

TREASURE COAST REGIONAL PLANNING COUNCIL

MEMORANDUM

To: Council Members AGENDA ITEM 4B6
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.

- 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

