

WHERE ARE WE GOING?

Alliance Forum March 2015

I like the Winnie the Pooh answer: "Down to the fields where the buttercups grow."

Unfortunately, that's not what's happening. There are some buttercups out there.

We're waiting for a decision from the administrative law judge on the chapter 1 and 2 amendments. We're feeling good that those amendments will finally become law.

We have a trial date set in April for the challenges to the Sewage chapter of the comp plan. The County staff has done a fantastic job of assembling data and analysis to support the changes.

The U of F Water Institute study on sending the water south was just released. It was fun reading it because it said over and over again all the things we've been saying all along. We need to buy the land now.

There's a handout sheet on the table of contact information for state officials. Pick one up. Copy it off www.rivercrisis.com. Get it off Donna's email. Tell your friends and relations and neighbors and people you see in the grocery store: "Have you phoned? Have you emailed? Have you told them to Buy the Land and Send the Water South?"

We're in a world of challenges and hope. We're not sitting in a field of buttercups. There are a lot of thistles out there.

We're in a war. We're in a war on saving our river. We're in a war on saving our county.

Everyone decries the fact that Martin County keeps being at war. Peace would be much nicer. But peace has not been achievable.

If you doubt that, note that the first attack in the 2016 county commission races has already started. There are no announced candidates. The election is almost two years away. But the campaign has started.

You will find a hand-out on the table titled "What's wrong with Martin County" It has an annotated version of Barbara Clowdus' latest editorial in the Martin County Currents. You need to read it and understand that in Martin County the war never stops.

According to the other side, most of the people in this room are environmental extremists whose aim is to stop all growth in Martin County. They suggest that if people like us could only be rational, there would be no war over environmental and growth management policies in Martin County.

When we get closer to the election all their candidates paint themselves green and say they agree with us. They love the comp plan. They love the river. They love them even more than we do. I almost fell out of my chair last summer when Ron Rose announced at the League of Women Voters Forum "I'm a born again environmentalist. Maggy is right!"

The game will continue. There will be appeals for harmony and compromise while piles of money, nasty personal attacks, anonymous emails, and flat out lies are flung at the three county commissioners who have consistently supported residents, the environment, and the river.

I suppose we should be happy that the opposition appears to have a level of incompetence that's embarrassing. Don't get smug. They will work to create wedge issues and they will stir up as much anger and distrust as they can.

They will attack the Guardians of Martin County as a bunch of Jupiter Island rich people who want to stop growth so they can have cheap servants. They will try to get folks from Jupiter Island to fight with folks from Sailfish Point over inlet management. They will try to convince River Warriors that us old fuddy duddy environmentalists only care about stopping growth and don't really care about the river. They will try to convince us old fuddy duddies that the Rover Warriors are ignorant johnnie-come-latelies who don't know what's going on. They'll try to pit kids who need jobs against retirees.

It sometimes seems like we could pay the group that likes to be best friends and mouthpieces for Big Sugar, Lake Point, and King Ranch

and be ahead in the game. They are not very effective lobbyist. Their nastiness and invented views of reality make it clear to most folks that they are not on the side of those who live and work in Martin County.

We need to remember that in Florida and in Martin County we're always getting new residents. They don't have a score card. They don't know the players. A continuous drumbeat of emails and Facebook postings that says that Sarah and Ed and Ann are evil dishonest people who are wasting our tax dollars is not a good thing. They used to attack four of our county commissioners. Now they only attack three. They appear to have decided that Com Haddox is their friend.

Our best answer is not to be like them. So I'd like to talk to you about the issues they will be using to try to pry Martin County voters away from their addiction to candidates who really do want to do the right thing.

The continuing #1 issue will be the urban service boundary. It always has been. There is so much money to be made in buying cheap land in the rural area and getting the land use changed from agriculture to urban. In the words of a local developer: "There's 3 billion dollars to be made in western Martin County."

There are 341 thousand acres in the Martin County unincorporated area. There are 273 thousand acres outside the urban boundary. That's 80% of the county that is covered by our comp plan. I've updated a speech on the urban boundary that I gave at this forum in 2001. It's a hand out on the table. You'll be able to get it digitally at the Alliance website. I hope you'll read it. It is really important to understand the technical reasons for supporting our urban boundary. That policy has more to do with protecting our neighborhoods, our environment, our businesses, and our pocketbooks than any single policy in the plan.

Everyone running for office in Martin County says they love the comp plan and will not break the urban boundary - unless they happen to think it's a good idea at the time. Policies that depend on what individual commissioners think is a good idea are not policies.

Our urban boundary rules are mandatory.

You will be hearing reasons why we should make them flexible. There is \$3 billion dollars to be made from breaking the urban boundary.

#2 as a wedge issue will be tax base. It will be a major argument for allowing more development outside the urban boundary. That's an old argument that has been proved wrong over and over and over, but it's got a new twist.

Selling the idea of super cities in the hinterlands has failed. Too many people remember the fight over Harmony and Hobe Groves. The real estate market still hasn't recovered enough to throw money at that kind of gamble. No one is asking for a new self sustaining urban development in the boondocks right now.

The one that did get approved hasn't delivered on any of its promises. When the pro-growth commission broke the boundary by approving AgTec out on I-95, even the Chamber of Commerce said that we shouldn't expect the jobs and industrial development that was promised. They were right.

The new suggestion for expanding the tax base came with the idea that Palm City should incorporate in order to escape the onerous restrictions of the county's comp plan. (Wait, isn't that the comp plan that everyone supports and loves?)

Incorporation always scares residents because they know it comes with a whopping new tax bill. The answer to that concern was that if Palm City took all the land from the Turnpike to I-95 and made it all commercial land use along County Road 714, then incorporation wouldn't cost the taxpayers anything at all. They could have their own commissioners and their own staff and more and better services and it would all be paid for by taxes on the new strip with eight miles of commercial on both sides of the road.

Never mind that it would be ugly strip commercial and you would have to 6 lane the highway and fill it with traffic lights, it would be outside Palm City. Think how profitable it would be.

Innocence and ignorance make it possible to bring forward enthusiastically old ideas that have been beaten to death. Strip commercial doesn't provide a profit to taxpayers. Strip commercial costs taxpayers. It's not just the Martin County comp plan that prohibits strip commercial. Back when the state had a growth management department, Florida's Dept. of Community affairs prohibited strip commercial.

The innocent thought is that because business does not demand services like residents do, it must be a cash cow. The fact of the matter is that the biggest piece of the the county's budget goes to public safety and roads. A big chunk of that has to do with traffic and all of the crime and problems, large and small, that happen in commercial areas. Another missing fact in the optimist's equation is that businesses do not have to be appraised at market value. They can be appraised based on revenue. A multi-million dollar property may be paying relatively low taxes.

Dozens of studies have demonstrated the negative impacts of strip commercial land use. Do you really believe that US1 from Stuart to Port Salerno is subsizing the rest of the county?

Still, the best answer is to ask proponents of the idea to give us an example of where, in Florida, the idea has actually worked. We can look at their tax rolls and their costs. We can go look at what it looks like. We can decide if that's what we want to be.

Plausible ideas can have poor results. Before inviting unintended consequences, it's better to find do a reality check to prove the plausible idea actually works.

IF we stave off the idea of strip commercial out Bridge Rd. and SR 76 and CR714 we end up back at expressway commercial or an "edge city" along I-95. We could surround the rural I-95 interchanges at Bridge Rd. and at 714 with hundreds of acres of commercial. We could invite corporate headquarters. We could make piles of money off the expanded tax base. There would be jobs for everyone.

We just got rid of the expressway commercial land use at Bridge Rd. and at 714. It didn't work. Putting commercial cities in their place seems a very bad idea. It's Hobe Groves all over again.

The tax base argument for breaking the urban boundary will keep coming up. When it does, count your fingers and toes and demand a real life example here in Florida. The handout on urban areas makes a good case for the fact that if you want to be kind to existing taxpayers, than a strict urban service boundary is a highly effective policy tool.

But the pressure will continue. There is \$3 billion dollars to be made in western Martin County. You don't even have to complete a successful development. All you have to do is get the land use changed and find a sucker who will pay you ten times what you paid for the property.

The third theme in the argument for "flexibility " in rural land use comes from the Right to Farm Act. This is a state law that was designed to protect farmers from encroaching suburbia. Local government cannot pass laws against the normal smells and sounds of farm operations just because their new neighbors don't like them.

In opposing the recent changes to ch 10 of the comp plan, the King Ranch representatives insisted that the Right to Farm Law prohibits local regulation of any use that is allowed in agricultural zoning. The County attorney disagreed. Three of the county commissioners disagreed.

Com Haddox and Com Smith appear to be convinced that the very broad interpretation of the Right to Farm Act is correct and that county comp plan and regulations cannot be applied to uses outside the urban boundary.

IF this interpretation is correct, we don't have a comp plan anymore. 80% of the unincorporated area is outside the urban boundary. It's ironic that the King Ranch and other large owners of agricultural land - backed by the State Dept of Agriculture - are using the Right to Farm Act as "the Right to Develop Act". They have made it clear that

their interest in Martin County is to switch from farming to more lucrative urban uses.

They don't understand why we don't want to be like Broward County and develop all the way out to the Okeechobee dike.

What they do understand is that there's \$3 billion dollars to be made in western Martin County. Breaking the urban boundary is the ultimate "Buy low, sell high" business deal.

Martin County has been enforcing comp plan policies in the agricultural area outside the urban boundary since 1982. If two of our five commissioners don't think we can make the comp plan apply to 80% of the county, we need to get an answer in court.

That brings up the #4 issue you will hear a lot about: litigation. Flexibility in the urban boundary, expanding the tax base, bringing jobs for young people. asserting that the Right to Farm Bill frees up 80% of the county from planning rules - all those things will be used as arguments for making the loosening urban boundary and deciding projects on a case by case basis.

IF we win those arguments the backup position is this:

**We can't win. They are bigger than us.
Their lawyers are better.**

When the Commission adopted the amendments to ch 1 and ch2 Nancy Smith proclaimed "Here come da Judge!" and said we didn't stand a chance against entities like Lake Point, King Ranch, Hobe Groves, and Florida Crystals.

The last election is barely over and the drumbeat has started again. Your commissioners are wasting your tax dollars on expensive outside counsel and you don't stand a chance.

It goes beyond the urban boundary issue. The Chamber of Commerce has threatened Com Smith and Com Haddox that they will withdraw their support for the sales tax referendum if commissioners spend tax dollars fighting All Aboard Florida.

There's a hand out on recent growth management litigation that can catch you up on the lawsuits they are talking about.

Martin County has a long and happy history of defending itself.

They told us we couldn't have a 4 story height limit or we would be sued and we would lose. They were wrong.

They told us we couldn't protect wetlands and we couldn't keep development out of the headwaters of the Loxahatchee River. They sued. We won.

They told us we couldn't have an urban boundary. They sued. We won.

When we sued the contractor for faulty construction of the sick courthouse. they said we couldn't win against a national construction giant like Centex Rooney. We won \$14 million for Martin County taxpayers.

Avoiding lawsuits is good. Bending over backwards to try to settle disputes and clarify language is good. Allowing such efforts to stall adoption is counter productive. It invites more stalling and more disputes.

**Where disputes go the principles that make Martin County different we need to fight back. Martin County wouldn't be what it is if we had not gone to court to protect the rights of our residents..
If we advertise the fact that we are willing to cave in to bullies with deep pockets, then suing us or threatening to sue us will become the standard strategy for getting a bad project approved.**

For the foreseeable future, the 273,000 acres outside the urban boundary are going to be an invitation to greedy developers and innocent suckers lured into bad investments. There's \$3 billion dollars to be made out there.

In Martin County, we'll never be sitting around in a field of buttercups where everyone holds hands and sings Kumbaya.

We need to make it clear that we will fight if we have to.

