



BOARD OF COUNTY COMMISSIONERS

Utility Services Department

2725 Judge Fran Jamieson Way

Building A, Room 213

Viera, Florida 32940

Inter-Office Memo

TO: Brevard County Board of County Commissioners
THRU: Frank Abbate, County Manager
THRU: John Denninghoff, Assistant County Manager
FROM: Edward Fontan, PE, Utility Services Director *egf*
DATE: September 23, 2020
RE: Staff Response for Notice to Appeal – Island Forest IFP Merritt Island, LLC

The Developer of the Island Forest Preserve Development has requested a waiver from the requirement to install a reclaimed water line pursuant to Section 110-312. The Utility Services Department reviewed this waiver request and determined that the Developer does not meet the criteria of Brevard County Code Section 110-312 (b).

Due to diminishing supplies of good quality water resources and the rapidly escalating costs of treatment of both potable water and wastewater, Brevard County adopted water conservation practices such as the reuse of properly treated wastewater for the irrigation of lawns and landscaping.

Brevard County has adopted the Reclaimed Water System requirements under County Code Sections 110-301-110-320. Specifically, Section 110-307 provides for the Board of County Commissioners to designate reuse districts by resolution. In 1987, via Resolution 87-157, the Board of County Commissioners designated the Merritt Island Wastewater Reuse District in which the Island Forest Preserve Development is located. Specifically, Section 110-308 requires that “[a]ll new subdivisions, residential, commercial, industrial and planned unit developments in designated reuse districts” install a reclaimed water line, concurrently with the installation of any sanitary sewer line, in such a manner as to provide service to the entire project or development. The distribution mains shall be extended through the total property.

As part of the Island Forest Preserve Development, in addition to the reclaimed water lines, the Developer is required to install both water and sanitary sewer from the project site out to connect State Road 3 or Courtenay Parkway. Thus, the Developer under Section 110-308, must install a reclaimed water line. The Developer will be required to provide a 50-foot road right-of-way and improvements on East Crisafulli Road from North Courtenay Parkway to the development. As such, there will be adequate room within a 50-foot road right-of-way for water, sewer and reclaimed water lines to be installed.

The Utility Services Department has invested approximately \$1.5M to extend the reclaimed water line from the Sykes Creek wastewater treatment plant north along North Courtenay Parkway to Hall Road. In FY 21, the County will be advertising for construction bids to extend the North Courtenay reclaimed water line from Hall Road to North Tropical Trail. The estimated cost for the reclaimed water line extension is \$800k. This FY

21 extension will be the connecting point for the Island Forest Preserve Development. The reclaimed water extensions described have been implemented to follow the intent of Resolution 97-157.

The Developer has requested a waiver pursuant to Section 110-312. Section 110-312 provides a waiver procedure to the requirements for the installation of a reclaimed water line when there is a finding of an undue hardship or unreasonable practical_difficulty resulting from the strict compliance and if the waiver serves the public interest.

In order to obtain a waiver, the applicant must state the reasons for the waiver and the facts which support such waiver. The county manager and affected agencies shall not approve a waiver unless they determine the following:

- (1) The particular physical conditions, shape or topography of the specific property involved causes an undue hardship to the applicant if the strict letter of the Code is carried out.
- (2) The granting of the waiver will not be injurious to the other adjacent property.
- (3) The conditions upon which a request for waiver are based are peculiar to the property for which the waiver is sought and are not generally applicable to other property and do not result from actions of the applicant; and
- (4) The waiver is consistent with the intent and purpose of the county zoning regulations, the county land use plan of the county and the requirements of this article.
- (5) Delays attributed to state or federal permits.
- (6) Natural disasters.
- (7) County development engineer and affected agencies concur that an undue hardship was placed on the applicant.

The Utilities Director, as the designee of the County Manager, has reviewed the requested waiver and has found that the applicant's request does not establish the factors of Section 110-312 (b) 1-7.