To: Council Members                      AGENDA ITEM 5C

From: Staff

Date: July 16, 2010 Council Meeting

Subject: Local Government Comprehensive Plan Review
Draft Amendments to the Indian River County Comprehensive Plan
DCA Reference No. 10-2ER

Introduction

The Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Florida Statutes, requires that the Treasure Coast Regional Planning Council (TCRPC) review local government comprehensive plan amendments prior to their adoption. Under the provisions of this law, the Department of Community Affairs (DCA) prepares an Objections, Recommendations, and Comments (ORC) Report on a proposed amendment only if requested to do so by the local government, the regional planning council, an affected person, or if an ORC Report is otherwise deemed necessary by the DCA. If an ORC Report is to be prepared, then the TCRPC must provide DCA with its findings of consistency or inconsistency with the Strategic Regional Policy Plan (SRPP), and provide any comments and recommendations for modification on the proposed amendments within 30 days of its receipt.

Background

Indian River County has proposed text amendments to all elements of the County Comprehensive Plan. The majority of text amendments are to incorporate the findings and recommendations of an Evaluation and Appraisal Report (EAR) that was adopted by the County on November 18, 2008 and found sufficient by the DCA on February 25, 2009. The County also proposes one Future Land Use Map (FLUM) amendment and related text amendments to the Future Land Use Element that are not related to the EAR amendments. The County has requested the DCA to carry out a formal review of the proposed amendments.

Community Profile (From Evaluation and Appraisal Report)

Located on the east coast of Florida in the Treasure Coast Region, Indian River County is bounded by Brevard County on the north, the Atlantic Ocean on the east, St. Lucie County on the south and Osceola and Okeechobee counties on the west. The county seat of Vero Beach is approximately 135 miles north of Miami, 140 miles east of Tampa, 100 miles southeast of
Orlando and 200 miles south of Jacksonville. In addition to the City of Vero Beach, there are four other municipalities in the county: the City of Sebastian, the City of Fellsmere, the Town of Indian River Shores and the Town of Orchid. While nearly two-thirds of the population resides in the unincorporated portion of the county, more than 90% of the county's residents live along the coast within 10 miles of the Atlantic Ocean. The land formation of the county is coastal lowland. Generally, lowlands are relatively flat areas with elevations of less than 25 feet above mean sea level. On the mainland area of the county, the key physical features are the St. Johns Marsh in the western portion of the county, the Ten Mile Ridge in the central part of the county, and the Atlantic Coastal Ridge in the east. Offshore, a barrier island extends the entire length of the county separated from the mainland by the Indian River Lagoon. The natural and physical features of the county are discussed in detail in the Conservation, Coastal Management and Future Land Use Elements of the comprehensive plan.

Evaluation

A. EAR-Related Amendments

During the EAR process, the County carried out an evaluation of all elements of the Comprehensive Plan. The proposed revisions to the plan include:

1. Updating the Existing Conditions section for each element.
2. Updating the Analysis section for each element.
3. Revising the goals, objectives and policies section of each element.

In addition to the total updates to the Existing Conditions and Analysis sections, the County has proposed a large number of new or revised, goals, objectives and policies. Some of the noteworthy changes are summarized below, by element.

1. Future Land Use Element

- Several new policies are added under Objective 1 (Compact, Energy Efficient, Low-Density Development) to address energy conservation, Traditional Neighborhood Design Projects, mixed use development, clustered development outside the urban service area, required vehicular and pedestrian connections, and jobs/housing balance.
- Revised Policy 1.37 contains additional criteria for the development of new towns in areas designated as Agricultural.
- Revised Policy 1.38 defines the required characteristics of a Planned Development project within a new town land use designation.
- Revised Policy 2.4 indicates the County may expand the urban service area to accommodate additional projected population.
- Under Objective 3 (Levels of Service) new Policy 3.8 establishes levels of service for a number of public services/facilities.
- Objective 4 and several new policies address Greenhouse Gas Emissions.
- New Policy 5.4 encourages mixed use development in the U.S. 1 Corridor in order to prevent strip development.
• Revised Policy 5.6 commits the County to allow Mixed Use Planned Developments in residentially designated areas; and includes criteria for those mixed use developments.
• Several new policies are proposed under Objective 6 (Agricultural Protection) that address mining, transfer of development rights, biofuel processing plants, reservoirs, and water farming.
• New Policy 16.5 commits to improve the water quality in the Indian River Lagoon.

2. Infrastructure Element

• New Policies 2.6 in both the Sanitary Sewer and Potable Water Sub-elements commit the County to coordinate with the City of Vero Beach and Town of Indian River Shores on the possible consolidation of utility services.
• New Objectives and policies in the Potable Water Sub-element address the use of alternative water supplies and the disposal of brine.

3. Transportation Element

• Several new policies are proposed under Objective 1 (Adequate Transportation System) regarding adoption of the Metropolitan Planning Organization Congestion Management Process Plan, collection of traffic count data, design standards, parking facilities, and projects on the 2030 Cost Feasible Plan.
• Objective 2 (Safety) is revised to seek the reduction of crash and fatality rates. New policies under the objective address pedestrian access conditions at schools, Intelligent Transportation Systems infrastructure, the installation of traffic control devices, and safety issues for new development.
• Revised Objective 4 (Pedestrian/Bicycle System) addresses a Level of Service for Bike/Pedestrian facilities. New Policies 4.8 and 4.9 commit to County to install bike-ped signals at intersections, bike racks on buses, and matching funds for the construction of sidewalks by homeowners.
• New policies under Objective 6 (Coordination) address the establishment of a Traffic Operations Subcommittee, the development of Transportation Demand Management programs, regional transit activities, and future passenger rail service.
• New policies under Objective 8 (Land Use/Transportation) address consistency between development plans and traffic circulation plans, protection of existing neighborhoods, guidelines for development in public transit corridors, and connectivity between new residential and commercial developments.
• New Objective 11 (System Preservation) seeks safe bridges and pavement maintenance on major roads. New Policy 11.1 indicates the County will continuously evaluate both pavement condition and the structural integrity of bridges and implement improvements as warranted.
4. Economic Development Element

- New policies under Objective 1 (Low Unemployment Rate) address marketing efforts and a marketing plan.
- New and revised policies under Objective 2 (Diversified Economic Growth) deal with tracking the number of jobs in targeted industries; issuance of Industrial Development Bonds; assistance in education and training; marketing of airport industrial areas; expedited permitting; weekend inspection services; evaluation of economic development incentives, evaluation of impact fees; information for new employers and employees; provision of workforce housing and tax abatement.
- New policies under Objective 3 (Maintain Trained Labor Force) address the surveying of targeted industries to determine if educational needs are met; and enlarging science, technology, engineering and mathematics curriculum in K-12 schools.
- New policies under Objective 4 (Facilitate Economic Development) address the establishment of an Indian River County Consortium for Life Science Research and Technology Advancement, the type of uses appropriate for new employment parks, the designation of adequate land for commercial/industrial uses, and the establishment of industrial/business/research/technology parks at selected commercial/industrial nodes and other locations.

5. Housing Element

- Revisions to Objective 1 (Housing Affordability) seek a reduced proportion of the population in cost-burdened housing units.
- Revised Policy 1.5 is to establish a web-based permitting process.
- New Policy 1.8 is to expedite housing projects that utilize energy efficient and "green" construction technologies.
- New Policy 1.9 is to support housing development near transportation hubs, major employment centers and mixed use developments.
- New Policies under Objective 4 (Housing Assistance/Housing Implementation Programs) address assistance to non-profit organizations in establishing Community Land Trusts and Community Development Corporations, assistance to employees with establishing employer-assisted housing projects, and creation of a new private/public housing fund.
- Revised Policy 9.2 deals with cooperation between the County and municipalities to support the housing trust fund.

6. Conservation Element

- Several policies under Objective 2 (Surface Water Quality) address Stormwater Pollution Prevention Plans for all new development, monitoring of water quality data for the Indian River Lagoon and St. Sebastian River to determine the need for future improvements projects, support for the Indian
River County Comprehensive Everglades Restoration Plan, requiring a 100-foot shoreline protection buffer for parcels along the St. Sebastian River, actions to implement the Indian River Lagoon Comprehensive Conservation Management Plan, and education to homeowners on the proper maintenance of on-site disposal systems.

- Revised policies under Objective 6 (Upland Vegetation Communities) support the restoration and management of xeric scrub, coastal/tropical hammock and coastal strand; and the removal of and restriction from planting vegetation on the Florida Exotic Pest Plan Council’s Category I List.
- New or revised policies under Objective 7 (Wildlife and Marine Habitat) deal with a habitat conservation plan for the endangered Florida scrub jay, sites for relocation of gopher tortoises, and sustaining quality natural systems.
- Revised Policy 8.1 calls for public access improvements to county-acquired beachfront and river front conservation lands.

7. Coastal Management Element

- New Policy 1.7 indicates that the appropriateness of manatee protection speed zones will be reassessed upon the evaluation of the Manatee and Boating Safety Comprehensive Plan.
- New Policy 1.13 indicates the City will apply for gopher tortoise receiver site certification for County-owned conservation lands.
- New Policy 1.14 indicates the County will use the following tools to preserve natural systems and wildlife conditions:
  - land acquisition
  - conservation easements
  - development clustering requirements
  - transfer of development rights
  - mitigation banks
- New Policy 4.2 commits the County to evaluate the location of the Dune Stabilization Setback Line and consider relocating the line further west due to the potential for increased coastal erosion from climate change, sea level rise and other factors.

8. Recreation and Open Space Element

- A number of new policies are proposed under Objective 1 (Adequate Parklands and Recreational Facilities) that address user fees, new funding options and revenue opportunities, establishment of a Foundation, impact fees, recreation grant programs and privately-funded recreational facilities.
- Several new policies are proposed under Objective 9 (Arts and Cultural Programs) including those which commit to coordination with and support of the Cultural Council of Indian River County.
9. Intergovernmental Coordination Element

- Several new policies are proposed under Objective 2 (Coordination of Level of Service Standards) committing the County to address concurrency, coordinate with other local government service providers, and coordinate with the St. Johns River Water Management District on water supply planning.
- New Policy 1.12 indicates the County will seek legislation to prohibit the sale of conservation lands by water management districts unless the land sale is approved by the local government in whose jurisdiction the land is located.

B. Future Land Use Map Amendment

The proposed amendment is for 7 parcels of land (with five separate owners) totaling 674.2 acres located north of SR 60 and west of I-95 (see Exhibit 1). The property is currently used for citrus groves and pasture; and parts of the property are undeveloped and contain native upland and wetland habitat (see Exhibit 2). The proposed use is for a large scale research/technology/industrial park.

The present FLUM designation is Agricultural (AG-2) (Exhibits 3). The proposed FLUM designation is Commercial/Industrial (C/I) (see Exhibit 4). Under the current FLUM designation, 67 residential units could be developed. The proposed FLUM designation would allow a maximum of approximately 9.1 million square feet of industrial uses, as limited by a comprehensive plan policy condition. The current land use on surrounding lands is primarily agricultural to the south, vacant and agricultural to the west, north and northeast, and commercial/industrial to the southeast. The FLUM designations on surrounding lands are AG-2 to the north, south and west; and C/I to the east. The proposed FLUM amendment would also expand the Urban Service Area (USA) to include the subject property. The FLUM amendment includes only a portion of the Corrigan property. An additional 5,500 acres of the Corrigan property is under review as a wetlands mitigation bank (see Exhibits 6, 7, 8) by the St. Johns River Water Management District and other regulatory agency. The Corrigan property contains some pine flatwoods (approximately 75 acres) and wetlands (approximately 50 acres). The property is bisected by some canal rights-of-way.

The County indicates that a large industrial park cannot be accommodated within any of the existing C/I nodes identified in the County Comprehensive Plan. The County staff has determined that all concurrency mandated facilities have adequate capacity to serve the site, including public sewer and water. While full build-out of the property would result in unacceptable traffic level of service impacts to I-95, SR 60 and 66th Avenue, the County indicates that:

1. public improvements are already programmed for I-95 and 66th Avenue;
2. the applicants Traffic Impact Analysis identifies traffic improvements that would mitigate traffic impacts and maintain an adequate level of service;
3. a conditional concurrency certificate is allowed under the County Land Development Regulations and has been issued for this proposed amendment; and

4. the County estimates that impact fee liabilities for the project would be $22 million, adequate to make the necessary roadway improvements.

The County indicates there are no land use compatibility issues with the proposed amendment and that given the size of the property, there will be ample opportunity to avoid impacts to wetlands and uplands.

C. Text Amendments (related to FLUM amendment) to the Future Land Use Element

County Policy 14.3 in the Future Land Use Element requires that one of four criteria be met in order to approve a FLUM amendment request. The County has indicated that the amendment meets one of the criteria regarding a substantial change in circumstances affecting the property. The circumstances includes changes in the County economic development strategy and the identification of the need for additional industrial parks.

Currently, Policy 1.22 requires that a C/I node be 70 percent developed before being expanded. The subject node is estimated to be 36.3 percent developed. However, the Policy allows an exemption if justification can be provided and no available sites exist within an existing node for a use with a substantial land area request. The County gives several examples of the justification of need, including recommendations from the 2008 Evaluation and Appraisal Report, the very small size of existing industrial parks, and recent efforts by the County to enhance economic development and encourage industrial development. The County also indicates that timing is an issue, as the larger Corrigan property is under consideration for a wetland mitigation bank. Regarding the exemption criteria, the County has identified the need for a large acreage for a technology/research/industrial park. Only the three C/I nodes at I-95 would be suitable given transportation access needs. The other two I-95 nodes at CR 512 and Oslo Road are not suitable for various reasons. The proposed amendment would modify Policy 1.22 by indicating a node expansion exception can be considered if necessary to accommodate a large scale research/technology/industrial park.

Policy 1.36 specifically relates to the SR 60 Commercial/Industrial node. Presently, the Policy indicates that 101.8 acres is limited to industrial uses. The policy is revised to include the subject property, making a total of 776 acres subject to the policy limitation. The policy is also modified to allow research and technology uses, as well as accessory commercial uses (see Exhibit 5).

Extrajurisdictional Impacts

Under the informal agreement facilitated by the TCRPC, local governments in the northern three counties of the region are to provide copies of amendment materials to other local governments that have expressed an interest in receiving such materials. The County provided copies of the amendment materials to all local governments in Indian River County who have requested that amendment materials be provided; and to St. Lucie and Martin Counties. Council sent a
memorandum to these local governments on May 27, 2010, seeking information on any conflicts between these proposed amendments and existing plans. As of the date of the preparation of this report, no correspondence has been received.

Effects on Significant Regional Resources or Facilities

Analysis of the proposed amendments indicates that they would not have adverse effects on significant regional resources or facilities.

Analysis of Consistency with Strategic Regional Policy Plan

The proposed FLUM amendment to expand the Commercial Industrial Node along SR 60 west of I-95 is consistent with Regional Policy 3.7.1.4 to attract industry and Policy 3.7.1.5 to attract large, new employers to the region. While the node expansion is very large (674 acres), the County has provided justification of the need for a large site to accommodate a research/technology/industrial park; including the lack of land available for such a park within the existing urban service area. The County recently lost nearly 400 acres of land designated for industrial use at the I-95/CR 512 interchange when it was annexed by the City of Fellsmere and redesignated from industrial to commercial and residential.

Council makes the following comments/recommendations for consideration by the County:

1. Most, if not all, of the native upland and wetland habitat that remains on the current site (see Exhibit 2) is adjacent to lands that are proposed as a wetlands mitigation bank (Exhibits 6, 7, 8). Consistent with Regional Goals 6.1 (A Sustainable Countryside), 6.3 (Protection of Water Quantity and Quality), 6.6 (Protection of Wetlands), and 6.7 (Protection of Upland natural Communities and Ecosystems), the County should ensure that lands which are required to be preserved to protect wetlands and upland habitat on the amendment site be located such that they serve as a buffer area for the proposed wetland mitigation bank.

2. Require the landowner to plan for, site and construct a transit stop with ridership amenities including shelters, consistent with Regional Policy 7.1.4.2. The transit stop could be planned in conjunction with other employers in the Commercial/Industrial Node and in cooperation with the Indian River County Metropolitan Planning Organization and the transit service provider.

Consistency with Strategic Regional Policy Plan

The contract agreement with the DCA requires the TCRPC to include a determination of consistency with the SRPP as part of the written report to be submitted to the DCA. The TCRPC finds the proposed amendments to be CONSISTENT with the SRPP.
**Recommendation**

The Treasure Coast Regional Planning Council should adopt the above comments and instruct staff to transmit the report to the Department of Community Affairs.

**Attachments**
List of Exhibits

Exhibit

1. Future Land Use and Amendment Location Map
2. Existing Aerial Map
3. Existing Future Land Use Map
4. Proposed Future Land Use Map
5. Proposed Future Land Use Element Policy Revisions
6. Corrigan Wetland Mitigation Bank Generalized Land Use
7. Corrigan Wetland Mitigation Bank – Small Scale Aerial
8. Corrigan Wetland Mitigation Bank – Large Scale Aerial
POLICY 1.22: No node shall be expanded unless 70% of the subject node’s land area (less rights-of-way) is developed with non-residential and non-agricultural uses, or approved for non-residential and non-agricultural development, or otherwise warranted by the proposed development.

Otherwise warranted may include but not be limited to the following:

- Developed percentage of a node is between 60% and 70% and the node expansion meets one of the following criteria:
  - Expansion of the node is necessary to accommodate the expansion of an existing use where there is not suitable vacant land adjacent to the use within the node, the land proposed for inclusion is owned or controlled by the owner of the site containing the use proposed for expansion, and a finding is made by the Board of County Commissioners that no other land in the node can feasibly accommodate the expansion of the referenced use, or
  - Expansion of an existing node is necessary to adjust a node boundary that splits a small parcel of land and a finding is made by the Board of County Commissioners that development of the parcel is not feasible with the split land use designation and that inclusion of the parcel in the node is more appropriate than exclusion of the parcel from the node.

- Expansion of a node is necessary to accommodate a use (such as a regional mall or a large-scale research/technology/industrial park) which has a substantial land area requirement and no alternative suitable sites are available in existing nodes.

- Expansion of a node is necessary to compensate for existing or proposed right-of-way which was included within the node boundary and included in the node size calculation, where the node expansion will not exceed the acreage represented by the right-of-way.

- Expansion of a node is necessary to accommodate a substantial change in circumstances affecting a property adjacent to the node, where said change has had the effect of making the property unsuitable for residential use. Such change could include establishment of an adjacent, incompatible use, or a significant change in adjacent development patterns due to an act of government such as road development and expansion.

- Expansion of a node is necessary to include existing adjacent non-conforming commercial or industrial uses where a finding is made by the Board of County Commissioners that the non-conforming uses cannot be otherwise eliminated.

Words striken are deletions; words underlined are additions.
• Expansion of a node is necessary to facilitate a swap of land use designations involving more than one node where all involved nodes impact the same public facilities and the swap will not increase the overall land use density or intensity depicted on the Future Land Use Map. The total area added to any expanding node or nodes shall be equal to or less than the total area removed from any other involved node or nodes.

• Expansion of a node is necessary to correct an oversight or a mistake in the plan affecting property that meets the following criteria:
  o the property is residentially designated;
  o the property was given a residential designation as a result of an oversight or a mistake;
  o the property is unsuitable for residential use;
  o the property is adjacent to a node; and
  o the property is no more than 10 acres in size.

**Policy 1.36:** The County shall limit the use of the 104.8 ±776 acres of C/I designated property located at the northeast corner north of SR 60 and 102nd Avenue west of 98th Avenue to research/technology/industrial uses only. Those uses include as a research/technology/industrial park, light manufacturing and assembly, and distribution centers, and accessory commercial uses. This policy shall be implemented through PD zoning and/or planned development requirements. For that portion of the 776 acre property that is west of 102nd Avenue, the Floor Area Ratio shall be limited to .3.

*Words stricken are deletions; words underlined are additions.*

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Corrigan Wetland Mitigation Bank
GRS # 123323-1
Indian River County

The St. Johns River Water Management District prepares and uses this information for its own purposes and this information may not be suitable for other purposes. This information is provided as is. Further documentation of this data can be obtained by contacting the St. Johns River Water Management District, Geographic Information Systems, Program Management, P.O. Box 1426, 4048 Reel Street, Palatka, Florida 32177-1426. Tel. (386) 329-4176.

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2008 Digital Ortho Quadrangle