L. Hess, TCRPC
Jim Quinn, DEP
Jim Jackson, SFWMD
Wendy Evans, DOACS
Tracy Suber, Dept. of Education
Susan Harp, Dept. of State
Mary Ann Poole, FWC
Mary Helen Blakeslee, Office of Tourism and Economic Development
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Gene A. Rauth, Town of Jupiter Island
Don Osteen, Town of Sewall's Point
Terry O'Neill, Town of Ocean Breeze Park
Daniel Holbrook, City of Port St. Lucie
Mark Satterlee, St. Lucie County

10/12/2009
To: DCA and other State Agency Reviewers of Martin County Comp Plan Amendments

Dear DCA:

Martin County Conservation Alliance (MCCA) is an organization that is affected directly and through its members by the Martin County Comprehensive Plan Amendments CPAs #09-5 though #09-12 and #09-15-#09-18, #09-21 and #09-23, that Rewrite our Comprehensive Plan.[i] Most of our members own property or live within Martin County and MCCA makes these comments and objections within 30 days of the County’s Sept 16 transmittal of the Amendments to be considered as required by Sec. 163.3184(4), Florida Statutes.

The amendments are inconsistent with the Growth Management Act. Issues include:

1. **EAR Report Ignored:** The changes go far beyond the recommendations of the adopted EAR Report. Residents participated in the EAR process in good faith, attending the meetings in 2008. Instead of following those recommendations, the Amendments seriously undermine the Comp Plan that residents rely on. The changes are an economic boon for developers but a long-term loss for residents. In these economic times, we cannot afford to weaken our protections this way.

   The process angers residents and causes a cry for Hometown Democracy.

2. **Residents Shut Out:** Not only is the EAR Report that residents worked on thrown out, but this Comp Plan that SUPERCEDES the existing Comp Plan was not made available to the public until the day before the Commission’s two-day voting spree. Even today it is difficult to obtain the hundreds and hundreds of Comp Plan REWRITES in a meaningful way. Even the re-numbering appears to be intended to make it harder to find key information; for example, the Goals, Objectives and Policies (GOPs) of Chapter 4 begin with Goal 4.1... UNDER Sec. 4.4. and following Sec. 4.1, Sec. 4.2... It is almost impossible to make one’s way though this maze.

3. **Tarnishes The Gold Standard** Martin County’s Comp Plan was award-winning. The Goals, Objectives and Policies in the critical Chapter 4 were strong “Martin County shall” statements that residents could use for enforcement. Not any more. The Goals and Objectives are now toothless sentence fragments that developers can ignore with impunity: Ex. - Objective 4.2C. "To encourage..."
4. The Commission Thumbs its Nose At The Cabinet Vote On Marion County Project  The Cabinet and DCA stance on the Marion County project gave residents a ray of hope. However, as the Secretary noted, the decision can be undermined. And that is what the Martin County "needs" analysis, adopted August 11 for this EAR CPA process, did. Instead of the residential "needs" being based on accurate data and analysis, the County kept making "adjustments" to their methodology - "adjustments" different from the current Comp Plan, different from an extensive community-involved study done in 2007, and different even from the update of July 14, 2009. The cumulative "adjustments" finally show "need."

Their "adjustments" include:

- Supply not at maximum density  The County threw in some additional subtractions without data and analysis: (i) a new, additional 15% deduction, (ii) dropping "old" lots and (iii) excluding any CRA redevelopment potential despite spending millions of tax dollars to make it happen. The same day, the PUD they approved had a density of 97% of acreage times land use max density (after wetlands adjustment). At the same time the County is telling DCA that there must be "adjustments" because maximum density cannot legally be achieved, they are approving projects at maximum density.

  o NEW Table 4-5 (pages 28-30 of 145) of CPA #09-6, Chap 4 has a total for newly separated "Eastern Urban Service District" non-CRA that is about 67% of the total obtained by multiplying the gross acres times the max density.

  Redevelopment not included: the county has not included residential units from planned redevelopment within the Mixed Use Overlays of the Community Development Districts. This is inconsistent with the fact that such development is allowed and encouraged; County utilities are building facilities for and planning for maximum redevelopment in the MUOs; the County has appropriated millions from tax increment financing to provide facilities for redevelopment.

- Demand Inconsistent  Likewise, through "adjustments" to the "demand" side the Eastern Urban Boundary was made to show a "need."

  o For the first time, the County separated the Eastern Urban Service District from the Indiantown Urban Service District and chose an allocation of 4.1% total growth for Indiantown instead of the utilities allocation of far higher (Chapter 11) of the growth to that area. If the USDs are to be treated separately for calculating residential capacity, then the enormous excess capacity in Indiantown must be reduced to meet the new projected need.

  o Figure 4-10, page 27 of 145 shows that in the past about 5.46% of the growth was allocated to the agricultural land uses. Now the allocation is 0%.

DCA strongly advocated to the Cabinet the importance of applying the "needs" to projects. Now, we request you demand that Counties preserve the integrity of the "needs" calculation or the Cabinet vote is meaningless.

5. Bypasses The FLUM CPA Process For Changing Some Land Uses  The County adds some new land uses to the Agricultural Land Use area without requiring FLUM CPAs. As the testimony in the Crane Island case in Nassau County hammered home, that cuts out the citizens, which undermines the Growth

10/13/2009
Management Act implementation and enforcement. Specifically:

Essential Service Nodes Policy 4.10A.3. provides:

- "Essential service nodes shall be allowed at the intersection of arterial highways in western Martin County west of Interstate 95, as approved by the Board of County Commissioners.... and they (3)... shall not require an amendment to the Future Land Use Map but, shall be approved through a Planned Unit Development zoning district.

- Although the nodes are not to exceed 5 gross acres at each intersection, the uses are not limited to getting the gallon of milk or getting farm supplies.

- "Arterial highways" are not defined and appear to mean "arterial roads" which are in Chapter 2. Not only is the definition open ended but roads can meet the definition in the future as well, thus adding more FLUM changes without CPAs.

There are hundreds of acres that are receiving a land use change with no FLUM. The water supply is not addressed; land suitability is ignored; environmental issues are potentially large for the amount of impact including pollution that can result. There are no traffic analyses for having multiple 5-acre commercial nodes near each other or adding/attracting traffic to the same roadways.

The data and analysis is seriously lacking to support this change – there is not even a mapping of the current "arterial highways" of Martin County. The impact to the agricultural areas is large as well as being internally inconsistent with the limitation that commercial shall not be located outside the urban boundary.

Expressway Oriented Transient Commercial Service Center rules - which have existed since the 1982 Comp Plan – are being changed. The result is change in land uses for acres of lands without FLUM CPAs.

Specifically the inclusion of the intersection of I-95 and Bridge Road does not have a black diamond nor has it satisfied the major road arterial requirement. That is now deleted without any land suitability review, any FLUM CPAs and without any traffic and water supply data and analysis. "Major arterials" are not defined in Chapter 2.

Excerpts from the Executive Session conducted by the Commission on Nov. 27, 2007, include the attorney discussion attached substantiate that land use change without FLUM CPAs.

6. Urban Boundary Blurred Or Eliminated The urban boundary rules are drastically changed via the SUSD provisions. Currently the County delineates both the PUSD and the SUSD on the Urban Boundary Map. To move the boundary now requires a CPA; the citizen involvement and oversight, like the Crane Island testimony re FLUM CPAs, is invaluable.

The revised language provides that the SUSD boundary will be adjusted on the map based on certain “area” uses. Perhaps the new “area” uses will involve a site plan approval (or not) but this process allows a move of the urban boundary, via a bypass or down-shifting of any public process before the Commission. The citizen involvement in changing the SUSD boundary is removed or drastically restricted.
The urban boundary rule bypass/down-shifting without a CPA and the citizen oversight involved is authorized by new “Policy 4.B.5.1 Inclusion in Secondary Urban Service Districts” which strikes through “The Secondary Urban Service Districts shall be delineated on the Urban Service Boundary Map...” Instead this Policy allows the new Land Preservation Amendment 2.01 acre clusters [arguably “consist with” 1 unit per two acres is the density criteria] on Ag Land Use if located correctly to get water and sewer. “Areas that meet the density criteria...shall be delineated as Secondary Urban Service Districts on the Urban Services Boundary Map.” So water and sewer can be taken to Agricultural Land Use areas despite those utilities being at the heart of the urban boundary rules that have protected ag in Martin County for the last 19 years. The SUSD CPA adopted in 2008 allows water and sewer to SUSD lands.

7. Internal Inconsistencies

- The new changes encourage non-agricultural development in the agricultural land use areas. The taxpayers subsidizing new suburban development in agricultural areas in these economic times is unwanted by the residents.

- The Tesoro CPAs adopted August 11, 2009 are now internally inconsistent, since one parcel was “swapped” into the Secondary Urban Service District (SUSD) with an Ag Ranchette land use of 1 unit per 5 acres. However, the new Rewritten Chap 4, Policy 4.13A.5. page 96 seems to characterize the SUSD as a land use allowing only 1 upa and 1 unit per two acres.

- The rush is on making serious citizen oversight impossible. The burden on residents is great to try to read the cumbersome, poorly numbered, poorly written documents totaling 3,267 with all Goals and Objectives stripped of enforcement weight and review the additional 3,206 pages of data. The staff also was rushed and often ignored.

In Conclusion:

The end result of this poorly managed process was only shown one day before transmittal as a Supercoding Comp Plan. The “tweakings” from the EAR were not adopted and/or were overshadowed, and the impacts changed by the rushed Comp Plan Rewrite.

Contrary to the Growth Management Act:

- Data and analysis are lacking or defective. The Marion County "win" will be hollow if this kind of "adjusted" data is accepted.
- Important urban boundary language is vague and ambiguous. Most of the Goals and Policies of Chapter 4, FLUE as rewritten become phrases and not sentences and had their legal standards removed. Going from “Martin County shall protect natural resources” to “To protect natural resources...” is contrary to the Growth Management Act.
- The FLUM was changed with FLUM CPAs including, but not limited to the above.
- The urban boundary SUSD line was blurred or effectively moved inconsistent with the Comp Plan requirements.
- There are internal inconsistencies including inconsistencies with the recently adopted Tesoro Grove urban boundary “swap” and FLUM CPAs.
The public participation in the process violates the letter and spirit of the EAR process since the CPAs being adopted include serious inconsistencies with the EAR Report as well as including developer-sought changes far beyond the scope of the EAR Report.

Thank you for your consideration.

Martin County Conservation Alliance
Signed by: Donna Melzer, Chair
Address: P.O. Box 1923, Stuart, FL 34995
Phone: 772/286-9845 E-Mail: elzer@gate.net

cc: Nicki van Vonno, Martin County Growth Management Director
    Mike McDaniell, DCA
    Ray Eubanks, DCA
    Laura Regalado, DCA
    Terry L. Hess, TCRPC
    Jim Quinn, DEP
    Jim Jackson, SFWMD
    Wendy Evans, DOACS
    Tracy Suber, Dept. of Education
    Susan Harp, Dept. of State
    Mary Ann Poole, FWC
    Mary Helen Blakeslee, Office of Tourism and Economic Development
    Gerry O'Reilly, FDOT
    Ann Perrotta, MPO
    Dan Hudson, City of Stuart
    Gene A. Rauth, Town of Jupiter Island
    Don Osteen, Town of Sewalls' Point
    Terry O'Neil, Town of Ocean Breeze Park
    Daniel Holbrook, City of Port St. Lucie
    Mark Satterlee, St. Lucie County

[i] See page 8, Sec. 1.10 of new Chapter 1 "Supercedes..."
Dear DCA;

The latest EAR package of amendments changes the strategy for calculating residential capacity in order to make it possible to expand the urban service districts.

Even after a series of unjustified "adjustments" to bring down the apparent inventory of residential land, it was obvious that the county had adequate residential capacity for the next 15 years.

In order to get the answer they wanted, the county adopted an entirely new strategy for calculating residential capacity. Among other changes they separated the two urban service districts.

Instead of looking at the total county residential capacity within the urban service districts, they now look at the Eastern USD and the Indiantown USD separately.

Table 4-5 shows that in the eastern USD, 2009, there is vacant capacity for 4,674 units. Adding in the 3,549 units that are approved, but unbuilt, in the eastern USD, the capacity of residential land is 8,223 units. With a need of 9,954 units, there is a shortfall of 1,731 units in the 15-year planning period. This is 83% of the units necessary to accommodate population inside the eastern USDs.

In Indiantown, 2009, there is vacant capacity for 4,335 residential units. Adding in the 1,351 units that are approved, but unbuilt, in Indiantown, the capacity of residential land is 5,686 units. There is need for 426 units for the next 15 years. This is an overcapacity of 5,260 units, or 1,333% of the capacity needed for the projected population growth.

This analysis shows a huge oversupply of residential capacity in The Indianantown USD.

If the County desires to take the new approach of looking at the USDs as entirely separate in terms of residential capacity, then they must take action to reduce the excess in Indiantown.

1,333% of predicted need in residential capacity is simply not acceptable under any standard.
I hope that DCA will make it clear to Martin County that adjustments in strategy must be consistent. Where they are not consistent, the change to achieve consistency must be included in the amendment package that creates the inconsistency.

Respectfully submitted,

William Thornton
1817 SW Autumnwood Way
Palm City, FL 34990
Tel 772-221-9612

10/13/2009
Attached please find my comments regarding Chapters 2 and 4 of Martin County’s Comprehensive Plan EAR amendments.

Thank you.

Sincerely,
Sarah Heard
Martin County Commissioner
Bob Dennis  
Florida Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100

Re: EAR-based Plan Amendments – Martin County Comprehensive Plan

Dear Mr. Dennis:

I am a Martin County Commissioner and a resident and landowner in Martin County. I submit that the DCA’s careful review of the Martin County EAR Comprehensive Plan amendments transmitted on September 16 should result in an ORC full of objections.

First, please consider the EAR “Conclusions and Proposed Revisions”, pages 473-481 of the EAR Report adopted by the Martin County BCC on July 15, 2008 and approved by the DCA in November 2008. The lists are not long. They do not attempt to weaken what we locally refer to as the “pillars” of the Comp Plan. The EAR:

Does not recommend gutting the urban boundary. The EAR finds that the urban boundary is key to the fiscal feasibility and the water supply requirements of the Plan.

Does recommend strengthening and not eliminating ARDP which has helped avoid the glut of foreclosures experienced by many counties. See EAR Report pages 474-475, Future Land Use Element, provisions C, I, and J.

Does not recommend modifying the “demonstrated needs” test calculation.

Does not recommend putting commercial in Agricultural Land Use without FLUM CPAs.

If our EAR amendments had adhered to the EAR Report adopted by both the county and the state, the allocated time for public review would likely have been adequate. However, we ventured completely outside our adopted EAR report and have completely re-written our entire Comprehensive Plan.

This whole cloth revision of our entire Plan was done so hastily (May to September) and so arbitrarily that the BCC and the public couldn’t possibly keep up with the changes.

Instead, the CPAs are inconsistent with and go far beyond the Recommendations of the EAR Report. A rushed and steamroller process began at our Local Planning Agency meeting on March 14, 2009 when a small group of developer interests complained that the EAR Report hadn’t included their recommendations – but that the EAR CPAs should. Many of these proposals have been developer proposals rejected by the public, the BCC, and the DCA in the years since 2002.

Not only does this undermine public confidence in the Growth Management Act and the process, but the data and analysis of the EAR is apparently tossed aside by the whim of three commissioners. In fact, the public and this Commissioner were not provided with a
copy of the proposed final CPAs until the day before the September 1-2 hearings when, for the first time, Chapter 1, Section 1.10 notified us that:

This Plan shall be adopted by ordinance and shall supersede the 1990 Comprehensive Plan and all related amendments...

Neither any EAR discussions, nor any agenda discussions, nor the public notices/advertisements ever told our residents that a NEW COMP PLAN REWRITE was in process.

The complete transmittal packet (over 6,000 pages) was not on the county’s website until October 1 – over 2 weeks after the September 16 transmittal.

The amendments are inconsistent with the current resident-supported pillars of our local comprehensive plan’s goals and objectives.

The data and analysis in the EAR amendments are inconsistent and often simply wrong. Most crucial is that the data and analysis to support these amendments, especially the revised and adjusted “demonstrated need test”, are not correct nor are they substantive. The county throws in the “kitchen sink” by way of reference materials, including, for example, the Urbanomics Study which the Martin County BCC refused to accept because it was so flawed, while ignoring reputable references like the Florida Statistical Abstract.

Please object to the amendments because they are both internally inconsistent and inconsistent with the state and local comprehensive plans.

Please give consideration to the rushed nature of our EAR amendment process. Though the county staff’s review process for the EAR amendments began well over one year ago, the Board of County Commissioners (BCC) saw first draft copies of individual chapters in mid-June. The BCC got its first look at our critical Future Land Use Element on July 14. We had another workshop on the Future Land Use Element before the BCC transmitted all of our amendments to the DCA on September 2.

The public, even in the quiet of summer, was aghast and responded accordingly. I was bombarded with angry emails and phone calls to my office. Thousands of affected residents contacted me to urge me and the other commissioners to stop carving up our exalted and beloved Comprehensive Plan.

Please compare the requirements of our adopted EAR report with the weighty brand new and VERY different Comprehensive Plan Martin County has submitted to your department, and I hope you will join me in the new version’s rejection.

Key changes were made without commission direction. The most significant and damaging effect of this new language is that the strong and mandatory language of our existing Plan has been eliminated. The legally enforceable “shall”s” and “will”s” in the
Goals, Objectives, and Policies are now sentence fragments written in the passive voice that probably are no longer legally enforceable. (For example, existing language in 4.4.A” Martin County shall manage growth and development…..” has been replaced with Goal 4.1 under Section 4.4: “To manage growth and development…..”)

Under the conclusions and proposed revisions in our adopted EAR report was the following requirement: Documents must include short sentences written in the active voice that make it clear who is responsible for what. The mandatory language written in the active voice in short sentences contained in our existing Plan must be retained.

Overall, there are internal consistencies within and among the 15 chapters.

Overall, this new Plan is inconsistent with Chapter 163.

Overall, there is no proof of financial feasibility.

The following summarizes key issues by chapter:

CHAPTER 2

Currently, this chapter contains the overall goals for Martin County’s Comprehensive Plan. I have not been able to get an answer from staff about why the goals have been eliminated. The adopted EAR report is silent on this matter. On behalf of our residents, I object to this change.

“All” definitions have been moved into Chapter 2, which has no “Goals”, no “Objectives”, and no “Policies”, even though county staff has asserted that only “Goals”, “Objectives”, and “Policies” are binding. Curiously, there are still some definitions within some of the chapters. Why some and not others? What legal loopholes does this create? Staff has not provided answers to questions asked about why the definitions have been moved from their pertinent chapters where they are a part of the Goals, Objectives, and Policies, except that when they do CPAs, they sometimes forget to change all of them. In this age of computer searches, that is hardly credible. The adopted EAR report is silent on this matter.

Definitions are critical in our laws. If they are not goals, objectives, or policies, are they legally enforceable? Are they simply narrative? If they are not goals, objectives, or policies and a conflict arises between the definitions and the Land Development Regulations which prevails? Please object to this change.

CHAPTER 4 Future Land Use Element
I have sent to our staff written questions on Chapter 4 on several dates in August. Staff has not responded to any of my questions. I will send those questions and correspondences to you under separate cover. I think that these questions are critical. Chapter 4 contains considerable bases from which assumptions about future trends and needs are drawn. If the bases are flawed, all assumptions predicated on that data are invalid, too. Following, I raise just a few examples as illustration of my queries.

Table 4-1  Existing Land Uses at Time of EAR 1995 and 2009

From 1195 to 2009, the table shows a loss of 9443 acres of wetlands in agriculture. In that period, Martin County’s laws prohibited any impacts to all wetlands. How did we lose nearly 10,000 acres of our legally protected wetlands?

In the ag ranchette future land use, developed acreage grew from 1204 acres in 1995 to 20,932 in 2009 so that currently only 3,154 acres of ag ranchette out of 30,000 acres total remain undeveloped. Can you detail this explosion in ag ranchette development? It seems odd that agriculture land use would decrease by over 20% in the same time period that ag ranchette exploded by nearly 20 times.

Estate density residential’s 1961 acres are completely developed?

No information is available for any of the categories in Table 4-1 for 1995 regarding General Commercial, Limited Commercial, and Commercial Office Residential. Why not? Surely that information is available. It just isn’t provided for us. Without this vital information, we have no way of making any needs assessments for the future in any of these land uses categories.

Table 4-5 Residential Capacity of Unincorporated Martin County (beginning on page 29 of 146)

This is a critically important table because it forms the premise for planning when/ if our Primary Urban Services Boundary (PUSB) is expanded. The PUSB and 4 story height limit are Martin County residents’ favorite laws. With good reason. Because of our strong urban boundary, we protect our natural resources, our valuable and productive agriculture, and we keep development compact which keeps our property taxes low.

Our staff has made some substantial changes in Table 4-5 for how we calculate available residential capacity. These changes were not made as a result of our adopted EAR report.

I spent considerable time with staff (Cesar Perez, Ph.D, economic specialist) and with citizens who were part of a committee (representing both the developer community and the environmental community) to ground-truth the supply, the vacant lands and ARDP in 2007. Our 2007 findings showed more than a 25 year vacant residential oversupply and did not separate the “eastern” urban boundary from the Indiantown urban boundary. The new Table 4-5 deviates greatly from these findings.
On August 8, several residents and I met with staff to discuss problems that arose during the July 14, 2009 BCC meeting on the Future Land Use Element. At this meeting, staff determined that the errors and population update changes that occurred after the July 14 BCC meeting resulted in a finding of no need for additional vacant residential lands. “New deductions” appeared on Table 4-5 on our BCC FLUE draft on August 11, 2009. These “new deductions” were added until a “Need” for additional vacant residential capacity was found, including:

1) The “new” methodology decided, for the first time, to separate the Eastern Urban Boundary from the Indiantown Urban Boundary – allocating only about 4% of growth to Indiantown, which contradicts both past CRA efforts and Chapter 11 water supply estimates of 20%.

2) The “new” methodology assigns no growth outside the urban boundary (i) although there was a 5.5% allocation for growth there during the 19 years of our Comp Plan and (ii) despite claims that thousands of acres have been developed from 1995 to present.

3) The “new” methodology with Table 4-5’s “new” deductions is not backed by any analysis of project approvals, although we have such data. It subtracts wetland acreage (estimated number), right of way (estimated number), and (totally new) something called upland/ water management (no basis except a non-planner’s suggestion) from each acre of undeveloped land before beginning the calculation of how many units can be built in the county. The right of way subtraction is 8.5%. The new upland/ water management subtraction is 15%. Chapter 11 says that Martin County is 20% wetlands. So, with this formula, we have now already subtracted out 43.5% of available land before we begin calculating how many units can be built.

4) Staff also decided to subtract out “old” lots – those approved 20 years ago or more – despite the fact that in nearly all subdivisions, those lots are regularly built upon.

There has been no substantiation on this new “needs” formula and the new “adjustments”.

We can ground-truth the “formula” to prove that the new methodology and new deductions do not reflect accurate data. On August 11, 2009, a high density development application in Hobe Sound received BCC approval. Ninety-seven % (97%) of maximum density was obtained. No subtractions were needed even though there were wetlands, right of way, etc. required. Let’s theorize that the project was 10 acres. Under this formula, after the 43.5% was subtracted, only 5.65 acres would be considered “vacant”. The adjusted possible dwelling units on the site would be 56 units. In fact, 97 (for a 10 acre site ) units were approved.

This “formula” used for Table 4-5 and the “demonstrated needs test” is invalid. It creates an artificial need for additional vacant residential land long before the need is
real. It would cause an unnecessary and expensive and premature expansion of our PUSB and harmful urban development of productive agriculture.

**Undercounting CRAs undercuts the CRAs and the fiscal and infrastructure planning:**
The Mixed Use (MU) designation in our Community Development Areas (CRA) has also been re-formulated, incorrectly. There are hundreds of un- and under-developed acres of MU in our 6 CRAs, excluding Indiantown. This new “formula” ignores the 15 unit per acre maximum density possible on each of the underdeveloped acres in the CRAs. The chief goal of the CRAs is redevelopment of our older communities. That is why they were given the density increases in the MU designation. So, while there may be only an older home on one MU acre, its residential capacity is 15 UPA. This must be reflected for future planning needs. Instead, Table 4-5 shows only 18.95 acres of MU available in all 6 CRAs combined. This is flawed and invalid.

**The EAR recommended including the vacant, unbuilt homes in the ARDP inventory. We should also include the vacant and built homes.**
The real estate boom we are trying to recover from has left thousands of built and vacant homes for sale in Martin County. Estimates range from 3,000 to 5,000 homes. Our staff refused to count these units as vacant even though representatives from our real estate community tell us that they can make an accurate count of these units. If we are to properly plan, we must count these units. They are definitely vacant.

We have successfully utilized ARDP planning as a regulatory tool for many years in Martin County. Our adopted EAR report called for strengthening ARDP. Instead, we have eliminated it altogether. It must be returned to our Comprehensive Plan.

**The flawed base numbers and reformulations produce invalid conclusions about vacant residential capacity which connect to the false and invalid “needs” claim.**
Using this flawed data, the conclusion on page 20 of 146 tells us that there will be a shortfall of 1731 units in the 15-year planning period. If we use maximum densities, built and vacant homes, accurate population projections, the conclusion will show that sufficient capacity exists in the 15-year planning period.

Policy 4.1A.2 Supremacy of CGMP. Where conflict arises between the adopted Land Development Regulations and this Plan, the goals, objectives, and policies of the Plan shall control all land use and development decisions.

What if the language in the Plan is not part of the goals, objectives and policies? Then, which document trumps?

**Without the Future Land Use Map’s Comp Plan amendment requirements, the changes allow commercial in Agriculture Land Uses outside the urban boundary and create internal inconsistencies.**
Objective 4.9H is a very important objective. It allows for nonresidential uses in residential PUDs, at the discretion of the BCC. It removes the requirement for a Comprehensive Plan amendment to change the Future Land Use Map in order to grant a more dense or more intense use. It confers a new future land use without a land use change.

Further, the size of this new land use change without the land use amendment shall be provided by a formula in the Land Development Regulations. Further, if the formula doesn’t give an ambitious developer enough commercial/retail in his development, he can provide a compliant BCC with a “market study” showing the need for a bigger commercial component without completing a land use amendment.

This is clearly an end run around a Plan amendment. The threat of a successful Hometown Democracy amendment is encouraging a lot of Comp Plan laws to be placed instead in the Land Development Regulations, which aren’t under the protections of the Hometown Democracy.

Commercial/retail development must be constructed on land designated for its use on the Future Land Use Map and inside the urban boundary today except for Expressway Transient, none of which has been built today.

Policy 4.10A.3 Essential Service Nodes. Essential service nodes shall be allowed at the intersections of arterial highways in western Martin County west of Interstate 95, as approved by the BCC.

This encompasses a geographic area that is over 2/3 of our entire county. It would be terrible urban sprawl. The future land use on all of this land is agriculture, with a density of one unit per no less than 20 acres. There is no commercial land use at any of these intersections.

Policy 4.10A.3 (1) states that the combined development on all 4 corners shall not exceed 5 acres. That is huge. It’s the worst kind of urban sprawl.

Policy 4.10A3(3) says that development at any of the 4 corners of an intersection shall not require an amendment to the Future Land Use Map but shall be approved through a Planned Unit Development zoning district.

Please do not allow this. It will destroy our urban boundary.

In January, Judge Davis ruled in Titcomb, Weintraub, and Ferraira v. Nassau County that Nassau County’s attempt to develop Crane Island would violate Chapter 163 and FL Administrative Code 9J-5 because it would have the effect of amending the Comprehensive Plan without submitting a Comprehensive Plan amendment to the FLUM. Judge Davis ruled that this would deprive the reviewing agencies of the ability to object, comment and make recommendations and would eliminate public participation in the Comprehensive Plan amendment process as set forth in FS, Chapter 163.
Comprehensive planning requires that local governments address important issues such as land use, traffic circulation, conservation, adequacy of facilities and infrastructure, etc. That data and analysis must be done as part of the Comprehensive Plan process, not PUD considerations.

Martin County residents revere the policies in our existing Comprehensive Plan that protect our urban boundary, conserve our natural resources, protect our agricultural production, and require that land use changes require a Comprehensive Plan amendment. The PUD option is a grave mistake. Please reject it.

Policy 4.13A.5 changes our existing Rural development land use to “Secondary Urban Service District” development. This is an incomprehensible change. Our urban services boundary is not a land use. Please reject this change.

In summary for Chapter 4, please consider all of the above objections and consult the adopted EAR report, which contains changes noted as A through P. The Chapter 4 submitted to you as part of the EAR amendments travels way outside the scope of the EAR requirements and significantly weakens our existing Chapter 4.

Thank you.

Sincerely,
Sarah Heard
Martin County Commissioner
Bob Dennis, Regional Planning Administrator
Florida Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

Re: EAR-based Plan Amendments - "Superceding" (Chap 1, Sec. 1.10) the 1990 Martin County Comprehensive Plan
Including CPAs #09-5, #09-6, #09-7A, #09-7B, #09-8, #09-9, #09-10, #09-11, #09-12, #09-15, #09-16, #09-17, #09-18, #9-21 And also, non-EAR CPAs 08-3, 08-4, 08-5, 09-4

Dear Mr. Dennis:

I am an affected person with respect to the Martin County Comprehensive Plan Amendments which have been submitted for your review pursuant to the most recent Evaluation and Appraisal Report. I own property or live within Martin County and I am making comments and objections between the time of transmittal and the time of adoption of the amendments.

Please note that my comments are submitted within 30 days after transmittal by the local government and, therefore, must be considered as if submitted by a governmental agency and must be made a part of your file pursuant to Section 163.3184(4), Florida Statutes.

Please review and object to each of these amendments. Other residents have sent you details of why these CPAs should receive objections which I incorporate by reference - including the letters of MCCA, 1000 Friends of Florida, and many others.

Serious changes are made which reverberate throughout the "superceding" (source: County REWRITE Chapter 1) Comp Plan that are not based on accurate data and analysis, that are vague and ambiguous, that are internally inconsistent, that eliminates the USB and makes land use changes without FLUMs -- all which make the Superceding Comp Plan fiscally unfeasible and absent substantive discussion of the water supply for areas outside what is today the USB. Some specifics include:

- County goes far beyond the scope of the approved EAR process. Chapter 1 REWRITE states that this "supercedes" the 1990 Comp Plan Amendment. That was not advertised.
- As stated in Everglades Law Center, Inc. letter and the letters attached thereto, the County's "demonstrated needs test" is not based on accurate data and analysis and undermines the excellent Cabinet vote and DCA advocacy of the Marion County case
recently.
- There are land use changes such as the new Essential Service Nodes and the modified Expressway Oriented Transient Commercial without FLUMs - contrary to the Nassau County findings.
- The urban boundary is effectively eliminated by merging the PUSD and the SUSD and then converting the SUSD boundary from a line delineated on a map to an area having a "SUSD" land use that is to be reflected on the urban boundary map. See new Policy 4.7B.5. and Policy 4.13A.5.

The County has failed to address issues relating to adequate roads, schools, potable water, public safety, protection of natural resources, habit and species for these massive changes.

As stated by Secretary Pelham regarding the Marion County case, "We would be sending the worst message of all to the people of this state, that is, the system will not enforce even the most fundamental growth management requirements."

Likewise, the above-referenced non-EAR CPAs are not backed by need, nor data and analysis, and contradict the road capacities and environmental impacts.

Thank you.

Signed: Donna Melzer
3471 SW Centre Court, Palm City, FL 34990
772/286-9845 elzer@gate.net FAX 772/286-5686

cc: Nicki van Vonno, Martin County Growth Management Director
Mike McDaniel, DCA
Ray Eubanks, DCA
Laura Regalado, DCA
Terry L. Hess, TCRPC
Jim Quinn, DEP
Jim Jackson, SFWMD
Wendy Evans, DOACS
Tracy Suber, Dept. of Education
Susan Harp, Dept. of State
Mary Ann Poole, FWC
Mary Helen Blakeslee, Office of Tourism and Economic Development
Gerry O'Reilly, FDOT
Ann Perrotta, MPO
Dan Hudson, City of Stuart
Gene A. Rauth, Town of Jupiter Island
Don Osteen, Town of Sewall's Point
Terry O'Neill, Town of Ocean Breeze Park
Daniel Holbrook, City of Port St. Lucie
Mark Satterlee, St. Lucie County

10/15/2009
Bob Dennis, Regional Planning Administrator, Florida Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100

Re: EAR-based Plan Amendments - Martin County Comprehensive Plan

Dear Mr. Dennis:

I am an affected person with respect to the Martin County Comprehensive Plan Amendments which have been submitted for your review pursuant to the most recent Evaluation and Appraisal Report. I own property and live within Martin County and I am making comments and objections between the time of transmittal and the time of adoption of the amendments.

Please note that my comments are submitted within 30 days after transmittal by the local government and, therefore, must be considered as if submitted by a governmental agency and must be made a part of your file pursuant to Section 163.3184(4), Florida Statutes.

Please review and object to each of these amendments.

They go far beyond the scope of the approved EAR process. The amendments constitute a virtual re-writing of the entire Martin County Comprehensive Plan without proper notice to the public and without giving the public a meaningful opportunity to participate.

The manner in which these amendments were presented and approved by the Martin County Board of County Commissioners is the stuff of which Hometown Democracy is made. This process which deviated from the EAR Recommendations, "adjusting" the "demonstrated needs test" and rushing a complete rewrite of our entire Comp Plan that shreds our urban boundary, presents a sound argument why residents will vote for Amendment 4.

The amendments violate our local comprehensive plan’s goals and objectives. They destroy the Urban Services Boundary which has been so vigorously defended by Martin County residents for years, changing the “boundary” to an “area” that is poorly defined and without measurable delineation, inviting invasion and uncontrolled sprawl.

The amendments turn agricultural land into smaller tracts for increased development and higher density, eliminating historically productive farmland in favor of urbanization.

The County has failed to address issues relating to adequate roads, schools, potable water, public safety, protection of natural resources, habit and species.

The amendments provide for land use changes and new designations without Future Land Use Map amendments. The elimination of FLU amendment requirements makes these changes legally indefensible as well as undesirable from a land planning standpoint.

There is inadequate data and analysis to support these amendments and there is no demonstrated need for the changes. In fact, the amendments weaken the requirement that land use change applicants demonstrate need for increased densities or new development, despite the strong support for the need requirement demonstrated by the Governor and the Cabinet in the recent Marion County challenge.
Many of the materials furnished to the Department with the transmittal are outdated, rejected or disavowed by the County and have no scientific, economic, or legal basis.

The transmittal itself is so voluminous and so disorganized that it can only discourage meaningful comment and effective review.

Please do not simply accept the thousands of pages of irrelevant, contradictory, and worthless materials that the County has thrown at you in an attempt to bog down the process. If the Department will engage in thorough and careful review of the proposed amendments, the only conclusion you can reach is that they are inconsistent with the state and local comprehensive plans and must be rejected.

I tried to be part of the process but it was just about impossible to pay attention to everything that was being changed, not having text to review well in advance of the day of consideration. I spent time on the Recreation Element as part of the sub-committee of the Park's and Rec Advisory Board, and I made comments at the original workshops for Conservation, Open Land and the Coastal chapters as I am interested in those aspects, but direction from outside the committee directed the agenda and pushed it, REMOVING data, using irrelevant "master plan" book instead of inserting actual data gleaned at that time.

We citizens of Martin County are counting on your careful review.

Thank you.

Signed: ______ Joan Bausch

Address: ______ 20 South Sewall's Point Road

______Sewall's Point, FL 34996

Phone: ______ 772-219-8285 ______ E-Mail: __jclb@gate.net________

cc: Nicki van Vonno, Martin County Growth Management Director; Mike McDaniel, DCA; Ray Eubanks, DCA; Laura Regalado, DCA; Terry L. Hess, TCRPC; Jim Quinn, DEP; Jim Jackson, SFWMD; Wendy Evans, DOACS; Tracy Suber, Dept. of Education; Susan Harp, Dept. of State; Mary Ann Poole, FWC; Mary Helen Blakeslee, Office of Tourism and Economic Development; Gerry O'Reilly, FDOT; Ann Perrotta, MPO; Dan Hudson, City of Stuart; Gene A. Rauth, Town of Jupiter Island; Don Osteen, Town of Sewall's Point; Terry O'Neill, Town of Ocean Breeze Park; Daniel Holbrook, City of Port St. Lucie; Mark Satterlee, St. Lucie County

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