



Interoffice Memorandum

May 25, 2018

TO: Mayor Teresa Jacobs
and Board of County Commissioners

FROM: Mark V. Massaro, P. E., Director, Public Works Department

**CONTACT PERSON: Diana M. Almodovar, P. E., Manager
Development Engineering Division**

PHONE NUMBER: (407) 836-7974

**SUBJ: June 5, 2018 - Public Hearing
Applicant: Roger Holt,
Roger Holt Trust Borrow Pit
Excavation Permit #15-E4-0064**

This public hearing is set pursuant to Section 16-23, Orange County Code, to consider the above-referenced excavation application. Mr. Roger Holt, as Trustee of the Roger Holt Revocable Trust, has applied for Excavation Permit #15-E4-0064 to construct a borrow pit in east Orange County. The Roger Holt Trust's proposed Borrow Pit would be located at 9675 James Creek Road, or generally east of S.R. 520 and south of S.R. 528 (Beachline). This permit would allow for the excavation and export of approximately 1,300,000 cubic yards of clean fill material to various approved Orange County project sites and sites within other jurisdictions over a five year period.

The Parcel I.D. number for the agriculturally zoned property where the borrow pit would be located is: 06-24-34-0000-00-026. The borrow pit will be accessed through four other parcels owned by the applicant with Parcel I.D. Numbers: 06-24-34-0000-00-023, 06-24-34-0000-00-027, 06-24-34-0000-00-030, 06-24-34-0000-00-040 and an ingress-egress access easement recorded in the Official Records Book 4368 Page 182.

Staff recommends approval of the Roger Holt Trust Borrow Pit, subject to the conditions listed under the Borrow Pit staff report.

**Action Requested: Approval of the Roger Holt Borrow Pit subject to the conditions listed under the Borrow Pit Staff Report and authorization to issue Excavation Permit #15-E4-0064.
District 4.**

MVM/DMA/mt

Attachments

1. REQUEST

This public hearing is to consider whether to approve the application for the Roger Holt Trust Borrow Pit, subject to the conditions listed under the Borrow Pit Staff Report, and if approved, authorization to staff to issue Excavation Permit # 15-E4-0064.

2. GENERAL INFORMATION

APPLICANT	Roger Holt
OWNERS	The Roger Holt Revocable Trust U/T/D September 28, 2011 The J.E. Holt Living Trust U/T/D August 27, 1993
PROJECT NAME	Roger Holt Trust Borrow Pit
LOCATION	9675 James Creek Road East of S.R. 520 / South of S. R. 528
PARCEL I.D.s	Borrow pit: 06-24-34-0000-00-026 Access Road: 06-24-34-0000-00-023 06-24-34-0000-00-027 06-24-34-0000-00-030 06-24-34-0000-00-040, and Ingress-egress easement recorded in OR Book 4368 Page 0182
TRACT SIZE	174.993 gross acres (Parcel I.D. 06-24-34-0000-00-026) 35 acre borrow pit
PUBLIC NOTIFICATION	The notification area for this public hearing extended beyond 2700 feet. Thirty six (36) notices were sent to the property owners and residents in the mailing area. Two community meetings were held on April 21, 2016 and August 8, 2016, and are summarized below.
PROPOSED USE	35 acre borrow pit for the excavation and export of approximately 1,300,000 cubic yards of clean fill material to various approved Orange County project sites and sites within other jurisdictions over a five year period.

COMMUNITY MEETINGS SUMMARY

Two community meetings were held. The first community meeting was held on April 21, 2016 at the project site and was attended by various residents of the area. A second community meeting was held on August 8, 2016 at the Moore residence, 9705 James Creek Road, which was also attended by numerous residents of the area. Residents expressed concerns with borrow pit traffic traveling in front of their homes, trucks staging in the residential areas, borrow pit traffic during the weekends, and potential impacts to their drinking water wells from the borrow pit operation dewatering activities, noise and dust.

STAFF ANALYSIS AND RECOMMENDATION

In consideration of the area residents' concerns, Mr. Holt has offered to provide a new access road from S. R. 520 to the borrow pit. The access road crosses through property owned by the Roger Holt Revocable Trust U/T/D September 8, 2011, and the J.E. Holt Living Trust U/T/D August 27, 1993 (Parcel I.D. Numbers 06-24-34-0000-00-023, 06-24-34-0000-00-027 06-24-34-0000-00-030 and 06-24-34-0000-00-040), and will use an existing ingress-egress access easement (approximately 27 to 32 foot wide) over separately owned property to cross from Parcel I.D. Number 06-24-34-0000-00-040 to Parcel I.D. Number 06-24-34-0000-00-027. The access road provides more than 2000 feet of staging away from the residences, subject to the conditions in this staff report. The Florida Department of Transportation has issued a Notice of Intent to Issue a permit for a new north bound right turn lane and driveway off S. R. 520 to access the borrow pit. This will require south bound trucks on S.R. 520 to perform a U-turn before turning right onto the access road. Pursuant to the conditions of approval, no borrow pit traffic will be allowed on Holt Preserve Road (a. k. a. Hodges Road) and James Creek Road.

Regarding the potential impacts to the residential drinking water wells, Mr. Holt's consultants have demonstrated that the dewatering for the borrow pit operations will not lower the groundwater water elevation at the closest residential well, which is approximately 1000 feet from the well. Groundwater in this area flows from west to east, and the borrow pit is down gradient from the residential wells. In addition, wetlands lie between the residences and the borrow pit, and they will be preserved and monitored by the applicant for any change in water levels.

The St. Johns River Water Management District has issued Consumptive Use Permit No. 142867-1 for the dewatering of the borrow pit. The permit requires that Mr. Holt install

wells to measure the ground water elevations regularly during the borrow operations to demonstrate that the borrow pit dewatering operations are not impacting the adjacent wetlands, including those wetlands between the borrow pit and the residential wells. The wells have been installed and the ground water elevations will be monitored.

The borrow pit plans are in conformance with the requirements in Orange County Code Chapter 16 ("Excavations and Fill").

STAFF RECOMMENDATION

Staff recommends approval of the Roger Holt Trust Borrow Pit, subject to the conditions specified below.

REQUESTED ACTION

Approval of the Roger Holt Trust Borrow Pit, subject to the borrow pit meeting any and all federal, state, and Orange County requirements regarding its operations, and the following additional requirements:

1. The approved haul route will be to and from S. R. 520 and the east-west access road from and to the approved borrow pit site.
2. Operating and hauling shall be limited to the following time frame: 7:00 a.m. to 7:00 p.m., Monday through Friday.
3. Stacking of dump trucks along S. R. 520, and within the ingress-egress access easement being utilized to cross between Parcel I.D. Number 06-24-34-0000-00-040 and Parcel I.D. Number 06-24-34-0000-00-027, shall be prohibited.
4. Stacking of dump trucks on the access road properties and on the borrow pit property shall be prohibited prior to 7:00 a.m.
5. Overnight parking of dump trucks shall be prohibited.
6. Dust abatement shall be provided at all operational times when not raining for the access road and borrow pit operations. It will include the use of water trucks and other Best Management Practices (BMPs) acceptable to Orange County Environmental Protection Division.
7. The dust abatement plan shall include a six (6') foot high screened chain link fence along the north side of parcel No. 06-24-34-0000-00-040, and the south property line of parcel No. 06-24-34-0000-00-030.
8. Borrow pit traffic shall be prohibited on Holt Preserve Road (a.k.a Hodges Road) and James Creek Road.
9. The Development Engineering Inspection Section shall be notified by the permittee at (407) 836-7920 twenty-four hours prior to commencement of operations.
10. All construction activities shall remain at least 50 feet from any jurisdictional wetlands, surface waters or upland buffers until the conservation easement required in the

Conservation Area Impact (CAI) Permit No. CAI-16-11-046 is recorded in the public records of Orange.

11. Prior to clearing, grading or any other disturbance to soil or vegetation, all conditions of CAI Permit No. CAI-16-11-046 must be met, including:
 - a. Specific Condition #4 - The mitigation plan must be implemented in accordance with the "Sketch of Description of Conservation Easement", as dated as received by EPD on July 5, 2017. The preservation area must total at least 21.07 acres in size.
 - b. Specific Condition #5 - Prior to initiating any construction within the wetlands, surface waters or upland buffers that require mitigation, this permit requires the recording of a conservation easement in the public records of Orange County, and when applicable, notation of the conservation easement on the corresponding plat. The conservation easement shall be dedicated to Orange County and cannot be recorded unless and until approved by the Orange County Board of County Commissioners (BCC). The conservation easement shall include restrictions on the real property pursuant to the requirements set forth in CAI Permit No. CAI-16-11-046.
 - c. Specific Condition #6 - Conservation areas to remain shall be clearly marked with signage that identifies the wetland and upland buffer. The signs shall be a minimum of 12" x 12" and at least 24" above grade. The signs shall read, "Conservation Area - No Dumping, Land-Clearing, Or Other Disturbance To Soils Or Vegetation Permitted Beyond This Point." The signs shall be installed every 500 feet and shall be located as shown on "Figure 1, Holt Trust - Mitigation Map." The signs shall be installed prior to EPD approval of the Excavation Permit.
12. Permittee shall comply with the requirements of the St. Johns River Water Management District Consumptive Use Permit No. 142867-1.
13. Approval of this permit does not constitute either a land-use classification change to the Orange County's Comprehensive Plan or a rezoning of any type. Furthermore, solid waste disposal, solid waste management, and the disposal of materials from the construction or demolition of a road or other transportation facility, as contemplated by Section 163.3194 of Florida Statutes, is not in any way a purpose of this permit.
14. No work authorized under this approval shall commence or continue without complying with all applicable federal, state and county laws, ordinances and regulations, which are incorporated herein by reference, except to the extent any applicable laws, ordinances and regulations are expressly waived or modified by these conditions, or by action approved by the Board of County Commissioners (BCC), or by action of the BCC. In the event of a conflict or inconsistency between a condition of approval of this permit and the excavation plans, the condition of approval shall control to the extent of such conflict or inconsistency.
15. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the

County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of a state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

16. By accepting this permit, the permittee understands and agrees that the permittee will, at all times, (1) comply with all terms and conditions of the permit, and any ordinances and regulations relating to the permit; (2) assume all the risk associated with the exercise or attempted exercise of its rights and privileges under this permit; and (3) indemnify, defend, and save harmless Orange County from and against all losses, damages, costs and expenses arising in any manner on account of the exercise or attempted exercise of the permittee's rights and privileges under this permit, including, but not limited to, any actions or disputes based on claims of negligence, trespass, quiet title, inverse condemnation, and any actions for injunctive or declaratory relief. Accordingly, the permittee shall pay and reimburse Orange County for all damages, attorney fees and costs that Orange County may incur as a result of any threatened litigation, actual litigation, trials, appeals arising in any manner from the issuance of this permit and the permittee's exercise or attempted exercise of its rights and privileges under the permit.

A map showing the location of the Roger Holt Trust Borrow Pit. The map features a green field with a blue outline of the borrow pit and a red dot indicating the pit's location. A road labeled 'S. R. 520' runs vertically through the center. A road labeled 'S. R. 528' runs horizontally across the top. A river flows from the top left towards the bottom. A north arrow is in the bottom right corner.



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ROGER HOLT TRUST BORROW PIT
9675 JAMES CREEK ROAD
CHRISTMAS, ORANGE COUNTY, FLORIDA

ROGER HOLT TRUST BORROW PIT

PROJECT #
13-736.001
FIGURE
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