

INDIAN RIVER COUNTY, FLORIDA

MEMORANDUM

TO: Jason E. Brown, County Administrator

Through: Stan Boling, AICP, Community Development Director

FROM: Sasan Rohani, AICP, Chief, Long-Range Planning

DATE: August 11, 2017

RE: Consideration of the County's Comprehensive Plan Update and Evaluation and Appraisal Report (EAR) Options

It is requested that the following information be given formal consideration by the Board of County Commissioners at its regular meeting on August 15, 2017.

DESCRIPTION and CONDITIONS:

On March 7, 2017, the Board of County Commissioners (Board) reviewed the County's options for the next Evaluation and Appraisal Report (EAR) of the County's Comprehensive Plan (attachment #1). At that meeting, the Board directed staff to submit an EAR notification letter to the state indicating that the Board had determined that it is not necessary to amend the County's Comprehensive Plan at this time to reflect changes in state requirements since the last Comprehensive Plan update (attachment #2).

After the Board meeting, staff submitted the County's EAR notification letter to the State Department of Economic Opportunity (DEO), (attachment #3). Staff then received a response letter from DEO (attachment #4). DEO's letter indicated that the County's March 7th determination was premature and should be made after the 2017 legislative session since new comprehensive plan state requirements could be enacted during the 2017 session. DEO's letter also advised staff to more specifically review a state requirement enacted in 2015 regarding inclusion of a sea level rise component in the Coastal Management Element of the County Comprehensive Plan (see attachment #5).

The 2017 legislative session has now ended and no new state requirements for local comprehensive plans were adopted. In addition, staff has re-examined the 2015 sea level rise requirement. The Board now needs to re-consider its EAR determination and have an updated EAR determination notification letter transmitted to DEO.

ANALYSIS:

After receiving DEO's March 16, 2017 response letter, staff reviewed the County's Coastal Management Element and Future Land Use Element for specific requirements related to sea level rise. Staff identified all existing data and analysis sections and policies of the County's Plan that mention or relate to sea level rise and the Coastal High Hazard

Area (the area identified as being vulnerable to a category 1 hurricane storm surge). Staff then coordinated with DEO staff regarding sea level rise citations in the County's existing Comprehensive Plan. After reviewing sea level rise requirements as well as other state requirements, Community Development staff determined that almost all the Plan meets existing state requirements and is not required to be updated at this time. However, based on the 2015 Legislation session changes made to Section 163.3178, Florida Statutes (attachment #5) and input from DEO, it appears that the county's Coastal Management Element and possibly other related elements such as the Future Land Use Element should be revised to more specifically reference potential impacts of sea level rise.

New sea level rise information and policy language will be inserted into and overlap with existing data and analysis sections and policies on coastal erosion and infrastructure in the Coastal High Hazard Area and any relevant existing flood protection data and analysis sections and policies. Staff will initiate the plan amendment during the October 2017 amendment application window and will ensure that the amendment is processed in time to meet the October 1, 2018 deadline for updating the plan to meet all state requirements.

RECOMMENDATION:

Staff recommends that the Board of County Commissioners direct staff to submit a notification letter to the state indicating that the Board has determined that:

1. Consistent with Florida Statutes Section 163.3178 the county's Coastal Management Element and any other elements, as necessary, will be revised within one year of notification to contain specific information and policies related to sea level rise, and
2. No other amendments to the Comprehensive Plan are needed to reflect changes made to state requirements since the last comprehensive plan update.

ATTACHMENTS:

1. BCC staff report for March 7, 2017 meeting
2. Minutes from 3-7-17 BCC meeting
3. Staff letter to DEO dated March 7, 2017
4. DEO letter to the county dated March 16, 2017
5. Section 163.3178, Florida Statutes on Coastal Management Element Components