

DRAGON WELL

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The Dragon Well — Chinese folklore — Where the water of life is guarded by the fire of truth.



GROWTH MANAGEMENT

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As predicted in the last *Dragon Well*, legislation has passed that creates a major overhaul of growth management. Less than six months ago, planners at the Department of Community Affairs in Tallahassee had the ability to micro-manage the planning process in all parts of Florida - sometimes overturning approvals for projects that had been approved by professional staffs at the local level as well as citizen planning and zoning boards and locally elected officials. Overcoming DCA's objections via the administrative hearing process was unrealistically time consuming and horridly expensive. Few local governments, landowners or developers had the financial wherewithal to sustain such delay and expense. Their most realistic option was

to accept DCA's demands or to abandon a locally popular plan amendment. The focus of the "Community Planning Act" (HB 7207) was to reduce the role of the State and grant local governments more autonomy. Whether this new approach will create jobs and otherwise stimulate the economy remains to be seen. Some of the major changes include:

- DCA is downsized and moves the "State Land Planning Agency" into the newly created Department of Economic Opportunity.
- An amendment application no longer has to "prove" that a land use is needed based on population projections.

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FARMTON UPDATE

Farmton was one of the few plan amendments involving thousands of acres (about 59,000 acres) that actually received approval in the past few years. While receiving strong support locally in Brevard and Volusia Counties, Farmton was challenged by the Department of Community Affairs. Although the plan amendments went through the administrative hearing process, the concerns articulated by DCA were resolved by the applicant and the new state administration.

On June 2, 2011, Farmton received a Collins Center Sustainable Florida Best Practices Sustainable Partnership Award. Volusia and Brevard Counties were also recipients of this prestigious award.



Visit the following link to learn more about Farmton: www.farmtontreefarm.com

THE HIGH PRICE OF SAND SKINKS

The U.S. Fish and Wildlife Service has published a new “protocol” for sand skinks- classified as a threatened species under the Endangered Species Act. If there is evidence that a property contains sand skinks, the protocol dictates that all sandy soils with 780 feet should not be disturbed. A circle with a 780-foot radius equals just under 44 acres. In years past, the DRI threshold for office was 30 acres and the DRI threshold for retail was 40 acres.

If a property lies within a designated consultation area, contains sandy soils, and is over 80 feet in elevation,



the presence of sand skinks is presumed, meaning the burden is on the applicant/property owner to docu-

ment/prove that the property does not have skinks.

To document that a property does not have sand skinks an owner/applicant must conduct a survey, between March 1 through May 15 following a fairly precise methodology prescribed by USFWS.

If sand skinks are found, mitigation costs can easily exceed \$50,000 per acre thereby rendering development of these lands fiscally impractical.

According to the Audubon Society’s Field Guide to North American Reptiles and Amphibians, sand skinks are found in Highlands, Polk, and Lake Counties and prefer “rosemary scrub on sandhills.” It feeds on termites and beetle larvae. It mates March to April and grows to be around five inches long.

THE LESS EXPENSIVE PRICE OF PANTHERS

The Collier County Commission has agreed to pay approximately \$1.9 million to mitigate for road building impacts to Florida Panther habitat. The proposed road extension is Oil Well Road and is needed for access to the new town of Ave Maria.

The Florida Panther is an endangered species and is protected by both State and Federal law. It is the State animal. Male panthers defend territories of around 200 square miles and weigh around 120 pounds. Panthers can leap more than 15 feet and can run 35



miles per hour. Their food includes deer and wild pigs (not sand skinks). (Source: Eparks.org.)

The \$1.9 million will be used to purchase 364 acres of land, or \$5,220 per acre.

INNOVATION IN PLANNING AWARD

Ivey Planning Group, has been notified that the Farnton Local Plan was selected by the Florida Planning and Zoning Association to receive the coveted “Innovation in Planning Award” for 2011. The award is shared by both Volusia and Brevard Counties, Miami Corporation, and the Farnton consulting team. The nomination included the following description:

“The Farnton Local Plan is truly a ground breaking project and is deserving of the Innovation Award because of its creativity and imagination, innovative public involvement program, and approach to environmental stewardship which will result in one of the largest land set asides for preservation by the private sector in Florida’s history- at no cost to the taxpayers of the counties or State.”

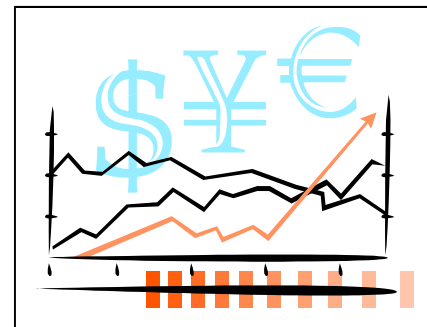
RPC SUSTAINS BUDGET HIT

On May 26, 2011, Governor Scott used his line item veto powers to strike \$2.5 million in the State budget allocated to Florida's eleven regional planning councils. Locally, this means the East Central Florida Regional Planning Council will lose almost \$285,000 in funding. According to Phil Laurian, the ECFRPC's Executive Director, this represents about 14% of their total budget. How this cut will affect the work program of the RPC is not yet known.

THE ECONOMY'S IMPACT ON LOCAL GOVERNMENT PLANNING

While the private sector has felt the pain of the Great Recession, IPG took the opportunity to examine the impact of the recent downturn on several central Florida local governments. This is merely a trend analysis, because a side-by-side comparison of each local government's planning department is not fair or accurate since they are organized differently and vary in services provided (building, code enforcement, plan review, engineering, GIS, graphics, etc...). Additionally, many governments reorganized in the last five years and so personnel, functions and money may have been reassigned rather than cut. Government budgets were examined that were easily and readily available online and the following table shows the trend of reduced planning staffing and spending on planning between the years 2006 and 2011. The Great Recession officially started in December 2007 and "ended" in mid-2009. The real estate melt down, however, has continued a downward spiral in Florida.

Essentially, local government continues to reduce spending and staffing on planning efforts and as the 2012 Fiscal Year approaches, it is likely that this trend will continue. Whether the reductions are proportionate to the drop-off in development applications is speculative, but most governments are most likely trying to retain existing staff and ride out the effects of the recession. Several governments have opted for furloughs, reduced salaries and early retirements to offset the impacts of the sluggish economy.



Fiscal Impacts to Local Planning Departments

City/County	Fy 2006		Fy 2011		Comparison		% personnel reduction	% budget reduction
	Personnel FTE	Budget	Personnel FTE	Budget	Difference Personnel	Difference Budget		
Volusia	23	\$2,019,631	18	\$1,723,107	-5	-\$296,524	-21.7%	-14.7%
Seminole	31	\$3,303,201	23.35	\$1,980,267	-7.65	-\$1,322,934	-24.7%	-40.1%
Orange	67	\$7,352,262	53	\$5,029,938	-14	-\$2,322,324	-20.9%	-31.6%
Osceola	62	\$9,120,064	48.4	\$8,038,093	-13.6	-\$1,081,971	-21.9%	-11.9%
Orlando	26	\$1,949,670	24	\$2,731,729	-2	\$782,059	-7.7%	40.1%
Sanford	11	\$775,619	8.5	\$735,796	-2.5	-\$39,823	-22.7%	-5.1%
Ocoee	8.5	\$656,015	7	\$599,540	-1.5	-\$56,475	-17.6%	-8.6%
Deltona	21	\$1,422,013	9	\$893,400	-12	-\$528,613	-57.1%	-37.2%
Daytona Beach	9	\$915,048	6	\$868,048	-3	-\$47,000	-33.3%	-5.1%
Port Orange	34.33	\$2,914,004	26.27	\$2,416,256	-8.06	-\$497,748	-23.5%	-17.1%
Ormond Beach	6.65	\$606,051	6.05	\$586,718	-0.6	-\$19,333	-9.0%	-3.2%
Totals	299.48	\$31,033,578	229.57	\$25,602,892	-69.91	-\$5,430,686	-23.3%	-17.5%

GROWTH MANAGEMENT

CONT'D. FROM PAGE 1



- Rule 9J-5 is repealed in its entirety. Some of its components are placed in the Statutes, such as the indicators of sprawl.
- Amendments to the comprehensive plan no longer have to be determined to be consistent with the State Comprehensive Plan.
- The comprehensive plan may be amended more than twice per year.
- State-mandated concurrency for transportation, schools and parks are no longer required. Local governments may elect to keep them.
- Industrial uses, hotels, and most mining operations are exempt from DRI review.
- Phasing and build-out dates for DRIs can be extended 4 years.

Planner's Perspective: The legislation will not create new jobs. There is simply no rational nexus. However, the world will not end. It is time that local governments be given a chance to direct their own destiny vs. running to Tallahassee to ask, "May I?". Planning locally from Tallahassee had major flaws. Although past administrators have argued that the comprehensive plan process was not impeding development because over 90% of all plan amendments were approved, such an argument ignores the cost, delay and frustration of dealing with a central planning agency whose interpretation of law and rules changed from week to week, place to place and administration to administration. The planners working for DCA, often touted in the press as "the growth management experts," in reality had no more expertise than the planning staffs of any urban or suburban County or City or planning consultant. The time DCA staff spent in the cities and counties they tried to regulate could frequently be measured in hours.



That said, there should still be a role for the State in growth management. Identifying and protecting resources of State interest, such as the Everglades and Green Swamp, is an appropriate State role. Providing technical assistance to local governments is appropriate or possibly dispute resolution between local governments. Monitoring local governments to ensure that their actions meet the intent of Chapter 163 F.S. is also appropriate.

EDUCATION- ARE WE GETTING OUR MONEY'S WORTH?

The Good

Compared to the rest of the nation, yes. Florida's teaching profession ranked fourth nationally; K-12 "achievement" ranked sixth nationally; and "Standards and Accountability" ranked fifth nationally. (Source: Editorial Projects in Education Research Center.)

The Bad

Florida ranked 46th in the change in higher education appropriations per full-time equivalent student for 2005 – 2010; Florida ranked 50th in per capita state government expenditures for all education and 50th in state government expenditures for all education per \$1,000 of personal income. (Source: Florida Center for Fiscal and Economic Policy.)

TRENDS IN IRS POPULATION MIGRATION DATA

Another source of nifty population information comes from the Internal Revenue Service. Through each individual's tax return, they can track where you reside year-to-year. The most recent years of migration data are available on the IRS's website for free and it tracks county to county and state to state movements. Based on the number of exemptions sought on a return, the IRS can determine the number of people and their migration status.

IPG decided to examine the inflow and outflow of population of six central Florida counties between 2004 and 2008 utilizing this free data. The counties examined include Brevard, Lake, Orange, Osceola, Seminole and Volusia. The first four tables show the population increase or decrease within each County over each of the four years. Total column shows the gain or loss in each county. The net region shows the gain or loss of each County less those people who only migrated within the six-county region.

2004-05		
County	Total	Net Region
Brevard	38948	38918
Lake	43698	40078
Orange	61160	65944
Osceola	24870	25664
Seminole	24855	25034
Volusia	34058	31951

2005-06		
County	Total	Net Region
Brevard	18000	18031
Lake	36633	32772
Orange	15228	22131
Osceola	28894	27451
Seminole	5706	7224
Volusia	28528	25380

2006-07		
County	Total	Net Region
Brevard	13499	12903
Lake	27978	24112
Orange	-26424	-18395
Osceola	23164	20451
Seminole	-12162	-10041
Volusia	12707	9732

2007-08		
County	Total	Net Region
Brevard	7004	6548
Lake	12848	10449
Orange	-33296	-27532
Osceola	13111	11535
Seminole	-4999	-5385
Volusia	-7970	-8917

The analysis shows that the growth rate declined over the four years for each County and by the fourth year (2008) as the recession deepened, three of the six counties had lost population.

The two following tables show the net impact of the start of the recession. Lake County added an astonishing 120,000+ people in the four year period.

County	pop gain 2004-2008
Brevard	77451
Lake	121157
Orange	16668
Osceola	90039
Seminole	13400
Volusia	67323

Year	Reg. Pop Change*
2005	227589
2006	132989
2007	38762
2008	-13302

*total population change for all six counties

All six counties still gained population over the four year period, but overall each year regional growth declined until there as a population reduction in 2008 for the region. It will be interesting to examine the trend further when subsequent years of data are made available by the IRS.

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THE LEGEND OF THE DRAGON WELL

In China, there is a legend that the well with the sweetest water was guarded by a fierce dragon. To draw water from the well, a person had to share a truth with the dragon. One day, a bandit couldn't think of a truth, so he made up a story to share with the dragon. Knowing it was false, the dragon belched fire and incinerated the ban-

dit. His ashes enriched the mountainous soils and, together with the well's water ensured the good fortune of the region.



THE IVEY PLANNING GROUP TEAM

Ivey Planning Group, LLC was founded to provide high quality professional services in the fields of community planning, land planning, and GIS Mapping. Founder and President, Joel Ivey, and his skilled team of planners utilize their experience and expertise in the Florida marketplace by undertaking challenging assignments and finding creative solutions in cooperation with

local governments and the community. The staff of IPG prides itself on maintaining an excellent relationship with both the public and private sector.

Please contact us to see if there is anything we could do for you. Consult our website for more information about our services and experience.

We're on the Web!
www.iveyppg.com