



To: Volusia County Council Members

Date: November 5, 2008

From: Kelli McGee, Planning and Development Services Director

Subject: Large Scale Comprehensive Plan Amendment Cycle 08-2 Adoption Hearing

Background/History:

The County's Comprehensive Plan operates under the State's Growth Management Act that was passed in 1985 (Chapter 163, Part II, F.S.). The large-scale Comprehensive Plan Amendment Cycle 08-2 is the second of two allowed under the State's "twice a year rule," which limits the number of plan amendments a local government may process in a single year. Each plan amendment cycle has two hearings in which the local governing body participates, the first being a transmittal hearing where the prospective amendment may be forwarded to the Department of Community Affairs (DCA) for agency review. The DCA may then issue an Objections, Recommendations, and Comments (ORC) Report. The amendment is also transmitted to the Volusia Growth Management Commission (VGMC) for consistency review as provided by the County's Charter. The second public hearing is the adoption hearing in which the local government may respond to the ORC report and adopt the amendment.

Large Scale Amendment Cycle 08-02:

The entire amendment package consists of 10 active amendments. The amendments have been grouped into 3 distinct categories, each category with its own ordinance. The following table presents the ordinances and the associated amendments.

Large Scale Comprehensive Plan Amendment Cycle 08-2

Administrative Future land use map Amendments Ordinance 2008- 28	
Item 01 CPA-08-2-1 Lunsford Tract	Environmental Systems Corridor, Forestry Resource and Agricultural Resource to Conservation for 1,643 acres located on the north side of Pioneer Trail.
Item 02 CPA-08-2-2 Volusia 44 Properties, LLC Tract	Environmental Systems Corridor and Forestry Resource to Conservation for 2,272 acres located on the north side of State Road 44.
Item 03 CPA-08-2-3 Krol Tract	Environmental Systems Corridor, Forestry Resource, Rural and Agricultural Resource to Conservation for 673 acres located on the west side of Tomoka Farms Road.
Item 04 CPA-08-2-4 Brooks Tract	Environmental Systems Corridor and Agricultural Resource to Conservation for 10 acres located near Osteen.
Item 05 CPA-08-2-5 Agostini Tract	Environmental Systems Corridor and Forestry Resource to Conservation for 20 acres located near Osteen.
Item 06 CPA-08-2-6 Daytona Beach International Airport (DBIA)	City of Daytona Beach Level Two Residential, Office Transition, General Industry and Retail Commercial to County Public/Semi-Public for 226 acres, located adjacent to DBIA.
Privately Initiated Future Land Use Map Amendments	
Item 10 CPA-08-2-10 Meadowlea	Agriculture to Urban Medium Intensity for 19 acres located north of the Deland Airport. <i>(NOTE: This item and associated ordinance will be presented for adoption at a later date under separate cover)</i>
Comprehensive Plan Text Amendments Ordinance 2008- 27	
Item 11 CPA-08-2-11 Florida Scenic Highways Program	Amend the Transportation Element to incorporate policies which will guide the management of Florida State designated Scenic Highways within Volusia County.
Item 13 CPA-08-2-13 Wilbur by the Sea Local Plan Amendment	Amend the Wilbur by the Sea Local Plan to allow County owned properties to be converted to public purposes.
Item 14 CPA-08-2-14 Environmental Core Overlay (AKA Map A)	Incorporate Smart Growth implementation tools by adding the Environmental Core Overlay (ECO) Map and GOPs to the FLU Element.

Objections Recommendations and Comments Report:

The amendment package was approved for transmittal by the County Council on August 7, 2008, and was transmitted to the Department of Community Affairs and the Volusia Growth Management commission on August 12, 2008. DCA has reviewed the amendment package and issued their Objections, Recommendations, and Comments (ORC) report on October 17, 2008.

The DCA ORC identified 6 objections for the 08-2 cycle large-scale amendments. One is associated with the Daytona Beach International Airport amendment, CPA 08-2-6. Three are associated with the privately initiated Meadowlea land use amendment, CPA 08-2-10. One is associated with the Wilbur-by-the-Sea text amendment, CPA 08-2-13. The final objection is associated with the newly formulated Environmental Core Overlay policies, 08-

2-14. Out of the 10 amendments transmitted to DCA for review, six were reviewed without objection and are presented to Council for adoption without further revision.

The objections must be satisfactorily addressed in order for DCA to issue a Notice of Intent to find the Comprehensive Plan in compliance with State Statute. In preparing our response to these objections staff communicated with DCA staff via email and in person to gain further clarity on their concerns as well as discuss our anticipated response.

As council reviews the ORC response, please note that these revisions have also been incorporated into the adopting ordinances. The ordinances are attached to this staff report for reference. However, in order to reduce the volume of material for Council's agenda package, the amendments themselves are referenced on the County's website at <http://volusia.org/growth/amendment08-2.htm>. All support documents to the amendments can also be found on this website.

Staff is confident that DCA will find the issues identified in the ORC sufficiently resolved and that the County's cycle 08-2 large-scale amendments will be found consistent with the State Comprehensive Plan.

VGMC Finding of Consistency:

The VGMC must certify that each amendment meets the consistency criteria as established under the VGMC rules of procedure (County Ord. 87-24, as amended). The VGMC has certified all the 08-2 amendments, except the Daytona Beach International Airport (DBIA) amendment (see VGMC letter dated October 29, 2008). The certification for the DBIA amendment is being withheld at this time because the City of Daytona Beach issued a Request for Additional Information (RAI) regarding the amendment. County staff has requested a waiver to the 90 day rule which will be heard by VGMC at a public hearing on November 19, 2008. The associated ordinance will not become effective until VGMC issues their certificate of consistency for the DBIA item only.

Finding of Fact/Conclusion:

The Department of Community Affairs has reviewed the proposed amendments and issued an Objections, Recommendations and Comments Report citing 6 objections.

The County has resolved the objections by revising the text and/or providing additional data in accordance with DCA's recommendations.

The Meadowlea amendment, CPA 08-2-10, will be held for adoption under separate cover at a later date.

STAFF RECOMMENDATION:

Staff recommends approval of Ordinance 2008-27 and 2008-28 adopting the cycle 08-2 large-scale amendments, based on the above findings.

ATTACHMENTS:

- Attachment 1. Volusia County's Response to the Department of Community Affairs Objection, Recommendations and Comments Report
- Attachment 2. Ordinance 2008-28 (Administrative Map Amendments)
- Attachment 3. Ordinance 2008- 27 (Comprehensive Plan Text Amendments)
- Attachment 4. Volusia Growth Management Commission Consistency Certification
- Attachment 5. Volusia Growth Management Commission RAI on DBIA Amendment
- Attachment 6. Department of Community Affairs' Objections, Recommendations and Comments Report

**Volusia County's Response
to the
Department of Community Affairs
Objections, Recommendations and Comments Report**

CPA-08-2-6: Daytona Beach International Airport

DCA Objection #1: The County did not provide a future land use map exhibit displaying the notation to limit development of the amendment to a total of 118,583 average daily trips.

Objection: The County stated that the development potential for the amendment would be limited to 118,583 Average Daily Trips and submitted data and analysis examining the amendment's facility impacts based on this restriction. Rather than creating a text policy within the Comprehensive Plan to identify this limitation the amendment package noted that the restriction would instead be placed on the County's Future Land Use Map (FLUM). A FLUM exhibiting this limitation, however, was not submitted to the Department. Until this information is submitted the public facility impacts for this amendment must be based on the development potential allowed under the proposed land use category and not the restriction. This will require the County to submit new data and analysis projecting the impact of the amendment under the heightened development potential.

The proposed amendment is not consistent with the following requirement: Section 163.3194(1)(i); Rules 9J-5.005(2) and (6), F.A.C.

Recommendation: Submit data and analysis estimating the impact of the amendment based on the proposed future land use category's allowed development potential. Alternatively, submit a FLUM showing the placement of the density restriction on it.

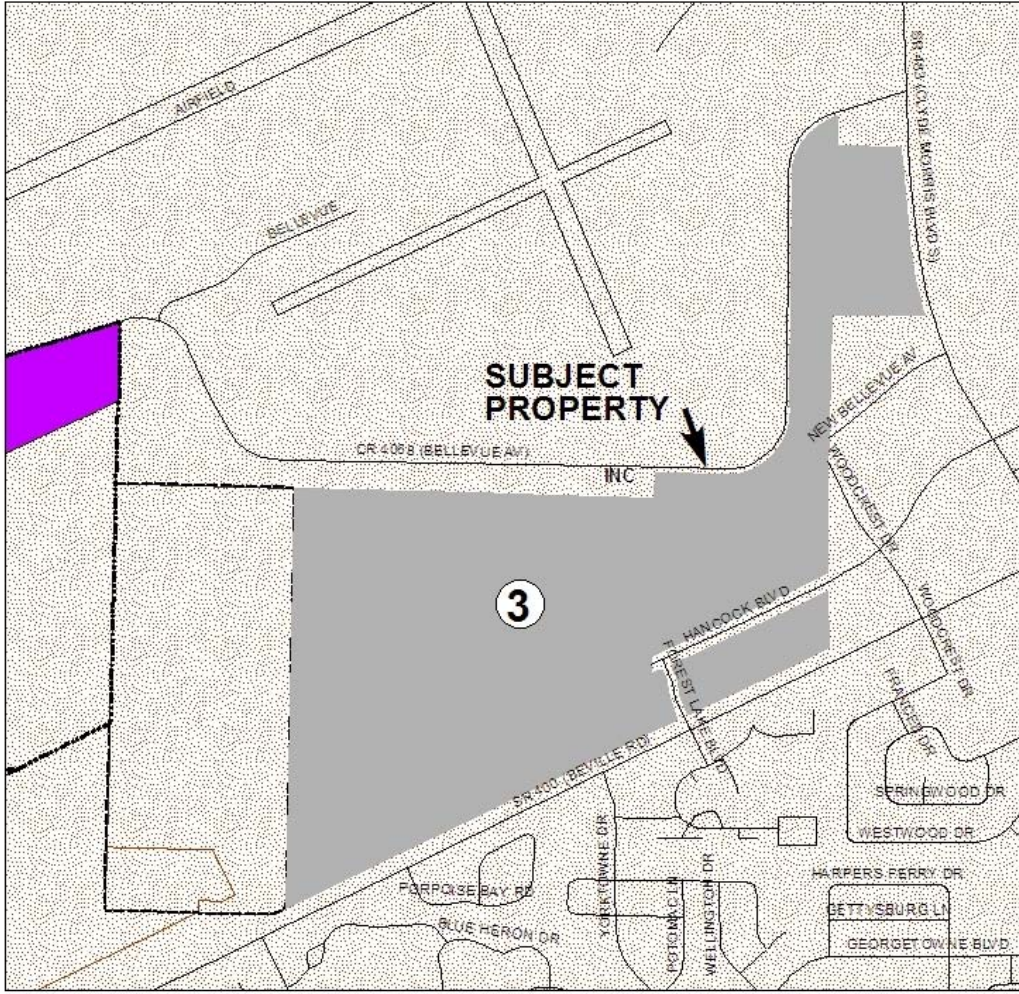
County Response: The map notation has been added to the Future Land Use Map Notations Table as depicted on the following page. This table is an integral part of the future land use map series and attached to the Comprehensive Plan as Appendix 1, Figure 1-11A.














1-11 A. Future Land Use Map/Plan Notations

Note: The following Future Land Use Map Notations have been adopted as a component of the Future Land Use Map under 9J-5.005(1)5., Florida Administrative Code.


Map Notation	Parcel Numbers or Legal Description	Acres	Adopted FLU Designation	Restriction	Ordinance
1	01-16-31-00-00-0010	20.92	Industrial	Development of the parcel shall be limited to a Floor Area Ratio of 0.6.	2007-46
2	01-16-31-00-00-0010	5.14	Industrial	Development of the parcel shall be limited to a Floor Area Ratio of 0.6.	2008-19
3	<u>30-15-33-11-00-0010,</u> <u>25-15-32-11-00-0010,</u> <u>25-15-32-11-00-0020,</u> <u>25-15-32-07-00-0021,</u> <u>25-15-32-07-00-0020,</u> <u>25-15-32-07-00-0010,</u> <u>25-15-32-00-00-0049,</u> <u>25-15-32-00-00-0048,</u> <u>25-15-32-00-00-0040,</u> <u>36-15-32-00-00-0039,</u> <u>and</u> <u>That part of 39-15-32-53-01-0010 to the east and south of Bellevue Ave. approximately 460 feet to the west of the west ROW line of Clyde Morris Blvd.</u>	226.00	Public/Semi-Public	Development of the parcels taken together shall be limited to a maximum of 118,583 Average Daily Trips.	2008-28

**Proposed Future Land Use
CPA-08-02-6**



 AGRICULTURE RESOURCE	 GENERALIZED ACTIVITY CENTER	 RECREATION
 COMMERCIAL	 INCORPORATED	 RURAL
 COMMERCIAL/OFFICE	 INDUSTRIAL	 TOURIST COMMERCIAL
 CONSERVATION	 LOW IMPACT URBAN	 URBAN HIGH INTENSITY
 COORDINATED DEVELOPMENT DISTRICT	 MIXED USE	 URBAN LOW INTENSITY
 ENVIRONMENTAL SYSTEMS CORRIDOR	 OFFICE	 URBAN MEDIUM INTENSITY
 FORESTRY RESOURCE	 PUBLIC/SEMI-PUBLIC	 WATER

Prepared by: Volusia County Growth & Resource Management Department

 06-Nov-08
 1" = 1000'

CPA-08-2-10: Meadowlea Future Land Use Map Amendment

DCA Objection #1: The transportation analysis submitted in support of this amendment does not demonstrate that the adopted level of service standards for the impacted roadways.

Objection 1: The proposed amendment is not supported by an accurate transportation analysis and therefore cannot demonstrate that the adopted level of service standards will be achieved and maintained on the affected transportation facilities. More specifically, US 17 which falls within the site's impact radius, is assigned an LOS standard of "D" and "E" in the submitted analysis when actually the FDOT adopted LOS standard is "C." Additionally, the transportation impact analysis indicates that several state roadways would experience LOS deficiencies in both 2012 and/or 2025 – US17, US17/92, US92, SR11, SR15A, and SR44. The transportation analysis submitted alongside the amendment also appears to have used zoning categories rather than future land use categories for calculating the amendment's trip generation potential. Therefore, the amendment is not supported by a transportation analysis for the five year and long term planning timeframe addressing one or more of the following: (1) the number of peak hour vehicle trips generated by the maximum development potential allowed by the FLUM amendment; (2) the impact of the vehicle trips on the projected operating level of service of roadways; (3) the need for road improvements (scope, timing and cost of improvements) to maintain the adopted level of service standards for roadways; (4) coordination of the road improvements with the Transportation and Capital Improvements Elements, including implementation through the Five-Year Schedule of Capital Improvements; and (5) coordination of the road improvements with the plans of the Florida Department of Transportation.

The proposed amendment is not consistent with the following requirements: Sections 163.3177(2), (3), (6)(a); 163.3180 (10) F.S.; and Rules 9J-5.005(2) & (5)(a); Rule 9J-5.0055(2)(c); 9J-5.016(1)(a), (2), (3), & (4); and 9J-5.019(3)(f)-(h), F.A.C.

Recommendation: Provide traffic data and analysis pursuant to Rule 9J-5.019(3)(f)-(h), F.A.C. and that uses the correct LOS standard for US17. This analysis should include the data necessary to support the FLUM amendment and demonstrate coordination of the land use with the planning and provision of transportation facilities and coordination with the Capital Improvement Element. Revise the Transportation Capital Improvements, and Future Land Use Elements, as necessary, to be consistent with and supported by the data and analysis and to achieve internal consistency with the FLUM. The analysis should be based on the maximum development allowed by the FLUM amendment. The evaluation should identify mitigation for all facilities operating below adopted level of service standards. Any adverse impact to transportation facilities should be addressed in the County's financially feasible Five-Year Schedule of Capital Improvements.

County Response: This is a privately initiated amendment. The applicant has been requested to revise the transportation analysis to demonstrate that adopted levels of service standards will be maintained on impacted roadways. The revised study has not been submitted as of this date. The County will not adopt this amendment until the data and analysis has been provided. It is the intent of the County to adopt all other items within the 08-2 amendment package on December 4, 2008. This amendment will be adopted under separate cover at a later date.

CPA-08-2-10: Meadowlea Future Land Use Map Amendment

DCA Objection #2: The County has not included adequate data and analysis that demonstrates that adequate water supply and facilities and wastewater facilities will be available to serve the amendment.

Objection 2: This amendment increases the proposed development potential of the site. According to the data and analysis, this increased impacts to water and wastewater facilities are supposed to be met by onsite potable water supplies and an existing onsite wastewater treatment plant. No data and analysis was provided, however, to show that these facilities are capable of accommodating this increased demand. Moreover, Volusia County is located within the St. Johns River Water Management District (SJRWMD) Priority Water Caution Area. Pursuant to Section 163.3177(6)(c), F.S., the County was to adopt a 10-year water supply plan by August 7, 2007 that would address future potable water demand within its service area. The County has yet to do this. The County, therefore, has not demonstrated that water supply resources are available to serve any additional demand created by the amendment for the short term or long term planning horizons. The amendment has not demonstrated coordination of the Future Land Use Element, Public Facilities Element and Capital Improvements Element, including implementation through the Five-Year Schedule of Capital Improvements.

The proposed amendment is not consistent with the following requirements: Sections 163.3167(13) 163.3177(2),(3)(a), (6)(a) & (c) & (h),(8); 163.3180(2)(a) F.S.; Rules 9J-5.005(2)-(6); 9J-5.005(1)(a) & (b); 9J-5.006(2)(a),(3)(b)1 & (3)(c)3; 9J-5.011(1)(a)-(f),(2)(b),(2)(c); 9J-5.016(1)(a), (?), (3)(b)1,3,4, & 5,(3)(c)1.e,1.f,1.g,6,8,(4)(a) and(b), F.A.C.

Recommendation: Adopt a 10-year water supply plan prior to the adoption of this amendment package, or revise the amendment package to provide adequate data and analysis that demonstrates that the County has sufficient water supplies and wastewater facilities to serve the amendment package as well as all other demands over the next ten years. If the County's analysis indicates that traditional water sources are not sufficient to meet the potable water demand over the next ten years, the County must identify alternative water supply sources capable of addressing the deficiency. If any improvements will be needed in the next five years, the five year schedule of capital improvements must be amended to include this improvement. If an improvement is needed in year six through ten, this improvement must be listed in the Public Facilities Element. Improvements placed in the five-year schedule of capital improvements must be financially feasible as defined in Section 163.3164(32), F.S. The same type of needs analysis and identification of facilities must also occur for wastewater facilities for a five year period.

County Response: This is a privately initiated amendment and it is located within the City of Deland's service area. The applicant has been requested to provide additional data and analysis to demonstrate that adequate capacities are available to serve this development, but this information has not been provided to date. The County will not adopt this amendment until the data and analysis has been submitted. It is the intent of the County to adopt all other items within the 08-2 amendment package on December 4, 2008. This amendment will be adopted under separate cover at a later date.

CPA-08-2-10: Meadowlea Future Land Use Map Amendment

DCA Objection #3: The County did not provide a future land use map exhibit displaying the notation to limit development of the amendment to a total of 823 average daily trips.

Objection 3: The County stated that the development potential for the amendment would be limited to 823 Average Daily Trips and submitted data and analysis examining the amendment's impacts to all public facilities based on this restriction. The amendment package noted that the restriction would be placed on the County's Future Land Use Map (FLUM). A FLUM exhibiting this limitation, however, was not submitted to the Department. Until this information is submitted, the public facility impacts for this amendment must be based on the development potential allowed under the proposed land use category and not the restriction. This will require the County to submit new data and analysis projecting the impact of the amendment under the heightened development potential.

The proposed amendment is not consistent with the following requirement: Section 163.3194(1)(a), F.S.; Rules 9J-5.005(2) and (6), F.A.C.

Recommendation: Submit a FLUM showing the placement of the density restriction on it or submit a text policy in the FLUM with the density restriction. Alternatively, submit data and analysis estimating the impact of the amendment based on the proposed future land use category's allowed development potential.

Staff Response: When the Meadowlea amendment is adopted, it will include an update to the Future Land Use Map Notations Table. However, this Meadowlea item of the 08-2 amendment package is being held until the private applicant can respond to other issues arising from this FLUM amendment. This amendment will be adopted under separate cover at a later date.

CPA-08-2-13: Wilbur-by-the-Sea Local Plan Amendment.

DCA Objection #1: The term “public use” in the proposed change to Policy Wil 1.10.1.3 is not defined and places no limit on the intensity or type of use that could fall under this term.

Objection: It is essential that the operative term upon which all allowed conversions rest, “public use,” be specifically defined. Under the proposed language the term is very broad and open ended. It seemingly places no limit on the intensity, frequency, or type of changes allowed and could allow anything from a hotel to a restaurant. Such institutions are technically public uses but are clearly not inline with the stated intent and may cause compatibility, suitability, or public facility issues. This ambiguity causes the policy not to fulfill Rule 9J-5.005(6), F.A.C., which states that “Goals, objectives, and policies shall establish meaningful and predictable standards for the use and development of land and provide meaningful guidelines for the content of more detailed land development and use regulations.” Without additional clarity such a policy may seriously compromise the current character of the neighborhood.

The proposed amendment is not consistent with the following requirements: Rules 9J-5.005(2) and (6), F.A.C.

Recommendation: Revise the proposed amendment to ensure that the new policy provides a meaningful and predictable description of “public uses” as required by Rule 9J-5.005(6), F.A.C. This description should specifically state the range of potential uses from which single family residential homes can be converted to and also show such changes will not disrupt the neighborhood. Moreover, the term “conversion” should be put in context with the comprehensive plan or local zoning or land development approval.

County Response: Volusia County purchased multiple parcels located in Wilbur-by-the-Sea. The existing policy WIL 1.10.1.3 prohibits converting a residential property to non-residential uses. A simple text change was necessary to allow for the development of necessary public infrastructure and services in the Wilbur-by-the-Sea community. As indicated in our telephone conference call and meeting on October 1, 2008, this policy revision is not a FLUM amendment, but a text amendment to the policy. The term “public uses” does not refer to the “Public/Semi-Public” FLUM category. In terms of planning, the parcel has been and will continue to be subject to the underlying Urban Low Intensity (ULI) FLUM category. The proposed policy as transmitted read as follows:

WIL 1.10.1.3 Applications to convert a residential single family land use to non-residential use or increase residential density within the Wilbur Community shall not be allowed. Nothing in this policy shall be construed to prevent residential single family conversions to public uses.

In an attempt to clarify the intention of the County the policy is revised to read as follows:

WIL 1.10.1.3 Applications to convert a residential single family land use to non-residential use or increase residential density within the Wilbur Community shall not be allowed, except for a valid public purpose pursuant to Section 125.01, Florida Statutes on publicly owned property.

CPA-08-2-14: Environmental Core Overlay (AKA Map A).

DCA Objection #1: The smart growth policies fail to establish meaningful and predictable standards.

Objection: The following Smart Growth policies fail to establish meaningful and predictable standards and therefore do not fulfill the legislative intent of Rule 9J-5.005(6), F.A.C.

- SG Policy 1.2.1(e): states that the County will adopt “heightened environmental standards” for the Environmental Core Overlay.
- SG Policy 1.1.1(f): states that the County will establish “procedures, standards, and incentives” that will simultaneously protect property rights while protecting the ecological systems in the Core.
- SG Policy 1.2.2: states that the County will establish “procedures, standards, and incentives for Conservation Developments.”
- SG Policy 1.2.3: establishes a Transfer of Development Rights.

For each of the Policies listed above, the County fails to define or clarify the nature of the actions that will be taken to implement these policies or when implementation will begin. Therefore, as proposed it will be difficult to assess the policies to determine whether progress is being made in their implementation. Moreover, because of this lack of clarity it is impossible for property owners whose land falls within the Boundaries of the Overlay to determine what constraints may be placed on their land.

The proposed amendment is not consistent with the following requirements: Rules 9J-5.005(2) and (6), F.A.C

Recommendation: Revise the proposed amendment to ensure that the new policies are meaningful and predictable definition as required by Rule 9J-5.005(6), F.A.C. These policies should more specifically describe the “procedures, standards, and incentives” that will be taken by the County to implement the Overlay and any other measure that is listed in the Smart Growth policies.

County Response: As recommended, the Smart Growth policies have been revised to provide meaningful and predictable standards. Timelines for implementation and more specific implementation techniques have been included. Policy SG 1.2.1 (e) is revised to reflect the timeline for implementation and specify the environmental issues that will be addressed under the County’s charter authority. This policy is meant to acknowledge that under §202.4 of the Volusia County Charter, the Council shall adopt environmental protections standards that can apply within incorporated and unincorporated areas of the County. Policy SG 1.2.1.(f) is revised to provide a schedule for revising the land development regulations. SG policy 1.2.2 is revised to clarify and define “conservation subdivisions” and how they will be incentivised, implemented and managed. Policy 1.2.3, addressing transfer of development rights has been deleted as

the timeframe for implementation is not on the near term horizon. These revisions are presented below.

[Note: Changes from the transmitted text are presented in strike-through/underline format to clarify the changes from the transmitted text only. Please be aware that in the actual amendment all text associated with the Smart Growth Initiative GOPs is new and will appear as underlined.]

~~**CHAPTER 1: FUTURE LAND USE ELEMENT
SMART GROWTH SUB-ELEMENT**~~

~~**3. GOALS, OBJECTIVES & POLICIES**~~

Chapter 1: Future Land Use Element
Section G: Smart Growth Initiative

SG GOAL 1: To ensure that Volusia County retains an interconnected core network of environmentally important lands to help preserve the County's ecosystems into the future.

SG OBJECTIVE 1.2: To protect and enhance environmentally sensitive corridors, wildlife habitat, connected wetlands, and natural hydrologic functions throughout Volusia County, the County adopts the Environmental Core Overlay or "ECO" Map as a component of the Future Land Use Map series.

SG POLICY 1.2.1: Lands within the ECO Map shall be managed based on the following criteria:

(a) Public lands within ECO shall be managed to protect functioning ecological systems while respecting existing land management or use agreements.

(b) Where a tract of land is partially or fully within ECO, proposed development activities shall be encouraged to utilize innovative and flexible land development and planning techniques such as conservation development and/or transfer of development rights to shift development from ECO to other more suitable areas. In such cases, lands within ECO shall be protected by an easement that permanently severs development rights.

(c) Where a tract of land is partially or fully within ECO, the owner(s) shall be encouraged to utilize innovative land planning and development techniques such as conservation subdivisions, rural clusters, rural lands stewardship, Low Impact Development, Waterwise Development, Firewise Development, United States Green Building Council LEED Certified development, Florida Green Building Coalition designations, or other similar development certifications, which promote sustainability.

(d) The County shall encourage landowners who own property within ECO to coordinate development activity and utilize innovative and flexible land development techniques to protect the integrity of the Environmental Core Overlay as an ecological unit.

~~(e) The County shall adopt heightened environmental standards to protect the Environmental Core Overlay as a functional ecological unit and for environmental protection pursuant to Sec. 202.4 of the Volusia County Charter. By 2010, the County shall adopt regulations, standards, and procedures pursuant to Sec. 202.04 of the Volusia County Charter to apply specific minimum environmental standards to the Environmental Core Overlay to protect it as a functional ecological unit. Specific regulations shall be adopted within ECO for wetlands protection, watershed protection, aquifer protection, and for conservation of trees and native habitat.~~

~~(f) The County shall set forth procedures, standards, and incentives for implementing this section, which shall respect underlying property rights while promoting protection of existing functioning ecological systems. By 2009, the County shall adopt land development regulations which set forth procedures and standards for implementing this section, which shall respect underlying property rights while promoting protection of existing functioning ecological systems. The land development regulations shall provide procedures for subdivision of land that recognizes the existing underlying zoning densities and intensities and provide incentives for conservation development as set forth in Policy 1.2.2 and which includes the following:~~

- ~~(1) Private land owners within ECO shall be encouraged to utilize Best Management Practices to conserve lands within the overlay so as to protect functioning ecological systems.~~
- ~~(2) The County may consider privately owned lands within ECO for fee and less than fee acquisition.~~
- ~~(3) Lands identified as ECO shall also be encouraged for private conservation programs such as conservation easements, wetland mitigation banks, conservation banks, wetlands reserve program, and other recognized conservation programs.~~
- ~~(4) Lands within ECO will be identified as sending areas in any transfer of development right program that may subsequently be developed.~~

(g) The zoning densities, as a whole, for all land within the ECO boundaries shall remain density neutral. Incentives may be provided for innovative planning and/or preservation.

SG POLICY 1. 2. 2: The County shall develop procedures, standards, and incentives for Conservation Developments (CDs). CDs shall be the preferred method for encouraged as an alternative to exempt large lot subdivisions on all parcels or tracts that include or are directly adjacent to lands identified on the Environmental Core Overlay (ECO). ~~and shall be a permitted use in all zoning districts included in the ECO.~~

(a) Conservation Developments are residential and open space developments where at least sixty percent of the gross land area is designated as permanently protected open space and managed for agricultural or conservation purposes. Open space shall be arranged to preserve the function, purpose and integrity of the on-site natural resources to the maximum extent practicable. The underlying development rights of the open space shall be severed through a permanent conservation easement. Development shall not exceed forty percent of the land area and shall be located on the area most suitable for development. Lots shall be arranged in a compact fashion and are authorized and encouraged to be smaller than typically allowed in the zoning classification. Conservation Developments shall be designed to protect the important characteristics and features of land through the following goals, as applicable:

- (1) Protect natural and historic resources.
- (2) Preserve the rural character of the county.
- (3) Retain functional open space for passive recreational purposes.
- (4) Maintain significant areas for silviculture and agriculture production.
- (5) Provide habitat corridors through linked open space networks.
- (6) Protect scenic vistas.
- (7) Allow development on smaller lots and a compact footprint in order to protect more open space.

(b) The land development regulations shall set forth a flexible process for authorizing conservation developments with innovative designs and provide for standards and locational criteria to site lots in an area suitable for development. The regulations shall also establish procedures for permanent conservation management of the designated open space.

(c) Conservation Developments shall be encouraged by the following policies:

- (1) Base Yield for a Conservation Development means the gross acreage of a tract divided by the minimum lot size. In cases where tracts contain multiple land use designations, the base yield will be calculated separately for each area and added together to determine the total site's base yield. The resultant number is the allowed number of residential dwelling units, prior to any potential bonuses.
- (2) A CD which preserves substantially all wetlands and fifty percent of the uplands as open space or at least seventy-five percent of the gross acreage may receive up to twenty-five percent density bonus above the base yield.
- (3) The following innovative design techniques shall be encouraged: Low Impact Development; Dark Skies; WaterStar; Firewise; US Green Building Council LEED Certified Development; Florida Green Building Coalition designation or other county approved certifications which

promote sustainability; water neutrality; or environmental restoration of degraded wetlands or habitat. Provisions of the land development regulations may be waived for a CD to the extent they are in conflict with an approved certification. If allowed, the facilities based on these programs must be privately maintained.

- (4) In no event shall the yield bonus exceed capacity for existing public infrastructure as measured by concurrency management systems in the land development regulations or § 206 School Planning, Volusia County Charter.
- (5) A CD may include agri-tourism and eco-tourism activities such as: sales of agricultural products, equestrian boarding facilities, ecotourism facilities, agri-tourism facilities, environmental interpretive or learning centers, boardwalks and trails.
- (6) A CD may incorporate limited neighborhood scale commercial development designed to serve area residents, so long as it is compatible with the overall CD and consistent with the rural character of the area.
- (7) The number of residential units in a conservation development shall not exceed 600 units.

(d) Open Space areas in Conservation Developments shall be designated, permanently protected, and maintained as undeveloped conservation, agriculture or passive recreational uses. Open Space shall be selected and designed according to the following principles:

- (1) ECO Lands, Environmental System Corridors, substantially all wetlands, natural and historic resources shall receive top priority for inclusion as part of the designated open space area and shall be managed for conservation purposes. Agricultural areas may be set aside within areas designated as Open Space area so long as agricultural uses comply with Best Management Practices approved by the Florida Commissioner of Agriculture.
- (2) When a parcel contains lands designated as ECO and other lands, the CD should as much as possible protect the ECO lands and shift development to lands outside of ECO.
- (3) Taken as a whole, Open Space should contain as much of the lands designated as ECO as possible and shall generally be contiguous to minimize fragmentation and promote the creation of an interconnected, environmentally significant corridor.
- (4) Open Space shall be permanently protected by a recorded conservation easement and held by one or more of the following: Volusia County, other public agency, or a land trust or conservation organization approved by the County.

- (5) Open Space shall be subject to an appropriate management plan. The management plan shall establish management objectives, outline procedures, and define the roles and responsibilities for managing the open space. The plan shall also provide for the protection of species listed by FWC and USFWS.

~~**SG POLICY 1. 2. 3:** The County shall develop a Transfer of Development Rights (TDR) program. The TDR program will provide a mechanism for relocating existing development rights on lands that are within the ECO, based on its current zoning, and moving those development rights to other lands more suitable for development that are located outside of the ECO. The lands within the ECO are known as “sending/donor areas” while the lands outside the ECO will be identified as “receiving areas”. The program will be designed to protect underlying property rights of private landowners within the ECO while providing a tools and incentives for perpetual conservation of those lands.~~