MINUTES OF THE ENVIRONMENTAL AND
NATURAL RESOURCES ADVISORY COMMITTEE

July 19, 2023

CALL TO ORDER
Melissa Lammers, Chair, called the meeting to order at 1:03 p.m.

ROLL CALL
Roll call was taken, with Members Hoblick, LeFils, and Tobias being absent, and Member Fitzsimmons attending virtually.

Chair Lammers requested a motion to allow Member Fitzsimmons to participate virtually. Member Malmborg moved to allow Member Fitzsimmons to participate virtually. Member Lites seconded the motion. Motion carried unanimously.

Member Morrissey stated she would need to leave at 3:00 and requested to be allowed to participate virtually at that time. Member Malmborg moved to allow Member Morrissey to participate virtually at 3:00 p.m. Member Lites seconded the motion. Motion carried unanimously.

APPROVAL OF MINUTES
May 2, 2023: Chair Lammers asked for any comments or a motion regarding the draft May meeting minutes. Member Morrissey moved to approve the minutes as drafted. Vice Chair Gow seconded the motion.

Member Surrette noted that portions of the minutes were unclear and lengthy. Discussion ensued regarding how the minutes should be best captured. Chris Ryan, Assistant County Attorney, clarified the minutes should be focused on actionable items, general, and not verbatim.

The motion carried unanimously.

June 7, 2023: Chair Lammers asked for any comments or a motion regarding the draft June meeting minutes. Vice Chair Gow motioned to approve the minutes as drafted. Member Surrette seconded the motion. Motion carried unanimously.

DISCUSSION
Ginger Adair, Environmental Management Director, discussed recently enacted legislation, Senate Bill (SB) 250, which affects all areas within 100 miles of the landfall of Hurricane Ian or Tropical Storm Nicole.

Mr. Ryan further explained that a portion of Volusia County is within the designated area, which means all of the unincorporated area of the County must adhere to the provision that states no new, or amended, regulations may be proposed if they could be considered more restrictive or burdensome until October 2024.

Chair Lammers summarized options and asked for discussion.
Discussion ensued regarding the timing of recommendations and whether or not to consider reviewing the material, with future action by the Council after the designated date of October 2024.

Staff clarified the review of things may continue, but nothing can come before Council for action until the appropriate time has lapsed. A discussion item is being drafted for LID, and Council may provide additional direction at that time.

Discussion continued on options and members agreed that the imposed time will allow for more public involvement through listen sessions and other educational opportunities. There was also discussion on different versions of the bill and whether or not it may affect cities within the county. Mr. Ryan stated he would do additional research and follow up with the Committee.

Consensus was that the Committee would continue their review, move forward with LID being voluntary, and await any further direction from Council.

Ms. Adair then introduced new staff members in attendance. She introduced Samantha West, Sustainability and Resilience Manager, Chelsee Moulton, Office Specialist II, and Todd Hannah, Environmental Specialist III.

PRESENTATION OF WETLAND PROTECTION ORDINANCES

Keith Abrahamson, Environmental Permitting Manager, provided an outline of the presentation, discussed the importance of wetlands, estimated economic value of wetlands, growth in the County, and the implementation of minimum standards. He noted that an implementing ordinance was adopted by the county and each municipality, with enforcement by each governing jurisdiction, with the exception of Oak Hill, which the County provides enforcement for.

Discussion ensued regarding the enforcement of wetland minimum standards within the municipalities.

Mr. Abrahamson continued the presentation, and the importance of wetlands and the history of standards.

Discussion ensured regarding the policy of no net loss per Chapter 50 and if the County had been successful in achieving the no net loss standard. Staff explained the wetlands mitigation fund that provides for the enhancement of existing wetlands, creation of new wetlands, or the acquisition of environmentally sensitive lands for conservation. Staff also addressed how much mitigation had been paid for in the last five years and that large impacts to the wetlands are typically handled by the state and the County does not receive mitigation for those. It was noted that staff counts impacts in a database, even if they are handled by the state.

Mr. Abrahamson moved on to discuss exemptions, standards found in Chapter 72 of the Land Development Code, potential improvements, and other potential changes.

Ms. Adair noted the list was generated prior to the enacted me of SB 250, and the list may need to be reviewed to differentiate between administrative changes and those that could not be considered until the
appropriate time had lapsed. It was agreed that the Committee and staff could track recommendations for
potential changes that may be presented to Council at a later time.

The presentation continued with the Environmental Corridor Overlay (ECO) and the Natural Resource
Management Area overlay (NRMA).

Chair Lammers requested a brief overview of the history of each overlay. Ms. Adair explained that NRMA
was created in the 80’s and was an overlay for the unincorporated areas only. ECO was to provide a corridor
of interconnected, environmental sensitive lands that provides wildlife and habitat connectivity. It was
noted that ECO was intended to survive annexations.

Discussion ensued on the annexation process and staff would verify that all new applications for annexation
within ECO would be reviewed to ensure the overlay survived.

The presentation continued with the Council work plan for this Committee and a comparison of state and
County standards, noting that state standards should be the same at both state entities.

Discussion ensued on avoidance and minimization, mitigation methods, and enforcement. It was noted that
decisions made by County Environmental staff is appealable to the Development Review Committee. It
was also noted the County does take a stricter approach, which may often encourage annexations.

At 2:31 p.m., Chair Lammers called for a short recess. The meeting came back to order at 2:48 p.m.

Chair Lammers inquired how things should continue. Staff explained that conceptual conversations may
continue, without any proposed drafts until Council direction. Staff then went back to the potential
improvements slide for consideration.

Member Malmborg offered that wetlands and surface water should be better defined. Member Lites offered
that both County and state must abide by 62-340 of the Florida Administrative Code and surface waters are
manmade and do not typically have mitigation required.

Discussion continued regarding exemptions, specifically ditches.

Vice Chair Gow inquired about flood ways and flood plains and if elevated standards are needed. Ms. West
explained flood ways is governed by Division 7 and if a ditch were to be filled, it would require FEMA and
stormwater permit. Impacts to the floodplain would have to be permitted as well.

Ms. Adair explained the permitting process. She noted that parcels are looked at using the County’s
mapping conventions, which includes a layer that determines if environmental review is required. If a
parcel, in the permitting process, triggers that review, staff will go out to verify and follow procedures, such
as meeting the state delineation requirement, if needed. Staff explained the state and county permits may
be worked on concurrently to avoid unnecessary delay.

Member Morrissey left at 3:01 p.m.
Discussion continued regarding the A, B, C, D testing process, definition, and composition.

Member Anderson inquired if the areas where water remained after the storm events of last summer, were they now considered wetlands.

Member Lites replied in the affirmative, should water still be standing. Member Malmborg added that if land later dries, the determination could be contested.

Discussion on hydrology and wetland lines changing continued.

Member Morrissey joined virtually at 3:05 p.m.

Chair Lammers called for discussion to return to potential improvements.

Member Lites offered that a better definition of avoidance and minimization is necessary and any increase in buffers would be considered as burdensome and prevented by SB 250. He also offered the buffer definition should be modified with average buffer being implemented.

Staff explained the biological reasoning of not using averages to better protect wetlands from development and clarified the minimal costs associated with impacts to the buffer being $1 per square foot, at the most.

Chair Lammers inquired if references to UNAM should be included in the Code.

Member Malmborg moved to update the code to reference UNAM as required by the state.

Vice Chair Gow seconded the motion.

Member Malmborg stated he would like also like the motion to include more detail on avoidance and minimization. Vice Chair Gow requested they be separate motions. Member Malmborg agreed and amended the motion to remain as the original.

The motion carried unanimously.

Member Fitzsimmons left the meeting at 3:11 p.m.

Member Malmborg moved to define avoidance and minimization as being applied to today for future discussion.

Member Surrette seconded the motion.

Ms. Adair asked if staff could compose a list of items without a motion for each.
Member Malmborg responded he believed Roberts Rules of Order required motions, but offered the list could be voted on at the end. He then requested examples of how the Code would be matched to the Comprehensive Plan be added.

Vice Chair Gow suggested changes to NRMA and ECO and asked for clarification about disturbances to the buffer.

Mr. Abrahamson suggested minimums and discussed how sheds, pools, and other accessory structures on single family residential sites may impact buffers. Ms. Adair summarized the request as demonstrating avoidance and minimization and then mitigation.

Discussion ensued on agricultural exemptions and if 10 years was too long of a time frame should ag lands be converted to another use. Mr. Abrahamson explained the County’s process, which involves SJRWMD and is state enforced. It was noted that trees may be cut, but wetlands continue to be protected on ag lands.

Clay Ervin, Growth and Resource Management Director further explained bonafide agricultural pursuits as determined by exemptions from the Property Appraiser’s Office. He added the ambiguity should be removed to clarify to ag owner’s that wetlands are not exempt, which is an educational component.

Chair Lammers inquired if disclosures must be made to sellers about requirements. Member Bliss confirmed the onus falling on realtors and sellers.

Member Surrette stated County and state standards should be more in line with each other.

Ms. Adair stated if requirements are stricter, the county could adopt, but they would not adopt less stringent standards.

The August 2, 2023, meeting would include:

1. Define implementation of avoidance and minimization
2. Examples of opportunities for Comprehensive Plan consistency
3. Buffer width suggestions and research
4. Example of buffer disturbances for residential accessory structures and ways to strengthen requirements.

Member Malmborg moved for the determined staff list to be brough to the August meeting. Vice Chair Gow seconded the motion. Motion carried unanimously.

Chair Lammers requested a summary be provided to the Committee after each meeting. Ms. Adair agreed, stating she would email a summary to all members. Ms. Adair also stated she will let everyone know once a date has been scheduled for the LID Council discussion.

ADJOURNMENT
The meeting was adjourned at 3:44 p.m.