



STATE OF FLORIDA

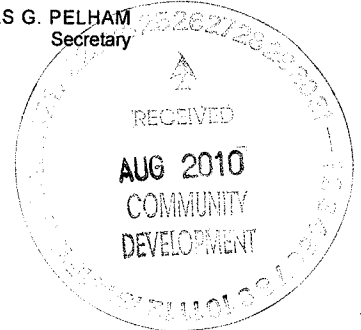
DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

CHARLIE CRIST
Governor

THOMAS G. PELHAM
Secretary

August 24, 2010



The Honorable Wesley Davis
Chairman, Indian River County
Board of County Commissioners
1801 27th Street
Vero Beach, Florida 32960

Dear Chairman Davis:

The Department of Community Affairs has completed its review of Indian River County's proposed Comprehensive Plan Amendment (DCA Number 10-2ER), which was received on June 24, 2010. Copies of the proposed amendment have been distributed to appropriate state, regional, and local agencies for their review and their comments are enclosed.

The Department has reviewed the comprehensive plan amendment for consistency with Rule 9J-5, Florida Administrative Code, and Chapter 163, Part II, Florida Statutes, and has prepared the attached Objections, Recommendations, and Comments Report, which outlines our findings concerning the comprehensive plan amendment.

The Department commends the County for its efforts in preparing the proposed Evaluation and Appraisal Report-based amendments. However, the Department has identified two objections in the proposed amendment including an inadequate public facility impact analysis for the proposed Future Land Use Map amendment and the lack of an Energy Conservation Map. My staff and I are available to assist the County in addressing the issues identified in our report. If you have any questions, please contact Laura Regalado, Planning Analyst, at (850) 921-3762.

Sincerely,

Charles Gauthier, AICP
Director, Division of Community Planning

CG/lmr

Enclosures: Objections, Recommendations and Comments Report
Review Agency Comments

cc: Mr. Robert Keating, AICP, Director, Indian River County Community Development Department
Mr. Michael Busha, AICP, Executive Director, Treasure Coast Regional Planning Council

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DEPARTMENT OF COMMUNITY AFFAIRS
OBJECTIONS, RECOMMENDATIONS AND COMMENTS
FOR
INDIAN RIVER COUNTY
PROPOSED AMENDMENT 10-2ER

August 24, 2010
Division of Community Planning

This report is prepared pursuant to Rule 9J-11.010, F.A.C.

INTRODUCTION

The following objections, recommendations and comments are based upon the Department's review of the Indian River County 10-2ER proposed amendment to its Comprehensive Plan pursuant to s. 163.3184, Florida Statutes (F.S.).

The objections relate to specific requirements of relevant portions of Chapter 9J-5, Florida Administrative Code (F.A.C.), and Chapter 163, Part II, F.S. Each objection includes a recommendation of one approach that might be taken to address the cited objection. Other approaches may be more suitable in specific situations. Some of these objections may have initially been raised by one or more of the other external review agencies. If there is a difference between the Department's objection and the external agency advisory objection or comment, the Department's objection would take precedence.

Each of these objections must be addressed by the County and corrected when the amendment is resubmitted for our compliance review. Objections that are not addressed may result in a determination that the amendment is not in compliance. The Department may have raised an objection regarding missing data and analysis items, which the local government considers not applicable to its amendment. If that is the case, a statement justifying its non-applicability pursuant to Rule 9J-5.002(2), F.A.C., must be submitted. The Department will make a determination on the non-applicability of the requirement, and if the justification is sufficient, the objection will be considered addressed.

The comments that follow the objections and recommendations section are advisory in nature. Comments will not form the basis of a determination of non-compliance. They are included to call attention to items raised by our reviewers. The comments can be substantive, concerning planning principles, methodology or logic, as well as editorial in nature dealing with grammar, organization, mapping, and reader comprehension.

Appended at the end of the Department's ORC Report are the comment letters from the other state review agencies and other agencies, organizations and individuals. These comments are advisory to the Department and may not form the basis of Departmental objections unless they appear under the "Objections" heading in this report.

TRANSMITTAL PROCEDURES

Upon receipt of this letter, Indian River County has 120 days in which to adopt, adopt with changes, or determine that the County will not adopt the proposed amendment. The process for adoption of local government comprehensive plan amendments is outlined in s. 163.3184, F. S., and Rule 9J-11.011, F.A.C. The County must ensure that all ordinances adopting comprehensive plan amendments are consistent with the provisions of Chapter 163.3189(2)(a), F.S.

Within ten working days of the date of adoption, the County must submit the following to the Department:

Three copies of the adopted comprehensive plan amendments;

A listing of additional changes not previously reviewed;

A listing of findings by the local governing body, if any, which were not included in the ordinance; and

A statement indicating the relationship of the additional changes to the Department's Objections, Recommendations and Comments Report.

The above amendment and documentation are required for the Department to conduct a compliance review, make a compliance determination and issue the appropriate notice of intent.

In order to expedite the regional planning council's review of the amendments, and pursuant to Rule 9J-11.011(5), F.A.C., please provide a copy of the adopted amendment directly to the Executive Director of the Treasure Coast Regional Planning Council.

Please be advised that Section 163.3184(8)(c), F.S., requires the Department to provide a courtesy information statement regarding the Department's Notice of Intent to citizens who furnish their names and addresses at the local government's plan amendment transmittal (proposed) or adoption hearings. In order to provide this courtesy information statement, local governments are required by law to furnish the names and addresses of the citizens requesting this information to the Department. **Please provide these required names and addresses to the Department when you transmit your adopted amendment package for compliance review. In the event there are no citizens requesting this information, please inform us of this as well.** For efficiency, we encourage that the information sheet be provided in electronic format.

OBJECTIONS, RECOMMENDATIONS AND COMMENTS REPORT

INDIAN RIVER COUNTY

PROPOSED COMPREHENSIVE PLAN AMENDMENT 10-2ER

I. Consistency with Chapter 163, F.S., and Rule 9J-5, F.A.C.

Indian River County proposed comprehensive plan amendments address issues raised in the County's Evaluation and Appraisal Report, address statutory changes, and update the goals, objectives and policies of the comprehensive plan. The Department has identified the following objections and comments to the proposed comprehensive plan amendments:

A. The Department raises the following objection and comments to the proposed Future Land Use Map (FLUM) amendment for the Corrigan Property:

Objection 1: The proposed land use change is for 674 acres going from Agricultural to Commercial/Industrial. The property is not currently inside the Urban Service Area (USA). However, the proposed amendment would expand the USA to include the subject property. Future Land Use Element Policy 1.36 is also being revised. This policy expands the Commercial/Industrial Node at State Road 60, limits development on the site to a floor area ratio of 0.3 (0.3 FAR) or to a maximum of approximately 9.0 million square feet, and adds research and technology uses, as well as accessory commercial uses. The original policy also allows light manufacturing, assembly, and distribution centers.

The amendment included a public facilities analysis for traffic, potable water supply, and water and wastewater treatment and distribution facilities based on 14,000 square feet per acre of Industrial Park for a total of 9.1 million square feet of Industrial uses. The analysis concludes that all concurrency mandated facilities have adequate capacity to serve the site, including public sewer and water. The analysis acknowledges that full build-out of the property would result in unacceptable level of service impacts to I-95, SR 60, and 66 Avenue. However, the County staff indicates that public improvements are already programmed for I-95 and 66th Avenue. In addition, the applicant's Traffic Impact Analysis identifies traffic improvements that would mitigate traffic impacts and maintain an adequate level of service.

While the analysis indicates that adequate public facilities are or will be in place to serve the new development. The analysis was based on the development of the site as an Industrial Park rather than the mix of uses that would be allowed by revised Policy 1.36, including research and technology with supporting commercial uses. The policy does not include a proportionate mix of uses or other objective measure and the density and intensity for each use. Therefore, the public facility analysis may not reflect the maximum development potential of the site.

Furthermore, the traffic analysis indicates that acceptable levels of service at build out will be maintained, assuming the following improvements are in place:

- Construction of 4th Street between 74th Avenue and 98th Avenue (two-lane facility);
- Widening of 66th Avenue between SR 60 and CR 510 (four-lane divided facility);
- Widening of I-95 between the Indian River/St. Lucie County line and CR 512 (six-lane divided facility);
- Phased SR 60 improvements (up to eight lanes without a 26th Street overpass);
- 26th Street overpass traversing 1-95.

With the severe decline in public revenues for transportation projects in recent years, funding of additional Strategic Intermodal System (SIS) facilities and other projects has slowed and projects identified as cost feasible in the Florida Department of Transportation and Metropolitan Planning Organization plans have been deferred. The amendment does not identify strategies to address potential build out level of service deficiencies if these improvements are not implemented.

Authority: Sections 163.3177(3), (6)(a), (b), (j), and (8), F.S.; and Rules 9J-5.005(2); 9J-5.0055(1)(a) and (3)(c); 9J-5.006(2)(a), (3)(b)1., (c)3, and (4)(c); 9J-5.016(1), (2), (3)(b)1., 3., 4., and 5., and (c)6. and 8.; and 9J-5.019(3), (4)(b)1., 2., 3., 4., and 5., and (c)1., and 13., F.A.C.

Recommendation: Revise Policy 1.36 of the Future Land Use Element to include a proportionate mix of uses or other objective measure and the density and intensity of each use. Revise the public facility analysis to evaluate the maximum development potential based on this mix of uses. Also, recognizing the uncertain funding environment for road improvements, the County, working with the Department of Transportation and other entities, needs to address how impacts on all road facilities will be mitigated, including maintaining level of service standards for 1-95, SR 60, and other regionally significant transportation facilities for both the short and long-term planning time frames. If the data and analysis determines that capital improvements will be needed in the next five years to address public facility impacts created through the amendment, then those capital improvements must be included in a five year schedule of capital improvements. Any capital improvements that will be funded by the developer must be guaranteed in an executed development agreement and referenced in the five year schedule of capital improvements. Any improvements needed after the initial five years and through the long term planning time frame need to be identified and included in the Capital Improvements Element along with strategies that will be implemented to provide them. The County should coordinate with the Florida Department of Transportation on any mitigation that will required for the SIS facilities.

B. Comments

Comment 1: The proposed amendment does not include strategies for access management (i.e., the number and location of access points on the corridor) along the SR 60 corridor. Examples of strategies are sharing an access point(s) between uses and creating frontage/rearage roads to promote free-flowing travel on SR 60. Additionally, the proposed amendment does not include any commitments for new roadways within the 674-acre site for internal circulation.

Comment 2: The expansion of the Commercial/Industrial future land use designation would significantly increase employment in this area and increase the need for enhanced mass transit. A proposed transit route along SR 60 ending in the vicinity of this site is shown on the County's "2030 Adopted Needs Plan Transit Needs" map. The development should be designed to

accommodate transit infrastructure, and provide for safe and convenient non-vehicular access that is connected to the surrounding area. Transit stops should contain clearly defined waiting areas that are easily accessible to pedestrians, bicyclists and persons with disabilities. Future transit stop improvements should consider use of a transit pad and inclusion of a shelter, seating, trash receptacles, bicycle rack and information on the transit schedule. Coordination with the MPO and transit provider during site development is encouraged.

Comment 3: Most, if not all, of the native upland and wetland habitat that remains on the current site is adjacent to lands that are proposed as a wetlands mitigation bank. The County should ensure that lands that are required to be preserved to protect wetlands and upland habitat on the amendment site be located adjacent to the proposed wetland mitigation bank to serve as a buffer between the proposed industrial development and the mitigation bank.

Comment 4: The County should analyze the potential flood hazard and related public safety concerns associated with the nearby federal L-77S, L-77E, L-77W, and L-79 levees, and other privately owned levees. The levees were designed to protect agricultural land, not urban land uses and their associated populations. The amendment should also identify mitigation measures for potential flood impacts associated with failure of the levees.

C. The Department raises the following objections and comments to the proposed EAR-Based Amendments

Objection 2: The County did not include the Energy Conservation Map in the Future Land Use Element that is required as part of HB 697.

Authority: Sections 163.3177(6)(d)6., F.S.

Recommendation: Revise the Future Land Use Element to include an Energy Conservation Map to generally identify energy conservation within the County.

D. Comments

Comment 5: The County should revise the Existing Land Use Maps to be dated 2010 to reflect the current year and the Future Land Use Maps to be dated 2030 to reflect the County's long-term planning time frame.

Comment 6: The County should revise the Existing Transportation Maps to be dated 2010 to reflect the current year, and the Future Transportation Maps to be dated 2030 to reflect the County's long-term planning time frame.

Comment 7: The County's amendments use data and analyses developed during the EAR. At that time, the MPO's 2030 Long Range Transportation Plan (LRTP) was the best available data for long-term transportation information. The MPO is currently in the process of updating the LRTP to 2035. Municipalities in the County look to the County's comprehensive plan for guidance regarding the appropriate planning horizon. For the greatest level of coordinated land use and transportation planning, the County should consider extending the long-term planning horizon to

be consistent with the MPO's forthcoming 2035 LRTP if this plan is finalized before the County adopts this amendment.

Comment 8: The County is proposing policy amendments that will establish coordination mechanisms with the MPO, adjacent MPOs, local governments, and the business community to improve transportation system effectiveness. Transportation Element Policy 2.4 proposes the development of an Intelligent Transportation System (ITS) and coordination with the Florida Department of Transportation to deploy the technology. Other tools and strategies to increase mobility, accessibility, and the efficiency of the transportation system include establishing a Traffic Operations Subcommittee of the MPO Technical Advisory Committee to coordinate between jurisdictions (Policy 6.4); coordinating with local businesses, chambers of commerce, other MPOs and the Department to develop regional Transportation Demand Management programs (Policy 6.5); and reviewing development proposals to ensure access or frontage roads will be provided along arterials to increase safety and efficiency (Policy 2.5). The County should also coordinate with St. Lucie County regarding connections to roadways identified on its future right-of-way map for the Towns, Villages, and Countryside (TVC) area in northern St. Lucie County.

Comment 9: Proposed Policy 4.2 refers to the St. Johns River Water Management District's "Needs and Sources Assessment." This policy should be revised to refer instead to the District's "Water Supply Assessments."

Comment 10: The St. Johns River Water Management District included the following comment in their letter dated July 23, 2010. New Policy 1.12 states: "The County shall request that the legislature prohibit the sale of conservation land by the water management districts unless the land sale is approved by the local government in whose jurisdiction the land is located." The District advises against adopting this policy because it would not serve the public interest in the acquisition of conservation lands. The District previously noted this recommendation in letters dated November 7, 2008, and December 22, 2008 regarding the County's Evaluation and Appraisal Report.

Comment 11: Proposed Policy 2.5 and proposed Stormwater Sub-Element Policies 7.10 and 7.11, indicate that the St. Johns River Water Management District is the agency that establishes total maximum daily load (TMDL) standards. These policies should be revised to identify the Florida Department of Environmental Protection as the agency that establishes TMDL standards.

II. Consistency with Chapter 187, F.S.

The proposed amendment is inconsistent with the following provisions of Chapter 187, F.S., the State Comprehensive Plan:

Section 187.201(7), Water Resources, Polices (b) 5: Ensure new development is compatible with existing water supplies (Objection 1);

Section 187.201(11), Energy, Policies (b)1-6: Reduce per capita energy consumption; improve energy efficiency of traffic flow; increase the efficient use of energy in design and operations of buildings, public utility systems, and other infrastructure (Objection 2).

Section 187.201(15), Land Use, Policies (b)1 and 6: Promote state programs, investments, and development and redevelopment activities which encourage efficient development and occur in areas which will have the capacity to service new population and commerce (Objections 1 and 2);

Section 187.201(17), Public Facilities, Policies (b)3, 4, 5, 6, 7, and 9: Encourage local government self-sufficiency in providing public facilities; create partnerships among state government, local government, and the private sector to identify and build needed public facilities; encourage the development and use of Capital Improvement plans, identify and use stable revenue resources which are also responsive to growth for financing public facilities (Objection 1).

Section 187.201(19), Transportation, Policies (b)3, 8, and 9: Direct future transportation improvements to aid in the management of growth and develop a state transportation system that integrates highway, mass transit, and other transportation modes (Objection 1).

Section 187.201(25) Plan Implementation, Policies (b)1, 3, and 7: Ensure that local plans implement and accurately reflect state goals and policies and address problems, issues, and conditions that are of a particular concern in a region (Objections 1 and 2).

By addressing the concerns noted in Section I., these inconsistencies with Chapter 187, Florida Statutes, can be addressed.