



AGENDA FOR MONTHLY MEETING
VOLUSIA SOIL AND WATER CONSERVATION DISTRICT

5:00 p.m. Wednesday, January 11, 2023

University of Florida IFAS Extension Auditorium

3100 E. New York Avenue, DeLand, FL 32724

- I. Call to Order
- II. Supervisor Roll Call
- III. Organizational Meeting: Choose Officers, Items to update Website
- IV. Approval of Minutes from October 12, 2022 (LWG) and Dec. 13, 2022 meeting
- V. Announcements—Envirothon on Feb. 4, 2023, 8am to noon, Spruce Creek Preserve

- VI. Reports:
 1. NRCS Report-- Brian

- VII. Presentation
 1. Seminole High School Wildlife Conservation Club, “For the Scrub Jay”

- VIII. New Business
 1. Support of Envirothon event
 2. Resolution 23-1: Support for the SHSWCC’s proposed legislation to name the Florida Scrub Jay as the state bird
 3. Review Resolution 22-6: Amendment of VSWCD Conservation Program: Component 2: Atlantic Ocean Shoreline Setbacks and Dune Protection (see attached 22-6 Resolution) and Consideration of Resolution 23-2, Proposed Revised Resolution (see attached 23-02 Resolution)

- IX. Supervisor Final Remarks and Public Comments

- X. Adjournment



Resolution 23-01

A RESOLUTION OF THE VOLUSIA COUNTY SOIL AND WATER CONSERVATION DISTRICT, FLORIDA, SUPPORTING THE GOAL OF DESIGNATING THE FLORIDA SCRUB JAY THE STATE BIRD OF FLORIDA

WHEREAS, it is the policy of the Legislature to promote the appropriate and efficient use of soil and water resources, protect water quality, prevent floodwater and sediment damage, **preserve wildlife**, protect public lands, and protect and promote the health, safety, and general welfare of the people and is in the public interest; and

WHEREAS, the Volusia County Soil and Water Conservation District purpose is to provide assistance, guidance, and education to land owners, land occupiers, to protect the natural resources of the County, including its soil and water; and

WHEREAS, the Florida Scrub Jay is the only bird endemic to the State of Florida and is listed as Threatened for both its federal and state status and Vulnerable for its IUCN status; and

WHEREAS, the upland sand pine scrub habitats on which the Florida Scrub Jay depends are under exceptional pressure from urban sprawl; and

WHEREAS, designating the Florida Scrub Jay as the State Bird of Florida would increase its visibility as a vulnerable, endemic species and thus enhance its likelihood for conservation;

NOW THEREFORE, BE IT RESOLVED BY THE VOLUSIA COUNTY SOIL AND WATER CONSERVATION DISTRICT, IN OPEN MEETING DULY ASSEMBLED ON THIS 11th DAY OF JANUARY, 2023, AS FOLLOWS:

SECTION 1. The above recitals are true and correct, and by this reference are hereby incorporated in and made an integral part of this Resolution.

SECTION 2. The Volusia County Soil and Water Conservation District hereby approves and adopts this resolution, thus fulfilling our statutory right and obligation to protect natural resources including wildlife. In doing so, **we support Florida Senate Bill 78 and Florida House Bill 17 to designate the Florida Scrub Jay as the State Bird of Florida.**

SECTION 3. This resolution shall take effect immediately upon adoption.

DONE AND ORDERED IN OPEN MEETING.

Wendy Anderson, Ph.D., Chair

Volusia County Soil and Water Conservation District Board of Supervisors

Date



Conservation Program Update 2022

Volusia Soil and Water Conservation District Board of Supervisors

CONSERVATION PROGRAM: COMPONENT 1

OIL AND GAS WELL STIMULATION HYDRAULIC FRACTURING PROHIBITED

****Passed 02/10/16**

CONSERVATION PROGRAM: COMPONENT 2,

ATLANTIC OCEAN SHORELINE SETBACKS AND DUNE PROTECTION.

****Proposed for Adoption 12/14/22**



RESOLUTION 22-06

CONSERVATION PROGRAM: COMPONENT 2, ATLANTIC OCEAN SHORELINE SETBACKS AND DUNE PROTECTION

ESTABLISHES COASTAL CONSTRUCTION SETBACKS FOR VOLUSIA COUNTY.
ESTABLISHES PROTECTION FOR DUNE AND RESTORATION AREA EAST OF THE COASTAL
CONSTRUCTION SETBACKS
PROVIDING INJUNCTIVE RELIEF;
CREATING RECOMMENDED ADDITION TO THE VOLUSIA COUNTY CODE, BUILDING EAST OF
ATLANTIC
OCEAN SHORELINE SETBACK AND SHADING OF THE BEACH PROHIBITED. PROVIDING FOR
CODIFICATION;
PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The Volusia residents seek protection of their Atlantic Ocean Shoreline: and

WHEREAS, Elected Officials of Volusia County Council have a Fiduciary Duty to determine and implement solutions for Atlantic Ocean Shoreline erosion control, and shall adopt the following policies as passed by the elected Officials of the Volusia County Soil and Water Conservation District at a Duly Held Meeting held in Public on Wednesday December 14th, 2022.

WHEREAS, the Florida Legislature has demonstrated a history of preemption on important local decisions and therefore the need for establishment of local protections is urgent.

WHEREAS, The Volusia County Council shall instruct all relevant staff Members to place in all applicable areas of the Municipal Code SETBACKS AND SHADING REGULATIONS TO ALL ATLANTIC OCEAN SHORELINES within the geographic territory of Volusia County.

THEREFORE, The Volusia County Soil and Water Conservation District is today utilizing its statutory powers and authority to compel the Volusia County Council to cooperate in our updated Conservation Program. As such we resolve to PROHIBIT BUILDING EAST OF ATLANTIC OCEAN SHORELINE SETBACK AND SHADING OF THE BEACH.

NOW THEREFORE BE IT ORDAINED BY THE VOLUSIA SOIL AND WATER
CONSERVATION DISTRICT BOARD OF SUPERVISORS:
Coastal construction setback and shade standards established.

Purpose and Scope. It is the purpose and intent of the Volusia Soil and Water Conservation



District Board of Supervisors to prohibit coastal development that interferes with the restoration and protection of the natural dune line and Atlantic Ocean Shoreline within the geographic territory of Volusia County, Florida.

SECTION 1:

Mandatory construction setback for oceanfront construction is 50 feet west of the VCCCL.

SECTION 2:

Shade on the Atlantic Ocean Shoreline VCCCL of greater than three (3) hours a day is prohibited. No new structure shall be built which will cause three hours or more of afternoon shade from natural sunlight anywhere east of the VCCCL at any time of the year.

Special Exceptions.

Neither the 50-foot setback nor the shading prohibition shall apply to pedestrian walkways, vehicular beach approaches, bridges, or other ADA compatible accesses. No other exceptions to these regulations shall be allowed.

Reports:

- Critically Eroded Beaches in Florida Office of Resilience and Coastal Protection Florida Department of Environmental Protection June 2022
- The CCCL was established by the Florida Department of Environmental Protection on June 28, 1989, in accordance with F.S. § 161.053, as amended. Building permits are also required for construction activities.

Terms:

Coastal Construction Control Line or CCCL - (as created by FDEP June 28th, 1989) - The Coastal Construction Control Line (CCCL) Program is a literal line in the sand established by the FDEP that regulates structures and activities which can cause beach erosion, destabilize dunes, damage upland properties, or interfere with public access. CCCL permits also protect sea turtles and dune plants.
Demarcation Line - the action of fixing the boundary or limits of something.

Mean High Water Line or MHW - The Mean High-Water Line (MHWL) is the intersection of the plane of the MHW tidal datum with shore. The elevation of the MHWL is fixed for given time periods and does not change unless tidal datums are updated.

Seasonal Mean High-Water Line or SMHW - "Seasonal high-water line" means the line formed by the intersection of the rising shore and the elevation of 150 percent of the local mean tidal range above local mean high water.

Volusia Coastal Construction Control Line - The VCCCL is a demarcation line for construction that is the most westward of either the Mean High Water (MHW), the Seasonal Mean High



Water (SMHW), or the Coastal Construction Control Line (CCCL) as determined at the time of permit application.

Volusia County Sections of Code: Markups

CCCL Reference - 50-241 Definitions, 50-71 Definitions, 72-2 Definitions
Oil or Gas - Sec. 50-42. - High-pressure well stimulation prohibited, Sec. 50-71. - Definitions.
Mean High Water - 72.294 waterfront yards, 50-71 Definitions, 110-432 Boundaries, 205.6
Definitions of Beach and Approach, Sec. 20-272. - Management plan; beach conservation
categories,

Injunctive relief. The Volusia County Attorney’s Office or special counsel as otherwise authorized, is authorized to pursue temporary or permanent injunctive relief or any other legal or equitable remedy authorized by law in courts of competent jurisdiction to cure, remove or end any activity which violates this Conservation Program.

Codification. It is the intention of the Volusia Soil and Water Conservation District Board that the provisions of this Conservation Program, including its preamble, will become part of the Volusia County Code, and that the words Conservation Program may be changed to “ordinance”, “section”, “article”, or other appropriate word or phrase and the sections of this text may be renumbered or relettered to accomplish such intention.

Severability. If any provision of this Conservation Program or the application of to any person or circumstance is held invalid, it is the intent of the Board that such invalidity will not affect other provisions or applications of this Conservation Program which can be given effect without the invalid provision or application and, to this end, the provisions of this Conservation Program are declared severable.

Effective date. This Conservation Program takes effect upon its passage and a filing of a copy of this Conservation Program with the Florida Department of Environmental Protection and with the County of Volusia to be performed by Chairwoman Wendy Anderson.

BE IT ORDAINED by The Volusia Soil and Water Conservation District Board
Of Supervisors, this 14th day of December, 2022.

Wendy Anderson, Chairwoman
John Nelson, Vice Chairman
Andy Kelly, Treasurer
William Bliss, Secretary
Mike Simpson, Supervisor

December 14, 2022



RESOLUTION 23-02

CONSERVATION PROGRAM: COMPONENT 2, ATLANTIC OCEAN SHORELINE SETBACKS AND DUNE PROTECTION.

ESTABLISHES RECOMMENDS COASTAL CONSTRUCTION SETBACKS FOR VOLUSIA COUNTY.
ESTABLISHES RECOMMENDS PROTECTION FOR DUNE AND RESTORATION AREA EAST OF THE COASTAL CONSTRUCTION SETBACKS PROVIDING INJUNCTIVE RELIEF;
CREATING RECOMMENDED ADDITION TO THE VOLUSIA COUNTY CODE, BUILDING EAST OF ATLANTIC OCEAN SHORELINE SETBACK AND **PROTECTION FROM EXTENSIVE** SHADING OF THE **DUNE ECOSYSTEM** BEACH PROHIBITED. PROVIDING FOR CODIFICATION;
PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The Volusia residents seek protection of their Atlantic Ocean Shoreline: and

WHEREAS, Elected Officials of Volusia County Council have a Fiduciary Duty **as stated in the Volusia County Comprehensive Plan, Coastal Management Element** “to provide for the reasonable use and management of coastal resources related to development activities, protection of human life, the limitation of public expenditures in areas subject to natural disaster, and the protection of wildlife and natural habitat”; and

WHEREAS, the elected Supervisors of the Volusia County Soil and Water Conservation District have the power and duty to cooperate with other government agencies to establish policies and regulations; and

WHEREAS, the elected Supervisors of the Volusia County Soil and Water Conservation District at a Duly Held Meeting held in Public on Wednesday December 14th, 2022 exercised their powers and duties to develop policies and regulations to protect the soil resources of the Volusia County coastline to be recommended to the Volusia County Council; and

WHEREAS the elected Supervisors of the Volusia County Soil and Water Conservation District hold the powers and duties to educate and advise the public on the scientific bases for soil and water conservation; and

~~**WHEREAS**, the Florida Legislature has demonstrated a history of preemption on important local decisions and therefore the need for establishment of local protections is urgent.~~

WHEREAS, The Volusia County Council ~~shall instruct~~ and all relevant Volusia County staff members and advisory committees may identify all applicable areas of the Volusia County Comprehensive Plan and Municipal Code where implementation of appropriate Coastal Protection Setbacks as a Minimum Standard for ALL ATLANTIC OCEAN SHORELINES within the geographic territory of Volusia County.



THEREFORE, The Volusia County Soil and Water Conservation District **resolves to utilize** its statutory powers and **duties to advise the Volusia County Council about the risks of Coastal Erosion, and to urge the Volusia County Council to cooperate in establishing science-based policies for future development that protect the entire Atlantic Ocean Shoreline for the benefit of all citizens of the County. ~~As such we resolve to PROHIBIT BUILDING EAST OF ATLANTIC OCEAN SHORELINE SETBACK AND SHADING OF THE BEACH.~~**

Purpose and Scope. It is the purpose and intent of the Volusia Soil and Water Conservation District Board of Supervisors to ~~prohibit~~ **advise the Volusia County Council to restrict** coastal development that interferes with the restoration and protection of the natural dune line and Atlantic Ocean Shoreline within the geographic territory of Volusia County, Florida.

NOW THEREFORE BE IT ORDAINED BY THE VOLUSIA SOIL AND WATER CONSERVATION DISTRICT BOARD OF SUPERVISORS **THAT THE BOARD SHALL:**
~~Coastal construction setback and shade standards established.~~

SECTION 1:

~~Organize a public workshop for the Volusia County Council, Volusia County Staff, Elected Officials and staff of the coastal municipalities of Volusia County to hear from scientists, engineers, and legal experts on projected rates of sea level rise, marine storm frequency, and associated coastal erosion risks, and to explore innovative legal tools to protect the current and future citizens of Volusia County.~~

SECTION 2:

~~Cooperate with the County and its Municipalities to establish and enforce a science-based setback from the Volusia Coastal Construction Control Line **Mandatory construction setback for oceanfront construction is 50 feet west of the VCCCL.**~~

SECTION 3:

~~Include consideration of the impact of shade from built structures on dune vegetation~~

Special Exceptions:

~~The 50-foot setback shall apply to pedestrian walkways, vehicular beach approaches, bridges, or other ADA compatible accesses. **No other exceptions to these regulations shall be allowed.**~~

Reports:

- Critically Eroded Beaches in Florida Office of Resilience and Coastal Protection Florida Department of Environmental Protection June 2022
- The CCCL was established by the Florida Department of Environmental Protection on June 28, 1989, in accordance with F.S. § 161.053, as amended. Building permits are also required for construction activities.



Terms:

Coastal Construction Control Line or CCCL - (as created by FDEP June 28th, 1989) - The Coastal Construction Control Line (CCCL) Program is a literal line in the sand established by the FDEP that regulates structures and activities which can cause beach erosion, destabilize dunes, damage upland properties, or interfere with public access. CCCL permits also protect sea turtles and dune plants.

Demarcation Line - the action of fixing the boundary or limits of something.

Volusia Coastal Construction Control Line - The VCCCL is a demarcation line for construction that is the most westward of either the Mean High Water (MHW), the Seasonal Mean High Water (SMHW), or the Coastal Construction Control Line (CCCL) as determined at the time of permit application.

~~**Volusia County Sections of Code- Markups**~~

~~CCCL Reference— 50-241 Definitions, 50-71 Definitions, 72-2 Definitions~~

~~Oil or Gas— Sec. 50-42.— High-pressure well stimulation prohibited, Sec. 50-71.— Definitions.~~

~~Mean High Water— 72.294 waterfront yards, 50-71 Definitions, 110-432 Boundaries, 205.6~~

~~Definitions of Beach and Approach, Sec. 20-272.— Management plan; beach conservation categories;~~

~~**Injunctive relief.** The Volusia County Attorney’s Office or special counsel as otherwise authorized, is authorized to pursue temporary or permanent injunctive relief or any other legal or equitable remedy authorized by law in courts of competent jurisdiction to cure, remove or end any activity which violates this Conservation Program.~~

~~**Codification.** It is the intention of the Volusia Soil and Water Conservation District Board that the provisions of this Conservation Program, including its preamble, will become part of the Volusia County Code, and that the words Conservation Program may be changed to “ordinance”, “section”, “article”, or other appropriate word or phrase and the sections of this text may be renumbered or relettered to accomplish such intention.~~

~~**Severability.** If any provision of this Conservation Program or the application of to any person or circumstance is held invalid, it is the intent of the Board that such invalidity will not affect other provisions or applications of this Conservation Program which can be given effect without the invalid provision or application and, to this end, the provisions of this Conservation Program are declared severable.~~

BE IT ORDAINED by The Volusia Soil and Water Conservation District Board of Supervisors, this 11th day of January, 2023.

Wendy Anderson, Chairwoman