

RESOLUTION NO. 792

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SEWALL'S POINT, FLORIDA, SUPPORTING THE COMPREHENSIVE GROWTH MANAGEMENT PLAN AMENDMENTS ADOPTED BY MARTIN COUNTY PURSUANT TO ORDINANCE NO. 538; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, the Martin County Board of County Commissioners (BCC) has adopted a Comprehensive Growth Management Plan (the Plan); which has previously determined by the state land planning agency of the State of Florida to be in compliance with Chapter 163, Part II, Florida Statutes; and

WHEREAS, pursuant to Ordinance No. 538 the BCC adopted amendments to the Plan (the Plan Amendments); and

WHEREAS, four landowners have filed Petitions challenging the Plan Amendments; and

WHEREAS, the Plan Amendments would strengthen the County's urban service districts so as to deter sprawl and reduce the need for publically funded infrastructure by continuing to direct growth to already urbanized areas, including the County's municipalities; and

WHEREAS, the Plan Amendments further the County's policies to encourage infill development and redevelopment within the County's urban services districts, including its incorporated municipalities; and

WHEREAS, the Plan Amendments include policies intended to protect areas in the County deserving of special treatments such as the Loxahatchee River, the St. Lucie Estuary, the Indian River Lagoon, wetlands, and the coastal zone; and

WHEREAS, the Town Commission finds that the County's plan amendments would protect the character and quality of life enjoyed by Town of Sewall's Point residents, and all Martin County residents; and

WHEREAS, pursuant to §163.3184(1)(a), Fla. Stat. the Town of Sewall's Point is an adjoining local government that has an interest in the administrative law proceedings whereby four Petitioners are challenging the County's plan amendments; and

WHEREAS, the Town Commission finds that a successful challenge by the Petitioners resulting in the repeal of these plan amendments would produce substantial impacts on areas in the Town which have been designated for protection or special treatment; and

WHEREAS, the Town Commission finds that a successful challenge by the Petitioners resulting in the repeal of these plan amendments would increase the need for publically funded infrastructure; *and*

WHEREAS, land use and comprehensive planning is one of the most important functions of local government. It is imperative that local governments maintain strong home rule powers to determine how their communities will look and grow. Top-down, heavy-handed oversight from state government stifles local preferences and undermines the ability of a community to chart its own course and destiny; and

WHEREAS, Section 163.316(2) provides that it is the purpose of this act to utilize and strengthen the existing role, processes, and powers of local governments in the establishment and implementation of comprehensive planning programs to guide and manage future development consistent with the proper role of local government; *and*

WHEREAS, Section 163.316(4) of the 2011 Community Planning Act specifically provided that:

It is the intent of this act that local governments have the ability to preserve and enhance present advantages; encourage the most appropriate use of land, water, and resources, consistent with the public interest; overcome present handicaps; and deal effectively with future problems that may result from the use and development of land within their jurisdictions. Through the process of comprehensive planning, it is intended that units of local government can preserve, promote, protect, and improve the public health, safety, comfort, good order, appearance, convenience, law enforcement and fire prevention, and general welfare; facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks, recreational facilities, housing, and other requirements and services; and conserve, develop, utilize, and protect natural resources within their jurisdictions.

WHEREAS, Section 163.316(9) of the 2011 Community Planning Act specifically provided that the amendments to Chapter 163 by the Community Planning Act are not to be interpreted to limit or restrict the powers of municipal or county officials, but be interpreted as a recognition of their broad statutory and constitutional powers to plan for and regulate the use of land.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SEWALL'S POINT, FLORIDA that:

SECTION 1: The whereas clauses are incorporated herein as the findings of the Commission.

SECTION 2. The Town Commission supports the plan amendments adopted by the County pursuant to Ordinance No. 538 and directs the Town Clerk to transmit a copy of the Resolution to Martin County, the Department of Economic Opportunity, and any other governmental entities deemed by the Town Manager to be appropriate for its receipt. Furthermore, the Town Manager

is directed to work with the Town Attorney or his designee to take such steps as may be necessary to intervene into the administrative proceedings which are the subject of the Petitions challenging the County's plan amendments.

SECTION 3: This resolution shall take effect upon adoption.

Cmsr. Bausch offered the Resolution and moved its adoption. The motion was seconded by Cmsr. Barile, and upon being put to a vote, the vote was:

	<u>AYE</u>	<u>NAY</u>
PAM BUSHA, MAYOR	✓	—
PAUL LUGAR, VICE MAYOR	✓	—
VINCENT BARILE, COMMISSIONER	✓	—
THOMAS P. BAUSCH, COMMISSIONER	✓	—
JACQUI THURLOW-LIPPISCH, COMMISSIONER	✓	—

The Town Manager thereupon declared this Resolution No. 792 approved and adopted by the Town Commission of the Town of Sewall's Point on this 10th day of December, 2013.

TOWN OF SEWALL'S POINT, FLORIDA



Pamela Mac'Kie Walker, Town Manager

ATTEST:



Ann-Marie S. Basler, Town Clerk

(TOWN SEAL)



Glen J. Torcivia, Town Attorney
Florida Bar No. 343374
Approved as to form and legal sufficiency