

STAFF REPORT
PROPOSED COMPREHENSIVE PLAN AMENDMENT 2017.2.2
EVALUATION AND APPRAISAL REVIEW OF COMPREHENSIVE PLAN

In accordance with Rule Chapter 73C-49, Florida Administrative Code, every seven years each local government must determine whether there is a need to amend the comprehensive plan to reflect changes in statutory requirements that have been enacted since the previous Evaluation and Appraisal Report (EAR) was implemented. The due date for Brevard County to make this determination was December 1, 2016.

During this cycle, Brevard County determined the need to update the Coastal Management Element to meet the requirements of Section 163.3178(2)(f), Florida Statutes, enacted during the 2015 Legislative Session. Any local government that fails to submit proposed amendments within one year of notification may not amend its comprehensive plan until those amendments are submitted to the Department of Economic Opportunity (DEO).

In response to Section 163.3178(2)(f), F.S., Brevard County transmitted an EAR Notification Letter to DEO on November 15, 2016, acknowledging the County's commitment to submit an amendment as part of the second amendment cycle of 2017. DEO acknowledged that, pursuant to Section 163.3191(2), F.S., the EAR amendments should be transmitted to DEO by November 28, 2017.

Brevard County transmitted modifications to the Brevard County Comprehensive Plan (Amendment 2017-2.2; DEO #17-3ER) to DEO on November 2, 2017. On January 12, 2018, Brevard County received DEO's Objections, Recommendations and Comments (ORC) Report which included an objection to the proposed comprehensive plan amendment changes under the authority of Section 163.3178(2)(f), F.S., known as the "Peril of Flood" statute. Specifically, DEO's objection stated that the proposed Amendment No. 17-3ER did not provide a coastal redevelopment component in the Coastal Management Element that includes:

1. 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 floods, stormwater runoff, and the related impacts of sea-level rise.
2. Best practices, development and redevelopment principles, strategies, and engineering solutions that will result in the removal of coastal real property from flood zone designations established by the Federal Emergency Management Agency.
3. Site development techniques and best practices that may reduce losses due to flooding and claims made under flood insurance policies issued in this state.

Brevard County notified DEO requesting an extension to the adoption date to allow time to address DEO's objection and submit a revised proposed Amendment No. 17-3ER. DEO acknowledged the request on July 24, 2018, and the adoption date was extended to June 7, 2019. On June 4, 2019, DEO acknowledged the County's second request for additional time to submit a revised proposed Amendment No. 17-3ER, and a new extended adoption date was set as December 5, 2021. Brevard County's third notification requesting an extension to the adoption date was acknowledged by DEO on November 16, 2021, and the adoption date was extended to March 31, 2022.

Brevard County staff has coordinated with various agencies and participated in the East Central Florida Regional Planning Council's (ECFRPC) development of a Regional Resiliency Action Plan (RRAP), completed December 2018, and subsequently adopted by Brevard County by resolution on March 26, 2019.

In 2020, Brevard County was awarded a state-funded planning grant through the Florida Department of Environmental Protection (FDEP) Florida Resilient Coastlines Program - aimed at preparing Florida coastal communities for current and future effects of coastal flooding and addressing compliance with the "Peril of Flood" statute. The awarded grant project, Planning for Resilience in Brevard (DEP Agreement No. R2112), began October 2020 and was accomplished through the collaborative efforts of the Brevard County Planning and Development Department, the Natural Resources Management Department, and the contracted services of ECFRPC. Specifically, ECFRPC performed a vulnerability analysis, conducted an online survey, hosted two public workshops, and recommended strategies and potential policies to enhance coastal resiliency in Brevard County. The project was completed April 30, 2021, and the final project report is provided in the Adoption Package for your review.

Following the completion of the grant project, policy recommendations by ECFRPC were evaluated and refined by Brevard County staff. This resulted in a new objective and thirteen (13) proposed policies developed through cross-departmental coordination and DEO guidance to ensure consistency with Peril of Flood requirements of Section 163.3178(2)(f), F.S.

A revised, proposed Amendment 2017-2.2 is provided as an attachment and includes thirteen (13) new Coastal Management Element policies developed specifically to comply with Section 163.3178(2)(f), F.S. ("Peril of Flood"), as well as text modifications that were previously transmitted to DEO in 2017. Additions to the Comprehensive Plan are shown as underlined and deletions are shown as ~~striketrough~~. Modifications not previously reviewed by DEO are highlighted in yellow.

Following is a summary of the thirteen (13) Coastal Management Element policies proposed to meet the requirements of Peril of Flood.

CHAPTER 10: COASTAL MANAGEMENT ELEMENT

Objective 14 (Coastal Development and Redevelopment) – Added a new objective as an umbrella for new policies developed specifically to comply with Section 163.3178(2)(f), Florida Statutes (“Peril of Flood”).

Policy 14.1 – Created a new policy to utilize a range of sea level rise projections as recommended in the adopted East Central Florida Regional Resilience Action Plan for planning purposes.

Policy 14.2 – Created a new policy to consider designating Adaptation Action Areas in areas identified as vulnerable to coastal flooding, storm surge, and sea level rise.

Policy 14.3 – Created a new policy to consider identifying areas which may benefit from nature-based design standards and/or Low Impact Development projects.

Policy 14.4 – Created a new policy to consider the results of the Vulnerability Analysis when planning for development, redevelopment, and improvements to critical facilities and infrastructure.

Policy 14.5 – Created a new policy to consider initiatives that focus on solutions for flood impacts, and develop methodologies for prioritizing public project expenditures.

Policy 14.6 – Created a new policy to develop mechanisms to evaluate and recommend new design and development standards for public and private infrastructure projects that consider future climate conditions, and amend Land Development Regulations to reduce obstacles that hinder nature-based design standards and/or Low Impact Development.

Policy 14.7 – Created a new policy to identify development and redevelopment performance standards designed to minimize or withstand permanent and/or temporary inundation from flooding, sea level rise, and storm surge.

Policy 14.8 – Created a new policy to continually identify strategies and engineering solutions that minimize the loss of flood storage capacity in all floodplains and areas vulnerable to natural hazards such as flooding, storm surge, and sea level rise, and consider incorporating them into the Land Development Regulations.

Policy 14.9 – Created a new policy to encourage nature-based design standards and/or Low Impact Development design for development and redevelopment within areas vulnerable to current and future flooding impacts.

Policy 14.10 – Created a new policy to educate the community about flood mitigation principles, strategies, and engineering solutions that can be implemented to protect property and reduce insurance losses.

Policy 14.11 – Created a new policy to pursue private and public funding sources for the implementation of flood resiliency strategies and consider removing real property structures from coastal FEMA flood zones through acquisition of repetitive loss properties, for use as green space or stormwater management.

Policy 14.12 – Created a new policy to continue to implement policies within the Comprehensive Plan, including but not limited to the Conservation Element, to ensure avoidance and minimization of impacts to natural coastal ecosystems, including wetlands, floodplains, aquifer recharge areas, and dunes.

Policy 14.13 – Created a new policy to continue to analyze best available data to maintain or update relevant and current coastal hazard vulnerability projections and update maps, as applicable and continue to identify and understand the risks, vulnerabilities, and opportunities for strategies within short, mid, and long-term planning horizons.

Modifications not previously transmitted to DEO:

CHAPTER 1: CONSERVATION ELEMENT

- Objective 4 (Flood Plain Areas), Policies 4.1 through 4.10 – Reincluded, as policies were inadvertently left out of transmittal package
- Objective 8 (Vegetation), Policies 8.3 through 8.10 – Reincluded, as policies were inadvertently left out of transmittal package
- Objective 11 (Energy Conservation), Policies 11.1 through 11.4 – Reincluded, as policies were inadvertently left out of transmittal package

CHAPTER 9: TRANSPORTATION ELEMENT

- Policy 1.3 – Scrivener's error corrected - Level of Service remain unchanged.

CHAPTER 10: COASTAL MANAGEMENT ELEMENT

- Objective 4 (Beaches and Dunes), Policy 4.1 A – revised to clarify reference lines
- Policy 6.6 – deleted as this is addressed in Objective 14 and Policies 14.1 – 14.13
- Policies 6.6, 6.7, 6.8, 6.9 were moved from 7.2, 7.4, 7.6, 7.7
- Appendix – updated Map 2 Evacuation Routes with more current data
- Appendix – deleted Map 3 Coastal High Hazard Area, as it is subject to change

CHAPTER 11: FUTURE LAND USE ELEMENT

- Policy 2.8 D and E – Updated per text amendment adopted March 4, 2021 regarding gross floor area and floor area ratio within PUDs
- Objective 22 (Residential Density Rightsizing Study Areas) – added language to encompass policies

CHAPTER 15: PROPERTY RIGHTS ELEMENT

- New element adopted December 2, 2021

CHAPTER 16: GLOSSARY

- Coastal High Hazard Area – deleted reference to Map 3 Coastal High Hazard Area