



**To:** Chairman and Members  
Volusia County Council

**Date:** October 22, 2008

**From:** Kelli McGee, Planning and Development Services Director

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**Subject:** Evaluation and Appraisal Report (EAR) Based Amendments  
Large Scale Comprehensive Plan Amendment Cycle 08-01  
Adoption Hearing

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**Project Name:** Evaluation and Appraisal Report (EAR) Based Amendments

**Case Number:** CPA 08-01-1

**Applicant:** Volusia County – Administrative Amendments

**Location:** Countywide

**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.). This Act requires all local governments in the State to maintain comprehensive planning programs based upon an adopted local government comprehensive plan. As part of this process, the local government must monitor changing conditions and must use this information to guide periodic amendments to the local comprehensive plan. This process is known as the Evaluation and Appraisal Report (EAR) process.

As a recap of the EAR process, the Department of Community Affairs (DCA) requires that every seven years each jurisdiction must evaluate their Comprehensive Plan. The Goals, Objectives and Policies (GOPs) of the Plan are examined to determine if they are in compliance with current State, Federal and local laws and regulations, and measurable targets are assessed to determine if the GOPs are performing as intended. DCA reviews the EAR and makes recommendations as to amendments needed to ensure the

Comprehensive Plan meets current statutory requirements. The Comprehensive Plan then undergoes the EAR Based Amendment process to remedy the deficiencies found during the EAR process. This is largely a house keeping exercise. The planning horizon is extended, objectives are modified, and policies are updated to meet DCA's requirements.

Volusia County completed its EAR in September 2006. Volusia County transmitted Cycle 08-1 EAR-Based Amendments to the Department of Community Affairs (DCA) and the Volusia Growth Management Commission (VGMC) on July 25, 2008. VGMC certified the amendment as consistent on September 10, 2008. The DCA issued their Objections, Recommendations, and Comments (ORC) report on September 23, 2008. In accordance Florida Statutes, Chapter 163 and Rule 9J-5, the next step in this amendment process is for the County to adopt, adopt with changes, or not adopt the EAR Based Amendments.

### **ORC Response:**

The DCA's ORC identified 6 objections to the EAR Based Amendments. The identified concerns are relating to water supply planning, Coastal High Hazard Area, military encroachment planning, and proposed changes to three of the Future Land Use Categories. These 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. The ORC response provides revised text for objections #2, #3, #4 and #6, and additional data and analysis for objection #1, #3 and #5 to further explain our position.

As council reviews the ORC response please note that these revisions have also been incorporated into the overall EAR Based Amendments for submittal along with the adopting ordinance 2008-23. The ordinance is attached to this staff report for reference. However, in order to reduce the volume of material for Council's agenda package, the EAR Based Amendments themselves are referenced on the County's website under the following link: <http://volusia.org/growth/planning.htm>. The specific site reference is: November 2008 – EAR Based Amendments – Adoption Draft. This adoption draft has been updated to include all approved text and map changes through the 07-02 cycle and further includes the Public Schools Facility Element which was adopted in March 2008. All support documents to the EAR Based Amendments can also be found on this website.

Staff is confident that DCA will find the issues raised in the ORC sufficiently resolved and that the County's EAR Based Amendments will be found consistent with the State Comprehensive Plan.

### **Finding of Fact/Conclusion:**

Per Section 163.3191, F.S Volusia County completed the Evaluation and Appraisal Report and was found sufficient by the Department of Community Affairs in September 2006.

The recommendations contained in the EAR are the primary basis of the proposed amendments to the County's Comprehensive Plan as presented in the text for each Element.

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.

**STAFF RECOMMENDATION:**

Staff recommends approval of the EAR Based Amendments based on the above findings.

**ATTACHMENTS:**

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| Attachment 1 | Volusia County's Response to the Department of Community Affairs Objection, Recommendations and Comments Report<br>* Exhibit 1 to Attachment 3 – Data and Analysis: Military Installations |
| Attachment 2 | Ordinance 2008-23<br>* Exhibit A to Ordinance 2008-23 is available on the Volusia County website. See above reference.   |
| Attachment 3 | Volusia Growth Management Commission Consistency Certification   |
| Attachment 4 | Department of Community Affairs' Objections, Recommendations and Comments Report   |