



Brevard County Board of County Commissioners

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Legislation Text

File #: 2119, **Version:** 1

Subject:

Appeal of Administrative Decision, Re: Island Forest Preserve (20WV00017)
Developer: IFP Merritt Island, LLC District 2

Fiscal Impact:

The loss of the return on investment to the County for the conversion of the Sykes Creek Wastewater Treatment Plant to produce reclaimed water and for the installation of the reclaimed water line along North Courtenay Parkway to serve as the transmission line for future development to connect for irrigation.

Dept/Office:

Utility Services and Planning and Development

Requested Action:

IFP Merritt Island, LLC (IFP) is seeking an appeal of an administrative decision requiring the installation of a reclaimed water line to service the Island Forest Preserve development pursuant to County Code Section 110-312. In effect, IFP is seeking to overturn this requirement.

Summary Explanation and Background:

County Code Section 110-312(c) affords applicants the opportunity to appeal an administrative decision or determination concerning implementation of the provisions of Chapter 110. In this particular case, IFP Merritt Island, LLC, requested that staff grant a waiver of Section 110-308 which requires all new subdivision developments within designated reclaim districts to 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 Utility Services Department reviewed the waiver request and did not find an undue hardship or unreasonable practical difficulty resulting from strict compliance with the requirement to provide reclaimed water.

During the development of the County's North Merritt Island collection system, it was decided to expand the services for this area to include reclaimed water for future development irrigation needs. This was done to comply with environmentally safe practices, which still apply today. These initiatives included:

- Eliminating discharge to the Indian River Lagoon by installing deep injection wells and providing reclaimed irrigation water.
- Protecting the potable water supply and eliminating irrigation wells in the surficial aquifer by introducing reclaimed water as the primary source of irrigation.

The Board of County Commissioners passed Resolution 87-157 to support the initiatives noted above. This is the basis of the County investing in the Sykes Creek wastewater treatment plant to produce reclaimed water and for the extension of the reclaimed line along North Courtenay Parkway.

The developer proposed Island Forest Preserve is located within the Merritt Island Wastewater Reuse District which was established by the Board of County Commissioners in 1987, via Resolution 87-157. 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. The present-day value of the Sykes Creek wastewater treatment plant being converted to reclaim production capacity would be approximately \$3M to \$4M. 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 to the County for this soon to be advertised reclaim line extension project is \$800,000. This FY 21 reclaimed water line extension will be the connecting point for the Island Forest Preserve Development. The Developer bears no cost in the County's reuse line extension or in the investment the County placed for the Sykes Creek wastewater treatment plant producing reclaimed water. The signed binding development plan (see attached BDP) between the County and the Developer states that the Developer agrees to comply with all County code requirements, which would include Section 110-308.

The Sykes Creek WWTP has capacity to supply the new development as well as all expected future customers with reclaimed irrigation water.

Island Forest Preserve Development is proposing to construct 110 lots on 110.34 acres. As a part of the development the project is expected to build, in addition to the reclaimed water main, both a potable water main and a sanitary force main the length of East Crisafulli Road. This construction is expected to require reconstruction of the existing road. This situation is not expected to be exacerbated by the requirement to build the reclaimed water main.

As there is still a great deal of vacant land (in addition to Island Forest Preserve) still on East Crisafulli Road and in much of North Merritt Island (the Reclaim Water District) approving the requested waiver appeal could set a widely effective precedent for the entire area limiting the benefits of and the effectiveness of the efforts to achieve reclaimed waste water use.

Reference: 19SD00010, 17PZ00158

Contact: Edward Fontanin, PE, Utility Services Director, Ext. 58372
Tad Calkins, Planning & Development Director, Ext. 58299