



January 6, 2009

Mr. Gerald Brandon

Chair, Volusia Growth Management Commission
140 South Beach Street, Suite 305
Daytona Beach, FL 32114

**RE: County Response to RAI dated November 23, 2009 / VGMC Case #09-022b /
County of Volusia / Farnton Local Plan.**

Dear Chair Brandon,

Please accept this as the County of Volusia's response to the request for additional information ("RAI") dated November 23, 2009 pertaining to the Farnton Local Plan.

The RAI attached a November 16, 2009 letter from the City of Deltona and November 5, 2009 letter from the Volusia County School District. No request for additional information is presented by the school district. Accordingly, the county offers the following in response to the requests set forth by the city. A copy of the city's request is attached as Exhibit "A."

Authority for RAI

The county respects the authority of the VGMC to issue RAI under the Code of Ordinances, County of Volusia. Section 90-35(e)(1)(a) authorizes VGMC professional staff to "request any additional information pertinent to the application" from the applicant. Many of the statements presented by the city fail to request any information from the county but are conclusory and argumentative; or request information that is not pertinent to the criteria for the issuance of a certificate of consistency. For purposes of the record, the county shall object to those portions of the city's request which are not authorized under the Code.

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Response to City Requests for Additional Information

The following respond to the “Goals, Objectives and Policy Questions and Comments” set forth in the city’s letter:

Response to #1:

The policy is simply a development cap until 2025 and does not mandate construction. Therefore, the entitlements remain until utilized. Second phase entitlements are capped by peak hour trip maximums in 5 year increments according to transmitted policy FG 5.1. Exceeding these maximum trip caps would require a comprehensive plan amendment.

Response to #2:

The term refers to the owners of the land.

Response to #3:

A compensating storage study on build out potential has not been performed, nor is one required at this time. Policy FG 8.3 (k) requires a site analysis of natural features including floodplains, drainage, wetlands, soils, habitat types, and a biological inventory at the Master Plan Development process.

Response to #4:

Please see policy FG 8.3 (f) and (n) require that the phasing plan and mix of uses be established in the master planning process.

Response to #5:

The county respectfully objects to this request as it is not pertinent to the criteria for issuance of a certificate of consistency set forth in section 90-37(b) or (c) of the Code.

Response to #6:

The county respectfully objects to this request as it is not pertinent to the criteria for issuance of a certificate of consistency set forth in section 90-37(b) or (c) of the Code.

Response to #7:

See transmitted policy FG 8.3 (j), which requires a plan to implement the jobs to housing ratio requirement of transmitted policy FG 3.11 at the master plan review stage. Policy FG 8.2 requires all development proposals to be aggregated.

Response #8:

A Consumptive Use Permit (CUP) has not been issued to the property owners. The SJRWMD is the regulating agency for CUP permits. Farmton, LLC has an established water service area authorized by the Public Service Commission and will be the sole provider of water supply for development within the Farmton Local Plan area. The county intends to remove any reference to a joint venture agreement from the proposed policies at adoption.

Response to #9:

Please see attached memorandum dated January 4, 2010 from Lassiter Transportation Group, Inc.

Response to #10:

Please see attached memorandum dated January 4, 2010 from Lassiter Transportation Group, Inc.

Response to #11:

The policy does not specifically indicate who will fund a monitoring and modeling study.

Response to #12:

Please see attached memorandum dated January 4, 2010 from Lassiter Transportation Group, Inc.

Response: to #13:

Please see attached memorandum dated January 4, 2010 from Lassiter Transportation Group, Inc.

Response to #14:

No request for additional information is presented.

Response to #15:

Development is not exempt and must follow the master plan process regardless of any state mandated DRI. Specifically, policies FG 8.1, 8.2, 8.3 and 8.10, establish the process that all development within the Sustainable Development Area (SDA) must undergo before development is approved, regardless of size, ownership, or state requirements.

Response to #16:

No request for additional information is presented.

Response to #17:

The county respectfully objects to this request as it is not pertinent to the criteria for issuance of a certificate of consistency set forth in section 90-37(b) or (c) of the Code.

Response to #18:

No request for additional information is presented.

Response to #19:

28,000 dwelling units are not permitted within the Volusia County portion of the Farmton Local Plan. Pursuant to policy FG 1.4, 4,692 dwelling units and 820,000 square feet of non-residential development may be approved in the Gateway district until year 2025 as phase 1. The phase 1 entitlements were determined to be the “maximum potential development” of the existing land use designations (AR, ESC and FR). Phase 2 entitlements shall not ever exceed 23,100 dwelling units and 4.7 million square feet of non-residential pursuant to policy FG 3.9. Policy 8.9 references the difference between phase 1 entitlements (FG 1.4) and phase 2 entitlements (FG 3.9).

Response to #20:

Development is not exempt and must follow the master plan process regardless of any state mandated DRI. Specifically, policies FG 8.1, 8.2, 8.3 and 8.10, establish the process that all development within the Sustainable Development Area (SDA) must undergo before development is approved, regardless of size, ownership, or state requirements.

The following respond to the “General Questions/Comments” set forth in the city’s letter:

Response to #1:

No request for additional information is presented.

Response to #2:

No request for additional information is presented.

Response to #3:

No request for additional information is presented.

Response to #4:

The county intends to remove any reference to a joint venture agreement from the proposed policies at adoption.

The County respectfully requests that VGMC deem the request for additional information satisfied and approve the application within the required time frame in 90-35 (g) of the Code or schedule the amendment for public hearing. If you have any further questions, please contact Kelli McGee, Planning and Development Services Director at (386) 736-5959.

Sincerely,



Gregory K. Stubbs, AICP
Growth and Resource Management Director

c.c.: Chris Bowley, Planning and Development Services Director, Deltona
Jamie Seaman, Deputy County Attorney
Barry Wilcox, MSCW
File

attachment: Lassiter Transportation Group, Inc. memorandum dated January 4, 2010



Lassiter Transportation Group, Inc.
Engineering and Planning

Ref: 3445.06

January 4, 2010

Jon Cheney, PE
Volusia County Traffic Engineering
123 Indiana Avenue
DeLand, FL 32920

Re: Response to VGMC RAIs dated November 23, 2009

Dear Jon:

The following are responses to the comments dated November 23, 2009 from the Volusia Growth Management Commission (VGMC), specifically comment 9 paragraph 1 and 4 and comments 10, 12, and 13. The comments are listed with our responses provide in bold.

9(1). Comment: Objective FG 5 deals with transportation matters. The request is for a significant increase of land use density and intensity. A significant portion of that traffic is going to travel westward to SR 415, I-4, and ultimately to the greater Orlando area for employment, goods, services, entertainment, etc. This amendment is associated with major traffic impacts that have not been quantified and analyzed. In addition, no mitigation has been proposed and there is no fiscal analysis with regard to the proposed road infrastructure needed to support this proposal. The City has concerns that this proposal will create traffic impacts on a minimum of the following roads: Maytown Road, SR 415, Doyle Road, and Howland Blvd. However, as has been stated these impacts have not been quantified.

Response: No increase in entitlements is being sought through the horizon year of the current Comprehensive Plan. The maximum development potential of 4,692 dwelling units and 820,217 square feet of commercial land use, resulting in 6,821 p.m. peak-hour two-way net external trips was based on Policy 1.2.3.3 of the current Comprehensive Plan and the pending CPA 08-02. In working with FDOT and the County, a number of Policies have been included in the Farnton Local Plan to identify the procedures for determining transportation needs, identifying funding mechanisms, protecting transportation corridors and monitoring of transportation impacts. Policy FG 8.1 which applies to the entire Farnton sustainable development areas (SDAs) requires that any development which occurs within Farnton shall be subject to the DRI process as it currently exists (i.e., even if the DRI process is eliminated in the future). The DRI procedures require the identification and mitigation of traffic impacts due to actual development plans. Since no development plans are proposed at this time, no analysis can be performed that would relate to development impacts. The DRI process will require the identification of needed roadway improvements as a result of post-2025 development. Additionally, Policy FG 5.7 identifies an extensive internal spine network which will relieve I-95 post 2025. Policy 5.11 and 5.14 requires modeling and monitoring one year prior to the preparation of the County's Evaluation and Appraisal Report (EAR) through the build-out of Farnton. Additionally, Policy FG 7.6, proposed by the County and agreed to by Farnton, affords the County the right to condition the approval of development on the availability of funding for necessary infrastructure to support the proposed development.

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9(4). Comment: There is also recognition that the County has attempted to foster some degree of fiscal neutrality with regard to the Farmton property. However, conditioning approval of development on the assumed existence of funding is not appropriate. The allocation of density/intensity for the Farmton property should be linked to the ability to serve the proposed Land use entitlements with transportation capacity just like any other land use map amendment processed by a local government in Florida. The proposed language essentially defers difficult and very important transportation oriented decisions for a later time. In addition, the proposed approach to transportation planning, including capital funding, regarding Farmton creates various fiscal uncertainties for the County and Deltona because of the uncertain timing and scope of development, especially beyond 2025. The proposed amendment does not provide for areawide or regional transportation solutions and causes impacts beyond the boundaries of one jurisdiction and is not consistent with Section 90-37(c)(2) and Section 90-37(c)(3).

Response: The cost of mitigating the roadway improvements to provide for regional transportation solutions will be addressed through the DRI process as required under FG 8, and specifically Policies FG 8.1, FG 8.2, and FG 8.3. It should be noted that background growth is also assumed in the modeling process which will also be responsible for the payment of impact fees and proportionate fair-share impacts. These fees have not been projected but would certainly be required as a result of the background growth. As identified in FG Policy 5.11 and 5.14, a modeling and monitoring of the Farmton Local Plan shall be completed one year prior to the County's Evaluation and Appraisal report (EAR) preparation as a means to incrementally update the transportation needs and trip allowances through build-out of the project. Additionally, Policy FG 7.6, proposed by the County and agreed to by Farmton, affords the County the right to condition the approval of development on the availability of funding for necessary infrastructure to support the proposed development.

10. Comment: Policy FG 5.7 calls for a connection of Maytown Road and SR 415. How will Maytown Road, westward of Farmton, a mostly prescriptive right of way, be improved in a timely manner? What are the plans for a connection of Maytown Road and SR 415? Please provide an analysis of how Farmton and related traffic improvements will impact the City of Deltona and the Osteen Local Plan. This request is appropriate because these improvements may be needed as soon as 2031.

Response: In order to address the concerns of traffic impacts of Farmton, including timing of improvements to Maytown Road, FG Policy 8.1 establishes that any development shall be required to undergo a DRI review procedure even if the DRI requirements are eliminated. The DRI procedures require the identification and mitigation of traffic impacts due to actual development plans. Since no development can occur prior to 2025 anywhere except at the SR 442 exit west of I-95, there will be no impacts to Maytown Road prior to 2025. When development does occur that can access Maytown Road, the improved connection to SR 415 shall be required as stated in Policy FG 5.7(a) which will include the provision of right-of-way.

12. Comment: FG 5.15 mentions a traffic impact analysis for the Farmton project. Has this traffic impact analysis been performed in a manner that utilizes acceptable methodology for any land use map amendment that accounts for all of the requested entitlement increases? If so the City would appreciate the opportunity to review and comment on the analysis.

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Response: No increase in entitlements is being sought through the horizon year of the Comprehensive Plan. Policy 1.2.3.3 and the pending CPA 08-02 provides for the land uses and the density bonuses that could generate the trip caps through the build-out of the horizon year of the Comprehensive Plan. In order to address the concerns of traffic impacts of Farmton, Policy 8.1 establishes that any development shall be required to undergo a DRI review procedure even if the DRI requirements are eliminated. The DRI procedures require the identification and mitigation of traffic impacts due to actual development plans. Since no development plans are proposed at this time, no analysis can be performed that would relate to development impacts.

13. Comment: The internal trip capture rates illustrated in FG 5.16 seem very high. What analysis/information/assumptions were used to generate trip caps?

Response: Policy 1.2.3.3 and the pending CPA 08-02 provides for the land uses and the density bonuses that could generate the trip caps through the build-out of the horizon year of the Comprehensive Plan. The future year trips caps were prorated based on a potential 2060 build-out scenario shown in the attached table. As identified in FG Policy 5.11 and 5.14, a modeling and monitoring of the Farmton Local Plan shall be completed one year prior to the County's Evaluation and Appraisal report (EAR) preparation as a means to incrementally update the transportation needs and trip allowances through build-out of the project.

Please feel free to contact me at 386.257.2571 if you have any questions regarding our responses.

Sincerely,

LASSITER TRANSPORTATION GROUP, INC.



Colleen Nicoulin, AICP
Senior Transportation Planner

Encl: Volusia County Full Build-Out Trip Generation Table

c: Kelli McGee, Volusia County Planning and development Services Manager
Becky Mendez, AICP, Volusia County Senior Planning Manager
Melissa Booker, Volusia County Traffic Engineer
Barbara Goering, Esq., Miami Corp.
Joel Ivey, Ivey Planning Group, LLC
Matt West, AICP, Ivey planning Group, LLC
Glenn D. Storch, Esq., Storch, Morris & Harris, PA
Clay Henderson, Esq., Holland & Knight, PA
R. Sans Lassiter, PE, Lassiter Transportation Group, Inc.

Farmton - Volusia County Full Build-Out Trip Generation

Time Period	Land Use	Quantity	Units	ITE Land Use Code	Trip Rate Equation	Total Trips	Percent Entering	Percent Exiting	Trips Entering	Trips Exiting		
P.M. Peak-Hour	Residential											
		Single-family	12,049	DUs	210	$T = 1.01(X)$	12,169	63%	37%	7,667	4,503	
		Multi-family	12,048	DUs	220	$T = 0.62(X)$	7,470	65%	35%	4,855	2,614	
		Retail	1,205.00	KSF	820	$\ln(T) = 0.67 \ln(X) + 3.37$	3,372	49%	51%	1,652	1,720	
		Office	1,641.44	KSF	710	$T = 1.49(X)$	2,446	17%	83%	416	2,030	
		Hotel	240	Rooms	310	$T = 0.70(X)$	168	49%	51%	82	86	
		Manufacturing										
		Research Park	500.00	KSF	130	$T = 0.86(X)$	430	21%	79%	90	340	
		Light Industrial	500.00	KSF	110	$T = 0.97(X)$	485	12%	88%	58	427	
		School										
		Elementary (4)	3,000	Students	520	$T = 0.15(X)$	450	49%	51%	221	230	
		Middle (2)	2,400	Students	522	$T = 0.16(X)$	384	49%	51%	188	196	
		High (2)	5,000	Students	530	$T = 0.13(X)$	650	47%	53%	306	345	
	Hospital	160	Beds	610	$T = 1.31(X)$	210	36%	64%	75	134		
	Totals						28,234			15,610	12,625	