

Board of County Commissioners

**Conservation Area Impact
Permit Application**

CAI-20-01-002

Applicant: City of Cocoa Utilities Department

August 11, 2020



Background

- On January 8, 2020, the City of Cocoa Utilities Department submitted a Conservation Area Impact Permit application requesting modifications to the existing Claude H. Dyal Water Treatment Plant (WTP) in order to realign an access road for safety purposes and to construct new stormwater treatment improvements.



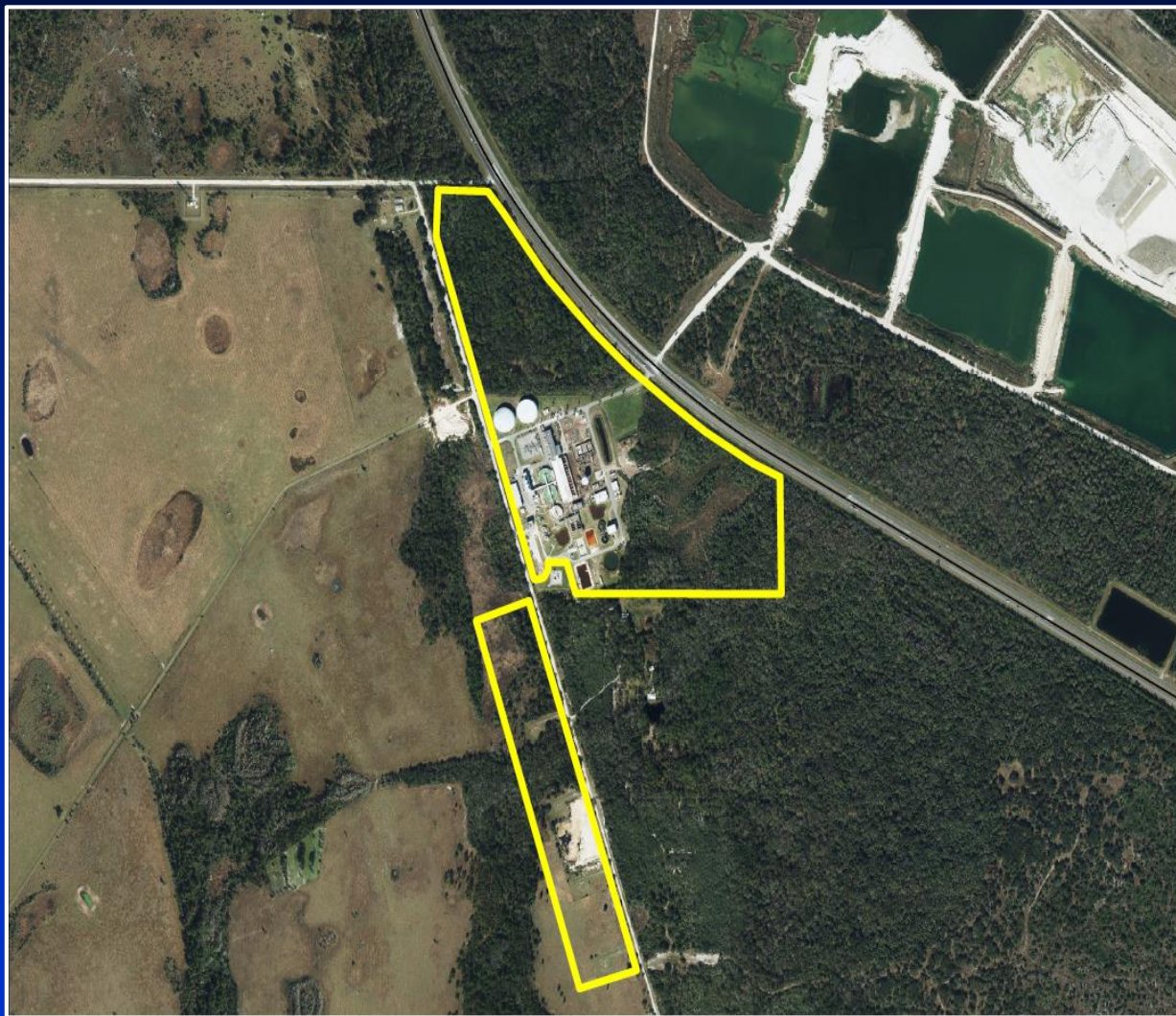
Location Map



Parcel ID Nos: 20-24-34-0000-00-001 and 20-24-34-0000-00-005



Aerial Photograph



Parcel ID Nos: 20-24-34-0000-00-001 and 20-24-34-0000-00-005



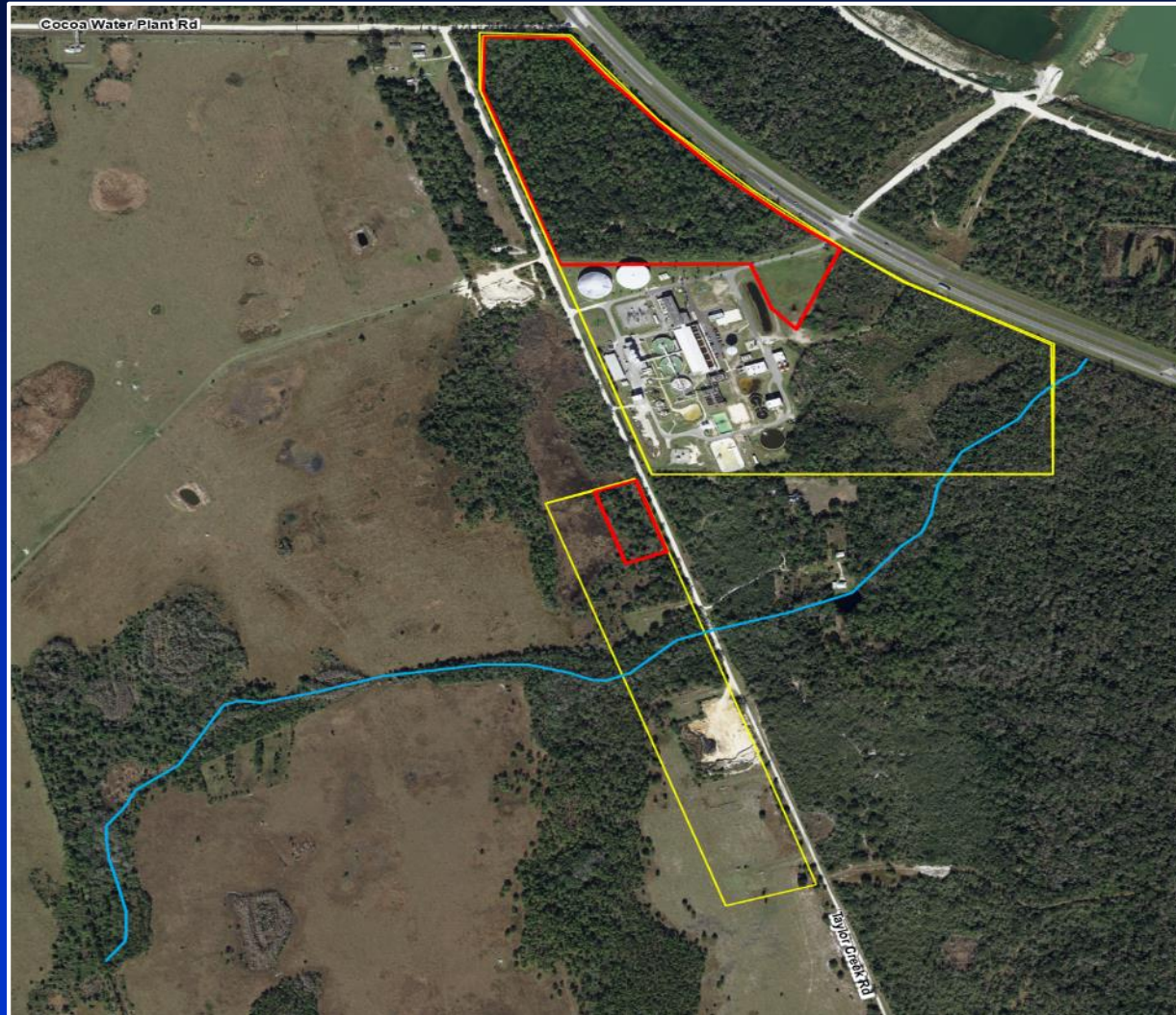
Aerial Photograph with Project Areas within Parcels



Parcel Boundaries



Project Boundaries

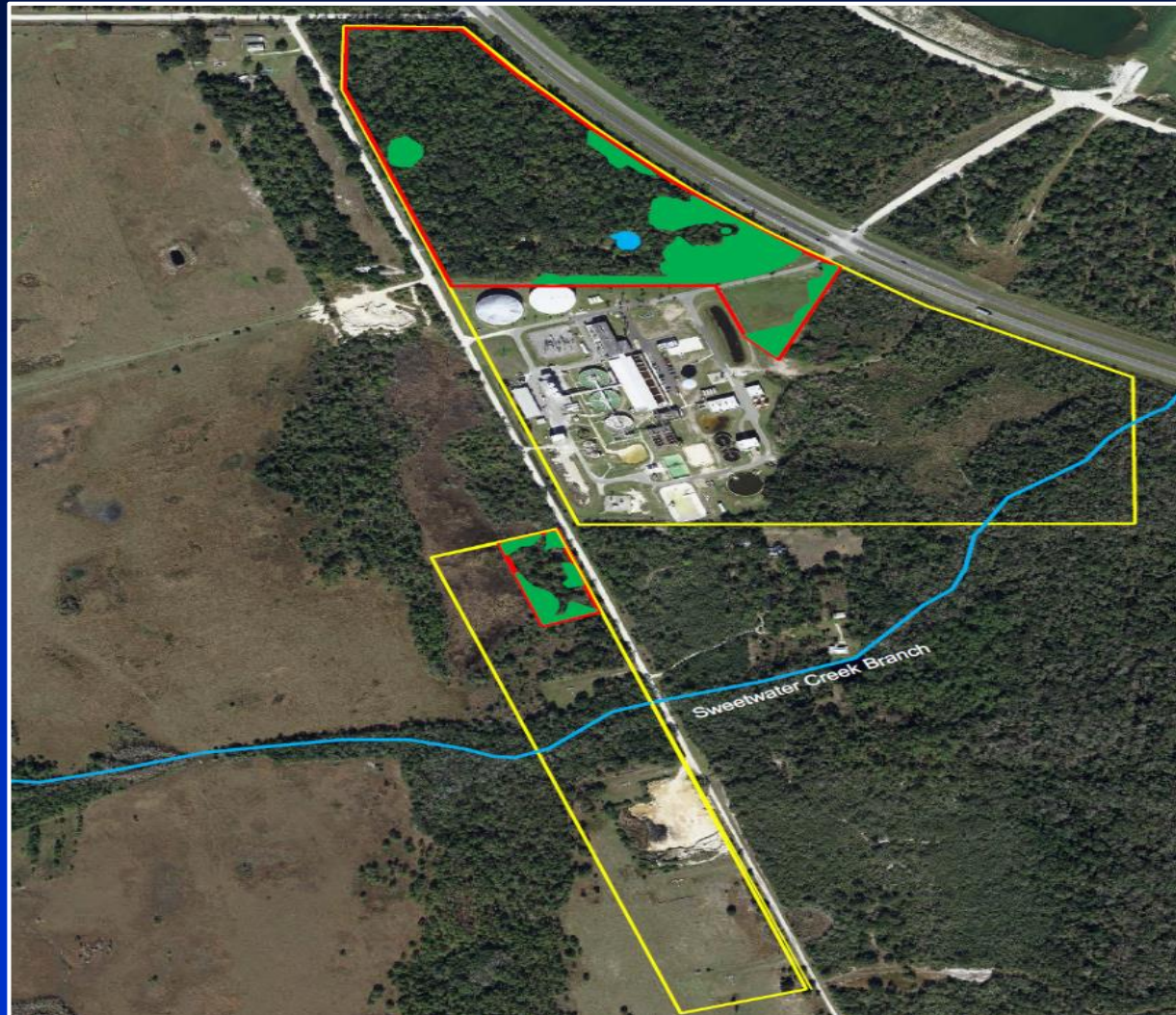


Parcel ID Nos: 20-24-34-0000-00-001 and 20-24-34-0000-00-005



Site Conditions

-  Parcel Boundaries
-  Project Boundaries
-  Project Wetlands
-  Project Surface Waters



Parcel ID Nos: 20-24-34-0000-00-001 and 20-24-34-0000-00-005



Request

- The applicant is requesting 0.14 acre of direct impacts to Class I wetlands and 0.37 acre of direct impacts to Class III wetlands, which includes a 0.30-acre impact to a ditch inside of the wetland.
- The project will also result in 0.34 acre of secondary impacts to Class I wetlands and 0.38 acre of secondary impacts to Class III wetlands.
- Mitigation plan comprises the purchase of 1.77 credits from the Colbert-Cameron Mitigation Bank (already purchased).



Proposed Impacts

Direct Impacts

0.14 ac Class I Wetland
0.07 ac Class III Wetland

Direct Impacts

0.30 ac Class III Wetland
(Surface Water Component)

Secondary Impacts

0.34 ac Class I Wetland
0.38 ac Class III Wetland

Wetland Boundaries within
Project Area



Direct Impacts



Secondary Impacts



Existing Conditions – Class I Wetland



Looking northeast at impact area
from stormwater pond fence line

Different views of Class I
Impact area



Looking north from access
road at impact area



Looking north at impact area

Class I Impacts = 0.14 ac



Existing Conditions – Class III Wetland



Forested edge impact 0.06 ac

Surface water impact 0.30 ac



Disturbed forested edge
impact 0.006 ac

Class III Impacts = 0.37 ac



Review Criteria

Review Criteria, Chapter 15, Article X

- Section 15-362(5) states, in part, *“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.”*
- Section 15-396(3)(a) states, in part, *“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...When encroachment, alteration or removal of Class I conservation areas is permitted, habitat compensation or mitigation as a condition of development approval shall be required.”*
- Section 15-396(3)(c) states, *“Habitat compensation shall be allowed for Class III conservation areas in all cases.”*



Considerations

- Pursuant to Orange County Code, Chapter 15, Article X, EPD staff have evaluated the permit application and required documentation therein.
- Based on the documentation and justifications provided, EPD staff have made a finding that the applicant has demonstrated that the project is consistent with Chapter 15, Article X and meets the following criteria:
 - Section 15-362(5) – Avoidance and Minimization of Impacts
 - The applicant has designed the site to avoid and minimize impacts to wetlands while working within the constraints of the available space. Impacts have been limited to the highly disturbed ‘finger’ of the Class I wetland and to the edge and the surface water (ditch) component of the Class III wetland.
 - Section 15-396(3)(a) – Overriding Public Benefit (for Class I Impacts)
 - Safety and stormwater management system improvements proposed to the WTP are expected to provide an overriding public benefit since the WTP provides potable water to the public.
 - Section 15-396(3)(c) – Habitat compensation is allowed for Class III conservation areas in all cases



Considerations (cont.)

- Appropriate mitigation has been provided through the purchase of 1.77 mitigation bank ratio credits at the Colbert-Cameron Mitigation Bank.
- The applicant conducted a wildlife evaluation of the site and did not observe any imperiled species. Staff confirmed these findings during site visits conducted during the application review process.



Action Requested

- **Acceptance of the findings and recommendation of Environmental Protection Division staff and approval of Conservation Area Impact Permit CAI-20-01-002 for the City of Cocoa Utilities Department Claude H. Dyal Water Treatment Plant, subject to the conditions listed in the staff report. District 4**