

***Board of County Commissioners***

**Conservation Area Impact  
Permit Application**

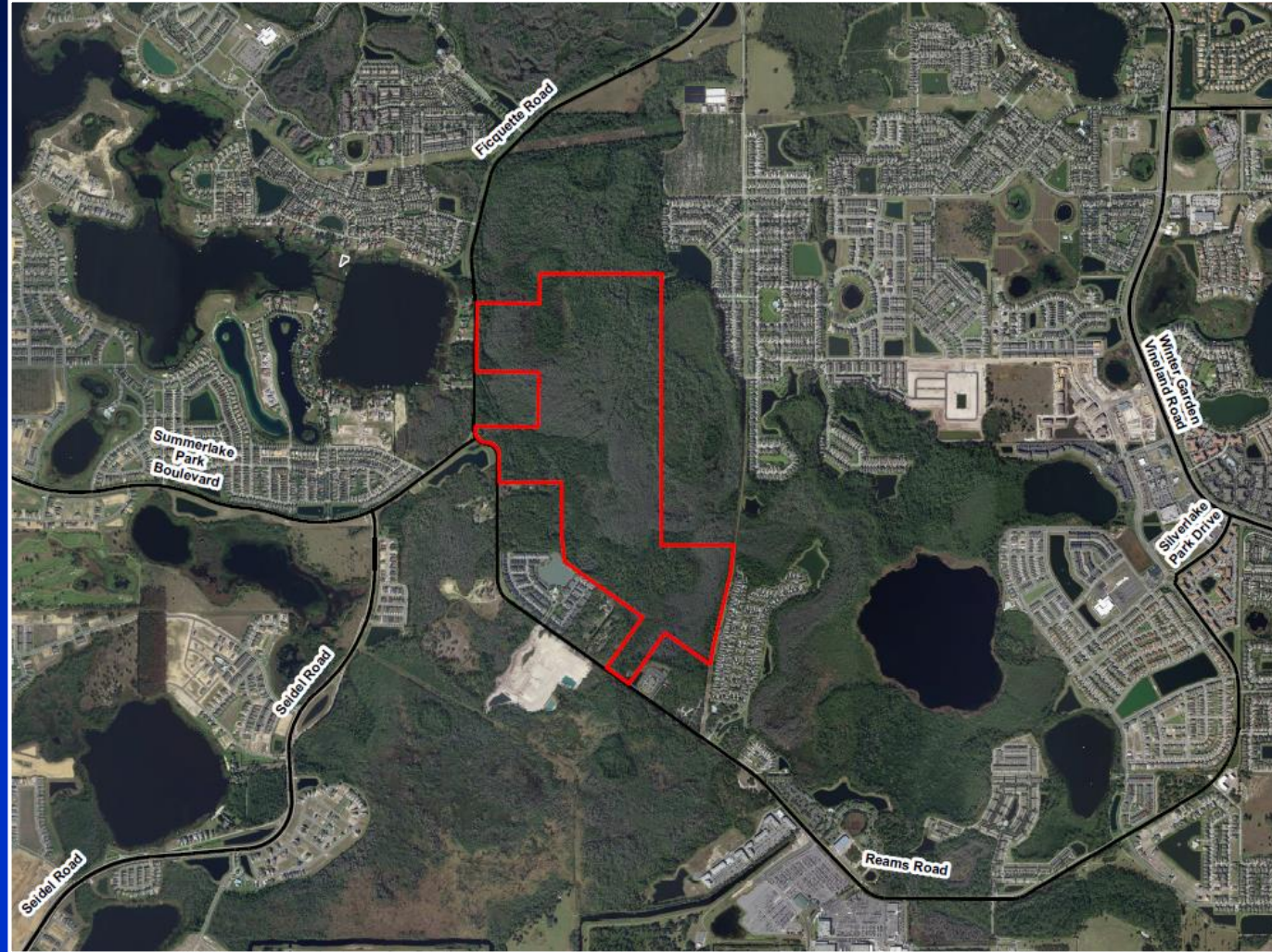
**CAI-17-04-014**

**Applicant: Developco, Inc.**

**May 5, 2020**



# Location Map



Parcel ID: 27-23-27-0000-00-020





# Location Map



Wetlands







# Site Conditions

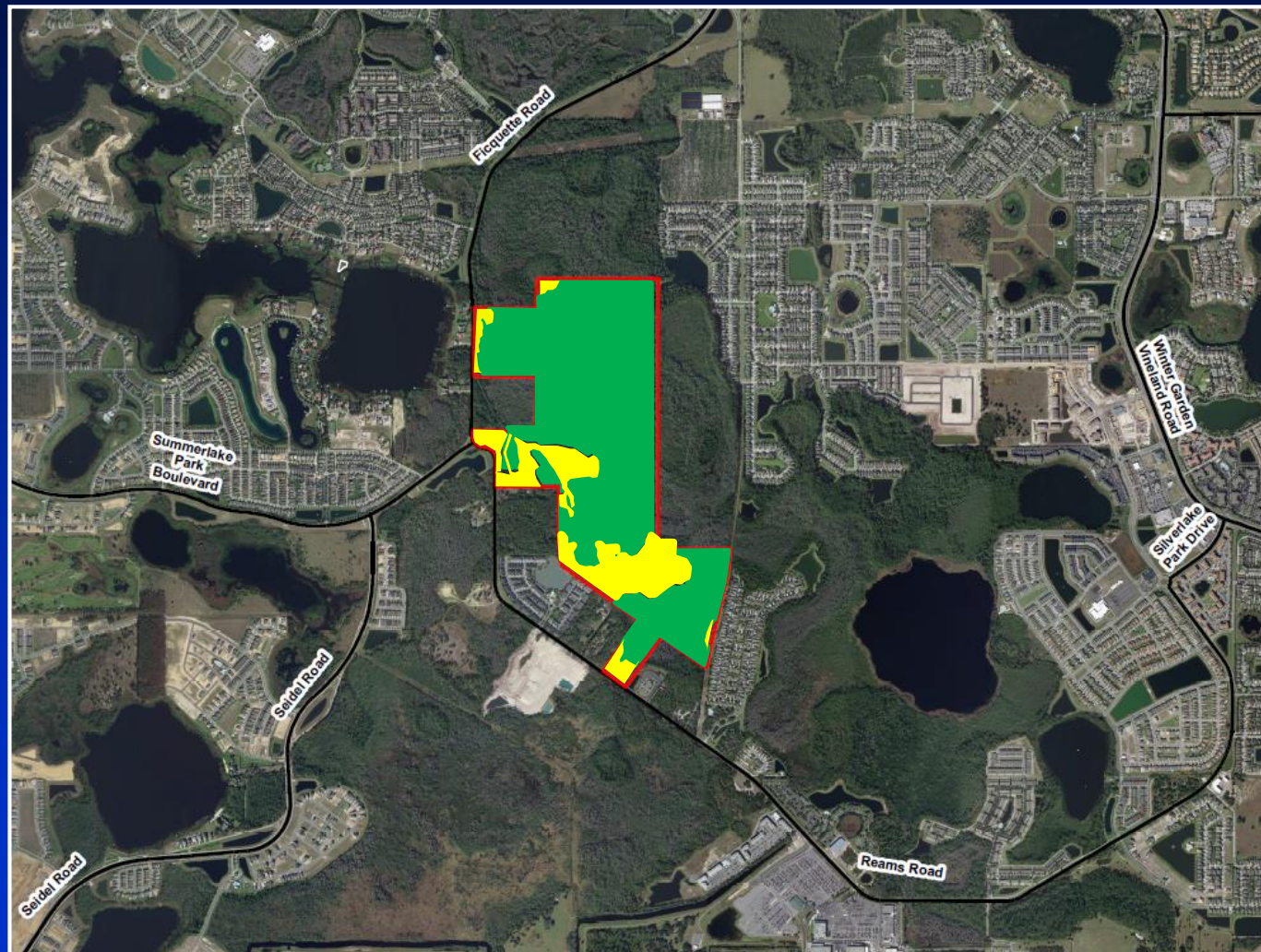


Uplands: 49.07



Wetlands: 257.71

Wetland	Class	Ac.
1	I	250.42
1A	I	1.08
1B	I	2.06
2	II	4.15







# Existing Conditions







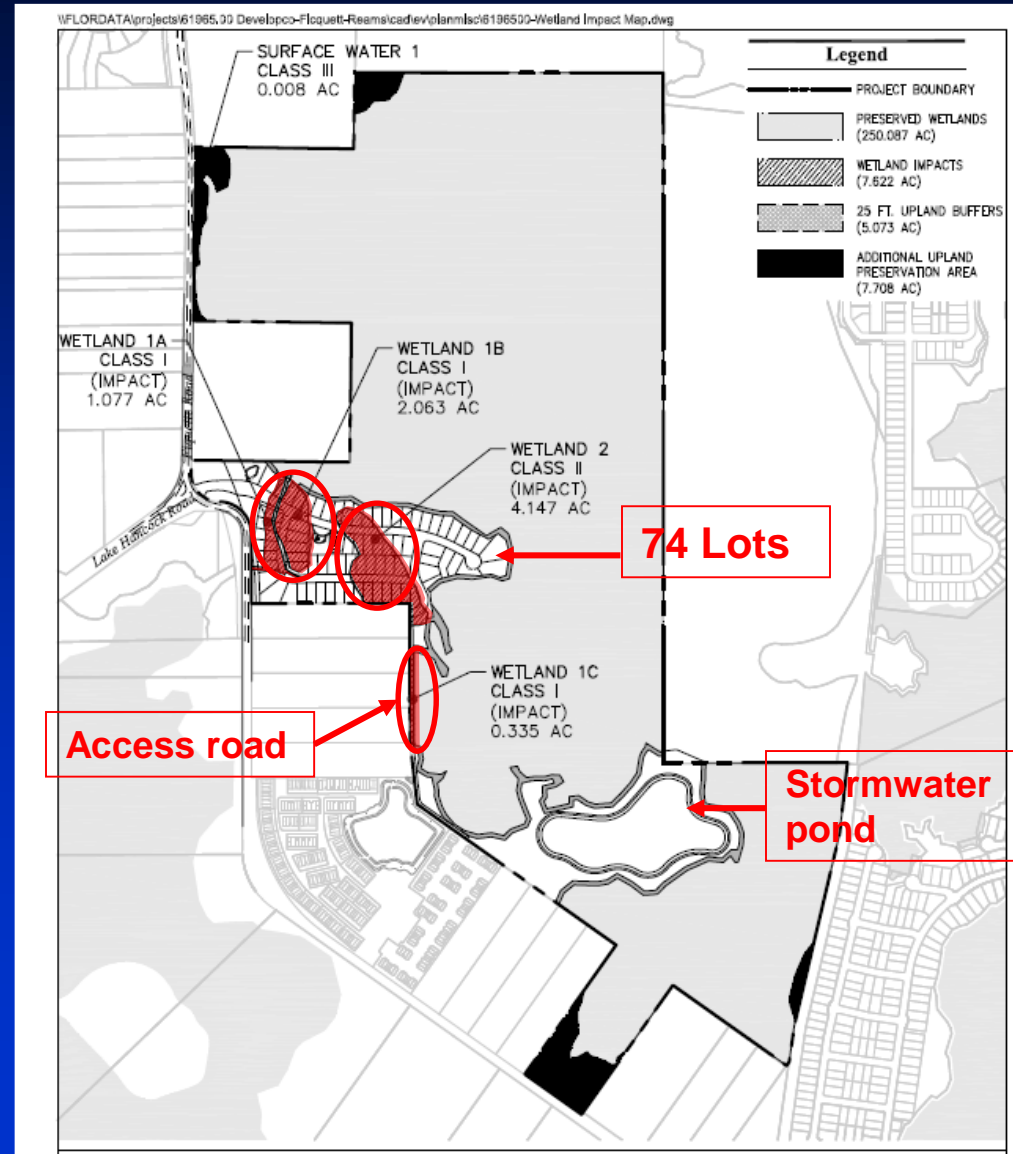
## Background

- In April 2017, the applicant submitted a Conservation Area Impact Permit application to impact Class I and II wetlands in order to construct portions of a residential subdivision and a conveyance pipe/access road for a stormwater pond.



# Background

Wetland	Class	Impact
1A	I	1.08
1B	I	2.06
2	II	4.15
1	I	0.34

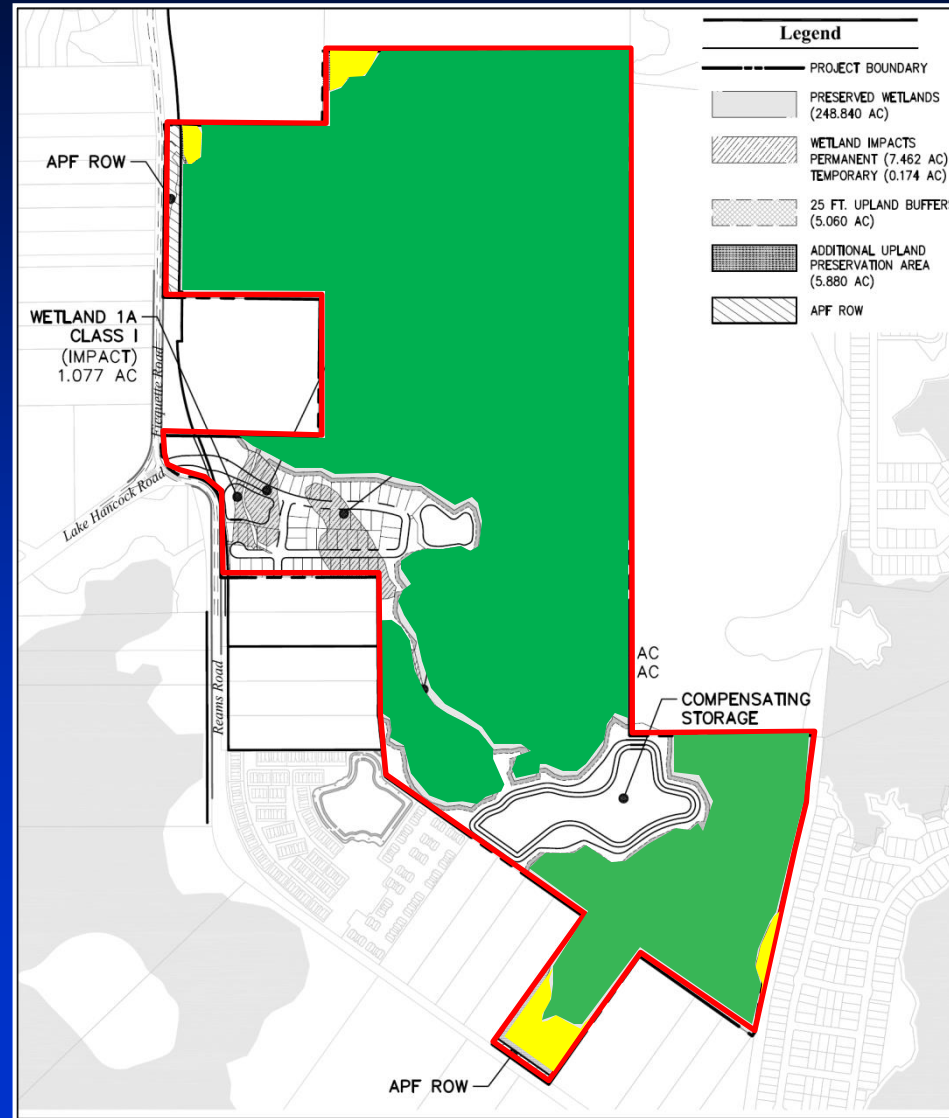




# Background

## Preservation Acreage

Wetlands	248.84
Uplands	5.88







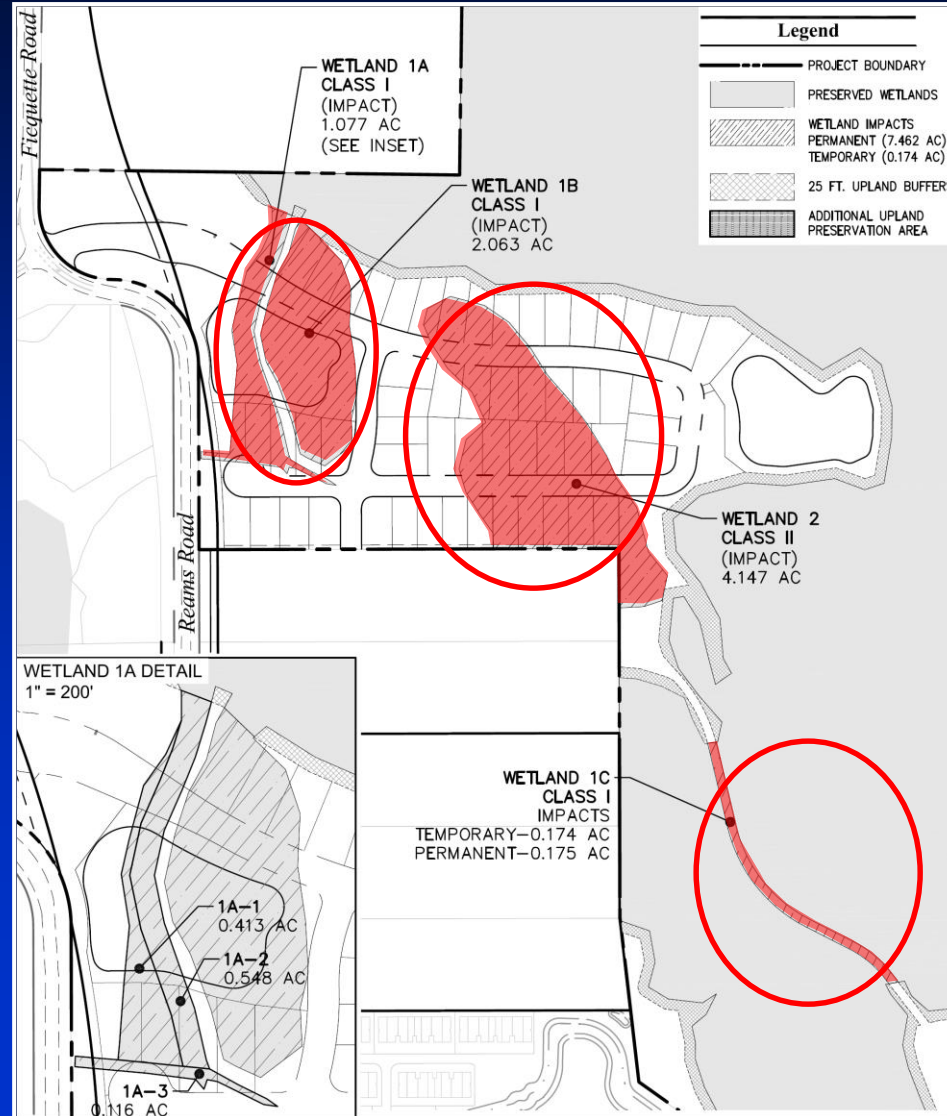
# Background

- EPD determined that the applicant met the criteria in Section 15-362(5) and 15-396(a) and (b) by demonstrating that the proposed Class I and II impacts in the northern upland pocket allow for a reasonable use of the property and that there were no feasible or practical alternatives to minimize or avoid the proposed impacts.
- The site plan proposed Class I impacts associated with a stormwater pipe and access road to serve the proposed stormwater pond. Staff determined that the minimization and avoidance criteria in Section 15-362(5) had not been met because the applicant had maximized the lot count in the northern upland island. Staff's recommendation to the Board in August 2019 was denial of the CAI permit.
- At the public hearing, the applicant stated that they would like to propose a new site plan that relocates the stormwater to the northern upland pocket as well as reduce the number of lots. The Board remanded the application back to staff and the applicant.



# Current Request

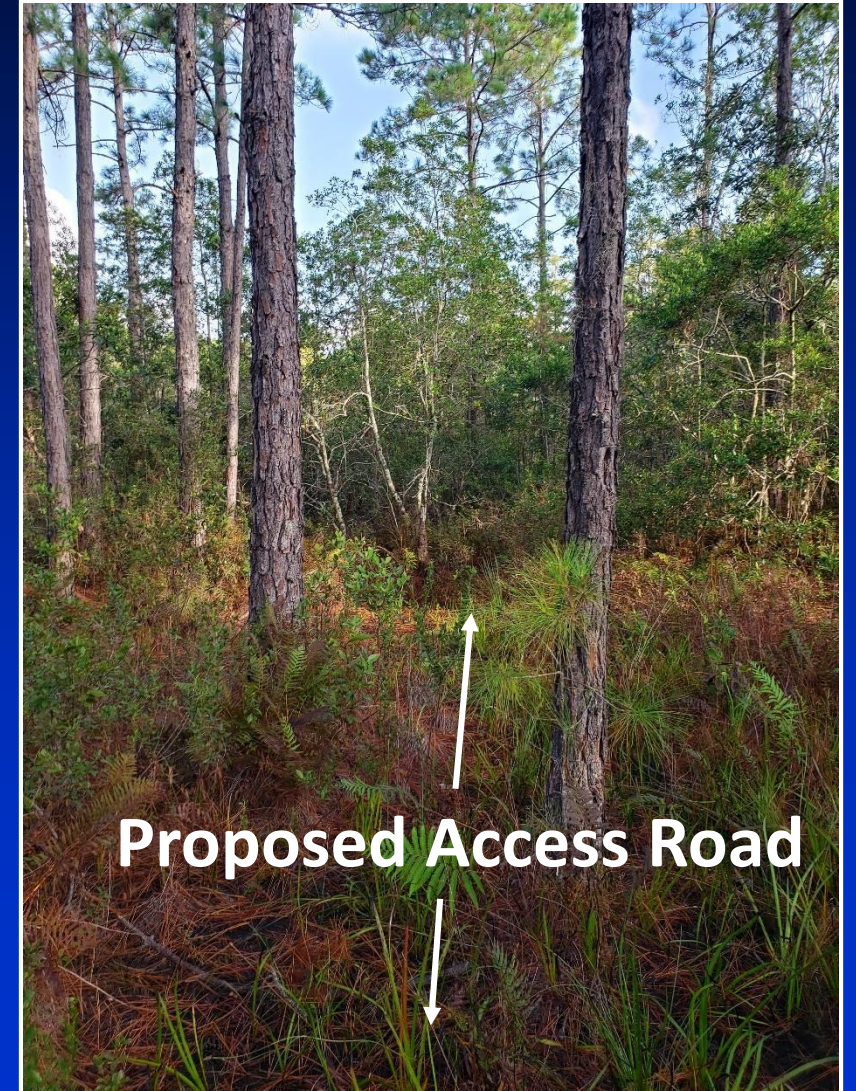
Wetland	Class	Impact
1A	I	1.08
1B	I	2.06
2	II	4.15
1	I	Temp. 0.17
		Perm. 0.17







# Existing Conditions

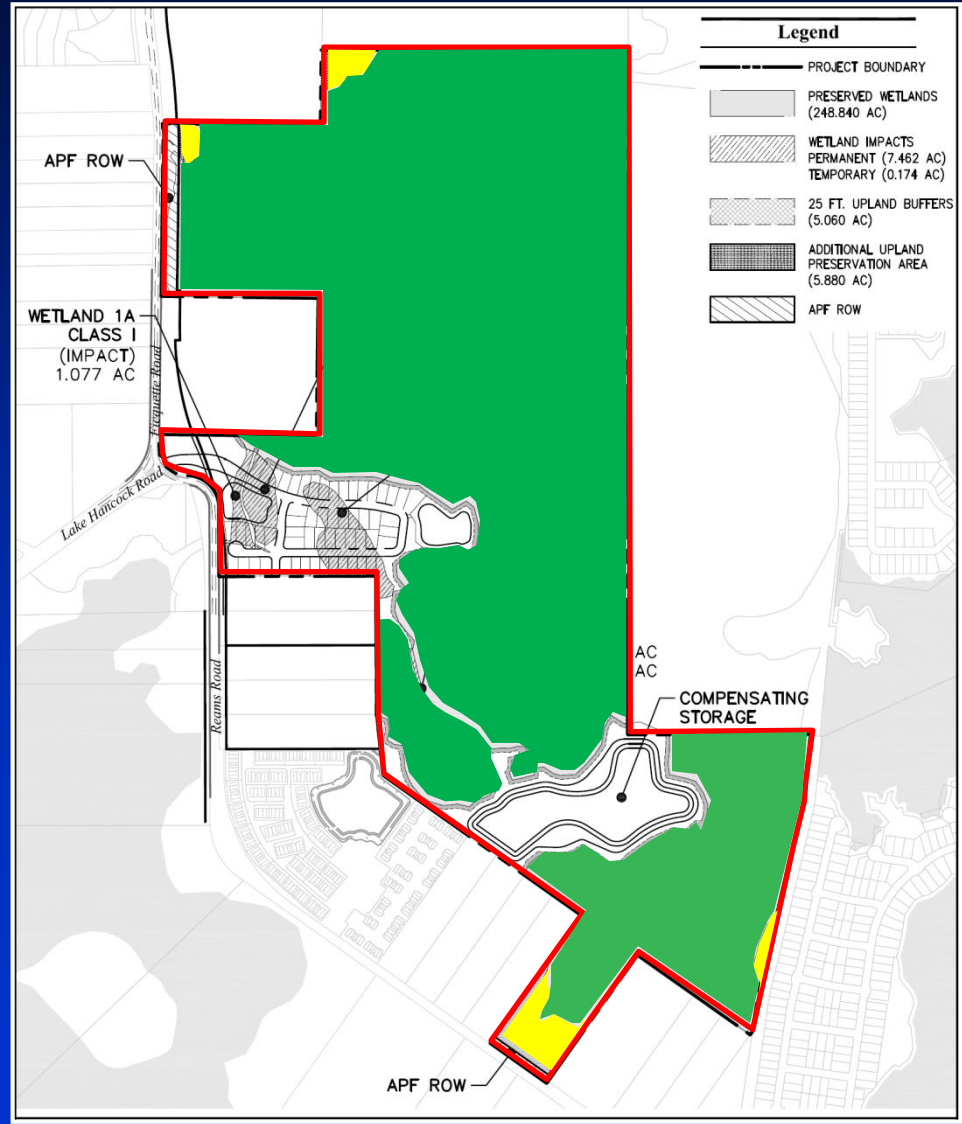






# Current Request

Preservation Acreage	
Wetlands	248.84
Uplands	5.88







# Current Request

Previous Plan	Current Plan
74 units	57 units
Impacts to Wetland 1A, 1B and 2 (7.92 acres)	Impacts to Wetlands 1A, 1B, and 2 (7.92 acres)
Stormwater pond located in southern upland pocket	Stormwater pond located in northern upland pocket
Elevated, stabilized road adversely impacts hydrologic pattern, impact to undisturbed wetland area	At-grade access road: no hydrologic pattern interruption, co-located with an existing jeep road
Monthly maintenance/increased human intrusion, disruption to wildlife	Minimal maintenance/reduced human intrusion, minimal disruption to wildlife
Impact to deeper area of wetland, 0.34	Impact to drier area of wetland, 0.17 acres



# Review Criteria

- **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.**
  - **Sec 15-396(3)(b) states: Habitat compensation for Class II conservation areas should be presumed to be allowed unless habitat compensation is contrary to the public interest.**





# Considerations

**Pursuant to Section 362(5), 396(3)(a) and (b), the applicant was able to demonstrate that:**

- **The proposed impacts to Wetlands 1A, 1B, and 1C are a reasonable use of the land and that the project has been designed to minimize impacts to the Class I wetlands.**
- **Protection, preservation and continuing viability of Class I conservation areas is accomplished through the proposed mitigation.**
- **The proposed impacts to Wetland 2 are unavoidable and the mitigation is in the public interest.**



# Considerations

- Pursuant to Orange County Code, Chapter 15, Article X, EPD staff has evaluated the permit application and required documentation therein and based on the documentation and justifications provided, made a finding that the applicant has demonstrated the request is consistent with Chapter 15, Article X, and meets:
  - Section 15-362(5) (minimization and avoidance)
  - Section 15-396(3)(a) (no other feasible or practical alternatives that permit a reasonable use of the land or an overriding public benefit)
  - Section 15-396(3)(b) Habitat compensation for Class II conservation areas should be presumed to be allowed unless habitat compensation is contrary to the public interest.





# Considerations

- **Proposed Condition 29:** Once recorded, the permittee shall be prohibited from amending the onsite conservation easement for the purposes of further developing the property for residential or commercial use inconsistent with Section 704.06, Fla. Stat. Amendments to the conservation easement may be requested of Orange County for the purposes of utilities, public roads, or other alterations for unforeseen and necessary infrastructure for the benefit of the public (e.g., lift stations, stormwater conveyance) and may be approved by the Board on a case by case basis.



## **Action Requested**

- **Acceptance of the findings and recommendation of Environmental Protection Division staff to approve the request for Conservation Area Impact Permit CAI-17-04-014 for Developco, LLC subject to the 28 conditions listed in the staff report and proposed Condition 29. District 1**



# Action Requested Summary

## PD Substantial Change - CDR-15-10-293

- Approval, Subject to Conditions; and Approval of Consent Item G.4

## Preliminary Subdivision Plan - PSP-16-12-421

- Approval, Subject to Conditions

## Conservation Area Impact Permit - CAI-17-04-014

- Approval, Subject to Conditions

**District 1**