

**INDIAN RIVER COUNTY, FLORIDA**

**M E M O R A N D U M**

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**TO:** Board of County Commissioners

**THROUGH:** John A. Titkanich, Jr., County Administrator

**PREPARED BY:** Chris Balter, Chief, Long Range Planning

**DATE:** January 24, 2024

**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 2023/24-2027/28.

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It is requested that the following information be given formal consideration by the Board of County Commissioners at its regular meeting on February 6, 2024.

**BACKGROUND**

Indian River County adopted its comprehensive plan on February 13, 1990. According to state law, all development activities must comply with the comprehensive plan, and all county activities must conform to its policies.

While local governments can amend their comprehensive plans periodically, there is no annual requirement to update them, except for the Capital Improvements Element (CIE). The CIE is the only element that must be amended every year in compliance with state regulations.

State law allows amendments to the Capital Improvements Program (CIP) schedule and its supporting data and analysis through local government ordinance adoption/amendment procedures. These procedures require only one hearing, while other comprehensive plan amendments involve multiple public hearings and several months of review.

To comply with state requirements, County staff has prepared the annual update of the County's existing Capital Improvements Element.

## **ANALYSIS**

The process for updating the CIE involves collaborating with the budget and finance departments to gather information about past and predicted future revenues and expenditures, then working with each county department to determine the status of their capital improvements programs. For each department, data related to completed and proposed projects, costs, revenues, prioritization, and other factors were collected. The budget department reviewed the projects and made necessary changes to ensure financial viability. Based on all these inputs, planning staff revised the tables and 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 2023/24 through 2027/28. The projects included in the CIP were chosen based on their need and the County's financial capacity to complete them. As per the CIP, the total cost for all of the projects planned for the next five fiscal years is \$489,010,568.

The CIP is structured in 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**

Beach renourishment projects in sectors 4, 5, and 7 represent the coastal management capital projects that are scheduled to take place within the next five years. These projects will be funded by various sources such as the Federal Emergency Management Agency, Florida Department of Environmental Protection, Optional Sales Tax, and the County's Beach Restoration Fund. The total cost for these projects for the fiscal years 2023/24 through 2027/28 is estimated to be \$28,029,149.

### **Conservation and Aquifer Recharge**

The focus of capital projects for conservation and aquifer recharge is to improve existing conservation lands. These improvements include constructing passive recreational access facilities such as boardwalks and kayak launches, along with associated enhancements such as parking and restroom facilities. Additionally, projects to stabilize, improve, or preserve historic

structures will be undertaken. These projects will be funded from various 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 falling under this category for fiscal years 2023/24 through 2027/28 is \$14,025,675.

### **Emergency Services**

Emergency services has numerous capital projects lined up for the upcoming fiscal years of 2023/24 through 2027/28. These projects include acquiring multiple ambulances and fire trucks, undertaking construction work on Emergency Services Stations 7, 15, and 16, and upgrading various equipment and facilities. The funding for these improvements will come from impact fees, a one-cent local optional sales tax, and emergency services district millage. The total expenditure for these projects totals \$48,522,558.

### **Facilities Management**

Over the next five fiscal years, there are several facilities management capital improvement projects that will cost a total of approximately \$31,277,765. These projects will include expansion of County Administration Building B, expansion of broadband, fiber optic cable connectivity, renovations to several county buildings, replacement of the Traffic Operations Building, and the County's portion of the 4-county replacement of the Medical Examiner's Office. Funding for these projects will come from various sources, such as the one-cent local option sales tax, American Rescue Plan funds, and impact fees.

### **Law Enforcement and Corrections**

Over the next five years, there will be various capital improvement projects in the law enforcement and corrections sector. These projects will include expansions and renovations of the Sheriff's facility, construction of a new classroom and a real-time crime center, and overall improvements in the corrections system. The funding for these projects will be sourced from Law Enforcement impact fees and the one-cent local option sales tax. The total expenditure for these projects for fiscal years 2023/24 through 2027/28 is \$31,843,479.

### **Parks and Recreation**

Various parks and recreation projects are planned for the future. These projects aim to improve facilities such as the Victor Hart Sr. Complex (formerly known as Gifford Park), Fran B. Adams Regional Park, Hobart Park, 58th Avenue ballfields, County Fairgrounds, West Wabasso Park, Sandridge clubhouse, and the Jackie Robinson Training Complex. The funding for these projects

will come from the one-cent local option sales tax, golf club user fees, Windsor fund, boating improvement fund, and impact fees. The total amount of money allocated for these projects for fiscal years 2023/24 through 2027/28 is \$33,810,393.

### **Sanitary Sewer and Potable Water**

In the fiscal years 2023/24 through 2027/28, there are several plans for capital improvement projects related to potable water and sanitary sewer. These plans include the construction of multiple water mains (new and replacement), West Wabasso and Floravon Shores septic to centralized sewer conversions, the restoration of Ixora Park sewer main, and improvements to the South Oslo water treatment facility. To fund these projects, various sources will be used, such as one-cent local option sales tax, user fees, grants, American Rescue Plan funds and impact fees. The total expenditure for these projects will be \$72,241,621.

### **Solid Waste**

Over the next five fiscal years, there are various solid waste capital improvement projects planned. These include the expansion of Cell II of Segment 3 and construction of Cell III of Segment 3 of the landfill, the construction of an HHW building, a new single-stream recycling building, a new drop-off facility, and various upgrades at the landfill. The total cost of these improvements is \$25,950,000 and will be funded through assessments, user fees, and the escrow account.

### **Stormwater Management**

Capital improvement projects will be carried out to enhance the stormwater management systems in various areas. These include the North Indian River Drive Stormwater Treatment Project, Egret Marsh, South Relief Canal Water Lettuce Harvesting, and a TMDL/Lagoon Treatment System. Those projects will be funded through the one-cent local option sales tax. The total expenditure for this category from fiscal years 2023/24 through 2027/28 will be \$4,100,000.

### **Transportation**

Transportation projects account for the largest share of CIP expenditures. These projects include road widening, sidewalk installations, turn lanes, intersection improvements, paving, and related projects across the county. The funding for capital improvements to county-maintained roads comes from traffic impact fees, gas tax revenue, assessments, and the County's one-cent local option sales tax. Some expenditures for roads are also financed by the State of Florida, developers, and grants. The total expenditure on transportation projects is \$199,209,928.

The following comparison table illustrates the changes in funding from the previous year's CIP to the current one.

<b>Comparison of Existing (Last) 5-Year CIP Expenses by Category to Proposed 5-Year CIP Expenses by Category</b>				
<b>Category</b>	<b>FY 2022/23-2026/27</b>	<b>FY 2023/24-2027/28</b>	<b>Difference \$</b>	<b>Difference %</b>
Coastal Management	\$12,700,000	\$28,029,149	\$15,329,149	121%
Conservation & Aquifer Recharge	\$14,568,500	\$14,025,675	(\$542,825)	-4%
Emergency Services	\$35,771,198	\$48,522,558	\$12,751,360	36%
General Services/Facilities Management	\$33,968,317	\$31,277,765	(\$2,690,552)	-8%
Law Enforcement & Corrections	\$21,814,785	\$31,843,479	\$10,028,694	46%
Recreation & Open Space	\$25,590,590	\$33,810,393	\$8,219,803	32%
Sanitary Sewer & Potable Water	\$85,458,953	\$72,241,621	(\$13,217,332)	-15%
Solid Waste	\$26,315,000	\$25,950,000	(\$365,000)	-1%
Stormwater Management	\$15,356,331	\$4,100,000	(\$11,256,331)	-73%
Transportation	\$203,145,852	\$199,209,928	(\$3,935,924)	-2%
<b>Total</b>	<b>\$474,689,526</b>	<b>\$489,010,568</b>	<b>\$14,321,042</b>	<b>3%</b>

### 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 2023/24 –2027/28 period. The allocation is within the Stormwater Management, Conservation, Parks and Recreation, 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:

- 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

There are many projects in the CIP that have benefits for the lagoon, in addition to the ones already listed. These projects are listed in the Transportation section and include road projects that can treat run-off from older improvements that currently do not provide any treatment. The funding for these projects is partly proposed to come from 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 comprehensive plan consists of goals, objectives, and policies that are crucial for directing the community's development. Policies are statements that outline the actions the county will take to achieve these goals. They serve as the basis for all decisions related to land development in the county. Although all policies are important, some are more relevant than others when reviewing amendment requests. In this case, the following policy is particularly relevant:

- Future Land Use Element Policy 14.3

When evaluating a plan amendment request for consistency with the County's Comprehensive Plan, the most crucial policy to consider is future land use element policy 14.3. This policy specifies four criteria that must be met to approve a comprehensive plan amendment request. At least one of these four criteria must be satisfied to proceed with the request.

- 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 2023/24-2027/28 and supporting data and analysis of the Capital Improvements Element (CIE) of the Comprehensive Plan by adopting the attached ordinance.

### **ATTACHMENTS**

- 1.) Comprehensive Plan Text Amendment Adoption Ordinance
- 2.) Draft 2023 Capital Improvement Element
- 3.) 5-Year Schedule of Capital Improvements
- 4.) Appendix B-D