

... Message from VCARD's New Chair Sans Lassiter ... continued from page 1 ...

We should continue to promote our assets and address our weaknesses. I look forward to the challenges with which we are presented and I call on each of us to get involved with the efforts of VCARD / FCARD. *Sans.*

... SB360 and Hometown Democracy ...

The Florida **HOMETOWN DEMOCRACY** (HD) constitutional amendment likely will be decided by voters in the November 2010 election as supporters have apparently cleared all the necessary legal hurdles to have the topic placed on the ballot.

... HD proponents have been working for several years to gain enough petition signatures for a referendum asking voters if they want all local governments' future comprehensive land use plan amendments to require approval by voters of their jurisdictions.

... If successful, this new law **will dramatically change Florida's land use planning and development review process** – as well as significantly increase costs for Florida's local governments and the development industry. ***Virtually all local governments' comprehensive plan amendments could require approval by voters.***

The pros and cons of Hometown Democracy will be heavily debated throughout the next 15 months. While endorsed by some environmental and civic groups, the initiative is strongly opposed by business groups, many local government planners and elected officials, and even a number of media outlets.

FLORIDIANS FOR SMARTER GROWTH is a business-related activist group **leading the charge against HD**, arguing that the amendment could hinder smart growth, quality of life and economic development -- as well as government finances and needed infrastructure. They are circulating a petition calling for a separate ballot question, asking voters to require referendums on comp plan amendments – *if 10 percent of the jurisdiction's voters sign a petition calling for such a referendum.* The 'smarter growth' group also is urging other groups to adopt their model resolution which opposes HD and supports 'smart growth' policies. ***VCARD's executive council recently joined numerous other groups and local governments throughout the state in supporting this resolution.***

Meanwhile, state and local government officials and development professionals are analyzing the details to implementing major new growth management provisions within **SENATE BILL 360** (known as the '**Community Renewal Act**') that was adopted during the recent legislative session. Among other things, SB360 exempts designated "dense urban land areas" (eight entire counties and numerous cities) from state requirements for **transportation concurrency** or review for **developments of regional impact** (DRI). The intent is to facilitate 'community renewal' through incentives that promote infill and economic development within urbanized areas.

Uncertainties abound in the SB360 implementation process. Officials with the Florida Department of Affairs (DCA), the state's main planning agency, say that all of the impacted **local governments must first amend concurrency and related requirements within their comprehensive plans** and land development codes before taking advantage of these new incentives.

... continued on page 3 ...

... Senate Bill 360 (Community Renewal Act) ... continued from page 2 ...

In addition, within two years after amending their comp plans to exclude traffic concurrency, these “urban” local governments must implement “land use and transportation strategies to support and fund mobility (mobility fees) within the exception areas, including alternative modes of transportation.”

... However, some development / business professionals – including the Florida Chamber of Commerce – **question the DCA’S interpretation** that local governments must amend their comp plans to benefit from the concurrency exemptions.

The *Community Renewal Act* also allows **two-year extensions of development permits** with an expiration date between Sept. 1, 2008 and Jan. 1, 2012. DCA interprets the extension to apply to state environmental permits and DRI development orders as well as local government development orders, building permits and build out dates – but not permits issued by the US Army Corps of Engineers. However, some local **governments question whether their permits are bound by the state-imposed extensions**; and some jurisdictions have already refused to honor the extensions.

Meanwhile, a group of local governments has filed a lawsuit against the state’s SB360, charging that it will force municipalities to cover the costs for future transportation projects that previously would have been funded by developers through concurrency requirements.

The front page of the DCA’s web site (www.dca.state.fl.us) includes several links to articles that **explain various aspects of SB360**, including a list of the eight counties and numerous cities that fit the “urbanized” status. **Palm Coast, Flagler Beach and eight Volusia cities** are part of that list.

Note: VCARD leaders in conjunction with the Volusia League of Cities are coordinating the first of what could be several forums to explore the Home Democracy and SB360 topics – including the inter-relation between the two.

Central Florida’s myregion.org regional planning agency is coordinating an **August 21 two-year anniversary celebration** of the ‘*How Shall We Grow*’ project’s completion. This ‘visioning’ project included a comprehensive on-line survey (with approximately 7,500 respondents) and numerous public workshops throughout the seven-county region. The public input led to a report outlining principles for the counties as a region – and individually – to better plan and manage future growth. The principles focus on Conservation, Countryside, Centers and Corridors (4’Cs).

... The anniversary celebration – open to the public -- will include presentations and displays highlighting planning initiatives of the region’s local governments that carry out the ‘*How Shall We Grow*’ principles. The Aug. 21 event will be from 9 – 11 a.m. in the Hyatt Regency at Orlando International Airport. Registration information is available at www.myregion.org.

... TRANSPORTATION ...

... The Florida Department of Transportation (FDOT), in partnership with the Department of Community Affairs (DCA), is developing **TRANSIT ORIENTED DEVELOPMENT (TOD) design guidelines** to help local governments plan for appropriate development surrounding transit stations (generally within a one-quarter to one-half mile radius) – including 17 planned stations along the proposed SunRail route (*see next news item*). **... continued on page 4 ...**

... Transit Oriented Development (TOD) guidelines ... continued from page 3 ...

... TODs are moderate to high density, mixed-use, and walkable developments that facilitate transit and accommodate multiple modes of transportation. They incorporate features such as interconnected street networks, bicycle and pedestrian facilities, and street-oriented site design, to encourage transit ridership. These various TOD guidelines are geared to the type of station (i.e. bus, light or commuter rail) and surrounding area (rural, urban or suburban).

... FDOT planners and consultants have conducted workshops throughout the state to explain the project. They are using input from the workshops to refine the draft guidelines for distribution to local governments and planning agencies to use as models in their comprehensive plans and land codes. The workshop presentations and a summary of the results from the nine statewide workshops can be accessed through www.floridatod.com

Business and government leaders (from the local to federal levels) have gained a six-month extension in their effort to save **SUNRAIL**, central Florida's planned 61-mile commuter rail system that would extend from DeLand to Poinciana in Osceola County, using existing CSX railroad tracks.

... The **project suffered potential doom** from state legislators during the recent session when they rejected state government's proposed agreement to buy the CSX tracks. Opponents criticized the purchase cost and especially provisions that allow CSX to lease back the tracks for freight traffic (when not being used for commuter rail) but be largely sheltered from liability for future accidents (covered through state government insurance).

... The purchase agreement with CSX was scheduled to expire on June 30, but rail backers, including US Rep. John Mica, were able to extend it for six months – enabling more time to negotiate the insurance liability issues with CSX. Congressman Mica also is working to gain additional federal funds to help lessen financial commitments from the state and impacted counties: Osceola, Orange, Seminole and Volusia.

FDOT officials also are trying to obtain federal stimulus funding to help build a 90-mile **HIGH SPEED RAIL** connecting Orlando and Tampa. The high speed rail project was moving forward about seven years ago but got put on hold by state leaders. With environmental and ridership studies already completed, rail supporters anticipate the project has a better chance of receiving federal stimulus revenues.



A **Concurrency Data Management Tool** (CDMT) has been developed by Volusia's Metropolitan Planning Organization (MPO) in conjunction with FDOT and Volusia County government. This tool is part of the MPO's effort to institute a **uniform traffic impact analysis** program for all of Volusia's local governments to use in determining transportation concurrency requirements for new developments. The CDMT is geared to streamline the TIA process by assuring that all governments rely on the same data and have consistent results.

The MPO and county government have scheduled an **August 27 workshop** to explain the CDMT to interested VCARD members. The workshop will be from 2 – 4 p.m. in The Daytona Beach Chamber of Commerce, City Island. The workshop will include a discussion on the features and use of the Volusia County CDMT tool as well as a presentation of the process for implementation of the tool. Please advise VCARD Director David Castagnacci (dave@daytonachamber.com) if you plan to attend.

Project Managers with the **US Army Corps of Engineers** have scheduled a series of full-day workshops (*throughout Florida and the Caribbean*) to interact with development / planning professionals and **gain input for streamlining the corps' permitting process.**

... The workshop locations include **Jacksonville, Sept. 17**; and **Orlando, Sept. 29**. Call VCARD for a flier that explains registration details and other workshop locations.

New legislation gives **directors of Florida's five water management districts the authority to grant environmental resource and consumptive use permits.** These permits no longer have to undergo review by the agencies' governing boards unless denied by the director and staff. Public objections about the change have prompted some of the water district directors to plan additional public meetings on future permit applications to assure that interested citizens still have the opportunities to provide input.

Ken Haddad has announced his upcoming retirement as executive director of the Florida **Fish and Wildlife Conservation Commission (FWC)**, effective at the end of this year. Mr. Haddad has led the FWC for almost eight years and has been employed by the state wildlife agency for more than three decades. He will be replaced by Assistant Director **Nick Wiley**.

... WATER SUPPLY PLANNING ...

Several Volusia local governments have convinced the St. Johns River Water Management to **delay development of two SURFACE WATER TREATMENT** facilities, pending completion of a study currently underway that will better determine the environmental impacts of pumping water from the St. Johns and Ocklawaha rivers for potable and irrigation use.

... The two proposed facilities, one planned by Seminole County and another in Putnam County, are part of the water district's longrange water supply plan, identified as alternatives to increased water withdrawals from the underground aquifer. Some governments even face permitting cutoffs from the agency for future groundwater withdrawals as a way of forcing them to focus on alternative sources, such as surface water.

... As part of this initiative, water district officials have been encouraging neighboring governments – especially Volusia -- to participate in development of the Seminole and Putnam plants. But opposition to the facilities is strong among environmental groups as well as some governments, particularly Volusia County, DeLand, and New Smyrna Beach. Their officials recently filed a lawsuit against the water district's plans for them to participate and help fund the Ocklawaha River facility in Putnam. That lawsuit prompted water district officials to delay funding both facilities pending completion of the environmental impact study within the next two years. In addition, water district officials have agreed to **update longrange population projections** for counties within the district. It is anticipated that these updated figures may be less than projected several years ago, thus lessening the projected amount of future water supplies that will be needed to service future populations.

Meanwhile, officials with Flagler County governments are leading the charge to develop a **DESALINATION FACILITY to treat sea water** for potable use. Feasibility studies already are being conducted on this project that includes a consortium of participating governments from Flagler, Lake and St. Johns counties. This 'Coquina Coast' consortium is planning a **September 23 reception** to introduce plans for the desalination facility to the public. The event will be from 6 – 9 p.m. in Marineland's Whitney Lab. Call VCARD for details.

... **Water Supply Planning ... continued from page 5 ...**

The executive board of the **WATER AUTHORITY OF VOLUSIA** (WAV) is recommending that this agency be dissolved, due to a lack of mission and funding. WAV was organized about six years ago after voters supported creation of a countywide agency to oversee and manage the production and distribution of Volusia's entire water supply. The consortium of Volusia's local governments even developed a master plan for carrying out the objective and future projects. However, during the past several years some local governments have objected to WAV's structure, financing and operations; and have dropped membership. Currently, there only are eight cities and the county funding the operation. Those representatives will soon consider the executive board's recommendation.

An updated **MOSQUITO LAGOON Aquatic Preserve Management Plan** is scheduled for presentation to the governor and cabinet on August 11. This plan focuses on about 3,500 acres of the lagoon, extending from **Edgewater south to Brevard County**. State planners have been working for two years on the plan update, geared to control development and other activities in order to maintain the habitat (including a wide variety of fish) and water quality of the preserve, considered one of the state's most pristine waterbodies. The updated plan can be accessed through www.dep.state.fl.us/coastal/sites/mosquito/plan

An online **FLORIDA WILDLIFE CONSERVATION GUIDE** has been published by the Florida Fish and Wildlife Conservation Commission (FWC) in collaboration with the US Fish and Wildlife Service (USFWS) and the Florida Natural Areas Inventory (FNAI). The guide provides **access to these agencies' technical assistance information** for wildlife, habitat and natural resource conservation practices. The guide is beneficial for environmental and development professionals who deal with the agencies' conservation guidelines and requirements. Go to myFWC.com/conservation/FWCG.htm to access the guide.

Volusia County has been presented with a **'Planning Excellence Award'** from the Florida Department of Community Affairs (DCA). The award **honors Volusia's Smart Growth Initiative** mapping effort that created an **Environmental Core Overlay (ECO)**, about 300,000 acres of central Volusia, much of it environmentally sensitive.

... Mapping the ECO involved collaboration among various groups including all local governments, Volusia County School Board, Volusia Council of Governments, East Central Regional Planning Council, VCARD, and several committees, interest groups and citizens.

... The effort is geared to protect an interconnected system of environmentally sensitive areas within the ECO. Innovative planning practices are being used to manage growth and protect the environment while respecting property rights, development interests, and economic concerns. Designation of the ECO lands is the first step in the county's efforts to implement smart growth and sustainable growth practices.

A **data base is available of land planners** from all of Volusia's local governments, the school board and metropolitan planning organization, listing their phone numbers and e-mail addresses. Thanks to Volusia County Planner **John Thomson** for updating this data for distribution. Call VCARD for a copy of the list.

... **Volusia Environmental Protection Initiatives ...**

The final version of a **GOPHER TORTOISE** protection ordinance has been completed by county staff and soon will move through the adoption process. This ordinance **supplements a new state management plan** that attempts to eliminate tortoise mortalities by setting standards to relocate them to suitable natural areas when they are found on development sites. The Volusia ordinance enforces the new state rules on all developments sites (including those not covered by state agencies) and provides guidelines to buffer construction from tortoise burrows.

... The final draft is being reviewed by VCARD's Gopher Tortoise Committee (whose members provided input on the earlier versions) and final comments will be forwarded to county staff prior to county council review.

Proposed new county government **WETLAND** regulations eventually could impact future developments throughout Volusia. The changes mainly address future wetland impacts within rural areas, particularly the county's **Environmental Corridor Overlay (ECO)** district (about 300,000 acres in central Volusia) and the **Natural Resources Management Area (NRMA)**, that includes the ECO district and beyond.

... 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. The new standards may be adopted as countywide minimum standards which will make them enforceable within cities as well as unincorporated areas. Or the county council may make the higher standards unchangeable for unincorporated areas that are later annexed into cities.

... The draft is being reviewed by legal staff before it is distributed for review by the public (including VCARD) and county leaders.

County government's 'Green Ribbon' environmental task force is reviewing potential changes to countywide standards for **TREE PROTECTION**. Environmental staff has compiled a draft of priority issues with the current standards, along with options for revisions, including:

- Incorporate requirements for protection of "**native habitat**" and "**native vegetation**" into the tree protection minimum standards
- Increase the percentage of tree and habitat preservation in the **NRMA and ECO districts**
- Allow more **flexibility for the waiver of specimen tree** preservation requirements
- **Revise the specimen tree list**, removing water and laurel oaks; and adding longleaf and loblolly pines and sand live oaks
- Add tree replacement requirements for **converted agricultural properties** where less than 15 percent of the trees or native habitat have been retained before conversion
- Add large magnolias and live oaks to the **historic tree category**
- Increase preservation requirements for lyonia and sand live oak trees by lowering the caliper threshold from 6 to 2 inches
- Change the **definition of clearing** and add a definition for mechanical clearing
- Require replacement trees to be planted on the south and west sides of a structure, when possible

... Call VCARD for a draft of any of these pending environmental ordinances: gopher tortoise, wetland impacts, and tree and native habitat / vegetation standards.

... *Volusia News Update ... continued from page 8 ...*

DAYTONA BEACH planning consultants are gathering information and meeting with citizen groups and planning-related organizations (including VCARD) as they initiate a comprehensive re-write of the city's **land development code**.

... **DELTONA** planners are reviewing the draft of an updated **land development code** as prepared by consultants.

... **DELAND** planners are scheduling community workshops to gain citizen input on the city's quest to draft a **2050 vision plan**. These sessions follow similar workshops between the city commission and planning board.

A new longrange **strategic plan** has been adopted by **FLAGLER COUNTY** commissioners to steer the operations of county government through 2015. Two of the plan's top priorities regard **economic development and updating the land development code** to facilitate smart growth, conservation development, transportation options and sustainable agriculture. The strategic plan can be accessed through the county's web site: www.flaglercounty.org

A proposed new **sign ordinance** for unincorporated areas soon will be considered by Flagler County commissioners after moving through the planning board review process.

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PALM COAST officials have created their own **economic stimulus** program by temporarily **slashing building division permitting fees by 90 percent**, including fees for building division, administration, plan review and inspections. The fee discount, in effect through the end of 2011, is enabled by a surplus of more than \$6 million within the building division. The surplus accumulated when building activity was robust in Palm Coast several years ago. However, construction has dropped dramatically during the past two years and city leaders hope the discounts will help stimulate more activity.

... At the same time, Palm Coast leaders have adopted a new **fee schedule for land development**-related permits that raises the rates or adds new fees for those activities.

Palm Coast planners are working to resolve "glitches" in the **land development code** that was updated last year. An FCARD committee, chaired by **Charlie Faulkner** (Faulkner & Associates) worked extensively with Palm Coast planners on the land code update; and also will assist in resolving the glitches. Interested FCARD members are encouraged to contact David Castagnacci if you would like to participate.

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The Surfcoast Chapter of the **FLORIDA PLANNING & ZONING ASSOCIATION** (including Volusia and Flagler counties) is being re-organized after several years of inactivity. At a recent organizational meeting, Volusia County Planner **John Thomson** was elected chapter president. Other officers include Vice President **Scott McGrath**, City of Deltona; Secretary **Helen LaValley**, Volusia County School Board; Treasurer **Tanya Scheff**, CPH Engineers; Newsletter Editor **Tom Harowski**, TMH Consulting; and Professional Development Planner **Tom Brooks**, Volusia County planner. The chapter's goal is to serve as an educational / networking resource by coordinating programs and projects on planning-related topics. In the past, VCARD has interacted closely with FPZA and will continue to do so as part of the re-organizational effort. Members are encouraged to call VCARD for more information about FPZA membership and involvement.

... VCARD Members' News ...

McKim & Creed has acquired JMR Surveying Group, LLC a 3-D laser scanning and surveying company at 6205 Lake Wilson Road, Suite C, Davenport, FL. JMR specializes in 3-dimensional laser scans of structures; structural and heavy construction layout; site development; topographic and as-built surveys; and boundary surveys.

... Based in Wilmington, NC, McKim & Creed provides engineering, surveying and planning services to public and private clients throughout the southeast. The firm's central Florida office is at 1901 Mason Ave., Suite 102, Daytona Beach, FL 32117.

Dredging & Marine Consultants (DMC) has been awarded the engineering contract for the first phase of the City of Tavares' 40-acre sports complex to be built on Woodlea Road in central Lake County. Aside from recreation, city and county officials view this complex as an economic development tool in bringing more sporting events to Lake County.

EarthBalance[®], a certified HUBZone small business, has recently been awarded a GSA Schedule in the following areas: 899-1 Environmental Planning Services & Documentation, 899- 7 GIS, and 899-8 Remediation Services.

Michael J. Davis, PE, associate vice president in **PBS&J's** national tolls technology division, was recently installed as president of the Central Florida Chapter of the Florida Engineering Society (FES) – the largest FES chapter in the state with more than 700 dues-paying members. FES' mission is to support engineering education, advocate licensure, promote the ethical and competent practice of engineering, and enhance the image and well-being of all engineers in the state of Florida.

Don't forget VCARD's ICEBREAKER RECEPTION is Wednesday, September 23 from 5 – 8 p.m. in The Clubhouse at LPGA International, 1000 Champions Drive, Daytona Beach. This popular annual event – now in its 23rd year – is ***made possible through sponsorships by VCARD member firms***. VCARD's leadership encourages everyone to support the Icebreaker and think of it as another great way to market your firm's services. Call the VCARD office for more information: 386-257-4169.

... ***Special thanks to Kim Barnick*** (Dickens & Associates) who designed the invitations for VCARD's Icebreaker. You soon will be receiving one in the mail.

*Have a Great Month ...
And Thanks For Your Support of VCARD!*

