

Minutes Outline

POP Committee Workshop, March 6, 2008, 11:00 a.m. – 2:00 p.m.
Discussion of Comments Received on VGMC Policies & Procedures
Orange City, City Council Chambers, 201 N. Holly Avenue, Orange City, FL

In attendance: VGMC Chair Gerald Brandon; POP Committee Chair Robert Pascoe; POP Committee Members Jim Kerr, Tony Cole & John Heaphy; VGMC Legal Staff Paul Chipok; VGMC Planning Staff Barry Wilcox.

Also in attendance: VGMC Members Suzanne Steiner & Sandra Walters; Betty Holness, County Manager’s Office; Mike Woods, Cobb & Cole; Pat Hatfield The DeLand Beacon; and Eric West.

The group continued its review of the individual comments that have been received to date, and also categorized items #31 and #32 which were received subsequent to the last workshop. Their review began with the continuation of those comments categorized as “philosophy” issues, starting with item #7 submitted by Aiden Magee. The committee concluded their review of all comments categorized as “philosophy” and will begin reviewing those comments identified as “process” and “timing” issues at the next workshop. Another workshop is expected to be scheduled in late March or early April.

The committee came to consensus on the following issues:

- 1) The idea of a County-wide mandatory comprehensive plan is beyond the scope of the VGMC and the commission should not advocate it;
- 2) During the process review discussions, look at specifically recognizing the NRMA map as one of the criteria that is utilized under the environmental impact portion of the consistency review; and
- 3) Look at the notification requirements for public hearings.

Following is a cumulative list of issues the committee has agreed need to be addressed in more detail:

Philosophy Issues –

- 1) Whether or not governmental staff and/or elected officials should be members of the VGMC.

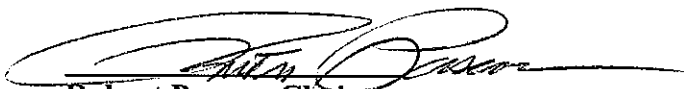
Processing Issues –

- 1) Look at requiring/allowing the jurisdictions to submit application packages electronically/via disc so they can be posted and easily accessed by interested parties and the general public. Discussion to include what defines an official document and what determines official receipt by the VGMC;
- 2) Further discuss adding a completeness review process;
- 3) Review the application submittal requirements to clarify what documentation needs to be submitted at application. This includes reviewing the individual consistency criteria to determine if additional analysis should be submitted at application;
- 4) Look at establishing an application submittal checklist to be utilized by the applicant, as well as for a completeness review;
- 5) Look at posting rules and procedures on-line;
- 6) Look at formally recognizing the NRMA map as one of the criteria that is utilized under the environmental impact portion of the consistency review;
- 7) Review the notification requirements for public hearings.

Timing Issues –

- 1) Review the RAI process and timeframe in detail and formalize.

**MINUTES OUTLINE APPROVED BY THE POP COMMITTEE AT THEIR
REGULAR MEETING OF APRIL 23, 2008**



**Robert Pascoe, Chairman
POP Committee**

Minutes Summary Discussion - 3/6/08 POP Workshop

Mr. Chipok recapped the minutes from the 2/5/08 POP workshop. Mr. Pascoe commented that under item #3 of the processing issues identified, that there was considerable discussion specifically relating to traffic and environmental analyses.

The group then began continued discussions of the individual philosophy related comments, starting with #7 from Aiden Magee.

Item #7 – Comments dated 12/22/07 from Aiden Magee, Volusia/Flagler Environmental Action Committee

Mr. Chipok stated that these comments appear to be directed toward how the County and municipalities do their comprehensive planning, as opposed to the VGMC process. Additionally, he stated that philosophically, it appears that Mr. Magee is advocating that one dominant comprehensive plan be established for the entire county.

Mr. Pascoe commented that it appears Mr. Magee feels VGMC should have the ability to circumvent development and asked Mr. Chipok if this would be within the rights of the commission. Mr. Chipok responded that his understanding of the underlying philosophy of the VGMC is that we are not a local planning agency or zoning board, but here to ensure there is consistency between the various local government's comprehensive plans. Mr. Chipok added that how and if an area is going to grow is the decision of the local jurisdiction and VGMC has no direct control over that unless it negatively impacts a neighboring jurisdiction.

Mr. Wilcox stated that the cities are currently held to the same development standards as the County for property located in the NRMA overlay. He added that if and when Map A is established protecting the property through something such as an interlocal agreement, it would fall upon the VGMC to enforce if we receive an application which sought to move the property out of Map A.

Mr. Brandon commended Mr. Chipok on his summary of the narrow parameters by which the commission operates. He added, however, that if during this process the committee identifies something that should be modified or added, the committee would be the mechanism to bring it forward and then onto the County Council.

Based on Mr. Magee's comments, Ms. Walters proposed that the committee consider modifying the VGMC criteria relating to adverse impacts on natural resources to specifically acknowledge and include the NRMA lands in the County.

Eric West commented that the public perceives that the VGMC is not an independent commission because public employees are members. He suggested that people who work for a municipality should not be allowed as a voting member. Mr. West also commented that if an amendment is not consistent, then the commission should just say no, rather than approving with conditions.

Getting back to Mr. Magee's comments, Mr. Chipok summarized that the majority of his comments appear to support a mandatory county-wide comprehensive plan. Mr. Chipok stated this is beyond the scope of the VGMC and philosophically not a position the commission is in favor of advocating. With respect to specifically recognizing the NRMA map as a criteria used under our environmental impact portion of the consistency review, Mr. Chipok stated the committee could look at this during the process review to clarify that NRMA is one of the considerations. The committee concurred with Mr. Chipok's statements.

Item #8 – Comments dated 12/26/07 from Mark Rakowski

The committee concurred that these were already discussed when they reviewed #5, Ron Paradise's comments, at the last meeting.

Item #10 – Comments dated 12/18/07 from Fred Costello, Mayor of Ormond Beach

Mr. Brandon stated that some of the City of Ormond Beach level of service standards may be higher than adjacent jurisdictions which could create conflict, and he believes that Mayor Costello wants VGMC to look at the individual standards for each of the jurisdictions and determine if there are impacts as a result of varying level of service standards.

Mr. Chipok stated that part of this is being addressed now through MPO's adoption of a standard methodology for traffic analyses. He stated that over the course of the next few months to a year, the traffic studies we receive should be more uniform. Mr. Brandon added there are environmental issues as well.

General discussion ensued relating to development occurring in a jurisdiction based on that particular jurisdiction's level of service standards. Mr. Chipok reiterated that in his opinion, how much development is not within the scope of the VGMC, but rather the question of whether that development will have a negative impact on the surrounding jurisdictions. Mr. Wilcox commented that level of service is not standardized and is a broader regional planning issue.

In response to comments from Ms. Walters stating if no one objects, then an amendment is deemed consistent, Mr. Wilcox stated that staff performs their own analysis with or without comments or objections from adjacent jurisdictions. Mr. Wilcox referenced the recent Riverbend Church amendment as an example where there were no outside comments or objections received, yet staff raised their own concerns.

General discussion continued relating to level of service standards and regional planning issues.

Ms. Walters asked Mr. Wilcox if staff sees something glaring yet there have been no objections filed, can staff notify the commission so they can request a public hearing.

Mr. Chipok reviewed the current rules for requesting a public hearing, including the right of staff to request a public hearing. Mr. Pascoe asked if a commission member as an individual could request a public hearing. Mr. Chipok stated that our rules do not prohibit a member from requesting a public hearing as an affected citizen.

General discussion ensued regarding a commission member's role and responsibility in requesting a public hearing. Mr. Wilcox commented that based on staff's review of the amendments, he felt it was their responsibility to request a public hearing on behalf of the commission.

Ms. Walters suggested adding language that a VGMC member can request a public hearing. Mr. Chipok clarified that a member can file as an affected citizen. Mr. Chipok also reiterated an earlier comment from Mr. Brandon that if acting in the capacity of a VGMC member, all communications should be directed to the coordinator. In this case, if a member feels there is an issue with a particular amendment, comments should be sent to the coordinator who will forward onto staff for an evaluation.

Getting back to Mayor Costello's comments, Mr. Kerr read from the letter that "the VGMC must be more vigilant regarding the mitigation of cross-jurisdictional impacts". Mr. Kerr and others commented that VGMC staff is already doing that and the committee concurred.

Item #13 – Comments dated 12/27/07 from Fred Costello, Mayor of Ormond Beach in response to item #7 Aiden Magee comments

These are comments in response to item #7 from Aiden Magee which was discussed earlier. Mr. Chipok commented that philosophically, he doesn't believe we disagree with Mayor Costello's comments that the issues with the VGMC are about land use, not jurisdiction. The committee concurred that there was no call for action on this item.

Item #15 – Comments dated 12/28/07 from Lenny Marks

The first issue relating to city/county staff being members is slated to be discussed in further detail.

The second comment relates to the commission's decisions, which Mr. Marks states should be either yes to approve, or no not to approve. Mr. Chipok commented that based on prior discussions, there was agreement that the commission's duty and philosophy of trying to find solutions necessitates going beyond just stating an amendment is inconsistent.

Ms. Walters commented that Mr. Marks is a City Commissioner in DeBary.

With respect to the issue relating to city/county staff employees and elected officials as members of the commission, Mr. Chipok stated there is not a clear answer on that. He also stated that the County Attorney's opinion is that members of the commission are

subject to dual office holding provisions because the VGMC is a dependent special district, and a member of this commission cannot sit on any other County boards. With that, he stated, the questions arise as to whether that applies only to County appointees or all appointees; and whether it applies to elected officials and staff members. Mr. Chipok also stated there is no clear answer on the issue of whether a governmental employee should abstain from voting on amendments from their jurisdiction, or whether all members should abstain from voting on amendments from the jurisdiction they represent.

Mr. Chipok stated these are important issues and due to the uniqueness of the commission, there is no clear cut precedent or model existing in which to form an opinion. He added that if the commission wants answers to the questions of dual office holding and the right to abstain during voting, the commission may want to consider seeking an attorney general opinion in order to clarify.

General discussion ensued relating to the issues of dual office holding, abstaining from voting, and weighted votes. Several members commented that abstaining from voting would not be an issue if the rules prohibit governmental employees to be appointed as members on the commission. With respect to requesting an attorney general opinion on the dual office holding issue, the majority of members were in favor of pursuing that in order to get a clear answer for the future.

Mr. Chipok stated he would frame the question in a memo to be presented to the full commission at the next meeting to determine if the desire of the commission is to move forward. He also added that we would want to get the involvement of the County Attorney, and also some city attorneys, to agree on what the issues are and to ensure the question is framed properly.

Item #16 – Comments dated 12/31/07 from Coleen Chamberlain

These comments relate to the issue of city/county staff on the commission which the committee has already agreed to address further.

Item #17 – Comments dated 12/31/07 from Michele Moen

With regard to Ms. Moen's summary recommendations on page #76:

#1 relating to Purpose and Intent – Mr. Chipok stated he interpreted this comment to be that we should only be looking at the amendments to determine if they are consistent or inconsistent and not look at conditions to try and make them consistent. He indicated that it's been our philosophy that the plans serve as the underlying basis, but if they are inconsistent we look to see if there are conditions which can be crafted to find them consistent, which requires discussion and coordination with the affected jurisdictions. As a result, Mr. Chipok stated he did not feel that we are in agreement with this comment. Several committee members concurred with Mr. Chipok and no one spoke in opposition of his analysis.

#2 relating to NRMA – Mr. Chipok stated this issue was discussed earlier in the workshop and the committee concurred to look at clarifying this during our process review.

#3 relating to recharge areas and sole source aquifer – Mr. Wilcox stated that each of the governmental agencies are required by DCA to adopt a water facilities supply plan and in that, they are tasked with essentially what is stated in this comment. Mr. Wilcox added that we currently look at capacity issues while reviewing the criteria relating to infrastructure and utilities.

General discussion ensued regarding the St. Johns River Water Management District review and permitting issues.

Mr. Wilcox discussed the specific information planning staff needs relating to utilities and water supply that is reviewed within the scope of VGMC's authority. Mr. Chipok added that this is a planning level analysis and reiterated that VGMC is not a permitting agency.

With respect to comment #3, Mr. Chipok stated that this issue will be more fully addressed as the jurisdictions submit their water supply elements. He also added that in his opinion, this may be more of a permitting issue.

Item #18 – Comments dated 12/31/07 from Janet Deyette

This comment relates to City & County staff members serving on the commission which the committee already concurred to address further.

Item #19 – Comments dated 12/31/07 from VGMC Member Suzanne Steiner

Ms. Steiner stated that most of her comments have already been addressed, with the exception of public noticing. Utilizing the example of a sign posted on a property which was provided with her comments, Ms. Steiner stated she felt we need to look at addressing our public notice requirements to more effectively notice all interested parties. Mr. Chipok asked Ms. Steiner to clarify whether she was referring to notice requirements on all applications, or noticing of public hearings. Ms. Steiner responded she was commenting on public hearing notifications.

Following general discussion, the committee concurred to address the issue of notification requirements for public hearings during the process review discussions.

Item #20 – Comments dated 12/31/07 from Alexa Ross, Sierra Club Conservation Chair

The comments relating to notice requirements, County and City employees as VGMC members, and NRMA have been discussed in prior comments and the committee has concurred to further address these issues.

With respect to the comment relating to conditional approvals, Mr. Chipok stated we've discussed this with earlier comments and this issue goes back to the philosophy of the VGMC to continue to attempt to find solutions through conditions in order to address the inconsistencies.

In response to the comment relating to bidding out staff, Mr. Pascoe stated this was discussed at the prior workshop and that we have bid out in the past, and the committee felt we should do so in the future.

Item #21 – Comments dated 12/31/07 from Carol & Dave Aymar

The first comment relates to County and City employees being members of the commission which will be addressed further.

The second relates to making the VGMC process more accessible and open to public participation which will be addressed through the notice provisions review.

With respect to their comment that growth management needs to take priority over intergovernmental coordination, Mr. Chipok commented that by charter, the charge of the commission is intergovernmental coordination. There were no other committee member comments.

Item #22 – Comments dated 12/31/07 from Gordon Williamson

The committee commented that NRMA will be addressed as previously discussed.

Item #23 – Comments dated 12/31/07 from Natalie Dix

The committee commented that the issue concerning notification requirements will be addressed further.

Item #24 – Comments dated 12/21/07 from Chester Murray, Development Services Director, City of Orange City

Mr. Wilcox stated that some of these comments may be related to previous amendments which came before the commission. Mr. Chipok added that a number of issues have come up from several of the municipalities who have a Mixed Use District. He further commented that we understand the jurisdictions needs as much flexibility as possible to be responsive to market conditions, however, when approving amendments in these districts the VGMC needs to know what the potential impacts are on surrounding jurisdictions. General discussion ensued concerning mixed use districts.

Mr. Chipok stated the committee has already concurred to address RAI's during the process review.

With respect to the comments relating to duplication of efforts, Mr. Chipok stated that we have an interlocal agreement with DCA where they know we look at intergovernmental coordination and they will defer to VGMC for input in their analysis. Additionally, Mr. Chipok stated that VGMC looks at the amendments from a more local perspective, as opposed to DCA who looks at the entire state and they are not intimately familiar with the details of Volusia County. Mr. Wilcox stated he feels DCA and VGMC perform two different functions, with DCA looking at internal consistency, while VGMC looks at external consistency.

Mr. Chipok indicated the committee would come back to the comment relating to definitions, as well as the other procedural comments, when they begin to look at the comments categorized as process issues.

Item #26 – Comments dated 1/2/08 from Betty O’Laughlin, President of the Environmental Council of Volusia and Flagler Counties

The first comment relates to County and City employees being members of the commission which will be addressed further.

With respect to the other comments, Mr. Chipok stated these appear to be related to permitting issues and the VGMC is confined to looking at amendments on a land use basis for consistency issues. The committee appeared to be in agreement.

Mr. Pascoe raised a question concerning roll call votes and several members commented in favor of utilizing roll call votes on a regular basis. Mr. Chipok stated this is handled at the discretion of the Chairman. Typically, he stated, a general vote is taken unless there is opposition, at which time a roll call vote is taken.

At approximately 1:50 p.m., Mr. Chipok announced that today’s workshop needed to conclude by 2:00 p.m. as there was another meeting scheduled in the Council Chambers.

Item #28 – Comments dated 12/16/07 from Rita Press, City of Ormond Beach Planning Board Chair

The first comment relates to County and City employees being members of the commission which will be addressed further.

As far as the comment relating to posting the agenda and minutes on the website, the meeting agendas and approved minutes are currently posted on the website.

Item #29 – Comments dated 1/29/08 from the Volusia Council of Governments

The committee was in agreement that the presence of a JPA should not affect the need for an amendment to go through the established VGMC consistency review and approval process to ensure that all issues have been addressed.

Item #30 – Comments dated 2/3/08 from Myra Gercken

The committee concurred with Ms. Gercken's comments relating to reviewing all amendments and not exempting those where a JPA exists.

Mr. Pascoe noted Ms. Gercken's comment relating to board membership where she suggests an equal amount of representation from both citizen volunteers and city/county staff.

Item #31 – Comments dated 2/4/08 from David Harris

Mr. Chipok stated that items #31 and #32 had not yet been categorized as they were received subsequent to the last workshop. Mr. Chipok stated he felt that #31 fell into the category of philosophy, and #32 fell into both philosophy and process issues.

There were no additional committee comments relating to Item #31.

Item #32 – Comments dated 2/6/08 from Michael Disher, Planning & Development Manager, City of Port Orange

Mr. Chipok stated these comments can be discussed in during the process review.

The committee agreed to schedule another workshop on the east side of the County in approximately 4 weeks to begin reviewing the process issues.

The meeting concluded at 2:00 p.m.

**MINUTES SUMMARY DISCUSSION APPROVED BY THE POP COMMITTEE
AT THEIR REGULAR MEETING OF APRIL 23, 2008**



**Robert Pascoe, Chairman
POP Committee**