



BONNIE  **LANDRY**
& ASSOCIATES Professional Planning Services

BREVARD BARRIER ISLAND AREA OF CRITICAL STATE CONCERN (BBIA)

Board of County Commissioners
July 17, 2025

EAR Process

- Comprehensive Planning
- Plan review every 7 years
- Analyze changes in local conditions & projections
- Incorporate changes in statutory requirements
 - *Ch. 163, Part II, F.S.*
- Provide for public input
- State agency review (ORC)
- Amend GOPs accordingly



Area of Critical State Concern (ACSC)

- ACSCs enabled in 1972 to protect sensitive environmental resources from development. Currently only 6 ACSCs statewide, including BBIA.
- All development within an ACSC must be reviewed by state agencies
- “Guiding Principles for Development” provide key statutory protections
- Brevard Barrier Island Area designated in 2023
- Local plan based on existing Comp Plan with new and strengthened policies
- Public input session (254 participants) and online survey (184 respondents) in 2024
- Adopting Part XVI to the County Comp Plan



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Objections, Recommendations, and Comments

- Objection: Meaningful and Predictable Standards
- Recommendation: Establish clear and measurable timeframe commitments for Policies 2.6, 5.1, 7.8, 7.9, 7.12, 7.13, 7.15, 8.10. Reference subsection 380.0553(5), F.S., as list of guiding principles for development
- **Result: Policies updated with specific timelines or triggers, and subsection 380.0553(5) is now cited.**



Objections, Recommendations, and Comments

- Comment: Terminology and Regulatory Language
- Acronyms should be defined. Review use of should vs. shall in Policies 3.3, 5.4, 5.8, 6.4, 6.13, 6.16-22, 7.2, 7.6, 7.15, 8.8, 9.1, 9.5, 9.8, & 9.10.
- **Result: All acronyms defined in policy and Glossary. Updated to “shall” for 3.3, 5.4, 5.8, 6.13, 6.17, 6.18, 6.20, 6.22, 7.2, 7.6, 7.15, 8.8, 9.1, 9.5, & 9.8.**



SHOULD expresses obligation; mandatory action necessary unless it can be clearly demonstrated that:

- a. Strict application will be contrary to the public interest;
- b. The public values being protected are insignificant and strict application will result in an excessive hardship to the project;
- c. Strict application will place an excessive hardship on the project, and an alternative action is available which is equal to or superior than the original requirements in reaching the policy's objective, or;
- d. The activity is not financially feasible for the local government.

SHALL expresses a command, must express what is mandatory, to be done at all times without deviation.

Objections, Recommendations, and Comments

- Comment: *Intergovernmental Coordination*
- Coordinate with FWC to address agency comments for turtles, manatees, coastal species, and educational signage. Review comments from SJRWMD and DEP.
- **Result: Staff worked with FWC, Sea Turtle Conservancy, & 1000 Friends of Florida to strengthen several policies. Policy 9.9 was updated per SJRWMD.**



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Objections, Recommendations, and Comments

- Comment: *BIPPA Feedback*
- Consider BIPPA's comments submitted to Commerce 11/20/24
- **Result: Thirteen policies were updated in line with BIPPA feedback and discussions with 1000 Friends of FL. *New density bonuses expressly prohibited. Many other BIPPA comments addressed by updates from state agency feedback.***



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Non-ORC Amendments

Changes resulting from staff review, public input, formatting, acronym use, scrivener's errors, etc.

- Policy 2.5 clarifies shoreline hardening prohibition, closed loopholes
- Policy 5.8 updated and new Policy 5.9 to promote living shorelines
- Policy 6.4 clarifies strict exceptions for public facilities in the CHHA
- Policy 6.21 provides for acquisition of properties at risk of loss
- Policy 8.1 provides for strengthened land clearing protections and maintenance





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THANK YOU



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