

# **WHAT'S WRONG WITH MARTIN COUNTY?**

*By Maggy Hurchalla*

*At Alliance Forums we generally celebrate what's right and different about Martin County and how our comp plan has made a difference.*

*We need to be aware that there is a different point of view:*

*The 2016 county commission races have already started, though there are no announced candidates. The target is "the county commission majority controlled by environmental extremists."*

*Chief spokesman for the pro-development crowd is Barbara Clowdus in her publication "The Hobe Sound Currents." Clowdus ran against Sarah Heard with the support of Lake Point, Hobe Groves, and King Ranch. All of them are suing the county.*

*The Currents has run large ads from Lake Point and Florida Crystals. It allies itself with Nancy Smith of Sunshine News who is rumored to be the paid mouthpiece for Big Sugar. It is distributed by email by the anonymous "DBell". DBell was very active in the recent commission races sending out anonymous emails saying scurrilous things about Com. Sarah Heard and Ed Fielding.*

***It's tempting to ignore malicious drivel. I think it's important to set out answering positions early on and let folks decide who is right. I think it is equally important to get people to read this stuff in order to understand just how far these folks will go.***

*Below is Clowdus' latest editorial annotated\* to separate truth from fiction.*

*Maggy Hurchalla*

## **Clowdus Editorial [CE]: Greatest threat to Martin County is not All Aboard Florida**

***FACTS THAT CORRECT the Editorial are inserted into the Clowdus Editorial -- by Maggy [in Italics.]***

**[CE]** As significant as it is, All Aboard Florida is not the greatest threat to our quality of life.

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**FACTS** *The Chamber of Commerce and others in the pro-growth community are supporting AAF but recognize that it is unpopular in Martin County. Doug Smith is the only elected official supporting AAF. The Chamber has sent an email to Commissioners Smith and Haddox threatening to withdraw support for the sales tax referendum if they continue to spend taxpayer money fighting All Aboard Florida. They appear to have chosen Haddox and Smith as "their commissioners" since the email was not sent to the rest of the commission.*

***This week an associate of Nancy Smith's who describes himself as a brilliant young political operative published a rant against fighting All Aboard Florida. It was based on an internet poll in the Stuart News that said 83% of Martin County residents opposed spending money fighting All Aboard. The poll numbers indicate that it was clearly manipulated. 17,000 people have never voted in a Stuart News on line poll before. While on line poll takers are notorious for voting more than once, the brilliant young operative appears to have gone to the trouble to get a computer program to repeatedly vote. This gave them a "factual basis" for telling***

***Martin County residents that over 80% of them do not want the County to fight All Aboard Florida.***

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**[CE]** The biggest threat is the ongoing pollution of our waterways, which we only half-heartedly address,

***FACTS*** ***The group in question has opposed every effort to address pollution in the waterways at the local and the state level . They have opposed adoption of plan amendments that address pollution. They have supported lawsuits that insist that Martin County does not have a legal right to protect the St. Lucie Estuary and the quality of life of existing residents .***

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**[CE]** while it harms our health, our wildlife, our tourism, our real estate values and our marine businesses, at the same time we proclaim “solutions” by changing the Comprehensive Growth Management Plan with substandard, easily challenged amendments that cost us millions of dollars in unbudgeted legal fees—before they get rewritten and parts tossed out. We pretend much, accomplish little, and at great expense.

***FACTS*** ***The comp plan amendments are not substandard. They have not been rewritten and tossed out. They put in place some of the best and strongest local water policies in the state. The changes to the comp plan were challenged by Big Agriculture – the King Ranch, Becker Groves (who sold to Hobe Groves) and Hobe Groves. Lake Point, “the rockpit that is suing Martin County” joined the challenge. Florida Crystals lobbied heavily in Tallahassee to get the amendments declared illegal.***

***They objected to amendment language that said that new development that hurt the river would not be allowed.***

***Three of the challengers dropped out before trial. The only thing Lake Point wanted was assurance that the policy which cancelled development approvals obtained by fraud was not retroactive. The only challenger that went to trial was Hobe Groves – the monster city west of the Turnpike off Bridge Road. We are waiting for a ruling from the administrative law judge on ch1 and 2 amendments.***

***Right now the river is our biggest problem. They are dumping on us again. Our biggest current challenge is to buy the land (US Sugar option) and send the water south. This group has opposed buying the US Sugar land and claimed it is a pipedream of extreme environmentalists to think we can send more water south.***

***Martin County has done more than any county in the state to support Comprehensive Everglades Restoration (CERP). In terms of stormwater rules, septic tank rules, fertilizer rules, and wetland protection we do more to ensure that new development won't make things worse for the river. ALL of those initiatives have been opposed by the folks who claim that Martin County's reaction has been “half-hearted.”***

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**[CE]** The biggest threat comes from strangling the diversity of our tax base

***FACTS*** ***Unbeknownst to most, Martin County has second highest in tax base per capita of the coastal counties from Indian River County through Dade County. It got there by adopting and enforcing as comp plan that protects existing residents and protects the environment.***

[CE] At the same time our infrastructure crumbles

**FACTS** *Our infrastructure is crumbling because the previous pro-growth commission ignored the comprehensive plan. They bonded all of the road tax for twenty years to build new roads for developers. That left the county with no revenues to maintain roads.*

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[CE] with a narrowly focused intent to replace our old Comp Plan that ensured a thriving community of arts, education, jobs, business, agriculture, historical preservation and environmental protection,

**FACTS** *One of the wonders of the opposition argument is their self-declared love for the environment and the comp plan while opposing the comp plan and all policies that protect the environment. The challengers to ch 1 and 2 said that it was illegal to protect the quality of life of existing residents.*

*The pro-growth commission in 2009 deleted policies from the comp plan that had been in place since 1982. The amendments put those policies back in the comp plan.*

*“Our old comp plan,” before the pro-development lobby gutted it in 2009, is what made us different. The Clowdus group opposed re-instating the policies of our old plan.*

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[CE] subverting it to an extremist agenda

**FACTS** *The extremist changes they oppose include:*

- *Protecting the four story limit, the 15 unit per acre density cap, and the wetland protection policies.*
- *Protecting existing neighborhoods from incompatible commercial development.*
- *Protecting the river,*
- *And much more.*

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[CE] that inevitably will lead to a menu of much higher taxes, more fees and random closings to make up the shortfall in revenues.

**FACTS** *Every available economic statistic supports the conclusion that our comprehensive plan policies that were in the Plan for 27 years and got put back in the Plan last year are responsible for lower taxes and a healthy economy.*

[CE] We pretend to seek balance, but attain imbalance and high costs.

**FACTS** *The new war cry is “imbalance”. If your commission has a majority that protects residents and the environment it is imbalanced. Their expert witness in the comp plan challenge said it was illegal to do that. He said you needed to achieve the proper balance by letting the market determine how and where and when development should happen.*

[CE] The greatest threat to our quality of life comes from the decisions currently being made by our county commission majority when they vote as a bloc—Commissioners Ed Fielding, Sarah Heard and Anne Scott.

**FACTS** *Commissioner John Haddox used to be included in the attack against current commissioners. He has now been adopted as an ally of the Chamber and of Com Smith. Haddox has not been criticized by Clowdus et al since he voted against reinstating local*

**septic tank policies . At the October hearing on the Sewage chapter he chastised Martin County's environmentalists as extremists who want to stop all growth.**

**[CE]** They adopted a pretense of getting tough on septic tanks to rewrite Chapter 10 of the Comprehensive Growth Management Plan affecting less than one percent of the septic tanks in this county, which are miles from water bodies, yet created NO plan to remove septic tanks along our riverbanks—beyond stealing TIFF funds earmarked for revitalization from Old Palm City and Golden Gate to build sewer line extensions there.

**FACTS** *The Commission put back into the Plan the tough septic tank policies that had been in place since 1982. They adopted a policy that requires action on failed septic systems. Florida Crystals and King Ranch representatives were at every meeting opposing those changes. Agriculture was demanding the right to be exempt from the comp plan and to be allowed to have septic flows of 10,000 gpd. For comparison, single family homes average 250 gpd. Chapter Ten amendments did not steal TIFF funds.*

**[CE]** They banned sewer lines into the secondary urban services district over the objections of the Loxahatchee River District, whose testing proved that the enteric bacteria entering the Loxahatchee River is from a human source—most likely the septic tanks in the Rivers Edge community,

**FACTS** *The statement isn't true. The current comp plan does not allow the Loxahatchee District to require River's Edge to hook up. The testing did not prove that River's Edge was the problem.*

**[CE]** who were subjected to intense myth-mongering that their rural community would transform into an intensely developed urban one.

**FACTS** *The River's Edge residents were concerned that this had already happened. No one was mongering at them. They were concerned that their two acre lots were being blamed for bacteria in the river when smaller lots at higher densities were not being hooked up and expert testimony showed that the testing was too general to prove anything.*

**[CE]** We should feel a moral imperative to rid our waterways of all septic tanks, as we did when we allowed ENCON in Jupiter to run sewer lines into Jonathan Dickinson State Park years ago, adding simple language to the Comp Plan that could be duplicated for Rivers Edge.

**FACTS** *The moral imperative to do away with all existing septic tank has been pushed by Florida Crystals, Nancy Smith, and (no relation) Commissioner Doug Smith. Their argument is that we cannot keep new development from using high risk septic systems until we have required ALL existing homeowners to pay to connect to sewer lines.*

**[CE]** By banning sewer lines into our rural lands and allowing only one septic tank per lot, even its 600 acres, will address NONE of our current pollution issues, but it hog-ties our farmers, 10 of whom began legal proceedings against the county.

**FACTS** *Of the "ten farmers" most of them were King Ranch which operates in Martin County under various names.. Martin County farmers have lived with Martin County's strict septic policies for thirty years without being tied up by hogs.*

**[CE]** We have yet one more substandard Comp Plan amendment that will cost us thousands in legal fees—again—before it's eventually rewritten.

**FACTS** *The ch 10 amendment putting the local septic tank policies back in the comp plan has a hearing date in April. It has volumes of data and analysis to back up the policies. It has a long history of success with stricter local policies. Opponents have not produce ANY data and analysis that shows the adopted policies to be flawed.*

*The big argument put forward in the last commission election continues to be the theme. "Don't fight lawsuits. You can't win. It costs too much money." Com Haddox appears to have become the Board spokesman for this position which is also backed by Com Smith. That position invites lawsuits from any bully with deep pockets. It disenfranchises residents who can't afford to sue.*

**[CE]** Their hidden agenda, and that of their supporters, is to drive down the value of rural lands to make it easier and less costly to acquire more conservation acreage—taking more properties off the tax rolls and adding payroll to manage them—and to drive out or discourage business and industry.

**FACTS** *Really? We thought the agenda was to make Martin County a good place to live. We believe there is ample data to prove it has worked.*

**[CE]** Aside from the bungled Comp Plan amendments,

**FACTS** *What "bungled" comp plan amendments? The policies the County has put back in the Plan and defended are well written and defensible.*

**[CE]** our commission majority's decision to deliberately shut down a water restoration project that could divert at least 10 percent of the Lake Okeechobee discharges that impact our estuary, clean the water, and send it south at no cost to taxpayers, and without harming wetlands, not only stole a chance to mitigate the Lake Okeechobee discharges, but the lawsuit is costing hundreds of thousands of Martin County taxpayer dollars.

**FACTS** *Lake Point is a long story. See Slappmaggy.com for details. Lake Point has not been shut down. It is suing Martin County, the SFWMD, and Maggy Hurchalla for not letting them sell water to cities to the south. It does not reduce discharges from Lake Okeechobee by 10%. In the last week of the Republican primary, over \$100,000 in contributions from PACs and other entities associated with Lake Point were made to unseat Co. Heard and Com Fielding. They were not reported until after election day.*

**[CE]** They not only shut down the restoration project, but attempted to shut down the entire rock mining operation we know as Lake Point.

**FACTS** *Nothing has been shut down. The action they are suing over is the SFWMD telling them that a contract to build a rockpit does not equal permission to sell water that belongs to the people of Florida.*

**[CE]** Its contracts were valid, which the county has since quietly acknowledged, but we still are spending thousands of dollars for outside attorneys, in large part because Commissioner Sarah Heard refuses to turn over the public records regarding Lake Point housed on her personal computer,

**FACTS** *This is not true. See the County Attorney's report on the case at slappmaggy.com.*

**[CE]** and taxpayers are paying for her private attorney to defend what most of us consider a violation of Sunshine Laws.

**FACTS** *Sarah Heard has not refused to turn over anything.*

**[CE]** We now have dozens of projects whose deadline extensions are running out, but their old plans must now meet the county's new rules to get the county commission's approval. Not likely to happen.

**FACTS** *This appears to be a plea to allow projects to ignore the conditions they were approved under. This would mean that the county would continue to give endless time extensions while be responsible for providing infrastructure to projects that aren't happening. Meanwhile new and viable projects could not go forward while the defunct projects try to hold on to infrastructure commitments by the County..*

**[CE]** But this we can be sure will happen: We will watch millions more dollars pour down the drain on multiple new lawsuits as a result of the extremist commissioners' decisions, as pollution continues to pour into our rivers and more limitations are poured onto the backs of business and industry. Then we'll see our residents, who already are carrying 75 percent of the tax burden, begin to pour sweat.

**FACTS** *We have a better tax base and lower taxes than most Florida counties.*

**[CE]** As potentially devastating as All Aboard Florida is, it is not the greatest threat to our quality of life—and at least we can see that train coming down the tracks.

**FACTS** *Actually, these people are supporting All Aboard Florida. They just don't want to say so because they understand how the majority of residents feel about it.*

## SUMMARY

*The editorial comes down to a set of themes we've heard before. They are based on the principle that good growth management and environmental protection policies will destroy the economy. The attacks will continue on:*

1. **The urban boundary** . *A local developer was heard to tell his friends "There is 3 billion dollars to be made in western Martin County." Get rid of the urban boundary and land bought cheap suddenly becomes as valuable as land inside the urban boundary. The strategy to achieve this is to declare that Martin County Comprehensive Plan policies cannot be applied to land outside the urban boundary. The challengers to both sets of comp plan amendments insist that Florida's Right to Farm Law exempts anything outside the urban area from regulation. The state Dept of Agriculture has defended this interpretation. County lawyers are confident that this interpretation is not correct.*

*Com Haddox has been convinced that this interpretation is correct and that if we try to regulate development in 2/3s of the county, we will lose in court. Given the importance of losing control over 2/3s of the County, a judge should decide.*

2. **The alleged lack of tax base** . *A further argument for allowing urbanization outside the boundary is the suggestion that it will improve the tax base and reduce taxes for Martin County residents. This argument is based on faith. It says that lining major highways with commercial development is the best way to reduce taxes. The idea that commercial property relieves residents of their tax burden is true of states with heavy industry and high industrial taxes. It simply isn't true in Florida. The Florida counties the highest percentage of their land area in commercial and industrial use do not have the highest tax base per capita. When Florida had a growth management system, one of the key policies was to prohibit strip commercial. It has very high costs for residents because of traffic and law enforcement costs. The proposal to incorporate*

*Palm City came with the suggestion that lining 714 with commercial uses out to I 95 would be a gold mine in terms of tax revenues. Reality testing by looking at actual tax rolls shows that isn't true.*

3. *Lawsuits. We can't win. We might as well give up and enjoy them. Below is the presentation I made to the County Commission last week when they discussed the Lake Point lawsuit.*

## **Lake Point -- Maggy Hurchalla on Item 8B1 Lake Point**

I'd like to make clear that I am not talking to you about this item because I want you to defend me. I'm a big girl . I can take care of myself. Everything I said about the Lake Point project is true. I said it loudly and clearly over and over again. I take full responsibility for it.

I have a legion of supporters who are helping me to slapp back in this case. Without them, I would feel like David without the slingshot.

That said, I hope that, when you discuss this item, you will remember some very basic principles.

1. Lake Point is a SLAPPSuit - a strategic lawsuit against public participation. It's about costing money and trying to scare the county out of holding the project accountable. It's about making the public be quiet.

The basic plot is this: The commission asked the staff to review Lake Point to see if it was doing what it said it would do. Staff put it on the agenda. The Board discussed it. I said the project would not do what it claimed to do. You got sued. The water management district got sued. I got sued.

2. IF you do not choose to aggressively defend against this lawsuit you will be telling people who walk up here that this is no longer a democracy and they no longer have free speech. There will be open season on any citizen who criticizes a county contract. The cost of a SLAPP suit in time and money, is enough to frighten anyone away from this podium.

3. The allegation of Lake Point is NOT that the county took an adverse action in a public vote. The interlocal agreement between the County and the SFWMD remains in effect. Lake Point is claiming that commissioners said unkind things about their project. If you back down on this case you are all going to have to be mousy quiet up there behind the podium.

4. IF you adopt the principle that lawsuits are too expensive and you have to do whatever they want, then you are inviting lawsuits from every bully with deep pockets. You are totally disenfranchising the people you represent who can't afford to sue you.

**These are very important principles. Without them, we don't have a democracy.**



