



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.6.

12/1/2022

Subject:

Public Hearing, Re: Comprehensive Plan Text Amendment Adoption Adding the Coastal High Hazard Area Map to the Coastal Management Element X, and Correcting Scrivener's Error in the Glossary Element XVI.

Fiscal Impact:

None

Dept/Office:

Planning & Development

Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing to consider a Comprehensive Plan Text Amendment Adoption Adding the Coastal High Hazard Area Map to the Coastal Management Element X, and Correcting Scrivener's Error in the Glossary Element XVI.

Summary Explanation and Background:

Following the February 3, 2022, adoption of Comprehensive Plan Amendments associated with the 2017 Evaluation and Appraisal Report (EAR), the Department of Economic Opportunity (DEO) notified Brevard County that it was necessary to include a map or map series of the Coastal High Hazard Area (CHHA) in the Comprehensive Plan pursuant to F.S. 163.3178.

While DEO found Brevard's EAR-based amendments in compliance (Docket No. 17-03ER-NOI-05-01-(A)-I), dated 3/31/2022), the County was advised to adopt the most current CHHA map back into the Comprehensive Plan during the next large-scale or text comprehensive plan amendment cycle.

Staff has prepared a series of three (3) maps depicting the Coastal High Hazard Areas in the north, central and south portions of the County and is proposing the adoption of these maps into the Coastal Management Element of the Comprehensive Plan. The maps were created using the most current data provided by East Central Florida Regional Planning Council Regional Evacuation Study Program - Storm Tide Atlas.

Additionally, staff is proposing to correct a scrivener's error identified in the Glossary discovered following the adoption of EAR-based Comprehensive Plan Amendments. The correction will change "and" to "or" in a list of conditions under the definition of "Should".

No other changes are being proposed at this time.

On August 15, 2022, the Local Planning Agency heard the transmittal and unanimously recommended approval.

On September 1, 2022, the Board of County Commissioners approved transmittal as presented.

The Department of Economic Opportunity (DEO) identified no comment related to adverse impacts to important state resources and facilities within the Departments authorized scope of review (BREVARD CO. 22-01ESR). The other reviewing agencies had no comments.

The adoption package includes no changes from the transmittal package

On November 14, 2022, the Local Planning Agency heard the amendment adoption and unanimously recommended approval.

Clerk to the Board Instructions:

Once filed with the State, please return a certified copy of the Ordinance to Planning and Development.



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

December 2, 2022

Honorable Rachel M. Sadoff
Board of County Commissioners
Brevard County
Post Office Box 999
Titusville, FL 32781-0999

Attention: Deborah Thomas

Dear Honorable Rachel Sadoff,

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Brevard County Ordinance No. 2022-36, which was filed in this office on December 2, 2022.

Sincerely,

Anya Owens
Program Administrator

ACO/rra

Deborah Thomas

From: County Ordinances <CountyOrdinances@dos.myflorida.com>
Sent: Friday, December 2, 2022 2:19 PM
To: Deborah Thomas; County Ordinances
Cc: Kimberly Powell
Subject: RE: ORDINANCE 2022-36
Attachments: Brevard20221202_Ordinance2022_36_Ack.pdf

Good afternoon,

Please find attached the acknowledgment letter for Brevard County Ordinance No. 2022-36, which was filed in this office on December 2, 2022.

Best,

County Ordinances
Florida Administrative Code and Register
Room 701 The Capitol | Tallahassee, Florida

From: Deborah Thomas <deborah.thomas@brevardclerk.us>
Sent: Friday, December 2, 2022 12:54 PM
To: County Ordinances <CountyOrdinances@dos.myflorida.com>
Cc: Kimberly Powell <Kimberly.Powell@brevardclerk.us>
Subject: ORDINANCE 2022-36

EMAIL RECEIVED FROM EXTERNAL SOURCE

The attachments/links in this message have been scanned by Proofpoint.

Good afternoon:

Attached, please find Ordinance No. 2022-36 to be filed with the State.

Deborah Thomas
Administrative Assistant
Clerk to the Board
(321)637-2001
(321)264-6972 (Fax)
Deborah.thomas@brevardclerk.us

This email was scanned by Bitdefender

Under Florida law, all correspondence sent to the Clerk's Office, which is not exempt or confidential pursuant to Chapter 119 of the Florida Statutes, is public record. If you do not want the public record contents of your e-mail address to be provided to the public in response to a public records request, please do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

This email was scanned by Bitdefender



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

Telephone: (321) 637-2001
Fax: (321) 264-6972
Kimberly.Powell@brevardclerk.us

December 2, 2022

M E M O R A N D U M

TO: Tad Calkins, Planning and Development Director Attn: Jeffrey Ball

RE: Item H.6., Public Hearing for Comprehensive Plan Text Amendment Adoption Adding the Coastal High Hazard Area Map to the Coastal Management Element X, and Correcting Scrivener's Error in the Glossary Element XVI

The Board of County Commissioners, in regular session on December 1, 2022, conducted the public hearing and adopted Ordinance No. 22-36, setting forth plan amendment 2022-2.1, amending Section 62-501, to consider a Comprehensive Plan text amendment adoption adding the Coastal High Hazard Area Map to the Coastal Management Element X, and Correcting Scrivener's Error in the Glossary Element XVI; and executed and approved the Letter to transmit. Enclosed is the fully-executed Ordinance and Transmittal Letter.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

A handwritten signature in cursive script, reading "Kimberly Powell", is written over the typed name and title.

Kimberly Powell, Clerk to the Board

/pp

Encls. (2)

cc: Jennifer Jones, Zoning
County Attorney

**PROPOSED COMPREHENSIVE PLAN AMENDMENT 2022-2.1
COASTAL MANAGEMENT ELEMENT AND GLOSSARY - TEXT AMENDMENT**

Request:	A text amendment to the Comprehensive Plan adding the Coastal High Hazard Area map to the Coastal Management Element X and correcting a scrivener's error in the Glossary Element XVI
Owner / Applicant:	Planning & Development Department
Location:	County-wide
Acreage:	N/A
Existing Land Use Designation:	N/A
Proposed Land Use Designation:	N/A

PROPOSED TEXT AMENDMENT

Background:

Following the February 3, 2022 adoption of Comprehensive Plan Amendments associated with the 2017 Evaluation and Appraisal Report (EAR), the Department of Economic Opportunity (DEO) notified Brevard County that it was necessary to include a map or map series of the Coastal High Hazard Area (CHHA) in the Comprehensive Plan pursuant to F.S. 163.3178.

CHHA is defined in Florida Statute 163.3178(2)(h) as 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.

The Coastal Management Element previously included a map of the CHHA based on a 2009 SLOSH computerized storm surge model. Because the CHHA was deemed subject to change, the map was removed during the preparation of recent EAR-based amendments.

While DEO found Brevard's EAR-based amendments in compliance (Docket No. 17-03ER-NOI-05-01-(A)-I), dated 3/31/2022), the County was advised to adopt the most current CHHA map back into the Comprehensive Plan during the next large-scale or text comprehensive plan amendment cycle.

Staff has prepared a series of three (3) maps depicting the Coastal High Hazard Areas in the north, central and south portions of the County and is proposing the adoption of these maps into the Coastal Management Element of the Comprehensive Plan. The maps were created using the most current data provided by East Central Florida Regional Planning Council Regional Evacuation Study Program - Storm Tide Atlas.

Additionally, staff is proposing to correct a scrivener's error identified in the Glossary discovered following the adoption of EAR-based Comprehensive Plan Amendments. The correction will change "and" to "or" in a list of conditions under the definition of "Should".

Description:

The proposed amendments will add the Coastal High Hazard Area maps (as a series of three (3) maps) to the Coastal Management Element Appendix and correct a scrivener's error in the Glossary of the Comprehensive Plan.

- **Coastal Management Element X:**
 - **Policy 6.1:** Adding a reference to Maps 3a, 3b, and 3c
 - **Appendix A:** Adding Maps 3a, 3b, and 3c to List of Maps and Appendix
- **Glossary Element XVI:**
 - **Should:** Striking "and" in list of conditions and adding "or" to correct scrivener's error

Proposed Text Amendments:

The proposed amendments would be adopted as Coastal Management Element X and Glossary XVI. Additions to the Comprehensive Plan will be shown as underlined and deletions are shown as ~~strike-through~~.

- E. Of lowest priority are those uses which are non-water-dependent, non-water enhanced and which result in an irretrievable commitment of coastal resources.

Policy 5.16

Brevard County should encourage the construction of marine sanitation device (MSD) pumpout facilities.

Policy 5.17

Brevard County shall utilize available management plans in developing standards for marina siting and other water-dependent uses. These management plans include, but are not limited to, Aquatic Preserve Management Plans, the Surface Water Improvement Management (SWIM) Plan and the IRLCCMP.

Coastal High Hazard Areas

Objective 6

Limit future public expenditures for infrastructure and service facilities which subsidize growth within the coastal high hazard areas of Brevard County. Expenditures for public land acquisition or enhancement of natural resources shall be encouraged.

Policy 6.1

Brevard County shall designate coastal high hazard areas to be those areas below the elevation of the Category 1 storm surge elevation as established by a Sea, Lake and Overland Surges from Hurricanes (SLOSH) computerized storm surge model, as defined in Chapter 163, Florida Statute (see Maps 3a, 3b, and 3c).

Policy 6.2

Brevard County shall not support or finance new local transportation corridors which lie within the coastal high hazard area or areas zoned as Environmental Area, except where there are no other cost-feasible alternatives. Corresponding improvements may only be considered when the facilitation of such improvements is needed to support the densities programmed on the Future Land Use Map (FLUM) series of the Comprehensive Plan.

Policy 6.3

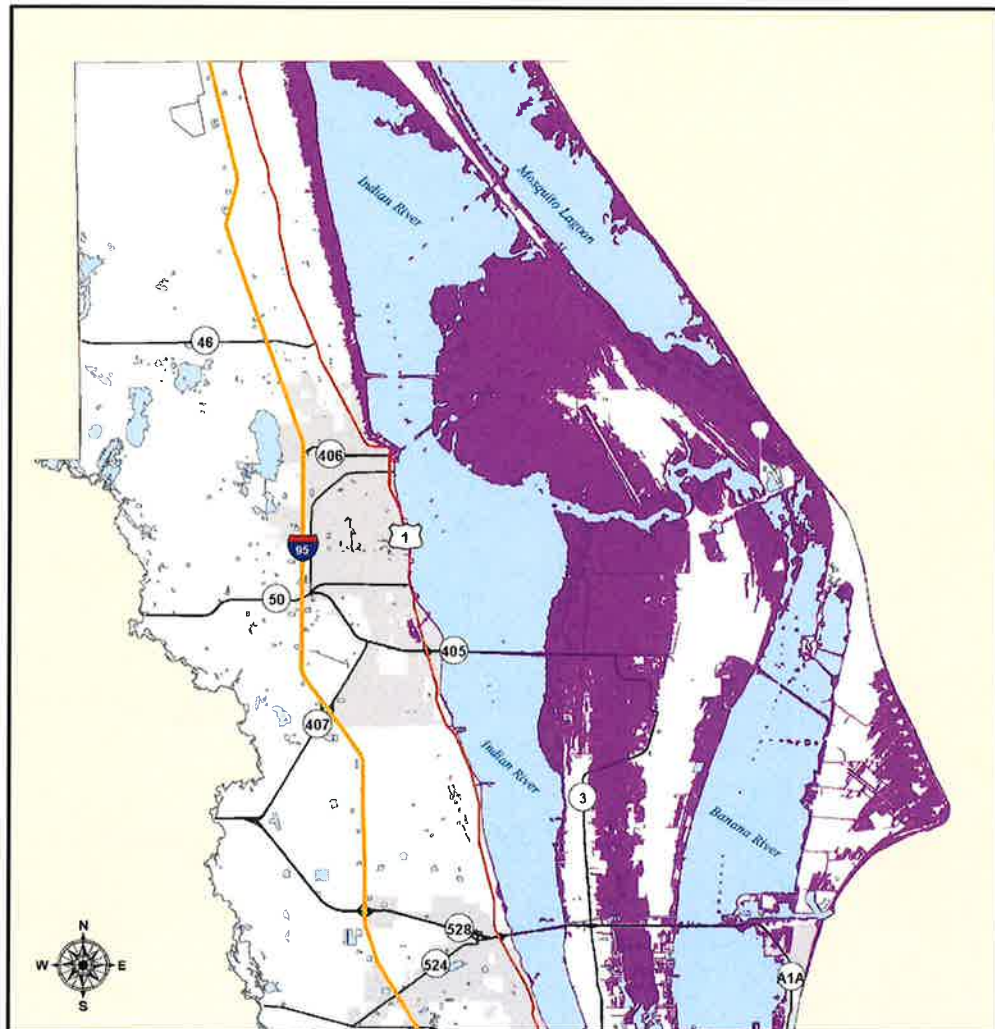
Brevard County should not locate sewer and water transmission lines within the coastal high hazard area, except where there is no practical and cost-feasible alternative due to engineering, safety and cost considerations, lack of alternative existing rights-of-way, or for septic to sewer conversion projects selected specifically to improve ground and surface water quality.

APPENDIX A

LIST OF MAPS

Map	Title
1	Marine Facilities
2	Evacuation Routes
3a, 3b, 3c	Coastal High Hazard Areas

Brevard Coastal High Hazard Area Map



Category 1

 Coastal High Hazard Area

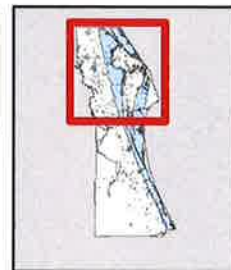
Source: East Central Florida Regional Planning Council
Regional Evacuation Study Program - Storm Tide Atlas



Map generated by best available data on 4/29/2022. Map subject to change, please contact Brevard County for map confirmation.

Disclaimer: This map displays general County information and was created from best data available. It is not suitable for site-specific uses. The Brevard County Board of Commissioners expressly disclaims all responsibility for errors or omissions thereof.

North Brevard CHHA Region Display



Map 3a

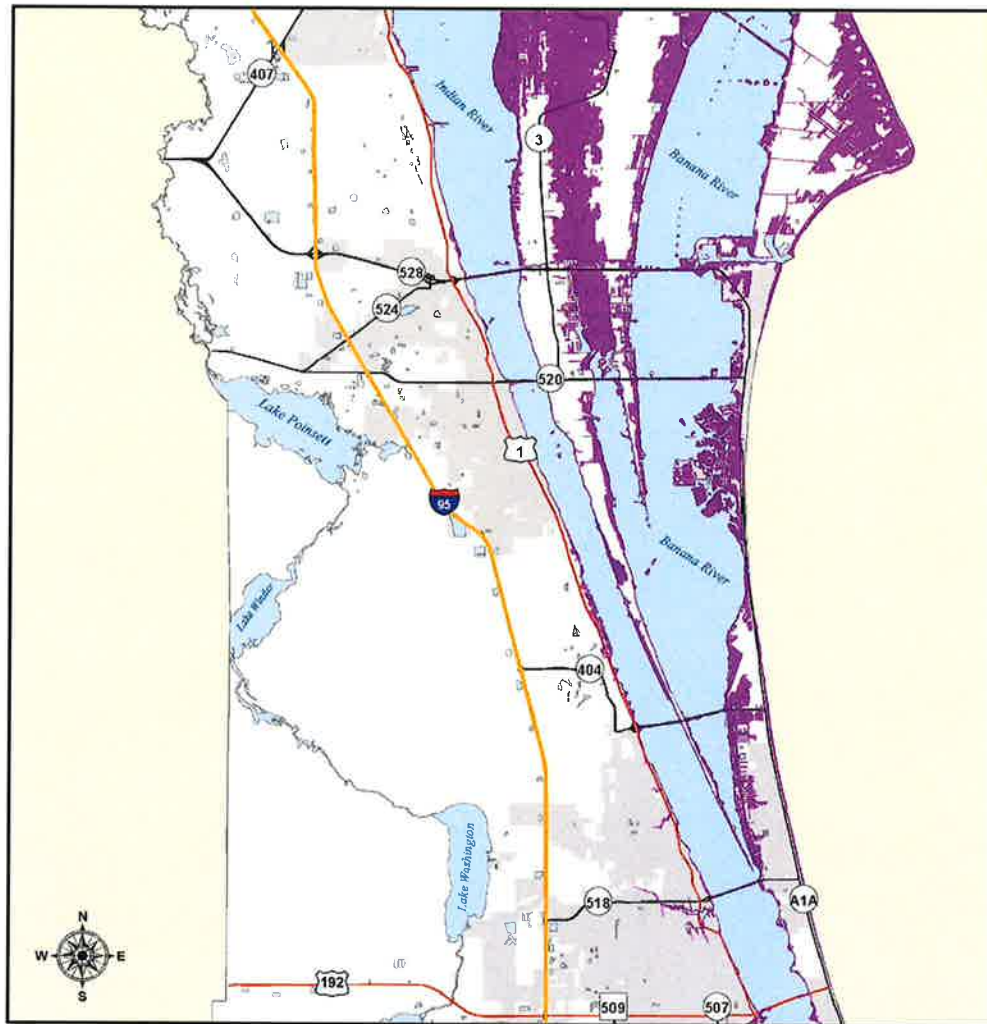
Coastal High Hazard Area (north Brevard region)

COASTAL MANAGEMENT ELEMENT

December 2022

X - 48

Brevard Coastal High Hazard Area Map



Category 1

 Coastal High Hazard Area

Source: East Central Florida Regional Planning Council
Regional Evacuation Study Program - Storm Tide Atlas



Map generated by best available data on 4/29/2022. Map subject to change, please contact Brevard County for map confirmation.

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Central Brevard CHHA Region Display



Map 3b

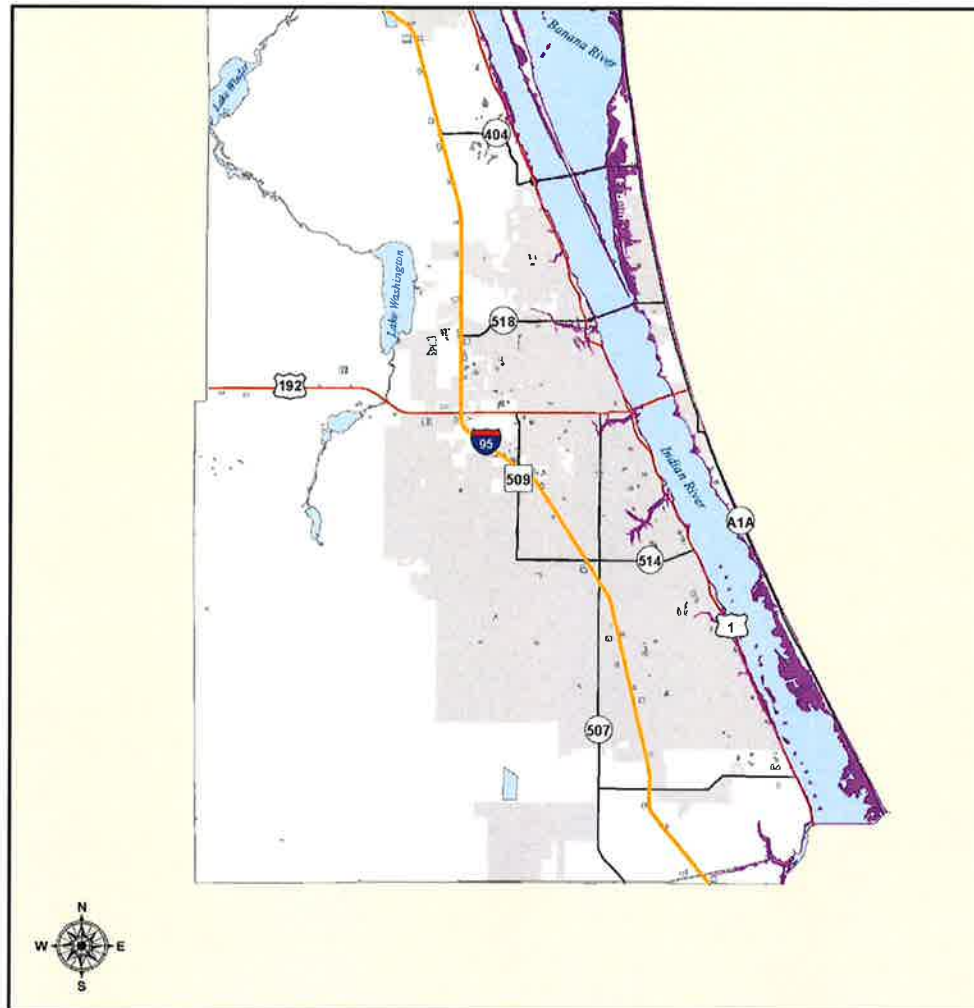
Coastal High Hazard Areas (central Brevard region)

COASTAL MANAGEMENT ELEMENT


December 2022

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Brevard Coastal High Hazard Area Map



Category 1

 Coastal High Hazard Area

Source: East Central Florida Regional Planning Council
Regional Evacuation Study Program - Storm Tide Atlas



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South Brevard CHHA Region Display



Map 3c

Coastal High Hazard Area (south Brevard region)

Shoreline means the point where the water meets the land at any point in time.

Shoreline Protection Buffer - a setback established from the mean or ordinary high water line or safe upland line whichever the applicant chooses. Within the shoreline protection buffer, passive recreation, hunting, fish and wildlife management open space, nature trails and limited amounts and types of shoreline access facilities shall be allowed. The amounts and types of development allowed within the shoreline protection buffer and other development restrictions are found in Conservation Element Policies 3.3, 3.4, and 3.5.

Short Shoot - The area between the rhizome (root) and the blade of a seagrass.

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, **and or**;
- d. The activity is not financially feasible for the local government.

Significant Adverse Impacts means that within the sphere of influence of a proposed boating facility, death or injury to manatees or destruction of manatee habitat can be reasonably expected to occur as a result of the construction, expansion, or increase in powerboat densities and activities associated with boating facility.

Significant Manatee Habitat Features - each of the following five habitat features is considered significant as described.

1. Seagrass - 5% or more seagrass present on the proposed project site is considered significant.
2. Manatee Abundance - five (5) or more observations/overflight within a 5 mile radius of the site. If more than one survey falls within the 5-mile radius, the number of manatees observed will be counted for each survey, divided by the number of overflights and then the normalized values will be summed.
3. Significant Manatee Mortality - the number of watercraft mortality within a 5 mile radius, divided by the total number of watercraft mortalities in Brevard County, A value of 0.03 or larger is considered significant.
4. Manatee Freshwater Source/Calving/Cavorting/Feeding/Resting Area is within a 1/2 mile of the proposed site.
5. The proposed site is in a Class II Waterbody, Outstanding Florida Waterway (OFW), or an Aquatic Preserve.



Planning & Development Department

2725 Judge Fran Jamieson Way

Suite A-114

Viera, FL 32940

BOARD OF COUNTY COMMISSIONERS

December 1, 2022

Mr. Ray Eubanks

Plan Processing Administrator Division of Community Planning

Florida Department of Economic Opportunity

107 East Madison Street, MSC-160

Tallahassee, FL 32399-4120

Re: 2022-2 Fall Cycle Large Scale (Text) Comprehensive Plan Amendment Adoption Package

Dear Mr. Eubanks,

Enclosed please find the Adoption package for the 2022-2 Fall Cycle Large Scale Comprehensive Plan Amendment. Per Section 163.3184, Florida Statutes, Brevard County is transmitting a Text Amendment to the Comprehensive Plan adding the Coastal High Hazard Area map to the Coastal Management Element X, and correcting scrivener's error in the Glossary Element XVI as Comprehensive Plan Amendment 2022-2.1, more fully described in the attached staff comments for 22LS00001.

The Local Planning Agency held a public hearing regarding the Adoption of the 2022-2.1 Comprehensive Plan Amendment on November 14, 2022. The Brevard County Board of County Commissioners approved the Adoption of the 2022-2.1 Comprehensive Plan Amendment package during a public hearing on December 1, 2022.

Copies of the proposed amendment package have been sent to the St. Johns River Water Management District, the East Central Florida Regional Planning Council, the Florida Department of Environmental Protection, the Florida Department of Transportation (District 5), the Florida Department of State, the Florida Game and Freshwater Fish Commission, the Florida Department of Education, the Florida Department of Agriculture and Consumer Services, and the Patrick Space Force Base Military Installation.

The plan amendment's "content and effect" is included in this mailing. Brevard County is submitting the proposed LSCPA under the expedited state review process.

The proposed amendment package is not within an area of critical state concern.

The proposed amendment package is not within the Wekiva River Protection Area.

The proposed amendments are not being adopted under a joint planning agreement pursuant to Section 163.3171, Florida Statutes.

The contact person for the 2022-2 Plan Amendment package is:

Jane Hart, Planner III
Jane.Hart@brevardfl.gov
Planning and Development Department
2725 Judge Fran Jamieson Way, Building A Viera, FL 32940
PHONE (321) 350-8270 - FAX (321) 633-2087

A local newspaper of general circulation is:

Florida Today 1 Gannett Plaza
Melbourne, FL 32940
(321) 259-5555

In accordance with Florida Statutes, one electronic copy of the proposed amendment package including all proposed text, maps, and support documents are sent to your office via this transmittal. If you have any questions regarding the enclosed materials, please contact Jane Hart at the above address.

Sincerely,



Rita Pritchett, Chair
Brevard County Board of County Commissioners

Enclosures

cc:

Brevard County Board of County Commissioners (w/out encl.)
Frank Abbate, County Manager (w/out encl.)
Morris Richardson, Brevard County Attorney (w/out encl.)
Tad Calkins, Director, Planning and Development Department (w/out encl.)
East Central Florida Regional Planning Council
St. Johns River Water Management District
FDOT District Five
Florida Department of Environmental Protection
Florida Division of Historic Resources
Florida Fish and Wildlife Conservation Commission
Florida Division of Agriculture and Consumer Services
Florida Department of Education
Patrick Space Force Base Military Installation

ORDINANCE NO. 22-36

ORDINANCE AMENDING ARTICLE III, CHAPTER 62, OF THE CODE OF ORDINANCES OF BREVARD COUNTY; ENTITLED “THE COMPREHENSIVE PLAN”, SETTING FORTH PLAN AMENDMENT 2022-2.1; AMENDING SECTION 62-501, ENTITLED “CONTENTS OF THE PLAN”; SPECIFICALLY AMENDING SECTION 62-501, PART X, ENTITLED COASTAL MANAGEMENT ELEMENT, AND PART XVI, ENTITLED THE GLOSSARY; PROVIDING FOR INTERNAL CONSISTENCY WITH THESE AMENDMENTS; PROVIDING LEGAL STATUS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 163.3161 et. seq., Florida Statutes (1987) established the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Section 163.3167, Florida Statutes, requires each County in the State of Florida to prepare and adopt a Comprehensive Plan as scheduled by the Department of Economic Opportunity; and

WHEREAS, on September 8, 1988, the Board of County Commissioners of Brevard County, Florida, approved Ordinance No. 88-27, adopting the 1988 Brevard County Comprehensive Plan, hereafter referred to as the 1988 Plan; and

WHEREAS, Sections 163.3184 and 163.3187, and 163.3189, Florida Statutes, established the process for the amendment of comprehensive plans pursuant to which Brevard County has established procedures for amending the 1988 Plan; and

WHEREAS, Brevard County initiated amendments and accepted application for amendments to the Comprehensive Plan on June 30, 2022, for adoption as the Plan Amendment Cycle 2022-2; and

WHEREAS, the Board of County Commissioners of Brevard County, Florida, have provided for the broad dissemination of proposals and alternatives, opportunity for written comments, public hearings after due public notice, provisions for open discussion, communication programs and consideration of and response to public comments concerning the provisions contained in the 1988 Plan and amendments thereto; and

WHEREAS, Section 62-181, Brevard County Code designated the Brevard County Planning and Zoning Board as the Local Planning Agency for the unincorporated areas of Brevard County, Florida, and set forth the duties and responsibilities of said local planning agency; and

OFFICIALLY FILED WITH THE SECRETARY OF STATE ON DECEMBER 2, 2022.

WHEREAS, on November 14, 2022, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 2022-2.1 and considered the findings and advice of all interested parties submitting comments; and

WHEREAS, on December 1, 2022, the Brevard County Board of County Commissioners held a duly noticed public hearing, and considered the findings and recommendations, and all interested parties submitting written or oral comments, and the recommendations of the Local Planning Agency, and upon a thorough, and complete consideration, approval for the adoption of Plan Amendment 2022-2.1; and

WHEREAS, Plan Amendment 2022-2.1 adopted by this Ordinance complies with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 2022-2.1 adopted by this Ordinance is based upon findings of fact as included in the data and analysis.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, as follows:

Section 1. Authority. This ordinance is adopted in compliance with, and pursuant to the Local Government Comprehensive Planning and Land Development Regulations Act, Sections 163.3184 and 163.3187, Florida Statutes.

Section 2. Purpose and Intent. It is hereby declared to be the purpose and intent of this Ordinance to clarify, expand, correct, update, modify and otherwise further the provisions of the 1988 Brevard County Comprehensive Plan.

Section 3. Adoption of Comprehensive Plan Amendments. Pursuant to Plan Amendment 2022-2.1 to the 1988 Comprehensive Plan, Article III, Chapter 62-504, Brevard County Code, the 1988 Brevard County Comprehensive Plan is hereby amended as specifically shown in Exhibit A. Exhibit A is hereby incorporated into and made part of this Ordinance.

Section 4. Legal Status of the Plan Amendments. After and from the effective date of this Ordinance, the plan amendment, Plan Amendment 2022-2.1, shall amend the 1988 Comprehensive Plan and become part of that plan and the plan amendment shall retain the legal status of the 1988 Brevard County Comprehensive Plan established in Chapter 62-504 of the Code of Laws and Ordinances of Brevard County, Florida, as amended.

Section 5. Severability. If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of this Ordinance, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

Section 6. Effective Date. The plan amendment shall become effective once the state land planning agency issues a final order determining the adopted amendment to be in compliance in accordance with Florida Statutes, Section 163.3184(9), or until the Administration Commission issues a final order determining the amendment to be in compliance in accordance with Florida Statutes, Section 163.3184(10). A certified copy of the ordinance shall be filed with the Office of the Secretary of State, State of Florida, within ten days of enactment.

DONE AND ADOPTED in regular session, this the 1 day of December, 2022.

ATTEST:


Rachel Sadoff, Clerk

**BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA**

By: 

Rita Pritchett, Chair

Approved by the Board on Dec., 1, 2022.

EXHIBIT A

2022-2.1 COMPREHENSIVE PLAN AMENDMENT

**PROPOSED COMPREHENSIVE PLAN AMENDMENT 2022-2.1
COASTAL MANAGEMENT ELEMENT AND GLOSSARY - TEXT AMENDMENT**

Request: A text amendment to the Comprehensive Plan adding the Coastal High Hazard Area map to the Coastal Management Element X and correcting a scrivener's error in the Glossary Element XVI

Owner / Applicant: Planning & Development Department

Location: County-wide

Acreage: N/A

**Existing Land
Use Designation:** N/A

**Proposed Land
Use Designation:** N/A

PROPOSED TEXT AMENDMENT

Background:

Following the February 3, 2022 adoption of Comprehensive Plan Amendments associated with the 2017 Evaluation and Appraisal Report (EAR), the Department of Economic Opportunity (DEO) notified Brevard County that it was necessary to include a map or map series of the Coastal High Hazard Area (CHHA) in the Comprehensive Plan pursuant to F.S. 163.3178.

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Description:

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- **Coastal Management Element X:**
 - **Policy 6.1:** Adding a reference to Maps 3a, 3b, and 3c
 - **Appendix A:** Adding Maps 3a, 3b, and 3c to List of Maps and Appendix
- **Glossary Element XVI:**
 - **Should:** Striking "and" in list of conditions and adding "or" to correct scrivener's error

Proposed Text Amendments:

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- E. Of lowest priority are those uses which are non-water-dependent, non-water enhanced and which result in an irretrievable commitment of coastal resources.

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Coastal High Hazard Areas

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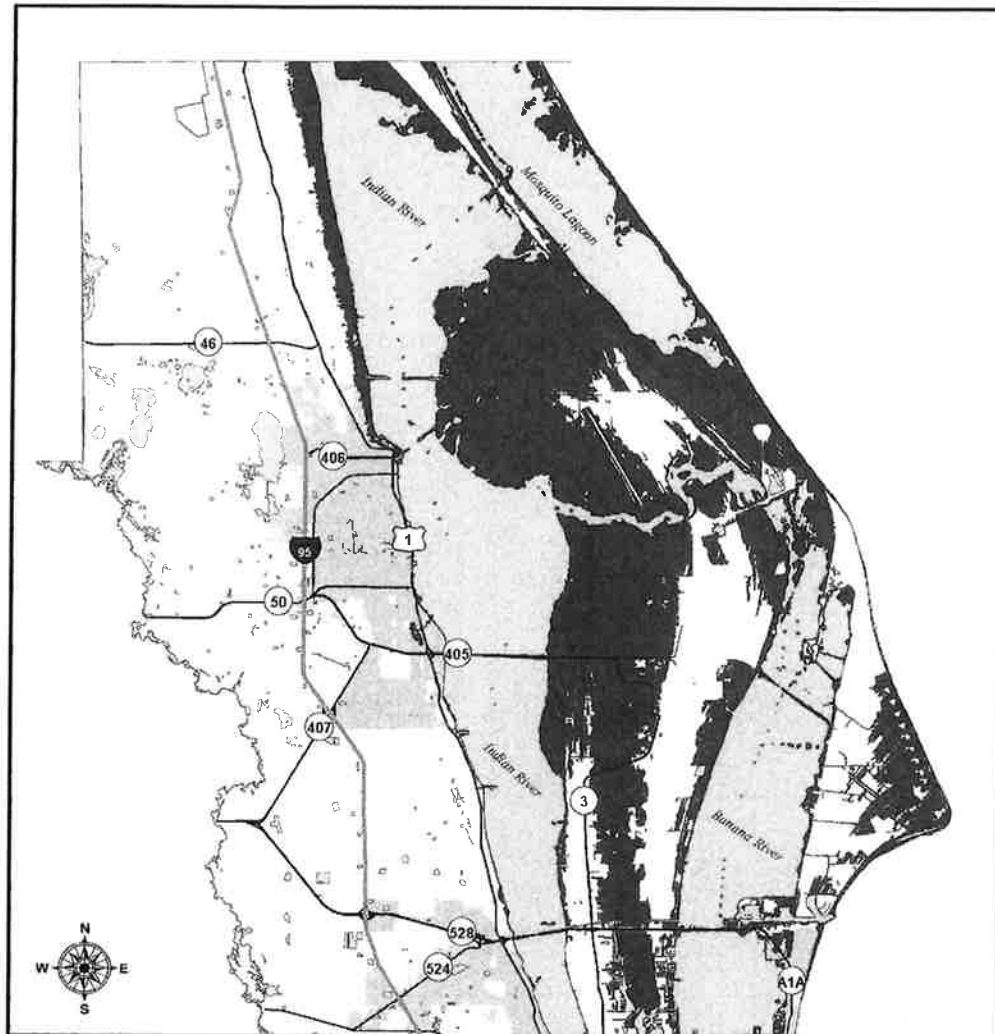
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APPENDIX A

LIST OF MAPS

Map	Title
1	Marine Facilities
2	Evacuation Routes
<u>3a, 3b, 3c</u>	<u>Coastal High Hazard Areas</u>

Brevard Coastal High Hazard Area Map



Category 1



Coastal High Hazard Area

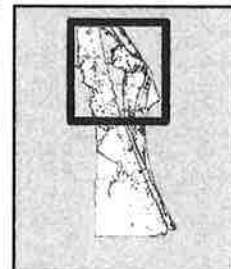
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North Brevard CHHA Region Display



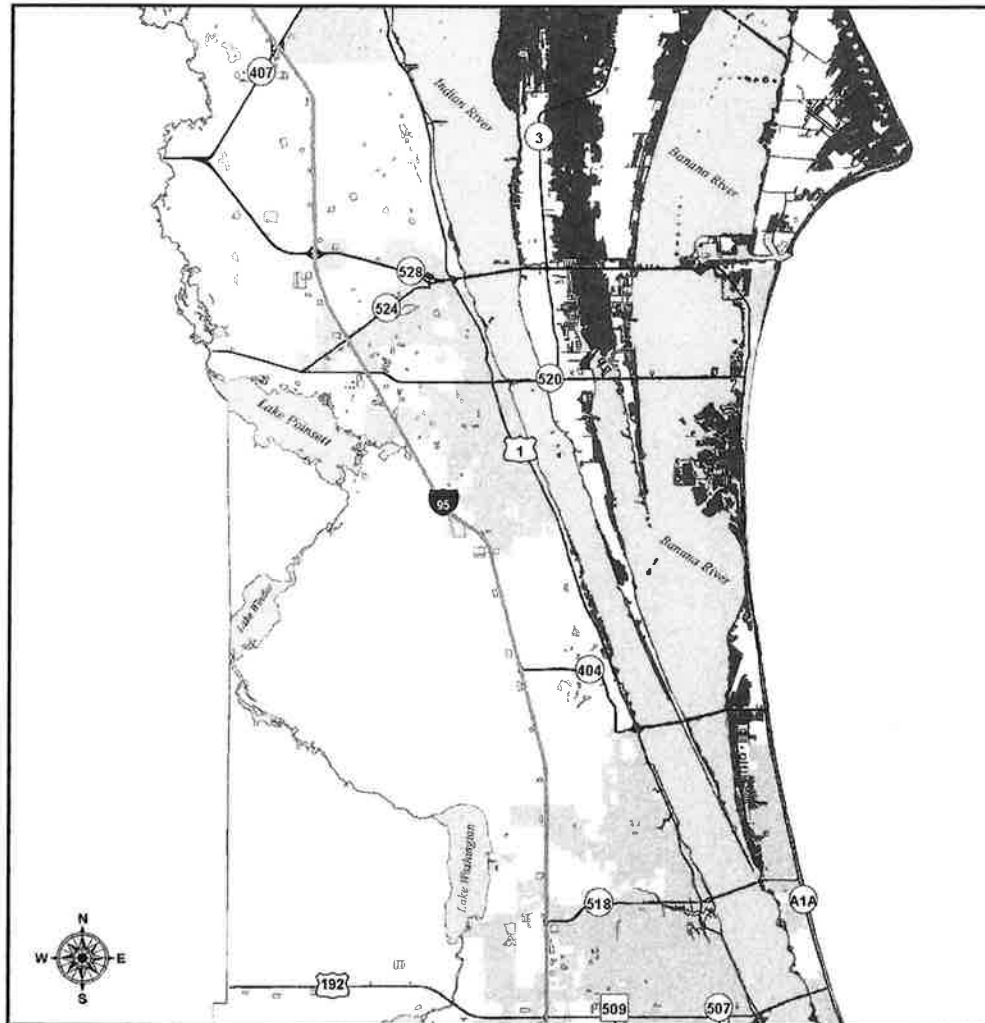
Map 3a
Coastal High Hazard Area (north Brevard region)

COASTAL MANAGEMENT ELEMENT

December 2022

X - 48

Brevard Coastal High Hazard Area Map



Central Brevard CHHA Region Display

Category 1

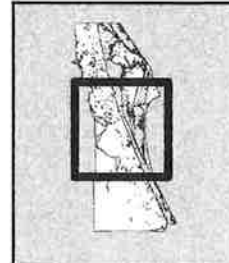
 Coastal High Hazard Area

Source: East Central Florida Regional Planning Council
Regional Evacuation Study Program - Storm Tide Atlas



Map generated by best available data on 4/29/2022. Map subject to change, please contact Brevard County for map confirmation.

Disclaimer: This map displays general County information and was created from best data available. It is not suitable for site-specific uses. The Brevard County Board of Commissioners expressly disclaims all responsibility for errors or omissions thereof.



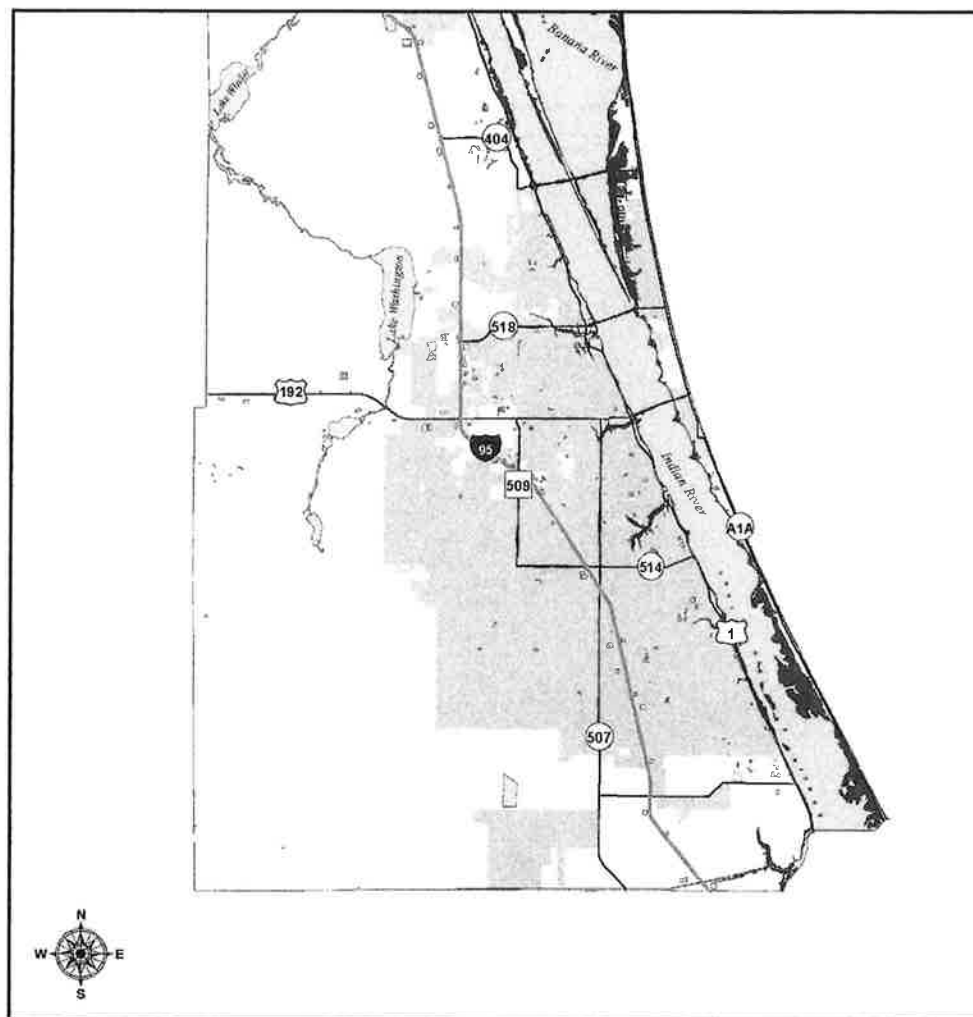
Map 3b Coastal High Hazard Areas (central Brevard region)

COASTAL MANAGEMENT ELEMENT

December 2022

X - 49

Brevard Coastal High Hazard Area Map



Category 1

 Coastal High Hazard Area

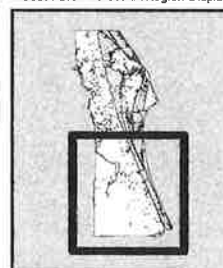
Source: East Central Florida Regional Planning Council
Regional Evacuation Study Program - Storm Tide Atlas



Map generated by best available data on 4/29/2022. Map subject to change, please contact Brevard County for map confirmation.

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South Brevard CHHA Region Display



Map 3c
Coastal High Hazard Area (south Brevard region)

Shoreline means the point where the water meets the land at any point in time.

Shoreline Protection Buffer - a setback established from the mean or ordinary high water line or safe upland line whichever the applicant chooses. Within the shoreline protection buffer, passive recreation, hunting, fish and wildlife management open space, nature trails and limited amounts and types of shoreline access facilities shall be allowed. The amounts and types of development allowed within the shoreline protection buffer and other development restrictions are found in Conservation Element Policies 3.3, 3.4, and 3.5.

Short Shoot - The area between the rhizome (root) and the blade of a seagrass.

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, ~~and~~ or;
- d. The activity is not financially feasible for the local government.

Significant Adverse Impacts means that within the sphere of influence of a proposed boating facility, death or injury to manatees or destruction of manatee habitat can be reasonably expected to occur as a result of the construction, expansion, or increase in powerboat densities and activities associated with boating facility.

Significant Manatee Habitat Features - each of the following five habitat features is considered significant as described.

1. Seagrass - 5% or more seagrass present on the proposed project site is considered significant.
2. Manatee Abundance - five (5) or more observations/overflight within a 5 mile radius of the site. If more than one survey falls within the 5-mile radius, the number of manatees observed will be counted for each survey, divided by the number of overflights and then the normalized values will be summed.
3. Significant Manatee Mortality - the number of watercraft mortality within a 5 mile radius, divided by the total number of watercraft mortalities in Brevard County, A value of 0.03 or larger is considered significant.
4. Manatee Freshwater Source/Calving/Cavorting/Feeding/Resting Area is within a 1/2 mile of the proposed site.
5. The proposed site is in a Class II Waterbody, Outstanding Florida Waterway (OFW), or an Aquatic Preserve.

ORDINANCE NO. 22-36

ORDINANCE AMENDING ARTICLE III, CHAPTER 62, OF THE CODE OF ORDINANCES OF BREVARD COUNTY; ENTITLED "THE COMPREHENSIVE PLAN", SETTING FORTH PLAN AMENDMENT 2022-2.1; AMENDING SECTION 62-501, ENTITLED "CONTENTS OF THE PLAN"; SPECIFICALLY AMENDING SECTION 62-501, PART X, ENTITLED COASTAL MANAGEMENT ELEMENT, AND PART XVI, ENTITLED THE GLOSSARY; PROVIDING FOR INTERNAL CONSISTENCY WITH THESE AMENDMENTS; PROVIDING LEGAL STATUS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 163.3161 et. seq., Florida Statutes (1987) established the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Section 163.3167, Florida Statutes, requires each County in the State of Florida to prepare and adopt a Comprehensive Plan as scheduled by the Department of Economic Opportunity; and

WHEREAS, on September 8, 1988, the Board of County Commissioners of Brevard County, Florida, approved Ordinance No. 88-27, adopting the 1988 Brevard County Comprehensive Plan, hereafter referred to as the 1988 Plan; and

WHEREAS, Sections 163.3184 and 163.3187, and 163.3189, Florida Statutes, established the process for the amendment of comprehensive plans pursuant to which Brevard County has established procedures for amending the 1988 Plan; and

WHEREAS, Brevard County initiated amendments and accepted application for amendments to the Comprehensive Plan on June 30, 2022, for adoption as the Plan Amendment Cycle 2022-2; and

WHEREAS, the Board of County Commissioners of Brevard County, Florida, have provided for the broad dissemination of proposals and alternatives, opportunity for written comments, public hearings after due public notice, provisions for open discussion, communication programs and consideration of and response to public comments concerning the provisions contained in the 1988 Plan and amendments thereto; and

WHEREAS, Section 62-181, Brevard County Code designated the Brevard County Planning and Zoning Board as the Local Planning Agency for the unincorporated areas of Brevard County, Florida, and set forth the duties and responsibilities of said local planning agency; and

OFFICIALLY FILED WITH THE SECRETARY OF STATE ON DECEMBER 2, 2022.

WHEREAS, on November 14, 2022, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 2022-2.1 and considered the findings and advice of all interested parties submitting comments; and

WHEREAS, on December 1, 2022, the Brevard County Board of County Commissioners held a duly noticed public hearing, and considered the findings and recommendations, and all interested parties submitting written or oral comments, and the recommendations of the Local Planning Agency, and upon a thorough, and complete consideration, approval for the adoption of Plan Amendment 2022-2.1; and

WHEREAS, Plan Amendment 2022-2.1 adopted by this Ordinance complies with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 2022-2.1 adopted by this Ordinance is based upon findings of fact as included in the data and analysis.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, as follows:

Section 1. Authority. This ordinance is adopted in compliance with, and pursuant to the Local Government Comprehensive Planning and Land Development Regulations Act, Sections 163.3184 and 163.3187, Florida Statutes.

Section 2. Purpose and Intent. It is hereby declared to be the purpose and intent of this Ordinance to clarify, expand, correct, update, modify and otherwise further the provisions of the 1988 Brevard County Comprehensive Plan.

Section 3. Adoption of Comprehensive Plan Amendments. Pursuant to Plan Amendment 2022-2.1 to the 1988 Comprehensive Plan, Article III, Chapter 62-504, Brevard County Code, the 1988 Brevard County Comprehensive Plan is hereby amended as specifically shown in Exhibit A. Exhibit A is hereby incorporated into and made part of this Ordinance.

Section 4. Legal Status of the Plan Amendments. After and from the effective date of this Ordinance, the plan amendment, Plan Amendment 2022-2.1, shall amend the 1988 Comprehensive Plan and become part of that plan and the plan amendment shall retain the legal status of the 1988 Brevard County Comprehensive Plan established in Chapter 62-504 of the Code of Laws and Ordinances of Brevard County, Florida, as amended.

Section 5. Severability. If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of this Ordinance, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

H.G.

Section 6. Effective Date. The plan amendment shall become effective once the state land planning agency issues a final order determining the adopted amendment to be in compliance in accordance with Florida Statutes, Section 163.3184(9), or until the Administration Commission issues a final order determining the amendment to be in compliance in accordance with Florida Statutes, Section 163.3184(10). A certified copy of the ordinance shall be filed with the Office of the Secretary of State, State of Florida, within ten days of enactment.

DONE AND ADOPTED in regular session, this the 1 day of December, 2022.

ATTEST:


Rachel Sadoff, Clerk

**BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA**

By: 
Rita Pritchett, Chair

Approved by the Board on Dec . , 1, 2022.

EXHIBIT A

2022-2.1 COMPREHENSIVE PLAN AMENDMENT

**PROPOSED COMPREHENSIVE PLAN AMENDMENT 2022-2.1
COASTAL MANAGEMENT ELEMENT AND GLOSSARY - TEXT AMENDMENT**

Request: A text amendment to the Comprehensive Plan adding the Coastal High Hazard Area map to the Coastal Management Element X and correcting a scrivener's error in the Glossary Element XVI

Owner / Applicant: Planning & Development Department

Location: County-wide

Acreage: N/A

**Existing Land
Use Designation:** N/A

**Proposed Land
Use Designation:** N/A

PROPOSED TEXT AMENDMENT

Background:

Following the February 3, 2022 adoption of Comprehensive Plan Amendments associated with the 2017 Evaluation and Appraisal Report (EAR), the Department of Economic Opportunity (DEO) notified Brevard County that it was necessary to include a map or map series of the Coastal High Hazard Area (CHHA) in the Comprehensive Plan pursuant to F.S. 163.3178.

CHHA is defined in Florida Statute 163.3178(2)(h) as 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.

The Coastal Management Element previously included a map of the CHHA based on a 2009 SLOSH computerized storm surge model. Because the CHHA was deemed subject to change, the map was removed during the preparation of recent EAR-based amendments.

While DEO found Brevard's EAR-based amendments in compliance (Docket No. 17-03ER-NOI-05-01-(A)-I), dated 3/31/2022), the County was advised to adopt the most current CHHA map back into the Comprehensive Plan during the next large-scale or text comprehensive plan amendment cycle.

Staff has prepared a series of three (3) maps depicting the Coastal High Hazard Areas in the north, central and south portions of the County and is proposing the adoption of these maps into the Coastal Management Element of the Comprehensive Plan. The maps were created using the most current data provided by East Central Florida Regional Planning Council Regional Evacuation Study Program - Storm Tide Atlas.

Additionally, staff is proposing to correct a scrivener's error identified in the Glossary discovered following the adoption of EAR-based Comprehensive Plan Amendments. The correction will change "and" to "or" in a list of conditions under the definition of "Should".

Description:

The proposed amendments will add the Coastal High Hazard Area maps (as a series of three (3) maps) to the Coastal Management Element Appendix and correct a scrivener's error in the Glossary of the Comprehensive Plan.

- **Coastal Management Element X:**
 - **Policy 6.1:** Adding a reference to Maps 3a, 3b, and 3c
 - **Appendix A:** Adding Maps 3a, 3b, and 3c to List of Maps and Appendix
- **Glossary Element XVI:**
 - **Should:** Striking "and" in list of conditions and adding "or" to correct scrivener's error

Proposed Text Amendments:

The proposed amendments would be adopted as Coastal Management Element X and Glossary XVI. Additions to the Comprehensive Plan will be shown as underlined and deletions are shown as ~~strike through~~.

- E. Of lowest priority are those uses which are non-water-dependent, non-water enhanced and which result in an irretrievable commitment of coastal resources.

Policy 5.16

Brevard County should encourage the construction of marine sanitation device (MSD) pumpout facilities.

Policy 5.17

Brevard County shall utilize available management plans in developing standards for marina siting and other water-dependent uses. These management plans include, but are not limited to, Aquatic Preserve Management Plans, the Surface Water Improvement Management (SWIM) Plan and the IRLCCMP.

Coastal High Hazard Areas

Objective 6

Limit future public expenditures for infrastructure and service facilities which subsidize growth within the coastal high hazard areas of Brevard County. Expenditures for public land acquisition or enhancement of natural resources shall be encouraged.

Policy 6.1

Brevard County shall designate coastal high hazard areas to be those areas below the elevation of the Category 1 storm surge elevation as established by a Sea, Lake and Overland Surges from Hurricanes (SLOSH) computerized storm surge model, as defined in Chapter 163, Florida Statute (see Maps 3a, 3b, and 3c).

Policy 6.2

Brevard County shall not support or finance new local transportation corridors which lie within the coastal high hazard area or areas zoned as Environmental Area, except where there are no other cost-feasible alternatives. Corresponding improvements may only be considered when the facilitation of such improvements is needed to support the densities programmed on the Future Land Use Map (FLUM) series of the Comprehensive Plan.

Policy 6.3

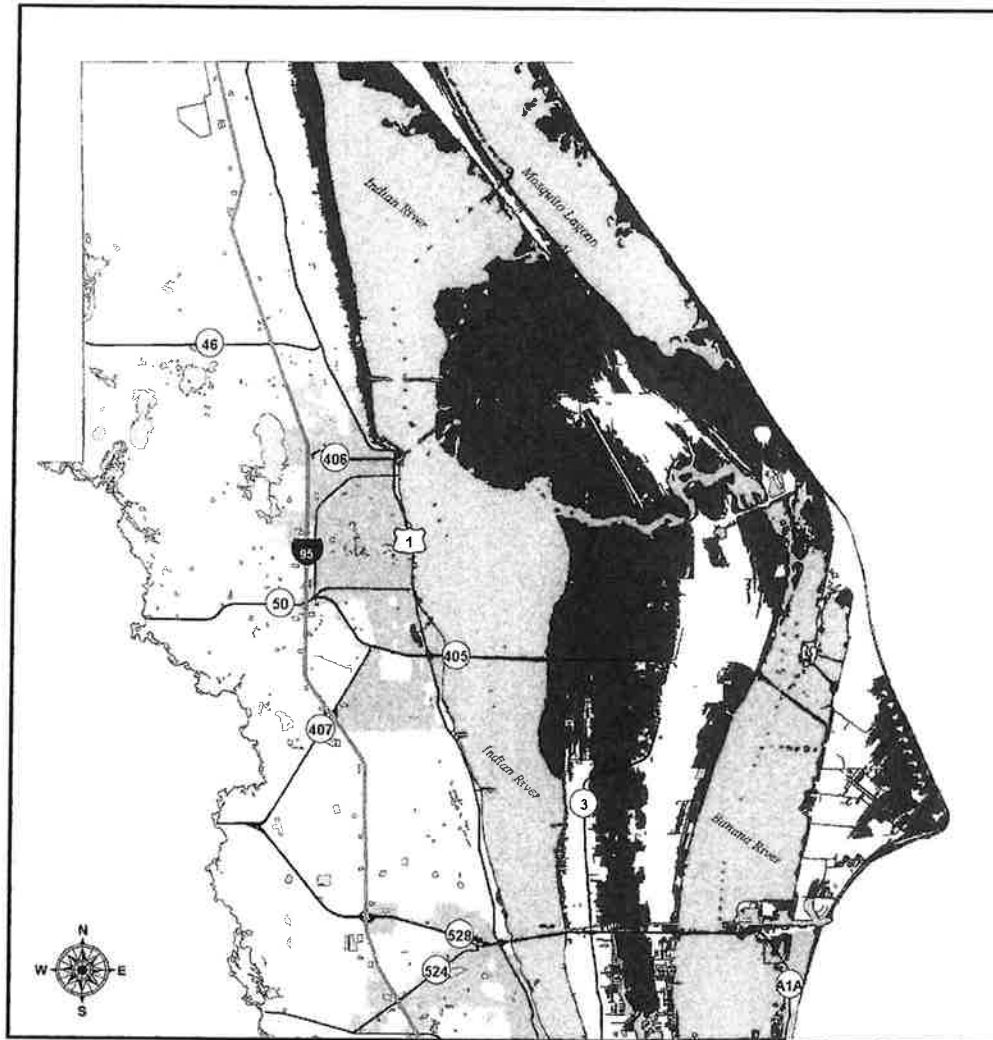
Brevard County should not locate sewer and water transmission lines within the coastal high hazard area, except where there is no practical and cost-feasible alternative due to engineering, safety and cost considerations, lack of alternative existing rights-of-way, or for septic to sewer conversion projects selected specifically to improve ground and surface water quality.

APPENDIX A

LIST OF MAPS

Map	Title
1	Marine Facilities
2	Evacuation Routes
<u>3a, 3b, 3c</u>	<u>Coastal High Hazard Areas</u>

Brevard Coastal High Hazard Area Map



Category 1

 Coastal High Hazard Area

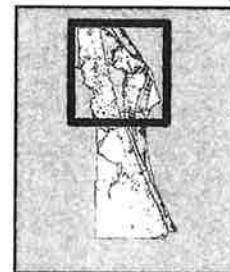
Source: East Central Florida Regional Planning Council
Regional Evacuation Study Program - Storm Tide Atlas



Map generated by best available data on 4/29/2022. Map subject to change, please contact Brevard County for map confirmation.

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North Brevard CHHA Region Display



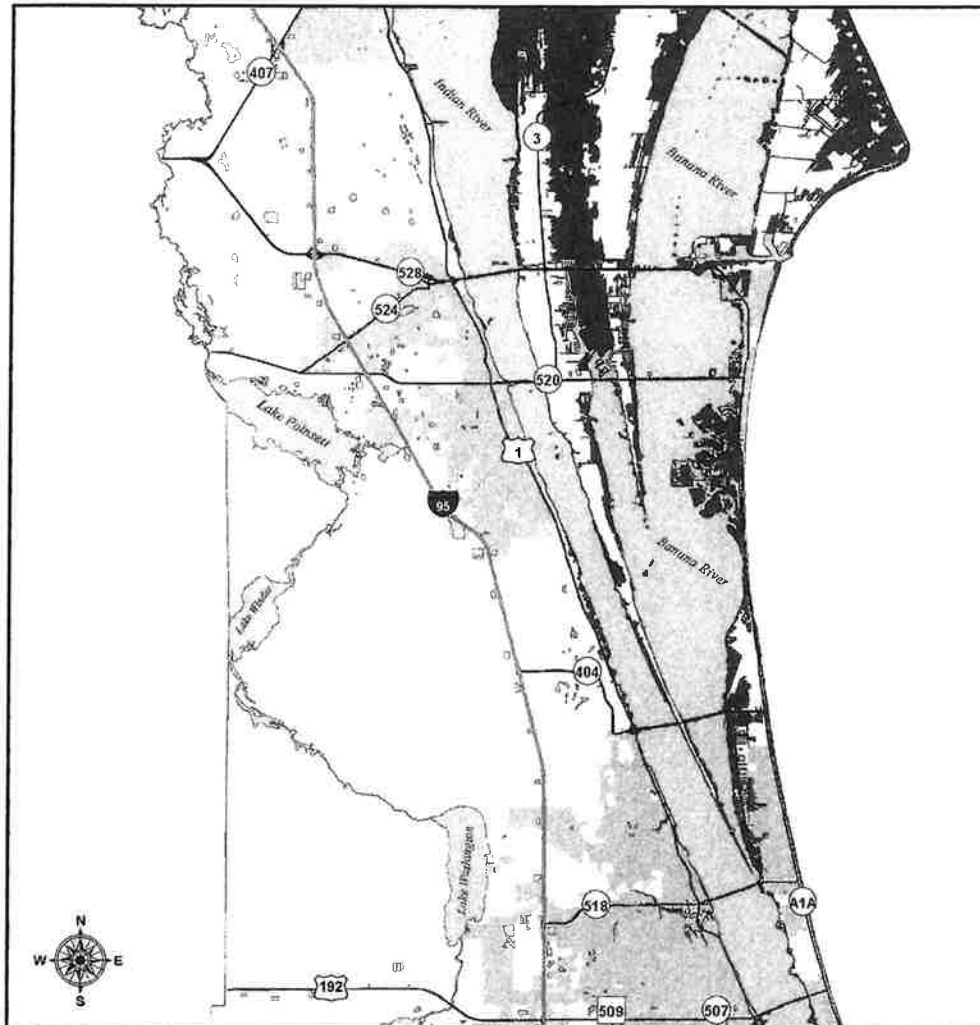
Map 3a
Coastal High Hazard Area (north Brevard region)

COASTAL MANAGEMENT ELEMENT

December 2022

X - 48

Brevard Coastal High Hazard Area Map



Category 1

 Coastal High Hazard Area

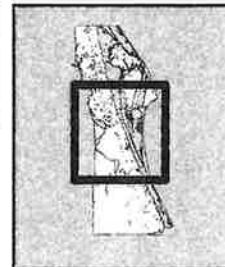
Source: East Central Florida Regional Planning Council
Regional Evacuation Study Program - Storm Tide Atlas



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Central Brevard CHHA Region Display



Map 3b

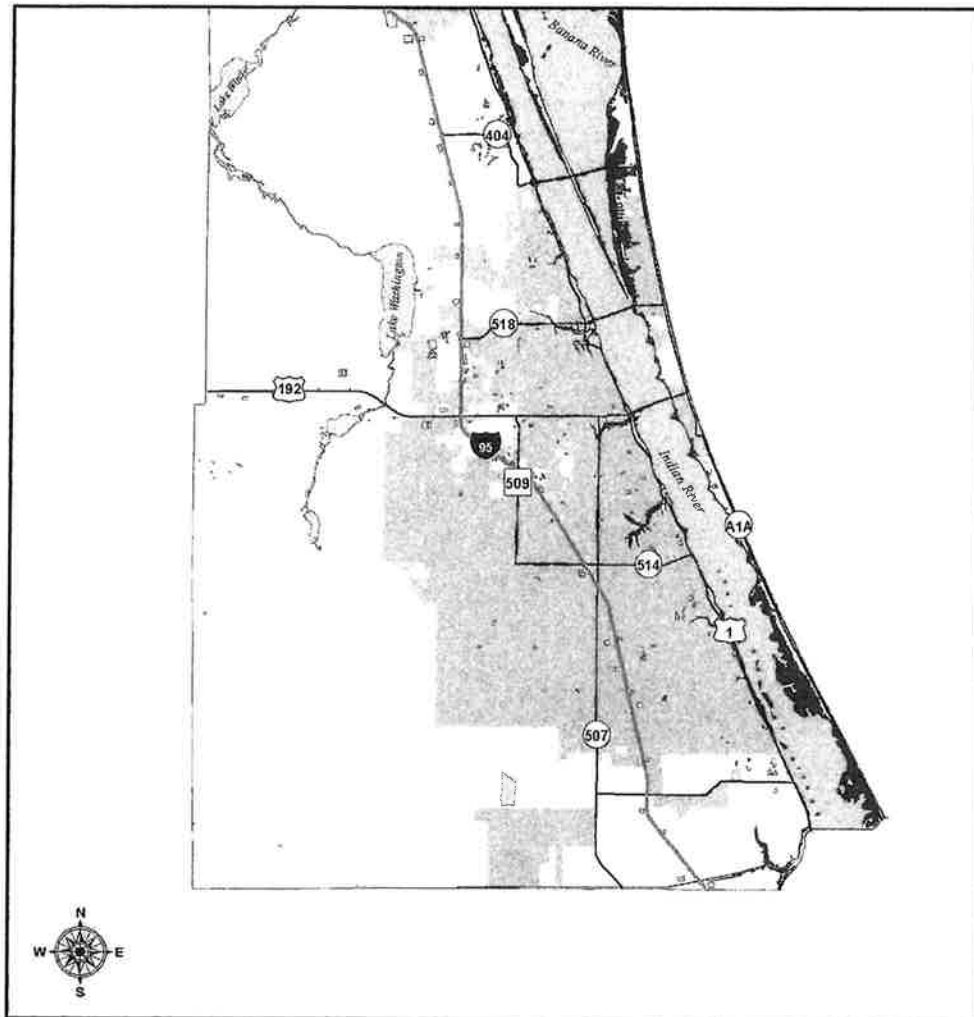
Coastal High Hazard Areas (central Brevard region)

COASTAL MANAGEMENT ELEMENT

December 2022

X - 49

Brevard Coastal High Hazard Area Map



Category 1

 Coastal High Hazard Area

Source: East Central Florida Regional Planning Council
Regional Evacuation Study Program - Storm Tide Atlas



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South Brevard CHHA Region Display



Map 3c Coastal High Hazard Area (south Brevard region)

COASTAL MANAGEMENT ELEMENT

December 2022

X - 50

Shoreline means the point where the water meets the land at any point in time.

Shoreline Protection Buffer - a setback established from the mean or ordinary high water line or safe upland line whichever the applicant chooses. Within the shoreline protection buffer, passive recreation, hunting, fish and wildlife management open space, nature trails and limited amounts and types of shoreline access facilities shall be allowed. The amounts and types of development allowed within the shoreline protection buffer and other development restrictions are found in Conservation Element Policies 3.3, 3.4, and 3.5.

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2. Manatee Abundance - five (5) or more observations/overflight within a 5 mile radius of the site. If more than one survey falls within the 5-mile radius, the number of manatees observed will be counted for each survey, divided by the number of overflights and then the normalized values will be summed.
3. Significant Manatee Mortality - the number of watercraft mortality within a 5 mile radius, divided by the total number of watercraft mortalities in Brevard County, A value of 0.03 or larger is considered significant.
4. Manatee Freshwater Source/Calving/Cavorting/Feeding/Resting Area is within a 1/2 mile of the proposed site.
5. The proposed site is in a Class II Waterbody, Outstanding Florida Waterway (OFW), or an Aquatic Preserve.

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, November 14, 2022, at 3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

The meeting was called to order at 3:00 p.m.

Board members present were: Board members present were: Henry Minneboo (D1); Ron Bartcher (D1); Brian Hodggers (D2); Robert Sullivan (D2); Lorraine Koss (Alt. D2); Ben Glover, Vice Chair (D3); Liz Alward (D4); Mark Wadsworth, Chair (D4); Logan Luse (Alt. D4); Bruce Moia (D5); and John Hopengarten (BPS).

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; Melissa Wilbrandt, Associate Planner; Paul Body, Planner III; Jane Hart, Planner III; Alex Esseeesse, Assistant County Attorney; and Jennifer Jones, Special Projects Coordinator.

Excerpt of Complete Agenda

Comprehensive Plan Text Amendment Adoption Adding the Coastal High Hazard Area Map to the Coastal Management Element X, and Correcting Scrivener's Error in the Glossary Element XVI.

Bruce Moia asked the significance of changing 'and' to 'or'.

Jeffrey Ball replied it was a scrivener's error at the last minute to try to circumvent discussions that were happening.

Mr. Moia stated the amendment allows staff to adopt the latest maps as they come available. Mr. Ball replied yes, DEO wanted staff to include those maps.

Henry Minneboo asked if the county's coastal setback line will eventually be adjusted.

Darcie McGee, Assistant Director, Natural Resources Management, stated right now, the county has a setback that is 25 feet landward of the state's coastal construction line, so the county already has 25 extra feet. She noted in some areas there are challenges when there are storms.

Mr. Minneboo stated the county is not consistent with the cities' lines, for instance Satellite Beach is different than portions of Brevard County. Ms. McGee replied yes, and they actually tried to adopt the county's line, and they had some pushback and ended up with a compromise of either 10 or 15 feet west of the line. She said both Satellite Beach and Brevard County has older structures to be worried about, and right now staff is working with residents and businesses that were affected by the storm because there was some undermining.

Mr. Minneboo asked if a structure today was total failure, would they be permitted to re-build. Ms. McGee replied there is a section of the code that addresses nonconforming structures and it talks about undermining and the requirement to move back. It doesn't mean the whole structure has to come down, but you need to take off the part that is undermined and then a minimum of 15 feet from crest of dune, and then a vulnerability analysis has to be done for a 25-year storm, to at least come back that far, but the other nonconforming part can stay.

Robert Sullivan asked why the County doesn't use the flood insurance rate maps for its coastal hazard line. Ms. McGee replied the coastal high hazard area is defined by State Statute, which is the

Category 1 storm surge, which is not the same as the FEMA special flood hazard area map, they are two different things and they look different.

Mr. Sullivan stated the county just had a fast moving storm with 3 - 5-foot storm surge on top of a king tide, and it's undermining structures, so the densities the board looks at is a matter of life and death. A lot of people are violating the coastal construction control line. He said Walton County has adopted FEMA's maps, and he would urge staff to look at the FEMA lines and use them.

Ms. McGee stated the County has the new 13 Peril of Flood policies that were recently adopted and staff will be seeking direction from the board and from the public.

Liz Alward stated at one time the County talked about managed retreat, and there is a high cost to managed retreat, but there is also a high cost to sand re-nourishment, and she doesn't know if the two can be tied together when looking at funding sources, but it would be a program where the owners of properties have the ability to sell that land to the county or cities and then it doesn't get developed and the shoreline can begin to be managed.

Ms. McGee stated there are some repetitive loss properties that the County has acquired through grants for flooding.

Motion by Bruce Moia, seconded by Liz Alward, to recommend approval the Comprehensive Plan Text Amendment Adoption Adding the Coastal High Hazard Area Map to the Coastal Management Element X, and Correcting Scrivener's Error in the Glossary Element XVI. The motion passed unanimously.

From: Sandra Sullivan
To: Felner, Rob; Richardson, Morris; hillrosev@mail.house.gov; Jackson, David; Commissioner, D1; Marcelino, Carol; Commissioner, D2; Goodson, Tom; James.Stanbury@deq.myflorida.com; ray.eubanks@deq.myflorida.com; Kelly.Covino@deq.myflorida.com; Bratchett, Rita; Kevin.Clardges@fordeq.gov; Sirois, Tyler; Valeria, Valeria; Debbie; Commissioner, D3; Commissioner, D3
Subject: Re: Public Hearing, Re: Comprehensive Plan Text Amendment Adopting the Coastal High Hazard Area Map to the Coastal Management Element X, and Correcting Scrivener's Error in the Glossary Element XVI.
Date: Wednesday, November 30, 2022 2:59:23 PM
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Brevard County 17-03ER, new 13 Peril of Flood policies.pdf

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

Dear Commissioners,

As you will see below, the bottom line is this the FEMA CHHA is referenced directly in state statute; and thus the relevance is it is the FEMA map that is used to make decisions on zoning and thus their map should be referenced in the Comprehensive plan.

'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.' http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0163/Sections/0163.3178.html (2)(f)1

The ultimate issue here is not just saving lives and protecting the coast, it is also preventing a market driven collapse of the insurance industry driven by inappropriate development on Coastal Barrier Island given intense pressure to increase density in this area. Hurricane Ian and Nicole should be a reminder of what is possible with a CAT 4/5 direct hit to Brevard. We have an insurance crisis as well, and 6 companies have left Florida due to insolvency in the past year, with the latest just before Hurricane Ian.

As it relates to this agenda item on Coast High Hazard Area, and planning and zoning, I urge our commissioners to review the Feb 2022 changes to the Brevard County Comprehensive Plan as required by statute as it relates to this agenda item and other planning and zoning requests that will come before you as with these hurricanes I think we can expect tightening down on redevelopment due the increasing insurance pressure: https://drive.google.com/drive/folders/1ljN1cga7GWUkXi-ols8PZYVQxFO3JzCw?usp=share_link

From the staff report for this agenda item on CHHA it says,

"Recommendations and Comments (ORC) Report which included an objection to the proposed comprehensive plan amendment changes under the authority of Section 163.3178(2)(f), F.S., known as the "Peril of Flood" statute. Specifically, DEO's objection stated that the proposed Amendment No. 17-3ER did not provide a coastal redevelopment component in the Coastal Management Element." It would take until 2022, with postponements to achieve compliance.

image.png

In discussing, CHHA, this staff report in tis agenda item specifically references to the FEMA flood map:

2. 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.

ECRPC is referenced in using their maps for projections of sea level rise; however for flooding FEMA is specifically referenced. The Coastal High Hazard Area is about modeling flooding.

So as the County is using the CHHA for development and redevelopment - then the state statute references using the designation established by FEMA explicitly.

Here is the referenced section of state statute specifically for the Peril of Flood amendments:

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0163/Sections/0163.3178.html

STAFF REPORT
PROPOSED COMPREHENSIVE PLAN AMENDMENT 2017.2.2
EVALUATION AND APPRAISAL REVIEW OF COMPREHENSIVE PLAN

In accordance with Rule Chapter 73C-49, Florida Administrative Code, every seven years each local government must determine whether there is a need to amend the comprehensive plan to reflect changes in statutory requirements that have been enacted since the previous Evaluation and Appraisal Report (EAR) was implemented. The due date for Brevard County to make this determination was December 1, 2016.

During this cycle, Brevard County determined the need to update the Coastal Management Element to meet the requirements of Section 163.3178(2)(f), Florida Statutes, enacted during the 2015 Legislative Session. Any local government that fails to submit proposed amendments within one year of notification may not amend its comprehensive plan until those amendments are submitted to the Department of Economic Opportunity (DEO).

In response to Section 163.3178(2)(f), F.S., Brevard County transmitted an EAR Notification Letter to DEO on November 15, 2016, acknowledging the County's commitment to submit an amendment as part of the second amendment cycle of 2017. DEO acknowledged that, pursuant to Section 163.3191(2), F.S., the EAR amendments should be transmitted to DEO by November 28, 2017.

Brevard County transmitted modifications to the Brevard County Comprehensive Plan (Amendment 2017-2.2; DEO #17-3ER) to DEO on November 2, 2017. On January 12, 2018, Brevard County received DEO's Objections, Recommendations and Comments (ORC) Report which included an objection to the proposed comprehensive plan amendment changes under the authority of Section 163.3178(2)(f), F.S., known as the "Peril of Flood" statute. Specifically, DEO's objection stated that the proposed Amendment No. 17-3ER did not provide a coastal redevelopment component in the Coastal Management Element that includes:

1. 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. 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. Site development techniques and best practices that may reduce losses due to flooding and claims made under flood insurance policies issued in this state.

Brevard County notified DEO requesting an extension to the adoption date to allow time to address DEO's objection and submit a revised proposed Amendment No. 17-3ER. DEO acknowledged the request on July 24, 2018, and the adoption date was extended to June 7, 2019. On June 4, 2019, DEO acknowledged the County's second request for additional time to submit a revised proposed Amendment No. 17-3ER, and a new extended adoption date was set as December 5, 2021. Brevard County's third notification requesting an extension to the adoption date was acknowledged by DEO on November 16, 2021, and the adoption date was extended to March 31, 2022.

Brevard County staff has coordinated with various agencies and participated in the East Central Florida Regional Planning Council's (ECFRPC) development of a Regional Resiliency Action Plan (RRAP), completed December 2018, and subsequently adopted by Brevard County by resolution on March 26, 2019.

In 2020, Brevard County was awarded a state-funded planning grant through the Florida Department of Environmental Protection (FDEP) Florida Resilient Coastlines Program - aimed at preparing Florida coastal communities for current and future effects of coastal flooding and addressing compliance with the "Peril of Flood" statute. The awarded grant project, Planning for Resilience in Brevard (DEP Agreement No. R2112), began October 2020 and was accomplished through the collaborative efforts of the Brevard County Planning and Development Department, the Natural Resources Management Department, and the contracted services of ECFRPC. Specifically, ECFRPC performed a vulnerability analysis, conducted an online survey, hosted two public workshops, and recommended strategies and potential policies to enhance coastal resiliency in Brevard County. The project was completed April 30, 2021, and the final project report is provided in the Adoption Package for your review.

Following the completion of the grant project, policy recommendations by ECFRPC were evaluated and refined by Brevard County staff. This resulted in a new objective and thirteen (13) proposed policies developed through cross-departmental coordination and DEO guidance to ensure consistency with Peril of Flood requirements of Section 163.3178(2)(f), F.S.

A revised, proposed Amendment 2017-2.2 is provided as an attachment and includes thirteen (13) new Coastal Management Element policies developed specifically to comply with Section 163.3178(2)(f), F.S. ("Peril of Flood"), as well as text modifications that were previously transmitted to DEO in 2017. Additions to the Comprehensive Plan are shown as underlined and deletions are shown as ~~striketrough~~. Modifications not previously reviewed by DEO are highlighted in yellow.

Following is a summary of the thirteen (13) Coastal Management Element policies proposed to meet the requirements of Peril of Flood.

CHAPTER 10: COASTAL MANAGEMENT ELEMENT

Objective 14 (Coastal Development and Redevelopment) – Added a new objective as an umbrella for new policies developed specifically to comply with Section 163.3178(2)(f), Florida Statutes (“Peril of Flood”).

Policy 14.1 – Created a new policy to utilize a range of sea level rise projections as recommended in the adopted East Central Florida Regional Resilience Action Plan for planning purposes.

Policy 14.2 – Created a new policy to consider designating Adaptation Action Areas in areas identified as vulnerable to coastal flooding, storm surge, and sea level rise.

Policy 14.3 – Created a new policy to consider identifying areas which may benefit from nature-based design standards and/or Low Impact Development projects.

Policy 14.4 – Created a new policy to consider the results of the Vulnerability Analysis when planning for development, redevelopment, and improvements to critical facilities and infrastructure.

Policy 14.5 – Created a new policy to consider initiatives that focus on solutions for flood impacts, and develop methodologies for prioritizing public project expenditures.

Policy 14.6 – Created a new policy to develop mechanisms to evaluate and recommend new design and development standards for public and private infrastructure projects that consider future climate conditions, and amend Land Development Regulations to reduce obstacles that hinder nature-based design standards and/or Low Impact Development.

Policy 14.7 – Created a new policy to identify development and redevelopment performance standards designed to minimize or withstand permanent and/or temporary inundation from flooding, sea level rise, and storm surge.

Policy 14.8 – Created a new policy to continually identify strategies and engineering solutions that minimize the loss of flood storage capacity in all floodplains and areas vulnerable to natural hazards such as flooding, storm surge, and sea level rise, and consider incorporating them into the Land Development Regulations.

Policy 14.9 – Created a new policy to encourage nature-based design standards and/or Low Impact Development design for development and redevelopment within areas vulnerable to current and future flooding impacts.

Policy 14.10 – Created a new policy to educate the community about flood mitigation principles, strategies, and engineering solutions that can be implemented to protect property and reduce insurance losses.

Policy 14.11 – Created a new policy to pursue private and public funding sources for the implementation of flood resiliency strategies and consider removing real property structures from coastal FEMA flood zones through acquisition of repetitive loss properties, for use as green space or stormwater management.

Policy 14.12 – Created a new policy to continue to implement policies within the Comprehensive Plan, including but not limited to the Conservation Element, to ensure avoidance and minimization of impacts to natural coastal ecosystems, including wetlands, floodplains, aquifer recharge areas, and dunes.

Policy 14.13 – Created a new policy to continue to analyze best available data to maintain or update relevant and current coastal hazard vulnerability projections and update maps, as applicable and continue to identify and understand the risks, vulnerabilities, and opportunities for strategies within short, mid, and long-term planning horizons.

Modifications not previously transmitted to DEO:

CHAPTER 1: CONSERVATION ELEMENT

- Objective 4 (Flood Plain Areas), Policies 4.1 through 4.10 – Reincluded, as policies were inadvertently left out of transmittal package
- Objective 8 (Vegetation), Policies 8.3 through 8.10 – Reincluded, as policies were inadvertently left out of transmittal package
- Objective 11 (Energy Conservation), Policies 11.1 through 11.4 – Reincluded, as policies were inadvertently left out of transmittal package

CHAPTER 9: TRANSPORTATION ELEMENT

- Policy 1.3 – Scrivener's error corrected - Level of Service remain unchanged.

CHAPTER 10: COASTAL MANAGEMENT ELEMENT

- Objective 4 (Beaches and Dunes), Policy 4.1 A – revised to clarify reference lines
- Policy 6.6 – deleted as this is addressed in Objective 14 and Policies 14.1 – 14.13
- Policies 6.6, 6.7, 6.8, 6.9 were moved from 7.2, 7.4, 7.6, 7.7
- Appendix – updated Map 2 Evacuation Routes with more current data
- Appendix – deleted Map 3 Coastal High Hazard Area, as it is subject to change

CHAPTER 11: FUTURE LAND USE ELEMENT

- Policy 2.8 D and E – Updated per text amendment adopted March 4, 2021 regarding gross floor area and floor area ratio within PUDs
- Objective 22 (Residential Density Rightsizing Study Areas) – added language to encompass policies

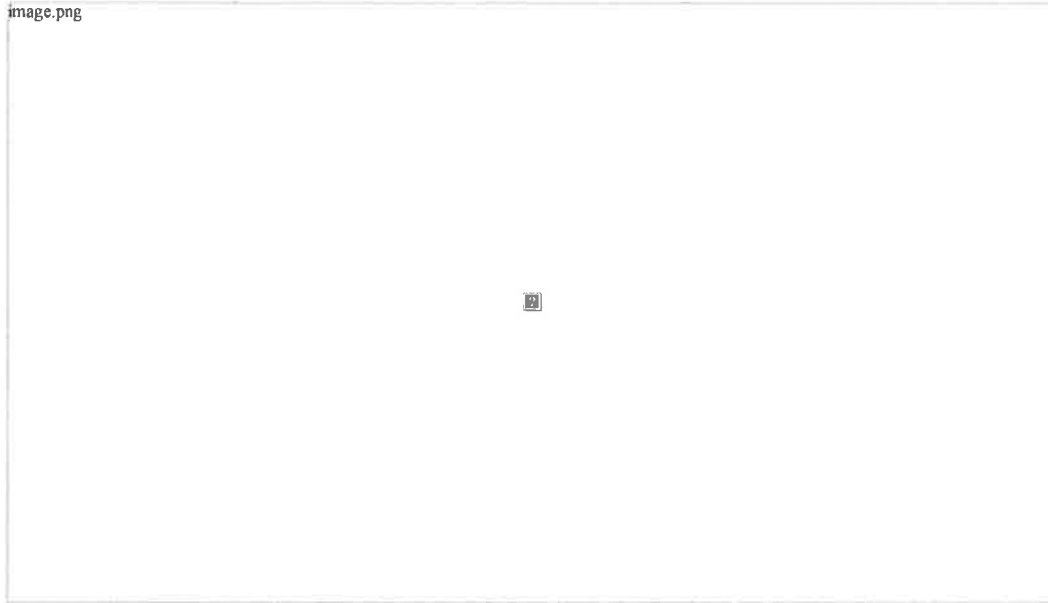
CHAPTER 15: PROPERTY RIGHTS ELEMENT

- New element adopted December 2, 2021

CHAPTER 16: GLOSSARY

- Coastal High Hazard Area – deleted reference to Map 3 Coastal High Hazard Area

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From Comp Plan:

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Further, per 163.3178 (2)(d) it is stipulated that modelling map for determining Evacuation is that used by the National Hurricane Center.

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The mapping location to look at the evacuation is found here: <https://experience.arcgis.com/experience/2031772571cb48b1b8b50fdcc3272e2c/page/Category-4/>

The coastal management element must contain a component that outlines policies for hazard mitigation and protection of human life against the effects of natural disasters, including population evacuation, which take into consideration the capability to safely evacuate the density of the coastal population proposed in the future land use plan element in the event of an impending natural disaster. Section 163.3177(2)(d), Florida Statutes. (see [Hazard Mitigation Planning](#)). <https://floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/coastal-high-hazard-areas#:~:text=The%20Coastal%20High%20Hazard%20Area.and%20Overland%20Surges%20from%20Hurricanes>

From the Comprehensive Plan (Feb 2022): This highlights why having the right CHHA map in the Comprehensive Plan is important.

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Specifically, in central beaches density was capped due to critical evacuation deficiency in 1999, per the state objective of incentivizing policy, the city and County agreed to the terms of the \$8.5 million under the FCT agreement where FAC 815 authorizes conditions on funding that including capping density. We are currently 60 hours to evacuate the barrier island.



So when the city is increasing density inappropriately such as the post office property or Vue, the County is supposed to help.



This explains why South Beaches Sewage Plant has not been expanded. So why is County approving sewage permits for increased density on redevelopment in Satellite Beach which is contrary to your Comp Plan, i.e. post office property? South beaches Sewage plant is at 86% capacity!

Thank you for reading to the end.

Sincerely,
Sandra sullivan

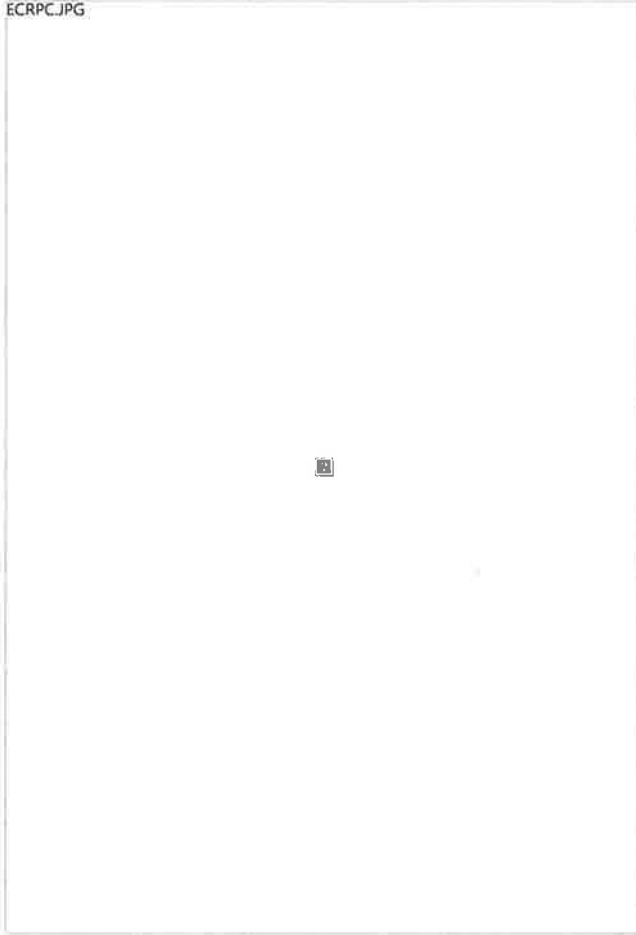
On Wed, Nov 30, 2022 at 12:56 AM Sandra Sullivan <s2sully@gmail.com> wrote:
Dear Commissioners,

Please do NOT approve the ECRPC map for defining the CHHA in the Comprehensive Plan. Please appreciate, the CHHA is about hurricane impacts - fiscal impacts (both FEMA and sand renourishment) - and the implications should be clear for planning future development as we just had hurricane Nicole - a Category 1 hurricane. In fact the 2022 new 13 Peril of Flood policies reflect this redevelopment planning (see attached document summary).

The ECRPC CHHA map is unacceptably too small to use to make Planning and zoning changes but more importantly conflicts with the FEMA defined CHHA zone V and VE.
How can this commission make good planning and zoning with a map that is not of acceptable resolution for decisions? - unlike the FEMA FIRM which is detailed.

The CHHA on this map not as comprehensive as much an area as in in the FEMA map - we do not want to see this be an excuse for planning and zoning changes and development on FEMA Zone V and VE (CHHA) where density is capped.

ECRPC.JPG



Pertaining to the Coastal High Hazard (CHHA) Map the county is proposing in the Comprehensive plan using a **ECRPC CHHA map** which **does not meet the state definition for CHHA map as defined as a cat 1 computerized storm surge model, nor meets the federal CHHA definition of V and VE designation.**

Definition: <https://www.flsenate.gov/Laws/Statutes/2018/163.3178> "(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] (<https://www.flsenate.gov/Laws/Statutes/2018/380.27>)(2), and any rules adopted thereunder, shall be at the discretion of local government."

Here is FEMA definition of CHHA which is the same as the state! - FEMA is the federal entity that pays for disasters. **CHHA is identified as Zone V and VE on FEMA flood maps.** https://www.fema.gov/sites/default/files/documents/fema_coastal-glossary.pdf

<https://www.fema.gov/flood-maps/coastal/insurance-rate-maps>

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The county should thus include FEMA FIRM maps in the Comprehensive Plan with the CHHA identified as zone V and VE.

This is the FEMA map in Satellite Beach - with much greater CHHA area than the ECRPC map. <https://msc.fema.gov/portal/search?AddressQuery=south%20patrick%20shores&>
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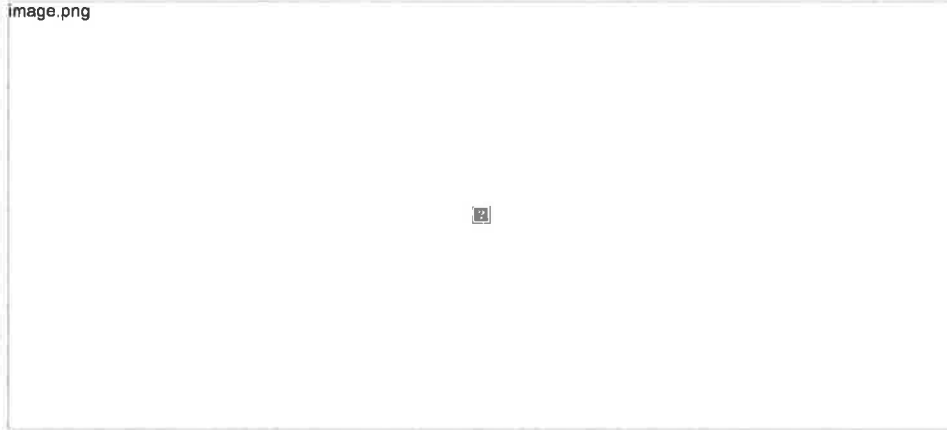
From the attached file from the Planning and Zoning advisory board,

Ms. McGee replied "the coastal high hazard area is defined by State Statute, which is the P&Z Minutes November 14, 2022 Page 2 Category 1 storm surge, which is not the same as the FEMA special flood hazard area map, they are two different things and they look different."

THE FEMA MAP ZONE V AND VE AS SEEN ON THESE MAPS IS THE CHHA
by the FEMA Definition above, the FEMA looks different as is a larger CHHA area and as has other flood zones identified in other areas such as AE zone also in the coastal element.

Consistent with the new policy in 2022 Comprehensive Plan - the County specifically references coastal FEMA flood zones.

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The policy of the County versus City of Satellite Beach for local management of CHHA can be seen in the respective CHHA maps of FEMA. The County policy can be found here: https://library.municode.com/fl/brevard_county/codes/code_of_ordinances?nodeId=COORBRCOFLVOII_CH62LADERE_ARTXIIICOSECOLI_S62-4205IN

City is hardened coastline; while the County has a generous 25 foot setback **landward of the state's coastal construction line facilitating a vegetative barrier that helps the beaches naturally renourish.**

<https://msc.fema.gov/portal/search?AddressQuery=south%20patrick%20shores>

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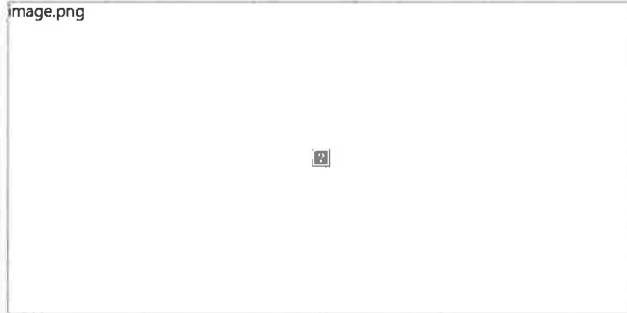
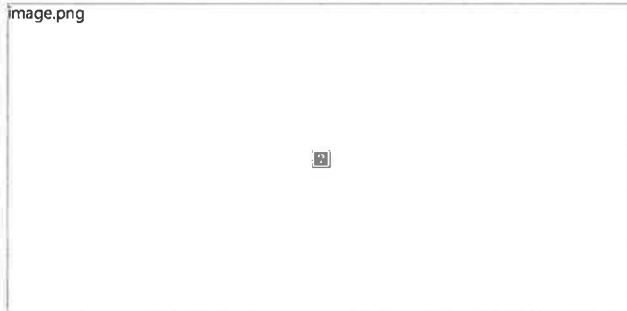


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Hardened coastlines cause more erosion and high property losses as well as higher cost of sand renourishment for the County. Seawalls cause the next properties to have more erosion too. The County is subsidizing the city's bad policy with sand renourishment costs. While the Federal government is also subsidizing this cost, the day is coming when this funding source will end so intergovernmental policy is necessary from a fiscal perspective.

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I urge the County to adopt a CHHA map matching the state statute and federal definition to not jeopardize future federal disaster assistance and state grant opportunities.

I can imagine with more hurricanes the federal government will likely have to crack down on areas not following their rules for federal disaster \$\$.

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The risk of proceeding to approve said ECRPC map, is NOT COMPUTERIZED STORM SURGE MODEL AND IS NOT DETAILED ENOUGH FOR LOCAL PLANNING and the resulting increased development in areas currently prohibited. I would suggest the ECRPC map violates state statute and may in time jeopardize FEMA disaster assistance FROM INAPPROPRIATE DEVELOPMENT. You would think that following Hurricane Nicole and damage to properties that the County would be taking this more seriously.

image.png



http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0163/Sections/0163.3178.html

Sincerely,
Sandra Sullivan