




Interoffice Memorandum

Received: September 29, 2020 @ 1:31pm  
No advertising requirements

September 29, 2020

To: Katie Smith, Manager  
Comptroller Clerk's Office

Through: Cheryl Gillespie, Agenda Development Supervisor  
Agenda Development

From: David D. Jones, P.E., CEP, Manager  
Environmental Protection Division (407) 836-1406 

**Staff Person: Elizabeth R. Johnson, CEP, Assistant Manager  
Environmental Protection Division  
(407) 836-1511**

Subject: Request for Public Hearing for a Conservation Area Impact Permit Application (CAI-20-03-026) for the construction of a new single-family residential development, located north of Hartzog Road and east of Avalon Road, Parcel Nos. 29-24-27-0000-00-003, 29-24-27-0000-00-004, 29-24-27-0000-00-008, 29-24-27-0000-00-009 and 30-24-27-0000-00-011, District 1

**NOTE: Schedule this public hearing concurrently with PSP-20-02-056 – Withers PD – Parcels 11, 13, & 17**

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Applicant: Withers, LLC

Type of Hearing: Conservation Area Impact Permit Application

Hearing required by Florida Statute # or Code: Orange County Comprehensive Plan

Advertising requirements: None

Advertising timeframes: N/A

Abutters to be notified: The applicant will be notified at least seven days prior to public hearing by the Environmental Protection Division (EPD). Notification of abutters is not necessary.

Estimated time required For public hearing: 2 minutes

Municipality or other Public Agency to be notified: South Florida Water Management District – [Mady@sfwmd.gov](mailto:Mady@sfwmd.gov)

Hearing Controversial: No

District #: 1

Materials being submitted as backup for public hearing request:

1. Site Plan
2. Location Map

Special Instructions to Clerk:

1. Once the Board of County Commissioners makes a decision on the Conservation Area Impact Permit Application, please submit the decision letter to Michelle Gonzalez with EPD. EPD will issue the decision to the applicant.

KGK/NT/TMH/ERJ/DJ/gfdjr: mg

Attachments

# Conservation Area Impact Permit Request



**Conservation Area Impact  
Permit No. CAI-20-03-026  
District # 1**

**Applicant: Withers, LLC**

**Address: Avalon Road**

**Parcel IDs: 29-24-27-0000-00-003**

**29-24-27-0000-00-008**

**29-24-27-0000-00-009**

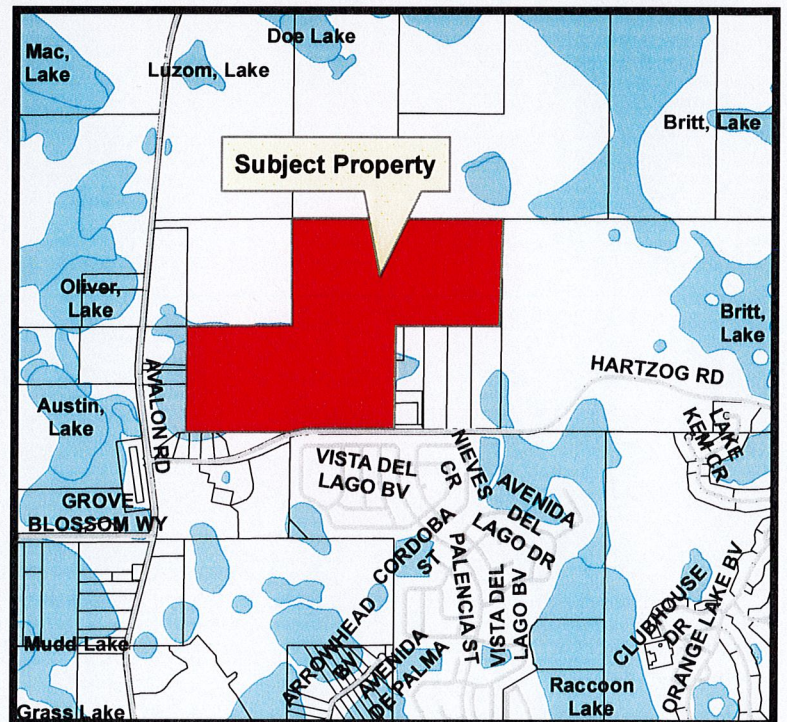
**29-24-27-0000-00-004**

**30-24-27-0000-00-011**

**Project Site**



**Property Location**



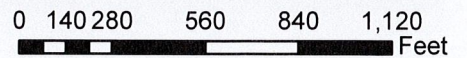
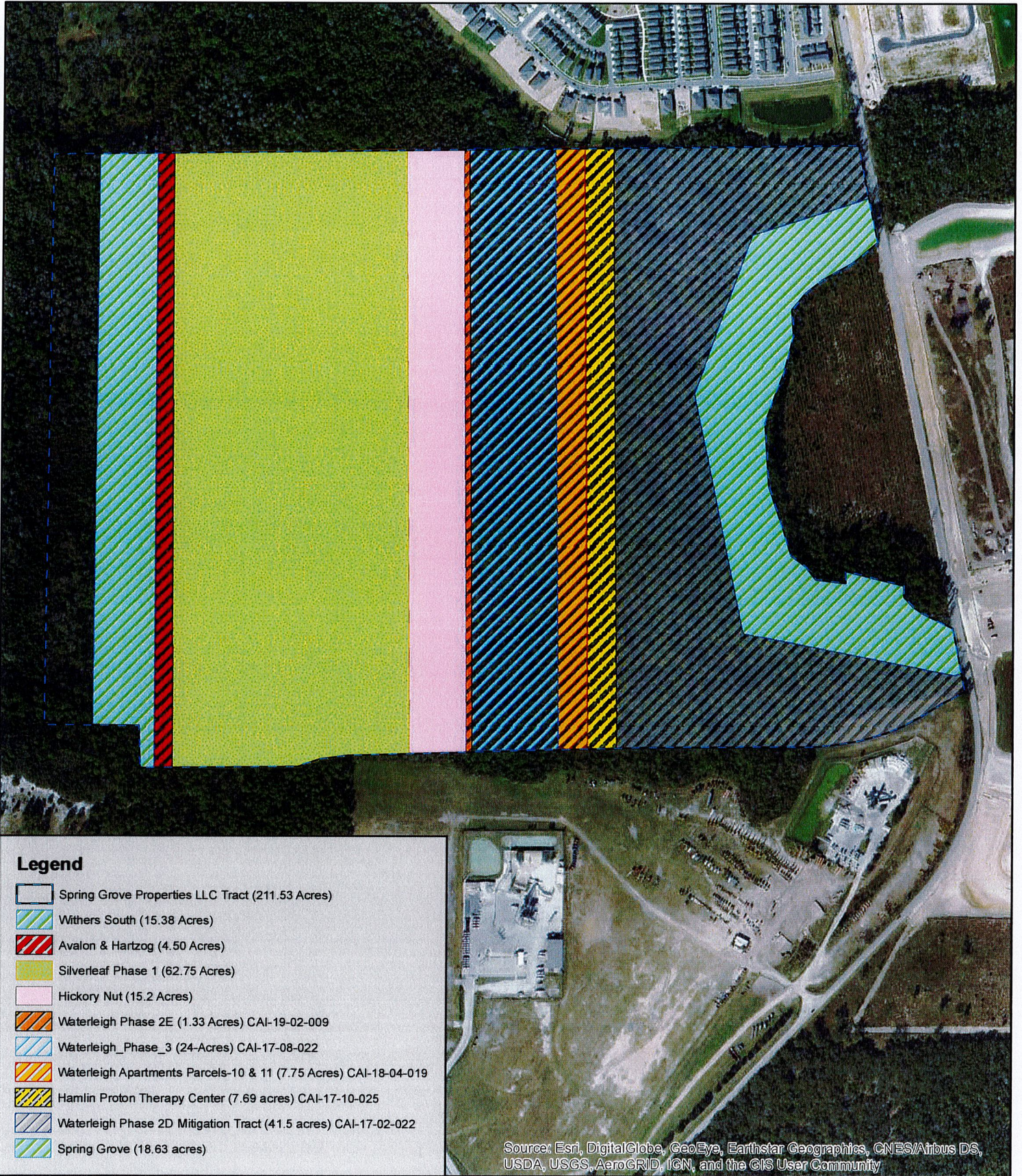






OCEPD - Spring Grove Mitigation Ledger - 7/1/2020

Date	Construction App. Name	CAI No.	Mitigation Units Deducted	Mitigation Units Remaining	Wetland Acreage Deducted (rounded per CAI)	Wetland Acreage Remaining (rounded per CAI)
	<b>AGENCY APPROVED SCORES/ACREAGE</b>			<b>7.051 (0.5 paf)</b>		<b>211.53</b>
1/17	Spring Grove Apartments	16-08-034	0.621	6.430	18.63	192.90
7/17	Waterleigh Phase 2D	17-02-002	1.380	5.050	41.50	151.40
1/9/2018	Hamlin Proton Therapy Center	17-10-025	0.256	4.794	7.69	143.71
5/23/2018	Waterleigh Apartments (Parcels 10 & 11)	18-04-019	0.260	4.530	7.75	135.96
6/4/2018	Waterleigh Phase 3	17-08-022	0.800	3.730	24.00	111.96
4/1/2019	Waterleigh Phase 2E	19-02-009	0.053	4.415	1.33	110.63
				<b>4.468 (0.6 paf)</b>		
1/8/2020	Hickory Nut	TBD	0.610	3.858	15.20	95.43
1/21/2020	Silverleaf Phase 1	TBD	2.510	1.348	62.75	32.68
3/24/2020	Avalon & Hartzog	TBD	0.180	1.168	4.50	28.18
7/1/2020	Withers South	20-03-026	0.615	0.553	15.38	12.81





**PART I - QUALITATIVE DESCRIPTION**  
(See Section 62-345.400, F.A.C.)

<b>Site/Project Name</b> Withers South	<b>Application Number</b> CAI-20-03-026	<b>Assessment Area Name or Number</b>
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<b>FLUCCs Code</b> 611	<b>Further classification (optional)</b> Bay Swamp	<b>Impact or Mitigation Site</b> Mitigation	<b>Assessment Area Size</b> 15.38
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<b>Basin/Watershed Name/Number</b> Reedy Creek	<b>Affected Waterbody (class)</b>	<b>Special Classification (i.e. OFW, AP, other local/state/federal designation of importance)</b> none
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**Geographic relationship to and hydrologic connection with wetlands, other surface waters, uplands**

Assessment area is hydrologically connected to wetland greater than 40 acres in size. Wetland is surrounded by forested systems.

**Assessment area description**

The Assessment Area is a closed canopy forested wetland system composed of bays.

<b>Significant nearby features</b> Bear Bay, Sawgrass Bay, CR 545 to the east, Cemex to the south, residential to the north.	<b>Uniqueness (considering the relative rarity in relation to the regional landscape)</b> none
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<b>Functions</b> Serves as stormwater collection/recharge. Provides habitat function for small mammals and wading birds.	<b>Mitigation for previous permit/other historic use</b> no
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<b>Anticipated Wildlife Utilization Based on Literature Review (List of species that are representative of the assessment area and reasonably expected to be found)</b> small birds, mammals, reptiles and amphibians	<b>Anticipated Utilization by Listed Species (List species, their legal classification (E,T, SSC), type of use, and intensity of use of the assessment area)</b>
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**Observed Evidence of Wildlife Utilization (List species directly observed, or other signs such as tracks, droppings, casings nests, etc.):**

**Additional relevant factors:**

<b>Assessment conducted by:</b> Daniel Gough	<b>Assessment date(s):</b> 6/22/2016
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**PART II - Quantification of Assessment Area (impact or mitigation)**  
(See Section 62-345.500 and .600, F.A.C.)

<b>Site/Project Name</b> Withers South	<b>Application Number</b>	<b>Assessment Area Name or Number</b>
<b>Impact or Mitigation</b> Mitigation	<b>Assessment conducted by:</b> Daniel Gough	<b>Assessment date:</b> 6/22/2016

**Scoring Guidance**  
The scoring of each indicator is based on what would be suitable for the type of wetland or surface water assessed

Optimal (10)	Moderate (7)	Minimal (4)	Not Present (0)
Condition is optimal and fully supports wetland/surface water functions	Condition is less than optimal, but sufficient to maintain most wetland/surface water functions	Minimal level of support of wetland/surface water functions	Condition is insufficient to provide wetland/surface water functions

**.500 (6)(a) Location and Landscape Support**

w/o pres or current	with
5	6

Adjoining wetlands consists of forested systems. Wetland system will remain contiguous with larger wildlife corridors to the west and east of Avalon Road.

**.500 (6)(b) Water Environment (n/a for uplands)**

w/o pres or current	with
6	6

The system retains an average hydrologic regime along with established, historic waterflows. Downstream benefits will remain allowing for water environment connectivity throughout the larger overall system.

**.500 (6)(c) Community structure**  
1. Vegetation and/or  
2. Benthic Community

w/o pres or current	with
7	8

Permit will require maintenance to eliminate exotic species on a regular basis along with bi-annual qualitative vegetative monitoring. Increased native species coverage to maintain wetland community structure.

Score = sum of above scores/30  
(if uplands, divide by 20)

w/o pres or current	with
0.600	0.667

**If preservation as mitigation,**

Preservation adjustment factor =	0.60
Adjusted mitigation delta =	0.04

**For impact assessment areas**

FL = delta x acres =	
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Delta = [with current]
<b>0.07</b>

**If mitigation**

Time lag (t-factor) =	1.00
Risk factor =	1.00

**For mitigation assessment areas**

RFG = delta/(t-factor x risk) =	0.040
Mit Acres =	15.38
<b>Functional Value =</b>	<b>0.615</b>

**WITHERS SOUTH SITE  
ORANGE COUNTY, FLORIDA  
SPRING GROVE MITIGATION PLAN**

The Withers South Off-Site Mitigation Tract is a 15.38-acre portion of a larger 211-acre parcel of wetlands owned by Spring Grove Properties LLC. As mitigation for on-site impacts, the project proposes to place the 15.38-acre off-site tract within a conservation easement. A monitoring and maintenance plan will be implemented to ensure that the mitigation tract remains a viable wetland system in perpetuity.

**Monitoring**

The wetland preservation areas will be quantitatively monitored for a period of five (5) years. The monitoring events will occur on a semi-annual basis for the entire monitoring period. A baseline monitoring report and five (5) annual reports will be submitted to the Orange County Environmental Protection Division (OCEPD).

Permanent monitoring transects will be established throughout the wetland preservation area and utilized for the collection of sampling data. Each transect will be 100 feet in length have two (2) monitoring stations. Monitoring stations will include a quantitative assessment of vegetation within a 50-foot radius of each monitoring station. At the ends of each transect, photo stations will be established to provide photographic documentation of the preservation areas. A GPS point will be recorded at each photo station and shown on an exhibit. Data collected from these monitoring stations will include a vegetative species listing with wetland status, estimated percent coverage of species, wildlife utilization, and a description of any problems encountered during the evaluation and proposed solutions.

**Maintenance**

During the five (5) year monitoring period, maintenance events to control nuisance and exotic vegetation will occur monthly for the first two (2) years and quarterly the remaining three (3) years. Maintenance events will be conducted to ensure that the conservation areas are free from invasive exotic vegetation (as defined by the Florida exotic pest plant council) immediately following a maintenance activity and shall constitute no more than 5% of vegetative cover between maintenance activities. Nuisance plant species shall constitute no more than 10% of total cover.

Following the five (5) year monitoring program a perpetual maintenance plan is proposed for the preserved wetland. A maintenance program shall be implemented for the preserved wetland on a regular basis to ensure the integrity and viability of the conservation areas as permitted. Maintenance shall be conducted in perpetuity to ensure that the conservation areas are free from invasive exotic vegetation (as defined by the Florida exotic pest plant council at the date of permit issuance) immediately following a maintenance activity and shall constitute no more than 5% of vegetative cover between maintenance activities. Nuisance plant species shall constitute no more than 10% of total cover.

To demonstrate that the mitigation is successful, the following criteria must be maintained.

- 1) 0% coverage of Category 1 exotic vegetation immediately following a maintenance activity.
- 2) Coverage of exotic species shall not exceed 5% and coverage of nuisance plant species shall not exceed 10% of total cover between maintenance activities.