

THE GUARDIANS OF MARTIN COUNTY

IN BALANCE

OFFICIAL NEWSLETTER OF THE GUARDIANS OF MARTIN COUNTY



In this Issue

Yet Another Summer of Toxic Algae 1

Our Take on Pineland Prairie..... 1

Harmony Update.....2

Guardians' "Friend of the Court" Brief Granted.....2

Brightline Update.....3

Video Tribute to Nathaniel Reed.....3



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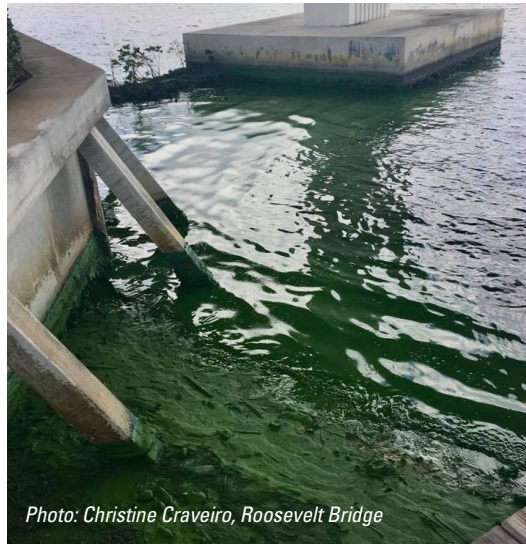
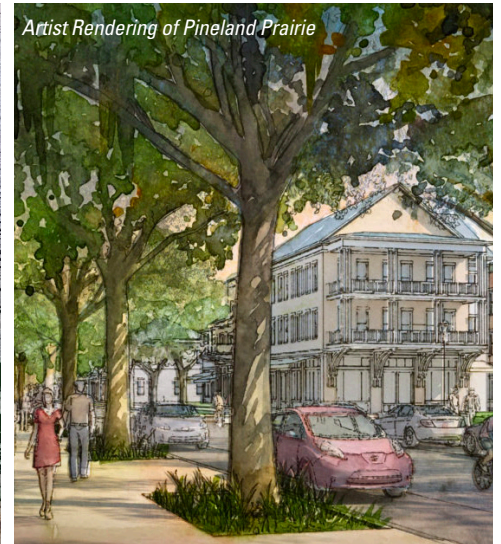


Photo: Christine Craveiro, Roosevelt Bridge



Artist Rendering of Pineland Prairie

The Changing Face of Martin County

Yet Another Summer of Toxic Algae

The heartbreaking images of wildlife swimming in thick blue-green algae (Cyanobacteria) blooms has once again invaded the river and our lives. This summer tests confirmed that the algae killed at least one dog. The Centers for Disease Control (CDC) followed with a safety alert to keep all pets away from any algae blooms. Meanwhile, additional medical studies are being conducted on people living and working near the river.

The algae began in June, not long after Lake Okeechobee releases into the St. Lucie

continued on last page

Our Take on Pineland Prairie

On August 21, 2018, Martin County Commissioners adopted amendments to the Comprehensive Growth Management Plan to allow the creation of Knight Kiplinger's proposed "Pineland Prairie" project west of the Turnpike in Palm City. In doing so, the County approved moving the Urban Services Boundary to include a portion of Pineland Prairie's 3,411 acres.

PROS

Mixed-Use Village Designation

While the Guardians believe that moving

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HARMONY UPDATE

Lawsuit Against Martin County Dismissed

Martin County won a battle to manage growth outside of the Urban Services District. A Circuit Court Judge threw out a lawsuit filed against the county by Harmony Ranch. You may recall in April, Martin County Commissioners unanimously denied the Harmony Ranch proposal. It would have allowed a land use change to build more than 2,000 homes on 2,600 acres on pastureland, west of Bridge Road in Hobe Sound. Following the denial, Harmony Ranch (under its limited liability company name, Hobe Sound Ranch) filed a complaint against the County, stating that Harmony's property rights had been taken without just compensation, a claim also known as "inverse condemnation". Senior Asst. County Attorney Ruth Holmes argued there was no enforceable property right in a proposal to change the Comprehensive Plan, and therefore, there was no property right taken. She said, "It was a tough hearing, but the law is the law and the judge did the right thing by dismissing the case. However, we fully expect Hobe Sound Ranch will come back with something new."

Community Development District Status Request (CDD)

In fact, Harmony Ranch asked the State of Florida in June for a CDD, a special designation frequently used by developers to fund basic infrastructure development. No word yet on the outcome of the request. ■

Guardians' "Friend of the Court" Brief Granted

In an extraordinarily unusual move, the Fourth District Court of Appeal — on its own motion — vacated orders that were previously entered denying motions filed on behalf of the Guardians of Martin County and the late Nathaniel Reed to file "friend of the court" briefs. Those motions have now been granted, and the brief was re-filed by the Guardians in support of Former Martin County Commissioner Maggy Hurchalla's appeal.

The Fourth District Court of Appeal also granted motions to other organizations' seeking permission to file briefs by bullsugar.org, Florida Wildlife Federation, the Pegasus Foundation and Friends of the Everglades in support



Maggy Hurchalla

of Maggy Hurchalla's appeal of the verdict in the Lake Point litigation.

The case involves the Lake Point project, which Ms. Hurchalla questioned in email communications with Martin County Commissioners. Ms. Hurchalla expressed her belief that the rock mining operation might cause harm to the environment.

Ms. Hurchalla was expressing her First Amendment right to free speech. A jury ruled against her and ordered her to pay \$4.3 million dollars.

The case is now under review by the Fourth District Court of Appeal.

"The governmental denial of any project always causes economic loss to the applicant. But the idea that an individual citizen or citizen's group who participates in this Government vetting of a project can be financially bankrupted in a Florida Trial Court simply can't be supported," the Guardians' motion says.

Read the Order here:

http://bit.ly/GMC_Motion

Read the Amicus Brief:

http://bit.ly/GMC_AmicusBrief ■

SPOTTED IN STUART:

A Pileated Woodpecker

Photo by Gail Wotanowicz

The term "pileated" refers to the bird's prominent red crest, with the term from the Latin *pileatus* meaning "capped."



BRIGHTLINE UPDATE

Legal Action:

The battle to stop Phase 2 of Brightline's high-speed train from West Palm Beach to Orlando continues. Martin and Indian River Counties along with Citizen's Against Rail Expansion in Florida are awaiting a ruling on their motion requesting summary judgement on the annulment of Brightline's tax-free bonds. The parties charge that the U.S. Department of Transportation, "ignored or failed to consider the environmental, public safety, maritime, and environmental impacts the AAF rail project will have on Treasure Coast communities."

Financing

On August 29th, Brightline was given permission to sell \$1.15 Billion in tax-free

bonds by the Florida Development Finance Corp. The state board approved the bonds over the objections of Treasure Coast officials and residents. The agency previously approved \$600 million for Phase 1 of the project. Opponents remain hopeful the court will agree and revoke the bonds. At least eight people have been killed by Brightline trains since it began trial runs last year.

A 4th Station?

Getting to and from Miami to Orlando in 3 hours has long been Brightline's selling point. Yet in late August, Brightline asked City Managers in Stuart, Ft. Pierce, Vero Beach & Sebastian if there was interest in adding a train station in those locations.



First, the Fort Pierce City Commission agreed to pursue a station at the former 7-acre H.D. King power plant site. This area has been vacant for seven years, despite several development attempts. Then, the City of Stuart held a "Train Workshop" on September 17th to gauge input from residents. It was standing room only. The Stuart Commission is expected to vote on October 8th. Stay up-to-date at <https://citizensagainsthetrain.com> ■

Our Video Tribute to Nathaniel Reed: A Life Dedicated to Public Service

Sadly, our long-time Guardian Board Advisor and friend Nathaniel Reed passed away on July 11, 2018. He will forever be honored as our Advisor Emeritus.

You can watch our video tribute to Nathaniel by going here:

<http://bit.ly/ReedTribute> ■



Yet Another Summer of Toxic Algae

continued from page 1

and Caloosahatchee Rivers began. As the blue-green algae spread in the waters on both coasts, people turned to social media to share their frustration. On Facebook, a group called “#Toxic18” formed to encourage documentation of the algae sightings with photos, videos, dates and locations. Using drones and smart phones, the algae was recorded as it left the St. Lucie docks and spread into the canals. In just a few months, more than 14,500 people are following #Toxic18.

New Legislation

In an election year, the algae drew the

attention of candidates and lawmakers at all levels. On September 4, 2018, legislation was introduced which would make public health and safety (including prevention of toxic cyanobacteria and the integrity of the Herbert Hoover Dike) the primary purpose of the project for managing Lake Okeechobee. The legislation has been distributed through Congress & our two Florida US Senators for consideration.

Suck Out Algae

New this summer, Martin County explored alternative ways to get rid

of the algae using a \$700,000 grant from the Florida Department of Environmental Protection. Special equipment to vacuum out the algae is currently being tested. If you spot algae, you can submit a request to have it removed here:

<https://www.martin.fl.us/AlgaeRemoval>

EAA Reservoir Status

The bill authorizing a reservoir to curb Lake Okeechobee discharges to the St. Lucie and Caloosahatchee rivers has passed the House and is now awaiting a vote in the Senate. ■

Our Take on Pineland Prairie

continued from page 1

the Urban Services Boundary should be a last resort, these Comp Plan amendments include the creation of a new “Mixed-Use Village” designation. This includes many of the “Smart Growth” concepts that the Guardians and “1000 Friends of Florida” support.

Open Space

70% of the property will be open space. This along with the “Mixed-Use Village” concept creates options for people who would like to live in a walkable community vs. a development that leads to urban sprawl. This is an example of living responsibly.

Improve Water Quality

We like Mr. Kiplinger’s acknowledgement that the condition of our surface waters is unacceptable, and that even if future reservoirs and STAs are funded, he is willing to set aside part of the property to help improve water quality in the C-23.

CONCERNS

Land Management

We are concerned there are still no details on how the “open space” lands outside the County-mandated preserves will be managed. We know that it is expensive to manage vacant land, and there are no

details on how the management of those lands will be paid for – a critical issue that we’d hoped would be ironed out before the Comp Plan Amendments came back to the Commission for adoption.

Costs of Water and Roads

We are concerned that existing County residents will end up bearing costs for these new roads, bridges, water and utilities, and we asked the County to include language to ensure that costs for these services be paid for by the developer.

View our expanded comments before the Martin County Commission by clicking here: http://bit.ly/GMC_PinelandP ■

Our Mission

The Guardians of Martin County is a 501(c)3 organization committed to helping shape a positive future for Martin County, by educating residents about the value of balancing natural and man-made resources to enrich the quality of life in our communities.