

Department of Economic Opportunity (DEO)

Objections, Recommendations and Comments (ORC) Report Response Letter City of Sebastian Comprehensive Plan 2040 – 21-01ER

June 23, 2021

Florida Department of Economic Opportunity

Objection 1: Coastal Management Element – Peril of Flood

The proposed evaluation and appraisal based comprehensive plan amendment adequately addresses the requirements of Sections 163.3178(2)(f)1-3 and 5., Florida Statutes (F.S.). However, the amendment lacks policy language that meets the requirements of Sections 163.3178(2)(f)4 and 6., F.S.

Recommendations: *To comply with Section 163.3178(2)(f)4, F.S. the amendment should be revised to state that redevelopment shall "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."*

To comply with Section 163.3178(2)(f)6, F.S. the amendment should also be revised to state that "The City shall seek to continue its participation 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."

The Department's staff are available to provide further assistance with these planning efforts, including providing examples of policies adopted by other communities to address the peril of flood requirements.

City Response to Objection 1:

Policies 5-2.2.1 and 5-2.4.3 have been revised to reflect the recommended policy language listed above.

Objection 2: Future Land Use Map Series

163.3177(1)(f), F.S., requires that all mandatory and optional elements of the comprehensive plan and plan amendments shall be based upon relevant and appropriate data. The proposed maps, Map 1-10 (Coastal High Hazard Area) and Map 5-6 (Storm Surge Zones), do not utilize the most current versions of the Sea, Lake, and Overland Surges from Hurricane (SLOSH) Model data. The source of the maps is "Treasure Coast Region Florida Regional Evacuation Study Program for Indian River, Martin, Palm Beach, and St. Lucie Counties" Treasure Coast Regional Planning Council, 2010, however more recent studies are available.

Recommendation: *Prior to adoption, these maps should be updated to reflect the most recent 2016-2017 SLOSH model data available from the Florida Department of Emergency Management or the City's emergency manager.*

City Response to Objection 2:

Map 1-10 (Coastal High Hazard Area) and Map 5-6 (Storm Surge Zones) have been updated to reflect the most recent 2016-2017 SLOSH model data available from the Florida Department of Emergency Management.

Objection 3: Multimodal Facilities in Map Series

Section 163.3177(6)(b)I., F.S., requires the Transportation and Mobility Element (TME) to include a map or map series showing the general location of the existing and future transportation system features that are coordinated with the future land use map or map series. The amendment does not provide maps that show the general location of transportation features such as existing pedestrian and bicycle facilities or proposed transit routes, facilities and/or improvements as required pursuant to Section 163.3177(6)(b)I., F.S.

Recommendation: Prior to adoption the amendment should be revised to include the following maps:

- Proposed transit routes, facilities and/or improvements.
- Existing and proposed number of lanes for the City's roadways.

City Response to Objection 3:

The Transportation & Mobility Element Data Inventory and Analysis states the City's desire and need for future development of bicycle and pedestrian plans. These efforts would likely include a detailed inventory of existing conditions. As it related to future transit improvements, the City will continue to coordinate with Indian River County Transit (GoLine) to monitor planned improvements within the Transit Development Plan as they are updated. A map depicting GoLine's 10-Year Cost Affordable Plan Improvements from the 2019-2018 TDP has been included in the Comprehensive Plan's Map Series. Map 2-1 has been updated to note that the current and future condition of City roadways depicted are 2-lanes.

Objection 4: Concurrency Management

The St. Johns River Water Management District advises that in order to adequately address all of the water supply and facility concurrency requirements of Section 163.3180(2), Florida Statutes (F.S.), the City's concurrency management system must ensure that both adequate water supplies and potable water facilities are available to serve development no later than the date on which the City anticipates issuing a certificate of occupancy. In addition, the concurrency management system must include consultation with the applicable water supplier during the permit review process and prior to approval of a building permit to determine if adequate water supplies will be available to serve the development by the anticipated issuance date of the certificate of occupancy. The proposed policies within the Infrastructure Element and Government and Implementation Elements related to the City's concurrency management system do not appear to address all of the requirements of Section 163.3180(2), F.S.

Recommendation: To comply with Section 163.3180(2), F.S. the Plan should be revised to address all concurrency management system requirements. Statutory language may be adopted verbatim so that the amendment reads to the effect of:

- "Sanitary sewer, solid waste, drainage, adequate water supplies, and potable water facilities shall be in place and available to serve new development no later than the issuance by the City of a certificate of occupancy or its functional equivalent".
- "Prior to approval of building permit or its functional equivalent, the City shall consult with the applicable water supplier to determine whether adequate water supplies to serve the new development will be available no later than the anticipated date of issuance by the local government of a certificate of occupancy or its functional equivalent".

Additionally, the City should coordinate with the St. Johns River Water Management District to ensure all the concurrency management requirements are completely addressed.

City Response to Objection 4:

Policy 7-2.7.2 has been revised to reflect the statutory language recommended above. The City will continue to coordinate with SJRWMD on issues related to water supply and conservation as stated in Policies 4-1.5.3, 5-1.4.7, and 7-1.1.3.

Comment 1: Land Use Element -Annexation Studies

Proposed Land Use Element Policy 1-2.4.1 does not provide meaningful and predictable standards which indicate under what circumstances the City will require an analysis for areas considered for annexation. The open-ended language may result in arbitrary decision making and unpredictability in the determination of whether facilities and services will be in place in a timely cost-efficient manner to serve the annexation area and the corresponding region. Prior to adoption the amendment should be revised to include standards to guide when annexation studies will be required.

City Response to Comment 1:

Land Use Element Policy 1-2.4.1 has been augmented to include additional guidance and clarity related to the conditions by which annexation analysis shall be required.

Comment 2: Population Discrepancies

There is discrepancy between the reported population numbers and maximum densities described in Tables 1-4 and 1-6 and the text of their respective Land Use Element Data Inventory and Analysis (DIA) section. The text of the "Population Trends and Projections" section of the DIA indicates that BEBR's official population estimate as of April 1, 2020 is 25,658 residents. However, Table 1-4 presents the 2020 population as 25,957. In the text of the section "Build Out Analysis" of the DIA the maximum construction of residential dwelling units is indicated to be 4,706, but Table 1-6 indicates the total maximum residential dwelling units as 4,922. Prior to adoption discrepancies between these sections text and tables should be reconciled, if necessary.

City Response to Comment 2:

Thank you. Tables 1-4 and 1-6 have been updated to reflect consistent population projections throughout the Comprehensive Plan.

Comment 3: Coastal Resiliency Plan

The City of Sebastian's Coastal Resiliency Plan is cited repeatedly throughout the Plan's Coastal Management Element and throughout the Plan. The stated purpose of the Coastal Resiliency Plan is to support the current Comprehensive Plan update. The Plan provides vital data and analysis such as the City's Vulnerability Assessment and develops an Adaptation Action Plan. Prior to adoption, the City should consider including the Plan into the Data Inventory and Analysis of the Conservation and Coastal Management Element section to further support the comprehensive plan.

City Response to Comment 3:

Per Section 163.3177(1)(b), F.S., documents may be adopted by reference but not incorporated verbatim into the plan. The appropriate references for the City's Coastal Resiliency Plan, with title and author, have been included throughout the Comprehensive Plan.

Comment 4: Incorrect Statutory Reference

Prior to adoption, the amendment should be revised to correct the incorrect statutory reference in Conservation and Coastal Management Element Objective 5-2.1. The objective references the statute section which defines Coastal High Hazard Area as section "163.3178(2)(h)9," however the correct citation is 163.3178(2)(h), F.S.

City Response to Comment 4:

Conservation and Coastal Management Element Objective 5-2.1 has been revised to include the correct statutory reference a 163.3178(2)(h).

Comment 5: Transportation LOS Standards

The Transportation and Mobility Element DIA Tables 2-4 through 2-6 are based upon the 2009 FDOT Quality/LOS (QLOS) Handbook. Prior to adoption the amendment should be revised for the LOS tables to reflect the updated service volumes reported in the 2020 FDOT QLOS Handbook.

City Response to Comment 5:

Table 2-4 through Table 2-6 in the Transportation and Mobility Element DIA have been updated to reflect the updated service volumes reported in the 2020 FDOT QLOS Handbook.

Treasure Coast Regional Planning Council

The following represent the City's responses to the comments and related recommendations provided by TCRPC to the Department of Economic Opportunity in correspondence dated March 3, 2021.

Comment 1

Policy 1-1.3.9 should be revised to target non-residential uses to major intersections and appropriate infill corridors.

City Response to Comment 1:

The City believes that Policy 1-1.3.9 in its current form provides both appropriate guidance and flexibility to address varying market conditions.

Comment 2

The City may want to consider mapping the annexation reserve areas and including that in the map series of the comprehensive plan.

City Response to Comment 2:

A map depicting the City's annexation reserve area has been included in the Map Series.

Comment 3

In Policy 1-2.4.1, Council staff suggests the City consider making studies mandatory for certain factors such as size or potential impacts.

City Response to Comment 3:

Land Use Element Policy 1-2.4.1 has been augmented to include additional guidance and clarity related to the conditions by which annexation analysis shall be required.

Comment 4

Policy 4-1.1.2 should be revised to include transportation and recreation Level of Service standards and reference the corresponding policies in the respective elements. This will make the list comprehensive and ensure that these standards are not missed by a casual user of the comprehensive plan.

City Response to Comment 4:

Policy 4-1.1.2 has been revised to reference the policies including Level of Service standards for transportation (Policy 2-2.3.2) and recreation (Policy 6-1.1.1) respectively.

Comment 5

Policies 4-1.2.1, 4-1.2.2 and 4-1.2.5 concerning on-site wastewater treatment do not appear to be consistent with each other. Policy 4-1.2.2 includes text which prohibits permitting of new on-site wastewater treatment systems but Policy 4-1.2.1 allows for them if sewer service is more than 500 feet away and Policy 4-1.2.5 seeks to limit "extensive use" of new septic tanks. Council suggests a clear approach to this issue that treats infill on platted residential subdivision lots (such as the GDC areas) differently from commercial uses and new subdivisions. The GDC areas could have provisions allowing houses to be constructed with new septic systems if there is no extension of sanitary sewer to serve the lot but require connection when the lines reach the property; with more explicit prohibitions on septic systems for other areas. The City is encouraged to not allow the use of septic systems in any new developments due to the proximity to natural areas, sea level rise, and flooding that exacerbate the nutrient impacts of septic systems. It will be difficult to make progress on converting from septic to sewer if new septic systems continue to be built.

City Response to Comment 5:

Policy 4-1.2.2 has been revised to include "where public sewer infrastructure is not readily available". The City believes that this addition will provide for consistency with Policies 4-1.2.1 and 4-1.2.5.

Florida Department of Transportation

The following represent the City's responses to the technical assistance comments and related recommendations provided by FDOT to the Department of Economic Opportunity in correspondence dated March 18, 2021.

Recommendation for Technical Assistance Comment #1

To further build on the relationship between the City and FDOT, FDOT requests that the City consider adding a new policy to the Land Use and Governance and Implementation Elements to include FDOT as a review agency in the early stages of the development review process for any annexation as well as new development and/or redevelopment project that could have an impact on US-1, SR-510 and I-95. By including FDOT into the early stages of development review, the Department could work with the City in identifying strategies to eliminate, reduce, or mitigate impacts from those developments on the State Highway System (SHS) and Strategic Intermodal System (SIS). This improved level of coordination should offer enhanced opportunities to assist the City with the latest and appropriate guidance and strategies to enhance and preserve the SHS and SIS while furthering community goals.

City Response to Recommendation for Technical Assistance Comment #1:

The City will continue to provide appropriate information to FDOT during the development review process.

Recommendation #1 for Technical Assistance Comment #2

Please consider adding a new policy requiring coordination with the IRC MPO and consistency with the MPO's Connecting IRC. This coordination and consistency aids to ensure that the MPO's future land use planning projections remain consistent with the City's in determining future needs and allocation of resources for transportation infrastructure and services.

City Response to Recommendation #1 for Technical Assistance Comment #2:

The analysis performed for the development of the Comprehensive Plan was completed prior to the completion of the MPO's 2045 LRTP. However, the City recognizes the important relationship between the MPO's plans and the City's growth. The Comprehensive Plan includes multiple policies supporting coordination with the MPO (2-1.1.17, 2-1.3.5, 2-1.3.6, 7-1.1.3, 7-2.3.4). The City will continue to coordinate with the MPO on its planning initiatives.

Recommendation #2 for Technical Assistance Comment #2

DIA pages 103 and 107 reference a population increase of 8,909 persons between 2020 and 2040; however, Table 1-4 (Population Projections) indicates an increase of 8,610 persons over the same period. Please verify the discrepancy and update the text and/or table accordingly.

City Response to Recommendation #2 for Technical Assistance Comment #2:

Thank you. Table 1-4 has been updated to reflect consistent population projections throughout the Comprehensive Plan.

Recommendation for Technical Assistance Comment #3

US-1 within the City is a state roadway facility and an urban principal arterial. To ensure the LOS targets (TME Policy 2-1.3.2), evacuation clearance times (CCME DIA) and access along US-1 are maintained, any development/redevelopment along or adjacent to US-1 requires an access permit from FDOT to ensure potential impacts are identified and appropriate mitigation can be determined accordingly.

City Response to Recommendation for Technical Assistance Comment #3:

Thank you. This information is acknowledged and understood. Please see the previous response to Recommendation for Technical Assistance Comment #1. The City will continue to provide appropriate information to FDOT during the development review process.

Recommendation for Technical Assistance Comment #4

The above policy states that analysis of annexations may be completed on a case-by-case basis. This open-ended language may result in arbitrary decision making and unpredictability in the determination of whether facilities and services will be in place in a timely cost-efficient manner to serve the annexation area and the corresponding region. It is preferred that this policy outline the City's responsibilities for any local and regional impacts that could result from annexations in a consistent and predictable manner.

FDOT encourages the City to modify Policy 1-2.4.1 or consider adding a new related policy to the Transportation and Mobility Element to require analysis of all annexations to account for impacts to facilities of state and regional importance (including facilities on the MPO's roadway network). The policy should also include language to include FDOT as a required review agency at the early stages of those annexations to coordinate the identification and implementation of measures to reduce, eliminate or mitigate adverse impacts.

City Response to Recommendation for Technical Assistance Comment #4:

The City values collaboration with FDOT and the Indian River County MPO and will continue to coordinate as appropriate during the development review process.

Technical Assistance Comment #5

Policy 1-1.2.3 "encourages" multi-modal connectivity for medium density residential. Consider changing "encourages" to "requires" in order to reinforce the City's commitment towards a multi-modal transportation network, consistent with Transportation and Mobility Element Policy 2-1.1.3, which prioritizes sustainable and equitable mobility.

City Response to Technical Assistance Comment #5:

Thank you for the comment. The City and the new Comprehensive Plan are supportive of a multimodal transportation network as noted above. Multimodal connectivity related to specific residential developments will be addressed during the City's development review/approval processes.

Policy 1-2.2.6 is listed as "Policy 2.2.6". Revise to consistent numbering.

City Response to Technical Assistance Comment #5:

Thank you. The policy numbering has been updated.

Recommendation #1 for Technical Assistance Comment #6

FDOT recommends that the service volumes used in TME DIA Tables 2-4 thru 2-6 be revised to reflect the updated service volumes reported in the 2020 QLOS Handbook and that the calculated LOS be revised in each table accordingly.

City Response to Recommendation #1 for Technical Assistance Comment #6:

Table 2-4 through Table 2-6 in the Transportation and Mobility Element DIA have been updated to reflect the updated service volumes reported in the 2020 FDOT QLOS Handbook.

Recommendation #2 for Technical Assistance Comment #6

Additionally, as noted in Technical Assistance Comment (TAC) #4, future annexations will generally occur south and west of the City limits, which could have an impact on the operations along I-95. FDOT encourages the City to include the current and future LOS and LOS standards for the segments of I-95 north and south of Fellsmere Road / Sebastian Boulevard in the TME DIA Tables 2-4 thru 2-6 for reference.

City Response to Recommendation #2 for Technical Assistance Comment #6:

Analysis performed as part of the Transportation and Mobility Element DIA only included roadways within or adjacent to the City's current City limits.

Recommendation for Technical Assistance Comment #7

FDOT encourages the City to update the map series to include the following maps:

- *Existing pedestrian and bicycle facilities*
- *Proposed transit routes, facilities and/or improvements*

City Response to Recommendation for Technical Assistance Comment #7:

The Transportation & Mobility Element Data Inventory and Analysis states the City's desire and need for future development of bicycle and pedestrian plans. These efforts would likely include a detailed inventory of existing conditions. As it related to future transit improvements, the City will continue to coordinate with Indian River County Transit (GoLine) to monitor planned improvements within the Transit Development Plan (TDP) as they are updated. A map depicting GoLine's 10-Year Cost Affordable Plan Improvements from the 2019-2018 TDP has been included in the Comprehensive Plan's Map Series.

Recommendation for Technical Assistance Comment #8

FDOT offers several initiatives to assist the City in creating quality developments while protecting future mobility on the regional roadway network in addition to "Complete Streets", including modern roundabouts, lane elimination guidance and a commitment to pedestrian, bicyclist and driver safety.

City Response to Recommendation for Technical Assistance Comment #8:

Thank you for this information. The City has noted the availability of these resources.

Recommendation for Technical Assistance Comment #9

FDOT encourages the City to look into the feasibility of TDM strategies such as ridesharing, bicycling, micromobility choices and work from home programs to help reduce single occupancy vehicular trips on the City's roadways and reduce costs for regional trips. FDOT provides financial and technical assistance to promote alternatives to single occupancy driving via the South Florida Commuter Services (SFCS) program. This TDM program seeks to reduce vehicle miles traveled through a variety of TDM strategies such as carpooling, vanpooling, park and ride programs, bicycling, walking increased use of transit, and working from home. FDOT encourages the City to coordinate with the South Florida Commuter Services team (Jeremy Mullings at jmullings@ctseinc.com) regarding implementation of commuter services in partnership with the City and major employers.

City Response to Recommendation for Technical Assistance Comment #9:

Thank you for this information. The City has noted the availability of these resources and will engage FDOT as appropriate when exploring the implementation of TDM strategies in the future.

Recommendation for Technical Assistance Comment #10

Since the adoption of the Florida Pedestrian and Bicycle Safety Strategic Plan (PBSSP) in 2013, the state has been implementing engineering, education, enforcement and evaluation related countermeasures to reduce the levels of pedestrian and bicyclist fatalities and injuries on the state roadway network. The implementation of the PBSSP included the launching of the Alert Today Florida initiative. The campaign message "Safety Doesn't Happen by Accident" has been presented via TV, radio, transit and billboard advertising, social media, local educational outreach and enforcement activities. The statewide Pedestrian and Bicycle Safety Coalition works with stakeholders and partners across the state to improve pedestrian and bicycle safety and is available to assist the City with safety related community events, High Visibility Enforcement funding, free bicycle helmets, pedestrian and bicycle trainings, safety tip cards and educational resources.

FDOT recommends that the City add language related to pedestrian and bicycle outreach and education, and to coordinate with the FDOT District Four Pedestrian and Bicycle Safety champion (Adolfo Prieto, Adolfo.Prieto@dot.state.fl.us) regarding community outreach activities as well as resources available to agencies to address pedestrian and bicycle safety education and enforcement.

Additionally, FDOT encourages the City to add specific language related to pedestrian and bicycle safety aimed at reducing the number of traffic-related fatalities and serious injuries on roadways in the City, consistent with FDOT's Vital Few objective of Improving Safety.

City Response to Recommendation for Technical Assistance Comment #10:

Thank you for this information. The City has noted the availability of these resources.

Recommendation #1 for Technical Assistance Comment #11

For reference, FDOT recommends that the City utilize the Florida TOD Guidebook which provides model comprehensive plan goals, objectives, and policies designed to advance transit and TOD planning and outlines a process for local governments to effectively plan for TODs. In addition to the TOD Guidebook, the City should also reference the South Florida Regional Planning Council which offers several reports and publications related to TOD roles and responsibilities, framework and implementation. FDOT also offers an excellent resource Accessing Transit: Design Handbook for Florida Bus Passenger Facilities, Version III, 2013 which provides guidance to local governments and transit agencies in the design, location, and installation of transit facilities consistent with state and federal laws and regulations, including the American with Disabilities Act (ADA), and best practices.

City Response to Recommendation #1 for Technical Assistance Comment #11:

Thank you for this information. The City has noted the availability of this resource.

Recommendation #2 for Technical Assistance Comment #11

FDOT recommends that the City add a new policy requiring coordination with FDOT regarding any plans/studies for TOD, planned unit development, or mixed-use development with potential to impact transportation facilities of state and regional importance.

City Response to Recommendation #2 for Technical Assistance Comment #11:

Thank you. As noted above, the City will continue to provide appropriate information to FDOT during the development review process.

Recommendation for Technical Assistance Comment #12

FDOT invites the City to refer to the following resources offered by the Department as it relates to policies under Objective 2-1.2:

- *Policy 2-1.2.1 – This policy references review of posted speeds on all major roadways where the desired speed is lower than the posted speed. Chapter 202 of the Florida Design Manual (FDM) provides guidance with regard to lowering operating speeds and setting target speeds specifically within the suburban commercial and urban context zones.*
- *Policy 2-1.2.2 – This policy references reduction of driveways where possible for proposed development and redevelopment projects. In addition to reduction of the number of driveways, pedestrian and bicyclist safety policies should also focus on driveway widths and measures aimed at reducing driveway related bicycle crashes (especially where the bicyclist is riding facing traffic on a sidewalk). FDOT's Target Zero initiative includes Transportation Safety Engineering resources aimed at location specific and systemic safety analysis to identify safety improvement needs and design countermeasures to reduce the frequency and severity of crashes.*
- *Policy 2-1.2.3 – This policy references developing a database of crashes on major roadways, updated annually. The FDOT State Safety Office offers several resources for local governments that can assist with crash data analysis including the Crash Analysis Reporting System (CARS) and the newly integrated Signal 4 Analytics platform.*

City Response to Recommendation for Technical Assistance Comment #12:

Thank you. During the development process, the City will refer to the most current guidance from FDOT outlined above.

Recommendation for Technical Assistance Comment #13

FDOT recommends that the City reconcile the future housing supply/need in the FLUE, prior to collaboration with the private sector to provide additional dwelling units and future annexations.

City Response to Recommendation for Technical Assistance Comment #13:

Thank you. As also noted above, Table 1-4 has been updated to reflect consistent population projections throughout the Comprehensive Plan.

Recommendation for Technical Assistance Comment #14

As the City moves towards providing connectivity and multimodal access to public recreation sites, FDOT recommends that the City coordinate with the FDOT District Four Bicycle and Pedestrian Coordinator and Safety Champion regarding community outreach and education if or when pedestrian and bicycle supportive countermeasures are implemented (i.e. pedestrian hybrid beacons, high visibility crosswalks, rectangular rapid flashing beacons, etc.) to ensure pedestrian and bicycle connectivity and safety; especially along US-1 with recreation and Intracoastal Waterway access.

City Response to Recommendation for Technical Assistance Comment #14:

Thank you for this information. The City has noted the availability of this resource.

Governance and Implementation Element Comment

Please reference Technical Assistance Comment #1 related to FDOT coordination in the early stages of future annexation, development and redevelopment projects/studies.

City Response to Governance and Implementation Element Comment:

Please see the City's response to Recommendation for Technical Assistance Comment #1. The City will continue to provide appropriate information to FDOT during the development review process.

Recommendation for Technical Assistance Comment #15

Consistent with TAC #4, FDOT encourages the City to modify Policy 1-2.4.1 to make analysis of annexations a requirement, and to include FDOT as a required review agency for those annexations to ensure transportation facilities of state and regional importance operate at or above the current LOS target/standard.

City Response to Recommendation for Technical Assistance Comment #15:

Thank you. However, the City will not consider the recommended modifications to Policy 1-2.4.1. The City values collaboration with FDOT and the Indian River County MPO and will continue to coordinate as during the development review process.