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

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

WHEREAS, the council desires to take advantage of this statute and amend the Volusia County Comprehensive Plan; 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~~ are deletions; words in double underscore type are additions)

SECTION I: AMENDMENT – Chapter 10, Natural Groundwater and Aquifer Recharge Element of the Volusia County Comprehensive Plan is amended as provided in EXHIBIT “A”, attached hereto and incorporated herein.

SECTION II: AMENDMENT – Chapter 20, Definitions of the Volusia County Comprehensive Plan is amended to add the definitions of “BASIN MANAGEMENT ACTION PLAN”, “PRIORITY FOCUS AREAS (PFA)” and “TOTAL MAXIMUM DAILY LOAD (TMDL)” and to renumber subsequent definitions accordingly as follows:

8. “BACKLOGGED THOROUGHFARE” - A state or county roadway operating at a level of service below the minimum standard level of service adopted by the Volusia County Council and that is not in either, the first three years of the State of Florida Department of Transportation's Five Year Road Program or the Volusia County Five Year Road Program for capacity improvements and has not been designated by the Florida Department of Transportation or the Volusia County Council as a constrained facility.

9. “BASIN MANAGEMENT ACTION PLAN” - a framework for water quality restoration that contains local and state commitments to reduce pollutant loading through current and future projects and strategies.

111. “PRIME GROUNDWATER OR AQUIFER RECHARGE AREA” - Recharge areas designated by Water Management Districts pursuant to Florida Statutes.

112. “PRIORITY FOCUS AREAS (PFA)” – The area in the basin where the aquifer is most vulnerable to inputs and where there are the most connections between the groundwater and the affected spring.

167. “TAX RATE” - The amount of tax stated in terms of a unit of the tax base, usually stated in terms mills per valuation of taxable property.

168. “TOTAL MAXIMUM DAILY LOAD (TMDL)” - The calculation of the maximum amount of a pollutant allowed to enter a waterbody so that the waterbody will meet and continue to meet water quality standards for that particular pollutant.

SECTION III: AMENDMENT – Appendix 1, Figure 10-1 is replaced with Exhibit “B”, Figure 10-1, attached hereto and incorporated herein.

1
2 **SECTION IV: INCLUSION IN COMPREHENSIVE PLAN** – The provisions of this
3 ordinance shall be included and incorporated into the Volusia County Comprehensive Plan as
4 additions or amendments thereto, and shall be appropriately renumbered to conform to the
5 Volusia County Comprehensive Plan.
6

7 **SECTION V: SEVERABILITY** - Should any word, phrase, sentence, subsection or section
8 be held by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional,
9 then that word, phrase, sentence, subsection or section so held shall be severed from this
10 ordinance and all other words, phrases, sentences, subsections, or sections shall remain in full
11 force and effect.
12

13 **SECTION VI: EFFECTIVE DATE** – Within ten (10) days after enactment, a certified copy
14 of this Ordinance shall be filed in the Office of the Secretary of State by the Clerk of the County
15 Council and transmitted to the state land planning agency and any other agency or local
16 government that provided timely comments pursuant to the expedited state review process in
17 Section 163.3184(3), Florida Statutes. This Ordinance shall take effect upon the latter of the
18 following dates: (a) thirty-one (31) days after the state land planning agency notifies the County
19 that the plan amendment package is complete and the issuance of a certificate of consistency or
20 conditional certificate of consistency by the Volusia County Growth Management Commission, or
21 (b) issuance of a final order by the state land planning agency or the State of Florida
22 Administration Commission determining the amendment adopted by this Ordinance to be in
23 compliance.
24

25
26 ADOPTED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, IN OPEN
27 MEETING DULY ASSEMBLED IN THE COUNTY COUNCIL CHAMBERS AT THE THOMAS C.
28 KELLY ADMINISTRATION CENTER, 123 WEST INDIANA AVENUE, DELAND, FLORIDA, THIS
29 18th DAY OF January, 2022.
30

31
32
33 ATTEST:

34
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36
37
38 George Recktenwald
39 County Manager

COUNTY COUNCIL
COUNTY OF VOLUSIA, FLORIDA

Jeffrey S. Brower
County Chair



EXHIBIT A

CHAPTER 10

NATURAL GROUNDWATER AND AQUIFER RECHARGE ELEMENT

CHAPTER 10

NATURAL GROUNDWATER AND AQUIFER RECHARGE ELEMENT

A. OVERVIEW

The County of Volusia is responsible for coordinating with the State of Florida, the St. Johns River Water Management District, and the 16 municipalities in Volusia County to protect the aquifer. The Water Resources and Utilities Division serves a small percentage of the county population directly. It has agreements in place with other service providers to provide water and waste water in the remaining parts of the county. The overall purpose of this eElement is to protect both the quantity and quality of the natural groundwater. This includes both the surficial and Floridan (particularly the Upper Floridan) aquifers. Groundwater levels and water quality are affected by many activities. Solid waste and hazardous waste facilities, underground storage tanks, fertilizers, and septic tanks all have the potential to contaminate groundwater quality. Due to the expanse and interconnectivity of the underground system, these issues are affected by also addressed in the Future Land Use Eelement, which regulates potential contaminate sources and wellfield locations; Transportation Eelement, which determines need (gas stations) and affects location particularly of large public facilities; Intergovernmental Coordination element, which determines effectiveness of a groundwater protection program; and the Capital Improvements Eelement, which determines funding. In addition, the Sanitary Sewer eElement (reuse or recharge of treated effluent), Potable Water Eelement (adoption of a Water Supply Facilities Work Plan that identifies traditional and alternative sources necessary to meet the projected demand), Solid Waste eElement (potential contaminant sources, including hazardous and biological waste) and Drainage eElement (affects how much stormwater is available for recharge) impact groundwater. These elements have should been reviewed and updated for additional restrictions as they relate to recharge and groundwater quality. Deficiencies in federal, state, regional and local rules meant to protect the aquifer from the above potential contaminant sources are addressed and additional aquifer protection measures are proposed. All of these issues are addressed more fully in the supporting documents. The goals, objectives and policies contained herein, provide guidelines and limitations regarding the above issues in order to protect the County's wetland and aquifer system. sole source aquifer for the next twenty years and beyond.

Natural groundwater recharge areas, because they are linked to the groundwater, are affected by the restrictions to protect groundwater quality and quantity listed above. Recharge areas must maintain their natural recharge functions if they are to continue to replenish the aquifer. However, other than stormwater regulations, there are very few rules protecting recharge areas. This eSub-elementElement includes measures to protect these upland areas.

B. GOALS, OBJECTIVES AND POLICIES

GOAL:

- 10.1 Protect the quality and quantity of the surficial and Floridan aquifers, including the Volusia-Floridan sole source aquifer, and protect and enhance the capabilities of the groundwater recharge areas for the present and future water supply of the County.

OBJECTIVE:

- 10.1.1 Potable water resources shall be protected and conserved such that the recharge function of the aquifers shall be maintained. Dependence upon the Floridan aquifer for non-potable uses shall be reduced, and withdrawals from the surficial aquifer shall not cause damage to the resource.

POLICIES:

- 10.1.1.1 Volusia County shall utilize recharge maps from the St. Johns River Water Management District and/or the USGS to determine areas of recharge within the County.

- 10.1.1.2 Volusia County shall continue to monitor groundwater supply conditions in conjunction with the St. Johns River Water Management District. Furthermore, Volusia County shall periodically review the adequacy of groundwater supply monitoring procedures and, if necessary, formulate an appropriate alternative management strategy.

- 10.1.1.3 Volusia County, in collaboration with the SJRWMD and other agencies shall study the impacts of predicted sea level rise on the groundwater table and make necessary changes in practice and policies dependent on the findings.

- 10.1.1.34 Volusia County shall continue to promote water wise irrigation practices under Chapter 50, Divisions 8 and 10, Volusia County Code of Ordinances. Land development permits in unincorporated Volusia County will be subject to those limitations.

- 10.1.1.45 ~~A four level groundwater protection plan has been established. Volusia County shall determine when the Floridan aquifer reaches each level based on the following: water levels in wells, spring flows and rainfall. The County shall periodically review, revise and strengthen measures taken at each level to prevent reaching level IV. The levels are as follows:~~

~~A. Base Level This Level is the Base Water Conservation and Use level and corresponds to Section 50-315(a) of the Volusia County Code of Ordinances.~~

~~B. Level II Level II corresponds to the St. Johns River Water Management District's Phase II Severe Water Shortage Plan and all the provisions therein. Level II may be declared at any time based on the established need for additional water conservation and use provisions above and beyond the Base Level.~~

~~C. Level III Level III corresponds to the St. Johns River Water Management District's Phase III Extreme Water Shortage Plan and all the provisions therein. Level III may be declared at any time based on the established need for additional water conservation and use provisions above and beyond Level II.~~

~~D. Level IV Level IV corresponds to the St. Johns River Water Management District's phase IV Critical Water Shortage Plan and all the established need for~~

~~additional water conservation and use provisions above and beyond Level III.
No development permits will be issued until recovery.~~

- 10.1.1.5 Volusia County Utilities shall promote the efficient use of groundwater supplies as outlined in the Potable Water Sub-element of this Comprehensive Plan.
- 10.1.1.6 Volusia County shall implement the current well ordinance and remain consistent with the recommendations of the SJRWMD's Air/Water Heat Pump Model Ordinance.
- 10.1.1.7 Volusia County shall require the use of water conserving plumbing fixtures in all new development, subject to County regulations in effect.
- 10.1.1.8 The criteria for evaluating the condition of the aquifer for this and all policies in this Sub-element may include, but not be limited to, ongoing monitoring of wells, saltwater intrusion, ; changes in vegetation, springs and wetlands, ; increase occurrence of sinkholes, ; and evidence of potential groundwater contamination.
- 10.1.1.9 Volusia County shall require the use of recovered wastewater as required in the Sanitary Sewer Sub-element of this Comprehensive Plan.
- 10.1.1.10 Volusia County shall continue to collaborate with the St. Johns River Water Management District, U.S. Geological Survey, and U.S. Natural Resources Conservation Service both in studying the surficial and Floridan aquifers and in determining the most appropriate actions to take in order to protect the resource.
- 10.1.1.11 Prime (or high) aquifer recharge areas appropriate for development shall be developed so as to continue to maintain pre-development net retention., and new stormwater management projects in existing developed areas should be designed in a fashion that enhances aquifer recharge.
- 10.1.1.12 New stormwater management projects in existing developed areas should be designed in a fashion that enhances aquifer recharge.
- 10.1.1.13 Volusia County shall encourage the use of green infrastructure and low impact development.
- 10.1.1.142 Volusia County shall protect recharge lands through both fee simple or less than fee simple acquisition techniques, land use controls, or other methods deemed appropriate.
- 10.1.1.153 Because of its importance as a recharge area and its mostly natural ecosystem, suitable undeveloped portions of Rima Ridge shall be included in the Environmental Systems Corridors.
- 10.1.1.164 Volusia County shall maintain a comprehensive program responsible for educating businesses and residents of: the County's current water conservation policies, the fragility of the aquifer, methods to reuse and conserve water, well abandonment problems and rules, and benefits of water efficient landscaping.

10.1.1.175 ~~Volusia County shall continue to maintain membership within the Water Authority of Volusia.~~

10.1.1.167 The County shall encourage the continued metering of agricultural wells in the County to help accurately determine water usage within the County.

10.1.1.178 The County shall encourage reuse of wastewater for both agricultural and urban irrigation/freeze protection purposes.

10.1.1.19 17 ~~Activities in the unincorporated area shall not result in the lowering of the potentiometric surface of the Floridan aquifer below the lowest 1981 (May, June or July) levels, which would cause damage to the resource.~~ Volusia County shall support SJRWMD policies regarding the protection of potentiometric surface impacts within unincorporated areas

10.1.1. 2048 The County shall implement water conservation strategies and related policies in the Potable Water Sub-Element.

10.1.1.2149 The county shall continue to utilize and update regulations to protect the aquifer, which include standards to maximize open space, limit impervious surfaces, promote protection of natural vegetation, buffer karst sensitive areas, maximize recharge volumes, and treat recharge stormwater to protect groundwater quality.

OBJECTIVE:

10.1.2 Volusia County shall not allow the degradation of the water quality of the Floridan and surficial aquifers' ~~water quality~~.

POLICIES:

10.1.2.1 The County shall continue to rely on the Florida Department of Environmental Protection (FDEP) to monitor the County's groundwater system to determine the extent of any future groundwater contamination and FDEP's information will serve as a database to assess ambient groundwater quality.

10.1.2.2 Volusia County shall maintain policies, within its jurisdiction, using information collected in the FDEP groundwater quality studies, to protect the aquifer.

These shall include policies which address:

1. public wellfield siting
2. siting of industrial land uses which that use hazardous materials or generate hazardous waste
3. siting of additional hazardous waste collection facilities, as needed
4. if necessary, expansion of the Hazardous Material Emergency Response Team

5. if necessary, additional protection of the aquifer from saltwater intrusion
 6. if necessary, restrictions to agricultural activities regarding the use of pesticides or fertilizers.
- 10.1.2.3 The County shall continue to enforce local and State regulations pertaining to the protection of the surficial and Floridan aquifers from such contaminants as hazardous wastes through the wellfield protection ordinance and small quantity generator program. ~~and petroleum products through the petroleum storage tank compliance and petroleum clean-up programs.~~ If state funds become unavailable, Volusia County shall determine the feasibility of continuing these programs.
- 10.1.2.4 Volusia County shall maintain a wellhead/wellfield protection ordinance for the unincorporated area. The wellhead/wellfield protection ordinance shall, at minimum
1. establish the zones of influence and/or areas for protection for each public wellfield,
 2. restrict the handling and storage of hazardous substances in order to protect potable water wells,
 3. permit regional wellfields to serve a multi-purpose function, such as conservation and passive public recreational facilities.
- ~~10.1.2.54 Volusia County Environmental Management Division shall assist with enforcement of FDEP's petroleum storage tank compliance rules by performing installation, closure, and routine annual facility inspection of petroleum storage systems.~~
- 10.1.2.65 Underground petroleum storage tanks shall be prohibited within the primary zone of influence, or area for protection, ~~as determined by Policy 10.1.2.4,~~ of all existing and designated future public wellfields in the unincorporated area, (includes those regulated by the Public Utilities Commission) and shall be prohibited in future development in the Environmental System Corridors as designated by the Conservation and Future Land Use elements in this Comprehensive Plan.
- ~~10.1.2.7 Volusia County Environmental Management Division shall continue to contract with FDEP to manage the clean up of petroleum contamination resulting from petroleum storage tank sites contingent on available State/Federal funds. If funds become unavailable Volusia County shall determine the feasibility of continuing this program.~~
- 10.1.2.86 Bio-medical wastes within the County shall continue to be managed by the Volusia County Health Department.
- ~~10.1.2.97~~ The County shall continue following state regulations at all County solid waste disposal facilities to protect the water quality of the Floridan and surficial aquifers.
- ~~10.1.2.108~~ The County shall continue the present well monitoring program at the County's landfills to determine groundwater and surface water pollutant levels and shall expand the number of monitoring wells concurrent with expansion of the landfill and any future landfills.

- 10.1.2.449 Existing monitoring equipment at the County landfill shall be properly maintained and upgraded in connection with technological advances.
- 10.1.2.120 Future landfills shall not be located within prime (or high) aquifer recharge areas or karst areas prone to sinkhole activity.
- 10.1.2.131 The County shall monitor closed landfills owned and operated by the County for possible groundwater contamination.
- 10.1.2.124 Volusia County shall coordinate with all municipalities in the selection of future landfill sites.
- 10.1.2.13 Volusia County shall use the FDEP Basin Management Action Plans and the Priority Focus Areas to improve the water quality.

OBJECTIVE:

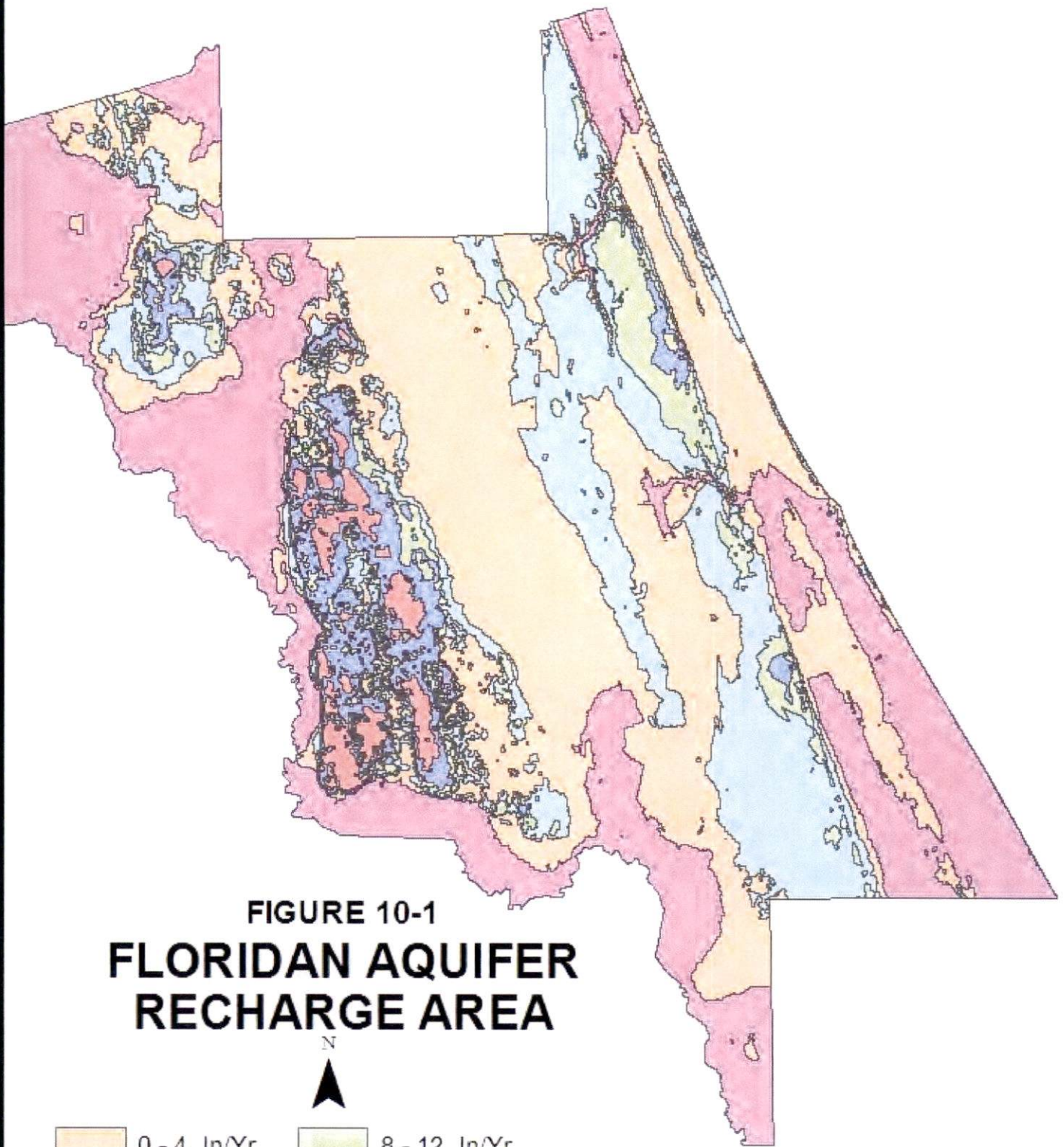
- 10.1.3 Volusia County shall develop a program for its potable water facilities to protect future sources and minimize detrimental environmental effects which may be caused by developing excessive groundwater supplies.

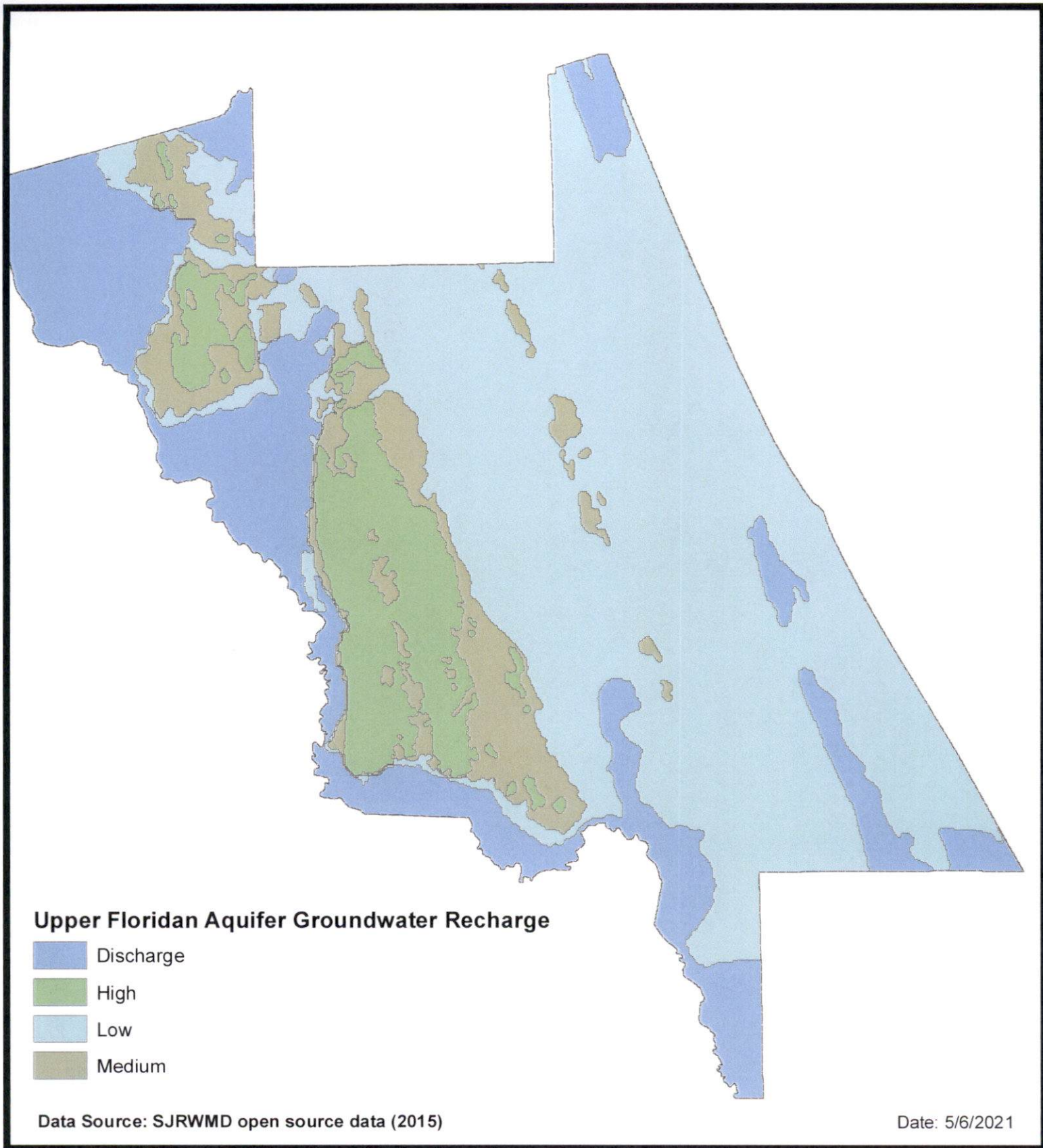
POLICIES:

- 10.1.3.1 Volusia County shall continue to monitor groundwater supply conditions in conjunction with the St. John's River Water Management District (SJRWMD). The Volusia County groundwater supply database shall include information using a network of monitoring wells. Furthermore, Volusia County shall periodically review the adequacy of groundwater supply monitoring procedures and, if necessary, formulate an appropriate alternative management strategy.
- 10.1.3.2 Volusia County, working with the SJRWMD, and partnering water supply entities and ~~the Water Authority of Volusia,~~ shall:
- a. Restrict additional groundwater development within those portions of coastal Volusia County which are known to contain groundwater of subpotable quality at a depth of less than 100 feet.
 - b. Permit regional wellfields under their jurisdiction to serve a multipurpose function, such as conservation and passive public recreational facilities.
 - c. Monitor that the natural aquifer levels are maintained.
 - d. Encourage water use efficiency through low flow plumbing, water efficient landscaping, etc.
 - e. Explore, and if deemed necessary, develop alternative sources of potable water as addressed in the Potable Water subElement.

~~C. Floridan Aquifer Recharge Areas Map~~

~~The Floridan Aquifer Recharge Area Map, Figure 10-1 is as referenced herein is contained in Appendix 1, Maps and Figures.~~





**FIGURE 10-1
FLORIDAN AQUIFER
RECHARGE AREA**



PREPARED BY: VOLUSIA COUNTY GROWTH & RESOURCE MANAGEMENT DEPARTMENT