



Leon County

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Tallahassee, Florida 32308
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March 3, 2009

Mr. David McDevitt, Director
Leon County Growth and Environmental Management
Renaissance Center, 2nd Floor
435 North Macomb Street
Tallahassee, Florida 32301-1019



Re: Request for Variances to the LDC to Complete the Environmental Permitting Process for the Okeehoopkee Regional SWMF

Dear Mr. McDevitt:

Staff has informed me that the Northwest Florida Water Management District has addressed the engineering issues included in the January 19, 2007 RAI issued by your office concerning the design and permitting of the Okeehoopkee Regional Stormwater Management Facility. Furthermore, it is my understanding that Public Works will need to seek several variances to the Land Development Code (LDC) in order to finalize the permitting process.

Given that Section 10-378 of the Leon County Land Development Code allows the Board of County Commissioners (BOCC) to grant variances, consistent with the provisions of the Comprehensive Plan, to Divisions 2, 3, and 4 of the Land Development Code, Public Works is requesting the following variances be brought before the BOCC for consideration.

Variances Requested

Section 10-187 (c), S 10-4.322 (c), of the Land Development Code prohibits alteration and disturbance of wetlands unless they are found to be degraded.

Staff does not assert that the affected wetlands are degraded but approximately forty percent of the proposed facility will intrude into wetlands on the site, therefore a variance from this section is requested.

Section 10-187 (e), S 10-4.322 (e), prohibits tree and vegetation removal in wetlands or within 20 feet thereof.

Given that approximately forty percent of the facility will intrude into wetlands located on the site and all of the vegetation thereon will be removed, a variance from this section is requested.

Section 10-187 (g), S 10-4.322 (g), requires that a conservation easement be placed on all on-site wetlands and on a 20 foot buffer immediately adjacent thereto.

Since the specific wetlands affected will be removed entirely and the area will then be permanently modified to become part of a stormwater management facility and no longer warrant the protection of a conservation easement, a variance from this section is requested. A conservation easement will still be placed on the remaining undisturbed wetlands located on the site.

Section 10-192 (b) (1) a., S 10-4.323 (b) (1) A., of the Land Development Code sets severe constraints on what can be constructed within Zone A of Lake Jackson, the area between the 89 foot contour and the 100 foot contour surrounding the lake.

Since almost the entire footprint of the proposed facility lies within Zone A and will exceed the allowable construction thresholds, a variance from this section is requested.

Section 10-192 (b) (2) a., S 10-4.323 (b) (2) A., allows only fifty percent of the area lying within Zone B of Lake Jackson to be altered. Zone B is the area between the 100 foot contour and the 110 foot contour surrounding Lake Jackson.

Since the proposed facility will alter approximately seventy percent of the Zone B portion of the site, a variance of this section is requested.

Section 10-206., S 10-4.326, of the Land Development Code allows (*partial*) vegetation removal in an unaltered or naturally vegetated floodplain, or wetland - subsequent to the submission and approval of a vegetation management plan.

Since this project will remove entirely the vegetation in the portion of the floodplain and wetland impacted by the proposed facility, a variance from this code provision is requested.

Section 10-207 (3) a., S 10-4.327 (3) a., prohibits fill or other alteration to the topography or vegetative cover in any floodplain with the exception that (*only*) five percent of the undisturbed floodplain located on-site can be altered.

Since this project proposes to disturb considerably more than five percent of the unaltered floodplain located on-site, a variance from this code provision is requested.

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Staff is requesting the LDC variances based upon the Tallahassee – Leon County Comprehensive Plan Policy **2.1.9 (C)**. This policy allows the location of regional stormwater facilities within the Lake Jackson special development zone, the lake's undisturbed floodplains, and wetlands for the purpose of addressing existing stormwater problems providing that four eligibility criteria, as set forth below, are met.

Staff asserts that the requirements, listed below, of Comp Plan Policy 2.1.9 [C] have been met by this project:

1. ***All other reasonable options have been considered, and there is no other location that can be utilized given the stormwater flow patterns.***
 - a. The proposed location for the pond, which is the lowest point in the Okecheepkee Drainage Basin, is the only location that has the ability to capture the runoff from all three of the basin's sub-basins – the Okecheepkee Road sub-basin, the Gwendale Ravine sub-basin, and the Talpeco Road Ravine sub-basin. These streams draining these sub-basins all merge at the proposed site.
 - b. This was the only remaining large undeveloped tract in the Okecheepkee Basin on which a regional scale stormwater facility could be constructed.
2. ***The stormwater facility is designed to retrofit an existing stormwater problem.***
 - a. The majority of the area draining to the facility site was developed prior to the establishment of any substantial stormwater quality regulations with most developed parcels served by septic tanks. The Okecheepkee Regional Stormwater Facility is designed to retrofit these existing areas of non-treatment thereby upgrading the quality of water being discharged to Lake Jackson.
3. ***The stormwater facility must be initiated by the local government and shall demonstrate a net benefit in the water quality which offsets the loss of the 100-year floodplain, wetlands, and native forest.***
 - a. The Okecheepkee Regional Stormwater Facility is being designed and constructed under a joint project agreement between Leon County and the Northwest Florida Water Management District. In addition to this regional facility, the retrofit of the Okecheepkee Basin included the paving of Okecheepkee Road, construction of a new Woodmont Pond, and the reconstruction of Lower Gwyndale Pond. All work has been completed except the regional facility. The system wide efficiency of the completed upgrades to the Okecheepkee Basin will result in approximately 90 percent of all Total Suspended Solids being removed prior to stormwater entering Lake Jackson.

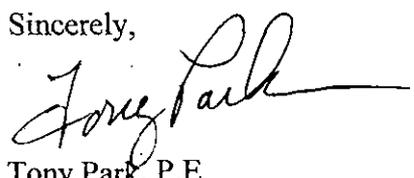
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4. This retrofit option is only available if the lake has an adopted retrofit plan.

- a. This regional stormwater facility is the final phase of the overall recommended solution outlined in the Lake Jackson, Okecheepkee Basin, Stormwater Alternative Analysis and Plan developed by the Northwest Florida Water Management District and adopted by the BOCC for implementation.

Thank you for your timely review of this request. Hopefully, Public Works has adequately addressed all the issues. Felton Ard, P.E. is managing the project and he will have the \$1440.00 variance fee transferred to the proper account. Public Works appreciates this opportunity to work with you on this challenging project. Please contact myself or Felton Ard, P.E. if any additional information or assistance is needed.

Sincerely,



Tony Park, P.E.
Director of Public Works

TP/bp

cc: Leon County

- Joseph L. Brown III, P.E., Director of Engineering Services
- Felton Ard, P.E., Senior Design Engineer
- Thomas Ballentine, P.E., Senior Environmental Engineer

Attachment

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