Outline

I. Wetland Ordinance Changes
   I. Standards for review
   II. Mitigation
   III. Comprehensive Plan
   IV. Potential Changes

II. Committee Discussion
Environmental Minimum Standards and Implementing Ordinance

Keith Abrahamson, Environmental Permitting Manager, County Forester
An area of interconnected natural systems of environmentally sensitive lands, including public and private conservation areas and lands linking these areas.

Intended to achieve wildlife and habitat connectivity.

Represents land areas that should receive the greatest degree of protection and suffer the least impacts from development.
expanses of relatively uninterrupted environmentally sensitive areas, which need to be managed as part of a system

• support a wide range of wildlife species; continually help recharge the County's groundwater supply; ensure high quality surface waters; and provide recreation, aesthetic and open space areas

• Development activities within NRMA are intended to be more restrictive than for the same activities outside of NRMA
Questions?
Sec. 72-885. Standards for review.

(a) Review criteria. In determining whether the development is permissible under the provisions of this division, the EMD shall consider but not be limited to the following criteria:

(1) The ability of the wetland to receive, store and discharge surface water runoff so as to contribute to hydrological stability and control of flooding and erosion.

(2) The ability of the wetland to recharge the groundwater as demonstrated by reliable available information.

(3) The ability of the wetland to provide filtration and nutrient assimilation from surface water runoff.

(4) The ability of the wetland to provide habitat and significant ecological function in the life cycle for fish, wildlife or other forms of animal or plant life.

(5) The ability of the wetland to function as an integral part of any waters, water body or watercourse.

(6) The cumulative impacts of the proposed development on the wetland system in combination with other developments which have been permitted or constructed in the same drainage basin.
Sec. 72-885. Standards for review.

(7) The technical feasibility of any proposed wetland mitigation plans and the likelihood of their success in restoring or replacing the environmental benefit altered by the development.

(8) The capacity of the existing wetland to provide environmental benefits because of such factors as maturity, size, degree of prior alteration, physical relationship to other water systems and adjacent land uses.

(9) The degree or magnitude of the impact of the proposed alteration on the wetland and how such impact shall be minimized through mitigation measures, either off-site or on-site, or both, and recommendations concerning the appropriate location of said mitigation.

(10) Whether and the extent to which a proposed project must be located within a wetland or water body in order to perform the project's basic functions.

(11) Whether the wetlands impacted by the proposed activity are protected or used in a manner which does not adversely impact their beneficial functions as provided in section 72-881.

(12) The ability of the wetland to continue to function after development is completed.

(13) Whether the proposed project and the wetland impacts are consistent with the policies in the comprehensive plan.
Sec. 72-887. Mitigation.

(a) Mitigation requirements.

1. Mitigation plans shall consider the following methods, in order of priority in which they should be utilized:
   a. Avoiding the impact altogether by not taking a certain action or parts of an action;
   b. Minimizing impacts by limiting the degree or magnitude of the action or its implementation;
   c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
   d. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
   e. Compensating for the impact by replacing or providing substitute resources or environments through creation of new wetlands, enhancement of existing wetlands or reestablishment of wetlands which are no longer functioning due to significant attention [alteration] in the past.

2. The purpose of mitigation is to compensate for unavoidable adverse impacts by replacing or providing substitute resources or environments through the creation of new wetlands, enhancement of existing wetlands, or reestablishment of wetlands which are no longer functioning due to significant alteration in the past.
a. Natural Resource Management Areas (NRMA) - In circumstances where a property is located in both NRMA and ECO overlays the most restrictive environmental protection standards shall apply. Volusia County contains expanses of relatively uninterrupted environmentally sensitive areas which need to be managed as part of a system. Among the functions these areas support are a wide range of wildlife species; continually help recharge the County's groundwater supply; ensure high quality surface waters; and provide recreation, aesthetic and open space areas that have become an integral part of the quality of life for Volusia County residents. It is the intent of the Natural Resource Management Area Overlay to ensure that the development that occurs within its boundaries does not adversely impact the quality and quantity of existing resources. Development standards established for land use activities within the NRMA are more restrictive than for the same uses falling outside the NRMA. The environmental standards and safeguards are set forth in the Conservation Element and County Code of Ordinances. In effect, the NRMA provides a mechanism to protect environmental site features without depriving a landowner the use of their property. NRMA lands are identified on the Future Land Use Map.
(1) The County has established criteria and standards for an Environmental Impact Assessment (EIA), to ensure protection of the Natural Resources Management Areas (NRMA). The EIA shall provide for a multi-level application process, depending on the scope and location of proposed land development projects. At minimum, the EIA shall incorporate into a single package the permitting requirements for: wetlands protection; tree protection; surface and stormwater management; land clearance; air quality; protection of environmentally sensitive lands and critical habitats; and protection of endangered species.

(2) Proposed activities within the NRMA shall avoid adverse impacts to wetlands and their associated natural physical and biological functions, except in cases where it can be demonstrated to be in the overriding public interest. In such cases, appropriate mitigation shall be required. Wetlands which are shown to be functionally degraded shall be targeted for restoration.

(3) Increased natural buffer zones shall be required landward of all protected wetlands occurring within the NRMA as provided for in the County’s Code of Ordinances.
12.1.2.1 Natural shoreline buffers or setbacks shall remain established for surface water bodies, the extent of which will depend on, at minimum: existing soils; cover and type of vegetation; topography; wildlife habitat; ambient water quality; and the protective status of the water body.

12.1.2.3 Removal or control of submerged, emergent, or floating vegetation shall continue to be limited to that necessary to provide reasonable access, and aquatic weed control as defined by the appropriate agencies. Any use of chemical herbicides for such purposes shall ensure that water quality and ecological integrity are not degraded.

12.1.2.4 Vertical seawalls and bulkheads along the banks and shorelines of naturally occurring surface water bodies shall continue to be limited to those instances where serious threat to life or property can be demonstrated. In such cases, utilization of sloping stabilization methods combined with vegetation shall be used as an alternative to vertical seawalls and bulkheads where feasible.

12.1.3.5 The expansion of navigable waterways shall be prohibited in Volusia County. Maintenance dredging of existing waterways must comply with the Manatee Protection Plan and Land Development Code.

12.2.4.1 The County’s geographic information systems mapping will be used as base data for determining the presence of listed wildlife species and related habitat. Other information, including field visits will be used to determine the presence of listed wildlife within the County. This information shall help determine type and occurrence of critical wildlife habitat, and boundaries of the NRMA and ESC's.
Use language in the Comprehensive Plan to define avoidance and minimization of wetland and buffer impacts

Remove FDEP permit exemption language from minimum standard

Require permitting and mitigation upon conversion of agricultural land to another use utilize the rebuttable presumption language in the tree ordinance
Increase buffers to better protect wetlands and wildlife – graduated protection in NRMA and ECO
- Increase buffer width in ECO and NRMA to 100 feet
- Increase buffer width in ECO or NRMA to 75 feet
- Increase buffer width in all other areas to 50 feet
- Include wildlife corridor and RHPZ in ECO
- Include all OFW and aquatic preserves in NRMA

Make changes to provide consistency with the Comprehensive Plan examples are on slide 9
- Strengthen regulations for disturbance to buffers
  - Buffers associated with naturally occurring waterbodies shall not be impacted by accessory structures or impervious surfaces. For seawalls and revetment use language in 12.1.2.4
  - Buffers associated with naturally occurring wetlands may be impacted up to 25% of the required buffer for accessory structures or impervious surfaces subject to all other requirements of this division
  - Buffers associated with manmade waterbodies or wetlands may impact up to 50% of the required buffer for accessory structures or impervious surfaces subject to all other requirements of this division
Wetland Protection
Potential Changes

- Strengthen regulations for disturbance to buffers
  - Increase in buffer mitigation to $2.00 a square foot
  - Required restoration for degraded wetland and buffer areas associated with a wetland alteration permit and reduce the mitigation in half
  - Limit Non-mechanical clearing exemption to 6 feet wide
  - Buffer starts at the top of bank
Other potential changes

- Re-order to make the code flow better
- Add language for clarity
- Make it clear which sections apply to which types of development
- Remove redundancies
## Council work program, cont.

<table>
<thead>
<tr>
<th>Topic</th>
<th>Issue</th>
<th>Direction</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wetlands</td>
<td>Require avoidance and minimization of impacts in minimum standard and establish guidelines</td>
<td>to better define minimization</td>
</tr>
<tr>
<td></td>
<td>Require permitting and mitigation upon conversion of agricultural land to another use within a certain timeframe (10 years?)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Increase buffers to better protect wetlands and wildlife – graduated protection in NRMA and ECO?</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Update to include current mitigation assessment method and mitigation banks as option</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Clarify that impacts to surface waters and buffers require mitigation</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Strengthen regulations for disturbance to buffers</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Acid exemptions for fences, public road projects with state permits, land management activities on publicly owned conservation lands</td>
<td></td>
</tr>
<tr>
<td>Protected species</td>
<td>Protected Species ordinance that protects habitat of Threatened and Endangered species.</td>
<td></td>
</tr>
<tr>
<td>Stormwater and Low Impact Development (LID)</td>
<td>Utilize grant funding to hire East Central Florida regional Planning Council and University of Florida to develop recommendations for LID implementation.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Modify Conservation Subdivision and Cluster Subdivision regulations to encourage LID.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Study the need to add nutrient reduction standards to the stormwater regulations.</td>
<td></td>
</tr>
</tbody>
</table>