MINUTES OF THE ENVIRONMENTAL AND
NATURAL RESOURCES ADVISORY COMMITTEE
August 2, 2023

CALL TO ORDER
Melissa Lammers, Chair, called the meeting to order at 1:08 p.m.

ROLL CALL
Roll call was taken, with Members LeFils, and Tobias being absent, and Members Lites and Morrissey attending virtually.

Chair Lammers requested a motion to allow Members Lites and Morrissey to participate virtually. Member Surrette moved to allow Members Lites and Morrissey to participate virtually. Member Jamison seconded the motion. Motion carried unanimously.

APPROVAL OF MINUTES
Chair Lammers called for a motion or comment on the draft July 19, 2023, meeting minutes. Member Anderson moved to approve the minutes as drafted. Member Jamison seconded the motion. Motion carried unanimously.

DISCUSSION
Member Anderson inquired about parking. Clay Ervin, Growth and Resource Management Director, stated he would follow up with Facilities to see if they could reserve parking for the members on meeting days.

CONTINUATION OF WETLANDS DISCUSSION
Chair Lammers provided a brief overview of Senate Bill 250, as discussed at the last meeting, and summarized the Committee’s decision to keep moving forward with reviews.

Ginger Adair, Environmental Management Director, introduced Todd Hannah, Environmental Specialist III and then moved forward with the presentation.

Ms. Adair provided the standards for review as found in Sec. 72 of the Code. She noted the information provided was an overview of current practices and discussed the need to better define sections of the code. Discussion ensued regarding avoidance, minimization, and mitigation being sequential, the appeal process, basic function, staff’s approach of providing alternatives or options during review, the differences of ponds and wetlands, and cumulative impacts.

Ms. Adair provided aerials images from 2003 and 2023 to depict the impact to wetlands. Staff explained development rights in platted subdivisions that are exempt from DEP permits and not subject to mitigation and that new developments are held to a higher standard.

Discussion ensued regarding the filling or raising of sites and effects on adjacent owners. Staff clarified that those situations are handled through the stormwater regulations and ERP process through DEP and
SJRWMD. If a drainage were to change a wetland into open water, then a wetland alteration permit would be subject to additional stormwater review.

Discussion continued regarding cities placing easements over wetlands, stem walls, borders shared between municipalities and the county. Staff further explained the examples were to demonstrate the difference between county and state permitting and Daytona Park Estates as being a net loss situation, as no mitigation was required. Staff also provided an overview of the small lot acquisition program through Volusia Forever, the differences in function between naturally occurring and manmade wetlands, and possible takings.

Member Anderson inquired if funds deposited in the environmental improvement trust fund could be used for matching funds in Volusia Forever. Ms. Adair provided the trust fund language, noting Volusia Forever acquires small lots in antiquated subdivisions as targeted areas, noting the funds were not currently utilized for grants.

Discussion ensued regarding construction and staff’s inability to compel owners on how to construct, but they do discuss alternative construction methods, but those alternatives cannot be required. Staff then provided an overview of fees for wetland and/or buffer impacts. It was noted the maximum charge is $1 per square foot, but the amount is decreased based on the loss of functionality.

Member Bliss expressed concern with the residential focus of discussion and the potential economic impacts to communities by increasing standards.

Discussion ensued regarding the Committee’s purview, having different standards for residential and commercial, and the need for a balanced approach. Staff acknowledged a possible graduated protection approach, which could be tied to zoning and land use.

Chair Lammers called for a break at 2:41 p.m. The meeting reconvened at 2:53 p.m.

Mr. Ervin encouraged the Committee to stay true to the direction of County Council. He noted that any proposed changes would be reviewed by VBIA, VCARD, and the Environmental Coalition of Volusia and Flagler, and Economic Development to ensure a balanced review. He summarized the Live Local Act, which will cause the cities and county to account for the inventory of lands based on types of use.

Ms. Adair continued the presentation, discussing examples of opportunities for Comprehensive Plan consistency.

Chair Lammers provided a summary of the history of NRMA and ECO as discussed at the last meeting. Ms. Adair clarified NRMA as being an overlay, mostly in the rural areas. Staff noted borrow pits as being an exempt excavation and that most of NRMA was located in ECO, but not all of ECO was included in NRMA.

Discussion ensued regarding Council adoption of the use of conservation easements in land acquisition and the partnership with the Alachua Trust.
Member Surrette requested an example of “demonstrated overriding public interest” as noted in (2) of the Future Land Use Element.

Staff provided an interpretation as being an emergency access easement for a subdivision.

Discussion ensued regarding the Smart Growth section of the Code, natural shorelines, vertical seawalls, bulkheads, and the process for modifying the NRMA lines as provided in the Future Land Use Element.

Chair Lammers requested Committee feedback on how to proceed, either going by item or to keep going with review.

Member Anderson responded short term tweaks should be the focus and to keep going.

Staff provided suggestions for buffer widths, discussed Outstanding Florida Waterways, and NRMA, noted the language for ECO had never been codified, and discussed bonafide agricultural uses.

Ms. Adair provided research information, which was limited to provide information from studies, most closely related to our area. The first study was conducted in St. John’s County and determined a 300-foot buffer was necessary to protect wetlands and wetland dependent habitat.

Committee discussion ensued regarding system interactions, a one-size fits all approach not relevant to our area, and differences in lands in east and west Volusia.

Staff then moved on with the presentation and provided visual examples of buffer disturbances for residential accessory structures throughout the county and noted the mitigation for the example sites would not be much.

Member Gow suggested consideration be given to increasing after-the-fact wetland violations and mitigation fees to make it similar to after-the fact permitting, which doubles the fee.

**Next Steps**

It was determined that the next meeting will consist of:

1. Staff suggestions on modified buffer widths and strengthening requirements.
2. Committee review and provide comments on Page 3 of staff distributed document.
3. Staff will provide a fee overview.
4. Staff will research platted small lots that may contain wetlands.
5. Have interactive maps available for review.

**ADJOURNMENT**

The meeting was adjourned at 4:07 p.m.