

Meeting Date
11/15/16



AGENDA	
Section	Consent
Item No.	<b>II A 3</b>

**AGENDA REPORT**  
*BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS*

SUBJECT:	BOARD APPROVAL RE: TRANSMITTAL OF EVALUATION & APPRAISAL REPORT DETERMINATION LETTER TO STATE PLANNING AGENCY
DEPT/OFFICE:	PLANNING & DEVELOPMENT DEPARTMENT

**Requested Action:**

It is requested that the Board approve transmittal of the attached Evaluation & Appraisal Report (EAR) Determination Letter for the Comprehensive Plan and authorize the Chairman to sign the determination letter.

**Summary Explanation & Background:**

Effective June 2, 2011, local governments have more discretion in determining whether they need to update their local Comprehensive Plan. As such, local governments no longer need to submit evaluation and appraisal reports (EARs) to the Department of Economic Opportunity (DEO) for a sufficiency determination. Instead, local governments must follow the new provisions implemented by the State of Florida.

At least every seven years, pursuant to Rule Chapter 73C-49, Florida Administrative Code, the local government must determine whether the need exists to amend the comprehensive plan to reflect changes in State requirements since the last time the comprehensive plan was updated. The due date for Brevard County is December 1, 2016. The County must:

- Notify the State land planning agency (DEO) of this determination, by letter.
- If the local government determines amendments to the comprehensive plan are necessary, the local government shall prepare and transmit the proposed amendments to the State Land Planning Agency within one year of such determination.
- Any local government failing to timely submit a notification letter or proposed amendments within one year of notification may not amend its Comprehensive Plan until it complies with the requirements.

Brevard County has previously fulfilled all State mandated requirements and submitted amendments that have been found in-compliance. During the 2015 Legislative Session, however, Section 163.3178(1)(f), F.S. pertaining to the Coastal Management Element was modified to enumerate specific requirements comprising the redevelopment component to eliminate inappropriate and unsafe development in coastal areas when opportunities arise. An excerpt of Section 163.3178(1)(f) with said additional requirements underlined is attached for your reference. While the Statutes did not specify a timetable for completing the redevelopment component of the Coastal Management Element, the attached determination letter includes a commitment to adopt the component as part of the second Comprehensive Plan amendment cycle of 2017.

On July 25, 2016, the Local Planning Agency unanimously recommended approval of this item.

Clerk to the Board instruction: Return copy of executed letter to Jennifer Jones, Planning & Development Department

Exhibits Attached: EAR Determination Letter and copy of Section 163.3178(1)(f)

Contract /Agreement (If attached): Reviewed by County Attorney    Yes     No     PR

County Manager  Stockton Whitten	Assistant County Manager  	Department Director / Extension   Robin M. DiFabio, AICP Director, Planning & Development Department
--	----------------------------------	--



Tammy Rowe, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001  
Fax: (321) 264-6972  
Tammy.Rowe@brevardclerk.us

November 16, 2016

M E M O R A N D U M

TO: Robin DiFabio, Planning and Development Director

RE: Item II.A.3., Transmittal of Evaluation and Appraisal Report (EAR) Determination Letter to State Planning Agency

The Board of County Commissioners, in regular session on November 15, 2016, executed and authorized the transmittal of the EAR Determination Letter for the Comprehensive Plan. Enclosed is the original EAR Determination Letter for your action.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

/ds

Encl. (1)



Planning & Development Department  
2725 Judge Fran Jamieson Way  
Building A, Room 114  
Viera, Florida 32940

**BOARD OF COUNTY COMMISSIONERS**

November 15, 2016

Mr. Ray Eubanks, Plan Processing Administrator  
Division of Community Planning  
Dept. of Economic Opportunity  
107 East Madison Street, MSC-160  
Tallahassee, FL 32399-4120

Re: Brevard County Evaluation & Appraisal Report (EAR) Notification Letter

Dear Mr. Eubanks:

In accordance with the provision of F.S. Chapter 163.3191, please accept this letter as Brevard County's evaluation of its comprehensive plan to determine if plan amendments are necessary to reflect changes in State requirements since the last update of the comprehensive plan.

The County acknowledges the modification to Section 163.3178(1)(f), F.S enacted during the 2015 Legislative Session, which enumerates requirements of a redevelopment component in the Coastal Management Element. Staff is currently reviewing data compiled by the East Central Florida Regional Planning Council and researching best practices. Accordingly, we are committed to adopting amendments to implement required redevelopment policies as part of the County's second Comprehensive Plan amendment cycle of 2017.

If you have any questions regarding this Evaluation & Appraisal notification letter please contact Robin M. DiFabio, AICP, Director of Planning & Development at (321) 633-2069 or at [robin.difabio@brevardfl.gov](mailto:robin.difabio@brevardfl.gov)

Sincerely,

Jim Barfield, Chairman  
Board of County Commissioners

cc: Hugh W. Harling, Jr., Executive Director ECFRPC

manage the update of the regional hurricane evacuation studies, ensure such studies are done in a consistent manner, and ensure that the methodology used for modeling storm surge is that used by the National Hurricane Center.

(e) A component which outlines principles for protecting existing beach and dune systems from human-induced erosion and for restoring altered beach and dune systems.

(f) A redevelopment component that outlines the principles that must be used to eliminate inappropriate and unsafe development in the coastal areas when opportunities arise. The component must:

1. Include 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. Encourage the use of 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. Identify site development techniques and best practices that may reduce losses due to flooding and claims made under flood insurance policies issued in this state.

4. Be consistent with, or more stringent than, the flood-resistant construction requirements in the Florida Building Code and applicable flood plain management regulations set forth in 44 C.F.R. part 60.

5. Require that any construction activities seaward of the coastal construction control lines established pursuant to s. 161.053 be consistent with chapter 161.

6. Encourage local governments to participate in the National Flood Insurance Program Community Rating System administered by the Federal Emergency Management Agency to achieve flood insurance premium discounts for their residents.

(g) A shoreline use component that identifies public access to beach and shoreline areas and addresses the need for water-dependent and water-related facilities, including marinas, along shoreline areas. Such component must include the strategies that will be used to preserve recreational and commercial working waterfronts as defined in s. 342.07.

(h) Designation of coastal high-hazard areas and the criteria for mitigation for a comprehensive plan amendment in a coastal high-hazard area as defined in subsection (8). The coastal high-hazard area is the area below the elevation of the category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model. Application of mitigation and the application of development and redevelopment policies, pursuant to s. 380.27(2), and any rules adopted thereunder, shall be at the discretion of local government.

(i) A component which outlines principles for providing that financial assurances are made that required public facilities will be in place to meet the demand imposed by the completed development or redevelopment. Such public facilities will be scheduled for phased completion to coincide with demands generated by the development or redevelopment.

(j) An identification of regulatory and management techniques that the local government plans to adopt or has adopted in order to mitigate the threat to human life and to control proposed development and redevelopment in order to protect the coastal environment and give consideration to cumulative impacts.

(k) A component which includes the comprehensive master plan prepared by each deepwater port listed in s. 311.09(1), which addresses existing port facilities and any proposed expansions, and which adequately addresses the applicable requirements of paragraphs (a)-(k) for areas within the port and proposed expansion areas. Such component shall be submitted to the appropriate local government at

Meeting Date
11/15/16



Replacement	
AGENDA	
Section	Consent
Item No.	II A 3

**AGENDA REPORT**  
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	BOARD APPROVAL RE: TRANSMITTAL OF EVALUATION & APPRAISAL REPORT DETERMINATION LETTER TO STATE PLANNING AGENCY
DEPT/OFFICE:	PLANNING & DEVELOPMENT DEPARTMENT

Requested Action:  
It is requested that the Board approve transmittal of the attached Evaluation & Appraisal Report (EAR) Determination Letter for the Comprehensive Plan and authorize the Chairman to sign the determination letter.

Summary Explanation & Background:

Effective June 2, 2011, local governments have more discretion in determining whether they need to update their local Comprehensive Plan. As such, local governments no longer need to submit evaluation and appraisal reports (EARs) to the Department of Economic Opportunity (DEO) for a sufficiency determination. Instead, local governments must follow the new provisions implemented by the State of Florida.

At least every seven years, pursuant to Rule Chapter 73C-49, Florida Administrative Code, the local government must determine whether the need exists to amend the comprehensive plan to reflect changes in State requirements since the last time the comprehensive plan was updated. The due date for Brevard County is December 1, 2016. The County must:

- Notify the State land planning agency (DEO) of this determination, by letter.
- If the local government determines amendments to the comprehensive plan are necessary, the local government shall prepare and transmit the proposed amendments to the State Land Planning Agency within one year of such determination.
- Any local government failing to timely submit a notification letter or proposed amendments within one year of notification may not amend its Comprehensive Plan until it complies with the requirements.

Brevard County has previously fulfilled all State mandated requirements and submitted amendments that have been found in-compliance. During the 2015 Legislative Session, however, Section 163.3178(1)(f), F.S. pertaining to the Coastal Management Element was modified to enumerate specific requirements comprising the redevelopment component to eliminate inappropriate and unsafe development in coastal areas when opportunities arise. An excerpt of Section 163.3178(1)(f) with said additional requirements underlined is attached for your reference. While the Statutes did not specify a timetable for completing the redevelopment component of the Coastal Management Element, the attached determination letter includes a commitment to adopt the component as part of the second Comprehensive Plan amendment cycle of 2017.

On July 25, 2016, the Local Planning Agency unanimously recommended approval of this item.

Clerk to the Board instruction: Return copy of executed letter to Jennifer Jones, Planning & Development Department

Exhibits Attached: EAR Determination Letter and copy of Section 163.3178(1)(f)

Contract /Agreement (If attached): Reviewed by County Attorney	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	PR	<input type="checkbox"/>
--	-----	--------------------------	----	--------------------------	----	--------------------------

County Manager Stockton Whitten		Assistant County Manager	Department Director / Extension  Robin M. DiFabio, AICP Director, Planning & Development Department
------------------------------------	--	--------------------------	--

manage the update of the regional hurricane evacuation studies, ensure such studies are done in a consistent manner, and ensure that the methodology used for modeling storm surge is that used by the National Hurricane Center.

(e) A component which outlines principles for protecting existing beach and dune systems from human-induced erosion and for restoring altered beach and dune systems.

(f) A redevelopment component that outlines the principles that must be used to eliminate inappropriate and unsafe development in the coastal areas when opportunities arise. The component must:

1. Include 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. Encourage the use of 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. Identify site development techniques and best practices that may reduce losses due to flooding and claims made under flood insurance policies issued in this state.

4. Be consistent with, or more stringent than, the flood-resistant construction requirements in the Florida Building Code and applicable flood plain management regulations set forth in 44 C.F.R. part 60.

5. Require that any construction activities seaward of the coastal construction control lines established pursuant to s. 161.053 be consistent with chapter 161.

6. Encourage local governments to participate in the National Flood Insurance Program Community Rating System administered by the Federal Emergency Management Agency to achieve flood insurance premium discounts for their residents.

(g) A shoreline use component that identifies public access to beach and shoreline areas and addresses the need for water-dependent and water-related facilities, including marinas, along shoreline areas. Such component must include the strategies that will be used to preserve recreational and commercial working waterfronts as defined in s. 342.07.

(h) Designation of coastal high-hazard areas and the criteria for mitigation for a comprehensive plan amendment in a coastal high-hazard area as defined in subsection (8). The coastal high-hazard area is the area below the elevation of the category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model. Application of mitigation and the application of development and redevelopment policies, pursuant to s. 380.27(2), and any rules adopted thereunder, shall be at the discretion of local government.

(i) A component which outlines principles for providing that financial assurances are made that required public facilities will be in place to meet the demand imposed by the completed development or redevelopment. Such public facilities will be scheduled for phased completion to coincide with demands generated by the development or redevelopment.

(j) An identification of regulatory and management techniques that the local government plans to adopt or has adopted in order to mitigate the threat to human life and to control proposed development and redevelopment in order to protect the coastal environment and give consideration to cumulative impacts.

(k) A component which includes the comprehensive master plan prepared by each deepwater port listed in s. 311.09(1), which addresses existing port facilities and any proposed expansions, and which adequately addresses the applicable requirements of paragraphs (a)-(k) for areas within the port and proposed expansion areas. Such component shall be submitted to the appropriate local government at