



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Public Hearing

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H.4.

9/2/2021

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### **Subject:**

Comprehensive Plan text amendment to include a Property Rights Element as required by House Bill 59, requiring all local governments to create a Property Rights Element.

### **Fiscal Impact:**

None

### **Dept/Office:**

Planning and Development

### **Requested Action:**

It is requested that the Board of County Commissioners consider a text amendment to the Comprehensive Plan to add a Property Rights Element, and to change the Table of Contents to include this Element.

### **Summary Explanation and Background:**

This request is for a text amendment to create a Property Rights Element to the Comprehensive Plan adding Goals, Objectives, and Policies with regards to the local decision making process as it pertains to the rights of property owners in accordance with House Bill 59. The bill became law on June 29, 2021, and had effective date of July 1, 2021. This legislation requires that each local government must adopt a property rights element in its comprehensive plan by the earlier of the date of its adoption of its next proposed plan amendment that is initiated after July 1, 2021, or the date of the next scheduled evaluation and appraisal of its comprehensive plan.

The Property Rights Element is intended to create policies that assure private property rights are taken into consideration in the local development approval process. The proposed comprehensive plan amendment utilizes the following provisions established in HB59 legislation. The law also allows the Board to develop their own policies as an alternative.

- The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
- The right of a property owner to use, maintain, develop, and improve his or her property for personal use or the use of any other person, subject to state law and local ordinances.
- The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
- The right of a property owner to dispose of his or her property through sale or gift.

On August 23, 2021, the Local Planning Agency heard the request and unanimously recommended approval with the additional language as follows: Brevard County recognizes that planning and development decisions

affect complex systems and have impacts that occur beyond site development. Any affected person may participate in and be a party to a hearing on a planning and development decision. An affected person is any person or local government that will suffer adverse effect to an interest protected or furthered by this comprehensive plan, included interests related to health, safety, police, fire, service systems, density intensity of development, transportation facilities, healthcare facilities, equipment services, environmental or natural resources.

If the Board elects to include the language recommended by the LPA, a separate Objective will need to be created.

**Clerk to the Board Instructions:**

No action required as this is the Transmittal stage.



September 3, 2021

**MEMORANDUM**

**TO:** Tad Calkins, Planning and Development Director    Attn: Jeffrey Ball

**RE:** Item H.4., Comprehensive Plan Text Amendment to Include a Property Rights Element as Required by House Bill 59, Requiring All Local Governments to Create a Property Rights Element

The Board of County Commissioners, in regular session on September 2, 2021, conducted a public hearing and accepted a text amendment to the Comprehensive Plan to add the following Property Rights Element:

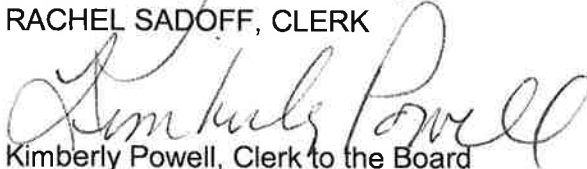
- The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights,
- The right of a property owner to use, maintain, develop, and improve his or her property for personal use or the use of any other person, subject to State law and local Ordinances,
- The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property,
- The right of a property owner to dispose of his or her property through sale or gift;

and to change the Table of Contents to include this Element.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
RACHEL SADOFF, CLERK

  
Kimberly Powell, Clerk to the Board

**· PROPOSED COMPREHENSIVE PLAN AMENDMENT 2021-2.1  
PROPERTY RIGHTS ELEMENT - TEXT AMENDMENT**

**Request:** A text amendment to the Comprehensive Plan creating Property Rights Element XV and changing the Glossary from Element XV to XVI

**Owner / Applicant:** Planning & Development Department

**Location:** N/A

**Acreage:** N/A

**Existing Land  
Use Designation:** N/A

**Proposed Land  
Use Designation:** N/A

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**PROPOSED TEXT AMENDMENT**

**Background:**

House Bill 59, which became law on June 29, 2021, adds Section 163.3177(6)(i), Florida Statutes. Effective July 1, 2021: Each local government must adopt a property rights element into its comprehensive plan by the earlier of the date of its adoption of its next proposed plan amendment that is **initiated** after July 1, 2021, or the date of the next scheduled evaluation and appraisal of its comprehensive plan pursuant to Section 163.3191, Florida Statutes (emphasis added).

The new section requires that governmental entities respect judicially acknowledged and constitutionally protected private property rights. The law allows the Board to adopt its own property rights element or use the provision provided. Staff has presented the provision included in the law in order to expedite this process to ensure that development applications may continue to be processed at this time.

**Description:**

The proposed amendment will create a Property Rights Element to the Comprehensive Plan adding Goals, Objectives and Policies with regards to the local decision making process, as it pertains to the rights of property owners.

### **Proposed Text Amendment**

The proposed amendment would be adopted as Property Rights Element XV and change the Glossary from XV to XVI. Additions to the Comprehensive Plan will be shown as underlined and deletions are shown as ~~strike through~~.

**PROPERTY RIGHTS ELEMENT**

**CHAPTER 15**

BREVARD COUNTY COMPREHENSIVE PLAN

CHAPTER XV

PRIVATE PROPERTY RIGHTS

TABLE OF CONTENTS

Private property rights in the local decision making process.....1

## GOALS, OBJECTIVES AND POLICIES

### GOAL

TO ENSURE CONSIDERATION OF PRIVATE PROPERTY RIGHTS IN THE LOCAL DECISION MAKING PROCESS.

### Objective 1

Brevard County shall follow a set of policies to ensure that private property rights are considered in the local decision making process.

### Policy 1.1

Brevard County shall consider the following in the local decision making process:

- A. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
- B. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or the use of any other person, subject to state law and local ordinances.
- C. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
- D. The right of a property owner to dispose of his or her property through sale or gift.



**THE 1988\* BREVARD COUNTY COMPREHENSIVE PLAN**

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**Preface**

**Adopting Ordinance**

**Part I. Conservation Element**

**Part II. Surface Water Management Element**

**Part III. Recreation and Open Space Element**

**Part IV. Historic Preservation Element**

**Part V. Housing Element**

**Part VI. Potable Water Element**

**Part VII. Sanitary Sewer Element**

**Part VIII. Solid Waste and Hazardous Materials Element**

**Part IX. Transportation Element**

**Part X. Coastal Management Element**

**Part XI. Future Land Use Element**

**Part XII. Intergovernmental Coordination Element**

**Part XIII. Capital Improvements and Programs Element**

**Part XIV. Public School Facilities Element**

**Part XV. Glossary Property Rights Element**

**Part XVI. Glossary**

**Updated ~~November 7, 2008~~ November 4, 2021**

**ORDINANCE NO. 21-\_\_**

**ORDINANCE AMENDING ARTICLE III, CHAPTER 62, OF THE CODE OF ORDINANCES OF BREVARD COUNTY; ENTITLED “THE COMPREHENSIVE PLAN”, SETTING FORTH PLAN AMENDMENT 2021-2.1; AMENDING SECTION 62-501, ENTITLED “CONTENTS OF THE PLAN”; SPECIFICALLY AMENDING SECTION 62-501, PART IX, ENTITLED FUTURE LAND USE ELEMENT; PROVIDING FOR INTERNAL CONSISTENCY WITH THESE AMENDMENTS; PROVIDING LEGAL STATUS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Section 163.3161 et. seq., Florida Statutes (1987) established the Local Government Comprehensive Planning and Land Development Regulation Act; and

**WHEREAS**, Section 163.3167, Florida Statutes, requires each County in the State of Florida to prepare and adopt a Comprehensive Plan as scheduled by the Department of Economic Opportunity; and

**WHEREAS**, on September 8, 1988, the Board of County Commissioners of Brevard County, Florida, approved Ordinance No. 88-27, adopting the 1988 Brevard County Comprehensive Plan, hereafter referred to as the 1988 Plan; and

**WHEREAS**, Sections 163.3184 and 163.3187, and 163.3189, Florida Statutes, established the process for the amendment of comprehensive plans pursuant to which Brevard County has established procedures for amending the 1988 Plan; and

**WHEREAS**, Brevard County initiated amendments and accepted application for amendments to the Comprehensive Plan on June 30, 2021, for adoption as the Plan Amendment Cycle 2021-2; and

**WHEREAS**, the Board of County Commissioners of Brevard County, Florida, have provided for the broad dissemination of proposals and alternatives, opportunity for written comments, public hearings after due public notice, provisions for open discussion, communication programs and consideration of and response to public comments concerning the provisions contained in the 1988 Plan and amendments thereto; and

**WHEREAS**, Section 62-181, Brevard County Code designated the Brevard County Planning and Zoning Board as the Local Planning Agency for the unincorporated areas of Brevard County, Florida, and set forth the duties and responsibilities of said local planning agency; and

**WHEREAS**, on October 25, 2021, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 2021-2.1, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

**WHEREAS**, on November 4, 2021, the Brevard County Board of County Commissioners held a duly noticed public hearing, and considered the findings and recommendations, and all interested parties submitting written or oral comments, and the recommendations of the Local Planning Agency, and upon a thorough, and complete consideration, approval for the adoption of Plan Amendment 2021-2.1; and

**WHEREAS**, Plan Amendment 2021-2.1 adopted by this Ordinance complies with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

**WHEREAS**, Plan Amendment 2021-2.1 adopted by this Ordinance is based upon findings of fact as included in the data and analysis.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, as follows:**

**Section 1. Authority.** This ordinance is adopted in compliance with, and pursuant to the Local Government Comprehensive Planning and Land Development Regulations Act, Sections 163.3184 and 163.3187, Florida Statutes.

**Section 2. Purpose and Intent.** It is hereby declared to be the purpose and intent of this Ordinance to clarify, expand, correct, update, modify and otherwise further the provisions of the 1988 Brevard County Comprehensive Plan.

**Section 3. Adoption of Comprehensive Plan Amendments.** Pursuant to Plan Amendment 2021-2.1 to the 1988 Comprehensive Plan, Article III, Chapter 62-504, Brevard County Code, the 1988 Brevard County Comprehensive Plan is hereby amended as specifically shown in Exhibit A. Exhibit A is hereby incorporated into and made part of this Ordinance.

**Section 4. Legal Status of the Plan Amendments.** After and from the effective date of this Ordinance, the plan amendment, Plan Amendment 2021-2.1, shall amend the 1988 Comprehensive Plan and become part of that plan and the plan amendment shall retain the legal status of the 1988 Brevard County Comprehensive Plan established in Chapter 62-504 of the Code of Laws and Ordinances of Brevard County, Florida, as amended.

**Section 5. Severability.** If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of this Ordinance, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

**Section 6. Effective Date.** The plan amendment shall become effective once the state land planning agency issues a final order determining the adopted amendment to be in compliance in accordance with Florida Statutes, Section 163.3184(9), or until the Administration Commission issues a final order determining the amendment to be in compliance in accordance with Florida Statutes, Section 163.3184(10). A certified copy of the ordinance shall be filed with the Office of the Secretary of State, State of Florida, within ten days of enactment.

DONE AND ADOPTED in regular session, this the \_\_\_\_ day of \_\_\_\_\_, 2021.

**ATTEST:**

**BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA**

\_\_\_\_\_  
Rachel Sadoff, Clerk

By: \_\_\_\_\_  
Rita Pritchett, Chair

Approved by the Board on \_\_\_\_\_, 2021.

ENROLLED

CS/CS/CS/HB 59, Engrossed 1

2021 Legislature

1  
2       An act relating to growth management; amending s.  
3       163.3167, F.S.; specifying requirements for certain  
4       comprehensive plans effective, rather than adopted,  
5       after a specified date and for associated land  
6       development regulations; amending s. 163.3177, F.S.;  
7       requiring local governments to include a property  
8       rights element in their comprehensive plans; providing  
9       a statement of rights which a local government may  
10      use; requiring a local government to adopt a property  
11      rights element by the earlier of its adoption of its  
12      next proposed plan amendment initiated after a certain  
13      date or the next scheduled evaluation and appraisal of  
14      its comprehensive plan; prohibiting a local  
15      government's property rights element from conflicting  
16      with the statement of rights contained in the act;  
17      amending s. 163.3237, F.S.; providing that the consent  
18      of certain property owners is not required for  
19      development agreement changes under certain  
20      circumstances; providing an exception; amending s.  
21      337.25, F.S.; requiring the Department of  
22      Transportation to afford a right of first refusal to  
23      certain individuals under specified circumstances;  
24      providing requirements and procedures for the right of  
25      first refusal; amending s. 380.06, F.S.; authorizing

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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26        certain developments of regional impact agreements to  
27        be amended under certain circumstances; providing  
28        retroactive applicability; providing a declaration of  
29        important state interest; providing an effective date.  
30

31        Be It Enacted by the Legislature of the State of Florida:  
32

33        Section 1. Subsection (3) of section 163.3167, Florida  
34        Statutes, is amended to read:

35        163.3167    Scope of act.—

36        (3)    A municipality established after the effective date of  
37        this act shall, within 1 year after incorporation, establish a  
38        local planning agency, pursuant to s. 163.3174, and prepare and  
39        adopt a comprehensive plan of the type and in the manner set out  
40        in this act within 3 years after the date of such incorporation.  
41        A county comprehensive plan is controlling until the  
42        municipality adopts a comprehensive plan in accordance with this  
43        act. A comprehensive plan for a newly incorporated municipality  
44        which becomes effective ~~adopted~~ after January 1, 2016 ~~2019~~, and  
45        all land development regulations adopted to implement the  
46        comprehensive plan must incorporate each development order  
47        existing before the comprehensive plan's effective date, may not  
48        impair the completion of a development in accordance with such  
49        existing development order, and must vest the density and  
50        intensity approved by such development order existing on the

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effective date of the comprehensive plan without limitation or modification.

Section 2. Paragraph (i) is added to subsection (6) of section 163.3177, Florida Statutes, to read:

163.3177 Required and optional elements of comprehensive plan; studies and surveys.—

(6) In addition to the requirements of subsections (1)–(5), the comprehensive plan shall include the following elements:

(i) 1. In accordance with the legislative intent expressed in ss. 163.3161(10) and 187.101(3) that governmental entities respect judicially acknowledged and constitutionally protected private property rights, each local government shall include in its comprehensive plan a property rights element to ensure that private property rights are considered in local decisionmaking. A local government may adopt its own property rights element or use the following statement of rights:

The following rights shall be considered in local decisionmaking:

1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.

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2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.

3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.

4. The right of a property owner to dispose of his or her property through sale or gift.

2. Each local government must adopt a property rights element in its comprehensive plan by the earlier of the date of its adoption of its next proposed plan amendment that is initiated after July 1, 2021, or the date of the next scheduled evaluation and appraisal of its comprehensive plan pursuant to s. 163.3191. If a local government adopts its own property rights element, the element may not conflict with the statement of rights provided in subparagraph 1.

Section 3. Section 163.3237, Florida Statutes, is amended to read:

163.3237 Amendment or cancellation of a development agreement.—A development agreement may be amended or canceled by



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mutual consent of the parties to the agreement or by their successors in interest. A party or its designated successor in interest to a development agreement and a local government may amend or cancel a development agreement without securing the consent of other parcel owners whose property was originally subject to the development agreement, unless the amendment or cancellation directly modifies the allowable uses or entitlements of such owners' property.

Section 4. Subsection (4) of section 337.25, Florida Statutes, is amended to read:

337.25 Acquisition, lease, and disposal of real and personal property.—

(4) The department may convey, in the name of the state, any land, building, or other property, real or personal, which was acquired under subsection (1) and which the department has determined is not needed for the construction, operation, and maintenance of a transportation facility. When such a determination has been made, property may be disposed of through negotiations, sealed competitive bids, auctions, or any other means the department deems to be in its best interest, with due advertisement for property valued by the department at greater than \$10,000. A sale may not occur at a price less than the department's current estimate of value, except as provided in paragraphs (a)-(d). The department may afford a right of first refusal to the local government or other political subdivision

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in the jurisdiction in which the parcel is situated, except in a conveyance transacted under paragraph (a), paragraph (c), or paragraph (e). Notwithstanding any provision of this section to the contrary, before any conveyance under this subsection may be made, except a conveyance under paragraph (a) or paragraph (c), the department shall first afford a right of first refusal to the previous property owner for the department's current estimate of value of the property. The right of first refusal must be made in writing and sent to the previous owner via certified mail or hand delivery, effective upon receipt. The right of first refusal must provide the previous owner with a minimum of 30 days to exercise the right in writing and must be sent to the originator of the offer by certified mail or hand delivery, effective upon dispatch. If the previous owner exercises his or her right of first refusal, the previous owner has a minimum of 90 days to close on the property. The right of first refusal set forth in this subsection may not be required for the disposal of property acquired more than 10 years before the date of disposition by the department.

(a) If the property has been donated to the state for transportation purposes and a transportation facility has not been constructed for at least 5 years, plans have not been prepared for the construction of such facility, and the property is not located in a transportation corridor, the governmental entity may authorize reconveyance of the donated property for no

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consideration to the original donor or the donor's heirs,  
successors, assigns, or representatives.

(b) If the property is to be used for a public purpose,  
the property may be conveyed without consideration to a  
governmental entity.

(c) If the property was originally acquired specifically  
to provide replacement housing for persons displaced by  
transportation projects, the department may negotiate for the  
sale of such property as replacement housing. As compensation,  
the state shall receive at least its investment in such property  
or the department's current estimate of value, whichever is  
lower. It is expressly intended that this benefit be extended  
only to persons actually displaced by the project. Dispositions  
to any other person must be for at least the department's  
current estimate of value.

(d) If the department determines that the property  
requires significant costs to be incurred or that continued  
ownership of the property exposes the department to significant  
liability risks, the department may use the projected  
maintenance costs over the next 10 years to offset the  
property's value in establishing a value for disposal of the  
property, even if that value is zero.

(e) If, at the discretion of the department, a sale to a  
person other than an abutting property owner would be  
inequitable, the property may be sold to the abutting owner for

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the department's current estimate of value.

Section 5. Paragraph (d) of subsection (4) of section 380.06, Florida Statutes, is amended to read:

380.06 Developments of regional impact.—

(4) LOCAL GOVERNMENT DEVELOPMENT ORDER.—

(d) Any agreement entered into by the state land planning agency, the developer, and the local government with respect to an approved development of regional impact previously classified as essentially built out, or any other official determination that an approved development of regional impact is essentially built out, remains valid unless it expired on or before April 6, 2018, and may be amended pursuant to the processes adopted by the local government for amending development orders. Any such agreement or amendment may authorize the developer to exchange approved land uses, subject to demonstrating that the exchange will not increase impacts to public facilities. This paragraph applies to all such agreements and amendments effective on or after April 6, 2018.

Section 6. The Legislature finds and declares that this act fulfills an important state interest.

Section 7. This act shall take effect July 1, 2021.

## **LOCAL PLANNING AGENCY/PLANNING AND ZONING BOARD MINUTES**

The Brevard County Local Planning Agency/Planning & Zoning Board met in regular session on Monday, August 23, 2021, at 3:00 p.m., in the Commission Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

The meeting was called to order by Chair Mark Wadsworth, at 3:00 p.m.

Board members present were: Ron Bartcher (D1); Ben Glover (D3); William Capote (D3); Mark Wadsworth, Chair; Joe Buchanan (D4); Bruce Moia (D5); Peter Filiberto, Vice Chair (D5); and David Bassford (D5).

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; Kyle Harris, Planner I; Abby Jorandby, Assistant County Attorney; and Jennifer Jones, Special Projects Coordinator.

### **Excerpt of Complete Minutes**

#### **4. Comprehensive Plan Text Amendment to include a Property Rights Element as required by House Bill 59, requiring all local governments to create a Property Rights Element; and to amend the Glossary Chapter Number from XV to XVI.**

Ron Bartcher stated to him, this seems to be another restriction on Home Rule authority, which the State legislature has been doing for many years. He asked if this will mean a developer or owner will get more consideration than any neighbors who might oppose the development of such property.

Jeffrey Ball stated the element lists four additions to be added as part of the comprehensive plan amendment. He explained that the new element has a ripple effect because DEO is requiring the County to adopt the language before any comprehensive plan amendments are sent for review, so this is curtailing any large scale and small scale plan amendments that's been waiting for adoption.

Mr. Bartcher stated the new element does address property rights and he thinks it's good to put that in there, but he's concerned that lawyers for developers are going to come forward and say, "You've put that in your comprehensive plan and therefore it should be given higher priority". He said that because of that, he would like to see a fifth statement added that says Brevard County also recognizes that planning and development decisions affect not only the property owner but the neighbors as well, and that the neighbors would have a right to participate in any of that discussion.

Abby Jorandby stated as far as the neighboring properties, the element is statutorily mandated, so staff used the language provided. As far as additional language regarding the neighbors, the proposed element is really for the private property rights of the owners, and the right of the property owner to physically possess and control his or her interests. She said she is not sure what DEO's interpretation would be if there was language added about neighboring properties.

Mr. Bartcher stated the legislature provided some sample language the board can adopt, or it can create its own language as long as it doesn't conflict.

Ms. Jorandby stated the board can make that recommendation, but the current language from the statute is directed at the property owner and doesn't reference neighboring properties.

William Capote reminded the board that it can only make a recommendation to the County Commission, and they will have the final decision.

Peter Filiberto stated as a recommended body, he agrees with Mr. Bartcher, and the board should probably hash out what the additional language should be. He said he doesn't know if using the word, 'neighbor' would be appropriate.

Mr. Bartcher stated the language he would like to see is 'affected person' so that anyone who is affected can participate in and be a party to any hearing on any development decision and that the affected person could be a person or a local government that would suffer an adverse effect to an interest protected or furthered by this comprehensive plan, including interests related to health, safety, police, fire, service systems, density intensity of development, transportation, health care, equipment services, environmental or natural resources.

Mr. Capote asked for an opinion from the Assistant County Attorney.

Ms. Jorandby asked if Mr. Bartcher is reading that language from a particular statute. Mr. Bartcher replied no, it is language from the internet.

Ms. Jorandby stated from the prior discussion, she had written down that the recommendation was that Brevard County shall consider, as part of the planning and development decision making process, affected property owners and neighbors as well.

Mr. Bartcher stated 'affected person' is a better choice than 'neighbors' because the immediate neighbors may not be the only ones affected by the decision.

Mr. Ball stated 'affected neighbors' can be subjective as far as whether or not they are affected, and asked if the word 'adjacent' could be substituted.

Mr. Bartcher stated the reason he used 'affected parties' was that frequently an issue comes before the board and the property owner who owns property that is adjacent to the developed property is only one of the members of that residential group, and the entire residential group are the ones that are really opposed to it. If it is limited it to say it's only going to be the people who are adjacent, then the other 100 or 200 people who live in that area and would be affected by that property decision are locked out. He said he understands 'affected person' is subjective, but he would like to see that language in there and leave it up to the County Commission.

Ms. Jorandby stated if that is the board's motion and if it passes, it can go to the County Commissioners for consideration.

Motion by Ron Bartcher, seconded by Peter Filiberto, to add Paragraph (E) to the element that states Brevard County recognizes that planning and development decisions affect complex systems and have impacts that occur beyond site development. Any affected person may participate in and be a party to a hearing on a planning and development decision. An affected person is any person or local government that will suffer adverse effect to an interest protected or furthered by this comprehensive plan, included interests related to health, safety, police, fire, service systems, density intensity of development, transportation facilities, healthcare facilities, equipment services, environmental or natural resources. The motion passed unanimously.

#### **Adjournment:**

Upon consensus of the board, the meeting adjourned at 3:24 p.m.