



STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

CHARLIE CRIST
Governor

THOMAS G. PELHAM
Secretary

MEMORANDUM

TO: Volusia County

Date: December 28, 2009

Subject: Proposed Comprehensive Plan Amendment Review Objections,
Recommendations and Comments Reports

Enclosed are the Departments Objection, Recommendations and Comments Reports on the proposed amendments to the comprehensive plan(s) from the following local government(s):

Volusia County 10-1

These reports are provided for your information and agency files. Following the adoption of the amendments by the local governments and subsequent compliance review to be conducted by this agency, we will forward copies of the Notices of Intent published by each local government plan.

If you have any questions, please contact Mr. Ray Eubanks at Suncom 278-4925 or (850) 488-4925.

RE/lp

Enclosure

2555 SHUMARD OAK BOULEVARD ♦ TALLAHASSEE, FL 32399-2100
850-488-8466 (p) ♦ 850-921-0781 (f) ♦ Website: www.dca.state.fl.us

♦ COMMUNITY PLANNING 850-488-2356 (p) 850-488-3309 (f) ♦
♦ HOUSING AND COMMUNITY DEVELOPMENT 850-488-7956 (p) 850-922-5623 (f) ♦



STATE OF FLORIDA

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CHARLIE CRIST
Governor

THOMAS G. PELHAM
Secretary

December 24, 2009

The Honorable Frank Bruno, Chairman
Volusia County Council
123 West Indiana Avenue
DeLand, Florida 32720

Dear Commissioner Bruno:

The Department has completed its review of the proposed Comprehensive Plan Amendment for Volusia County (DCA No. 10-1), which was received on October 27, 2009. Based on Chapter 163, Florida Statutes, we have prepared the attached report, which outlines our findings concerning the amendment. The Department's objections to the proposed Farmton Future Land Use Map (FLUM) amendment include concerns with the suitability of the site for the proposed level of development, lack of meaningful and predictable standards, internal inconsistencies, urban sprawl, public facilities and lack of demonstrated need. No objections to the other proposed amendments are identified in the report.

It is particularly important that the County address the objections set forth in our review report so that these issues can be successfully resolved prior to adoption. We have also included a copy of local, regional and state agency comments for your consideration. Within the next 60 days, the County should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. For your assistance, our report outlines procedures for final adoption and transmittal.

2555 SHUMARD OAK BOULEVARD ♦ TALLAHASSEE, FL 32399-2100
850-488-8466 (p) ♦ 850-921-0781 (f) ♦ Website: www.dca.state.fl.us

♦ COMMUNITY PLANNING 850-488-2356 (p) 850-488-3309 (f) ♦ FLORIDA COMMUNITIES TRUST 850-922-2207 (p) 850-921-1747 (f) ♦
♦ HOUSING AND COMMUNITY DEVELOPMENT 850-488-7956 (p) 850-922-5623 (f) ♦

The Honorable Frank Bruno, Chair
December 24, 2009
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If you have any questions, or if we may be of further assistance as you formulate your response to this report, please contact either me or James Stansbury, Regional Planning Administrator, at (850) 922-1818.

Sincerely,

A handwritten signature in black ink that reads "Mike McDaniel". The signature is written in a cursive style with a large, prominent "M" and "D".

Mike McDaniel, Chief
Office of Comprehensive Planning

MM/ap

Enclosures: Review Agency Comments
Objections, Recommendations and Comments Report

cc: Mr. Phil Laurien, Executive Director, East Central Florida Regional Planning Council
Ms. Becky Mendez, Senior Planning Manager, Volusia County

TRANSMITTAL PROCEDURES

Upon receipt of this letter, Volusia County has 60 days in which to adopt, adopt with changes, or determine that the County will not adopt the proposed amendment. The process for adoption of local government comprehensive plan amendments is outlined in s. 163.3184, Florida Statutes (F.S.), and Rule 9J-11.011, Florida Administrative Code (F.A.C.) The County must ensure that all ordinances adopting comprehensive plan amendments are consistent with the provisions of Chapter 163.3189(2) (a), F.S.

Within ten working days of the date of adoption, the County must submit the following to the Department:

Three copies of the adopted comprehensive plan amendments;

A listing of additional changes not previously reviewed;

A listing of findings by the local governing body, if any, which were not included in the ordinance; and

A statement indicating the relationship of the additional changes to the Department's Objections, Recommendations and Comments Report.

The above amendment and documentation are required for the Department to conduct a compliance review, make a compliance determination and issue the appropriate notice of intent.

In order to expedite the regional planning council's review of the amendments, and pursuant to Rule 9J-11.011(5), F.A.C., please provide a copy of the adopted amendment directly to the Executive Director of the East Central Florida Regional Planning Council.

Please be advised that Section 163.3184(8) (c), F.S., requires the Department to provide a courtesy information statement regarding the Department's Notice of Intent to citizens who furnish their names and addresses at the local government's plan amendment transmittal (proposed) or adoption hearings. In order to provide this courtesy information statement, local governments are required by law to furnish the names and addresses of the citizens requesting this information to the Department. **Please provide these required names and addresses to the Department *when you transmit your adopted amendment package for compliance review.* In the event no names, addresses are provided, please provide this information as well.** For efficiency, we encourage that the information sheet be provided in electronic format.

DEPARTMENT OF COMMUNITY AFFAIRS
OBJECTIONS, RECOMMENDATIONS AND COMMENTS
VOLUSIA COUNTY
COMPREHENSIVE PLAN AMENDMENT 10-1

December 24, 2009
Division of Community Planning
Bureau of Local Planning

This report is prepared pursuant to Rule 9J-11.010, F.A.C.

INTRODUCTION

The following objections, recommendations and comments are based upon the Department's review of the Volusia County proposed amendment to their comprehensive plan (DCA number 10-1) pursuant to Chapter 163.3184, Florida Statutes (F.S.).

The objections relate to specific requirements of relevant portions of Chapter 9J-5, Florida Administrative Code (F.A.C.), and Chapter 163, Part II, F.S. Each objection includes a recommendation of one approach that might be taken to address the cited objection. Other approaches may be more suitable in specific situations. Some objections may have initially been raised by one of the other external review agencies. If there is a difference between the Department's objection and the external agency advisory objection or comment, the Department's objection would take precedence.

Each of these objections must be addressed by the local government and corrected when the amendment is resubmitted for our compliance review. Objections, which are not addressed, may result in a determination that the amendment is not in compliance. The Department may have raised an objection regarding missing data and analysis items, which the local government considers not applicable to its amendment. If that is the case, a statement justifying its non-applicability pursuant to Rule 9J-5.002(2), F.A.C., must be submitted. The Department will make a determination on the non-applicability of the requirement, and if the justification is sufficient, the objection will be considered addressed.

The comments, which follow the objections and recommendations section, are advisory in nature. Comments will not form bases of a determination of non-compliance. They are included to call attention to items raised by our reviewers. The comments can be substantive, concerning planning principles, methodology or logic, as well as editorial in nature dealing with grammar, organization, mapping, and reader comprehension.

Appended to the back of the Department's report are the comment letters from the other state review agencies and other agencies, organizations and individuals. These comments are advisory to the Department and may not form bases of Departmental objections unless they appear under the "Objections" heading in this report.

OBJECTIONS, RECOMMENDATIONS AND COMMENTS REPORT

FOR VOLUSIA COUNTY

PROPOSED COMPREHENSIVE PLAN AMENDMENT 10-1

I. **Consistency with Chapter 163, Part II, Florida Statutes (F.S.), and Rule 9J-5, Florida Administrative Code (F.A.C.)**

The Department has completed its review of the proposed amendment to the Volusia County Comprehensive Plan (DCA No. 10-1). The Department has the following objections to the proposed Farmton amendment:

1. Objection: Site Suitability: The proposed amendment creates two new Future Land Use Map (FLUM) categories, GreenKey and Sustainable Development Area (SDA). The amendment designates 31,876 acres as GreenKey and 15,081 acres as SDA, resulting in an increase of approximately 18,000 dwelling units and 3.9 million square feet of non-residential development over what is currently allowed.

The amendment site is not environmentally suitable for the types, densities and intensities, and configuration of land uses proposed. The entire site is located within the Natural Resource Management Area, designated by the Volusia County comprehensive plan to “provide for the protection of areas determined to be environmentally sensitive, and direct growth away from such areas,” and provide “natural resources the highest degree of protection in land development decisions and planning.” (see Objective 12.2.1 and Policy 12.2.1.1 of the Conservation Element). The site is also designated Priority 1 Critical Linkages, the highest priority, in the Florida Ecological Greenways Network classification system, administered through the Florida Department of Environmental Protection’s Office of Greenways and Trails. This means that this land “is essential for protecting a public and private network of large landscapes and wildlife corridors,” and this site is a key lynchpin in the system of connections to serve wildlife movements from south Florida to north Florida. This particular corridor is key to connecting isolated bear populations. It is a connection between secondary bear habitat to the south and a large primary bear habitat to the north. Significant ecological functions for the survival of the state-listed black bear populations are served by both primary and secondary habitat. The area surrounding the site has experienced bear road kills, nuisance reports, and sightings, all indicative of the abundant presence of bears. These animals are attracted to human garbage and other byproducts of development, which cause them to be problematic in populated areas.

In addition to the significance of the site to critical wildlife linkages, and its identification as secondary bear habitat, it also contains gopher tortoise populations. Both bears and gopher tortoises are state listed species. The U.S. Fish and Wildlife Service has identified the site as a Consultation Area for Florida scrub jay, crested caracara and the Everglades snail kite. Consultation Areas are identified by the Wildlife Service as areas essential to the conservation of a listed species.

Records from the surrounding area indicate a diversity of rich flora and fauna that likely occur on the site. A report for the proposed development area generated from the Florida Natural Areas Inventory's (FNAI) Biodiversity Matrix has identified the probable occurrence of mesic flatwoods, an under-represented natural community and likely harbors both federal and state listed species like the wood stork, Florida sandhill crane, as well as potentially many others, such as the eastern indigo snake. The site is also identified as a FNAI Under-Represented Natural Community for scrub and pine flatwoods.

Approximately 55 percent of the area designated SDA is located in the 100-year FEMA flood zone. Additionally, approximately 24 percent of the area designated as SDA is composed of wetlands and most of the property contains soil types that possess moderate to severe limitations to building site development. Designating this area with a more intensive use is inconsistent with Rule 9J-5.013(3)(b), F.A.C., which states that land uses which are incompatible with protection and conservation of wetlands shall be directed away from wetlands. Additionally, the proposed amendment is inconsistent with Policy 12.2.3.2 of the County's Conservation Element, which states that proposed activities within areas designated as Natural Resource Management Area (NRMA), as is the entire site, shall avoid adverse impacts to wetlands and their associated natural physical and biological functions, except in cases where it can be demonstrated to be in the overriding public interest.

Development of wetlands and floodplains on the site may affect the hydrology, and likely reduce natural watershed functions, such as collection, storage, filtering and discharge of runoff. Stormwater runoff from development may negatively impact wetlands and groundwater in both the SDA and GreenKey areas. The increased impervious surface area proposed by raising densities and intensities heightens the potential for adverse water quantity, water quality and habitat impacts in the Upper St. Johns River Basin.

Additionally, the property contains a regional 24,323-acre mitigation bank. Figure 14E in "Farmton-GreenKey Conservation Areas Supplement to Data and Analysis," indicates that areas designated SDA encroach on the North Bank of the Farmton Mitigation Bank. These areas include a portion of the Village District and portions of the Gateway District. In addition, the extension of Williamson Boulevard and Maytown Road shown on the Farmton Local Plan Spine Network Map in the County's staff report (p. 34) and described in Policy FG 5.7 as 200-foot-wide multi-modal right-of-way encroach on the area in the mitigation bank (North and West banks respectively). Mitigation Banks are areas of environmental sensitivity and are inappropriate for intense urban development. Furthermore, the mitigation bank lands contain Cow Creek and portions of Deep Creek, which are tributaries of the St. Johns River. Urban and suburban scale development adjacent to these tributaries and within their associated wetlands and flood zones may affect and reduce natural watershed functions. Increased impervious area associated with the proposed development heightens the potential for water quantity, water quality and habitat impacts.

Therefore, given the many indicators of abundant natural resources which exist on and around this property, the role it plays as a Critical Linkage in facilitating the movement of wildlife, and the site's natural constraints to development, the property is not suitable for the type and amount of development the amendment would allow.

[Sections 163.3161(3) and (5); 163.3177(2), (6)(a) and (d), (8), and (10); 163.3187(2), 187.201(7)(b) 2., 5., 8., 9., 10., 11., and 12., (9)(b) 1., 3., 6., 7., and 10., (10)(b)1., 2., 3., and 4., (15)(b)1.-6., (16)(b)12., (21)(b)3., (25)(b)7., F.S.; Rules 9J-5.005(2), (5), and (6); 9J-5.006(1), (2), (3); 9J-5.011(1) and (2); and 9J-5.013(1), (2), and (3), F.A.C.]

Recommendation: Do not adopt the amendment.

2. Objection: Coordination with Adjacent Local Governments: Section 163.3177(4)(a), F.S. requires coordination of the Comprehensive Plan with the comprehensive plan of adjacent municipalities. Proposed Policy FG 3.4 a states that development in the Gateway District must be compatible with the Restoration DRI to the north. Additionally, Policy 12.2.2.7 of the County's Conservation Element states that: "the County shall coordinate with appropriate governmental entities to protect environmentally sensitive lands which extend into adjacent counties and municipalities." Directly to the north of the Gateway District, the City of Edgewater proposes to designate approximately 3,500 acres as Conservation and Conservation-Restoration, as part of the Restoration DRI. Intensive development, as proposed by this amendment, directly to the south of Restoration's conservation area is not compatible with conservation land uses and does not reflect coordination of the County's comprehensive plan. Furthermore, the lack of coordination creates an internal inconsistency with the County's own comprehensive plan.

[Sections 163.3161(3) and (5), 163.3177(2), (4)(a), (6)(a), (d) and (h), (10), 163.3187(2), 187.201(9)(b)1.,3.,7.,10., and (15)(b)2,6 and (21)(b)3. and (25)(b)7., F.S. Rules 9J-5.005(2) and (5), 9J-5.006(1), (2) and 3)(b) and (c), 9J-5.013(1),(2) and (3), 9J-5.015(1)(2) and (3)(b), F.A.C.]

Recommendation: Do not adopt the amendment.

3. Objection: Meaningful and Predictable Guidelines and Standards: Rule 9J-5.005(6), F.A.C. requires that goals, objectives and policies establish meaningful and predictable standards for the use and development of land; and provide meaningful guidelines for the content of more detailed land development regulations. The Comprehensive Plan must identify the programs and activities that will be part of the strategy for implementing the goals, objectives and policies within the Plan. The proposed policies fail to do so in the following instances:

1) Policy FG 1.5 allows any intensities or densities transferred to the Gateway District that have not been constructed or approved as part of a development order by 2025 to be transferred to other sustainable development areas. This may allow any of the other districts to develop in excess of their permitted densities and intensities. It is unclear if

the densities and intensities not used in the Gateway District, but transferred to other districts are still subject to the mix of use requirements and the jobs to housing ratio required in the districts to which they are transferred.

2) Policy FG 1.9 requires that appropriate firewise community planning practices be incorporated into any master development plan and established in the Development of Regional Impact (DRI) development order. It is unclear what these practices are, or how they will be implemented. The policies do not establish meaningful guidelines, such as defining appropriate firewise practices to ensure protection of natural resources and compatibility between conservation uses and development.

3) Policy FG 2.20 states that “the developer will be encouraged to impact only those wetlands which are isolated or have been degraded.” The use of the word “encourage” renders this policy aspirational and does not require the avoidance of wetland impacts consistent with Rule 9J-5.013(3)(b), F.A.C., which requires that incompatible land uses be directed away from wetlands. Furthermore, the Policy states that enhancement or restoration of wetlands may occur, but the policy stops short of requiring such actions.

4) Policy FG 2.4 defers identification of Resource Based Open Space to the development review process, and requires that Resource Based Open Space be subject to a conservation management plan and protected in perpetuity by conservation easement. Policies FG 2.5, 2.6 and 2.7 provide vague criteria as to which areas shall be designated as Resource Based Open Space, including that such areas must employ greenprinting and be designed to eliminate or minimize fragmentation and be identified in consultation with Florida Fish and Wildlife Conservation Commission, Volusia Forever and the Brevard Natural Resource Management Office. It is unclear which lands will be identified as Resource Based Open Space and if these lands will be adequate to eliminate habitat fragmentation and form linked networks to adjacent properties to protect natural resources.

5) Policy FG 2.10 requires a conservation management plan. It is unclear who will prepare the plan, who will fund the development of the plan, when the plan will be finalized, and what criteria the plan will contain. Policy FG 2.10 lists the general matters the management plan must address, but fails to provide guidelines and standards describing how they are to be addressed to ensure natural resources will be conserved, appropriately used, and protected consistent with Rule 9J-5.013(2)(b) and (c), F.A.C.

6) Policy FG 3.3 allows for reshaping of sustainable development areas during the DRI review and rezoning process based on “ecological, environmental, market and/or sustainability issues.” These criteria are insufficient to guide the “reshaping” of the SDA boundaries and could result in compromising the wildlife corridors and natural resources. Furthermore, the policy would allow the Future Land Use Map to be amended without following the amendment process set forth in Section 163.3184, F.S., in violation of Section 163.3187, F.S.

7) Policy FG 3.5 describes the Work Place District. It defers the mix of uses and maximum and minimum densities to the DRI development order. Minimum intensities for all nonresidential uses other than office are also deferred to the DRI development order. Policy FG 3.6 describes the Town Center District. It does not establish maximum or minimum densities- only target densities for the Town Center and Town Square. There are no locational criteria to establish the center and town center within walking distance of residences, besides a vague reference in Policy FG 5.3 to “reasonably proximate destinations.” Therefore, it cannot be determined where on the 15,081 acre SDA development will be concentrated, and the proposed plan does not establish development controls and a land use pattern that results in “higher density, mixed use and compact development” as promoted by Policy FG 4.1.

8) Policy 3.10 states that the standards and protocols which define sustainability evolve over time. The policy allows “adaptive management” to ensure that the most current programs, policies and protocols are applied. While the Department recognizes the need for adaptive management, this policy is too broad and open-ended and could allow changes that are inconsistent with policies in the adopted plan.

9) Policy 3.11 requires a jobs to housing ratio of 0.8 to 1.2 jobs per residential unit. The Policy allows for the jobs to housing ratio to be as low as 0.65 jobs per housing unit “periodically.” Periodically is not defined. The policies do not establish a monitoring methodology for ensuring the requirement is achieved. Additionally, the policy states that the residential and/or nonresidential programs may be increased or decreased to achieve the target jobs to housing ratio of 1:1. It is unclear under what conditions they may be increased or decreased, to what extent they maybe increased or decreased, and how the decrease may affect consistency with the requirements for the mix of uses in each district.

10) The lack of meaningful and predictable standards in Policy 3.11 creates uncertainty as to the amount of development that may occur on the property. The allowed increases and decreases in development to achieve the job-housing ratio would allow the development amounts approved for the site to be changed without going through the plan amendment process in violation of Section 163.3187, F.S. The policy also results in the failure of the plan to specify the residential and non-residential densities and intensities as required by Section 163.3177(6)(a), F.S.

11) Policy FG 4.2 c requires conservation measures and water reuse to incorporate “as nearly as possible” water neutrality. The use of the phrase “as nearly as possible” renders the policy aspirational and not meaningful and predictable. The means by which water neutrality will be achieved are not specified by policy, and water neutrality is not defined in quantifiable terms, i.e. 50 percent reduction in water demand.

12) The proposed policies require transportation modeling of future impacts. If modeling shows that the trip cap is exceeded, the County must apply for a comprehensive plan amendment, “or may modify the development plan for development beyond that trip cap number,” per Policy FG 5.16. This policy effectively allows density and intensity to be increased without a Comprehensive Plan amendment. This policy does not establish

meaningful guidelines and standards and is inconsistent with Section 163.3177(6)(a), F.S., which requires densities and intensities to be established in the Comprehensive Plan.

[Sections 163.3161(3) and (5), 163.3177(2),(5)(a), (6)(a),(c),(d) and (f),(j), (8) and (10), 163.3184, 163.3187, 187.201(7)(b)5., (15)(b)1.-6., (25)(b)7., 380.06, F.S. Rule 9J-5.005(2), (5), (6) and (7), 9J-5.006(2)(3)(4) and (5), 9J-5.010(2) and (3), 9J-5.011(2), 9J-5.013(2) and (3), 9J-5.019(3) and (4) F.A.C.]

Recommendation: Do not adopt the amendment.

4. Objection: Internal Consistency: The proposed amendment contains contradictory and inconsistent goals, objectives, policies and text. This is not consistent with Section 163.3177(2), F.S. and Rule 9J-5.005(5), F.A.C., which requires the Comprehensive Plan to be internally consistent. The following proposed policies and text are internally inconsistent:

1) Policy 12.2.1.2 of the County's Conservation Element establishes special uses for areas designated as NRMA. The special use areas are: Environmental Systems Corridor, Forestry Resource and Low Impact Urban, all low density land use categories. The designation of the Farmton site as GreenKey and SDA is inconsistent with this policy, as the SDA land use designation allows a substantial increase in density and intensity and the Farmton site is wholly within the NRMA designation.

Additionally, the proposed increase in intensity and density is inconsistent with Policy 1.3.1.28 of the Future Land Use Element, which states: "The Future Land Use Map shall not be amended to provide additional urban expansion except in conjunction with the required Evaluation and Appraisal Report update of the Comprehensive Plan and Capital Improvements Program (CIP), except under the following conditions:

- a. Population projections have been revised, and accepted by the County and FDCA;
- b. Justification is provided for the expansion of the urban boundary;
- c. Compatibility with the character of the area;
- d. Availability of the full range of all urban services, including adequate potable water supply and facilities, to accommodate inclusion in an urban area; and,
- e. Documentation is provided that urban expansion will not be in conflict with the intent of the Natural Resource Management Area."

None of the conditions have been met by this proposed amendment. This is not an Evaluation and Appraisal Report or CIP update to the Comprehensive Plan. Population projections have not been revised, no justification is provided for expanding the urban boundary, the proposed amendment is not compatible with the character of the area, urban services are not available, and adequate documentation has not been provided to show consistency with the intent of the NRMA overlay.

2) Policy 1.1.3.5 of the Future Land Use Element states that “new urban development shall be located inside an urban designated area where a full range of urban services exist or are planned.” No urban services exist or are planned for the site in the Capital Improvements Element, the water supply plan, the Future Transportation Map, or the School Board’s work plan; nor is the site an urban designated area.

3) The workplace and town center district acreages listed in the table on page 3 of the proposed amendment differ from the acreages for those districts listed in the text on page 4. The table depicts that the workplace district will be 1,351 acres, whereas the text on page 4 states it will be 1,148 acres. For town center, the table depicts 1,909 acres, and the text on page 4 states it will be 1,489 acres.

4) Policies FG 6.4 and 6.6 defer planning and determination of sufficient student capacity to a DRI development order or rezoning and a Capacity Enhancement Agreement delayed up until 2027. This is inconsistent with Policy 3.1.4.3 of the Public Schools Facilities Element of the County’s Comprehensive plan, which states that Volusia County will not approve land use changes that increase residential density until the School Board can find that adequate public schools can be timely planned and constructed, or that the applicant has provided adequate mitigation. This has not been demonstrated.

5) Policy FG 7.1 requires fiscal neutrality for infrastructure required by development of the site. However, Policy FG 5.13 allows proportionate fair share. If the development only assumes responsibility for a fraction of offsite transportation needs on a proportionate fair share basis, then a burden will be placed on the County or State to improve a road before intended, and the development is not fiscally neutral.

[Sections 163.3177(2), (3), (4)(a), (6)(a), (d) and (j), (8), (10) and (12), 163.3187(2) 187.201(15)(b)1.-6., (25)(b)7., F.S. Rule 9J-5.005(2), (5) and (6)9J-5.006(2), (3) and (5), 9J-5.019(3) and (4) F.A.C.]

Recommendation: Do not adopt the amendment.

5. Objection: Planning Horizon: Policy FG 1.1 proposes a 50-year planning horizon specifically for the Farmton Tract. The County’s adopted long term planning horizon is 2025. Establishing a 50-year planning horizon for a single property is inconsistent with s. 163.3177(5)(a), F.S., and Rule 9J-5.005(4), F.A.C., which require the comprehensive plan to contain at least two planning horizons. Establishing a separate and different planning horizon for a single property is inconsistent with the requirement that the Comprehensive Plan have planning horizons that are applicable to the plan as a whole. These statutory and rule requirements apply not just to portions of the comprehensive plan, but to the plan as a whole. Furthermore, s. 163.3177(2), F.S., states that "Coordination of the several elements of the local comprehensive plan shall be a major objective of the planning process. The several elements of the comprehensive plan shall be consistent ..." Rule 9J-5.005(5), F.A.C., sets forth a similar requirement. Creating a separate horizon for a single property results in a plan that is not internally consistent because the remainder of the plan contains goals, objectives, and policies which have been adopted to meet

statutory and rule requirements for a 2025 planning horizon. The result is the creation of a plan whose elements are not internally coordinated and mutually supportive.

[Sections 163.3177(2) and (5)(a), (6)(a), (8) and (10), 163.3187(2), 187.201(25)(b)7., F.S.; Rule 9J-5.005(2), (4) and (5), 9J-5.006(1), (2) and (3), F.A.C.]

Recommendation: Do not adopt the amendment.

6. Objection Impacts to Public School Facilities: Adequate school capacity is not available or planned to be available to support the increased residential densities proposed by the amendment. The amendment is not supported by data and analysis to demonstrate the adopted level of service standards for public school facilities will be maintained. While Policies FG 6.4 and FG 6.6 condition residential development on obtaining a Capacity Enhancement Agreement between the developers and the School Board, the amendment does not propose a financially feasible plan to correct the deficits that would be created by the amendment.

Additionally, proposed policy FG 3.9 would permit development of schools in the land area designated as the “no school zone” in the interlocal agreement between the County and the School Board. Based on the School Board’s analysis, it appears that up to five elementary schools, one and one-half middle school and one and one-half high schools will be needed to serve the proposed development. Thus, the proposed amendment does not demonstrate internal consistency with the County’s Public School Facilities Element, Policy 3.1.1.1, which requires coordination with the School Board on growth and development trends to ensure the plans of the County and the School Board are based on consistent data, and Policy 3.1.4.2, which requires the County’s Future Land Use Map to be coordinated with Public School Facilities Planning Maps.

[Sections 163.3161(3) and (5); 163.3177(2), (3), (4), (6)(a), (h), (8), (10), and (12); and 163.3180(13); 163.3187(2), 187.201(15)(b)1., (17)(b)1.-7., 9., (25)(b)7.; F.S.; Rules 9J-5.005(2) (3), and (5); 9J-5.0055(1) and (2); 9J-5.006(2), (3) and (4); 9J-5.015, 9J-5.016; and 9J-5.025, F.A.C.]

Recommendation: Do not adopt the amendment.

7. Objection Water Supply: Portions of the development site are located within the St. Johns River Priority Water Resource Caution Area. The amendment proposes to add approximately 18,000 dwelling units and four million square feet of non-residential development. This amount of development on the site was not anticipated in any local government’s ten year water supply plan or the Water Management District’s ten year work plan, and no amendments to a water supply plan are concurrently proposed. This is not adequate to fulfill the requirements of Sections 163.3167(13), and 163.3177(6)(a), (c) and (d), F.S., which require that the future land use plan be based on the availability of water supplies and that local governments assess projected water needs and sources necessary to meet water demands within a local government’s jurisdiction as part of a water supply plan. Additionally, the proposed development is inconsistent with Policy

7.1.3.1 of the County's Potable Water Sub-element which requires that the County maintain a Water Supply Facilities Work Plan to address water supply facilities necessary to meet existing and projected demand.

Additionally, the proposed amendment is not supported by data and analysis addressing the: (1) identification of the demand for potable and nonpotable water that would be generated by phase, including the assumptions used for calculating demand; (2) no data and analysis regarding facility capacity of the providers; (3) the amount of groundwater available from the aquifer in the area proposed for development; (4) no joint planning agreements or coordination of any needed water facility improvements with the provider's 10-year Water Supply Facilities Work Plan; 5) No improvements were identified and no amendments were included to the County's Capital Improvements Elements, including the Five-year Schedule of Capital Improvements, or demonstration of inclusion in the provider's Comprehensive Plan pursuant to Section 163.3177(6)(a), (c), and (d) and (h), F.S. and Rule 9J-5.011(2)(b) and 9J-5.013 (1)(c), F.A.C.

[Sections 163.3161(3) and (5); 163.3167(13); 163.3177(2), (3), (4)(a), (5), and (6)(a), (c), (d) and (h), (8) and (10); 163.3187(2), 187.201(7)(b) 2., 5., 8., 9., 10., 11., and 12., (15)(b)1., 2. and 6., (17)(b)1.-7., 9., (25)(b)7., F.S.; Rule 9J-5.005(2) and (5); 9J-5.006(2) and (3); 9J-5.011(1) and (2); 9J-5.013(1) and (2), 9J-5.015(1) and (3), 9J-5.016(1), (2), (3) and (4) F.A.C.]

Recommendation: Do not adopt the amendment.

8. Objection Impacts to Water, Sewer and Stormwater Public Facilities Capacity:

The proposed amendment does not address the timing, magnitude, construction and costs of the needed public facilities (potable water, non potable water, stormwater and sanitary sewer), including extension of services, to serve the development. Specifically, the amendment is not supported by the following data and analysis: (1) the available uncommitted capacity of these facilities; (2) identification of any capital facility improvements that are needed to maintain the adopted level of service standards; (3) coordination of any needed facility improvements with the Potable Water, Sanitary Sewer and Drainage Sub-elements and Capital Improvements Element, including implementation through the Five-year Schedule of Capital Improvements.

Additionally, the amendment proposes Policy FG 4.13, which states that the landowner shall coordinate with Farmton Water Resources, LLC, City of Edgewater, Brevard and Volusia Counties and the City of Titusville for the provision of water resources. This policy does not demonstrate that any intergovernmental coordination or planning has taken place regarding the provision of services for this area, ensuring that the services would be provided efficiently.

[Sections 163.3161(3) and (5), 163.3177(1), (2), (3), (6)(a), (c), (d) and (h), (8) and (10); 163.3187(2) 187.201(7)(b)5., 10., 11., and (11)(b)6., 187.201(15)(b)1., (17)(b)1.-7., 9. and 10., (25)(b)7., F.S. and Rules 9J-5.005(2) and (5); 9J-5.0055 (1) and (2); 9J-5.006(2) and (3); 9J-5.011(1) and (2); 9J-5.016(2), (3) and (4), F.A.C.]

Recommendation: Do not adopt the amendment.

9. Objection Transportation Facilities: The amendment did not include any commitments for roadway improvements necessitated by the amendment. The supporting data and analysis does not address conservation and preservation of corridors and does not address financial feasibility. No amendments to the County's Future Transportation Map or Capital Improvements Element are proposed in this amendment package to depict the necessary short term and long term improvements.

In the short term, the proposed development would generate an estimated 67,478 external daily trip ends, whereas the current transportation plans for the site only project 2,200 daily trip ends by 2025, according to data and analysis prepared by the Florida Department of Transportation (FDOT). Because no proposed amendments were included to the Capital Improvements Element and the Future Transportation Map, the plan amendment is not based on the availability of adequate transportation capacity to ensure level of service standards will be achieved and maintained.

[Section 163.3161(3) and (5); 163.3177 (2), (3), (5), (6)(a) and (j), (8), (10) and (12); 163.3180, 163.3187(2), 187.201(10)(b)2., (11)(b)4. and 6., (15)(b)1., (17)(b)1-7., 9., (19)(b) 2., 3., 9., 11., 12., 13., and 15., (25)(b)7., F.S.; and Rule 9J-5.005(2), (5) and (6),; 9J-5.006(2), (3) and (4), 9J-5.016(1), (2), (3) and (4), 9J-5.019(2), (3), (4) and (5), F.A.C.]

Recommendation: Do not adopt the amendment.

10. Objection: Capital Improvements Element: Given the magnitude of proposed development potential in an area with no current development and little infrastructure, the proposed amendment will create a need for additional public facilities, including potable water, wastewater, reclaimed water, schools and transportation facilities, in order to provide access to the site and achieve and maintain the adopted level of service standards on existing facilities. No amendments to the Capital Improvements Element are proposed and inadequate data and analysis was submitted demonstrating that the adopted level of service standards will be maintained and achieved over the short term and long term planning horizons.

[Sections 163.3161(3) and (5), 163.3167(13); 163.3177(2), (3), (4), (5)(a), (6)(a), (c) & (j), (8), (10)(a) and (e), (12), 163.3180(13); 163.3187(2), 187.201(7)(b) 5., and (15)(b)1., (17)(b)1-7., 9. and 10., (25)(b)7., F.S.; and Rules 9J-5.005(2), (3) and (5); 9J-5.006(2)(a); 9J-5.006(3)(c); 9J-5.011(1) and (2); 9J-5.016(1), (2), (3)(b), (3)(c), and (4); 9J-5.019(2), (3), (4), and (5), and 9J-5.025, F.A.C.]

Recommendation: Do not adopt the amendment.

11. Objection: Need: The County's adopted Evaluation and Appraisal Report, from 2006, states that the County has adequate land designated as residential to support a 2025 projected population of approximately 657,000 people, with additional land to accommodate further residential growth. The Farmton property was not considered in the analysis. This year, the Bureau of Economic and Business Research (BEBR) reduced its medium projected population for Volusia County to 594,400 people in 2025.

In view of the amount of residential land allocated in more suitable areas of the County, the Farmton property's environmental constraints, the lack of meaningful and predictable standards, the fifty year planning horizon and indicators of urban sprawl, land use need has not been demonstrated to justify the proposed increase of development by approximately 18,000 dwelling units and four million square feet. This increase is premature.

[Sections 163.3161(3) and (5); 163.3167(2); 163.3177(2), (3), (6)(a), (c), (f), and (j), (8) and (10); 163.3187(2), 187.201(15)(b)1.-6., (25)(b)7, F.S.; Rules 9J-5.005(1), (2), (4) and (5); 9J-5.0055 (1) and (2); 9J-5.006(2), (3), (4), and (5), 9J-5.010(2), 9J-5.011(1) and (2), 9J-5.013, 9J-5.016(2),(3) and (4), 9J-5.019(2), (3) and (4), 9J-5.025(2) and (3) F.A.C.]

Recommendation: Do not adopt the amendment.

12. Objection: Urban Sprawl, Energy Efficient Land Use Patterns, Reduction of Greenhouse Gas: The proposed amendment constitutes urban sprawl pursuant to Section 163.3177(6)(a), F.S., and Rule 9J-5.006(5), F.A.C. The site leaps over undeveloped lands, is not functionally related to the urbanized area of the County and the development controls introduced to overcome urban sprawl are not adequate. Specifically, the amendment reflects the following indicators of urban sprawl:

- Allows for substantial areas to develop as low-intensity, low-density, or single-use development or uses in excess of demonstrated need, especially in regards to the Village District.
- Designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while leaping over undeveloped lands which are available, according to the County's EAR.
- Designates urban development in isolated patterns emanating from existing urban developments.
- Promotes premature conversion of rural land to urban uses and fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, and natural groundwater aquifer recharge areas.
- Fails to adequately protect adjacent agricultural areas and activities, including silviculture, and including active agricultural and silvicultural activities as well as passive agricultural activities and dormant, unique and prime farmlands and soils.
- Fails to maximize use of existing public facilities and services, as no facilities or services exist on the site.

- Fails to maximize use of future public facilities and services, as no facilities or services are planned for the site.
- Allows for land use patterns which disproportionately increase the cost of providing and maintaining facilities and services including roads, potable water, sanitary sewer, stormwater management, and education.
- Fails to provide a clear separation between rural and urban uses.
- Discourages infill development or the redevelopment of existing neighborhoods and communities.
- Fails to encourage an attractive and functional mix of uses, as the policies intended to do so are not meaningful and predictable.
- Results in poor accessibility among linked or related land uses, as the policies intending to do so are not meaningful and predictable.
- Results in the loss of significant amounts of functional open space.

Development controls, pursuant to Rule 9J-5.006(5)(j), F.A.C., may be considered when evaluating urban sprawl. However, the development controls proposed with this amendment do not establish meaningful and predictable standards that ensure an urban form is created which discourages urban sprawl, achieves a compact, energy efficient development pattern, results in a balanced and integrated mix of uses over time, and reduces greenhouse gas emissions through alternate modes of mobility.

Phasing of development on the site is deferred to a DRI or Master Plan equivalent development order. Although phasing is one development control that can be used to overcome urban sprawl, it is required to be included in the comprehensive plan, not deferred to a later process outside the comprehensive plan.

The policies provide a minimum mix of uses for the Gateway, Town Center and Village Center districts, but no phasing mechanisms are provided to ensure that the mix of uses is achieved over time. Although a minimum percentage of acreage is established for residential and non-residential uses, there are no policies which link the construction of residential units to non-residential square footage over time to ensure a balanced mix of uses is achieved. Without an appropriate and enforceable mix of uses, the proposed development is not sustainable.

Little infrastructure exists on the site, and no additional infrastructure is planned to serve the proposed development through the Capital Improvements Element, the Future Transportation Map and the ten year water supply plan of the County and/or potable water and sewer providers.

Furthermore, the size of the development areas, their sprawling configuration across one of the most environmentally sensitive areas of the county, their fragmentation of the natural environment, the lack of meaningful and predictable development controls to achieve the desired urban form, and the lack of planning for public facilities, result in the amendment not meeting the requirements of Ch. 2008-191, Section 2, Laws of Florida, to discourage urban sprawl, achieve energy efficient land use patterns, and reduce greenhouse gas emissions.

Finally, the proposed amendment is internally inconsistent with Policy 1.1.3.6 of the County's Future Land Use Element, which states, "requests for land use map amendments will be reviewed using the urban sprawl indicators contained in Rule 9J-5.006(5)(g). Requests that exhibit a presence of a majority of the indicators shall be concluded as to encourage urban sprawl." Since the proposed amendment demonstrates the above listed indicators of urban sprawl it is internally inconsistent with this policy.

[Sections 163.3161(3) and (5); 163.3167; 163.3177(2)-(4), (6)(a), (b), (c), (d), (f), and (j); (8) and (10); 163.3180; 163.3187(2), 187.201(7)(b)5.; (9)(b) 1., 3., 7., and 10., and (11)(b)4. and 6., (15)(b)1.-6., (17)(b)1.-7., 9. and 10., (21)(b)3., and (25)(b)7.; F.S.; Rules 9J-5.005(1), (2), (4), (5), (6) and (7); 9J-5.006(2), (3), (4), and (5); 9J-5.011, 9J-5.013(1) and (2); 9J-5.016(1-4); 9J-5.019(3) and (4); and 9J-5.025(2) and (3), F.A.C.]

Recommendation: Do not adopt the amendment.

II. CONSISTENCY WITH THE STATE COMPREHENSIVE PLAN

The proposed amendment is inconsistent with the goals and policies of the State Comprehensive Plan, Chapter 187.201, Florida Statutes as identified under each of the objections contained in the preceding section of this report.

Recommendation: Do not adopt the amendment.

FLORIDA DEPARTMENT OF EDUCATION



Dr. Eric J. Smith
Commissioner of Education

STATE BOARD OF EDUCATION

T. WILLARD FAIR, *Chairman*

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6 JS
11/30/09



November 24, 2009

Mr. D. Ray Eubanks, Plan Processing Administrator
Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

Dear Mr. Eubanks:

Re: Volusia County 10-1

Thank you for the opportunity to review Volusia County's proposed 10-1 comprehensive plan amendment package. The transmittal includes 10 proposed amendments, including amendment 09-2-10 related to the Farmton development. The Department has no comment on the other nine amendments. The Farmton amendment increases residential densities and thus must be reviewed for impacts on public school facilities. The Department's comments are provided below.

1. Inadequate school capacity. – Volusia County, pursuant to the First Amended Interlocal Agreement for Public School Facility Planning, included the Volusia County School District in the analysis of the proposed amendment. The analysis provided by the school district indicates the amendment increases residential density and that adequate school capacity is not available or planned to be available to support the increased residential densities that would be entitled by the amendment through build-out. (It is important to note that 2,287 represents the number of existing residential entitlements upon which the analysis for the public school facilities element was based while the proposed amendment considers 4,692 as entitled for Phase I, through 2025, when available density bonuses are considered.) Thus, the proposed amendment is not supported by data and analysis to demonstrate the adopted level of service standards for public school facilities will be maintained. While the county's transmittal recognizes public school capacity deficiencies and conditions adoption of the amendment on obtaining a finding of adequate school capacity by the school district, the amendment does not propose a financially feasible plan to correct the deficits.

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DIRECTOR, OFFICE OF EDUCATIONAL FACILITIES AND SMART SCHOOLS CLEARINGHOUSE

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To support the adopted plan amendment, the county must provide data and analysis to demonstrate that adopted level of service standards for public school facilities will be maintained. The analysis must be based on maximum development potential, be specific to the affected school concurrency service areas, and consider the cumulative impacts of development approvals by the county and cities in the affected concurrency service areas and the capacity within the school district as a whole. Because it is likely that the analysis will identify school capacity deficits, the amendment must include a capital improvements plan developed in coordination with the school district and approved by the school board to correct the deficiencies.

2. Coordination with the Public School Facilities Element. -- As the letter from the Volusia County School District indicates, the proposed amendment would permit development of schools in the land area designated as the "no school zone" in the public school facilities element and interlocal agreement. Thus, the proposed amendment does not appear to demonstrate internal consistency with the public school facilities element and capital improvements element. The county should revise the amendment to ensure internal consistency.
3. Potentially self amending provisions.-- FG policy 1.1 provides that any increases in residential density shall be allowed in Phase 2 (after 2025) only. FG policy 6.4 (staff report version) provides that prior to May 2027, if school concurrency is met, no more than 2,287 residential dwelling units may be constructed on site unless a Capacity Enhancement Agreement is executed with the School Board of Volusia County. As written, the policy is not clear and is potentially self-amending. (Also the use of the May 2027 date is not explained in the analysis.) The county should revise policy FG 6.4 to clarify the maximum number of residential units that may be built according to the phasing plan if a school capacity enhancement agreement is approved before 2025 (for example, see proposed policy FG 3.4).
4. Future school sites in the Farmton Plan. -- The proposed amendment indicates intent to develop school sites in the area subject to the plan amendment in the future but does not identify potential future school sites. Based on the school district's analysis, it appears that up to five elementary schools, one and one-half middle schools and one and one-half high schools will be needed to serve the development. Section 1013.36, F.S., provides standards school boards must apply to the selection of sites. These standards require sites to be well drained, outside of the flight path approach of any airport, and suitable for outdoor educational programs. Maps provided with the county staff analysis indicate the great majority of the soils in the area are poorly drained or hydric and most of the land area is located in the 100-year floodplain. This means finding potential sites suitable for location of future schools may be challenging and thus requires early, close coordination with the school district.

Mr. D. Ray Eubanks
November 24, 2009
Page 3 of 3

Again, the Department appreciates the opportunity to comment and is pleased to make Department staff available to assist the county in responding to these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Tracy D. Suber". The signature is fluid and cursive, with a long horizontal stroke at the end.

Tracy D. Suber
Educational Consultant-Growth Management Liaison

TDS/

cc: Ms. Saralee Morrissey, Volusia County Schools
Ms. Ashley Porter, DCA

Edgewater Citizens' Alliance for Responsible Development, Inc.

~~PO Box 131~~ 704 W. PARK AVE., STE C
Edgewater, FL 32132

Volusia Co.

10-1

655

11/2/09

October 26, 2009

TO: Department of Community Affairs,
James Stansbury
~~Mike McDaniel~~
Matthew Davis, Esq.
Charles Gauthier
Tom Pelham

Mike

RE: Comprehensive Plan Amendment Cycle 09-2-10
Farmton Local Plan – Volusia County/Miami Corporation Applicants

Dear Sirs:

Please enter ECARD's comments and objections into the review file for this CPA, transmitted to you following public hearing by the Volusia County Council on October 15, 2009.

It is the position of ECARD that the proposed CPA 09-2-10 amendment submitted by Volusia County/Miami Corporation is inconsistent with FS163, FAC 9J-5, the State of Florida Comprehensive Plan, and with the comprehensive plans of the City of Edgewater, the City of New Smyrna Beach, the City of Oak Hill and the County of Volusia.

First and foremost, Miami Corp has failed to demonstrate, as required by Rule 9J-5, that there exists a "need" for the additional housing units they are requesting. Therefore, they are not "entitled" to this comprehensive plan amendment.

Miami Corp asserts that their project does not violate the Rule 9J-5 definition of "sprawl" because it is adjacent to the urban developments of "Reflections" and "Restoration". The reality is that the owner/developer of Reflections, Mercedes Homes, is in bankruptcy and that entire project site up for sale. And it is certainly **premature** to assume that Restoration will be approved as originally submitted to the state. The applicant **assumes** the approval of the City of Edgewater's amendment adoption as a basis for approval of Farmton Phase I.

As you know, our organization ECARD is currently an intervenor with the DCA in the LAWAC case against the City of Edgewater and the developer dealing with the Restoration project in Edgewater, as constituting classic sprawl. This case is on a 60 day abeyance and it is entirely premature to consider this request until the adjacent future land use upon which it is predicated is determined.

Additionally and perhaps more importantly is the fact that there exists upon this property the **largest wetlands mitigation bank in the United States**, the Farmton Mitigation Bank. It covers 24,323 acres, nearly half of their entire 57,000 acres. The permits for this bank were issued by the State of Florida, SJRWMD, US Army Corps of Engineers, and the US Fish and Wildlife Service. We have attached a copy of the permit in its entirety. We suggest that the terms and conditions of this document must take

ACOÉ PERMIT

legal precedent over the desires of the applicant, as well as any conditions the county may want to place upon the development. **We request that your staff thoroughly vet the terms and conditions of the overlying ACOE permit with the project as proposed, before this application proceeds further.**

We believe that the **entire property is subject to the terms and conditions of the permits. The existence of the permit constitutes a cloud on the title to the entire site.** This is evidenced by the fact that, earlier this year, the St Johns River Water Management District required Miami Corp to execute and record a **subordination agreement** on the 644 acres it has “leased” to its own water supply utility for a well-field, making the activities on the leased property **subject to** the terms and conditions of the permit. This PSC permitted well-field lies in close proximity to, if not adjacent to, the planned first phase of the Farnton development. It is hard to imagine how the pumping of 10,000 gallons of water a day will not cause have a negative effect upon the active, functioning, restored wetlands in the nearby NE Bank.

Cumulative, direct and indirect impacts upon the active mitigation areas are inevitable from a development project of the size and scope being proposed. Five water wells drawing 10,000 gallons a day from the aquifer will inevitably have a drawdown effect upon the functioning wetlands within the NE Bank, which is adjacent to the well field. Indeed, it is highly likely that those negative impacts are prohibited as a condition of the overlying mitigation bank permits.

Lastly, as county taxpayers, our members are concerned about the costs to existing residents for requisite infrastructure associated with this immense proposal. Taxpayers understand that new development far from existing infrastructure does not “pay its way,” but rather imposes huge burdens on taxpayers. At the public hearing, we provided the County Council with a copy of the Leon County study, “Cost of Community Services”, which determined that for every one dollar of economic benefit generated by new development, the county must pay between \$1.38 and \$1.72 for required additional services.

Moreover, we noted for the council, that at the bottom of page 4 of a memo from Burgess and Niple, the consultant hired by the County Traffic Engineering Department to help review the Farnton plan, there is a statement to the effect that the County “may” be responsible for 60 million dollars of (offsite) transportation improvements associated with Phase 1, Gateway (4,000 units plus/minus) scheduled to be completed by 2025. The potential of being held responsible for this unneeded and unnecessary cost is simply unacceptable to us as taxpayers.

We respectfully and urgently request that you find this CPA not in compliance with FS 163 and FAC 9J5.

Thank you for your consideration of our concerns.

Barbara J Herrin, President

Cc: St Johns River Water Management District
US Army Corps of Engineers, Jacksonville District
VGMC
County of Volusia



Florida Department of Agriculture and Consumer Services
CHARLES H. BRONSON, Commissioner
The Capitol • Tallahassee, FL 32399-0800
www.doacs.state.fl.us

6 JS
11/30/09

Please Respond to:
Florida Division of Forestry
3125 Corner Boulevard
Tallahassee, Florida 32399-1650
Phone: 850-488-4274

November 25, 2009

Mr. James Stansbury
Office of Comprehensive Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

RE: Volusia County Comp Plan Amendment 10-1

Dear Mr. Stansbury:

The Division of Forestry has reviewed Volusia County Comprehensive Plan Amendment 10-1. This amendment includes the Volusia County portion of the proposed Farmton development project. As this part of Florida has high wildfire potential, we recommend Volusia County request the developer to coordinate with our Division to create a Wildfire Prevention and Mitigation Plan based on current National Fire Protection Association (NFPA) Standards (NFPA 1144, NFPA 1141) to reduce the wildfire risk factors on this property as well as any planned development. In addition, we support silviculture activities consistent with Silviculture Best Management Practices (BMPs) and encourage Volusia County to make sure any silviculture activities occurring within the county are consistent with the established BMPs as such a requirement is not obvious in narrative provided with this amendment.

The Division appreciates the opportunity to review proposed Local Government Comprehensive Plan documents. Any questions concerning Wildfire Prevention and Mitigation Plans can be directed to Gerry LaCavera, Fire Mitigation Coordinator, at 850-921-3733.

Sincerely,

CHARLES H. BRONSON
COMMISSIONER OF AGRICULTURE

Jim Karels, Director
Division of Forestry

JRK/fw



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Philip Laurien, AICP
Executive Director

December 1, 2009

6 JS
12/3/09

Mr. Ray Eubanks
Plan Review and Processing Administrator
Department of Community Affairs
2335 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

RE: Volusia County Proposed Comprehensive Plan Amendment
DCA Amendment # Volusia County 10-1

Dear Mr. Eubanks:

The East Central Florida Regional Planning Council staff has completed a technical review of the proposed large scale Comprehensive Plan Amendment Volusia County 10-1. The amendment consists of changes to the Future Land Use Map (FLUM) and text changes. Staff comments are indicated below in *italics*.

In conducting plan amendment reviews Council staff considers effects on natural resources of regional significance, extra-jurisdictional impacts, compatibility with the 2050 Regional Vision, and consistency with the agency's Strategic Regional Policy Plan.

Council staff has no comments regarding the first nine amendment items, CPA 09-2-1 through CPA 09-2-9.

CPA 09-2-10, Farmton Amendment

The County proposes a FLUM change on 46,957 acres from Agricultural Resource, Environmental Systems Corridor (ECO), and Forestry Resource to two newly created land use categories, Sustainable Development Area and GreenKey.

Council staff has concerns regarding this amendment item. This proposed change will have a major and lasting effect on the County's overall development pattern. While we support the principles associated with conservation design and transit oriented development, this amendment lacks meaningful and predictable standards to achieve the desired goals. To date the

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applicant has not demonstrated that the project is feasible in this location, and a variety of issues warrant further data, analysis, and planning. The amendment offers a vague concept of the proposed development plan, but no clear details.

Council staff has worked with the applicants of the nearby Restoration DRI, and ultimately supported the project for DRI approval. ECFRPC recommended approval of the development order to the City. This decision was based on several unique factors not present in the Farmton comprehensive plan amendment including: 1) a “need” for the City of Edgewater to ultimately develop a new coastal retreat location that will not be impacted by flooding from predicted sea level rise; 2) the proposed Restoration amendment clearly articulated policies and design principles that promote conservation, sustainability, and transit oriented development; 3) the Restoration site is located adjacent to an existing Interstate 95 interchange; and 4) the comprehensive plan amendments were directly tied to an extremely detailed DRI site plan and Development Order that would establish Restoration as the most sustainable, smart growth, compact, urban center, or new town, in Florida. It would be, simultaneously, compact and urban yet 70% or more critical habitat would be preserved and 4,000 acres of natural wetlands and ecosystems would be restored with the guidance and assistance of the University of Florida. For these principal four reasons and many specific conditions in the Restoration DRI Development Order, the ECFRPC unanimously supported both the Edgewater comprehensive plan amendments and the DRI itself. Unfortunately, while Farmton’s amendments in some ways attempt to emulate the path of Restoration, the facts are not the same and the level of detail required to support them is not there.

The issue of “need” is an important consideration. The state’s population growth has stalled, and no one can accurately predict when or at what level growth will return. The Needs Analysis prepared by Fishkind Associates relies on BEBR population projections from the County’s 2006 EAR to extrapolate population predictions for 2060. The growth rate in Florida and Volusia County in 2006 was much greater than the negative growth the state is experiencing today. Determining the “need” for growth after 2025 at this location is simply not possible at this time.

The site in question contains extensive wetlands, and much of the parcel is located in the 100 year flood plain. There is important wildlife habitat located throughout the site. Most importantly, many of these lands have been identified for protection as part of a larger environmental corridor that allows for the movement of plant and animal species. Although 75% of the site is proposed to be conserved, it is unclear which areas will ultimately be developed.

The purely conceptual nature of this preliminary plan is another cause for concern. Whereas Restoration provided site plan level designs and policies during the DRI process, this proposal does not even clarify which areas are planned for development or which areas will be conserved. The amendment suggests that the ultimate size, acreage, and location of each land use will be determined in the future. Though site plan level designs and related policies are not required for a comprehensive plan change, providing a greater level of detail would certainly enable Council

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staff to develop more informed recommendations. The applicants for Restoration were not required to provide such specifics as part of the DRI process, but the availability of these materials advanced the staff's and the Council's understanding of the proposed development.

Restoration is located near an existing Interstate 95 interchange and proposes transit ready and transit oriented development in the community core. The developer has even agreed to fund a portion of the system. The Farmton applicant has not demonstrated how a proposed multimodal transportation system will serve the new town. The transit and transit ready components of the proposed policies are not clearly defined and lack development standards.

Council staff shares many of the concerns expressed by the water management district and FDOT. Additional data and analysis is required to gain a better understanding of the overall vision for this site.

The review was conducted in accordance with the provisions of the East Central Florida Regional Planning Council's current contract with the Florida Department of Community Affairs for Plan and Plan Amendment Reviews.

Council staff is available to assist in the resolution of any issue that should arise in the course of your review. If you should have any questions, please contact Andrew Landis at andrew@ecfrpc.org or by phone at (407) 262-7772 ext. 310. Thank you.

Sincerely,

Philip Laurien

Local Government Contact: Becky Mendez, AICP, Senior Planning Manager

AML

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Lake County

Secretary
Daniel O'Keefe
Gubernatorial Appointee
Orange County



"Finley-Moad, Eve"
<Eve.Finley-Moad@dot.state.fl.us>

11/25/2009 11:31 AM

To "Ray Eubanks (ray.eubanks@dca.state.fl.us)"
<ray.eubanks@dca.state.fl.us>
cc "Pizzo, Judy" <Judy.Pizzo@dot.state.fl.us>, Becky Mendez
<BMendez@co.volusia.fl.us>, Melissa Booker
<MBooker@co.volusia.fl.us>, "John Thomson"

bcc

Subject Volusia 10-1

6 JS

Mr. Eubanks,

The Florida Department of Transportation has reviewed the subject comprehensive plan. Attached is our response and review. If you have any questions, please contact Judy Pizzo at (407) 482-7880 or judy.pizzo@dot.state.fl.us.

Thank you,
Eve Finley-Moad
Systems Planner
Department of Transportation
Intermodal Systems Development
(407) 482-7869
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Volusia 10-1 Review to DCA 112509.pdf

COMPREHENSIVE PLAN AMENDMENT REVIEW COMMENTS

Local Government: Volusia County
DCA Amendment #: 10-1
Date of DCA's Request Memo: October 28, 2009
Review Comments Deadline: November 26, 2009
Today's Date: 11/25/09

GENERAL BACKGROUND INFORMATION

Volusia County has submitted six amendments to the Future Land Use Map (FLUM) and four other amendments affecting comprehensive plan text and other maps.

For each FLUM amendment, FDOT evaluated how the trip generation potential of the property will change if the proposed FLUM designation is adopted. (Trip generation potential reflects the maximum amount of development that could occur on the property.) The pertinent FLUM designations are as follows:

- *Conservation.* Allows a 0.10 floor area ratio (FAR) for protection, management, public access, security, and conservation functions.
- *Environmental Systems Corridor.* Allows 1 per 25 acres.
- *Forestry Resource.* Allows 1 du per 20 acres.
- *Rural.* Allows 1 dwelling unit (du) per 1 acre.
- *Urban Low Intensity.* Allows 4 du per acre. Allows neighborhood convenience commercial at a 0.50 FAR, with a typical site area of 2 acres and a maximum size of 8,500 sf.

FDOT Contact:	Judy Pizzo, GISP, Systems Planner FDOT District 5 Office of Intermodal Systems Development	Reviewed by:	Matt Wiesenfeld & Kelly Blume, P.E. Kittelton & Associates, Inc.
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COMPREHENSIVE PLAN AMENDMENT REVIEW COMMENTS

Local Government: Volusia County
DCA Amendment #: 10-1
Date of DCA's Request Memo: October 28, 2009
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FLUM AMENDMENT CPA 09-2-1 (LAKE BERESFORD CONSERVATION AREA)

ELEMENTS: Future Land Use Element
RULE REFERENCE: Chapter 163.3177, F.S., Required and optional elements
 Chapter 163.3184, F.S., Process for adoption
 Chapter 9J-5, F.A.C., MINIMUM CRITERIA FOR REVIEW
 Chapter 9J-11, F.A.C., SUBMITTAL AND REVIEW

BACKGROUND

This amendment affects 76.9 acres located on the south side of McGregor Road, on the east side of the CSX railroad, and west of Orange City.

Trip Generation Potential of Parcels Affected by FLUM Amendment

Scenario	Land Use Designation	Maximum Allowed Intensity	ITE Land Use Code	Size of Development		Daily Trips	P.M. Peak Hour Trips
				Acres	Allowed Development		
Adopted	Rural	1 du/acre	210	76.9	77 du	818	83
Proposed	Conservation	0.10 FAR for passive uses	N/A	76.9	N/A	0	0
Change in Trips						-818	-83

REVIEW COMMENTS

Because the amendment results in a net decrease in trip generation potential, FDOT has no comments on this amendment.

RECOMMENDATIONS

FDOT has no recommendations for this amendment.

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COMPREHENSIVE PLAN AMENDMENT REVIEW COMMENTS

Local Government: Volusia County
DCA Amendment #: 10-1
Date of DCA's Request Memo: October 28, 2009
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FLUM AMENDMENT 09-2-2 (HEART ISLAND CONSERVATION AREA)

ELEMENTS: Future Land Use Element

RULE REFERENCE: Chapter 163.3177, F.S., Required and optional elements
 Chapter 163.3184, F.S., Process for adoption
 Chapter 9J-5, F.A.C., MINIMUM CRITERIA FOR REVIEW
 Chapter 9J-11, F.A.C., SUBMITTAL AND REVIEW

BACKGROUND

This amendment affects 1,040 acres located on the west side of Lake Winona Road, just east of SR 15-US 17, approximately two miles south of SR 40, and north of De Leon Springs.

Trip Generation Potential of Parcels Affected by FLUM Amendment

Scenario	Land Use Designation	Maximum Allowed Intensity	ITE Land Use Code	Size of Development		Daily Trips	P.M. Peak Hour Trips
				Acres	Allowed Development		
Adopted	Forestry Resource	1 du/20 acres	210	208**	10 du	125	13
	Environmental Systems Corridor	1 du/25 acres	210	416**	16 du	193	20
	Conservation*	0.10 FAR for passive uses	N/A	416**	N/A	0	0
Proposed	Conservation	0.10 FAR for passive uses	N/A	1,040	N/A	0	0
Change in Trips						-318	-33

*Assumed to include acreage labeled "Water" on the Current Future Land Use map in the submittal

**Acreage breakdown estimated from Current Future Land Use map in the submittal

REVIEW COMMENTS

Because the amendment results in a net decrease in trip generation potential, FDOT has no comments on this amendment.

RECOMMENDATIONS

FDOT has no recommendations for this amendment.

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COMPREHENSIVE PLAN AMENDMENT REVIEW COMMENTS

Local Government: Volusia County
DCA Amendment #: 10-1
Date of DCA's Request Memo: October 28, 2009
Review Comments Deadline: November 26, 2009
Today's Date: 11/25/09

FLUM AMENDMENT 09-2-3 (DORIS LEEPER SPRUCE CREEK RESERVE ADDITION)

ELEMENTS: Future Land Use Element
RULE REFERENCE: Chapter 163.3177, F.S., Required and optional elements
 Chapter 163.3184, F.S., Process for adoption
 Chapter 9J-5, F.A.C., MINIMUM CRITERIA FOR REVIEW
 Chapter 9J-11, F.A.C., SUBMITTAL AND REVIEW

BACKGROUND

This amendment affects 58.03 acres located approximately 0.5 mile north of Turnbull Bay Road, approximately 1.25 miles east of I-95, and north of New Smyrna Beach.

Trip Generation Potential of Parcels Affected by FLUM Amendment

Scenario	Land Use Designation	Maximum Allowed Intensity	ITE Land Use Code	Size of Development		Daily Trips	P.M. Peak Hour Trips
				Acres	Allowed Development		
Adopted	Rural	1 du/acre	210	46.4*	46 du	509	52
	Environmental Systems Corridor	1 du/25 acres	210	11.6*	1 du	10	1
Proposed	Conservation	0.10 FAR for passive uses	N/A	58.03	N/A	0	0
Change in Trips						-519	-53

*Acreage breakdown estimated from Current Future Land Use map in the submittal

REVIEW COMMENTS

Because the amendment results in a net decrease in trip generation potential, FDOT has no comments on this amendment.

RECOMMENDATIONS

FDOT has no recommendations for this amendment.

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COMPREHENSIVE PLAN AMENDMENT REVIEW COMMENTS

Local Government: Volusia County
DCA Amendment #: 10-1
Date of DCA's Request Memo: October 28, 2009
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FLUM AMENDMENT 09-2-4 (DELAND AREA ENCLAVE)

ELEMENTS: Future Land Use Element

RULE REFERENCE: Chapter 163.3177, F.S., Required and optional elements
 Chapter 163.3184, F.S., Process for adoption
 Chapter 9J-5, F.A.C., MINIMUM CRITERIA FOR REVIEW
 Chapter 9J-11, F.A.C., SUBMITTAL AND REVIEW

BACKGROUND

This amendment affects 25.89 acres located on the north side of Minnesota Avenue, the east side of Hill Avenue, and just west of Pleasant Run Drive. The site is an enclave in east DeLand.

According to the staff report, this amendment corrects a likely mapping error because the adopted future land use designation is inconsistent with existing zoning and existing development. According to the traffic analysis prepared by City staff, the City was directed by DCA to analyze the impact of four additional units.

FDOT notes that a density of 4 dwelling units per acre would allow 103 dwelling units. There are 55 existing dwelling units on the site. An increase from 55 to 103 dwelling units could result in 468 more daily trips and 47 more p.m. peak hour trips per the table below.

**Trip Generation Potential of Parcels Affected by FLUM Amendment
 Unknown Adopted Future Land Use Designation**

Scenario	Land Use Designation	Maximum Allowed Intensity	ITE Land Use Code	Size of Development		Daily Trips	P.M. Peak Hour Trips
				Acres	Allowed Development		
Adopted	Unknown	Existing 55 du assumed to be maximum allowed	210	25.89	55 du	600	61
Proposed	Urban Low Intensity	4 du/acre*	210	25.89	103 du	1,068	108
Change in Trips						+468	+47

*The surrounding land uses suggest that neighborhood convenience commercial is not a likely use on this site.

The State roadway segments located within two miles of the parcel are shown in the table below.

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COMPREHENSIVE PLAN AMENDMENT REVIEW COMMENTS

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State Roadway Segments Affected by FLUM Amendment (Background Conditions)

Roadway	Segment	FIHS/SIS/TRIP?	2009				2014				2019			
			LOS Standard	Service Volume at LOS Standard	AADT	Meets Standard?	LOS Standard	Service Volume at LOS Standard	AADT	Meets Standard?	LOS Standard	Service Volume at LOS Standard	AADT	Meets Standard?
US 17	US 92 to Glenwood Rd	No	E	35,700	30,400	Yes	E	35,700	34,600	Yes	E	35,700	38,800	No
US 17/92-SR 15	Beresford Ave to Plymouth Ave	No	E	17,115	17,000	Yes	E	17,115	17,800	No	E	17,115	18,600	No
	Plymouth Ave to US 17	No	E	35,700	26,800	Yes	E	35,700	28,100	Yes	E	35,700	29,500	Yes
US 92	US 17-SR 15 to Big John Dr.	No	E	35,700	30,700	Yes	E	35,700	33,200	Yes	E	35,700	35,700	No
SR 44	Old New York Ave to Amelia Ave	No	D	15,400	11,800	Yes	D	15,400	12,400	Yes	D	15,400	13,000	Yes
	Amelia Ave to Kepler Ave	No	D	16,400	15,000	Yes	D	16,400	16,400	No	D	16,400	17,800	No
	Kepler Ave to realignment	No	D	16,400	17,800	No	D	16,400	20,500	No	D	16,400	23,100	No

NOTE: The information in this table is from FDOT's LOS_ALL spreadsheet, which is a planning-level analysis tool.

REVIEW COMMENTS

Based on FDOT data, segments of State roadways within the vicinity of the site currently do not meet the adopted LOS standard and/or are projected to not meet the adopted LOS standard. However, based on FDOT's trip generation calculations above, the amendment is not likely to significantly impact State roadways.

RECOMMENDATIONS

FDOT has no recommendations for this amendment.

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COMPREHENSIVE PLAN AMENDMENT REVIEW COMMENTS

Local Government: Volusia County
DCA Amendment #: 10-1
Date of DCA's Request Memo: October 28, 2009
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TEXT AMENDMENT CPA 09-2-05 (GREENHOUSE GAS AMENDMENT)

ELEMENTS: Transportation Element, Conservation Element, and Future Land Use Element

RULE REFERENCE: Chapter 163.3177, F.S., Required and optional elements
Chapter 163.3184, F.S., Process for adoption
Chapter 9J-5, F.A.C., MINIMUM CRITERIA FOR REVIEW
Chapter 9J-11, F.A.C., SUBMITTAL AND REVIEW

BACKGROUND

This amendment adds language to the Transportation Element and the Conservation Element regarding the County's interest in reducing greenhouse gas emissions and complying with HB 697. The amendment also adds a new map to the Future Land Use Element.

The changes to the Transportation Element portion consist of new and revised objectives and policies under Goal 2.1. The new text links greenhouse gas reductions to a multimodal transportation system, states that a multimodal transportation system will discourage sprawl and promote energy-efficient land use patterns, links access management to stop-and-go traffic, links parking strategies to transportation demand management (TDM) techniques, states that the County is promoting bicycling and walking in transit corridors, states that the County will coordinate with FDOT and the City of Daytona Beach regarding signal systems and traffic monitoring, and states that the County will coordinate with FDOT, the MPO, and local municipalities to establish an efficient truck route network.

The only change to the Conservation Element is the addition of Policy 12.2.1.7, which states that the County will continue participating in the Volusia Forever Program.

According to the staff report, the new map in the Future Land Use Element is the "Greenhouse Gas Reduction Area Map," which identifies Natural Resource Management Areas and an Environmental Core Overlay (ECO). The ECO, according to policies adopted in December 2008 as part of the County's Smart Growth Initiative, is subject to special land management requirements regarding activities that protect natural resources (e.g., transfer of development rights and LEED certification).

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COMPREHENSIVE PLAN AMENDMENT REVIEW COMMENTS

Local Government: Volusia County
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REVIEW COMMENTS

FDOT notes that, when developed, the Administrative Rule addressing HB 697 may require additional, more-detailed changes to the County's comprehensive plan.

RECOMMENDATIONS

FDOT encourages the County to coordinate with the MPO in the development of tools by which potential increases and decreases in greenhouse gas emissions can be determined in furtherance of the requirements of 163.3177(6), F.S. One such tool may be based on VMT as calculated from the regional planning model.

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COMPREHENSIVE PLAN AMENDMENT REVIEW COMMENTS

Local Government: Volusia County
DCA Amendment #: 10-1
Date of DCA's Request Memo: October 28, 2009
Review Comments Deadline: November 26, 2009
Today's Date: 11/25/09

FLUM AMENDMENT CPA 09-2-06 (PORT ORANGE WELLFIELD EXPANSION)

ELEMENTS: Future Land Use Element
RULE REFERENCE: Chapter 163.3177, F.S., Required and optional elements
 Chapter 163.3184, F.S., Process for adoption
 Chapter 9J-5, F.A.C., MINIMUM CRITERIA FOR REVIEW
 Chapter 9J-11, F.A.C., SUBMITTAL AND REVIEW

BACKGROUND

This amendment affects 71.8 acres located on the east side of I-4 approximately one mile west of the US 92 connector.

Trip Generation Potential of Parcels Affected by FLUM Amendment

Scenario	Land Use Designation	Maximum Allowed Intensity	ITE Land Use Code	Size of Development		Daily Trips	P.M. Peak Hour Trips
				Acres	Allowed Development		
Adopted	Environmental Systems Corridor	1 du/25 acres	210	71.8	2 du	19	2
Proposed	Conservation	0.10 FAR for passive uses	N/A	71.8	N/A	0	0
Change in Trips						-19	-2

REVIEW COMMENTS

Because the amendment results in a net decrease in trip generation potential, FDOT has no comments on this amendment.

RECOMMENDATIONS

FDOT has no recommendations for this amendment.

<p>FDOT Contact: Judy Pizzo, GISP, Systems Planner FDOT District 5 Office of Intermodal Systems Development Telephone: 407-482-7880 Fax: 407-275-4188 E-mail: judy.pizzo@dot.state.fl.us File: H:\OCC\Planning\Growth Management\CPA Project Files\Volusia County\Review\2010\Volusia 10-1 Review KAI 112509.doc</p>	<p>Reviewed by: Matt Wiesenfeld & Kelly Blume, P.E. Kittelson & Associates, Inc. 407-540-0555 407-540-0550 kblume@kittelson.com</p>
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COMPREHENSIVE PLAN AMENDMENT REVIEW COMMENTS

Local Government: Volusia County
DCA Amendment #: 10-1
Date of DCA's Request Memo: October 28, 2009
Review Comments Deadline: November 26, 2009
Today's Date: 11/25/09

TEXT AMENDMENT CPA 09-2-07 (SCENIC HIGHWAY PROGRAM)

ELEMENTS: Transportation Element
RULE REFERENCE: Chapter 163.3177, F.S., Required and optional elements
Chapter 163.3184, F.S., Process for adoption
Chapter 9J-5, F.A.C., MINIMUM CRITERIA FOR REVIEW
Chapter 9J-11, F.A.C., SUBMITTAL AND REVIEW

BACKGROUND

This amendment adds two new roadways to the list of scenic highways in Transportation Policy 2.3.3.3 and the "Scenic Corridors 2025" map. The two roadways are the *River of Lakes Heritage Corridor* scenic highway and the *Heritage Crossroads: Miles of History* scenic highway. The former includes segments of US 17, SR 11, US 17/92, and SR 44. The latter does not include State roadway segments in Volusia County.

REVIEW COMMENTS

FDOT has no comments on this amendment.

RECOMMENDATIONS

FDOT has no recommendations for this amendment.

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COMPREHENSIVE PLAN AMENDMENT REVIEW COMMENTS

Local Government: Volusia County
DCA Amendment #: 10-1
Date of DCA's Request Memo: October 28, 2009
Review Comments Deadline: November 26, 2009
Today's Date: 11/25/09

TEXT AMENDMENT CPA 09-2-08 (THOROUGHFARE SYSTEM 2025 MAP)

ELEMENTS: Transportation Element
RULE REFERENCE: Chapter 163.3177, F.S., Required and optional elements
Chapter 163.3184, F.S., Process for adoption
Chapter 9J-5, F.A.C., MINIMUM CRITERIA FOR REVIEW
Chapter 9J-11, F.A.C., SUBMITTAL AND REVIEW

BACKGROUND

A number of County collectors previously are being removed from the Thoroughfare System 2025 map.

REVIEW COMMENTS

None of the roadways being removed are State roadways or TRIP facilities, so FDOT has no comments on this amendment.

RECOMMENDATIONS

FDOT has no recommendations for this amendment.

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TEXT AMENDMENT CPA 09-2-09 (AGRICULTURAL FAMILY SUBDIVISION)

ELEMENTS: Future Land Use Element
RULE REFERENCE: Chapter 163.3177, F.S., Required and optional elements
Chapter 163.3184, F.S., Process for adoption
Chapter 9J-5, F.A.C., MINIMUM CRITERIA FOR REVIEW
Chapter 9J-11, F.A.C., SUBMITTAL AND REVIEW

BACKGROUND

The ordinance for this amendment indicates that Future Land Use Policy 1.4.1.8 has been repealed in its entirety, along with text in other policies referencing Policy 1.4.1.8.

REVIEW COMMENTS

This amendment does not impact State roadways because the amendment decreases opportunities for higher-density development on agricultural lands. Therefore, FDOT has no comments on this amendment.

RECOMMENDATIONS

FDOT has no recommendations for this amendment.

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COMPREHENSIVE PLAN AMENDMENT REVIEW COMMENTS

Local Government: Volusia County
DCA Amendment #: 10-1
Date of DCA's Request Memo: November 26, 2009
Review Comments Deadline: November 23, 2009
Today's Date: November 23, 2009

FLUM & TEXT AMENDMENT CPA 09-02-10

Farmton is a 58,500 acre tract of land owned by the Miami Corporation that is located in Volusia and Brevard counties. The majority of the land, 47,000 acres is located in southern Volusia County. The remaining 11,500 acres are located in northern Brevard County. The land is currently used for hunting leases, timber production and wetland mitigation banking.

Element(s): Future Land Use Element, Transportation Element

Rule Reference: Chapter 163, Florida Statutes; Chapter 9J, Florida Administrative Code

Background:

These review comments and recommendations refer to the proposed Farmton Local Plan Future Land Use Map Amendment, CPA 09-2-10, dated October 2009. The Farmton local Plan is one of the 10 large scale amendment items of the Cycle 09-2 amendment package. The amendment proposes two new land use designations called GreenKey and Sustainable Development Area (SDA). The amendment proposes a revision to the Environmental Core Overlay (ECO) map to include a net of 20,899 additional acres. The amendment proposes a spine transportation network. The amendment includes a goal and eight objectives with their associated policies.

Current land use designation in Volusia is Agriculture Reserve, Environmental Systems Corridor, Forestry Resource, Conservation and ECO. Residential densities range from 1 unit per 25 acres to 1 unit per 10 acres.

Transportation and impacts associated with the proposed changes have been the subject of meetings between the applicant and reviewing agencies beginning with two interactions of the transportation methodology, two iterations of the transportation analysis, and the 2060 Goals, Objectives and Policies.

As requested by the applicant and Volusia County the following documents provided by Lassiter Transportation Group, Inc. have been previously reviewed:

- Comprehensive Plan Amendment Traffic Impact Analysis methodology for Volusia County dated March 31, 2009.
- Revised Comprehensive Plan Amendment Traffic Impact Analysis methodology for Volusia County dated May 29, 2009.
- Transportation analysis for the Volusia County Comprehensive Plan Amendment dated June 17, 2009.

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- Revised transportation analysis for the Volusia County Comprehensive Plan Amendment dated July 20, 2009.
- Farmton Local Plan - GOP Version 18 dated August 24, 2009.

These previously reviewed documents are part of the Farmton Local CPA 09-2-10 Amendment Package. As shown in Section 4, attachment #2 of the CPA 09-2-10 Amendment Package, most of FDOT comments were addressed by the applicant on the revised versions of the transportation analysis and policies; however, there are still insufficient responses to some of our comments. These were included as 'issues to be brought forth to Council' in Section 4, attachment #2 (page 5) of the CPA 09-2-10 Amendment Package. A summary of the outstanding transportation issues is provided in the following section.

Comments Regarding Section 4 - Transportation of the Cycle 09-2 Amendment Package:

The key issue of concern to FDOT is ensuring consistency between the land use element and transportation element of the Local Government Comprehensive Plan in accordance with requirements of 9J-5.019, Transportation Element, FAC. The applicant has submitted transportation analysis reports purportedly studying the long-term needs of the site. However, the 2060 modeling summary technical memorandum, included as Exhibit I, does not constitute an appropriate transportation analysis because it was not done with an approved methodology, does not address preservation and conservation of corridors, and does not address financial feasibility issues. The Farmton Local Plan commits to capping external traffic to even thresholds through the 2060 plan horizon, as specified in FG 5.16. Additionally, traffic modeling and monitoring update plans will be done, studying the 5 and 10 year increments, every 7 years when the county's comprehensive plan is updated through the EAR process. While we support the efforts in studying the shorter-range planning efforts, FDOT recommends that a master plan studying a long-range time period be performed with the first incremental planning study. The planning horizon and other study assumptions should be resolved during the methodology discussions governing the study.

The recommendation to do a Master Plan is being made to ensure that the long term needs of Farmton and surrounding communities are addressed prior to any additional incremental approvals. This master plan will serve as an initial framework for transportation planning and will likely be updated time to time as development proceeds.

The applicant has purported that a build-out analysis is not needed at this time, since policies limiting development through 2025 (the current planning horizon year) to the maximum quantities that can be supported by the existing land use designations have been included in the amendment proposal. However, even that development level is not anticipated by Volusia County or FDOT's current transportation plans. The proposed development, even as limited, would generate 67,478 estimated new

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COMPREHENSIVE PLAN AMENDMENT REVIEW COMMENTS

Local Government: Volusia County
DCA Amendment #: 10-1
Date of DCA's Request Memo: November 26, 2009
Review Comments Deadline: November 23, 2009
Today's Date: November 23, 2009

external daily trip-ends, whereas current transportation plans of Volusia County project only 2,200 daily trip-ends by 2025.

To address the requirements of 9J-5.019, a transportation planning study to develop an overall master transportation facility, service, and financial plan to establish the corridors and types of facilities needed to support the proposed amendment is needed. In the absence of such a transportation plan, an option that was discussed to address these concerns was to limit the Future Land Use Map amendment to the minimum acreage of land required to accommodate the level of development for which a transportation planning analysis is undertaken and for which a transportation plan to serve the potential land uses is developed.

Comments on Section 2 – Draft Ordinance of the Cycle 09-2 Amendment Package:

1. **POLICY FG 5.7:** Under the proposed policies, a transportation planning study addressing at least a ten-year horizon must be prepared within approximately six years. To promote the preservation of transportation corridors needed for Farmton, FDOT suggests that the master transportation plan map be included in the Farmton Local Plan as an illustrative guide for other surrounding developments to consult. Further technical review of that plan may be appropriate when the first modeling and monitoring analysis is undertaken.
2. **POLICY FG 5.11:** FDOT suggests a change to this policy to clearly indicate the need for a long range transportation plan study prior to any additional incremental approvals. All monitoring and modeling studies should be based on the long range master plan. All monitoring and modeling studies should be undertaken in accordance with methodology and assumption agreements between the applicant and all agencies responsible for providing transportation facilities and services to the development.

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Florida Department of Environmental Protection

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6 JS
12/9/09

December 8, 2009

Mr. D. Ray Eubanks
Bureau of Local Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

**Re: Volusia County 10-1 Comprehensive Plan Amendment
Objections, Comments and Recommendations Report**

Dear Mr. Eubanks:

The Office of Intergovernmental Programs of the Florida Department of Environmental Protection (DEP or Department) has reviewed the above-referenced amendment submitted by Volusia County (County) under the provisions of Chapter 163, Part II, *Florida Statutes (F.S.)*, and Chapters 9J-5 and 9J-11, *Florida Administrative Code (F.A.C.)*. Our comments address the potential impacts of the proposed land use designation and policy changes on resources or facilities within the purview of the Department's regulatory and proprietary responsibilities. The Department submits the following comments and recommendations to assist your agency in developing the state's response to the proposed amendments.

The County proposes to amend the Transportation, Conservation and Future Land Use elements of its comprehensive plan to address – among other things – greenhouse gas reduction strategies, family-owned agriculture subdivisions and scenic highways. The amendment also proposes six future land use map (FLUM) changes, encompassing approximately 48,272 acres in the County. The Department's comments focus on the proposed 47,000-acre Farmton FLUM amendment and associated text changes to the Future Land Use Element, which together create the *Farmton Local Plan*.¹

¹ For simplicity, the Volusia County Farmton lands may be generally referred to as the "47,000-acre" property.

FARMTON LOCAL PLAN

The Department commends Volusia County and the landowner for their far-sighted efforts to address development pressure and resource protection in this sensitive area to avoid piecemeal, uncoordinated development. The Department acknowledges and appreciates the landowner's extensive efforts to identify natural resources within the property, as well as its stated intention to set aside large areas for conservation purposes. The Department does, however, have concerns about the proposed FLUM amendment and associated policies that define the *Farmton Local Plan*:

- The FLUM amendment is not supported by sufficient data and analysis providing assurance that the water supply sources and public facilities necessary to meet and achieve the projected demands for the planning period will be available to serve the uses described in the proposed amendments.
- Although the overall plan contemplates setting aside substantial acreage for conservation and open space, application of the proposed *Sustainable Development Area* and *GreenKey* land use designations to specific areas of the 47,000-acre property do not adequately address the protection of resources in those areas.

FUTURE LAND USE TEXT AMENDMENT CPA 09-2-10

The proposed amendment includes Future Land Use Element policies that would serve as a planning framework for approximately 47,000 acres in southern Volusia County.

PROPOSED POLICIES FG 1.1 THROUGH 1.9 – CHARACTERISTICS OF FARMTON LOCAL PLAN

- The initial planning horizon would extend to 2025, during which the number of residential units would not be increased above those currently allowed under the comprehensive plan. The plan provides for an overall 50-year planning period (build-out).
- The amended future land use map would identify two land uses within the *Farmton Local Plan*: *GreenKey* lands and *Sustainable Development Areas (SDA)*, with the size and shape of *SDAs* to be determined at the time the areas are rezoned.
- At least sixty-seven percent (67%) of the *Farmton* lands would be designated as *GreenKey*.

- An internal transfer of development rights process would establish densities and intensities in the *Farmton Local Plan*, with *GreenKey* lands as “Sending Areas” and the *SDA Gateway District* as the “Receiving Area.”
- Through 2025, residential density in the *SDA Gateway District* would not exceed 4,692 dwelling units, and nonresidential intensity would be limited to 820,217 square feet.
- At least 25% of each *SDA* would be designated as *Resource Based Open Space* to protect “substantially all wetlands and associated buffers and other areas such that when combined with *GreenKey* lands, more than 36,000 acres or 75% of the area within the *Farmton Local Plan* shall be preserved.”
- All development would be processed as a *DRI* with a master plan that addresses sustainable development design, centralized water and wastewater services, and the protection of natural resources.

PROPOSED POLICIES FG 2.1 THROUGH 2.23 – CRITERIA FOR GREENKEY LANDS

Policy FG 2.2 states that allowable uses within *GreenKey* lands include mitigation and conservation banks, agriculture and silviculture activities that use Best Management Practices (BMPs), roads, utility crossings, trails, boardwalks, passive recreation, water resource development, solar energy fields, and environmental learning centers. *GreenKey* lands would be subject to permanent conservation easements and conservation management plans.

Policy FG 2.9 provides that *GreenKey* lands and *Resource Based Open Space* will be permanently protected and maintained as undeveloped conservation or agriculture areas, natural resource protection areas, and passive recreational areas through conservation management plans.

Policy FG 2.11 states that no development will occur within *Resource Based Open Space*, except development directly associated the following uses, provided that impacts to environmental resources are minimized: trails and rest areas; utility lines, solar energy facilities that provide power for on-site signage or on-site security; roads that cross *GreenKey* lands; agriculture or silviculture activities that use BMPs; replacement of existing structures; environmental education facilities; and water resource development of alternative water supply projects.

Policy FG 2.15 requires establishment of a community stewardship organization to coordinate implementation of conservation management plans for *GreenKey* and *Resource Based Open Space Lands*.

Policy FG 2.18 prohibits the use of septic tanks in *GreenKey* areas.

PROPOSED POLICIES FG 3.1 THROUGH FG 4.13 - CRITERIA FOR SDA DEVELOPMENT

Policy FG 3.3 provides that the *SDA* future land use designation consists of four "districts" or development areas: the Gateway District, the Work Place District, the Town Center District, and Villages.

Policies FG 3.4 through FG 3.7 describe the four land use districts and provide development guidelines for each, including maximum floor area ratios for nonresidential uses; minimum percentages for a mix of residential, office, retail, manufacturing, industrial, and research and development uses; and target density and intensity standards within each district.

Policy FG 3.9 states that the overall densities within the *Farmton Local Plan* beyond the initial 2025 planning horizon will not exceed 23,100 residential units and 4.7 million square feet of nonresidential uses, excluding schools and other institutional uses.

Policy FG 4.13 (a.-d.) addresses water resource planning and development for the *Farmton Local Plan*, directing the owner to coordinate with *Farmton Water Resources LLC*, the County, the City of Edgewater, Brevard County and the City of Titusville to develop an integrated water resources plan and a long-range wastewater plan. The policy states that the County will not issue development orders or permits "without first determining that adequate water supplies exist and that adequate wastewater infrastructure is planned to serve the new development[.]"

**COMMENTS ON FUTURE LAND USE TEXT AMENDMENT FOR
GREENKEY AND RESOURCE BASED OPEN SPACE LANDS**

The policies state that at build-out (around 2060 for the 50-year planning horizon), at least 36,000 acres (75%) of lands in the *Farmton Local Plan* will be preserved as *GreenKey* or *Resource Based Open Space (RBOS)*. According to Policy FG 2.2, allowable uses within *GreenKey* lands include "solar energy fields." Policy FG 2.11 states that uses allowed in *RBOS* lands include "solar facilities for power of onsite signage or on-site security." For consistency, the Department recommends that the solar energy language in Policy FG 2.2 be changed to match that found in Policy FG 2.11.

Allowing *GreenKey* and *RBOS* lands to be used for roads and agricultural operations could considerably diminish the amount, function and value of the lands as wildlife corridors. Therefore, the Department recommends that the County modify Policy FG 2.2

and Policy FG 2.11 to prohibit the construction of new roads, the expansion of existing agricultural roads, and intensive agricultural activities in *GreenKey* and *RBOS* lands. The policies should also include a definition of “intensive.”

FUTURE LAND USE MAP AMENDMENT (CPA 09-2-10)

The proposed map amendment would change the future land use of 46,957 acres in the County currently designated as *Agriculture Resource* (1 du/10 acres), *Environmental Systems Corridor* (1 du/25 acres), and *Forestry* (1 du/20 acres to 1 du/5 acres), which together currently allow 4,692 dwelling units and 820,217 square feet of nonresidential uses. The amendment would establish two new land use designations – *Sustainable Development Area (SDA)* and *GreenKey* – and apply them to the entire 46,957-acre property (*i.e.*, all Volusia County lands in the *Farmton Local Plan* would be designated *SDA* or *GreenKey*).

Data and analysis submitted with the amendment indicates that 31,876 acres would be designated *GreenKey* and preserved to protect key natural resources and wildlife corridors. The remaining 15,081 acres would be designated *SDA* and consist of four districts: Gateway District; Town Center District; Village District; and Work Place District. Map 1-12N provides the approximate location and acreage of each land use designation and district. Through the initial planning horizon (2025), residential density for the Gateway District is limited to a maximum of 4,692 dwelling units and 820,217 square feet of nonresidential uses. After 2025, the *Farmton Local Plan* would allow a total of 23,100 dwelling units and 4.7 million square feet of nonresidential uses in the remaining three districts (1 du/1.76 acres²).

The data and analysis submitted with the amendment package state that the landowner will coordinate with *Farmton Water Resources LLC*, Volusia County, the City of Edgewater, Brevard County and the City of Titusville to provide potable water and sanitary sewer services to the lands in the *Farmton Local Plan*. An engineering report submitted with the amendment package stated that “there is a reliable water source beneath *Farmton* to support the levels of that could occur [sic] as a result of development in the manner described by the subject amendment.” The submittal package included a “Groundwater Quality and Quantity Evaluation for Potable Supply” report for the 59,000-acre Volusia/Brevard *Farmton Tree Farm* prepared by *Devo Engineering*.

ENVIRONMENTAL FEATURES

² Of the total 46,957 acres in the *Farmton Local Plan*, 6,344 acres are active mitigation bank lands subject to a conservation easement. Therefore, only 40,613 acres of the 46,957 are currently “developable.” Density was calculated by dividing 40,613 acres by 23,100 dwelling units.

According to the best data available to the Department, approximately 60-70% of the 47,000-acre property consists of wetlands, a large portion of which (23,922 acres) are in the Farmton Mitigation Bank. The western portion of the mitigation bank is adjacent to the St. Johns River and contains much of Cow Creek and portions of Deep Creek, tributaries of the St. Johns River. The northern mitigation bank area includes Crane Swamp and Spruce Creek Swamp, the headwaters of Spruce Creek. The Farmton Habitat map (Figure 11E) provides a detailed analysis of land cover for the entire property.

According to the DEP Office of Greenways and Trails (OGT), the Farmton property is an important ecological connector between south and north Florida within the Florida Ecological Greenways Network (FEGN). The FEGN, which is part of the Florida Greenways Plan, guides OGT greenway conservation efforts to protect large, intact and well-connected landscapes that provide wildlife habitat and corridors throughout the state. According to the FEGN, the Farmton property lies in the highest priority protection class – Priority 1 Critical Linkages – indicating that it is essential for protecting a network of wildlife corridors within Florida. According to the Florida Fish and Wildlife Conservation Commission, the property also lies in a primary Florida black bear range. Ecological corridors extending north and south of the property contain large swaths of wetlands and uplands that provide bear habitat connections between north and south Florida. A second corridor across the property connects existing and proposed conservation lands west of the Farmton property to the Merritt Island National Wildlife Refuge.

The property is predominately underlain by Myakka, EauGallie and Immokalee soils. According to the *Soil Survey of Volusia County, Florida*, these soil types have moderate-to-severe limitations for building site development, primarily due to a high water table. Approximately 50-60% of the property lies within FEMA's 100-year Flood Zones A and AE.

COMMENTS – ENVIRONMENTAL FEATURES

According to the data and analysis, the 31,876 acres designated *GreenKey* would be preserved to protect key natural resources and wildlife corridors. Map 1-12N provides the proposed location and acreage of each land use designation and district within the Farmton property. Preliminary SDA development is depicted on the northern and southern sides of Maytown Road, which bisects the property from east to west. The map shows three large areas of development separated by *GreenKey* lands, with Cow Creek located between the two westernmost sections of development. According to the data and analysis, this arrangement would create a half-mile width of *GreenKey* corridor on either side of the creek. The portion of the SDA south of Maytown Road is adjacent

to mitigation bank lands containing much of Cow Creek and portions of Deep Creek, which are tributaries of the St. Johns River. These lands lie within FEGN Critical Linkages and are essential for protecting a network of wildlife corridors in Florida.

Urban and suburban-scale development adjacent to these tributaries and within their associated wetlands and flood zone areas may hydrologically affect and likely reduce natural watershed functions such as the collection, storage, filtering and discharge of runoff. The increased impervious area created by the proposed change in intensity of use (in the *SDAs*) heightens the potential for water quantity, water quality, and habitat impacts in the surrounding areas to be conserved. Given the poor drainage characteristics of underlying soils and the extensive amount of wetlands located throughout and surrounding the proposed development areas, the data and analysis does not demonstrate that the proposed development plan (Map 1-12N) is suitable for this land. The Department recommends that the applicant further cluster development to reduce or remove the centrally located *SDA* to provide a wildlife corridor that is wide enough to a function as a viable ecological linkage between conservation lands.

COMMENTS - WATER AND WASTEWATER

Data and analysis included in the amendment package provides the projected water and sewer demand for the proposed development. It does not, however, provide data showing how the demands will be met. The information provided by the County regarding the availability of potable water supply and water and wastewater service for the proposed land use change is inadequate and does not meet the requirements of Sections 163.3167(13)³ and 163.3177(6)(a),⁴ *F.S.* The amendment should be based upon documentation confirming that adequate potable water supply and water and wastewater facility treatment capacity will be available to serve the proposed land uses. The County should submit the required data and analysis and amend its Capital Improvements Element, if necessary, to demonstrate the manner in which the required services will be provided to the parcel subject to the proposed land use amendment.

³ "Each local government shall address in its comprehensive plan . . . the water supply sources necessary to meet and achieve the existing and projected water use demand for the established planning period, considering the applicable plan developed pursuant to s. 373.0361."

⁴ "The future land use plan shall be based upon surveys, studies, and data regarding the area, including the amount of land required to accommodate anticipated growth; the projected population of the area; the character of undeveloped land; the availability of water supplies, public facilities and services[.]"

Mr. D. Ray Eubanks
Volusia County 10-1 (*Farmton*)
Page 8 of 8
December 8, 2009

CONCLUSIONS AS TO *FARMTON LOCAL PLAN*

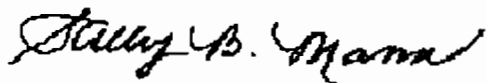
Based on the data and analysis submitted, the Department has determined that the proposed FLUM change does not meet the requirements of Sections 163.3167(13) and 163.3177(6)(a), *F.S.*, and is therefore objectionable. The information provided by the applicant regarding the availability of potable water supply and water and wastewater service for the proposed land use changes is inadequate.

The Department has also determined that the FLUM amendment is inconsistent with Rule 9J-5.013(3)(b), *F.A.C.*, which states that “[f]uture land uses which are incompatible with protection and conservation of wetlands and wetland functions shall be *directed away from wetlands*. The type, intensity or density, extent, distribution and location of allowable uses . . . are land use factors which shall be considered when directing incompatible uses away from wetlands.” [Emphasis added.]

Finally, the amendment is inconsistent with Rule 9J-5.006(3)(b)(1), *F.A.C.*, which states that the comprehensive plan must coordinate future land uses with the appropriate topography and soil conditions and the availability of facilities and serves. Based upon the analysis and information submitted, the Department has determined that both the text and map amendments related to the *Farmton Local Plan* do not comply with this requirement.

We appreciate the opportunity to provide comments on the proposed amendments. Should you have any questions or require additional information, please do not hesitate to contact Ms. Suzanne Ray at (850) 245-2172 or by email to Suzanne.E.Ray@dep.state.fl.us.

Yours sincerely,



Sally B. Mann, Director
Office of Intergovernmental Programs

SBM/ser



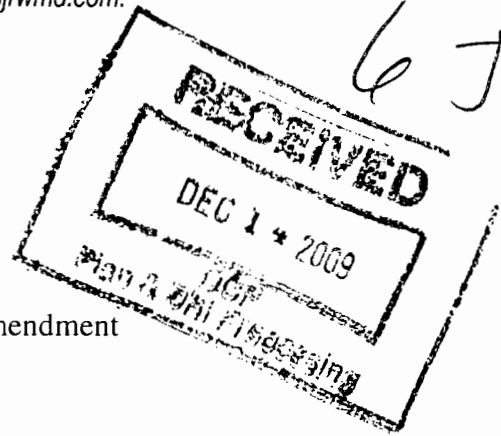
St. Johns River Water Management District

Kirby B. Green III, Executive Director • David W. Fisk, Assistant Executive Director

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December 11, 2009

Mr. D. Ray Eubanks
Plan Review and Processing Administrator
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100



RE: Volusia County Proposed Comprehensive Plan Amendment
DCA Amendment #10-1

Dear Mr. Eubanks:

St. Johns River Water Management District (District) planning staff have reviewed the above-referenced proposed comprehensive plan amendment. The proposed amendment consists of: (1) the Farmton Local Plan, including a Future Land Use Map (FLUM) change and related text changes to Volusia County's (County's) Future Land Use Element, applicable to 46,957 acres (Brevard County has proposed an additional 11,467 acres for designation as part of the Farmton Local Plan); (2) five other changes to the FLUM (3) three other text changes; and one change to the Thoroughfare System 2025 Map. District staff review focuses on water supply availability and related water resource issues in an effort to link land use planning and water supply planning. In the review of water supply availability, District staff consider infrastructure, permitted allocation under District-issued consumptive use permit (CUP), and source. District staff objection and comments on the Farmton Local Plan (County reference 09-2-10) are provided below. District staff have no comments on the other changes because no substantial water supply availability or related water resource issues were identified.

Farmton Local Plan (County reference CPA 09-2-10)

A. In general

1. On September 24, 2009, District planning staff met with County staff and Miami Corporation representatives to discuss issues identified in a pre-transmittal review of the Farmton Local Plan. The objection and most of the comments below were discussed in the meeting. District and County staff have continued to discuss the issues and District staff are available to assist the County in addressing the objection and comments provided below.
2. The County Council transmitted the Farmton Local Plan with several conditions that were recommended by County planning staff. One of the conditions is to revise the Farmton Local Plan prior to the adoption hearing to incorporate appropriate GeoPlan-University of Florida recommendations that were not available by the date of the County staff report. The applicant, Miami Corporation, has involved the District throughout its planning process. Because the County has indicated it will make unspecified changes to the Farmton Local Plan based on

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			Arlen N. Jumper FORT MCCOY

recommendations that were not available by the date of the County staff report, the District would like the opportunity to review and comment on any further changes to maps and policies prior to the County adopting the amendment.

B. Objection

Policies FG 2.18, FG 4.5, and FG 4.7 contain provisions that conflict with the exclusive authority of the Florida Department of Environmental Protection (FDEP) and the District to regulate the consumptive use of water under Part II, Chapter 373, *Florida Statutes* (F.S.). Policies FG 4.8 and FG 4.13 are intended to address the provision of water supplies and facilities to development allowed by the Farnton Local Plan; however, the County should provide additional data and analysis and revise the policies to address the provision of potable and nonpotable water supplies and facilities. To eliminate the encroachment on FDEP's and the District's exclusive preemptive authority to regulate the consumptive use of water and to adequately address the provisions of potable and nonpotable water supplies and facilities, the County should:

1. Revise Policy FG 2.18 as indicated below in strike-through text.

FG 2.18 The following uses are prohibited within GreenKey unless preexisting:
~~d. Use of individual potable wells~~

2. Revise Policy FG 4.5 as indicated below in strike-through text.

FG 4.5 Individual ~~residential potable wells~~ and septic tanks shall be prohibited.

3. Delete Policy FG 4.7 as indicated below in strike-through text.

~~FG 4.7 Watering of lawns or other landscape areas with potable water shall be prohibited.~~

4. Provide additional data and analysis, and make revisions to policies FG 4.8 and 4.13 in response to the District's comments in the water supply planning section below to adequately address the provision of water supplies and facilities to development allowed by the Farnton Local Plan.

C. Water supply planning

1. Portions of the property are in a Priority Water Resource Caution Area (PWRCA) as determined by the District in the *District Water Supply Plan 2005 (DWSP 2005)*. The District's draft Water Supply Assessment 2008 (WSA 2008) continues to identify portions of the property within a PWRCA. The density of development allowed by the Farnton Local Plan will require water service by a public supplier. This area is not projected to be served by a public supplier in either *DWSP 2005* or draft WSA 2008, and the District has not issued any consumptive use permits for public supply use in the area subject to the Farnton Local Plan.
2. "Groundwater Quality & Quantity Evaluation for Potable Supply – Farnton Tree Farm," which was prepared in August 2009 by Devo Engineering (Devo report), and submitted in support of the proposed amendment (Section 5) indicates that there may be 9.6 million gallons (mgd) per day of groundwater available from the Upper Floridan aquifer in the area proposed for development under the Farnton Local Plan in Volusia and Brevard counties (p. 45). The Devo report (p. 2) indicates that data in the report was presented to District staff and Volusia County

staff in a meeting in Palatka on August 14, 2009. At that meeting, District staff indicated that more information would be needed to substantiate the availability of groundwater in this area. In addition, the County staff report (p. 18) indicates that further assessment and testing are necessary.

3. Potable water demand calculations for a development scenario allowed by the Farmton Local Plan in Volusia and Brevard counties, which were prepared by Mark Dowst and Associates, Inc. and submitted in support of the proposed amendment (section 5), indicate a projected potable water demand of 6.762 mgd in Volusia County and a cumulative projected potable water demand of 8.14 mgd. Potable and nonpotable water demands are not provided based on the phases of development allowed by the Farmton Local Plan policies. In addition, the County staff report (p. 18) indicates that the projection for potable water demand will need to be refined to take into account savings in usage estimated to result from implementation of the water conservation and nonpotable water system as required by Objective FG 4.
4. Policy FG 4.13 requires the landowner to coordinate the development of an integrated plan to address the water and wastewater service needs of development allowed by the Farmton Local Plan with Farmton Water Resources, a private utility, Brevard County, Volusia County, the City of Edgewater, and the City of Titusville. As noted in the County staff report (pp. 16–17) Policy FG 4.13 defers the coordinated development of an integrated plan to address water and wastewater service to the future. In addition, the County Council transmitted the amendment with a condition that the applicant provide adequate data and analysis regarding utility capacity prior to adoption, and that the County anticipated joint planning agreements among affected jurisdictions would be necessary to ensure compliance with the required water supply facilities work plans.
5. Based on paragraphs 1 through 4 above, the Farmton Local Plan does not demonstrate availability of potable and nonpotable water supplies and facilities to support development allowed by the plan. The Farmton Local Plan defers water supply planning to the future. Before adopting the amendment, the County should:
 - a. Provide projected annual potable and nonpotable water demand figures based upon the phasing of development allowed by the Farmton Local Plan.
 - b. Provide the assumptions used for calculating the demand, such as the County's required level-of-service standards and adjustments for the implementation of water conservation and reuse measures in the development.
 - c. Identify the supply sources and service providers for potable and nonpotable water and the agreements needed to supply potable and nonpotable water to the development.
 - d. Identify potable and nonpotable water facility improvements that are needed to support the development, provide the timing and costs associated with the projects, and identify the entities responsible for funding the improvements (Policy FG 7.1 requires the developer to cover some of the costs).
 - e. Ensure that the potential water demand and source evaluation are provided to the District in sufficient detail to be considered in the 2010 update to the District Water Supply Plan, which has a planning horizon of 2030.

- f. Revise Policy FG 4.13 to provide enabling language for:
 - 1) Agreements with Farmton Water Resources or local governments to supply potable and nonpotable water to the area subject to the Farmton Local Plan.
 - 2) Reuse and water conservation measures that will be implemented to reduce water demands, including any that are used in the assumptions relative to the water demands projected in response to Comment 5.b above (policies FG 4.6, 4.8, 4.9, and 4.11 provide for some water conservation and reuse measures).
 - g. Update its water supply facilities work plan and related policies and capital improvements schedule to be consistent with the information provided and revisions made in response to comments 5.a through 5.f above.
6. Revise Policy FG 4.13 to delete or clarify the reference to section 373.236, F.S., which applies to the issuance of consumptive use permits, and to provide direction and to identify the participating entities relative to the joint venture agreement mentioned in paragraph d.
 7. Revise Policy FG 4.8, as indicated below in strike-through and underlined text, to clarify that irrigation systems are not required in all development and that nonpotable water supply and infrastructure will be provided to meet nonpotable water demand.

FG 4.8 A distribution system shall be planned and installed as a component of the utility system to provide nonpotable water, including storm water, surface water, and reclaimed, to meet the landscape irrigation and other nonpotable water demands for all development within the Farmton Local Plan. Irrigation systems ~~in all development~~ shall be designed to accept nonpotable water. ~~installed and include the necessary non-potable~~ Nonpotable water system infrastructure shall be provided concurrent with all other water and wastewater infrastructure.

D. Water conservation policies

1. Policy FG 4.2.c indicates that the development design standards will include water conservation measures and water reuse in an effort to achieve “water neutrality” in the construction and operation of the development such that potable water supply would equal water saved through conservation and reuse. The policy appears to target a 50% reduction in water demand through the implementation of water conservation and reuse measures. The policy should be revised to more clearly define the targeted reduction in water demand.
2. Policy FG 4.6 indicates that the County will require residential development to meet either Energy Star or Florida Water StarSM standards. These standards cover different aspects of building construction and design. The County should consider requiring both standards.
3. Policy FG 4.11 requires the use of Xeriscape principles in the design of all landscaped areas, and Policy FG 8.7 requires an assessment of potential water demand reductions using Xeriscape principles in all landscaped areas. The policies should be revised by replacing the term “Xeriscape” with “waterwise and Florida-friendly,” which are the current terms.

E. Mitigation bank

1. "Ecological Evaluation Assessment Methods," which was prepared by Biological Research Associates in July 2009 and submitted in support of the proposed amendment, describes the mitigation bank permitted by the District (p. 1) and identifies the three areas subject to the mitigation bank permit (Figure 3E). All or portions of the areas identified as the North, West and South banks of the Farmton Mitigation Bank are included in the area of the Farmton Local Plan located in Volusia County.
2. Policy FG 2.2 indicates that mitigation banks are allowed in the area designated as GreenKey on the FLUM. However, Figure 14E in "Farmton-GreenKey Conservation Areas Supplement to Data and Analysis," which was prepared by TerraBlue Environmental on October 14, 2009, and submitted in support of the proposed amendment (section 11), indicates that development areas designated Sustainable Development Area on the FLUM encroach on the North Bank of the Farmton Mitigation Bank. These areas include a portion of the Village District and portions of the Gateway District. In addition, the extension of Williamson Boulevard and Maytown Road shown on the Farmton Local Plan Spine Network Map in the County's staff report (p. 34) and described in Policy FG 5.7 as 200-foot-wide multi-modal right-of-way encroach on the area in the mitigation bank (North and West banks respectively).
3. New development and roads are not authorized by the mitigation bank permit issued by the District and are not appropriate in a mitigation bank. Prior to initiating any new development or road improvement projects, the mitigation bank permittee (Miami Corporation) must apply to surrender a portion of the mitigation bank permit, by modifying the permit to eliminate the affected areas from the mitigation bank in accordance with Section 12.4.10 of the District's *Applicant's Handbook: Management and Storage of Surface Waters*. At that time, the mitigation bank permit will be reevaluated by the District to determine the effect on the remaining parts of the mitigation bank.
4. Other areas designated Sustainable Development Area on the FLUM are adjacent to the area permitted as a mitigation bank. Permit applications for development projects in these areas will be required to include an assessment of how the development projects would affect the adjacent land, which includes the mitigation bank. The assessment may result in a determination by the District that additional mitigation is required for the secondary impacts that will occur as a result of the development.
5. In recognition of the permitted mitigation bank, the following policies should be revised as indicated below in underlined text:

FG 2.16 The conservation easement shall accommodate a limited number of crossings of the easements for arterial and collector roads, utilities, and trails. Roads and utilities shall share crossings unless the utility is pre-existing. No new road or utility crossings will be allowed in the area permitted for a mitigation bank.

FG 2.17 Any future transportation corridors built across GreenKey land shall be designed to minimize conflicts between motor vehicles and the movement of wildlife. Tools to minimize this conflict include, but are not limited to location criteria, landscaping techniques, fencing, speed limits, wildlife underpasses or overpasses, bridging, and elevating roadways. Transportation corridors shall be designed to avoid the area permitted for a mitigation bank.

F. Consistency with District rules and programs

1. The District and other public agencies own nearby land. Natural resource management practices, including prescribed fire and other techniques, are used by the District to manage its public land. New landowners in the area within the Farmton Local Plan should be made aware of these land management techniques. Policy FG 1.9 should be revised as indicated below in underlined text.

FG 1.9 Implementation of appropriate "firewise" community planning practices shall be incorporated into any master development plan and established in the DRI, or DRI equivalent development order. As part of the development review process, a covenant will be placed on properties near or adjacent to public conservation or preservation land to notify future property owners and residents that the nearby or adjacent public land will be managed by natural resource management practices, including prescribed fire and other techniques.

2. Policies FG 2.2 and FG 2.11 establish allowed uses within the area designated GreenKey on the FLUM. The policies should be revised as indicated below in underlined text to require that permits will be obtained and to be consistent with the uses allowed in the mitigation bank permitted by the District.

FG 2.2 Land uses allowed within GreenKey include Mitigation and Conservation Banks, Agriculture and Silviculture pursuant to Best Management Practices, roads which may be elevated where practicable and utility crossings, trails, boardwalks, passive recreation, water resource development, solar energy fields, and environmental learning centers, provided that required permits are obtained and that for the area permitted as a mitigation bank, the uses are allowed by the permit and the conservation easements established for the area. As more particularly set forth herein, GreenKey lands will ultimately be subject to a perpetual conservation easement and managed pursuant to a conservation management plan.

FG 2.11 No development shall occur within GreenKey or Resource Based Open Space except for development directly associated with the following uses, provided that impacts to environmental resources are minimized, required permits are obtained, and for the area permitted as a mitigation bank the uses are allowed by the permit and the conservation easements established for that area:

3. Policy FG 3.13 should be revised to require that permits will be obtained for uses allowed in areas designated Sustainable Development Area and GreenKey on the FLUM.
4. Policy FG 2.20 should be revised as indicated below in underlined and strike-through text below to be consistent with District criteria relative to wetland impacts and to clarify the term "wetland regime."

FG 2.20 It is recognized that the clustering of development in Town Center and Workplace Districts, necessary to ensure a compact development pattern within the urban core, may result in the loss of some wetlands. If wetland impacts cannot be avoided, the developer will be encouraged to impact only those wetlands which are isolated or have been degraded, and which are determined through applicable regulatory review to be of less-low ecological significance to the overall integrity of the larger wetland regime in the area subject to the Farmton Local Plan.

All wetland impacts shall be offset by appropriate mitigation so as to ensure that there is no overall net loss in wetland function and value.

5. Policy FG 2.19.d should be revised as indicated below in underlined text to recognize that permitting agencies may require greater buffer widths.

FG 2.19.d. Wetland buffer: All preserved wetlands shall have an average 75 foot upland buffer or as more specifically established in the land development regulations. If different buffer widths are required by a permitting agency, the wider buffer shall apply.

6. The southern portion of the area subject to the Farnton Local Plan is located in the Upper St. Johns River Hydrologic Basin. Any environmental resource permit (ERP) applications for that area must meet the District's additional surface water management basin criteria in Rule 40C-41, *Florida Administrative Code*, in addition to the basic ERP criteria found in other rules.

G. Conservation easements

Policy FG 2.2 indicates that GreenKey land will ultimately be subject to a perpetual conservation easement and managed pursuant to a conservation management plan. Policy FG 2.4 indicates that other land within Sustainable Development Areas will also be protected by conservation easement and subject to a conservation management plan. The following policies should be revised, as indicated below in underlined text, to indicate that grants of easements are subject to the grantees' approval and acceptance:

1. Policy FG 2.7 The identification of areas to be designated as Resource Based Open Space shall be approved in consultation with the Florida Fish and Wildlife Conservation Commission, Volusia Forever, and the Brevard Natural Resources Management Office, and by all entities that are parties to the conservation easements required by Policy FG 2.12. The County may seek consultation with The Nature Conservancy, Audubon of Florida or other established and knowledgeable conservation organization.
2. FG 2.12 The applicant shall draft a conservation easement agreement in a format acceptable to the County. The easement shall be conveyed to the County and/or combination of other public agencies or qualified conservation organizations acceptable to the County and experienced in holding and maintaining conservation easements subject to their acceptance after review and approval of the easement as to form and content.

H. Conservation management plan

Policy FG 2.9 requires GreenKey and Resource Based Open Space to be permanently protected and subjected to a conservation management plan. Policy FG 2.13 requires conservation easements to include provisions for a conservation management plan, which shall include conservation objectives and outcomes and a financial plan for meeting the obligations of the program over time. Policy FG 2.13 provides general direction relative to the minimum requirements for the conservation management plan and requires adequate funding for the plan. Policy FG 2.13 does not provide adequate direction for the conservation objectives and outcomes to be included in the conservation management plan and does not indicate how the plan will be developed and implemented. Policy FG 2.13 should be revised to:

1. Provide specific direction for the conservation objectives and outcomes. Examples of specific direction are found in Policy FG 2.8 that requires monitoring of the quality and quantity of

habitat type and the numbers and diversity of species and Policy FG 2.6 that requires Resource Based Open Space to be designed to eliminate or minimize fragmentation and to provide linked networks to adjacent properties managed for conservation purposes.

2. Identify the entities responsible for preparation, review and approval, funding, and implementation of the plan.

I. Development review process

Policy FG 8.4 provides standards for review of the Master Plan. The policy should be revised by adding a standard that requires the County to confirm that potable and nonpotable water supplies will be available to serve each development phase as it is constructed.

J. Development program

1. The County Council transmitted the amendment with a condition that requires revisions to the Farmton Local Plan prior to the adoption hearing to incorporate appropriate GeoPlan-University of Florida recommendations that were not available by the date of the County staff report. The County's staff report (p. 9) indicates that:
 - a. The recommendations were being developed based on discussions at a meeting on August 19, 2009, hosted by the GeoPlan Center at the University of Florida.
 - b. Meeting participants identified a number of improvements that should be made to ensure statewide connectivity is maintained and enhanced.
 - c. Scientists at the peer review noted that the corridor closest to the St. Johns River may well be the most significant for wildlife at the statewide level.
 - d. County staff would support recommendations to widen this corridor to ensure connectivity with the Volusia Conservation Corridor to the north and environmentally sensitive lands to the south.

District staff participated in the meeting on August 19, 2009. The applicant, Miami Corporation, has included the District throughout its planning process to help determine the appropriate areas to designate GreenKey on the FLUM. Prior to the County adopting the amendment, the District would like the opportunity to review and comment on the changes to the area designated as GreenKey, to ensure that it maximizes the corridor connecting conservation land owned by the District.

2. The following policies should be revised to more clearly establish the development program for the Farmton Local Plan:
 - a. Policy FG 3.3 allows the FLUM designations shown on Map Figure 1-12N (Exhibit B in the County's draft adoption ordinance) to be changed through the development of regional impact review or rezoning process without a comprehensive plan amendment. In addition, the policy references development limits provided in policies FG 3.8 and 3.10; however, policies FG 3.9 and 3.11 appear to be the policies that provide development limits. Policy FG 3.3 should be revised by deleting the portions of the policy that allow FLUM changes without a comprehensive plan amendment and by correcting the policy references.

- b. Policy FG 3.9 provides the maximum residential and nonresidential development allowed within the Farmton Local Plan, but the Policy excludes schools and other institutional uses from the nonresidential limit. The policy should be revised to delete the exception.
- c. Policy FG 3.11 allows changes to the residential and the nonresidential development programs, but does not address how any additional water supplies and facilities impacts would be addressed. The policy should be revised to describe how additional water supplies and facilities impacts would be addressed.
- d. Policies FG 1.4 and 3.4 indicate that in the Gateway District of the Sustainable Development Area on the FLUM residential development may be converted to nonresidential development if there is no increase in traffic impacts. Policy FG 8.6 provides a conversion matrix to effect the changes in land uses. The County should either: (1) delete the portions of the policies that allow conversion of residential development to nonresidential development or (2) establish the maximum number of units for each land use that will be allowed by the conversion of single-family residential units to other land uses. In addition, if the conversions are allowed the County should also ensure that any increase to water supply demand can be accommodated.
- e. Policy FG 8.7 requires the County's approval of development phases to address the availability of water supply to serve the development and includes a potable water equivalency matrix. The matrix in the policy should be revised based on assumptions used to project potable and nonpotable water demands in response to the water supply planning comments provided in this letter.
- f. Policies FG 3.4, 3.5, 3.6, and 3.7 provide density and intensity standards for land use districts allowed within the Sustainable Development Areas on the FLUM. The policies should be revised to establish the maximum number of units that will be allowed by type of land use in each of the districts.

We appreciate the opportunity to provide comments. If you have any questions, please contact District Policy Analyst Peter Brown at (386) 321-4311 or pbrown@sjrwmd.com.

Sincerely,



Jeff Cole, Director
Office of Communications and Governmental Affairs

JC/PB

cc: The Honorable Frank Bruno, Jr., Volusia County Council Chairman
The Honorable Jack Hayman, Volusia County Council
The Honorable Joie Alexander, Volusia County Council
The Honorable Pat Northey, Volusia County Council
Kelli McGee, Volusia County
Becky Mendez, Volusia County
John Thomson, Volusia County

Letter to D. Ray Eubanks

December 11, 2009

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Glenn Storch, Attorney for Miami Corporation
Robin Sobrino, Brevard County
Andrew Landis, East Central Florida Regional Planning Council
Jim Quinn, Florida Department of Environmental Protection
Robert Christianson, St. Johns River Water Management District
Hal Wilkening, St. Johns River Water Management District
Rich Burklew, St. Johns River Water Management District
David Hornsby, St. Johns River Water Management District
Dave Dewey, St. Johns River Water Management District
Kris Davis, St. Johns River Water Management District
Vicki, Nations, St. Johns River Water Management District
Michelle Reiber, St. Johns River Water Management District
Kraig McLane, St. Johns River Water Management District
Ann Benedetti, St. Johns River Water Management District



December 14, 2009

Florida Fish and Wildlife Conservation Commission

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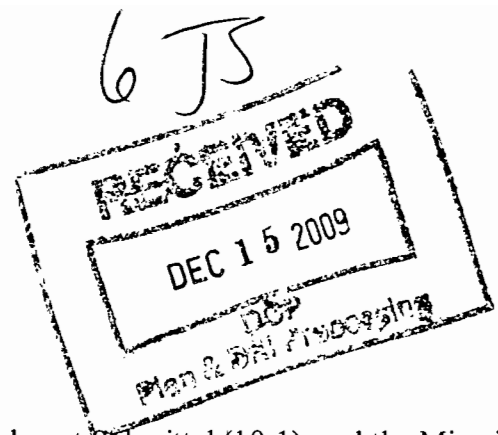
Managing fish and wildlife resources for their long term well-being and the benefit of people.

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Ray Eubanks, Administrator
Plan Review and Processing
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100



RE: Volusia County Comprehensive Plan Amendment Submittal (10-1), and the Miami Corporation's proposed Farmton Local Plan, Volusia County, Florida

Dear Mr. Eubanks:

The Florida Fish and Wildlife Conservation Commission (FWC), Division of Habitat and Species Conservation's Habitat Conservation Scientific Services Section, has coordinated our agency's review of the Volusia 10-1 comprehensive plan transmittal package and is submitting comments and recommendations in accordance with Chapter 163.

Project Description

Volusia County has submitted 10 proposed changes to the County's Comprehensive Plan. FWC staff considers eight of the proposed changes to be minor in terms of potential impacts to fish and wildlife resources in that they represent current status changes to the Future Land Use Map (FLUM), the traffic element, funding opportunities or represent new environmental strategies rather than expansions of service or development. These include a small infill area near DeLand, incorporation of greenhouse gas reduction strategies, a change to comply with an existing agreement concerning a minor expansion of the Port Orange Wellfield, a text amendment to support two scenic highways, and a Thoroughfare System 2025 Map Amendment to remove certain roads that do not meet the thoroughfare road system criteria.

Our review focuses on county designation CPA 09-2-9, which is a substantial change to the Agricultural Family Subdivision Policy (1.4.1.8), and CPA 09-2-10, the proposal by Miami Corporation, Inc., and Swallowtail Investments LLC for a change in the FLUM to create the Farmton Local Plan on 47,000 acres located south of Edgewater and west of Interstate 95 to the Brevard County line.

Part I. CPA 09-2-9, Agricultural Family Subdivision Policy, 1.4.1.8

As we understand it, this policy is intended to encourage multiple generations of farming families to remain in the agricultural industry by allowing family members to build additional homes on family-owned farms. The current version of this policy allows for up to 10 lots per 20 acres to be developed as home lots, without applying for zoning changes. The recommended change would reduce the maximum allowable density of homes to 3 lots per 25 acres.

Part II. CPA 09-2-10, Farmton Local Plan

The Farmton Local Plan proposes two new future land use designations on approximately 47,000 acres of land. In addition, the applicant has submitted a concurrent comprehensive plan amendment for 11,500 acres, located in Brevard County. The two new future land use designations proposed by this local plan are named GreenKey (GK) and Sustainable Development Area (SDA). As proposed, the GreenKey lands, which total approximately 31,900 acres, would remain in a combination of silvicultural production and conservation lands and would increase the Environmental Core Overlay (ECO) map to include these lands in their entirety. The plan also proposes no net gain or loss of density, but would instead use Transfer-of-Development Rights to shift density from the GreenKey lands to the SDA.

The remaining lands, approximately 15,100 acres, would be assigned the SDA future land use designation and would be divided into four development districts. Until the 2050 planning horizon, only the first district, Gateway (821 acres), would be allowed to be developed and would encompass no more than 4,692 dwelling units and 820,217 square feet of nonresidential floor area. Approval of a Development of Regional Impact (DRI) or DRI equivalent would be necessary before any development in the Gateway would occur. After year 2050, the plan provides for development within the remaining three SDA districts subject to a DRI, or DRI-equivalent approval. The Local Plan provides for a maximum density of 23,100 dwelling units and a maximum of 4.7 million square feet of non-residential floor area.

Potentially Affected Resources under CPA 09-2-10

The Farmton property is located in an area of Volusia County that is important to wildlife. According to the Florida Natural Areas Inventory there are 21 existing conservation areas in close proximity to the Farmton lands. Habitats within the area covered by the Local Plan include pineland (both pine flatwoods and planted pine), scrub/sandhill uplands, mesic/hydric hammocks, sloughs and swamps, freshwater marshes, lakes, rivers, and streams. According to our GIS analysis this area contains or falls within:

- Secondary habitat for Florida black bear (state-listed as Threatened - T)
- U.S. Fish and Wildlife Service's Consultation Areas for the Florida scrub-jay (T), crested caracara (T), and Everglade snail kite (T)
- Florida Natural Areas Inventory's Under-Represented Natural Communities for scrub and pine flatwoods

These habitats support a diverse array of wildlife species, including fifteen that are protected by federal and/or state law (Table 1).

Table 1. List of Potentially Occurring Protected Wildlife Species

<u>Common Name</u>	<u>Scientific Name</u>	<u>Status*</u>
Gopher frog	<i>Rana capito</i>	SSC
American alligator	<i>Alligator mississippiensis</i>	SSC; FT
Gopher tortoise	<i>Gopherus polyphemus</i>	ST
Eastern indigo snake	<i>Drymarchon corais couperi</i>	ST; FT
Florida pine snake	<i>Pituophis melanoleucus mugitus</i>	ST
Crested caracara	<i>Caracara cheriway</i>	ST, FT
Bald eagle	<i>Haliaeetus leucocephalus</i>	**
Snail kite	<i>Rostrhamus sociabilis plumbeus</i>	SE, FE
Tricolored heron	<i>Egretta tricolor</i>	SSC
Little blue heron	<i>Egretta caerulea</i>	SSC
Snowy egret	<i>Egretta thula</i>	SSC
White ibis	<i>Eudocimus albus</i>	SSC
Florida scrub-jay	<i>Aphelocoma coerulescens</i>	ST, FT
Florida sandhill crane	<i>Grus canadensis pratensis</i>	ST
Wood stork	<i>Mycteria americana</i>	SE; FE
Red-cockaded woodpecker	<i>Picoides borealis</i>	SSC, FT
Southeastern American kestrel	<i>Falco sparveris paulus</i>	ST
Sherman's fox squirrel	<i>Sciurus niger shermani</i>	SSC
Florida black bear	<i>Ursus americanus floridanus</i>	ST
Florida mouse	<i>Podomys floridanus</i>	SSC

* SSC - Species of Special Concern; ST - State Threatened; SE - State Endangered; FT - Federally Threatened; FE - Federally Endangered; **While the bald eagle has been both state and federally delisted, it is still governed by the state bald eagle rule and the federal Bald and Golden Eagle Protection Act.

Part III. Comments

CPA 09-2-9, Agricultural Family Subdivision Policy, 1.4.1.8: Under the current version of this policy, the maximum allowable build-out on a 20-acre farm would be 10 two-acre single-family homes. The Volusia County staff report indicates that this policy could result in conversion of this agricultural landscape to any number of ranchette communities. From a fish and wildlife perspective, such a land-use conversion could significantly reduce the habitat value to wildlife by fragmenting habitat and limiting the use of necessary habitat management such as prescribed burning. For these reasons we concur with the County Staff's opinion that the proposed change would further limit the build out potential in this land use designation.

CPA 09-2-10, Farmton Local Plan: From a fish and wildlife perspective, we believe the proposed plan for the GreenKey lands would result in less habitat fragmentation and

associated habitat management constraints than what could occur on that same area under the existing FLUM and associated policies, which allow for up to one single-family home per two acres. Furthermore, we believe that the planned pattern of concentrated development would result in fewer conflicts between humans and wildlife, while at the same time making certain habitat management practices, such as prescribed burning, easier to accomplish.

If you or your staff has any specific questions regarding our comments, I encourage them to contact Dr. Joseph Walsh at 772-778-6354 or by email at joe.walsh@myFWC.com.

Sincerely,



Mary Ann Poole
Commenting Program Administrator

map/jw/sl

Volusia County 10-1_2475_121409
ENV 2-3-3

cc: James Stansbury, DCA, Tallahassee

Ashley Porter, DCA, Tallahassee

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6J5
11/20/09

FLORIDA DEPARTMENT OF STATE
Kurt S. Browning
Secretary of State
DIVISION OF HISTORICAL RESOURCES

Mr. Ray Eubanks
Department of Community Affairs
Bureau of State Planning
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

November 19, 2009

Re: Historic Preservation Review of the Volusia County 10-1 Comprehensive Plan Amendment

Dear Mr. Eubanks:

According to this agency's responsibilities under Section 163, *Florida Statutes*, and Chapter 9J-5, *Florida Administrative Code*, we reviewed the above document to determine if data regarding historic resources were given sufficient consideration in the request to amend the Volusia County Comprehensive Plan.

We reviewed multiple proposed amendments to the Future Land Use Map and text of the Volusia County Comprehensive Plan to consider the potential effects of these actions on historic resources. Amendments 1-3 change the land use of these three parcels to Conservation. This should help protect and preserve any historic resources that may be present. Amendment 4 is to correct a mapping error, and as no recorded resources are present, we have no concerns about this amendment. We also have no historic resource concerns about Amendments 5-9, and note that Amendment 7 designates two scenic highways.

However, we were unable to review Amendment 10, Farnton Local Plan, as this document would not open on our computer. Nevertheless, this agency recently reviewed an archaeological site predictive assessment for this large development. Our comments were that portions of this large tract proposed for development should be subjected to archaeological investigations utilizing the recommendations within the site predictive model. Archaeological investigations should occur prior to initiating any project related land clearing or ground disturbing activities.

It is the county's responsibility to ensure that the proposed revisions will not have an adverse effect on significant archaeological or historic resources.

If you have any questions regarding our comments, please feel free to contact Susan M. Harp of the Division's Compliance Review staff at (850) 245-6333.

Sincerely,

Laura A. Kammerer, Historic Preservationist Supervisor
Compliance Review Section
Bureau of Historic Preservation

xc: Mr. James Stansbury

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Archaeological Research
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Historic Preservation
(850) 245-6333 • FAX: 245-6437



Lassiter Transportation Group, Inc.
Engineering and Planning

Ref: 3445.03

November 23, 2009

Gary Huttman, AICP
Director of Transportation Planning
Burgess & Niple, Inc.
1800 Pembroke Drive, Suite 265
Orlando, FL 32810

Re: Farmton Local Plan Comprehensive Plan Amendment – Response to Comments

Dear Mr. Huttman:

We are in receipt of your Review Comments, dated August 17, 2009 as applicable to our submittal for the Farmton Comprehensive Plan Amendment for Volusia County. The review comments are presented below with our responses in bold text.

Insufficient Responses:

VC/FDOT:

- 2.) Comment: The applicant ends the second paragraph of the Introduction by stating that there are no increases in the underlying maximum development potential for the Farmton Local Plan through the horizon year. While there is some truth to this, it must be clear that the county's current planning program does not account for a trip cap of 6,821 external p.m. peak-hour trips, and in fact the long range transportation model includes far less development than the maximum potential. The adopted long range transportation plan shows approximately 1,200 trip productions and 1,000 trip attractions from this area of the county.

Response: **Noted. In terms of entitlements, the current Comprehensive Plan, specifically Policy 1.2.3.3 and the pending CPA 08-02 does provide for the land uses and density bonuses that could generate as much as 6,821 external p.m. peak-hour trips.**

Typically, the maximum development potential (MDP) of the comprehensive plan are not modeled in the Long Range Plan's (LRTP) socio-economic (S/E) data. As such, 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.

- 3.) Comment: The applicant opens the final paragraph of the introduction by stating that the methodologies and procedures used in the analysis have been agreed to by Volusia County. Volusia County has not agreed to any final methodology largely because the applicant did not provide the 2060 analysis as requested.

Response: **The applicant was referring to the Burgess & Niple correspondence of June 10, 2009 which stated in the following two quotes:**

123 Live Oak Ave. ▪ Daytona Beach, FL 32114 ▪ Phone 386.257.2571 ▪ Fax 386.257.6996

www.lassitertransportation.com

TECHNICAL MEMORANDUM

Gary Huttman, AICP

November 23, 2009

Page 2

"Please complete a second revised methodology that addresses the comments and concerns listed below. Alternately the county will allow the applicant to proceed with the transportation analysis that is consistent with these comments."

"The applicant may choose to submit another revised transportation methodology or proceed with the transportation study that responds to each of these comments. If the applicant chooses not to respond to any of the technical issues directly in the traffic study they must be addressed to the County's satisfaction, in the Goals, Objectives and Policies."

LTG chose to proceed as permitted in the second sentence of the first quote. No requirement was ever provided to LTG for a subsequent methodology letter. In addition, a 2060 analysis was conducted and provided as an attachment to the Methodology appendix in LTG's July 20, 2009 Technical Memorandum.

The June 10, 2009 review comments from Burgess & Niple requested that the Goals, Objectives and Policies (GOPs) address future transportation analysis for the 50-year vision. The GOPs were modified to address future analyses. Specific policies include FG 5.7, FG 5.11 and FG 5.14.

VC:

5.) **Comment:** The 2014 Planned Road Improvements: The applicant should check the assumptions on the planned roadways and make sure they are included in the proposed MPO Transportation Improvement Program. Based on the Volusia MPO May 18, 2009 Draft of the FY 2009/10 to FY 2013/14 TIP, neither the 10th Street improvement nor the Howland Boulevard improvement is funded through 2014.

Response: The 2014 planned improvement list used by LTG was provided by the County and referenced in the Burgess & Niple document, dated June 10, 2009. As requested, we will revise the study to remove these facilities from the 2014 planned roadway improvements list. Please note, the project distribution on these two segments is zero and as such, the roadway segments were not studied in the analysis. Therefore, we request no update other than removing the facilities from the improvement list be required to satisfy this comment.

6.) **Comment:** The 2025 Planned Roadway Improvements: The applicant should check the assumptions on the planned roadways. We received word from the FDOT that I-95 will not be funded in the 2025 timeframe. Please be advised that Volusia County staff specifically requested that the Farnton Analysis not include the widening of I-95 since the FDOT informed us of its draft SIS cost-feasible plan update which defers the funding to 2030/2035. Staff's opinion was that the draft plan, expected to be adopted in September, 2009 is the best indicator of when the widening will occur.

Response: The 2025 planned improvement list used by LTG was provided by the County and referenced in the Burgess & Niple document, dated June 10, 2009. While the six-laning of I-95 from the Brevard County line to I-4 is listed in the currently adopted FDOT work program, this improvement has been identified by FDOT in the proposed draft work program to not have funding. As requested, the analysis will be revised to remove this

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improvement from the list and the corresponding 2025 tables.

15.) Comment: Tables 8 & 9: It does not appear that growth from the Restoration DRI development is included in the modest rate of 2.61% for SR 442 between Williamson and I-95. Given the assumptions being made in the analysis, more explanation is needed of the growth rates. To what extent do the 2014 growth rates account for Restoration Phase I and build-out of Pavilion? Do the 2025 growth rates assume build-out of both DRI's? Also for 2025, please include growth rates on Williamson Boulevard as all of Williamson Boulevard is omitted. Please state clearly how Restoration's growth is accounted for in the technical analysis.

Response: As indicated in Tables 10 and 11, Restoration trips were added on top of the background traffic resulting from the 2.61% background growth rate. The build-out S/E data was included in both the 2014 and 2025 model runs. A growth rate on Williamson Boulevard from SR 442 to SR 44 has been calculated since this facility does not exist today. As Indicated in Table 11, the projected 2025 traffic on this roadway is the sum of Restoration traffic plus Farmton traffic.

19.) Comment: Table 10: The applicant developed a method for determining the interaction between Restoration and the Gateway District wherein 48% of Restoration's trips are attracted to Farmton. This seems quite high. If this is true, Restoration may want to renegotiate some of their off-site impacts. Since the model was modified to include Restoration, how did the model show the interaction between the two projects?

Response: Noted. The interaction was determined by reporting select zone assignments between the two projects. Modeling and monitoring of Restoration trips may well produce changes in external impacts depending upon the development pace of both properties.

22.) Comment: Table 11: The applicant developed a method for determining the interaction between Restoration and the Gateway District wherein 38% of Restoration's trips are attracted to Farmton. This seems quite high. If this is true, Restoration may want to renegotiate some of their off-site impacts. Since the model was modified to include Restoration, how did the model show the interaction between the two projects?

Response: Noted. The interaction was determined by reporting select zone assignments between the two projects. Modeling and monitoring of Restoration trips may well produce changes in external impacts depending upon the development pace of Farmton.

By 2025, the internal capture of trips within Restoration increases due to the greater mix and quantity of land uses within Restoration between 2014 and 2025. This increased internalization results in a reduced percentage of external origins and destinations being available for other off-site development. In addition, Williamson Boulevard is extended north to SR 44 by 2025 as part of Restoration's required mitigation plan. This also affects distribution to all other zones, including those represented by Farmton.

24.) Comment: Conclusion: The applicant states (again) that the proposed CPA will result in no additional trips between the existing and proposed FLUM through 2025. This is not a true statement and needs to be removed from the analysis.

Response: In terms of entitlements, the current Comprehensive Plan, specifically Policy 1.2.3.3 and the pending CPA 08-02 does provide for the land uses and density bonuses that could

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generate as much as 6,821 external p.m. peak-hour trips.

Typically, the maximum development potential (MDP) of the comprehensive plan are not modeled in the Long Range Plan's (LRTP) socio-economic (S/E) data. As such, 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.

25.) Comment: Table 12: Table 12 lists the deficiencies that will occur by 2014 if Farmton is built out with the trip cap. These deficiencies occur on I-95, US 1, SR 44 and SR 442. The analysis shows the number of lanes necessary to eliminate the deficiencies; however the Volusia County Thoroughfare Roadway map currently does not depict these needed lane additions. The applicant must clarify how this will be addressed since these changes to the Volusia County Thoroughfare Roadway Map indicates that the County is committing to these improvements even though they are on state roads and SIS facilities. Please show how much of the increment of capacity will be consumed by Farmton for each of the improvements listed.

Response: As these 2014 needs are based on the MDP of the existing FLUM, we understand the need as development occurs through the DRI process to update the maps. The cost of mitigating the roadway improvements will be addressed through the DRI process as required under FG Policy 8.1. 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. Table 12 will be modified to indicate the percent capacity represented by the Farmton MDP external trips for each of the improvements, as requested.

26.) Comment: Table 13: Table 13 lists the deficiencies that will occur by 2025 if Farmton is built out with the trip cap. These deficiencies occur on I-95, US 1, SR 44 and SR 442. The analysis shows the number of lanes necessary to eliminate the deficiencies, however, the Volusia County Thoroughfare Roadway map currently does not depict these needed lane additions. The applicant must clarify how this will be addressed since these changes to the Volusia County Thoroughfare Roadway Map indicates that the County is committing to these improvements even though they are on state roads and SIS facilities. Please show how much of the increment of capacity will be consumed by Farmton for each of the improvements listed.

Response: As these 2025 needs are based on the MDP of the existing FLUM, we understand the need as development occurs through the DRI process to update the maps. The cost of mitigating the roadway improvements will be addressed through the DRI process as required under FG Policy 8.1. 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

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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. Table 13 will be modified to indicate the percent capacity represented by the Farmton MDP external trips for each of the improvements, as requested.

27.) Comment: Table 13: The applicant states that SR 442 may limit the Gateway Development potential through 2025. If the 2025 development potential is limited by future capacity of this or any roadway, what happens beyond 2025 and what measures will be taken?

Response: The Farmton policies (FG 1.4 and 3.4) limit development to only the Gateway district prior to 2025. However, another policy (FG 8.1) which applies to the entire Farmton sustainable development areas (SDAs) requires that any development which occurs within Farmton shall be subject to the DRI process as it currently exists (i.e., even if the DRI process is eliminated in the future). That 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 Farmton. An additional policy, proposed by the County and agreed to by Farmton, will be added to the Farmton Local Plan which affords the County the right to condition the approval of development on the availability of funding for necessary infrastructure to support the proposed development.

FDOT:

Comment: Page 3 – 2025 Planned Roadway Improvements: Widening from 4 to 6 lanes along I-95 from Brevard County to I-4 from SR 44 to I-95 is included in the Volusia County MPOs Cost Feasible Plan, however, it is not funded on the currently adopted (and more recent) SIS Cost Feasible Plan. Without clear proof that this project is cost feasible, the applicant should not rely on it as a committed improvement in the 2025 analysis.

Response: Noted. This was modified as indicated in the response to the prior Volusia County comment No. 6.

Comment: Page 8 – Future Traffic: The comparison of modeled growth rates needs to be made to historical growth rates. A minimum growth rate of 1% per years should be applied only when historical or model growth rates fall below this value. Please include the roadway segments of SR 400 east of I-95, US 192 east of I-95 and SR 421 from Spruce Creek Rd. to US 1 in Table 8 and Table 9. The applicant's consultant suggests that continuation of sustained background traffic growth rates that appear to be high may not be realistic. Can the applicant's consultant further elaborate on the causes of such growth in the model and an alternative that might prove to be more "realistic"?

Response: Per the County's requirements, the analysis includes all roadway segments where the proposed project trips represent five percent or more of the roadway's adopted level-of-service capacity. Please refer to Exhibit A of the July 20, 2009, traffic analysis for the tables demonstrating project significance. We request that FDOT defer to the County requirements pertaining to study area.

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Comment: Pages 12 and 13 – Conclusion: Please indicate in Tables 12 and 13 the number of lanes adopted in Volusia County's Cost Feasible and Needs transportation plan networks. The analysis has not clearly identified the changes needed to Volusia County's adopted transportation plans (MPO Needs, MPO Cost-Feasible, and LGCP Transportation Element) to maintain adopted level of service standards. Many six and eight lane facilities, and even a ten-lane facility, are identified as needed. Are those cross-sections the preferred solutions to capacity needs, or are there opportunities and would it be preferable to develop parallel corridors of more moderate cross-section (e.g., a new four-lane corridor)?

Response: As these 2014 and 2025 needs are based on the MDP of the existing FLUM, we understand the need as development occurs through the DRI process to update the maps. There are many possible combinations of roadway improvements or mobility improvements that could mitigate projected transportation needs.

The cost of mitigating the roadway improvements will be addressed through the DRI process as required under FG Policy 8.1. 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, post 2025, an extensive internal spine network is proposed which will relieve some of the deficiencies identified in the tables. Table 13 will be modified (per response to Volusia County comment No. 6) to reflect no changes in no. of lanes from the existing conditions through 2025.

Comment: Page 4 – Trip Generation: Please provide the approximate acreage of land for which the "Sustainable Development Area" and "Green Key" designations are being requested in this land use plan amendment application. In addition, please provide a map illustrating the general limits of those areas. Are these the names of the proposed future land use designations? It will be FDOT's recommendation to the Florida Department of Community Affairs that the FLUM amendment be limited to the minimum acreage of land required to accommodate the level of development for which a transportation planning analysis is undertaken and for which a transportation plan to serve the potential land uses is developed. Are the 4,692 dwelling units and 820,217 square feet of land uses indicated in Table 3 the maximum development that is anticipated by the land use plan amendment in perpetuity? If not, what intensities and quantities are proposed at build-out? It appears the transportation analysis has only been undertaken for the 4,692 dwelling units and 820,217 square feet of land use.

Response: The approximate acreage of land within each designation will be provided. These are the names of the proposed FLUM designations.

We acknowledge this concern. The MDP of 4,692 dwelling units and 820,217 square feet of commercial land use 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 Farmton Local Plan to identify the procedures for determining transportation needs, identifying funding mechanisms, protecting transportation corridors and monitoring of transportation impacts. Specific Policies include FG 5.1, FG

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5.5, FG 5.7, FG 5.11, FG 5.14 and FG 5.15. An additional policy, proposed by the County and agreed to by Farmton, will be added to the Farmton Local Plan which affords the County the right to condition the approval of development on the availability of funding for necessary infrastructure to support the proposed development.

Comment: Page 7 – Existing LOS: Most of the K factors listed in Table 7 are lower than the identified acceptable minimums. The K factors on State roads shall be the higher of either the existing K factor or the minimum acceptable K factors published in the FDOT Q/LOS Handbook. The applicant must also indicate the sources of existing data in each roadway segment and provide the sources in an appendix. Please include the roadway segments of SR 400 east of I-95, US 92 east of I-95 and SR 421 from Spruce Creek Rd. to US 1 in Table 7. In addition, SR 421 from Spruce Creek Rd. to US 1 and SR 44 from Airport Road to I-95 are non-SIS facilities, therefore, the local government sets and interprets the LOS standards. Thus, the service volume determinations should be per the County determination. However, FDOT count data should be used (unless the applicant can demonstrate that FDOT count data is incorrect). Please include the spreadsheets that generated Table 7 through 13 and the FSUTMS model files requested above.

Response: Since the date of this comment, many of these issues were resolved.

Per the 2009 Quality/Level of Service Handbook, the minimum K factor for transitioning freeways such as I-95 from SR 442 to SR 44 is 9.00% rather than 8.98% used in the analysis. Use of 9.00% results in an increase in 7 trips during the p.m. peak-hour. This change does not affect the results. The remaining K factors obtained from the 2007 Florida Highway Data as provided by FDOT. It was discovered that the 10.31 K Factor that was applied to SR 44 from I-95 to Myrtle Avenue should have been 10.23. We will revise the tables to note the sources.

LOS standards for SR 421 from Spruce Creek Rd. to US 1 and SR 44 from Airport Road to I-95 were obtained from the County's concurrency spreadsheets.

Farmton MDP external trips were not significant on any of the segments except for SR 421 (Dunlawton Avenue) from Spruce Creek Road to US 1, per the July 20, 2009 analysis. This is consistent with the County's analysis procedures.

Tables 7, 10, and 11 will be modified as discussed. These changes do not affect the results of the analysis.

The model files were provided on C/D to the county on Monday, November 16, 2009. The spreadsheet files will be provided.

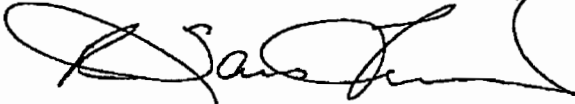
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If you should have any questions, please feel free to contact me at (386) 257-2571.

Sincerely,

LASSITER TRANSPORTATION GROUP, INC.



R. Sans Lassiter, PE
President

- c: Greg Stubbs, AICP, Volusia County Growth Management Director
- Kelli McGee, Volusia County Planning and Development Services Director
- Becky Mendez, AICP, Volusia County Senior Planning Manager
- Jon Cheney, PE, Volusia County Traffic Engineering
- Melissa Booker, Volusia County Traffic Engineering
- John Thompson, Volusia County Growth Management
- Susan Jackson, Volusia County Growth Management
- Robin Sobrino, AICP, Brevard County Planning and Zoning Director
- Sherry Williams, AICP, Brevard County Planning Department
- Stuart Buchanan, Brevard County Planning Department
- Robert Kamm, Brevard County Transportation Planning Director
- Gil Ramirez, PE, Brevard County Traffic Engineering
- Jon Weiss, PE, Florida Department of Transportation
- Judy Pizzo, Florida Department of Transportation
- Brett Blackadar, PE, Seminole County
- Barry Wilcox, Volusia Growth Management Commission, MSCW
- Fred Milch, AICP, East Central Florida Regional Planning Council
- Darren Lear, City of Edgewater Planning Director
- Chris Bowley, City of Deltona Planning Director
- Glenn D. Storch, Esq., Storch, Morris & Harris, PA
- Clay Henderson, Esq., Holland & Knight, PA
- Joel Ivey, Ivey Planning Group, LLC
- Matt West, AICP, Ivey Planning Group, LLC
- Mike Brown, Miami Corp
- Barbara Goering, Esq., Miami Corp
- Jim Liesenfelt, Transit Director, Space Coast Area Transit
- Heather Blanck, Assistant General Manager, Votran
- James Stansbury, Department of Community Affairs
- Ashley Porter, Planner, Department of Community Affairs

The Southeast Volusia Audubon Society
P.O. Box 46
New Smyrna Beach, FL 32170

TO: Florida Department of Community Affairs
2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100

Attn: Secretary Thomas G. Pelham
tom.pelham@dca.state.fl.us

RE: Volusia County Comprehensive Plan Amendment Cycle 09-2
Miami Corporation Applicant

Dear Council,

Please enter the Southeast Volusia Audubon Society's objections into the public record.

Donald Trump would be proud of Florida. I once heard him say in an interview on TV that there is nothing more beautiful than a Trump Tower. The prevailing feeling among politicians and developers in Florida seems to be that any forest can be improved by putting a major development in the middle of it. They did it with Restoration and now they propose to do it with Farmton. There is no need for it, but they continue to bamboozle the citizens with talk of increasing the tax base and employment and thus lowering the property taxes of current residents. It is nothing but a blatant attempt to get this massive property approved in case Florida Hometown Democracy passes in the next general election.

Rather than reap any real benefits from this expansive development, the current citizens of Edgewater and New Smyrna Beach will feel the pressures of increased crimes, taxes, and decreased beach access from the likes of Farmton and Restoration. We will also be expected to pay forward the costs of developing new water sources and new electrical services. The electrical utilities are already trying to get rates raised so they can upgrade their old plants and install new ones to provide for these new people. The St John's River Water Management District wants to inject water from the St John's River into wells for future water sources. The river is full of pollutants such as fertilizers, pesticides, boat gas and oil, etc. How will that be processed out for drinking? There is talk about a desalination plant in Flagler County. How long before they talk about one in Volusia? How much will we, the current residents, have to pay for the next influx of people to have electricity and water?

There is no talk about the Restoration and Farmton developments being able to power themselves through solar or wind or other alternative sources. They will continue to rely on fossil fuels polluting our atmosphere and increasing our dependence on foreign sources of energy. If we are going to allow developers to build whole communities from

scratch, we should require that they be constructed in such a way that they are self-sustaining. Plans should mandate that houses use passive solar techniques as well as solar water and electricity or other renewable energy sources.

Many people move to the coast to be near the beach. Currently, on a good beach weekend day in summer, traffic from I-95 onto SR 44 in NSB is backed up for miles. There is precious little off-beach parking because neither the city of NSB nor Volusia County has seen fit to plan for this type of expansion. The beach in NSB will become the playground for people who live on beachside.

How will the local roads and I-95 handle evacuations in case of a major hurricane or wildfire?

There is no documented need for the project. The philosophy seems to be "If you build it, they will come." This will not only have the effect of urban sprawl but with the glut of houses on the market, the addition of so many more houses will have the effect of keeping the values of the current residents' homes depressed. There is already plenty of room within the current boundaries of Edgewater and Oak Hill to be developed, and the expectation is that it will be developed in the near term.

For these reasons and for the following legal reasons, we urge you to find the Farmton plan in Non-Compliance with State Law.

The Southeast Volusia Audubon Society finds that the Volusia County 09-2 proposed amendments submitted by applicants Miami Corporation and Swallowtail are inconsistent with Florida Statute 163, Florida Administrative Code, the State of Florida Comprehensive Plan and internally inconsistent with the county's comprehensive plan.

1. The proposed amendments for Phase I do not meet the criteria outline in Policy 1.2.3.3 which state that the development must have no more than 600 residential units, must be consistent with provisions relating to the Environmental Systems Corridor, lots shall be created so that driveways and buildings are located outside the 100 year floodplain, and that 75% open space be retained with a management plan submitted to county at the time the proposed amendments are submitted.

The applicant has not submitted a management plan for the open space. The only proposed amendment language for the 100 year floodplain is as follows:

FG 2.21 Floodplains. Impacts to the 100-year floodplain shall be minimized. Any impacts must be fully mitigated by providing compensatory storage on-site.

The above language conflicts with the criteria for a PUD under Policy 1.2.3.3.

2. Sprawl. The amendments represent sprawl and are inconsistent with existing comprehensive plan language.

Volusia County Comprehensive Plan FLUE Objective 1.1.3

Volusia County shall limit urban sprawl by directing urban growth to those areas where public facilities and services are available inside designated service areas that have urban Future Land Use categories.

Policy 1.1.2.11 In order to protect Volusia County's valuable natural resources, new development shall be encouraged toward refilling existing urban areas.

9J-5.006 Future Land Use Element.

(3)(b) 8. Discourage the proliferation of urban sprawl;

(5) (g) **Primary indicators.** The primary indicators that a plan or plan amendment does not discourage the proliferation of urban sprawl are listed below:

2. Promotes, allows or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while leaping over undeveloped lands which are available and suitable for development

3. Promotes, allows or designates urban development in radial, strip, isolated or ribbon patterns generally emanating from existing urban developments.

4. As a result of premature or poorly planned conversion of rural land to other uses, fails adequately to protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.

6. Fails to maximize use of existing public facilities and services.

8. Allows for land use patterns or timing which disproportionately increase the cost in time, money and energy, of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.

10. Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.

13. Results in the loss of significant amounts of functional open space.

(j) Development controls.. 6. Infrastructure extension controls, and infrastructure maximization requirements and incentives. 7. Allocation of the costs of future development based on the benefits received.

3. Demonstrated need In 2004, 71% of Volusia's voters endorsed urban growth boundaries, as did Volusia County. The Farnton property is well outside of the urban growth boundary as determined by staff after extensive research and studies on sprawl and demonstrated need. The data and analysis in 2004 showed projected populations accommodated until 2050.

9J-5.006 Future Land Use Element. (h) Evaluation of land uses. Land use types cumulatively (within the entire jurisdiction and areas less than the entire jurisdiction, and in proximate areas outside the jurisdiction) will be evaluated based on density, intensity, distribution and functional relationship, including an analysis of the distribution of urban and rural land uses.

6. Projected growth trends over the planning period, including the change in the overall density or intensity of urban development throughout the jurisdiction.

7. Costs of facilities and services, such as per capita cost over the planning period in terms of resources and energy.

10. Demonstrated need over the planning period.

9J-5.006 Future Land Use Element.

(c) An analysis of the amount of land needed to accommodate:

1. The categories of land use and their densities or intensities of use,
2. The estimated gross acreage needed by category, and
3. A description of the methodology used;

(d) An analysis of the need for redevelopment including:

1. Renewal of blighted areas.
 - (3)(b)2. Encourage the redevelopment and renewal of blighted areas;

4. Natural Resource Management Area (NRMA). All of the property lies within the county designated NRMA. The proposed amendments are inconsistent with existing language for NRMA.

FLUE 1.3.1.28 The Future Land Use Map shall not be amended to provide additional urban expansion except in conjunction with the required EAR update of the Comprehensive Plan and Capital Improvements Program except under the following conditions: e. Documentation has been provided that the urban expansions will not be in conflict with intent of the Natural Resource Management Area.

FG 2.1 The Farnton Local Plan is wholly within the NRMA Overlay. These policies are supplemental to the NRMA and ECO Overlay provisions. **To the extent of any conflict between these policies and NRMA, the Farnton Local Plan policies shall apply.**

The proposed amendment is written to override existing comprehensive plan language within the Conservation and Future Land Use elements for NRMA.

F.S. 163.3177(9)(b) Other elements of the comprehensive plan are related to and consistent with each other.

FLUE POLICY 1.2.2.13

Development inside the NRMA will have to meet the following policies from the Conservation Element 12.2.1.1, 12.2.1.2, 12.2.1.2, 12.2.2.3 and 12.2.3.7 **regardless of the designated land use or zoning classification.**

Conservation Element Policy 12.2.1.2 c. Lands within the NRMA which are determined to be suitable for urban type development, and are adjacent to **existing** urban development,

None of the amendments proposed are near existing urban development.

Policy 12.2.2.3 Based on the County's ecological data inventory, the County shall consider potential site specific, off-site, and cumulative impacts to ecological communities as indicated in Policy 12.2.2.1 for land development proposals.

The county staff report does not show this policy has been complied with.

Policy 12.2.2.4 The County has established criteria and standards for an Environmental Impact Assessment (EIA), to ensure protection of the Natural Resources Management Areas (NRMA). The EIA shall provide for a multi-level application process, depending on the scope and location of proposed land development projects. At minimum, the EIA shall incorporate into a single package the permitting requirements for: wetlands protection; tree protection; surface and stormwater management; land clearance; air quality; protection of environmentally sensitive lands and critical habitats; and protection of endangered species.

The environmental assessment submitted does not meet the established criteria and standards for environmental assessment required for NRMA.

Policy 12.2.3.2 Proposed activities within the NRMA (Policy 12.2.1.1) shall avoid adverse impacts to wetlands and their associated natural physical and biological functions, *except in cases where it can be demonstrated to be in the overriding public interest*. In such cases, appropriate mitigation as outlined in Policy 12.2.3.5 shall be required.

The amendments propose destruction of hundreds of acres of wetlands within NRMA. Overriding public interest has not been demonstrated.

POLICY 12.2.4.1 The County's automated ecological community information will be used as base data for determining the presence of listed wildlife species and related habitat. Other information, including field visits will be used to determine the presence of listed wildlife within the County. This information shall help determine type and occurrence of critical wildlife habitat, and boundaries of the NRMA and ESC's.

The County has relied on the applicant's experts.

5. Environmental Systems Corridor (ESC)

Conservation Element Objective 12.2.1.2 a. Environmental System Corridor (ESC) Land use activities occurring within these corridors shall not degrade their natural functions and connections. The intention is to provide protected, natural pathways which connect to other protected areas such as parks, conservation lands and water bodies.

FLUE The Environmental Systems Corridor configuration displayed on the Future Land Use Map is intended to show a generalized location for the corridor. The actual boundaries will be established after the corridor has been reviewed to determine the

boundary in relation to a proposed development based upon site specific information and features. Any adjustments will be included in the next amendment cycle.

The county staff has not complied with the FLUE comprehensive plan standards for the ESC which state ESC corridors must be site specific reviewed.

FG 1.2 The Farmton Local Plan shall designate at least sixty-seven percent of the total area as "GreenKey." These lands shall include **substantially** all ECO and ESC lands together with buffers and designated uplands so as to establish interconnected wildlife corridors.

6. Appropriate site suitability.

FG 1.6 Sustainable Development Areas within Farmton Local Plan shall:

- be located within the areas deemed most suitable

The county staff map shows the proposed development area as wet and poorly drained. 34,000 acres of the property are within the 100 year floodplain. There is no existing urban infrastructure to support a development of this size.

FAC 9J-5.013 Conservation Element requires data and analysis including floodplain

FLUE A. OVERVIEW: The Future Land Use Element establishes the pattern of land uses and location of urban growth for Volusia County through 2025.

Regarding public systems, **the major assumption is that the areas adjacent to existing public infrastructure will be the primary areas for future infrastructure extension.**

State Comprehensive Plan 17) PUBLIC FACILITIES.-- (a) Goal.--Florida shall protect the substantial investments in public facilities that already exist and shall plan for and finance new facilities to serve residents in a timely, orderly, and efficient manner.

(b) Policies.-- 1. Provide incentives for developing land in a way that **maximizes the uses of existing public facilities.** 2. Promote rehabilitation and reuse of existing facilities, structures, and buildings as an alternative to new construction.

The applicant assumes the approval of the City of Edgewater's amendment process as a basis for approval of Phase I and Phase II's approval based on Phase I.

7. Water. The proposed amendments set forth that water for Phase I will be obtained through a future agreement with the City of Edgewater. The City of Edgewater has yet to complete its water plan required under state law. It therefore is premature to assume water will be available for this project.

163.3180 Concurrency.-- (1)(a) Sanitary sewer, solid waste, drainage, **potable water**, parks and recreation, schools, and transportation facilities, including mass transit, where applicable, are the only public facilities and services subject to the concurrency requirement on a statewide basis

FAC 9J-5.013 Conservation Element.

(c) Current and projected water needs and sources for the next ten-year period based on the demands for industrial, agricultural, and potable water use and the quality and quantity of water available to meet these demands shall be analyzed.

State Comprehensive Plan **187.201 (7) WATER RESOURCES.-- (b) Policies.--**

5. Ensure that new development is compatible with existing local and regional water supplies.

15. LAND USE (b) policies 6. Consider, in land use planning and regulation, the impact of land use on water quality and quantity; the availability of land, water, and other natural resources to meet demands; and the potential for flooding.

From county staff report: The “Preliminary Water Supply Evaluation” prepared by the applicant in Section 5 is limited to addressing groundwater quality, not availability of groundwater to meet projected demand.

8. 100 year floodplain. Approximately 34,000 acres of the property lies within the 100 year floodplain. As stated previously, Phase I, in order to achieve the densities requested, must first achieve all the criteria of Policy 1.2.3.3, one of which is preservation of the 100 year floodplain. This property is hydrologically significant. This is why half of it was permitted as a mitigation bank. Yet the proposed amendments call for the destruction of an undetermined amount of floodplain.

State Comprehensive Plan 187.201 (7) WATER RESOURCES.--(b)

policies8. Encourage the development of a strict floodplain management program by state and local governments designed to preserve hydrologically significant wetlands and other natural floodplain features.

9J-5.006 Future Land Use Element. e) An analysis of the proposed development and redevelopment of flood prone areas based upon a suitability determination from Flood Insurance Rate Maps, Flood Hazard Boundary Maps, or other most accurate information available.

9J-5.006 Future Land Use Element. (b)1. Coordinate future land uses with the appropriate topography and soil conditions.

FAC 9J-5.013 Conservation Element.6. Protection and conservation of the natural functions of existing soils, fisheries, wildlife habitats, rivers, bays, lakes, floodplains, harbors, wetlands including estuarine marshes, freshwater beaches and shores, and marine habitats;

The applicant has threatened to sell ten acre ranchettes. Yet, in order to achieve the highest densities allowable for forestry lands, it must cluster and leave 75% open space. Additional language within our comprehensive plan requires clustering:

Conservation Element 12.2.2.5 The County shall require clustering of dwelling units and/or open space for land development projects, which contain environmentally sensitive lands and critical habitats within its project boundaries, in order to preserve these resources.

Given that the property in question encompasses possibly the most environmentally sensitive land in the county, this policy would apply.

In closing, the Southeast Volusia Audubon Society finds the plan for the conservation corridor substandard as the corridor is too narrow and will be surrounded by thousands of new residents and crossed by new roads. The Society also objects that densities will be awarded but the conservation easement will not be granted until after 2025.

Thank you for considering our concerns and objections.

Donald H. Picard, President
Southeast Volusia Audubon Society

386-957-1886
president@sevolusiaaudubon.org

Halifax River Audubon

P.O. Box 166
Daytona Beach, FL 32115-0166

6 JS

November 16, 2009

Tom Pelham, Secretary,
Florida Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
Re: Volusia County/Farmton, ~~09-02~~

10-1

There have been a wide variety of opinions expressed on the issue of the Volusia County Council approving for transmittal, the Comp Plan amendment referenced above. Representatives from both Audubon of Florida and local Audubon chapters in both counties effected by the proposal have spoken in its favor. Volusia County is the only county in Florida with three separate Audubon chapters. The reasoning process by which those in favor of this monstrosity arrived at their decision is in serious question. In respectful disagreement with our fellows, we send this letter.

There has been no demonstration of need for this development. This is required by state law to amend our Comp Plan and DCA has already denied several other requested amendments for failure to meet this standard. It's an a priori example of urban sprawl, which our Comp Plan is designed to discourage. It lies entirely within the Natural Resource Management Area and has no urban infrastructure. Nearly this entire parcel lies with the 100 year flood plain. The county's land development code states, "Increases of density and intensity shall be discouraged with the 100-year floodplain." The developer is requesting an increase in density. Under the current code, if the county exercised its regulatory authority and required clustered development, a total of 4,692 residential units could be built. They are requesting a density increase to 19,800 single family homes and 4,250 rental apartments. This total doesn't include the requested increase in commercial, industrial and infrastructure development of roughly four million square feet. All of this is to be placed in the middle of what has, up to now, been a pine plantation and wildlife management area. If this doesn't equate to the kind of sprawl Comp Plans are supposed to be in place to prevent, I can't imagine what would.

The proposed conservation/wildlife corridor is insufficient since it's too narrow in places and is encroached upon by several roads. If this development proceeds to completion, there will indeed be a strange irony in having protected species end up as road kill on roads that should never have been permitted in the first place.

Finally, the Farmton Mitigation Bank, the largest wetlands mitigation bank in the country, is operated by the Miami Corporation on 24,000 acres of this property. To allow them to get development credits for setting aside something they couldn't develop anyway and are already being paid handsomely for, is unseemly at best and a gross example of overreaching at the public's expense. For these reasons, and many more set out by others in opposition, we ask that you reject this amendment request.

Sincerely,



David Hartgrove
President & Conservation Chair
Halifax River Audubon

cc: Ray Eubanks, Mike McDaniel, & James Stansbury

NOV 19 2009

James
Stansbury/DCA/FLEOC
11/12/2009 11:27 AM

To Ray Eubanks/DCA/FLEOC@fleoc
cc Ashley Porter/DCA/FLEOC@fleoc
bcc
Subject Fw: Farmton Amendment

6 JS
11/13/09

Volusia 10-1

The Department of Community Affairs is committed to maintaining the highest levels of service and values your feedback. Please take a few moments to complete our Customer Service Survey by visiting <http://www.dca.state.fl.us/CustomerServiceSurvey/>. We look forward to hearing from you. However, if you require assistance or a response from the agency, please use the "Contact Us" webpage at <http://www.dca.state.fl.us/contactus/>.

The Florida Discount Drug Card is designed to lower the cost of prescriptions for certain Florida residents. To learn more, visit <http://www.FloridaDiscountDrugCard.com> or call toll-free 1-866-341-8894 or TTY 1-866-763-9630.

Florida has a broad public records law and all correspondence, including email addresses, may be subject to disclosure.

----- Forwarded by James Stansbury/DCA/FLEOC on 11/12/2009 11:24 AM -----



LegalSandy@aol.com
11/12/2009 10:21 AM

To TOM.PELHAM@DCA.STATE.FL.US,
Charles.Gauthier@dca.state.fl.us,
james.stansbury@dca.state.fl.us
cc

Subject Farmton Amendment

Gentlemen:

Below is an email I received from Mr. Haddad, purportedly in response to my email questioning Dr. Walsh's public endorsement on behalf of the Agency of the Miami Corp.'s plan amendment. I don't believe that Mr. Haddad ever addressed the concerns that I expressed, but simply added his own endorsement of the project!

This email was followed by another which I shall also forward.

S. Walters

From: Kenneth.Haddad@MyFWC.com
To: LegalSandy@aol.com
Sent: 11/10/2009 2:23:16 P.M. Eastern Standard Time
Subj: RE: Dr. Joe Walsh, comments on the Volusia Farmton Com Plan proposal

Dear Ms. Walters:

Thank you for contacting Executive Director Kenneth Haddad. Mr. Haddad appreciates your concerns about Dr. Joe Walsh and asked me to respond on his behalf.

Your comments accurately reflect Dr. Walsh's involvement on October 15th, with the exception that he clarified that his role had been one of technical assistance to the development of the plan, and that he was representing the Agency. He read off of the attached list of comments, but had to skip some that might have clarified better what he was actually doing, due to time limits on public speakers.

Our position on this proposal is that it is better than the current future land use under the existing version of the Comp Plan for the following reasons:

Provides for wildlife corridors at a landscape scale appropriate for black bears, which the current plan does not

Prevents urban sprawl which the current plan actually promotes

Provides a permitting/funding mechanism for permanent conservation that is much more generous than existing legal requirements or the County's own land acquisition program

Uses the best scientific information available today, and included an independent scientific peer review of that information

Mr. Haddad wants to know how Floridians feel about the many critical issues we face and appreciates you taking the time to share your views with him.

Thank you for writing and do not hesitate to write again on matters of concern or interest to you.

Sincerely,

Sabrina Menendez

FWC Citizen Services



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November 23, 2009

UNITED STATES POSTAL SERVICE

6 JS

Ms. Kelli McGee
Planning and Development Services Director
County of Volusia
123 W. Indiana Avenue, Rm. 200
DeLand, FL 32720-4604

NOV 30 2009

Subject: VGMC Case #09-022 – County of Volusia
Large Scale Amendment Application – CPA-09-2
Request for Additional Information
MSCW No.: 09-0015.2220

Dear Ms. McGee:

VGMC Planning Staff has reviewed the above-referenced application pursuant to the requirements contained in Volusia County Code Sections 90-31 through 90-45. During this review, staff received the attached comments and objections from the City of Deltona and Volusia County Schools.

At this time the comments of the City of Deltona and Volusia County Schools become those of the VGMC. Be advised that this letter constitutes a Request for Additional Information (“RAI”) and, in accordance with Volusia County Code Section 90-35, will toll the running time provided for the VGMC to act on the application. As you are aware, this RAI must be addressed and comments resolved prior to VGMC Application #09-022 being eligible for certification.

In addition, VGMC professional staff has determined that the application may be considered inconsistent under the test set forth in Volusia County Code Section 90-37 and hereby requests a public hearing on this application. Upon receipt of the RAI response, provided the information supplied adequately addresses the issues raised herein, VGMC professional staff may deem the application consistent under the test set forth in Section 90-37 and, in writing, withdraw the request for a public hearing on this application.

As always, we appreciate the efforts of Volusia County to further intergovernmental cooperation and coordination in Volusia County. If you have any questions concerning this letter, please do not hesitate to contact us at (407) 422-3330.



4750 New Broad Street
Orlando, FL 32814
877.672.9788
407.422.3330
www.MSCWinc.com



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Sincerely,

Barry Wilcox, AICP
VGMC Planning Staff

Enclosure: City of Deltona and Volusia County Schools Comments

cc: Gerald Brandon, VGMC Chairman
Paul Chipok, Esquire, Gray Robinson
Merry Chris Smith, VGMC Coordinator
James Stansbury, Regional Planning Administrator, FDCA
Chris Bowley, AICP, Director of Planning and Development Services, City of Deltona
Saralee L. Morrissey, AICP, Director of Site Acquisition and Intergovernmental Coordination,
Volusia County Schools



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CITY OF DELTONA

November 16, 2009

Ms. Joan Spinney
Volusia Growth Management Commission
140 South Beach Street, Suite 305
Daytona Beach, FL 32114

Re: Request for additional information and a public hearing request regarding the "Farmton" portion of the County of Volusia Large Scale Amendment Application CPA – 09-2, VGMC Case Number 09-022.

Dear Ms. Spinney,

The City has received the County 09-2 amendment cycle and the notice for VGMC case number 09-022. Please accept this correspondence as a request for additional information. In addition, please be advised, consistent with VGMC rules and procedures, the City of Deltona, as an affected governmental entity, hereby requests a VGMC hearing pertaining to the above referenced case.

Case number 09-022 involves various County Comprehensive Plan amendments. For the purpose of this RAI, the City will only be referring to the amendments known as, or associated with the Farmton Local Plan.

According to information submitted to the City, the Farmton area consists of about 58,000 acres of land located in both Volusia and Brevard Counties. The majority of the land – approximately 47,000 acres – is located in Volusia County. The property, owned by Miami Corporation, is currently located in a remote area of the County removed from urban infrastructure such as central utilities, roads, and schools. The property is used for timber production, cattle grazing, hunting, etc. Much of the property is associated with extensive wetland features, abundant floodplain acreage and poorly drained soils. Because of the poor development suitability, environmental sensitivity and lack of infrastructure the property is currently designated on the County Future Land Use Map with low intensity, resource oriented, non-urban land use categories, including the Natural Resource Management Area (NRMA). Notwithstanding, problematic development suitability issues, the intent of the Farmton Local Plan is to facilitate urban oriented land uses for the property that include about 28,000 dwelling units (approximately 23,000 in Volusia County) and (+/-) 4.7 million square feet of non-residential development. The plan also calls for extensive areas to be set aside for natural resource preservation. According to information contained within the amendment package, most of the preservation area is wetland and is not suitable to support development for various reasons including onerous land development regulations associated with wetland acreage.

Planning & Development Department
2345 Providence Boulevard, Deltona, Florida 32725
(386) 878-8100 • Fax (386) 878-8621
Webpage: www.deltonafl.gov

Finally, the time frame for this project is protracted well beyond the 20 year planning period of the County and City of Deltona Comprehensive Plans. The Farmton plan has a build out date of 2060. The project is also phased. The "Gateway", (phase one) consists of over 4,000 units and over 800,000 square feet of non-residential development. Phase one is proposed to be located in the northern section of the property near the SR 442 and I-95 interchange and the build out date for phase one is 2025. After 2025 the remaining property can be developed utilizing the requested entitlements assuming there is appropriate infrastructure available.

The City has the following concerns, comments and questions:

Goals, Objectives and Policy Questions and Comments

- 1) With about 28,000 units planned, this land use amendment represents a new city of about 65,000 people or about population of present day Daytona Beach. Policy FG 1.1 establishes two phases. The first phase (Gateway) will be over in 2025. The second phase will extend to 2060. The "Gateway" consists of roughly 4,000 units and the remaining entitlements account for over 20,000 units. What happens if the first phase is not built out by 2025? Will the project be protracted into the future? Could the second phase entitlements, based on market conditions, etc., be used/constructed well before the 2060?
- 2) Who are the landowners referred to in Policy FG 2.8?
- 3) A significant portion of the Farmton area is located within the St. Johns River basin as is the City of Deltona. The property is associated with a high water table, poorly drained soils and abundant floodplain acreage. As is currently the case, a good portion of the Farmton property flows to the St. Johns River. Policy FG 2.21 seeks to "minimize" impacts to the 100 year floodplain and if floodplains are impacted then compensatory storage is required. Has there been any study to determine if the appropriate stormwater compensating storage requirements associated with contemporary regulations will impact the flows and levels of the St. Johns River? Perhaps directing development and investment away from the floodplain would be the most appropriate action to take for a development plan created in a time where the importance of natural floodplains are well documented. This policy is not consistent with VGMC certificate criteria 90-37(c)(4) which seeks to address significant impacts to natural resources beyond the boundaries of one jurisdiction.
- 4) Policy FG 3.5 facilitates a "Work Place District". A mixture of uses is the expressed intent of this concept. However, there are various questions that arise with regard to the "Work Place District". How will a mixture of uses be implemented if there is not a DRI process which to review a development proposal? How will the mixed use element of this policy be implemented/tracked if there are several developments under different management/ownership that could occur over a 50 year timeframe? How will mixed uses be allocated? Are the residential entitlements factored as part of the overall residential density count? The concern is that the "Workplace" district will evolve into a commercial center that would further impact roads that will be used by City residents (Maytown/Osteen, SR 415, etc.)

This policy and the proposed "Work Place District" do not provide certain standards or adequate land use safeguards to appropriately quantify and manage traffic. Therefore, the amendment would not be consistent with VGMC certification criteria 90-37(c)(2).

- 5) Could each "Village" area contain a 200,000 square foot shopping center?
- 6) FG 3.9 grants entitlements of 23,100 units and 4.7 million square feet of non-residential development. On what criteria were these numbers generated? Environmental characteristics of the land? Market conditions? Infrastructure costs?
- 7) The jobs/housing recommendation of policy FG 3.11 is a commendable idea. However, there is no mention of job types, salary levels, benefits, etc. in relation to supporting the residential development pattern. Basically, if the jobs created are entry, service oriented types associated with the retail/service sector it will be doubtful that those workers will be able to afford to live in the new developments associated with the Farmton plan. (Especially in light of the fact that the project places a great reliance on CCD type financing mechanisms to fund infrastructure.) The result will be a reinforcement of commuting patterns and more traffic placed on Maytown Road, SR 415, etc. How will this concept be tracked over the long term with numerous developments occurring? Also, the way the policy is worded, there could be more density yielded if there are jobs to support the density at the ratios stated. This is a self amending policy and should be modified to eliminate such a provision. The amendment does impact the infrastructure beyond the boundaries of one jurisdiction and is not consistent with Section 90-37 (c)(3).
- 8) With regard to Policy FG 4.13, does the applicant have a CUP issued by the SJRWMD to support the proposed development program? Are there any definitive geotechnical studies that illustrate how much water is available to withdraw with regard to securing a CUP from the SJRWMD? What impacts will water use associated with this development have on other legal users that draw water from the County sole source aquifer? (The Devo report submitted as part of the amendment does not really address this matter.) Has the County updated its Water Supply Work Plan to account for water demand associated with this development and the proposed joint venture between the County and the landowner? How much water associated with the Miami Corporation land has been allocated or pledged to Volusia County, Brevard County, City Titusville, City of Edgewater and the planned development? Granting land use entitlements without analyzing water use rates, sources, etc. is contrary to the Comprehensive Plan amendment process and does not adequately address impacts to the sole source aquifer that is relied upon by most of the County utilities and residents. Therefore, the amendment is not consistent with Section 90-37(c)(1).
- 9) 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.

Traffic impacts are of a major concern, in part, because the Impact Fee Zone (Zone 3) where the City is located includes part of the Farmton Property and includes transportation facilities where improvements (widen Maytown Road, etc.) need to occur to support such an aggressive development program. The City is not dependent on the Farmton development and has some serious reservations about impact fees generated from the City and surrounding West Volusia communities being allocated to support the proposed development plan. The impact fees generated in Zone 3 should be used to support existing populations and appropriate development that will directly benefit existing communities and Cities such as the I-4/SR 427 Areawide DRI.

The County is a major provider of transportation facilities within the City of Deltona and in other Cities in Volusia County. The proposed Farmton project will essentially force the County to invest in roadway projects to support the planned development and diminish the ability of the County to maintain and improve roads used by existing population centers. There is recognition that the intent is to ensure that all transportation improvements within the Farmton property will be supported entirely by developer contribution but the improvement of off-site development is proposed to be addressed by developer fair share payments. Fair share will not absolve the County responsibility to pay for infrastructure. A good example of how the County could be obligated to finance transportation improvements to support the proposed Farmton development program is illustrated in an August 26, 2009 memorandum from traffic consultant Burgess and Niple to the County Traffic Engineering Office. The memorandum states that the County may be responsible for \$60 million dollars as part of a fair share agreement to support the development of the phase one "Gateway" area. As has been stated, the "Gateway" development is slated to be complete by 2025 – only 15 years away. With regard to transportation improvement funds, the County has maintained that very limited funds exist to support transportation improvements needed to serve the existing population and the County is basically only addressing debt service on a \$60 million dollar transportation bond initiated in 2004. Therefore, it is difficult to reconcile that the County would be willing to assume more transportation improvement obligation associated with even the first phase of this project.

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 project should be linked to the ability 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).

- 10) 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.
- 11) What entity is responsible for funding and performing the monitoring and modeling report cited in Policy FG 5.11? What are the envisioned geographic limits of the report?
- 12) FG 5.15 mentions a traffic impact analysis for the Farmton project. Has this traffic impact analysis been performed in a manner that utilizes accepted 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.
- 13) The internal trip capture rates illustrated in FG 5.16 seem very high. What analysis/information/assumptions were used to generate trip caps?
- 14) Objective FG 6 addresses school planning and concurrency. According to the Public School Facility Element (PSFE) and the related interlocal agreement, the Farmton area is designated as a "no school zone". The intent of designating such a geographic area is to make school planning and funding in the County more efficient, effective and proactive. Not reactive to any development proposal that could arise in an area of the County that has historically been rural, associated with agrarian uses and environmentally sensitive acreage.

The City of Deltona considers schools to be an integral part of the community and good schools are a key component to maintaining the quality of life within the City. The City is very interested in maintaining schools in a manner that fosters a positive educational experience and community pride.

The City is located within the Southwest Planning Area as designated by the Volusia County School Board. The Southwest Area includes the City of Deltona and a large area to the east that encompasses a portion of the Farmton property. Just like other governmental agencies, the School Board has been challenged with a combination shrinking budgets and elevated responsibility. The Farmton proposal, if approved, is going to create a condition where already limited School Board resources are going to be redirected to the east from existing schools located within the City to support new facilities intended to serve the Farmton development. The result will be a reduction of resources available for Deltona schools. The proposal will also require that the City modify its PSFE to address a potential school capacity matters, and require

that the interlocal agreement be modified to account for new shifts in school population and allocation.

As has been stated the City values its school resources. However, to protect school capacity and ensure the viability of existing schools within the City of Deltona and the rest of the County, there should not be an increase of entitlements allocated to the project until the Farmton area is excluded from the "no school zone" and the school board has established a fiscally suitable method to maintain an appropriate workstation level of service for existing and planned schools. Based on the aforementioned information, the amendment is not consistent with Section 90-37(c)(5) and Section 90-37(c)(6).

- 15) Does Policy FG 8.2 offer the ability to opt out of the DRI process? Is this consistent with Chapter 380 F.S.? For projects that do not reach the DRI threshold, the policy states that such policies could be processed as a DRI. Does this proposed DRI process include review by the ECFRPC and FDCA?
- 16) Under Objective FG 8, there are options established to provide mechanisms for reviewing development in the Farmton program. There is a "master plan" development process suggested to be used in lieu of the DRI system. The DRI process can be onerous involving the review of various agencies. However, in comparison, the "master plan" approach appears to represent a much more direct and abbreviated review, only involving approval of the County. There is a realization that the landowner is not going to be actively developing the land and the land will be sold off in parcels to be developed by individual development entities. Each developer will have an individual vision for their projects based on various factors including market conditions. This situation casts doubt on the ability of the County to implement the Farmton goals, objectives and policies in the short and long terms. In addition, the ability to process a development as a "master plan" instead of a DRI is going to encourage the subdivision of smaller tracts of the parent property and the creation of smaller projects in an effort to avoid the DRI process. The result is that intergovernmental coordination will be less effective when addressing multiple projects that do not have to be processed through Chapter 380 F.S. Therefore, the concepts of a master approach to addressing infrastructure, schools, etc. in the future under some type of unified plan is questionably viable at best and reinforces the City assertion that all impacts associated with this proposal should be fully quantified and qualified if there are going to be entitlement increases. The amendment does not foster intergovernmental cooperation and coordination and is inconsistent with Section 90-37(c)(6).
- 17) FG 8.6: Please explain how the jobs/housing ratio is going to drive phasing illustrated in Policy subsection c. What bearing does this subsection have on the development of the "Village" areas? How is subsection d of this Policy consistent with County population projections? The County historically has used the BEBR projections with a 1.30 multiplier.
- 18) Policy FG 8.7 is inadequate for water resource planning purposes. The amount of water permitted to support the development program needs to be quantified to appropriately allocate

water from the sole source Volusia-Floridan aquifer. In addition, the water use equivalency matrix is incomplete because it does not include institutional uses such as schools which tend to be big users of water. As has been stated in this RAI, the City is very concerned about the impact this development will have on existing utilities and users of ground water. The amendment does not adequately address these matters and is not consistent with Section 90-37(c)(1).

- 19) Does the language of Policy FG 8.9 potentially allow for more density and intensity entitlements beyond the approximately 28,000 units, etc. if infrastructure is available? If this is the case, this policy is self – amending and creates major planning challenges for the County and City.
- 20) Policy FG 8.10 illustrates the requirement for a DRI pursuant to 2009 regulations if the DRI process is eliminated. What happens if the DRI regulations are eliminated but replaced by another set of rules that are either more or less restrictive? As has been stated, smaller projects will be promoted because there will be an incentive to avoid the DRI requirements. Smaller projects will lead to a more fragmented review process, more implementation and tracking challenges, and a poor adherence to the vision proposed within the Farmton Local Plan.

General Questions/Comments

- 1) There are numerous parcels or in-holdings located within the Farmton property not owned or controlled by Miami Corp. Currently, like the Miami Corp property, the in-holdings are designated with non-urban, NRMA land use designations. If approved the allowance of urban uses as part of Farmton will serve as an impetus to convert these in-holdings to urban uses. In addition, there may be an expectation created that land located on the periphery of the Miami Corp land and along the Maytown Road corridor, would or should be converted to urban uses. Based on this situation, there is a possibility that development may occur on the margin of the Miami Corporation property well before the Farmton entitlements are utilized. Basically, granting urban entitlements to the Farmton area will change the perception of the entire undeveloped portion of the County located south of SR 44. What was once an area traditionally thought of as being agricultural, rural, and natural resource oriented will now be considered appropriate for urban type development.

There appears to be no study or analysis with regard to how the Farmton proposal will impact the character of the entire area. There is an understanding that the Farmton site is large, but the County needs to address the impacts on other property, including in-holdings, and municipalities within the entire southern section of the County. The County, however, is taking the posture that the remaining vacant land within the southern section of the County should remain as rural and not be served by urban infrastructure. The City accepts the concept that unincorporated rural lands should remain rural. However, the Farmton amendment is difficult to reconcile because the County has expressed so much concern about maintaining the existing NRMA, ECO, etc. everywhere else in southern Volusia except the Farmton.

The Farmton plan, based on the myriad of planning implications for southern Volusia, should not be reviewed as a standalone amendment – even if it does contain over 40,000 acres of land.

There should be a much wider discussion about how all of southern Volusia would be developed or protected in light of the vision of various stakeholders, including the City of Deltona and other interested parties. Therefore, the amendment is not consistent with Section 90-37(c)(6).

- 2) A basic tenet of growth management is that Cities should accommodate growth and development and Counties should be for rural and resource protection. This has been the case in Volusia for many years. Cities tend to be associated with urban landscapes and have the infrastructure to support development. Therefore, there should be a logical progression of growth associated with fully functioning municipalities. With this amendment, the County is poised to play a greater urban role in the County which will change the conventional thinking about the allocation of scarce resources for roads and other infrastructure. This situation has not been fully vetted with the municipalities located within the County, including Deltona. Therefore, the amendment is not consistent with Section 90-37(c)(5).
- 3) The 50 year planning window defies all accepted planning methodology in this State and County. 50 year vision plans may be useful for local or regional governments to chart out generally an expressed community preference for several generations in the future. However, these types of planning exercises typically do not involve the allocation of density/intensity to individual parcels or properties. There is an acceptance that the further time protracts the more challenging and often inaccurate planning becomes. Therefore, the current allocation of density/intensity associated with the Farmton project based on a 50 year plan is inappropriate. The long term and uncertain nature of when and how much development comes on line makes planning challenging not only for the County but for the City as well. Some capital improvement programs within the City are dependent on County funds and activities. With such uncertain and long term events, it will be very difficult for the County to effectively plan for capital improvements. County capital improvements within the City could be deferred or not undertaken because funds are diverted to support an expected population associated with Farmton. In addition, the City will be impacted by traffic from the project, but the City's ability to effectively plan for such traffic is greatly complicated because the timing for Farmton growth is unknown. Also, if this amendment is approved, the City will probably have to start to look further in the future, beyond 20 years, to make long term capital and land use decisions based on the Farmton Local Plan. The Farmton plan and related uncertainties are not consistent with Section 90-37(c)(3).
- 4) There is a joint venture referenced in the staff report that establishes a partnership between the landowner and the County for the provision of water. However, the joint venture was not found as part of the latest disc provided to the City. The joint venture has been noted in previously submitted Farmton materials. According to the copy of the joint venture reviewed by the City, the County is to start making payments to the landowner as soon as 2012 for the purposes of establishing a water utility. Is the 2012 payment illustrated in the County CIE? In addition, the County, as indicated in the joint venture, will be responsible for most of the permitting and construction costs to establish a water utility system. How is the County planning on financing those improvements? There is a possibility Deltona North customers or other customers of the

County utility system will finance the new utility to serve Farmton. Will revenues from other County utility systems, such as Deltona North, be used as a pledge to secure bond funding for such activities? Finally, is there an agreement between Volusia and Brevard County with regard to water service?

Conclusion

The proposal involves the creation of a city sized development on land that is located in a rural area of the County and is associated with abundant wetland acreage and extensive land areas not suitable to support urban development. The County has, in the past, articulated a position that land included within the NRMA should not be earmarked for urban development. However, the County, in the case of Farmton, seems to take an inconsistent position that the urbanization of over 40,000 acres of the NRMA may be appropriate.

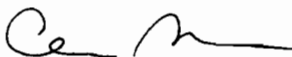
In addition, the property is not served by adequate infrastructure. Massive road way and utility improvements are going to be needed to support the proposed development. A good portion of infrastructure improvements needed to support the proposed development program, including interstate interchange creation, the widening of Maytown Road, etc., will occur off-site. The County and other governmental agencies will be responsible for financing a portion of those improvements and no fiscal plan in place to account for such expenditures.

There is no demonstrated need for the entitlements requested and the fact that the planning period has been extended well beyond traditional planning methodology and the population multipliers have been significantly enlarged indicates that the project is premature.

Finally, the proposal represents urban development that can be best described as poorly planned sprawl. The proposal also will result in a redirection of fiscal and other resources away from existing urban areas to support a new development program that is largely independent of any existing urban area of the County. Therefore, the City of Deltona recommends that the VGMC not certify the amendment.

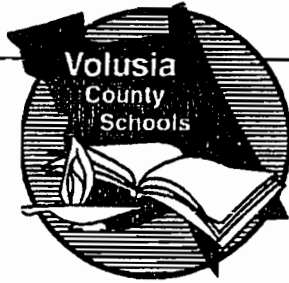
If there are any questions please feel free to contact Mr. Ron A. Paradise at (386)878-8610.

Sincerely,



Chris Bowley, AICP
Director of Planning and Development Services
Cc.

Barry Wilcox, AICP, MSCW
Gregory Stubs, AICP, Volusia County Growth and Resource Management Director
James Stansbury, Florida Department of Community Affairs
Dave Denny, City of Deltona Assistant City Manager
Ron A. Paradise, City of Deltona Planning Manager



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Dr. Margaret A. Smith
Superintendent of Schools

November 5, 2009

School Board of Volusia County

Mrs. Diane Smith, Chairman
Ms. Candace Lankford, Vice-Chairman
Ms. Judy Conte
Mr. Stan Schmidt
Dr. Al Williams

NOV 11 2009

Ms. Merry Chris Smith
Volusia Growth Management Commission
140 S. Beach Street, Suite 305
Daytona Beach, FL 32114

Merry C. Smith

Re: VGMC Case #09-022 – Volusia County 09-2 (2nd Cycle 2009)

Dear Ms. Smith:

School District staff has had the opportunity to review the amendments included in the Volusia County large scale comprehensive plan amendment package. In regards to amendment **CPA-09-2-10 Farmton Local Plan** please be advised that district staff cannot support this amendment unless and until a capacity enhancement agreement (CEA) has been approved by the School Board.

District staff provided comments in letter form to the applicant which included the request for a Capacity Enhancement Agreement (CEA) in the event this request moves forward to adoption. The applicant and county are aware of the CEA requirement and have agreed to it in concept. This application has implications that affect other local governments; therefore, district staff has requested that the CEA process not begin until after such time that other local governments have provided comments and/or objections, if any. The CEA request is consistent with the terms of the Interlocal Agreement for Public School Facility Planning and pursuant to the Volusia County Charter.

At this time school district staff requests that until a CEA is executed by the School Board, applicant and the affected local government(s) that the above referenced amendments not be certified as consistent or otherwise approved.

If you require more information please feel free to contact myself or Helen LaValley at (386) 947-8786 extension 50805.

Sincerely,

Saralee L. Morrissey

Saralee L. Morrissey, AICP
Director of Site Acquisition and
Intergovernmental Coordination

ec: Helen LaValley, VCSB Planning Specialist Kelli McGee, VC Planning & Dev Director (via email)
Barry Wilcox, VGMC Planner (via email) Glenn Storch, Project Representative (via email)