

Rural Lifestyle Questions

Questions to be answered before the public meeting, with answers to be posted for view/downloading by interested parties:

The following responses, compiled by staff, are being provided at the request of the Guardians of Martin County. This effort is intended to provide some guidance in the course of the discussion of the Rural Lifestyle amendment, but in no event shall these responses be binding on the Board of County Commissioners.

The Process

1. Please explain the procedure for the County’s review of the proposed Comp Plan Amendments (FLUM, Text and PUD), and what step(s) in that process the Becker/Discovery Land project and Rural Lifestyle Amendments are currently in.

Answer:

Comp. Plan Text Amend.	Comp. Plan Future Land Use Map amend.	Planned Unit Development Zoning and Site Plan
<i>Application</i>	<i>Application</i>	<i>Application</i>
<i>Staff report</i>	<i>Staff report</i>	<i>Staff report</i>
<i>Local Planning Agency hearing</i>	<i>Local Planning Agency hearing</i>	<i>Local Planning Agency hearing</i>
<i>BCC transmittal hearing</i>	<i>BCC transmittal hearing</i>	
<i>Review by state agencies</i>	<i>Review by state agencies</i>	
<i>BCC adoption hearing</i>	<i>BCC adoption hearing</i>	<i>BCC hearing</i>

2. If the Rural Lifestyle Amendment is approved at the Adoption Hearing, what will be the review process for any future projects that may seek approval pursuant to the Rural Lifestyle zoning?

Answer

Comp. Plan Future Land Use Map amend.	Planned Unit Development Zoning and Site Plan
<i>Application</i>	<i>Application</i>
<i>Staff report</i>	<i>Staff report</i>
<i>Local Planning Agency hearing</i>	<i>Local Planning Agency hearing</i>
<i>BCC transmittal hearing</i>	
<i>Review by state agencies</i>	
<i>BCC adoption hearing</i>	<i>BCC hearing</i>

3. In the post-Department of Community Affairs era, how frequently, if ever, has the County *not adopted* a Comp Plan Amendment after it had been transmitted to Tallahassee?

Answer: This question is beyond the scope of the Rural Lifestyle amendment and requires extensive research.

4. Please define/describe what qualifies as open space. We have heard that it includes any permeable surface that is not built upon. Are golf cart paths, whether paved or permeable considered open space? If future roads are made of “permeable pavement”, would they be considered open space?

Answer: The definition is found in Chapter 2 of the Comp. Plan. “Open space: The portion of a development that is permeable and remains open and unobstructed from the ground to the sky, specifically excluding parking areas and sidewalks, whether permeable or impermeable.” Golf cart paths and roads, permeable or impermeable, are not open space.

5. Without objective criteria in the Comp Plan for weighing public benefits, wouldn’t evaluation of future applications require a subjective determination of public benefits by staff and/or a future Commission?

Answer: The proposed text amendment provides minimum requirements for public benefits. The public benefits along with the other components of a proposed PUD will be evaluated during a quasi-judicial proceeding in which all requirements of due process will be followed and a decision will be rendered based on a correct application of law and competent substantial evidence.

Becker/Polo Fields/Atlantic Fields/Discovery Land Project

6. Will approval of CPA 2021-09 result in an increase in residential density in the headwaters of the South Fork on the north side of Bridge Rd? If so, by how many units above what would be allowed under its current zoning?

Answer:

<i>Current Future Land Use</i>	<i>Acres</i>	<i>Density</i>	<i>Max. Units</i>
<i>Agricultural -on site</i>	<i>1,493</i>	<i>One unit/20 acres</i>	<i>74.65</i>
<i>Agricultural - offsite</i>	<i>811</i>	<i>One unit/20 acres</i>	<i>40.55</i>
<i>Total</i>	<i>2,304</i>		<i>Total 115.2</i>

<i>Proposed Future Land use</i>	<i>Acres</i>	<i>Density</i>	<i>Max. Units</i>
<i>Rural Lifestyle - Proposed</i>	<i>1,493</i>	<i>Up to a max. of one unit/5 acres</i>	<i>298.6</i>
<i>Agricultural offsite</i>	<i>811</i>	<i>Easement removes density</i>	<i>No units</i>
<i>Total</i>	<i>2,304</i>	<i>One unit/7.71 acres</i>	<i>298.6</i>

Total site of the PUD includes 1493 acres Agricultural and 36 acres Rural Density (one unit per two acres). No change to the Rural Density future land use designation is proposed on the Future Land Use Map.

7. Will approval of the Becker/Discovery Future Land Use Map Amendment set a precedent such that future Commissions will essentially be obligated to approve future requests for land use changes on tracts of 1,000 or more acres in order to avoid legal challenges from big landowners or groups of landowners who also want the same land use designation on, say, 50,000 acres?

Answer: No.

8. Please explain whether the polo fields will be empty grassland or an event center. Who will own them? Who will pay for improvements? Will they be open to the public at all times? Are they being set aside as green space/open space in perpetuity?

Answer: Unknown at this time. If the polo fields meet the definition of open space and are designated as such by the applicant they may be counted toward the minimum 70 percent open space in the PUD.

Density

9. What is the actual maximum number of units (& density) that would be allowed on the Becker property? The CPA 2021-08 starts with 1/20 density and takes the land to 1/5 + golf houses.

Answer: Please see the answer to No. 6 above.

- a. So, on 1,000 acres, would the maximum houses be about 200? Or not?

Answer: Yes, the maximum number of residential units could be 200. Pursuant to Section 3.73 LDR, golf cottages are accessory uses, restricted to the use of members/guests and shall not be sold or conveyed.

- b. Please explain why “employee quarters and (uncounted) accessory dwellings are not counted as part of the overall density – won’t occupants of those facilities potentially use/need public services (e.g., fire/rescue, roads, libraries, access to beaches etc.)?”

Answer: Dormitory quarters are not the same as accessories to a dwelling unit. Dormitory beds are counted toward total density. For every 6 dormitory beds, the number of allowable residential units will be reduced by one. Pursuant to the existing Land Development Regulations, guest houses, servants’ quarters and other accessory dwellings are not counted as units/toward density.

- c. Is there a limit on those ancillary dwellings as to numbers or type? Could they be a condo on 2 acres?

Answer: No condominiums are not permitted.

- d. But they aren't counted for density so say 5 extra houses on each big house lot – so now could there be 1,200 on-the-ground dwelling units?

Answer: No, see the answer to 9.c. above.

- e. How are the dormitories counted?

Answer: See the answer to 9.b. above.

- f. Is there additional “blended” density from the off-site open space that is transferred to the main 1,000 acres?

Answer: No.

If yes, does each of those added housing densities get uncounted “accessory dwellings”?

Water/Groundwater and Wetlands

10. Has any monitoring been done to identify the extent to which the Grove 23 Golf Course north of the site is impacting the South Fork? Golf courses require nutrients pesticides and herbicides. Other than it being designed “to meet state standards”, how will the proposed golf course ensure that discharges do not adversely affect water quality in the South Fork?

Answer: No.

Proposed developments are required to meet the requirements of the Comp Plan, Code of Ordinances, and Land Development Regulations. In addition to the stormwater management requirements found in Division 9 of Article 4 in the Land Development Regulations, the applicant for any future Rural Lifestyle project will be required to demonstrate compliance with proposed Policy 4.13A.18 which is provided below for reference.

(7) PUD Zoning Agreement. All development within a specific parcel designated as the Rural Lifestyle on the Future Land Use Map must be developed in accordance with a Planned Unit Development (PUD) Zoning Agreement. At a minimum, the PUD Zoning Agreement shall require the following public benefits:

(b) Enhanced water quality above the minimum requirements established in the Martin County Land Development Regulations through retention, detention and on-site irrigation prior to discharge into receiving waters and ultimately discharging into the St. Lucie River, the Loxahatchee River or the Indian River Lagoon.

The proposed PUD language for the Discovery PUD is still under review.

11. Will the source of water for irrigation of the golf course be the surficial aquifer? Have any analyses been conducted to identify the extent of potential adverse impacts on the aquifer?

Answer: The engineering for the PUD is ongoing. This question is beyond the scope of the Rural Lifestyle amendment.

12. Have any site-specific hydrogeologic investigations been conducted to show whether or not the creation of the lakes for the golf course will affect an underlying hardpan feature and therefore result in the project having adverse impacts on groundwater resources? Is the provision allowing wetland habitat to be preserved off-site a form of mitigation that allows wetlands on-site to be destroyed?

Answer: No.

13. Will off-site conservation land/open space be owned and managed by a governmental or conservation organization? If the off-site conservation land/open space is owned and managed by the property owner, will that land be considered part of the PUD that governs the developed property? Doesn't a PUD require unified ownership of all of the land in the PUD?

Answer: Please see the following text from Policy 4.13A. 18 (7) (c).

The off-site open space shall be encumbered by a perpetual conservation or agricultural easement conveyed to at least one governmental organization and a 501 (c)(3) conservation organization, to be specified within the PUD Zoning Agreement. The property shall not be designated as Rural Lifestyle on the Future Land Use Map and shall not be rezoned, but shall be governed by the PUD Zoning Agreement and identified therein by legal description. The perpetual easement shall restrict future use of the property in perpetuity to open space, prohibiting development of the property inconsistent with this policy and the terms and conditions established within the PUD Zoning Agreement.

14. If the off-site conservation land is governed by the provisions of the PUD Agreement, can the Agreement be changed in the future to eliminate or reduce conservation requirements?

Answer: PUD agreements may be amended pursuant to the procedures established within the PUD agreement and the Land Development Regulations. However, all development within a PUD must be consistent with the Comp. Plan.

15. Are PFAS, pharmaceuticals, herbicides and pesticides removed from the state-approved Advanced Treatment Systems?

Answer: Martin County Utilities does not operate any of these systems so we defer to the manufacturers for specific information.

Are PFAS, pharmaceuticals, herbicides and pesticides removed during Martin County's wastewater treatment system?

Answer: Herbicides and pesticides are not regular constituents in our municipal wastewater treatment system. The Martin County Utility wastewater treatment system targets nutrient and solids removal, but not PFAS and pharmaceuticals, though a number of them break down during the treatment process.

Rural Lifestyle

16. Why is the Rural Lifestyle land use designation being offered as a County-wide land use designation rather than a site-specific designation for 1,494 acres to be developed by Becker/Discovery?

Answer: The applicant elected to propose a new future land use designation.

17. How many acres of land are potentially available for designation as Rural Lifestyle if the new designation is approved?

Answer: The answer to this question will depend on many factors, some of which cannot be known.

- *How many landowners will apply?*
- *How many parcels will receive the Rural Lifestyle future land use designation?*
- *How many landowners will opt for one unit per 20 acres or, how many will seek a higher density and set aside land under an easement?*

18. To date, the County has not provided a map or Figure that shows the areas that would potentially be available for future Rural Lifestyle projects. If you are now able to do so, please provide a graphic that will help us understand the potential magnitude of applicability.

Answer: A map will be provided.

19. How will the provision limiting the number of employees per 100 acres to six employees be enforced?

Answer: The proposed text amendment does not regulate the number of employees.

20. What is the legal basis for the Martin County Comp Plan to limit the number of employees a property owner may hire?

Answer: Please see the answer to question No. 19 above.

Economics and calculations

21. Are current County impact fees for new development adequate to offset the costs to provide services? If not, does the County have the authority to adjust impact fees? If new development “pays for itself” and brings in higher property tax revenues, why are Martin County property taxes going up each year rather than down as more and more development is approved?

Answer: This question is beyond the scope of the Rural Lifestyle amendment.

22. If one acre of land must be set aside off-site for preservation for each two acres which are to be developed as Rural Lifestyle property, is the off-site acreage included in the total acreage for density calculation?

Answer: No, the off-site preservation is a requirement for obtaining a density increase above one unit per 20 acres on the land receiving the Rural Lifestyle future land use designation.

23. Is the off-site acreage required for preservation included in the 70% of acreage that must be set aside for open space? Will all wetlands, common uplands and rare and endangered upland habitats in the designated open space areas be managed pursuant to Preserve Area Management Plans?

Answer: No, 70 percent open space is required within the 1,000 plus acres receiving the Rural Lifestyle future land use designation. All habitat preservation will be done consistent with all existing Comp. Plan policies and Land Development Regulations.

24. How can blended density be applied and permitted when there is only one land use designation on property to be developed under the provisions of the Rural Lifestyle land use designation? Doesn't blended density require two different land use designations to be blended?

Answer: Yes, density blending does involve two different land use designations. The Discovery property, for example, currently has two future land use designations, Agricultural and Rural Density. If the Agricultural land is changed to Rural Lifestyle, (on this site) the density of the Rural Density and the Rural Lifestyle may be blended within the PUD.

25. Do "practice holes" count toward the maximum number of golf cottages per hole that are allowed?

Answer: No.

26. Could one or more miniature golf courses be considered "golf courses", and therefore qualify for employee housing, dormitories and "small-scale service establishments necessary to support rural and agricultural uses" pursuant to the Rural Lifestyle zoning?

Answer: No, miniature golf courses are not golf courses, they are commercial amusements.

27. A Rural Lifestyle development is intended to be a "self-supporting" and "self-contained" community. How will a Rural Lifestyle community receive fire protection and law enforcement services if County services are not going to be extended to the Rural Lifestyle property outside the Urban Services District boundary?

Answer: Please see the following text from proposed Policy 4.13A.18.(5).

The applicant for a PUD shall plan and appropriately fund public facilities consistent with Policy 14.1B.2. which requires that future development shall pay for the full cost of the capital improvements needed to address the impacts of such development. The PUD Agreement shall include conditions that address public facilities, infrastructure and the timing of development to be adopted prior to or concurrent with final site plan approval.

Economics and Urban Services

28. Will Rural Lifestyle communities have their own school system, separate from the Martin County School District? If not, will impacts on school capacity be evaluated during the PUD phase of a project?

Answers: No there will not be a separate school system. Impacts on school capacity will be evaluated as is done with all development applications.

29. Having a consultant to the County perform the economic analysis (using funds paid by the applicant) is more likely to result in a more accurate forecast than if the analysis is performed by an economic analyst working on behalf of the applicant (as is currently proposed). Regardless of who develops the economic analysis, what happens if the project fails to produce the forecasted tax revenues? What if the economic analysis that is required to show that a Rural Lifestyle development provides a net positive fiscal impact to the County fails to confirm that net positive impact? Will the application be denied? How will this requirement be enforced?

Answer: If an economic analysis fails to show a net positive fiscal impact, the BCC may decide not to approve a proposed Planned Unit Development, after conducting a quasi-judicial public hearing to consider the application.

30. Physical improvements made within a Rural Lifestyle PUD are supposed to have a taxable value “that far exceeds the value of physical improvements typically found in the Agricultural future land use designation.” How will the County determine whether this requirement is met and, if it is not met, what penalty or enforcement measures will be implemented?

Answer: The determination will be made during the review of the proposed structures and facilities in the PUD. If the development is not constructed in compliance with the PUD, the development may be found in violation and suspension of development activity and/or fines may be imposed pursuant to Section 10.14.G, LDR.

31. What assurances are contained in the Rural Lifestyle Amendment that prevent projects that are approved from not fulfilling the forecast economic benefits?

Answer: See the answer to question 30 above.

Potential impacts on the future of Agriculture in Martin County

32. How will Martin County ensure that sufficient agricultural land is available for economically sustainable agricultural industry if Rural Lifestyle development is allowed throughout the County on all agricultural land?

Answer: The proposed amendment does not authorize Rural Lifestyle development on all agricultural land.

33. How will Rural Lifestyle projects affect the future growth, development and character of Martin County?

Answer: Please see the answer to question No. 17.

34. Can the Commission deny a land use change to any applicant who applies for the Rural Lifestyle land use designation for any area of 1,000 or more contiguous acres outside the urban services boundary? On what grounds can an application be denied?
Answer: Yes. Decisions approving or rejecting Comprehensive Plan amendments, constitute legislative actions because they involve the policy making function of the BCC. They are different from rezoning and site plan decisions which are quasi-judicial actions involving the application of general rules and policy to specific situations.
35. Can several different landowners apply for the Rural Lifestyle land use designation on 1,000 contiguous acres that are not all owned by the same owner?
Answer: Yes, an applicant may propose an amendment which includes property owned by more than one owner.
36. How was the 1,000-acre threshold for eligibility for consideration of the Rural Lifestyle land use designation identified? Doesn't it intrinsically favor big landowners and create a bias against owners of small farms or smaller parcels?
Answer: The applicant proposed that acreage. No.
37. How many employee dormitories or accessory structures used as dwellings are allowed on each 5-acre lot within a Rural Lifestyle development?
Answer: Please see the answer to Question 9 above.
38. Are employee dormitories or accessory structures used as dwellings included in the per-acre density calculation for a Rural Lifestyle community?
Answer: Please see the answers to Question 9 above.
39. Will employees living in housing on the property be required to be single and without children?" Won't children of employees need schools?"
Answer: This question is beyond the scope of the Rural Lifestyle amendment.
40. How many approved, but un-built residential units are there within Martin County's urban services districts? How many new residential units were built last year?
Answer: This question is beyond the scope of the Rural Lifestyle amendment.
41. What makes the County believe that the precedents set by such developments will not encourage higher density on adjacent properties, without regard to whether or not these prospective projects are designed to meet Rural Lifestyle zoning criteria?
Answer: The text of the Rural Lifestyle future land use designation does not permit higher densities on adjacent properties.
42. What effect do the recent changes that have been made to Rural Lifestyle CPA have on the integrity of the Urban Service Districts boundary?

Answer: The proposed Rural Lifestyle future land use designation is not intended for land inside either the Primary or Secondary Urban Service Districts. It does not require a change to either the Primary or Secondary Urban Service Districts.

43. If the landowner has more than 1,000 acres, say 50,000, what portions of the Comp Plan would prevent clustering of development to create new urban development, particularly with the attendant and allowable “Small-scale service establishments” outside the USB?

Answer: A Future Land Use Map amendment would be necessary to assign the Rural Lifestyle future land use designation and a Text amendment would be necessary to identify another Rural Service Node in Policy 4.13A.8. (5) of the Comp Plan. All Plan policies including the proposed policy 4.13A.18 would be applicable.

44. At the February 22 Commission mtg, suggestions were made by Commissioners regarding the ability to direct funds generated from the increase in taxable value of project that is approved under the Rural Lifestyle zoning to specific programs (e.g., the acquisition of conservation lands). Has the County determined if this is allowable?

Answer: The Board makes decisions each year about the allocation of ad valorem funds in its budget.

45. In addition to the proposed Three Lakes Golf Course project, is the County aware of any other developments that are considering proposing projects that will be considered under the Rural Lifestyle zoning?

Answer: No.

46. In the past, Martin County has hired planning consultants to develop long-range plans for lands outside the USBs. Community workshops were held over a period of several months to increase the likelihood that the resulting recommendations would consistent with the community’s desires. Why wasn’t that done in this situation?

Answer: The applicant proposed amendments to the Comprehensive Plan and is entitled to have the application considered in a timely manner.

47. The concept approved by the LPA is that placing an agricultural easement on 800 acres, allows the quadrupling of residential density on 1,500 acres. Applied to the approximately 180,000 acres in 1 per 20 Agriculture Land Use, wouldn’t this potentially allow more than tripling the density and place over 60,000 residents in areas outside the USB?

Answer: Please see the answer to Question No. 6. The LPA conducted a public hearing on the proposed text amendment. Quadrupling the density was not proposed.

48. The County needs to be cognizant about the potential effects of the Bert J. Harris Act as it applies to takings of property rights. If this CPA is approved, and new projects that are approved pursuant to the Rural Lifestyle Zoning are not successful, wouldn’t denial/rejection of any potential future Rural Lifestyle projects put the County in a position in which they would be vulnerable to takings suits?

- a. Could reasons for denial of potential future Rural Lifestyle projects be that the residents don't support the proposed "Public Benefits?"
- b. Could denial stand a chance against a legal challenge be based on studies that show that the costs of built "Rural Lifestyle" villages here or elsewhere have been proven to be too costly for taxpayers, too much of an adverse impact on agriculture and/or affordable housing?
- c. Could denial of an application for Rural Lifestyle zoning stand a legal challenge based on a study that such villages already built aren't "self-supporting, self-contained"? That the roads are inadequate? That school bus costs are too high? That the location adversely impacts the Loxahatchee, St. Lucie River or IRL? That urban sprawl from the Turnpike to the Lake Okeechobee is hugely costly?
- d. Is the "self-supporting, self-contained" have any legally enforceable criteria?

Answer: County staff is ever cognizant of the Bert J. Harris Act and its implications. Please see the response to Question No. 5.

49. Please explain how the 70% open space works on-site and off-site?

- a. What does "A minimum of one acre of open space shall be provided off-site for every two acres assigned the Rural Lifestyle future land use designation" mean? For example, is it one acre off-site for "every 2 acres" of the 1,000 acres in the project so 500 acres of permanently conserved land/private open space offsite?
- b. Does the on-site open space still have to be 70% of the 1,000 acres?
- c. What will be the social, cultural, and economic make up of all those domestic and landscape workers, willing to live in dorms? Will the employees of those workers pay for transportation to the school district for the school age children of these workers and pay for college? How will workers for these Rural Lifestyle homes and businesses get to work if the development is "Self-sufficient and Self-contained"?

Answers: Paragraph a., yes. Paragraph b., yes. Paragraph c., This question is beyond the scope of the Rural Lifestyle amendment.

Relevancy to Other development projects approved by Martin County Outside the Urban Services District

50. Has Pineland Prairie followed all its PUD conditions as to timing?

Answer: This question is beyond the scope of the Rural Lifestyle amendment.

51. What was the total density at Pineland Prairie pre-PUD and after? Over how many acres? How many acres of natural area did they donate in fee simple to the public? Has it been donated? Will Discovery donate CERP land to Martin County?

Answer: This question is beyond the scope of the Rural Lifestyle amendment.

52. Please explain what has happened to the AgTEC PUD. Can staff explain why they believe requiring a PUD will guarantee promises are kept when they have not been kept on AgTEC?

Answer: This question is beyond the scope of the Rural Lifestyle amendment.

53. How can it not be viewed as a precedent for allowing density increases in the rural area by putting easements on adjacent farm land to stay farmland that hasn't worked in Palm Beach County? What strict requirements are found in this Comp Plan so that the problems of the flawed and unprotective Ag Reserve doesn't happen here? Eventually the Ag Reserve farmland that was supposed to stay farmland is getting converted.

Answer: This question is beyond the scope of the Rural Lifestyle amendment.

54. If Harmony applies for this land use, can they do the project previously rejected? What about Hobe Grove?

Answer: This question is beyond the scope of the Rural Lifestyle amendment.

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