

## **Defining our vision. Protecting our quality of life.**

There has been a great deal of misinformation circulated recently about proposed changes to the Martin County Comprehensive Growth Management Plan (Comp Plan). Here are the facts.

The Comp Plan *is not* being gutted.

We *are not* eliminating vital protections. Protections *remain* in place.

There *is no* proposal to remove policies from the Comp Plan that have made Martin County what it is today. What *is* proposed to be removed is the differing language in Chapter 2 added nearly 30 years after the original Comp Plan was adopted.

In 2021, the Florida Legislature passed HB 59 and on June 29, 2021, Governor DeSantis signed into law what is now codified as Section 163.3177, Florida Statutes. This law requires each local government to adopt a property rights element into its comprehensive plan and consider private property rights in local decisionmaking.

In 2021, the Florida Legislature passed HB 421 and on June 29, 2021, Governor DeSantis signed into law an amendment to the Bert J. Harris, Jr. Private Property Rights Protection Act. The law broadened the definition of “action of a government entity” to include adopting or enforcing any ordinance, resolution, regulation, rule or policy.

On November 16, the Martin County Board of County Commissioners will meet and discuss incorporating the legislatively mandated property rights element into our Comp Plan and changes to Chapters 1 and 2 necessitated by the Legislature’s actions in 2021. This will be the 3<sup>rd</sup> publicly noticed hearing to discuss these changes. Residents are invited to come to the meeting and participate in this public process.

The Comp Plan was adopted in 1982. It is the long-term plan for Martin County, defining its vision and providing policies protecting our quality of life. The policies in the Plan are what allow us to protect our environment and maintain orderly and balanced growth. Having consistent language throughout the Comp Plan is critical in legally defending those policies and keeping the protections that are so vitally important to every Martin County resident.

When an amendment to the Comp Plan is proposed, especially the addition of a new chapter, staff reviews other chapters of the Plan for consistency with the amendment

and for consistency with Florida Statutes. As a result of that review, changes were proposed for Chapter 1 (Preamble) and Chapter 2 (Overall Goals and Definitions.) In that review, staff noted that language from Chapter 2 differed from language in other chapters of the Comp Plan.

The language contained in the current version of Chapter 2 is not what created Martin County's vision and is not what protects our vision for the future. That language was adopted in 2013 and did not become effective until 2016.

Our intention is, and always will be, to implement sound planning practices that put Martin County in the best position to defend these principles and policies that have defined Martin County's vision for decades. The addition of the Chapter 19 Property Rights Element brings Martin County into compliance with one of the 2021 changes to state law by the Florida Legislature by including the statement that "private property rights shall be considered in local decisionmaking." The amendment to the Bert J. Harris, Jr. Private Property Rights Act expands the ability for property owners to challenge local government land use decisions. These changes by the Legislature send a clear message to each local government about local decisionmaking.

Considering the added emphasis the Florida Legislature is placing on property rights, staff recommended removing text from Chapter 2 that may be problematic. Some policies can only be fully understood if the reader knows to look in both Chapter 2 and another chapter of the Comp Plan. Then the reader must interpret which language is the most restrictive. This lack of clarity may result in a challenge asserting that private property rights have not been considered. The lack of clarity weakens the county's Comp Plan and increases the likelihood of challenges against Martin County's long-loved protections.

It's not as simple as just adding the property rights element. We must be vigilant in safeguarding the protections provided in our Comp Plan. We must make it legally defensible. We must protect our taxpayers from costly legal proceedings that could arise. We owe that to our residents.

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County Administrator