## AGENDA ITEM

**Date:** 05/05/2020  
**Item:** 03

<table>
<thead>
<tr>
<th>[X] Ordinance</th>
<th>[] Resolution</th>
<th>[] Budget Resolution</th>
<th>[] Other</th>
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### County Goals

- [X] Thriving Communities  
- [X] Economic & Financial Vitality  
- [X] Excellence In Government  
- [] NA

### Department: Growth And Resource Management  
**Division:** Planning and Development Services

### Subject: Ordinance 2020-4, adoption hearing for amendment to the Comprehensive Plan Conservation Element; case CPA-20-001.

| Clay Ervin  
Director Growth and Resource Management |
|--------------------------|
| Palmer Panton  
Director Planning and Development |

| Legal  
Paolo Soria  
Senior Assistant County Attorney |
|----------------------------------|
| County Manager's Office  
Ryan Ossowski  
Chief Financial Officer |

### Account Number(s): NA  
### Total Item Budget: NA

<table>
<thead>
<tr>
<th>Staff Contact(s):</th>
<th>Phone:</th>
<th>Ext.</th>
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<tbody>
<tr>
<td>Clay Ervin</td>
<td>386 822 5013</td>
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### Summary/Highlights:

The purpose of this amendment is to update the Conservation Element of the Volusia County Comprehensive Plan. The amendment addresses outdated information, corrects typographical errors, adds references and policies relating to the county’s resiliency efforts, and clarifies the extent of the wetland buffer zone inside and outside of the Natural Resource Management Area (NRMA). A policy was also added to recognize the county's prohibition of high-pressure well stimulation (a/k/a fracking).

There was no public participation at the Planning and Land Development Regulation Commission (PLDRC) hearing held on December 19, 2019. The commission voted unanimously (6:0) to find the proposed ordinance consistent with the comprehensive plan and recommended approval. On February 4, 2020, the county council voted unanimously to authorize transmittal to the Department of Economic Opportunity (DEO) for expedited review.
and to the Volusia Growth Management Commission (VGMC) for certification. On March 13, 2020, DEO completed its review of the amendment and had no comments. The VGMC deemed the amendment consistent and issued certification on March 19, 2020.

ATTACHMENTS:
Ordinance 2020-4
December 19, 2019 PLDRC Package
December 19, 2019 PLDRC Minutes
February 4, 2020 Council Draft Minutes
March 19, 2020 VGMC Certification Letter
March 13, 2020 DEO Adoption Authorization Letter

Recommended Motion: Adopt.
ORDINANCE 2020-4

AN ORDINANCE OF THE COUNTY COUNCIL OF VOLUSIA
COUNTY, FLORIDA AMENDING THE VOLUSIA COUNTY
COMPREHENSIVE PLAN ADOPTED BY ORDINANCE 90-10, AS
PREVIOUSLY AMENDED, BY AMENDING CHAPTER 12,
CONSERVATION ELEMENT; BY PROVIDING FOR
SEVERABILITY; AND BY PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 163.3161, et.seq., Florida Statutes, creates the Community Planning
Act (“Act”); and

WHEREAS, Section 163.3167, Florida Statutes, requires each county in the State of
Florida to prepare and adopt a Comprehensive Plan; and

WHEREAS, the council adopted the Volusia County Comprehensive Plan by Ordinance
No. 90-10 pursuant to the Act; and

WHEREAS, Section 163.3184, Florida Statutes, provides for amendments to the adopted
Comprehensive Plan by the local government; and

WHEREAS, the council desires to take advantage of this statute and amend the Volusia
County Comprehensive Plan; and

WHEREAS, the council has provided for broad dissemination of the proposed amendment
to the Comprehensive Plan in compliance with Sections 163.3181 and 163.3184(3) and (11),
Florida Statutes; and

WHEREAS, pursuant to Section 163.3174, Florida Statutes, Volusia County Code of
Ordinances, chapter 72, article II, division 11, section 72-413, has designated the Volusia County
Planning and Land Development Regulation Commission as a local planning agency for the
unincorporated area of the County of Volusia, Florida.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF VOLUSIA
COUNTY, FLORIDA, AS FOLLOWS:

(Words in strike through type are deletions; words in double underscore type are additions)

SECTION I: AMENDMENT – Chapter 12, Conservation Element, Volusia County
Comprehensive Plan, is hereby amended as follows:

A. OVERVIEW

The Conservation Element provides the framework for the preservation, protection, and
enhancement, of the County’s natural resources. As such, the goals, objectives, and policies
outlined in this Element are strongly intertwined with other elements in the Comprehensive Plan
relating to land use, utilities, recreation and open space, transportation, and coastal management.
It is the intent of this Element to provide a basis for responsible decision making for the appropriate
use of natural resources when confronted by growth and corresponding development, as well as
the identification and preservation of ecologically irreplaceable resources.
In spite of rapid urban growth, the County contains a large abundance of high quality natural resources. The need for protection and management of the County's natural resources will continually increase as growth expands and as the county experiences the impacts of sea level rise. Therefore, this Element is taking a responsible approach toward natural resource protection, recognizing the tremendous contribution of these resources to the quality of life of Volusia County residents and visitors.

This Element divides the goals, objectives, and policies relating to natural resources into four broad categories: water resources; natural communities and wildlife; air quality; and mineral resources.

The Element is directed toward the elimination of any further degradation of the County's lakes, rivers, and estuaries. A program designed to protect the County's cleanest waters has been initiated, along with a sister program of cleaning up the County's more polluted waterways. Provisions for the protection of natural functions of waterbodies, flood plains, and natural drainageways are also included.

Protection of upland and wetland ecological resources is provided for in a number of ways. Large relatively uninterrupted expanses of natural communities are managed more systematically compared to areas of the County targeted for urban growth. Protection of the natural environment in the undeveloped areas is given a high priority, recognizing that these areas contain the highest ecological diversity and functional value. Direction of urban growth away from these areas is a by-product of protecting the natural system. Protection of wetlands is another high priority. Wildlife protection is accomplished primarily by preserving and appropriately managing habitat critical to the survival of wildlife species. Specific programs actively protecting and managing endangered species are also proposed.

In accordance with growth management law, the County of Volusia has developed a Water Supply Facilities Work Plan (Work Plan). The Work Plan strengthens the link between the County's Comprehensive Plan and the regional water supply planning process. The Work Plan projects potable water demand based on the anticipated population growth for the planning horizon of this Comprehensive Plan and identifies the sources of water that will be needed to meet the projected demand. The Work Plan takes into account alternative sources of water identified as options for the County's Utility system in the St. Johns River Water Management District's (SJRWMD) District Water Supply Plan.

Although air quality is not believed to be a significant issue at this time, provisions are proposed to ensure that degradation of the County's air quality is prevented as urban growth continues. This growth will also require an increased need for excavations and fill. Mineral extraction resource areas are proposed such that other types of development will not "lock up" these valuable resources, while minimizing environmental impacts.

Because many of the programs and policies proposed in this Element are technically complex, a reliable database of natural resource inventories, mapping, and quality levels has been formulated. In addition to the management techniques contained in this Element, the County has aggressively protected significant natural resource areas for future generations. This initiative began in 1986 with establishment and implementation of a land acquisition program. This effort was renewed and enhanced in the year 2000 when the county's voters passed a referendum establishing the Volusia Forever Program. This long-term (20 year) initiative will generate approximately 80 million dollars. The Volusia Forever program is intended to acquire and improve environmentally sensitive, water resource, and outdoor recreation lands. From 2000-2019, the...
county acquired approximately 38,000 acres. In order to promote efficient acquisition efforts and maximize the use of available funds, it is the intention of the County, where feasible, to cooperate with appropriate governmental agencies/jurisdictions and to seek out grants and other sources of support.

NOTE: Requirements of this Element relating to groundwater resources and hazardous waste are presented in the Natural Groundwater and Aquifer Recharge, and Solid Waste Elements, respectively.

B. GOALS, OBJECTIVES, AND POLICIES

WATER RESOURCES

GOAL:

12.1 Ensure the protection and improvement of the natural functions and quality of Volusia County’s Water Resources.

OBJECTIVE:

12.1.1 To prevent the further degradation of the ambient water quality of the County’s surface water resources, and to restore to acceptable levels those surface waters which exceed Federal, State and local pollutant standards.

POLICIES:

12.1.1.1 An ongoing surface water quality monitoring network, incorporating the standards and activities provided in the Coastal Management Element shall continue. The water quality monitoring network will determine levels and trends of ambient water quality. Criteria and standards for the categorization of water bodies based on ambient water quality shall also be maintained. Degradation of ambient water quality shall be tied to the established categories rather than individual readings.

12.1.1.2 The County shall continue to initiate and encourage Surface Water Restoration Programs, surface water restoration programs which will, at minimum: identify and initiate the cleanup of highly polluted aquatic systems; identify those areas of the County where on-site sewage disposal systems are determined to be, or have the potential to be significant surface water pollution sources; and coordinate with stormwater facility redesign activities where necessary.

12.1.1.3 The County shall continue to regulate channelization or impoundment of the County’s surface water bodies to the extent that such activities shall be limited to: those operations necessary to correct existing threats to public health or safety; maintenance of existing navigational waterways, as needed; and for reasonable access to water dependent shore-based facilities. In such cases, adverse impacts to the biological attributes of the water resources and water dependent natural ecosystems shall be mitigated through shoreline restoration, preservation of shoreline habitat, and/or mitigation fees.

12.1.1.4 On-site sewage disposal systems and associated drainfields shall continue to be limited within the flood plain of surface water bodies as provided for in land
development regulations, to the extent that such systems are designed and located
so as to not contribute to the degradation of ambient water quality, and in
accordance with the policies of the Department of Health.

12.1.1.5 The most current best management practices which control erosion and limit the
amount of sediment reaching surface waters shall continue to be required and
couraged for construction, agriculture, silviculture, excavation, dredge and fill,
and stormwater management activities.

12.1.1.6 The County shall coordinate with FDEP to ensure that discharge of wastewater
effluent into surface water bodies will not result in the lowering of the ambient water
quality (as indicated in Policy 12.1.1.1), when such information is available, unless
such discharge can be shown to be in the overriding public interest.

12.1.1.7 The County shall ensure that stormwater management systems which discharge
into surface water bodies shall not degrade the ambient water quality (as indicated
in Policy 12.1.1.1) of the receiving water body, when such information is available.

12.1.1.8 The County shall coordinate with the SJRWMD to ensure that withdrawal of
surface waters for purposes such as irrigation and freeze protection will not
degrad ambient water quality, as indicated in Policy 12.1.1.1, when such
information is available.

12.1.1.9 Those standards for marina siting as provided in the Coastal Management Element
Manatee Protection Plan shall be applied throughout the County.

OBJECTIVE:

12.1.2 To protect and enhance the natural hydrologic functions and wildlife habitat
attributes of surface water resources, including estuarine and oceanic waters, as
well as waters which flow into estuarine and oceanic water, and the floodplains
associated with these waters.

POLICIES:

12.1.2.1 Natural shoreline buffers or setbacks shall remain established for surface water
bodies, the extent of which will depend on, at minimum: existing soils; cover and
type of vegetation; topography; wildlife habitat; ambient water quality; and the
protective status of the water body.

12.1.2.2 Where possible, Environmental Systems Corridors shall connect with significant
surface water resources, particularly those which have special protection status.

12.1.2.3 Removal or control of submerged, emergent, or floating vegetation shall continue
to be limited to that necessary to provide reasonable access, and aquatic weed
control as defined by the appropriate agencies. Any use of chemical herbicides for
such purposes shall ensure that water quality and ecological integrity are not
degraded.

12.1.2.4 Vertical seawalls and bulkheads along the banks and shorelines of naturally
occurring surface water bodies shall continue to be limited to those instances
where serious threat to life or property can be demonstrated. In such cases, utilization of sloping stabilization methods combined with vegetation shall be used as an alternative to vertical seawalls and bulkheads where feasible.

12.1.2.5 Headwater areas of significant surface water resources shall continue to be protected through land use controls, public acquisition, easements, or other appropriate methods.

12.1.2.6 The County shall coordinate with the SJRWMD to ensure that withdrawals from or discharges to surface water bodies which alter hydroperiods or water stage levels do not adversely impact water dependent ecosystems and aquatic habitats.

12.1.2.7 Undisturbed segments of flood plains associated with surface water bodies shall continue to be protected through public acquisition, land use controls, conservation easements, or other methods as appropriate.

12.1.2.8 Proposed structures located within the flood plain of surface water bodies and within flood prone areas, and within areas determined to be vulnerable to sea level rise as identified in the Regional Resiliency Action Plan, shall continue to be required to utilize building methods as provided in land development regulations, to the extent that fill material required for construction or other impervious surfaces will not reduce the ability of the floodplains to store and convey floodwaters, or degrade the natural physical and biological functions of protected habitat without approved mitigation. Impacts of fill in the floodplains and floodprone areas shall be considered both site specifically and cumulatively.

12.1.2.9 Dwelling unit densities shall continue to be limited within the flood plains of surface water bodies and in other flood prone areas, and within areas determined to be vulnerable to sea level rise as identified in the Regional Resiliency Action Plan.

12.1.2.10 Public facilities shall be limited within the 100 year flood plain or in flood prone areas or areas determined to be vulnerable to sea level rise as identified in the Regional Resiliency Action Plan. Any public facilities that are built will be consistent with the County’s Land Development regulations and shall be flood-proofed to minimize damage from floods, storms, and hurricanes, and the impacts of sea level rise.

12.1.2.11 The County shall coordinate with the National Estuary Program and continue to protect the Class II Waters of Mosquito Lagoon.

OBJECTIVE:

12.1.3 To protect and appropriately utilize the physical and ecological functions of natural drainageways and drainage patterns.

POLICIES:

12.1.3.1 Land planning and development proposals shall continue to identify areas where soils, vegetation, hydrogeology, topography, and other factors indicate where water flows or ponds. These areas shall be utilized to the maximum extent feasible, without significant structural and natural habitat alteration, for on-site stormwater
management, and should be integrated into an area-wide stormwater  
management design. Where wet detention systems are employed, they should  
mimic natural systems as appropriate.

12.1.3.2 Significant natural drainageways shall be identified and incorporated into the  
environmental systems corridor network, where appropriate.

12.1.3.3 The Deep Creek/Haw Creek drainageway shall be protected through public  
acquisition, land use controls, or other methods deemed appropriate.

12.1.3.4 Certain types of isolated wetlands (such as smaller, degraded cypress domes, wet  
prairies or bay heads), may be considered for integration into a stormwater  
management system. In such cases, hydroperiods and stage elevations shall be  
designed to maintain the appropriate wetland community, and shall provide for first  
flush diversions. Volusia County shall maintain land development regulations to  
control pollutant discharges into surface waters from dredge and fill activities.

12.1.3.5 Volusia County shall support state and federal policies and regulations regarding  
the permitting of dredge and fill activity, except in those instances where more  
stringent regulations are adopted by Volusia County.

12.1.3.6 The expansion of navigable waterways shall be prohibited in Volusia County.  
Maintenance dredging of existing waterways must comply with the Manatee  
Protection Plan and Land Development Code.

OBJECTIVE:

12.1.4 The County shall assess long-term potable water needs consistent with the time  
horizon of the Comprehensive Plan and identify the water supply sources that will  
be utilized to meet the projected demand.

POLICIES:

12.1.4.1 The County shall adopt and update as necessary, as part of the Potable Water  
Sub-Element, a Work Water Supply Facilities Work Plan that includes an  
assessment of the long-term potable water needs and sources consistent with the  
planning timeframe of the Comprehensive Plan.

12.1.4.2 The County shall implement the water supply strategies and relevant policies in  
this Comprehensive Plan to address the long-term potable water supply facility  
needs and sources for the County’s water supply planning areas.

NATURAL COMMUNITIES AND WILDLIFE

GOAL:

12.2 Protect, conserve, and enhance the ecological resources of the County,  
maintaining their quality and contribution to the quality of life and economic well-being of Volusia County.
OBJECTIVE:

To provide for the protection of areas determined to be environmentally sensitive, and direct growth away from such areas.

POLICIES:

12.2.1 Existing, relatively uninterrupted expanses of natural resources contained within the County shall be managed as an individual unit, providing natural resources the highest degree of protection in land development decisions and planning. These lands shall comprise the Natural Resource Management Area (NRMA) established in the Future Land Use Element.

Criteria: Areas included in the NRMA consist of, in whole or a portion of at minimum: the St. John’s River Valley; Talbot Terrace; Pamlico Terrace; Rima Ridge; and Turnbull Hammock. Site specific boundaries shall be based on soils, topographic, and vegetative data, particularly that which is outlined in Policy 12.2.2.1.

12.2.1.2 The County shall promote land use activities compatible with NRMA, the boundaries of which are determined by resource data including: ecological community mapping as stated in Policy 12.2.2.1; USGS Topographic maps; National Wetland Inventory maps; Florida Natural Area Inventory records; available wildlife data; and site specific field information.

a. Environmental System Corridor (ESC) – This designation consists of important ecological corridors comprised of environmentally sensitive and ecologically significant lands. Land use activities occurring within these corridors shall not degrade these natural functions and connections. The intention is to provide protected, natural pathways which connect to other protected areas such as parks, conservation lands and water bodies. This inter-connection helps maintain the ecological integrity and ecodiversity of the county’s vast natural resources.

ESC’s shall include significant interconnected natural systems of environmentally sensitive lands, connecting to and including conservation areas where possible. ESC’s are not intended to include pre-existing improved, cultivated, or developed lands unless such lands contain unique or exceptional ecological value. Conservation and silviculture, utilizing Best Management Practices (BMPs), will be the preferred use, however, other compatible passive agricultural activities may also be permitted such as unimproved pasture. The primary consideration of compatible agriculture should be potential adverse impacts to the short and long term ecological stability of the system, as well as adjacent lands and waterways.

The Environmental System Corridor configuration displayed on the Future Land Use Map is intended to show a generalized location for the corridor. The actual boundaries will be established based upon site specific information and features. Each corridor will be reviewed to determine the boundary in relation to a proposed development. Upon request by an applicant, an administrative boundary adjustment may occur based upon...
on a review of site specific information and with the submittal of a verified wetlands survey features and other planning related data. Any adjustments will be included in the next amendment cycle.

b.  Forestry Resource (FR) – This designation is primarily suited for silviculture activities (the cultivation and harvesting of timber for commercial purposes), however, other limited agricultural activities may also be appropriate. Forest lands are a multiple-use resource which yields valuable agricultural products while providing wildlife habitat and recreational opportunities. In addition to being a multiple-use resource, the forests in Volusia may provide important environmental functions that may also be components of the land’s value for silviculture, limited agriculture, wildlife habitat, protection of watershed lands, the prevention of soil erosion, reduction of stormwater runoff, and provision of high quality groundwater recharge.

c.  Low Impact Urban (LIU) - Lands within the NRMA which are determined to be suitable for urban type development, and are adjacent to existing urban development. Lands designated LIU serve as a transition between highly protected natural resource areas and existing urban may be permitted within this zone, but shall comply with standards consistent with the provisions of the NRMA. These standards shall include, at minimum: a requirement to be serviced by central utilities; designation of at least 50% of required open space as provided for in land development regulations to be preservation of upland habitat sited in an ecologically strategic manner (e.g., adjacent to wetlands); and clustering of residential dwelling units.

12.2.1.3 The County shall maintain established criteria and standards for the mitigation of environmentally sensitive wetlands and surface waters, and their associated buffers, wetland buffers, and associated critical habitats which are destroyed or altered. The standards shall provide for collection of a mitigation fee to be used specifically for the acquisition and management of environmentally sensitive lands, and/or preservation, replacement, restoration or enhancement of like-kind habitat.

12.2.1.4 Land use activities adjacent to environmentally sensitive lands, including conservation areas designated in the Future Land Use and Recreation/Open Space Elements, shall be limited to non-intensive uses such as Environmental Systems Corridors, Forestry Resource, Agriculture, rural, or low impact urban. Otherwise, proposed land use activities must ensure that such activities will not degrade the natural physical, biological, aesthetic, or recreational functions of such lands.

12.2.1.5 Lands/areas proposed for acquisition under the Volusia Forever Program shall be processed and evaluated in the manner specified by the applicable County Resolution.

12.2.1.6 Preservation of land and environmental resources (flora and fauna) may be accomplished by both fee simple and less-than-fee simple acquisition techniques.
12.2.1.7 Pending funding availability, Volusia County shall continue to utilize the Volusia Forever Program to purchase conservation lands including but not limited to the Greenhouse Gas Reduction Areas.

OBJECTIVE:

12.2.2 To minimize, and eliminate where reasonably achievable, impacts to ecological communities which degrade their natural physical and biological function as a result of land development activities.

POLICIES:

12.2.2.1 The County shall continue to monitor, and periodically update a mapping inventory of ecological communities by type (as indicated by vegetative composition), including at minimum:

<table>
<thead>
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<th>Wetland Communities</th>
<th>Uplands Communities</th>
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<tr>
<td>estuarine marsh</td>
<td>pine flatwood</td>
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<tr>
<td>mangrove swamp</td>
<td>mixed hardwood hammock</td>
</tr>
<tr>
<td>freshwater marsh</td>
<td>oak hammock</td>
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<tr>
<td>wet prairie</td>
<td>cabbage palm hammock</td>
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<tr>
<td>bottomland hardwood swamp</td>
<td>pine/xeric oak forests</td>
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<td>sand pine forest</td>
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<tr>
<td>mixed hardwood swamp</td>
<td>coastal scrub</td>
</tr>
<tr>
<td>pine flatwood</td>
<td>grassland and shrub</td>
</tr>
</tbody>
</table>

12.2.2.2 In conjunction with the Florida Natural Areas Inventory, East Central Florida Regional Planning Council (ECFRPC), and the Florida Fish and Wildlife Conservation Commission (FWC), and based on the information generated from the data inventory as stated in Policy 12.2.2.1, the County shall determine those ecological communities which are rare, endangered, or of special concern either by type and/or geographic location. Such communities shall be considered environmentally sensitive, and receive appropriate protections as outlined elsewhere in this Element.

12.2.2.3 Based on the County’s ecological data inventory, the County shall consider potential site specific, off-site, and cumulative impacts to ecological communities as indicated in Policy 12.2.2.1 for land development proposals.

12.2.2.4 The County shall encourage clustering of dwelling units and/or open space for land development projects which contain environmentally sensitive lands and critical habitats within its project boundaries, in order to preserve these resources.

12.2.2.5 The County shall consider the abundance, status, and distribution of endangered species and ecosystems and other environmentally sensitive lands when reviewing land use proposals and acquisitions.

12.2.2.6 The County shall coordinate with appropriate governmental entities to protect environmentally sensitive lands which extend into adjacent counties and municipalities.
12.2.2.7 Existing expanses of upland native vegetation shall be incorporated where appropriate into site and landscaping plans of proposed land development projects.

12.2.2.8 Activities for the restoration and improvement of altered/degraded areas located on properties owned by the County shall be incorporated, where appropriate and feasible, into the management plans for said properties. At a minimum, these activities should include practices for the control of invasive, exotic, plant species.

OBJECTIVE:

12.2.3 To eliminate any net loss of wetlands and prevent the functional values of such wetlands to be degraded as a result of land development decisions.

POLICIES:

12.2.3.1 Coastal and riverine wetlands shall be preserved wherever possible. In cases where adverse impacts to such wetlands are found by the County to be necessary to the overriding public interest, appropriate mitigation as specified in Policy 12.2.2.4 shall be required. In those instances where coastal and riverine wetlands are found to be functionally degraded, restoration of such wetlands may be considered as appropriate mitigation.

12.2.3.2 Proposed activities within urban, rural, or agricultural land use categories as indicated on the Future Land Use Map (those which are located outside of the NRMA) shall protect or enhance existing wetlands. Interior isolated wetlands which are shown to be significantly degraded, or cover small areas, may be modified to a form more suited for urban, rural or agricultural wetland functions, while allowing no net loss of wetlands. The County shall maintain acceptable criteria and designs for wetland modification, and shall address, at minimum, provisions for:

- Maintaining, at least partially, stands of old mature forested vegetation;
- Planting of littoral shelves and shorelines with appropriate vegetation in cases where an open water system will be created; an overall wetlands management plan which will discuss water levels and quality, and the ability of the wetland to attract and harbor wildlife species which are compatible in an urban, rural, or agricultural setting. This provision for wetland modification shall not be allowed in wetlands which are known or are found to provide habitat to wildlife species which are state or federally listed as rare, threatened, endangered, or of special concern, or locally designated as such.

12.2.3.3 Natural Buffer Zones. Wetland buffer zones or setbacks shall be required landward of all protected wetlands occurring in unincorporated Volusia County.

a. A buffer zone not less than fifty (50) feet is required Natural Buffer Zones for wetlands and surface waters occurring within the NRMA shall be determined on an individual basis with standards and formulas derived for the following criteria, at minimum: existing soil erodibility; cover and type of...
vegetation; slope; water table depths; water quality; wildlife; and the protective status of the receiving waters. Natural Wetland buffer zones shall consist of intact natural communities comprised predominantly of appropriate native vegetative species in the overstory, shrub, and understory layers. Activities within the Natural Buffer Zone shall be limited to those which are shown to be consistent with the intended use of this zone while providing for reasonable access to water bodies.

b. Proposed activities adjacent to isolated wetlands occurring outside the NRMA shall have yard setbacks or a minimum twenty-five (25) foot natural wetland buffer buffers measured from the landward extent of the wetlands upland/wetland interface, as determined by Chapter 62-340, Florida Administrative Code. Wetlands which are hydrologically connected to a surface water body, and not located within the NRMA, will be evaluated on a case-by-case basis utilizing available site-specific data, including a verified wetlands delineation survey shall require a natural buffer zone consistent with the standards provided in Subsection (a).

c. In cases where the alteration of the Natural Buffer Zone is determined to be unavoidable, appropriate mitigation shall be required.

12.2.3.4 If, by restriction of attainment of reasonable use through the County's land development regulations, it is determined by the County that wetland alteration is unavoidable, mitigation proposals shall be considered, which should include restoration of existing degraded or converted wetlands, or creation of new wetland habitat, or purchase of mitigation bank credits. Such mitigation activities shall replace like land habitat and function with an intended result of a no net loss of wetlands. Preservation of upland habitat may be considered in certain instances if deemed appropriate but shall be considered in conjunction with mitigating wetland losses. In no case shall mitigation activities degrade critical upland habitat.

12.2.3.5 In lieu of mitigation requirements stated in Policy 12.2.3.4, the County may collect a mitigation fee which will be used to mitigate wetland and buffer losses elsewhere in the county. Toward that end, the County shall identify areas which are suitable for such purposes, primarily where important wetland habitats have been converted, and shall direct off-site mitigation efforts to these designated areas, which should be located within the same watershed as where the impacts will occur. To increase the program's effectiveness, the County shall coordinate with and seek the support of regional, state, and federal regulatory agencies as well as the municipalities within the County.

12.2.3.6 Volusia County shall require that the most up to date Best Management Practices (BMP's) be used for all silvicultural activities proposed in wetlands. Agricultural operations will continue to be encouraged to be consistent with applicable Natural Resource Conservation Service and Cooperative Extension Service BMP's to ensure wetlands are not adversely impacted by such activities.
OBJECTIVE:

12.2.4 To protect habitats of wildlife species occurring in the County, particularly those which are threatened, endangered, or of special concern, to maintain, and enhance where necessary, existing species population numbers and distributions.

POLICIES:

12.2.4.1 The County’s automated ecological community information-geographic information systems mapping will be used as base data for determining the presence of listed wildlife species and related habitat. Other information, including field visits will be used to determine the presence of listed wildlife within the County. This information shall help determine type and occurrence of critical wildlife habitat, and boundaries of the NRMA and ESC’s.

12.2.4.2 Land development proposals shall continue to be required to protect ecologically viable habitats and prepare a suitable alternative management plan when state or federally listed vegetative and wildlife species occur within project boundaries.

12.2.4.3 The County’s Environmental Management Division—under the current protected species policy—shall continue to review projects which may impact critical habitats. The type and occurrence of critical habitats shall be determined by the County and the appropriate federal (USFWS) and state (FWC, FDEP, ECFRPC) agencies. These development reviews shall address at minimum:

a. proper siting of development structures and infrastructure, including clustering of dwelling units away from critical habitats;

b. management plans which protect endangered wildlife which utilize critical habitats;

c. mitigation plans for critical habitat which is unavoidably altered;

d. restrictions of the use of critical habitats to those which are found to be compatible with the requirements of wildlife species which are threatened, endangered, or of special concern.

12.2.4.4 Where feasible, the County shall protect critical habitat through acquisition, establishment of public or private conservation easements, purchase of development rights, or through other available means as deemed appropriate.

12.2.4.5 The County shall continue to implement management plans for: sea turtles and manatees. The County shall continue to expand the management scope of suitable public lands within the County to ensure the long-term vitality of specific listed species including: scrub jays, southern bald eagles, gopher tortoises, red cockaded woodpeckers, black bears, southeastern beach mouse and piping plovers. County land management shall also consider non-listed wildlife populations and continue to explore management techniques to ensure biodiversity of plant and animal species on suitable public lands. At minimum, these management efforts and plans shall:
a. provide for the coordination of federal, state, local, and private activities involving protection of the particular species;

b. establish public education programs;

c. provide for the minimization of activities which directly or indirectly adversely impact the particular species listed above;

d. establish management standards for habitat restoration and enhancement, and/or relocation of species where appropriate.

12.2.4.6 In conjunction with the directives of Policies 12.2.4.1, 12.2.4.3, and 12.2.4.5, respectively, the County shall utilize federal and state management guidelines for the particular endangered species in reviewing land development and land management proposals.

12.2.4.7 The County shall protect the natural resource values, particularly those relating to wildlife habitat and aquifer recharge of Rima Ridge through public and/or private easements, public acquisition, land use regulations, or other methods deemed appropriate.

12.2.4.8 The County shall continue to reduce, and eliminate where possible, pollution activities which adversely impact endangered species, including illegal dumping of solid and hazardous waste and littering near open water bodies, and the County should discourage the use of single use plastics and the outdoor release of balloons.

12.2.4.9 Marine, brackish, and freshwater habitats necessary for the continued ecological and economic stability of fisheries, aquaculture, and other water dependent wildlife have been identified and shall continue to be protected through, at minimum, coordination with the FWC, Florida Department of Environmental Protection, and other governmental agencies as appropriate.

12.2.4.10 The County shall protect manatees by, at minimum, implementing Phase I (02/19/01), and Phase II (10/19/05) of the State approved Manatee Protection Plan for Volusia County; including protection of manatee habitat; enforcement of boat speeds, safety and water sport activities; utilization of the most current state and federal boat facilities permitting standards relating to manatee protection; provision of educational programs, and dissemination of materials about manatees and their protection at boat launch and marina facilities.

AIR QUALITY

GOAL:

12.3 Maintain and improve air quality for the protection of the natural environment and the health, safety, and welfare of the citizens of Volusia County.
OBJECTIVE:

12.3.1 To maintain the current high levels of air quality to comply with ambient air quality standards as established by United States Environmental Protection Agency (EPA) and FDEP.

POLICIES:

12.3.1.1 FDEP continues to maintain an air quality database. Air quality data collected by the county will be provided to the applicable agencies responsible for air quality monitoring to be incorporated into an EPA approved air quality model which will be used to determine the impact of proposed development on ambient air quality.

12.3.1.2 Businesses which request development orders after 1991 shall be required to install all State pollution control devices and practices, and demonstrate that all necessary air quality permits have been approved prior to occupancy.

12.3.1.3 As specified in the Transportation and Capital Improvements Elements, Volusia County shall encourage alternative modes of transportation by, at minimum: expanding its mass transit system, exploring alternative fuel vehicles, setting up a County-wide car pooling information network, promoting the use of bicycles by requiring bike facilities, requiring improved pedestrian sidewalks on and off site, building and/or constructing vehicle parking bays and passenger shelters to accommodate buses and ride-shares.

12.3.1.4 Industrial facilities which emit air pollutants shall be sited to avoid detrimental impacts to schools (grades K-12), nursing homes, residential neighborhoods and highly urbanized centers to reduce adverse impacts of air pollution on adjacent residents.

12.3.1.5 Industrial parks, industrial subdivisions, public and private utilities, and arterial roads shall have a vegetation buffer between them and other land use types. This buffer shall include a mix of both taller overstory trees and shrubs (scrub, bushes, etc.). Vegetation with a high carbon dioxide/carbon monoxide exchange shall be required in the buffer (i.e., broadleaf species appropriate for site conditions, such as oaks, sycamores, and other hardwoods) in places where there are no existing trees and planting is required.

12.3.1.6 Volusia County shall continue to act as a clearing house for provide air quality information and directives to the public which may include ways to shall entail, at minimum:

a. reduce dependence on and increase efficiency of air-conditioning units (i.e., greater use of fans, strategic location of trees, and buildings);

b. discuss the problem of vehicle emissions to air quality;

c. encourage businesses, to institute flexible or rotating work schedules to reduce peak traffic.
d. encourage the banning of smoking in businesses and workplaces;

e. encourage the use of green building practices.

Volusia County shall ensure that state and local regulations pertaining to open burning are enforced and that alternatives to open burning of debris from land clearing, such as composting, mulching, or chipping facilities, are encouraged.

Where appropriate County transportation projects, new or expanded, shall include: bicycle facilities, sidewalks (except in controlled access facilities), parking bays for buses, and passenger shelters for both public and private bus or ride sharing programs.

Volusia County shall monitor the air quality within its buildings in order to protect the health and welfare of all persons using the buildings. Such measures shall include: periodic monitoring of air quality for radon, formaldehyde, asbestos, carbon monoxide, mold, mildew, fungus, smoke, fumes, and other pollutants; banning smoking in all County buildings; the installation and proper replacement of high efficiency air filters; installation and proper maintenance of central vacuuming cleaning systems to prevent the build-up of airborne contaminants in conditioned, non-industrial work environments.

The Facilities Services Manager shall conduct monitoring activities and supervise this activity.

MINERAL AND SOIL RESOURCES

GOAL:

12.4 Conserve and appropriately use mineral and soil resources.

OBJECTIVE:

12.4.1 To minimize the impacts of mineral extraction activities on natural systems, while allowing appropriate utilization of the mineral resources.

POLICIES:

12.4.1.1 Prior to 1999, the County shall continue to identify those areas with the highest suitability for mineral extraction, based on the quality of mineral deposits, and the patterns of land use and natural systems, and shall prevent the premature encroachment of incompatible land uses into these areas.

12.4.1.2 Mineral extraction activities proposed outside of the areas identified in Policy 12.4.1.1 shall be adequately buffered from residential areas to avoid adverse fluctuations of groundwater levels to nearby individual well systems, and to minimize noise pollution.

12.4.1.3 Proposed mineral extraction activities shall continue to minimize impacts to environmentally sensitive lands and critical habitats. In cases where adverse
alteration of such lands are unavoidable, appropriate mitigation shall be
required.

12.4.1.4 The County shall continue to implement standards for reclamation of excavation
sites so as to resemble a natural system to the greatest extent feasible, including,
at minimum:

a. creation of sinuous shorelines;

b. bank gradients properly sloped to establish planted littoral shelves with
appropriate submerged and emergent vegetation;

c. fish stocking, if warranted;

d. ambient water quality testing;

e. completion of the reclamation plans;

f. compliance with standards established for artificial lakes by the SJRWMD
and other appropriate agencies.

12.4.1.5 Oil or gas exploration or production, that utilizes high-pressure well stimulation
shall be prohibited.

OBJECTIVE:

12.4.2 To incorporate the inherent limitation of existing soils in land planning and
development, and minimize impacts which result in soil erosion.

POLICIES:

12.4.2.1 Prior to any land disturbance, development activities shall indicate on a site plan
areas of highly erodible soils, as defined by the U.S. Department of Agriculture
Natural Resources Conservation Service (NRCS) or the Florida Department of
Agriculture, and take adequate measures to ensure that soil erosion is avoided,
including utilization of all appropriate Best Management Practices.

12.4.2.2 Building construction in soils which are determined to be hydric in character, as
defined by the NRCS and the Florida Department of Agriculture, shall be regulated
to the extent that proposed construction activities will not adversely impact the
natural physical and biological functions of protected resources without
appropriate mitigation.

12.4.2.3 Silvicultural and agricultural activities shall utilize the most current Best
Management Practices to prevent soil erosion and subsequent siltation of surface
water bodies.

SECTION II: SEVERABILITY - Should any word, phrase, sentence, subsection or section
be held by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional,
then that word, phrase, sentence, subsection or section so held shall be severed from this
ordinance and all other words, phrases, sentences, subsections, or sections shall remain in full force and effect.

SECTION III: EFFECTIVE DATE – Within ten (10) days after enactment, a certified copy of this Ordinance shall be filed in the Office of the Secretary of State by the Clerk of the County Council and transmitted to the state land planning agency and any other agency or local government that provided timely comments pursuant to the expedited state review process in Section 163.3184(3), Florida Statutes. This Ordinance shall take effect upon the latter of the following dates: (a) thirty-one (31) days after the state land planning agency notifies the County that the plan amendment package is complete and the issuance of a certificate of consistency or conditional certificate of consistency by the Volusia County Growth Management Commission, or (b) issuance of a final order by the state land planning agency or the State of Florida Administration Commission determining the amendment adopted by this Ordinance to be in compliance.

ADOPTED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, IN OPEN MEETING DULY ASSEMBLED IN THE COUNTY COUNCIL CHAMBERS AT THE THOMAS C. KELLY ADMINISTRATION CENTER, 123 WEST INDIANA AVENUE, DELAND, FLORIDA, THIS 5TH DAY OF MAY, 2020.

COUNTY COUNCIL

ATTEST:

COUNTY OF VOLUSIA, FLORIDA

_____________________________   ________________________________
George Recktenwald          Ed Kelley
County Manager              County Chair
I. SUMMARY OF REQUEST

The purpose of this amendment is to update the Conservation Element of the Volusia County Comprehensive Plan. The amendment addresses outdated information, corrects typographical errors, adds references and policies relating to the county’s resiliency efforts, and clarifies the extent of the wetland buffer zone inside and outside of the Natural Resource Management Area (NRMA). A policy was also added to recognize the county’s prohibition of high-pressure well stimulation (a/k/a fracking).

Staff Recommendation:

Find the amendment consistent with the comprehensive plan and forward the application, case number CPA-20-001, to county council with a recommendation of approval to transmit to the Department of Economic Opportunity for expedited review and to the Volusia Growth Management Commission (VGMC) for certification.
II. OVERVIEW

The Growth Management Department, through its Planning and Development Services Division, has undertaken a review of the county’s Comprehensive Plan to ensure consistency with the Growth Management law and current county policies. A review of the Conservation Element revealed that only minor revisions are necessary to update the plan.

Chapter 163.3177(6)d, Florida Statutes provides the requirements for the Conservation Element. The statute and a matrix identifying the specific goal, policy, or objective that meets each requirement is appended to this staff report. County environmental staff with expertise in permitting, hazardous waste, manatee protection, sustainability, air quality, natural communities, wildlife, soils, and water resources were consulted to safeguard and enhance existing comprehensive plan policies.

The Conservation Element is structured with a single introductory narrative, followed by four discrete program areas including water resources, natural communities and wildlife, air quality, and mineral and soil resources. The structure of the Element remains as originally drafted. The narrative was updated to memorialize the total acres purchased through the Volusia Forever Land Acquisition program. The water resources section was revised slightly to address which agency is responsible for certain programs and to clarify the use of the manatee protection plan for marina siting. Several references to the East Central Florida Regional Resiliency Action Plan were added. Three policies designed to strengthen the dredge and fill regulations in support of wetland and manatee protection policies were also added.

The natural communities and wildlife section was modified to define the process for an administrative adjustment to the Environmental System Corridor boundary. It also better defines the extent of the wetland buffer area inside and outside of the NRMA. A reference to mitigation banks was added as an additional means to address wetland impacts. A policy regarding the county’s intent to discourage the use of single-use plastics was also incorporated.

The air quality section was modified slightly to remove references to a defunct monitoring database and the county’s prior role as a clearinghouse for air quality data. An existing policy was also modified to acknowledge the county’s desire to encourage the use of green building practices.

Finally, the mineral and soil resources section was expanded to include a new policy based on County Ordinance 2016-07, which prohibits the use of high pressure well stimulation for mineral extraction. This practice is commonly known as fracking.
III. STAFF RECOMMENDATION

Find the amendment consistent with the comprehensive plan and forward the application, case number CPA 20-001, to county council with a recommendation of approval to transmit to the Department of Economic Opportunity for review and to the Volusia Growth Management Commission (VGMC) for certification.

IV. ATTACHMENTS

- Draft Ordinance 2020-4
- Comments
- Chapter 163.3177(6)d, Florida Statutes
- Matrix of Requirements
ORDINANCE 2020-4

AN ORDINANCE OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA AMENDING THE VOLUSIA COUNTY COMPREHENSIVE PLAN ADOPTED BY ORDINANCE 90-10, AS PREVIOUSLY AMENDED, BY AMENDING CHAPTER 12, CONSERVATION ELEMENT; BY PROVIDING FOR SEVERABILITY; AND BY PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 163.3161, et.seq., Florida Statutes, creates the Community Planning Act (“Act”); and

WHEREAS, Section 163.3167, Florida Statutes, requires each county in the State of Florida to prepare and adopt a Comprehensive Plan; and

WHEREAS, the council adopted the Volusia County Comprehensive Plan by Ordinance No. 90-10 pursuant to the Act; and

WHEREAS, Section 163.3184, Florida Statutes, provides for amendments to the adopted Comprehensive Plan by the local government; and

WHEREAS, the council desires to take advantage of this statute and amend the Volusia County Comprehensive Plan; and

WHEREAS, the council has provided for broad dissemination of the proposed amendment to the Comprehensive Plan in compliance with Sections 163.3181 and 163.3184(3) and (11), Florida Statutes; and

WHEREAS, pursuant to Section 163.3174, Florida Statutes, Volusia County Code of Ordinances, chapter 72, article II, division 11, section 72-413, has designated the Volusia County Planning and Land Development Regulation Commission as a local planning agency for the unincorporated area of the County of Volusia, Florida.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AS FOLLOWS:

(Words in strike-through type are deletions; words in `double underscore` type are additions)

SECTION I: AMENDMENT – Chapter 12, Conservation Element, Volusia County Comprehensive Plan, is hereby amended as follows:

A. OVERVIEW

The Conservation Element provides the framework for the preservation, protection, and enhancement, of the County’s natural resources. As such, the goals, objectives, and policies outlined in this Element are strongly intertwined with other elements in the Comprehensive Plan relating to land use, utilities, recreation and open space, transportation, and coastal management. It is the intent of this Element to provide a basis for responsible decision making for the appropriate use of natural resources when confronted by growth and corresponding development, as well as the identification and preservation of ecologically irreplaceable resources.
In spite of rapid urban growth, the County contains a large abundance of high quality natural resources. The need for protection and management of the County's natural resources will continually increase as growth expands and as the county experiences the impacts of sea level rise. Therefore, this Element is taking a responsible approach toward natural resource protection, recognizing the tremendous contribution of these resources to the quality of life of Volusia County residents and visitors.

This Element divides the goals, objectives, and policies relating to natural resources into four broad categories: water resources; natural communities and wildlife; air quality; and mineral resources.

The Element is directed toward the elimination of any further degradation of the County's lakes, rivers, and estuaries. A program designed to protect the County's cleanest waters has been initiated, along with a sister program of cleaning up the County's more polluted waterways. Provisions for the protection of natural functions of waterbodies, flood plains, and natural drainageways are also included.

Protection of upland and wetland ecological resources is provided for in a number of ways. Large relatively uninterrupted expanses of natural communities are managed more systematically compared to areas of the County targeted for urban growth. Protection of the natural environment in the undeveloped areas is given a high priority, recognizing that these areas contain the highest ecological diversity and functional value. Direction of urban growth away from these areas is a by-product of protecting the natural system. Protection of wetlands is another high priority. Wildlife protection is accomplished primarily by preserving and appropriately managing habitat critical to the survival of wildlife species. Specific programs actively protecting and managing endangered species are also proposed.

In accordance with growth management law, the County of Volusia has developed a Water Supply Facilities Work Plan (Work Plan). The Work Plan strengthens the link between the County's Comprehensive Plan and the regional water supply planning process. The Work Plan projects potable water demand based on the anticipated population growth for the planning horizon of this Comprehensive Plan and identifies the sources of water that will be needed to meet the projected demand. The Work Plan takes into account alternative sources of water identified as options for the County's Utility system in the St. Johns River Water Management District's (SJRWMD) District Water Supply Plan.

Although air quality is not believed to be a significant issue at this time, provisions are proposed to ensure that degradation of the County's air quality is prevented as urban growth continues. This growth will also require an increased need for excavations and fill. Mineral extraction resource areas are proposed such that other types of development will not "lock up" these valuable resources, while minimizing environmental impacts.

Because many of the programs and policies proposed in this Element are technically complex, a reliable database of natural resource inventories, mapping, and quality levels has been formulated. In addition to the management techniques contained in this Element, the County has aggressively protected significant natural resource areas for future generations. This initiative began in 1986 with establishment and implementation of a land acquisition program. This effort was renewed and enhanced in the year 2000 when the county's voters passed a referendum establishing the Volusia Forever Program. This long-term (20 year) initiative will generate approximately 80 million dollars. The Volusia Forever program is intended to acquire and improve environmentally sensitive, water resource, and outdoor recreation lands. From 2000-2019, the
county acquired approximately 38,000 acres. In order to promote efficient acquisition efforts and
maximize the use of available funds, it is the intention of the County, where feasible, to cooperate
with appropriate governmental agencies/jurisdictions and to seek out grants and other sources of
support.

NOTE: Requirements of this Element relating to groundwater resources and hazardous waste are
presented in the Natural Groundwater and Aquifer Recharge, and Solid Waste Elements,
respectively.

B. GOALS, OBJECTIVES, AND POLICIES

WATER RESOURCES

GOAL:

12.1  Ensure the protection and improvement of the natural functions and quality of
Volusia County’s Water Resources.

OBJECTIVE:

12.1.1  To prevent the further degradation of the ambient water quality of the County’s
surface water resources, and to restore to acceptable levels those surface waters
which exceed Federal, State and local pollutant standards.

POLICIES:

12.1.1.1  An ongoing surface water quality monitoring network, incorporating the standards
and activities provided in the Coastal Management Element shall continue. The
water quality monitoring network will determine levels and trends of ambient water
quality. Criteria and standards for the categorization of water bodies based on
ambient water quality shall also be maintained. Degradation of ambient water
quality shall be tied to the established categories rather than individual readings.

12.1.1.2  The County shall continue to initiate and encourage Surface Water Restoration
Programs surface water restoration programs which will, at minimum: identify and
initiate the cleanup of highly polluted aquatic systems; identify those areas of the
County where on-site sewage disposal systems are determined to be, or have the
potential to be significant surface water pollution sources; and coordinate with
stormwater facility redesign activities where necessary.

12.1.1.3  The County shall continue to regulate channelization or impoundment of the
County’s surface water bodies to the extent that such activities shall be limited to:
those operations necessary to correct existing threats to public health or safety;
maintenance of existing navigational waterways, as needed; and for reasonable
access to water dependent shore-based facilities. In such cases, adverse impacts
to the biological attributes of the water resources and water dependent natural
ecosystems shall be mitigated through shoreline restoration, preservation of
shoreline habitat, and/or mitigation fees.

12.1.1.4  On-site sewage disposal systems and associated drainfields shall continue to be
limited within the flood plain of surface water bodies as provided for in land
development regulations, to the extent that such systems are designed and located so as to not contribute to the degradation of ambient water quality, and in accordance with the policies of the Department of Health.

12.1.1.5 The most current best management practices which control erosion and limit the amount of sediment reaching surface waters shall continue to be required and encouraged for construction, agriculture, silviculture, excavation, dredge and fill, and stormwater management activities.

12.1.1.6 The County shall coordinate with FDEP to ensure that discharge of wastewater effluent into surface water bodies will not result in the lowering of the ambient water quality (as indicated in Policy 12.1.1.1), when such information is available, unless such discharge can be shown to be in the overriding public interest.

12.1.1.7 The County shall ensure that stormwater management systems which discharge into surface water bodies shall not degrade the ambient water quality (as indicated in Policy 12.1.1.1) of the receiving water body, when such information is available.

12.1.1.8 The County shall coordinate with the SJRWMD to ensure that withdrawal of surface waters for purposes such as irrigation and freeze protection will not degrade ambient water quality, as indicated in Policy 12.1.1.1, when such information is available.

12.1.1.9 Those standards for marina siting as provided in the Coastal Management Element Manatee Protection Plan shall be applied throughout the County.

OBJECTIVE:

12.1.2 To protect and enhance the natural hydrologic functions and wildlife habitat attributes of surface water resources, including estuarine and oceanic waters, as well as waters which flow into estuarine and oceanic water, and the floodplains associated with these waters.

POLICIES:

12.1.2.1 Natural shoreline buffers or setbacks shall remain established for surface water bodies, the extent of which will depend on, at minimum: existing soils; cover and type of vegetation; topography; wildlife habitat; ambient water quality; and the protective status of the water body.

12.1.2.2 Where possible, Environmental Systems Corridors shall connect with significant surface water resources, particularly those which have special protection status.

12.1.2.3 Removal or control of submerged, emergent, or floating vegetation shall continue to be limited to that necessary to provide reasonable access, and aquatic weed control as defined by the appropriate agencies. Any use of chemical herbicides for such purposes shall ensure that water quality and ecological integrity are not degraded.

12.1.2.4 Vertical seawalls and bulkheads along the banks and shorelines of naturally occurring surface water bodies shall continue to be limited to those instances...
where serious threat to life or property can be demonstrated. In such cases, utilization of sloping stabilization methods combined with vegetation shall be used as an alternative to vertical seawalls and bulkheads where feasible.

12.1.2.5 Headwater areas of significant surface water resources shall continue to be protected through land use controls, public acquisition, easements, or other appropriate methods.

12.1.2.6 The County shall coordinate with the SJRWMD to ensure that withdrawals from or discharges to surface water bodies which alter hydroperiods or water stage levels do not adversely impact water dependent ecosystems and aquatic habitats.

12.1.2.7 Undisturbed segments of flood plains associated with surface water bodies shall continue to be protected through public acquisition, land use controls, conservation easements, or other methods as appropriate.

12.1.2.8 Proposed structures located within the flood plain of surface water bodies and within flood prone areas, and within areas determined to be vulnerable to sea level rise as identified in the Regional Resiliency Action Plan, shall continue to be required to utilize building methods as provided in land development regulations, to the extent that fill material required for construction or other impervious surfaces will not reduce the ability of the floodplains to store and convey floodwaters, or degrade the natural physical and biological functions of protected habitat without approved mitigation. Impacts of fill in the floodplains and floodprone areas shall be considered both site specifically and cumulatively.

12.1.2.9 Dwelling unit densities shall continue to be limited within the flood plains of surface water bodies and in other flood prone areas, and within areas determined to be vulnerable to sea level rise as identified in the Regional Resiliency Action Plan.

12.1.2.10 Public facilities shall be limited within the 100 year flood plain or in flood prone areas or areas determined to be vulnerable to sea level rise as identified in the Regional Resiliency Action Plan. Any public facilities that are built will be consistent with the County’s Land Development regulations and shall be flood-proofed to minimize damage from floods, storms, and hurricanes, and the impacts of sea level rise.

12.1.2.11 The County shall coordinate with the National Estuary Program and continue to protect the Class II Waters of Mosquito Lagoon.

OBJECTIVE:

12.1.3 To protect and appropriately utilize the physical and ecological functions of natural drainageways and drainage patterns.

POLICIES:

12.1.3.1 Land planning and development proposals shall continue to identify areas where soils, vegetation, hydrogeology, topography, and other factors indicate where water flows or ponds. These areas shall be utilized to the maximum extent feasible, without significant structural and natural habitat alteration, for on-site stormwater
management, and should be integrated into an area-wide stormwater management design. Where wet detention systems are employed, they should mimic natural systems as appropriate.

12.1.3.2 Significant natural drainageways shall be identified and incorporated into the Environmental Systems Corridor network, where appropriate.

12.1.3.3 The Deep Creek/Haw Creek drainageway shall be protected through public acquisition, land use controls, or other methods deemed appropriate.

12.1.3.4 Certain types of isolated wetlands (such as smaller, degraded cypress domes, wet prairies or bay heads), may be considered for integration into a stormwater management system. In such cases, hydroperiods and stage elevations shall be designed to maintain the appropriate wetland community, and shall provide for first flush diversions. Volusia County shall maintain land development regulations to control pollutant discharges into surface waters from dredge and fill activities.

12.1.3.5 Volusia County shall support state and federal policies and regulations regarding the permitting of dredge and fill activity, except in those instances where more stringent regulations are adopted by Volusia County.

12.1.3.6 The expansion of navigable waterways shall be prohibited in Volusia County. Maintenance dredging of existing waterways must comply with the Manatee Protection Plan and Land Development Code.

OBJECTIVE:

12.1.4 The County shall assess long-term potable water needs consistent with the time horizon of the Comprehensive Plan and identify the water supply sources that will be utilized to meet the projected demand.

POLICIES:

12.1.4.1 The County shall adopt and update as necessary, as part of the Potable Water Sub-Element, a Work Water Supply Facilities Work Plan that includes an assessment of the long-term potable water needs and sources consistent with the planning timeframe of the Comprehensive Plan.

12.1.4.2 The County shall implement the water supply strategies and relevant policies in this Comprehensive Plan to address the long-term potable water supply facility needs and sources for the County’s water supply planning areas.

NATURAL COMMUNITIES AND WILDLIFE

GOAL:

12.2 Protect, conserve, and enhance the ecological resources of the County, maintaining their quality and contribution to the quality of life and economic well-being of Volusia County.
OBJECTIVE:

12.2.1 To provide for the protection of areas determined to be environmentally sensitive, and direct growth away from such areas.

POLICIES:

12.2.1.1 Existing, relatively uninterrupted expanses of natural resources contained within the County shall be managed as an individual unit, providing natural resources the highest degree of protection in land development decisions and planning. These lands shall comprise the Natural Resource Management Area (NRMA) established in the Future Land Use Element.

Criteria: Areas included in the NRMA consist of, in whole or a portion of at minimum: the St. John's River Valley; Talbot Terrace; Pamlico Terrace; Rima Ridge; and Turnbull Hammock. Site specific boundaries shall be based on soils, topographic, and vegetative data, particularly that which is outlined in Policy 12.2.2.1.

12.2.1.2 The County shall promote land use activities compatible with NRMA, the boundaries of which are determined by resource data including: ecological community mapping as stated in Policy 12.2.2.1; USGS Topographic maps; National Wetland Inventory maps; Florida Natural Area Inventory records; available wildlife data; and site specific field information.

a. Environmental System Corridor (ESC) – This designation consists of important ecological corridors comprised of environmentally sensitive and ecologically significant lands. Land use activities occurring within these corridors shall not degrade these natural functions and connections. The intention is to provide protected, natural pathways which connect to other protected areas such as parks, conservation lands and water bodies. This inter-connection helps maintain the ecological integrity and ecodiversity of the county's vast natural resources.

ESC's shall include significant interconnected natural systems of environmentally sensitive lands, connecting to and including conservation areas where possible. ESC's are not intended to include pre-existing improved, cultivated, or developed lands unless such lands contain unique or exceptional ecological value. Conservation and silviculture, utilizing Best Management Practices (BMPs), will be the preferred use, however, other compatible passive agricultural activities may also be permitted such as unimproved pasture. The primary consideration of compatible agriculture should be potential adverse impacts to the short and long term ecological stability of the system, as well as adjacent lands and waterways.

The Environmental System Corridor configuration displayed on the Future Land Use Map is intended to show a generalized location for the corridor. The actual boundaries will be established based upon site specific information and features. Each corridor will be reviewed to determine the boundary in relation to a proposed development. Upon request by an applicant, an administrative boundary adjustment may occur based upon
on a review of site specific information and with the submittal of a verified wetlands survey features and other planning related data. Any adjustments will be included in the next amendment cycle.

b. Forestry Resource (FR) – This designation is primarily suited for silviculture activities (the cultivation and harvesting of timber for commercial purposes), however, other limited agricultural activities may also be appropriate. Forest lands are a multiple-use resource which yields valuable agricultural products while providing wildlife habitat and recreational opportunities. In addition to being a multiple-use resource, the forests in Volusia may provide important environmental functions that may also be components of the land’s value for silviculture, limited agriculture, wildlife habitat, protection of watershed lands, the prevention of soil erosion, reduction of stormwater runoff, and provision of high quality groundwater recharge.

c. Low Impact Urban (LIU) - Lands within the NRMA which are determined to be suitable for urban type development, and are adjacent to existing urban development. Lands designated LIU serve as a transition between highly protected natural resource areas and existing urban may be permitted within this zone, but shall comply with standards consistent with the provisions of the NRMA. These standards shall include, at minimum: a requirement to be serviced by central utilities; designation of at least 50% of required open space as provided for in land development regulations to be preservation of upland habitat sited in an ecologically strategic manner (e.g., adjacent to wetlands); and clustering of residential dwelling units.

12.2.1.3 The County shall maintain established criteria and standards for the mitigation of environmentally sensitive wetlands and surface waters, and their associated buffers, and associated critical habitats which are destroyed or altered. The standards shall provide for collection of a mitigation fee to be used specifically for the acquisition and management of environmentally sensitive lands, and/or preservation, replacement, restoration or enhancement of like-kind habitat.

12.2.1.4 Land use activities adjacent to environmentally sensitive lands, including conservation areas designated in the Future Land Use and Recreation/Open Space Elements, shall be limited to non-intensive uses such as Environmental Systems Corridors, Forestry Resource, Agriculture, rural, or low impact urban. Otherwise, proposed land use activities must ensure that such activities will not degrade the natural physical, biological, aesthetic, or recreational functions of such lands.

12.2.1.5 Lands/areas proposed for acquisition under the Volusia Forever Program shall be processed and evaluated in the manner specified by the applicable County Resolution.

12.2.1.6 Preservation of land and environmental resources (flora and fauna) may be accomplished by both fee simple and less-than-fee simple acquisition techniques.
12.2.1.7 Pending funding availability, Volusia County shall continue to utilize the Volusia Forever Program to purchase conservation lands including but not limited to the Greenhouse Gas Reduction Areas.

OBJECTIVE:

12.2.2 To minimize, and eliminate where reasonably achievable, impacts to ecological communities which degrade their natural physical and biological function as a result of land development activities.

POLICIES:

12.2.2.1 The County shall continue to monitor, and periodically update a mapping inventory of ecological communities by type (as indicated by vegetative composition), including at minimum:

<table>
<thead>
<tr>
<th>Wetland Communities</th>
<th>Uplands Communities</th>
</tr>
</thead>
<tbody>
<tr>
<td>estuarine marsh</td>
<td>pine flatwood</td>
</tr>
<tr>
<td>mangrove swamp</td>
<td>mixed hardwood hammock</td>
</tr>
<tr>
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<td>oak hammock</td>
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<td>scrub oak thicket</td>
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<tr>
<td>bay head swamp</td>
<td>sand pine forest</td>
</tr>
<tr>
<td>mixed hardwood swamp</td>
<td>coastal scrub</td>
</tr>
<tr>
<td>pine flatwood</td>
<td>grassland and shrub</td>
</tr>
</tbody>
</table>

12.2.2.2 In conjunction with the Florida Natural Areas Inventory, East Central Florida Regional Planning Council (ECFRPC), and the Florida Fish and Wildlife Conservation Commission (FWC), and based on the information generated from the data inventory as stated in Policy 12.2.2.1, the County shall determine those ecological communities which are rare, endangered, or of special concern either by type and/or geographic location. Such communities shall be considered environmentally sensitive, and receive appropriate protections as outlined elsewhere in this Element.

12.2.2.3 Based on the County's ecological data inventory, the County shall consider potential site specific, off-site, and cumulative impacts to ecological communities as indicated in Policy 12.2.2.1 for land development proposals.

12.2.2.4 The County shall encourage clustering of dwelling units and/or open space for land development projects which contain environmentally sensitive lands and critical habitats within its project boundaries, in order to preserve these resources.

12.2.2.5 The County shall consider the abundance, status, and distribution of endangered species and ecosystems and other environmentally sensitive lands when reviewing land use proposals and acquisitions.

12.2.2.6 The County shall coordinate with appropriate governmental entities to protect environmentally sensitive lands which extend into adjacent counties and municipalities.
12.2.2.7 Existing expanses of upland native vegetation shall be incorporated where appropriate into site and landscaping plans of proposed land development projects.

12.2.2.8 Activities for the restoration and improvement of altered/degraded areas located on properties owned by the County shall be incorporated, where appropriate and feasible, into the management plans for said properties. At a minimum, these activities should include practices for the control of invasive, exotic, plant species.

OBJECTIVE:

12.2.3 To eliminate any net loss of wetlands and prevent the functional values of such wetlands to be degraded as a result of land development decisions.

POLICIES:

12.2.3.1 Coastal and riverine wetlands shall be preserved wherever possible. In cases where adverse impacts to such wetlands are found by the County to be necessary to the overriding public interest, appropriate mitigation as specified in Policy 12.2.3.4 shall be required. In those instances where coastal and riverine wetlands are found to be functionally degraded, restoration of such wetlands may be considered as appropriate mitigation.

12.2.3.2 Proposed activities within urban, rural, or agricultural land use categories as indicated on the Future Land Use Map (those which are located outside of the NRMA) shall protect or enhance existing wetlands. Interior isolated wetlands which are shown to be significantly degraded, or cover small areas, may be modified to a form more suited for urban, rural or agricultural wetland functions, while allowing no net loss of wetlands. The County shall maintain acceptable criteria and designs for wetland modification, and shall address, at minimum, provisions for:

- Maintaining, at least partially, stands of old mature forested vegetation;
- planting of littoral shelves and shorelines with appropriate vegetation in cases where an open water system will be created; an overall wetlands management plan which will discuss water levels and quality, and the ability of the wetland to attract and harbor wildlife species which are compatible in an urban, rural, or agricultural setting. This provision for wetland modification shall not be allowed in wetlands which are known or are found to provide habitat to wildlife species which are state or federally listed as rare, threatened, endangered, or of special concern, or locally designated as such.

12.2.3.3 Natural Buffer Zones Wetland buffer zones or setbacks shall be required landward of all protected wetlands occurring in unincorporated Volusia County.

a. A buffer zone not less than fifty (50) feet is required Natural Buffer Zones for wetlands and surface waters occurring within the NRMA shall be determined on an individual basis with standards and formulas derived for the following criteria, at minimum: existing soil erodibility; cover and type of
vegetation; slope; water table depths; water quality; wildlife; and the 
protective status of the receiving waters. Natural Wetland buffer zones shall 
consist of intact natural communities comprised predominantly of 
appropriate native vegetative species in the overstory, shrub, and 
understory layers. Activities within the Natural Buffer Zone shall be 
limited to those which are shown to be consistent with the intended use of 
this zone while providing for reasonable access to water bodies.

b. Proposed activities adjacent to isolated wetlands occurring outside the 
NRMA shall have yard setbacks or a minimum twenty-five (25) foot natural 
wetland buffer buffers measured from the landward extent of the wetlands 
upland/wetland interface, as determined by Chapter 62-340, Florida 
Administrative Code. Wetlands which are hydrologically connected to a 
surface water body, and not located within the NRMA, will be evaluated on 
a case-by-case basis utilizing available site-specific data, including a 
verified wetlands delineation survey shall require a natural buffer zone 
consistent with the standards provided in Subsection (a).

c. In cases where the alteration of the Natural Buffer Zone is determined to 
be unavoidable, appropriate mitigation shall be required.

12.2.3.4 If, by restriction of attainment of reasonable use through the County's land 
development regulations, it is determined by the County that wetland alteration is 
unavoidable, mitigation proposals shall be considered, which should include 
restoration of existing degraded or converted wetlands, or creation of new wetland 
habitat, or purchase of mitigation bank credits. Such mitigation activities shall 
replace like land habitat and function with an intended result of a no net loss of 
wetlands. Preservation of upland habitat may be considered in certain instances 
if deemed appropriate but shall be considered in conjunction with mitigating 
wetland losses. In no case shall mitigation activities degrade critical upland 
habitat.

12.2.3.5 In lieu of mitigation requirements stated in Policy 12.2.3.4, the County may collect 
a mitigation fee which will be used to mitigate wetland and buffer losses elsewhere 
in the county. Toward that end, the County shall identify areas which are suitable 
for such purposes, primarily where important wetland habitats have been 
converted, and shall direct off-site mitigation efforts to these designated areas, 
which should be located within the same watershed as where the impacts will 
occur. To increase the program's effectiveness, the County shall coordinate with 
and seek the support of regional, state, and federal regulatory agencies as well as 
the municipalities within the County.

12.2.3.6 Volusia County shall require that the most up to date Best Management Practices 
(BMP's) be used for all silvicultural activities proposed in wetlands. Agricultural 
operations will continue to be encouraged to be consistent with applicable Natural 
Resource Conservation Service and Cooperative Extension Service BMP's to 
ensure wetlands are not adversely impacted by such activities.
OBJECTIVE:

12.2.4  To protect habitats of wildlife species occurring in the County, particularly those which are threatened, endangered, or of special concern, to maintain, and enhance where necessary, existing species population numbers and distributions.

POLICIES:

12.2.4.1  The County's automated ecological community information geographic information systems mapping will be used as base data for determining the presence of listed wildlife species and related habitat. Other information, including field visits will be used to determine the presence of listed wildlife within the County. This information shall help determine type and occurrence of critical wildlife habitat, and boundaries of the NRMA and ESC's.

12.2.4.2  Land development proposals shall continue to be required to protect ecologically viable habitats and prepare a suitable alternative management plan when state or federally listed vegetative and wildlife species occur within project boundaries.

12.2.4.3  The County's Environmental Management Division—under the current protected species policy, shall continue to review projects which may impact critical habitats. The type and occurrence of critical habitats shall be determined by the County and the appropriate federal (USFWS) and state (FWC, FDEP, ECFRPC) agencies. These development reviews shall address at minimum:

a.  proper siting of development structures and infrastructure, including clustering of dwelling units away from critical habitats;

b.  management plans which protect endangered wildlife which utilize critical habitats;

c.  mitigation plans for critical habitat which is unavoidably altered;

d.  restrictions of the use of critical habitats to those which are found to be compatible with the requirements of wildlife species which are threatened, endangered, or of special concern.

12.2.4.4  Where feasible, the County shall protect critical habitat through acquisition, establishment of public or private conservation easements, purchase of development rights, or through other available means as deemed appropriate.

12.2.4.5  The County shall continue to implement management plans for: sea turtles and manatees. The County shall continue to expand the management scope of suitable public lands within the County to ensure the long-term vitality of specific listed species including: scrub jays, southern bald eagles, gopher tortoises, red cockaded woodpeckers, black bears, southeastern beach mouse and piping plovers. County land management shall also consider non-listed wildlife populations and continue to explore management techniques to ensure biodiversity of plant and animal species on suitable public lands. At minimum, these management efforts and plans shall:
a. provide for the coordination of federal, state, local, and private activities involving protection of the particular species;

b. establish public education programs;

c. provide for the minimization of activities which directly or indirectly adversely impact the particular species listed above;

d. establish management standards for habitat restoration and enhancement, and/or relocation of species where appropriate.

12.2.4.6 In conjunction with the directives of Policies 12.2.4.1, 12.2.4.3, and 12.2.4.5, respectively, the County shall utilize federal and state management guidelines for the particular endangered species in reviewing land development and land management proposals.

12.2.4.7 The County shall protect the natural resource values, particularly those relating to wildlife habitat and aquifer recharge of Rima Ridge through public and/or private easements, public acquisition, land use regulations, or other methods deemed appropriate.

12.2.4.8 The County shall continue to reduce, and eliminate where possible, pollution activities which adversely impact endangered species, including illegal dumping of solid and hazardous waste and littering near open water bodies, and the County should discourage the use of single use plastics and outdoor release of balloons.

12.2.4.9 Marine, brackish, and freshwater habitats necessary for the continued ecological and economic stability of fisheries, aquaculture, and other water dependent wildlife have been identified and shall continue to be protected through, at minimum, coordination with the FWC, Florida Department of Environmental Protection, and other governmental agencies as appropriate.

12.2.4.10 The County shall protect manatees by, at minimum, implementing Phase I (02/19/01), and Phase II (10/19/05) of the State approved Manatee Protection Plan for Volusia County; including protection of manatee habitat; enforcement of boat speeds, safety and water sport activities; utilization of the most current state and federal boat facilities permitting standards relating to manatee protection; provision of educational programs, and dissemination of materials about manatees and their protection at boat launch and marina facilities.

AIR QUALITY

GOAL:

12.3 Maintain and improve air quality for the protection of the natural environment and the health, safety, and welfare of the citizens of Volusia County.
OBJECTIVE:

12.3.1 To maintain the current high levels of air quality to comply with ambient air quality standards as established by United States Environmental Protection Agency (EPA) and FDEP.

POLICIES:

12.3.1.1 FDEP continues to maintain an air quality database. Air quality data collected by the county will be provided to the applicable agencies responsible for air quality monitoring shall be incorporated into an EPA approved air quality model which will be used to determine the impact of proposed development on ambient air quality.

12.3.1.2 Businesses which request development orders after 1991 shall be required to install all State pollution control devices and practices, and demonstrate that all necessary air quality permits have been approved prior to occupancy.

12.3.1.3 As specified in the Transportation and Capital Improvements Elements, Volusia County shall encourage alternative modes of transportation by, at minimum: expanding its mass transit system, exploring alternative fuel vehicles, setting up a County-wide car pooling information network, promoting the use of bicycles by requiring bike facilities, requiring improved pedestrian sidewalks on and off site, building and/or constructing vehicle parking bays and passenger shelters to accommodate buses and ride-shares.

12.3.1.4 Industrial facilities which emit air pollutants shall be sited to avoid detrimental impacts to schools (grades K-12), nursing homes, residential neighborhoods and highly urbanized centers to reduce adverse impacts of air pollution on adjacent residents.

12.3.1.5 Industrial parks, industrial subdivisions, public and private utilities, and arterial roads shall have a vegetation buffer between them and other land use types. This buffer shall include a mix of both taller overstory trees and shrubs (scrub, bushes, etc.). Vegetation with a high carbon dioxide/carbon monoxide exchange shall be required in the buffer (i.e., broadleaf species appropriate for site conditions, such as oaks, sycamores, and other hardwoods) in places where there are no existing trees and planting is required.

12.3.1.6 Volusia County shall continue to act as a clearing house for provide air quality information and directives to the public which may include ways to shall entail, at minimum:

a. reduce dependence on and increase efficiency of air-conditioning units (i.e., greater use of fans, strategic location of trees, and buildings);

b. discuss the problem of vehicle emissions to air quality;

c. encourage businesses, to institute flexible or rotating work schedules to reduce peak traffic.
d. encourage the banning of smoking in businesses and workplaces.

e. encourage the use of green building practices.

Volusia County shall ensure that state and local regulations pertaining to open burning are enforced and that alternatives to open burning of debris from land clearing, such as composting, mulching, or chipping facilities, are encouraged.

Where appropriate County transportation projects, new or expanded, shall include: bicycle facilities, sidewalks (except in controlled access facilities), parking bays for buses, and passenger shelters for both public and private bus or ride sharing programs.

Volusia County shall monitor the air quality within its buildings in order to protect the health and welfare of all persons using the buildings. Such measures shall include: periodic monitoring of air quality for radon, formaldehyde, asbestos, carbon monoxide, mold, mildew, fungus, smoke, fumes, and other pollutants; banning smoking in all County buildings; the installation and proper replacement of high efficiency air filters; installation and proper maintenance of central vacuuming cleaning systems to prevent the build-up of airborne contaminants in conditioned, non-industrial work environments.

The Facilities Services Manager shall conduct monitoring activities and supervise this activity.

MINERAL AND SOIL RESOURCES

GOAL:

12.4 Conserve and appropriately use mineral and soil resources.

OBJECTIVE:

12.4.1 To minimize the impacts of mineral extraction activities on natural systems, while allowing appropriate utilization of the mineral resources.

POLICIES:

12.4.1.1 Prior to 1999, the County shall continue to identify those areas with the highest suitability for mineral extraction, based on the quality of mineral deposits, and the patterns of land use and natural systems, and shall prevent the premature encroachment of incompatible land uses into these areas.

12.4.1.2 Mineral extraction activities proposed outside of the areas identified in Policy 12.4.1.1 shall be adequately buffered from residential areas to avoid adverse fluctuations of groundwater levels to nearby individual well systems, and to minimize noise pollution.

12.4.1.3 Proposed mineral extraction activities shall continue to minimize impacts to environmentally sensitive lands and critical habitats. In cases where adverse
altered of such lands are unavoidable, appropriate mitigation shall be required.

12.4.1.4 The County shall continue to implement standards for reclamation of excavation sites so as to resemble a natural system to the greatest extent feasible, including, at minimum:

a. creation of sinuous shorelines;

b. bank gradients properly sloped to establish planted littoral shelves with appropriate submerged and emergent vegetation;

c. fish stocking, if warranted;

d. ambient water quality testing;

e. completion of the reclamation plans;

f. compliance with standards established for artificial lakes by the SJRWMD and other appropriate agencies.

12.4.1.5 Oil or gas exploration or production, that utilizes high-pressure well stimulation shall be prohibited.

OBJECTIVE:

12.4.2 To incorporate the inherent limitation of existing soils in land planning and development, and minimize impacts which result in soil erosion.

POLICIES:

12.4.2.1 Prior to any land disturbance, development activities shall indicate on a site plan areas of highly erodible soils, as defined by the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS) or the Florida Department of Agriculture, and take adequate measures to ensure that soil erosion is avoided, including utilization of all appropriate Best Management Practices.

12.4.2.2 Building construction in soils which are determined to be hydric in character, as defined by the NRCS and the Florida Department of Agriculture, shall be regulated to the extent that proposed construction activities will not adversely impact the natural physical and biological functions of protected resources without appropriate mitigation.

12.4.2.3 Silvicultural and agricultural activities shall utilize the most current Best Management Practices to prevent soil erosion and subsequent siltation of surface water bodies.

SECTION II: SEVERABILITY - Should any word, phrase, sentence, subsection or section be held by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional, then that word, phrase, sentence, subsection or section so held shall be severed from this
SECTION III: EFFECTIVE DATE – Within ten (10) days after enactment, a certified copy of this Ordinance shall be filed in the Office of the Secretary of State by the Clerk of the County Council and transmitted to the state land planning agency and any other agency or local government that provided timely comments pursuant to the expedited state review process in Section 163.3184(3), Florida Statutes. This Ordinance shall take effect upon the latter of the following dates: (a) thirty-one (31) days after the state land planning agency notifies the County that the plan amendment package is complete and the issuance of a certificate of consistency or conditional certificate of consistency by the Volusia County Growth Management Commission, or (b) issuance of a final order by the state land planning agency or the State of Florida Administration Commission determining the amendment adopted by this Ordinance to be in compliance.

ADOPTED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, IN OPEN MEETING DULY ASSEMBLED IN THE COUNTY COUNCIL CHAMBERS AT THE THOMAS C. KELLY ADMINISTRATION CENTER, 123 WEST INDIANA AVENUE, DELAND, FLORIDA, THIS ____ DAY OF ________, 2020.

ATTEST:

_____________________________   ________________________________
County Manager                  County Chair

George Recktenwald               Ed Kelley
County Manager                  County Chair
CHAPTER 12

CONSERVATION ELEMENT

A. OVERVIEW

The Conservation Element provides the framework for the preservation, protection, and enhancement of the County's natural resources. As such, the goals, objectives, and policies outlined in this Element are strongly intertwined with other elements in the Comprehensive Plan relating to land use, utilities, recreation and open space, transportation, and coastal management. It is the intent of this Element to provide a basis for responsible decision making for the appropriate use of natural resources when confronted by growth and corresponding development, as well as the identification and preservation of ecologically irreplaceable resources.

In spite of rapid urban growth, the County contains a large abundance of high quality natural resources. The need for protection and management of the County's natural resources will continually increase as growth expands and as the county experiences climate change and sea level rise. Therefore, this Element is taking a responsible approach toward natural resource protection, recognizing the tremendous contribution of these resources to the quality of life of Volusia County residents and visitors.

This Element divides the goals, objectives, and policies relating to natural resources into four broad categories: water resources; natural communities and wildlife; air quality; and mineral resources.

The Element is directed toward the elimination of any further degradation of the County's lakes, rivers, and estuaries. The county has a program designed to protect the County's cleanest waters, has been initiated, along with a sister program of cleaning up the County's more polluted waterways. Provisions for the protection of natural functions of waterbodies, flood plains, and natural drainage ways are also included.

Protection of upland and wetland ecological resources is provided for in a number of ways. Large relatively uninterrupted expanses of natural communities are managed more systematically compared to areas of the County targeted for urban growth. Protection of the natural environment in the undeveloped areas is given a high priority, recognizing that these areas contain the highest ecological diversity and functional value. Direction of urban growth away from these areas is a by-product of protecting the natural system. Protection of wetlands is another high priority. Wildlife protection is accomplished primarily by preserving and appropriately managing habitat critical to the survival of wildlife species. Specific programs actively protecting and managing endangered species are also proposed.

In accordance with growth management law, the County of Volusia has developed a Water Supply Facilities Work Plan (Work Plan). The Work Plan strengthens the link between the County's Comprehensive Plan and the regional water supply planning process. The Work Plan projects potable water demand based on the anticipated population growth for the planning horizon of this Comprehensive Plan and identifies the sources of water that will be needed to meet the projected demand. The Work Plan takes into account alternative sources of water identified as options for the County's Utility system in the St. Johns River Water Management District's (SJRWMD) District Water Supply Plan.
Although air quality is not believed to be a significant issue at this time, provisions are proposed to ensure that degradation of the County's air quality is prevented as urban growth continues. This growth will also require an increased need for excavations and fill. Mineral extraction resource areas are proposed such that other types of development will not "lock up" these valuable resources, while minimizing environmental impacts.

Because many of the programs and policies proposed in this Element are technically complex, a reliable database of natural resource inventories, mapping, and quality levels has been formulated. In addition to the management techniques contained in this Element, the County has aggressively protected significant natural resource areas for future generations. This initiative began in 1986 with establishment and implementation of a land acquisition program. This effort was renewed and enhanced in the year 2000 when the county's voters passed a referendum establishing the Volusia Forever Program. This long-term (20 year) initiative will generate approximately 80 million dollars. The Volusia Forever program is intended to acquire and improve environmentally sensitive, water resource, and outdoor recreation lands. From 2000-2019, the county acquired approximately 38,000 acres. In order to promote efficient acquisition efforts and maximize the use of available funds, it is the intention of the County, where feasible, to cooperate with appropriate governmental agencies/jurisdictions and to seek out grants and other sources of support.

NOTE: Requirements of this Element relating to groundwater resources and hazardous waste are presented in the Natural Groundwater and Aquifer Recharge, and Solid Waste Elements, respectively.

B. GOALS, OBJECTIVES AND POLICIES

WATER RESOURCES

GOAL:
12.1 Ensure the protection and improvement of the natural functions and quality of Volusia County's Water Resources.

OBJECTIVE:
12.1.1 To prevent the further degradation of the ambient water quality of the County's surface water resources, and to restore to acceptable levels those surface waters which exceed Federal, State and local pollutant standards.

POLICIES:
12.1.1.1 An ongoing surface water quality monitoring network incorporating the standards and activities provided in the Coastal Management Element shall continue. The water quality monitoring network will determine levels and trends of ambient water quality. Criteria and standards for the categorization of water bodies based on ambient water quality shall also be maintained. Degradation of ambient water quality shall be tied to the established categories rather than individual readings.
12.1.1.2 The County shall continue to initiate and encourage Surface Water Restoration Programs which will, at minimum: identify and initiate the cleanup of highly polluted aquatic systems; identify those areas of the County where on-site sewage disposal systems are determined to be, or have the potential to be significant surface water pollution sources; and coordinate with stormwater facility redesign activities where necessary.

12.1.1.3 The County shall continue to regulate channelization or impoundment of the County's surface water bodies to the extent that such activities shall be limited to: those operations necessary to correct existing threats to public health or safety; maintenance of existing navigational waterways, as needed; and for reasonable access to water dependent shore-based facilities. In such cases, adverse impacts to the biological attributes of the water resources and water dependent natural ecosystems shall be mitigated through shoreline restoration, preservation of shoreline habitat, and/or mitigation fees.

12.1.1.4 On-site sewage disposal systems and associated drainfields shall continue to be limited within the flood plain of surface water bodies as provided for in land development regulations, to the extent that such systems are designed and located so as to not contribute to the degradation of ambient water quality, and in accordance with the policies of the Department of Health.

12.1.1.5 The most current best management practices which control erosion and limit the amount of sediment reaching surface waters shall continue to be required and encouraged for construction, agriculture, silviculture, excavation, dredge and fill, and stormwater management activities.

12.1.1.6 The County shall coordinate with FDEP to ensure that discharge of wastewater effluent into surface water bodies will not result in the lowering of the ambient water quality, when such information is available, unless such discharge can be shown to be in the overriding public interest.

12.1.1.7 The County shall ensure that stormwater management systems which discharge into surface water bodies shall not degrade the ambient water quality, when such information is available.

12.1.1.8 The County shall coordinate with the SJRWMD to ensure that withdrawal of surface waters for purposes such as irrigation and freeze protection will not degrade ambient water quality, when such information is available.

12.1.1.9 Those standards for marina siting as provided in the Coastal Management Element Manatee Protection Plan shall be applied throughout the County.

OBJECTIVE:

12.1.2 To protect and enhance the natural hydrologic functions and wildlife habitat attributes of surface water resources, including estuarine and oceanic waters, as well as waters which flow into estuarine and oceanic water, and the floodplains associated with these waters.
POLICIES:

12.1.2.1 Natural shoreline buffers or setbacks shall remain established for surface water bodies, the extent of which will depend on, at minimum: existing soils; cover and type of vegetation; topography; wildlife habitat; ambient water quality; and the protective status of the water body.

12.1.2.2 Where possible, Environmental Systems Corridors shall connect with significant surface water resources, particularly those which have special protection status.

12.1.2.3 Removal or control of submerged, emergent, or floating vegetation shall continue to be limited to that necessary to provide reasonable access, and aquatic weed control as defined by the appropriate agencies. Any use of chemical herbicides for such purposes shall ensure that water quality and ecological integrity are not degraded.

12.1.2.4 Vertical seawalls and bulkheads along the banks and shorelines of naturally occurring surface water bodies shall continue to be limited to those instances where serious threat to life or property can be demonstrated. In such cases, utilization of sloping stabilization methods combined with vegetation shall be used as an alternative to vertical seawalls and bulkheads where feasible.

12.1.2.5 Headwater areas of significant surface water resources shall continue to be protected through land use controls, public acquisition, easements, or other appropriate methods.

12.1.2.6 The County shall coordinate with the SJRWMD to ensure that withdrawals from or discharges to surface water bodies which alter hydroperiods or water stage levels do not adversely impact water dependent ecosystems and aquatic habitats.

12.1.2.7 Undisturbed segments of flood plains associated with surface water bodies shall continue to be protected through public acquisition, land use controls, conservation easements, or other methods as appropriate.

12.1.2.8 Proposed structures located within the flood plain of surface water bodies and within flood prone areas, and within areas determined to be vulnerable to sea level rise as identified in the Regional Resiliency Action Plan, shall continue to be required to utilize building methods as provided in land development regulations, to the extent that fill material required for construction or other impervious surfaces will not reduce the ability of the floodplains to store and convey floodwaters, or degrade the natural physical and biological functions of protected habitat without approved mitigation. Impacts of fill in the floodplains and floodprone areas shall be considered both site specifically and cumulatively.

12.1.2.9 Dwelling unit densities shall continue to be limited within the flood plains of surface water bodies and in other flood prone areas, and within areas determined to be vulnerable to sea level rise as identified in the Regional Resiliency Action Plan. Any public facilities that are built will be consistent with the

Commented [A5]: Reinforces new resiliency policies in the adopted coastal element.

Commented [A6]: Reference was added to the Resiliency Action Plan.
The County's Land Development regulations and shall be flood-proofed to minimize damage from floods, storms and hurricanes and the impacts of sea level rise.

12.1.2.11 The County shall coordinate with the National Estuary Program and continue to protect the Class II Waters of Mosquito Lagoon.

OBJECTIVE:

12.1.3 To protect and appropriately utilize the physical and ecological functions of natural drainageways and drainage patterns.

POLICIES:

12.1.3.1 Land planning and development proposals shall continue to identify areas where soils, vegetation, hydrogeology, topography, and other factors indicate where water flows or ponds. These areas shall be utilized to the maximum extent feasible, without significant structural and natural habitat alteration, for on-site stormwater management, and should be integrated into an area-wide stormwater management design. Where wet detention systems are employed, they should mimic natural systems as appropriate.

12.1.3.2 Significant natural drainageways shall be identified and incorporated into the Environmental Systems Corridor network, where appropriate.

12.1.3.3 The Deep Creek/Haw Creek drainageway shall be protected through public acquisition, land use controls, or other methods deemed appropriate.

12.1.3.4 Certain types of isolated wetlands (such as smaller, degraded cypress domes, wet prairies or bay heads), may be considered for integration into a stormwater management system. In such cases, hydroperiods and stage elevations shall be designed to maintain the appropriate wetland community, and shall provide for first flush diversions.

12.1.3.45 Volusia County shall maintain land development regulations to control pollutant discharges into surface waters from dredge and fill activities.

12.1.3.56 Volusia County shall support state and federal policies and regulations regarding the permitting of dredge and fill activity, except in those instances where more stringent regulations are adopted by Volusia County.

12.1.3.67 The expansion of navigable waterways shall be prohibited in Volusia County. Maintenance dredging of existing waterways must comply with the Manatee Protection Plan and Land Development Code.

OBJECTIVE:

12.1.4 The County shall assess long-term potable water needs consistent with the time horizon of the Comprehensive Plan and identify the water supply sources that will be

Commented [A7]: Reference to sea level rise requested by environmental staff.

Commented [A8]: Recommended for deletion by Environmental Staff. This issue is addressed through the land development regulations and site plan review.

Commented [A9]: Next three policies added to strengthen dredge and fill regulations and support wetland and manatee protection policies.
utilized to meet the projected demand.

POLICIES:

12.1.4.1 The County shall adopt and update as necessary, as part of the Potable Water Sub-
Element, a Work Water Supply Facilities Work Plan that includes an assessment of
the long-term potable water needs and sources consistent with the planning
framework of the Comprehensive Plan.

12.1.4.2 The County shall implement the water supply strategies and relevant policies in this
Comprehensive Plan to address the long-term potable water supply facility needs
and sources for the County’s water supply planning areas.

NATURAL COMMUNITIES AND WILDLIFE

GOAL:

12.2 Protect, conserve, and enhance the ecological resources of the County, maintaining
their quality and contribution to the quality of life and economic well-being of Volusia
County.

OBJECTIVE:

12.2.1 To provide for the protection of areas determined to be environmentally sensitive, and
direct growth away from such areas.

POLICIES:

12.2.1.1 Existing, relatively uninterrupted expanses of natural resources contained within the
County shall be managed as an individual unit, providing natural resources the
highest degree of protection in land development decisions and planning. These
lands shall comprise the Natural Resource Management Area (NRMA) established in
the Future Land Use Element.

Criteria: Areas included in the NRMA consist of, in whole or a portion of at minimum:
the St. John’s River Valley; Talbot Terrace; Pamlico Terrace; Rima Ridge; and
Turnbull Hammock. Site specific boundaries shall be based on soils, topographic,
and vegetative data particularly that which is outlined in Policy 12.2.2.1.

12.2.1.2 The County shall promote land use activities compatible with NRMA, the boundaries
of which are determined by resource data including: ecological community mapping;
as stated in Policy 12.2.2.1 USGS Topographic maps; National Wetland Inventory
maps; Florida Natural Area Inventory records; available wildlife data; and site specific
field information.

a. Environmental System Corridor (ESC) – This designation consists of
important ecological corridors comprised of environmentally sensitive and
ecologically significant lands. Land use activities occurring within these
corridors shall not degrade these natural functions and connections. The
intention is to provide protected, natural pathways which connect to other
protected areas such as parks, conservation lands and water bodies. This inter-connection helps maintain the ecological integrity and ecodiversity of the county’s vast natural resources.

ESC’s shall include significant interconnected natural systems of environmentally sensitive lands, connecting to and including conservation areas where possible. ESC’s are not intended to include pre-existing improved, cultivated, or developed lands unless such lands contain unique or exceptional ecological value. Conservation and silviculture, utilizing Best Management Practices (BMPs), will be the preferred use; however, other compatible passive agricultural activities may also be permitted such as unimproved pasture. The primary consideration of compatible agriculture should be potential adverse impacts to the short and long-term ecological stability of the system, as well as adjacent lands and waterways.

The Environmental System Corridor configuration displayed on the Future Land Use Map is intended to show a generalized location for the corridor. The actual boundaries will be established based upon site specific information and features. Upon request by an applicant, an administrative boundary adjustment may occur. Each corridor will be reviewed to determine the boundary in relation to a proposed development based upon a review of site specific information and with the submittal of a verified wetlands survey, and features and other planning related data. Any adjustments will be included in the next amendment cycle.

b. Forestry Resource (FR) – This designation is primarily suited for silviculture activities (the cultivation and harvesting of timber for commercial purposes); however, other limited agricultural activities may also be appropriate. Forest lands are a multiple-use resource which yields valuable agricultural products while providing wildlife habitat and recreational opportunities. In addition to being a multiple-use resource, the forests in Volusia may provide important environmental functions that may also be components of the land’s value for silviculture, limited agriculture, wildlife habitat, protection of watershed lands, the prevention of soil erosion, reduction of stormwater runoff, and provision of high quality groundwater recharge.

c. Low Impact Urban (LIU) - Lands within the NRMA which are determined to be suitable for urban type development, and are adjacent to existing urban development. Lands designated LIU serve as a transition between highly protected natural resource areas and existing urban may be permitted within this zone, but shall comply with standards consistent with the provisions of the NRMA. These standards shall include, at minimum: a requirement to be serviced by central utilities; designation of at least 50% of required open space as provided for in land development regulations to be preservation of upland habitat sited in an ecologically strategic manner (e.g., adjacent to wetlands); and clustering of residential dwelling units.

12.2.1.3 The County shall maintain established criteria and standards for the mitigation of environmentally sensitive, wetlands and surface waters, associated wetland buffers, and associated critical habitats which are destroyed or altered. The
standards shall provide for collection of a mitigation fee to be used specifically for the acquisition and management of environmentally sensitive lands, and/or preservation, replacement, restoration or enhancement of like-kind habitat.

12.2.1.4 Land use activities adjacent to environmentally sensitive lands, including conservation areas designated in the Future Land Use and Recreation/Open Space Elements, shall be limited to non-intensive uses such as Environmental Systems Corridors, Forestry Resource, Agriculture, rural, or low impact urban. Otherwise, proposed land use activities must ensure that such activities will not degrade the natural physical, biological, aesthetic, or recreational functions of such lands.

12.2.1.5 Lands/areas proposed for acquisition under the Volusia Forever Program shall be processed and evaluated in the manner specified by the applicable County Resolution.

12.2.1.6 Preservation of land and environmental resources (flora and fauna) may be accomplished by both fee simple and less-than-fee simple acquisition techniques.

12.2.1.7 Pending funding availability, Volusia County shall continue to utilize the Volusia Forever Program to purchase conservation lands, including but not limited to the Greenhouse Gas Reduction Areas.

OBJECTIVE:

12.2.2 To minimize, and eliminate where reasonably achievable, impacts to ecological communities which degrade their natural physical and biological function as a result of land development activities.

POLICIES:

12.2.2.1 The County shall continue to monitor, and periodically update a mapping inventory of ecological communities by type (as indicated by vegetative composition), including at minimum:

<table>
<thead>
<tr>
<th>Wetland Communities</th>
<th>Uplands Communities</th>
</tr>
</thead>
<tbody>
<tr>
<td>estuarine marsh</td>
<td>pine flatwood</td>
</tr>
<tr>
<td>mangrove swamp</td>
<td>mixed hardwood hammock</td>
</tr>
<tr>
<td>freshwater marsh</td>
<td>oak hammock</td>
</tr>
<tr>
<td>wet prairie</td>
<td>cabbage palm hammock</td>
</tr>
<tr>
<td>bottomland hardwood swamp</td>
<td>pine/xeric oak forests</td>
</tr>
<tr>
<td>cypress swamp</td>
<td>scrub oak thicket</td>
</tr>
<tr>
<td>bay head swamp</td>
<td>sand pine forest</td>
</tr>
<tr>
<td>mixed hardwood swamp</td>
<td>coastal scrub</td>
</tr>
<tr>
<td>pine flatwood</td>
<td>grassland and shrub</td>
</tr>
</tbody>
</table>

12.2.2.2 In conjunction with the Florida Natural Areas Inventory, East Central Florida Regional Planning Council (ECFRPC), and the Florida Fish and Wildlife Conservation Commission (FWC), and based on the information generated from the data inventory as stated in Policy 12.2.2.1, the County shall determine those ecological communities which are rare, endangered, or of special concern either by type and/or geographic...
location. Such communities shall be considered environmentally sensitive, and receive appropriate protections, as outlined elsewhere in this Element.

12.2.2.3 Based on the County's ecological data inventory, the County shall consider potential site-specific, off-site, and cumulative impacts to ecological communities as indicated in Policy 12.2.2.1 for land development proposals.

12.2.2.4 The County shall encourage clustering of dwelling units and/or open space for land development projects which contain environmentally sensitive lands and critical habitats within its project boundaries, in order to preserve these resources.

12.2.2.5 The County shall consider the abundance, status, and distribution of endangered species and ecosystems and other environmentally sensitive lands when reviewing land use proposals and acquisitions.

12.2.2.6 The County shall coordinate with appropriate governmental entities to protect environmentally sensitive lands which extend into adjacent counties and municipalities.

12.2.2.7 Existing expanses of upland native vegetation shall be incorporated where appropriate into site and landscaping plans of proposed land development projects.

12.2.2.8 Activities for the restoration and improvement of altered/degraded areas located on properties owned by the County shall be incorporated, where appropriate and feasible, into the management plans for said properties. At a minimum, these activities should include practices for the control of invasive, exotic, plant species.

OBJECTIVE:

12.2.3 To eliminate any net loss of wetlands and prevent the functional values of such wetlands to be degraded as a result of land development decisions.

POLICIES:

12.2.3.1 Coastal and riverine wetlands shall be preserved wherever possible. In cases where adverse impacts to such wetlands are found by the County to be necessary to the overriding public interest, appropriate mitigation as specified in Policy 12.2.3.4 shall be required. In those instances where coastal and riverine wetlands are found to be functionally degraded, restoration of such wetlands may be considered as appropriate mitigation.

12.2.3.2 Proposed activities within urban, rural, or agricultural land use categories as indicated on the Future Land Use Map (those which are located outside of the NRMA) shall protect or enhance existing wetlands. Interior isolated wetlands which are shown to be significantly degraded or cover small areas, may be modified to a form more suited for urban, rural or agricultural wetland functions, while allowing no net loss of wetlands. The County shall maintain acceptable criteria and designs for wetland modification, and shall address, at minimum, provisions for:

Commented [A14]: Wording change to allow other alternatives to preserve environmental resources.

Commented [A15]: Added the word species to supplement ecosystems.

Commented [A16]: Removed specific policy reference. Wetland impacts are regulated through the land development regulations.

Commented [A17]: Deletion requested by environmental staff to be consistent with the wetland requirements of the land development code.
Maintaining, at least partially, stands of old mature forested vegetation; planting of littoral shelves and shorelines with appropriate vegetation in cases where an open water system will be created; an overall wetlands management plan which will discuss water levels and quality, and the ability of the wetland to attract and harbor wildlife species which are compatible in an urban, rural, or agricultural setting. This provision for wetland modification shall not be allowed in wetlands which are known or are found to provide habitat to wildlife species which are state or federally listed as rare, threatened, endangered, or of special concern, or locally designated as such.

12.2.3.3 **Natural Wetland Buffer Zones** or setbacks shall be required landward of all protected wetlands occurring in unincorporated Volusia County.

a. **A Natural Wetland Buffer Zone** not less than 50-feet is required for wetlands and surface waters occurring within the NRMA shall be determined on an individual basis with standards and formulas derived for the following criteria, at minimum: existing soil erodibility, cover and type of vegetation, slope, water table depths, water quality, wildlife, and the protective status of the receiving waters. Wetland Buffer Zones shall consist of intact natural communities comprised predominantly of appropriate native vegetative species in the overstory, shrub, and understory layers. Activities within the Natural Buffer Zone shall be limited to those which are shown to be consistent with the intended use of this zone while providing for reasonable access to water bodies.

b. Proposed activities adjacent to isolated wetlands occurring outside the NRMA shall have yard setbacks or a minimum 25-foot natural wetland buffer measured from the landward extent of the wetlands upland/wetland interface, as determined by Chapter 62-340, Florida Administrative Code. Wetlands which are hydrologically connected to a surface water body, and not located within the NRMA, will be evaluated on a case-by-case basis utilizing available site-specific data, including a verified wetlands delineation survey, shall require a natural buffer zone consistent with the standards provided in Subsection (a).

c. In cases where the alteration of the Natural Buffer Zone is determined to be unavoidable, appropriate mitigation shall be required.

12.2.3.4 If, by restriction of attainment of reasonable use through the County's land development regulations, it is determined by the County that wetland alteration is unavoidable, mitigation proposals shall be considered, which should include restoration of existing degraded or converted wetlands, or creation of new wetland habitat, or purchase of mitigation bank credits. Such mitigation activities shall replace like land habitat and function with an intended result of a no net loss of wetlands. Preservation of upland habitat may be considered in certain instances if deemed appropriate but shall be considered in conjunction with mitigating wetland losses. In no case shall mitigation activities degrade critical upland habitat.

12.2.3.5 In lieu of mitigation requirements stated in Policy 12.2.3.4, the County may collect a mitigation fee which will be used to mitigate wetland and buffer losses elsewhere in the county. Toward that end, the County shall identify areas which are suitable for such purposes, primarily where important wetland habitats have been converted, and
shall direct off-site mitigation efforts to these designated areas, which should be located within the same watershed as where the impacts will occur. To increase the program's effectiveness, the County shall coordinate with and seek the support of regional, state, and federal regulatory agencies as well as the municipalities within the County.

12.2.3.6 Volusia County shall require that the most up to date Best Management Practices (BMP's) be used for all silvicultural activities proposed in wetlands. Agricultural operations will continue to be encouraged to be consistent with applicable Natural Resource Conservation Service and Cooperative Extension Service BMP's to ensure wetlands are not adversely impacted by such activities.

OBJECTIVE:

12.2.4 To protect habitats of wildlife species occurring in the County, particularly those which are threatened, endangered, or of special concern, to maintain, and enhance where necessary, existing species population numbers and distributions.

POLICIES:

12.2.4.1 The County's automated ecological community information geographic information systems mapping will be used as base data for determining the presence of listed wildlife species and related habitat. Other information, including field visits will be used to determine the presence of listed wildlife within the County. This information shall help determine type and occurrence of critical wildlife habitat, and boundaries of the NRMA and ESC's.

12.2.4.2 Land development proposals shall continue to be required to protect ecologically viable habitats and prepare a suitable alternative management plan when state or federally listed vegetative and wildlife species occur within project boundaries.

12.2.4.3 The County's Environmental Management Division under the current protected species policy, shall continue to review projects which may impact critical habitats. The type and occurrence of critical habitats shall be determined by the County and the appropriate federal (USFWS) and state (FWC, FDEP, ECFRPC) agencies. These development reviews shall address at minimum:

a. proper siting of development structures and infrastructure, including clustering of dwelling units away from critical habitats;

b. management plans which protect endangered wildlife which utilize critical habitats;

c. mitigation plans for critical habitat which is unavoidably altered;

d. restrictions of the use of critical habitats to those which are found to be compatible with the requirements of wildlife species which are threatened, endangered, or of special concern.

Commented [A24]: Updated to address technology advancement.

Commented [A25]: Identified the division responsible for project review.
12.2.4.4 Where feasible, the County shall protect critical habitat through acquisition, establishment of public or private conservation easements, purchase of development rights, or through other available means as deemed appropriate.

12.2.4.5 The County shall continue to implement management plans for sea turtles and manatees. The County shall continue to expand the management scope of suitable public lands within the County to ensure the long-term vitality of specific listed species including: scrub jays, southern bald eagles, gopher tortoises, red-cockaded woodpeckers, black bears, southeastern beach mouse and piping plovers. County land management shall also consider non-listed wildlife populations and continue to explore management techniques to ensure biodiversity of plant and animal species on suitable public lands. At minimum, these management efforts and plans shall:

a. provide for the coordination of federal, state, local, and private activities involving protection of the particular species;

b. establish provide public education programs;

c. provide for the minimization of activities which directly or indirectly adversely impact the particular species listed above;

d. establish management standards for habitat restoration and enhancement, and/or relocation of species where appropriate.

12.2.4.6 In conjunction with the directives of Policies 12.2.4.1, 12.2.4.3, and 12.2.4.5, respectively, the County shall utilize federal and state management guidelines for the particular endangered species in reviewing land development and land management proposals.

12.2.4.7 The County shall protect the natural resource values, particularly those relating to wildlife habitat and aquifer recharge of Rima Ridge through public and/or private easements, public acquisition, land use regulations, or other methods deemed appropriate.

12.2.4.8 The County shall continue to reduce, and eliminate where possible, pollution activities which adversely impact endangered species, including illegal dumping of solid and hazardous waste and littering near open water bodies, and the County should discourage the use of single use plastics and the outdoor release of balloons.

12.2.4.9 Marine, brackish, and freshwater habitats necessary for the continued ecological and economic stability of fisheries, aquaculture, and other water dependent wildlife have been identified and shall continue to be protected through, at minimum, coordination with the FWC, Florida Department of Environmental Protection, and other governmental agencies as appropriate.

12.2.4.10 The County shall protect manatees by, at minimum, implementing Phase I (02/19/01), and Phase II (10/19/05) of the State approved Manatee Protection Plan for Volusia County; including protection of manatee habitat; enforcement of boat speeds, safety and water sport activities; utilization of the most current state and federal boat facilities permitting standards relating to manatee protection; provision of educational Commented [A26]: Removed specific policy references.

Commented [A27]: Environmental staff requested that single use plastics be added to this existing policy.

Commented [A28]: Reference to phases was removed.
programs, and dissemination of materials about manatees and their protection at boat
launch and marina facilities.

AIR QUALITY

GOAL:

12.3 Maintain and improve air quality for the protection of the natural environment and the
health, safety, and welfare of the citizens of Volusia County.

OBJECTIVE:

12.3.1 To maintain the current high levels of air quality to comply with ambient air quality
standards as established by United State Environmental Protection Agency (EPA)
and FDEP.

POLICIES:

12.3.1.1 FDEP continues to maintain an air quality database. Any air quality data collected
by the county will be provided to the applicable agencies responsible for air quality
monitoring, shall be incorporated into an EPA approved air quality model which will
be used to determine the impact of proposed development on ambient air quality.

12.3.1.2 Businesses which request development orders after 1991 shall be required to install
all State pollution control devices and practices, and demonstrate that all necessary
air quality permits have been approved prior to occupancy.

12.3.1.3 As specified in the Transportation and Capital Improvements Elements, Volusia
County shall encourage alternative modes of transportation by, at minimum:
expanding its mass transit system, exploring alternative fuel vehicles, setting up a
County-wide car pooling information network, promoting the use of bicycles by
requiring bike facilities, requiring improved pedestrian sidewalks on and off site,
building and/or constructing vehicle parking bays and passenger shelters to
accommodate buses and ride-shares.

12.3.1.4 Industrial facilities which emit air pollutants shall be sited to avoid detrimental impacts
to schools (grades K-12), nursing homes, residential neighborhoods and highly
urbanized centers to reduce adverse impacts of air pollution on adjacent residents.

12.3.1.5 Industrial parks, industrial subdivisions, public and private utilities, and arterial roads
shall have a vegetation buffer between them and other land use types. This buffer
shall include a mix of both taller overstory trees and shrubs (scrub, bushes, etc.).
Vegetation with a high carbon dioxide/carbon monoxide exchange shall be required
in the buffer (i.e., broadleaf species appropriate for site conditions, such as oaks,
sycamores, and other hardwoods) in places where there are no existing trees and
planting is required.

12.3.1.6 Volusia County shall continue to act as a clearing house for provide air quality
information and directives to the public which may include ways to shall entail, at
minimum:
a. reduce dependence on and increase efficiency of air-conditioning units (i.e.,
greater use of fans, strategic location of trees, and buildings);
b. discuss the problem of vehicle emissions to air quality;
c. encourage businesses, to institute flexible or rotating work schedules to reduce
peak traffic;
d. encourage the use of green building practices;
e. encourage the banning of smoking in businesses and work places.

12.3.1.7 Volusia County shall ensure that state and local regulations pertaining to open
burning are enforced and that alternatives to open burning of debris from land
clearing, such as composting, mulching, or chipping facilities, are encouraged.

12.3.1.8 Where appropriate County transportation projects, new or expanded, shall include:
bicycle facilities, sidewalks (except in controlled access facilities), parking bays for
buses, and passenger shelters for both public and private bus or ride sharing
programs.

12.3.1.9 Volusia County shall monitor the air quality within its buildings in order to protect the
health and welfare of all persons using the buildings. Such measures shall include:
periodic monitoring of air quality for radon, formaldehyde, asbestos, carbon
monoxide, mold, mildew, fungus, smoke, fumes, and other pollutants; banning
smoking in all County buildings; the installation and proper replacement of high
efficiency air filters; installation and proper maintenance of central vacuuming
cleaning systems to prevent the build-up of airborne contaminants in conditioned,
non-industrial work environments. The Facilities Services Manager shall conduct
monitoring activities and supervise this activity.

Commented [A30]: Addition green building practices requested by environmental
staff.
MINERAL AND SOIL RESOURCES

GOAL:

12.4 Conserve and appropriately use mineral and soil resources.

OBJECTIVE:

12.4.1 To minimize the impacts of mineral extraction activities on natural systems, while allowing appropriate utilization of the mineral resources.

POLICIES:

12.4.1.1 Prior to 1999, the County shall continue to identify those areas with the highest suitability for mineral extraction, based on the quality of mineral deposits, and the patterns of land use and natural systems, and shall prevent the premature encroachment of incompatible land uses into these areas.

12.4.1.2 Mineral extraction activities proposed outside of the areas identified in Policy 12.4.1.1 shall be adequately buffered from residential areas to avoid adverse fluctuations of groundwater levels to nearby individual well systems, and to minimize noise pollution.

12.4.1.3 Proposed mineral extraction activities shall continue to minimize impacts to environmentally sensitive lands and critical habitats. In cases where adverse alteration of such lands are unavoidable, appropriate mitigation shall be required.

12.4.1.4 The County shall continue to implement standards for reclamation of excavation sites so as to resemble a natural system to the greatest extent feasible, including, at minimum:

a. creation of sinuous shorelines;

b. bank gradients properly sloped to establish planted littoral shelves with appropriate submerged and emergent vegetation;

c. fish stocking, if warranted;

d. ambient water quality testing;

e. completion of the reclamation plans;

f. compliance with standards established for artificial lakes by the SJRWMD and other appropriate agencies.

12.4.1.5 Pursuant to Ordinance 2016-07, High Pressure Well Stimulation is prohibited.
OBJECTIVE:

12.4.2 To incorporate the inherent limitation of existing soils in land planning and development, and minimize impacts which result in soil erosion.

POLICIES:

12.4.2.1 Prior to any land disturbance, development activities shall indicate on a site plan areas of highly erodible soils, as defined by the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS) or the Florida Department of Agriculture, and take adequate measures to ensure that soil erosion is avoided, including utilization of all appropriate Best Management Practices.

12.4.2.2 Building construction in soils which are determined to be hydric in character, as defined by the NRCS and the Florida Department of Agriculture, shall be regulated to the extent that proposed construction activities will not adversely impact the natural physical and biological functions of protected resources without appropriate mitigation.

12.4.2.3 Silvicultural and agricultural activities shall utilize the most current Best Management Practices to prevent soil erosion and subsequent siltation of surface water bodies.
Chapter 163.3177(6)d, FS – Conservation Element

(d) A conservation element for the conservation, use, and protection of natural resources in the area, including air, water, water recharge areas, wetlands, waterwells, estuarine marshes, soils, beaches, shores, flood plains, rivers, bays, lakes, harbors, forests, fisheries and wildlife, marine habitat, minerals, and other natural and environmental resources, including factors that affect energy conservation.

1. The following natural resources, where present within the local government’s boundaries, shall be identified and analyzed and existing recreational or conservation uses, known pollution problems, including hazardous wastes, and the potential for conservation, recreation, use, or protection shall also be identified:
   a. Rivers, bays, lakes, wetlands including estuarine marshes, groundwaters, and springs, including information on quality of the resource available.
   b. Floodplains.
   c. Known sources of commercially valuable minerals.
   d. Areas known to have experienced soil erosion problems.
   e. Areas that are the location of recreationally and commercially important fish or shellfish, wildlife, marine habitats, and vegetative communities, including forests, indicating known dominant species present and species listed by federal, state, or local government agencies as endangered, threatened, or species of special concern.

2. The element must contain principles, guidelines, and standards for conservation that provide long-term goals and which:
   a. Protects air quality.
   b. Conserves, appropriately uses, and protects the quality and quantity of current and projected water sources and waters that flow into estuarine waters or oceanic waters and protect from activities and land uses known to affect adversely the quality and quantity of identified water sources, including natural groundwater recharge areas, wellhead protection areas, and surface waters used as a source of public water supply.
   c. Provides for the emergency conservation of water sources in accordance with the plans of the regional water management district.
   d. Conserves, appropriately uses, and protects minerals, soils, and native vegetative communities, including forests, from destruction by development activities.
   e. Conserves, appropriately uses, and protects fisheries, wildlife, wildlife habitat, and marine habitat and restricts activities known to adversely affect the survival of endangered and threatened wildlife.
   f. Protects existing natural reservations identified in the recreation and open space element.
   g. Maintains cooperation with adjacent local governments to conserve, appropriately use, or protect unique vegetative communities located within more than one local jurisdiction.
   h. Designates environmentally sensitive lands for protection based on locally determined criteria which further the goals and objectives of the conservation element.
i. Manages hazardous waste to protect natural resources.

j. Protects and conserves wetlands and the natural functions of wetlands.

k. Directs future land uses that are incompatible with the protection and conservation of wetlands and wetland functions away from wetlands. The type, intensity or density, extent, distribution, and location of allowable land uses and the types, values, functions, sizes, conditions, and locations of wetlands are land use factors that shall be considered when directing incompatible land uses away from wetlands. Land uses shall be distributed in a manner that minimizes the effect and impact on wetlands. The protection and conservation of wetlands by the direction of incompatible land uses away from wetlands shall occur in combination with other principles, guidelines, standards, and strategies in the comprehensive plan. Where incompatible land uses are allowed to occur, mitigation shall be considered as one means to compensate for loss of wetlands functions.

3. Current and projected needs and sources for at least a 10-year period based on the demands for industrial, agricultural, and potable water use and the quality and quantity of water available to meet these demands shall be analyzed. The analysis shall consider the existing levels of water conservation, use, and protection and applicable policies of the regional water management district and further must consider the appropriate regional water supply plan approved pursuant to s. 373.709, or, in the absence of an approved regional water supply plan, the district water management plan approved pursuant to s. 373.036(2). This information shall be submitted to the appropriate agencies.
<table>
<thead>
<tr>
<th>Protects air quality</th>
<th>x</th>
<th>Goal 12.3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conserves, appropriately uses, and protects the quality and quantity of current and projected water sources and waters that flow into estuarine waters or oceanic waters and protect from activities and land uses known to affect adversely the quality and quantity of identified water sources, including natural groundwater recharge areas, wellhead protection areas, and surface waters used as a source of public water supply.</td>
<td>x</td>
<td>Goal 12.1</td>
</tr>
<tr>
<td>Provides for the emergency conservation of water sources in accordance with the plans of the regional water management district.</td>
<td>x</td>
<td>Goal 12.1</td>
</tr>
<tr>
<td>Conserves, appropriately uses, and protects minerals, soils, and native vegetative communities, including forests, from destruction by development activities.</td>
<td>x</td>
<td>Goal 12.2</td>
</tr>
<tr>
<td>Conserves, appropriately uses, and protects fisheries, wildlife, wildlife habitat, and marine habitat and restricts activities known to adversely affect the survival of endangered and threatened wildlife.</td>
<td>x</td>
<td>Goal 12.2</td>
</tr>
<tr>
<td>Protects existing natural reservations identified in the recreation and open space element.</td>
<td>x</td>
<td>Policy 12.2.1.4</td>
</tr>
<tr>
<td>Maintains cooperation with adjacent local governments to conserve, appropriately use, or protect unique vegetative communities located within more than one local jurisdiction.</td>
<td>x</td>
<td>Policy 12.2.2.6</td>
</tr>
<tr>
<td>Designates environmentally sensitive lands for protection based on locally determined criteria which further the goals and objectives of the conservation element.</td>
<td>x</td>
<td>Objective 12.2.1</td>
</tr>
<tr>
<td>Manages hazardous waste to protect natural resources.</td>
<td>x</td>
<td>Objective 12.2.3</td>
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<td>x</td>
<td>Objective 12.2.3</td>
</tr>
<tr>
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<td>x</td>
<td>Objective 12.1.4</td>
</tr>
</tbody>
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All members were present except for Member Ronnie Mills.

Patricia Smith, Planner III, presented the staff report. She explained that staff was continuing to update the Volusia County Comprehensive Plan and are now bringing forward the Conservation Element. She explained that the staff report package contains two documents. The first one, on pages 4 through 20, is the strike-through and underlined ordinance for consideration. The second document, on pages 22 through 37, is the same document showing comments that might assist in understanding the changes being proposed. The conservation element was reviewed and revised by the Environmental Management division as they are the experts in conservation. There were minor changes to the element that were coordinated by the planning staff to ensure compliance with the Land Development Code and Zoning Ordinance. The element contains four topic areas. The first topic was water resources, which contained references to databases that are no longer maintained and therefore were removed, and a revision to the county staff’s role as more of a coordination role as the Department of Environmental Protection, Water Management District, or the Health Department take the lead on issues. The Manatee Protection Plan was named as a tool for marina siting and references to resiliency and the sea-level rise were added as a follow-up to the recently updated Coastal Element. Three new policies found on page 26 of 40 were added to strengthen the dredge and fill regulations and support the wetland and manatee protection policies. Maintenance dredging will still be allowed but expansion of existing canals will not. The second topic was natural communities and wildlife. This section explains the environmental system corridor (ESC) land use adjustment process. The process allows for landowners that have ESC land use on their property to obtain a wetland survey to support adjustment of the ESC boundary line. The wetland buffer areas have been defined and are 50 feet within the Natural Resource Management Area (NRMA) and 25 feet outside the NRMA. Mitigation banks were added as an option to address wetland impacts. The third topic was air quality. The primary revisions of this section were to defer to Department of Environmental Protection as they are the lead on the topic. Also, encouragement of green building practices was added to the section. The last topic was mineral and soil resources, which was revised to add a policy prohibiting fracking. This was in response to an ordinance that was adopted by county council in 2006. Therefore, staff recommends the commission find the amendment consistent with the comprehensive plan and forward it to the county council with a recommendation of approval to transmit to the Department of Economic Opportunity (DEO) for review and to the Volusia Growth Management Commission (VGMC) for certification.

Member Wanda Van Dam asked for explanation of Policy 12.2.2.4 on page 30 of 40. She asked why staff was changing the policy from “requiring” clustering to “encouraging” clustering.

Ms. Smith replied that clustering is one of the tools in the smart growth toolbox and explained that requiring clustering does not provide needed flexibility. She provided the example of developing in a scrub jay habitat where clustering is not always desirable. Staff now can evaluate all options available, instead of only being able to cluster.

Member Wanda Van Dam commented that this is not weakening the policy but providing flexibility.

Ms. Smith concurred.
Member Edith Shelley MOVED to FIND case CPA-20-001 CONSISTENT with the comprehensive plan and FORWARD it to the county council with a recommendation of APPROVAL to transmit to the Department of Economic Opportunity (DEO) for expedited review and to the Volusia Growth Management Commission (VGMC) for certification. Member Wanda Van Damn SECONDED the motion. Motion CARRIED unanimously (6:0).
PUBLIC HEARING

Item 07 FILE NUMBER 7415
Ordinance 2020-4, transmittal hearing for amendment to the Comprehensive Plan Conservation Element; case CPA-20-001.

Clay Ervin, director of the Growth and Resource Management Department gave the staff report on the amendment to the Conservation Element of the Volusia County Comprehensive Plan. An overview, page 07-21 of the Agenda Item was displayed on the overhead screens and provided a summary of the amendment. There were four key areas in the conservation element; water quality, wildlife and native communities, air quality and mineral and soil resources. Minor changes were made to all of these areas. The Planning and Land Development Regulation Commission (PLDRC) heard this at its December 2019 meeting and recommended approval to the Council. This was a transmittal hearing and if approved by the Council it authorized transmittal to the Department of Economic Opportunity (DEO) for review and to the Volusia Growth Management Commission (VGMC) for certification.

Public Participation
None.

Council Member Wheeler moved for APPROVAL as recommended. Council Member Johnson seconded the motion, which CARRIED 6-0 with Council Member Lowry absent.
Volusia Growth Management Commission

March 19, 2020

Palmer M. Panton, Director
Planning and Development Services
County of Volusia
123 W. Indiana Avenue, Room 202
DeLand, FL  32720-4604

RE:  VGMC Case #20-014, County of Volusia
Large Scale Amendment – CPA-20-001 Conservation Element
Certificate of Consistency

Dear Mr. Panton,

VGMC Case #20-014 qualifies for certification in accordance with Chapter 90, Article II. of the Volusia County Code of Ordinances, Volusia Growth Management Commission Consistency Certification Rules and Organization. Based upon the lack of objection filed by another unit of local government, VGMC Case #20-014 is hereby deemed certified as consistent without the need for a public hearing.

The Volusia Growth Management Commission appreciates the efforts of Volusia County to further intergovernmental cooperation and coordination within Volusia County. If you have any questions regarding this matter, please do not hesitate to call me.

Sincerely,

[Signature]

Sid Vihlen, Jr.
VGMC Chairman

140 South Beach Street, Suite 305, Daytona Beach, FL  32114
Tel: 386-947-1875  Fax: 386-947-1877  Email: vgmc@volusia.org
March 13, 2020

The Honorable Ed Kelley, Chair
Volusia County Council
123 W. Indiana Ave.
DeLand, Florida 32720

Dear Chair Kelley:

The Department of Economic Opportunity ("Department") has reviewed the proposed comprehensive plan amendment for Volusia County (Amendment No. 20-02ESR) received on February 21, 2020. The review was completed under the expedited state review process. We have no comment on the proposed amendment.

The County should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment. In addition, the County is reminded that:

• Section 163.3184(3)(b), F.S., authorizes other reviewing agencies to provide comments directly to the County. **If the County receives reviewing agency comments and they are not resolved, these comments could form the basis for a challenge to the amendment after adoption.**

• **The second public hearing**, which shall be a hearing on whether to adopt one or more comprehensive plan amendments, **must be held within 180 days** of your receipt of agency comments or the amendment shall be **deemed withdrawn** unless extended by agreement with notice to the Department and any affected party that provided comment on the amendment pursuant to Section 163.3184(3)(c)1., F.S.

• **The adopted amendment must be rendered to the Department.** Under Section 163.3184(3)(c)2. and 4., F.S., the amendment effective date is 31 days after the Department notifies the County that the amendment package is complete or, if challenged, until it is found to be in compliance by the Department or the Administration Commission.
If you have any questions concerning this review, please contact Wisnerson Benoit, Planning Analyst, by telephone at (850) 717-8524 or by email at Wisnerson.Benoit@deo.myflorida.com.

Sincerely,

James D. Stansbury, Chief
Bureau of Community Planning and Growth

JDS/wb

Enclosure(s): Procedures for Adoption

cc: Palmer M. Panton, Planning and Development Director, Volusia County
    Susan Jackson, AICP, Senior Planning Manager, Volusia County
    Hugh Harling, Jr., P.E., Executive Director, East Central Florida Regional Planning Council