

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, June 16, 2025**, 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 Mark Wadsworth, Chair (D4); Henry Minneboo, Vice-Chair (D1); Ana Saunders (D5); Erika Orriss (D3); Debbie Thomas (D4); Eric Michajlowicz (D3); Greg Nicklas (D3); Ron Bartcher (D2); Ruth Amato (D1); John Hopengarten (D1); Jerrad Atkins (D1); and Robert Brothers (D5).

Staff members present were Trina Gilliam, Zoning Manager; Paul Body, Planner; Alex Esseesse, Deputy County Attorney; Billy Prasad, Planning and Development Director; Darcie McGee, Natural Resources; Rachel Gerena, Public Works; John Scott, Emergency Management Office; Edward Fontanin, Utility Service Director; Lucas Siegreid, Utility Services; Alice Randall, Operations Support Specialist; and Jordan Sagosz, Operations Support Specialist.

Mark Wadsworth stated that if any Board Member has had any ex-parte communication regarding any application, please disclose so now.

Approval of the April 14, 2025, P&Z/LPA Minutes

Motion by Debbie Thomas, seconded by Erika Orriss, to approve the P&Z/LPA minutes of April 14, 2025. The motion passed unanimously.

H.1. Aubri Lucille Williamson requests a change of zoning classification from RU-1-9 to RU-2-10. (24Z00052) (Tax Account 2743715) (District 5)

Trina Gilliam read Item H.1. into the record.

Nathan Meloon spoke to the application. He stated the applicant is looking to have this house as an investment property. She has a current contract for somebody starting in July to be there for one year. She would like to bring it into conformity with the area to the north where there's a big block of RU-2-10. Directly to the right or to the east is some RU-2-12. So, to keep the conformity with the area we're seeking a zoning change to RU-2-10. It's compatible and consistent with the area and it's in line with what else is in that area. This is right outside the shopping center with the Long Doggers in Indialantic just south of where Health First is and the Dunkin Donuts.

Public Comment

Sandra Sullivan stated she is from South Patrick Shores. She has a friend that lives on this street and there have been two recent zoning requests on Franklin Avenue. One of them is next to Cliffage and they had requested two duplexes at the front and back of the property. It ended in a split vote by the County Commissioners, and it failed. There was a BDP that was proposed for duplexes on front and back off Gross Point because there's a lot of traffic issues there. And the second was no short-term rental and no more than one story. You mentioned in the item that there is a property 200 feet to the east, that property is under a BDP. Again, no short-term rentals by the County. This is an area of no short-term rentals, so a BDP that they could put in a duplex but no short-term rentals and a BDP on that property. This property is so unlike those other two lots. They go from Franklin all the way over to Gross Point. This property's already been split, so if you were to be consistent with the surrounding area the maximum would be to allow a duplex on the property. I want to point out the short-term

rental aspect, you do realize and it's missing from the map that was made by staff, which is a major red flag from my perspective, there is Hoover Elementary School literally a house away from this particular property. As a parent of elementary school kids, I wouldn't be happy to have a short-term rental which is inconsistent with this area. I would beg the question why this went to the board of adjustments for a short-term rental for a zoning that they don't have yet. So, this is inconsistent for the BDP's that are in this area and the Cliffage property was denied by the county a 2:2 vote which also had stipulated no short-term rentals. So, vote no.

End Public Comment

Mark Wadsworth stated that he now sees on the west side it is zoned RU-2-12.

Mr. Meloon stated to the east is RU-2-12. To the north is RU-2-10 and to the south it looks like a multi-family zoning in Indialantic. There's more RU-1-11 further to the south, but then there's a commercial property with a strip plaza and the Publix, the Long Doggers, that kind of a multitude of stores. The property is one-story. There's currently a building on site, so there's not going to be a new building. My client is willing to keep this as a single-family and not have it be a duplex. A duplex is not her intention, and like was stated there's a one-year lease that is in place that begins in July for the property. So, it's intended use is for long-term rental property. As an owner she has a vested interest in keeping the area nice and not having bad things happen in the area.

Henry Minneboo asked the applicant if they are going to do a BDP.

Mr. Meloon stated they are willing to have a BDP that it'll remain a single-family.

Erika Orriss asked if they were willing to do a BDP that there's no short-term rentals. I'm very familiar with that area. We keep talking about long Doggers and Publix, but what's at the end of that street is Hoover Elementary School. There's also Busy Bears Daycare which is right across there too. So, I would just suggest that we say no short-term rentals. I don't think it should be zoned as such.

Mr. Meloon stated they're not willing to do that because they don't want to give away one of those bundles of sticks that his client would have as a property owner and have that go away forever. Who knows what the world would look like in 50, 75, 100 years. The school could be there, or the school could not be there. The same with the daycare. While it's across the street, it's an equal distance away from these commercial establishments. True it's five or six blocks down from some NC zoning, there's the CC zoning and then there's the Indialantic. It's just as easy to get from there to the daycare or to the school as it would be from my client's property. I realize that there are bad things that happen in the world and there's bad people in the world we can't sit here and think well what if somebody rents that. Well there's hotels and I'm sure if somebody had bad motives they could stay at one of the hotels that's a quarter mile up the street and come down and look and do whatever they wanted to do to the school or to the daycare and God forbid that would be a horrible thing to happen, but that wouldn't be a reason for taking a bundle of one of the bundles of sticks that my client has as a property owner in the area.

Ms. Orriss stated she understands that, but she does have friends that live there, and they live in the condos on the south side and they're saying right now as it exists today there's just way too much traffic. People are speeding by and there's kids on that street and Hoover Elementary School has been there for 50 years and I think it's probably going to be there another 50 years. So, I really have a

hard time approving this especially with no BDP. That's my thoughts on it. I've stood there in front of my friend's house and almost been run over. I just don't think we need to add to the problems that already exist on that street.

John Hopengarten stated he agrees that without a BDP for short-term rental restrictions this won't fly.

Ruth Amato agreed with Mr. Hopengarten.

Mr. Wadsworth asked the applicant if they are willing to do a BDP.

Mr. Meloon responded yes; we're willing to do a BDP for no short-term rentals.

Ms. Orriss stated the BDP would be on because the previous BDP that was put on for the other property said developer agrees not to use property for resort purposes and therefore such is prohibited. The developer shall limit ingress and egress to one unit on Franklin and one on Gross Point. I don't know if that's what we'd be willing to do and obviously we're open for input on this but to have no resort dwellings and then to keep it with one unit on the property and you already have the one unit.

Mr. Meloon responded with correct. The one unit is already in existence. It's a 3:2. It would be no resort dwellings and keep it as the single-family one unit. And single story as well in keeping with the character of the street.

Motion to recommend approval of Item H.1. with a BDP by Erika Orriss, seconded by John Hopengarten. Motion passed unanimously.

H.2. Quentin I. Bessent, Jr. requests a change of zoning classification from AU to RU-1-11. (25Z00006) (Tax Account 2113028) (District 1)

Trina Gilliam read Item H.2. into the record.

Quentin Bessent spoke to the application. He stated he would just like a single residential home and single zoning.

No Public Comment

Mr. Hopengarten asked if there was sanity sewer on the property.

Mr. Bessent commented it will be septic.

Mr. Hopengarten asked if it was .28 acres.

Mr. Bessent responded .29 acres.

Motion to recommend approval of Item H.2. by Debbie Thomas, seconded by Ruth Amato. Motion passed unanimously.

H.3. Thomas Daugherty requests a change of zoning classification from GU to RU-1-11. (25Z00007) (Tax Account 2301907) (District 1)

Trina Gilliam read Item H.3. into the record.

Thomas Daugherty spoke to the application. He stated he wants to put a single-family home there. It's on the corner of Dunbar and they just put four houses on smaller lots than mine.

No Public Comment

Ms. Orriss inquired since it fits the zoning requirements of RU-1-7 and RU-1-9 why are you asking for RU-1-11.

Mr. Daugherty commented he believes it's GU now so you would need 5-acres to build on it. I really don't have a choice if I want the setbacks.

Ms. Orriss responded it says the subject property would also meet the lot size width depth requirements of RU-1-9 and RU-1-7.

Mr. Daugherty replied I believe the 11 is you can build a larger home. But I can always go down because I didn't go out and get building plans until I get it get it approved here.

Ms. Orriss responded that the only thing that she sees is that this approval would be the introduction of a new zoning classification to this area. So just for consistency since it would already fit on the other two zoning models, that may be a question for staff, are we moving to our RU-1-11 or if it can fit on a lesser zoning criterion should we go with that.

Ms. Gilliam responded with as you stated, in the area there is RU-1-9 and RU-1-7 I believe already established. I think there may have been some confusion that with the RU-1-11 it requires an 1,100 square foot house, that he could build smaller than that. As I explained at the Port St John meeting, that's the minimum house size. He must build 1,100 square foot. But the RU-1-9 obviously would allow for 900 square foot minimum and RU-1-7 700 square feet minimum. It's up to him what size house he ultimately wants to build and pick the appropriate zoning to fit that. But with those other ones you can go up, if you have 700 or 900 you can still build larger than that but that's just a minimum.

Mr. Daugherty stated he would prefer 11 but if I had to go smaller I would.

Ms. Orriss replied she was just saying that in keeping with the characteristic and concurrency with the area it would fall into RU1-9 or RU1-7.

Robert Brothers stated I think you're misunderstanding. That doesn't let you build a bigger house, but the other ones let you build a smaller house with the RU-1-11 the smallest house you can build is 1100 square feet. With the seven it's 700 feet and the nine it's 900 feet. You can go up if it'll fit on your property with your setbacks.

Mr. Daugherty replied sure, let's do that, the 900. Thank you for explaining that.

Motion to recommend approval of Item H.3 with RU-1-9 zoning classification by Erika Orriss, seconded by Robert Brothers. Motion passed unanimously.

H.4. Forbes Remodeling & Construction LLC (Chester Forbes) requests a zoning classification change from AU to RU-1-13. (25Z00009) (Tax Account 2802070) (District 5)

Trina Gilliam read Item H.4. into the record.

The applicant was not present.

Motion to table by John Hopengarten, seconded by Ruth Amato. Motion passed unanimously.

H.5. John A. and Christine S. Conley (Ken Ludwa and/or Savannah Farley) request a zoning classification change from BU-2 to RU-1-11. (25Z00010) (Tax Account 3019263) (District 2)

Trina Gilliam read Item H.5. into the record.

Savannah Farley spoke to the application. She stated they are looking to rezone this project property from BU-2 to RU-1-11. The owner wishes to build a single-family residence. The current zoning of BU-2 is not allowed under the existing future land use designation. So, by rezoning this property we'd bring it into compliance with that land use designation.

No Public Comment

Mr. Minneboo asked if this was the last of the Jaren piece? Didn't Jaren own that whole piece, going down to Marker 24, on the east side.

Ana Saunders stated she didn't know. Her office is representing this application, and Savannah is doing a great job. I'll recuse myself from voting on this. We took this project before I was asked to be on the board. But I don't believe so. But it is the parking lot piece just north of Market 24. It's on the north side.

Mr. Minneboo inquired the east side of South Banana.

Ms. Saunders responded yes sir.

Mr. Hopengarten asked what is to the north. What's that another BU-2 right to the north.

Ms. Saunders stated there's residential there.

Mr. Minneboo stated there are two residential there.

Mr. Hopengarten stated it's still BU-2.

Ms. Saunders add it is BU-2. What's happening is as folks come in for building permits, they're having to go through the rezoning process to align the zoning with the underlying land use.

Mr. Hopengarten stated he didn't hear that.

Ms. Saunders stated that there are homes along that side and what's happening is folks come in for building permits, putting on a porch, remodeling, that sort of thing and they're having to correct their zoning to get into alignment with the underlying land use.

Mr. Hopengarten asked if there will be any more BU-2.

Ms. Saunders responded eventually there will be no more BU-2. There's still a few to the north but one at a time they're being taken down.

Mr. Minneboo stated that used to be where everybody lived in the trailer. Those days are gone.

Motion to recommend approval of Item H.5. by Debbie Thomas, seconded by Robert Brothers. Motion passed unanimously. (Ana Saunders abstained)

H.6. Steven Schulze, Jr. requests a zoning classification change from AU to RU-1-13. (25Z00011) (Tax Account 2800112) (District 5)

Trina Gilliam read Item H.6. into the record.

Steven Schulz spoke to the application. I was trying to do an addition on my house and Mr. Body told me that I need to rezone, since it isn't zoned properly from the last time they subdivided it, before I owned the property.

No Public Comment

Motion to recommend approval of Item H.6. by John Hopengarten, seconded by Erika Orriss. Motion passed unanimously.

H.7. Eduardo Bertot and Brett Bertot request a zoning classification change from BU-1 and RU-2-10 to all RU-2-10. (25Z00012) (Tax Account 2301472) (District 1)

Trina Gilliam read Item H.7. into the record.

Brett Bertot spoke to the application. He stated he wanted to put additional units on the property and was told it needed to be rezoned because it has two different zoning classifications. It's my understanding that one of the zoning classifications would allow for it but the other would not. So I'm looking to combine to the zoning classification that would allow me to do so.

Mr. Wadsworth asked him how many units he is looking to add.

Mr. Bertot answered he was told he can go up to three. And if I can't then a minimum of one or a maximum of three.

No Public Comment

Motion to recommend approval of Item H.7. by Debbie Thomas, seconded by Erika Orriss. Motion passed unanimously.

H.8. Emerald Plaza Development, Inc (Louis Riposta) requests a CUP (Conditional Use Permit) for Alcoholic Beverages for On-Premises Consumption accessory to a cigar bar in Units 1-5. (25Z00014) (Tax Account 2419246) (District 2)

Trina Gilliam read Item H.8. into the record.

Louis Riposta spoke to the application. He said we've been in business four and a half years, built a good quality business. We currently have beer and wine. In the past year and a half there's been three other cigar bars that opened in the county within 15 miles of me and basically, it's eroded a little bit of my business. It was always my plan to get liquor when I could afford it and now's the time to try and protect our position in the County as the top cigar bar that people want to go to, but they want that liquor. It's going to help me to maintain number one.

No Public Comment

Mr. Minneboo stated this gentleman's the only guy that doesn't have a CUP in Merritt Island for liquor. He's entitled. Everybody on North Tropical Trail or North Courtney has one so this gentleman certainly deserves it.

Mr. Hopengarten asked how close they are to the high school.

Mr. Riposta responded footage wise I couldn't tell you.

Mr. Minneboo commented 800 feet.

Mr. Riposta stated It's down the road beyond, you must get in a car to get there. It's not across the street. Arby's is across the street; an abandoned car wash is across the street.

Mr. Hopengarten said you're not close to the school so the students can go and partake.

Mr. Riposta responded with no they even solicit us for donations. We do have a coffee bar with great milkshakes and stuff but that's not who we are. We're cigars.

Ms. Amato asked how it works with it being within 300 feet of a church.

Mr. Riposta responded that's why I'm here. When I was granted the business license with the beer and wine for almost 5 years ago the ministry was there. They're open four hours a week on Sunday from 10:00 a.m. to 2:00 p.m. I had to pay the surveyor here recently \$1,500 to affirm the distance between the schools and the churches. He didn't even know it was there it's so nondescript. So that's why we're going for I guess as the notice in my front yard is a variance in understanding that I'm applying for this application.

Ms. Gilliam added at the MIRA meeting the board of directors reviewed this proposal. They approved it 7 to 1. Their recommendation is that the CUP will no longer be in effect should the space be leased to another tenant or if the use of the property is modified. So, Myra understood the situation with the church. I believe the church maybe moved in afterward.

Mr. Riposta responded in my research they came in 2011, and it's changed hands once or twice since then. It was much more active back in the day but now there's tumble weeds in front of the door.

Ms. Gilliam responded so the reason why we're submitting this application is for the board to decide of whether it should be approved knowing that there is a church that's in the same plaza.

Mr. Riposta added there's a marijuana dispensary next to the church, with a marijuana doctor. We're all trying to get along but that's the reality.

Mr. Hopengarten asked did they need a CUP for the beer and wine.

Ms. Gilliam responded you do.

Mr. Hopengarten then said so this will be their second CUP.

Ms. Gilliam replied Yes. Because he's expanding the use beer and wine to full alcohol that's why he must apply for another CUP.

Mr. Minneboo asked if it was a 4COP license.

Mr. Riposta responded yes. It's a quarter license. I had sold my house to get the money to put down on it.

Motion to recommend approval of Item H.8. by Henry Minneboo, seconded by Debbie Thomas.
Motion passed with a vote of 11:1.

H.9. CTX Equities, Inc. (Custom Built Contracting) requests a Small-Scale Comprehensive Plan Amendment (25S.09), to change the Future Lane Use designation from NC and CC to all CC. (25SS00003) (Tax Account 2409571) (District 1)

H.10. CTX Equities, Inc. requests a change of zoning classification from GU and BU-2 to all BU-2. (25Z00013) (Tax Account 2409571) (District 1)

Trina Gilliam read both Item H.9. and H.10. into the record as they are companion applications.

James Graham spoke to the applications. He stated we're looking to build a 12,000 square foot metal building to do work on tractor trailers.

No Public Comment

Mr. Hopengarten asked if they were going to do any welding on site.

Mr. Graham responded very little. They will be doing welding, but very little, yes.

Mr. Hopengarten added which is okay under BU-2, right. Unless he puts a BDP on it.

Ms. Gilliam replied yes to both comments.

Mr. Hopengarten stated you're just doing the trailers not the tractors.

Mr. Graham responded yes.

Mr. Hopengarten then asked are you doing any chemical washing or anything.

Mr. Graham replied No, just basically body panel repairs on semi-trailers. No paint. Basically, drilling out rivets and putting new panels on and re-riveting them inside and out back together again. You know refreshing them. Vinyl decals and stuff like that, but no paint.

Motion to recommend approval of Item H.9. by Ruth Amato, seconded by Robert Brothers. Motion passed unanimously.

Motion to recommend approval of Item H.10. by Robert Brothers, seconded by Debbie Thomas. Motion passed unanimously.

H.13. Recommendation to Board of County Commissioners RE: Amendments to Chapter 62, Article VII, Division 2, Section 62-2844, entitled Performance Security, to allow the Public Works Director to release or reduce performance security, as appropriate, for the construction of improvements associated with subdivisions and plats upon issuance of a certificate(s) of completion.

Trina Gilliam read Item H.13. into the record.

Rachel Gerena spoke to the request. This was identified under a staff efficiency review. Originally it went to the Board for Legislative intent. Right now, when we have a performance security performance bond we issue a certificate of completion. It goes back to the Board of County Commissioners before release. It's administrative, they never get commented on. This would be allowing the delegation of the administrative release of the bonds to be at the director of public works level.

No Public Comment

Ms. Amato asked in the current process how many times does it go before the board.

Ms. Gerena stated it only goes one time, but by that time the certificate of completion has already been given, so this just adds additional time before developers can get their performance security released.

Ms. Amato then asked how much time it adds.

Ms. Gerena replied usually about a month or month and a half depending on when the board meets.

Mr. Hopengarten asked if this is after all the punch items are done or is it just at the certificate of completion.

Ms. Gerena stated the certificate of completion is not issued until all punch list items have been addressed and as-builts have been received. So, there are no items remaining.

Mr. Hopengarten stated so that'll save you time essentially in bureaucracy and getting that released.

Ms. Gerena replied it saves staff time as well as allowing people to get their performance bonds securities back in a timelier manner.

Ms. Amato stated I'm just curious because I'm not generally in favor of taking things away from the Board of County Commissioners. Does it not benefit them in any way to see this coming before them?

Ms. Gerena stated that it's kind of neutral, it's an FYI if they're interested. We've just never had any interest from the board in these items. It's just one more step in the process.

Mr. Hopengarten asked if the County Commission acted as oversight.

Ms. Gerena stated the county commission has never taken any action in terms of the actual certificate of completion issuances.

Ms. Amato commented but they could if it was before them.

Ms. Gerena stated by the time these go before them the certificate of completion's already issued.

Mr. Hopengarten stated but the money is not released.

Robert Brothers stated that as a contractor he applauds any efforts to streamline the ponderous amount of paperwork that builders and contractors and people in the construction industry must go through. He greatly applauds taking out any unnecessary step.

Ms. Saunders asked if staff could discuss the maintenance bond component of it, that is part of the projects that come in after performance bonds do. Just to give that level of assurance maybe to the board.

Ms. Gerena stated when a project has a public component that is going to be publicly maintained, so if it's a public street, public sidewalk, anything like that before the performance bond is ever released a two-year maintenance bond is put in place and then goes back through a final inspection process at the end of two years to make sure that it's still in good condition and that there were no workmanship issues that weren't identified at the time of acceptance. So, there's another two years on those types of things for maintenance bond purposes, but as far as the performance the code already identifies what's needed to be complete and it's an extensive process in terms of the as-builts that are required and the punch lists that get formulated from all the different departments at final completion and those inspections. No certificate of completion is ever issued prior to all of that being complete. This is really an administrative process, it goes back to the board for release, so it was identified as an efficiency review.

Mr. Hopengarten stated that in the ordinance you're stating a release or a reduction. What you've been stating is a complete release. But you're giving it to the discretion of the public works director, correct.

Ms. Gerena stated the ordinance does have the ability to do a bond reduction, but in the way that ordinance is written currently in the code it requires that type item of work to be complete and acceptable at that time. So sometimes you'll have where the whole utility system is complete and acceptable as a whole. It's never a partial "oh you put 10 feet of pipe in the ground we're going to release that much." So that is contemplated as also being an administrative release, but it would have to go through that same process. For those items that are complete they would have to be as

built. They would have to be final inspected and then you could get that partial release of security for just those sections that are complete

Mr. Hopengarten responded the project could be phased. You could get release as a phase is completed.

Ms. Gerena replied yes.

Motion to recommend approval of Item H.13. by Ana Saunders, seconded by Debbie Thomas. Motion passed with a vote of 11:1.

3:50 p.m. staff requested a break.

3:57 p.m. the meeting reconvened

H.11. Recommendation: Adoption of a Large-Scale Comprehensive Plan Amendment (24LS00001) regarding the Brevard Barrier Island Area (BBIA) as a new element to the Comprehensive Plan under the State Coordinated Review Process.

Trina Gilliam read Item H.11. into the record and noted this is the adoption phase.

Mr. Wadsworth stated seeing this, staff, somebody has been doing their homework. Great job on this.

Ms. Gilliam stated staff has a presentation for the next applications, beginning with the BBIA first. She pointed out that the pictures used in the slides were done by local artist Ladora Simms, who gave permission for the use of her photography in the slides. We're going to start out with a brief history and explanation of the comp plan and the EAR process. The 1988 comprehensive plan outlines the long-range vision for growth, conservation, and development. It serves as a guiding policy document. The land development regulations are the primary implementation tools used to carry out the goals, objectives, and policies established in the comprehensive plan. The evaluation and appraisal which is called the EAR is a statutorily required review that Brevard County must conduct at least every seven years to determine whether amendments to the comprehensive plan are necessary to maintain consistency with the changes in chapter 163 Florida statutes. The EAR process has five steps. The first step is evaluation of the comprehensive plan to determine if updates are needed due to statutory changes. The second step is notification, submitting a letter to Florida Commerce stating that amendments are necessary. The third step is the transmittal. Amendments are prepared and then they're transmitted to Florida Commerce within one year of the notification. The county's transmittal was required to be received by Florida Commerce by December 01, 2024, pursuant to subsection 163.31912 of the Florida statutes. The request to transmit was approved by the board of county commissioners on November 07, 2024. Florida Commerce issued an ORC report called objections, recommendations, and comments on January 01, 2025. At that time the County continued to collaborate with Florida Commerce and other state agencies and stakeholders to resolve the objections. Objections are required to be resolved before it moves forward to adoption. Additionally, we incorporated many of the recommendations and comments into the comprehensive plan that were also provided by Florida Commerce as well as some stakeholders and other state agencies. Brevard County requested an extension to the adoption of the EAR based on the amendments and the BBIA element. We wanted to ensure accuracy and continuity of the plan. This extended our response time to September 17, 2025. We requested the extension because as I stated we were collaborating with so many different state agencies, stakeholders, and residents that we wanted to make sure we got it

right before we presented it to you. I want to point out in the documents you received, the blue underline are additions and the red strike through are deletions. Those represent the changes since transmittal. Any text that is in black underline and black strike through represents changes that were already transmitted and effectively accepted by Florida Commerce, meaning we didn't have to do anything to those. I also want to point out that if the board issues a directive to make any changes beyond what has effectively been accepted by Florida Commerce it may be considered a substantial change. And if so, Florida Commerce may determine that our comprehensive plan is out of compliance. After the adoption of the comprehensive plan the county is required to update the land development regulations within 12 months. Those land development regulations are what's going to implement what we put into the comprehensive plan. Florida Commerce must review those land development regulations as well. We must submit to them. This is not the end all. This is just the beginning of a long process.

Mr. Hopengarten asked how many times we are going to review this. Because I think this is our second look on the comprehensive plan.

Ms. Gilliam responded after it's adopted, we'll be working on updating the land development regulations and that will hopefully take less than a year, but it will be a long process more so for staff and other collaborating agencies and stakeholders.

Mr. Hopengarten asked if that was just the BBIA.

Ms. Gilliam responded it was both.

Billy Prasad added the BBIA is a never-ending thing. So, when we're talking to Florida Commerce they're going to expect continuous changes in perpetuity. This project doesn't ever really end, but this is the starting point.

Ms. Gilliam continued with from this slide you can see the area of critical state concern. That act was enabled in 1972. There are currently six statewide areas of critical state concerns and that includes the Brevard Barrier Islands. All development that goes on in that area must be reviewed by Florida Commerce. So, whether it's a building permit, a rezoning, a future land use anything must go to Florida Commerce for review. So, the guiding principle for development provides the key statutory protections. It was designated in 2023. Our local plan is based upon the existing comprehensive plan with new and strengthened policies. We had a public workshop and had 254 participants attend and 184 respondents and survey. That began moving to adopt part 16 of the county comprehensive plan for the BBIA element. Back the objections, recommendations and comments we only received one objection from Florida Commerce, and three comments. The objections are the things that the county must resolve before it can move forward. This speaks a lot to all the work that was put into it prior to it being transmitted. So, you can see what the objection was and what we did as a result to satisfy that objection. The next slide is one of the comments that was provided by Florida Commerce and it's to review the use of should and shall with those policies listed. As you can see our result, we updated to shall in the sections listed below. On this slide is a definition of should and shall. This is in our glossary. Should expresses an obligation, so that's a mandatory action. While shall expresses the command must express what is mandatory. Here is another comment on intergovernmental coordination and we coordinated with FWC to address their agency comments. As you can see that was the result of our collaboration. Next comment was BIPA feedback. Again, we collaborated with BIPA and that was the result of how we worked to incorporate some of their comments and concerns

and their wishes into the comprehensive plan. There were some non-ORC amendments. They were very minor and that was to update policy 2.5 to clarify the shoreline hardening prohibition, close two potential loopholes, and some other policies were addressed in this as well.

Mr. Wadsworth commented nice job. Thank you everyone on staff. Everyone on staff, nice job.

Mr. Hopengarten stated that acronyms and initialisms are rampant throughout this document. Is there any way to either publish a list of all the acronyms and initialisms so that someone can refer to them and know what exactly you're talking about? Because there are a lot of initials in every profession, and they just get blurry after a while. Sometimes you have the full name, and sometimes you just have the initials. And it would be best if you either put the full name in or have a glossary.

Mr. Prasad stated there is a glossary in the comprehensive plan. So, I'd want to look at it to see which ones of them are already in there.

Mr. Hopengarten responded I would put all of them in there to make it easy for people to read this.

Mr. Prasad said we can take that recommendation.

Mr. Hopengarten continued with the analysis of the public input stated that the major concern was density and then the secondary concern was sea turtle protection. That's what the public came up with. And I found that item 12, which deals with density there's a contradiction with the comp plan. The comp plan says no density in the increase in the barrier islands. Period. But here in the BBIA they have concessions or conditions. So how are you going to address that.

Ms. Gilliam responded we were asked by Florida Commerce to put in a separate future land use. Take our existing future land use, move it into the BBIA and rename it. What that does is if we ever make changes to our existing future land uses, those changes will not affect the land uses in the BBIA.

Mr. Hopengarten inquired if the comp plan says no density increase shouldn't the BBIA say the same?

Mr. Prasad stated let me clarify something. Policy 7.1 of the coastal management element that you are referring to still exists and will continue to exist after that, as does 12.1. If you look at the new BBIA. Let me just read it out "Consistent with policy coastal management 7.1 of the coastal management element Brevard County shall not increase residential densities within the BBIA by amending the future land use map designation for such properties." So, it's restated what's in 7.1, but now it's no longer connected to the coastal high hazard area necessarily, like the argument has been made with the coastal management element. So, we're removing that ambiguity and now it's just a flat statement clarifying flat out no residential density increases. And all the other policies under objective 12 are should be or should and we will continue to read in the context of that so those are additional regulations. What I just read will always apply. So just to be clear not only are we not taking it away, but it also clarifies, and if anything strengthens it.

Mr. Hopengarten asked why you have all these others.

Mr. Prasad responded because we still need to define the future land use of each property. For example, RES4. Today they're RES4, but we're creating a new RES4. Very similar to what they have

today because the law says we can't take away any zoning or use of land from people that already have a certain land use. But we've made some minor adjustments. For example, today in current land use you can get density bonuses for PUDs, but we've now restricted that new PUDs won't get that density bonus. By having these policies separated it allows us to do that. In other words, it allows us to fork and apply regulations to policies that make sense in the area of critical state concern but may not make sense countywide.

Mr. Hopengarten stated he would think the BBIA would be more restrictive.

Mr. Prasad responded exactly, and it is.

Mr. Hopengarten commented policy 2.3 which deals with lighting, are those regulations enforced all year or only during the breeding time.

Ms. McGee responded certain regulations would be relevant during nesting season. So, during March 1st to October 31st.

Mr. Hopengarten stated so, it isn't all year, it's just seasonal.

Ms. McGee responded correct.

Mr. Hopengarten continued with 2.4 beach renourishment, who's paying for all of that because we need it.

Ms. McGee responded with we have a beaches renourishment program through natural resources and that is a variety of funding sources. It's Army Corps, FEMA, state grants and the county chips in some. A lot of it is reimbursement after hurricanes. So, we have a very robust beach renourishment program. We just finished up another phase right before nesting season and as soon as nesting season's over we'll be right back up doing it again putting some vegetation in and putting more sand down.

Mr. Hopengarten asked if that renourishment is what the corps is doing currently.

Ms. McGee replied yes, Cape Canaveral has a project and there's a bypass project for the port where they have the inlet there where they must pump sand from one side to the other. So, there's a variety of projects that go on throughout the year.

Mr. Hopengarten inquired if there are any specifications as to the type of sand that they're using for renourishment.

Ms. McGee responded yes, strict. It's the color, the grain size, you have to make sure that it isn't too fine, or it'll cement up and be too hard to nest in. The color needs to be correct because I believe it can affect the sex of the hatchlings.

Mr. Hopengarten stated he was more concerned about all the shells that are ground up into that renourishment that I saw in Cape Canaveral.

Ms. McGee responded that's what sand is. But they do have to check the grain sizes. They do civil analysis and it must be approved by all the permitting agencies which ranges from Army Corps, FWC, and FDEP.

Mr. Hopengarten went on with 2.7, oil and gas exploration, isn't the coastal region in Florida banned from any oil and gas exploration and production.

Ms. McGee responded she could not speak to that with 100% certainty. I think so but I don't know.

Mr. Hopengarten stated I thought the governor had done something to that effect to prevent it so that our beaches wouldn't be ruined like they are in Louisiana and Texas.

Ms. McGee responded that may be the case. I just don't know that for sure. I can find out and send you information on that.

Mr. Hopengarten asked if it's not can we initiate a ban?

Mr. Prasad replied no and that's one of the reasons why we worded it the way we did. We can review and comment and obviously it's not in our jurisdiction to approve or deny. So that's why it's worded the way it is.

Mr. Hopengarten asked if it would have to go up to the state or up to the feds.

Mr. Prasad stated I believe it's both but I'm not 100% sure.

Alex Esseeesse responded probably both.

Mr. Hopengarten commented I don't know if you all have ever gone to a beach that has an oil spill on it, like I used to see in Galveston. It's horrendous. You must wash your feet with gasoline after you get off the beach. So, I'm hoping that they don't allow any of that to happen on our beaches.

Ms. Orriss addressed 6.7. We're talking about acceptable hurricane evacuation times. I live down in the south beaches and we know that everybody's going to be coming from the Wabasa beach. It floods all the time. So, they're going to be taking A1A. When we talk here about the level of service and the information is contained in the Florida regional evacuation study. I went online and I looked at the Florida regional evacuation study, and it said to evacuate was going to take us the category 5 hurricane 61 hours. Is that somewhere going to be addressed or talked about?

John Scott replied the short answer is that 61 hours you're referring to is what's called an operational scenario. If you saw on the table, there's a variety of options. We follow the base scenarios. The operational scenarios contain a whole lot of other variables that we use to just actually see what different modeling would be. So, the base scenario that we would follow for out of county is I believe 26. I also want to point out here that when we talk about evacuation clearance times operationally, where you guys are concerned about how long it takes to evacuate, that is just one piece of the factor. We do a lot of things operationally to work within those times. So, it is just a piece based on some modeling. There are three to four other factors that do more to drive clearance times operationally.

Ms. Orriss stated it is a concern. It's my same concern when I read through the comprehensive plan. This is just an added layer of protection for us down there. But since I live down there, I'm telling you I'm thinking to myself a category 5's coming our way. That's kind of scary. The bridge does flood.

Mr. Scott commented we spend a lot of time planning for those kinds of things. We're very aware of the challenges in the roadway network. We're very aware of how we can be influenced by other regions. There are again many other things we do to help mitigate those times. I would also like to point out that like Hurricane Irma, which was in 2017, was the largest evacuation in the state's history. We put 7 million people collectively on the road. And we didn't have the kinds of backups and stuff like folks may remember from the '04 and '05 season, in large part because we understand the roadway network better and we evacuate slightly differently from how we implement it operationally.

Ron Bartcher stated he had a question about the process today. As I understand everything that's in black has already been accepted.

Ms. Gilliam replied that is correct.

Mr. Bartcher asked if that meant we are not reviewing any of the stuff that's in black and we're only reviewing the stuff that's in red or blue.

Ms. Gilliam stated that anything in black was already accepted by Florida Commerce. They had no objections, comments or recommendations to that. So, only the things that were changed since transmittal is in the blue and the red. If we make a change to text that's in black underline Florida Commerce may consider that as a substantial change because they've already effectively accepted that.

Mr. Bartcher asked if we would have to request an extension of the process if we did that.

Ms. Gilliam stated it could possibly make our comprehensive plan out of compliance.

Ms. Orriss stated I think most of the people with the BBIA just want to get this going and pushed through. And we know that it's going to be an ongoing process. We know there's going to be a lot of iterations to get it approved by the state, but probably what most people want.

Ms. Gilliam stated the sooner we can get these elements adopted in the comprehensive plan, the sooner we can start working on the land development regulations to implement those things.

Mr. Bartcher stated he wished he'd known that last year. I had a lot of suggestions, but everybody said, "Ah don't worry about it, you know it's going to come back, and we'll review it a second time."

Mr. Prasad stated to keep in mind the board may always suggest a new change and a separate text change. You're not limited to just ear or implementation. If the board of county commissioners or this board recommends it to make a change in addition to that that's something that can be done at any time. There's no limit to the amount of text change amendments that can happen. Now the stage we're at in the process today I would say is the refinement stage. You know you come up with new language to meet the EAR process and in this case the implementation of the BBIA. You get that to commerce, and they look at it to see what may or may not need to be changed. Then we focus on those things. So, it should be getting more and more refined. Now if you see something else in there that you want to make a recommendation, of course we'll make your recommendations to the board

of county commissioners. But I'm just saying as far as what our risk is, it's in making changes that weren't in that ORC report at this point.

Mr. Bartcher stated he would recommend that in both the BBIA and the comprehensive plan that who's ever responsible for each one of the sections look at all the uses of the word should and either one change it to shall or two delete the policy. My reasoning for that is when you use the word should you're implying that there's really no commitment behind that. I also believe that having should in there makes it difficult for the county employees to enforce that policy.

Mr. Hopengarten stated BBIA 4.5 stipulates where illegal or accidental discharges of materials or violations, do you have a fine associated with that or a penalty.

Ms. McGee replied that's going to depend on what the violation is and who handles it. A lot of times that goes to DEP, it goes to the state. And we in natural resources, the county, we take an educational approach. Sometimes people will discharge their pool water or they're constructing a pool or something and they'll have discharges out to the lagoon. They may not know any better. We get someone out there to talk to the owner and let them know what the rules are and why we have them but no fines. I don't think that the county has any fines for this type of discharge. I think that's going to go to the state.

Mr. Hopengarten replied we don't have home rule.

Mr. Prasad responded we've been preempted in several areas.

Mr. Hopengarten continued with 5.2 says, "Brevard County shall address modification of existing development that does not meet stormwater management standards within the stormwater management criteria and should use available financial mechanisms." What does that mean?

Ms. McGee responded I think when we're talking about public projects retrofitting storm water and looking for grants and funding other than normal sources different projects are going to have different funding sources. We've got SOIRL projects that are storm water. You have capital projects that are through your tax bill. And then there are resilience projects that have been ongoing where you could get special funding for. And my understanding is in the BBIA once we're all adopted and cinched up here there could be additional funding mechanisms that we can tap into as an area of critical state concern. So that would be another potential source of revenue for staff to look at to fund projects.

Mr. Hopengarten asked what the timing is on something like that. If you have a failure in a development and you must address it right away, but you need to get money to pay for that.

Ms. McGee responded if someone's in violation of their St John's permit that would be for St John's because if you have a subdivision let's say or a site plan where the storm water system is permitted through the state, and it fails then St John's would deal with that. We also have site plans that must be approved through the county and some things are enforceable through our site plan process but that would be on a private person, and they'd have to deal with their own funding.

Mr. Hopengarten stated I was just worried about existing facilities that fail, whether it's storm damage or just bad design, that we have those financial mechanisms that will handle that immediately rather than you must go to the state and say we need money for this, and it doesn't get repaired for months at a time.

Ms. McGee stated if it's a private project that fails the county doesn't have any legal, I mean you're putting someone else's, the private person's funding financial liability on the county to fix it. Correct me if I'm wrong Alex, the property owner would be responsible for that.

Mr. Hopengarten asked what about the developer that turns over the roads and sewage and everything to the county once the project is complete.

Mr. Esseeesse stated it's related to one of the items we had earlier today that Rachel brought forward where we're dealing with maintenance bonds. Obviously, staff goes out there and makes sure that the facility and infrastructure are in good enough shape and acceptable, and that's when we receive it, and it becomes our responsibility. Then the maintenance bond comes in for a year or two just for the immediate aftermath of when the project's completed. We have that as the financial backing to ensure that the infrastructure is in good shape. With respect to what happens down the road that's something we would have to report to any state agency whether it be St John's or FDEP. The county also has code enforcement mechanisms in place that would allow us to, if there was an emergency apply or bring those fines against the property owner as part of the remediation of the case itself. So, if we had to go in and do an emergency repair that would be an avenue to recuperate those funds.

Mr. Hopengarten inquired if there are any mining activities on the BBIA. There is a section here regarding it.

Mr. Prasad responded not that he was aware of currently, however it's one of those things that if it was already in their zoning and use of land, implementing the Brevard Barrier Island Protection Act doesn't allow us to modify the existing zoning and uses of the land, so it's one of those things that if they have the entitlement today, they can continue to do that.

Ms. Orriss asked if there are any plans for sewage in BBIA. There are a lot of people that live further south than myself, I live in Turtle Bay, they don't have water. Are there any ideas about sewage on BBIA in the critical area of concern.

Eddie Fontanin responded it's going to be an item for H.12., but within the amendments we made to the water/sewer element we also updated the utility service boundary. We did that as a means of providing a boundary so that future CIP projects are contained. Obviously, it would be not the right way to do it to hold projects outside the boundary. There is legislation regarding the Indian River Lagoon and nutrient reduction. That would also be a state component.

Mr. Hopengarten asked who provides all the signs for education of the public by signage to see that it's a manatee area. They have the slow speed on the boats and other things. Is that something the County does or does it come from the state. They're saying the applicant would have to erect a manatee education and awareness sign. Do they make up their own or are there standards.

Mr. Prasad responded it depends on the project and the funding sources for that project. The county does some signage.

Ms. McGee added they get them from FWC and from the state. They provide them to the applicants so they can put them up. Then our beaches, boating and waterways section also will get grants to put up signage in different places and we maintain the channel markers. We do have a boating section that also provides some resources.

Mr. Hopengarten continued with 12.3 talks about future land use map designations, are you changing RES1 to residential 1 on your maps.

Mr. Prasad responded that we were just trying to remove abbreviations.

Mr. Minneboo stated he had one question. If an area incorporates (i.e. Merritt Island, Viera) is there any obligation or mandates that that incorporation would bring your data to that area. Are they obligated at all?

Mr. Esseeesse asked if he was referring to whether or not our comp plan regulations would apply in an area that becomes incorporated.

Mr. Minneboo responded when I say when Viera goes into a city potentially, Merritt Island goes into a city, they will be under a whole new set of rules. Is that correct?

Mr. Esseeesse replied yes. The jurisdiction would have to update their comp plan to incorporate those areas and then they would be entitled to whatever land use regulations apply to them.

Mr. Prasad indicated we're seeking a recommendation to the board of county commissioners on approval or denial, and it looks like some members of the public may be looking to speak.

Public Comment

Sandra Sullivan stated there were a couple things she wanted to talk about. First the future land use map and the comments made that they are entitled to additional density, I want to point out that the Department of Commerce formerly DEO in response to Brevard County 21-01 ESR made a comment pertaining to some property rights policy letting them know that future land use is not a property right. I also want to mention that the BBIA is something to celebrate because this is the first one in 45 years, and it essentially happened because a vote was taken under public comment to upzone South Beaches so in consequence of that got the assistance of our state rep as a checks and balance. Sea turtles wise we are the largest loggerhead nesting in the world. We're the key to their survival. Arman was destroyed and they had about double of us. So, it's exceedingly important. One thing that's missing in this report is the CBRA, the Coastal Resource Barrier Island Act. It's a federal act which prohibits federal monies within that area of the CBRA. There's no mention of the CBRA in here. There are two areas of Brevard that have area designation. One is in South Beaches, and one is up in Lake Palmda Beach. That is missing. I think that section 12 needs to be addressed given that department of commerce saying that the future land use is not a property right. I also want to address evacuation because I don't think it's spelled out well in here. I understand the clearance time part is in the other section. I'll talk about that later. But this area is 30 miles long from the bridge way down to the south. That bridge floods early on. So, the only way out is north to 192 where everybody else is trying to get out. And so, this area as an area in Brevard has unique challenges that I do not think that the evacuation part is adequately addressed. And it should be stated in here the state standard is 16 hours.

Mary Sparr stated she is representing Sierra Club Turtle Coast Group. Sierra Club has reviewed the BBIA amendment carefully. This amendment is extremely important for adequate protection of habitat and coastal resources. Please recommend approval of the BBIA amendment to the county commission. We support approval of the amendment recognizing that there is one particular change that needs to happen in the next amendment. We can't do it right now because it would be a

substantial change according to staff. What's needed is a policy outlawing a change of residential land use designations to commercial land use designations. In other words, a change of intensity of land use something mentioned multiple times during the transmittal phase. We are just getting a little more specific in asking for no changes from residential to commercial to allow the building of hotels and prevent changing residential to commercial land use and zoning to allow a large multifamily affordable housing project under the state's live local act. And prevent changing residential to commercial, getting PUD zoning and then taking advantage of the fact that any residential component of that PUD can have a density greater than the original residential designation. Now Sierra Club understands that prohibiting a change of BBIA land use from residential to commercial would be a substantial change which is not allowed now, but in the next comp plan update the county could transmit such a policy for the BBIA. And just a little while ago Billy Prasad commented that this is an ongoing process over many years. In conclusion we're asking you to recommend to the county commission that they consider a carefully worded policy prohibiting this specific intensity change in their next comp plan update. And, we're also recommending adoption of the BBIA amendment now.

End Public Comment

Mr. Minneboo stated he wanted to say one thing. Staff you've done a marvelous job. You guys have worked, there's no question the number of meetings you all have had, and many of us tried to keep up with that. And I think you've done a great job. So, I don't know if the commission will tell you but at least we did.

Motion to recommend approval of Item H.11. by Henry Minneboo, seconded by Robert Brothers.
Motion passed unanimously.

H.12. Recommendation: Adoption of the Evaluation and Appraisal Review (EAR) based amendments to the Comprehensive Plan (24LS00002) to the state land planning agency (Florida Commerce) for review under the State Coordinated Review Process established by Section 163.3184, Florida Statutes.

Trina Gilliam read Item H.12 into the record.

Public Comment

Sandra Sullivan stated, "Comp plan our lives matter too." I have some serious issues about some of the changes that have been made. There was, because of a 1999 evacuation study, that found critical evacuation deficiency on the barrier island. There was a Merritt Island and central barrier island study. This went from Merritt Island all the way down to Indian Shallow. The relevancy of that was a downzoning study that reduced the density from RES30 to RES15. Now the references in the comp plan reference have changed history like that didn't exist and I take objection to it. I would even suggest that it's malfeasance which is a serious allegation. You'll see I sent a lot of you guys this letter, here on the back, this shows history. This is from the county itself. The county has shown a commitment to cap or even reduce densities on the barrier island. This process began in the South Beaches area with the adoption of the 192 South Beaches small area study and has continued to present day. As recently as the 2000B plan amendment cycle the county adopted comprehensive plan amendments that capped the residential densities for the unincorporated areas on the northern and central barrier island at existing levels. What have we done? We've taken Merritt Island and for the MIRA area we have changed the density there to RES30. Now RES30 in the comp plan, 2000B

comprehensive plan, says explicitly that RES30 was only for three properties. Only for three properties. The other thing that is a major change is that of evacuation. Evacuation defined by state statute 163 3178 or 2178 states that the state level of service is for 16 hours for a category five out of county. And so, what the county is doing is they are shifting to a clearance time. A clearance time is whatever time it takes. It is not a level of service standard as defined by state statute. And so, hey you ask the question of staff you know does that mean we're going to revert as a level of service to the state 16 hours, because we're not defining it. This is a huge document. This should have been broken down into sections so the public would be able to comment. Three minutes on a thousand-page document is ridiculous.

Mary Sparr speaking for Sierra Club Turtle Coast Group stated that they support adoption of the EAR based amendments, though we would like to see one change made first. There are a handful of inconsistencies between the coastal management element and the new BBIA amendment for the south barrier island that need fixing right now. The state agency Florida Commerce sent separate ORC reports on the EAR and BBIA amendments. They objected to some of the BBIA amendments and had negative comments on others, but they overlooked the same exact problems in the coastal management element included in the EAR. The state found that policy BBIA 2.6 lacked a specific timeline for a re-evaluation of the effectiveness of the county's coastal setback line or CSL. But they failed to mention the exact same lack of a specific time frame in the coastal management element policy CM4.2. And obviously it's very important to re-evaluate this old line in a timely manner. Also, BBIA policy 5.8 which encourages nature-based design and low impact development for areas vulnerable to flooding was flagged by the state for weak language, specifically the use of should instead of shall. The state overlooked the same weak language in coastal management policy CM14.9. In general, what the county did was change the BBIA amendment to please the state but left the corresponding coastal management policies alone. Staff's new changes to these two BBIA policies flagged by the state are excellent. At a minimum Sierra Club would like coastal management policies corrected for the same defects the state spotted in BBIA language. In conclusion, please recommend to the county commission adoption of the EAR amendment after correction of important inconsistencies between coastal management element policies and updated BBIA policies.

End Public Comment

Ms. Amato asked if she could have clarification on what the state statute for level of service for getting off the barrier islands would be.

Mr. Esseeesse stated it looks like section 163.3178 subsection 8.

Ms. Amato asked if it gives an exact time.

Mr. Esseeesse responded my understanding of the statute is that it says there's essentially three prongs to it. A proposed comp plan amendment shall be found in compliance with state coastal high hazard provisions if the adopted level of service for out of county hurricane evacuation is maintained for a category 5 storm event as measured on the Sapphire Simpson scale. And then there's two other options.

Mr. Scott commented our understanding and the way we read it is because we have an adopted level service which is the out of county clearance time in the regional evacuation study which we're comfortable with, we meet that standard.

Ms. Amato then asked what the purpose for removing the evacuation route map out of the comp plan was.

Mr. Scott stated some of that's just cleaning up. We did that in our plan as well. Evacuation route maps are a bit antiquated. Most folks these days when they evacuate, evacuate with a destination. That's what we see repeatedly. Most folks are using their phone. At this point in time pretty much all roads are evacuation routes. It's no longer applicable to where we are in time.

Ms. Amato said she was curious because she went onto the emergency management website because she was curious. So many new people move to Florida every day. They're completely unfamiliar. And, granted most people have phones these days, but I couldn't find a map anywhere. I even asked two extra people to try and find something for me and we could come up with nothing.

Mr. Scott stated we do not post one. Again, in all the conversations we've had, and we spend a tremendous amount of time in our community doing outreach and talking to folks, the actual evacuation route, that comes back from a period of time in 2004 and 2005 and prior to that where you were using actual roads where people didn't evacuate with destinations. That really is a big difference. Most folks today, should you evacuate, are evacuating with a destination. In 2004 and 2005 which I know is seared into our memory culturally, you didn't have the ability to go on your phone and book a hotel. You didn't have the ability to look at those kinds of things. You didn't have Google or Apple Maps which model dynamically which is sort of a way to tell you if you have traffic coming up to take this off road instead of that road. All those capabilities exist today. It no longer makes sense to do those.

Ms. Amato inquired if there would be evacuation route signs on the road or anything.

Mr. Scott indicated evacuation route signs are handled by DOT. He would defer to them for that because those are primarily their roads.

Ms. Orriss asked the level of service that's acceptable for say a category five hurricane for those of us on the barrier island would be what?

Mr. Scott replied that right now that level of service is 26 hours.

Ms. Orriss continued with we're saying 26 hours, and the state would like it to be 16.

Mr. Scott replied that is if you do not adopt a level of service.

Ms. Orriss stated she had the hardest time finding the county comprehensive emergency management plan online and seeing anything like anything. And then when I went to the clearance times it says the Florida regional evacuation study. So, what Miss Sullivan pulled up is what I was referring to previously, the 61 hours. So, the clearance time simply is how much time it takes to get people off wherever we are in the worst-case scenario.

Mr. Scott stated the clearance time is a calculation based on a model that the state runs, where it runs a variety of destinations and it literally takes the amount of people that would have theoretically evacuate based on several things, that includes a behavior model. It then turns those folks into trips, so cars, and then models them. They look like small little dots running around. And by the time all the dots get where they're supposed to go you get a number. And then like I mentioned earlier that

number is a part of the equation when we look at operationalizing evacuation decision making. So those are two separate things. Operational clearance time or clearance times and then operational evacuation decision making clearance time is a piece of that equation.

Ms. Amato asked if it mentions the level of service standard anywhere in the evacuation information in the comp plan. Because I feel like that would be beneficial if the level of service standard was put there.

Mr. Scott stated that one of the reasons why we made the change to the comp plan to point to one specific place is because our comprehensive emergency management plan and the regional evacuation study are simply on different times, like when they get updated. So rather than always having to chase those things which we have done for years this was a way to sort of streamline and clean those things up to just simply point at the regional evacuation study. Let me answer this question ahead, if we ever reach a point where we suddenly find ourselves in a situation where we think the level of service the regional out of county clearance time would be a problem for us to maintain we would act and do different things but right now we're comfortable with the number.

Ms. Amato replied I just think it would be good for transparency.

Ms. Orriss stated she agrees. She really did have a hard time finding the level of service. 8.3 said Brevard County shall identify roadway and operational improvements to hurricane evacuation network based upon capabilities, limitation, and vulnerabilities. And it goes down to criteria, priority shall be given to improvements of roadway networks serving hurricane evacuation routes with the greatest number of people. I can assure you that the people in the South Beaches, we do not have the greatest number of people, but it will take us the longest for us to get out of where we're at. It is 30 miles if you go to get to 192 from the Abasco Bridge along with other people. It'll be hard for us. So, I don't know if there's any priority. I don't want to say, "Oh well take us, we're the best."

Mr. Scott stated I'm born and raised here, so I get the South Beaches. In fact, I get quite a bit of this stuff. And again, transportation networks are holistic. Improvements you make on all streams can affect things. But one of the biggest things we do and it's why I talk about clearance times being a factor but not the driver in this conversation, is the bigger piece when we talk about clear evacuation decision is how many folks do we put on the road at the same time. Because you can handle a lot of people over a long period of time, or you can bottleneck a road just by putting a small number of people. And the greatest example that I'm sure we all experience every day is if you find one of our pinch points throughout the county at 5:00 p.m. or 8:30 in the morning. Traffic is backed up. Roll through there at 6:00-6:15 p.m. and it's flowing again. So, we spend a lot of time on doing something we call a soft phasing of evacuation so that we're constantly putting folks on the road but we're never at one point dumping a lot of folks on the road. And we've seen that continue to work in 2016-2017 as we began to implement those kinds of things. We saw it in Dorian. It is a statewide best practice. We are in line with all those kinds of things. It really is about throttling roadway traffic and looking at where those areas come from, like what happens on the west side of 192 and Melbourne impacts those kinds of things. But again, I'll just come back to because folks are using smart technology like cell phones and those kinds of things that are picking those things up some folks from the south beaches will cut over on Riverside and get to 192 faster. They may take it all the way down to Eau Gallie or Pineda. That stuff is happening naturally and that is a more holistic and accurate way to look at evacuation modeling than just a sort of a clearance time, which doesn't consider time of day or any of those kinds of things and when a storm's going to arrive. I know this is deep in the weeds on

evacuation planning, it is complicated, but we take it very seriously and we try to make sure that all of our residents, especially our barrier island residents have enough time to evacuate safely.

Ms. Orriss stated those of us down there in the south beaches, we can take Oak, we can take Riverside, we can do a lot of things, but we must take A1A for many miles to get there unless we want to swim.

Mr. Scott replied we pay a lot of attention to it.

Mr. Minneboo asked when you did the evacuation calculations for Merritt Island did you consider the NASA route in that.

Mr. Scott commented let me be clear we don't do it by area, it's for the whole county. It's for the whole network. You're talking about the NASA evacuation around the visitor center.

Mr. Minneboo replied from the north end of Merritt Island that transitions into the NASA causeway. Did you add that to the system.

Mr. Scott replied that was part of the roadway network that was marked.

Mr. Minneboo asked did you also add the other portion that goes straight up and it's what's called old A1A, the part that goes through Titusville.

Mr. Scott responded any active roadway that we can push cars onto is modeled.

Mr. Minneboo stated NASA tends to change the rules when the weather gets bad. Was there ever a determination of the percentage of people, specifically on Merritt Island that would stay.

Mr. Scott replied that the way it looks at it is holistically. It is based on a behavioral model that samples the amount of people that stay versus go. That is one of the banes of our existence as far as trying to figure out what that is. I will tell you that is far more storm dependent and trying to find good behavioral studies for that is a struggle.

Mr. Bartcher commented policy CM 8.4 says that essentially this board can recommend a denial of a development if it's going to create a problem with evacuations. My question was the only thing that we already referred to is this table that shows how you evacuate the entire county and that to me doesn't have enough granularity. Do we want to approve a development or not in BBIA. Our concern is what about the hurricane, so if we have 100 people coming in that's going to affect our evacuation times, so how much of a change in the evacuation time do we have to have for this board to be able to recommend a denial. The other question is who calculates that. I understand about traffic studies, and a developer can provide a traffic study, but is a developer going to have to provide us with some data about evacuation times.

Mr. Prasad replied as of today our emergency management group tracks that, and they keep that in their modeling. So, when it gets to a point where their modeling shows there's an issue, they'll alert the planning department, and we will take appropriate action based on that. As of today, that has not happened. But if that did happen that's how that would work

Mr. Bartcher stated he was talking about development that doesn't exist yet. It's only in the planning stage. You can't have a model for something that doesn't exist. So, we've got a development in BBIA that's going to put 100 homes, 150 homes in that area and we would like to know if that's going to create a problem with evacuation times.

Mr. Prasad responded this is the BBIA specific comprehensive plan and that goes back to what we were talking about before that. We're in the implementation phase, this is the comprehensive plan element. The next stage is doing the LDRs and that may be part of that. Right now, we're talking about countywide because we haven't done the LDRs for the BBIA yet. So that'll be the next phase that Trina was talking about earlier that must be done within the next 12 months.

Ms. Orriss asked if the future land use is not a property right.

Mr. Prasad stated he thinks context matters. In this case the Brevard Barrier Island Protection Act itself stated that people get to continue their zoning and use of land. I think most people would take that to mean their land use or at least to some degree. It's subject to interpretation, but I think when the act itself specifies zoning and use of land they mean something beyond zoning. That created some property right, but we wouldn't be able to change somebody's rights based on the act that says they get to keep it if that makes sense.

Mr. Esseeesse added there's certain expectations that property owners have or people that are going to buy property have. That is part of their expectation, what they could build up on their property.

Ms. Amato stated she had some questions about water supply work plan on page 16. Please correct me if I have calculated wrong, but max in Mims is 99 gallons per capita per day and 118 is max according to the outline. It says that the BEBR average household size in Brevard County is 2.33. So would I be wrong in multiplying 118 at max gallons times 2.33 to come up with the actual usage of an ERC or a home.

Lucas Siegfried responded regarding the BEBR model that's a general population analysis that gives you general populations. We're doing our own population study as well. Regarding the flows and what we're using for them there's the 118 which is the maximum which was referenced and that's a planning number.

Ms. Amato stated the max GPCD is 118 and right underneath that it states that LOS of Brevard County comp plan adjusted with BEBR average household size 2.33. So, in my thought process if you took the average household size which is 2.33 people, and you multiplied that by the single use of 118 gallons per day is that how you would figure out how much on average with these calculations that a household or an ERC would use.

Mr. Siegfried responded when we do that analysis we're using real data. The numbers that are listed there are the planning numbers. It's the maximum flow. For example, you referenced 118. When we look at what household actual consumptive use is we're referring to the actual data that we have from the plan in terms of what those flows are and what it is coming from residential density or from the residences as number of connections. You're asking about the calculation.

Ms. Amato replied yes, if you do that it comes up to 275 gallons per day per ERC or home. And the current regulations for this are set at 200 or 220 and it's asking to be raised to 250. But if that's true I would say that that level of service standard is still below the actual use. That is my question.

Mr. Siegfried responded let me clarify. You're focusing on the max gallons per capita value per day, which is the 118, whereas the number you'd really want to refer to is the 99.

Ms. Amato stated I refer to the max per capita because state statute says that you must have adequate water, implying that in times of drought, fire, or whatever the circumstance may be that you have adequate water for all of those circumstances. So, I would refer to the max because that is where adequate water comes from.

Mr. Fontanin responded when we do level of service it's always based on average. Even with the average based on the 2.33 number it'll still get us a number that is by usage. It's a triangulation. So, the 233 number by the calculation by the BEBR density and by the 100 gallons per day per capita, which is not only stated in the water supply plan, but it's also a rule of thumb best practice usage, still gets us at a number that we're having a level of service with a margin of water supply. In addition, we also looked at the current water usage. So, we take all the billing data, and we associate it based on a 5/8 meter which is synonymous with a single residential home and looking at that to get an equation or a calculation on a level of service based on a single h family home. And I believe we sent you a memorandum on three months of data, but we've looked at it further. It gets you in a range of around 158, 171. With that, at a level of service of 250 we feel there's still adequate room in there for unaccounted for water and water supply.

Ms. Amato then asked is the way that you formulate that somewhere in the comp plan? Did I miss that. Because I thought the point of this was to lay out the way that it gets figured out and if we're figuring it some other way, that is my question.

Mr. Fontanin stated as we sit here and focus on the water supply plan the process that we're looking at doesn't stop. So, we originated with an old water supply plan and obviously a needed update to the EAR. I'm not the state and I don't make this process. Step one is you must modify to the best of the ability within the current comp plan the um the water supply plan. As we go through this, we have updated that to appease the state based on be best data available and based on what's currently adopted in the EAR. Until the board approves it, we're still working off that old information, it's the full intent that as Billy described there are other actions after the EAR gets approved. One of the other actions is to update the water supply plan to make it current. As we use the level of service that's being proposed in the EAR amendment we would then soon after be updating the water supply plan so that both documents were consistent with each other.

Ms. Amato stated it was just updated in 2024 and again now, so what's not current.

Mr. Fontanin responded we needed to have an updated EAR to make the amendments to the water supply plan.

Mr. Prasad stated I believe under statute the water supply plan only needs to be adopted. It's a snapshot in time and we've reached out to the St John's River Water Management District about that. They would consider whatever is in your comprehensive plan as controlling over the water supply plan, which is meant to be, as I said a snapshot, a planning document that must be done within a certain period after the regional water supply plan is done. As Eddie was saying one thing follows another. From a state perspective there's no surprise at all that at any given time especially right after you do your EAR that those two numbers would not match.

Ms. Amato stated it went from 400 last year to 200, to 220, to 250. Is that correct, for the level of service standard that's a huge drop by half.

Mr. Fontanin stated the 400 you're referencing Ruth is something that was adopted back in 1990s. So, I can't explain where 400 came from. It's extremely conservative. What we have done is to get that level of service to a more appropriate number, this is going back to the triangulation that we've done with billing data, with data from the plant and it also coincides with what's currently in the ordinance based on the level of service as referenced in 163, if I'm not mistaken that references 250.

Ms. Amato commented so having a level of service that is lower than the max level of demand is appropriate is what you're saying.

Mr. Siegfried stated the level of service currently proposed and the one that's current, the 200 and the 250 gallons per day per ERC, that currently exceeds our demand in both cases.

Ms. Amato stated but not according to this. And this is what the people see. This is when someone goes to calculate something, people read these things, and they can use it to calculate documents with.

Mr. Siegfried asked her to clarify what she was referring to.

Ms. Amato replied to the water supply work plan page 16.

Mr. Siegfried stated our level of service exceeds the current demands and this is calculated based on actual consumptive use. What we see per ERC at our out-water treatment plants, specifically Mims, but it's same in Barefoot Bay and 200 exceeds it and the 250.

Mr. Amato added the other thing I would suggest is not so many years ago, part of this was just a year ago, it wasn't a countywide service standard and the utilities aren't connected, is my understanding. Barefoot Bay is not connected to Mims. They're each individual rate payers and you don't transfer water back and forth is my understanding. And I think it would be better if it was broken out per utility as those rate payers are in each individual area and they are not connected. That would be my other recommendation.

Mr. Fontanin responded what we've done in the amendment is removed the level of service from the water and sewer element and moved the level of service to the capital improvement. If you look in the capital improvement element revisions that we propose we do have it for what we call North Brevard Barefoot Bay water. So, it is listed under there.

Ms. Amato replied I must have missed it. I have the capital improvement in front of me and it says BCUSD as a county. It lists Barefoot, Cocoa, Palm Bay, Titusville and Melbourne. And then I have it in the potable water element as well. I must have missed that somewhere.

Mr. Fontanin responded Brevard County utility service, which is BCUSD, the only water facility that we have that falls under that is MIMS and San Sebastian which is a minute area. Barefoot Bay would fall under the 150. So, they are broken out within this.

Ms. Amato stated except for Mims shares with Sebastian. Is that what you said?

Mr. Fontanin stated we're just using the 250 level of service for Sebastian, but it's for 75 customers.

Ms. Amato stated that was kind of my point. Each area, as many department heads and commissioners, and people on this board have mentioned it's an extremely long county and it's very diverse and one of those utilities being on one end of the county and one being on the other, my recommendation is that they should be broke out into their own individual utilities since they are separate, and each area has their own diverse needs. The other question I had was on conservation. It talks about reducing or allowing more development in the 10-, 25-, and 100-year floodplains, what was the logic behind that?

Ms. McGee stated we have field footprint and density restrictions right now in the riverine floodplain. What it's doing is it's forcing people to annex into the cities that don't have the floodplain ordinance criteria that we do. We have stronger criteria. So, the goal is we're going performance based for all floodplains. No matter where you are you need to demonstrate that you're not causing any adverse impacts on surrounding development, areas, or properties. And if Bach were here, he would tell you the technical term about a rise in the peak flood stage, but it's meant to be performance-based and take away the arbitrary criteria of density and fill footprint restrictions out in the riverine floodplain.

Ms. Amato stated she would mention that it's greatly concerning to a lot of residents in North Brevard that that would be removed. North Brevard takes a lot of the storm water from the entire length of the county because at Lake Carney it bottlenecks and cannot flow out at the rate at which it flows to North Brevard. Many residents in North Brevard are experiencing flooding that hasn't been seen in over a hundred years. And so, removing and reducing those or reducing those densities and not having them in there is very much concerning to those in North Brevard.

Ms. McGee asked can I provide you an example for densities. For instance, this is a St John's Riverine floodplain not the Estuarian floodplain. You could have a subdivision that has one unit to the acre, and you could have them spread out, we call that peanut butter style. You spread it out over a bunch of area, or you could have a density that goes up. Your footprint of your density can be this, or it can be this. So, it's not the best metric for trying to control flooding the performance measures are more based on the actual site conditions and the engineering. And I'll also add that our storm water section program is doing a lot of flood studies right now. We have a grant to do a countywide flood study. We're going to be looking at rainfall on top of storm surge on top of future conditions. So, we're gathering more and more data, actual site data and trying to get away from relying on, for instance for St John's River, we rely on a report from St John's from the 80s and I think Ana has probably had to deal with that in the past when you were doing engineering. You know to look at the current conditions as they exist today and what's happening with the water.

Ms. Amato stated even the FEMA flood zone maps aren't current enough for North Brevard. There's property in North Brevard that I believe are zoned for one home per 2.5 acres that sits under 10 foot of water. That was pre-lan.

Ms. McGee stated we use best available data whenever we can and that might be a FEMA map, it may be a flood study that public works did, it could be something that we did in natural resources. So we do look for best available data.

Ms. Amato continued with there was an exception in here and it said see a different element and it took you to where it was concerning the floodplain and it talked about allowing PUD on the floodplain.

So would that be development of the floodplain. I don't understand. It was talking about the floodplain. And then it talked about except if you go to this certain policy and then it started talking about PUD on the floodplain.

Ms. Saunders responded from my personal experience in designing in Brevard County whether it's PUD, R-2, C-2 it doesn't matter what my zoning category is I'm required to meet that compensatory storage floodplain requirement. The PUD might give me flexibility on where I locate houses, the sizes of my houses, those types of things but I still must meet all the flood dependent criteria no matter what. Doesn't matter what my zoning category is.

Ms. Amato stated that was kind of my question. If it allows you to go from one home per 10 acres depending on which floodplain you're talking about and then you can turn around and cluster homes on the floodplain that's a huge difference in impact.

Ms. McGee stated one of the other goals that we have is from our parallel flood policies. We need to codify them. And strategies that you can use are cluster development to reduce your footprint of infrastructure so if you only have this much impervious and you need you can reduce your amount of storm water, and roads, and all sorts of stuff, so the PUD does provide flexibility. That can hopefully get us to encourage applicants to do this type of development that will be a benefit to the environment, to the developer, to the people that live there, and to the surrounding area. So, I would see that as an important tool to provide flexibility for low impact development and green storm water infrastructure.

Ms. Amato stated no development I've seen come into the north area has developed on acre lots or one home per two and a half acres. Those lot sizes are generally owner builders generally and allowing to switch that around allows for more development on the floodplain and that should be considered. Most development that I've seen go into North Brevard are small lot sizes, not big lot sizes, so if you change it on the floodplain from one home per two and a half acres or one home per five acres and you allow cluster, you're inviting the PUD to the floodplain because traditionally they don't build out that way. The other thing I think it's probably important for staff to go out on site and that was taken out of it. IT was one of the should/shall I believe and where staff doesn't have to go do site visits. They may I believe was the term, and with such a diverse county I think it's important for you to see the site that that's being developed to help your considerations.

Mr. Hopengarten inquired if there was anything in there on PUDs. I've been concerned that we have a PUD RES in the code and to me it's a workaround from zoning restrictions. My understanding was a PUD was supposed to have all types of development, commercial, residential, some industrial, but that PUD RES that came up in one of our planning and zoning meetings seems to be a loophole and I didn't see it in here and curious if it still exists.

Mr. Bartcher responded it's on page 1105, future land use 1.1 criteria F. In the past we have used BDPs to establish concurrency between zoning and land use, and if I understand what this means is that now the applicant is going to have to request a change to both zoning and land use. Policy 1.1 criteria F page 1105.

Mr. Prasad stated just so everybody's on the same page policies established and specialized plans including bind binding development plans as may be adopted by the board of county commissioners, and there's some new language. Binding development plans shall not be used to establish

consistency between future land use map designations and zoning class specifications. I think you're talking about more of use consistency. This is talking about a chart in our code that says for example RES4 is consistent with "X" zoning, community commercial.

Mr. Bartcher commented one of our applicants has done it at least twice that I can remember, using a BDP to say, "Okay I'm going it's not going to change the land use but I'm going to use the BDP to restrict the number of housings so that it meets the zoning requirement." And then we said, "Okay that's fine." Now with this we're not going to be able to do that, and that person's going to have to come in and do a land use change and a zoning change.

Mr. Prasad replied they need to establish consistency between a zoning map and the future land. That that should be done for multiple reasons.

Mr. Hopengarten stated his comment was on the PUD not on the BDP.

Mr. Prasad continued if I could get back to that, there's a separate project from this going on, and the board quite a while ago issued legislative intent permission to advertise for us to look at amending the PUD code. And one of the things we are looking at is making a uniform PUD and perhaps removing the residential PUD and just making a single uniform PUD classification that would be in the cars. That would be after this project.

Mr. Hopengarten asked if Merritt Island is considered a barrier island.

Mr. Scott responded yes, 100%.

Mr. Hopengarten continued with I'm looking at the affordable housing ordinance. No density bonuses on barrier islands, which means that the affordable housing ordinances will prohibit any density bonus on Merritt Island. Is that correct being a barrier island.

Mr. Prasad stated it is considered a barrier island in certain context, but I want to make sure it's not speaking to the barrier islands along the beach in that context. For example, in MIRA there's specific density bonuses given in the redevelopment area. I can get back to you with that answer.

Mr. Hopengarten asked if affordable housing is allowed on any of the barrier islands.

Mr. Prasad stated if you're talking about Live Local for example we're preempted, so if they have commercial land use and they can meet all the other regulations then yes, they certainly can. But that's a big if. They must meet all the applicable regulations. The only thing they get preempted is zoning and land use, and certain parking requirements and height restrictions and things like that. But assuming they could meet all those criteria that could be done yes.

Mr. Hopengarten stated it wouldn't be the highest and best use of the land.

Mr. Prasad responded depending on the situation probably not.

Mr. Hopengarten inquired if a developer has been granted variances on height on their construction can that height be used within a half mile for another developer to take it.

Mr. Prasad responded that was addressed in the last update to the legislation. I would want to double check to make sure to give you the right answer, but I believe that was made clear that that would not be used. But I would really want to check to make sure I'm right about that, but I think that was part of the glitch bill the last time around.

Ms. Amato stated some of the small area studies are included in the comp plan. What are the criteria that puts them in there.

Mr. Prasad stated that's just the board direction at the time that the small area study was implemented and brought to the board. So that's a board decision on what, if any recommendations are carried over into the comprehensive plan.

Ms. Amato stated she was curious as to why the Mims small area study wasn't included, because it was adopted by the board in 2007, and its future land use was transmitted with the comp plan.

Mr. Prasad replied it's quite a complex situation. They adopted certain parts of it. They adopted certain future land use maps changes that were recommended and not others. What they never did was adopt a text change to the comprehensive plan that would adopt certain policies into the comprehensive plan. So, they adopted certain things, and they didn't adopt other things.

Ms. Amato responded she thought they adopted the whole plan and then recommended for the future land uses to be transmitted to the state with the comp plan.

Mr. Prasad replied what they wound up doing is adopting certain future land use map changes not a text change to the comprehensive plan.

Ms. Amato responded with wouldn't those future land use map changes be in there as a part of it if it was transmitted.

Mr. Prasad replied only as to those maps. And that's where things get a little interesting because the reason for those future land use map changes were not applied elsewhere through the comprehensive plan. Now the small area study still exists and that can be used for whatever a board member thinks it is appropriate to use it for, but it is not actually adopted as a comprehensive plan by reference.

Mr. Bartcher stated he had a question on future land use 1.2 criteria A and criteria C. How do I define the word impact? It says that the advisory board cannot recommend approval of a project when the water or sewer will not be available. We recently approved a project where the water and sewer wouldn't be available for a year or two. The reason we did that was because the applicant said they had all this engineering to do, so there wouldn't really be any impact for that time. So, it was alright for us to approve it. Does this criteria change that ruling or anything? I was looking for a definition of when impact is, is it when the development is approved by the board or is it when the first construction starts or is it when the first resident moves in?

Mr. Prasad responded he'd want to check first the glossary to make sure that it's not specifically defined there. And if it's not, generally that would be up to the board to figure out what that means at the time that they make the decision.

Mr. Bartcher added we would be able to do again what we did then. So that shouldn't be a problem.

Mr. Prasad added if I had that in front of you today, I'd want to check the glossary to make sure.

Mr. Bartcher stated he had a question on future land use 1.2 criteria E on page 1106, and the text kind of didn't make sense to him. Criteria E says where public water service is not available development proposals greater than two years shall be required to connect to a central sewer system. I don't understand the relationship between the water system not available and having to use a sewer system

Mr. Prasad stated that refers to the second part. I think there are two different things within BMAP areas where public sewer service is not available. The installation of enhanced nutrient on-site sewage treatment and disposal systems is required.

Mr. Bartcher stated he was wondering if that first sentence should have been deleted. For example, if you look up in criteria D right above it, what was changed was public water became public sewer. And I was wondering if in this case either we want to change public water to public sewer or else get rid of that sentence entirely.

Mr. Prasad responded we'll look at that, but I don't think it needs to be deleted. It's something I think still would apply. We'll look at that.

Mr. Bartcher Added that to clean stuff up in future land use 1, page 1104 there's a list of criteria. Item F is missing. You might need to renumber that. And then in future land use administrative policy 2, criteria B page 1100 it gets rid of using aerial photographs. It seems to me that aerial photographs help this board understand the project that's being developed and where it's being developed. So, I'd like to see us continue to use aerial photographs.

Mr. Prasad stated there's live imagery that is available today from a variety of sources, so I think that's the main reason why that was removed.

Mr. Bartcher stated he has a favorite criticism where he hears all the time people confusing number with amount and in policy CM 8.3 criteria B on page 1069, we used the term volume of people. People are not measured by volume they're discrete entities so please change that to number of people. I was looking at the historic preservation element and found that there were no changes in that. No changes for seven years. One of the policies at HP 2.1 says the county should facilitate adoption of a historic preservation ordinance. We haven't been able to do that in seven years. What I'm telling you is that that's a perfect example of why should, should not be used in policies. There's no commitment to doing anything. And, my suspicion is if we looked at the previous seven-year cycle we might even find that that's been in there for those seven years as well. I'd recommend just take that policy out and delete it. We're not going to do it, why have it in there.

Mr. Prasad stated that we do have a historical preservation ordinance. It's a procedural matter. The EAR is designed to update us and to follow state statute. So, there was no need to amend that section to follow state statute. Nevertheless, you know as Trina showed up in the slide earlier should has a specific meaning. Does it mean the same as shall? No, but it does have a meaning particularly to staff. So, we do take it seriously.

Ms. Orriss commented she suggests we break this up into a couple of sessions next time rather than one. If anybody has an opinion because it was a lot of reading. And it's a lot to retain and understand.

Mr. Wadsworth added throughout all the conversation I'm going to back what Henry said, "Staff excellent job Excellent job."

Motion to recommend approval of Item H.12. by Erica Orriss, seconded by Rob Bartcher. Motion passed 11:1.

The meeting was adjourned at 6:01 p.m.