



## **Land Development Regulations Affinity Group – Meeting #2 – February 16, 2022**

### **Attendees:**

D.J. Lebo

Phyllis Allen  
Jessica Gow  
Tracey Barlow  
Joanna Maldanodo  
Bob Williams

Trinity Kutschinski  
Karen Delisle  
Randy Jenkins  
Sara Lee Morrissey  
Scott Banta

Clay Ervin, Volusia County Growth and Resource Management, Director, thanked and welcomed the committee back for the second meeting, and explained that the committee would be discussing the three buckets established at the prior meeting.

Mr. Ervin introduced Committee Chair, D.J. Lebo, who welcomed the group and called for the roll call. All members were in attendance. The previous meeting minutes were brought forth for comment. Ms. Gow requested a change to say that she had not recommended inclusionary zoning, but just discussed the legal challenges of it. The January minutes, as amended, were approved by the committee following a motion from Ms. Gow, and a second by Ms. Morrissey.

A brief overview of the Ground Rules was discussed via the PowerPoint to illustrate where the project began, and where it was headed. The purpose the meeting today was to take the defined “buckets” from the first meeting, and refine them with the inclusion of different elements. The three big areas discussed were time/cost certain, fees, and code changes. This meeting will determine if all the suggestions submitted by the committee members, fit into one of the three buckets. This strategy would lay groundwork for the document prepared by County staff, which would be discussed and finalized at the third meeting.

The three LDR buckets were refined through discussion of the various elements: time/cost certain; fees, if they would be reduced or waived, and code changes in order to make the process more palatable. Ms. Lebo introduced, Trish Smith, Planner III, who reviewed the handouts, confirmed committee member comments from Homework Assignment #1 to ensure that their ideas were captured, and reviewed the homework assignment that would be due prior to the next meeting.

Ms. Smith lead the group through a discussion of the buckets and their respective elements, Ms. Gow was asked to start with the contents of Bucket #1 since her organization works frequently with the county on various development projects. Bucket #1’s contents included elements for less process and time for permitting, timelines for applications and comments. She suggested a 14-day turnaround time for affordable housing projects on comments and regularly scheduled, on-site weekly review opportunities. Discussion ensued between all members, and clarification was provided that comments related specifically to development review and the PUD process - not individual building permits.

The team was asked to consider whether some review processes could be reduced or eliminated to save time. The team was against cutting any reviews and conceded that sometimes the process

just “takes what it takes,” as all of the boxes need to be checked in order to gain approval. Ms. Lebo clarified that perhaps affordable housing projects should continue to go through the PUD process, with accelerated time lines. Ms. Smith clarified that it is relatively straight forward when the zoning and land use is in place. The code outlines the documents required for submittal. If there is a PUD process in place for more complex projects, time may be reduced when developers submit the required documents initially. It gets more difficult when developers do not submit the required documentation, and the staff cannot review the application in totality. PUDs can take longer to negotiate setbacks, landscape buffers, and other project parameters, while ensuring that the project is consistent with county ordinances.

Mr. Ervin, shared that current challenges would still be a part of the process, and there was no talk of eliminating comprehensive plan requirements, or minimum environmental standards, but rather, prioritizing affordable housing projects by shortening timeframes, and not eliminating them. Current timeframe challenges in counties and municipalities, is also being shared among contractors. The example of surveys taking 30 days has now become the standard. Production, consultant, and material timelines are beyond the county's control.

Discussion ensued with Ms. Gow reviewing the time constraints, and Mr. Williams suggesting that with the priority of affordable housing projects, perhaps implementation of a collective review would help eliminate the back-and-forth in the approval process. Ms. Morrissey discussed a defined Targeted Area Map overlay, identifying proximity of affordable housing areas to education, transit, medical services, groceries, basic services and utility service areas. The overlay may include municipalities.

Mr. Ervin stated those areas could be identified through Statewide Housing Initiatives Partnership (SHIP) fund areas, with discussion ensuing to identify the areas by trust fund availability and Economic Opportunity Zones (EOZ). Areas could be identified through an overlay of funding sources, while not excluding other zones and opportunities. Ms. Smith questioned whether there was a need for a different process, or modification of process already in place. Tracy Barlow commented that state statutes cannot be overlooked.

The topic turned to a discussion of NIMBY (Not in My Back Yard) issues and how best to address them. Most of the members did not appear in favor of eliminating or reducing the public participation process. There was a discussion regarding the need to define “affordable housing,” and changing the narrative and terminology to social justice and community needs. Some members suggested that affordable homes could be built in an aesthetically pleasing manner to fit into existing neighborhoods. Mr. Banta noted that House Bill 1339 could possibly help with overriding opposition in neighborhoods. Ms. Kutschinski expressed the idea of compiling a mailing list of people interested in Affordable Housing and having them show up to meetings in support. Ms. Delisle stated that her organization can pack a council chamber and would wholeheartedly support affordable housing projects. A time and cost savings measure in eliminating hard copy submittals was suggested by Ms. Morrissey, although Mr. Ervin stated that 80% of current submittals to the County are performed on-line, already eliminating the need for hard copies.

Bucket #2 topics: Impact Fees/Permitting Fees/Tax Discounts, with the theme of reduced fees and costs, was discussed with the example of property tax discounts for affordable or workforce housing, such as in Seminole County, as well as impact fee waivers and deferrals; restrictive

covenants for bonuses; donations; funding, and fee waivers. Discussion continued on how to ensure a property is affordable, with multi-family projects, SHIP funding, reporting requirements and owner-occupied homes being options. It was noted that adaptive language is currently out there and can be utilized. Deed restrictions were discussed and an example that was provided in the committee packets was referenced for later review.

Success was discussed as making affordable housing opportunities attractive to cities and developers, with building fee waivers and deferrals, as well as restrictive covenants for bonuses, donations, funding, and property tax discounts for both affordable and workforce housing, as seen in Seminole County. Density bonuses could also prove to be a benefit. There was discussion of utilizing expertise, automation and investment in infrastructure to lower all costs, thus making us more competitive for federal funds. Discussion included impact fee waivers, state law, as well as school impact fees being waived in Brevard County. Mr. Ervin pointed out that the county is currently performing an analysis of impact fees, which will include a review of accessory dwelling units, thoroughfare impact fees and the updating of rates. The draft study should be completed by the end of April. Bond measures and Community Development Districts for discrete areas were also discussed as possible assistance toward affordable housing measures.

Bucket #3 topics: Discussion turned to flexible lot sizes and density bonuses to offset lost revenues for affordable housing developers. The City of DeLand's minimum lot sizes were discussed as being 75' x 100' or 7,500 sq. ft. This was one example of minimums imposed by municipalities. A push to alter lot sizes was proposed, but to not entirely eliminate all of the restrictions. Mr. Banta suggested the tiny neighborhood model, which could allow 10 – 11 units per acre, with a condo-type association fee structure for common areas. Non-conforming lots to support smaller homes was mentioned as a potential infill solution, which could then be expanded to old existing subdivisions. The challenge of antiquated subdivisions could be dirt roads, but the advantages are that some are near amenities. Mr. Banta suggested a mix and match plan as adopted in Osceola County, which includes 1 – 4, and 3 – 8 units, per acre, for both build to rent and build for rent. He added that community needs have changed, and as such, housing requirements must change to reflect current need.

The group discussed the need to provide affordable housing and to identify the challenges standing in the way of this goal. Integration of mixed communities, the elimination of required variances, and the adaptability to change density requirements is the goal. Ms. Gow stated that staff, as the experts, should be empowered to identify the requirements that can be waived through an administrative process. The waiving of requirements could incentivize developers to come into the county and build multi-family and work force housing. Mr. Banta estimated that by the year 2030, 35,000 to 40,000 units would be needed. Mr. Ervin noted that the Farnton development has an affordable housing requirement in the comprehensive plan. He added this development will have to go through the PUD process and cannot develop until 2025. At present, Farnton is concentrating efforts on Deering Park Center Community Development District. Inclusionary zoning is not required for any other developments in the county.

Following the introduction of inclusionary zoning as a mechanism for building affordable units, Ms. Smith encouraged the group to share their opinions on the topic. One member commented that this would only be attractive to affordable housing developers, but most would not be interested, and likely would opt to build somewhere else. There was discussion that developers

would need to “be made whole,” and that the waiving of fees, linkage fees, and inclusionary zoning must be researched, although Ms. Morrissey was optimistic that there was a way to require increased numbers of units to be built. Mr. Williams expressed concern with blanket inclusionary zoning throughout the county and preferred overlay areas and linkage fees. Mr. Ervin clarified that linkage fees are like an impact fee, and the fee needs to be countywide on non-residential and some high-value residential properties.

Ms. Lebo reviewed the three buckets as:

1. Process and time elements
2. Fee and cost related elements
3. Code and integration elements

Mr. Williams made a motion to confirm the buckets and the elements within the buckets that were discussed during the meeting, and Mr. Banta seconded the motion. There was unanimous consent. The meeting was adjourned with a request to finish the homework assignment and return it to Ms. Smith by March 2, 2022, to allow for staff review prior to the final meeting, which is scheduled on March 23, 2022.