

**Chapter 15, Article X
Wetland Conservation Ordinance
Applicant's Handbook**



Environmental Protection Division

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PART I – BACKGROUND

1.1 Applicant's Guide

Wetlands, both forested and herbaceous, and surface waters, which generally include lakes, streams, and other open water bodies, are classified by Orange County as "Conservation Areas". Orange County has developed regulations that provide certain levels of protection to these conservation areas, and has developed a process by which landowners, land developers, or their consultants can comply with these protection standards. Orange County has published this Applicant's Guide to clarify these protection standards, with specific instructions on how to obtain a formal determination of the type, location, and landward extent of conservation areas on a subject parcel (called a "Conservation Area Determination" or CAD), and how to apply for a permit from Orange County to develop in, on, over or adjacent to any identified Conservation Areas (called a "Conservation Area Impact permit" or CAI permit). The intent is to provide developers, environmental consultants, other interested parties, and the public with a clear and concise "how to" guide to obtaining a CAD or CAI permit for a variety of projects within or adjacent to wetlands and/or surface waters of Orange County. The overall objective of this guide is to assist those seeking permits by making the process easier to understand.

This guide covers only the CAD and CAI processes, however the development of a parcel may require other environmental reviews and permits as implemented by Orange County's Environmental Protection Division (EPD), as well as other development related reviews and permits administered by other Orange County divisions. This Applicant's Guide provides an overview of the processes and rules, and provides references to the specific ordinance(s) as established by Orange County for the details. This Applicant's Guide makes use of hypertext links to provide an easy reference to important forms or other information both within the Applicant's Guide and to other online resources.



Orange County's Conservation Areas include natural surface waters, such as lakes, rivers, and streams, as well as wetlands, such as swamps, cypress domes, wet prairies, and freshwater marshes.

1.2 Other government agencies

Alterations and impacts to wetlands or surface waters may also be regulated by federal, state, and municipal regulatory agencies. Orange County's regulation of conservation areas is independent of any other rules that may have been developed by other agencies. Thus, obtaining a wetland permit from any federal or state agencies, or other local municipalities does not eliminate the requirement to comply with Orange County regulations. In accordance with the Orange County Charter, Orange County will not exert regulatory authority in some municipalities within the County that have enacted wetland regulations of their own. State and federal agencies regulating wetlands and surface waters within Orange County include the following:

- [U.S. Army Corps of Engineers](#) (USACE) is the federal agency primarily responsible for regulating wetlands and surface waters.
- [Florida Department of Environmental Protection](#) (FDEP) is the lead state agency responsible for wetlands permitting, but has delegated most permitting responsibility to Florida's Water Management Districts.
- [St. Johns River Water Management District](#) (SJRWMD) administers State wetland regulations over most of Orange County.
- [South Florida Water Management District](#) (SFWMD) administers State wetland regulations generally in the southwestern part of the County.

1.3 Regulatory authority

Orange County has been authorized to regulate impacts to conservation areas by the Constitution of the State of Florida, state statutes, and the Orange County Charter. County policies and goals have been defined in the Orange County Comprehensive Plan; and enacted by various ordinances as compiled in the Orange County Code.

- The [Constitution of the State of Florida](#) provides in Article VIII for the establishment of County and Municipal governments. Orange County has thus been delegated regulatory authority by the State of Florida, and its authority is further defined by the Orange County Charter.
- The State of Florida has standardized the wetland definition ([62-340 F.A.C.](#)) and the mitigation assessment methodology ([62-345 F.A.C.](#)) for all state agencies and all local regulatory agencies throughout the state, including Orange County.
- Article I of the [Orange County Charter](#) describes the Powers of Government, and Section 106 of this Article specifically charges the County to use its powers to secure for all citizens by ordinance or by civil or criminal action, whenever appropriate, the following:
 - Just and Equitable Taxation;
 - Proper Use of Public Property;
 - Full Disclosure of Public Records and Proceedings; and
 - Prevention of Abuse of the Environment.
- [Orange County Comprehensive Plan](#) - Orange County, pursuant to the State of Florida's Growth Management Act of 1985, has created a Comprehensive Plan, which establishes Orange County's Goals, Objectives, and Policies to guide growth and development. Conservation is one of eighteen planning elements treated by the Comprehensive Plan. The Conservation Element states as Goal C1 "Orange County shall conserve, protect, and enhance the County's natural resources including air, surface water, groundwater, vegetative communities, wildlife listed as threatened, endangered, or species of special concern, soils, floodplains, recharge areas, wetlands, and energy resources to ensure that these resources are preserved for the benefit of present and future generations." Objective C1.4 further states "Orange County shall protect identified wetland areas and existing native

wildlife (flora and fauna) habitats....” Many of the policies contained in the Comprehensive Plan’s Conservation Element have been implemented by ordinance. These ordinances are listed in Section C1.3.3 of the Orange County Comprehensive Plan.

- [Orange County Ordinances](#) – Orange County has enacted ordinances implementing the policies, goals, and objectives set forth in the Comprehensive Plan. These ordinances have been compiled into the Orange County Code of Ordinances. Chapter 15 of this Code, entitled “Environmental Control”, regulates a number of pollutants, as well as noise control, tree protection, and several other environmental issues. [Article X](#) of this chapter, known as the “Conservation Ordinance of Orange County”, regulates conservation areas. This ordinance is administered by EPD. EPD contact information may be found on their [website](#).



Orange County defines the extent of wetlands and surface waters consistent with 62-340 Florida Administrative Code (F.A.C).

PART II – CONSERVATION AREA DETERMINATION (CAD)

2.1 What is a Conservation Area?

Conservation areas are wetlands, both forested and herbaceous, and surface waters, which generally include lakes, streams, and other open water bodies.

2.2 What are the benefits of Conservation Areas?

Orange County’s conservation areas provide beneficial environmental services to all County residents well beyond their limits. Protecting these areas is a goal and policy of Orange County. Environmentally productive functions provided by conservation areas include:

- Natural biological functions including food chain production, nesting, spawning, and foraging habitats for wildlife, including protected species;
- Natural drainage and floodwater attenuation;

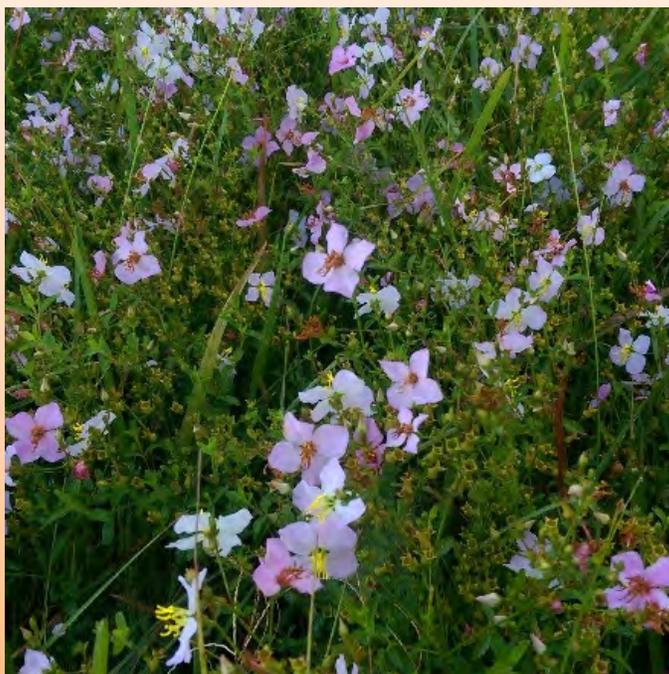
- Recharge of the Floridan aquifer, the primary source of drinking water in Florida;
- Natural water purification and treatment; and
- After development of adjacent areas, continues to provide significant and productive habitat.

2.3 How does Orange County classify wetlands?

Section [15-364](#) of Orange County's code defines three classifications of wetlands: Class I, Class II, and Class III, which are defined in the glossary of this guide. Orange County's classification system for wetlands is based on the size, connectivity to natural surface water bodies, and whether or not critical habitat is provided for threatened and endangered species. This system does not directly correlate with the functional value of a wetland. For example, a Class III wetland may be in excellent condition, fully functional, and provide multiple benefits.

2.4 What are the benefits of upland buffer areas adjacent to wetlands?

Upland buffers adjacent to wetlands help to lessen the impacts to wetlands associated with site development, provide critical nesting, resting, and loafing habitat to wildlife that require uplands for part of their life cycle, and protect water quality and aquatic habitats.



Wetland limits are defined by State statute based on three factors: hydrology, soils, and prevalence of wetland vegetation. These pale meadow beauties are typical of wet prairie conditions.

2.5 Who needs a CAD?

Property owners are responsible for determining if conservation areas occur on their property prior to development. Through the CAD process, Orange County verifies the landward extent and classification of any on-site wetlands and surface waters, which in turn establishes the review criteria for each conservation area.

EPD may determine that a CAD is required during the review of a commercial or residential building permit review. EPD utilizes GIS layers to identify the underlying soil types and land use codes in order to evaluate if a project may contain wetlands and/or surface waters. EPD will not

approve development if the property is suspected of having wetlands and/or surface waters until a CAD is issued, and a CAI permit applied for, if applicable.

2.6 How long is a CAD good for?

A CAD is valid for five years, unless otherwise specified.

2.7 What issues should be considered regarding timing of a CAD in relation to the development process?

There are a number of benefits in getting a CAD relatively early in the development process. Net developable land area for development intensity (density and FAR) calculations is defined as the gross land area, excluding surface waters and certain conservation areas. Obtaining a valid CAD allows for a much more accurate determination of the developable acreage available on a property, facilitates a more accurate understanding of developable acreage, and can aid project planning. Future Land Use amendments are one example where the developable acreage must be determined and should exclude wetland areas.

2.8 How can I tell if wetlands are on my property?

Most applicants retain the services of an environmental professional familiar with wetland habitats and Orange County's CAD process. An experienced environmental professional can typically speed up the CAD process and help landowners avoid mistakes, but hiring a professional is not required and many people, particularly owners of small parcels, have successfully navigated the CAD process on their own. The following web-site link allows the public to search and determine if Orange County has any records of a subject property:

<https://fasttrack.ocfl.net/OnlineServices/Properties.aspx>

In all cases, wetlands and surface waters must be delineated consistent with the state of Florida's environmental regulations ([62-340 F.A.C.](#)).



Forested wetlands, such as this cypress and blackgum swamp may be nearly devoid of groundcover vegetation, as shown, or may have a thick layer of groundcover vegetation depending on hydrologic conditions.

InfoMap

[InfoMap](#) is an online tool created by Orange County to help property owners, realtors, developers, and their consultants determine the constraints affecting properties. Environmental features presented in InfoMap can help a property owner determine whether or not a property likely contains wetlands. Environmental features presented in InfoMap include:

- Hydric soils;
- National Wetlands Inventory; and
- Environmental Land Stewardship Program (ELSP) lands in southern Orange County.

InfoMap also presents other non-environmental features of interest to property owners including:

- Community Services;
- Economic Development Zones;
- Political subdivisions;
- Zoning, Future Land Use, and overlay districts;
- Public Safety;
- Transportation;
- Utilities; and
- Flood Zones.

Ecological information presented in InfoMap is not a definitive determination of whether or not conservation areas occur on a parcel, but it provides a convenient tool to assess the likelihood of wetland conditions. [Screenshots of InfoMap](#) are presented in Appendix Q.

2.9 How do I apply for a CAD?

The standard CAD application and review process is required for all parcels that may contain wetlands and/or surface waters. The CAD application process is described in this document and [online](#), and is graphically depicted in the [Flow Chart](#) (located in Appendix O). A complete application for a CAD includes each of the items below, which are also listed in the [CAD Check List](#) (located in Appendix E). Applications can be submitted by mail, e-mail, faxed, or delivered in person. Application fees may be submitted by check, mailed or hand delivered to the EPD office located at 3165 McCrory Place, Suite 200, Orlando, FL 32803. Checks should be made payable to the Orange County Board of County Commissioners.

- A fully completed CAD [Application Form](#) (see Appendix D), signed **by the applicant**.
- Notarized [Agent Authorization Form](#) (page 3 of the CAD Application Form) if someone other than the property owner is signing the application, or acting on behalf of the property owner.
 - A list of wetland consultants is available upon request from EPD staff.
- The correct fee appropriate to the subject parcel in accordance with Orange County's current [Fee Directory](#) (page 3-3), including any fees for appeals or variances.
- Parcel identification number per the [Orange County Property Appraiser](#) for all parcels in the project.
- Maps to be included with the application include:
 - A map showing the approximate wetland and/or surface water boundaries;
 - Current [aerial photograph](#) at a minimum scale of 1" = 300' (1 : 3,600) with boundary shown;

- A map of soil types as determined by U.S. Department of Agriculture, Natural Resources Conservation Service ([NRCS](#)) with boundary shown;
- United States Geological Survey ([USGS](#)) 7.5' series topographic map with boundary shown;
- Landcover (vegetation) map using the [Florida Land Use, Cover and Forms Classification System](#) (FLUCCS), FDOT, 1999 with boundary shown; and
- Property boundary survey or Tax map.

Many of these maps can be generated using [InfoMap](#) or the Orange County Property Appraiser's [map search](#) page. All [maps](#) submitted with the application must show the property boundary.

The applicant is responsible for marking the landward extent of wetlands and surface waters in the field by applying reasonable scientific judgement to evaluate the dominance of plant species, soils, and other hydrologic evidence of regular and periodic inundation and saturation as set forth in [Chapter 62-340](#), F.A.C. This is usually done by a professional ecological/environmental consultant using flagging tape, pin flags, or wooden stakes.

In some cases, particularly on very large parcels of land, an applicant may propose an alternate method of delineating the landward extent of wetlands such as via photointerpretation of aerial photographs or other remote sensing data. The applicant is responsible for developing this alternative delineation methodology and submitting this methodology to EPD for review and approval. In all cases, wetlands are defined by [Chapter 62-340](#), F.A.C.



Thistles have a bad reputation, but these formidable native wildflowers shine as favorite nectar and host plants for many bees and butterflies, including swallowtails. The seeds are an important food source for seed-eating birds. Purple thistle occurs naturally in pinelands and prairies; it is common along roadsides and in disturbed habitats. It typically blooms in summer and fall but may bloom year-round.

- EPD Staff Review:
 - Generally, EPD staff will review the application and notify the applicant if the application is incomplete within 30 days of receipt. An applicant may request additional time to provide documentation or to schedule a site review in writing or by email.
 - Within 10 days following receipt of a complete application, EPD staff will schedule a site inspection. Unless the applicant has obtained approval from EPD for the use of an

alternative delineation method, the landward extent of wetlands and surface waters must be flagged or staked in the field prior to EPD's site inspection.

- Following the site inspection, EPD staff will issue a written determination indicating the approximate extent and classification (Class I, II, or III) of conservation areas on site.
 - If the applicant agrees in writing with the wetland classification within 15 days of staff's written determination, it will become binding.
 - The applicant must submit a survey, certified by a professional surveyor registered to practice in the State of Florida, showing the parcel boundary, the extent and classification of conservation areas on the property, surface water name (if a named surface water), Normal High Water Elevation (NHWE) of surface water per the Orange County [Water Atlas](#), acreage of parcel, acreage of conservation areas, and CAD number. EPD encourages electronic submittal of the survey, but will also accept two signed and sealed copies of the survey.
 - EPD staff will issue a letter, documenting that the CAD is valid for five years. While some historic CADs have no expiration date, most CADs issued after 2004 expire five years after the date they are issued.
 - Extensions – Extensions of the expiration date of the CAD may be granted where justified. State law provides for an extension when a State of Emergency has been declared by the Governor. A written [request for a permit extension](#) (see Appendix H) must be submitted to EPD for an extension to be granted.
- Differences in Wetland and Surface Water Determinations Between Regulatory Agencies
 - Generally, the federal and state agencies (as applicable) listed in Section 1.2 of this handbook make their own independent determination of the extent of wetlands and surface waters based on their applicable regulations and statutes. An applicant should be advised that although the criteria used by state and local regulatory agencies to determine the extent of wetlands are based on the same criteria (codified in Chapter 62-340, Florida Administrative Code (F.A.C.)), there are sometimes different judgment calls made on whether the criteria apply to a particular site or area. These different interpretations are always supported by evidence, should be based on reasonable scientific judgement, and are influenced by past experiences and training of the person conducting the review. Accordingly, there may be cases where agency wetland determinations somewhat vary.
 - EPD is not bound to accept wetland delineations determined by other agencies except in cases where a formal wetland determination has been made by a state agency, or pursuant to a permit issued under Chapter 373 Florida Statutes (FS) in which the delineation was field-verified by the permitting agency and specifically approved in the permit pursuant to 373.421(1) FS.
 - A formal wetland determination means that upon petition from a landowner, pursuant to Chapter 62-330.201, F.A.C., the applicable state agency will provide a binding determination of the landward extent (boundaries) of wetlands and other surface waters using the methodology in Chapter 62-340, F.A.C. The binding determination is valid for five years, or for the duration of the state-issued permit.
- Formal Review by the Board of County Commissioners:
 - If the applicant disagrees with EPD staff's determination of the extent or classification of conservation areas on the property, a formal review by the Board of County Commissioners may be requested within 15 days of receipt of staff's determination.
 - EPD staff will review additional information provided by the applicant in an effort to come to an agreement on the CAD prior to taking the appeal to the Board of County Commissioners.

- The County will notify the applicant by mail at least 10 days prior to the Board of County Commissioners hearing. The Board of County Commissioners may reverse, affirm, or modify the decision of EPD staff.
- If the applicant or an affected third party disagrees with the decision of the Board of County Commissioners, they may seek appropriate judicial review.
- Adjustment of prior CAD (Reclassification of Wetlands) – In accordance with Section [15-384](#), Orange County Code, a prior CAD may be eligible for revision provided the criteria listed below are met. EPD generally will not consider adjusting a prior determination unless all of the criteria listed below can be documented. Additional site reviews may be needed.
 - The conservation area is not functionally significant, that is, the conservation area provides little or no habitat to wildlife, and provides little or no water treatment or flood attenuation;
 - The conservation area is not scarce, that is, it is a common type of wetland;
 - The conservation area has been determined not to be vulnerable, that is, the long-term viability of the wetland is not under threat; and
 - The function of the conservation area can, and will be, replaced through mitigation.

Exemptions

A Binding Determination of Exemption is available for owners of some properties:

- Qualifications – Lands meeting any of the following criteria may qualify for a Binding Determination of Exemption:
 - Lands that contain no wetlands;
 - Lands that have been issued a development permit by Orange County which remains valid; and
 - Lands that have been issued a binding Vested Right Determination which addressed alteration of wetlands and was issued prior to enacting of the Conservation Ordinance in 1987.
- Application – A landowner whose property contains no wetlands, or otherwise qualifies as exempt as listed above, may apply for a Binding Determination of Exemption [[Sec. 15-381](#) & [Sec. 15-382](#)]. Any petition for a Binding Determination of Exemption shall generally include the following:
 - [Petition for Binding Determination of Exemption](#);
 - Application fee (see Orange County's [Fee Directory](#), page 3-3);
 - Recent aerial photograph with parcel boundary shown;
 - USGS 7.5' series topographic quadrangle map(s) with parcel boundary shown;
 - A map depicting the one-hundred-year flood zone as determined by the Federal Emergency Management Agency (FEMA) with parcel boundary shown;
 - A map depicting soil types as determined by the Natural Resources Conservation Service (NRCS) with parcel boundary shown;
 - Land cover map using Florida Land Use, Cover and Forms Classification System (FLUCFCS); and
 - Any other documentation, such as valid Orange County permits, which support a determination of exemption.
- Time Frame – The Orange County EPD shall issue or deny a petition for a Binding Determination of Exemption within 15 working days of receipt of a complete petition.



Hydrophytic (water-loving) ground-cover vegetation, such as these swamp ferns are typical of many types of forested wetlands.

Part III – CONSERVATION AREA IMPACT PERMIT (CAI)

3.1 Who needs a CAI permit?

A CAI permit is required prior to any proposed wetland impacts. Depending on the wetland classification to be impacted, some of these permits require approval by the Board of County Commissioners. The CAI permit application process is graphically depicted in the CAI [Flow Chart](#) (see Appendix O).

3.2 How do I apply for a CAI permit?

Applications may be emailed, faxed, mailed, or delivered in person. A complete application for a CAI permit includes each of the following items, which are also listed in the CAI Application [Check List](#) (see Appendix G).

- A fully completed [CAI Application Form](#) (see Appendix F);
- The correct fee appropriate to the subject parcel in accordance with Orange County's current [Fee Directory](#) (page 3-2 to 3-3), including any fees for appeals or variances;
- A copy of a valid CAD;
- The following maps and site plans:
 - Aerial Photograph – A recent aerial photo of the project site with the parcel boundary shown; and
 - Development Plan – A detailed site development plan showing all proposed development (lots, roads, ponds, etc.), proposed wetland impacts, upland buffer impacts, and any proposed on-site mitigation.
- Project Impact Summary Table – A blank Impact Summary Table is found in the Application Form document. Acreages reported must agree with acreages reported in the required

Uniform Mitigation Assessment Method (UMAM) forms (see Section 3.7 - Mitigation). Table fields should provide the following information:

- Wetland & Surface Water Identification – Conservation areas are composed of wetlands, surface waters, or some combination of these. Wetland and Surface Water identification number as determined by the CAD should be shown in both the table and accompanying site plans;
- Upland Buffer – Any proposed impact to the required 25 feet (or wider) upland buffer should be quantified in this field;
- Wetland & Surface Water Type – The cover type in accordance with a standard classification system. Both the FLUCFCS and National Wetlands Inventory (NWI) classification systems are acceptable, but FLUCFCS is generally preferred;
- Wetland & Surface Water Size – Total area of the conservation area within the subject parcel;
- Wetland & Surface Water Not Impacted – The area of the conservation area remaining on site after development of the parcel;
- Temporary Wetland & Surface Water Impacts – Area of the conservation area that will be temporarily cleared to allow for construction, but replanted or allowed to naturally revegetate following construction. This category does not apply to any areas which will be permanently filled or excavated, or kept cleared or mowed in perpetuity;
- Permanent Wetland & Surface Water Impacts – Area of the conservation area to be filled or excavated, or areas to be permanently cleared of existing vegetation;
- Secondary Impacts – Area of the conservation area not provided with a suitable upland buffer or other protections;
- Mitigation ID – Identifies the specific mitigation being offered to compensate for temporary, permanent, and secondary impacts quantified earlier. This Mitigation ID must be keyed to the site plan, and a Mitigation ID listed in the Project Mitigation Summary Table (discussed below);
- Project Mitigation Summary Table – A blank Mitigation Summary Table is found in the Application Form document. Acreages reported must agree with acreages reported in the required UMAM forms. Table fields should provide the following information:
 - Mitigation ID – A unique alphanumeric identification number keyed to the “Mitigation ID” field of the Project Impact Summary Table, and on the project site plan
 - Creation – Area of historic uplands converted to wetlands and provided as mitigation. Enter “NA” if not applicable to the project;
 - Restoration – Area of historic wetlands that have been severely impacted to be restored as fully functioning wetlands, and provided as mitigation. Enter “NA” if not applicable to the project;
 - Enhancement – Area of degraded wetlands to be enhanced in wetland function, and provided as mitigation. Enter “NA” if not applicable to the project;
 - Wetland Preservation – Area of wetlands to be preserved in its current condition in perpetuity by conservation easement, and provided as mitigation. Enter “NA” if not applicable to the project;
 - Upland Preservation – Area of uplands (typically native habitat) to be preserved by conservation easement, and provided as mitigation. Enter “NA” if not applicable to the project;
 - Other – All other methods of mitigation including purchase of credits from a commercial mitigation bank, donation of property within a Regional Off-site Mitigation Area (ROMA), or donation to the Conservation Trust Fund (CTF);
 - Mitigation Plan - A detailed description of the mitigation plan (see the following section on Mitigation) to offset impacts to conservation areas, including narrative,

- plans (if applicable), long-term management commitments (if applicable), and definition of success criteria (if applicable); and
- Financial Assurance – Documentation demonstrating the applicant's financial ability to successfully complete the Mitigation Plan, or a financial instrument (such as an irrevocable Letter of Credit) providing surety that the Mitigation Plan can be completed (Reference the section on financial assurance in the mitigation section below for more details).



Florida Sandhill Crane (*Grus canadensis*). The Florida Sandhill crane is a state-designated threatened species. Two subspecies of sandhill crane occur in Florida. The Florida sandhill crane (*G. c. pratensis*), numbering 4,000 to 5,000, is a non-migratory year-round breeding resident. They are joined every winter by 25,000 migratory greater sandhill cranes (*G. c. tabida*), the larger of the two subspecies (Florida Fish and Wildlife Conservation Commission).

A fully completed and notarized [Agent Authorization Form](#) (see Appendix F) is included on page 3 of the Application Form document, and is required if someone other than the owner of the property is acting on behalf of the owner in securing the CAI permit. Note that the form must specify whether the authorization is for the CAD, for the CAI, or for both;

- A fully completed and notarized [Relationship Disclosure Form](#) (see [Appendix J](#)) must be provided for CAI permits requiring Board of County Commissioners approval – This form declaring whether or not the applicant has any relationship with the Mayor or any other member of the Board of County Commissioners must be included in all CAI permit applications that will require Board of County Commissioners approval, and is described in detail [here](#);
- A fully completed and notarized [Specific Project Expenditure Report Form](#) (see Appendix K) must be provided for CAI permits requiring Board of County Commissioners approval – In this form, described in detail [here](#), the applicant must declare who will be aiding them in obtaining the CAI permit, their roles, and compensation; and
- For projects contiguous to Agricultural lands, an Acknowledgment of Contiguous Sustainable Agricultural Land form must be submitted in accordance with Florida Statute 163.3163.

3.3 How does Orange County review CAI permit applications?

CAI permit applications will be reviewed based on the following standards:

- Staff will review the application for completeness and either issue a Request for Additional Information (RAI) or issue/deny a permit within 30 days;
- EPD staff may bring complex permit applications to the Development Review Committee (DRC) for review at a public meeting. The DRC is comprised of senior County staff from several divisions and departments (e.g., Planning Division, Public Works Department, Utilities Department, and Zoning Division). The DRC typically reviews land use plans, preliminary subdivision plans, development plans, septic tank variances, and various appeals for compliance with County rules and regulations. EPD may request that the DRC review development plans with proposed wetland impacts to determine if the site plan sufficiently demonstrates avoidance and minimization measures have been implemented to the greatest extent practicable, and to determine if any proposed impacts to Class I wetlands are a reasonable use of the property, particularly when an assessment of the justification for the impacts requires a broader range of expertise. Regularly-scheduled meetings of the DRC are held every other Wednesday each month. A DRC review may add additional review time to the project.
- Avoidance and Minimization ([Sec. 15-362\(5\)](#)) – Applicants must demonstrate that impacts to conservation areas have been avoided to the extent practicable, and where wetland impacts cannot be avoided, impacts must be minimized to the greatest practical extent, regardless of the conservation area class;

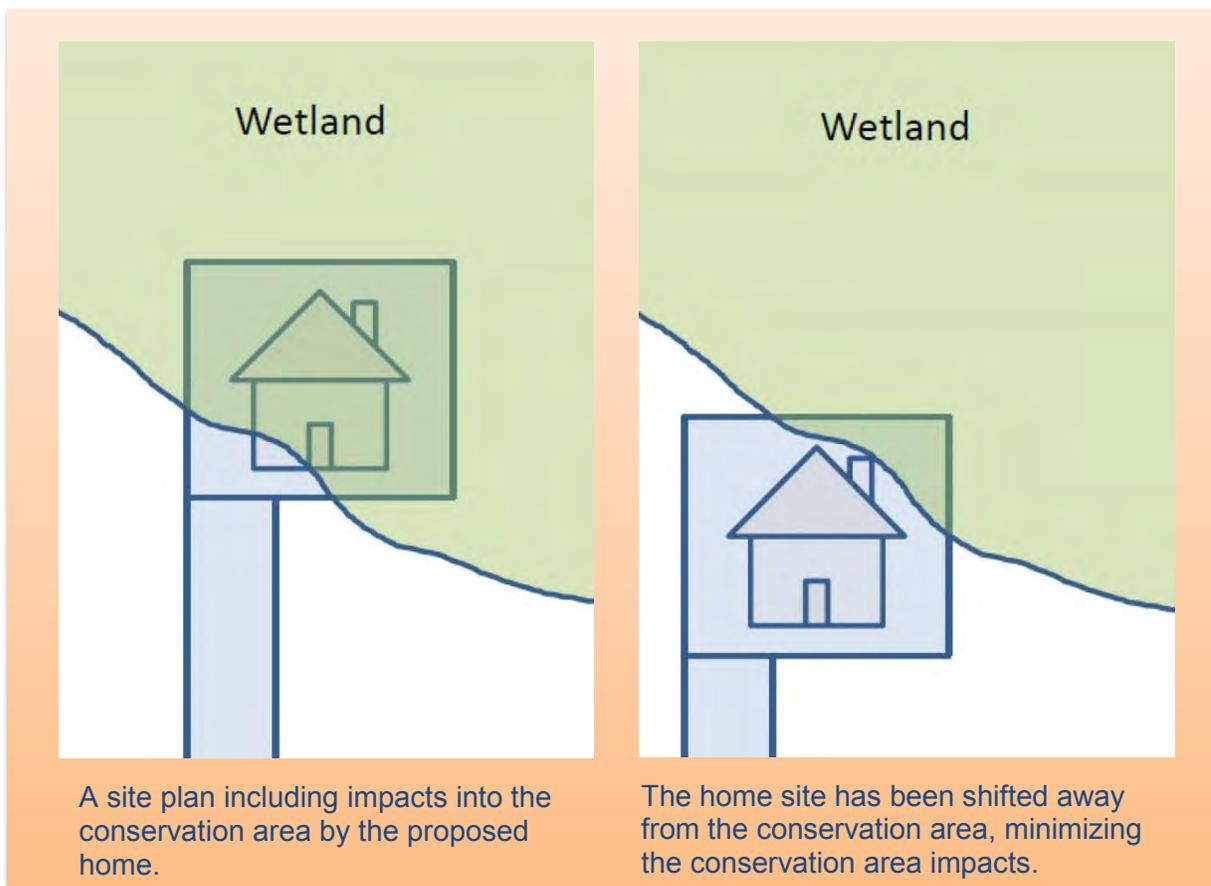


Figure 1: Example of a residential site plan revision to minimize wetland impacts.

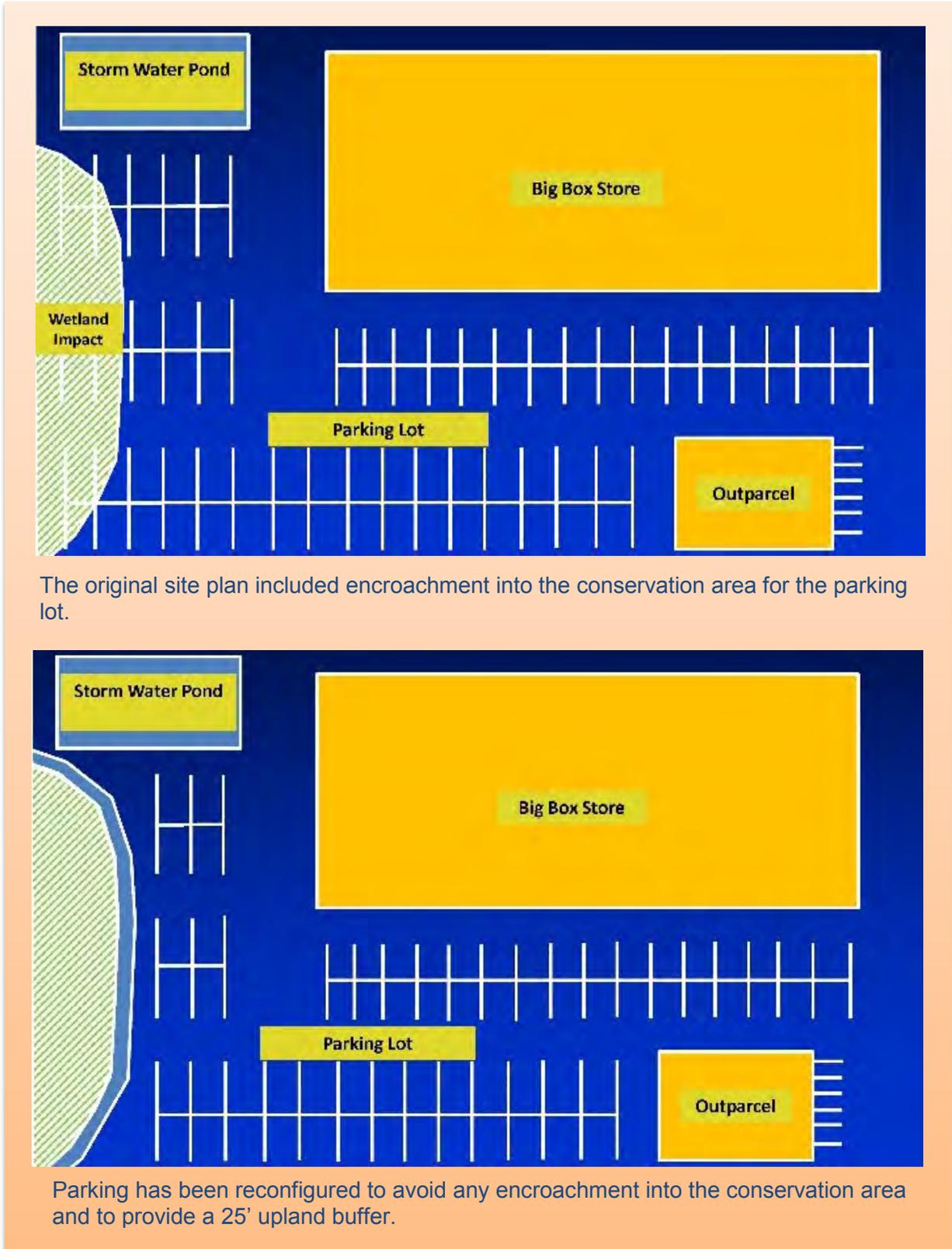


Figure 2: Example of a commercial site plan revision to avoid impacts to the wetland and upland buffer.

- Secondary impacts ([Sec. 15-376](#)) to conservation areas must be accounted and mitigated for, regardless of the conservation area class. Any conservation area not provided with a suitable buffer or other protections may suffer degradation;
- Upland Buffers – An upland buffer of a minimum of 25 feet is recommended for all Class I, II, and III wetland systems unless scientific data dictate a larger or smaller buffer based on wetland function or local conditions ([Comprehensive Plan C1.4.9](#)). In some parts of Orange County wider buffers may be required. Buffers of undisturbed upland habitat landward of conservation areas are generally required to ensure that the conservation areas suffer no secondary impacts, including but not limited to:
 - Litter;
 - Erosion or sedimentation;
 - Introduction of nuisance exotic species;
 - Predation of wildlife by domestic carnivores (cats and dogs);
 - Light; or
 - Noise.
- Wildlife friendly fencing, signage, or both, may be required to protect conservation areas;
- In addition to the above, impacts to Class I conservation areas must meet one of the following requirements:
 - [Reasonable Use](#) – A project impacting a Class I conservation area must demonstrate a reasonable use of the property; or
 - [Overriding Public Benefit](#) – A project impacting Class I conservation areas may be authorized if the project provides an overriding public benefit.
- Most CAI permits authorizing impacts to Class I conservation areas must be authorized by the Board of County Commissioners (Board). A CAI permit authorizing impacts to Class I conservation areas may be issued by staff without approval by the Board in certain limited circumstances.
- Several parts of Orange County lie within overlay districts with more stringent requirements than the rest of Orange County. These may include increased minimum upland buffer width and other specific design criteria:
 - [Wekiva River Protection Area](#) (see map in [Appendix L](#)) - Additional standards for development projects within the Wekiva Study Area include, but are not limited to:
 - Undisturbed upland buffers 550 feet landward of the edge of the Wekiva River, Waters of the State associated with the Wekiva River, and wetlands associated with the Wekiva River;
 - Clustered development is encouraged;
 - Wildlife Surveys;
 - Minimize clearance of native vegetation;
 - Prohibition of developments with potential to degrade groundwater;
 - Screening for historical or archaeological resources;
 - Use of native landscaping plants.
 - [Econlockhatchee River Protection Area](#) (see map in [Appendix M](#)) - Additional standards for development projects within the Econlockhatchee River Protection Area include, but are not limited to:
 - River Corridor Protection Zone 1,100 feet landward of stream's edge, 550 feet landward of the stream's edge of major tributaries, and 50 feet landward of the edge of wetlands abutting the Econlockhatchee River and its named tributaries;
 - Undisturbed upland buffers with an average width of 50 feet and a minimum width of 25 feet from the landward edge of Class I and Class II conservation areas;

- Limitation of habitat fragmentation;
- Clustered development is encouraged.
- [Environmental Land Stewardship Program](#) (ELSP) (see map in [Appendix N](#)) provides a framework for development and conservation within a specified area of southern Orange County. Applications for projects within the ELSP area should include:
 - Environmental Land Stewardship Area Determination – identifies lands to be set aside to meet the principals of the ELSP;
 - Environmental Land Stewardship Agreement – specifies the actions to be taken by the applicant to meet the principals of the ELSP; and
 - Management Plan for preserved ELSP lands.
- Permit Extensions – Extension of the expiration date of CAI permits may be granted where justified. State law provides for an extension when a State of Emergency has been declared by the Governor. A written [request for a permit extension](#) (see Appendix H) must be submitted to EPD for an extension to be granted.

3.4 Can a CAI permit be modified?

Should your project need substantial changes to a Conservation Area Impact (CAI) permit, you must apply for a new CAI permit with the appropriate fee. However, minor modifications to an existing CAI may be obtained from Orange County for a reduced fee. Projects qualifying for a minor modification must meet certain criteria. If the requested modification does not meet all of the criteria below, it will be considered a substantial modification, and be subject to the full fee for a CAI:

- Does not increase the project area by more than 10% or one acre, whichever is less;
- Does not increase the impact areas authorized in the original permit by more than 10% or one-half acre, whichever is less;
- Does not contribute to water quality impacts which were not contemplated in the original permit;
- Does not reduce the financial responsibility mechanism required in the original permit;
- Does not reduce on-site mitigation or the area of any conservation easement;
- Does not require a new site inspection;
- Does not require a variance to any part of the Orange County Code;
- Does not require a public meeting or approval by the Board of County Commissioners; and
- Does not substantially change the design or permit conditions.

3.5 Which CAI permits require approval by the Board of County Commissioners?

- As a matter of longstanding policy, most CAI permits that propose impacts to Class I conservation areas are brought to the Board of County Commissioners for their consideration as a public hearing. If there is an associated development related plan that the proposed impacts to Class I wetlands are associated with, then the two items will typically be heard together so that the Board of County Commissioners of County Commissioners can consider the proposed wetland impacts in the context of the development project.
- Certain types of Class I CAI permits may be issued by staff in accordance with the guidelines presented at the meeting of the Board of County Commissioners in February 2008. These staff approved permits must lie outside of the Econlockhatchee or Wekiva River Protection Areas, and are limited to the following:

- Outfall pipes,
- Access roads to uplands where no other options are feasible,
- Habitat restoration activities,
- Minor modifications that result in an increase of conservation area impacts of less than 0.5 acre and meet original recommendations of approval,
- Minor modifications that result in a net decrease of conservation area impacts.



Conservation Area Signs and split-rail fencing are often utilized to protect uplands and wetlands from anthropogenic impacts. The type of fencing and the language on the sign may vary, but the intent is to demarcate the boundary of the natural areas that are to be protected and should remain un-impacted.

- Conservation Area Impact Permits that must be approved by the Board of County Commissioners:
 - Class I impacts other than those described above, that include impact for residential lots;
 - Roads for which a viable alternative upland alignment does not exist;
 - Stormwater ponds;
 - All projects with conservation area impacts within the Econlockhatchee or Wekiva protection areas;
 - Enforcement cases; and
 - Modifications that result in a net increase of conservation area impacts greater than 0.5 acre or do not meet original recommended criteria.
- For projects within the Econlockhatchee River Protection Area as described in Chapter 15, Article XI, Orange County Code, impacts to any conservation areas will be brought to the Board of County Commissioners for a decision in accordance with Section 15-444, Orange County Code.
- Chapter 15, Article X (Wetland Conservation Areas) requires avoidance of impacts to wetlands of all classifications to the greatest extent possible and minimization of impacts when they cannot be totally avoided. When staff can readily identify that the development has been designed to avoid/minimize wetland impacts they can issue a permit or proceed to Board of County Commissioners for approval at a public hearing, as applicable. When it not

clear to EPD staff that minimization of impacts has been achieved to the greatest extent practicable/feasible, EPD may request a review of the project by the Development Review Committee (DRC). Some illustrations of the concept of considering how impacts to wetlands can be decreased to the minimum amount of disturbance practical and feasible while retaining a reasonable use of a property are illustrated in [Appendix Q](#).

3.6 How is a CAI permit enforced?

The Conservation Ordinance of Orange County provides for a number of enforcement remedies in cases where property owners fail to comply with County regulations. These remedies are described in [Section 15-366](#) through [Section 15-368](#), and can include:

- Court injunction against continued violation;
- Restoration of lands to their undamaged condition;
- Assessment of monetary damages to be paid to the Orange County Conservation Trust Fund (CTF);
- Fines assessed by the Orange County Special Magistrate; and
- Any other remedy provided by law.

The Conservation Ordinance of Orange County designates the financial responsibility of the violator in cases of a violation. A lien may be placed upon the property by the County, and the property may face foreclosure to satisfy this financial responsibility, including the cost of enforcement proceedings and legal counsel fees.



Note distinct and consistent bands of lichens and mosses are reliable indicators of seasonal high-water elevations, and of wetland hydrologic conditions.

3.7 What is mitigation?

Mitigation is action undertaken to offset harm caused to conservation areas. Mitigation is typically a required element of a complete application for a CAI permit. Mitigation may also be required by federal or state regulatory agencies, and mitigation satisfying federal and state mitigation requirements may also satisfy Orange County's requirements. However, Orange County's

mitigation requirements may differ from that of other agencies, and mitigation offered to offset impacts to conservation areas is reviewed by EPD independently.

3.8 What are the types of mitigation?

The following types of mitigation may be acceptable to Orange County:

- Mitigation Bank Credits - Purchase of credits at a permitted mitigation bank;
- Providing wetland function through one or more of the following mechanisms either on- or off-site:
 - Creation of wetlands within current uplands;
 - Restoration of degraded existing or former wetlands;
 - Enhancement of degraded existing wetlands;
 - Preservation of wetlands;
 - Preservation of uplands; and
 - Long-term maintenance and monitoring is typically required for any of these types of mitigation, and should be considered when comparing the cost of different types of mitigation.
- Conveyance of a conservation easement over preserved uplands and wetlands is typically required by Orange County as part of a mitigation plan. A Conservation Easement/Donation Agreement Checklist appears in Addendum A of the Application for CAI permit.
- Mitigation is required to be provided prior to conservation area impacts, and the process of recording a conservation easement includes review and approval of several County divisions. Therefore, the County recommends that conservation easements be approved and recorded well in advance of the projected start of construction or land clearing.
- All attempts should be made to mitigate wetland or surface water impacts within the County (Comprehensive Plan C1.4.6). Off-site mitigation or out of County mitigation for all classes of wetlands (i.e., I, II, and III) will be considered only when, 1) the mitigation site is deemed as appropriate (i.e., functionally equal or like-for-like) mitigation to offset any direct or secondary impacts and, 2) is located within the same hydrologic basin as the impact or 3) the applicant can demonstrate that the proposed mitigation will have spillover benefits to the basin where the impact is to occur. The Board of County Commissioners may approve out of County mitigation areas on a case-by-case basis; this includes purchase of credits from mitigation banks which benefit the County's wetland resources.
- Conservation Trust Fund (CTF) – A monetary contribution to Orange County's CTF may be used to mitigate for wetland impacts authorized by a CAI permit. For applicants wishing to use the CTF as mitigation for conservation area impacts, the method is described in detail in [Sec. 15-396](#) of Orange County's Conservation Ordinance.

3.9 How is mitigation assessed?

Any mitigation proposal must be assessed using the Uniform Mitigation Assessment Method (UMAM), except projects proposing purchase of mitigation credits at a mitigation bank that was awarded credits based on a different assessment method, and projects proposing donation to the Conservation Trust Fund (CTF).

- UMAM was developed by the State of Florida and is used to assess mitigation required under wetland permitting programs. It is codified in Rule 62-345, F.A.C. UMAM was established to fulfill the mandate of subsection 373.414(18), F.S., which requires the establishment of a uniform mitigation assessment method to determine the amount of mitigation needed to offset adverse impacts to wetlands and other surface waters and to award and deduct

mitigation bank credits. UMAM is required by state law to be used by the FDEP and each of Florida's five Water Management Districts in addition to each of Florida's counties. The State of Florida used the UMAM to award mitigation credits at most permitted mitigation banks in Florida. For projects where state agencies (FDEP, SJRWMD or SFWMD) have approved an UMAM evaluation, Orange County must use the same UMAM scores as the state's mitigation assessment once a state permit has been issued. Even though identical UMAM scores are used, total mitigation required may vary because of differences in state and County regulations.

- UMAM provides a standardized procedure for assessing the ecological functions provided by wetlands and other surface waters, the amount of those functions are reduced by a proposed impact, and the amount of mitigation necessary to offset that loss. This standardized methodology is also used to determine the degree of improvement of ecological value of proposed mitigation bank activities. The UMAM evaluates functions through a consideration of an ecological community's current condition, hydrologic connection, uniqueness, location, fish and wildlife utilization, time lag and mitigation risk.
- Ratios are a legacy method of assessing mitigation and are no longer typically in use. However, the ratio method must be used if mitigation is proposed at a mitigation bank whose credits were awarded using this methodology.

3.10 What is financial assurance?

Any mitigation plan involving earth moving, construction, or long-term maintenance must include reasonable assurance that the applicant has the financial stability to successfully complete the required mitigation. Reasonable assurance can be provided in the form of a surety bond posted by the applicant to the County prior to the disturbance of the conservation area in the amount of 110% of the cost estimate of the proposed mitigation, maintenance, and monitoring plan. Other forms of reasonable assurance may include a performance guarantee as part of a project construction guarantee, cash bond or letter of credit from a financial institution, or completion of mitigation prior to impacting conservation areas.



Limpkin (*Aramus guarauna*). The Limpkin's bill is uniquely adapted to foraging on apple snails. With over half of the wetlands in central and southern Florida having been lost during the last century, apple snail habitat has been greatly reduced.

**APPENDIX A
GLOSSARY**



This Glossary provides definitions for some of the terms used in this Applicant's Guide. Other definitions may be found in the referenced Ordinances and Code.

Conservation Areas – Article X of the Orange County Code of Ordinances, also known as the Conservation Ordinance of Orange County, defines Conservation Areas. Conservation Areas are wetlands which provide natural beneficial functions including wildlife habitat, flood attenuation, water purification, and aquifer recharge. Conservation Areas are further classified within three (3) classes:

Class I Conservation Areas – Wetland and surface waters that have a hydrological connection to natural surface water bodies; or a lake littoral zone; or are large isolated uninterrupted wetlands 40 acres or larger; or provide critical habitat for federal and/or state listed threatened or endangered species.

Class II Conservation Areas – Isolated or formerly isolated wetlands and surface waters which by way of man's activities have been directly connected to other surface water drainage, and are greater than or equal to 5 acres; and do not otherwise qualify as Class I conservation areas.

Class III Conservation Areas – Isolated wetlands and surface waters less than 5 acres which do not otherwise qualify as Class I or Class II conservation areas.

Facultative plants - Plants which are so problematic in their distribution as to render them inappropriate for indicating inundation or soil saturation.

Facultative wet plants - Plants which under natural conditions typically exhibit their maximum cover in areas subject to surface water inundation and/or soil saturation, but can also be found in an upland.

Florida Land Use, Cover and Forms Classification System – A land use, vegetation cover, and land form classification system arranged in hierarchical levels with each level containing information of increasing specificity. This classification system, often abbreviated as "FLUCCS", was first published by the Florida Department of Transportation in 1985. The current and third edition, published in 1999, is commonly used within in the state of Florida.

Hydrologic connection – Connection to a natural surface water body such as lakes, ponds, rivers, and creeks where a flow of surface water occurs on an average of 30 or more consecutive days per year under normal hydrological conditions. In the absence of reliable hydrological records, a continuum dominated by plant species listed in Appendix A [Ord. No. 89-8] may be used to establish a hydrological connection. Artificial or manmade ditches or canals constructed through uplands that connect previously isolated wetlands to natural surface water bodies shall not be considered as a hydrological connection. Artificial or manmade ditches or canals constructed in historical natural drainageways shall be considered as a hydrological connection.

Hydric soil – Soils that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part of the soil profile (Federal Register, 13 July 1994).

Hydrophytic – An organism, such as a plant, that grows in water or very moist ground; an aquatic plant.

Maintenance – The regular upkeep of mitigated wetlands or other areas in order to assure goals of an approved mitigation/compensation plan will be met. This may include a guaranteed survival rate of planted species and/or naturally recruited desirable native wetland species, the removal of undesirable non-native invasive species, and a monitoring program.

Mitigation – Mitigation shall mean an action or series of actions to offset the adverse effect of wetland impacts by repairing, rehabilitating or restoring affected habitat, creating similar habitat of equal or greater function, habitat, or unique upland habitat, any combination thereof or other offsetting process. Mitigation usually consists of restoration, enhancement, creation, preservation, or a combination thereof.

Normal High Water Elevation (NHWE) – The normal high water elevation shall constitute the landward edge of any natural surface water body during normal hydrological conditions and is an elevation determined by the public works director or his designee through compilation of relevant, available evidence specific to a particular water body.

Obligate plants - Those plant species which under natural conditions are only found or achieve their greatest abundance in an area which is subject to surface water inundation and/or soil saturation.

Viability – Capable of biological growth and reproduction, and performance of wetland functions. A wetland has viability provided it has not been drained, dredged, filled, or dominated by exotic plants.

Wetlands – Orange County has adopted the State of Florida's definition of "wetlands", defined in Section 373.019(25), Florida Statutes, as "areas that are inundated or saturated by surface or groundwater at a frequency and a duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils. Soils present in wetlands generally are classified as hydric or alluvial, or possess characteristics that are associated with reducing soil conditions. The prevalent vegetation in wetlands generally consists of facultative or obligate hydrophytic macrophytes that are typically adapted to areas having soil conditions described above. These species, due to morphological, physiological, or reproductive adaptations, have the ability to grow, reproduce, or persist in aquatic environments or anaerobic soil conditions. Florida wetlands generally include swamps, marshes, bayheads, bogs, cypress domes and strands, sloughs, wet prairies, riverine swamps and marshes, hydric seepage slopes, tidal marshes, mangrove swamps and other similar areas. Florida wetlands generally do not include longleaf or slash pine flatwoods with an understory dominated by saw palmetto. The landward extent of wetlands and surface waters shall be delineated pursuant to the unified statewide methodology codified as Chapter 62-340, Fla. Admin. Code".

APPENDIX B
LIST OF COMMONLY USED ACRONYMS



Commonly Used Acronyms

BCC	Board of County Commissioners
CAD	Conversation Area Determination
CAI	Conservation Area Impact
CTF	Conservation Trust Fund
EPD	Orange County Environmental Protection Division
DRC	Development Review Committee
F.A.C.	Florida Administrative Code
FDEP	Florida Department of Environmental Protection
FDOT	Florida Department of Transportation
FLUCFCS	Florida Land Use, Cover and Forms Classification System (FDOT, 1999)
F.S.	Florida Statutes
FWC	Florida Fish and Wildlife Conservation Commission
SFWMD	South Florida Water Management District
SJRWMD	St. Johns River Water Management District
NHWE	Normal High Water Evaluation
NRCS	U.S. Department of Agriculture, Natural Resources Conservation Service
OCBSD	Orange County Building Safety Division
UMAM	Uniform Mitigation Assessment Method
U.S.	United States
USACE	U.S. Army Corps of Engineers
USFWS	U.S. Department of the Interior, Fish and Wildlife Service
USGS	U.S. Geological Survey

**APPENDIX C
CHAPTER 15, ARTICLE X
CONSERVATION ORDINANCE
OF ORANGE COUNTY**

ARTICLE X. - WETLAND CONSERVATION AREAS^[10]

Footnotes:

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Cross reference— Boats and water safety, ch. 8.**State Law reference**— State permits for activities in certain wetlands, F.S. § 403.91 et seq.; adoption of land development regulations, F.S. § 163.3194(2).

DIVISION 1. - GENERALLY

Sec. 15-361. - Short title.

This article shall be known and may be cited as the "Conservation Ordinance of Orange County."

(Code 1965, § 36B-1; Ord. No. 87-31, § 1.01, 7-27-87; Ord. No. 89-8, § 1(1.01), 7-3-89)

Sec. 15-362. - Legislative findings.

The board of county commissioners finds as follows:

- (1) The county contains large wetlands which are significant and productive in the maintenance and preservation of viable populations of plant and animal species.
- (2) The preservation and protection of property rights of the people of the county require that mechanisms be established which will concurrently provide for the orderly regulation and preservation of environmentally significant and productive wetlands (so as to preserve or restore the productivity of such lands), and the equitable compensation for property development rights denied by reason of such preservation.
- (3) The environmental productivity of wetlands is sensitive to all agricultural, residential, commercial, industrial or public uses in or near such lands.
- (4) Such environmentally sensitive wetlands may be evaluated by examination of soils, vegetation, hydrology and the presence of plant and animal species whose fluctuation is indicative of the relative environmental productivity of such lands.
- (5) Where wetlands serve a significant and productive environmental function, the public health, safety and welfare require that any alteration or development affecting such lands should be so designed and regulated so as to minimize or eliminate any impact upon the beneficial environmental productivity of such lands, consistent with the development rights of property owners.
- (6) Many of the environmentally productive functions of wetlands in their natural state can be replaced or duplicated, and natural inefficiencies or limitations in such functions can be reduced by providing for mitigation of harm to such functions in the design and development of land improvements.
- (7) Under certain conditions, the public health, safety and welfare may be enhanced by the elimination of isolated, nonviable wetlands and their replacement by interconnected wetlands comprising a viable and productive ecosystem.

(Code 1965, § 36B-2; Ord. No. 87-31, § 1.02, 7-27-87; Ord. No. 89-8, § 1(1.02), 7-3-89)

Sec. 15-363. - Purpose.

The purpose of this article is to establish procedures for the classification and management of the following:

- (1) The identification of all potential conservation areas as Class I, Class II, or Class III conservation areas.
- (2) Quantifiably documenting and comparably measuring the significance and viability of conservation areas under natural, altered and developed conditions.
- (3) Evaluating mitigation and compensation programs designed to enhance, replace or alter the functioning of conservation areas in conjunction with development activity.

(Code 1965, § 36B-3; Ord. No. 87-31, § 1.03, 7-27-87; Ord. No. 89-8, § 1(1.03), 7-3-89)

Sec. 15-364. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Conservation areas shall mean those areas which have the requisites in section 15-378 and which are functional pursuant to section 15-379. Conservation areas may be determined as Class I, II or III.

- (a) *Class I conservation areas* shall mean those wetland areas which meet the following criteria:
 - (1) Have a hydrological connection to natural surface water bodies; or
 - (2) Lake littoral zone; or
 - (3) Are large isolated uninterrupted wetlands forty (40.0) acres or larger; or
 - (4) Provide critical habitat for federal and/or state listed threatened or endangered species.
- (b) *Class II conservation areas* shall mean those wetland areas which meet any of the following criteria:
 - (1) Consist of isolated wetlands or formerly isolated wetlands which by way of man's activities have been directly connected to other surface water drainage; and are greater than or equal to five (5.0) acres; or
 - (2) Do not otherwise qualify as a Class I conservation area.
- (c) *Class III conservation areas* shall mean those wetland areas which meet all of the following criteria:
 - (1) Isolated wetlands less than five (5.0) acres; and
 - (2) Do not otherwise qualify as a Class I or Class II conservation area.

Guild shall mean a group of species that utilize a common resource in the environment.

Habitat suitability index shall mean a ratio where the value of interest (i.e., model output) represents the habitat condition and the standard of comparison represents the optimum habitat condition. The scale of an HSI is from 0.0 to 1.0 where 0.0 equals no suitability and 1.0 equals optimum suitability.

Habitat unit shall mean the product of the evaluation species habitat suitability index and the total area of available habitat. One (1) habitat unit generally represents one (1) acre of optimum habitat for the particular evaluation species.

Hydrologic connection shall mean connection to a natural surface water body such as lakes, ponds, rivers, and creeks where a flow of surface water occurs on an average of thirty (30) or more consecutive days per year under normal hydrological conditions. In the absence of reliable hydrological records, a continuum dominated by plant species listed in Appendix A [Ord. No. 89-8] may be used to establish a hydrological connection. Artificial or manmade ditches or canals constructed through uplands that connect previously isolated wetlands to natural surface water bodies shall not be considered as a hydrological connection. Artificial or manmade ditches or canals constructed in historical natural drainageways shall be considered as a hydrological connection.

Maintenance shall mean regular upkeep of mitigated wetlands or other areas performed in order to assure goals or an approved mitigation/compensation plan will be met. This may include a guaranteed survival rate of planted species and/or recruited desirous wetland species, the removal of undesirable invasion species, and a monitoring program.

Mitigation shall mean remedying wetland impacts by repairing, rehabilitating or restoring affected habitat, creating similar habitat of equal or greater function, habitat, or unique upland habitat, any combination thereof or other offsetting process.

Trophic level shall mean an ecological term that describes the relative position of a species in the food chain, e.g., herbivore, carnivore or decomposer.

Viability shall mean capable of biological growth and reproduction, and performance of wetland functions. A wetland has viability provided it has not been drained, dredged, filled, or dominated by exotic plants.

(Code 1965, § 36B-4; Ord. No. 87-39, § 1(1.04), 11-9-87; Ord. No. 89-8, § 1(1.04), 7-3-89; Ord. No. 91-29, § 2(Exh. A), 12-10-91)

Cross reference— Definitions and rules of construction generally, § 1-2.

Sec. 15-365. - Repeal of inconsistent ordinances or policies.

All ordinances, part of ordinances, or policies or elements of adopted comprehensive plans or parts thereof in conflict herewith are repealed to the extent of the inconsistency, and shall be otherwise considered to be amended to conform to the purposes and declared policies of this article.

(Code 1965, § 36B-5; Ord. No. 87-31, Art. IX, 7-27-87; Ord. No. 89-8, Art. IX, 7-3-89)

Sec. 15-366. - Remedies.

In any case where activity occurs without the permit required by this article, or in violation of any conditions of this permit, the county may, without limitation:

- (1) Seek injunction from any court of competent jurisdiction against the continuation of the violation.
- (2) Seek a mandatory injunction to compel the restoration of lands to the condition in which they existed prior to violation.
- (3) Recover damages for the loss of habitat units, which shall be paid to the conservation trust fund.
- (4) Prosecute the violator before the code enforcement board of the county who may assess fines.
- (5) Pursue any other remedy now or hereafter provided by law.

(Code 1965, § 36B-61; Ord. No. 87-31, § 8.01, 7-27-87; Ord. No. 87-39, § 1(8.01), 11-9-87; Ord. No. 89-8, § 1(8.01), 7-3-89)

Sec. 15-367. - Financial responsibility.

The person committing a violation under this article shall be financially responsible for all damages, fines or costs of restoration provided herein, including all costs of enforcement and reimbursement of counsel fees. If the violator is also the owner of the land upon which the violation occurred, such charges shall become a lien upon the affected lands. If such lien is required to be collected through foreclosure or other proceedings, the cost of such proceedings, including counsel fees, shall be added to and secured by the lien.

(Code 1965, § 36B-62; Ord. No. 87-31, § 8.02, 7-27-87; Ord. No. 89-8, § 1(8.02), 7-3-89)

Sec. 15-368. - Enforcement official; orders; restraint; penalties.

- (a) An administrative official, to be known as the environmental protection officer, and employed by the board of county commissioners, shall be vested with the authority to administer and enforce the provisions of this article and amendments hereto. The environmental protection officer is hereby authorized and directed to take any action authorized by chapter 15 and amendments thereto, to ensure compliance with or prevent violation of its provisions, and he shall have authority to issue administrative stay orders on such behalf. Administrative orders shall be served in a manner similar to the service of process or by registered mail "return receipt requested." Such order will be effective upon service or receipt.
- (b) Such administrative orders shall specify the provision or provisions of this article alleged to be violated and the facts alleged to constitute a violation thereof, and may order that necessary corrective or restorative action be taken within a reasonable time to be prescribed in such order. Any such order shall become final unless the person named therein requests (by written petition) a hearing before the board of county commissioners to be heard no later than fourteen (14) days after the date such order is served. Corrective or restorative action thereof may include, but not be limited to:
 - (1) Restoration of the impacted area to its undamaged state. This restoration may require a larger area than was impacted to provide reasonable assurance that the restoration will compensate for temporary loss of habitat and function while the restoration area is in early succession.
 - (2) Protection of other areas to compensate for the loss of habitat and functions.
 - (3) Any combination thereof which is acceptable to the county.
- (c) The board of county commissioners may have the right to apply to the circuit court of the county to enjoin and restrain any person violating the provisions of chapter 15, article X, and rules and regulations adopted under this article, and the court may, upon proof of the violation of same, have the right to forthwith issue such temporary and permanent injunctions as are necessary to prevent the violation of same.
- (d) Any person violating any of the provisions of this article or who shall fail to abide by and obey all orders and resolutions promulgated as herein provided shall, upon conviction, be subject to the penalty provided in section 1-9. Each day that the violation continues shall constitute a separate violation.

(Code 1965, § 36B-63; Ord. No. 87-31, § 8.03, 7-27-87; Ord. No. 89-8, § 1(8.03), 7-3-89; Ord. No. [2008-01](#), § 1, 2-5-08)

Secs. 15-369—15-375. - Reserved.

DIVISION 2. - DEVELOPMENT OR ACTIVITY PERMIT

Sec. 15-376. - Applicability; scope.

No person shall conduct any activities within or immediately adjacent to any wetland that would materially affect in an adverse way any wetland which has been determined to be a conservation area without first obtaining a permit as provided below in division 4 of this article, if those activities adversely alter the function or productivity of, or take place within a conservation area. Such determination shall be issued by the environmental protection division, except as provided in section 15-382(2). Continuation of and maintenance of all activities legally conducted and/or permitted prior to the effective date of this article shall be exempt from this article.

(Code 1965, § 36B-21; Ord. No. 87-31, § 2.01, 7-27-87; Ord. No. 87-39, § 1(2.01), 11-9-87; Ord. No. 89-8, § 1(2.01), 7-3-89; Ord. No. [2008-01](#), § 2, 2-5-08)

Sec. 15-377. - Potential conservation areas—Determination.

The lands on which the activities described in section 15-376 are regulated shall consist of those lands determined to be potential conservation areas as defined by section 15-378.

(Code 1965, § 36B-22; Ord. No. 87-31, § 3.01, 7-27-87; Ord. No. 89-8, § 1(3.01), 7-3-89)

Sec. 15-378. - Same—Identification.

Potential conservation areas are wetlands. Wetlands shall mean those areas that are inundated or saturated by surface or groundwater at a frequency and a duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils. Soils present in wetlands generally are classified as hydric or alluvial, or possess characteristics that are associated with reducing soil conditions. The prevalent vegetation in wetlands generally consists of facultative or obligate hydrophytic macrophytes that are typically adapted to areas having soil conditions described above. These species, due to morphological, physiological, or reproductive adaptations, have the ability to grow, reproduce, or persist in aquatic environments or anaerobic soil conditions. Florida wetlands generally include swamps, marshes, bayheads, bogs, cypress domes and strands, sloughs, wet prairies, riverine swamps and marshes, hydric seepage slopes, tidal marshes, mangrove swamps and other similar areas. Florida wetlands generally do not include longleaf or slash pine flatwoods with an understory dominated by saw palmetto. The landward extent of wetlands and surface waters shall be delineated pursuant to the unified statewide methodology codified as Chapter 62-340, Fla. Admin. Code.

(Code 1965, § 36B-23; Ord. No. 87-31, § 3.02, 7-27-87; Ord. No. 89-8, § 1(3.02), 7-3-89; Ord. No. [2008-01](#), § 3, 2-5-08)

Sec. 15-379. - Functional characteristics of conservation areas.

Conservation areas are wetlands which:

- (1) Serve natural biological functions, including food chain production, general habitat and nesting, spawning, rearing and resting sites for aquatic or wetland dependent species, including those designated as endangered, threatened, or of special concern pursuant to F.S. § 581.185 and Rules 68A-27.003, 68A-27.004 and 68A-27.005, Fla. Admin. Code.
- (2) Are wetlands lawfully set aside as local, state or federally designated sanctuaries or refuges.
- (3) Are wetlands, the destruction or alteration of which would materially affect in a detrimental way natural drainage characteristics, sedimentation patterns, flushing characteristics, or other related and significant environmental characteristics.
- (4) Are wetlands constituting natural recharge areas. Natural recharge areas are wetland areas where surface water and the Floridan Aquifer are hydrologically interconnected.
- (5) Are wetlands in which significant and natural water purification occurs.
- (6) After development of surrounding, contiguous areas, will continue to provide significant and productive habitat.

(Code 1965, § 36B-24; Ord. No. 87-31, § 3.03, 7-27-87; Ord. No. 89-8, § 1(3.03), 7-3-89; Ord. No. [2008-01](#), § 4, 2-5-08)

Sec. 15-380. - Exemptions—Determination.

- (a) This article does not apply to any lands which meet one (1) of the following criteria:
- (1) Any lands which have been issued a development permit by the county for conservation areas prior to the effective date of this article; or
 - (2) Any lands which have received a development order of binding vested right determination which addressed modification or alteration to conservation areas or wetlands and which was issued prior to the effective date of this chapter pursuant to F.S. ch. 380.
- (b) Any owner of lands which are comprised of nonwetland areas or who believes that his lands are exempt under this section may submit such lands for a binding determination of exemption as provided in sections 15-381 and 15-382.

(Code 1965, § 36B-25; Ord. No. 87-31, § 3.04, 7-27-87; Ord. No. 89-8, § 1(3.04), 7-3-89)

Sec. 15-381. - Same—Application.

- (a) Any owner of lands who believes that such lands or the proposed activity are exempt from review per section 15-380 may file petition for a binding determination of exemption. Such petition shall be filed with the environmental protection division, and shall provide information necessary to a determination of exemption. This information will include at a minimum:
- (1) Current county aerial photographs.
 - (2) Topography per United States Geological Survey 7.5' quadrangle maps.
 - (3) One-hundred-year floodprone areas per the maps published by the federal emergency management agency.
 - (4) Soil types and boundaries per the soil conservation service.
 - (5) Information derived from the most current county conservation maps as amended.
- (b) The environmental protection division, with the assistance of other appropriate departments and divisions, shall act upon such petition within fifteen (15) working days.

(Code 1965, § 36B-26; Ord. No. 87-31, § 4.01, 7-27-87; Ord. No. 89-8, § 1(4.01), 7-3-89; Ord. No. [2008-01](#), § 5, 2-5-08)

Sec. 15-382. - Conservation area classification determination.

The determination of the presence or absence of conservation areas, their classification as Class I, II, or III, the extent and location of the conservation area and the appropriate level of protection as described in sections 15-396(2) and 15-419(1) or mitigation will follow two (2) processes: a staff review (informal) or formal review.

- (1) *Staff review:* The applicant shall request a determination by filing an application with the environmental protection division. Within ten (10) working days, the staff will arrange a site visit with the applicant. The staff shall issue a determination in writing as to the existence of Class I, II, or III conservation areas. If the applicant agrees in writing within fifteen (15) working days with the staff determination, then that determination is binding.
- (2) *Formal review:* If the applicant does not agree with the staff determination within fifteen (15) working days of receipt or he wishes to propose a mitigation or compensation program which is different from the staff determination issued pursuant to subsection (1), then he will be required to follow this formal review process:

- a. The environmental protection division shall prepare, publish and provide to every applicant the necessary forms and procedures for the review of an application or the issuance of a binding determination of exemption. Within five (5) working days after the filing of any application, the environmental protection division shall review such application to determine its completeness and shall notify the applicant in writing if the application is incomplete or if additional data are required. If the environmental protection division does not request additional data within that period, the application shall be deemed complete.
- b. Where an application for activity within or affecting covered lands is also regulated by other ordinances, or is proposed as a part of a preliminary subdivision plan, commercial site plan or construction plan, including but not limited to the locations and design of streets, culverts, drainage or flood control structures, excavation, dredging, filling, and clearing, the approval of such plans by their respective final reviewing bodies based on the criteria of this article constitutes compliance with the permitting requirements of this article.
- c. A complete application for determination shall be reviewed within thirty (30) working days after the filing thereof, unless the deadline is waived by both parties.
- d. The applicant shall have the right to appeal the decision of the environmental protection officer to the board of county commissioners. A notice of appeal to the board of county commissioners shall be filed with the environmental protection officer within fifteen (15) days after the decision is rendered. The environmental protection officer shall then request a public hearing before the board of county commissioners. Notice of the hearing shall be sent to the applicant by regular U.S. mail at least ten (10) days before the date of the public hearing. Following the hearing on appeal, the board of county commissioners may reverse, affirm, or modify the decision of the environmental protection officer. The decision of the board of county commissioners shall be final.

(Code 1965, § 36B-27; Ord. No. 87-31, § 4.02, 7-27-87; Ord. No. 87-39, § 1(4.02), 11-9-87; Ord. No. 89-8, § 1(4.02), 7-3-89; Ord. No. [2008-01](#), § 6, 2-5-08)

Sec. 15-383. - Effects of development.

Every application for activity subject to this article shall be reviewed to determine the functional significance, scarcity, replaceability, vulnerability and productivity of the habitat on the lands to be considered in both the pre- and post-developed condition.

- (1) The functional significance of lands identified as potential conservation areas shall be determined by the degree of natural biological functions including, but not limited to, food chain production, general habitat and nesting, spawning, rearing, feeding and resting sites for aquatic or wetland dependent species, including those designated as endangered, threatened or of special concern, pursuant to F.S. § 581.185, and Rules 68A-27.003, 68A-27.004 and 68A-27.005, Fla. Admin. Code.
- (2) The scarcity of habitat shall be determined as follows:
 - a. Cypress wetlands and freshwater marshes—common.
 - b. Bayheads and mixed hardwood swamps—uncommon.
 - c. Wet prairies and hydric hammocks—scarce.

Wetland types such as hydric hammocks or cypress wetlands shall be determined in accordance with Rule 62.345.400(5), Fla. Admin. Code.

- (3) The vulnerability of habitat shall be determined by reviewing the likelihood of significant negative change in the habitat or its functional value because of a change in the use of nearby unregulated lands which will significantly reduce natural system values and characteristics on the regulated lands.

- (4) The replaceability of habitat shall be determined by reviewing the probability that similar or improved habitat values, vegetation dominants or inundation regimes can be established to mitigate or compensate for values or functions occurring in an area (on or off the project site) proposed for alteration or development.

(Code 1965, § 36B-28; Ord. No. 87-31, § 5.01, 7-27-87; Ord. No. 87-39, § 1(5.01), 11-9-87; Ord. No. 89-8, § 1(5.01), 7-3-89; Ord. No. [2008-01](#), § 7, 2-5-08)

Sec. 15-384. - Adjustments to prior determination of conservation area class designation.

Lands which satisfy any of the following criteria may be eligible for a lower classification:

- (1) Are not functionally significant pursuant to the criteria of section 15-379 or 15-383(1); or
- (2) Are not scarce as determined by section 15-383(2); or
- (3) Are determined not to be vulnerable pursuant to section 15-383(3); or
- (4) Can and will be replaced pursuant to section 15-383(4).

(Code 1965, § 36B-29; Ord. No. 87-31, § 5.02, 7-27-87; Ord. No. 89-8, § 1(5.02), 7-3-89)

Sec. 15-385. - Method of measurement.

The significance and productivity of habitat in conservation areas shall be measured in habitat units, using an approved set of evaluation species or guilds and the habitat evaluation procedure or instream flow incremental methodology of the U.S. Fish and Wildlife Service or other methodology acceptable to the county.

- (1) Where the land type and habitat community is widely found within the county, a standard group of evaluation species will be listed by the environmental protection division and may be accepted by the applicant.
- (2) Where the land type and habitat community is scarce, or the proposed activity affects a large proportion of the types of wildlife cover present on the land, the applicant shall select, with the approval of the environmental protection division, a sufficient number of species representing different trophic levels and components of the fish and wildlife community, so as to obtain a reasonable measure of the impact of the activity on wildlife in the habitat.
- (3) The measurement of habitat units before the regulated activity, and the estimate of habitat units after the activity, shall be based on the assumption that adjoining lands not regulated by this article have been or will be developed to the extent permitted by law applicable to the adjoining lands. If the application clearly demonstrates that development of such unregulated lands would render the habitat on the conservation areas no longer viable or significant or productive, the regulated land shall be deemed to have a lower classification.

(Code 1965, § 36B-30; Ord. No. 87-31, § 5.03, 7-27-87; Ord. No. 89-8, § 1(5.03), 7-3-89; Ord. No. [2008-01](#), § 8, 2-5-08)

Sec. 15-386. - Review standards.

- (a) The environmental protection division shall review every application to determine the number of habitat units existing before the activity and the number estimated after the proposed activity. Each application shall demonstrate the preservation, creation or restoration of an equal number of habitat units after the proposed activity, except as permitted in divisions 3 and 4 of this article.

- (b) In reviewing each application, the environmental protection division shall consider the number of habitat units existing before and after the proposed activity, the species selected for evaluation, and (where the species selected for evaluation after the activity is proposed to be different from the existing evaluation species) the relative values of the evaluation species.
- (c) The relative values of the evaluation species selected shall be computed by the methods set forth in the habitat evaluation procedures of the U.S. Fish and Wildlife Service, taking into account the scarcity, vulnerability, replaceability, and management efforts with respect to the evaluation species and any proposed replacement species (technical appendices).
 - (1) Where the existing evaluation species have a high value because of their scarcity or vulnerability on a national or regional ecosystem basis, the application shall demonstrate no loss of existing habitat units for the evaluation species or the creation of an equal number of habitat units for species of equal value.
 - (2) Where the existing evaluation species are relatively abundant and have a high to medium value, the application shall demonstrate the minimal loss (less than ten (10) percent) of habitat units for the existing species or the creation of an equal number of habitat units for other species having the same cumulative value and importance.
 - (3) Where the existing evaluation species are relatively abundant, have a low value, and are relatively tolerant of the proposed activity, the application shall demonstrate the minimization of loss of habitat value.

(Code 1965, § 36B-31; Ord. No. 87-31, § 5.04, 7-27-87; Ord. No. 87-39, § 1(5.04), 11-9-87; Ord. No. 89-8, § 1(5.04), 7-3-89; Ord. No. [2008-01](#), § 9, 2-5-08)

Secs. 15-387—15-395. - Reserved.

DIVISION 3. - HABITAT COMPENSATION

Sec. 15-396. - Compensation required for unavoidable loss.

Habitat compensation may be in the form of monies or lands in areas designated by the county. The amount of compensation will be determined by either subsection (1) or subsection (2) at the applicant's discretion. If the applicant wishes to pursue another procedural method, the proposed method shall be submitted to the environmental protection officer for review and approval.

- (1) The applicant shall submit a property appraisal to the planning director for review and approval. The appraisal report shall provide an estimated value of the entire project site that reflects values at the time of issuance of all construction approvals, the total acres of the project site and the total acres of conservation area proposed for removal. The amount of compensation monies that will be required will be determined as follows:
 - a. The total estimated value of the property divided by the total acreage of the property equals the average value per acre.
 - b. The amount of compensation monies required shall equal the average value per acre multiplied by the total acres of conservation area impact.
- (2) The county shall designate areas within the county suitable for off-site mitigation or habitat compensation. An appraisal will be conducted for the designated properties by the county. The appraisal shall establish an average cost per acre. An applicant for habitat compensation shall either purchase the required amount of lands designated by the county as determined by the mitigation ratios in section 15-419 or the applicant shall pay the amount of compensation required based on the average cost per acre of the lands designated by the county multiplied by the mitigation ratios in section 15-419.
- (3) The basis for review for habitat compensation shall be as follows:

- a. *Class I conservation areas.* The removal, alteration or encroachment within a Class I conservation area shall only be allowed in cases where no other feasible or practical alternatives exist that will permit a reasonable use of the land or where there is an overriding public benefit. The protection, preservation and continuing viability of Class I conservation areas shall be the prime objective of the basis for review of all proposed alterations, modifications, or removal of these areas. When encroachment, alteration or removal of Class I conservation areas is permitted, habitat compensation or mitigation as a condition of development approval shall be required.
- b. *Class II conservation areas.* Habitat compensation for Class II conservation areas should be presumed to be allowed unless habitat compensation is contrary to the public interest.
- c. *Class III conservation areas.* Habitat compensation shall be allowed for Class III conservation areas in all cases.

(Code 1965, § 36B-41; Ord. No. 87-31, § 6.01, 7-27-87; Ord. No. 89-8, § 1(6.01), 7-3-89; Ord. No. [2008-01](#), § 10, 2-5-08) Sec. 15-397. - Trust fund created.

All habitat compensation required from applicants under section 15-396 shall be deposited in a fund to be known as the conservation trust fund. The fund shall be used only for the purchase, improvement, creation, restoration and replacement of natural habitat within the county. Such funds are not required to be expended for the replacement of the identical habitat type for the loss of which compensation was required consistent with this division. Such funds may be commingled with other funds of the county, or state or federal funds solely for expenditure for the purposes required under this section. All funds collected shall be expended within five (5) years for the purposes required under this section consistent with a five-year capital improvements program. The trust fund may be pledged to secure the issuance of bonds in anticipation of habitat compensation, or combined with other revenue sources to secure such bonds, provided the net proceeds of such bonds are expended for the purpose required herein.

(Code 1965, § 36B-42; Ord. No. 87-31, § 6.02, 7-27-87; Ord. No. 87-39, § 1(6.02), 11-9-87; Ord. No. 89-8, § 1(6.02), 7-3-89) Secs. 15-398—15-415. - Reserved. DIVISION 4. - MITIGATION OF ADVERSE DEVELOPMENT

Sec. 15-416. - Alternatives.

In those circumstances where the development proposal will result in an adverse impact upon conservation areas not excluded by this article, the development may proceed by either complying with the provisions of section 15-396 or under a mitigation plan approved pursuant to this division.

(Code 1965, § 36B-51; Ord. No. 87-31, § 7.01, 7-27-89; Ord. No. 89-8, § 1(7.01), 7-3-89) Sec. 15-417. - Preapplication conference.

Prior to submission of a mitigation proposal, there will be a preapplication conference between the environmental protection division and the applicant. The purpose of the preapplication meeting will be to decide on the appropriate scientific evaluation methods to be utilized, types of information which may be required and to provide the applicant with preliminary comments and concerns.

(Code 1965, § 36B-52; Ord. No. 87-31, § 7.02, 7-27-87; Ord. No. 89-8, § 1(7.02), 7-3-89; Ord. No. [2008-01](#), § 11, 2-5-08)

Sec. 15-418. - Proposal submittal requirements.

Each mitigation proposal submitted to the environmental protection division shall be in writing and shall include the following:

- (1) A description of the type and functions of the conservation area being impacted by the proposed development which shall include its acreage, flora, fauna, hydrologic regime.
- (2) A list of all plant and animal species listed as endangered or threatened (pursuant to F.S. § 581.185 and Rules 68A-27.003, and 68A-27.004, Fla. Admin. Code, which are incorporated by reference and made a part of this article) which utilize the area and an evaluation of the probable significance of the area to the listed species.
- (3) A design for and a description of the area proposed for creation, enhancement, restoration, or compensation which shall include its acreage, species to be planted, plant density, source of plants, soils and hydrologic regime.
- (4) A description of the monitoring and maintenance program.
- (5) An itemized cost estimate of the implementation cost of mitigation consistent with the estimating requirements of the subdivision regulations and subject to the approval of the county.
- (6) Additional information as may be required by the county to evaluate the mitigation proposal.

(Code 1965, § 36B-53; Ord. No. 87-31, § 7.03, 7-27-87; Ord. No. 89-8, § 1(7.03), 7-3-89; Ord. No. [2008-01](#), § 12, 2-5-08)

Sec. 15-419. - Evaluation criteria.

Mitigation proposals shall be reviewed pursuant to subsection (1) below. The degree of impact to wetland functions, whether the impact to these functions can be mitigated, and the feasibility of cost-effective design alternatives which could avoid impact are all factors in determining whether a proposed mitigation measure will be acceptable. In addition, an evaluation of the anticipated post-development viability and function performance will be considered utilizing accepted scientific methods which may include, but not be limited to, the habitat evaluation procedure (USFWS). As an alternative, a mitigation proposal is acceptable to the county, if the following minimum criteria will be met for conservation areas. Ratios for mitigation for Class I conservation areas or with unlike habitat will be considered on a case by case basis. Ratios for mitigation for Class III conservation areas will be 1:1. Ratios for Class II conservation areas shall be pursuant to subsection (2).

- (1) The basis for review for mitigation shall be as follows:
 - a. *Class I conservation areas.* The removal, alteration or encroachment within a Class I conservation area shall only be allowed in cases where no other feasible or practical alternatives exist that will permit a reasonable use of the land or where there is an overriding public benefit. The protection, preservation and continuing viability of Class I conservation areas shall be the prime objective of the basis for review of all proposed alterations, modifications or removal of these areas. When encroachment, alteration or removal of a Class I conservation area is permitted, habitat compensation or mitigation as a condition of development approval shall be required.
 - b. *Class II conservation areas.* Mitigation for Class II conservation areas should be presumed to be allowed unless mitigation is contrary to the public interest.
 - c. *Class III conservation areas.* Mitigation shall be allowed for Class III conservation areas in all cases.
- (2) The applicant shall provide reasonable assurance that the proposed wetlands creation will be viable and will replace the habitat and functions performed by the Class II conservation areas destroyed. Reasonable assurance can be provided by type for type mitigation at the following ratios:

- a. Freshwater marshes and wet prairies—1.5:1.
 - b. Cypress wetlands—2.0:1.
 - c. Hydric hammocks, bayheads, and mixed hardwood swamps—2.5:1.
- (3) The applicant shall provide a monitoring and maintenance program. The length and complexity of monitoring will depend upon the type of mitigation approved, but will not be less than one (1) year and an eighty-five (85) percent coverage rate of all planted areas.
 - (4) The applicant shall provide reasonable assurance that the proposed development has the financial and institutional stability to carry out the mitigation, monitoring, and maintenance requirements. Reasonable assurance can be provided in the form of a surety bond posted by the applicant to the county prior to the disturbance of the conservation area in the amount of one hundred ten (110) percent of the cost estimate of the proposed mitigation, maintenance, and monitoring plan. Other forms of reasonable assurance may include a performance guarantee as part of a project construction guarantee, cash bond or letter of credit from a financial institution, or performance prior to wetland impacts.
 - (5) The applicant shall provide other items that may be required by the board of county commissioners to provide reasonable assurance that the mitigation plan requirements are met.

(Code 1965, § 36B-54; Ord. No. 87-31, § 7.04, 7-27-87; Ord. No. 89-8, § 1(7.04), 7-3-89) Secs. 15-420—15-435.
- Reserved.

APPENDIX D
CONSERVATION AREA DETERMINATION
APPLICATION FORM





APPLICATION FOR A CONSERVATION AREA DETERMINATION

(In accordance with Orange County Code Chapter 15 Article X, Wetland Conservation Areas)

Mail or Deliver To: Orange County Environmental Protection Division
3165 McCrory Place, Suite 200
Orlando, Florida 32803
(407) 836-1400, Fax (407) 836-1499

PROCESSING FEES: Enclose a check for the filing fee payable to The Board of County Commissioners

- Single Family \$685.00
Non Single Family < 40 acres \$901.00
Non Single Family 40 - 100 acres \$1,591.00
Non Single Family > 100 acres = \$1591.00 plus \$10.60 for each additional acre
After-the-Fact CAD - Single Family \$1,215.00
Variance or Appeal \$409.00

TOTAL PROJECT ACREAGE _____

SECTION 1

OWNER(S) OF THE LAND

Name:
Address:
City: State: Zip:
Telephone and Fax: Email:

ENTITY TO RECEIVE DETERMINATION (IF OTHER THAN OWNER)

Name:
Title and Company:
Address:
City: State: Zip:
Telephone and Fax: Email:

AGENT AUTHORIZED TO SECURE DETERMINATION

Name:
Title and Company:
Address:
City: State: Zip:
Telephone and Fax: Email:

CONSULTANT (IF DIFFERENT FROM AGENT)

Name:
Title and Company:
Address:
City: State: Zip:
Telephone and Fax: Email:

SECTION 2

LOCATION OF PROPERTY

Orange County Commission District: _____

Parcel ID Nos. _____

Street Address: _____

SECTION 3

REQUIRED ATTACHMENTS: (Note: all submittals shall have the property/project boundaries delineated)

- An aerial photograph with the project/parcel boundary (minimum scale 1"=300')
- Soil types and boundary per NRCS
- USGS 7.5' quadrangle map
- A vegetation map using the current Florida Land Use, Cover and Forms Classification System
- Property boundary survey or tax map
- Parcel identification data for all parcels in project (This may be obtained by visiting www.ocpaf.org)
- Upon Completion of field verification by EPD, you will be required to submit at least (1) copy of a certified boundary survey signed and sealed by a professional land surveyor to EPD for review and written approval.

SECTION 4

A. By signing this application form, I am applying or I am applying on behalf of the property owner, for the determination of wetlands on the above stated property, according to the supporting data and other incidental information filed with this application. I am familiar with the information contained in this application and represent that such information is true, complete and accurate. I understand this is an application for a wetland determination and not a permit, and that any work prior to approval of a permit is a violation. I understand that this application and determination issued pursuant thereto, does not relieve me of any obligation for obtaining any other required federal, state or local permit prior to construction. I understand that any false statement or representation in this application will nullify the determination and any permit in which this determination is used; along with the understanding a new application with appropriate filing fee will be necessary to obtain a new determination.

Typed/Printed Name of Owner (If no agent is used) or Agent (If one is authorized below)

Signature of Owner/Agent

Date

(Corporate Title if applicable)

B. PERSON AUTHORIZING ACCESS TO THE PROPERTY MUST COMPLETE THE FOLLOWING:

I am either the property owner described in this application or I have the legal authority to allow access to the property, and I consent, after receiving prior notification, to any site visit on the property by personnel from the Orange County Environmental Protection Division necessary for the review and inspection of the proposed project specified in this application. I authorize the personnel to enter as many times as may be necessary to make such review and inspection.

Typed/Printed Name of Owner (If no agent is used) or Agent (If one is authorized below)

Signature of Owner/Agent

Date

(Corporate Title if applicable)

Please note: All original signatures required, no photocopies accepted.

AGENT AUTHORIZATION FORM

FOR PROJECTS LOCATED IN ORANGE COUNTY, FLORIDA



I/WE, _____ (PRINT PROPERTY OWNER NAME), AS THE OWNER(S) OF THE REAL PROPERTY DESCRIBED _____ AS FOLLOWS, DO HEREBY AUTHORIZE TO ACT AS MY/OUR AGENT (PRINT AGENT'S NAME), _____, TO EXECUTE ANY PETITIONS OR OTHER DOCUMENTS NECESSARY TO AFFECT THE APPLICATION APPROVAL REQUESTED AND MORE SPECIFICALLY DESCRIBED AS FOLLOWS, _____, AND TO APPEAR ON MY/OUR BEHALF BEFORE ANY ADMINISTRATIVE OR LEGISLATIVE BODY IN THE COUNTY CONSIDERING THIS APPLICATION AND TO ACT IN ALL RESPECTS AS OUR AGENT IN MATTERS PERTAINING TO THE APPLICATION.

Date: _____ Signature of Property Owner _____ Print Name Property Owner _____

Date: _____ Signature of Property Owner _____ Print Name Property Owner _____

Date: _____ Signature of Property Owner _____ Print Name Property Owner _____

Date: _____ Signature of Property Owner _____ Print Name Property Owner _____

STATE OF FLORIDA
COUNTY OF _____

I certify that on _____, before me, _____, an officer duly authorized by the State of Florida and in the county mentioned above, to take acknowledgements, personally appeared _____, to me known to be the person described in this instrument or to have produced _____, as evidence, and who has acknowledged before me that he or she executed the instrument and did / did not take an oath.

Witness my hand and official seal in the county and state stated above on the _____ day of _____, in the year _____.

(Notary Seal) _____
Signature of Notary Public
Notary Public for the State of Florida
My Commission Expires: _____

Legal Description(s) or Parcel Identification Number(s) are required:
PARCEL ID #:
LEGAL DESCRIPTION:

**APPENDIX E
CONSERVATION AREA DETERMINATION
CHECKLIST**



CONSERVATION AREA DETERMINATION CHECK LIST

- Completed [CAD Application](#);
- Appropriate Fee (Payable to Orange County Board of County Commissioners) — Note that payments can be delivered to either EPD's offices at 3165 McCrory Place, Suite 200, Orlando, FL 32803 or at Orange County's Administrative building located at 201 S. Rosalind Avenue, FL 32801; however, at the present time EPD can only accept payment via check or exact cash. Payments via credit or debit cards can only be processed at the Admin Building.
- Is the applicant the property owner of record? If so, the application must include:
 - The property owner's original signature, if the applicant is not the owner of record, the application must include an: [Agent Authorization Form](#) with the owner of record's original signature and assigning responsibility to the applicant for obtaining the CAD.
- If site access is an issue (for example, if there is a locked gate) include instructions on how to gain access.
- Location of the property, such as a street address, or directions to the property.
- Property boundary survey or [tax map](#) (not required upon receipt of application. but a survey will be required once the wetland line has been established).
- Legal description (If not available, this can be located on the [Orange County Property Appraiser](#) website).
- A series of maps with the property boundary shown on each map, including:
 - [National Wetlands Inventory](#) (NWI) Map.
 - An aerial photograph (minimum scale 1" = 300').
 - Soil types per [Natural Resources Conservation Service](#) (NRCS).
 - [United States Geological Survey \(USGS\) 7.5' quadrangle map](#); and
 - A vegetation map using the current [Florida Land Use Cover and Forms Classification System](#).
- Executed Agreement letter (within 15 days from receipt date of issuance of Classification Letter);
- A boundary survey certified by a Professional Land Surveyor/Professional Surveyor and Mapper (90 days from receipt). An electronic survey is preferred; four signed and sealed paper surveys are also acceptable in lieu of an electronic survey. The survey must:
 - Depict the overall property boundary.
 - Note the total property acreage.
 - Depict the location(s) and extent(s) of the conservation area(s) (CA).
 - Note the Normal High Water Elevation (NHWE) for any surface waters on the project site as approved by Orange County.
 - Depict the locations of CA flags mathematically tied to established geodetic control points; describing the bounds of the CA by bearing and distance.
 - Note the total wetland and upland acreages (on-site) including acreage per individual CA.
 - Note the CA Class for each CA on the property as determined by EPD staff.
 - Note the identification number of each CA on the property.
 - Note the CAD number.
 - Note the total upland acreage on the property.
 - Note the total CA acreage on the property.

APPENDIX F
CONSERVATION AREA IMPACT PERMIT
APPLICATION FORM





Application for Conservation Area Impact Permit

(In accordance with Orange County Code Chapter 15 Article X, Orange County Code)

Mail or Deliver To: Orange County Environmental Protection Division
3165 McCrory Place, Suite 200
Orlando, Florida 32803
(407) 836-1400, Fax (407) 836-1499

PROCESSING FEES:

\$556.00 - Single Family
\$1,273.00 - Non Single Family < 10 acres of impact
\$2,016.00 - Non Single Family 10 – 50 acres of impact
\$4,456.00 - Non Single > 50 acres of impact
Minor Modification*:
\$139.00 - Single Family
\$319.00 - Non Single Family < 10 acres of impact
\$504.00 - Non Single Family 10 – 50 acres of impact
\$1,114.00 - Non Single > 50 acres of impact

TOTAL WETLAND IMPACT ACREAGE _____

*Conditions Apply

\$409.00 - Variance or Appeal

Make Checks Payable to the Orange County Board of County Commissioners

Section 1

OWNER(S) OF THE LAND

Name: _____

Title and Company: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone and Fax: _____ Email: _____

ENTITY TO RECEIVE PERMIT (IF OTHER THAN OWNER)

Name: _____

Title and Company: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone and Fax: _____ Email: _____

AGENT AUTHORIZED TO SECURE PERMIT

Name: _____

Title and Company: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone and Fax: _____ Email: _____

CONSULTANT (IF DIFFERENT FROM AGENT)

Name: _____

Title and Company: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone and Fax: _____ Email: _____

SUBMITTAL REQUIREMENTS:

- A copy of the Conservation Area Determination (CAD) issued by Orange County. CAD # _____
- Processing Fee(s)
- A recent aerial photograph of the project site.
- Project Impact and Mitigation Summary Tables (Pages 3 and 4 of 6).
- Part I and Part II Unified Mitigation Assessment Method (UMAM) scoring worksheets for all assessment areas (impact and/or mitigation), pursuant to 62-345 FAC.
- A mitigation plan/narrative that adequately offsets impacts to conservation areas and upland buffers, as applicable. If the mitigation plan includes a Conservation Easement or Fee Simple Donation, complete Addendum A.
- Reasonable assurance that the proposed development has the financial and institutional stability to carry out mitigation (if applicable).
- A detailed site/development plan that clearly shows all wetland (or upland buffer) impacts, and mitigation areas.
- Agent Authorization Form
- Relationship Disclosure Form – Development Related
- Specific Expenditure Report Form

Note: Additional information may be required

SECTION 2

By signing this application form, I am applying or I am applying on behalf of the property owner, for a Conservation Area Impact permit on the subject property. I am familiar with the information contained in this application and represent that such information is true, complete and accurate. I understand this is an application for a Conservation Area Impact Permit, and that any work prior to approval of a permit is a violation of Orange County code. I understand that this application and determination issued pursuant thereto, does not relieve me of any obligation for obtaining any other required federal, state or local permit prior to construction. I understand that any false statement or representation in this application will nullify the permit and understand that a new application with appropriate filing fee will be necessary.

 Typed/Printed Name of Owner (If no agent is used) or Agent (If one is authorized below)

 Signature of Owner/Agent

 Date

 (Corporate Title if applicable)

PERSON AUTHORIZING ACCESS TO THE PROPERTY MUST COMPLETE THE FOLLOWING:

I am either the property owner described in this application or I have the legal authority to allow access to the property, and I consent, after receiving prior notification, to any site visit on the property by personnel from Orange County necessary for the review and inspection of the proposed project specified in this application. I authorize the personnel to enter as many times as may be necessary to make such review and inspection.

 Typed/Printed Owner name (or legal authority)

 Signature

 Date

 (Corporate Title if applicable)

AGENT AUTHORIZATION FORM

FOR PROJECTS LOCATED IN ORANGE COUNTY, FLORIDA



I/WE, _____ (PRINT PROPERTY OWNER NAME), AS THE OWNER(S) OF THE

REAL PROPERTY DESCRIBED AS FOLLOWS,

DO HEREBY AUTHORIZE TO ACT AS MY/OUR AGENT (PRINT AGENT'S NAME),

TO EXECUTE ANY PETITIONS OR

OTHER DOCUMENTS NECESSARY TO AFFECT THE APPLICATION APPROVAL REQUESTED AND MORE SPECIFICALLY DESCRIBED AS FOLLOWS, _____, AND TO

APPEAR ON MY/OUR BEHALF BEFORE ANY ADMINISTRATIVE OR LEGISLATIVE BODY IN THE COUNTY CONSIDERING THIS APPLICATION AND TO ACT IN ALL RESPECTS AS OUR AGENT IN MATTERS PERTAINING TO THE APPLICATION.

Date: _____ Signature of Property Owner _____ Print Name Property Owner _____

Date: _____ Signature of Property Owner _____ Print Name Property Owner _____

Date: _____ Signature of Property Owner _____ Print Name Property Owner _____

Date: _____ Signature of Property Owner _____ Print Name Property Owner _____

STATE OF FLORIDA
COUNTY OF _____

I certify that on _____, before me, _____, an officer duly authorized by the State of Florida and in the county mentioned above, to take acknowledgements, personally appeared _____, to me known to be the person described in this instrument or to have produced _____, as evidence, and who has acknowledged before me that he or she executed the instrument and did / did not take an oath.

Witness my hand and official seal in the county and state stated above on the _____ day of _____, in the year _____.

(Notary Seal)

Signature of Notary Public
Notary Public for the State of Florida
My Commission Expires: _____

Legal Description(s) or Parcel Identification Number(s) are required:
PARCEL ID #:
LEGAL DESCRIPTION:

Addendum A
Conservation Easement/Donation Agreement Checklist and Acknowledgement Form

The following additional information is required to be submitted with your application **ONLY** if you are proposing to place wetlands and/or uplands into a Conservation Easement dedicated to Orange County, as part of your mitigation plan:

- Metes and bounds legal description and surveyor's sketch of the area to be bound by the Conservation Easement with the Conservation Area clearly delineated and labeled, and the acreage of the easement area must be noted on the sketch on 8 ½ x 11. The metes and bounds legal description and surveyor's sketch, clearly labeled as an exhibit to the conservation easement and signed and sealed. The Orange County Surveyor must approve the sketch of description and legal description.
- Provide current title insurance policy on the property with a copy of the deed into the current owner and all the encumbrances or provide a current title search that begins with earliest public records to date to include copies of the deed into current owner and all encumbrances. This information should be no more than 6 months old.
- Aerial photograph(s) that clearly delineates the boundary of the mitigation area(s).
- USGS quad map of the mitigation area that shows the boundary in relation to any adjacent streets or other landmarks. Identify any other publicly held lands or land under conservation easement on the map, with their names and acreages, if applicable.
- Documentation of ownership of the proposed mitigation area. If the ownership of the property is not that of the applicant, the owner of the mitigation area must be a co-applicant of the permit or provide written notification that acknowledges that the property is being used as mitigation.
- Documentation of acreage, or lack thereof, of Sovereign Submerged Lands (SSL) within the off-site mitigation area. Please note: no mitigation credit will be given to lands that are SSL.
- Donation Agreement (if applicable)
- Land Management Fee/acre; to be paid at time of conveyance (if applicable).

NOTE: In order to become effective, The Conservation Easement and/or Donation Agreement must be approved by the Board of County Commissioners, and be recorded in the public records of Orange County, at the permit holder's sole expense. The conservation easement shall contain provisions that grant the County the right to access and inspect the conservation easement area, and to enforce the terms and conditions of the conservation easement.

I, _____, acknowledge that I have provided all of the above-listed information, required prior to issuance of a Conservation Area Impact permit with this type of mitigation; and that although Orange County will make every reasonable effort to review the information in a timely manner, delays may occur during the review of the submitted information [items that may delay the review include, but are not limited to, encumbrances or irregularities that render the proposed mitigation inadequate, or inaccurate sketch(s) and description(s) of the mitigation area(s)]. In addition, I acknowledge that final approval of the conservation easement is required by the Orange County Board of County Commissioners, and that this also may add additional time to the approval process.

(Applicant/Agent signature) _____ (Date) _____

**APPENDIX G
CONSERVATION AREA IMPACT PERMIT
CHECKLIST**



CONSERVATION AREA IMPACT PERMIT CHECK LIST

- Completed [CAI Application](#).
- Correct Fee (payable to Orange County Board of County Commissioners).
- Completed [Specific Project Expenditure Report](#) (SPR).
- Completed [Relationship Disclosure Form](#) (RDF).
- Check Surrounding Property Use for Agricultural land use (AG land use code) – if yes – forms need to be completed and recorded.
- Completed agent authorization form (if necessary).
- Applicant is the property owner of record.
- Property owner signature (original signature only).
- Location of the property.
- Legal description.
- Total project acreage.
- Total wetland acreage.
- Proposed wetland impact acreage.
- Septic tank Setback is 75 feet from the wetland.
- Septic Setback for surface water is 150 feet from the NHWE.
- Copy of the CAD with the wetland line in the CAI permit application matching the approved CAD line.
- 3 copies of a site plan that clearly depict the proposed impacts, (and proposed preservation – if applicable).
- A table that identifies conservation area(s) proposed for impact and acreage of each impact (and preservation area – if applicable).
- A description of the type and function of the conservation area being impacted and/or preserved by the proposed development, which shall include its acreage, flora, fauna and hydrologic regime using the Florida Unified Mitigation Assessment Method part I and part II.
- Per Section 15-419, Orange County Code, information provided that applicant has researched cost effective design alternatives that could avoid impacts.
- A list of all plant and animal species listed as endangered or threatened (pursuant to Section 581.185, F.S. and Rules 68A-27.003, and 68A-27.004, F.A.C., which are incorporated by reference and made a part of this article) which utilize the area and an evaluation of the probable significance of the area to the listed species.
- Adequate wildlife underpasses have been provided at all new or expanded wetland strand crossings.
 - Copy of all wildlife permits (as applicable).
 - Unified Mitigation Assessment Method (UMAM) analysis of impacts (including completed Part I and Part II of the UMAM work sheets).
 - Acceptable mitigation bank proposed.
 - Reservation letter received (if required).
 - A design for and description of the area proposed for creation, enhancement, restoration, or compensation which shall include: acreage, species to be planted,

- Wetland and upland preservation/enhancement/creation areas are required to be recorded as a conservation easement. Standard conservation easement language is being provided to you for your reference. However, the following is required to be provided:
 - Metes and bounds legal description and surveyor's sketch of the area to be bound by the Conservation Easement with the conservation area clearly delineated and labeled, and with the acreage of the conservation easement area noted on the sketch in 8 ½ x 11 format. The metes and bounds legal description, surveyor's sketch, and USGS quadrangle map clearly labeled as an exhibit to the conservation easement and signed and sealed.
 - Current title of evidence (title search to be no older than 6 months), to include but not limited to, copy of the warranty deed for the current owner of property, and copies of all encumbrances listed on title of evidence report.
 - A detail of the conservation area signage language to be used and a plan that depicts the locations of the signs. These signs must be installed every 50 feet on any open space and on every other individual lot line.
 - As a part of the impact permit requirements a copy of written notification to property owners that "no alteration or encroachment of the platted conservation areas or recorded conservation easement approved by the Board of County Commissioners shall occur unless approved by Orange County and other appropriate state or federal agencies" is to be submitted to EPD at the time of platting.
- Compliance with special regulatory criteria (as applicable)
 - Econlockhatchee River Protection Area
 - Wekiva Protection Zone
 - ELSP
- Conservation Area Impact Permits that can be approved and issued by staff:
 - Class II (outside of the Econlockhatchee River Protection Area) and Class III
 - Class I conservation area impacts outside of the Econlockhatchee or Wekiva River protection areas for only the following:
 - Outfall pipes,
 - Access roads to uplands (where no other options are feasible),
 - Restoration activities
 - Minor modifications that result in an increase of conservation area impacts of less than 0.5-acres and meet original recommendations of approval, or
 - Minor modifications resulting in a net decrease of conservation area impacts,
- Conservation Area Impact Permits that must be approved by the Board of County Commissioners:
 - Class I impacts other than those described above.
 - Lots,
 - Conservation area impacts caused by roads for which a viable alternative upland alignment exist,
 - Stormwater ponds,
 - Projects with conservation area impacts within the Econ or Wekiva protection areas,
 - Enforcement cases, and
 - Modifications that result in a net increase of conservation area impacts greater than 0.5 acres or do not met original recommended criteria.

Additional Requirements within the Econlockhatchee River Protection Area

- Basin Wide Regulations:
 - Provide a survey of those species designated as endangered, threatened or species of special concern pursuant to Section 581.185, F.S., and Rules 68A-27.003, 68A-27.004 and 68A-27.005, F.A.C., respectively, shall be required as part of all development applications where there is reasonable expectation. Such surveys shall utilize the "Wildlife Methodology Guidelines" published by the Florida Game and Freshwater Fish Commission. If endangered, threatened or species of special concern are found on the project site, any proposed development within the habitat of the species shall protect the values of the habitat for that species. A management plan shall be required of the development for the protection of an endangered, threatened or species of special concern and shall become part of the conditions of approval for the project.
 - The design must include the use of native plant species where landscaping is required and must minimize removal of native understory vegetation to the greatest extent practical.
- Sufficient separation between stormwater management structures and conservation areas must be demonstrated (as defined in Section [15-364](#), Orange County Code).
- Surface waters will be managed to encourage native vegetation where the vegetation does not impede water flow in the Orange County's primary drainage system.
- The stormwater treatment system will be considered a wet detention treatment system, as defined by Chapter 40C-42, F.A.C. The design of the wet detention treatment system must be consistent with the guidelines in Section 15-447, Orange County Code.
- Upland buffers averaging 50 feet in width with a minimum of 25 feet in width are required for Class I and II wetlands. Where feasible the upland buffers for the conservation areas shall connect with each other and with other larger natural systems.
- The peak discharge rates for surface water management systems shall not exceed the predevelopment peak discharge rate for the mean annual storm (24-hour duration, 2.3-year return period, 4.4 inches of rainfall) and the 25-year storm (24-hour duration).
- All developments within 2000 feet of the Econ River and its named tributaries shall submit as part of the development application information a statement from the Florida Division of Historical Resources or an archeological consultant as to the potential for any archeological or historical resources on the project site. If significant archeological or historical sites are found then those sites shall be preserved or excavated pursuant to state guidelines prior to construction on the archeological or historical site.
- The density and intensity of development permitted on parcels of property within the basin are clustered or concentrated on those portions of the parcel or parcels which are furthest from the surface waters and wetlands of the Econlockhatchee River system.
- Applicants are encouraged to preserve the essential habitat characteristics of rare upland habitat within the project site. Applicants must demonstrate that, where feasible, rare upland habitat is connected to other natural habitat through preservation of land as mitigation for wetland impacts allowed pursuant to conservation area regulations. Rare upland habitats are those vegetative communities identified as scrub, longleaf pine-xeric oak, sand pine scrub, xeric oak and live oak hammock. Those vegetative communities are defined in Section 15-446, Orange County Code.

Critical Area Regulations:

Protection Zone is established which includes the main river channel of the Econlockhatchee River (Big Econ), major tributaries, and at least 1,100 feet land ward as measured from the streams' edge of the Econlockhatchee River main channel, at least 550 feet as measured from streams edge of the major tributaries, and at least 50 feet of uplands landward of the landward edge of the wetlands abutting the Econlockhatchee River and its major tributaries.

- No development activity is permitted closer than 550 feet as measured from the river edge of the main channel of the Econlockhatchee River except created forested or herbaceous wetlands, retention areas, and passive recreation if demonstrated that the activities will not affect the aquatic and wetland dependent life, water quality, groundwater table or surface water levels.
- Adequate wildlife underpasses will be provided at all new or expanded wetland strand crossings.
- No net flood encroachment (fill) within the 100-year flood plain of the Econlockhatchee River
- Any new stormwater treatment facilities shall be forested or herbaceous wetlands
- Development plans shall include a management plan for the protection of all endangered and threatened species and species of special concern and shall be incorporated into the conditions of approval for the project. Pursuant to Chapter 15, Article XI, Section 15-443(b) "Any new development, including agriculture and silviculture, which alters vegetation, water quality or hydrology shall be subject to regulation with the standard of review being no significant effects on the habitat of any aquatic or wetland-dependent wildlife or the habitat of any species designated as endangered, threatened, or species of special concern pursuant to. Rules 39-27.003, 39-27.004 and 39-27.005, F.A.C., respectively, or water quality and the groundwater table and surface water levels to minimize alteration to natural hydrologic patterns and subsequent vegetation changes...."
- Forested habitat fragmentation shall be limited. All additional crossing by road, rail, or utility corridors of the protection zone must meet the following conditions:
 - There is no feasible and prudent alternative to the crossing,
 - All possible measures to minimize harm to the resources of the basin will be implemented, and
 - The crossing supports an activity that is clearly in the public interest as determined by the Board of County Commissioners.

APPENDIX H REQUEST FOR PERMIT EXTENSION





PERMIT EXTENSION REQUEST*

Deliver To:

Orange County Environmental Protection Division (EPD)
3165 McCrory Place, Suite 200
Orlando Florida 32803
Phone (407) 836-1400
Fax (407) 836-1499

Permit Number: _____

Date Issued: _____

Expiration Date: _____

Activity Location: _____

Parcel ID(s): _____

Current Permittee: _____

Mailing Address: _____

City _____ State _____ Zip Code _____

E-mail: _____

Telephone Number _____

Reason for extension:

The undersigned acknowledges that they have reviewed all of the documents, drawings, and conditions associated with the referenced permit. The undersigned further attests to being familiar with the permit, agrees to comply with the conditions. The undersigned also agrees to notify EPD of any known futures changes in ownership or responsibility for the permitted activity or project.

Signature of Permittee/Authorized Agent _____

Date: _____

*This form may only be used if the associated permit has not expired. If the associated permit(s) has expired, a new permit and fee is required.

**APPENDIX I
PETITION FOR
BINDING DETERMINATION OF EXEMPTION**





PETITION FOR BINDING DETERMINATION OF EXEMPTION

In accordance with Section 15-381(a), Orange County Code, Chapter 15, Article X

Mail or Deliver To: Orange County Environmental Protection Division
3165 McCrory Place, Suite 200
Orlando, FL 32803
(407) 836-1400/Fax (407) 836-1499

****Enclose a check for the filing and advertising fee of \$606.00 payable to The Board of County Commissioners****

SECTION 1

OWNER(S) OF THE LAND:

Name: _____
Title and Company: _____
Address: _____
City: _____ State: _____ Zip: _____
Telephone and Fax: _____

AGENT AUTHORIZED TO SUBMIT PETITION:

Name: _____
Title and Company: _____
Address: _____
City: _____ State: _____ Zip: _____
Telephone and Fax: _____

CONSULTANT (IF DIFFERENT FROM AGENT):

Name: _____
Title and Company: _____
Address: _____
City: _____ State: _____ Zip: _____
Telephone and Fax: _____

SECTION 2

LOCATION OF PROPERTY:		
Section(s) _____	Township _____	Range _____
Street Address: _____		

Tax Parcel ID (s) _____		

SECTION 3

Please indicate (X) the basis for the Petition for Binding Determination of Exemption below:

- ___ The property has been issued a development permit by the County for conservation areas prior to the effective date of Chapter 15, Article X, Orange County Code (10-1-87). Reference 15-380(a) (1).
- ___ The property has received a development order or binding vested right determination which addressed modification or alteration to conservation areas or wetlands and which was issued prior to the effective date of the effective date of Chapter 15, Article X, Orange County Code (10-1-87). Reference 15-380(a) (2).
- ___ The property does not contain wetlands, pursuant to Florida Statute 373.019(25) and Chapter 62-340, FAC.

SUBMITTAL REQUIREMENTS: (Note: All submittals shall have the property/project boundaries delineated.)

- Copies of the Development Permit or Order (if checked above) and any supporting documents;
- Current county aerial photographs;
- Topographical United States Geological Survey 7.5' maps;
- 100-year floodprone areas per the maps published by the Federal Emergency Management Agency;
- Soils types and boundaries per the soil conservation service;
- Information derived from Conservation Area Determination (CAD) or Zoning Land Use layer (if applicable).

SECTION 4

By signing this form, I am petitioning or I am petitioning on behalf of the property owner, for a binding determination of exemption from the Conservation Ordinance of Orange County, Orange County Code, Chapter 15, Article X, for the above-referenced property, according to the supporting data and other incidental information filed with this petition. I am familiar with the information contained in this petition and represent that such information is true, complete and accurate.

THE OWNER OR AGENT COMPLETES THE FOLLOWING:	

Typed/Printed Name of Owner (If no agent is used) or Agent (If one is authorized below)	
_____	_____
Signature of Owner/Agent	Date

(Corporate Title if applicable)	Please note: All original signatures required, no photocopies accepted.



AGENT AUTHORIZATION FORM

FOR PROJECTS LOCATED IN ORANGE COUNTY, FLORIDA

I/WE, (PRINT PROPERTY OWNER NAME) _____, AS THE OWNER(S) OF THE REAL PROPERTY DESCRIBED AS FOLLOWS, DO HEREBY AUTHORIZE TO ACT AS MY/OUR AGENT (PRINT AGENT'S NAME), _____, TO EXECUTE ANY PETITIONS OR OTHER DOCUMENTS NECESSARY TO AFFECT THE APPLICATION APPROVAL REQUESTED AND MORE SPECIFICALLY DESCRIBED AS FOLLOWS, _____, AND TO APPEAR ON MY/OUR BEHALF BEFORE ANY ADMINISTRATIVE OR LEGISLATIVE BODY IN THE COUNTY CONSIDERING THIS APPLICATION AND TO ACT IN ALL RESPECTS AS OUR AGENT IN MATTERS PERTAINING TO THE APPLICATION.

Date: _____ Signature of Property Owner _____ Print Name Property Owner _____

Date: _____ Signature of Property Owner _____ Print Name Property Owner _____

STATE OF FLORIDA :
COUNTY OF _____ :

I certify that the foregoing instrument was acknowledged before me this ____ day of _____, 20__ by _____. He/she is personally known to me or has produced _____ as identification and did/did not take an oath.

Witness my hand and official seal in the county and state stated above on the ____ day of _____, in the year _____.

(Notary Seal)

Signature of Notary Public
Notary Public for the State of Florida

My Commission Expires: _____

Legal Description(s) or Parcel Identification Number(s) are required:
PARCEL ID #:
LEGAL DESCRIPTION:

APPENDIX J
RELATIONSHIP DISCLOSURE FORM



For Staff Use Only:
Initially submitted on _____
Updated on _____
Project Name (as filed) _____
Case Number _____

RELATIONSHIP DISCLOSURE FORM
FOR USE WITH DEVELOPMENT RELATED ITEMS, EXCEPT THOSE WHERE THE COUNTY IS
THE PRINCIPAL OR PRIMARY APPLICANT

This relationship disclosure form must be submitted to the Orange County department or division processing your application at the time of filing. In the event any information provided on this form should change, the Owner, Contract Purchaser, or Authorized Agent(s) must file an amended form on or before the date the item is considered by the appropriate board or body.

For
staff
use
only

Part I

INFORMATION ON OWNER OF RECORD PER ORANGE COUNTY TAX ROLLS:

Name: _____

Business Address (Street/P.O. Box, City and Zip Code): _____

Business Phone () _____

Facsimile () _____

INFORMATION ON CONTRACT PURCHASER, IF APPLICABLE:

Name: _____

Business Address (Street/P.O. Box, City and Zip Code): _____

Business Phone () _____

Facsimile () _____

INFORMATION ON AUTHORIZED AGENT, IF APPLICABLE:
(Agent Authorization Form also required to be attached)

Name: _____

Business Address (Street/P.O. Box, City and Zip Code): _____

Business Phone () _____

Facsimile () _____

Part II

IS THE OWNER, CONTRACT PURCHASER, OR AUTHORIZED AGENT A RELATIVE OF THE MAYOR OR ANY MEMBER OF THE BCC?

YES NO

IS THE MAYOR OR ANY MEMBER OF THE BCC AN EMPLOYEE OF THE OWNER, CONTRACT PURCHASER, OR AUTHORIZED AGENT?

YES NO

IS ANY PERSON WITH A DIRECT BENEFICIAL INTEREST IN THE OUTCOME OF THIS MATTER A BUSINESS ASSOCIATE OF THE MAYOR OR ANY MEMBER OF THE BCC? (When responding to this question please consider all consultants, attorneys, contractors/subcontractors and any other persons who may have been retained by the Owner, Contract Purchaser, or Authorized Agent to assist with obtaining approval of this item.)

YES NO

If you responded "YES" to any of the above questions, please state with whom and explain the relationship:

(Use additional sheets of paper if necessary)

Part III
ORIGINAL SIGNATURE AND NOTARIZATION REQUIRED

I hereby certify that information provided in this relationship disclosure form is true and correct based on my knowledge and belief. If any of this information changes, I further acknowledge and agree to amend this relationship disclosure form prior to any meeting at which the above-referenced project is scheduled to be heard. In accordance with s. 837.06, Florida Statutes, I understand and acknowledge that whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his or her official duty shall be guilty of a misdemeanor in the second degree, punishable as provided in s. 775.082 or s. 775.083, Florida Statutes.

Signature of Δ Owner, Δ Contract Purchaser
or Δ Authorized Agent

Date: _____

Print Name and Title of Person completing this form:

STATE OF FLORIDA :
COUNTY OF _____ :

I certify that the foregoing instrument was acknowledged before me this _____ day of _____, 20__ by _____. He/she is personally known to me or has produced _____ as identification and did/did not take an oath.

Witness my hand and official seal in the county and state stated above on the _____ day of _____, in the year _____.

(Notary Seal)
Florida

Signature of Notary Public
Notary Public for the State of

My Commission Expires:

Staff signature and date of receipt of form

Staff reviews as to form and does not attest to the accuracy or veracity of the information provided herein.

**APPENDIX K
SPECIFIC PROJECT EXPENDITURE
REPORT FORM**



ORANGE COUNTY SPECIFIC PROJECT EXPENDITURE REPORT

This lobbying expenditure form shall be completed in full and filed with all application submittals. This form shall remain cumulative and shall be filed with the department processing your application. Forms signed by a principal's authorized agent shall include an executed Agent Authorization Form.

**This is the initial Form: _____
This is a Subsequent Form: _____**

For
staff
use
only

**Part I
Please complete all of the following:**

Name and Address of Principal (legal name of entity or owner per Orange County tax rolls): _____

Name and Address of Principal's Authorized Agent, if applicable: _____

List the name and address of all lobbyists, consultants, contractors, subcontractors, individuals or business entities who will assist with obtaining approval for this project. (Additional forms may be used as necessary.)

1. Name and address of individual or business entity: _____
Are they registered Lobbyist? Yes ___ or No ___
2. Name and address of individual or business entity: _____
Are they registered Lobbyist? Yes ___ or No ___
3. Name and address of individual or business entity: _____
Are they registered Lobbyist? Yes ___ or No ___
4. Name and address of individual or business entity: _____
Are they registered Lobbyist? Yes ___ or No ___
5. Name and address of individual or business entity: _____
Are they registered Lobbyist? Yes ___ or No ___
6. Name and address of individual or business entity: _____
Are they registered Lobbyist? Yes ___ or No ___
7. Name and address of individual or business entity: _____
Are they registered Lobbyist? Yes ___ or No ___
8. Name and address of individual or business entity: _____
Are they registered Lobbyist? Yes ___ or No ___

Part III
ORIGINAL SIGNATURE AND NOTARIZATION REQUIRED

I hereby certify that information provided in this specific project expenditure report is true and correct based on my knowledge and belief. I acknowledge and agree to comply with the requirement of section 2-354, of the Orange County code, to amend this specific project expenditure report for any additional expenditure(s) incurred relating to this project prior to the scheduled Board of County Commissioner meeting. I further acknowledge and agree that failure to comply with these requirements to file the specific expenditure report and all associated amendments may result in the delay of approval by the Board of County Commissioners for my project or item, any associated costs for which I shall be held responsible. In accordance with s. 837.06, Florida Statutes, I understand and acknowledge that whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his or her official duty shall be guilty of a misdemeanor in the second degree, punishable as provided in s. 775.082 or s. 775.083, Florida Statutes.

Date: _____

Signature of Principal or Principal's Authorized Agent
(*check appropriate box*)
PRINT NAME AND TITLE: _____

STATE OF FLORIDA :
COUNTY OF _____ :

I certify that the foregoing instrument was acknowledged before me this _____ day of _____, 20__ by _____ . He/she is personally known to me or has produced _____ as identification and did/did not take an oath.

Witness my hand and official seal in the county and state stated above on the _____ day of _____, in the year _____.

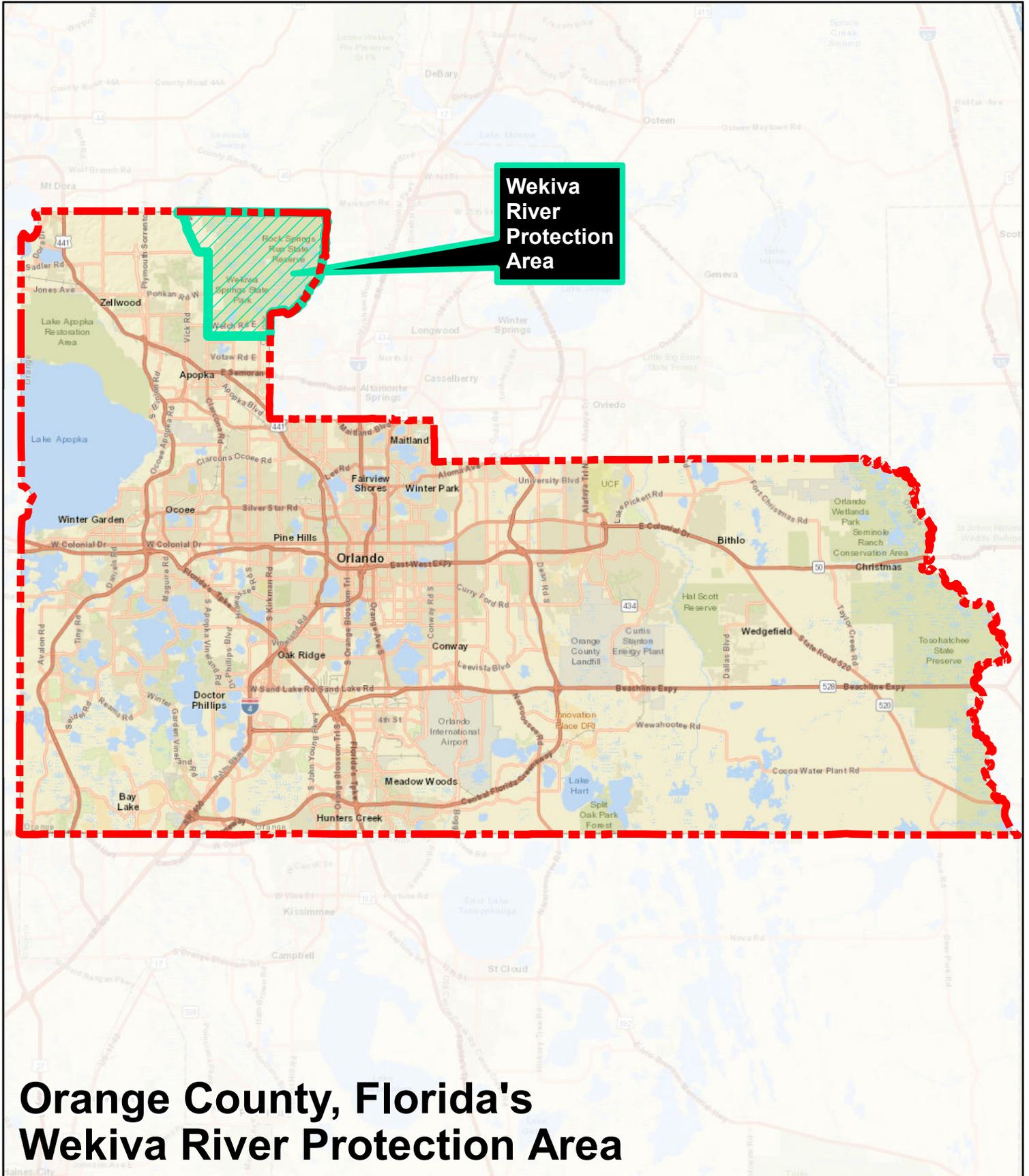
(Notary Seal)

Signature of Notary Public
Notary Public for the State of Florida
My Commission Expires: _____

Staff signature and date of receipt of form _____
Staff reviews as to form and does not attest to the accuracy or veracity of the information provided herein.

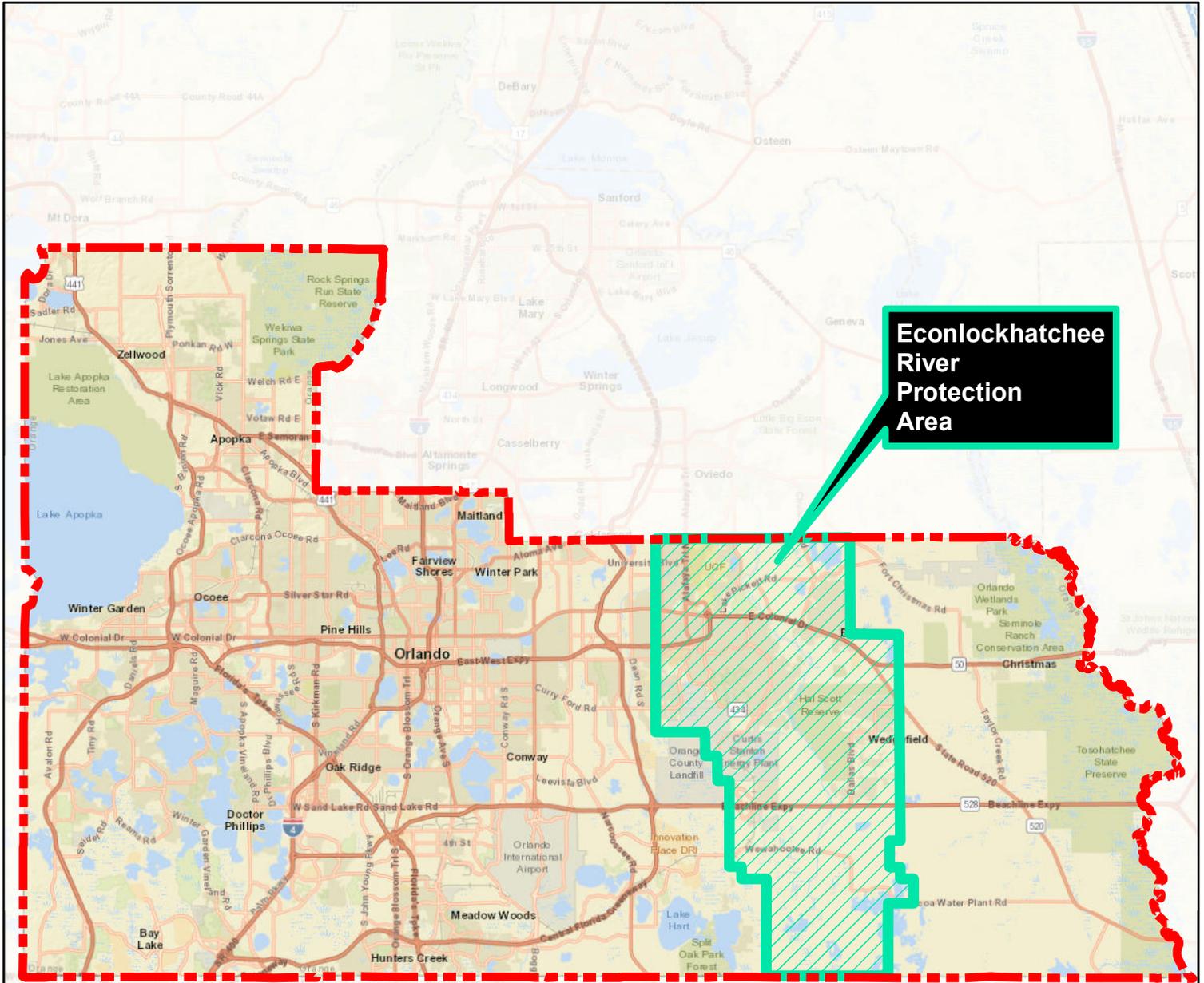
**APPENDIX L
WEKIVA RIVER PROTECTION AREA**





**Orange County, Florida's
Wekiva River Protection Area**

APPENDIX M ECONLOCKHATCHEE RIVER PROTECTION AREA



Orange County, Florida's Econlockhatchee River Protection Area

**APPENDIX N
ENVIRONMENTAL LAND
STEWARDSHIP PROGRAM**





Innovation Way Environmental Land Stewardship Program Map

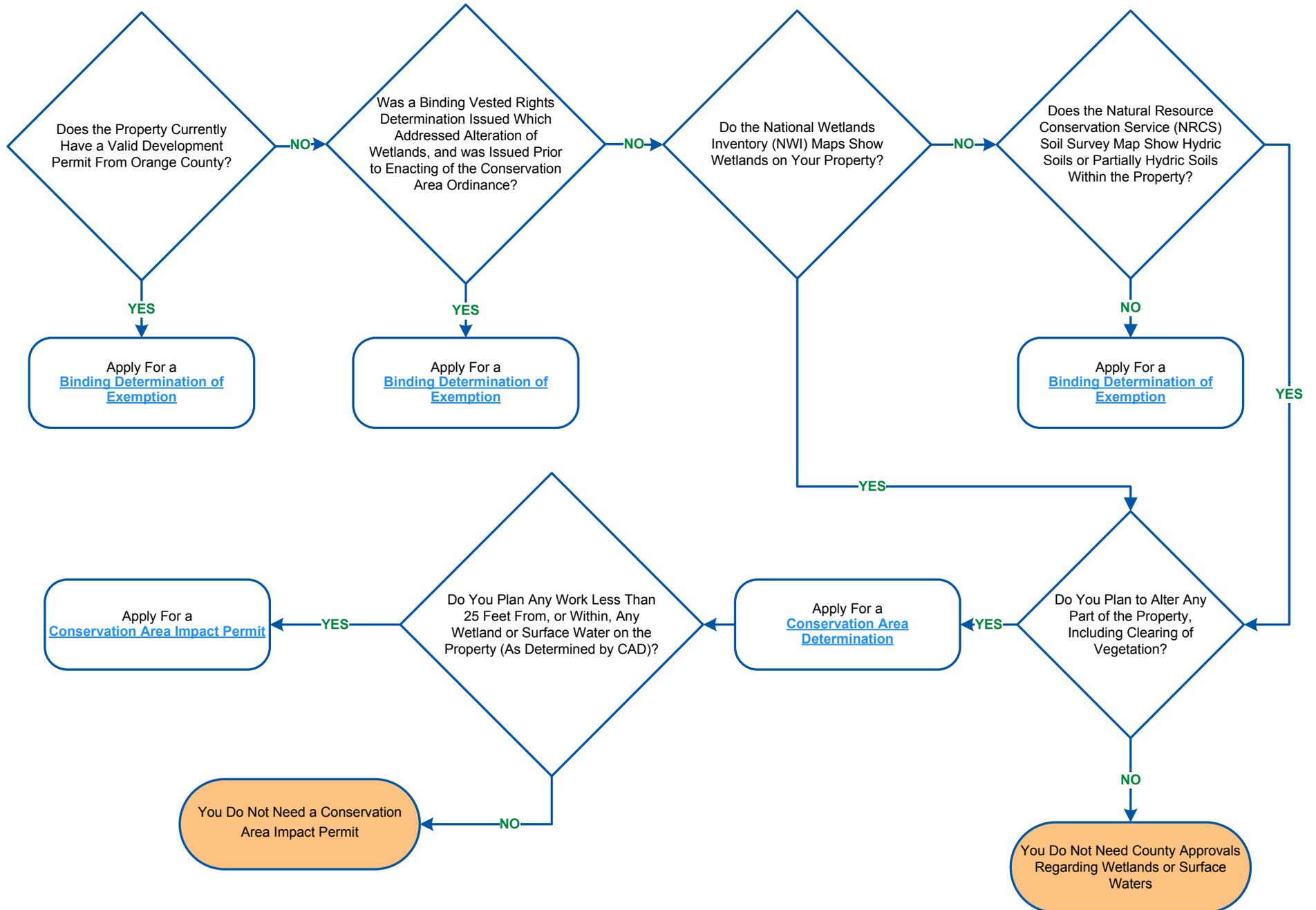


APPENDIX O FLOW CHART



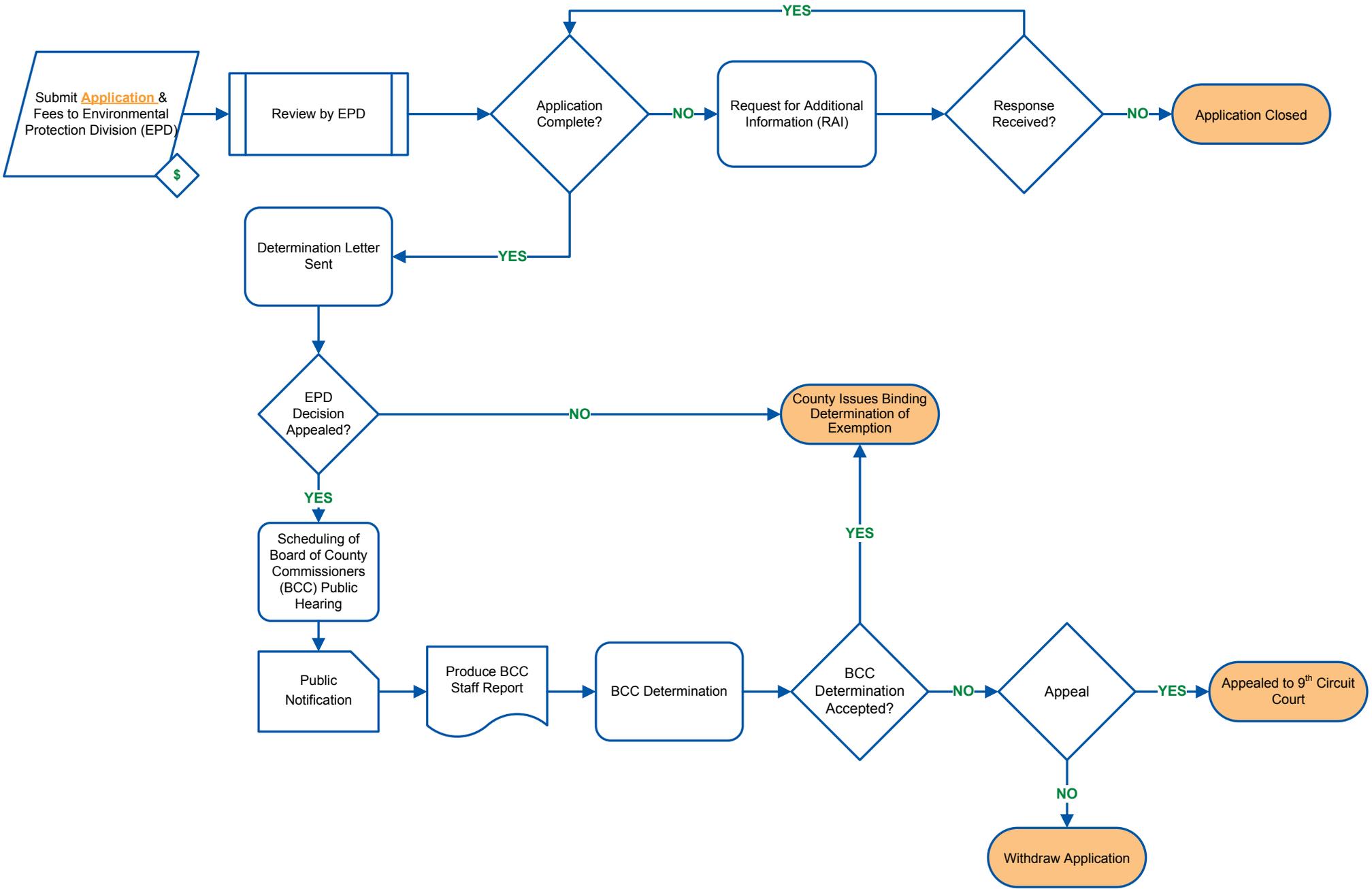
Environmental Permitting

Overall Wetland Regulatory Process



Environmental Permitting

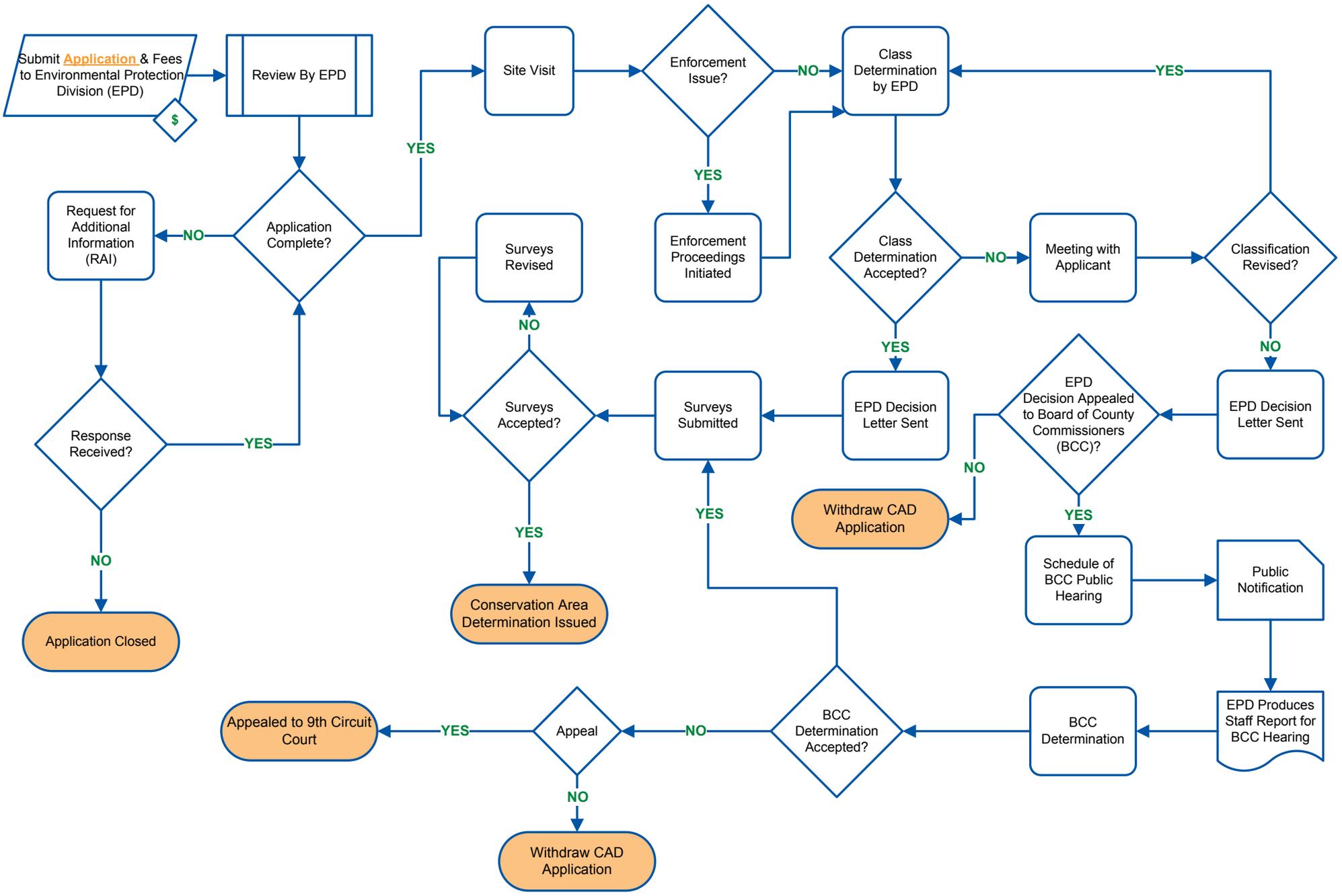
Binding Determination of Exemption Process



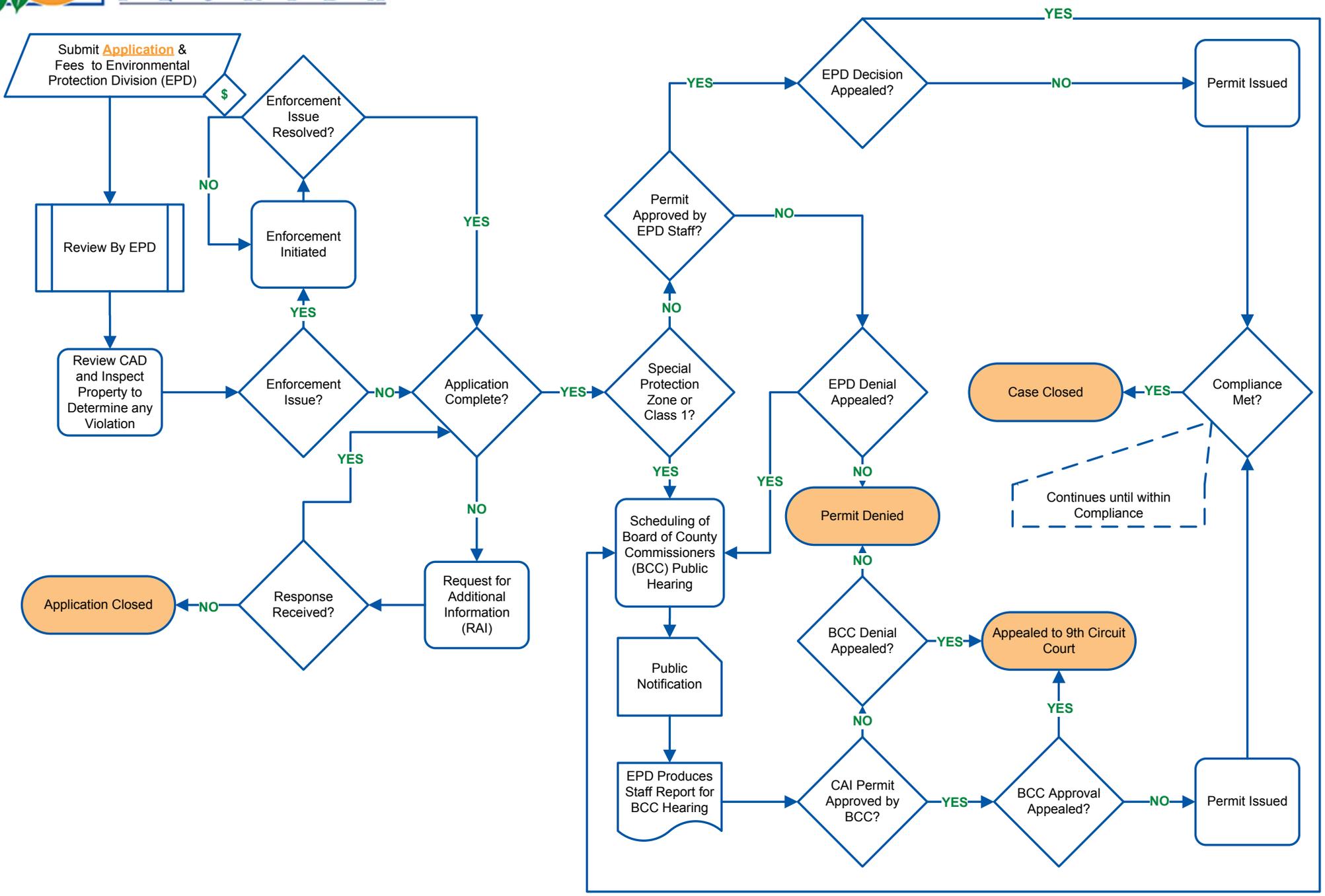
Environmental Permitting

Conservation Area

Determination (CAD) Process



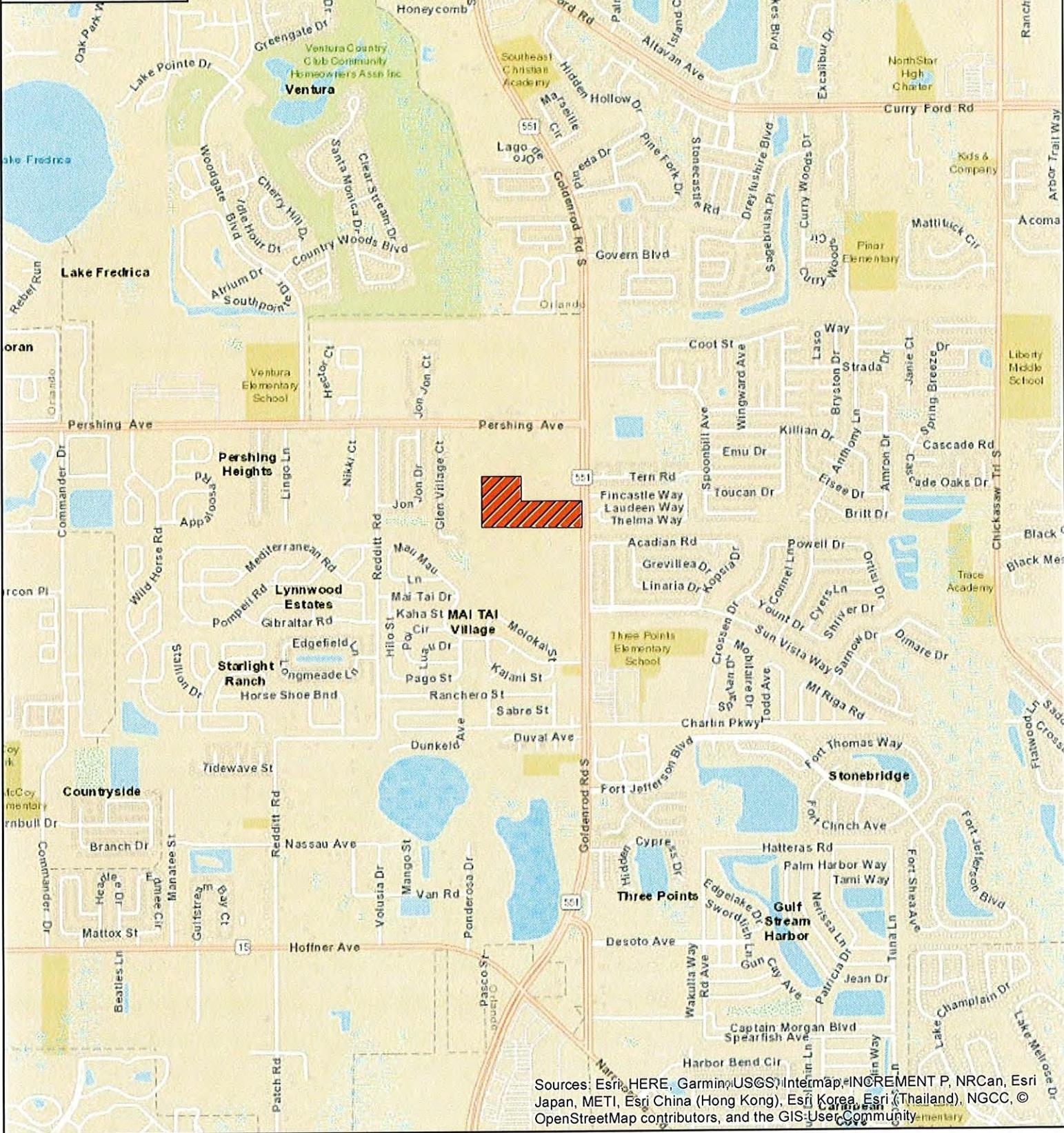
Environmental Permitting Conservation Area Impact Process



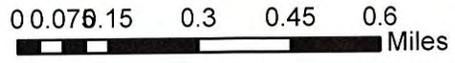
**APPENDIX P
EXAMPLES OF MAPS
REQUIRED TO BE INCLUDED IN A
COMPLETE CAD APPLICATION**

Legend

-  boundary
-  World Street Map



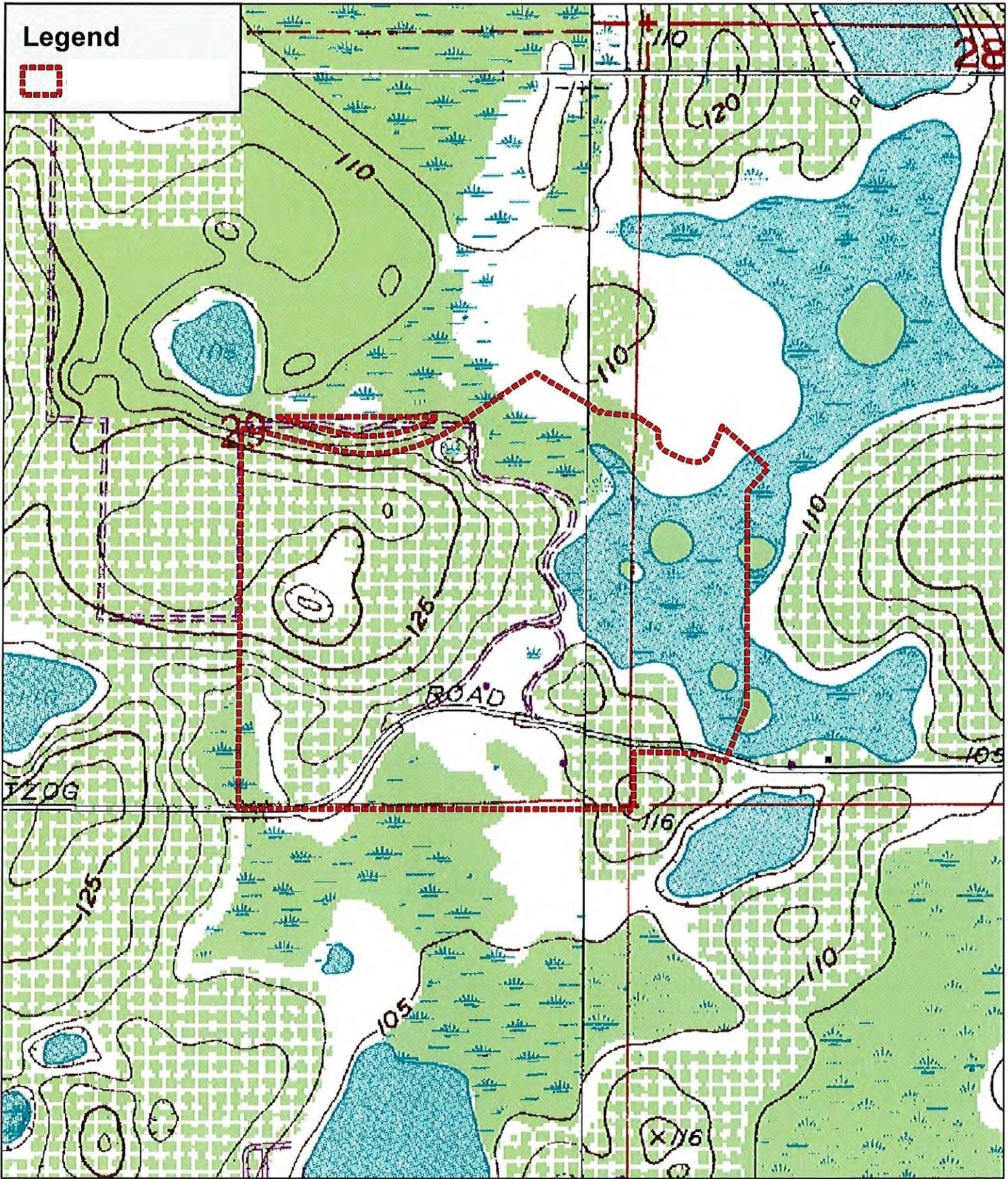
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community



Orange County, Florida
 Figure 1
 Location Map



Project #: 270-06
 Produced By:
 Date: 3/7/2018



Legend

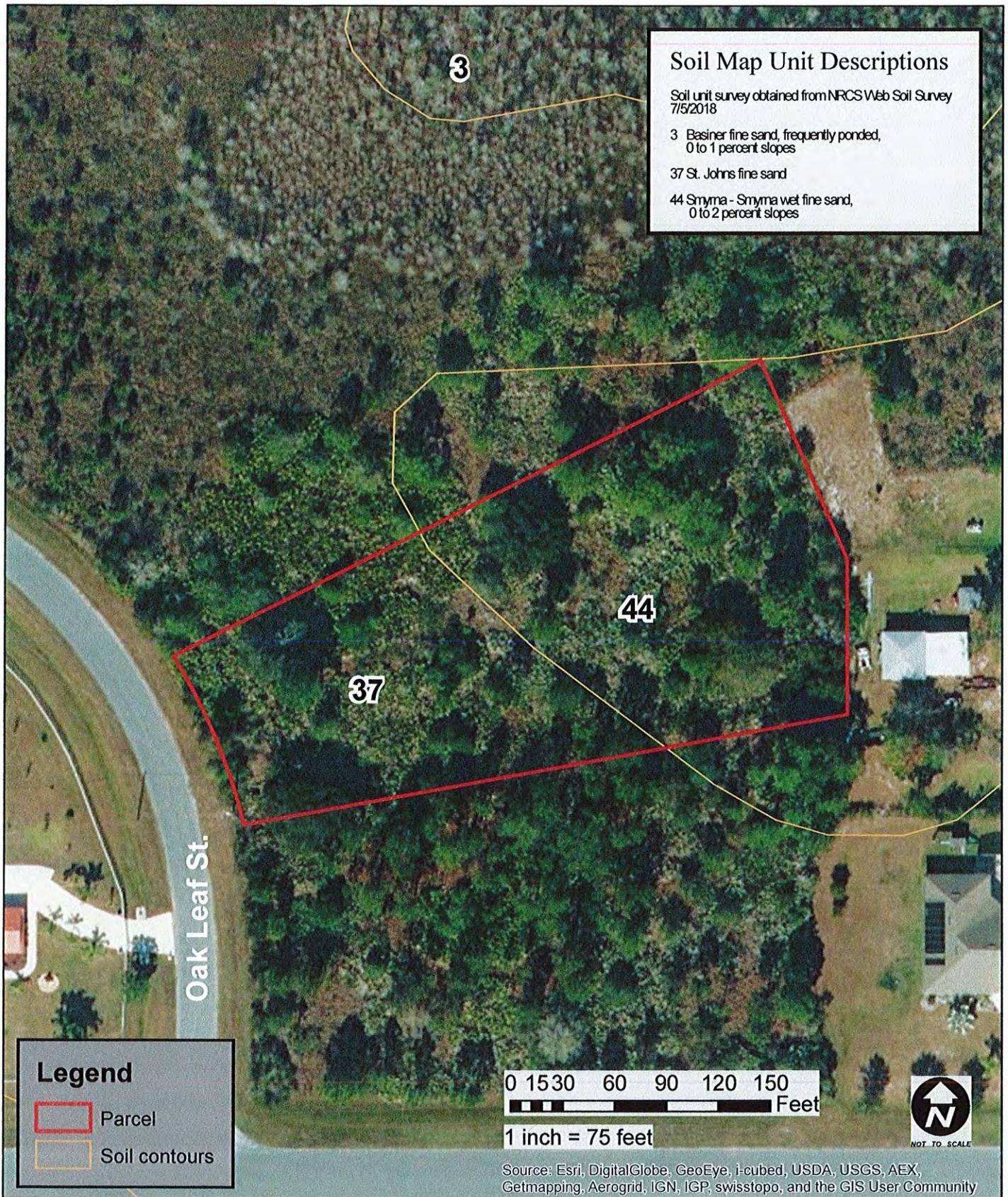


Orange County, Florida
 Figure 3
 USGS Topographic Map



0 400 800 Feet

Project #:
 Produced By:
 Date: 11/17/2017



	Orange County Parcel #	Soils Map	
		Date: 7/5/2018 Project No: File: Fig 2 Soils Map	Figure 2



Legend

Project Boundary

Land Use

Uplands (12.30 ac.)

Wetlands (5.47 ac.)

Land Cover Codes:

411 - Pine Flatwoods
 630 - Wetland Forested Mixed

Notes:

Land cover classification based on Florida Land Use, Cover & Forms Classification System, FDOT, 1999.

Land cover delineation and classification based on aerial photointerpretation and field observations.

Acreage calculations should be considered approximate and wetland limits are subject to approval by regulatory agencies. This is not a survey.

Project boundary shown as provided by

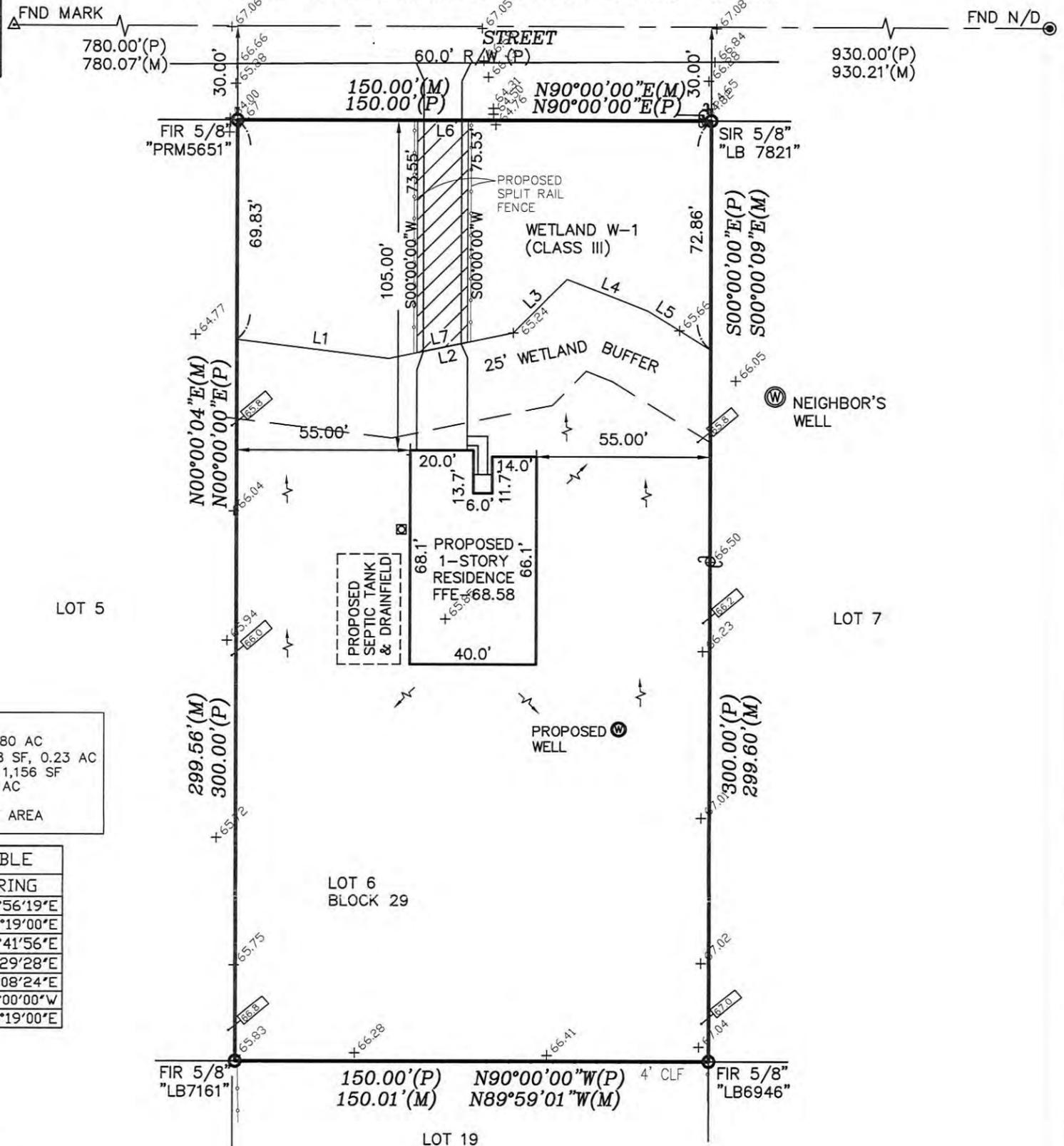
Wetland Line as approved under previous Orange County Conservation Area Determination No.

Aerial photography provided in GIS format by ESRI and Microsoft Bing Maps.

Project Boundary

		17.76 +/- acres in Section Township South Range East Orange C nty, Florida		Existing Land Cover Map	
Drawn By:		Job No.:		↑ North	
		Date: 5 August 2014		Scale: 1" = 300' (1:3,600)	
				Figure 3	

LEGAL DESCRIPTION
 LOT , BLOCK ,
 CAPE ORLANDO ESTATES UNIT
 AS RECORDED IN PLAT BOOK , PAGES
 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.



CAD 18-01-012
 UPLANDS - 34,922 SF, 0.80 AC
 WETLANDS (W-1) - 10,078 SF, 0.23 AC
 WETLAND IMPACT AREA - 1,156 SF
 TOTAL - 45,000 SF, 1.03 AC

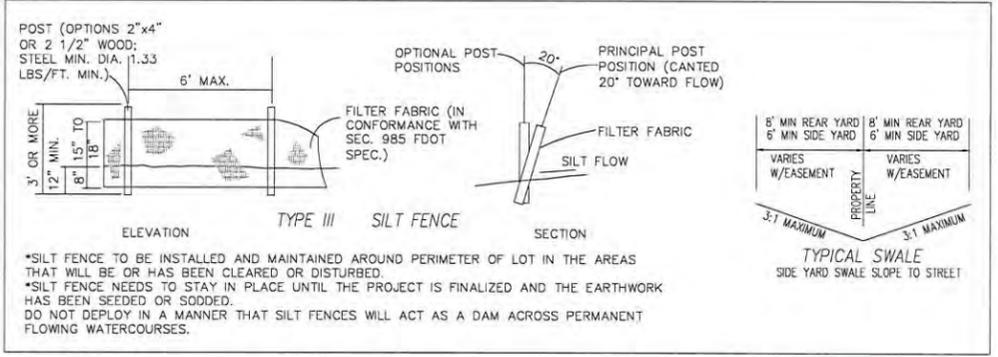
WETLAND IMPACT AREA

LINE	LENGTH	BEARING
L1	48.42	S82°56'19"E
L2	40.31	N78°19'00"E
L3	24.16	N44°41'56"E
L4	27.66	S68°29'28"E
L5	23.25	S58°08'24"E
L6	16.00	N90°00'00"W
L7	16.34	N78°19'00"E

PROPERTY ADDRESS:
 PALMVIEW STREET
 ORLANDO, FLORIDA 32833
 PARCEL ID #

LEGEND & ABBREVIATIONS

FIP = FOUND IRON PIPE	(P) = PLAT
FIR = FOUND IRON ROD	(M) = MEASURED
SIR = SET IRON ROD	(D) = DEED
PSM = PROFESSIONAL SURVEYOR & MAPPER	(W) = WELL
FFE = FINISHED FLOOR ELEVATION	⊕ = POWER POLE
R/W = RIGHT OF WAY	⊙ = CENTERLINE
CMON = CONCRETE MONUMENT	→ = PROPOSED DRAINAGE ARROW
E/P = EDGE OF PAVEMENT	⊕ = GROUND ELEVATION
A/C = AIR CONDITIONER	⊕ = PROPOSED ELEVATION
LB = LICENSED BUSINESS	
CONC = CONCRETE	
B.S.L. = BUILDING SETBACK LINE	



SURVEYOR'S NOTES:

1. BASIS OF BEARING - THE NORTHERLY LINE OF LOT , BLOCK , CAPE ORLANDO ESTATES UNIT , AS RECORDED IN PLAT BOOK , PAGES , OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, AS BEING N90°00'00"E, PER PLAT.
2. DATE OF FIELD SURVEY: 3/7/18; SITE PLAN 3/8/18.
3. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING SURVEYOR.
4. PROPERTY LINES SHOULD NOT BE ESTABLISHED USING BUILDING TIES.
5. NO UNDERGROUND INSTALLATIONS OR IMPROVEMENTS, INCLUDING BUT NOT LIMITED TO, BURIED UTILITIES, FOUNDATIONS AND FOOTERS WERE LOCATED.
6. BASED UPON MY REVIEW OF THE "FLOOD INSURANCE RATE MAP" OF ORANGE COUNTY, FLORIDA, COMMUNITY PANEL NO. 12095C0500F, EFFECTIVE DATE SEPTEMBER 25, 2009, THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE "X", DEFINED AS AREAS DETERMINED TO BE OUTSIDE 0.2% ANNUAL FLOOD CHANCE FLOODPLAIN.
7. SURVEY FILE NUMBER:
8. ALL ELEVATIONS SHOWN HEREON ARE BASED ON NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88) SPECIFICALLY TO FDOT FLORIDA PERMANENT REFERENCE NETWORK (FPRN) CONTINUOUSLY OPERATING REFERENCE STATIONS (CORS) ORL1, TTVL AND SNFD.

BOUNDARY SURVEY

I HEREBY CERTIFY THAT THIS SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, AND THAT THIS SURVEY MEETS THE STANDARDS OF PRACTICE AS REQUIRED BY CHAPTER 5J-17 FLORIDA BOARD OF LAND SURVEYORS PURSUANT TO SECTION 472.027 FLORIDA STATUTES.

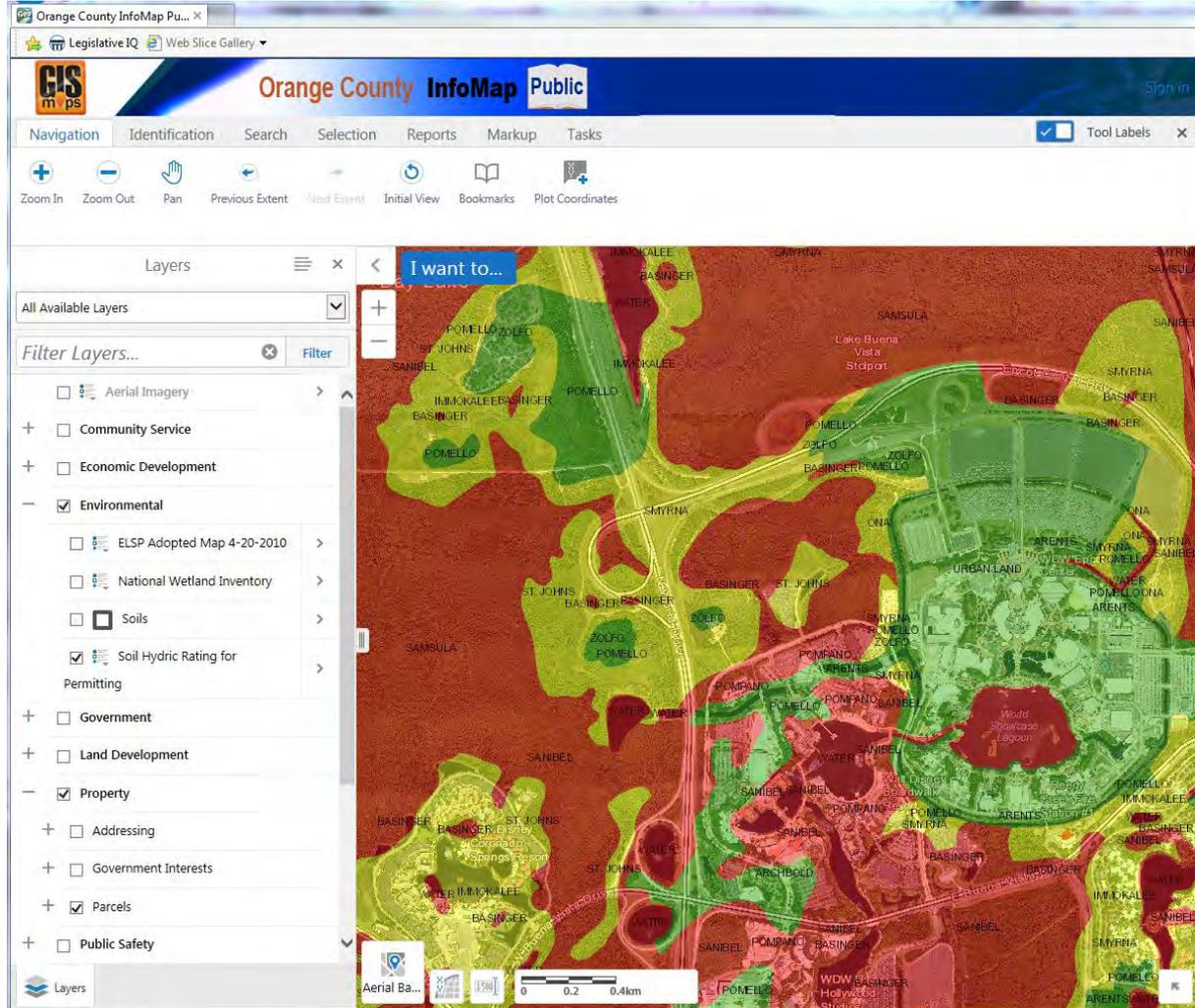
This item has been electronically signed and sealed by on [Date/Time Stamp shown] using a digital signature. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copy.

2018.03.09 14:14:27 -05'00'

APPENDIX Q
INFOMAP SAMPLE IMAGES



INFOMAPS – SOIL HYDRIC RATING

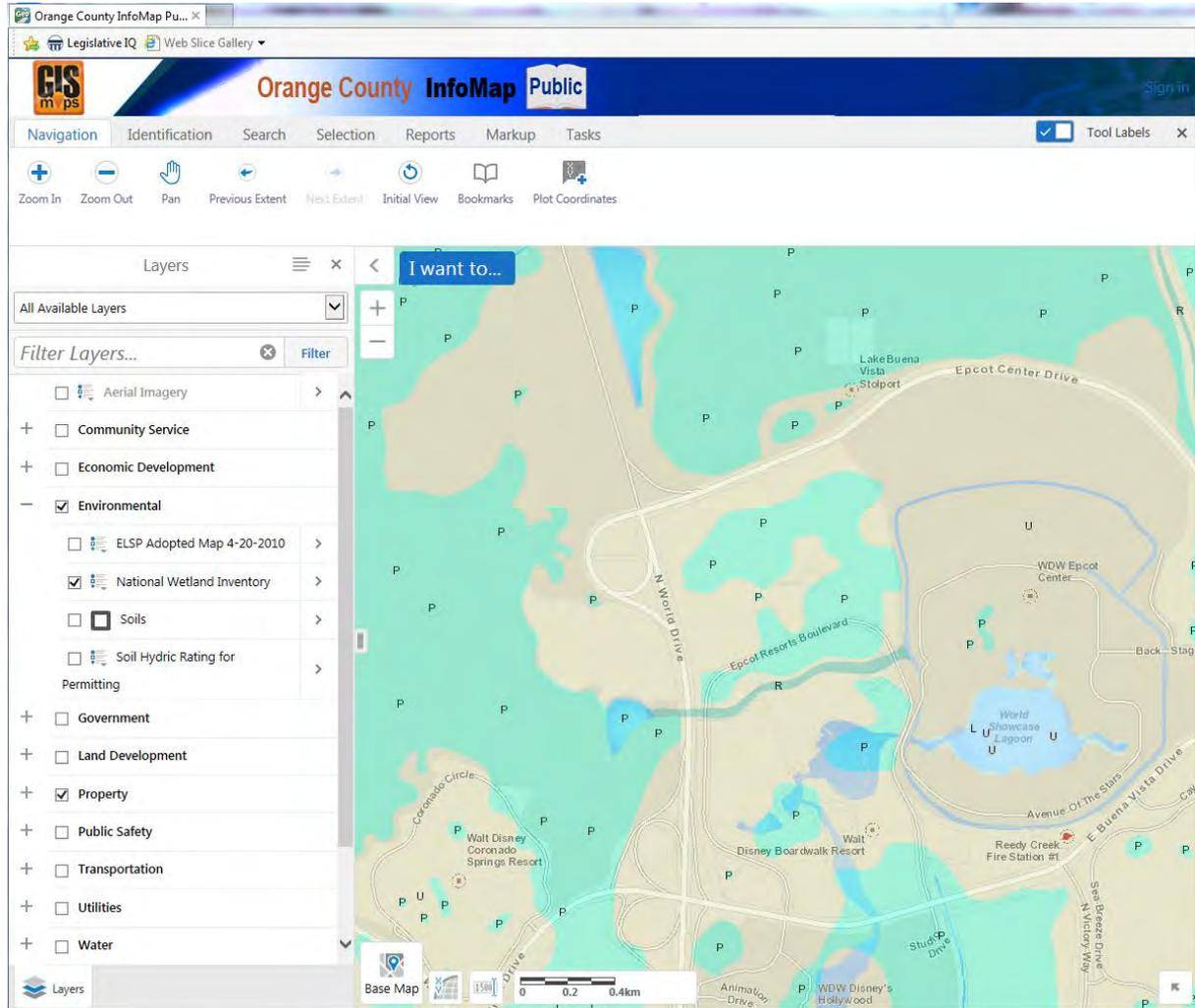


[InfoMap](#) presents information relevant to Orange County residents and businesses, including environmental information that can help determine whether or not conservation areas occur on a particular parcel.

The left-hand panel lists the types of information available. Soil Hydric Rating may be found within the Environmental category. Each soil type mapped by the U.S. Department of Agriculture’s Natural Resources Conservation Service is color coded to show the likelihood of an area containing a wetland conservation area.

Green	Yellow	Red
Areas mapped as an upland soil type that typically does not support wetlands	Areas mapped as soil types that are partially hydric, and may support either uplands or wetlands	Areas mapped as hydric soil type that typically supports wetlands

INFOMAPS – NATIONAL WETLANDS INVENTORY



InfoMap presents information relevant to Orange County residents and businesses, including environmental information that can help determine whether or not conservation areas occur on a particular parcel.

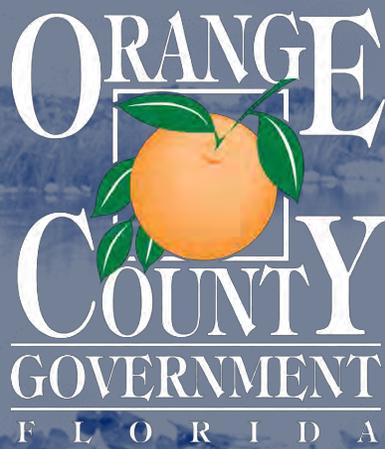
The left-hand panel lists the types of information available in InfoMap. National Wetlands Inventory information may be found within the Environmental category. Each area mapped by the U.S. Fish and Wildlife Service’s National Wetlands Inventory as a wetland is color coded to show whether an area has been mapped as containing a wetland conservation area.

No Shading (Base Map shows unshaded)

Areas mapped as uplands (U) in National Wetlands Inventory maps

Light Green Shading

Areas mapped as wetlands: swamps (P), or rivers, streams, and canals (R)



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