



## 'VCARD DEVELOPMENTS'

April 1, 2009

### *A New Perspective on 'Smart Growth' ... In Hard Times*

By VCARD Chair **Joel Ivey**

In varying degrees, almost everyone is experiencing some type of difficulty from today's economy. But *difficult times also can bring opportunity*. And this 'down period' is an appropriate time for everyone – individuals, businesses and local governments – to step back and *look at ourselves as objectively as possible*: to evaluate our past ... its impact on our present ... and what we can do differently to improve for the future when better times come before us. Let's call it a new perspective on 'smart growth.'

VCARD is no exception to this opportunity for smart growth. And to lead as an example, VCARD leaders are coordinating *two projects to assess our association* -- as well as the *Volusia and Flagler communities in which we live and work*.

#### The Inside News

##### Growth Management

Page 2

- 'Urban Growth' Bill

##### Environment

Pages 2-4

- Gopher Tortoise Relocation Rules
- Water Supply Planning

##### Volusia / Flagler

Pages 4 - 8

- Wetland Protection Standards
- VGMC Rules Changes
  - Marinas Committee
  - Smart Growth JPAs
  - Flagler Comp Plan
- Matanzas River OFW

##### VCARD / FCARD News

Pages 8-9

**4 New Members**

**1.)** Within the next several weeks, VCARD members and local government representatives will be encouraged to participate in a **survey of VCARD's operations and activities**. We will naturally ask participants to suggest future VCARD activities. But we also want you to evaluate what we have done in the past – and how we can improve. We want members to review the past opportunities that VCARD has offered to benefit your business and interaction with local governments. And we will ask you how these opportunities can be made better.

... Please join us to make this project a success – for VCARD, your business and our workings with local governments.

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**2.)** *How can Volusia's and Flagler's communities be best positioned to attract desirable development as the economy rebounds?* VCARD is coordinating a **community forum** to analyze this question. A panel of knowledgeable participants from the public and private sectors will look at our past and its impact on our present. What have we done right that is helping our communities "sustain" through these difficult times? And where are we failing now that is due to objectives that we did or didn't do in the past?

... This forum will study these 'positives' and 'negatives' objectively – to energize and steer a new 'smart growth' for Volusia and Flagler – in the economy, environment, culture and society. Details will be forthcoming soon ... and we look forward to see you there! *Joel*

**~~ GROWTH MANAGEMENT ~~**

Pending ‘urban growth’ legislation removes permitting obstacles while providing incentives for development within Florida’s denser areas, including a number of Volusia’s cities.

... A first-hand overview of the legislation (known as Senate Bill 360) was presented recently at a Volusia County program featuring Tom Pelham, secretary of the Florida Department of Community Affairs (DCA). He emphasized that Senate Bill 360 encourages and facilitates development where development should go – in urbanized areas.

... SB360 -- currently moving through the Senate -- establishes thresholds for counties and cities to be categorized as “urban” and thus have future projects **exempt from rules for transportation concurrency and developments of regional impact (DRI)** – while gaining **expedited review of proposed future land use map (FLUM) amendments**.

... Generally, urban cities must exceed 1,000 residents per square mile with a population greater than 5,000. Entire counties qualify as urban if their populations exceed 1 million. The Senate bill also enables local governments to designate specific transportation concurrency exceptions areas (TCEAs) if future developments within those areas meet certain criteria for multi-modal transportation networks (i.e. transit, and bike and pedestrian paths).

... **Urban counties include** Broward, Dade, Duval, Hillsborough, Orange, Palm Beach and Pinellas. Based on the 2000 census, **Volusia and Flagler cities that fit this urban category include:** Daytona Beach, DeLand, Deltona, Edgewater, Flagler Beach, Holly Hill, Orange City, Ormond Beach, Port Orange and South Daytona. Note: These designations could have changed, based on population adjustments or annexations that have occurred since the 2000 census count.

... To date, the legislation has been moving through the Senate channels toward passage. But Secretary Pelham cautioned that companion legislation isn’t progressing in the Florida House – making formal passage uncertain. Members and local government representatives are encouraged to call VCARD for updates.



The state legislature has conducted a required periodic review of the **Florida DEPARTMENT OF COMMUNITY AFFAIRS** (DCA) that could lead to a restructuring of the planning agency’s responsibilities. Pending legislation transfers many DCA responsibilities to the Department of State and other state agencies. Provisions to strip the DCA of its growth management oversight especially are being challenged by environmental groups and top DCA officials.

**~~ THE ENVIRONMENT ~~**

Beginning April 22, the relocation of **GOPHER TORTOISES** on development sites must be conducted by state-authorized environmental agents. The new requirement is part of a state management plan and permitting rules adopted last year. They are geared to eliminate tortoise mortalities by setting standards to relocate them to suitable natural areas when they are found on development sites.

... Meanwhile, **Volusia County** officials are nearing adoption of an ordinance that supplements the state plan – authorizing county regulators to enforce the new rules on all development sites (including those not covered by state agencies) and providing guidelines to “buffer” construction from tortoise burrows.



*... Water Supply Planning ... continued from page 3 ...*

The five-year **WATER SUPPLY ASSESSMENT** (WSA) is being updated by the St. Johns River Water Management District. This is the agency's chief means of gauging how water supplies for the district's 16 counties will fare in future years. The assessments identify existing and projected water use, existing and proposed sources of water, and priority water resource caution areas (areas where projected water uses cannot be sustained with proposed water sources without unacceptable impacts to water resources or related natural systems.) The updated WSA will be used to develop the 2010 version of the district's water supply plan that identifies various water supply resources, facilities and conservation programs to meet the needs identified in the WSA. A draft of the updated WSA can be accessed at [www.sjrwmd.com/dwsp](http://www.sjrwmd.com/dwsp).

**~~ VOLUSIA / FLAGLER NEWS ~~**

Future developments throughout Volusia eventually could be impacted by revised **WETLAND PROTECTION** standards being drafted by county government staff. The changes will be part of countywide minimum standards.

... The bulk of these proposed regulations implement policies of pending county comprehensive plan amendments that create an **Environmental Corridor Overlay (ECO)** district of more than 300,000 rural acres in the county's central core. The comp plan amendments promote strict regulation of development and protection of wetlands within the environmentally-sensitive tracts of the ECO district. The stricter wetland standards being proposed also cover lands within the county's **Natural Resources Management Area (NRMA)** that includes the ECO map and expands beyond it.

... Aside from setting higher standards for **wetland avoidance in ECO and NRMA areas, revised wetland buffer rules** are proposed for new developments. And agricultural land owners throughout the county would be required to mitigate for altered wetlands that are converted to a non-agricultural use within a set number of years.

... Most of the ECO and NRMA tracts currently are in unincorporated areas. But provisions are proposed to require that the stricter regulations be maintained if the properties are annexed in the future. And as countywide minimum standards, wetland regulations of county government also are enforceable within cities (as enabled by Volusia's county charter).

... County staff has held several workshops with VCARD members to explain the planned changes and gain feedback. VCARD members compiled a list of recommendations that are being considered as part of the draft ordinance. VCARD members especially stressed concerns about proposed mitigation rules for altered wetlands on agricultural tracts if the land uses are converted for development.

... County officials also plan to schedule workshops with city governments before moving the standards through adoption. Interested members are encouraged to call VCARD for a copy of the matrix that outlines the intent of these new regulations – as well as the comments submitted by VCARD's Wetlands Committee, chaired by **Shannon Julien** (Environmental Services, Inc.) and **Ginger Sinn** (Greenhorne & O'Mara).

**F.Y.I. ...** A 2009 **LOCAL GOVERNMENT DIRECTORY** has been published by the Volusia **Metropolitan Planning Organization** listing e-mails and contact information for all of the local governments' elected and administrative officials, and development directors. Call VCARD to be e-mailed a copy.

... *Volusia News ... continued from page 4 ...*

Volusia's **GROWTH MANAGEMENT COMMISSION** (VGMC) is reviewing an updated draft of potential amendments to policies and procedures for the agency's review of local governments' proposed comprehensive plan amendments.

... Created by voter referendum more than 24 years ago, the VGMC is charged with assuring that proposed comp plan amendments are consistent with the plans of adjacent municipalities. Commission members are appointed by all of the local governments and school board. A VGMC committee has been working for more than a year to update the planning agency's rules of procedures. They have conducted workshops and gained input from local governments as well as interested citizens and groups, including VCARD.

... Proposed revisions and /or issues of concern have focused on **application submittal requirements** for comp plan amendments; time frames and procedural requirements for various aspects of the VGMC review process; and VGMC membership requirements, particularly whether local governments' staff and / or elected officials should be permitted to serve as commission members – as they currently are. VCARD's committee has encouraged that only affected local governments should have "standing" to challenge another local government's comp plan amendment – and that VGMC reviews not be required when proposed comp plan amendments are not opposed by adjacent governments.

... The amendments have been reviewed by various municipal and school board attorneys, and now are returning to the VGMC for hearings and more potential revisions. Their final product will be forwarded to the county council for approval. Call VCARD for a copy of the updated draft of amendments and / or the VCARD committee's report.

VCARD members and local government representatives involved with **waterfront developments and marinas** are encouraged to participate in a new committee. This initiative is a follow-up to VCARD's March 20<sup>th</sup> seminar that explored environmental and regulatory issues associated with such projects, especially in east Volusia.

... For those who are interested, committee Chair **Shailesh Patel** (Dredging & Marine Consultants, LLC) encourages that **comments be submitted to VCARD about particular issues of concern** -- or suggestions on ways to resolve problems that are hindering quality waterfront / marina projects. This input will be forwarded to officials with state regulatory agencies, and then discussed at a follow-up workshop. For detailed information, Shailesh can be contacted at 386-304-6505 or [spatel@dmces.com](mailto:spatel@dmces.com)

... Aside from Shailesh, special thanks to these panelists at the well-attended March 20<sup>th</sup> program: **Georgia Zern**, Volusia County government manatee protection planner; and land use attorneys **Allen Watts** (Cobb Cole) and **Wayne Flowers** (Lewis, Longman & Walker). As reference, copies of the **presentation power points are available through VCARD**.

The governments of **Daytona Beach, Deltona and Volusia County** are in various stages of creating new **LAND DEVELOPMENT CODES**. Daytona Beach and Volusia County are hiring consultants to steer this process; and Deltona planners are reviewing the draft of a new code recently completed by consultants. VCARD's West Volusia Committee is conducting workshops with Deltona staff to provide input. Call VCARD if you would like to participate and / or receive a copy of the draft code. Similar VCARD initiatives will be ongoing with Daytona and Volusia County staff as they progress with these projects.

*... Volusia News Report ... continued from page 5 ...*

The **Volusia Council of Governments** (VCOG) has created a model outline for **smart growth joint planning agreements** (JPAs) for adjoining local governments to address future development, conservation and preservation patterns within geographic areas of mutual interest. Issues that could be covered in the JPAs include: areas of geographic applicability; vision; land use and development patterns; design standards and permitting processes; transportation; utilities (water, sewer and stormwater management); public safety services; agricultural preservation; annexations; and timing of development and delivery of services.

... These JPA guidelines are part of Volusia's **SMART GROWTH** initiative that has been ongoing since 2003. Creation of an **ECO (Environmental Corridor Overlay) map** is the initiative's main achievement. (See related news item on page 4). The map designates more than 300,000 acres of central Volusia for environmental protection and strict development oversight. A model "**conservation subdivision**" ordinance also is being crafted by VCOG planners as a guide for local governments to permit clustered, environmentally-friendly communities within ECO map areas that are suitable for development. Call VCARD for copies of VCOG's model JPAs or conservation subdivision ordinance.

**Future land use 'visions'** for **OSTEEN** and about 59,000 acres of rural, timber land in **SOUTHEAST VOLUSIA** are being reviewed by county officials. After several years of community workshops and discussions, county officials are incorporating an Osteen Local Plan into the comprehensive plan, geared to protect the rural, small town characteristics of this central Volusia community as the City of Deltona gradually expands toward Osteen.

... Representatives of Miami Corp. (a VCARD member firm) have begun discussions with county officials on longrange plans for managing growth within vast acreage the firm owns in southeast Volusia, extending into Brevard County. The planners envision innovative future communities of clustered, mixed-use, sustainable developments.



**AFFORDABLE HOUSING** committees in Daytona Beach, Deltona, Port Orange and county government are drafting **incentives** to help promote the development of affordable housing for low and moderate income residents. The county council is reviewing a draft ordinance recently completed by the committee for unincorporated Volusia, chaired by **Frank Severino** (Severino Enterprises). The county committee's proposed incentives include reduced impact fees; smaller allowable lot sizes; reduced sidewalk requirements; and streamlined permitting. Call VCARD for a copy of the draft.

... State law requires these committees and incentive ordinances for all municipalities that are part of a federal funding program for affordable housing programs and projects.

**Joyce Shanahan** is **ORMOND BEACH's** new city manager. She was Fort Walton Beach's city manager for the past eight years, and last year Ms. Shanahan was one of five finalists for the '**city manager of the year**' excellence award presented by the Florida League of Cities. In Ormond Beach, she replaces Isaac Turner who resigned last year.

Several Volusia governments are progressing with various types of **GREEN BUILDING / DEVELOPMENT** standards, some of them using features of a model 'green' ordinance crafted by a VCARD / County Government Committee last summer that includes incentives for builders and developers who follow 'green' practices in their projects. Such programs have either been adopted or are being reviewed in **county government, Deltona, DeLand and Port Orange**. Call VCARD for details on any particular jurisdiction.

... **CORRIDOR REDEVELOPMENT** ...

**DAYTONA BEACH** civic, business and government leaders are studying ways to make the **International Speedway Boulevard** (ISB) a more attractive and desirable corridor for business growth, pedestrians and mixed-use neighborhoods. They have been studying alternatives for new communities and transportation networks to connect the boulevard's economic hubs: the airport, Speedway, colleges, downtown, Ocean Center and beaches.

... **Larry McKinney**, president of the Daytona Beach / Halifax Area Chamber of Commerce, coordinated a recent public forum to promote this initiative. The forum was highlighted by a presentation by Urban Planner Scott Polikov, principal of Gateway Planning Group, Fort Worth, TX, who has helped re-energize similar corridors in other parts of the nation. His presentation – that includes potential redevelopment alternatives for ISB – can be accessed through [www.gatewayplanning.com/presentations.php](http://www.gatewayplanning.com/presentations.php)

... As part of an ongoing effort to improve and redevelop US1 (Ridgewood Avenue), **HOLLY HILL** planners are seeking input from citizens as to the types of businesses and development they would like to see promoted along the city's main corridor. This survey can be accessed through the city's web site: [www.hollyhillfl.org](http://www.hollyhillfl.org) Or more information also is available through Holly Hill's Community Redevelopment Coordinator **Marsha Radulovich**, 386-248-9435.

**Port Orange** Vice Mayor **Mary Martin** has been appointed to represent Florida on the national Association of Metro Planning Organization's Board of Directors. This nine-member panel studies and represents the transportation needs of metropolitan areas throughout the United States. Nationally, individual MPOs represent local governments of urbanized areas (including Volusia) as they interact with state and federal agencies for transportation planning and funding. Vice Mayor Martin has been a Port Orange City Council member for more than a decade, and also an active member of the Volusia MPO.

**LAND DEVELOPMENT SUSTAINABILITY** will be the theme of the second in a four-part series of public forums being sponsored by the **DeLand Chamber of Commerce**. The program will be **April 23**, 7 p.m. in the Rinker Auditorium at Stetson University's Lynn Business Center, 345 N. Woodland Blvd., DeLand.

... These programs are exploring community "sustainability" in regard to growth and environmental management, education, economic development and government finance. At each session, panelists discuss productive and innovative ways to address these issues in today's changing society. Feedback is welcomed from the audience. Although focused on DeLand, the discussions and insights are relevant to communities throughout Florida.

**FLAGLER COUNTY** Planning Director **Adam Mengel** and Principal Planner (Temporary) **Clay Ervin** met recently with the VCARD / FCARD Executive Council to explain the county's **comprehensive plan update**. Using feedback from a "Futures" Committee of interested citizens, this project is being handled in two segments – east and west Flagler. Both planners stressed that the comp plan update will require much interlocal coordination with **Palm Coast and Bunnell** officials, based on the vast rural areas that have been annexed by these cities in recent years.

... Updates on this year-long project will be posted on the county's web site: [www.flaglercounty.org](http://www.flaglercounty.org)

*... Flagler Report ... continued from page 7 ...*

Officials with the St. Johns River Water Management District are seeking an **OUTSTANDING FLORIDA WATERS** designation for a 25-mile stretch of the **Matanzas River** (from Palm Coast to St. Augustine) as well as parts of **Pellicer Creek and Moses Creek** that branch out from the river. The agency's proposal is being reviewed by the Florida Department of Environmental Protection (FDEP). The status would add a layer of protection to waterways and wetlands connected to the OFW waterways by assuring that future discharges from development do not lower the existing water quality. The water district also is working with FDEP to develop improved stormwater treatment rules for the waterways.

The annual '**Guide For Real Florida Gardeners**' has been published by the Association of Florida Native Nurseries. The guide lists the association's member nurseries and garden centers throughout Florida that specialize in native plants and wildflowers for landscaping. This year's guide also includes an overview of Florida wildflowers that can be used for landscaping; landscaping techniques to attract birds and butterflies; and methods to incorporate native vegetation into yard space. Call VCARD for a free copy.

**~~ VCARD / FCARD NEWS ~~**

*... VCARD / FCARD Welcomes New Members ...*

- **England-Thims & Miller, Inc.**, a firm that specializes in planning, civil engineering, surveying and landscape architecture at 10 Florida Park Drive North, Suite D5, Palm Coast, FL 32137. Phone: 386-447-6195 FAX: 904-646-9485 Web site: <http://www.etminc.com>  
VCARD / FCARD representatives are **Don Smith** ([smithd@etminc.com](mailto:smithd@etminc.com)); **Hugh Mathews** ([mathewsh@etminc.com](mailto:mathewsh@etminc.com)); **Tom Fallin** ([fallint@etminc.com](mailto:fallint@etminc.com)); **Matt Maggiore** ([maggiorem@etminc.com](mailto:maggiorem@etminc.com)); **Lori Hodges** ([hodgesl@etminc.com](mailto:hodgesl@etminc.com))
- **Lewis Longman & Walker**, a law firm at 245 Riverside Avenue, Suite 150, Jacksonville, FL 32202 Phone: 904-353-6410 FAX: 904-353-7619 Web site: [www.llw-law.com](http://www.llw-law.com)  
VCARD / FCARD representative is **Wayne Flowers** ([wflowers@llw-law.com](mailto:wflowers@llw-law.com)).
- **McKim & Creed**, a civil engineering company at 1901 Mason Avenue, Suite 102, Daytona Beach, FL 32117 Phone: 386-274-2828 FAX: 386-274-1393 Web: [www.mckimcreed.com](http://www.mckimcreed.com)  
VCARD / FCARD representatives are **Mike Creed** ([mcreed@mckimcreed.com](mailto:mcreed@mckimcreed.com)) and **Craig Wells** ([cwells@mckimcreed.com](mailto:cwells@mckimcreed.com)).
- **Cathy Vogel (The Catalina Group, Inc.)**, a government / water resource consultant at 5759 John Anderson Highway, Flagler Beach, FL 32136 Phone: 239-565-1429 FAX: 386-677-7119. E-mail: [catpg@aol.com](mailto:catpg@aol.com).

**Embry-Riddle Aeronautical University (ERAU)** partners with Volusia County schools each summer for a free **Engineering Scholars Program at Embry-Riddle (ESPER)**. This program is designed to help students focus on science, engineering, mathematics and physics coursework while in high school – to encourage them to choose a math- or science-based program as their college course of study, and earn high school and college credit. Students attend two engineering courses at ERAU's Daytona Beach campus: *Introduction to Engineering*; and a choice of either '*Introduction to Computing for Engineers*' or '*Graphical Communications*.' See <http://www.erau.edu/omni/db/academicorgs/dbcoe/summer.html> for more information.

... **VCARD Member News ... continued from page 8 ...**

**Finley Engineering Group, Parker Mynchenberg & Associates and Quentin L. Hampton & Associates** have been awarded two-year continuing services contracts by the City of New Smyrna Beach for site development engineering on city-owned property, stormwater modeling services, stormwater flood control basin assessment planning and improvement, master stormwater plan updates and streetscape design.

... **Gopher Tortoise Agents ...**

**Jody N. Sisk**, senior environmental scientist with **Zev Cohen & Associates, Inc. (ZCA)**, and **Shannon R. Julien**, vice president / division manager of ecology for **Environmental Services, Inc.**, have been permitted by the Florida Fish and Wildlife Conservation Commission (FWC) as **authorized gopher tortoise agents**.

... Beginning April 22, 2009, all gopher tortoise-related work will have to be completed and / or supervised by an authorized gopher tortoise agent. This includes tortoise surveying, trapping, marking, blood testing (if required by the recipient site), transporting, and relocating.

... ZCA has performed tortoise-related development services since 2003. Based in ZCA's St. Augustine office, Jody focuses on public and private sector clients between Indian River and Nassau counties. ZCA is a multi-disciplinary firm that specializes in civil engineering, transportation, environmental, landscape architecture and planning services.

... Shannon has been authorized to conduct gopher tortoise transect surveys, hand-shovel excavation of burrows, and supervision of backhoe operations for burrow excavation to extract tortoises. ES also has an approved staff of assistants available throughout Florida.

**Ken Kuhar** (Wade Trim) is a new appointment to Volusia's Growth Management Commission (VGMC). Other VCARD members on this planning agency include **Bobby Ball** (Zev Cohen & Associates) and **Saralee Morrissey**, ex-officio (Volusia County School Dist.)

**PBS&J** was honored as 'Outstanding Large Organization of the Year – Private Sector' at the recent annual Central Florida Engineers' Week awards banquet. Also at the event, PBS&J employees **Satya Sukumar**, PE, PMP; and **F. Javier Caballero**, PE, received awards for 'Leadership Excellence' and 'Lifetime Achievement in Engineering,' respectively. Mr. Caballero has mentored numerous youth engineers throughout his 39 years in the profession; and Ms. Sukumar is an active volunteer with the American Society of Civil Engineers as well as serving as current president for the Florida section.

VCARD's Chair-Elect **Suzanne Samuels Konchan** is new **director of the growth management department for St. Johns County** – overseeing the building division (all building permits); development services (including development review / planning, zoning, code enforcement and technical engineering); long range planning; and environmental services (including a full spectrum of staff and specialists).

... Suzanne welcomes VCARD / FCARD members who work in St. Johns County to contact her at 904-209-0712 (office) 904-599-8917 (mobile) and [skonchan@sjcfl.us](mailto:skonchan@sjcfl.us)

... With the duties of her new government position, Suzanne will be unable to serve as VCARD's next chair. That position will be assumed by Vice Chair **Sans Lassiter** (Lassiter Transportation Group), beginning with the June 11 installation banquet.

***We wish both Suzanne and Sans the best in their new leadership roles!***