

**Rick Scott**  
GOVERNOR



**Cissy Proctor**  
EXECUTIVE DIRECTOR

April 27, 2018

The Honorable Peter D. O'Bryan  
Chairman, Indian River County Commission  
1801 27th Street  
Vero Beach, Florida 32960

Dear Chairman O'Bryan:

The Department of Economic Opportunity has completed its review of the proposed comprehensive plan amendment for the Indian River County (Amendment No. 18-1ESR), which was received on March 29, 2018. We have reviewed the proposed amendment pursuant to Sections 163.3184(2) and (3), Florida Statutes (F.S.), and identified no comment related to important state resources and facilities within the Department's authorized scope of review that will be adversely impacted by the amendment if adopted.

The County is reminded that pursuant to Section 163.3184(3)(b), F.S., other reviewing agencies have the authority to provide comments directly to the County. If other reviewing agencies provide comments, we recommend the County consider appropriate changes to the amendment based on those comments. If unresolved, such comments could form the basis for a challenge to the amendment after adoption.

The County should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. Please note that Section 163.3184(3)(c)1, F.S., provides that if the second public hearing is not held and the amendment adopted within 180 days of your receipt of agency comments, the amendment shall be deemed withdrawn unless extended by agreement with notice to the state land planning agency and any affected party that provided comment on the amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment.

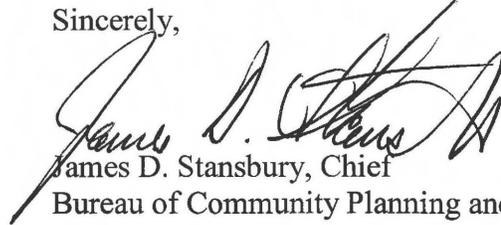
Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399  
850.245.7105 | [www.floridajobs.org](http://www.floridajobs.org)  
[www.twitter.com/FLDEO](https://www.twitter.com/FLDEO) | [www.facebook.com/FLDEO](https://www.facebook.com/FLDEO)

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**Attachment 3**

We appreciate the opportunity to work with the County's staff in the review of the amendment. If you have any questions concerning this review, please contact Ed Zeno, at (850) 717-8511, or by email at [ed.zeno-gonzalez@deo.myflorida.com](mailto:ed.zeno-gonzalez@deo.myflorida.com).

Sincerely,



James D. Stansbury, Chief  
Bureau of Community Planning and Growth

JDS/ez

Enclosure: Procedures for adoption of comprehensive plan amendments

cc: Stan Boling, AICP, Director, Community Development Department, Indian River County  
Mike Busha, Executive Director, Treasure Coast Regional Planning Council

**SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS**

**FOR EXPEDITED STATE REVIEW**

Section 163.3184(3), Florida Statutes

**NUMBER OF COPIES TO BE SUBMITTED:** Please submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the State Land Planning Agency and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

**SUBMITTAL LETTER:** Please include the following information in the cover letter transmitting the adopted amendment:

\_\_\_\_\_ State Land Planning Agency identification number for adopted amendment package;

\_\_\_\_\_ Summary description of the adoption package, including any amendments proposed but not adopted;

\_\_\_\_\_ Identify if concurrency has been rescinded and indicate for which public facilities. (Transportation, schools, recreation and open space).

\_\_\_\_\_ Ordinance number and adoption date;

\_\_\_\_\_ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

\_\_\_\_\_ Name, title, address, telephone, FAX number and e-mail address of local government contact;

\_\_\_\_\_ Letter signed by the chief elected official or the person designated by the local government.

**ADOPTION AMENDMENT PACKAGE:** Please include the following information in the amendment package:

\_\_\_\_\_ In the case of text amendments, changes should be shown in strike-through/underline format.

\_\_\_\_\_ In the case of future land use map amendments, an adopted future land use map, **in color format**, clearly depicting the parcel, its future land use designation, and its adopted designation.

\_\_\_\_\_ A copy of any data and analyses the local government deems appropriate.

**Note:** If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

\_\_\_\_\_ Copy of the executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for expedited review:

The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

\_\_\_\_\_ List of additional changes made in the adopted amendment that the State Land Planning Agency did not previously review;

\_\_\_\_\_ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

\_\_\_\_\_ Statement indicating the relationship of the additional changes not previously reviewed by the State Land Planning Agency in response to the comment letter from the State Land Planning Agency.

## **Bill Schutt**

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**From:** Stephanie Heidt <sheidt@tcrpc.org>  
**Sent:** Thursday, March 29, 2018 3:59 PM  
**To:** 'DEO CPA Reports (DCPexternalagencycomments@deo.myflorida.com)'; Stan Boling; Bill Schutt  
**Cc:** ray.eubanks@deo.myflorida.com; 'Adam.biblo@deo.myflorida.com'; Ed Zeno (ed.zeno-Gonzalez@deo.myflorida.com); Thomas Lanahan  
**Subject:** Indian River County Comprehensive Plan Amendment No. 18-1ESR

This is to notify you that the Treasure Coast Regional Planning Council will be reviewing the above-referenced plan amendment, which we received on March 27, 2018.

Council staff will review the amendment for extrajurisdictional impacts and impacts on significant regional resources and facilities. Council will provide a written report to the County and a copy of the report to the State Land Planning Agency within 30 calendar days of receipt.

If you have any questions or comments, please feel free to call.

**Stephanie Heidt, AICP**

*Intergovernmental/Brownfields Coordinator*

**Treasure Coast Regional Planning Council**

772.221.4060 Office

772.475.3863 Cell

[sheidt@tcrpc.org](mailto:sheidt@tcrpc.org)

TREASURE COAST REGIONAL PLANNING COUNCIL

MEMORANDUM

To: Council Members AGENDA ITEM

From: Staff

Date: May 18, 2018 Council Meeting

Subject: Local Government Comprehensive Plan Review  
Draft Amendment to the Indian River County Comprehensive Plan  
Amendment No. 18-1ESR

Introduction

The Community Planning Act, Chapter 163, *Florida Statutes*, requires that the regional planning council review local government comprehensive plan amendments prior to their adoption. The regional planning council review and comments are limited to adverse effects on regional resources or facilities identified in the strategic regional policy plan (SRPP) and extrajurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within the region. Council must provide any comments to the local government within 30 days of the receipt of the proposed amendments and must also send a copy of any comments to the state land planning agency.

The amendment package from Indian River County was received on March 27, 2018 and contains proposed text changes to the Sanitary Sewer Sub-Element of the Infrastructure Element, the Future Land Use Element, and the Coastal Management Element of the comprehensive plan. This report includes a summary of the proposed amendment and Council comments.

Summary of Proposed Amendment

The proposed amendment package includes revisions to the Sanitary Sewer Sub-Element of the Infrastructure Element to address septic system to central sewer system conversion, revisions to the Coastal Management Element to address sea level rise and flooding, and revisions to the Future Land Use Element to ensure consistency with the changes proposed to the Infrastructure and Coastal Management elements.

The county has provided the changes in strikethrough and underline format. Because of the extensive volume of material in the amendment package, the revised elements have been provided as a supplement to this report on Council's website. The most significant changes in the comprehensive plan are summarized below:

*Sanitary Sewer Sub-Element of the Infrastructure Element*

The county's staff report states that 45% of the parcels in the county are served by a central sewer system and that 55% are utilizing septic systems. The challenges to septic system use in the county are a high water table, reduced permeability layer (hardpan), parcels less than ½ acre in size, proximity to wells and surface water and the resulting contamination potential, and maintenance. As directed by the Board of County Commissioners, the staff began a multi-stage effort to study and address the issues. The proposed amendments are one of the implementation stages now that the initial studies are complete:

- Updates data and terminology throughout the sub-element.
- Adds discussion of the 2017 study of subdivisions currently served by septic systems which are close to the Indian River Lagoon, St. Sebastian River, or drainage canals, which identified those with a disproportionately higher negative impact on the Lagoon water quality, and which examined the feasibility of conversion to central sanitary sewer service.
- Adds Table 3.A.3.1 which provides a ranking of impactful subdivisions based on the best cost/benefit ratio for Total Nitrogen removal through septic conversion.
- Updates narrative text for service areas and regulatory framework.
- Revises Objective 2 to increase the goal from 50% to 60% for units in the service area connected to central sewer.
- Revises Policy 2.3 to refer to Table 3.A.3 listing subdivisions needing prioritized sanitary sewer service due to a public health threat.
- Revises Policy 2.4 to require the initiation of feasible sewer projects to convert the subdivisions in Table 3.1.3.1 from septic to sewer due to their disproportionate negative impact on the water quality in the Indian River Lagoon.
- Replaces Policy 2.6 with a requirement for performance of a financial analysis of septic to sewer conversion projects and establishment of a list of specific subdivisions and dates by 2018.
- Adds Policy 2.7 requiring that at least five of the subdivisions in Table 3.A.3.1 shall be provided with central sanitary sewer service by 2028.
- Revises Objective 3 regarding Department of Health inspections of septic systems at heavy commercial, industrial, manufacturing, and equivalent uses and requiring sampling of sites suspected of illegal discharges.
- Revises Objective 7 to reduce the limit target on new septic systems from 540 to 200 per year.

- Adds Policy 7.5 concerning documentation of septic system maintenance.
- Adds Policy 7.6 encouraging the provision of the current 24 inch required separation from the bottom of the drain field to the top of the water table and the provision of a 75 foot setback from surface water and wells for all septic system repairs.

*Coastal Management Element*

Senate Bill 1094 adopted in 2015 modified Section 163.3178(2)(f) of the Florida Statutes to require local governments to include in their comprehensive plan development and redevelopment principles, strategies, and engineering solutions that reduce the flood risk in coastal areas which results from high-tide events, storm surge, flash flood, stormwater runoff, and the related impacts of sea-level rise. According to the county's staff report, they researched and evaluated various projections of sea level rise, as those projections relate to Florida and particularly Indian River County, and evaluated the best available information on inundation scenarios, likely potential impacts during a 40+ year planning horizon (to year 2060), and appropriate policies to address potential impacts. Based on the best available data from the National Oceanographic and Atmospheric Administration Coastal Service Center sea level projection models and best available local projected inundation data (including LiDAR elevation data), county staff mapped one, two, and three foot sea level rise inundation scenarios.

The county's staff report indicates that the findings were that more than 85% of the existing coastal wetlands are at risk of inundation under the three foot sea level rise scenario; most physical infrastructure such as roadways, power plants, airports, landfills, hospitals, and schools in the county that are considered critical facilities would not be substantially impacted under the one, two and three foot sea level rise scenario; the vast majority of the worst case scenario inundation impacts (three foot rise by 2060) are projected to occur within the Coastal High Hazard Area (CHHA, the area below the storm surge line of a Category 1 hurricane); and mitigation strategies that will likely have the greatest effect on reducing exposure to inundation risk due to one, two and three foot sea level rise scenarios involve reducing the population and development potential within the CHHA. The proposed amendment:

- Revises the Existing Conditions section to summarize various sea level rise measurements, assessments, and projection studies that have occurred to date.
- Revises the Analysis section to add estimates of possible and likely sea level rise impacts to various geographic areas under the one, two, and three foot sea level rise inundation scenarios and evaluated potential sea level rise impacts to existing public facilities and infrastructure.
- Adds Objective 15 calling for the county to adopt, implement, and pursue strategies that increase community resiliency and protect property, infrastructure, and cultural and natural resources from the impacts of sea level rise.

**DRAFT**  
**Subject to Modifications**

- Adds Policy 15.1 requiring that by 2022 the county shall conduct an inventory and identify public facilities, coastal wetlands, and infrastructure that may be at risk to sea level rise, and shall consider resiliency improvements and infrastructure relocations as part of capital improvement plans where warranted.
- Adds Policy 15.2 requiring that during major plan evaluations and updates, sea level rise projections shall be considered when evaluating or updating policies related to sea level rise.
- Adds Policy 15.3 requiring that beginning in 2022, every five years the county shall review and update sea level rise projections used in the Coastal Management Element.
- Adds Policy 15.4 requiring that on an on-going basis the county shall coordinate with local municipalities on sea level rise adaptation and mitigation measures.
- Adds Policy 15.5 adopting the CHHA as an Adaptation Action Area (AAA) for mitigation measures and resiliency improvements, as well as limiting public infrastructure expenditures.
- Adds Policy 15.6 requiring that by 2023 the county shall re-evaluate the flood zone requirements and mitigation strategies within the AAA.
- Adds Policy 15.7 whereby the county prohibits new adult congregate living facilities, nursing homes, and other similar facilities which serve special needs populations in the AAA.
- Adds Policy 15.8 whereby the county prohibits increases in land use designation densities within the AAA.

*Future Land Use Element*

- Revises text to coordinate with proposed terminology changes in the Sanitary Sewer Sub-Element of the Infrastructure Element.
- Revises Policy 17.5 to incorporate proposed changes in the Coastal Management Element by adding text describing that the Coastal High Hazard Area is designated as an Adaptation Action Area and subject to the density and land use restrictions in Objective 15 of the Coastal Management Element.

Regional Impacts

No adverse effects on regional resources or facilities have been identified.

Extrajurisdictional Impacts

Council requested comments from local governments and organizations expressing an interest in reviewing the proposed amendment on March 29, 2017. No extrajurisdictional impacts have been identified.

Conclusion

No adverse effects on regional resources or facilities and no extrajurisdictional impacts have been identified. Indian River County is commended for taking a proactive approach to studying, identifying, and beginning to eliminate the negative water quality impacts on the Indian River Lagoon caused by septic systems in proximity to waterways and drainage canals.

Recommendation

Council should approve this report and authorize its transmittal to Indian River County and the Florida Department of Economic Opportunity.

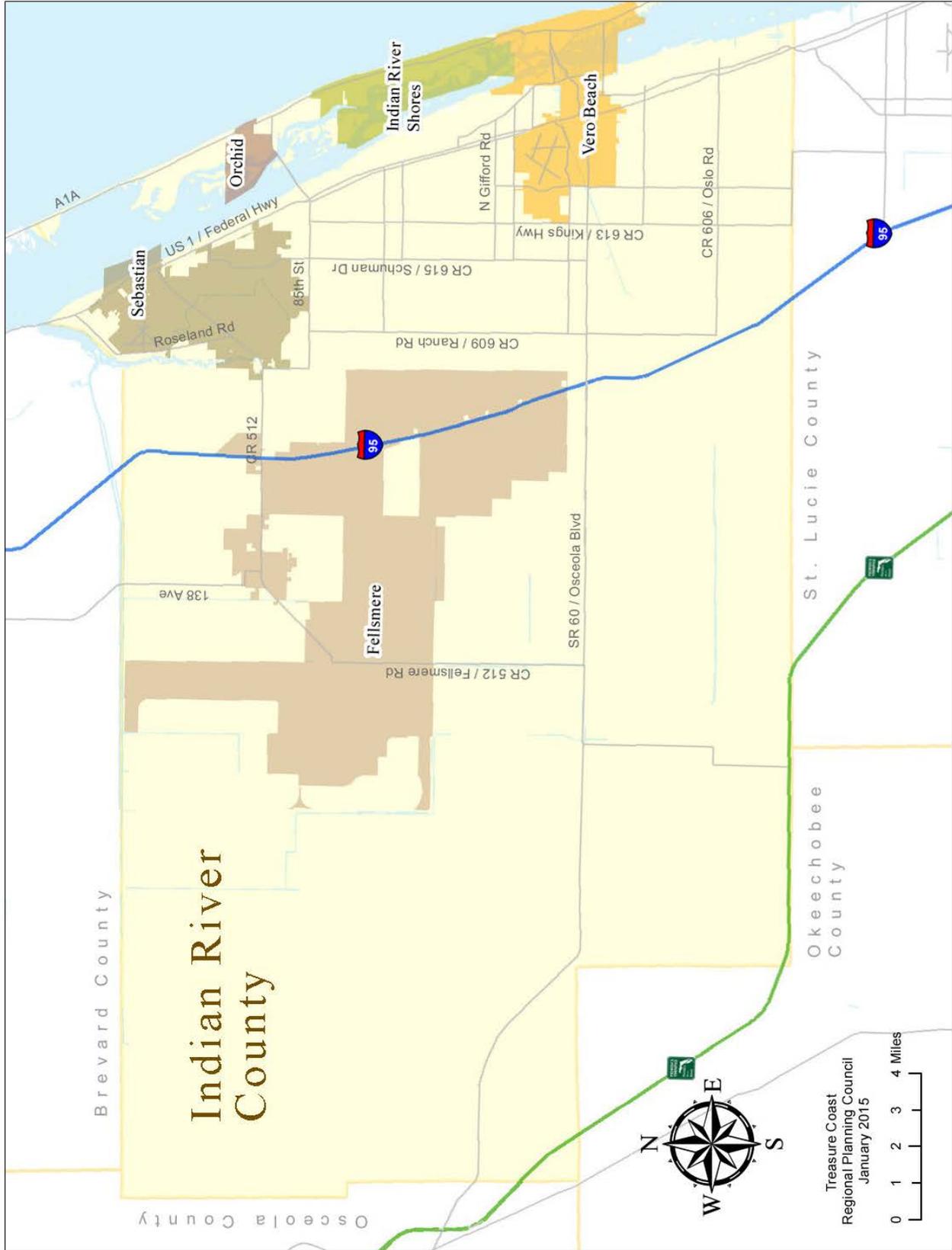
Attachments

# List of Exhibits

## Exhibit

1 General Location Map

# Exhibit 1 General Location Map



## Bill Schutt

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**From:** Steve Fitzgibbons <SFitzgibbons@sjrwmd.com>  
**Sent:** Monday, April 23, 2018 12:41 PM  
**To:** Bill Schutt  
**Cc:** DCPexternalagencycomments@deo.myflorida.com  
**Subject:** Indian River County proposed comprehensive plan amendment 18-1ESR

Dear Mr. Schutt,

St. Johns River Water Management District (District) staff have reviewed Indian River County proposed comprehensive plan amendment 18-1ESR in accordance with the provisions of Chapter 163, *Florida Statutes*. Based on review of the submitted materials, District staff have no comments on the proposed amendment. If you have any questions or need additional information, please contact me.

Please note that all proposed and adopted comprehensive plan amendments can be submitted to the District by email at [sfitzgibbons@sjrwmd.com](mailto:sfitzgibbons@sjrwmd.com).

Sincerely,  
Steve Fitzgibbons

Steven Fitzgibbons, AICP  
Intergovernmental Planner  
Governmental Affairs Program  
St. Johns River Water Management District  
7775 Baymeadows Way, Suite 102  
Jacksonville, FL 32256  
Office (386) 312-2369  
E-mail: [sfitzgibbons@sjrwmd.com](mailto:sfitzgibbons@sjrwmd.com)  
Website: [www.sjrwmd.com](http://www.sjrwmd.com)  
Connect with us: [Newsletter](#), [Facebook](#), [Twitter](#), [Instagram](#), [YouTube](#), [Pinterest](#)



[www.sjrwmd.com/epermitting](http://www.sjrwmd.com/epermitting)

We value your opinion. Please take a few minutes to share your comments on the service you received from the District by clicking this [link](#)

## Notices

- Emails to and from the St. Johns River Water Management District are archived and, unless exempt or confidential by law, are subject to being made available to the public upon request. Users should not have an expectation of confidentiality or privacy.
- Individuals lobbying the District must be registered as lobbyists (§112.3261, Florida Statutes). Details, applicability and the registration form are available at <http://www.sjrwmd.com/lobbyist/>

## Bill Schutt

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**From:** Bush, Lois <Lois.Bush@dot.state.fl.us>  
**Sent:** Tuesday, April 24, 2018 9:28 AM  
**To:** DCPexternalagencycomments; Bill Schutt  
**Cc:** Hymowitz, Larry; Beck, Katherine  
**Subject:** Indian River County 18-1ESR - FDOT District Four Review

*Sent on behalf of Larry Hymowitz:*

I am writing to advise you that the Department will not be issuing formal comments for the proposed Indian River County comprehensive plan amendments with DEO reference number 18-1ESR.

The Department requests an electronic copy in Portable Document Format (PDF), of all adopted comprehensive plan amendment materials, including graphic and textual materials and support documents.

Thank you.

Larry Hymowitz  
Planning Specialist – Policy Planning & Growth Management  
Planning & Environmental Management - FDOT District Four  
3400 West Commercial Boulevard  
Fort Lauderdale, Florida 33309-3421  
Phone: (954) 777-4663; Fax: (954) 677-7892  
[larry.hymowitz@dot.state.fl.us](mailto:larry.hymowitz@dot.state.fl.us)

## Bill Schutt

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**From:** Plan\_Review <Plan.Review@dep.state.fl.us>  
**Sent:** Thursday, April 26, 2018 2:13 PM  
**To:** Bill Schutt; DCPexternalagencycomments  
**Cc:** Plan\_Review  
**Subject:** Indian River County 18-1ESR Proposed

To: Bill Schutt, Senior Planner

Re: Indian River County 18-1ESR – Expedited State Review of Proposed Comprehensive Plan Amendment

The Office of Intergovernmental Programs of the Florida Department of Environmental Protection (Department) has reviewed the above-referenced amendment package under the provisions of Chapter 163, Florida Statutes. The Department conducted a detailed review that focused on potential adverse impacts to important state resources and facilities, specifically: air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, conservation easements; solid waste; and water and wastewater treatment.

Based on our review of the submitted amendment package, the Department has found no provision that, if adopted, would result in adverse impacts to important state resources subject to the Department's jurisdiction.

Please submit all future amendments by email to [plan.review@dep.state.fl.us](mailto:plan.review@dep.state.fl.us). If your submittal is too large to send via email or if you need other assistance, contact Suzanne Ray at (850) 717-9037.





FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES  
COMMISSIONER ADAM H. PUTNAM

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April 25, 2018

VIA EMAIL (bschutt@ircgov.com)

Indian River County  
Community Development Department  
Mr. Bill Schutt  
1801 27<sup>th</sup> Street  
Vero Beach, Florida 32960-3365

Re: DACS Docket # -- 20180326-1090  
Indian County Sanitary Sewage and Coastal Management  
Submission dated March 23, 2018

Dear Mr. Schutt:

The Florida Department of Agriculture and Consumer Services (the "Department") received the above-referenced proposed comprehensive plan amendment on March 26, 2018 and has reviewed it pursuant to the provisions of Chapter 163, Florida Statutes to address any potential adverse impacts to important state resources or facilities related to agricultural, aquacultural, or forestry resources in Florida if the proposed amendment(s) are adopted. Based on our review of your county's submission, the Department has no comment on the proposal.

If we may be of further assistance, please do not hesitate to contact me at 850-410-2280.

Sincerely,

Derek Buchanan  
Budget Director  
Office of Policy and Budget

cc: Florida Department of Economic Opportunity  
(SLPA #: Indian River County 18-1 ESR)