

LDC Amendment Request

ORIGIN: Community Development and Environmental Services Division

AUTHOR: Barbara Burgeson, Manager, Environmental Services

DEPARTMENT: Engineering and Environmental Services

AMENDMENT CYCLE # OR DATE: Cycle 1, 2008

LDC PAGE: LDC 3:39

LDC SECTION: Section 3.05.07 Preservation Standards

CHANGE: Add criteria to allow for treated stormwater within wetland or hydric preserve areas when the additional stormwater will either benefit the preserve or will have no negative impact on the native vegetation or listed species in the preserve or to the uplands or listed species within or adjacent to the preserve.

REASON: There are times when it is appropriate for stormwater to be directed into preserves and this amendment defines those times.

FISCAL & OPERATIONAL IMPACTS: This will reduce the time staff spends on requests of this type since there will be criteria to utilize. Restrictions on the types of preserves which can be used for stormwater management may have a financial affect on applicants who want to maximize development of their site.

RELATED CODES OR REGULATIONS: None

GROWTH MANAGEMENT PLAN IMPACT: Required as part of the EAR-based GMP amendments to CCME Policy 6.1.1 (5) (b).

OTHER NOTES/VERSION DATE: This version dated April 25, 2008

Amend the LDC as follows:

3.05.07 Preservation Standards.

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- H. Preserve standards.
 - 1. Design standards.

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h. (See Recreational Uses in Preserves amendment)

ii Treated stormwater subject to the following criteria.

a) Stormwater discharges entering the preserve must be treated to meet the water quality volumetric requirements of Section 5.2.1(a) of the *Basis of Review For Environmental Resource Permit Applications Within the South Florida Water Management District*, (SFWMD February 2006). Discharge of treated stormwater into a preserve shall be in a controlled manner to prevent erosion, scour, and to promote even distribution.

b) Treated stormwater may be discharged into portions of preserves that are comprised of jurisdictional wetlands, uplands comprised solely of hydric soils, uplands that serve as buffers around the wetland, in accordance with the approved SFWMD Environmental Resource Permit (ERP), or a combination thereof. The hydric nature of the soils must be verified with on site inspections.

c) Where preserves include non-hydric soils and uplands, treated stormwater may be discharged to the preserves provided that:

i) No upland listed species are present;

ii) The upland portion of the preserve area is a mesic type environment and does not contain xeric oaks, including myrtle oak, live oak and sand live oak, with scattered patches of mostly bare white sand and a very scattered overstory of slash pine, or a closed canopy forest of xeric oaks, including myrtle oak, live oak, and sand live oak, with a scattered overstory of slash pine or sand pine and little groundcover;

iii) Demonstration that the upland portion of the preserve is not inundated for more than 10 days during a reference wet season. For the purpose of this subsection, the reference wet season is

May 1996 through October 1996. In this context, inundation means water levels at or above the average ground surface of the preserve.

- d) Stormwater shall not be discharged into upland portions of preserves utilized by upland listed species. Treated stormwater may be discharged in wetland portions of preserves with listed species, but shall have no negative impact on those listed species.
- e) When stormwater discharges are allowed in preserves, the associated stormwater facilities such as berms, swales, or outfall structures, may be located within the preserve, but the area of such facilities can not count towards the native vegetation preservation requirement pursuant to Section 3.05.07. These facilities are not subject to setback requirements as found in sub-section 3.05.07.H.3. These facilities must be placed under a drainage easement.
- f) Where treated stormwater discharges are allowed in a preserve, the Preserve Management Plan as required in sub-section 3.05.07.H.1.g must address potential maintenance problems and shall also provide for a monitoring program. Suitable vegetation must be planted to replace any vegetation that may be lost over time in the preserve.
- g) Stormwater shall be allowed in upland preserves in the RLSA - WRA areas in accordance with Section 4.08.00 Rural Lands Stewardship Area Overlay District standards and Procedures.
- h.) A property owner may request deviations from the above regulations, 3.05.07.H.1.h.ii. Staff shall review the plans and proposed deviations to ensure wetlands in the preserve will receive a benefit and uplands in the preserve will receive no adverse impact

from the deviations being proposed. The process for granting deviations shall follow the procedure as set forth in the Appeal Section (8.06.10) for the EAC, and shall be heard at a public hearing of the EAC.