

EAR Based Comprehensive Plan Amendments  
Public and Stakeholders Comments

Future Land Use Element

Proposed. Objective 1: Indian River County will have a compact and energy efficient land use pattern; an overall low-density character; and adequate land for utility facilities to support development. ~~By 2030, the overall residential density of the unincorporated portions of Indian River County, with the Urban Service Area, will be 1.75 units/acre.~~

Concerns with ability to enforce and comply as L-1 (Low Density Residential-1) allows up to 3 units/acre; L-2 (Low Density Residential-2) allows up to 6 units/acre; and even T (Transitional Residential) as a planned development project allows up to 3 units/acres. M-1 (Medium Density Residential-1) allows up to 8 units/acre and M-2 (Medium Density Residential-2) allows up to 10 units/acre. R (Rural Residential) allows up to 1 unit/acre while Agriculture FLU designations range between 1 unit per 5 acres, 1 unit per 10 acres, and 1 unit per 20 acres.

Staff Recommendation: Adopt policy as proposed.

Concern Raised. Policy 1.38 (a)(4) Set asides for public schools.

Existing policy includes schools.

Proposed. Policy 1.38 (e)(6): Building Heights: ~~Shall be identified in the LDRs, subject to the provisions and or incentives as may be adopted by the County in support of this Policy. Residential structures shall be limited to a maximum height of 35 feet, while non-residential and mixed use structures shall be limited to a maximum height of 50 feet. For all structures, architectural embellishments may exceed the maximum height limitation by no more than 15 feet.~~

This policy was adopted as part of the Land Development Regulations (located within respective zoning district requirements), and exists in the Code today. They cannot be administratively changed and would require a public hearing before the Planning and Zoning, and two public hearings to adopt an ordinance to amend this regulation.

Staff Recommendation: Adopt revised policy.

Proposed. Policy 4.1 Land use districts shall be located in a manner which concentrates urban uses, thereby discouraging urban sprawl.

Noted as a redundant policy and it is referenced in the section concerning Urban Sprawl.

Staff Recommendation: Staff finds retaining the policy is appropriate and consistent with the expressed desires of residents who participated in the public workshops and the online survey. Retain the policy.

Proposed. ~~Policy 4.8: When reviewing amendments to the Future Land Use Map, the county shall consider the impact of the proposed amendment upon the jobs/housing balance of the following subareas: north county, central county, and south county...~~

Addressed in the Economic Development Element, which will need to be further updated at a future date following the adoption of the Economic Development Strategic Action Plan.

Staff Recommendation: Delete policy as proposed.

Proposed. Policy 6.9: Proposed to eliminate the 2011 date by which the County shall adopt development regulations.

Policy submitted for Board consideration:

Policy 6.9: ~~The County shall adopt development regulations allowing small-scale biofuel processing plants and manufacturing facilities that provide critical components, defined as products essential to the construction of the County, State and Federal transportation infrastructure system~~, as accessory agricultural uses in areas designated AG-2 and AG-3. The equipment, processing areas, and transport facilities of accessory biofuel-processing plants ~~and manufacturing facilities~~ shall occupy no more than ~~20~~ ~~40~~ acres or ~~10~~ ~~25%~~ of the total ~~a~~ site, whichever is less. Such facilities shall be subject to staff-level site plan approval and shall be located at least 300' away from nearby residential uses. Larger scale biofuel processing plants ~~and critical transportation- infrastructure manufacturing facilities~~ shall be allowed in areas designated AG-1, AG-2, and AG-3 if approved through the special exception process.

Staff Recommendation: Adopt the policy as proposed.

Note: Following the adoption of EAR based Comprehensive Plan Amendments and the Economic Development Strategic Action Plan, County staff intend to evaluate and propose an Agricultural-Industrial future land use designation as may be appropriate for Agricultural-Industrial Corridors west of I-95 for both Oslo and SR60 to promote protection of agricultural lands from the incursion or residential uses, promote flexibility in use of agricultural lands to encourage retention of agricultural lands, and recognize the compatibility of agricultural and industrial uses.

Proposed. Policy 13.3: Proposes to eliminate the 2018 and revise the policy to delete, ~~“develop criteria for annexation decisions, and execute interlocal agreements with the county to formalize these criteria.”~~

The policy as revised retains the expressed desire for the county and municipalities to engage in joint planning and consider Interlocal Service Boundary Agreements (ILSBs) or Joint Planning Area (JPA) agreements. Also of note, Chapter 171, Part 1 (Municipal Annexation or Contraction) establishes annexation prerequisites and procedures.

Staff Recommendation: Adopt policy revisions as recommended.

Proposed. Objective 18 revised to remove the corresponding policies that called for the County to, “adopt land development regulations that establish the TND, Traditional Neighborhood Design zoning district.”

TND regulations and criteria were adopted as Section 915.21 (Ordinance 2012-021, July 10, 2012) of the Indian River County Code of Ordinance.

Staff recommends revising Objective 18 as follows: The County shall maintain and update TND (Traditional Neighborhood Design) district regulations as appropriate. By 2045, Between January 1, 1998 and January 1, 2020, ten five (5) percent of new residential development (dwelling units) occurring in unincorporated Indian River County will be located in Traditional Neighborhood Design projects.

#### Sanitary Sewer Sub-Element

Paragraph1 correct last sentence, ...~~W~~Sewer sub-element.

Proposed. Policy 1.1: New development within the ~~unincorporated portion of municipalities of~~ Indian River County shall be approved only when capacity is available, either on-site or off-site, to provide needed sanitary sewer service.

Staff recommends revising as follows: Reject revisions and add the below statement.

Note: The County and the City of Sebastian adopted an Interlocal Agreement (ILA) Providing for the Transfer of the City of Sebastian Water and Wastewater System (September 20, 1995), and the County acknowledges it will provide sanitary sewer service within the corporate limits of the City of Sebastian consistent with provisions of the ILA.

Proposed. Objective 2 was revised with an updated timeline from 2025 to 2045 and established a long-range goal for 60% of all users to be connected to the County’s sanitary sewer system, versus at least 60% of all existing units will be connected.

With the 2030 mandate concerning connecting to sanitary sewer when available or replacing conventional septic systems with an Enhanced Nutrient Reducing Onsite Sewage Treatment and Disposal System this may be unattainable but retaining the goal is important.

It is preliminarily estimated the public investment could near \$500 million to \$1 billion and the private investment \$500 million to expand plant capacity, build a new plant, extend sanitary lines, and then the private costs to connect to the system or replace their conventional septic systems. The County is in the middle of completing its Integrated Water Master Plan which include an analysis and recommendations concerning sanitary sewer.

Staff Recommends: Retain policy revision.

One Water. Several objectives and policies reference reuse water and alternative water supply. It should be noted that none of these policies refer to One Water, or also known as Toilet to Tap. The BOCC met with staff concerning this matter and no Commissioner has expressed to bring One Water forward as an agenda item. None of the policies propose One Water.

#### Potable Water Sub-Element.

Proposed. Policy 4.8 revises a requirement for all new subdivisions and projects of 25 or more lots/units to encourage and developers (within a ¼ mile of an effluent reuse line) shall contact Utility Services to discuss the feasibility and parameters to construct and effluent reuse line.

Staff recommendation: Adopt policy revision, but move to the appropriate sub-element, the Natural Groundwater Sub-Element under Objective 1.

Proposed. Objective 9 is proposed, along with corresponding Policies 9.1, 9.2, 9.3, and 9.4, as these have been

#### Natural Groundwater Aquifer Recharge Sub-Element

Proposed. Policy 2.5 is proposed to be revised as follows, ~~The eCounty will require all promote the use of wet detention/retention ponds with a surface area greater than one (1) acre be designed to utilize for irrigation to maximize the beneficial use of stormwater runoff for irrigation.~~

This comment/concern was raised at the Planning and Zoning Commission.

Staff recommendation: The Policy be revised as follows, ~~The eCounty will require all wet detention/retention ponds, where practical and feasible, with a surface area greater than one (1) acre to be designed to utilize for irrigation to maximize the beneficial use of stormwater runoff for irrigation.~~

Proposed. Delete Policy 2.6: By 2011, the county shall contact the U.S. Geological Survey and request an updated county-wide geohydrologic survey.

[This is also consistent with the Conservation Policy 3.8 that is proposed to be deleted.]

Staff notes the policy is outdated and not relevant. The St. Johns River Water Management District, whose mission is “to protect our natural resources and support Florida’s growth by ensuring the sustainable use of Florida’s water for the benefit of the people of the District and the state.” They accomplish this through four main core missions, Water Quality, Water Supply, Flood Protection, and Natural Systems. SJRWMD are responsible for managing, evaluating, and monitoring water supply and issuing consumptive use permits for potable water. IRC staff has met with representatives of SJRWMD and they have indicated they would not fund or would undertake an update of the geohydrologic survey.

Staff Recommendation: Delete policy as proposed.

**Stormwater Sub-Element**

Proposed. Policy 7.9 is being revised and updated.

A provision was included concerning the Indian River County Property Appraiser providing materials to all Agricultural Exempt properties. This provision is recommended to be deleted, the County will create a web page providing information and materials to agriculturally exempt properties.

Staff Recommendation: Adopt revised policy with the deletion of, “Indian River County Property Appraiser shall provide this material to all Agricultural Exempt properties at time of application or renewal.” from the revised policy.

**Conservation Element**

Proposed. Policy 5.5: The eCounty shall continue to accept fee-in-lieu payments as a last alternative for mitigation of wetlands alteration when on-site mitigation is not practicable, but only when consistent with the State’s Uniform Mitigation Assessment Method (UMAM) and only in cases where the affected wetland is a small (less than 0.50 acre), isolated, disturbed wetland with minimal functional value. Funds obtained from fee-in-lieu payments will be earmarked for acquisition, restoration, or management of similar wetlands elsewhere in the eCounty.

This policy change has been referenced as death by a thousand cuts, the policy merely clarifies the size of an affected wetland (less than 0.50 acres) and retains the other qualifying criteria...isolated and disturbed with minimal functional value.

Staff Recommendation: Adopt policy as revised.

Proposed. Policy 6.4 is proposed to be amended to remove factors to be considered to assess and prioritize land acquisition proposals.

ELAP and staff reviewed and updated the Environmental Lands Program Guide that detailed the land acquisition process including factors to assess and prioritize lands. The Guide was approved by the Board of County Commissioners at its December 12, 2023 regular BOCC meeting.

Staff Recommendation: Adopt the policy as amended.