EW Consultants, Inc.
Natural Resource Management, Wetland, and Environmental Permitting Services

MEMORANDUM

TO: Stephen Mayer

FROM: Ed Weinberg

DATE: March 16, 2018

RE: Martin Memorial CPUD at Kanner; Environmental Review

In response to your email request, we have conducted an environmental review of the above referenced project, based on the materials made available from the Development Department. From our review of these materials, we offer the following comments with regard to compliance with the City of Stuart Land Development Regulations (LDR) Resource Protection Standards, and the Comprehensive Plan.

Land Development Code - Resource Protection Standards

Section 5.01.00 – Avoidance or Minimization of Wetland and other Environmental Impacts

The proposed development includes impacts to wetlands, native upland habitats, and protected trees. Each of these specific resources are addressed individually in subsequent sections of this memo. However, in accordance with the requirements of Section 5.01.01 A. and B., the applicant should provide a demonstration that the specified means of "*environmental impact avoidance and minimization techniques have been employed to the greatest practicable in preparation of the proposed site plan*"

Please provide a narrative description of how the specified measures were considered, and where practicable, implemented for the proposed site plan.

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Section 5.02.00 – Environmental Assessment Report for Sites with Wetlands or Greater Than One Acre

The subject site is greater than one acre and includes wetlands. As such, in accordance with Section 5.02.00 an Environmental Assessment Report shall be provided as part of the site plan application.

There was no Environmental Assessment Report included in the materials made available for review. Please provide an Environmental Assessment Report that includes the elements specified in Section 5.02.00 A. through F.

Section 5.03.00 – Wetlands

The proposed site plan includes impacts to wetlands that have been verified by the State of Florida. Although not included in the original submittal materials, an Environmental Resource Permit was issued by South Florida Water Management District (SFWMD) on March 12, 2018. This meets the requirements of Section 5.03.02B.2. In accordance with Section 5.03.02B.3., a U.S. Army Corps of Engineers authorization (permit or letter of intent to issue a permit) must be provided to demonstrate compliance with requirements for avoidance and minimization of wetland impacts and a final permit must be provided before any direct impacts to wetlands.

Please provide a copy of the appropriate U.S. Army Corps of Engineers authorization to demonstrate appropriate avoidance and minimization of impacts. This permit must be provided prior to any site activities that directly impact wetlands.

Section 5.04.00 - Environmentally Sensitive Lands

The proposed site plan does not include any area designated as upland preserve. In accordance with Section 5.04.01 "*…not less than 25 percent of the development site shall be preserved as a native vegetative area.*" The supporting materials provided with the submittal indicate that a previous PUD covering a larger land area provided the upland preserve that would otherwise be necessary for this property were it a stand alone PUD. Other materials provided with the submittal, including a legal memo regarding "extinguishment" of the previous PUD indicate that this property may no longer be included as part of this PUD. This is a matter that should be resolved by City staff, possibly with policy direction form the City Commission.

Should the previously established upland preserve area from the original PUD be deemed acceptable to meet the 25% preservation requirements for this site, the applicant should provide a current assessment of this existing upland preservation area. This assessment should document current conditions with regard to invasive species, native vegetation conditions, and potential encroachments into the designated preservation area. This assessment should address the criteria found in Section 5.04.04 B. and C. of the Land Development Code.

Section 5.05.00 – Trees

A tree location map and tree mitigation calculations were provided with the submittal materials. A cursory field verification evaluation indicated that select trees on the site had been marked with "tree tags" and included in the submitted inventory. The field review also indicated that there are other trees that meet the City of Stuart tree protection requirements that had not been tagged and did not appear to be included in the submitted tree inventory.

Please provide an accurate and thorough tree inventory and tree location map so that an appropriate tree protection and impact mitigation evaluation can be completed.

Comprehensive Plan – Element V. Conservation

The natural resource and environmentally sensitive lands summary is provided below.

Objective A.5. Natural Systems -

With satisfactory resolution of the items identified in the Resource Protection Code above, the policies under this objective will be met.

Objective A.6. - Wildlife protection -

Gopher tortoises which occur on the site will be required to be relocated in accordance with FFWCC guidelines.

With satisfactory resolution of the relevant items identified in the Resource Protection Code above, the policies under this objective will be met.