To: Council Members
From: Staff
Date: September 13, 2019
Subject: Local Government Comprehensive Plan Review

AGENDA ITEM 4B5

TREASURE COAST REGIONAL PLANNING COUNCIL

MEMORANDUM

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 the City of Fort Pierce was received on August 26, 2019 and contains text changes to the Introduction, Future Land Use, Transportation, Infrastructure, Conservation, Coastal Management, Housing, Recreation and Open Space, Intergovernmental Coordination, Capital Improvements, Facilities Management, and Public School Facilities elements of the comprehensive plan. The proposed changes are based on the City's Evaluation and Appraisal Review (EAR). This report includes a summary of the proposed amendment and Council comments.

Summary of Proposed Amendments

The purpose of the EAR is to determine whether the need exists to amend the comprehensive plan to reflect changes in state requirements since the last time the comprehensive plan was updated and to address issues of local concern. On January 31, 2018, the City sent a letter to the Florida Department of Economic Opportunity (FDEO) indicating that amendments to their comprehensive plan were necessary. Once a letter of intent is sent to FDEO, a local government must complete the EAR process, prepare their plan amendments, and transmit them to FDEO within one year. The staff report indicates the City missed the January 31, 2019 deadline. On January 31, 2019, FDEO sent notification to the City that they could not amend their comprehensive plan until the EAR process was completed.
Overall, the proposed amendments: reflect changes in state requirements and legislation; renumber existing policies where new policies have been added or policies have been deleted or incorrectly numbered; clarify language of the current comprehensive plan; update information to reflect current practices, processes or conditions; remove outdated references or definitions; correct scrivener’s errors; and correct any references to the state land planning agency. A summary of the amendments by element follows:

**Introduction Element**

- Add language to include the City’s adoption in 2011 of St. Lucie County’s Local Mitigation Strategy.

**Future Land Use Element**

- Add Policy 1.1.4 stating the City will ensure consistency between the updated comprehensive plan and the Land Development Regulations (LDRs).

- Add Policy 1.1.5 stating the City will plan appropriately for fuel terminal infrastructure to ensure efficient and reliable multimodal transportation.

- Revise Policy 1.9.4 to update the list of special area plans for neighborhoods to include Peacock Arts and Lincoln Park districts.

- Revise and renumber Objective 1.15 (proposed 1.14) to indicate the City shall maintain hazard mitigation, disaster preparedness, and post-disaster redevelopment plans to effectively bring public services back on-line, coordinate cleanup efforts, and rebuild damaged or destroyed public and private property.

**Transportation**

- Revise Objective 2.1 to remove language designating the City as a transportation concurrency area. The amendment also adds language to indicate that although transportation concurrency is no longer required, the City will continue to administer a roadway level of service based management system to review development impacts and that land use and transportation strategies to support and fund mobility shall be implemented to comply with Section 163.3180(5) of the Florida Statutes.

- Revise Policy 2.1.3 to indicate additional land use and transportation strategies will be incorporated into the comprehensive plan consistent with the Joint Report on the Mobility Fee Methodology Study prepared on December 1, 2009 by the Florida Department of Community Affairs and the Florida Department of Transportation.

- Revise Policy 2.9.2 to state the Capital Improvement Program (CIP), when addressing transportation facilities, will include, but not be limited to, roads, trails, bike paths, signage, sidewalks, etc.
**Infrastructure Element**

- Revise Policy 3.9.3 to indicate the Water and Wastewater Master Plan is scheduled to be updated in 2021, rather than in 2011 due to lower than expected growth rates between 2006 and 2015.

- Revise Policy 3.10.3 to indicate that the Water Treatment Plant was rerated in May of 2018 from 18.99 million gallons per day (MGD) to 23.32 MGD and state there is adequate capacity to meet projected growth demands through 2030.

- Revise Policy 3.14.3 to indicate the City shall assist the Fort Pierce Utilities Authority (FPUA) in identifying possible sources of financing for water system improvement in current and future Water and Sewer Master Plans.

- Revise Policy 3.15.2 to state the City shall coordinate with FPUA to establish potable water level of service standards for non-residential land uses such as office, industrial, and commercial.

**Conservation Element**

- Delete Policy 4.2.7 that requires open space be consistent with promotion of shallow water aquifer recharge and stormwater filtration and meet the criteria established in the LDRs by 2010.

- Remove deadlines for policies requiring tree inventories; open space requirements for residential developments; identification of natural habitats; discouraging onsite septic treatment; and development of non-potable sources for irrigation.

**Coastal Management Element**

- Revise Policy 5.1.17 to state the City shall continue enforcing the provision in the LDRs that limits development east of the Coastal Construction Control Line (CCCL).

- Revise Policy 5.2.11 to state the City shall include water quality monitoring to identify areas within the Indian River Lagoon in the Master Stormwater Management Plan.

- Revise Policy 5.3.3 to state the City shall coordinate with St. Lucie County for implementation of the 2017 update to the Port of Fort Pierce Master Plan.

- Revise Policy 5.6.6 to state that construction seaward of the CCCL shall be consistent with Chapter 161 of the Florida Statutes.

- Add Policy 5.6.7 to indicate that when applications for redevelopment are processed, the City shall require that measures are included to reduce the flood risks in coastal areas that result from high tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea level rise.
• Revise Policy 5.8.13 to indicate the City will consider amendments to the comprehensive plan and LDRs based upon new and revised recommendations in the St. Lucie County Local Mitigation Strategy.

• Add Policy 5.8.18 to indicate the City will continue to participate in the National Flood Insurance Program Community Rating System.

• Add Policy 5.8.19 to state that, when feasible, the City will encourage the removal of coastal real property from FEMA flood zone designations within the coastal area.

• Add Policy 5.8.20 to indicate the City shall seek grant opportunities from federal, state, and local agencies to develop a coastal resiliency adaptation area action plan.

• Remove deadlines for policies requiring guidelines for water-related and water-enhanced facilities; preparation and review of a Beach Management Plan; enforcement of the LDRs restricting development in the Coastal High Hazard Area; standards for safe evacuation of the coastal area; adoption of a post-disaster redevelopment plan; incentive for dedicated easements for new development along shorelines; design standards for beach access facilities; development of historic resources; and development of a coastal planning area.

**Housing Element**

• Revise Policy 6.2.2 to indicate the City will use the latest Census data, City records, and field visits when doing inventories and developing a database of existing housing conditions and stock.

• Delete Policy 6.2.9 requiring the City to create a task force to address the overcrowding issue in the City by 2012.

• Revise Policy 6.3.2 to remove the requirement for financial feasibility when the Future Land Use Map is amended to include land use designations that provide sufficient densities to allow for affordable housing development to occur.

• Remove deadlines for policies requiring development of an incentive program to encourage development of various types of rental housing; conducting an affordable housing need study; conducting a survey to evaluate external housing conditions; requiring the City to review its conservation and preservation measures; adopting a Green Ordinance; and establishing standards for the appropriate placement of photovoltaic panels.

**Recreation and Open Space Element**

• Revise Policy 7.1.1 to remove references to 2010 and 2015 level of service standards for public recreation and open space facilities.
• Delete Policy 7.3.1 that requires the City to consider and evaluate the creation of a Parks and Recreation Plan by 2015.

• Remove deadlines for policies requiring implementation of regulatory mechanisms to facilitate accrual of financial and land resources for the provision of park services; establishing incentives for providing off-site publicly accessible recreation and open space areas as part of private development applications; developing a Parks and Recreation Master Plan; and updating the LDRs to discourage development proposals that would create incompatibilities with public recreation facilities and open space resources.

**Intergovernmental Coordination Element**

• Revise Policy 8.1.2 to remove the requirement of the City’s comprehensive plan to be consistent with campus master plans due to legislative changes.

• Revise Policy 8.1.17 to state that each December the City shall update Table 8-A to verify the nature of relationships, update coordination mechanisms and identify improvements in the City’s coordination efforts.

• Revise Policy 8.3.5 to remove the deadline of December 2011 that requires the City to review the effectiveness of its development review process and implement new policies and procedures that streamline the process and improve the coordination required between external permitting and regulatory agencies and the City.

**Capital Improvements Element**

• Revise Policy 9.1.8 to remove financial feasibility as a requirement when updating the assumptions, projections, needs and consideration for appropriate and timely renewal of existing facilities.

• Revise Policy 9.2.7 to remove financial feasibility as a prioritization guideline for proposed capital improvement projects listed in the Five-Year Schedule of Capital Improvements.

• Revise Policy 9.4.4 to indicate the City will incorporate by reference the most current Five-Year Work Plan for the St. Lucie County School Board.

• Revise language to indicate the Five-Year Schedule of Improvements and Annual Budget Report that are used to document capital projects is attached to the element as a standalone document.
**Public Facilities Management Element**

- Revise Table 10-1: Adopted Level of Service (LOS) Standards for the City of Fort Pierce Public Facilities to remove references to 2010 and 2015 level of service standards for public recreation and open space facilities.

- Revise Policies 10.5.1 and 10.5.3 to include references to Sections 163.3220-163.3243, Florida Statutes, related to provision of necessary facilities and services guaranteed in an enforceable development agreement.

**Public School Facilities Element**

- Revise Policies to delete references to developments of regional impact for required notification by the City to the School Board, and for approving comprehensive plan amendments.

- Revise goals, objectives, and policies throughout the element to remove the requirement of the Five-Year District Facilities Work Plan and work program to be financially feasible.

**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 August 28, 2019. No extrajurisdictional impacts have been identified. On September 19, 2019, St. Lucie County provided correspondence related to the proposed amendments (see Exhibit 2).

**Conclusion**

No adverse effects on regional resources or facilities and no extrajurisdictional impacts have been identified. In 2015, under Chapter 163, Florida States (F.S.), the legislature passed requirements under the Peril of Flood Act for jurisdictions with Coastal Management Elements contained in their comprehensive plan to develop a redevelopment component with principles to use to eliminate inappropriate and unsafe development in coastal areas. The Act defines components that must be included in the comprehensive plan. Although the City does address Peril of Flood Principles in the comprehensive plan through various policies and references to the City’s LDRs, Council recommends enhancing it by adding policy language to the comprehensive plan to ensure the City is meeting the requirements of the Peril of Flood Act. That language should:

- Include a policy to require the City to review all plans for construction within the floodplain area and that the requirements be consistent with, or more stringent than, the minimum requirements of the Florida Building Code for such construction.
• Include development and redevelopment best practice principles, strategies, and engineering solutions that will result in the removal of coastal real property from flood zones designations established by the Federal Emergency Management Agency.

• Identify site development techniques and best practices that may reduce losses due to flooding and claims made under flood insurance policies issued in this state.

Recommendation

Council should approve this report and authorize its transmittal to the City of Fort Pierce and the Florida Department of Economic Opportunity.

Council Action – September 20, 2019

Commissioner Smith from Martin County moved approval of the staff recommendation. Commissioner O’Bryan from Indian River County seconded the motion, which carried unanimously.

Attachments
List of Exhibits

Exhibit

1  General Location Map
2  Correspondence Dated August 13, 2019 and September 5, 2019 from St. Lucie County
Exhibit 1
General Location Map
Exhibit 2
Correspondence Dated August 13, 2019 and September 5, 2019 from St. Lucie County

ST. LUCIE COUNTY
PLANNING & DEVELOPMENT SERVICES
TECHNICAL REVIEW LETTER

TO:        Rebecca Guerra, AICP, LEED-AP, CPD, Interim Planning Director
THROUGH:   Leslie Olson, AICP, Director of Planning & Development Services
FROM:      Kori Benton, AICP, Senior Planner
DATE:      August 13, 2019

The St. Lucie County Planning & Development Services Department has completed further review of the revised City of Fort Pierce EAR packet, TRC Project #19-01400002. The packet was revised subsequent to review by the City’s TRC, however the revised copy was not supplied for further review. The updated review comments were compiled through evaluation of the packet prepared for the Fort Pierce Planning Board.

Background

In 2018, the City of Fort Pierce was tasked with performing an EAR Report to the State by February 1, 2018, per Rule Chapter 73C-49, Florida Administrative Code. In 2018, Staff reported to the State that indeed the City needed to amend its Comprehensive Plan. The City has contracted with a Planning consultant, S&amp;E, to draft the needed EAR amendment. The City of Fort Pierce’s Local Planning Agency is holding a hearing on the proposed EAR on August 13, 2019.

Review Comments

In review of the proposed Comprehensive Plan amendments, within the revised EAR packet, the following comments were prepared for review and resolution:

1) The City of Fort Pierce should audit the Future Land Use Map Exhibit contained with the EAR, to ensure accuracy and reflection of the following:
   a) Future Land Use Map Amendments (FLUMA) enacted since the 2011 Comprehensive Plan adoption;
      • An example identified is the County’s holdings at 4650 Oleander Avenue, known as Ancient Oaks Park. City of Fort Pierce Ordinance L-250 authorized a FLUMA for the 42.66 +/- acre park site, resulting in a COS, Conservation and Open Space Land Use designation. The FLU map with the revised EAR packet displays an RM land use.
   b) Resolution of active/past mapping discrepancies:
      • An example recently brought to the City’s attention is the Future Land Use of the County’s proposed at 7th & Avenue D. The FLU designation is accurate in the enclosed 2010 exhibit, however not within other published maps (City’s Website - FLU Map).
      • In review of the revised FLU Map, it appears the former Pleasure Cove mobile home park site has been assigned a COS, Conservation and Open Space Land Use designation in error.

ST. LUCIE WORKS
Attached exhibits are background information to the identified discrepancies.

c) Annexations. The FLU Map, Comprehensive Plan EAR, and Data Inventory and Analysis (DIAs) utilized for the EAR should reflect annexations completed since the 2011 comprehensive plan adoption.

2) The City of Fort Pierce should ensure the Comprehensive Plan Text Amendments adopted via ordinance since 2011 are integrated, or appropriately amended (if intending to revert), within the EAR. These were not reflected in the initial draft presented, however may have been addressed in the revised EAR packet.

3) The City of Fort Pierce is encouraged to update the DIAs to reflect changes over the past 8 years (i.e. Population, Parks, Solid Waste Projections, Transportation Facilities, LOS, Schools, etc.).

Please contact me at 772-462-2518 if you have any questions or would like to discuss the presented comments.
The St. Lucie County Planning & Development Services Department was provided an opportunity to review the City of Fort Pierce’s Transmittal of Proposed Comprehensive Plan Evaluation and Appraisal Review (EAR) packet, known as TRC Project #19-01400002. The Fort Pierce Planning Board, acting as the City’s Local Planning Agency, held a public hearing on August 13, 2019, and voted unanimously to recommend approval of the Evaluation and Appraisal Review document, along with associated Ordinance 19-033. The City Commission then held a public hearing on August 19, 2019, and voted unanimously to transmit the Evaluation and Appraisal Review through Ordinance 19-033 for a State Coordinated Review.

Background

In 2018, the City of Fort Pierce was tasked with performing an EAR Report to the State by February 1, 2018, per Rule Chapter 73C-49, Florida Administrative Code. In 2018, Staff reported to the State that indeed the City needed to amend its Comprehensive Plan. The City has contracted with a Planning consultant, S&ME, to draft the needed EAR amendment. The City of Fort Pierce’s Local Planning Agency is holding a hearing on the proposed EAR on August 13, 2019. St. Lucie County Planning Staff provided technical review comments on June 20, 2019 and August 13, 2019, without response from City staff.

Review Comments

In review of the proposed Comprehensive Plan amendments, within the transmitted EAR packet, the following comments were prepared for review and resolution:

1) The City of Fort Pierce should audit the Future Land Use Map Exhibit contained with the EAR, to ensure accuracy and reflection of the following:
   a) Future Land Use Map Amendments (FLUMA) enacted since the 2011 Comprehensive Plan adoption;
      • An example identified is the County’s holdings at 4650 Oleander Avenue, known as Ancient Oaks Park. City of Fort Pierce Ordinance L-250 authorized a FLUMA for the 42.66 +/- acre park site, resulting in a COS, Conservation and Open Space Land Use designation. The FLU map with the revised EAR packet displays an RM land use.
   b) Resolution of active/past mapping discrepancies:
      • An example recently brought to the City’s attention is the Future Land Use of the County’s proposed at 7th & Avenue D. The FLU designation is accurate in
the enclosed 2010 exhibit, however not within other published maps (City’s Website - FLU Map).

- In review of the revised FLU Map, it appears the former Pleasure Cove mobile home park site has been assigned a COS, Conservation and Open Space Land Use designation in error.

*Attached exhibits are background information to the identified discrepancies.*

c) Annexations. The FLU Map, Comprehensive Plan EAR, and Data Inventory and Analysis (DIAs) utilized for the EAR should reflect annexations completed since the 2011 comprehensive plan adoption.

2) The City of Fort Pierce should verify all Comprehensive Plan Text Amendments adopted via ordinance since 2011 are integrated, or appropriately amended (if intending to revert), within the EAR. These were not reflected in the initial draft presented, however may have been addressed in the revised EAR packet. Support documentation is suggested to ensure no conflicts or omissions.

3) The City of Fort Pierce is encouraged to update the DIAs to reflect changes over the past 8 years (i.e. Population, Parks, Solid Waste Projections, Transportation Facilities, LOS, Schools, etc.).

4) The City of Fort Pierce, since adoption of the 2011 Comprehensive Plan, has granted development approval and/or annexed properties abutting aquatic and coastal areas, river/lagoon shorelines, and the Atlantic Ocean. The City is encouraged to evaluate development impacts on these environmentally sensitive areas while considering policies related to shoreline protection, wetland buffering, dune preservation, beach re-nourishment, etc.

Please contact me at 772-462-2518 if you have any questions or would like to discuss the presented comments.
Coastal Management, Conservation & Interlocal Coordination

The City is encouraged to prioritize Comprehensive Plan objectives and policies for coastal beaches and dunes, ensuring implementation through the Land Development Code (LDC) with oversight and enforcement.

1) Conservation Element, Policy 4.6.7 – Has, or will, the City established a program to restore City owned beaches and beach berms including monitoring and revegetation initiatives?

2) Coastal Management Element:
   - Policy 5.1.10 – What protective measures does the City have for items (1) natural shoreline vegetation and coastal beach berm and (5) beaches and shorelines from erosion?
   - Policy 5.1.13 – Does the City’s Urban Forester, or designee, administer a program for the restoration of City owned beaches and beach berm areas as well as plans for revegetation?
   - Policy 5.1.14 - Does the City have a Natural Resource Division, or assigned Department (i.e. Engineering), tasked with better protecting the City’s coastal dune system?

3) Objective 5.4 (Policy 5.4.1. to 5.4.10) – The City shall protect beach and dunes and where feasible restore altered beaches or dunes. The City shall minimize the impacts of manmade structures on beach or dune system.
   - What programs, policies (LDC), plans, etc. does the City have in place to protect and restore beaches & dunes?
   - The City is encouraged to consider the addition of a Policy (i.e. 5.4.7a) such as “Any and all manmade structures proposed within the dune system, adjacent to Fort Pierce Beach, should include Pre-application action (notification, consultation and review) with St. Lucie County, prior to City application.

4) Objective 5.9 (Policy 5.9.1 to 5.9.7) – The City shall increase the amount of public access to the beach or shoreline consistent with estimated public needs.
   - Certainly a good objective. Has the City updated the Data, Inventory & Analysis to evaluate increases in public accesses, associated with population growth/projections? Will the City maintain efforts to obtain access easements, land swaps, development incentives, etc. to support this objective?

5) Intergovernmental Coordination Element (Policy 8.1.7) – Does the City have active, or proposed, interlocal agreements to address (f) beach nourishment programs related to critically eroded areas of Ft. Pierce’s coastline?
Environmental Lands, Greenways & Interlocal Coordination

The City is encouraged to:

- Review, coordinate and assign appropriate Future Land Use designations for George LeStrange Preserve on Rails Rd, Platts Creek Mitigation Area on Sunrise Blvd and SFWMD’s portion of Platts Creek.
- GOPs supporting joint efforts in the County’s Greenways and Trails Master Plan and the TPOs St. Lucie Walk/Bike Plan