

Board of County Commissioners

**Conservation Area Impact Permit
Application**

CAI-19-07-038

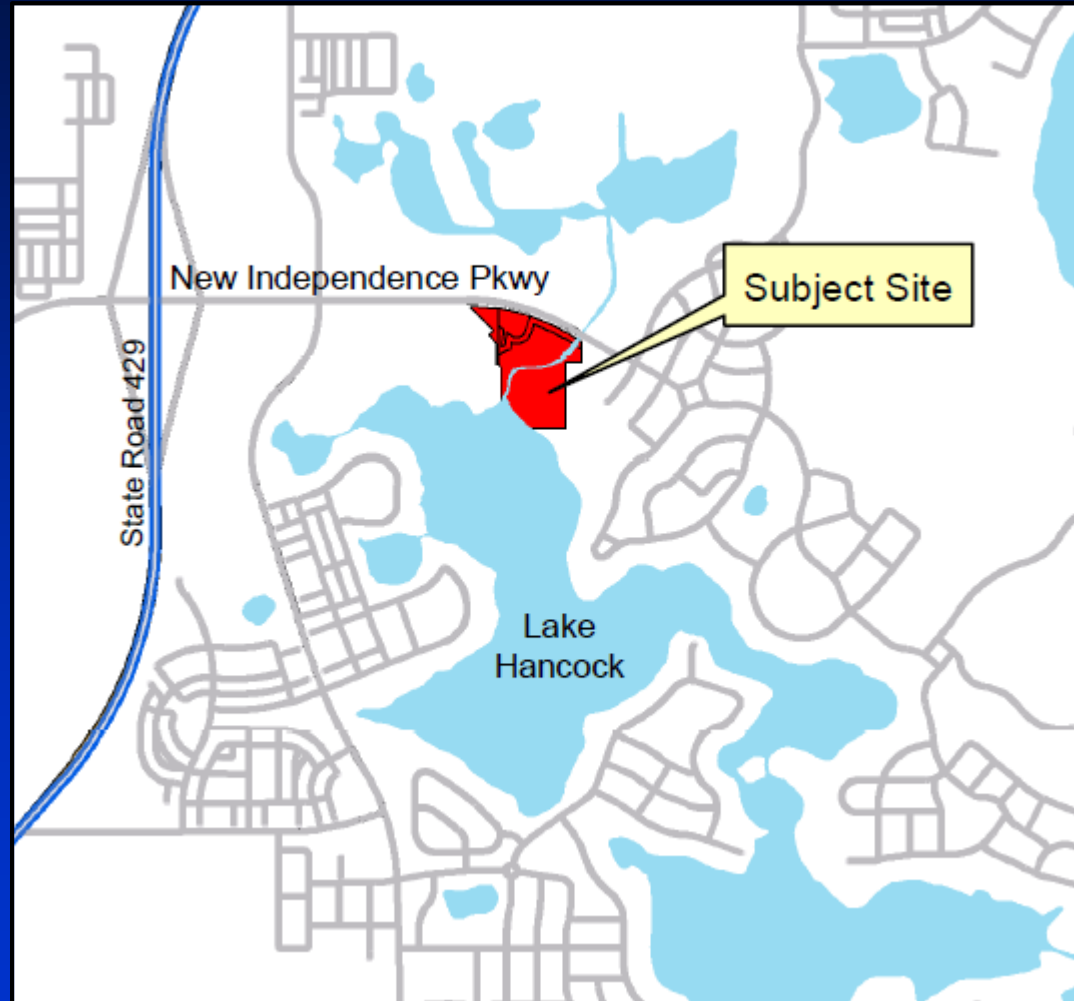
Applicant: SLF IV/Boyd Horizon West JV, LLC

November 17, 2020



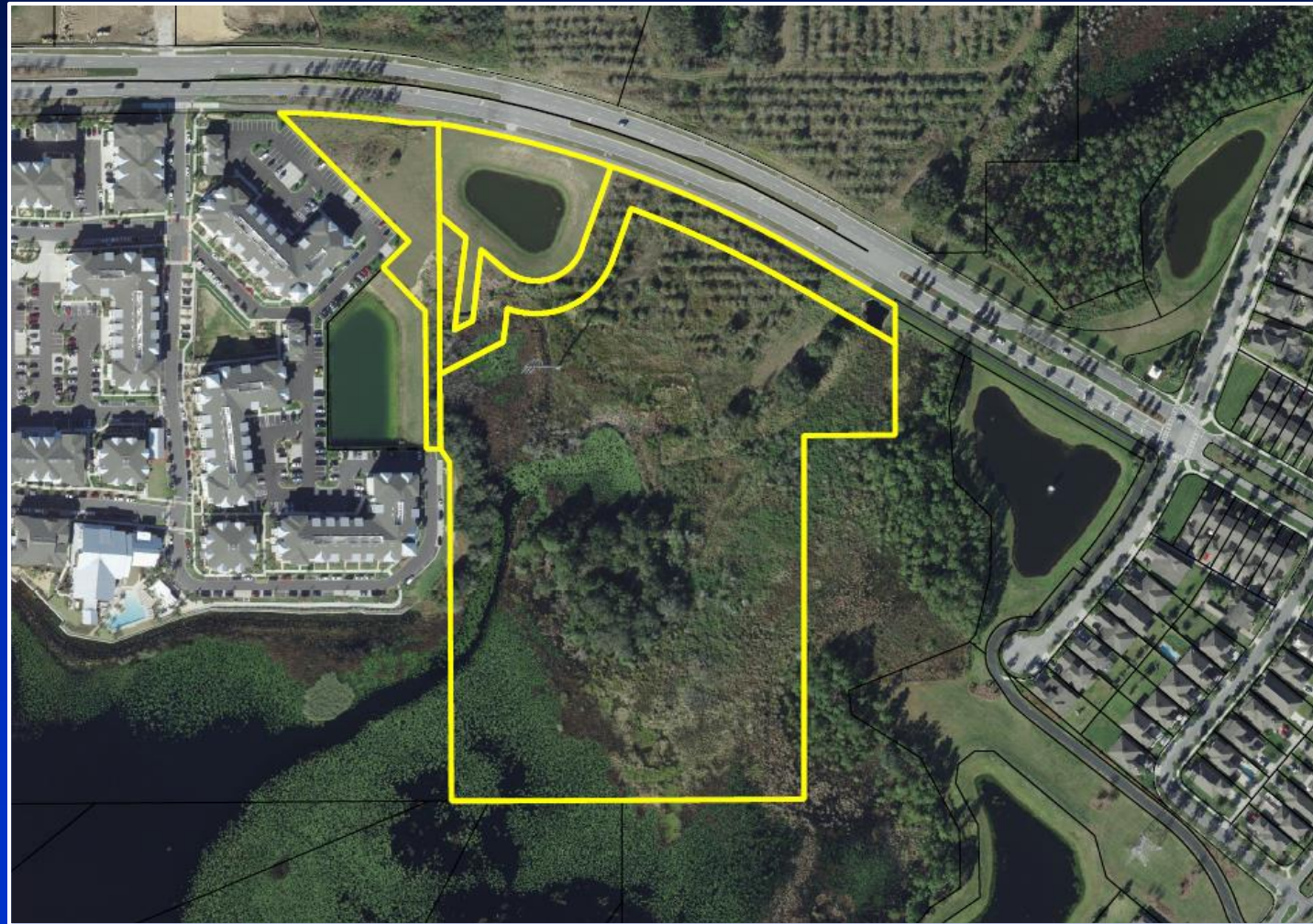
Location Map

New Independence Pkwy, Winter Garden



Parcel ID Nos.: 21-23-27-0000-00-004, -033, -036, -039

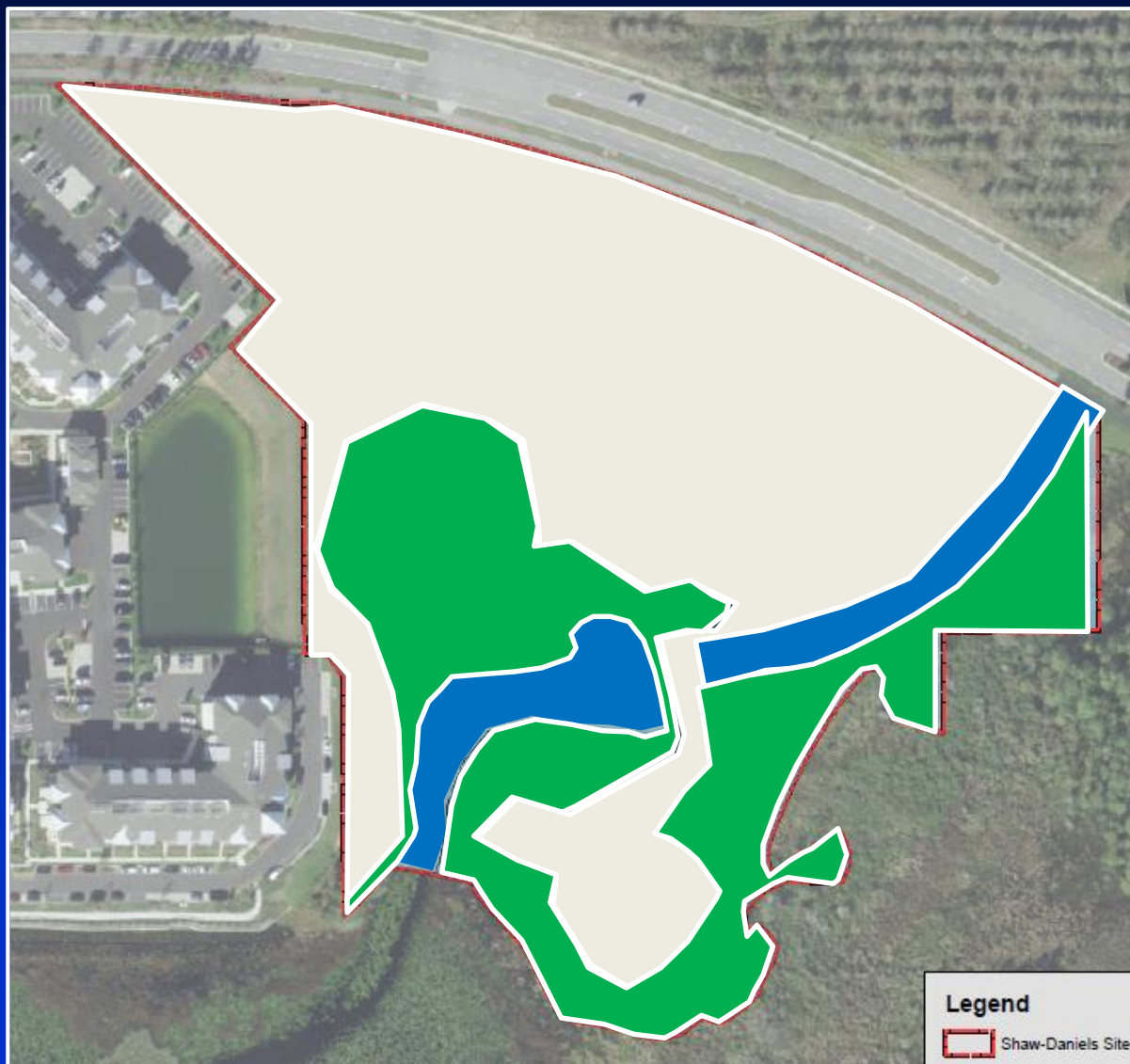
New Independence Pkwy, Winter Garden



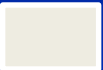


Parcel ID Nos.: 21-23-27-0000-00-004, -033, -036, -039



Project Area



-  **Class I Wetlands**
4.14 acres
-  **Class I Surface Waters**
1.59 acres
-  **Uplands**
7.96 acres

Legend
 Shaw-Daniels Site



Existing Conditions



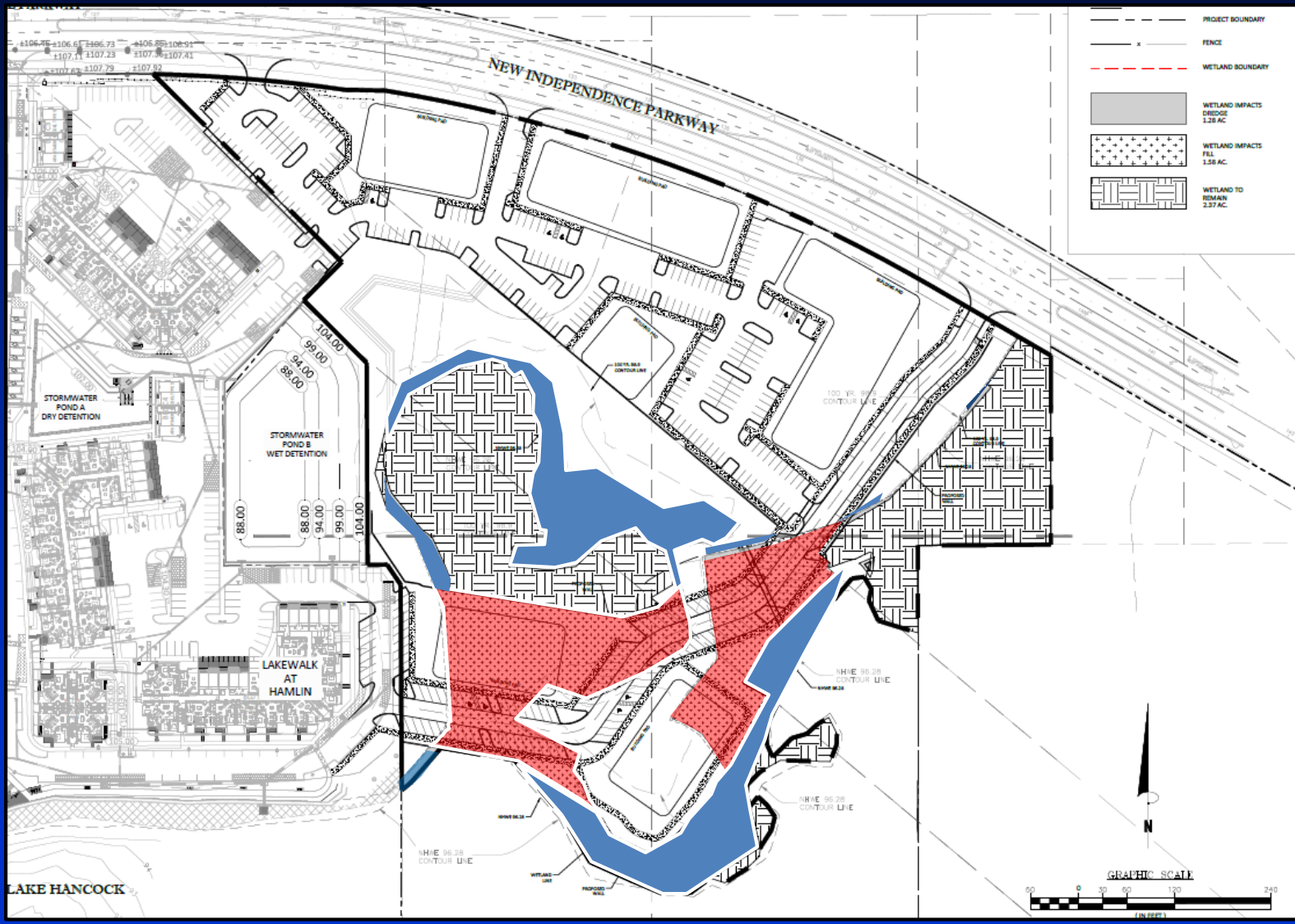




Request

- **The applicant proposes to impact 2.86 acres of Class I wetlands and surface waters in order to construct portions of a new multi-family development and associated infrastructure.**
- **The project will also result in 1.34 acres of secondary Class I wetland impacts.**



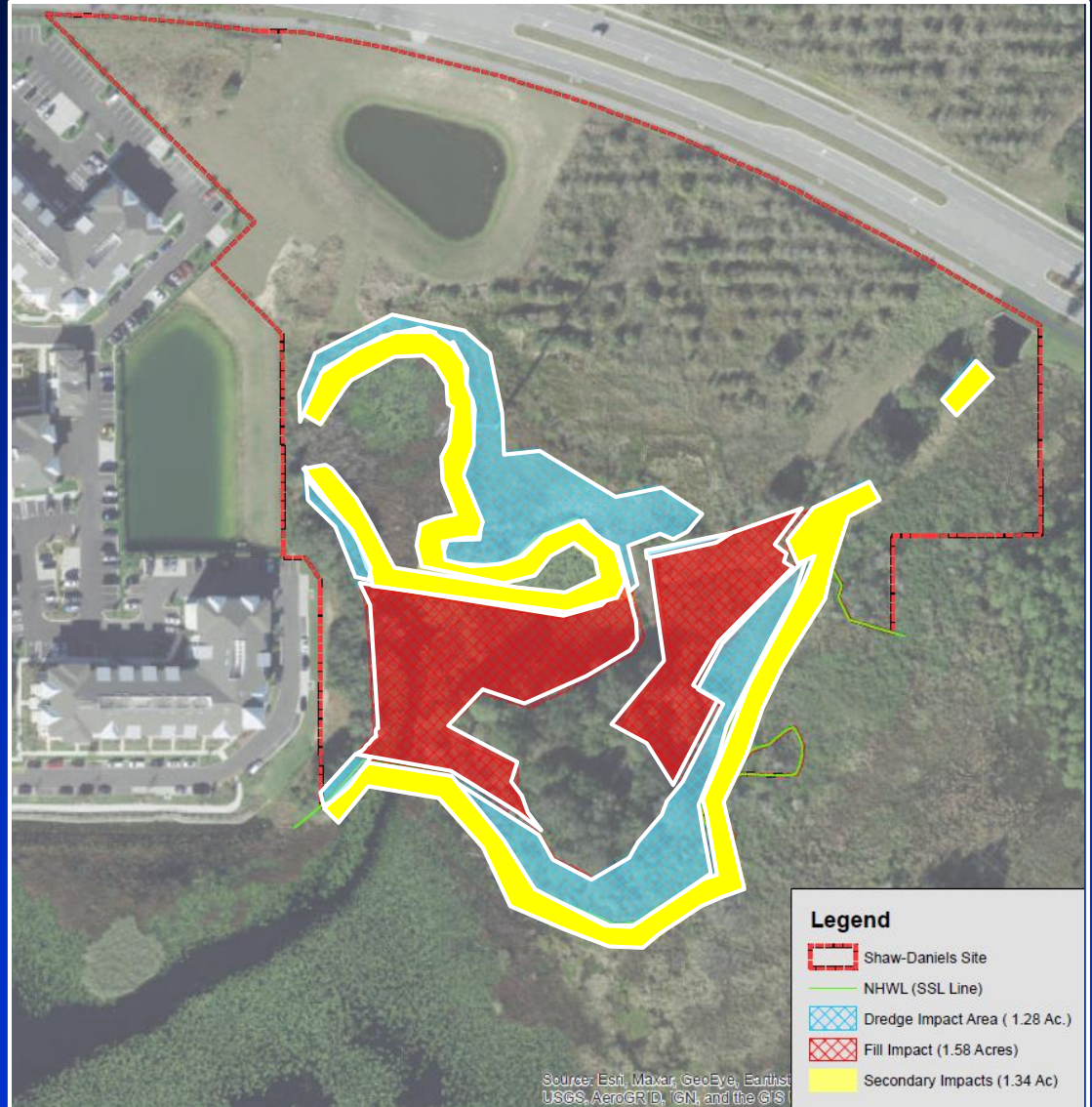
Site Plan

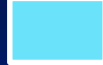




-  Impacts associated with dredging for compensating storage (1.28 acres)
-  Impacts associated with fill for roadways and buildings (1.58 acres)



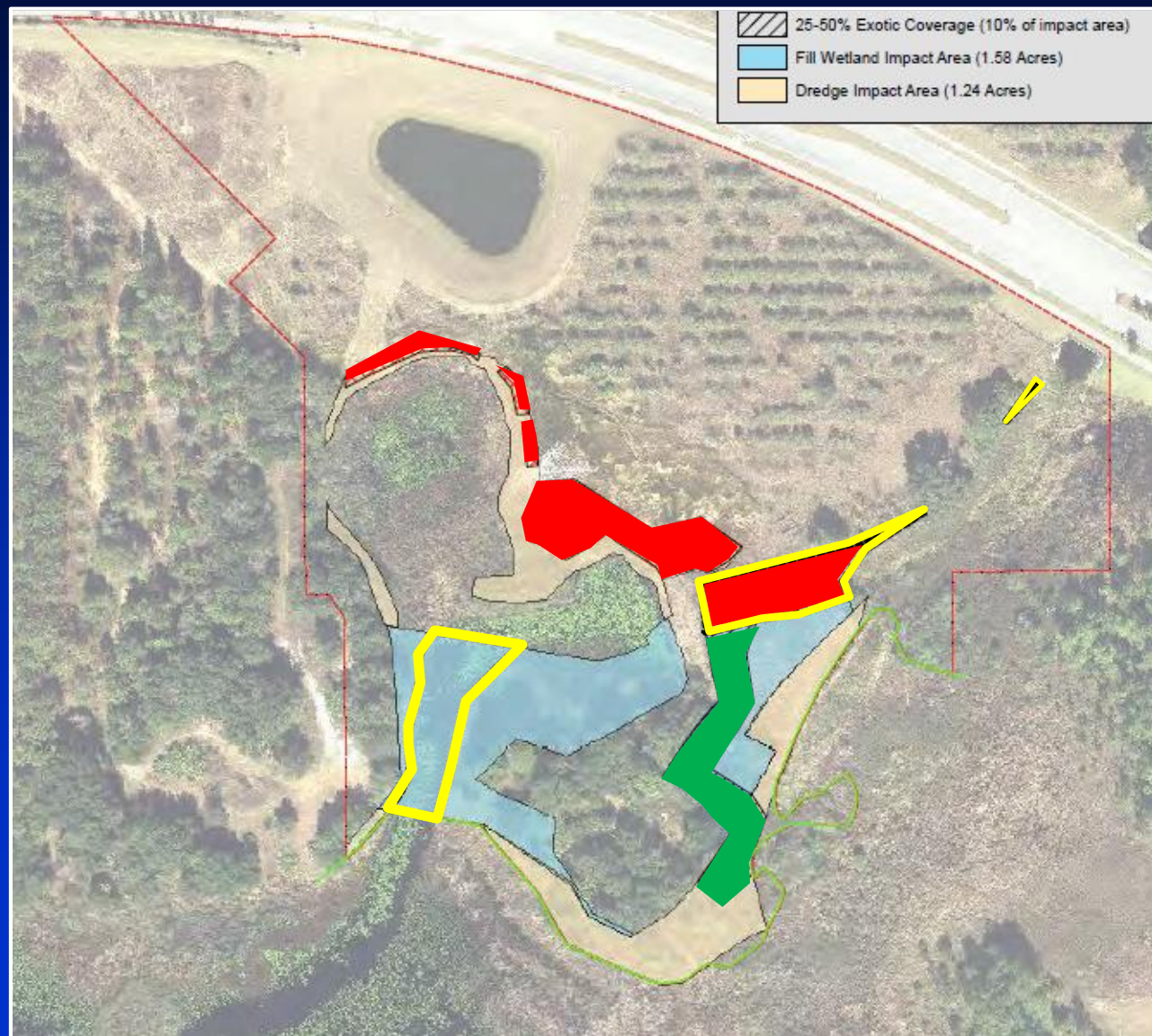
Site Plan



-  Impacts associated with dredging for compensating storage
-  Impacts associated with fill for roadways and buildings.
-  Secondary impacts



Site Plan



75-100% exotic vegetation coverage (18% of impact area)



25-50% exotic vegetation coverage (10% of impact area)



Historically dredged areas (16% of impact area)

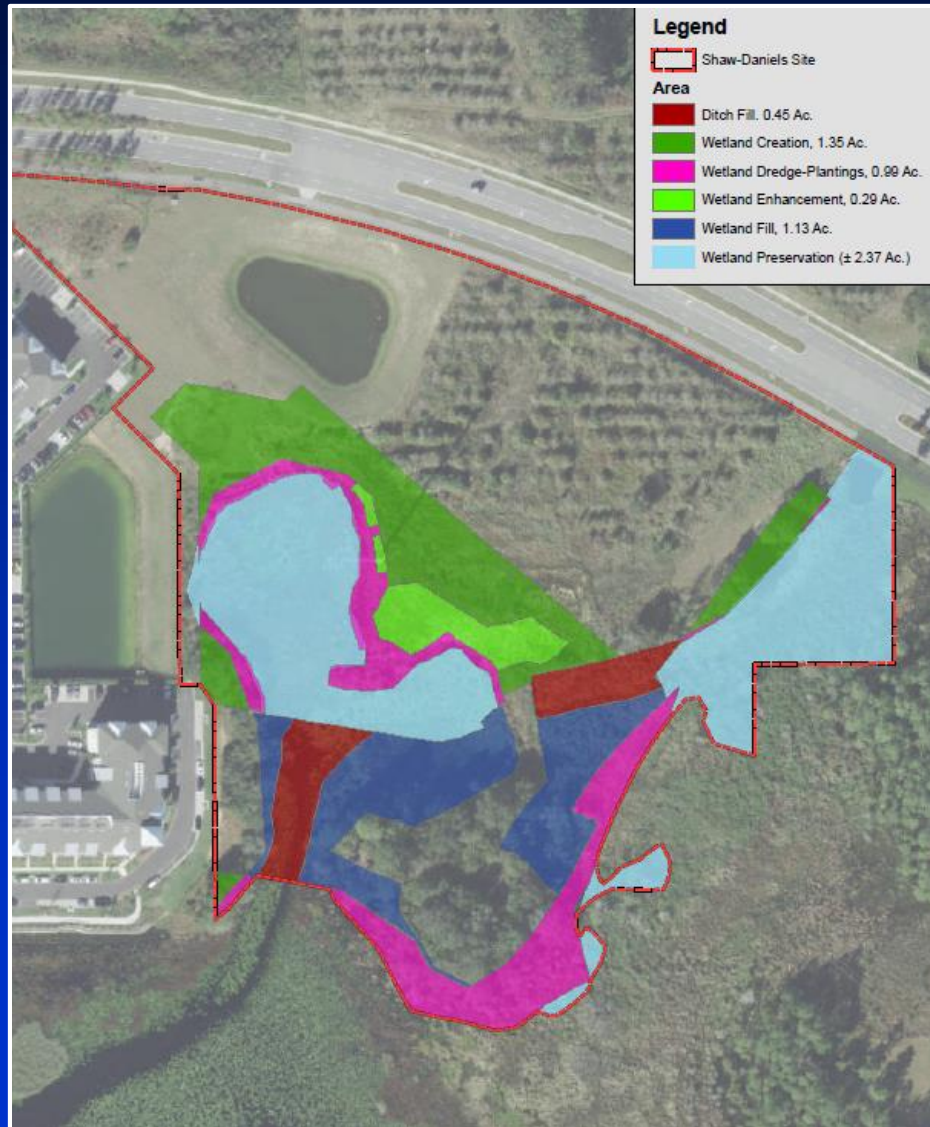


Mitigation Plan

- **As mitigation for the impacts, the applicant proposes to purchase 1.3 herbaceous Uniform Mitigation Assessment Method mitigation credits from Twin Oaks Mitigation Bank.**
- **The mitigation, as proposed, offsets the impacts; however, in addition to the purchase of mitigation credits, the applicant has proposed to:**
 - **Preserve 2.37 acres of Class I wetlands.**
 - **Replant 1.28 acres of impacts associated with dredging for compensating storage with native wetland vegetation.**
 - **Create 1.35 acres of Class I wetlands by excavating a portion of the onsite uplands and planting with native wetland species.**
 - **Install six wood duck boxes within the existing and created wetland areas.**



Site Plan

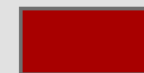


Legend

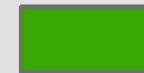


Shaw-Daniels Site

Area



Ditch Fill, 0.45 Ac.



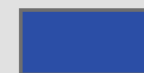
Wetland Creation, 1.35 Ac.



Wetland Dredge-Plantings, 0.99 Ac.



Wetland Enhancement, 0.29 Ac.



Wetland Fill, 1.13 Ac.



Wetland Preservation (\pm 2.37 Ac.)



Review Criteria

▪ Chapter 15, Article X:

- Sec. 15-362(5) states: Where wetlands serve a significant and productive environmental function . . . any alteration or development affecting such lands should be so designed and regulated so as to minimize or eliminate any impact upon the beneficial environmental productivity of such lands, consistent with the development rights of property owners.
- Sec. 15-396(3)(a) states: The removal, alteration or encroachment within a Class I conservation area shall only be allowed in cases where no other feasible or practical alternatives exist that will permit a reasonable use of the land or where there is an overriding public benefit.



Considerations

- Pursuant to Orange County Code, Chapter 15, Article X, EPD staff has evaluated the permit application and required documentation therein.
- To address the review criteria, the applicant has:
 - Made several plan revisions that reflect an overall reduction from 332 to 226 units and from 5.23 acres to 2.37 acres of wetland and surface water impacts.
 - Incorporated the use of retaining walls in the site design, which eliminates the need for side slopes and reduces the amount of impact by 0.52 acre.
 - Agreed to maintain a hydrologic connection and utilize a culvert under the main road with features designed to provide a safe crossing for wildlife between the interior wetlands and the shoreline wetlands of Lake Hancock.
- The applicant conducted a survey for threatened and endangered species, including a coverboard survey for sand skinks. No observation of listed species were found onsite.



Finding

- EPD staff has made a finding that the request is consistent with Orange County Code, Chapter 15, Article X, Sections 15-362(5) and 15-396(3)(a) and recommends approval of CAI Permit No. CAI-19-07-038.



Action Requested

- **Acceptance of the findings and recommendation of the Environmental Protection Division staff and approval of Conservation Area Impact Permit CAI-19-07-038 for SLF IV/Boyd Horizon West JV, LLC subject to the conditions listed in the staff report. District 1**