

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
WORKSHOP AGENDA ITEM # 4

SUBJECT: Discussion on initiation of the conflict resolution procedures provided by the Florida Governmental Conflict Resolution Act, Chapter 164, Florida Statutes, prior to initiating administrative or court proceedings relating to the City of Flagler Beach’s comprehensive plan amendment adopted on January 8, 2026, pursuant to Flagler Beach Ordinance Nos. 202-22, 2025-25, and 2025-26.

DATE OF MEETING: January 28, 2026

OVERVIEW/SUMMARY: On January 8, 2026, the Flagler Beach City Commission adopted three ordinances relating to certain real property located west of John Anderson Highway and directly south of State Road 100, commonly known as “Summertown” (“Subject Property”).

Ordinance 2025-22 annexed the Subject Property within the corporate area and city limits of the City of Flagler Beach, providing for the annexation of approximately 514.06 acres of property lying in the areas proximate to the existing city limits of the city, pursuant to Section 171.044, Florida Statutes.

Ordinance 2025-25 amended the City of Flagler Beach’s Comprehensive Plan Future Land Use Map (“FLUM”) designation for the recently annexed property from the previously County FLUM designation of “Agriculture, Conservation, and Mixed Use: High Intensity” and City FLUM designation “Low and Medium Density” to the City FLUM designation of “Low Density Residential and Commercial” with an accompanying Text Policy Amendment to limit development.

Ordinance 2025-26 amended the City of Flagler Beach’s Official Zoning Map classification of the recently annexed property from County classified “Planned Unit Development” and City classification “Reserved and Single-Family Residential” to the City classification “Master Planned Development.” A Master Plan Development Agreement was as part of Ordinance 2025-26.

At the January 12, 2026 meeting, the County Attorney provided an update regarding the City’s proposed actions in regards to the annexation of the Subject Property. The Board authorized the County Attorney to prepare an agenda item for the January 28, 2026 Special Workshop to discuss initiating the conflict resolution proceedings pursuant to Chapter 164, Florida Statutes, as well as requesting approval of a resolution to initiate said proceedings upon a vote at a subsequent Special Meeting.

Section 164.102, Florida Statutes, sets forth the purpose of the Conflict Resolution Act:

The purpose and intent of this act is to promote, protect, and improve the public health, safety, and welfare and to enhance intergovernmental coordination efforts by the creation of a governmental conflict resolution procedure that can provide an equitable, expeditious, effective, and inexpensive method for resolution of conflicts between and among local and regional governmental entities. It is the intent of the Legislature that conflicts between governmental entities be resolved to the greatest extent possible without litigation.

DEPARTMENT CONTACT: Office of the County Attorney

FUNDING INFORMATION: None.

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RECOMMENDATIONS: Move that Board approve the proposed Resolution initiating Chapter 164, Florida Statutes, Conflict Resolution Proceedings at its subsequent Special Meeting.

ATTACHMENTS:

1. Resolution

RESOLUTION NO. 2026-___

A RESOLUTION OF THE FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS INITIATING CONFLICT RESOLUTION PROCEDURES PURSUANT TO CHAPTER 164, FLORIDA STATUTES, TO RESOLVE ISSUES RELATING TO THE CITY OF FLAGLER BEACH COMPREHENSIVE PLAN AMENDMENT, REZONING, AND APPROVAL OF MASTER DEVELOPMENT PLAN FOR THE PROJECT KNOWN AS SUMMERTOWN

WHEREAS, on or about January 8, 2026, the City Commission for the City of Flagler Beach enacted Ordinance 2025-22 annexing property to be included within the corporate area and city limits of the City of Flagler Beach, providing for the annexation of approximately 514.06 acres of property lying in the areas proximate to the existing city limits of the city, pursuant to Section 171.044, Florida Statutes;

WHEREAS, on or about October 7, 2025, the Planning and Architectural Review Board of the City of Flagler Beach (“PARB”), acting as the City’s Local Planning Agency, considered the proposed map amendments referenced in Ordinance 2025-25 and voted to recommend disapproval of the proposed Comprehensive Plan Amendment, however, the Recitals in Ordinance 2025-25 reflect that the PARB voted to recommend approval of the proposed Comprehensive Plan Amendment;

WHEREAS, on or about January 8, 2026, the City Commission for the City of Flagler Beach in conjunction with Ordinance 2025-22 enacted Ordinance 2025-25 amending the City’s Comprehensive Plan Future Land Use Map designation for the recently annexed real property generally located west of John Anderson Highway, and directly south of State Road 100, from the County designated “Agriculture, Conservation, and Mixed Use: High Intensity” and from the City designated “Low and Medium Density” future land use designations to the City designated “Low Density Residential and Commercial” future land use designations with an accompanying Text Policy Amendment to limit development;

WHEREAS, on or about January 8, 2026, the City Commission for the City of Flagler Beach, in accord with Ordinances 2025-22 and 2025-25, enacted Ordinance 2025-26 amending the Official Zoning Map designation of the recently annexed property generally located west of John Anderson Highway, and

directly south of State Road 100, from the County designated Planned Unit Development and City designated Reserved and Single-Family Residential to a City approved Master Planned Development;

WHEREAS, Flagler Beach Ordinance 2025-26 will have an adverse effect on Flagler County floodplain and County infrastructure through impacts to John Anderson Highway, a county owned and maintained right-of-way;

WHEREAS, prior to initiating court action against the City of Flagler Beach regarding Flagler Beach Ordinance 2025-26, Flagler County wishes to initiate the conflict resolution procedures in Chapter 164, Florida Statutes; and

WHEREAS, the County seeks to have the City comply with their lawful obligations and to do so in accordance with the Florida Governmental Conflict Resolution Act and to resolve this matter without the need of litigation.

NOW, THEREFORE, BE IT RESOLVED by the Flagler County Board of County Commissioners, that:

1. Flagler County initiates the conflict resolution procedures with regards to Flagler Beach Ordinance 2025-26 and related actions.
2. The issues in conflict between Flagler County and the City of Flagler Beach are as follows:
 - a. Whether Ordinance 2025-26 passed by the City of Flagler Beach is consistent with the City's Comprehensive Plan and with the Settlement Agreement entered into by Flagler County and the City of Flagler Beach in *City of Flagler Beach, et.al. v. Hammock Beach River Club Property Owners Association, Inc. et.al.*, Cir.Ct. Case No. 06-001531CA, January 31, 2007, as it relates to the provisions of reclaimed water.
 - b. Whether Ordinance 2025-26 is consistent with the City Comprehensive Plan as it relates to Floodplain Protection, and its impact on the County's adjacent floodplains and sensitive environmental lands adjacent and contiguous to the Subject Property.
 - c. Whether Ordinance 2025-26 is consistent with the County's Comprehensive Plan in as much as it increases residential density within the Coastal High Hazard Area adversely impacting John Anderson Highway, a county owned and maintained right-of-way and hurricane evacuation route.

- d. Whether an adequate traffic study was conducted to analyze the impacts of the increase in residential density on John Anderson Highway by the adoption of Ordinance 2025-26.
- e. Whether there is a possibility for an alternative to future maintenance of John Anderson Highway, either in the form of the City taking the ownership and maintenance obligation of the right-of-way, or the developer paying county impact fees or their functional equivalent relating to the impacts and maintenance of the right-of-way.

3. The County Administrator is directed to mail a certified copy of this Resolution by letter meeting the requirements of Section 164.1052, Florida Statutes, by certified mail, return receipt requested, to the City Manager of the City of Flagler Beach within five (5) days of the enactment of this Resolution.

PASSED AND DULY ADOPTED this 28th day of January, 2026

FLAGLER COUNTY BOARD OF
COUNTY COMMISSIONERS

Leann Pennington, Chair

ATTEST:

Tom Bexley, Clerk of the Circuit Court
and Comptroller

Approved as to form:

Michael A. Rodríguez, County Attorney