CALL TO ORDER
Melissa Lammers, Chair, called the meeting to order at 1:02 p.m.

ROLL CALL
Roll call was taken, with Members Morrissey, Fitzsimmons, Tobias, and Zelenski being absent.

Member Anderson stated she would need to leave at 2:15 p.m.

APPROVAL OF MINUTES
Chair Lammers called for a motion or comment on the draft August 2, 2023, meeting minutes. Member Anderson moved to approve the minutes as drafted. Member Surrette seconded the motion. Motion carried unanimously.

CONTINUATION OF WETLANDS DISCUSSION
Based on the previous meeting, the follow items were provided for points of discussion today:

1. Staff suggestions on modified 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.

Small Lots
Ginger Adair, Environmental Management Director, requested to present the small lot findings first. She summarized the Committees request to provide examples of lots that contain wetlands as well as entitlements. She stated that based on the Property Appraiser’s designation of vacant, residential lots located within the unincorporated area of the county and a cross-reference with the National Wetland Inventory map, there were 12,821 small lots with possible wetlands. She then distributed the map demonstrating this. It was noted that some of these lots were located in antiquated subdivisions where permits might not be issued due to access or other issues. She offered that further refinement could be done to include small lots that could not avoid wetland impact, but that would require additional work.

Discussion ensued regarding property rights, size of lots that are exempt per county standards and Department of Environmental Protection (DEP), the definition of small lots for this exercise as being all lots with a residential zoning, no net loss, and the process of review for vested lots with wetlands.

Keith Abrahamson, Environmental Permitting Manager/County Forester, read the comprehensive plan language within NRMA. Ms. Adair reiterated that residential, vested lots with entitlements would be allowed a residence, but consideration could be given to creating more restrictive language for accessory structures, such as sheds, pools, etc.
Member Malmborg clarified the issue was not with small lots, but rather, large subdivisions. He then added that a better definition may be helpful.

Member Surrette moved to clarify language on mitigation as related to avoidance, minimization, and mitigation, as per staff recommendation.

Member Hoblick seconded the motion.

**Discussion on the motion**

Discussion ensued regarding defining a reasonable test, considerations for an economic equation being added to the code and overriding public interest.

Member Malmborg requested that the motion be amended to have three specific criteria:

1. Lots that have vested rights as of today, where avoidance and minimization can be applied,
2. Lots that have the correct zoning and entitlements, and
3. Nothing is currently in place and would require review to modify.

Discussion continued on what can be done with vested lots, rebuttable presumption, and creating standards based on type of request (percentages of preservation based on application type).

Samantha West, Sustainability and Resilience Manager, noted that rezonings and land use changes cannot have conditions and, therefore, could not be implemented.

The amendment failed due to lack of second.

Chair Lammers requested the motion be restated.

Ms. Adair summarized the motion as being to direct staff to draft language regarding avoidance and minimization using a practical approach and to seek council direction to add avoidance and minimization to chapter 50 and to better define in Chapter 72.

Motion passed 8:1, with Member Jamison in opposition.

**Interactive Maps**

Mr. Abrahamson provided a demonstration of the interactive maps.

Chair Lammers provided a brief history and purpose of the wildlife corridor, noting it cannot be expanded by the county unless NRMA was expanded to include the corridor.

Member Hoblick questioned an error in the mapping function and raised concern about the validity of the maps.
Ms. Adair explained the maps are based on best guesses until they are verified and ground truthed.

Vice Chair Gow added there is a process in place to modify lines if found to be inaccurate.

**Fees**

Ms. Adair provided an overview of the calculation of mitigation costs, how much is currently in the trust fund, and how those funds are used.

Chair Lammers called for a break at 2:11 p.m. to allow Member Anderson to leave. The meeting reconvened at 2:45 p.m.

Mr. Abrahamson continued the fee discussion by providing an example and showing how fees were calculated in the commercial example.

Discussion ensued on wetland scores and ratios, the history of wetlands within the state, and the history of the fee structure.

Vice Chair Gow inquired if the fee assessed were site specific. Mr. Abrahamson confirmed the fees were based on staff performing a site inspection.

Vice Chair Gow offered consideration be given to a phased fee structure with graduated fees.

Discussion continued regarding mitigation banks and the costs of purchasing credits, which may be market driven in the private banks. Staff explained the county mitigation funds are placed into a trust fund as per ordinance and are typically spent in preservation in other areas of the county. Ms. Adair provided the adopted reserve balance as $177,000.

Chair Lammers inquired if the funds could be used for grants with the cities. Ms. Adair stated that funds had previously been used for a partnership with Bethune Cookman for the creation of wetlands.

Discussion continued regarding the average mitigation per square acre, considerations for Volusia Forever cycles, impacts to wetlands and buffers if non-exempt being captured by the state and going into their private bank, docks and seawalls being captured by the county, and any buffer impact that is not captured by the state should be required to pay county mitigation. Staff also verified that permittees who must pay mitigation are not required to buy the county’s credits and may use privatized bank, and that significant banks are based on basin and credit type.

Vice Chair Gow motioned to direct staff to perform mitigation cost comparisons.

Member Surrette seconded the motion.

**Discussion on the motion**

Member Hoblick inquired what increasing the costs would solve, would it be to decrease impacts through fee or to generate fee revenue.
Ms. Adair responded that mitigation funds should offset the impacts to maintain no net loss and asked the committee to consider if the fee is sufficient to offset any losses.

Member Hoblick inquired if the increased cost had been done elsewhere and if so, where. After committee discussion, it was determined the original motion encompassed research of other areas and an amendment to the motion was not necessary.

There was continued regarding accessory structures on residential lots, no net loss of function, and fees are set to offset impacted ecological value, the fees would be non-discriminatory if based on type.

The motion carried unanimously.

**Modified widths and strengthening requirements**
Staff stated there was nothing new to share on this subject, but the previous recommendations had been captured in the working document.

Discussion ensued regarding buffers, possible consideration of graduated buffers based on areas, especially within ECO and NRMA, increased protection in OCR designation, outstanding Florida waterways and aquatic preserves, and whether minimum buffers should be increased in other areas.

The committee requested maps and exhibits to help better demonstrate intent. These exhibits should include typical projects, overlaps of RHPZ and other specialty areas, and CSIOO overlay.

**Next Steps**
Staff confirmed the next meeting shall consist of:
1. Compare recommendations and current standards, adding specified areas.
2. Provide an analysis of what other jurisdictions are doing in comparison to the county.
3. Provide recommendations and points of discussion for avoidance and minimization, to better improve Chapters 50 and 72.
4. Provide a fee comparison, including types of basins, for mitigation fees.

**Staff update**
Ms. Adair stated the LID update would be going to council on October 3 and that council member one-on-ones were already occurring. She added that staff would be presenting the committee recommendations for consideration and direction by council. She asked if members wish to attend, they are encouraged to speak during public participation. She also stated the presentation that would be given at the council meeting would be sent out to the committee in advance of the meeting.

**Other**
The issue of parking was again raised. Staff encouraged members to park in the employee lot located at the corner of Rich and Florida, immediately next to the Athens.
The committee inquired if there would be a replacement member to fill the current vacancy. Ms. Adair noted that the vacated position was appointed by Council Member Johansson and that she would follow up with him.

**ADJOURNMENT**

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