

INDIAN RIVER COUNTY, FLORIDA

M E M O R A N D U M

TO: Jason E. Brown; County Administrator

THROUGH: Phillip J. Matson, AICP
Community Development Director

FROM: John Stoll
Chief, Long Range Planning

DATE: December 5, 2022

RE: County Initiated Request to Amend the 5 Year Capital Improvements Program and the Capital Improvements Element of the Comprehensive Plan for the Period FY 2022/23 –2026/27.

It is requested that the following information be given formal consideration by the Board of County Commissioners at its regular meeting of December 13, 2022.

BACKGROUND

On February 13, 1990, Indian River County adopted its comprehensive plan. As required by state law, all development activities must be consistent with the comprehensive plan, and all county activities must conform to plan policies.

While state law allows local governments to amend their comprehensive plans periodically, there is no requirement that local governments annually update their comprehensive plan, except for the Capital Improvements Element (CIE). Unlike the other elements, the CIE must be amended every year in accordance with state regulations.

According to state law, amendments to the Capital Improvements Program (CIP) schedule and its supporting data and analysis may be accomplished by following local government ordinance adoption/amendment procedures. These procedures require only one hearing, while other types of comprehensive plan amendments involve multiple public hearings and several months of review. Consistent with state requirements, County staff has prepared the annual update of the County’s existing Capital Improvements Element.

ANALYSIS

In revising the 5 Year Capital Improvements Program and supporting data and analysis, staff used much the same methodology as it employed in preparing the original version. That involved coordinating with the budget and finance departments to obtain data on past revenues and expenditures as well as forecasted future revenue and expenditure amounts. Also, each county department was contacted to determine the status of its capital improvements program. For each department, information on completed projects, proposed projects, costs, revenues, prioritization, and other factors was collected. Projects were then reviewed by the budget department and revised as necessary to ensure financial feasibility. Based upon those data, planning staff revised the various tables and the text of the 5 Year Capital Improvements Program and supporting data and analysis.

Proposed Changes to the Capital Improvements Element

- Capital Improvements Program

The Capital Improvements Program lists all programmed capital improvements for fiscal years 2022/23 through 2026/27. Within the CIP, each project was selected based upon the need for the project and the County's financial ability to fund it. As shown within the CIP, the total cost for all of the projects for the next five fiscal years is \$474,689,526.

As structured, the CIP consists of the following ten categories: Coastal Management, Conservation and Aquifer Recharge, Emergency Services, Facilities Management, Law Enforcement and Corrections, Parks and Recreation, Sanitary Sewer and Potable Water, Solid Waste, Stormwater Management, and Transportation.

Coastal Management

Coastal management capital projects occurring within the next five years include beach nourishment projects in sectors 5 and 7. These projects will be funded by the Federal Emergency Management Agency, Florida Department of Environmental Protection, Optional Sales Tax, and the County's Beach Restoration Fund. The total expenditure for the projects within this category for fiscal years 2022/23 through 2026/27 is \$12,700,000, representing approximately 2.68% of the overall CIP.

Conservation and Aquifer Recharge

For conservation and aquifer recharge capital projects, the focus is on improvements to conservation lands. Those improvements include construction of passive recreational access facilities such as boardwalks, kayak launches, associated improvements such as parking and restroom facilities, and projects to stabilize/improve/preserve historic structures. These projects will be funded from numerous sources including: environmental land bonds, grants, optional sales tax, boating improvement funds, upland mitigation funds, and park impact fees. The total expenditure for the projects within this category for fiscal years 2022/23 through 2026/27 is \$14,568,500, representing approximately 3.07% of the overall CIP.

Emergency Services

Emergency services capital projects include the acquisition of multiple ambulances (med units), fire trucks, construction on Emergency Services Stations 15, and 16 and various equipment and facility upgrades. Funding for these improvements comes from impact fees, one-cent local optional sales tax, and emergency services district millage. The total expenditure for projects within this category for fiscal years 2022/23 through 2026/27 is \$35,771,198, representing approximately 7.54% of the overall CIP.

Facilities Management

For the next five fiscal years, facilities management capital improvements projects represent approximately 7.16% of the overall CIP with a total of \$33,968,317. These projects include improvements such as the expansion of County Administration Building B, LED lighting upgrades, fiber optic cable connectivity, renovations to several county buildings, and costs for replacement of various county building roofs. These projects will be funded through various sources, including the one cent local option sales tax, American Rescue Plan funds, and impact fees.

Law Enforcement and Corrections

Law enforcement and corrections capital improvement projects over the next five years include Sheriff Facility expansions/renovations, a new classroom, real time crime center, and corrections improvements. These projects will be funded by Law Enforcement impact fees and the one cent local option sales tax. The total expenditure for projects within this category for fiscal years 2022/23 through 2026/27 is \$21,814,785, representing approximately 4.6% of the overall CIP.

Parks and Recreation

Parks and recreation projects include improvements to facilities such as the Victor Hart Sr. Complex (fka Gifford Park), Fran B. Adams Regional Park, Hobart Park, 58th Avenue ballfields, County Fairgrounds, West Wabasso Park, and the Jackie Robinson Training Complex. These projects will be paid for with the one-cent local option sales tax, golf club user fees, Windsor fund, Fairgrounds improvement fund, and impact fees. The expenditures within this category for fiscal years 2022/23 through 2026/27 total \$25,590,590, representing approximately 5.4% of the overall CIP.

Sanitary Sewer and Potable Water

Potable water and sanitary sewer capital improvement projects planned for fiscal years 2022/23 through 2026/27 include construction of several water mains (new and replacement), North County (Sebastian) septic to centralized sewer conversions, replacement and restoration of Ixora Park sewer

main, and South Oslo water treatment facility improvements. The potable water and wastewater projects will be funded through one cent local option sales tax, user fees, grants, assessments, and capacity charges. The sanitary sewer and potable water category accounts for approximately 18% of the overall CIP, with \$85,458,953 in expenditures during the five-year CIP period.

Solid Waste

Over the next five fiscal years, solid waste capital improvement projects include expansion of Cell III of Segment 3 of the landfill, HHW building, a new single stream recycling building, a new drop-off facility, and various improvements at the landfill. Funded by assessments, user fees and the escrow account, these improvements total \$26,315,000 and account for approximately 5.5% of the overall CIP.

Stormwater Management

Stormwater management capital improvement projects include construction of a canal treatment system in the North Relief Canal, North Indian River Drive Stormwater Treatment Project, Egret Marsh improvements, and a TMDL/Lagoon Treatment System. The stormwater management projects will be funded by the one-cent local option sales tax, grant funds, stormwater MSBU funds, and Vero Lake Estates assessments. The expenditures within this category for fiscal years 2022/23 through 2026/27 total \$15,356,331, representing approximately 3.24% of the overall CIP.

Transportation

Accounting for the single largest share of CIP expenditures, transportation projects include intersection improvements, road widenings, sidewalk installations, turn lanes, paving, and related projects throughout the county. Generally, capital improvements to county maintained roads are funded by traffic impact fees, the County’s one cent local option sales tax, and gas tax revenue. Some expenditures for roads are also funded by the State of Florida, developers, and grants.

Transportation project expenditures total \$203,145,852 representing approximately 42.8% of the overall CIP. The following comparison table shows the changes in funding from last year’s CIP to the current CIP:

Comparison of Existing (Last) 5 Year CIP Expenses by Category to Proposed 5 Year CIP Expenses by Category				
Category	FY 2021/22-2025/26	FY 2022/23-2026/27	Difference \$	Difference %
Coastal Management	\$30,457,842	\$12,700,000	(\$17,757,842)	(58%)
Conservation & Aquifer Recharge	\$13,804,906	\$14,568,500	\$763,594	6%
Emergency Services	\$29,423,635	\$35,771,198	\$6,347,563	22%

General Services/Facilities Management	\$29,858,744	\$33,968,317	\$4,109,573	14%
Law Enforcement & Corrections	\$8,765,894	\$21,814,785	13,048,891	148%
Recreation & Open Space	\$18,169,853	\$25,590,590	\$7,420,737	40%
Sanitary Sewer & Potable Water	\$98,371,499	\$85,458,953	(\$12,912,546)	(13%)
Solid Waste	\$17,950,000	\$26,315,000	\$8,365,000	46%
Stormwater Management	\$24,538,000	\$15,356,331	(\$9,181,669)	(37%)
Transportation	\$184,969,987	\$203,145,852	\$18,175,865	10%
Total	\$456,310,360	\$474,689,526	\$18,379,166	4%

Indian River Lagoon Projects

In 2016, the Board of County Commissioners directed staff to commit to spending 20% of the proceeds of the first five years of the extended one-cent local option sales tax on lagoon-related projects. Upon renewal of the one-cent local option sales tax in November 2016, the County has a goal of spending 20% of the one cent optional sales tax proceeds on lagoon-related projects for the first five years of the extension, starting on January 1, 2020, and ending on December 31, 2024 (FY 2019/20 – 2024/25).

The proposed 5 year Capital Improvements Program schedule allocates more than 20% of projected one-cent local option sales tax revenue to lagoon related projects during the FY 2022/23 – 2026/27 period. The allocation is within the Stormwater Management, Conservation, Parks and Recreation, and Sanitary Sewer and Potable Water sections of the CIP. Examples of the lagoon benefiting projects listed in those sections of the proposed Capital Improvements Element include the following:

- North Sebastian / Highlands/ West Wabasso Sewer
- Floravon Shores Septic to Sewer
- North Indian River Drive Stormwater Treatment
- Lost Tree Islands restoration, replanting
- North Relief Canal Treatment System, Stormwater Marsh Projects, TMDL Lagoon Treatment System

In addition to the above listed lagoon benefiting projects, there are numerous projects with secondary benefits to the lagoon listed in the Transportation section of the CIP such as road projects that treat run-off from older improvements that currently provide no treatment. The projects listed in the Transportation section are proposed to be funded in part through the one-cent local option sales tax.

Consistency with the Comprehensive Plan

Comprehensive plan amendment requests are reviewed for consistency with all applicable policies of the comprehensive plan. As per section 800.07(1) of the county code, the comprehensive plan

may be amended only in such a way as to preserve the internal consistency of the plan.

The goals, objectives and policies are the most important parts of the comprehensive plan. Policies are statements in the plan that identify the actions which the county will take in order to direct the community's development. As courses of action committed to by the county, policies provide the basis for all county land development decisions. While all comprehensive plan policies are important, some have more applicability than others in reviewing plan amendment requests. Of particular applicability for this amendment request is the following policy:

- Future Land Use Element Policy 14.3

The most important policy to consider in evaluating a plan amendment request for consistency with the county's comprehensive plan is future land use element policy 14.3. This policy requires that at least one of four criteria be met in order to approve a comprehensive plan amendment request. Those criteria are:

- a mistake in the approved plan;
- an oversight in the approved plan;
- a substantial change in circumstances affecting the subject property; or
- a swap or a reconfiguration of land uses at separate sites.

In this case, the proposed amendment to the CIE meets the third criterion of policy 14.3 of the future land use element. Since the CIE was last revised, some capital improvements have been completed, others have been added, revenue projections have changed, and priorities have been modified. Those circumstances warrant the amendment.

- Capital Improvements Element Policies 1.1, 1.2, 1.3, 1.5, 1.10, and 1.11

Capital improvements element policies 1.1, 1.2, 1.3, 1.5, 1.10 and 1.11 require the County to maintain and implement a capital improvements program which is evaluated and updated periodically. Those policies also describe how the county will evaluate and prioritize capital improvements. By updating the capital improvements program in accordance with those requirements, the proposed amendment is consistent with those policies.

- Capital Improvements Element Policy 1.9

Capital improvements element policy 1.9 states that the county shall include all capital expenditures in excess of \$100,000 in its schedule of improvements. Since the proposed CIE update amendment identifies all capital expenditures in excess of \$100,000, the proposed amendment is consistent with capital improvements element policy 1.9.

While the referenced policies are particularly applicable to this request, other comprehensive plan policies and objectives also have relevance. For that reason, staff evaluated the proposed amendment for consistency with all applicable plan policies and objectives. Based upon that

analysis, staff determined that the proposed amendment is consistent with the comprehensive plan.

RECOMMENDATION

Based on the analysis conducted, staff recommends that the Board of County Commissioners approve the update to the 5 Year Capital Improvements Program for the period FY 2022/23-2026/27 and supporting data and analysis of the Capital Improvements Element (CIE) of the Comprehensive Plan by adopting the proposed ordinance.

ATTACHMENTS

- 1.) Comprehensive Plan Text Amendment Adoption Ordinance
- 2.) Draft 2022 Capital Improvement Element
- 3.) Strikethrough and underline version of the CIE
- 4.) 5 Year Schedule of Capital Improvements
- 5.) Appendix B-D
- 6.) BCC Adoption Ad