



**GROWTH AND RESOURCE MANAGEMENT DEPARTMENT
PLANNING AND DEVELOPMENT SERVICES DIVISION**
123 West Indiana Avenue, DeLand, Florida 32720
(386) 736-5959

PUBLIC HEARING: November 18, 2021 - Planning and Land Development
Regulation Commission (PLDRC)

CASE NUMBER: S-20-059

SUBJECT: A special exception for a nonexempt excavation on Osteen
Cluster Residential (OCR) zoned property

LOCATION: State Road 415, Osteen

APPLICANT: A. Joseph Posey, Jr., Storch Law Firm

OWNER: Susan Toni McCaskill

I. SUMMARY OF REQUEST

The applicant requests a special exception for a non-exempt excavation on +/-189.23 acres in County of Volusia. The excavation includes multiple parcels and a project boundary that will straddle the jurisdictional line between County of Volusia and City of Deltona. The City of Deltona will be responsible for the project review within their jurisdiction. The applicant is proposing to dig a total of three excavation pits to mine approximately 1,270,813 cubic yards of fill material. The excavation and reclamation will be completed within five years of final county approval.

Staff Recommendation:

Forward the special exception, case number S-20-059, to the County Council for final action with a recommendation of approval.

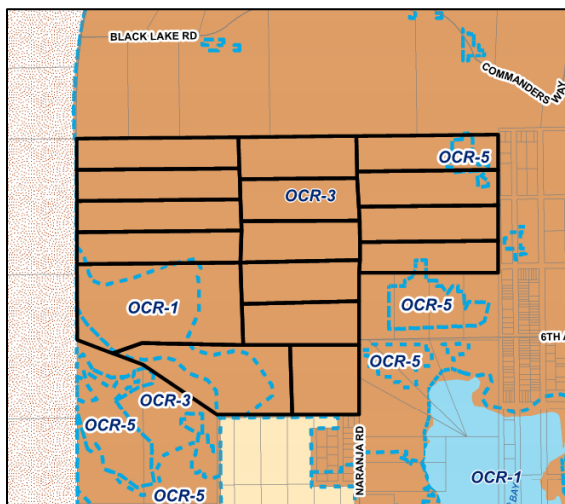
II. SITE INFORMATION

1. Location: South of Black Lake Road, approximately 3,400 feet east of State Road 415
2. Parcel Number(s): 9208-00-00-0043, 9208-00-00-0046, 9208-00-00-0047, 9208-00-00-0048, 9208-00-00-0040, 9208-00-00-0370, 9208-00-00-0380, 9208-00-00-0390, 9208-00-00-0400, 9208-00-00-0410, 9208-00-00-0420, 9208-00-00-0430, 9208-00-00-0440, 9208-00-00-0450, 9208-00-00-0460, 9208-00-00-0049
3. Property Size: +/-189.23 acres, combined (Volusia County only)
4. Council District: 5
5. Zoning: Osteen Cluster Residential (OCR) 1, 3, and 5
6. Future Land Use: Local Plan Area
7. Overlay Zones: ECO, NRMA
8. Local Plans: Osteen Local Plan
10. Adjacent Zoning and Land Use:

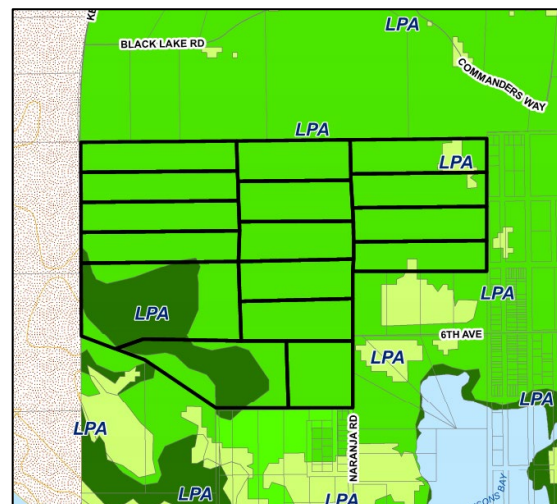
DIRECTION	ZONING	FUTURE LAND USE	EXISTING USE
North:	OCR 5	Local Plan Area	Undeveloped, single family residential, agriculture
East:	OCR 3, OCR 5	Local Plan Area	Undeveloped
South:	OCR 1, OCR 3, OCR 5, PUD	Local Plan Area	Undeveloped, single family residential
West:	City of Deltona	City of Deltona	Undeveloped, agriculture

11. Location Maps:

ZONING MAP



FUTURE LAND USE MAP



III. BACKGROUND AND OVERVIEW

On October 8, 2021, the Volusia County Council recommended revisions to Section 72-293(15)b, for non-exempt excavations. The McCaskill/Pell project was submitted for review prior to the proposed revisions and is eligible to be evaluated under the existing regulations that were in place prior to the council's action. This is a multi-jurisdictional, non-exempt excavation. The entire project totals 386.28 acres, of which, 189.23 acres are situated in County of Volusia. The Volusia parcels, also known as the "McCaskill parcels," include 16 individual parcels that are owned by a single individual. The remaining acreage, also known as the "Pell parcels," is subject to the jurisdiction of the City of Deltona and will be reviewed by the city under their current rules.

The project is located in a rural area south of Black Lake Road, approximately 3,400 feet east of State Road 415 (SR 415). The McCaskill parcels are vested as the Storch/McCaskill exempt unrecorded subdivision. Surrounding parcels include residential homes along Black Lake Road. Additional residential units are scattered throughout the surrounding area. Knights Estate Planned Unit Development is located along the southern project boundary. It was approved by the county in 2011 as an 11-unit residential subdivision. It remains undeveloped at this time.

The project parcels are zoned Osteen Cluster Residential (OCR). OCR classifications are further numbered to assign allowable densities (du/acre). The project site includes OCR 1 (one du/25 acres), OCR 3 (one du/10 acres), and OCR 5 (1 du/acre). OCR 1 is located near the southwest corner of the project. OCR 3 encompasses the majority of the site, and OCR 5 can be found near the northeastern and southeastern corners of the project site. Non-exempt excavations are allowed in the OCR zoning classification through the special exception process. The McCaskill parcels have a future land use designation of Local Planning Area (LPA). The entire project is part of the Osteen Local Plan.

The properties proposed for the excavation are undeveloped and include freshwater forested, shrub, and wet prairie wetlands, including cypress and bay heads. There are unpaved vehicular trails throughout. According to the county's Geographic Information System, the parcels are not located within a floodplain or within a wellhead protection zone. They are subject to environmental review since they are situated in the county's Natural Resource Management Area and have an ECO overlay.

Access to the site will be from SR 415 in Deltona between Howland Boulevard and Enterprise-Osteen Road. The FDOT issued a driveway connection permit to the "Pell parcels" in February 2021. It allows for temporary modifications to the existing median so traffic leaving the site can make a westbound left turn. The permit requires the applicant to restore the median to its current configuration once the excavation is complete. If this special exception is approved by Volusia County Council, it will not become effective until the route to the Volusia County portion of the excavation is approved by the City of Deltona.

Approximately 125 tri-axle dump trucks will access the site each day. The haul route will be via SR 415, and 70 percent of the traffic is assumed to travel north to SR 44.

Southbound travel will represent approximately 30 percent of the truck traffic. Based on the applicant's projections, an additional 250 total truck trips are anticipated, which is not expected to negatively impact the level of service on SR 415. According to the traffic analysis submitted by the applicant, the existing Level of Service (LOS) in this area is LOS C. The adopted LOS is LOS D.

Access to the excavation pits will be via an existing internal, unpaved road. The applicant anticipates approximately 0.69 acres of direct wetland impacts associated with the internal haul road. Additionally, there will be indirect impacts associated with the wetland buffers. This project is in the Natural Resource Management Area, which requires 50-foot wide buffers. The Osteen Local Plan requires an average 100-foot wide wetland buffer. Plans provided by the applicant demonstrate compliance with both of these requirements. The exact wetland impacts and mitigation strategies will be determined during the final site plan process by the county's Environmental Permitting staff.

For the excavation, three pits totaling 1,270,813 cubic yards (cy) of fill material will be mined within the county's jurisdiction. The applicant is proposing one pit (713,327.00 cy) that straddles the county line, and two pits (17,064.40 cy and 540,422.22 cy) that are located exclusively in county jurisdiction. A breakdown of the proposed mining pits is provided on the attached site plan. Natural grade ranges between 35 to 40 feet NGVD. Each pit is proposed to be approximately 30 feet deep. Slopes will be 1:4 to the dry season water table and will continue beyond that point at a 1:1 ratio to the bottom of each pit. The slopes meet the zoning code requirements of one foot vertical for each four feet horizontal to a depth of two feet below the seasonal low water table elevation. For depths greater than two feet below the seasonal low water table elevation, the slope may be one foot vertical for each one foot horizontal.

The applicant submitted a geotechnical report dated September 20, 2021 that was prepared by Universal Engineering Sciences (UES). UES performed four Standard Penetration Borings to a depth of 35 feet to determine soil types and water levels. Soil types were deemed suitable for use as structural fill. During the drilling operations, UES recorded groundwater levels between 1.1 to 5.8 feet below the surface. The normal seasonal high groundwater level was estimated to be approximately one to two feet above the measured levels. Dewatering has been proposed by the applicant as part of the excavation activities. The dewatering plan includes the use of sock drains and rim ditches to rehydrate the wetlands and the completed pits. The pits will be dug in three phases, and water from phases two and three will be pumped into previously completed cells. Excavation material is proposed to be loaded directly on to arriving trucks via backhoes. There are no proposed plans for stockpiling materials on the property.

The applicant is proposing hours of operation between 6:00am and 5:00pm, Monday through Friday. The site will be closed on Saturdays and Sundays. The applicant anticipates maintaining three full-time employees on site during operations. The pits will be secured with a 3-strand farm fence.

A perimeter landscape buffer is required to be established prior to initiation of the excavation. Excavations that are approved by special exception require a 50-foot wide perimeter landscape buffer. The applicant is proposing to meet the landscape buffer

requirement along the northern, eastern, and southern property boundaries. Existing wetlands will serve as the landscape buffer, where appropriate. The applicant cannot meet the landscape buffer requirements along the western property boundary, as the boundary will be severed by one of the pits. In this case, the applicant has applied for a variance to a portion of the western landscape buffer (V-20-060). The variance application will be heard concurrently with the special exception application. One additional requirement of the excavation ordinance is that the excavation must be 150 feet from the property line. A second variance is being requested as part of V-20-060 to allow the pit to straddle the property lines.

Following the completion of excavation activities, the applicant will reclaim the site by removing interior truck haul roads, grading and shaping the slopes to final grade, sodding and planting littoral zones, and removing silt fencing. All reclamation activities are proposed to be completed within five years.

All special exceptions are required to go through the county's technical staff review (TRS) process in order to notify the applicant of design requirements that must be met to obtain final site plan approval. Even with special exception approval, the site work cannot begin until the Development Review Committee approves the final site plan and after the performance bond is submitted by the applicant. The TRS meeting for the McCaskell excavation was held on October 14, 2021. Relevant comments are included in the analysis portion of this report.

IV. REVIEW CRITERIA AND ANALYSIS

NONONEXEMPT EXCAVATION USE AND CODE REQUIREMENTS: Section 72-293(15)b of the Zoning Ordinance contains a list of technical requirements and conditions that an applicant must meet to find this special exception in compliance with the ordinance. These requirements address such items as setbacks, landscape buffers, slopes, hours of operation, fencing, as well as technical requirements of the excavation. Excavations are allowed as a special exception when listed as a permitted special exception in the zoning classification and if it meets all of the requirements of Division 11, Section 72-414.

Special exceptions in all zoning classifications require review by the county's technical review staff, the PLDRC, and the Volusia County Council. Following approval of a special exception, final site plans are reviewed and approved by the county's Development Review Committee. If a special exception is approved, a detailed review of the project will take place during the final site plan process prior to any excavation activity being allowed to occur on site. If it is determined during the site plan review process that there are any variations to the referenced section, a variance application shall be required to be heard by the PLDRC prior to permit issuance.

Special Exception Criteria - Under subsection 72-415(8) *Reasons for denial*, the commission may recommend denial of any application for a special exception, and the county council may deny the application for one or more of the following reasons:

(a) It is inconsistent with the purpose or intent of this article.

A non-exempt excavation is allowed in the OCR zoning classification as a permitted special exception, subject to meeting the specific requirements of Section 72-293(15)b. The applicant has included plans, drawings, project information, data, and the required reports for staff review. The purpose of the OCR zoning classification is to allow low-density residential development while affording protection of the environmental resources. The project is consistent with the purpose and intent of Section 72-293(15)b of the zoning ordinance.

(b) It is inconsistent with any element of the comprehensive plan.

Comprehensive Plan, Figure 1-5 Mineral Resources and Extraction Sites, identifies the soil types suitable for mineral extraction activities. The excavation is located within the area identified as having suitable sand resources. This was field verified by UES who found fine sand, sand with silt, and clayey fine sand during their SPT boring investigation.

The intent of the Osteen Local Plan is to recognize and enhance the urban opportunities along the SR 415 corridor while protecting the rural and environmental characteristics of the area. According to Policy OST 1.3.3, the city and the county shall continue to notify and work together through both formal and informal processes, to ensure that land use plan amendments, zoning requests, and other land development activities are consistent with the local plan. The county and the city have shared information on this project. The city is planning to evaluate the portion within their jurisdiction through their Planned Unit Development process. The county's final action will not take effect until access through their jurisdiction to the county portion of the project is approved by the City of Deltona.

Policy OST 1.4.7 of the Osteen Local Plan states that no more than 5,440 dwelling units may be approved by a development order in both the city and the county. This means that any development projects that are proposed following the reclamation of the pits will need to be closely monitored to ensure that the county and the city have not exceeded the allowable number of units since 2009. Policy OST 1.4.3 requires an average 100-foot buffer between the wetlands and the project area. This requirement is greater than the 50-foot wetland buffer required in the county's Natural Resource Management Area. The applicant has committed to provide a 100-foot buffer. Calculations confirming the average buffer size will be required by the Environmental Permitting team during the final site plan process. This project is consistent with the Volusia County Comprehensive Plan and the Osteen Local Plan.

(c) It will adversely affect the public interest.

Heavy equipment activity may create increased noise and dust during the excavation operation. Temporary impacts to surrounding wells may cause drawdowns in adjacent shallow wells if they are not monitored regularly for potential impacts. Excavations are a temporary use, and the pits will be reclaimed to provide a series of water bodies that will serve as recharge areas to the aquifer. Given the significant amount of wetlands that surround the proposed pits, it is unlikely that this area will support a large number of residential homes in the future. Any future land development proposals would need to be

designed as either a cluster subdivision or a conservation subdivision (OST 1.4.6), and a management plan would need to be submitted to ensure that habitat is protected (OST 1.4.7). Provisions in the Osteen Local Plan are designed to ensure that the existing proposal, as well as future land use proposals, will not adversely affect the public interest.

(d) It does not meet the expressed requirements of the applicable special exception.

A perimeter landscape buffer is required to be established prior to initiation of the excavation. The buffer must meet the requirements of Section 72-284(2)a, Landscape Buffer Table. The applicant is requesting a variance to a portion of the western perimeter landscape buffer because that space will be utilized for one cross-jurisdictional pit. Additionally, excavations are required to be located 150 feet from adjacent properties. The applicant cannot meet this requirement at the cross-jurisdictional pit, so a second variance has been requested in Variance V-20-060 to waive this requirement at the westernmost pit.

Section 72-293(15)b(x)(D) requires an analysis of potential impacts to surrounding wells. The applicant will need to demonstrate no impacts to surrounding wells prior to final approval. If the variances are approved by the PLDRC, and the applicant provides substantial and competent evidence that there will be no surrounding well impacts, then the application meets the expressed requirements of the special exception.

(e) The applicant will not be able to meet all requirements imposed by federal, state or local governments, or by the county council.

The applicant is obligated to meet the requirements of the special exception as well as the permitting requirements by any applicable federal, state, and local agencies. The applicant will be required to apply for an Environmental Resource Permit and a Consumptive Use Permit through the St. John's River Water Management District, a Nationwide Permit through the U.S. Army Corps of Engineers, a Wetlands Alteration Permit from the county, and final approval from the City of Deltona for the project that lies within their jurisdiction. If the City of Deltona does not approve the project within the city limits, an alternate access point would need to be developed to provide access to the Volusia County portion of the project. If approved by Volusia County Council, the special exception will include a condition that the project cannot begin operations in Volusia County until access to the site is finalized.

(f) Notwithstanding the provisions of division 14 of the Land Development Code [article III], it will generate undue traffic congestion.

The applicant has obtained a driveway permit from the FDOT for access to the City of Deltona project and the median modifications on SR 415. There will be approximately 250 total truck trips per day, 31 of which will occur in am and pm peak hours. SR 415 will still have capacity and will continue to operate within county's required LOS D. The project is not anticipated to generate undue traffic congestion.

(g) It will create a hazard or a public nuisance, or be dangerous to individuals or to the public.

The project is in a rural area, surrounded by forested wetlands. Expected public nuisances that may be generated by an excavation operation include dust and noise impacts if not properly mitigated.

(h) It will materially alter the character of surrounding neighborhoods or adversely affect the value of surrounding land, structures or buildings.

The excavation project is a temporary use of the land that will be approved for a five-year period, including reclamation. In the long term, the excavation pits will be reclaimed into lakes, each surrounded by littoral zone vegetation. The temporary nature of the excavation will be limited to the northern portion of the project site, with the majority of the remaining wetlands encompassing the central and southern portion of the site. The project area is 189.23 acres in size, and the existing wetlands prevent the future expansion of excavation activities. The excavation may have temporary impacts to surrounding neighborhoods, but it is not expected to adversely affect the value of the surrounding area.

(i) It will adversely affect the natural environment, natural resources or scenic beauty, or cause excessive pollution.

Wetlands act as recharge areas for groundwater resources. Any groundwater drawdown that will impact the on-site wetlands or any encroachment into wetlands or their 50-foot buffers will require a Wetland Alteration Permit with a mitigation plan and justification for the encroachment. Additionally, the Osteen Local Plan requires the applicant to prove that an average 100-foot wetland buffer will be maintained (no less than 50 feet at any location). Environmental staff will be looking for avoidance and minimization of impact, with no net loss or change in function. The applicant is proposing to purchase mitigation credits from a mitigation bank in the same watershed. To be consistent with the Osteen Local Plan, the density in the OCR wetlands will remain at one unit per ten acres after the excavation project is completed. The applicant indicated that the site will be used for grazing in the future.

V. STAFF RECOMMENDATION

Forward the special exception, case number case S-20-059, to County Council for final action with a recommendation of approval, subject to the following conditions:

1. This special exception will not become effective until access to the Volusia County portion of the excavation is approved by the City of Deltona or if an alternate access point in Volusia County is evaluated and approved by the DRC.
2. This approval is contingent upon approval of the companion case V-20-060. It will allow a zero-foot landscape buffer and a zero-foot separation distance from the property line on the west side of the project boundary at the cross-

jurisdictional pit. If the variance is not approved by the PLDRC, the applicant will be required to resubmit design plans to incorporate a 50-foot landscape buffer and the 150-foot distance separation from the property line along the western project boundary.

3. Prior to the commencement of any site work, the applicant shall apply for and obtain final site plan approval, pursuant to the procedures of Article III, Division 3 of the Land Development Code.
4. There shall be no new or expanded operations beyond the footprint identified in the site plan, prepared by Mark Dowst and Associates, dated 9/14/21.
5. Any changes to the plans referenced above shall require review by the county's technical review staff prior to being heard by the PLDRC and the County Council.
6. The nonexempt excavation shall be limited to a term of five years, including reclamation activities. If the applicant does not apply for final site plan within 12 months of the county council approval, the special exception shall be null and void and will be subject to review under the ordinance that is in place at that time.
7. A landscape plan that includes an inventory of plant and tree species for the portion of the property disturbed by the excavation and associated activities shall be submitted during the final site plan process.
8. Operating hours shall be limited to 6:00 am to 5:00 pm, Monday through Friday. The site shall be closed on Saturdays, Sundays and federal holidays.
9. A water truck shall be utilized for dust suppression, as necessary, in the pit areas and on the haul roads. Haulage trucks shall utilize a tarp or a net blanket over the material to be transported off site.
10. The applicant shall post an acceptable performance bond, irrevocable letter of credit, or funds in escrow in an amount up to 100 percent of the estimated reconditioning costs, as estimated by the developer's engineer in the proposed plan of reclamation and in a format approved by the Volusia County Environmental Management Services. The guarantee shall run with the life of the excavation and reclamation activities. If the applicant has not completed the excavation within the term granted by this special exception, the county may redeem the letter of credit, escrow, or bond and utilize the funds to perform any remedial work necessary to complete the terms and conditions of the reclamation, as required by the county in the special exception and final site plan approval processes.
11. The applicant shall submit an engineer's certification and progress report to the Planning and Development Services Division on an annual basis outlining that the excavation is proceeding in accordance with the terms of the approved excavation plan. Failure to submit the annual progress report upon request by the county may result in a temporary stop work order for the excavation activities.

12. Staff recommends that the applicant provide and maintain a temporary restroom on site throughout the excavation period for use by the employees. The facility should contain, at a minimum, a chemical toilet and an operable hand washing station.

VI. ATTACHMENTS

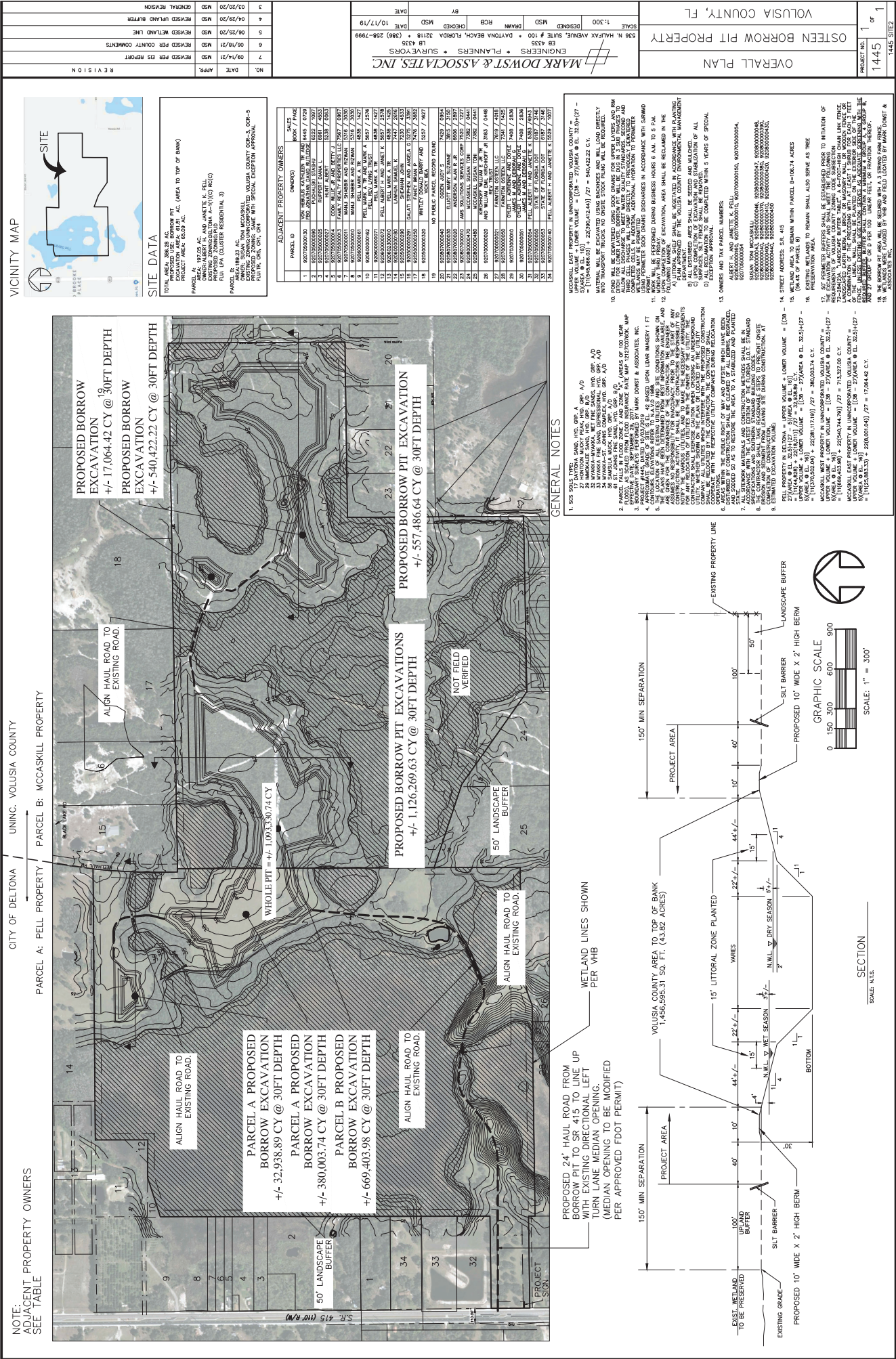
- Excavation Plans
- Survey
- Geotechnical Report
- Traffic Report
- TRS Comments
- Environmental Permitting Memorandum
- Land Development Memorandum
- Map Exhibits

VII. AUTHORITY AND PROCEDURE

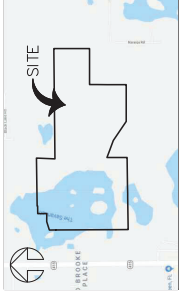
The Commission shall hold a public hearing on each application after due public notice. The Commission may accept, reject, modify, retain or seek additional information from the department. No recommendations for approval of any amendment to this section, amendment to the official zoning map, or special exception application may be made unless a majority of members present concur.

Pursuant to Section 72-415, the County Council shall hold a public hearing after due public notice on all recommendations from the Commission. It may accept, reject, modify, return, or seek additional information on those recommendations. No approval of a special exception application shall be made unless, upon motion, four members of the County Council concur. The County Council will thereafter forward its decision to the applicant.

Any new information to be presented at the Planning and Land Development Regulation Commission meeting for any application will be grounds to continue an application to the next Planning and Land Development Regulation Commission meeting. Applicants shall inform and provide staff with the new information prior to the Planning and Land Development Regulation Commission meeting.



VICINITY MAP



SITE DATA

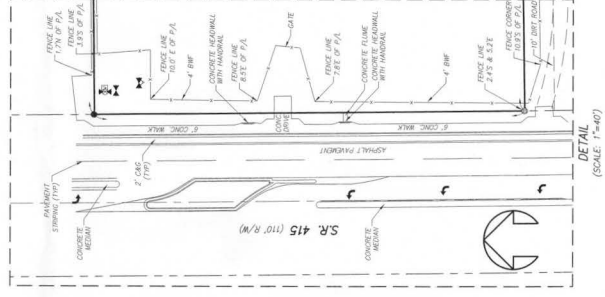
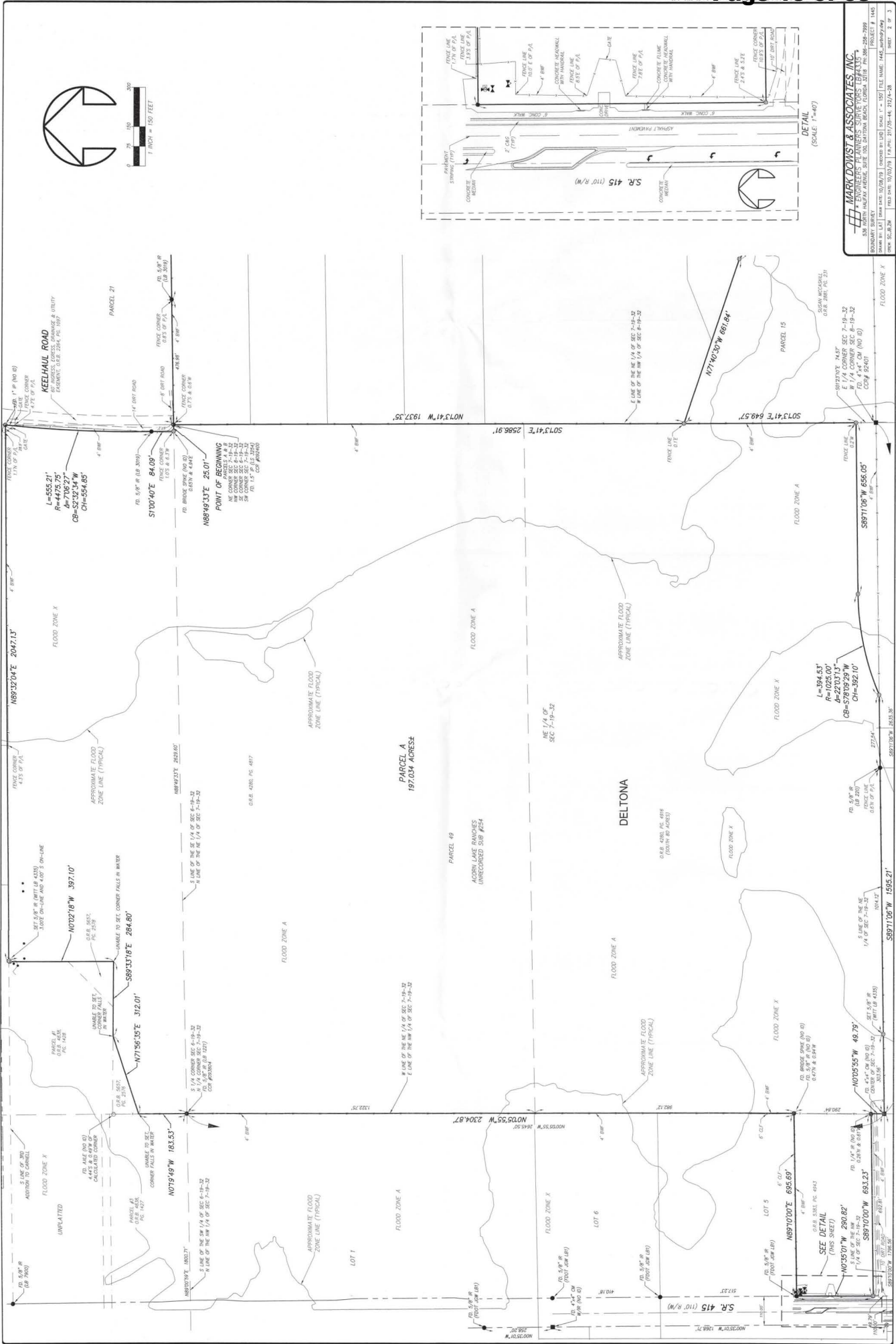
TOTAL AREA: 188.59 AC.
PROPOSED USE: BORROW PIT (AREA TO TOP OF BANK)
PROJECT AREA: 55.09 AC.
PARCEL A: 187.05 AC.
OWNER: ALBERT H. AND JANETTE K. PELL
PROPOSED ZONING: UNINC. A-1 (U-1) (NO RIG)
PROPOSED ZONING: UNINC. A-1 (U-1) (NO RIG)
LOCAL LAW: (CLUSTER RESIDENTIAL, 3)
PARCEL B: 188.53 AC.
OWNER: MCCASKILL, JAMES
PROPOSED ZONING: UNINCORPORATED VOLUSIA COUNTY CORP-1, COR-5
LOCAL LAW: (CLUSTER RESIDENTIAL, 3)
PLU: R1, C1, C1, C1, C1

ADJACENT PROPERTY OWNERS

PARCEL ID	OWNER'S NAME	ADDRESS
1	187.05 AC. PELL	187.05 AC. PELL
2	188.53 AC. MCCASKILL	188.53 AC. MCCASKILL
3	187.05 AC. PELL	187.05 AC. PELL
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GENERAL NOTES

1. SEE 192 BAYVIEW SAND, LTD. GRP. A
2. HUNTER HILL SAND, LTD. GRP. A
3. WINDY HILL SAND, LTD. GRP. A
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MARK DOWSE & ASSOCIATES, INC.
SURVEYING & ENGINEERING
530 NORTH HANNA AVENUE, SUITE 200, DELTONA, FLORIDA 32725
PHONE: 407.255.1111 FAX: 407.255.1112
WWW.MARKDOWSE.COM
SHEET 2 OF 3



RECLAMATION PLAN
OSTEEN BORROW
PIT
MDA #1445

VOLUSIA COUNTY
FL

MARCH 20, 2020

3 PAGES

Prepared By:

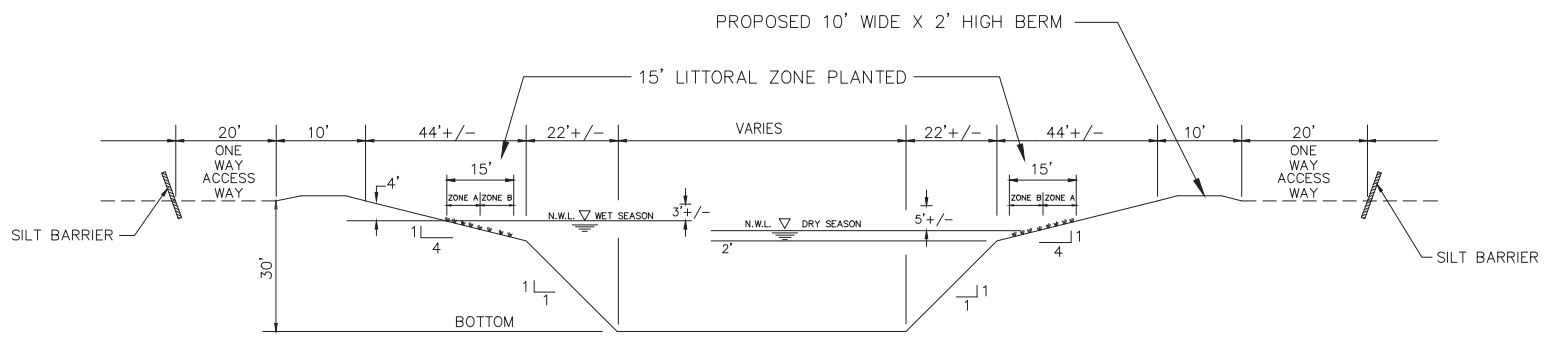
Mark Dowst and Associates, Inc.
Engineers Planners Surveyors

RECLAMATION PLAN

The pit is to be excavated from top of bank to a grade break at a 4 to 1 slope (44' horizontal), and from said grade break to toe of slope at a 1 to 1 slope (22' horizontal). The normal water level will vary 3' +/- in the wet season and vary 5' +/- in the dry season (please see the cross-section). Final normal water level to be determined in field after construction and prior to planting. Planting will occur from the normal water level along the excavated shelf in two zones. Zone A will be planted from the normal high water level a horizontal distance of 7.5' with 4" rootball Sand Cordgrass (*Spartina bakeri*) 3' on center. Zone B will be planted from the edge of Zone A a horizontal distance of 7.5' with 4" rootball Pickerelweed (*Pontederia cordata*) 3' on center, and 4" rootball Arrowhead (*Sagittaria lancifolia*) 3' on center. The total planting area is 5.01 acres.

Planting Chart

Zone	Elevation	Species	Size / Spacing
A	N.W.L. to N.W.L - 1.88'	Sand Cordgrass (<i>Spartina bakeri</i>)	4" rootball @ 3' on center
B	(N.W.L.- 1.88') - 1.88'	Pickerelweed (<i>Pontederia cordata</i>) Arrowhead (<i>Sagittaria lancifolia</i>)	4" rootball @ 3' on center 4" rootball @ 3' on center



SECTION

SCALE: N.T.S.



UNIVERSAL ENGINEERING SCIENCES

Consultants In: Geotechnical Engineering • Environmental Sciences
Geophysical Services • Construction Materials Testing • Threshold Inspection
Building Inspection • Plan Review • Building Code Administration

LOCATIONS:

- Atlanta
- Daytona Beach
- Fort Myers
- Fort Pierce
- Gainesville
- Jacksonville
- Kissimmee
- Leesburg
- Miami
- Ocala
- Orlando (Headquarters)
- Palm Coast
- Panama City
- Pensacola
- Rockledge
- Sarasota
- Tampa
- West Palm Beach

November 16, 2020
Revised: September 20, 2021

Mr. Chris Schultz
Osteen Materials, LLC
1059 Shadick Drive
Orange City, FL 32763

Reference: **HYDROGEOLOGIC REPORT**
SR 415 Osteen Borrow Pit
Osteen, Volusia County, Florida
UES Project No. 0430.1900092.0000 and Report No. 134814-H-R

Dear Mr. Schultz:

Universal Engineering Sciences (UES) has completed the subsurface evaluation for the subject project located in Osteen, Volusia County, Florida. We understand the subsurface conditions within the parcel needs to be evaluated for borrow suitability purposes. This letter presents the results of our field exploration and our recommendations for fill soil borrow suitability. Project information was provided by Mr. Mark Dowst, P.E. with Mark Dowst & Associates, Inc.

FIELD EXPLORATION

As requested, four (4) Standard Penetration Test (SPT) borings advanced to a depth of approximately 35 feet each below existing grade were performed at the requested locations. Furthermore, six (6) shallow groundwater monitoring wells were installed to monitor ground water levels near the adjacent wetland areas. The SPT borings were performed in accordance with the procedures of ASTM D-1586. The boring and well locations are shown on the attached Boring Location Plan. The borings were located using a GPS locating device and should only be considered accurate according to the method used. The soil samples recovered from the soil test borings were returned to our laboratory and a UES Engineer visually examined and reviewed the field descriptions. The samples were visually classified in accordance with the Unified Soil Classification System (USCS).

FINDINGS

SUBSURFACE CONDITIONS

The results of the SPT borings generally indicated the presence of intermittent layers of fine sand (SP) and fine sand with silt (SP-SM) to a depth of approximately 13.5 feet below existing grade, underlain by fine sand (SP), fine sand with silt (SP-SM), silty fine sand (SM), clayey fine sand (SC) and sandy clay (CH) to the boring termination depth of approximately 35 feet below existing grade.

GROUNDWATER

We recorded groundwater subsequent to drilling, at depths varying approximately between 1.1 to 5.8 feet below the ground surface. It should be noted that evaluation was performed during a relatively dry time period. Based on available published literature, existing site features, and the results of the borings, we estimate the normal seasonal high groundwater level to be approximately one to two feet above the measured levels. It should also be noted the estimated seasonal high water level does not provide any assurance that groundwater level will not exceed these estimated levels during any given year in the future. Should impediments to surface water drainage be present, or should rainfall intensity and duration, or total rainfall quantities, exceed the normally anticipated rainfall quantities, groundwater levels might once again exceed our seasonal high estimates. The depths of the groundwater levels encountered at the boring locations are presented on the Subsurface Profiles. In addition, a groundwater contour map was generated using our measured groundwater levels and interpolated boring elevations from a lidar map provided by Mark Dowst & Associates, Inc.

UES Project No. 0430.1900092.0000
 UES Report No. 134814-H2
 September 20, 2021

Due to the anticipated depth of the borrow pits being on the order of 20 to 30 feet, temporary dewatering by method most likely consisting of sock pipe will be required. As indicated on the provided survey, there are several existing wetland areas located adjacent to the perimeter of the proposed pits. It is also understood that legal wells may be present on nearby properties. It should be anticipated that the dewatering activities will result in a temporary groundwater drawdown impact on the adjacent wetland areas and nearby wells installed into the surficial aquifer during excavation operations. Artesian wells installed into the limestone should not be affected during dewatering activities.

Groundwater discharge from the dewatering operations can be pumped to perimeter ditches constructed along the boundaries of either the proposed excavation area or the adjacent wetlands and properties containing surficial groundwater wells to preclude any hydrologic impact. The groundwater levels within and adjacent to the wetlands and nearby properties should be monitored with shallow wells.

BORROW SUITABILITY

The borings were performed, to provide an indication of the suitability of excavated soils from the proposed borrow areas for use as structural fill soil. Based on the boring results and classification of the soil samples, the fine sand (SP) and the fine sand with silt (SP-SM), and the weakly cemented fine sand with silt (SP-SM, Hardpan) as encountered at the boring locations, are suitable for use as structural fill soil. The silty fine sand (SM) and clayey fine sand (SC) are generally not considered suitable for use as fill due to their fines content making it difficult to place and compact. Because the fine sand with silt (SP-SM) and the weakly cemented fine sand with silt (SP-SM, Hardpan) significantly retain moisture, strict moisture control may be required during placement and compaction operations to avoid moisture related instability. The silty fine sand (SM), clayey fine sand (SC) and sandy clay (CH), as encountered in the boring locations, can be used for road base stabilization material (LBR 40); however, this is not recommended in areas where the road base elevation is in close proximity to the groundwater table. It should be anticipated the soils in the proposed borrow pit areas that are below the groundwater level will have moisture contents in excess of the Modified Proctor optimum moisture content and will require stockpiling or spreading to bring the moisture content within 2 percent of the soil's optimum moisture content corresponding to the required degree of compaction.

CLOSURE

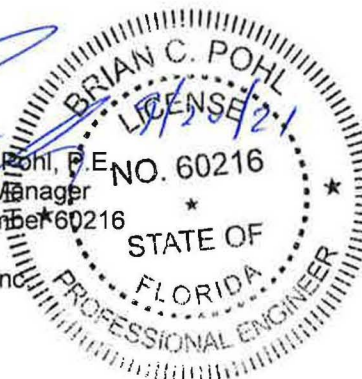
We appreciate the opportunity to have worked with you on this project and look forward to a continued association. Please do not hesitate to contact us if you should have any questions, or if we may further assist you as your plans proceed.

Respectfully submitted,

UNIVERSAL ENGINEERING SCIENCES


 Michael Mohnhey
 Project Engineer

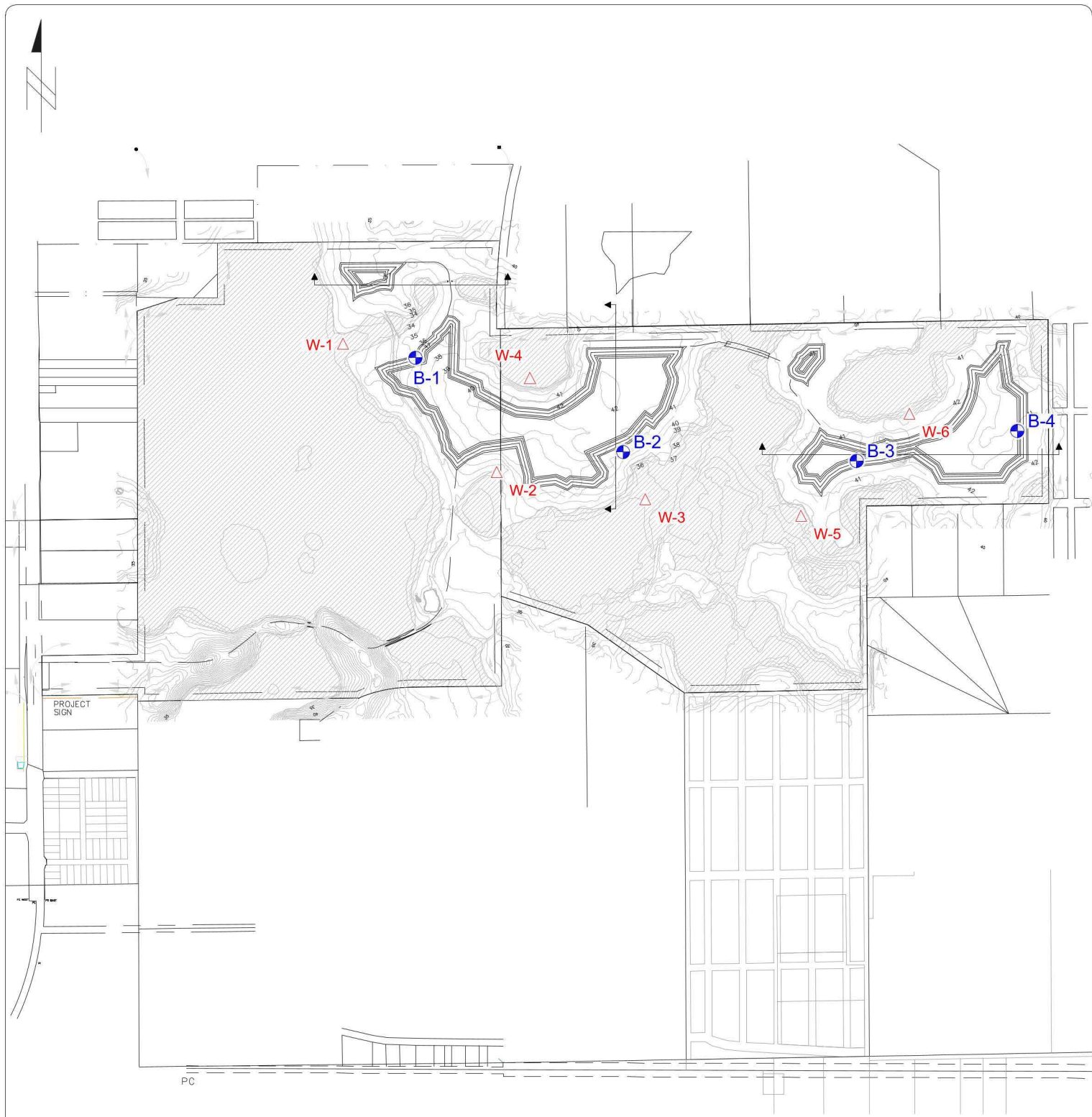

 Brian C. Pohl, P.E.
 Branch Manager
 P.E. Number 60216



Cc: Mr. Mark Dowst, P.E. – Mark Dowst & Associates, Inc.

Attachments
 MM/BCP/cme

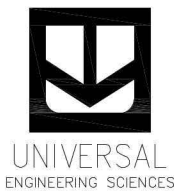
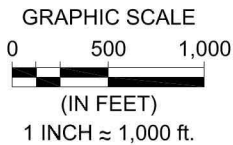




LEGEND

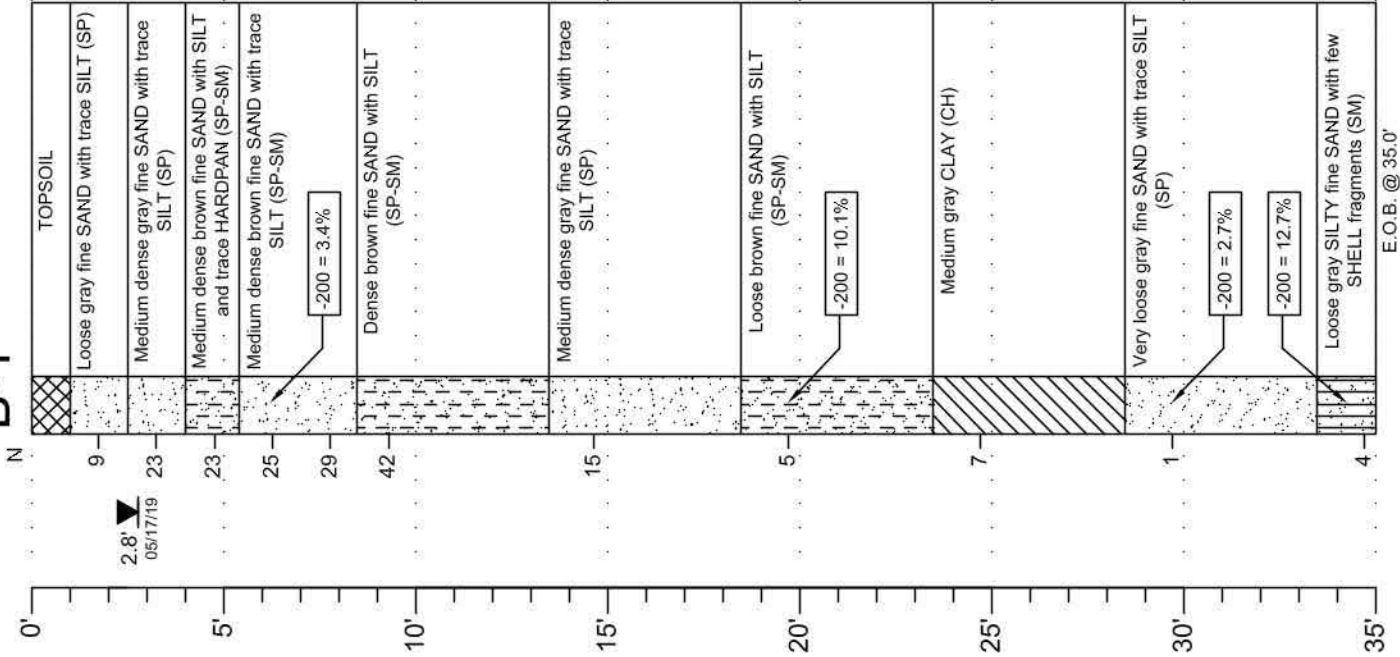
△ APPROXIMATE LOCATION OF AUGER BORING

● APPROXIMATE LOCATION OF STANDARD PENETRATION TEST (SPT) BORING

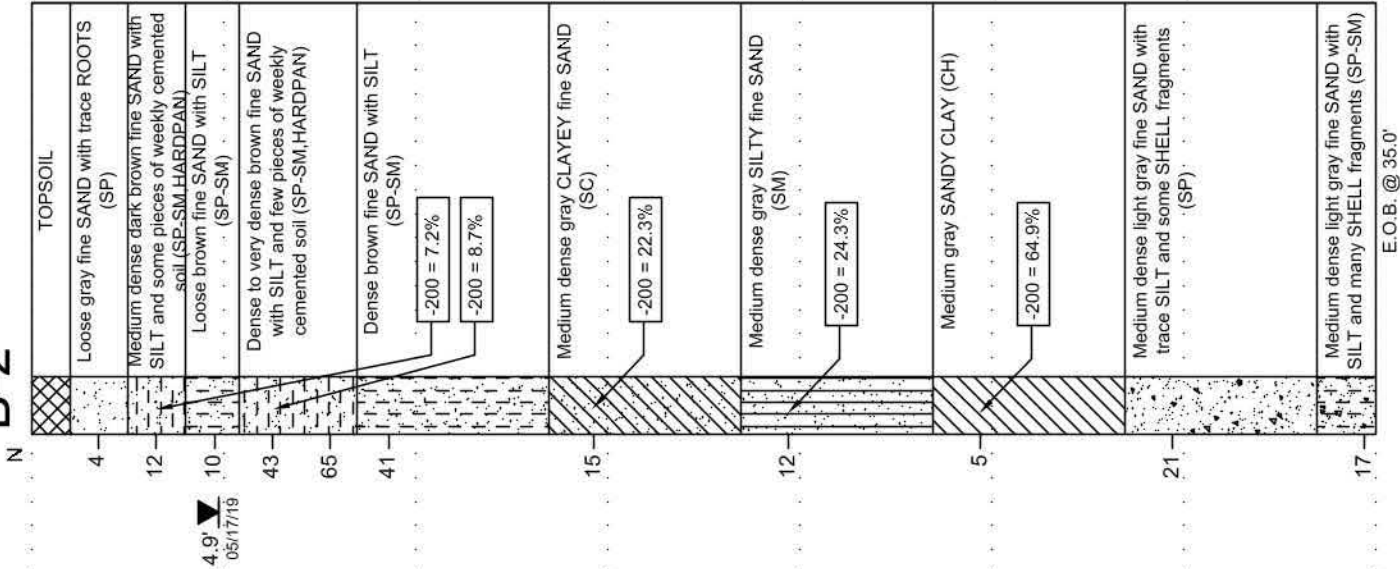


TITLE:	BORING LOCATION PLAN			SCALE:	1" ≈ 1,000'
PROJECT:	GEOTECHNICAL EVALUATION SR 415 OSTEEN BORROW PIT OSTEEN, FLORIDA			PAGE/FIG. NO.:	A-1
DRAWN BY:	MKL	DATE:	09/15/21	PROJECT NO.:	0430.1900092.0000
CHECKED BY:	BP	DATE:	09/15/21	REPORT NO.:	134814

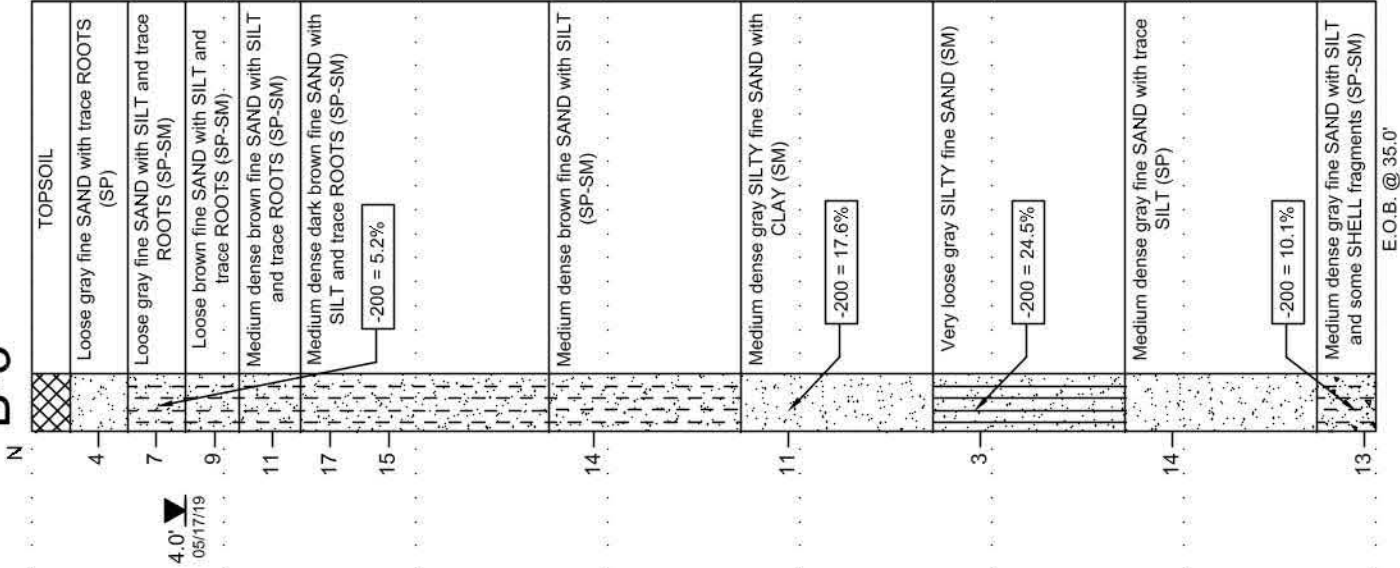
B-1



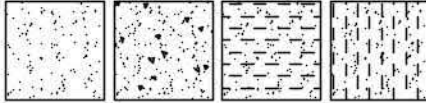
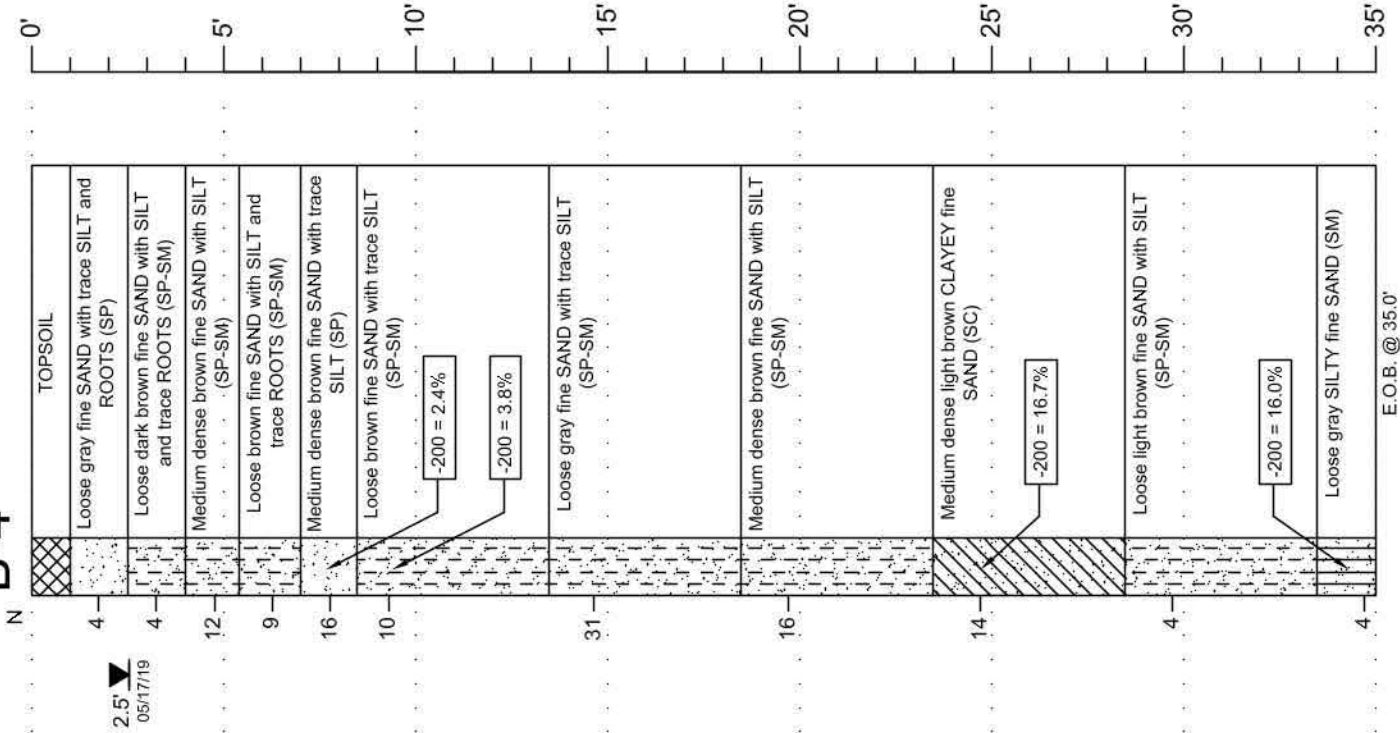
B-2



B-3



B-4



Fine SAND (SP)

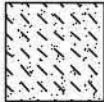
Fine SAND with some to many SHELL fragments (SP)

Fine SAND with SILT (SP-SM)

Weakly cemented fine SAND with SILT (SP-SM, Hardpan)



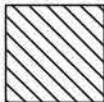
SILTY fine SAND (SM)



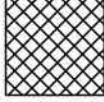
Fine SAND with CLAY (SP-SC)



CLAYEY fine SAND (SC)



CLAY (CH)



TOPSOIL

NOTES:

Measured Groundwater Level 24 (+) Hours Subsequent to Time of Drilling
Unified Soil Classification System
End of Boring
Penetr. Resistance, Blows/ft.
% Passing No. 200 Sieve

SP) EOB N -200

PROJECT:



UNIVERSAL
ENGINEERING SCIENCES

TITLE:

GEOTECHNICAL EVALUATION
SR 415 OSTEEN BORROW PIT
OSTEEN, FLORIDA

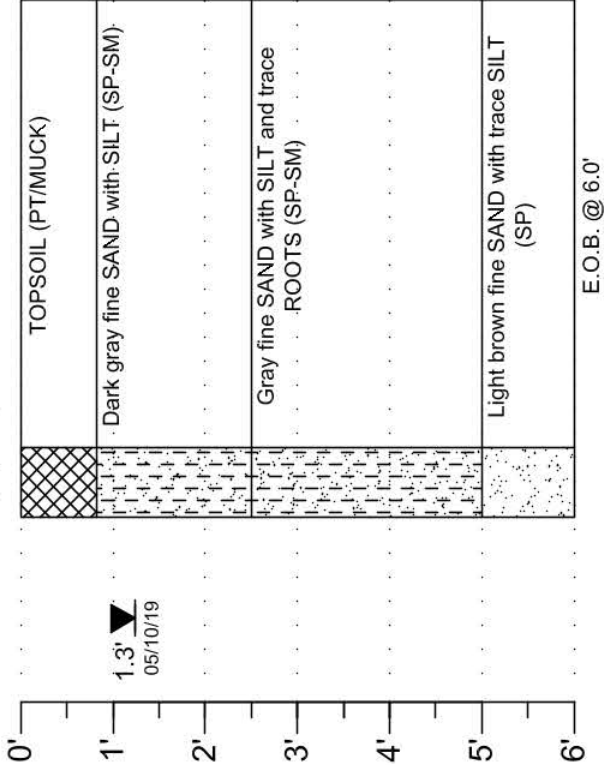
SUBSURFACE PROFILES

NA (in feet)

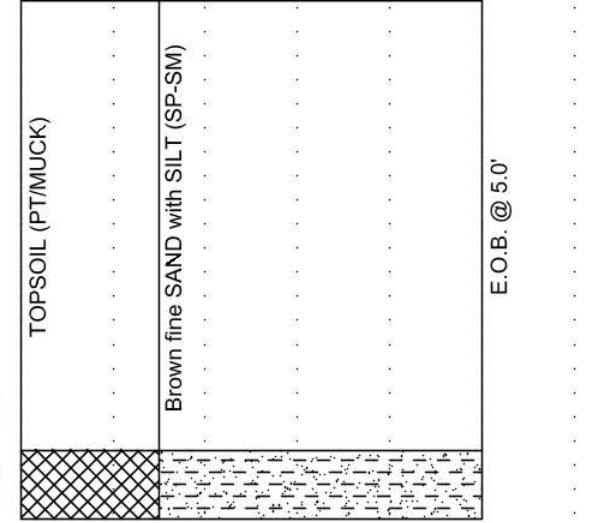
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A-2

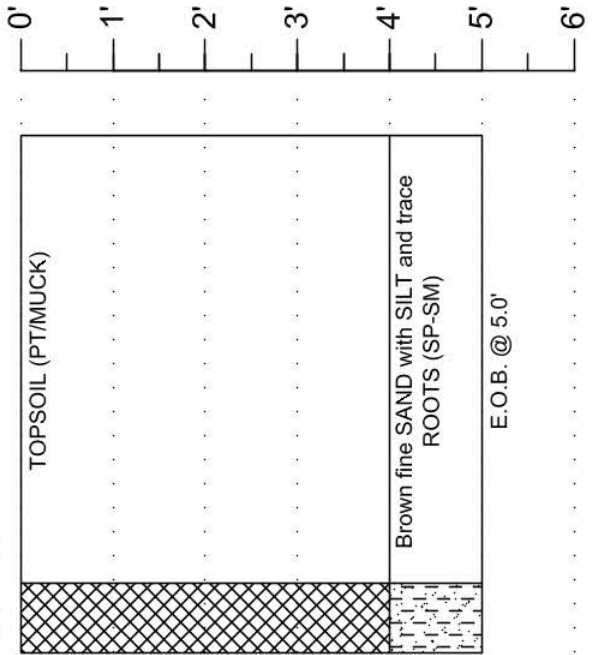
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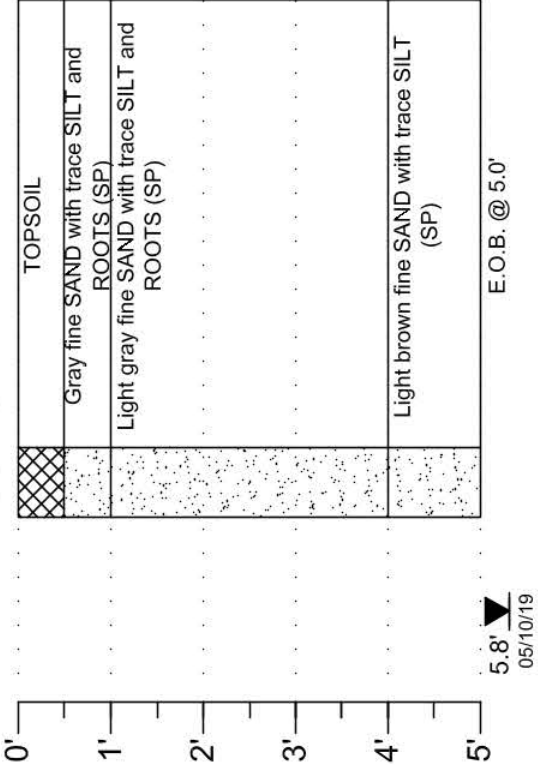
W-2



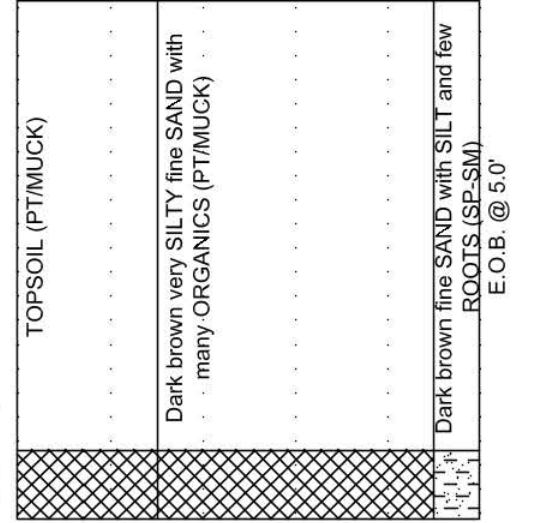
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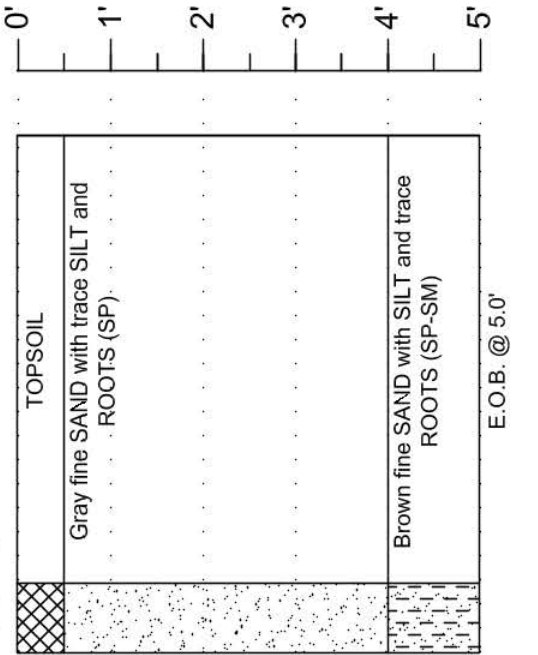
W-4



W-5



W-6



Fine SAND (SP)

Fine SAND with SILT (SP-SM)

Topsoil (PT) ... some to many ORGANICS (PT), sometimes DEBRIS

NOTES:

Measured Groundwater Level 24 (+) Hours Subsequent to Time of Drilling Unified Soil Classification System End of Boring

▼ (SP) EOB



PROJECT:

GEOTECHNICAL EVALUATION
SR 415 OSTEEN BORROW PIT
OSTEEN, FLORIDA

TITLE:

SUBSURFACE PROFILES

SCALE: NA (in feet)

PAGE/FIG. NO.: A-3

**LEGEND**

APPROXIMATE LOCATION OF AUGER BORING



APPROXIMATE LOCATION OF STANDARD PENETRATION TEST (SPT) BORING

GRAPHIC SCALE

0 500 1,000



(IN FEET)

1 INCH ≈ 1,000 ft.

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TITLE:

GROUNDWATER CONTOUR MAP

PROJECT:

GEOTECHNICAL EVALUATION
SR 415 OSTEEN BORROW PIT
OSTEEN, FLORIDA

SCALE:

1" ≈ 1,000'

PAGE/FIG. NO.:

A-4

DRAWN BY: MKL

DATE: 10/15/21

PROJECT NO.: 0430.1900092.0000

CHECKED BY: BP

DATE: 10/15/21

REPORT NO.: 134814


KEY TO BORING LOGS
SYMBOLS

SYMBOL	DESCRIPTION
N	No. of blows of a 140-lb weight falling 30 inches required to drive standard spoon 1 foot.
WOR	Weight of Drill Rods
WOH	Weight of Drill Rods and Hammer
% REC	Percent Core Recovery from Rock Core Drilling
RQD	Rock Quality Designation
EOB	End Of Boring
BT	Boring Terminated
-200	Fines Content or % Passing No. 200 Sieve
MC	Moisture Content
LL	Liquid Limit
PI	Plasticity Index
K	Coefficient of Permeability
O.C.	Organic Content
▽	Estimated seasonal high groundwater level
▼	Measured groundwater level at time of drilling

RELATIVE DENSITY
(sand-silt)

Very Loose - Less Than 4 Blows/Ft.
Loose - 4 to 10 Blows/Ft.
Medium - 11 to 30 Blows/Ft.
Dense - 31 to 50 Blows/Ft.
Very Dense - More Than 50 Blows/Ft.

CONSISTENCY
(clay)

Very Soft - Less than 2 Blows/Ft.
Soft - 2 to 4 Blows/Ft.
Medium - 5 to 8 Blows/Ft.
Stiff - 9 to 15 Blows/Ft.
Very Stiff - 16 to 30 Blows/Ft.
Hard - More Than 30 Blows/Ft.

RELATIVE HARDNESS
(Limestone)

Soft - 100 Blows for more than 2"
Hard - 100 Blows for less than 2"

UNIFIED CLASSIFICATION SYSTEM

MAJOR DIVISIONS			GROUP SYMBOLS	TYPICAL NAMES
COARSE-GRAINED SOILS More than 50% retained on No. 200 sieve*	GRAVELS 50% or more of coarse fraction retained on No. 4 sieve	CLEAN GRAVELS	GW	Well-graded gravels and gravel-sand mixtures, little or no fines
			GP	Well-graded gravels and gravel-sand mixtures, little or no fines
		GRAVELS WITH FINES	GM	Silty gravels, gravel-sand-silt mixtures
			GC	Clayey gravels, gravel-sand-clay mixtures
	SANDS More than 50% of coarse fraction passes No. 4 sieve	CLEAN SANDS	SW**	Well-graded sands and gravelly sands, little or no fines
			SP**	Well-graded sands and gravelly sands, little or no fines
		SANDS WITH FINES	SM**	Silty sands, sand-silt mixtures
			SC**	Clayey sands, sand-clay mixtures
FINE-GRAINED SOILS 50% or more passes No. 200 sieve*	SILTS AND CLAYS Liquid limit 50% or less		ML	Inorganic silts, very fine sands, rock flour, silty or clayey fine sands
			CL	Inorganic clays of low to medium plasticity, gravelly clays, sandy clays, silty clays, lean clays
			OL	Organic silts and organic silty clays of low plasticity
	SILTS AND CLAYS Liquid limit greater than 50%		MH	Inorganic silts, micaceous or diatomaceous fine sands or silts, elastic sils
			CH	Organic clays or high plasticity, fat clays
			OH	Organic clays of medium to high plasticity
			PT	Peat, muck and other highly organic soils

* Based on the material passing the 3-in. (75 mm) sieve.

** Use dual symbol (such as, SP-SM and SP-SC) for soil with more than 5% but less than 12% passing through No. 200 sieve.

* Based on the material passing the 3-in. (75 mm) sieve.

** Use dual symbol (such as, SP-SM and SP-SC) for soil with more than 5% but less than 12% passing through No. 200 sieve.

MODIFIERS

These modifiers provide our estimate of the amount of minor constituents (SILT or CLAY sized particles) in the soil sample.

Trace - 5% or less
With SILT or with CLAY - 6% to 11%
SILTY or CLAYEY - 12% to 30%
Very SILTY or Very CLAYEY - 31% to 50%

These modifiers provide our estimate of the amount of organic components in the soil sample.

Trace - 1% to 2%
Few - 3% to 4%
Some - 5% to 8%
Many - Greater than 8%

These modifiers provide our estimate of the amount of other components (Shell, Gravel, Etc.) in the soil sample

Trace - 5% or less
Few - 6% to 12%
Some - 13% to 30%
Many - 31% to 50%

Universal Engineering Sciences, LLC
GENERAL CONDITIONS

SECTION 1: RESPONSIBILITIES 1.1 Universal Engineering Sciences, LLC, and its subsidiaries and affiliated companies ("UES"), is responsible for providing the services described under the Scope of Services. The term "UES" as used herein includes all of UES's agents, employees, professional staff, and subcontractors. 1.2 The Client or a duly authorized representative is responsible for providing UES with a clear understanding of the project nature and scope. The Client shall supply UES with sufficient and adequate information, including, but not limited to, maps, site plans, reports, surveys, plans and specifications, and designs, to allow UES to properly complete the specified services. The Client shall also communicate changes in the nature and scope of the project as soon as possible during performance of the work so that the changes can be incorporated into the work product. 1.3 The Client acknowledges that UES's responsibilities in providing the services described under the Scope of Services section is limited to those services described therein, and the Client hereby assumes any collateral or affiliated duties necessitated by or for those services. Such duties may include, but are not limited to, reporting requirements imposed by any third party such as federal, state, or local entities, the provision of any required notices to any third party, or the securing of necessary permits or permissions from any third parties required for UES's provision of the services so described, unless otherwise agreed upon by both parties in writing.

SECTION 2: STANDARD OF CARE 2.1 Services performed by UES under this Agreement will be conducted in a manner consistent with the level of care and skill ordinarily exercised by members of UES's profession practicing contemporaneously under similar conditions in the locality of the project. No other warranty, express or implied, is made. 2.2 Execution of this document by UES is not a representation that UES has visited the site, become generally familiar with local conditions under which the work is to be performed, or correlated personal observations with the requirements of the Scope of Services. It is the Client's responsibility to provide UES with all information necessary for UES to provide the services described under the Scope of Services, and the Client assumes all liability for information not provided to UES that may affect the quality or sufficiency of the services so described.

SECTION 3: SITE ACCESS AND SITE CONDITIONS 3.1 Client will grant or obtain free access to the site for all equipment and personnel necessary for UES to perform the work set forth in this Agreement. The Client will notify any possessors of the project site that Client has granted UES free access to the site. UES will take reasonable precautions to minimize damage to the site, but it is understood by Client that, in the normal course of work, some damage may occur, and the correction of such damage is not part of this Agreement unless so specified in the Scope of Services. 3.2 The Client is responsible for the accuracy of locations for all subterranean structures and utilities. UES will take reasonable precautions to avoid known subterranean structures, and the Client waives any claim against UES, and agrees to defend, indemnify, and hold UES harmless from any claim or liability for injury or loss, including costs of defense, arising from damage done to subterranean structures and utilities not identified or accurately located. In addition, Client agrees to compensate UES for any time spent or expenses incurred by UES in defense of any such claim with compensation to be based upon UES's prevailing fee schedule and expense reimbursement policy.

SECTION 4: BILLING AND PAYMENT 4.1 UES will submit invoices to Client monthly or upon completion of services. Invoices will show charges for different personnel and expense classifications. 4.2 Payment is due 30 days after presentation of invoice and is past due 31 days from invoice date. Client agrees to pay a finance charge of one and one-half percent (1 ½ %) per month, or the maximum rate allowed by law, on past due accounts. 4.3 If UES incurs any expenses to collect overdue billings on invoices, the sums paid by UES for reasonable attorneys' fees, court costs, UES's time, UES's expenses, and interest will be due and owing by the Client.

SECTION 5: OWNERSHIP AND USE OF DOCUMENTS 5.1 All reports, boring logs, field data, field notes, laboratory test data, calculations, estimates, and other documents prepared by UES, as instruments of service, shall remain the property of UES. Neither Client nor any other entity shall change or modify UES's instruments of service. 5.2 Client agrees that all reports and other work furnished to the Client or his agents, which are not paid for, will be returned upon demand and will not be used by the Client for any purpose. 5.3 UES will retain all pertinent records relating to the services performed for a period of five years following submission of the report or completion of the Scope of Services, during which period the records will be made available to the Client in a reasonable time and manner. 5.4 All reports, boring logs, field data, field notes, laboratory test data, calculations, estimates, and other documents prepared by UES, are prepared for the sole and exclusive use of Client, and may not be given to any other entity, or used or relied upon by any other entity, without the express written consent of UES. Client is the only entity to which UES owes any duty or duties, in contract or tort, pursuant to or under this Agreement.

SECTION 6: DISCOVERY OF UNANTICIPATED HAZARDOUS MATERIALS 6.1 Client represents that a reasonable effort has been made to inform UES of known or suspected hazardous materials on or near the project site. 6.2 Under this agreement, the term hazardous materials include hazardous materials, hazardous wastes, hazardous substances (40 CFR 261.31, 261.32, 261.33), petroleum products, polychlorinated biphenyls, asbestos, and any other material defined by the U.S. EPA as a hazardous material. 6.3 Hazardous materials may exist at a site where there is no reason to believe they are present. The discovery of unanticipated hazardous materials constitutes a changed condition mandating a renegotiation of the scope of work. The discovery of unanticipated hazardous materials may make it necessary for UES to take immediate measures to protect health and safety. Client agrees to compensate UES for any equipment decontamination or other costs incident to the discovery of unanticipated hazardous materials. 6.4 UES will notify Client when unanticipated hazardous materials or suspected hazardous materials are encountered. Client will make any disclosures required by law to the appropriate governing agencies. Client will hold UES harmless for all consequences of disclosures made by UES which are required by governing law. In the event the project site is not owned by Client, Client it is the Client's responsibility to inform the property owner of the discovery of unanticipated hazardous materials or suspected hazardous materials. 6.5 Notwithstanding any other provision of the Agreement, Client waives any claim against UES, and to the maximum extent permitted by law, agrees to defend, indemnify, and save UES harmless from any claim, liability, and/or defense costs for injury or loss arising from UES's discovery of unanticipated hazardous materials or suspected hazardous materials including any costs created by delay of the project and any cost associated with possible reduction of the property's value. Client will be responsible for ultimate disposal of any samples secured by UES which are found to be contaminated.

SECTION 7: RISK ALLOCATION 7.1 Client agrees that UES's liability for any damage on account of any breach of contract, error, omission, or professional negligence will be limited to a sum not to exceed \$50,000 or UES's fee, whichever is greater. If Client prefers to have higher limits on contractual or professional liability, UES agrees to increase the limits up to a maximum of \$1,000,000.00 upon Client's written request at the time of accepting UES's proposal provided that Client agrees to pay an additional consideration of four percent of the total fee, or \$400.00, whichever is greater. If Client prefers a \$2,000,000.00 limit on contractual or professional liability, UES agrees to increase the limits up to a maximum of \$2,000,000.00 upon Client's written request at the time of accepting UES's proposal provided that Client agrees to pay an additional consideration of four percent of the total fee, or \$800.00, whichever is greater. The additional charge for the higher liability limits is because of the greater risk assumed and is not strictly a charge for additional professional liability insurance. 7.2 Client shall not be liable to UES and UES shall not be liable to Client for any incidental, special, or consequential damages (including lost profits, loss of use, and lost savings) incurred by either party due to the fault of the other, regardless of the nature of the fault, or whether it was committed by Client or UES, their employees, agents, or subcontractors; or whether such liability arises in breach of contract or warranty, tort (including negligence), statutory, or any other cause of action. 7.3 As used in this Agreement, the terms "claim" or "claims" mean any claim in contract, tort, or statute alleging negligence, errors, omissions, strict liability, statutory liability, breach of contract, breach of warranty, negligent misrepresentation, or any other act giving rise to liability.

SECTION 8: INSURANCE 8.1 UES represents it and its agents, staff and consultants employed by UES, is and are protected by worker's compensation insurance and that UES has such coverage under public liability and property damage insurance policies which UES deems to be adequate. Certificates for all such policies of insurance shall be provided to Client upon request in writing. Within the limits and conditions of such insurance, UES agrees to indemnify and save Client harmless from and against loss, damage, or liability arising from negligent acts by UES, its agents, staff, and consultants employed by it. UES shall not be responsible for any loss, damage or liability beyond the amounts, limits, and conditions of such insurance or the limits described in Section 7,

whichever is less. The Client agrees to defend, indemnify, and save UES harmless for loss, damage or liability arising from acts by Client, Client's agents, staff, and others employed by Client. **8.2** Under no circumstances will UES indemnify Client from or for Client's own actions, negligence, or breaches of contract. **8.3** To the extent damages are covered by property insurance, Client and UES waive all rights against each other and against the contractors, consultants, agents, and employees of the other for damages, except such rights as they may have to the proceeds of such insurance.

SECTION 9: DISPUTE RESOLUTION **9.1** All claims, disputes, and other matters in controversy between UES and Client arising out of or in any way related to this Agreement will be submitted to mediation or non-binding arbitration, before and as a condition precedent to other remedies provided by law. **9.2** If a dispute arises and that dispute is not resolved by mediation or non-binding arbitration, then: (a) the claim will be brought in the state or federal courts having jurisdiction where the UES office which provided the service is located; and (b) the prevailing party will be entitled to recovery of all reasonable costs incurred, including staff time, court costs, attorneys' fees, expert witness fees, and other claim related expenses.

SECTION 10: TERMINATION **10.1** This agreement may be terminated by either party upon seven (7) days written notice in the event of substantial failure by the other party to perform in accordance with the terms hereof, or in the case of a force majeure event such as terrorism, act of war, public health or other emergency. Such termination shall not be effective if such substantial failure or force majeure has been remedied before expiration of the period specified in the written notice. In the event of termination, UES shall be paid for services performed to the termination notice date plus reasonable termination expenses. **10.2** In the event of termination, or suspension for more than three (3) months, prior to completion of all reports contemplated by the Agreement, UES may complete such analyses and records as are necessary to complete its files and may also complete a report on the services performed to the date of notice of termination or suspension. The expense of termination or suspension shall include all direct costs of UES in completing such analyses, records, and reports.

SECTION 11: REVIEWS, INSPECTIONS, TESTING, AND OBSERVATIONS **11.1** Plan review, private provider inspections, and building inspections are performed for the purpose of observing compliance with applicable building codes. Threshold inspections are performed for the purpose of observing compliance with an approved threshold inspection plan. Construction materials testing ("CMT") is performed to document compliance of certain materials or components with applicable testing standards. UES's performance of plan reviews, private provider inspections, building inspections, threshold inspections, or CMT, or UES's presence on the site of Client's project while performing any of the foregoing activities, is not a representation or warranty by UES that Client's project is free of errors in either design or construction. **11.2** If UES is retained to provide construction monitoring or observation, UES will report to Client any observed work which, in UES's opinion, does not conform to the plans and specifications provided to UES. UES shall have no authority to reject or terminate the work of any agent or contractor of Client. No action, statements, or communications of UES, or UES's site representative, can be construed as modifying any agreement between Client and others. UES's performance of construction monitoring or observation is not a representation or warranty by UES that Client's project is free of errors in either design or construction. **11.3** Neither the activities of UES pursuant to this Agreement, nor the presence of UES or its employees, representatives, or subcontractors on the project site, shall be construed to impose upon UES any responsibility for means or methods of work performance, superintendence, sequencing of construction, or safety conditions at the project site. Client acknowledges that Client or its contractor is solely responsible for project jobsite safety. **11.4** Client is responsible for scheduling all inspections and CMT activities of UES. All testing and inspection services will be performed on a will-call basis. UES will not be responsible for tests and inspections that are not performed due to Client's failure to schedule UES's services on the project, or for any claims or damages arising from tests and inspections that are not scheduled or performed.

SECTION 12: ENVIRONMENTAL ASSESSMENTS Client acknowledges that an Environmental Site Assessment ("ESA") is conducted solely to permit UES to render a professional opinion about the likelihood or extent of regulated contaminants being present on, in, or beneath the site in question at the time services were conducted. No matter how thorough an ESA study may be, findings derived from the study are limited and UES cannot know or state for a fact that a site is unaffected by reportable quantities of regulated contaminants as a result of conducting the ESA study. Even if UES states that reportable quantities of regulated contaminants are not present, Client still bears the risk that such contaminants may be present or may migrate to the site after the ESA study is complete.

SECTION 13: SUBSURFACE EXPLORATIONS **13.1** Client acknowledges that subsurface conditions may vary from those observed at locations where borings, surveys, samples, or other explorations are made, and that site conditions may change with time. Data, interpretations, and recommendations by UES will be based solely on information available to UES at the time of service. UES is responsible for those data, interpretations, and recommendations, but will not be responsible for other parties' interpretations or use of the information developed or provided by UES. **13.2** Subsurface explorations may result in unavoidable cross-contamination of certain subsurface areas, as when a probe or boring device moves through a contaminated zone and links it to an aquifer, underground stream, or other hydrous body not previously contaminated. UES is unable to eliminate totally cross-contamination risk despite use of due care. Since subsurface explorations may be an essential element of UES's services indicated herein, Client shall, to the fullest extent permitted by law, waive any claim against UES, and indemnify, defend, and hold UES harmless from any claim or liability for injury or loss arising from cross-contamination allegedly caused by UES's subsurface explorations. In addition, Client agrees to compensate UES for any time spent or expenses incurred by UES in defense of any such claim with compensation to be based upon UES's prevailing fee schedule and expense reimbursement policy.

SECTION 14: SOLICITATION OF EMPLOYEES Client agrees not to hire UES's employees except through UES. In the event Client hires a UES employee within one year following any project through which Client had contact with said employee, Client shall pay UES an amount equal to one-half of the employee's annualized salary, as liquidated damages, without UES waiving other remedies it may have.

SECTION 15: ASSIGNS Neither Client nor UES may delegate, assign, sublet, or transfer its duties or interest in this Agreement without the written consent of the other party.

SECTION 16: GOVERNING LAW AND SURVIVAL **16.1** This Agreement shall be governed by and construed in accordance with the laws of the jurisdiction in which the UES office performing the services hereunder is located. **16.2** In any of the provisions of this Agreement are held illegal, invalid, or unenforceable, the enforceability of the remaining provisions will not be impaired and will survive. Limitations of liability and indemnities will survive termination of this agreement for any cause.

SECTION 17: INTEGRATION CLAUSE **17.1** This Agreement represents and contains the entire and only agreement and understanding among the parties with respect to the subject matter of this Agreement, and supersedes any and all prior and contemporaneous oral and written agreements, understandings, representations, inducements, promises, warranties, and conditions among the parties. No agreement, understanding, representation, inducement, promise, warranty, or condition of any kind with respect to the subject matter of this Agreement shall be relied upon by the parties unless expressly incorporated herein. **17.2** This Agreement may not be amended or modified except by an agreement in writing signed by the party against whom the enforcement of any modification or amendment is sought.

SECTION 18: WAIVER OF JURY TRIAL Both Client and UES waive trial by jury in any action arising out of or related to this Agreement.

SECTION 19: INDIVIDUAL LIABILITY PURSUANT TO FLORIDA STAT. 558.0035, AN INDIVIDUAL EMPLOYEE OR AGENT OF UES MAY NOT BE HELD INDIVIDUALLY LIABLE FOR NEGLIGENCE.

Ref: 4909.01

TECHNICAL MEMORANDUM

To: Travis Littlejohn, B H Excavating
From: Kady L. Dearing, PE
Date: August 20, 2021
Subject: Osteen Borrow Pit – Site Access Analysis Memorandum *Revised*

INTRODUCTION

LTG, Inc. (LTG) has been retained by B H Excavating to prepare an Access Analysis for the proposed Osteen Borrow Pit project. The project will be located west of SR 415 and north of Maytown Road, partially in the City of Deltona and partially in unincorporated Volusia County, Florida. Figure 1 shows the location of the project relative to the surrounding road network. Access to the project will be provided via one full access driveway along SR 415 at an existing directional median opening. The directional median opening will be modified to allow for traffic to make a westbound left-turn from the site. Build-out, completion of operation, is anticipated as 2025. A conceptual site plan is attached as Exhibit A. A copy of the median modification plans are attached as Exhibit B.

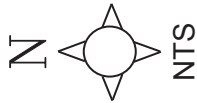
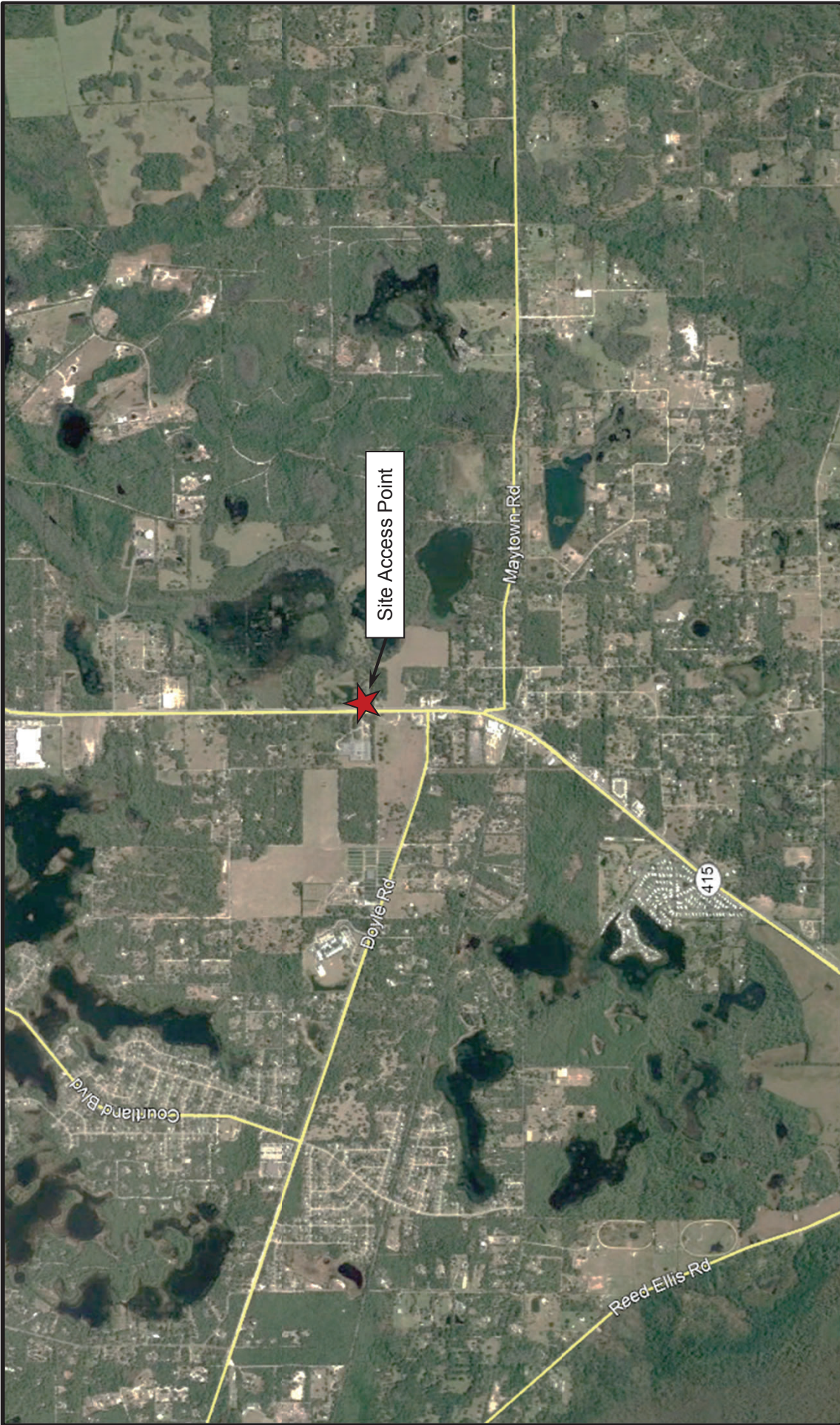
The majority of traffic associated with the project is expected to be comprised primarily of tri-axle trucks. The number of anticipated trucks (approximately 125 truckloads per day) does not significantly impact area roadways. Therefore, the intent of this memorandum is to evaluate the transportation impacts of this site as it relates to traffic operations and site access.

EXISTING CONDITIONS

Traffic from the proposed development will load directly onto the segment of SR 415 between Howland Boulevard and Enterprise-Osteen Road. SR 415, in the vicinity of the project, is a four-lane divided urban principal arterial roadway with a posted speed limit of 45 mph. The existing peak-hour, two-way, level of service (LOS) along this segment of SR 415 is shown in Table 1 below. As indicated in Table 1, the segment is currently operating within the designated LOS.

Table 1
Existing Roadway Segment Level of Service
Osteen Borrow Pit

Roadway	Segment		Lanes	Adopted LOS	Peak-Hour Two-Way Capacity	2019 AADT	K-Factor	Existing Peak-Hour Two-Way Volume	Existing LOS
	From:	To:							
SR 415	Howland Blvd.	Enterprise-Osteen Rd.	4	D	3,580	19,900	0.09	1,791	C



Osteen Borrow Pit

Site Location Map

Figure 1

Project Number: 4909.01



1450 West Granada Blvd., Suite 2 - Ormond Beach, Florida 32174
Telephone: 3286.257.2571 Fax: 386.257.6996 EB# 0009227

TECHNICAL MEMORANDUM

Travis Littlejohn
August 20, 2021
Page 3

HISTORICAL GROWTH

Traffic on the roadway will continue to grow due to local government development approvals. FDOT *Traffic Trends* software and the last five years of available AADT data were used to calculate the historical growth rate for traffic on SR 415. The resulting annual growth rate is 5.70%. The *Traffic Trends* worksheet is provided in Exhibit C.

PROJECT TRIP GENERATION

The Institute of Transportation Engineers' (ITE) Software *Trip Gen*, 10th Edition does not provide trip generation for this temporary land use. Engineering judgment and information provided by B H Excavating (the planned operator) was used to estimate the project trip generation. Based on the nature of the proposed project and information provided by the operator, the hours of operation will be between 7:00 a.m. and 5:00 p.m. A majority of the traffic is expected to occur outside of the traditional a.m. and p.m. peak-hours (7:00 a.m. – 9:00 a.m. and 4:00 p.m. – 6:00 p.m.) Therefore, an even distribution of daily trips was assumed between the hours of operation with one hour blocked out for lunch. The anticipated daily, a.m. and p.m. peak-hour traffic is summarized in Table 2.

Table 2
Total Trip Generation
Osteen Borrow Pit

Time Period	Independent Variable	Quantity	Total Trips	Percent Enter	Percent Exit	Trips Enter	Trips Exit
Daily	Truck Loads	125	250	50%	50%	125	125
	Employees	3	6	50%	50%	3	3
A.M. Peak-Hour	Truck Loads ¹	14	28	50%	50%	14	14
	Employees	3	3	100%	0%	3	0
P.M. Peak-Hour	Truck Loads ¹	14	28	50%	50%	14	14
	Employees	3	3	0%	100%	0	3

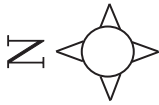
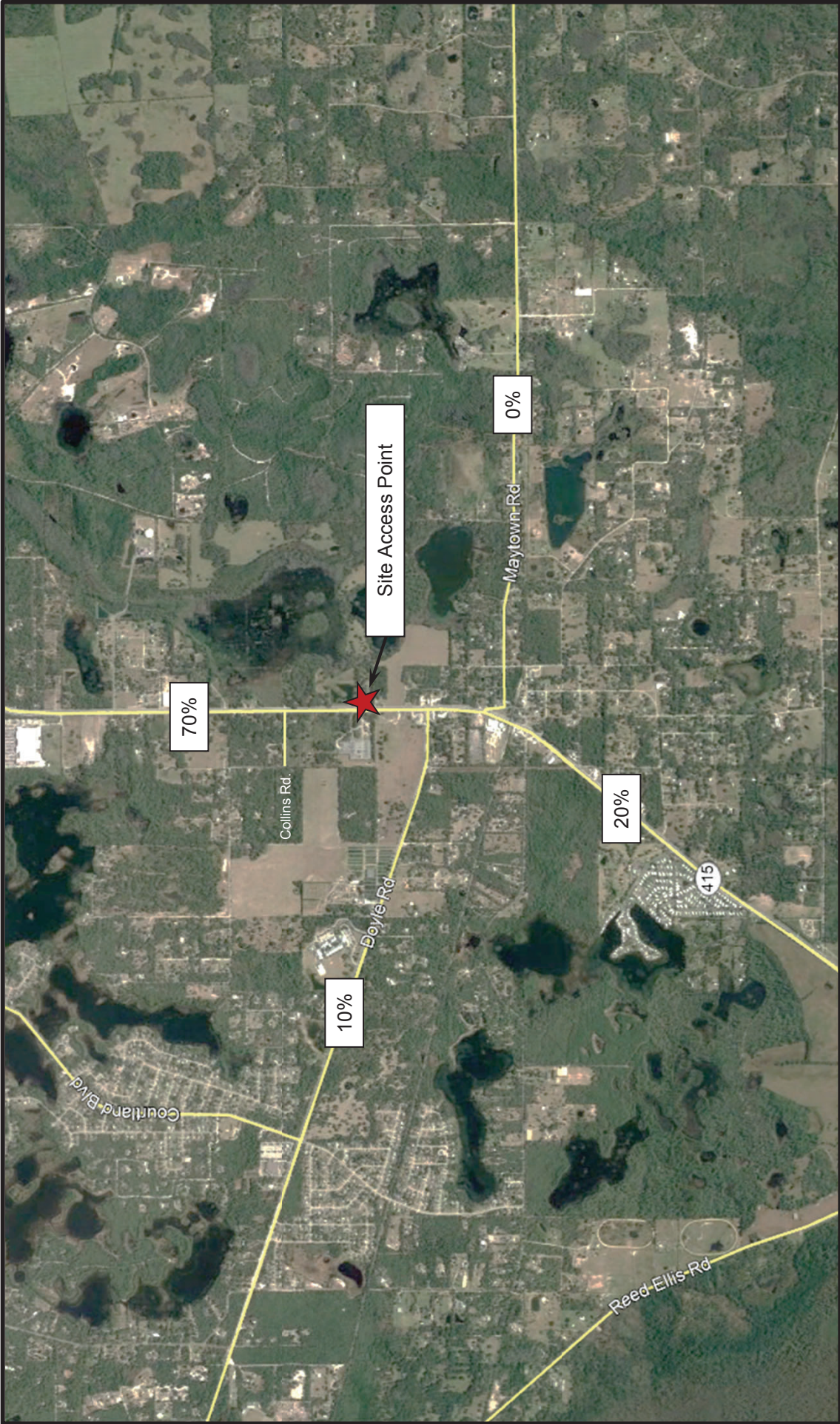
¹Conservatively assumes an even distribution of truck trips from 7:00 a.m. to 5:00 p.m.
Operations will slow during the typical p.m. peak-hours.

It should be noted that a standard traffic impact analysis is not required for those developments that generate fewer than 1,000 daily trips or 100 p.m. peak-hour trips, as adopted by the River-to-Sea Transportation Planning Organization (R2CTPO) regulations.

PROJECT TRIP DISTRIBUTION & ASSIGNMENT

The process of determining the directional flow of traffic associated with a new development is called project trip distribution. As identified by B&H Excavating, the project is anticipated to primarily serve Volusia County to the north and west of the site, with a small portion headed south. The anticipated project trip distribution is presented in Figure 2 and is based on market estimates and contractual information provided by the developer (B H Excavating).

SR 415 and Doyle Road are the primary roadways providing access for the project. As shown, 70% of the traffic is assumed to travel north on SR 415 to SR 44, and 30% is expected to head south. Deliveries that are headed towards the west/northwest part of the county (10%) will be directed to use Doyle Road for access to I-4. Local streets within the city of Deltona are not expected to be impacted under the current market assumptions. Project traffic was assigned to the directly accessed segment of SR 415 based on the modified median opening, PM peak-hour trip generation, and the anticipated trip distribution.



Osteen Borrow Pit

Project Trip Distribution

Project Number: 4909.01

Figure 2



Engineering
& Planning

1450 West Granada Blvd., Suite 2 - Ormond Beach, Florida 32174
Telephone: 3286.257.2571 Fax: 386.257.6996 EB# 0009227

TECHNICAL MEMORANDUM

Travis Littlejohn
August 20, 2021
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FUTURE ANALYSIS

The PM peak-hour two-way traffic analysis for the road segments involves the comparison of the future volumes to available capacity. As indicated in Table 3, the study area roadway segments are expected to operate within their adopted LOS. The project impacts are insignificant and have no adverse impacts to the adjacent roadway.

Table 3
2025 Future Roadway Segment Level of Service
Osteen Borrow Pit

Roadway	Segment		Lanes	Adopted LOS	Peak-Hour Two-Way Capacity	2019 Existing Peak-Hour Two-Way Volume	Growth Rate	2025 Background Peak-Hour Two-Way Volume	Project Distribution	Project Trips	2025 Build-Out Peak-Hour Two-Way Volume	2025 Build-Out LOS
	From	To										
SR 415	Howland Blvd	Enterprise-Osteen Rd	4	D	3,580	1,791	5.07%	2,336	70%	22	2,358	C

SITE ACCESS

Based on the FDOT Driveway Information Guide 2008 Exhibit 44 (see Exhibit D), on roadways with a posted speed limit of 45 mph or less exclusive right turn lanes are required when the number of right turns per hour are 80-125 vehicles. The project is a temporary use expected to have a maximum of 5 northbound right-turns at the driveway during the a.m. peak-hour. Therefore, a northbound right-turn lane at the project driveway is not required. A southbound left-turn lane is currently provided.

The FDOT Design Manual was used to determine the type of driveway needed based on the roadway type (curbed or flush shoulder) and anticipated project traffic utilizing the driveway. Since project traffic is not expected to exceed 600 trips per day or 60 trips per hour (Category B) and the existing roadway is curbed, a flared/drop curb driveway design should be used. It should be noted that radial returns may be used in lieu of flares for curbed roadways for Connection Category B if approved by the Department. Additionally, due to the posted speed limit and design vehicle either larger flares (minimum 10 ft.) or standard turn radii (50 ft.) should be used.

The existing directional median opening is proposed to be modified to allow for exiting project traffic to make a left-turn to travel southbound on SR 415. The proposed modification diagram is provided in Exhibit D.

The majority of project traffic will travel to and from the north of the project site on SR 415. Since the proposed project will be a new source of concentrated truck traffic to the adjacent roadway, at the project driveway and Collins Road, it is recommended that signage be installed in both directions of SR 415 as described in Table 4.

Table 4
Sign Recommendation
Osteen Borrow Pit

Placement	Description	Image
SR 415 – 350', 700', and 1,050' south of project driveway and north of Collins Road	MOT-5-06 (Orange background with black legend and border)	

Source: FDOT Index 700-102 "Special Sign Details"

TECHNICAL MEMORANDUM

Travis Littlejohn
August 20, 2021
Page 6

CONCLUSION

This analysis was conducted to evaluate the impact of the proposed Osteen Borrow Pit on SR 415 as it relates to site access and traffic operations. The analysis summary and recommendations are provided below:

- The proposed project is anticipated to have 125 tri-axle truck loads per day leaving the site.
- The proposed project will generate a maximum of 250 total truck-trips and 6 total employee trips daily, with a maximum of 31 trips occurring during the a.m. and p.m. peak-hours. The relatively low trip generation has no significant impacts to SR 415 or surrounding roadways.
- The adjacent segment of SR 415 currently operates within the adopted service levels and will continue to do so while the site is operational.
- The existing directional median opening is proposed to be modified to allow for exiting project traffic to make a left-turn to travel southbound on SR 415.
- Installation of "Trucks Entering Highway" warning signs are recommended in northbound direction 350', 700', and 1,050' in advance of the project driveway, and in the southbound direction in advance of the Collins Road intersection.
- A right-turn lane is not warranted on SR 415 at the project driveway; a southbound left-turn lane is currently provided at the proposed site access.

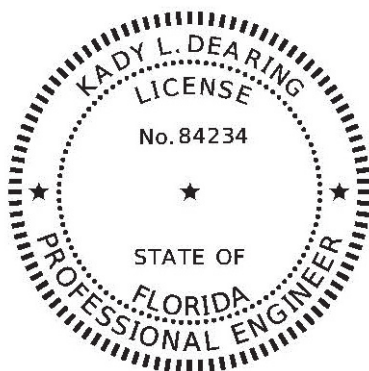
Attachments:

- Exhibit A – Conceptual Site Plan
- Exhibit B – Median Modification Plans
- Exhibit C – FDOT *Traffic Trends* Worksheet
- Exhibit D – FDOT Driveway Information Guide 2008 Exhibit 44

I affirm, by affixing my signature and seal below, that the findings contained herein are, to my knowledge, accurate and truthful and were developed using current procedures standard to the practice of professional engineering.

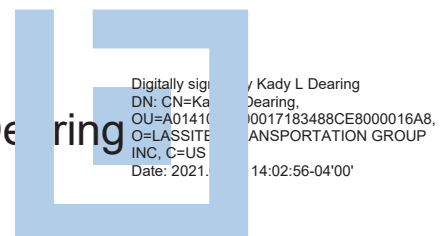
Prepared by:

LTG, Inc.
1450 W. Granada Blvd, Suite 2
Ormond Beach, FL 32174
Certificate of Authorization 9227



This item has been electronically signed
and sealed by:

Kady L Dearing



On the date adjacent to the seal

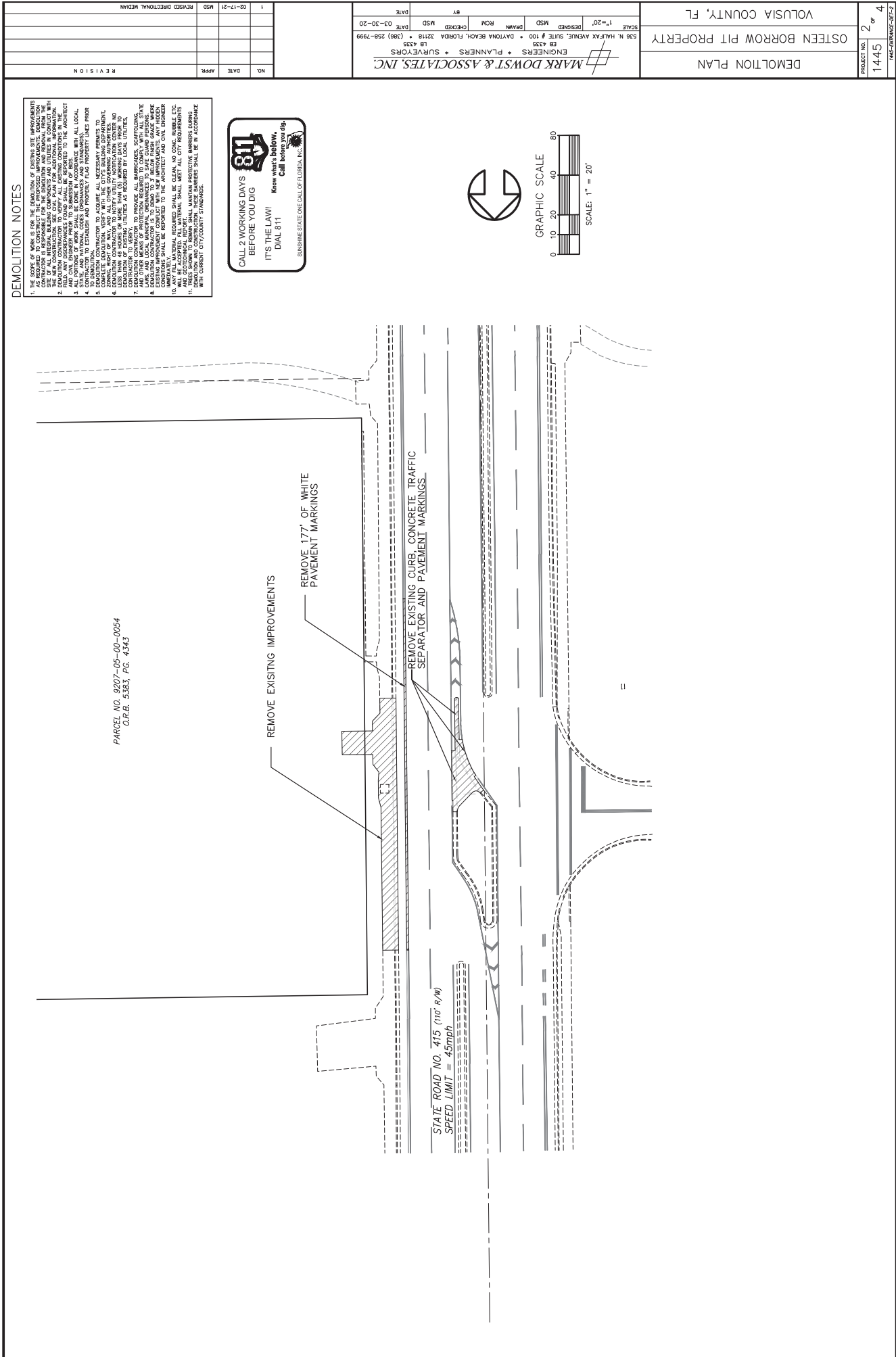
Printed copies of this document are not
considered signed and sealed and the
signature must be verified on any
electronic copies.

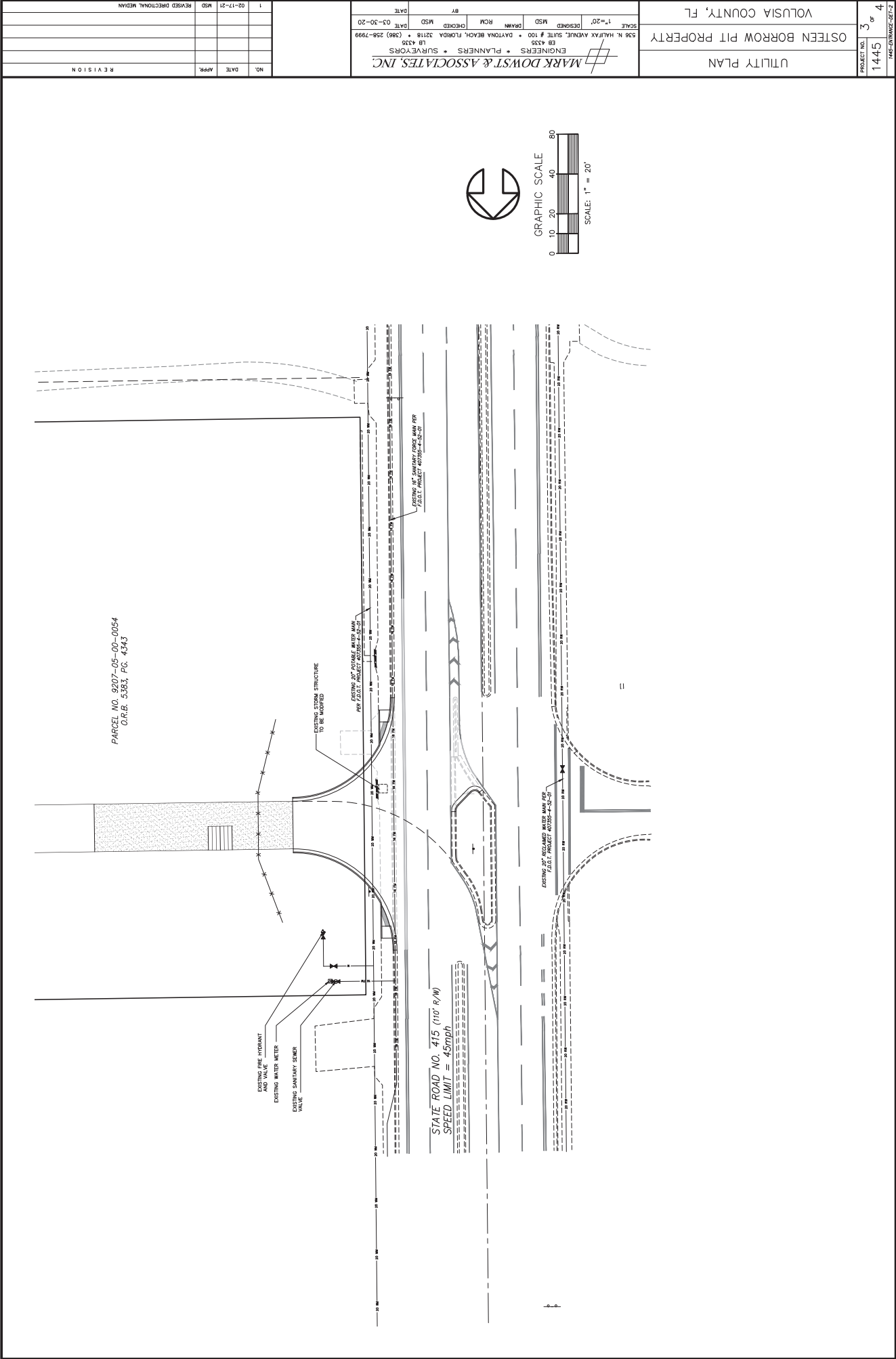
EXHIBIT A

Conceptual Site Plan

EXHIBIT B

Median Modification Plan





PROJECT NO. 1445		PROJECT NO. 1445		PROJECT NO. 1445	
MAINTENANCE OF TRAFFIC PLAN		OSTEEN BORROW PIT PROPERTY		VOLUSIA COUNTY, FLORIDA	
		STATE N.T.S. DESIGNED MSD DRAWN CAD CHECKED MSD DATE 12-10-19		NO. DATE APR. REVISION 1 00-00-00 MSD REISED PER FOOT COMMENTS	

Table 1

Buffer Space	Taper Length
100	100
200	200
300	300
400	400
500	500
600	600
700	700
800	800
900	900
1000	1000
1100	1100
1200	1200
1300	1300
1400	1400
1500	1500
1600	1600
1700	1700
1800	1800
1900	1900
2000	2000
2100	2100
2200	2200
2300	2300
2400	2400
2500	2500
2600	2600
2700	2700
2800	2800
2900	2900
3000	3000
3100	3100
3200	3200
3300	3300
3400	3400
3500	3500
3600	3600
3700	3700
3800	3800
3900	3900
4000	4000
4100	4100
4200	4200
4300	4300
4400	4400
4500	4500
4600	4600
4700	4700
4800	4800
4900	4900
5000	5000
5100	5100
5200	5200
5300	5300
5400	5400
5500	5500
5600	5600
5700	5700
5800	5800
5900	5900
6000	6000
6100	6100
6200	6200
6300	6300
6400	6400
6500	6500
6600	6600
6700	6700
6800	6800
6900	6900
7000	7000
7100	7100
7200	7200
7300	7300
7400	7400
7500	7500
7600	7600
7700	7700
7800	7800
7900	7900
8000	8000
8100	8100
8200	8200
8300	8300
8400	8400
8500	8500
8600	8600
8700	8700
8800	8800
8900	8900
9000	9000
9100	9100
9200	9200
9300	9300
9400	9400
9500	9500
9600	9600
9700	9700
9800	9800
9900	9900
10000	10000

Table 2

Device Spacing	Max Distance Between Devices
100	100
200	200
300	300
400	400
500	500
600	600
700	700
800	800
900	900
1000	1000
1100	1100
1200	1200
1300	1300
1400	1400
1500	1500
1600	1600
1700	1700
1800	1800
1900	1900
2000	2000
2100	2100
2200	2200
2300	2300
2400	2400
2500	2500
2600	2600
2700	2700
2800	2800
2900	2900
3000	3000
3100	3100
3200	3200
3300	3300
3400	3400
3500	3500
3600	3600
3700	3700
3800	3800
3900	3900
4000	4000
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4300	4300
4400	4400
4500	4500
4600	4600
4700	4700
4800	4800

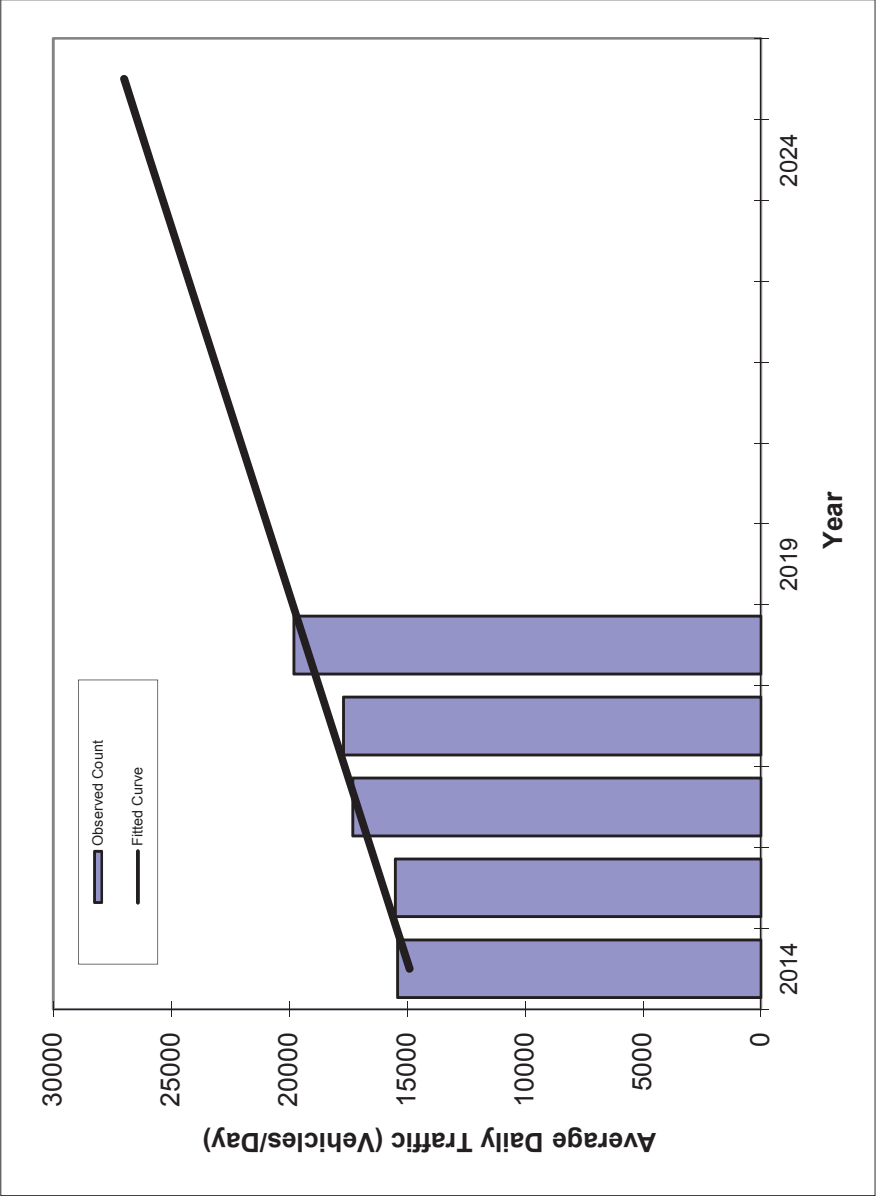
EXHIBIT C

FDOT *Traffic Trends* Worksheet

TRAFFIC TRENDS

SR 415 -- Howland Blvd to Enterprise-Osteen Rd

County:	Volusia
Station #:	437
Highway:	SR 415



** Annual Trend Increase:	1,100
Trend R-squared:	92.1%
Trend Annual Historic Growth Rate:	7.38%
Trend Growth Rate (2018 to Design Year):	5.70%
Printed:	18-Sep-19

Straight Line Growth Option

Year	Traffic (ADT/AADT)	
	Count*	Trend**
2014	15400	14900
2015	15500	16000
2016	17300	17100
2017	17700	18200
2018	19800	19300
2019 Opening Year Trend		
2019	N/A	20400
2022 Mid-Year Trend		
2022	N/A	23700
2025 Design Year Trend		
2025	N/A	27000
TRANPLAN Forecasts/Trends		

*Axle-Adjusted

EXHIBIT D

FDOT Driveway Information Guide (Exhibit 44)

7.2

WHEN SHOULD WE BUILD RIGHT TURN LANES?

Exhibit 44 Recommended Guidelines for Exclusive Right Turn Lanes to Unsignalized* Driveway

Roadway Posted Speed Limit	Number of Right Turns Per Hour
45 mph or less	80-125 (see note 1)
Over 45 mph	35-55 (see note 2)

*May not be appropriate for signalized locations where signal phasing plays an important role in determining the need for right turn lanes.

1. The lower threshold of 80 right turn vehicles per hour would be most used for higher volume (greater than 600 vehicles per hour, per lane in one direction on the major roadway) or two-lane roads where lateral movement is restricted. The 125 right turn vehicles per hour upper threshold would be most appropriate on lower volume roadways, multilane highways, or driveways with a large entry radius (50 feet or greater).
2. The lower threshold of 35 right turn vehicles per hour would be most appropriately used on higher volume two-lane roadways where lateral movement is restricted. The 55 right turn vehicles per hour upper threshold would be most appropriate on lower volume roadways, multilane highways, or driveways with large entry radius (50 feet or greater).

Note: A posted speed limit of 45 mph may be used with these thresholds if the operating speeds are known to be over 45 mph during the time of peak right turn demand.

Note on Traffic projections: Projecting turning volumes is, at best, a knowledgeable estimate. Keep this in mind especially if the projections of right turns are close to meeting the guidelines. In that case, consider requiring the turn lane.

STAFF REVIEW COMMENTS

**Meeting Date: September 30, 2021
McCaskill-Pell Excavation
2021-O-TRS-0663, RSN 1052451**

BUILDING PERMITS

Eric Gebo, AIA, CFM, Chief Plans Examiner

October 1, 2021

McCaskill-Pell Excavation

2021-O-TRS-0663

Staff has reviewed the requested application and has no comments.

* * * * *

CODE COMPLIANCE

Margaret Godfrey, Code Compliance Coordinator

October 5, 2021

McCaskill-Pell Excavation

2021-O-TRS-0663

Staff has reviewed the requested application and has no comments at this time.

* * * * *

DEVELOPMENT ENGINEERING

Scott Carraro, P.E., Civil Engineer II

October 11, 2021

McCaskill-Pell Excavation

2021-O-TRS-0663

Staff has reviewed the requested application and provides the following comment:

1. Per LDC Sec. 72-777(a), the proposed development shall require a stormwater management permit at the time of final site plan submittal.

* * * * *

ENVIRONMENTAL PERMITTING

Keith Abrahamson, Environmental Permitting Manager, County Forester **October 5, 2021**

McCaskill-Pell Excavation

2021-O-TRS-0663

Staff has reviewed the requested application and provides the following comments:

1. This project will require a Final Site Plan application at which time the following environmental comments will need to be addressed: The subject property is located within the Natural Resource Management Area (NRMA) and the Environmental Core Overlay (ECO). Pursuant to Section B.1.a, Chapter 1, Future Land Use Element, of the Comprehensive Plan, in circumstances where a property is located in both NRMA and ECO overlays, the most restrictive environmental protection standards shall apply.
2. Pursuant to Section 72-300(b), of the Zoning Ordinance, and Section 72-505(i), of the Land Development Code, an environmental impact assessment (EIA) report is required for proposed developments within the NRMA. At minimum, the EIA shall include the information and findings resulting from the permitting requirements for the following: Wetland protection, tree protection, surface and stormwater management, land clearance, air quality, protection of environmentally sensitive land and critical habitat, and protection of endangered and threatened species. The submitted report does include an analysis, but it is missing one of the required items. Please revise the report to address the tree protection requirement for the Final Site Plan submittal.
3. Wetlands must be delineated and verified by the state. Wetland and buffer boundaries must be located on the plans. As the project is within the Natural Resource Management Area (NRMA), a minimum 50-foot buffer is required from all wetlands.
4. Within the Cluster Residential land use designation, an average 100-foot wetland buffer is required, pursuant to Comprehensive Plan Policy OST 1.4.3. This buffer cannot be smaller than 50 feet in any area, as the property is within the NRMA. Please demonstrate how the 100-foot average wetland buffer requirement will be met. Revise the plan to depict the wetland buffers (minimum 50 feet, average 100 feet). In addition, provide buffer calculations for staff to verify the average 100-foot buffer.
5. Pursuant to Land Development Code Sec. 72-837, fifteen (15) percent of the total site shall be designated for the protection of existing trees. The tree preservation areas must be clearly labeled on the plans.
6. The project must comply with County specimen tree (ST) preservation requirements per Sec. 72-843 of the Land Development Code (LDC). Please identify all STs on the entire parcel and demonstrate compliance by providing the total number of STs on site, the number of STs per acre, the number of STs required to be protected per the LDC and the number of STs that will actually be preserved within the development.
7. A tree survey is required for all trees at least 6 inches in diameter at breast height with specimen and historic trees noted. The tree survey must identify pine and hardwood trees by specific species.
8. Please include a tree removal plan which indicates all trees planned for removal, including those with encroachment into the drip line (approximated as one foot of radius per inch of tree diameter), and label them with an X or similar notation.

9. Tree removal and replacement calculations must be submitted for all trees at least 6 inches in diameter at breast height removed on site. Existing trees between 2 inches and 6 inches may count toward replacement. Please demonstrate how replacement will be provided for the development.
10. Pursuant to Land Development Code Sec. 72-838, this site must meet the minimum tree coverage standard of one tree per 2,500 square feet of parcel area (rounded up to the nearest whole tree). Please demonstrate that there are a sufficient number of trees on site to meet this requirement.
11. The plans should include a tree protection detail consistent with Sec. 72-844 of the Land Development Code. The root zone of the tree is approximated by one foot of radius per inch of tree diameter.
12. Tree protection must be installed and inspected by this office around the perimeter of each tree preservation area prior to clearing.
13. This property has been identified as containing suitable habitat for the Florida scrub-jay. Florida scrub-jays are federally protected by the Endangered Species Act; therefore, any activity, including the issuance of permits, that destroys habitat that may be utilized by scrub-jays may violate the Endangered Species Act, if proper authorization has not been received. A current 5-day scrub-jay survey following United States Fish and Wildlife Service survey guidelines is required.
14. This property has been identified as containing suitable habitat for the gopher tortoise (GT), a threatened species. Pursuant to Section 72-1140, of the LDC, a 100 percent GT burrow survey is required to be conducted by an Authorized Agent to determine if GT burrows or their 25-foot buffers are located on the property, if site improvements are proposed. This survey is required prior to issuance of the final site plan development order. If any GT burrows are found on-site and their 25-foot buffers cannot be avoided, a Florida Fish and Wildlife Conservation Commission GT relocation permit will be required.
15. Please provide documentation that the proposed excavation will not impact groundwater within the adjacent wetland systems. Any groundwater drawdown that will impact wetlands will require a Wetland Alteration Permit with a mitigation plan and justification for the encroachment. Please include a groundwater contour map and a wetland recharge plan.

Informational:

1. This office reserves the right to provide additional comments based on review of a future plan submittal.

* * * * *

FIRE SAFETY

Shane Lanoue, County Fire Marshall

October 5, 2021

McCaskill-Pell Excavation

2021-O-TRS-0663

Staff has reviewed the requested application and provides the following comment:

1. Provide 20ft stabilized access roads on the property. These roads shall provided access to all equipment and where personnel could be working.

* * * * *

HEALTH

**Britt Williams, Environmental Specialist II
DOH/Volusia County Public Health Unit**

McCaskill-Pell Excavation

2021-O-TRS-0663

Staff has reviewed the requested application and has no comments.

* * * * *

LAND DEVELOPMENT

John Stockham, ASLA, CFM, Planner III

October 9, 2021

McCaskill-Pell Excavation

2021-O-TRS-0663

Staff has reviewed the requested application and provides the following comment:

1. Because there are FEMA designated floodplain areas on the subject property, this application must be approved by the Development Review Committee (DRC). The DRC will also consider any waivers to the Land Development Code.

* * * * *

PLANNING & DEVELOPMENT SERVICES – CITY OF DELTONA

Ron paradise, Director

McCaskill-Pell Excavation

2021-O-TRS-0663

No comments provided at the time of printing (10.12.21).

* * * * *

SCHOOL BOARD

Stephanie Doster, Planning Coordinator

McCaskill-Pell Excavation

2021-O-TRS-0663

No comment provided at the time of printing (10.12.21).

* * * * *

SURVEY

Mark E. McClain, Engineering Supervisor

October 4, 2021

McCaskill-Pell Excavation

2021-O-TRS-0663

Staff has reviewed the requested application and provides the following comment:

1. A signed and sealed survey, meeting the requirements of the Volusia County Land Development Code and in accordance with the Standards of Practice as set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 5J-17, of the Florida Administrative Code, Pursuant to Chapter 472.027, Florida Statutes, will be required at the Final Site Plan submittal.

* * * * *

TRAFFIC

Anthony Taylor, Engineering Assistant

October 7, 2021

McCaskill-Pell Excavation

2021-O-TRS-0663

Staff has reviewed the requested application and provides the following comments:

1. The subject development will access S.R. 415, which is a state maintained thoroughfare. The traffic technical memorandum mentions of modifying the existing directional median opening at the driveway entrance to allow vehicles to exit with a left out. Please provide correspondence wherein FDOT concurs with this proposal. Otherwise, please document where vehicles will be making U-turns along S.R. 415.
2. VCTE is opposed to modifying the median access because it will function as a defacto full median opening for both driveways, as well as increasing safety liabilities at the opening. If the median opening is allowed through FDOT, who restores the median after the borrow pit closes?
3. Please provide a cross section of the internal roadway network.

4. It appears that the existing internal road being used for hauling will fall within borrow pits. Please provide an appropriate drive aisle path.

* * * * *

UTILITIES

Erin Reed, P.E., Civil Engineer III

October 1, 2021

McCaskill-Pell Excavation

2021-O-TRS-0663

Project is not located in utility service area; therefore, this Division has no comments.

* * * * *

ZONING

Scott Ashley, AICP, Senior Zoning Manager

October 11, 2021

McCaskill-Pell Excavation

2021-O-TRS-0663

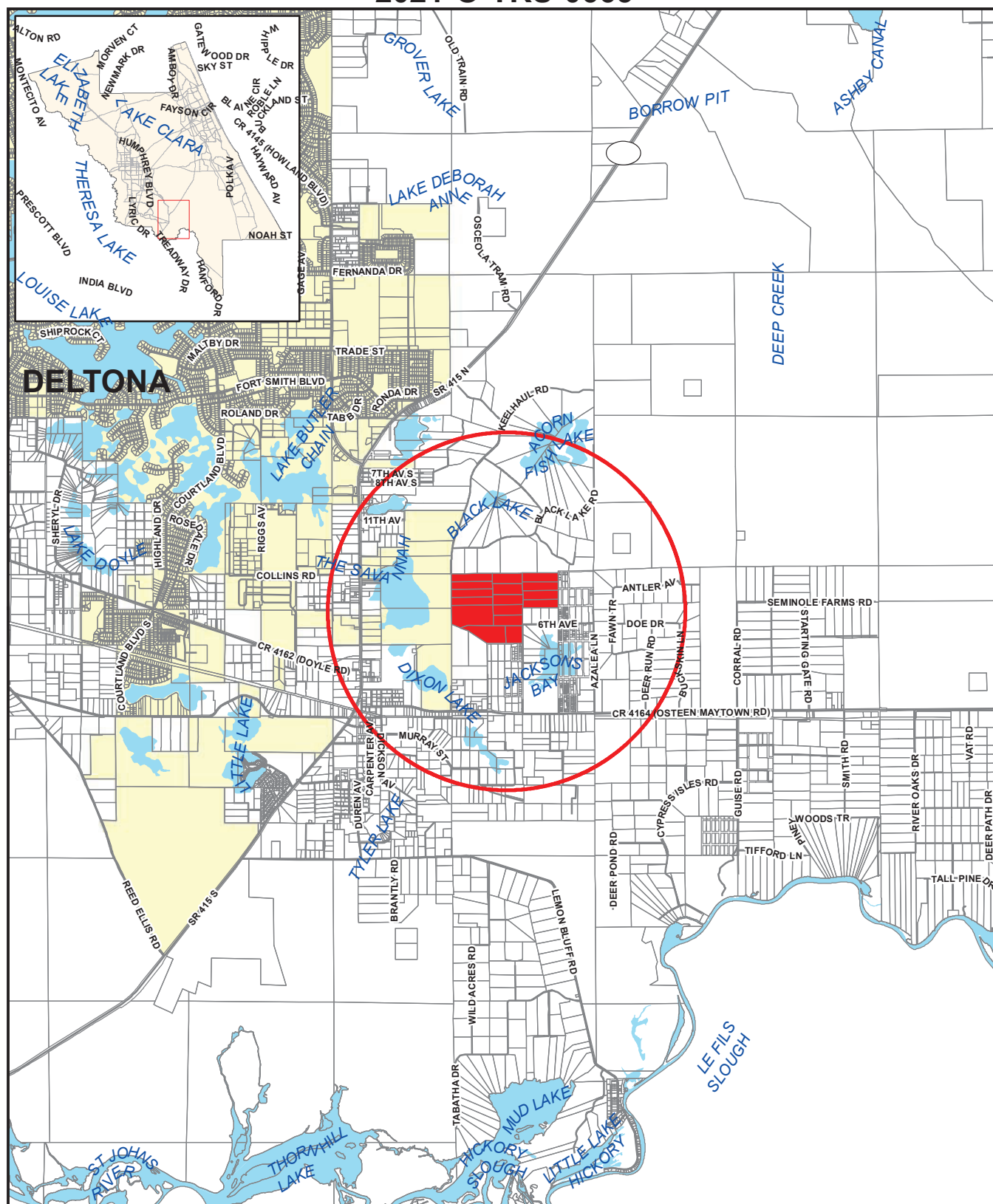
Staff provided the below comments associated with special exception case S-20-059 for an nonexempt excavation under subsection 72-293(15)(b) of the Zoning Ordinance (ZO). This review is limited to the technical requirements of the special exception requirements and not on the merit of the land use requested.

1. The applicant's plan is busy and can be difficult to discern all of the proposed information, especially when the information is layered over an aerial background. This office recommend that a separate plan sheet be provided that depicts the certain features, such as the property elevation contours. The boundary line between the Volusia County and the City of Deltona should be better colored coded to better distinguish each jurisdiction in the drawing. A black line in a sea of black lines is not helpful. In addition, staff will have to reduce the plan size to 8.5 x 11 to attach to the future staff report. This will farther reduce the readability of the plan.
2. Subsection 293(15)b.1.iv, of the ZO, requires that the top of bank be set back 150 feet from the right-of-way, 150 feet from abutting residential or mobile home classified property, 150 feet from any other abutting property, and 150 feet from any man made surface water body, watercourse, or wetland. To meet minimum yard requirements of 150 feet from abutting properties, the applicant must unify all associated parcels under Volusia County's jurisdiction. The largest proposed pit area that will overlap Parcel A and B (County and City jurisdiction line) will not meet the applicable yard requirement. A variance to the applicable special exception minimum yard size from the western boundary line of labeled Parcel B is required.
3. Subsection 293(15)b.1.v, of the ZO, requires minimum 50-foot landscape buffers along all property boundaries. The largest proposed pit area that will overlap Parcel A and B (County and City jurisdiction line), and will not meet the stated 50-foot landscape buffer

width. A variance to the special exception minimum buffer width along the western boundary line of labeled Parcel B is required. The landscape buffer is required to include a six-foot-high chain link fence, landscaped earth berm, a brick or masonry wall or wooden fence. Proposed Overall Plan General Note 18 states that the borrow pit area will be secured with three strand farm fence. The plan does not provide fence height information.

4. Pursuant to subsection 72-293(15)(b)1.ix, of the ZO, the applicant is required to provide a detailed reclamation plan and program to be performed upon completion of the project. Proposed Overall Plan General Note 12 includes a written program for reclaiming the property, but the AMANDA file does not contain a detailed reclamation.
5. Pursuant to subsection 293(15)b.1.x.E, of the ZO, a hydrogeological report was prepared and submitted by Universal Engineering Services. The report states temporary groundwater drawdown impact on adjacent wetland areas and nearby wells should be monitored with shallow wells. The applicant needs to indicate the proposed number and location of monitoring wells they plan to install.
6. Pursuant to Section 293(15)b.1.xii, of the ZO, the county's landscaping regulations require a six-foot-high chain link fence, landscaped earth berm, a brick or masonry wall or wooden fence. Proposed Overall Plan General Note 18 states that the borrow pit area will be secured with three strand farm fence, but no height is specified.
7. Planning staff may provide new or modified comments during review of special exception application, subject to additional information and comments discovered or received from other agencies or county staff.

PROPERTY LOCATION
2021-O-TRS-0663

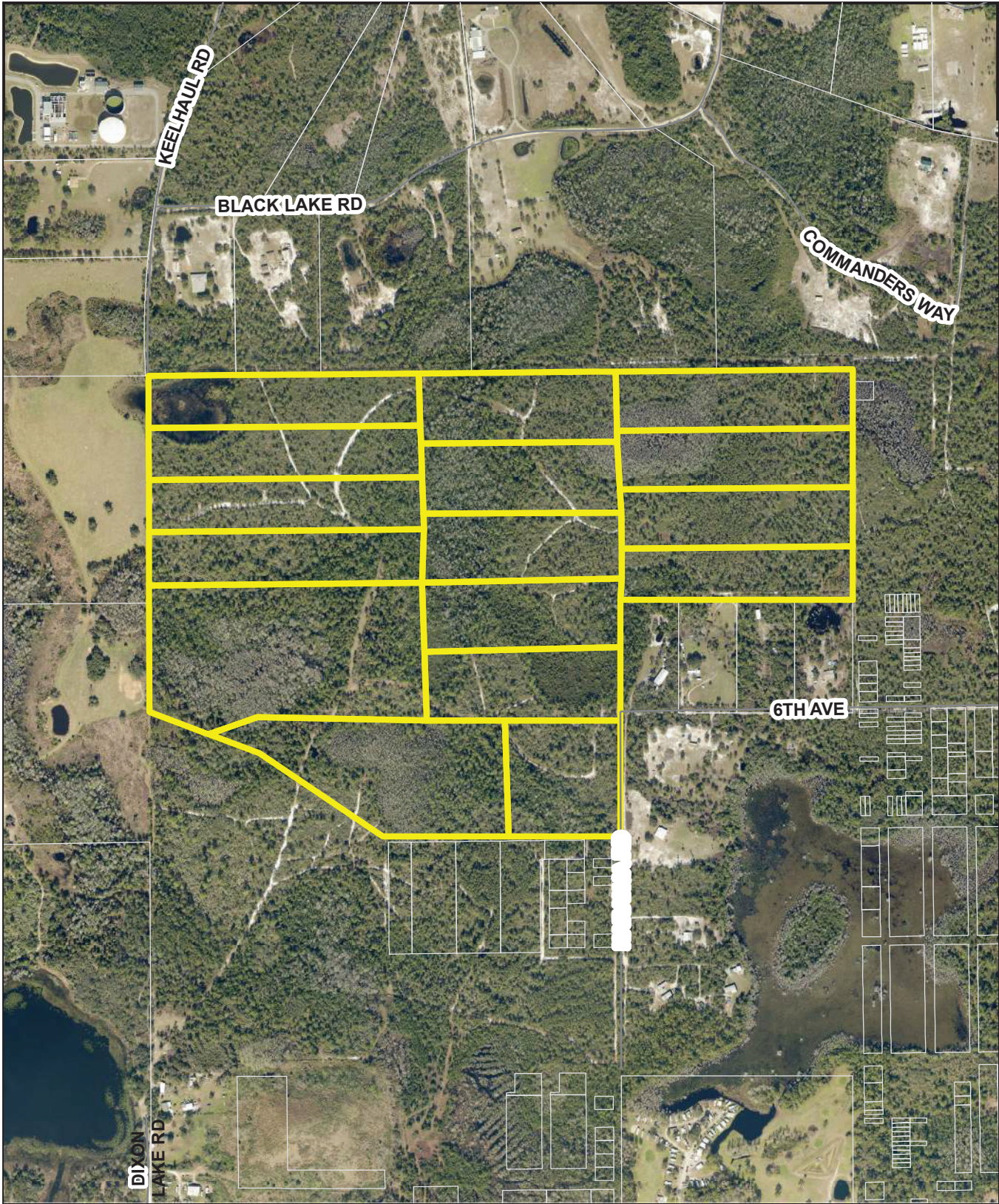


SUBJECT PROPERTY



1 " = 1 miles
10/6/2021

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2021-O-TRS-0663



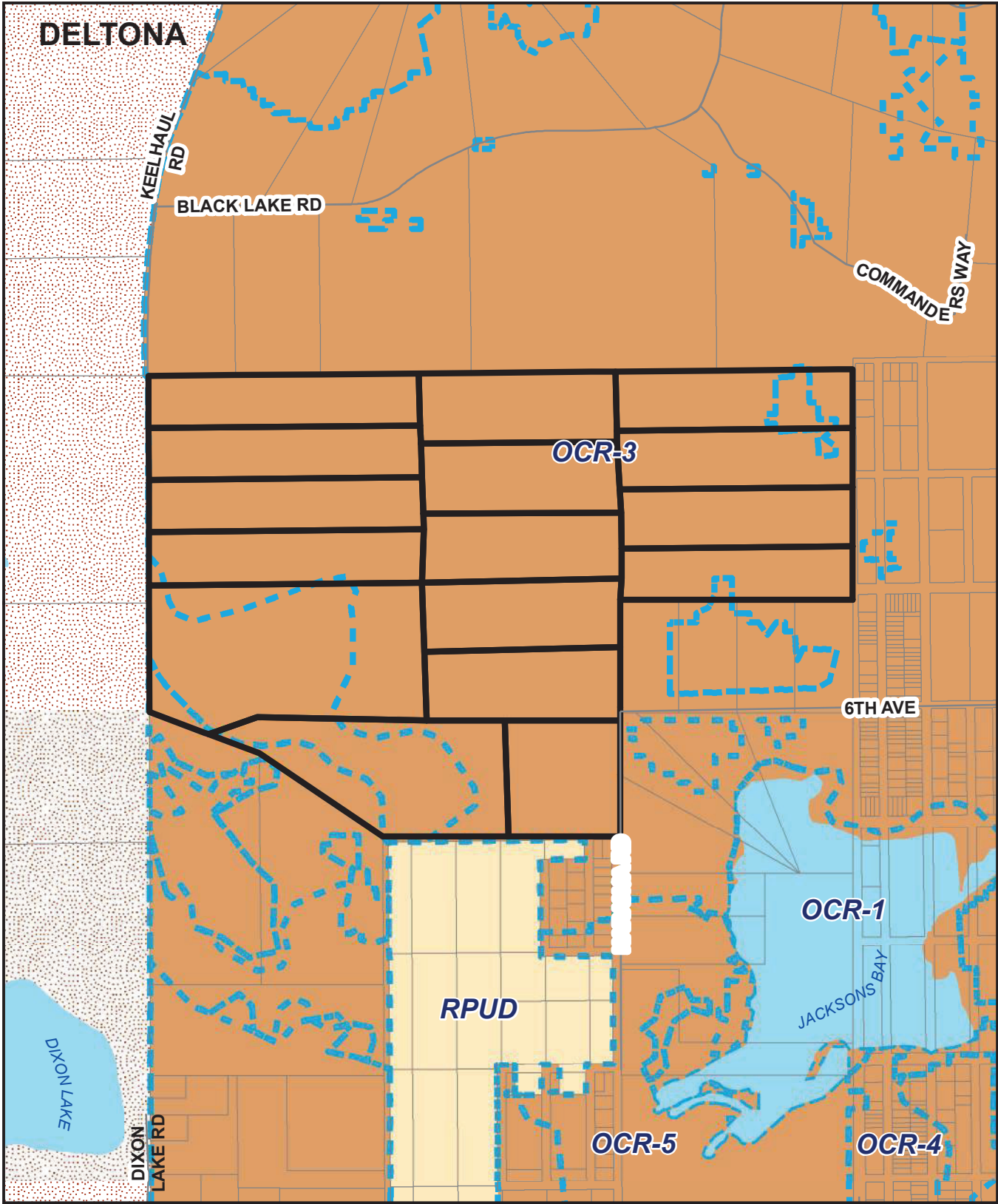
 SUBJECT PROPERTY

IMAGE DATE 2021



1" = 800'
10/6/2021

ZONING CLASSIFICATION
2021-O-TRS-0663



 SUBJECT PROPERTY

 ZONING BNDY  INCORPORATED

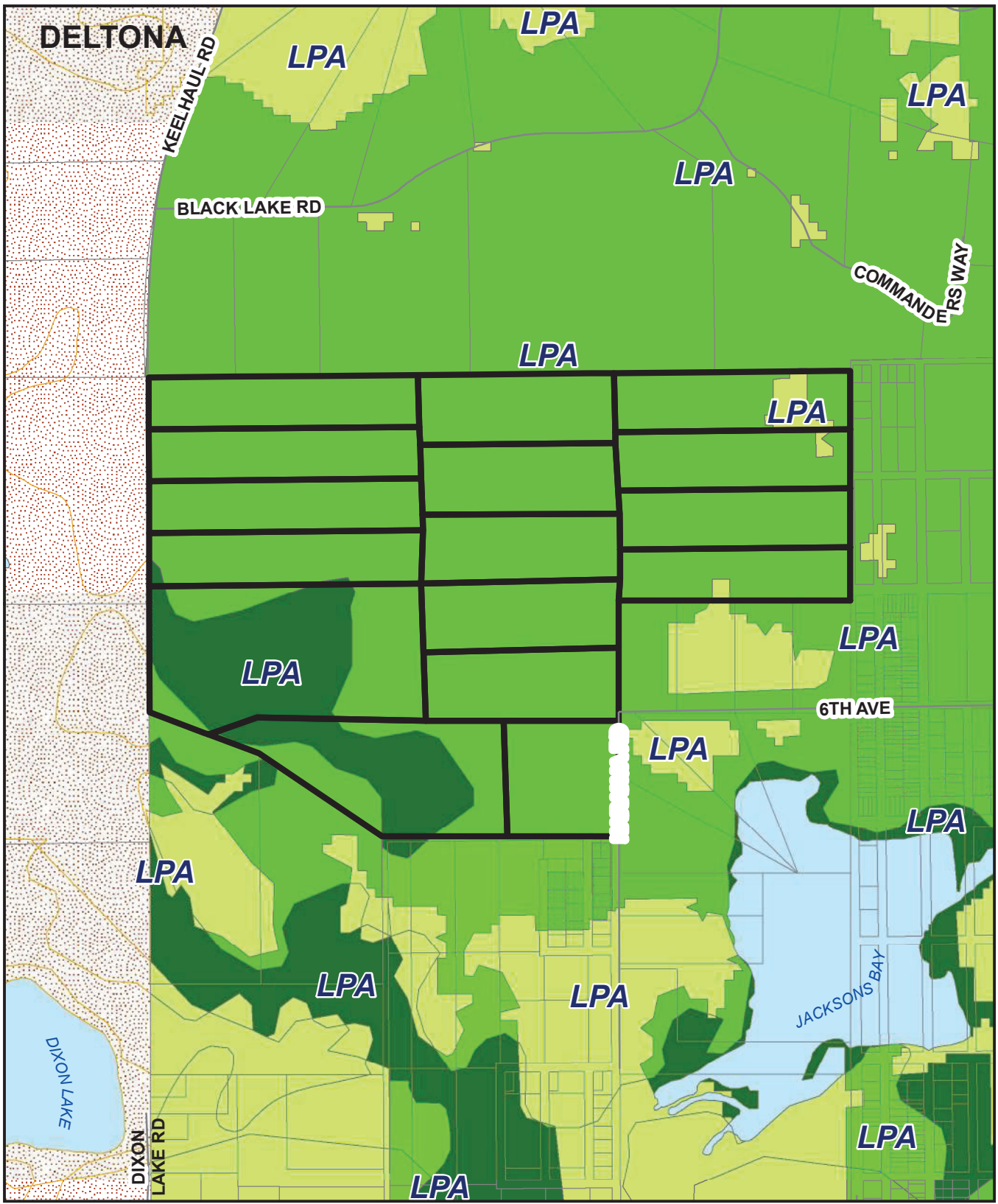
 RESIDENTIAL  OSTEEN CLUSTER RESIDENTIAL



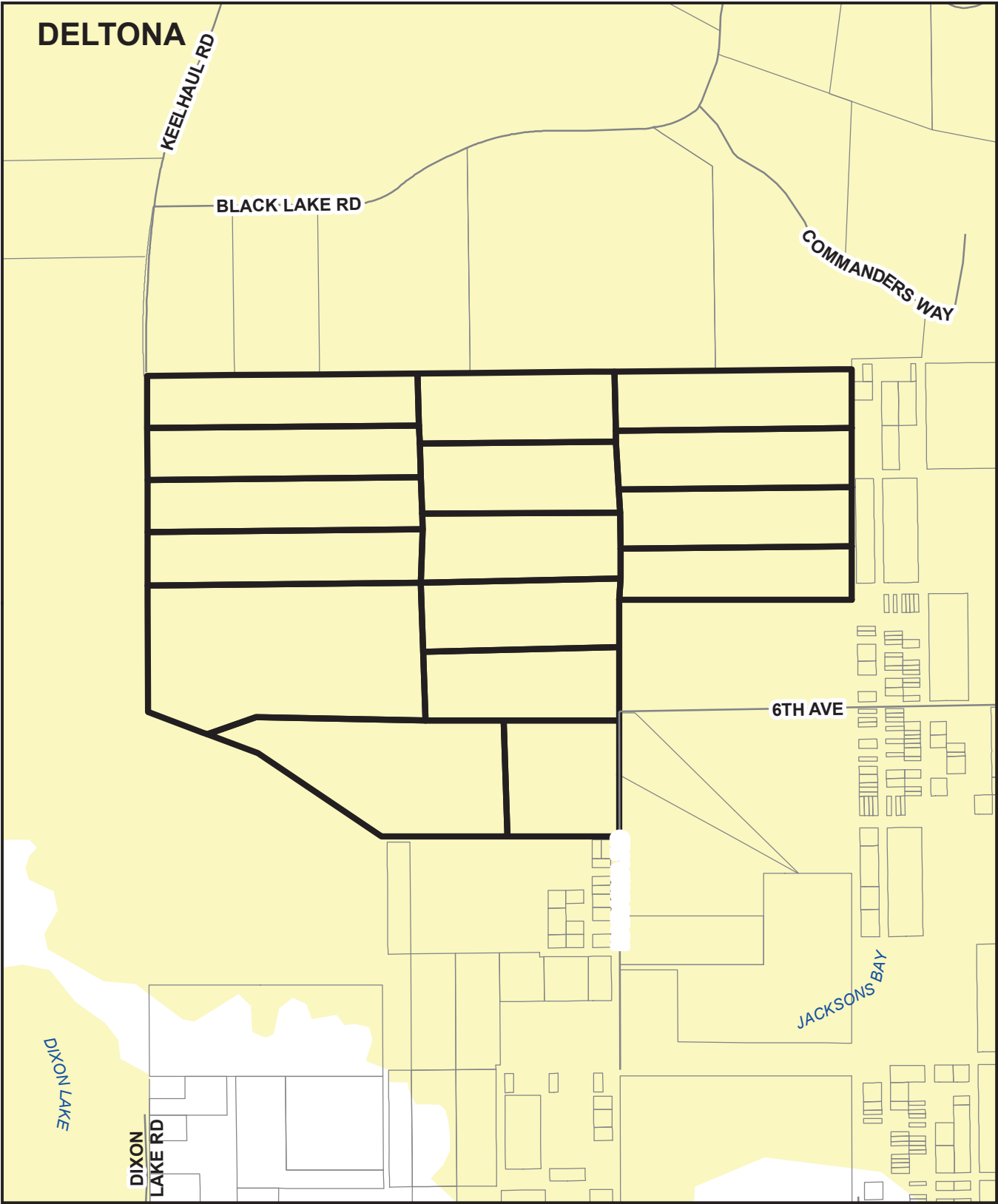
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
10/6/2021

FUTURE LAND USE
2021-O-TRS-0663



ECO/NRMA OVERLAY
2021-O-TRS-0663

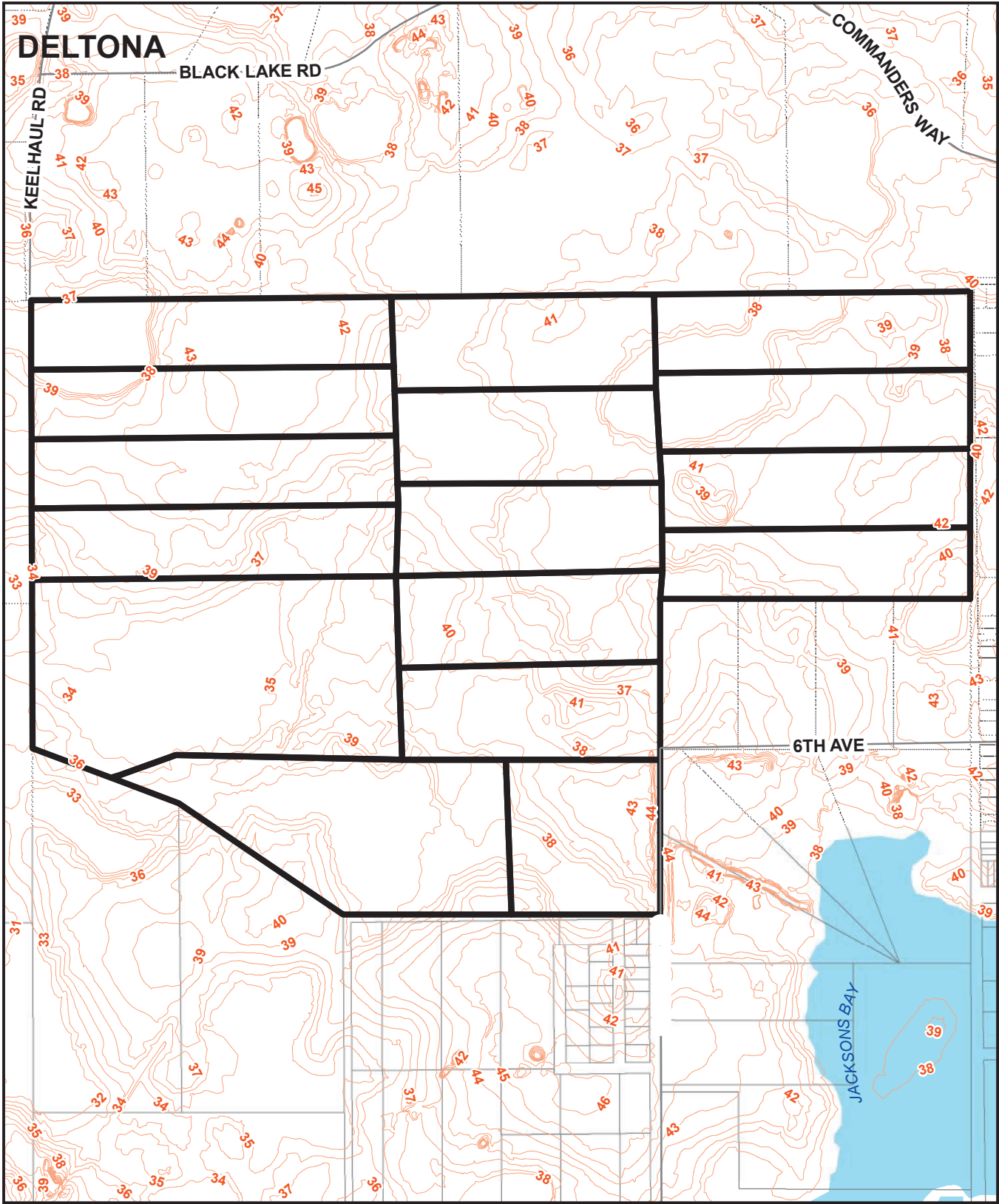


-  SUBJECT PROPERTY
-  ECO
-  NRMA



1" = 800'
10/6/2021

ONE FOOT CONTOURS
2021-O-TRS-0663



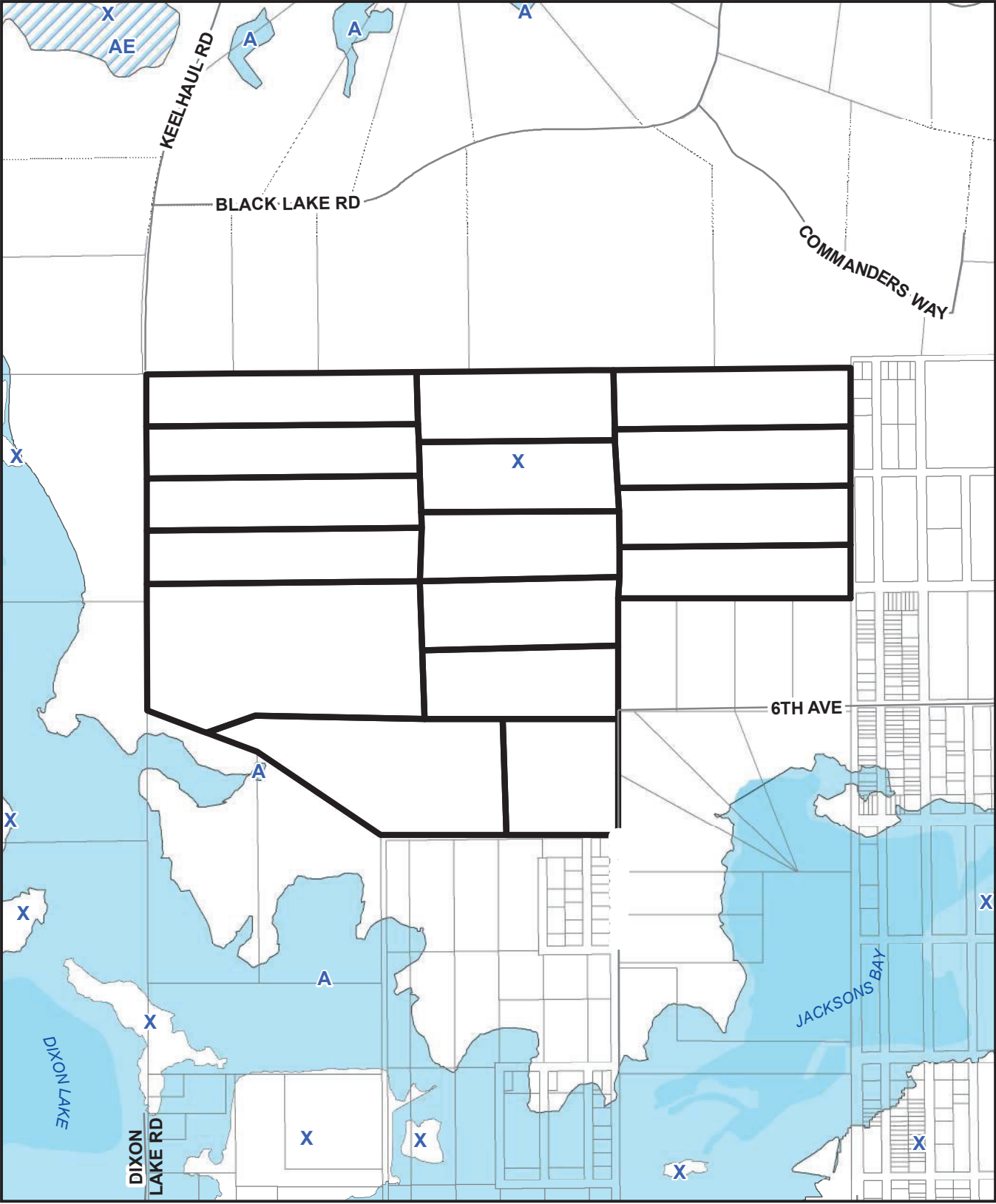
 SUBJECT PROPERTY

1 Foot
Contours



1" = 600'
10/6/2021

FLOOD ZONES 2021-O-TRS-0663



 SUBJECT PROPERTY

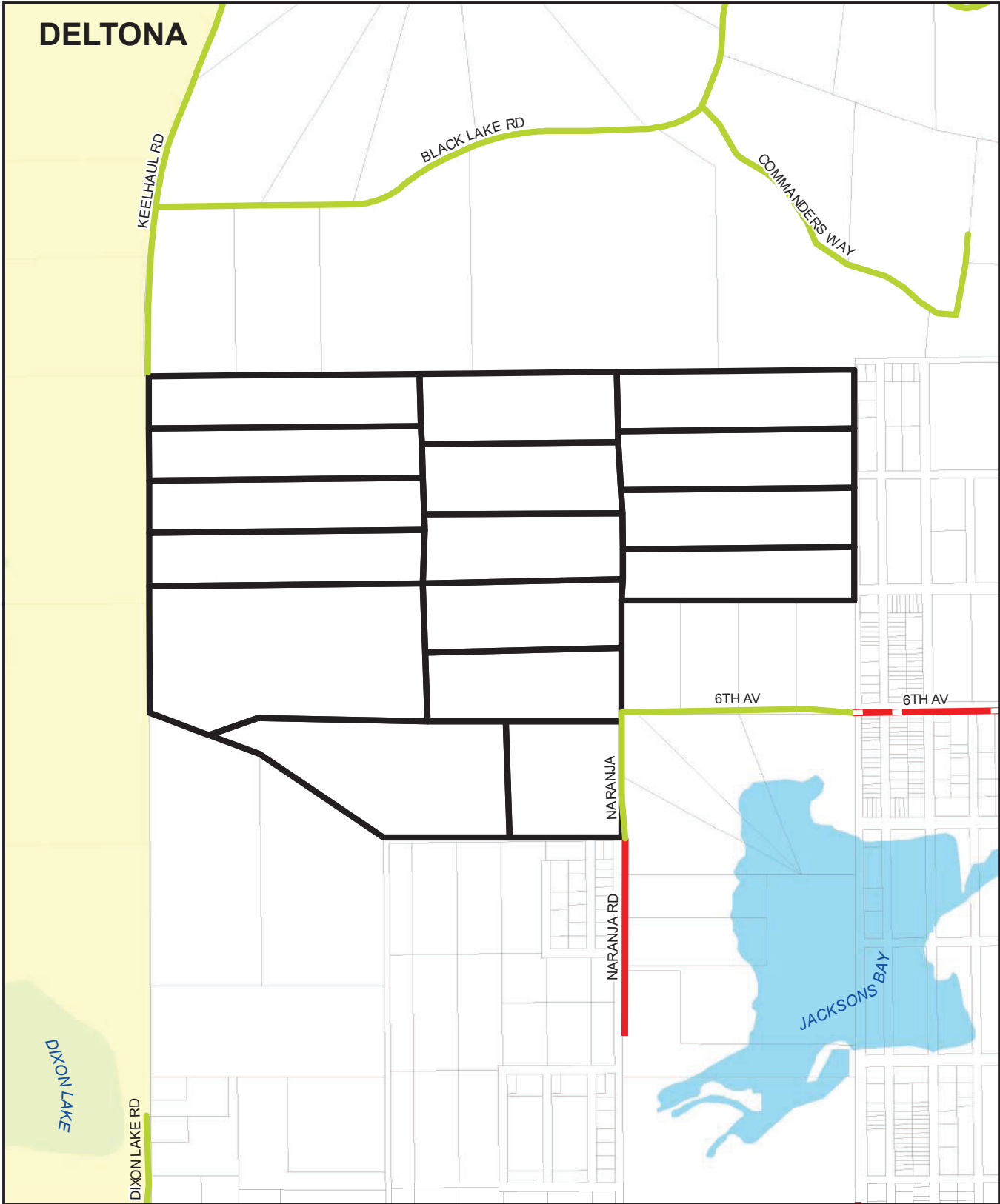
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 AE  VE  0.2 PCT ANNUAL CHANCE FLOOD HAZARD



1" = 800'
10/6/2021

STREET MAINTENANCE
2021-O-TRS-0663



 SUBJECT PROPERTY

 COUNTY EMER MAINTENANCE

 NOT COUNTY MAINTENANCE



1" = 800'
10/6/2021

**Inter-Office
Memorandum**



TO: Patricia Smith, AICP, Planner III **DATE:** October 13, 2021

FROM: Keith Abrahamson, County Forester

SUBJECT: Parcel #: 9208-00-00-0040, 9208-00-00-0043, 9208-00-00-0046,
9208-00-00-0047, 9208-00-00-0048, 9208-00-00-0049, 9208-00-00-0370,
9208-00-00-0380, 9208-00-00-0390, 9208-00-00-0400, 9208-00-00-0410,
9208-00-00-0420, 9208-00-00-0430, 9208-00-00-0440, 9208-00-00-0450,
9208-00-00-0460

Case #: S-20-059

Environmental Permitting (EP) has reviewed the application for a nonexempt excavation special exception request. EP provides the following report for the requested special exception:

Overview

The subject property is located within the Natural Resource Management Area (NRMA) and the Environmental Core Overlay (ECO). Pursuant to Section B.1.a, Chapter 1, Future Land Use Element, of the Comprehensive Plan, in circumstances where a property is located in both NRMA and ECO overlays, the most restrictive environmental protection standards shall apply. The subject property is also designated Cluster Residential (CR), within the Osteen Local Plan. Specific policies relating to wetland buffer dimensions and habitat preservation are provided within the CR land use designation policies. Avoidance and minimization is the overarching policy throughout the above-referenced Comprehensive Plan policies, the Conservation Element, and Division 11 of the Land Development Code.

Review Criteria and Analysis

Pursuant to Section 72-293(15)b.1.iv.D., of the Zoning Ordinance, nonexempt excavations require a 150-foot setback from any natural or manmade surface water body, watercourse or wetland. The proposed excavation does meet the minimum required setback from wetlands.

Recommendation

Environmental Permitting does not object to the approval of the Special Exception on a conceptual level, but does reserve the right to request changes to the plans during the Final Site Plan process. At that point, the applicant will be required to demonstrate compliance with the environmental provisions of the LDC, including specimen tree preservation, area tree preservation, minimum standards, and removal and replacement requirements, as well as FWC Gopher Tortoise permitting requirements. Additional information may be requested at that time.

Site Plan Comments

1. The subject property is located within the Natural Resource Management Area (NRMA) and the Environmental Core Overlay (ECO). Pursuant to Section B.1.a, Chapter 1, Future Land Use Element, of the Comprehensive Plan, in circumstances where a property is located in both NRMA and ECO overlays, the most restrictive environmental protection standards shall apply.
2. Pursuant to Section 72-300(b), of the Zoning Ordinance, and Section 72-505(i), of the Land Development Code, an environmental impact assessment (EIA) report is required for proposed developments within the NRMA. At minimum, the EIA shall include the information and findings resulting from the permitting requirements for the following: Wetland protection, tree protection, surface and stormwater management, land clearance, air quality, protection of environmentally sensitive land and critical habitat, and protection of endangered and threatened species. The submitted report does include an analysis, but it is missing one of the required items. Please revise the report to address the tree protection requirement for the Final Site Plan submittal.
3. Wetlands must be delineated and verified by the state. Wetland and buffer boundaries must be located on the plans. As the project is within the Natural Resource Management Area (NRMA), a minimum 50-foot buffer is required from all wetlands.
4. Within the Cluster Residential land use designation, an average 100-foot wetland buffer is required, pursuant to Comprehensive Plan Policy OST 1.4.3. This buffer cannot be smaller than 50 feet in any area, as the property is within the NRMA. Please demonstrate how the 100-foot average wetland buffer requirement will be met. Revise the plan to depict the wetland buffers (minimum 50 feet, average 100 feet). In addition, provide buffer calculations for staff to verify the average 100-foot buffer.
5. Pursuant to Land Development Code Sec. 72-837, fifteen (15) percent of the total site shall be designated for the protection of existing trees. The tree preservation areas must be clearly labeled on the plans.
6. The project must comply with County specimen tree (ST) preservation requirements per Sec. 72-843 of the Land Development Code (LDC). Please identify all STs on the entire parcel and demonstrate compliance by providing the total number of STs on site, the number of STs per acre, the number of STs required to be protected per the LDC and the number of STs that will actually be preserved within the development.

7. A tree survey is required for all trees at least 6 inches in diameter at breast height with specimen and historic trees noted. The tree survey must identify pine and hardwood trees by specific species.
8. Please include a tree removal plan which indicates all trees planned for removal, including those with encroachment into the drip line (approximated as one foot of radius per inch of tree diameter), and label them with an X or similar notation.
9. Tree removal and replacement calculations must be submitted for all trees at least 6 inches in diameter at breast height removed on site. Existing trees between 2 inches and 6 inches may count toward replacement. Please demonstrate how replacement will be provided for the development.
10. Pursuant to Land Development Code Sec. 72-838, this site must meet the minimum tree coverage standard of one tree per 2,500 square feet of parcel area (rounded up to the nearest whole tree). Please demonstrate that there are a sufficient number of trees on site to meet this requirement.
11. The plans should include a tree protection detail consistent with Sec. 72-844 of the Land Development Code. The root zone of the tree is approximated by one foot of radius per inch of tree diameter.
12. Tree protection must be installed and inspected by this office around the perimeter of each tree preservation area prior to clearing.
13. This property has been identified as containing suitable habitat for the Florida scrub-jay. Florida scrub-jays are federally protected by the Endangered Species Act; therefore, any activity, including the issuance of permits, that destroys habitat that may be utilized by scrub-jays may violate the Endangered Species Act, if proper authorization has not been received. A current 5-day scrub-jay survey following United States Fish and Wildlife Service survey guidelines is required.
14. This property has been identified as containing suitable habitat for the gopher tortoise (GT), a threatened species. Pursuant to Section 72-1140, of the LDC, a 100 percent GT burrow survey is required to be conducted by an Authorized Agent to determine if GT burrows or their 25-foot buffers are located on the property, if site improvements are proposed. This survey is required prior to issuance of the final site plan development order. If any GT burrows are found on-site and their 25-foot buffers cannot be avoided, a Florida Fish and Wildlife Conservation Commission GT relocation permit will be required.
15. Please provide documentation that the proposed excavation will not impact groundwater within the adjacent wetland systems. Any groundwater drawdown that will impact wetlands will require a Wetland Alteration Permit with a mitigation plan and justification for the encroachment. Please include a groundwater contour map and a wetland recharge plan.

Inter-Office
Memorandum



To: Patricia Smith, AICP
Planner III

Date: October 22, 2021

From: Samantha J. West
Land Development Manager

Subject: S-20-059
Parcel #: 9208-00-00-0040, 9208-00-00-0043, 9208-00-00-0046, 9208-00-00-0047,
9208-00-00-0048, 9208-00-00-0049, 9208-00-00-0370, 9208-00-00-0380, 9208-
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0440, and 9208-00-00-0450

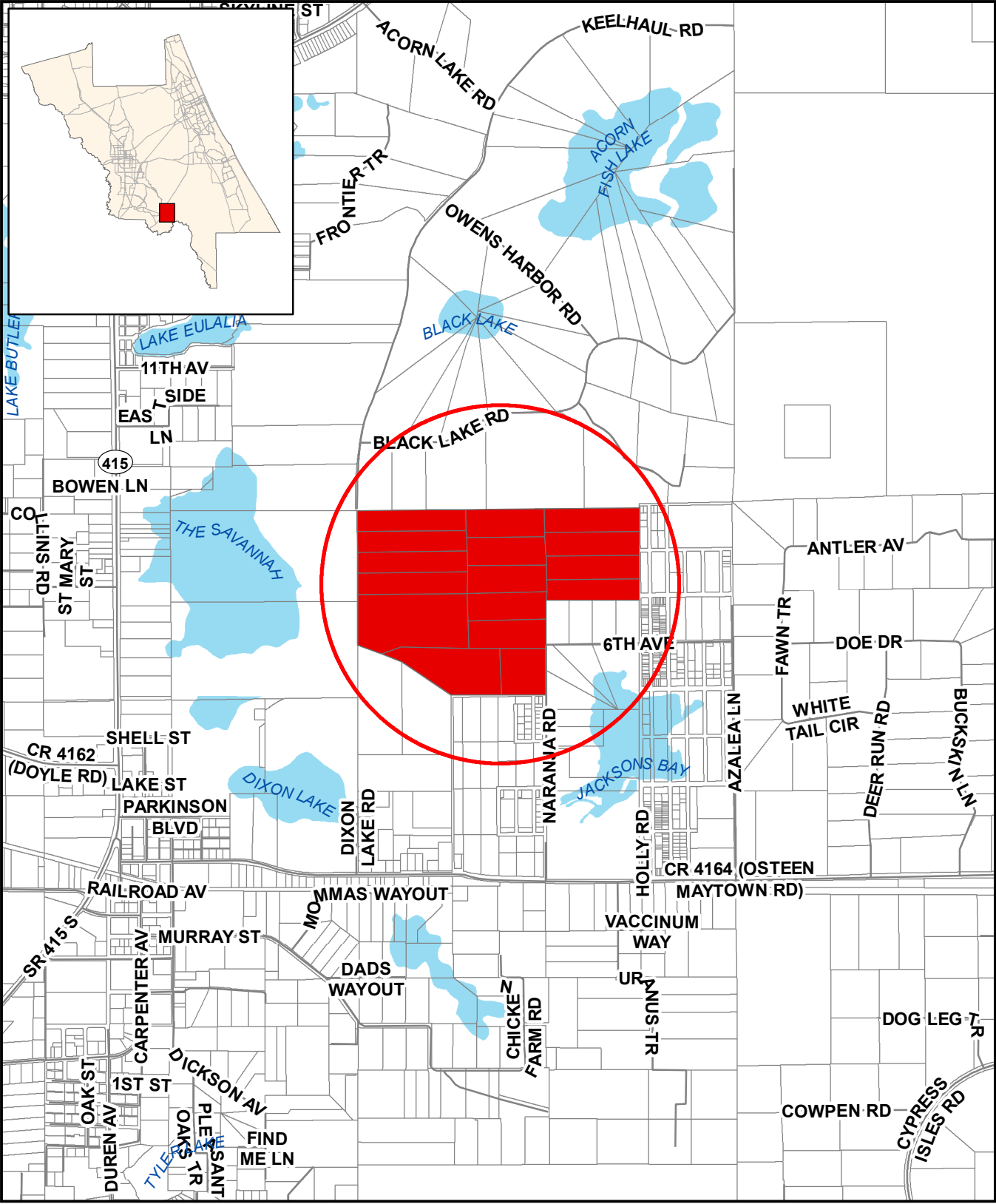
Land Development has reviewed the subject parcels involved in the proposed special exception and provides the following determination:

The subject property is comprised of Lots 1 through 14, 17, and 18 of Storch/McCaskill Unrecorded Subdivision (2009-S-EXM-0462). A Subdivision Exemption application is required to combine the lots located within the unincorporated area of this project.

The current version of this site plan will require Final Site Plan approval, under Division 3, of the LDC.

Please call the Land Development Office at 386-736-5942 for any questions.

PROPERTY LOCATION
S-20-059

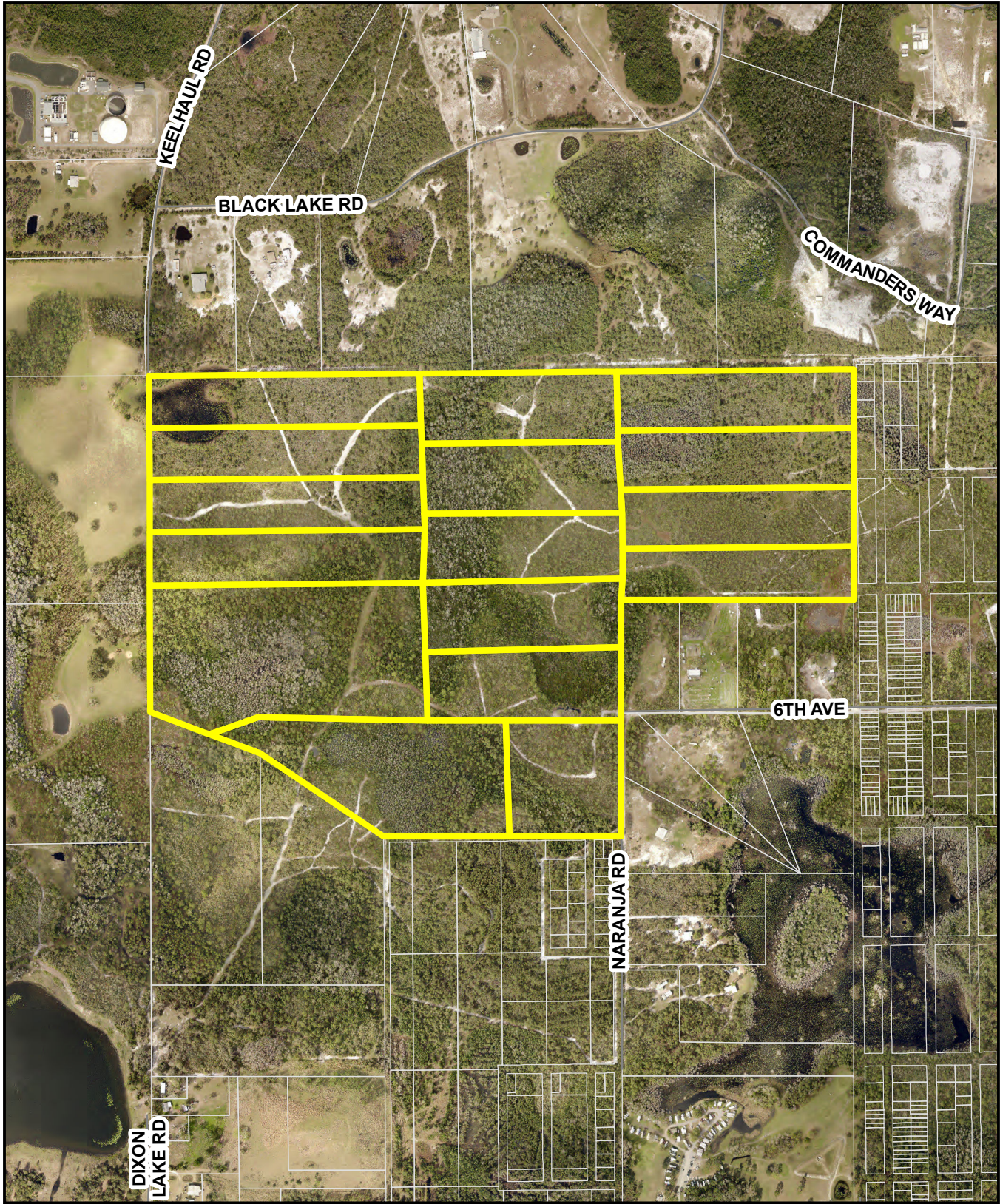


 SUBJECT PROPERTY



1" = 2,000'
4/13/2020

AERIAL
S-20-059



 SUBJECT PROPERTY

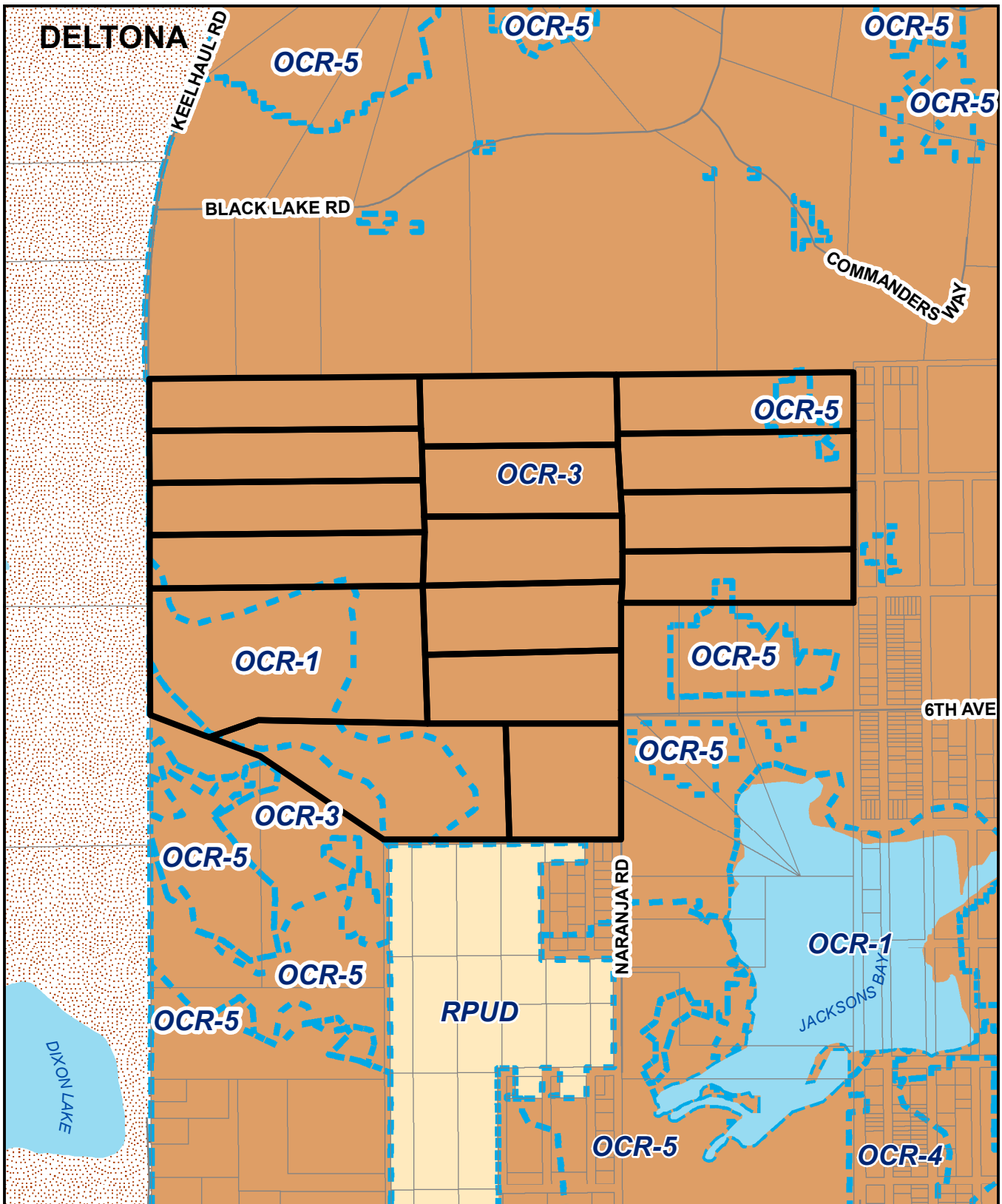
IMAGE DATE 2018



1 " = 800 '
4/13/2020



ZONING CLASSIFICATION

S-20-059



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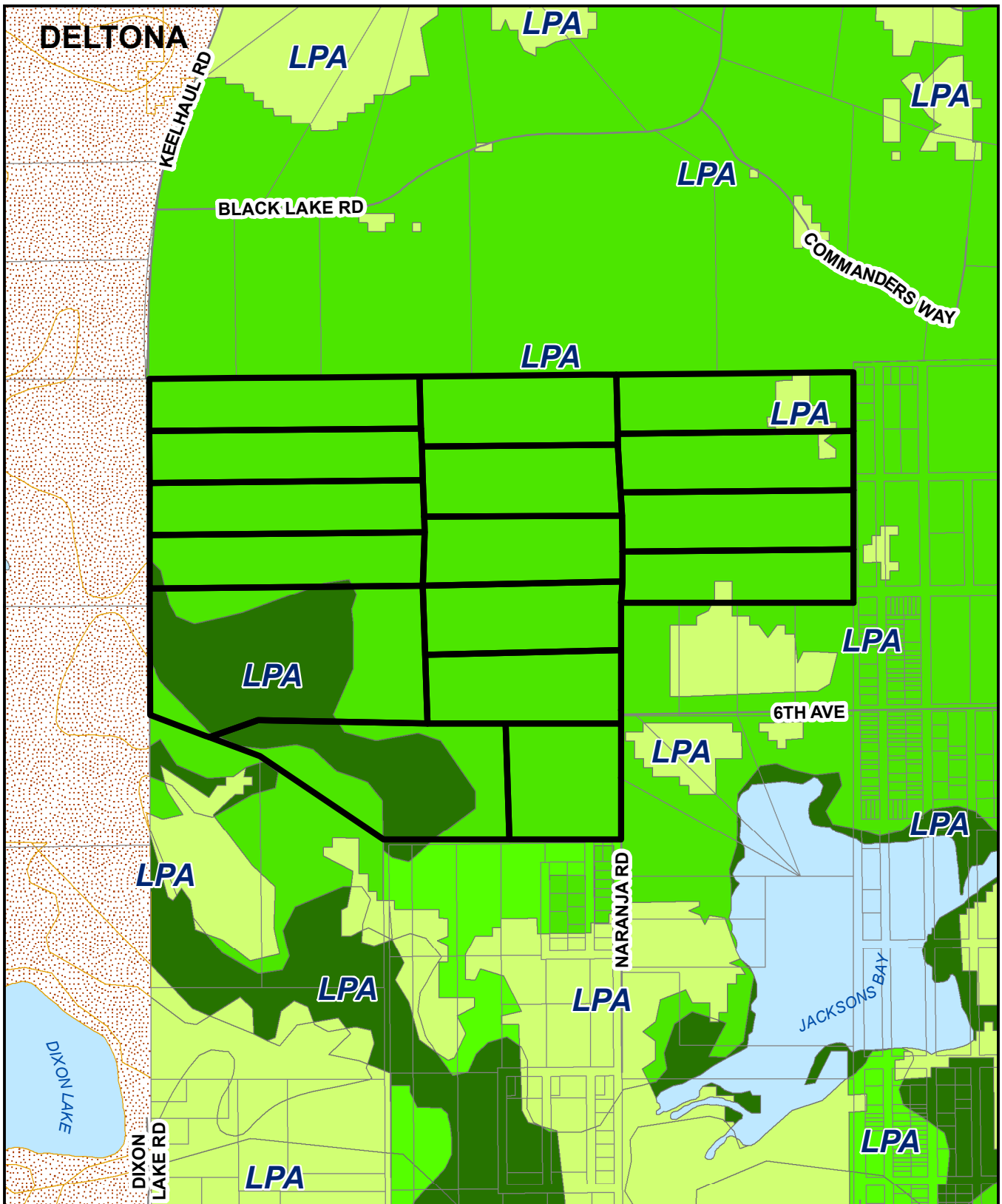
 ZONING BNDY  INCORPORATED


 RESIDENTIAL  OSTEEN CLUSTER RESIDENTIAL





1" = 800'
4/13/2020


FUTURE LAND USE S-20-059





 SUBJECT PROPERTY


 CLUSTER RESIDENTIAL1


 CLUSTER RESIDENTIAL3

 CLUSTER RESIDENTIAL4

 CLUSTER RESIDENTIAL5

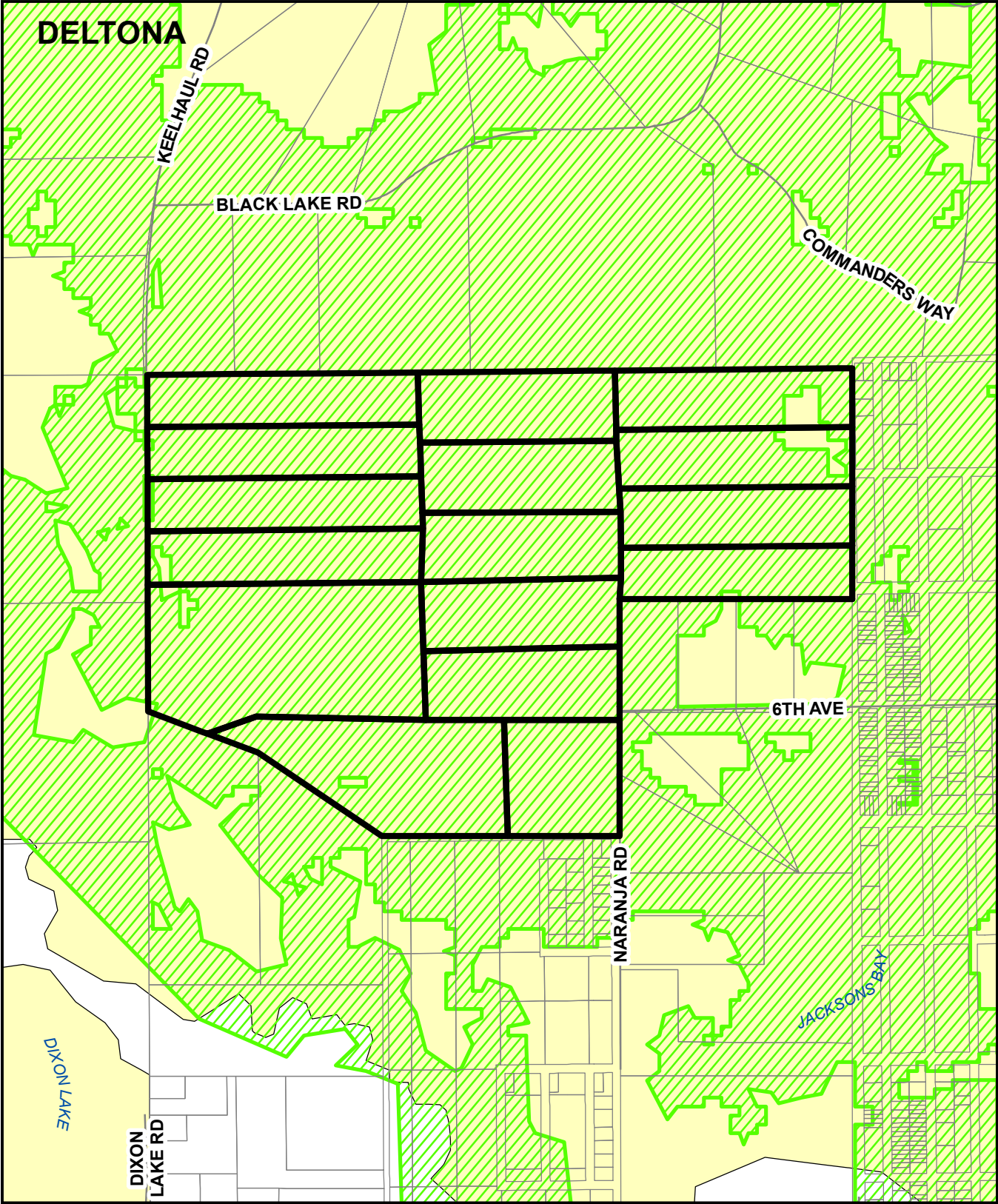
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
 WATER

 1" = 800'

4/13/2020

ECO/NRMA OVERLAY
S-20-059



-  SUBJECT PROPERTY
-  ECO
-  NRMA



1" = 800'
4/13/2020