




## Interoffice Memorandum

**AGENDA ITEM**

November 8, 2022

**TO:** Mayor Jerry L. Demings  
–AND–  
County Commissioners

**FROM:** Jon V. Weiss, P.E., Director  
Planning, Environmental, and Development  
Services Department

**CONTACT PERSON:** **David D. Jones, P.E., CEP, Manager**  
**Environmental Protection Division**  
**407-836-1406** 

**SUBJECT:** December 13, 2022 – Work Session  
Wetland Conservation Areas Ordinance - Regulatory  
Framework Study

Staff are currently reviewing standards and processes to update Chapter 15, Article X – Wetland Conservation Areas Ordinance (Ordinance). This effort includes two studies which will be covered over a span of two work sessions with a third work session to discuss recommendations for updates to the ordinance to follow. The goals of the Ordinance revisions, which the studies are supporting include:

- identify and protect wetlands and surface waters that are most important or valuable,
- examine the conservation area classification system for potential improvement,
- balance protections for wetlands with property rights,
- identify any exemptions in State rule that have merit for Orange County,
- make process and outcomes more streamlined, predictable and consistent, and
- make the Ordinance less complicated and easier to understand.

On December 13, 2022, EPD plans to present a work session on the Regulatory Framework Study. The work session will review the scope of the study as well as a summary of the findings for streamlining Orange County wetland regulations and procedures. The scope includes:

- review of federal and state wetland regulatory framework, including impact criteria, functional assessment methods, mitigation, out provisions, etc.,

- review of Orange County wetland ordinance, regulatory requirements and implementation, including wetland classification, functional assessment, avoidance and minimization, mitigation, etc.,
- review of Orange County relevant Comprehensive Plan policies and evaluation of how they might be integrated with a revised wetland ordinance,
- compare and contrast Orange County wetland ordinance with six other counties (Volusia, Osceola, Seminole, Leon, Alachua, and Hillsborough) and interview key staff,
- interview up to 10 environmental consultants and 10 environmental advocacy organizations on the pros and cons of Orange County's current ordinance and what should be considered for the update, and
- development of a comparison matrix of wetland permitting procedures for Orange County, six other counties, and federal and state agencies.

On January 24, 2023, Staff will present a second work session regarding the State of the Wetlands Study. The scope of that study is to:

- compare the historic inventory and condition of the County's wetland resources with the present day,
- estimate impact acreages and analyze ecosystem services associated with loss of wetland function,
- evaluate multiple years, including ~1989 (coinciding with adoption of wetland ordinance) and approximately every 10 years thereafter to spatially assess the trends in wetland loss, and
- estimate secondary effects of wetland loss through modeling conceptual development scenarios, including analyzing conventional development versus low impact development/green infrastructure technologies on a conceptual 50-acre site to assess differences (or similarities) in impacts to threatened and endangered species, aquifer recharge, flood control, and water quality.

Finally, in Spring 2023, a third work session will be scheduled on "Ordinance Recommendations" to get Board direction on proposed approaches to updating the Ordinance. At this work session, EPD will present an overview of feedback received from the Board during the previous two work sessions as well as potential policies and approaches that could be considered to help strengthen environmental protections and streamline the permitting process.

This item is for informational purposes only; no action is required.

DDJ/JVW: jk