

January 7, 2022

Dear Members of the Planning and Zoning Board,

Item H.15 on your January 10th agenda is the adoption of EAR based amendments, and I am in favor of these amendments to address Peril of Flood. However, I believe some of the wording in the Coastal Management Element could be improved by making small changes in wording. The Coastal Management Element changes I favor are listed below in strike-through and underline. Please consider them in your discussion.

Policy 7.1

Brevard County shall not increase residential density designations for properties located on the barrier island between the southern boundary of Melbourne Bach and the Sebastian Inlet or properties located in the coastal high hazard area.

Policy 14.3

Using best available data, the County ~~should consider~~ shall identifying areas vulnerable to current and future flooding impacts which may benefit from nature-based design standards and/or Low Impact Development projects that reduce run-off; mitigate flood impacts; provide for the on-site absorption, capture, and reuse of stormwater; and preserve and restore natural drainage characteristics.

Policy 14.6

The County ~~should~~ shall develop mechanisms to evaluate and recommend new design and development standards for public and private infrastructure projects that consider future climate conditions, and the County shall amend Land Development Regulations to reduce obstacles that hinder nature-based design standards and/or Low Impact Development.

Policy 14.7

The County ~~should identify~~ shall adopt development and redevelopment performance standards designed to minimize or withstand permanent and/or temporary inundation from flooding, sea level rise, and storm surge. These standards may include increased freeboard elevations, the consideration of future tailwater elevations for stormwater infrastructure, and/or multi-use temporary flood storage areas.

Policy 14.9

Based on the 2021 Resilient Brevard Community Survey, completed by the ECFRPC, the County ~~should~~ shall encourage or require nature-based design standards and/or Low Impact Development design for development and redevelopment within areas vulnerable to current and future flooding impacts. Such adaptation strategies may include:

- a. Multi-use stormwater parks,
- b. Bioswales as stormwater management techniques,

- c. Green streets,
- d. Reduced impervious areas,
- e. Florida-friendly landscaping/xeriscaping, and
- f. Ecological asset preservation (e.g., tree canopy, natural areas, mangroves, wetlands, dunes, aquifer recharge areas).

Thank you for considering my opinion.

Yours truly,

Mary Sphar

Mary Sphar
825 Cliftons Cove Ct.
Cocoa, FL 32926

From: [Calkins, Tad](#)
To: [Jones, Jennifer](#)
Subject: FW: Sierra Club Letter-- Feb 3 agenda Comp Plan EAR Update
Date: Thursday, January 27, 2022 8:16:24 PM
Attachments: [Sierra Club letter -- Brevard County Coastal Management Element EAR Update.pdf](#)

FYI

-----Original Message-----

From: Douglas and Mary Sphar <canoe2@digital.net>
Sent: Thursday, January 27, 2022 12:49 PM
To: Commissioner, D1 <D1.Commissioner@brevardfl.gov>; Commissioner, D2 <D2.Commissioner@brevardfl.gov>; Commissioner, D3 <d3.commissioner@brevardfl.gov>; Commissioner, D4 <D4.Commissioner@brevardfl.gov>; Commissioner, D5 <D5.Commissioner@brevardfl.gov>
Cc: McGee, Darcie A <Darcie.Mcgee@brevardfl.gov>; Barker, Virginia H <Virginia.Barker@brevardfl.gov>; Calkins, Tad <tad.calkins@brevardfl.gov>; Woodard, Patrick <patrick.woodard@brevardfl.gov>
Subject: Sierra Club Letter-- Feb 3 agenda Comp Plan EAR Update

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Commissioners,

Please accept the attached letter from Turtle Coast Sierra Club regarding the Comprehensive Plan EAR Update that you will be considering on February 3rd. Our comments focus on the importance of adequate policies to protect the health of the Indian River Lagoon.

If possible, please let me know you received this letter. Improving the health of the IRL is extremely important to Sierra Club.

Thank you,

Mary Sphar



SIERRA CLUB

Turtle Coast Group

January 27, 2022

SUBJECT: Proposed Coastal Management Element Policies, EAR Adoption Hearing, February 3, 2022

Dear Members of the Brevard County Commission:

Turtle Coast Sierra Club has reviewed the proposed Coastal Management Element language intended to satisfy the State's Peril of Flood requirement. We believe that stronger Coastal Development and Redevelopment policies are essential to prevent further deterioration of the health of the Indian River Lagoon. The many excellent projects being implemented as part of the Save Our Indian River Lagoon (SOIRL) Project Plan cannot do the job alone. We also need wise decisions on land use and zoning, as well as strong Comprehensive Plan and LDR language to guide development and redevelopment in the Coastal Zone.

The Draft 2022 SOIRL Project Plan Update, in language dating from 2016, recognizes the great importance of adequate regulations to govern development. This language is found on pages 6 and 7 of the 2022 draft:

Undoing the damage to a unique and complex biological system as large as the IRL carries inherent risk. . . . Two subjective risk assessments were conducted by an independent consultant working with top science Subject Matter Experts most knowledgeable about the IRL **However, the scientists continued to voice concern about the restoration of the IRL in the absence of regulatory reform needed to prevent new development from adding more septic system and stormwater pollution to the lagoon. Therefore, updated regulations are needed as a complement to this plan to ensure timely and sustained success in restoring health to the IRL.**

The proposed Coastal Management Element policies for Coastal Development and Redevelopment could be part of the regulatory reform needed to prevent more stormwater pollution from entering the Lagoon, but these proposed policies can't do the job if they fail to ensure the County's commitment to implement them in a timely manner. If these policies remain just ideas that "*should*" be implemented, they will fail to adequately serve "as a complement to this [SOIRL] plan to ensure timely and sustained success in restoring health to the IRL."

The proposed Coastal Development and Redevelopment language consists of 13 policies – Coastal Management Element Policies 14.1 through 14.13. Every policy uses the verb *should*, instead of *shall*. *Shall* is defined as mandatory. In contrast, the definition of *should* in the Comprehensive Plan Glossary states: "expresses obligation; mandatory action necessary unless it can be clearly demonstrated that . . . The activity is not financially feasible for the local government." Sierra Club believes it is very easy to demonstrate that the activity is not financially feasible for Brevard County Government. There could be no budget for the activity, staffing constraints, and/or an unwillingness to proceed without grant funding. Even if Staff has good intentions, the 13 *shoulds* can justify putting implementation of these 13 proposed policies on the back burner.

At the Planning and Zoning Board meeting on January 10, in response to a question by a P&Z member about the reason for all the *shoulds*, Staff indicated that implementing all the policies right away would be problematic. Staff needs to figure out the direction of boards: What do they see as priorities? **Then Staff can "eat this elephant one bite at a time."**

Sierra Club believes some degree of prioritization is needed now, at the adoption stage. A responsible, reasonable approach is to use the verb *shall* for the most crucial, implementable policies out of the 13. Efforts

to improve the Indian River Lagoon's precarious health can't be subjected to a seemingly endless series of budget inadequacies and grant delays without grave consequences. You, as County Commissioners, can prioritize Coastal Management Element Policies 14.6 and 14.9, which address nature based-design standards and Low Impact Development (LID) by changing the *shoulds* to *shalls* as in our markup with underline and strike-through below.

Policy 14.6

The County ~~should~~ **shall** develop mechanisms to evaluate and recommend new design and development standards for public and private infrastructure projects that consider future climate conditions, and **the County shall** amend Land Development Regulations to reduce obstacles that hinder nature-based design standards and/or Low Impact Development.

Policy 14.9

Based on the 2021 Resilient Brevard Community Survey, completed by the ECFRPC, the County ~~should~~ **shall** encourage **or require** nature-based design standards and/or Low Impact Development design for development and redevelopment within areas vulnerable to current and future flooding impacts. Such adaptation strategies may include:

- a. Multi-use stormwater parks,
- b. Bioswales as stormwater management techniques,
- c. Green streets,
- d. Reduced impervious areas,
- e. Florida-friendly landscaping/xeriscaping, and
- f. Ecological asset preservation (e.g., tree canopy, natural areas, mangroves, wetlands, dunes, aquifer recharge areas).

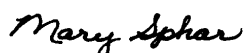
Policy 14.6 with the changes suggested would mandate that the County look at their ordinances to find obstacles to Low Impact Development. As a matter of fact, the County already has a document that should be very helpful in identifying the impediments to LID. It is the draft document *Enabling Low Impact Development and Green Stormwater Infrastructure, A Community Scoping and Ordinance Audit Tool for Florida Counties and Municipalities*, dated October 20, 2021, prepared by UF/IFAS. The County needs to start using it now as a first step to updating their LDRs.

Policy 14.9 with the changes suggested is a mandate to encourage or require nature-based design standards and/or Low Impact Development. We added the words "or require" to allow the strongest kind of LID ordinance. Titusville prioritized the creation of their incentive-based LID ordinance, which was approved last year. Planning Staff wrote this ordinance without grant money. Likewise, Brevard County needs to commit to writing an LID ordinance in a timely manner whether or not they are able to get outside money.

Sierra Club believes that other proposed policies among the 13 are also crucial for improving the health of the IRL, and we encourage you to use the word *shall* for those you feel are most important. In any case, changing *should* to *shall* in Policies 14.6 and 14.9 will remove the excuse to delay **taking the first two bites of the "elephant"**.

Thank you for considering the opinion of Turtle Coast Sierra Club.

Yours truly,



Mary Sphar
Wetlands Issue Chair