



'VCARD DEVELOPMENTS'

September 24, 2008

Plotting the Future of Volusia's and Flagler's Final Frontiers

By VCARD Chair Joel Ivey

'*Planning for the Heartlands*' will be the core of growth management concerns for Volusia and Flagler leaders in future years ... and potentially decades to come. Taxed with protecting the counties' remaining vast rural tracts, the officials must devise planning techniques that facilitate responsible "smart" growth within the developable lands as incentives for preserving environmentally-sensitive areas.

Leaders in both counties are moving in the right direction. **Volusia's Smart Growth initiative** has led to comprehensive plan amendments geared to protect about 300,000 acres

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within the county's central environmental corridor – while also promoting progressive land use planning techniques within the corridor's developable areas, such as clustering and conservation subdivisions. **Bunnell leaders** have been negotiating with state planning agency officials to decide the best growth management patterns for expansive rural areas that the city has annexed within the past several years.

Plotting the future of these rural frontiers is an enormous task. And there are many interests to be considered in order to succeed and gain consensus: landowners, agriculture, environmentalists, the development community ... and local governments' land planning responsibility.

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"*Planning for the Heartlands*" is the theme of an **October 8 seminar** that VCARD's leaders have coordinated to facilitate this rural planning process by honing in on specific issues and gaining insights from similar initiatives elsewhere in Florida – as well as from representatives of state and regional planning agencies. *I encourage everyone to attend this important program. A promotional flier and reservation form is attached; and here is a summary of the agenda.*

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As director of Sustainable Florida, **Tim Center** leads a statewide agency that educates the public, government representatives and development professionals of techniques for planning communities that maximize quality of life -- through self-sufficiency; energy and environmental preservation; and efficient transportation networks. ***continued on page 2***

... 'Planning for the Heartland' Seminar ... continued from page 1 ...

Phil Laurien, executive director of the East Central Florida Regional Planning Council, will explain policies his agency is crafting that will *require* central Florida's local governments to incorporate smart growth techniques into their future communities and preserve important environmental areas, such as Volusia's central core.

The planning firm of MSCW has garnered an award from the American Planning Association, Florida Chapter, for steering a comprehensive 'visioning' project in Taylor County. MSCW Executive Vice President **Jim Sellen** will explain how this process created consensus among varying public and private interest groups to plot the future of this rural panhandle county.

And **Carl Salafrio** will discuss one of Alachua County's first rural clustered subdivisions that were crafted by his firm, Environmental Consulting & Design. ECD also is working on Bunnell's land use planning for recently annexed agricultural areas that have expanded this Flagler town into Florida's second largest city geographically (next to Jacksonville).

As a planner with background in both the public and private sectors, I am honored to serve as moderator for this important forum. And I especially thank these firms that are helping VCARD to sponsor the event.: Bahama House / Best Western Aku Tiki Inn; Faulkner & Associates; Ford Properties; Ivey Planning Group; Lassiter Transportation Group; and MSCW, Inc. *We look forward to seeing everyone there!* *Joel*

~~ ENVIRONMENTAL NEWS ~~

Special thanks to **Todd Sumner** (Greenberg-Traurig Law Firm) for summarizing these *Environmental Permitting Updates*. Call VCARD for details or copies of the changes.

- The Florida **Department of Environmental Protection** (FDEP) is imposing amendments to rules governing the use of state-owned **submerged lands** and requirements for obtaining state authorization to use these lands (sovereignty leases). The amendments will significantly change the manner in which fees are assessed for using state-owned submerged lands – establishing new fee rates for certain types of facilities such as public, waterfront support facilities; community-based social clubs; and private facilities. The amendments are being reviewed by the governor and cabinet for approval.
- The US **Army Corps of Engineers** (ACOE) has initiated new **permit application notice** requirements in accordance with a new compensatory mitigation rule of the ACOE and federal Environmental Protection Agency (EPA). Under the new compensatory mitigation rule, an ACOE permit application must now include a statement explaining how any proposed impacts to waters of the US are to be: 1.) avoided 2.) minimized and 3.) compensated through mitigation. Applications will be deemed incomplete if they do not include these statements that also must be part of the public notice for certain projects.
- The ACOE has issued a new regulatory letter regarding the types of **jurisdictional determinations** to be used by ACOE regulators to decide whether certain waters or wetland areas are subject to provisions of the Clean Water Act (CWA) or the Rivers and Harbors Act.

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Last year, the **INDIAN RIVER LAGOON** and its tributaries had an **economic impact of \$3.7 billion** to the five east Florida counties through which it flows, according to an updated financial study by the lagoon's national estuary program. *... continued on page 3 ...*

*... Indian River Lagoon Study ... continued from page 2 ...*

The lagoon study credited various sources for the generated revenue: tourism and recreation, job creation, fishing and water-related industries, and real estate values. The report is just one phase of the ongoing national estuary program that is studying various aspects of the lagoon in an effort to maintain its high water quality, ecosystems, wildlife, fishing and recreational activities. The Indian River Lagoon extends about 150 miles from St. Lucie County to southeast Volusia. Special thanks to **Shailesh Patel** (Dredging & Marine Consultants) for familiarizing members with this study. Call VCARD for a copy.



**“Wildlife 2060: What’s at stake for Florida”** is a new document from the Florida Fish and Wildlife Conservation Commission (FWC), predicting what could be in store for wildlife 50 years from now if the state’s growth trends continue. The FWC report is based on a study by 1000 Friends of Florida, a not for profit organization that monitors the state’s growth issues. The 28-page report can be accessed through [MyFWC.com/wildlife2060](http://MyFWC.com/wildlife2060).

... Florida’s population could double to 36 million people in the next five decades, and the report predicts that the amount of urbanized land also will double by about 7 million more acres. The study provides examples how this growth will impact wildlife – as well as human / wildlife-related activities, such as fishing, hunting, bird watching and other outdoor recreation.

... The report concludes with solutions for protecting wildlife as growth continues, particularly encouraging citizen education and involvement in land stewardship and land use planning.



The Bush administration’s proposed changes to the federal **ENDANGERED SPECIES ACT** have gained much attention during the past month. As proposed, federal agencies would be delegated their own responsibility for determining if their planned projects (such as highways, bridges and dams) would harm endangered plants and animals. Currently, such projects are analyzed by independent environmental agencies for determinations of impact to species. The changes would apply to any project a federal agency would fund, build or authorize.

... After a public comment period, the revisions will be considered by the Interior Department. Passage does not require congressional approval, but they can be overturned by Congress.

*... Florida’s November Elections ...*

A federal judge in Tallahassee has turned down the most recent attempt by a statewide citizens group to have the **HOMETOWN DEMOCRACY** Florida constitutional amendment placed on the November 4 election ballot. For several years, the HD petitioners have been pushing for a referendum that -- if approved by voters -- would require all future local government **land use amendments** to be approved by voters in special referendums. The campaign is opposed by many local governments, as well as development and business interests that have created a counter group called **Floridians for Smarter Growth**. In the most recent HD upset, the petitioners were appealing a ruling by state elections officials who determined the group didn’t meet a deadline for collecting enough petition signatures.

... HD petitioners now are working to have the initiative placed on the 2010 ballot. Meanwhile, *Floridians for Smarter Growth* is attempting a counter referendum that would only require special votes on land use changes if 10 percent of a local government’s voters signed a petition requesting the referendum.

... *Florida's November Election Issues ... continued from page 3 ...*

Constitutional amendments to help **preserve agricultural lands and "working waterfront" properties** will be decided by Florida voters in November 4 referendums. Amendment #4 will ask voters to grant **property tax exemptions** for landowners who dedicate their lands for perpetual conservation or conservation easements. Amendment #6 would require that property assessments be based on "current use" (in lieu of the "highest and best use") for working waterfront businesses including marinas, drydocks, commercial fishing operations, marine manufacturing and repair facilities, and other water-dependent businesses.

**~~ VOLUSIA / FLAGLER REPORT ~~**

Volusia's local governments' planners are reviewing a package of potential revisions to the rules and procedures of the Volusia **GROWTH MANAGEMENT COMMISSION** (VGMC). The amendments stem from input during a series of public workshops as well as written comments submitted by local government representatives and the public. After receiving more input from local governments, the VGMC will prepare a final list of recommended revisions that will be presented to the county council for potential adoption.

... Created by voter referendum more than 20 years ago, the unique VGMC is incorporated into Volusia County's charter. Representing all Volusia municipalities and the school board, members are responsible for reviewing all local governments' proposed comp plan amendments to assure they are consistent with the comp plans of neighboring municipalities.

... The current VGMC initiative is geared to update the process and rules by which the VGMC reviews plan amendments, and also make any needed changes in the agency's operations. According to a VGMC memo, many comments particularly focused on **VGMC membership**, questioning whether local governments' staff and/or elected officials should be permitted to serve as commission members -- as they currently are. VGMC legal staff (VCARD Member firm GrayRobinson) is seeking an opinion from the Florida attorney general's office on this issue. Among other things, the potential VGMC amendments also focus on **application submittal requirements** for comp plan amendments and time frames for various aspects of the VGMC review and hearing process.

... Interested members should call VCARD for a summary of the recommended changes that could impact ways that many future land use and development plans are reviewed.



County government's recently-created **ENVIRONMENTAL GREEN RIBBON Committee** is reviewing Volusia's countywide minimum standards for **wetlands protection**. The standards were adopted 20 years ago and haven't been updated for almost a decade. A chart has been drafted outlining what the committee finds to be major deficiencies in the standards and potential changes for improvement – such as higher standards for buffers and wetland impact avoidance / mitigation within conservation areas.

... This Green Ribbon Committee was created as part of county government's smart growth comprehensive planning process (*see related news on page 1*). The committee's main mission is to draft **"enhanced environmental standards"** for future growth within unincorporated areas and particularly lands within designated conservation areas. Updating the wetlands standards is the panel's first task, and these revisions could be enforced within cities' jurisdictions as well as the county. Call VCARD for a copy of the wetlands report, or to be added to the committee's e-mail notification list.



*... Ormond Beach News ... continued from page 5 ...*

**Ormond Beach** voters will be asked November 4 whether the city should exempt certain properties from a city-wide **75-foot height limit** that was enacted through a 2006 referendum. The exemptions would apply to structures taller than 75 feet that existed prior to the 2006 vote as well as one multi-family project that was pending at the time.

**DAYTONA BEACH's brownfield** surrounding the airport and Embry-Riddle Aeronautical University could triple in size -- to as much as 3,500 acres -- through a proposal being advanced by city and county economic development leaders. They anticipate that expanding the "Aeropark Brownfield" will help lure business to the tract through incentives that are offered to developers within brownfields (areas with either perceived or actual environmental contamination.) Under the 1997 Florida Brownfields Redevelopment Act, **tax credits and job creation incentives** are available to communities to clean up and reuse brownfield areas. Such sites also are being studied in Port Orange, New Smyrna Beach and DeLand.

A proposed **historic preservation** ordinance has been drafted by **Daytona Beach** planners. The draft ordinance outlines methods for designating historic neighborhoods and structures; and provides guidelines for the review of requests to alter or demolish historic structures -- as well as design standards for large new developments within historic districts and alteration of existing structures. The ordinance also outlines the responsibilities of the city's Historic Preservation Board. Call VCARD for a copy of the ordinance draft that is being reviewed by the planning and historic advisory boards.

A consultant is being hired to help **Daytona Beach** planners coordinate a complete overhaul of the city's **land development code**. VCARD's ongoing Daytona Beach Committee, chaired by **Chris Challis** (Cobb Cole Law Firm), will continue working with staff through this process.

... **Note:** Several other Volusia local governments are working to upgrade their **land codes**, particularly **Deltona** and **DeLand**. Call VCARD for details on any of these cities' initiatives.

**PONCE INLET** officials are extending (up to one year) the current **moratorium** on comp plan changes, rezonings and site plan approvals within the **riverfront commercial district**. The extended moratorium, already in effect for the past year, will allow planners more time to update land use and development guidelines within the district. They hope to maintain the area as a "working waterfront" -- promoting the fishing industry and marine-related services.

**PORT ORANGE** planners are updating utility land code standards, particularly for **reclaimed water service** to new projects, and also proposing changes to utility **standard construction details**. As proposed, new developments within the city's reclaimed water service area (which includes most of undeveloped Port Orange) will be required to install irrigation lines to hook up to the city's reclaimed water system. Projects larger than five acres will be required to install "backup" irrigation systems to be used if the reclaimed water is unavailable.

... Port Orange staff met recently with interested VCARD members to explain the planned changes; and they are scheduled to meet again to further review potential issues of concern with the proposed utility construction details. All interested members are encouraged to call VCARD for copies of the planned revisions or to be notified of upcoming meetings.

... Special thanks to **Dick Smith** (ICI Homes) and **Michael Sznajstajler** (Cobb Cole) for providing summaries of the Port Orange amendments to educate VCARD members.

*... Port Orange News ... continued from page 6 ...*

**Port Orange** utility officials are trying to better organize the process for committing **sewer and potable water capacity** to proposed developments – to assure that pending projects that have been granted such capacity don't stall and withhold capacity that could be committed to other proposed projects. At a recent meeting with VCARD members, city staff discussed charging **utility reservation fees** to pending developments to secure water and sewer capacity commitments. They are seeking input from VCARD on possible alternatives.

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**Two major development-related issues** will be decided by **EDGEWATER** voters in the November 4 election. A referendum (initiated by a citizens petition) will ask voters to approve a charter amendment restricting all future development west of Interstate 95 (that is within the city) to one unit per 20 acres. If approved, the legality of the density restrictions likely will be challenged – as the zoning limitations could greatly impact a major mixed-use community being planned within the city's rural acreage by **GS Florida** (a VCARD member firm).

... Edgewater voters also will decide whether to rescind a 35-foot city-wide **height limit** that was incorporated into the city charter through voter approval in a 2006 referendum. City leaders are asking voters to reconsider the strict height limit, reasoning that varying height restrictions, based on zoning categories, already are covered in the land code.

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**FLAGLER** voters will decide November 4 whether to approve a **.25 mil property tax increase** for the purchase of **environmentally-sensitive lands** and improvements to existing environmental areas. In an August referendum, voters turned down county officials' attempt to raise taxes the same amount to help fund library expansions.

**FLAGLER BEACH** overlay districts are being created to facilitate development guidelines and standards particular to each of three areas: **downtown**, with a focus on mixed-use; **SRA1A**, with a focus on retail; and downtown **residential neighborhoods**. Flagler officials recently approved a comp plan amendment that enables creation of the districts.

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

*... VCARD / FCARD Welcomes New Member ...*

- **TerraPointe Services / Cousins Properties, Inc.**, a real estate development company at 50 Leanni Way #C6, Palm Coast, FL 32137 Phone: 386-447-8904 FAX: 386-447-8907 FCARD Representatives are **Dan Camp** ([dancamp@cousinsproperties.com](mailto:dancamp@cousinsproperties.com)) and Jim Stackpoole ([jim.stackpoole@rayonier.com](mailto:jim.stackpoole@rayonier.com)) Special thanks to **Charlie Faulkner** (Faulkner & Associates) for recruiting this new member firm.
- **Dorian Burt**, a real estate representative specializing in **downtown redevelopment**, 203 Pine Cone Trail, Ormond Beach, FL 32174 Phone: 386-295-4610 FAX: 386-672-8047 e-mail: [gemdori@aol.com](mailto:gemdori@aol.com) Special thanks to **Lynn McCoy** (Harpster Engineering & Surveying) for recruiting this new member.
- **WastePro "The Waste Professional"** specializes in solid waste and recycling; residential commercial and landfill disposal. The firm's Volusia location is at 925 S. Clyde Morris Blvd., Daytona Beach, FL 32114 Phone: 386-788-8890 FAX: 386-236-4345 VCARD Representatives are **Scott Koles** ([skoles@wasteprousa.com](mailto:skoles@wasteprousa.com)) and **Tim Dolan** ([tdolan@wasteprousa.com](mailto:tdolan@wasteprousa.com)). Web site: [www.wasteprousa.com](http://www.wasteprousa.com) Special thanks to **Bill Redman** (RCG Consulting) for recruiting this new member firm.

... **New VCARD / FCARD Members ... continued from page 7 ...**

- **AmBrit Wrought Iron**, a supplier of rock and iron fencing, gate and wall products to real estate, land development and construction industries. The firm is located at 2940 Harper Street, Deltona, FL 32738. Phone: 386-383-9214 FAX: 727-869-7143 Web site: [www.ambritgates.com](http://www.ambritgates.com) VCARD Representative is **David W. Martin** ([dmartin@mpinet.net](mailto:dmartin@mpinet.net))

**VCARD / FCARD member candidates** in upcoming elections include **Suzanne Kosmas** (Prestige Properties), US House of Representatives, District 24, covering areas of Brevard, Orange, Seminole and Volusia counties; Incumbent Florida House Representative **Dorothy Hukill**, District 28, covering a major part of east and southwest Volusia County; and **Andy Dance**, Flagler County School Board, District 1.

... **Awards ...**

~ ~ **Iris Bly** has been honored with the “**Community Advocate of the Year**” award for the Volusia County Circuit of the Florida Guardian ad Litem Foundation and Program. This award honors members of the community who have excelled in supporting the Guardian ad Litem program’s efforts to improve the lives of abused and neglected children.

... As a charter VCARD member, Iris has served as vice chair of our association’s Flagler chapter, and is a current member of the emeritus council. She also is a past recipient of the VCARD ‘Member of the Year’ award.

~ ~ Two Metro-Orlando VCARD member firms have received the *Orlando Sentinel’s* “Top 100 Companies for Working Families” Award. The award is given to family-friendly employers who provide exceptional programs and policies related to work and lifestyle benefits.

- **Nodarse & Associates** (N&A), a specialty engineering and environmental consulting firm, received the annual recognition for the seventh consecutive year.

- **MSCW**, an Orlando-based design firm, came in 9th on this year’s list that has been compiled by *The Sentinel* for the past 15 years.

~ ~ **MSCW, Inc.** also has been awarded the American Planning Association (APA) **Florida Award of Excellence** for its Taylor County Vision 2060 plan. The vision is a public planning process sponsored by the Taylor County Chamber of Commerce; and endorsed by the county commission and Perry City Council. MSCW was responsible for the vision and master planning for the 2060 project that addresses housing, infrastructure, public facilities, employment and retail centers, development patterns and environmental protection.

~ ~ **PBS&J**, a national architecture and engineering firm, provided consulting services for the City of Minneola’s water reclamation improvements project that has been named the “**Environmental Project of the Year**” by the American Public Works Association, Florida Chapter. The project involved development of the wastewater utility and the planning, design and construction of a new wastewater collection, treatment and reclaimed water system.

... **Progressions ...**

**Robert J. Paulsen** has been named president of **PBS&J**. Prior to his recent assignment, Paulsen served as PBS&J’s chief operating officer and national director of transportation services.

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

- **Jean S. Redman**, president of **RCG Consulting**, has created and copyrighted a new web-based online system for municipalities to track customer communications and inquiries. ... This live, real-time system assigns case numbers to inquiries, and then tracks for municipalities the requests from residents and businesses regarding any services or departments within the municipality. It enables local government officials to stay constantly updated on the activities within their departments. The service currently is being used by several municipalities throughout the southeast US. For more information, Jean can be contacted at 386-427-9339 or [jes1r@aol.com](mailto:jes1r@aol.com)
- **Wade Trim / Tomoka**, a civil engineering and planning firm, announces that **Tom Drone**, PLS, has passed the Florida Professional and Land Surveyor examination and has been awarded a license to perform land surveying services throughout the state. Tom has more than 39 years in the industry. Established in 1926, Wade Trim has 20 offices in eight states, including a branch in Daytona Beach where Tom is headquartered.
- **Fred Leonhardt**, a shareholder with **GrayRobinson** law firm, has been re-appointed by Gov. Charlie Crist to the board of directors of Enterprise Florida, Inc. Fred, one of VCARD's charter members, also is chair of the Metro Orlando Economic Development Commission.
- **Stirling Sotheby's International Realty** has appointed **Fay Sarshory** as a luxury homes specialist in the Daytona Beach area. Fay will be based at the luxury real estate firm's satellite office in **Sunset Harbor Yacht Club, Daytona Beach**. Fay will focus on national and international sales, builder and developer representation, marketing strategies and consulting -- along with auction services to Volusia builders and developers. Her international marketing will have an emphasis on Canada, the U.K. and Germany. ... Fay brings than eight years of real estate experience as a multi-million dollar producer and fine homes international specialist to Stirling Sotheby's. Sotheby's International Realty has more than 500 offices in 36 countries and territories.
- **Nodarse & Associates**, a central Florida based specialty engineering and environmental consulting firm, announces **Daniel J. Dunham**, P.E., S.I. has been appointed as executive vice president. Daniel has 25 years of experience in the construction materials testing and geotechnical engineering disciplines.
- **MSCW** announces the addition of **James Hoffman** as a staff engineer; and **William R. McClelland** as business development leader. Hoffman previously interned with MSCW; and McClelland is former president of the National Association of Industrial and Office Parks (NAIOP). **Abigail Fields Hegarty** has been promoted to senior GIS technician II; and **Benjamin Forshee** has been hired as environmental specialist.

VCARD's future '**Member Of The Year' Awards** will be presented in honor of the recently-deceased **FRED THELLMAN**, one of VCARD's founding members and always a true friend to our association and the community.

... Fred was a previous president of **Consolidated-Tomoka Land Co.** and also a consultant to NASCAR's marine division. Fred was past president of several prominent business and charitable boards -- including the Daytona Beach Area Chamber of Commerce, United Way and the Daytona Beach Racing and Recreational Facilities District.

... VCARD's Executive Council recently voted to put the *Member Of The Year* award in Fred's name as a way of remembering and honoring him forever.

