

INDIAN RIVER COUNTY, FLORIDA

M E M O R A N D U M

TO: Jason E. Brown; County Administrator

THROUGH: Stan Boling, AICP; Community Development Director

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

FROM: Bill Schutt, AICP
Chief, Long-Range Planning

DATE: May 21, 2019

SUBJECT: TRANSMITTAL HEARING: County Initiated Request to Amend (Update) the Text of the Capital Improvements Element of the County’s Comprehensive Plan to Modify Certain Concurrency Management Requirements and to Update the Transportation Element to Modify Certain Transportation Level of Service Standards, and to Remove and Replace Outdated Text, Data, and Maps (Legislative)

It is requested that the data herein presented be given formal consideration by the Board of County Commissioners at its regular meeting of June 11, 2019.

DESCRIPTION AND CONDITIONS

On December 4, 2018, the Board of County Commissioners (BCC) held a public hearing to consider an agenda item for the annual update of the Capital Improvements Element of the County’s Comprehensive Plan. As part of that item staff requested and the BCC authorized staff to initiate amendments to the Capital Improvements Element and the Transportation Element (Attachment 2). The purpose of this amendment is to update policies and text in those elements to recognize changed transportation related conditions discussed at the December 4, 2018 BCC meeting.

Comprehensive Plan Amendment Review Procedures

Although the number of plan amendments that the county may consider is not limited, the County’s Comprehensive Plan regulates the frequency with which the county may amend its comprehensive plan. According to the county’s Comprehensive Plan, plan amendments are limited to four times per calendar year. For that reason, the county accepts general plan amendment applications only during the “window” months of January, April, July and October. In this case, the subject application was submitted during the January 2019 window, and was the only application submitted during that window.

The procedures for reviewing a comprehensive plan amendment involve three basic steps. First, the Planning and Zoning Commission (PZC), as the Local Planning Agency, conducts a public hearing to review the request (step 1). At the public hearing, the Commission makes a recommendation to the Board of County Commissioners (Board) to approve, approve with modifications, or deny the requested amendment.

Following PZC action, the Board conducts two public hearings. The first of those hearings is for a preliminary decision on the amendment request (step 2). At that hearing, the Board determines whether or not the amendment warrants transmittal to state and regional review agencies for their consideration.

If the amendment is transmitted, state and regional agencies review the amendment as it pertains to each agency's area of focus. Review agencies then send their comments directly to the county and the State Land Planning Agency. Subsequent to staff and/or the applicant addressing any issues raised in the review agency comments, a second and final Board public hearing is conducted (step 3). If the Board approves the request at the final hearing (adoption hearing), then the approved amendment is submitted to the State Land Planning Agency and to the other review agencies. The amendment becomes effective 31 days after the State Land Planning Agency determines that the approved amendment submittal is complete, unless a challenge is filed by an affected party.

PZC Action

At its regular meeting of April 25, 2019, the Planning & Zoning Commission (PZC) conducted a public hearing, considered the subject amendment, and voted 6-0 to recommend that the Board of County Commissioners approve the proposed amendment (Attachment 3).

Board Transmittal Public Hearing

The subject "transmittal" public hearing is the second step in the Comprehensive Plan amendment process. At this time, the Board of County Commissioners must decide whether or not to transmit the proposed amendments to the Capital Improvements Element and the Transportation Element to state and regional review agencies. If the Board votes to transmit this amendment, it will be scheduled for a final Board hearing (adoption hearing) in September or October.

Proposed Amendment

Changes proposed to the Capital Improvements Element (CIE) primarily involve amending text and amending policies to adjust LOS (level of service) capacity on an interim basis for two roadways (37th Street and County Road 510), and amending concurrency management text related to individual single family home permits. Current comprehensive plan language exempts from concurrency review only single family building permits in subdivisions platted before February 13, 1990, and requires a separate concurrency review for each single-family permit application proposing development on lots created after February 13, 1990. Under the proposed amendment, development on individual single family lots in all subdivisions and on individual legally created single-family parcels will be exempt from concurrency review on a permit by permit basis, with each permit deemed a de minimus impact. Also, under the proposed amendment, traffic impacts

from single-family permits will be tracked in the aggregate and factored into development project traffic impact studies as well as the County’s CIE Element annual updates.

Changes proposed to the Transportation Element involve changing target dates for policy completion, deleting outdated policies, updating items relating to the most recently approved Long Range Transportation Plan adopted by the MPO, removing/revising out-of-date references, adding language to allow for greater flexibility for transportation related improvement designs, adding language to allow for more detailed determinations for segment-specific roadway capacity, and amending text and policies to adjust LOS capacity on an interim basis for two roadways (37th Street and County Road 510) consistent with parallel changes proposed in the CIE.

For each proposed change, the following table identifies the policy #, objective #, whether the change is to the non-policy text portion of the plan, the associated page proposed for amendment, and a brief description of the proposed change.

Proposed Comprehensive Plan Changes

Element	Policy #, Objective #, Text	Summary	Page #	What the change is
CIE	Policy 1.12	Approval of the Indian River County School District Five Year Facilities Work Plan	52	The year 2018 is incorrectly referenced. Replace “2018” with “2019”
CIE	Policy 3.5	Concurrency Management Level of Service Standards listed.	53-55	Change the adopted LOS standard for CR 510 from 66 th Avenue to US Highway 1 and 37 th Street from US Highway 1 to Indian River Boulevard from LOS “D” to “D” plus 20%. LOS to revert to LOS “D” after planned road improvement projects are completed.
Transportation	Policy 1.1	Traffic LOS Standards	158	Same changes as with CIE Policy 3.5 (above)
Transportation	Policy 1.4	Includes a definition for “Development Project”	159	Removal of “building permit approval for single family development” as a type of a development project.
		Description of how “Capacity” is calculated for roadways.	160	Modify to allow for appropriate road capacity adjustment factors to state road categories of the appropriate tables in the most current version of Florida’s Level of Service Handbook. Also modify the list of alternative options for determining roadway capacity, to include any generally accepted capacity determination methodology approved by the Public Works Director.
		Inclusion in the County’s concurrency management system of	160	Change time period reference of the County’s Schedule of Capital

Element	Policy #, Objective #, Text	Summary	Page #	What the change is
		added capacity of certain roadway projects listed in the County's Schedule of Capital Improvements.		Improvements Plan to reflect current practice from a "Seven" year plan to a "Five" year plan and correct related reference to allowing use of capacity from roadway projects listed within the first three years of a five year schedule.
Transportation	Policy 1.6	Time period for reviewing and updating the traffic impact fee schedule.	162	Change to be consistent with the County's recently modified impact fee ordinance to make it a requirement to update the impact fee schedule at least once every five years.
Transportation	Policy 1.7	Imposition of all or part of the one to five cent local option gas tax.	162	Change from requiring that the County impose by 2015 part or all of the tax, to the County shall consider imposing all or part of the tax by 2023.
Transportation	Policy 1.10	Requirement that the County through its land development regulations establish various transportation related design standards.	162	Change the design standard requirement of "Provision of Service roads" to "Provision of Service roads or other means of shared access and interconnections" to reflect current code and practice.
Transportation	Policy 1.11	Requirement that the County will periodically review its off-street parking requirements	162	Change requirement that parking be based upon information from "parking studies" to "ITE (Institute of Traffic Engineers) parking data and parking studies".
Transportation	Policy 1.12	County adoption of 2030 Cost Feasible Plan project list.	163	Change reference to "2030" Cost Feasible Plan to "2040" Cost Feasible Plan to reflect adopted 2040 LRTP.
Transportation	Policy 2.4	County's development of ITS (Intelligent Transportation System) infrastructure consistent with FDOT and national ITS architectural standards.	163	Spell out the abbreviation so that it reads "ITS (Intelligent Transportation System)"
Transportation	Policy 2.5	Requirement to review proposed development projects to ensure shared access, including frontage/marginal access roads.	163	Update to state that "other means of shared access and interconnections" besides frontage/marginal access roads are allowed.
Transportation	Objective 3	By 2025 the County will have acquired right-of-way needed for all county collector and arterial roads and all mass transit corridors within the urban area as identified in the 2030 Cost Feasible Plan.	164	Change completion date for objective to "2035". Change the year reference of the Cost Feasible Plan from "2030" to "2040".
Transportation	Policy 3.1	Adoption of minimum right-of-way standards for various types of roads.	164	Add new text to allow minimum right-of-way standards to be modified based upon a roadway design approved or

Element	Policy #, Objective #, Text	Summary	Page #	What the change is
				used by the public works director, or by FDOT, provided drainage is adequately handled.
Transportation	Policy 5.5	Coordination of mitigation of impacts of airports upon natural resources and land uses.	167	Correct typographical error to replace the word “form” with the word “from”
Transportation	Policy 6.2	Coordination with FDOT to review various standards for physical roadway development activities.	168	Change the requirement to schedule “regular” meetings with FDOT officials to meetings “as needed”.
Transportation	Policy 6.4	Establishment of a Traffic Operations subcommittee of the MPO Technical Advisory Committee to cooperatively develop solutions to operational issues between jurisdictions.	168	Delete policy; separate committee eliminated; not necessary to address operational issues.
Transportation	Policy 6.5	Coordination with Workforce Solutions of the Treasure Coast and other organizations and entities to develop regional TDM programs.	168	Re-number to Policy 6.4. Update to include changed name of “Workforce Solutions of the Treasure Coast” to “CareerSource Research Coast”.
Transportation	Policy 6.6	Participation in Regional Transit Authority activities	168	Re-number to Policy 6.5.
Transportation	Policy 6.7	Coordination with FDOT and Florida East Coast Railroad on future passenger rail service.	168	Re-number to Policy 6.6.
Transportation	Policy 10.1	Implementation of transportation improvements identified in the 2030 Cost Feasible Plan.	171	Change reference to “2030 Cost Feasible Plan” to “2040 Cost Feasible Plan” to reflect adopted LRTP.
Transportation	Text	Table of Contents	2 - 4	Updated based on edits to element
Transportation	Text	References to various transportation related plans	5	Updated to include the most current dates for the various plans.
Transportation	Text	2030 Cost Feasible Plan	---	Changed references to “2030” Cost Feasible Plan to “2040” Cost Feasible Plan. Numerous related text changes to account for differences between the two plans.
Transportation	Text	Various Maps	----	Updated various maps including 2040 Transportation Plan Urban Service Area map, Number of Lanes and Road Type map, 2040 E + C Roadway Deficiencies, Existing Transportation jurisdictional responsibility map, Existing Roadway LOS map, Rail and Water Transportation Facilities map, Major Trip Generators map, Cost-Feasible Improvement map, Future

Element	Policy #, Objective #, Text	Summary	Page #	What the change is
				Bicycle and Pedestrian maps, transit route maps, and transit needs map.
Transportation	Text	Various outdated references	----	Updated text throughout the entire Transportation Element to remove and replace text to reflect completed projects/activities with newer information
Transportation	Text	Various statistical data and monetary figures	----	Updated statistical data and monetary figures throughout.
Transportation	Text	Table 4.1 Existing and Committed Roadways	20 - 21	Updated table based on new information
Transportation	Text	Landscape Improvements	34	Updated north county trail limits.
Transportation	Text	Bicycle/Pedestrian	34- 35	Updated bike/pedestrian LOS
Transportation	Text	Location of GoLine transfer station	36	Updated to recognize completion of the 16 th Street Main Transit Hub in April 2017.
Transportation	Text	Table 4.3A - Transit Quality and Level of Service table	37 - 38	Removed old table and inserted new/updated table.
Transportation	Text	Table 4.4 – Transportation Service Providers	53	Removed outdated table.
Transportation	Text	Major Trip Generators map and list	63 - 64	Updated with new data.
Transportation	Text	Table 4.5 – Journey to Work Characteristics	65	Updated table with new data.
Transportation	Text	Discussion of Level of Service (LOS) on various major roadways.	72 - 73	Updated LOS description with recent information. Inserted discussion of segments of CR 510 and 37 th Street that are currently exceeding LOS “D” and the solution to set the LOS of those segments at LOS “D +20%” as an interim measure until planned road improvements are completed.
Transportation	Text	Table 4.6 - Socioeconomic Data Summary	77 - 78	Removed table and inserted new table from 2040 Long Range Transportation Plan
Transportation	Text	Table 4.7 – 2030 Potentially Deficient Roadways	83 - 90	Removed old table from 2030 plan and inserted new table from 2040 plan.
Transportation	Text	2030 Long Range Transportation Plan (LRTP) discussion to adopt all or part of the Environmental Land Management Study one to five cent local option gas tax.	91	Removed as part of 2040 LRTP updates.
Transportation	Text	Text under the “Prioritization of Needs Plan Improvements” section.	91 – 99	Updated with 2040 LRTP information.

Element	Policy #, Objective #, Text	Summary	Page #	What the change is
Transportation	Text	LOS alternatives for roadways exceeding LOS “D”	95	Added segments of CR 510 and 37 th Street as LOS D +20%
Transportation	Text	Table 4.7.2 – 2030 Needs Plan Improvements	103 – 105	Replaced 2030 Needs Plan Improvements table with 2040 Needs Plan Improvements table.
Transportation	Text	Table 4.8A – Capital Revenues by Planning Horizon	115	Updated with new table from 2040 L RTP
Transportation	Text	Table 4.8B – Operating and Maintenance Revenues by Planning Horizon	116	Updated with new table from 2040 L RTP
Transportation	Text	Table 4.9.1 – Improvements and Needed Right-of-Way	116 – 125	Updated with “2040 Needs Projects” table from 2040 L RTP
Transportation	Text	Table 4.9.2 – Highway Evaluation Table	125- 126	Updated with new table from 2040 L RTP
Transportation	Text	Table 4.9.3 – Cost Affordable Projects Listing	126 – 128	Updated with new table from 2040 L RTP
Transportation	Text	Table 4.9.4 Programmed Capital Improvement Projects	129 – 135	Removed outdated table.

ANALYSIS

Nineteen (19) policies, 1 objective, and various texts of non-policy sections in the two elements of the county’s comprehensive plan are proposed to be revised. The proposed changes are shown in ~~strike thru~~ and underline format (attachment #4) and analyzed below.

- **Capital Improvements Element** Policies 3.5, 1.12, and Concurrency related text edits

Policy 3.5

Planning staff, in conjunction with Public Works staff, have requested that Policy 3.5 of the Capital Improvements Element, and a related policy in the Transportation Element (discussed under the Transportation Element Policy subsection of this analysis) be revised. The current Policy 3.5 establishes a Level of Service Standard for traffic circulation for concurrency management purposes as Level of Service D during peak hour, peak season, peak direction conditions on all TRIP funded roads as well as all freeway, arterial, and collector roadways, with the exception of two roads that are set at E + 20% (27th Avenue from South county line to State Road 60 and 43rd Avenue from Oslo Road to 16th Street). Those exceptions were instituted during the development boom of the mid 2000’s based upon a policy decision to not widen those roads to 4 lane facilities. No changes are proposed to those two exceptions.

Currently, there are two additional roadway segments within the County’s concurrency management system that are experiencing or will soon experience capacity issues at LOS D. Those are County Road 510 from 66th Avenue to US Highway 1 and 37th Street from US Highway 1 to Indian River Boulevard. In both instances, roadway improvement projects are planned to

significantly increase capacity for both segments; however, those projects are not anticipated to be undertaken for some time beyond the allowed 3 year “funded for construction” window for counting future roadway capacity for concurrency purposes. In the case of CR 510, FDOT is undertaking a massive \$80+ million widening project from CR 512 to US 1 and that project, due to its scale and cost, will take several years to complete and may be constructed in phases. In the case of 37th Street, an alternative capacity producing project involving the extension of Aviation Blvd to 37th Street and to 41st Street is being pursued as a better alternative to 4-laning 37th Street. The Aviation Blvd. extension project will require right-of-way acquisition and will take several years to complete.

Since those two roadway projects will be undertaken beyond the 3 year window, an interim measure level of service of D + 20% is proposed for those roadway segments, with a reverter clause for those segments to be re-adjusted to LOS D after the planned roadway improvement projects are complete. For CR 510, this means adjusting the LOS from 880 peak hour, peak season, peak direction trips to 945 peak hour, peak season, peak direction trips between 66th Avenue and 58th Avenue and to 1109 peak hour, peak season, peak direction trips between 58th Avenue and U.S. Highway 1. For 37th Street this means adjusting the LOS from 880 peak hour, peak season, peak direction trips to 992 peak hour, peak season, peak direction trips between U.S. Highway 1 and Indian River Boulevard. At completion of the planned improvements for both roadway segments, available capacity will exceed conditions under the interim D +20% thresholds.

As proposed, the revision to Policy 3.5 will allow the County to continue to approve development proposals that would impact either or both of the roadways, recognizing that any added trips to those roadways from such development completed in the future would soon be addressed by the planned roadway projects.

Policy 1.12

For Policy 1.12 of the CIE, a minor typographical error for a referenced year will be corrected. No substantive change is proposed for this policy.

Text Edits

With respect to concurrency related text edits, those proposed edits will exempt individual single family permits from concurrency review. Current County regulations exempt building permits for single-family homes on lots within subdivisions that existed prior to adoption of the Comprehensive Plan in 1990. The proposed amendment will treat all single family permits equally. Under the amendment, traffic impacts from individual homes will be tracked in the aggregate and anticipated trips from single-family permits will be included in development project traffic studies to ensure proper evaluation of impacts. Aggregate impacts will also be evaluated by staff each year in its evaluation and review of the CIE and the 5 year capital improvement program schedule. The proposed text revisions will simplify the building permit process for individual single family permits, making the process consistent for all single family permits regardless of location, while at the same time tracking and accounting for anticipated impacts. In the future, these text changes will need to be reflected in an update to the LDR Chapter 910 concurrency regulations.

- **Transportation Element** Policies 1.1, 1.4, 1.6, 1.7, 1.10, 1.11, 1.12, 2.4, 2.5, 3.1, 5.5, 6.2, 6.4, 6.5, 6.6, 6.7, 10.1, Objective 3, and various text, maps, and tables.

Policy 1.7

Metropolitan Planning Organization staff identified one policy (policy 1.7) and one objective (Objective 3) that need extended completion dates. The proposed change to Policy 1.7 will delete reference to imposing all or part of the one to five cent local option gas tax from the year 2015 to the year 2023 and changes the imposition from a “mandate” to an item of Board consideration, consistent with the adopted 2040 Long Range Transportation Plan. The 2023 date for consideration will be well-timed for the 2024 impact fee update. The proposed change to Objective 3 shifts the acquisition deadline of County right-of-way for various roadways and mass transit corridors from 2025 to 2035. This change makes the objective consistent with the adopted 2040 Long Range Transportation Plan. In addition to being consistent with the 2040 Long Range Transportation Plan, both changes also reflect more reasonable timeframes to implement the policy and the objective.

Policy 1.1

Proposed changes to Policy 1.1 will make this policy consistent with proposed changes to Policy 3.5 of the Capital Improvements Element (discussed above). Those changes deal with the assignment of LOS D + 20% to segments of County Road 510 and 37th Street as an interim measure in recognition of delays in planned and funded major capacity improvement projects for those two roadway segments.

Other Policies

Staff also identified additional policies that need updates to reflect changed circumstances with County regulations and/or procedures that are currently being followed. Policies 1.4 and 1.6 are proposed to be revised to be consistent with County policies in other Comprehensive Plan elements and/or ordinances. Proposed changes to Policy 1.4 will correct the time period that the County’s schedule of Capital Improvements addresses, changing it from an old reference of seven (7) years that is no longer correct to a five (5) year time frame. Policy 1.6 is proposed to be revised to make the time period for reviewing and updating the traffic impact fee schedule consistent with the County’s impact fee ordinance which now requires a fee schedule update every five years.

Policies 1.10, 1.11, 2.5, and 3.1 are proposed to be revised to allow for greater design flexibility. As proposed, revisions to Policies 1.10 and 2.5 will allow for means of shared vehicular access such as driveway interconnections, besides frontage roads, that are currently being implemented by County staff consistent with the development code. Proposed revisions to Policy 1.11 will allow the County to consider updating parking requirements based on the Institute of Traffic Engineers (ITE) parking studies. For some types of development, this change could provide greater design flexibility to reduce parking facilities and impervious area, where warranted. Proposed revisions to Policy 3.1 will allow for roadway design flexibility where opportunities for stormwater pond siting/sharing exist, or in areas that have limited right-of-way and special (eg. more urban) designs are warranted, or where it would be cost-prohibitive to obtain additional right-of-way.

The remaining proposed policy changes primarily deal with deleting references that are no longer applicable, replacing outdated references, correcting minor typographical errors, and re-numbering policies after deletion of policy 6.4 (refers to a subcommittee that no-longer exists).

Text Edits

With respect to general text and map edits, revisions are needed to recognize the proposed LOS adjustments for certain segments of 37th Street and CR 510, to recognize differences between the 2030 Long Range Transportation Plan and the 2040 Long Range Transportation Plan, and to recognize differences in other related and updated transportation plans.

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

For a proposed amendment to be consistent with the plan, the amendment must be consistent with the goals, objectives and policies of the comprehensive plan. Policies are statements in the plan which identify actions 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 related decisions-including plan amendment decisions. While all comprehensive plan objectives and policies are important, some have more applicability than others in reviewing plan amendment requests. Of particular applicability for the subject proposed amendments is Policy 14.3.

Future Land Use Element Policy 14.3

In evaluating a comprehensive plan amendment request, the most important consideration is Future Land Use Element Policy 14.3. This policy requires that one of four criteria be met in order to approve a comprehensive plan amendment request. These criteria are:

- The proposed amendment will correct an oversight in the approved plan;
- The proposed amendment will correct a mistake in the approved plan;
- The proposed amendment is warranted based on a substantial change in circumstances ; or
- The proposed amendment involves a swap or reconfiguration of land use designations at separate sites, and that swap or reconfiguration will not increase the overall land use density or intensity depicted on the Future Land Use Map.

In this case, the proposed comprehensive plan amendments meet Policy 14.3’s third criterion. The proposed changes were requested by staff and authorized for consideration by the Board due to changes in circumstances. For the proposed amendments, changed circumstances include the need to update outdated information and references, the need to temporarily address level of service issues for two roadways scheduled for widening/improvements that will increase capacity, and the desire to simplify concurrency reviews for individual single family permits.

Summary of Consistency with the Comprehensive Plan

While Policy 14.3 is particularly applicable to this request, other Comprehensive Plan policies and objectives also have relevance. For that reason, staff evaluated the subject request for consistency with all applicable plan policies and objectives. Based upon that analysis, staff determined that the proposed amendments are consistent with the County's Comprehensive Plan.

CONCLUSION

Staff's position is that updating the county's comprehensive plan, as proposed, is warranted based on changes in circumstances and to ensure that the county's comprehensive plan remains current and accurate. With the possible exception of future state mandates, the proposed amendments, together with other county-initiated amendments adopted over the last several years, will result in an up-to-date plan that should not need further element by element updating until the County conducts a thorough evaluation and appraisal process beginning in 2022/23.

RECOMMENDATION:

Based on the analysis performed, staff and the Planning and Zoning Commission recommend that the Board of County Commissioners:

1. Adopt the attached resolution for transmittal of the proposed comprehensive plan text amendment to the state and regional review agencies, and
2. Announce its intention to hold and advertise a final public hearing at the adoption stage of the plan amendment process (tentatively planned for September or October 2019).

ATTACHMENTS:

1. Comprehensive Plan Text Amendment Application
2. Portion of December 4, 2018 BCC Meeting Minutes
3. Portion of April 25, 2019 PZC Meeting Minutes
4. Transmittal Resolution (Appendix A proposed Comprehensive Plan Text Amendment is available in BCC office and in Community Development Department)