



**Wekiva River Basin
Commission**

**Wekiva River Basin Commission Meeting Minutes
February 6, 2018
2:00 p.m.**

Wekiva Springs State Park
1800 Wekiwa Circle
Youth Camp Rec Hall
Apopka, FL 32712

1. Call to Order and General Business

The meeting was called to order by Chairman Constantine at 2:03 p.m. Ms. Pegge Parker called roll and announced there was a quorum. The following members were in attendance:

Chairman Lee Constantine – Chairman

Mr. Bill Battaglia – Battaglia Fruit Company

Charles Lee – Senior Vice President, Florida Audubon Society

Commissioner Brenda Carey – Seminole County

Commissioner Leslie Campione – Lake County

Mr. James Stansbury – Florida Department of Economic Opportunity (via phone)

Mr. Brian Hutchings and Ms. Emily Brown for Ms. Laura Kelley – Central Florida Expressway Authority

Mr. Jody Lee – Florida Department of Agriculture & Consumer Services

Mr. Charles Henry – Florida Department of Health

Mr. Alan Hyman and Mr. Steve Martin – District Secretary, Florida Department of Transportation

Mr. Tom Shupe for Ms. Shannon Wright – Regional Director, Florida Fish and Wildlife Conservation Commission

Mr. Jeff Prather – District Director, Florida Department of Environmental Protection

Dr. Ann Shortelle – Executive Director, St. John's River Water Management District

1. Call to Order and General Business

- The Pledge of Allegiance was led by Mr. Jody Lee.
- Announcements:
 - Mr. Alan Hyman introduced new District Secretary Mr. Mike Shannon, as the Wekiva representative for the Florida Department of Transportation.
 - Commissioner Constantine recognized Mr. Robert Brooks, Park Manager for the Wekiva River Basin State Parks and thanked him for his assistance using the facilities today.
 - Commissioner Campione discussed the letter sent to District 5 requesting assistance in creating a Complete Streets study from Highway 435 up to Highway 46 addressing the additional traffic that will happen once the temporary interchange is closed which will change the nature of the rural/semi-rural area. In addition, if there's anything anyone can do in their attempt to get the funding to do the Complete Streets study they would appreciate it.

Commissioner Carey agreed that the study would be a good idea to assist in protecting the neighborhoods and wildlife in that area and to keep it from becoming a thoroughfare or cut-through. Mr. Hyman responded that they did receive the letter and are trying to get a response out later this week or early next week with some scenarios on how they can help. Commissioner Campione provided a map that might be of assistance for the study area. Mr. Charles Lee discussed traffic circles and the possibility of using them to calm the traffic.

- Approval of August 2017 Minutes – A motion to approve the August 2017 meeting minutes was made by Mr. Charles Lee and seconded by Commissioner Carey. A vote was taken and passed unanimously.
- Commissioner Constantine discussed the 2017 Annual Report and stated that, when complete, a link will be sent to the Commission as to the location of the document. A hard copy will be provided at the next Wekiva River Basin Commission meeting for approval.

2. Public Comments

Mr. Mike Cliburn, representing the Friends of the Wekiva River, discussed the FDEP Onsite Sewage Treatment and Disposal System (OSTDS) Initiative:

“The Friends of the Wekiva River (FOWR) wanted the Wekiva River Basin Commission to know that we do not believe that FDEP's approach for reducing nitrogen loads to groundwater within the Wekiva springshed will be sufficient to meet the TMDL for nitrogen (0.286 mg/L) in Wekiwa and Rock Springs. We have 4 main reasons for this concern:

- 1) FDEP is only planning to address about 30% of the total estimated nitrogen load to groundwater within the springshed.
- 2) FDEP is *not* proposing any restrictions on new septic tanks within the springshed.
- 3) FDEP would allow up to 20 years for septic tanks within the springshed to be upgraded or connected to sewers.
- 4) FDEP is proposing that septic tanks would only need to be upgraded to remove 50% of the nitrogen.

We have expressed our concern to FDEP's BMAP group in Tallahassee, but they have not changed their approach. The FOWR believes that this approach would not be adequate to reduce nitrogen sufficiently to meet the TMDL in Wekiwa and Rock Springs.”

Mr. Prather also commented on this issue.

3. Agency Activities

Florida Department of Health, Rulemaking Activities on On-Site Disposal Systems Treatment Standards Pursuant to Recommendation 9 of the Final Report – Mr. Charles Henry

Mr. Henry provided a summary of the updates in the annual report. At the top of the list, DOH continues to work with FDEP to assist in the implementation of remediation plans and nitrogen reduction solutions for onsite systems. They completed development of rules language for the passive nitrogen reducing in-ground system however formal rule making has not yet begun due to some legal questions the Department is working through. Language is also being drafted to acknowledge the nitrogen reducing ATUs already allowed under existing rule; nitrogen removal capabilities for these systems, combined with 24 inches of separation from ground water will probably achieve a 65% nitrogen reduction. Monitoring of four in-tank and one in-ground test systems is ongoing and there will be a report later this spring on monitoring results for these new systems.

Florida Department of Environmental Protection, Establishment of Total Maximum Daily Loads Pursuant to Recommendation 6 of the Final Report – Mr. Jeff Prather

Mr. Prather announced that Ms. Christianne Ferraro will be retiring as of April 29th and thanked her for her tireless work efforts. Ms. Christianne Ferraro then gave an update on wastewater treatment standards. Ms. Andrea Samson, a member of the Public representing JMI and The Sludge Report, discussed the FDEP Report and Innovative System; Ms. Gabrielle Milch, a member of the Public, discussed utility issues with Utilities, Inc. in Wekiva Subdivision with groundwater pollutions and requested a written report update and Mr. Prather stated that he will provide a report to Ms. Parker for distribution; Commissioner Carey discussed the a request to look at the transmission during the construction of the bridge; Mr. Charles Lee stated it would be useful to see a cost comparison between the engineering changes that would be needed on the structure vs. jack and bore installation under the river; Mr. Alan Hyman stated it would change the dollars and reschedule the redesign of the bridge; there's no lighting or drainage system under the Bridge; Commissioner Constantine asked about an analysis showing general cost.

Florida Department of Agriculture and Consumer Services – Mr. Jody Lee

Mr. Jody Lee discussed the Implementation Verification system and confirmed that it has been adopted and is in place and they have begun the process of notifying producers of that process. They are also now verifying that the producers are doing the Best Management Practices which is a requirement and what they signed up to do. This is statewide and that includes the Wekiva Basin. Later this month they will have a workshop sponsored by the Florida Farm Bureau (FFB) with producers who are members of the FFB and within the Wekiva Basin, to update and educate them on what they need to do and what they are statutorily required to do. The program is free; if they are monitored, they would have to pay.

They also plan to begin a ground trooping program in the Wekiva Basin to make sure what is designated and reported as active agriculture is actually active; they have run into that problem in other basins that what is reported as active agriculture is idle and has not been active for years.

St. Johns River Water Management District – Dr. Ann Shortelle

Dr. Shortelle gave an update on their district Cost Share Program. In this area in the last five years, the combined projects, both water quality and water quantity, and related projects, is almost at \$50 million and that's from St. Johns, FDEP, and the Springs legislation, and also from local collaborators. The District-wide cost share deadline for this coming year is February 15th and for Agriculture it's February 16th. There's an opportunity in three different springsheds; the Wekiva springshed, the Wakulla Springs, and Silver Springs. It's an innovative cost share program to convert individual septic systems in homes or small businesses in neighborhoods where it's hard to get the sewer lines. The available funding is from the Springs funding, St. Johns funding, and a lot of utilities are interested, as well as local governments. Most of the systems cost about \$10,000 and the cost share takes care of \$7,500. There is an opportunity to make the Wekiva springshed the first one. There's enough money for about 200 projects.

Florida Fish and Wildlife Conservation Commission – Mr. Tom Shupe for Ms. Shannon Wright

Mr. Shupe gave an update on wildlife permitting and related issues:

- Section 3a (west SR46 connection) Under construction – Permitted with FDEP with no USACE involvement; consultation with USFWS for sand skinks and the eastern indigo snake is complete; payment has been made to The Nature Conservancy to satisfy sand skink mitigation; MANLAA for eastern indigo snake; gopher tortoise permit has been issued.

- Section 3B (441 Interchange) Under construction – Permitted with FDEP with no USACE involvement; no sand skink surveys necessary; gopher tortoise permit issued.
- Section 5 (46A re-route) Under construction - Permitted with FDEP with no USACE involvement; consultation with USFWS for sand skinks and the eastern indigo snake is complete; payment has been made to The Nature Conservancy to satisfy sand skink mitigation; MANLAA for eastern indigo snake; gopher tortoise permit has been issued.
- Section 6 –
 - FWC Bald Eagle permit was voided, USFWS one was modified, as the DB firm moved outside of the 330' buffer.
 - Gopher tortoise permit issued for the project. Both FDOT, FFS, FDEP, the DB firm, and FWC are still working towards the ARC commitment to keep tortoises on state lands.
 - Seminole State Forest was permitted as a short-term recipient site for FFS tortoises on Section 6. The tortoise permit was modified to include Seminole State Forest as a recipient site, and on 1/8/18 FFS impacted tortoises were relocated onto the site. FDOT and FFS are working on the addendum to the existing MOA between our two agencies so that Seminole State Forest has access to the funds under that MOA.
 - FDEP has decided against an MOA with both FWC and FDOT and instead has requested that Rock Springs Run be permitted as a short-term recipient site to accommodate FDEP impacted tortoises. FDOT has submitted this application to FWC, as well as has responded to an RAI. We expect the permit to be issued soon. Once the permit is issued, we will modify our relocation permit to include Rock Springs as a recipient site.
 - Land identified during the ARC process to replace impacted Forestry lands has been transferred to the Division of State Lands.
- Section 7a –
 - Gopher tortoise permit issued.
 - FDEP has decided against an MOA with both FWC and FDOT and instead has requested that Rock Springs Run be permitted as a short-term recipient site to accommodate FDEP impacted tortoises. FDOT has submitted this application to FWC, as well as has responded to an RAI. We expect the permit to be issued soon. Once the permit is issued, we will modify our relocation permit to include Rock Springs as a recipient site
- Section 4a/4b (Mt. Plymouth section) Construction complete and road is open.
- Section 8 (I-4/417 interchange) – FDEP permit issued, USACE concurred that the project is still not jurisdictional, RFP development underway and this section will go Design Build, gopher tortoise permitting will be the responsibility of the DB Team selected.

Florida Department of Economic Opportunity – James Stansbury

Mr. Stansbury submitted his report via phone on Comprehensive Plan Amendments (attached).

Florida Department of Transportation – Mr. Alan Hyman for Secretary Mike Shannon

Mr. Hyman gave an FDOT presentation provided by Ms. Mary Brooks which included a review and update of the activities and construction schedule on all the sections and also provided update information on the bridges construction. He stated they will continue to use the drones for videos construction activities. He also gave an update on the bat relocation from their roosting areas underneath the bridges.

Central Florida Expressway Authority – Mr. Brian Hutchings and Ms. Emily Brown for Ms. Laura Kelley

Mr. Hutchings provided a CFX update presentation:

- Sections 1A and 1B – Grand Opening July 27, 2017 (US441/Connector Road to Kelly Park Road); 5 miles in length; projected traffic is 6,300 one-way trips/day; landscaping to be completed December 2017 – March 2018.
- Section 2 - Wrapping up construction; 5 miles (extends Parkway North of Kelly Park Road); connects to FDOT Open Section (4A); crucial SR 46 connections; two toll gantries (Coronado, Mt. Plymouth); conservation parcel (Pine Plantation)
- Section 2 – Grand Opening Event will be Saturday, March 31, 2018, 7:00 a.m. – 10:00 a.m. and will include a 5K Race and Family Fun Run/Walk; environmental and community group booths; music, a ribbon cutting ceremony; and a charity fundraiser (Florida Wildlife Corridor). It will be open to traffic the first week of April, 2018.

MetroPlan – Mr. Harold Barley

Mr. Barley was not present for an update.

4. Other Business

Legislative discussions included:

- Mr. Charles Lee discussed three bills (one had been withdrawn; one regarding expanding the Wekiva Protection Act to some wetlands near Highway 50; and one regarding revisions to the DRI process with no consequences); and the passing of Amendment 1 – Florida Forever.
- Ms. Leslie Campione discussed bear proof trash containers

5. Public Comments and Announcements

- Ms. Andrea Samson, a member of the Public...

6. Future Meeting Dates – Chairman Constantine

The next meeting will be scheduled during the summer between June - August.

7. Adjournment

Chairman Constantine adjourned the Wekiva River Basin Commission Meeting at 3:40 p.m.

Submitted by: James Stansbury
Wekiva River Study Area
Comprehensive Plan Amendments
August 3, 2017- December 31, 2017

Summary

The amendments proposed or adopted within the Wekiva River Study Area since August 3, 2017, include 13 proposed amendments and two adopted amendments. The text amendments include revisions to land use categories and updates to water supply work plans. Approval of the proposed future land use map changes affecting 263 cumulative acres would allow for an increase of 2,754 potential residential dwelling units and an increase of 5,169,089 square feet of nonresidential uses. Greater detail on each plan amendment is provided below.

Proposed Comprehensive Plan Amendments

Altamonte Springs 17-1ESR

The amendment proposes updates to the city's comprehensive plan policies for water supply planning in coordination with the St. Johns River Water Management District's Central Florida Water Initiative Regional Water Supply Plan. The proposed amendments to the Infrastructure Element replace the existing 2010 Water Supply Facilities Work Plan with the recently revised 2017 Work Plan, included as Exhibit 4-1 of the Infrastructure Element. Additionally, Policy 4-3.1.6 of the Infrastructure Element has been amended to provide alternative water supply projects that the city implements. Altamonte Springs has been a regional leader in the development of water reuse aimed at extending the usage of the limited fresh water supplies. Two projects are the A-FIRST and A Prototype Realistic Innovative Community of Today (APRICOT).

Since Altamonte Springs is in the Wekiva Spring basin, Policy 5-1.1.7 was modified to note the reuse system in the Little Wekiva River protection efforts saying, *"Reduce pollutant Loads on the Little Wekiva River. In order to reduce the pollutant loading on the Little Wekiva River, the city will continue to operate Project APRICOT (the reclaimed water system) in lieu of discharging effluent into the Little Wekiva River. To further reduce pollutant loading on the Little Wekiva River, the city will pursue other forms of effluent discharge during those periods where the lack of demand on Project APRICOT results in discharge to the Little Wekiva River."*

Apopka 17-1ESR

One future land use map (FLUM) amendment was proposed to change approximately 22 acres located at the SR 429/Ocoee-Apopka Road interchange within the Wekiva Study Area from *Office* (0.3 FAR) and *Residential Low* (5 du/ac) to *Mixed Use* (1.0 FAR and/or 15 du/ac) for a net increase of 224 dwelling units and 683,020 sq. ft. of nonresidential uses. The adopted amendment is in the process of being transmitted to The Florida Department of Economic Opportunity (DEO) for review.

Apopka 17-2ESR

The proposed amendment consists of one FLUM amendment affecting approximately 23 acres near the intersection of W. Ponkan Road and Golden Gem Road, less than a mile east of where Wekiva Parkway Sections 1A and 2B connect. Adoption would change the land use category from *Rural Settlement* (1 du/10 ac) to *Residential Very Low Suburban* (2 du/ac) for a net increase in development potential of 42 dwelling units. The adopted amendment is in the process of being transmitted to DEO for review.

Apopka 17-5ESR

The proposed FLUM amendment concerns approximately 15 acres located west of Jason Dwelley Parkway, south of West Kelly Park Road. The current land use category, Orange County *Rural* (1 du/10 ac), allows one residential dwelling unit. Approval of the proposed city *Institutional/Public Use* (0.50 FAR) land use category will allow up to 330,402 sq. ft. for public buildings and facilities. The map change is being proposed for construction of a new elementary school.

Apopka 17-6ESR

The FLUM amendment concerns approximately 18 acres within the Wekiva Study Area at the southwest corner of West Kelly Park Road and Plymouth Sorrento Road. The current land use category is Orange County *Rural* (1 du/10 ac) and the proposed is city of Apopka *Mixed-Use Interchange* (15 du/ac and 1.0 FAR). Designation of the *Mixed-Use Interchange* future land use category is guided by the Wekiva Parkway Interchange Plan which is composed of three elements: the Wekiva Parkway Interchange Vision Plan (specific location), the Wekiva Parkway Interchange Land Use Plan (land development standards), and the Wekiva Parkway Interchange Goals, Objectives, and Policies (comprehensive plan). Design criteria was established for the interchange area through adoption of the Kelly Park Form-Based Code in 2017.

The current *Rural* land use category allows one residential dwelling unit. Adoption of the proposed *Mixed-Use Interchange* (15 du/ac & 1.0 FAR) land use category would allow 271 residential dwelling units and 789,742 sq. ft. of nonresidential uses.

Apopka 17-7ESR

The amendment proposes one FLUM amendment to change the land use category on approximately 40 acres adjacent to SR 451 within the Wekiva Study Area. The current Orange County *Industrial* (0.60 FAR) land use category allows 1,041,519 sq. ft. of nonresidential uses. Assignment of the proposed city of Apopka *Mixed Use* (15 du/ac and 2.0 FAR) land use category would allow 597 residential dwelling units and 3,471,732.00 sq. ft. of nonresidential uses for a net increase of 597 residential dwelling units and 2,430,212 sq. ft. of nonresidential uses.

Apopka 17-8ESR

The amendment proposes one FLUM amendment to change the land use category on approximately 23 acres within the Wekiva Study Area. The current Orange County *Low Density Residential* (4 du/ac) land use category allows 92 residential dwelling units. Assignment of the proposed Apopka *Medium Density Residential* land use category would allow 172 residential dwelling units for a net increase of 80 residential dwelling units.

Apopka 17-9ESR

The amendment proposes one FLUM amendment to change the land use category on approximately 15 acres within the Wekiva Study Area from *Commercial* (0.25 FAR) to *Low-Medium Density Residential* (7.5 du/ac). The current *Commercial* land use category allows 171,300 sq. ft. of nonresidential uses. Assignment of the proposed *Low-Medium Density Residential* land use category would allow 117 residential dwelling units.

Apopka 17-10ESR

The amendment proposes one Future Land Use Element text revision to lower the intensity standard for a Wekiva Parkway Interchange Character District. The minimum and maximum densities and intensities for the five character districts, *Village Center*, *Interchange*, *Employment*, *Transition*, and *Neighborhoods*, are established in FLU Policy 20.10, Table 20.10. These character districts are graphically depicted on the Wekiva Parkway Interchange Area Vision Plan. There are two *Village Center* districts generally located at the intersections of Golden Gem Road (N-S), Plymouth Sorrento Road (N-S) and W. Kelly Park Road (E-W) within the Wekiva Study Area. The districts are intended to be safe, vibrant, pedestrian-oriented mixed-use areas.

The proposed revision to Table 20.10 lowers the *Village Center* district's minimum 0.25 FAR intensity standard to 0.15 FAR until 4,000 new dwelling units are constructed within a one-mile radius of the Kelly Park Road

Interchange. The dwelling unit benchmark is projected to indicate sufficient support for walking/biking modes to commercial, retail and business offices.

Lake Mary 17-01ESR

The proposed text amendment creates the new *Mixed-Use District* future land use category. Assignment would allow residential, commercial, office and public uses with a maximum development density of 10 residential dwelling units per acre and 65 percent impervious surface coverage ratio. The proposed category is intended to promote walkable, mixed use development.

Maitland 17-1ESR

The proposed amendment concerns the Maitland West Planned Development (PD) currently designated Orange County *PD-Commercial* (3.0 FAR), *PD-High Density Residential* (50 du/ac) and *Medium Density Residential* (20 du/ac). An Orange County site-specific policy established the development program as up to 872 residential dwelling units and 1,281,970 sq. ft. of nonresidential uses. The proposed Maitland *Mixed Office/Residential/Commercial* (65 du/ac & 1.9 FAR) land use category would allow up to 2,254 residential dwelling units and 2,871,083.16 sq. ft. of nonresidential uses for a net increase of 1,382.65 residential dwelling units and 1,589,112 sq. ft. of nonresidential uses. The subject site is within the Wekiva Study Area.

Oakland 17-1ESR

The proposed Oakland 17-1ESR amendment consists of one FLUM revision affecting approximately 73 acres on the south shore of Lake Apopka. The current land uses are Town of Oakland *Low Density Residential* (33.01 acres), *Conservation* (13.78 acres), *Agriculture* (19.14 acres) and *Orange County Rural* (7.27 acres). Adoption of the proposed land use categories, *Town of Oakland Low Density Residential* (47.3 acres) and *Conservation* (25.9 acres) would allow 165 dwelling units, for an increase of 47 units. The Town of Oakland lies wholly within the Wekiva Study Area. It is anticipated that the adopted amendment will be submitted for review in January, 2018.

Seminole County 17-2ESR

The amendment proposes text changes to the Potable Water, Conservation and Capital Improvement Elements to implement the 10-Year Water Supply Facilities Work Plan. For each of the elements, outdated language was deleted or revised for particular issue areas and implementing policies. The new Seminole County 10-Year Water Supply Facilities Work Plan, dated June, 2017, was adopted by reference. Policy 5.11, *Compliance with the Wekiva Parkway and Protection Act* in the Potable Water Element was amended to link the Seminole County 10-Year Water Supply Plan with the requirements of the Wekiva Parkway and Protection Act.

Adopted Comprehensive Plan Amendments

Lake County 17-2ESR

Comprehensive Plan Policy I-1.2.4 *Calculation of Residential Density*, was adopted to allow densities within the *Rural* Future Land Use category to exceed the adopted standard when a property owner allows family members to use one or more net acres as their primary residence.

The proposed amendment included the Wekiva Study Area and the Green Swamp Area of Critical State Concern as locations where the density exception would not be permitted. The adopted amendment retained the Green Swamp Area of Critical State Concern but removed the Wekiva Study Area as an exempted location. The adopted policy follows:

Policy I-1.2.10 Creation of Parcels for Family Members

It is the intent of this plan, to permit the development of tracts of land in the rural areas for the use of family members as their primary residences. Creation of individual parcels of land

by sale, gift, or testate or intestate succession, out of lawful parcels of record at time of the adoption of this policy, between or among the owner and his or her family members shall be allowed without regard to density restriction of this plan, provided, however, only one parcel may be created hereunder for each spouse, lineal descendent or ascendant of the property owner, provided such parcels be used for single family residential or agricultural purposes, and subject to other applicable laws and all other provisions of this plan. Any parcel of land created through the provision shall contain a minimum of one (1) net acre. This provision can only be applied to properties within the Rural Future Land Use Series. For purposes of this policy, a family member is defined as a grandparent, parent, stepparent, adopted parent, sibling, child, stepchild, adopted child, or grandchild of the owner.

This exemption to the density requirements shall not be permitted within the Green Swamp Area of Critical State Concern (GSACSC) as described within Rule Chapter 28-28, F.A.C.

Longwood 17-1ESR

The amendment adopted text revisions to the city's Conservation, Intergovernmental Coordination, Concurrency and Public Facilities and Services Elements to update its 2017-2026 Water Supply Facilities Work Plan and Water Service Area Map. The updated Water Supply Work Plan supports Goal II, Objective for protection in the Wekiva Study Area.