# " EXHIDIT ()" MARTIN COUNTY, FLORIDA

# PRESERVE AREA MANAGEMENT PLAN

For:

# JENSEN BEACH PROFESSIONAL CENTER

JENSEN BEACH HOLDINGS, LLC

JENSEN BEACH BLVD

JENSEN BEACH, 34957

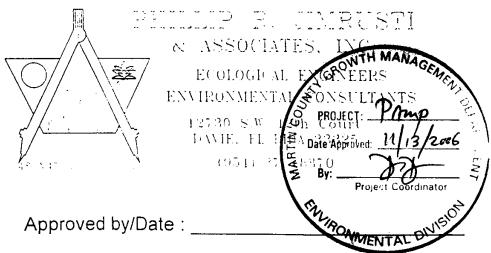
SECTION 21, TOWNSHIP 37 S, RANGE 41 E



JUL 1 6 2007

GROWTH MANAGEMENT DEPARTMENT





A Preserve Area Management Plan (PAMP) is required of all applicants for development approval on sites which contain wetland or upland preserve areas, pursuant to provisions of Section 4.36.A.1 of the Martin County Land Development Regulations, Martin County Code.

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# 1.0 GENERAL

The owner(s) of the lands to be preserved/maintained by this Preserve Area Management Plan (PAMP) and the developers) of the Jensen Beach Professional Center located east of Pinecrest Lakes Boulevard and south of Jensen Beach Boulevard, Jensen Beach their successors and assigns, and their environmental consultants and contractors, will implement and comply with all portions of this PAMP.

Compliance with the terms of this PAMP includes submittal of all Monthly Monitoring Reports on PAMP compliance throughout all phases of project construction and submittal of all Annual Monitoring Reports following completion of project construction, pursuant to Section 10.17 of the Martin County Land Development Regulations. The owner(s) of the lands to be preserved/maintained shall have ultimate responsibility for the submittal of all Monthly and Annual Monitoring Reports, according to the format and schedule requirements of Section 10 of this PAMP.

As noted in Section 9 of this PAMP, the Martin County Environmental Planning Administrator shall be notified in writing within thirty (30) days of transfer of ownership of any lands to be preserved/maintained under the terms of this PAMP. Failure to notify shall be considered as non-compliance with the terms of this PAMP

This PAMP will not be altered or amended by either Martin County or the owner/developer of the Jensen Beach Professional Center, except by an alteration or amendment agreed to by both the Martin County Environmental Planning Administrator and the owner/developer of the Jensen Beach Professional Center. Such alterations and amendments shall be inserted into the PAMP and the final revised document shall be recorded by the Martin County Clerk of Courts. The revised PAMP will be labeled with the appropriate O.R. Book and Page Number. Three copies of the revised document shall be provided to the Martin County Environmental Planning Administrator within thirty (30) days of the Recording date.

## 2.0 ENVIRONMENTAL ASSESSMENT

The Environmental Assessment includes maps and text which accurately depict the site's location, soils, wetlands, uplands, listed species, previous impacts, preserve area locations and boundaries, and any other significant environmental features.

# 2.1 Location

The Jensen Beach Professional Center is a commercial project that will be on this 4.27-acre tract of land located east of Pinecrest Lakes Boulevard and south of Jensen Beach Boulevard, Section 21, Township 37 South, Range 41 East, Jensen Beach, Martin County, Florida, (Figure 1).

Approximately 1.04 acres of forested land was set aside as a preserve to be in compliance with the Martin County Land Development Regulations (LDR), Article 4. Section 4.2. The preserve area is approximately 45,489.00 square feet and is located on the south side of the lot.

# JENSEN'BEACH PROFESSIONAL CENTER 2.2 Soils

The US Department of Agriculture, Natural Resources Conservation Service Soil Survey of Martin County indicates that the substrate of the property is Lawnwood fine sand (2) and Placid sand (13). (Figure 2) Lawnwood fine sand is a nearly level, poorly drained soil in broad areas of flatwoods. Areas range from about 10 to 200 acres. Slopes are smooth and range from 0 to 2 percent. Typically, the surface layer is black and dark grayish brown fine sand. The subsurface layer is light brownish gray fine sand to a depth of about 28 inches. Placid sand is a nearly level, poorly drained soil found in wet depressions and drainage ways in the flatwoods. Slopes are smooth and concave and range from 0 to 2 percent. Typically the surface layer is sand to a depth of more than 80 inches. It is dark grayish brown, gray, and light brownish gray.

## 2.3 Habitats

Wetland Habitats - Wetlands do not occur on this property.

Upland Habitat – The dominant land use identified on-site include: Pine Flatwoods (FLUCFCS – 411, 8.11 acres). (Figure 3). These forests are common throughout much of Northern and Central Florida. Originally, longleaf pines were common on the drier sites while slash pines, which are less fire-resistant, were confined to moister sites; wildfire being the contributing factor in this distribution. However fire control and artificial reforestation have extended the range of slash pine into former longleaf sites. The pine flatwoods class is dominated by either slash pine, longleaf pine, or both, or less frequently, pond pine. Streams and Waterways (FLUCFCS – 510, 0.22 acres). (Figure 3). This category includes rivers, creeks, canals; and other linear bodies of water. The type of water body located on-site is a remnant of Warner Creek, which starts on the northwest side and ends in the middle of the east side.

The site can best be described as a pine/palmetto flatwoods that has been heavily disturbed with previous clearing and probable agricultural use. The canopy vegetation along the perimeter and the north end of the site consists of slash pine (Pinus eliottii), Brazilian pepper (Schinus terebenthifolis), laurel oak (Quercus laurifolia), Sable palm (Sabal palmetto), and dahoon hollies (Ilex cassine). Canopy vegetation observed at the remnant of Warner Creek includes wax myrtle (Myrica cerifera), and Carolina willow (Salix caroliniana). The understory contained saw palmetto (Serona repens) and gallberry (Ilex glabra). The groundcover observed was grape vine (vitis rotundifolia), swamp fern (Blechnum serrulatum), and various other grasses and forbs.

Exotic Vegetation – The site has a minor amount of exotic vegetation, including a small amount of Brazilian pepper (Schinus terebinthifolius) interspersed throughout the property. Because of the low percentage of exotic vegetation found at this site, these species will be treated and easily maintained. The habitat value of the preserve is excellent. With a minor amount of exotic and invasive vegetation removal, it will support and sustain a viable wildlife population.

# 2.4 Protected Species

The site was investigated to note the presence or absence of threatened or endangered species as listed by the U.S. Fish and Wildlife Service and Florida Fish and Wildlife Conservation Commission. From the list of State and Federally protected species, no rare, threatened, endangered, or species of special concern were observed on the property. The site does not contain a scrub habitat or gopher tortoise (Gopherus polyphemus) habitat. The vegetation observed on the site is extremely dense and is unsuitable for gopher tortoise habitat. Based on previous studies of animal populations within the Pine Flatwoods communities, the following is a list of probable animal species that may inhabit the site:

# **Mammals**

Nine banded armadillo (Dasypus novemenctus) Opossum (Didelphis vurginiana) Raccoon (Procyon lotor) Grey Squirrel (Sciurus carolinensis)

## Birds

Ground dove (Columbia passerina

Other Vertebrates

Oak toad (Bufo quercicus) Green anole (Anolis carolinensis)

Six-lined racerunner (Cnemidophorus sexlineatus)

# 2.5 Previous Impacts

The immediate area surrounding the property, with the exception of isolated wooded areas, has been cleared and developed for commercial and residential purposes. The site is bounded on the west by partially developed land, on the north by paved roads, and on the south and east by single-family residences. The habitat value is rapidly diminishing and severely limited due to deterioration caused by development in the surrounding area. No portions of the property appear environmentally sensitive.

# **Agency Correspondence**

The site was visited by South Florida Water Management District (SFWMD). A letter from SFWMD stating that no jurisdictional wetlands were found on the site will be sent under a

## **IDENTIFICATION OF PRESERVE AREAS** 3.0

#### 3.1 Site Plan

All Preserve Areas, right-of-ways and easements are shown on the Jensen Beach Professional Center Site Plan, a copy of which is included in this PAMP. (Exhibit I)

# 3.1 Site Plan (continued)

The Site Plan includes a summary of the following: acreage of wetlands under preservation; acreage of native upland habitat under preservation; acreage of common upland habitat under preservation; penalty area; total acreage under preservation; and total acreage of the Site. The Site Plan will contain the notation: "PRESERVE AREAS ARE NOT TO BE ALTERED WITHOUT WRITTEN PERMISSION OF THE MARTIN COUNTY BOARD OF COUNTY COMMISSIONERS."

# 3.2 Legal Recording

The final Jensen Beach Professional Center Site Plan will be recorded with the PAMP by the Martin County Clerk of Courts. The Site Plan and the PAMP will be labeled with the appropriate O.R. Book and Page Number and copies of each recorded document will be provided to the Martin County Environmental Planning Administrator within thirty (30) days of the Recording date.

# 4.0 SURVEYING, MARKING AND BARRICADING REQUIREMENTS

All Preserve Areas shown on the Site Plan the Jensen Beach Professional Center will be surveyed and marked in the field with appropriate survey markers and signage. During the clearing and construction phases of the project, Preserve Area boundaries will be marked by physical barriers. No plant material will be removed from the Preserve Areas to facilitate surveying, fencing or soil boring/sampling without prior permission from the Martin County Environmental Planning Administrator.

# 4.1 Preserve Area Surveying Requirements

Each Preserve Area will be surveyed and marked with permanent monuments at each corner and at other sites necessary for locating the boundary of the Preserve Area. These permanent monuments will be constructed under the supervision of a Registered Land Surveyor and will be shown on the Site Plan. Map coordinates of each Preserve Area will be provided to the Martin County Environmental Planning Administrator, in a form compatible for use in the County's GIS mapping system.

## 4.2 Preserve Area Boundary Markers and Signs

Preserve Areas will be posted with permanent signs and boundary markers. Boundary Markers will be placed at the comers of residential lots abutting Preserve Areas. (Exhibit II) Signs will be at least 11 x 14 inches in size and will be posted in conspicuous locations along the Preserve Area boundary, at a frequency of no less than one (1) sign per 500 feet All boundary markers and signs will be approved by the Martin County Environmental Planning Administrator and they will be in place prior to issuance of a building permit for construction on the site. Illustrations of the signs and markers to be used for this project are included as an Appendix to this PAMP (Exhibit III).

# 4.3 Barricading Requirements

Prior to clearing the developer will ensure that all Preserve Areas are protected with physical barriers during all clearing and construction activities in accordance with the following guidelines. Barricades will be inspected by County Environmental Division staff prior to work approval. Removal of the barricade materials will be done upon issuance of the final Certificate of Occupancy with authorization from appropriate County staff.

4.4 Barricading Requirements (continued)

Barricades will be high-visibility orange safety fence extending from the ground to a height of at least 4 feet Barricades will not be attached to vegetation.

All barricades and turbidity screens will be upright and maintained intact for the duration of construction.

Where areas are proposed for clearing (i.e. building envelope, utilities, drainage, road right-of-way, etc.) the bright orange barricades will be offset at least 10 feet outside the Preserve Area or placed at the dripline of the canopy trees, whichever is greater.

All native vegetation not slated for removal as part of the development plans will be retained in their undisturbed state and will be barricaded at or outside the dripline of the trees.

Cut or fill will meet existing grade without encroaching into Preserve Areas.

Wetlands will be protected from possible surface water and sediment runoff by the placement of silt screens, hay bales or other turbidity control measures, at or beyond the delineation line prior to any land clearing or construction.

It is the responsibility of the owner and developer of the Jensen Beach Professional Center to inform all contractors of these Marking and Barricading Requirements. Failure to comply with these Marking and Barricading Requirements will be considered a violation of the Site Plan approval Further work on the project may be stopped until compliance with the Marking and Barricading Requirements is achieved, and tile owner or developer may be required to appear before the Code Enforcement Board.

#### 5.0 USE OF PRESERVE AREAS

#### 5.1 Activities Allowed In Preserve Areas

The preserve area shall be maintained on a quarterly basis to control and remove undesirable, invasive, and exotic (as defined by the Florida Exotic Pest Plant Council at the time of permit issuance) vegetative species. The undesirable species shall be removed by physically uprooting and disposing of the individual specimens or by spraying with an approved herbicide and left in place. Every attempt shall be made to attain zero percent coverage of exotic / nuisance plant species during the quarterly maintenance events. At no time shall the coverage of undesirable species exceed two percent of the total vegetation.

#### 5.2 Activities Prohibited In Preserve Areas

Activities prohibited in Preserve Areas or easements within Preserve Areas include, but are not limited to: construction or placing of building materials on or above the ground; dumping or placing soil or other substances such as garbage, trash, and cuttings; removal or destruction of native trees, shrubs or other native vegetation; excavation, dredging or removal of soil materials; diking or fencing: vehicular traffic including use by non-motorized vehicles, recreational vehicles and off-road vehicles; permanent irrigation; trimming, pruning, or fertilization; and any other activities detrimental to drainage, flood control, water conservation, erosion control or fish and wildlife conservation and preservation.

# 5.2 Activities Prohibited In Preserve Areas (Continued)

No hazardous material other than fuel for refueling on-site heavy equipment will be stored during the construction phases. On-site fuel tanks shall not be located within twenty-five (25) feet of any Preserve Areas and shall be removed upon completion of construction work.

Buildings proposed to be located adjacent to Preserve Areas shall be set back a minimum of ten (10) feet to allow for construction and maintenance without encroaching into the Preserve Area. All other structures (e.g. pools, sheds, decks, fences) shall be set back a minimum of five (5) feet from the Preserve Area boundary.

Development activities such as the construction of building pads for associated structures, swales, or culverts for surface water management shall not alter the hydrology of adjacent Preserve Areas. Nor shall any activities increase non-point source pollution hi Preserve Areas.

Grazing of cattle and horses or other livestock in Preserve Areas, while not prohibited, is discouraged. Over-grazing can result in destruction of habitat, loss of top soils and changes in hydrology of the area as a result of the loss of ground cover material, increased fertilization from animal droppings, and contamination of surface waters. These and other effects of over-grazing will be considered violations of this PAMP and will be addressed as any other PAMP violation.

# 6.0 RESTORATION AND MAINTENANCE ACTIVITIES

Except for approved maintenance activities, Preserve Areas will be left undisturbed. All maintenance of Preserve Areas will be in accordance with this PAMP the Jensen Beach Professional Center Maintenance and management activities will be performed by or under the supervision of a qualified environmental professional and must be approved by the Martin County Environmental Planning Administrator. The following restoration and maintenance activities may be allowed within Preserve Areas with prior written approval from the Environmental Planning Administrator: exotic plant removal, revegetation or planting native vegetation, and removal of dead, diseased, or safety hazard plant material.

# 6.1 Exotic Vegetation Removal

Exotic vegetation shall be removed from Preserve Areas by the least ecologically-damaging method available. Such methods include hand pulling, hand spading, cutting with hand or chain saws and in-situ treatment with appropriate herbicides. No debris, including dead plants, plant clippings or wood scraps, shall be allowed in Preserve Areas. In addition, all dead plant material and exotic plant debris removed from Preserve Areas shall be disposed of in a County-approved recycling facility.

# 6.2 Revegetation

Any revegetation which might be necessary as a result of exotic vegetation removal or site construction activities shall consist of native plant species representative of the existing native plant community. This will ensure that the Preserve Areas maintain indigenous plant associations. Revegetation plans shall be submitted to the Martin County Environmental Planning Administrator for approval prior to implementation.

# 6.3 Vegetation Removal

Dead or diseased plant material shall be removed from Preserve Areas upon approval by the Martin County Environmental Planning Administrator. Revegetation may be required for any removed plant material. No debris, including dead plants, plant clippings or wood scraps, shall be allowed in Preserve Areas. All dead plant material and debris removed from Preserve Areas shall be disposed of in a County-approved recycling facility.

# 6.4 Prescribed Burns

Martin County considers prescribed burns an acceptable habitat management tool. When approved by the Martin County Environmental Planning Administrator, they will be conducted by a certified burn manager who will be responsible for obtaining all appropriate permits from State and local agencies.

# 6.5 Hydrology

Previous or potential drainage impacts will be corrected to the extent technically feasible. Water quality and the rate, timing, and volume of run-off shall recreate natural conditions for the benefit of onsite wetlands and other waterbodies. Wetlands and waterbodies on adjacent properties shall be protected from adverse impacts.

# 7.0 PROTECTIVE MEASURES FOR LISTED SPECIES

The site was investigated to note the presence or absence of threatened or endangered species as listed by the U.S. Fish and Wildlife Service and Florida Fish and Wildlife Conservation Commission. From the list of State and Federally protected species, no rare, threatened, endangered, or species of special concern were observed on the property. Attached is Exhibit II, showing walking transects for the presence of gopher tortoises (Gopherus polyphemus). The vegetation observed on the site is extremely dense and is unsuitable for gopher tortoise habitat. No gopher tortoise burrows were observed. (Figure 4).

# 8.0 MISCELLANEOUS PROVISIONS AND RESTRICTIONS

Except for approved maintenance activities, the preserve area will be left undisturbed.

# 9.0 TRANSFER OF RESPONSIBILITIES

The property owner(s) and developers of the Jensen Beach Professional Center are responsible for implementation of all requirements of this Preserve Area Management Plan until such time as the developer transfers responsibility to the owners or a successor. The Martin County Environmental Planning Administrator will be notified in writing within thirty (30) days of transfer of ownership of any lands to be preserved under this PAMP. Failure to notify will be considered as non-compliance with the terms of this PAMP. The developer will pay his share of total cost of management activities or fines on a per lot basis if he retains ownership of lots.

# 9.0 TRANSFER OF RESPONSIBILITIES (Continued)

At such time as the developer is ready to transfer control of the Jensen Beach Professional Center to the property owners, whether the developer retains ownership of the lots in the project or not, an environmental professional shall certify, in writing, to the Martin County Environmental Planning Administrator, that the Preserve Areas are in full compliance with this PAMP.

The developer and/or successor will be responsible for maintaining the Preserve Areas in their existing natural condition with the periodic removal of invasive exotic vegetation. After transfer of responsibilities, funding for all maintenance and management programs will be the responsibility of all successors.

# 10.0 MONITORING, REPORTING AND INSPECTIONS

# 10.1 Monthly Construction Reports

During construction of the Jensen Beach Professional Center, the developer will be responsible for submitting a monthly report on the progress of the Jensen Beach Professional Center, which will address all aspects of the site construction relative to the Preserve Areas. Information regarding construction and maintenance of the Preserve Areas, such as placement of barriers and signage, removal of exotic vegetation, revegetation, prescribed burns, etc. will be described and supported with photographs, where appropriate.

# 10.2 Annual Monitoring Reports

Monitoring and reporting will be conducted annually by a qualified environmental professional for a period of five years from the date of completion of the project or project phase encompassing the monitored area. Annual monitoring will be conducted at the end of the wet season (usually by November 30) and a report of the monitoring will be submitted to the Martin County Environmental Planning Administrator within 30 days of the completion of the monitoring.

The Annual Monitoring Reports will document changes in vegetation including encroachment and/or overgrowth of noxious or exotic vegetation. Fixed-point panoramic photos of all Preserve Areas will be included in each report. The reports will include recommendations for exotic vegetation removal, revegetation, and any additional enhancement activities necessary to maintain the Preserve Area. A timetable for action within 90 days of the report will be prepared and followed.

A copy of the proposed Annual Monitoring Report format is attached to this PAMP as an Appendix. This format may be modified separately from the PAMP, as necessary, upon written approval from the Martin County Environmental Planning Administrator.

Upon request, Martin County Environmental Planning staff may meet with the responsible parties to review the annual monitoring report findings and supply technical assistance and support for stewardship.

The first Annual Monitoring Report due in compliance with this PAMP will be submitted to the Martin County Environmental Planning Administrator at the end of the wet season following issuance of a Certificate of Occupancy for development described herein. Subsequent Annual Monitoring Reports will be due on the same date for the next four years.

# 10.2 Annual Monitoring Reports (continued)

After the initial five-year monitoring period, the Preserve Areas may be subject to periodic review and, if conditions warrant, will be subject to further monitoring and maintenance to ensure environmental integrity, consistent with the provisions of this Plan.

# 10.3 Inspections

Martin County is authorized to inspect any County regulated site or appurtenance. Duly authorized representatives of Martin County may, at any time, upon presenting proper identification, enter upon and shall be given access to any premises for the purpose of such inspection.

## 11.0 ENFORCEMENT

Martin County shall have the right to enforce the provisions of this PAMP through any available administrative or civil proceeding, which may result in penalties. Restoration of habitat and other remedies, such as fines and fees covering staff time, may be required of any person, corporation or other entity found in violation of any of the provisions of this PAMP or of Article 10 of the Martin County Land Development Regulations.

# MARTIN COUNTY, FLORIDA

# PRESERVE AREA MANAGEMENT PLAN ANNUAL

# MONITORING REPORT FOR (Year)

Annual monitoring shall be conducted at the end of the wet season (usually by November 30) for five years from the date of PAMP approval. A report of the results of each monitoring event shall be submitted by the property owner to the Martin County Environmental Planning Administrator within 30 days of the completion of the monitoring. Monitoring and reporting are the responsibility of the property owner. However, a qualified environmental professional may conduct the monitoring, prepare the Annual Monitoring Reports, or submit the Reports.

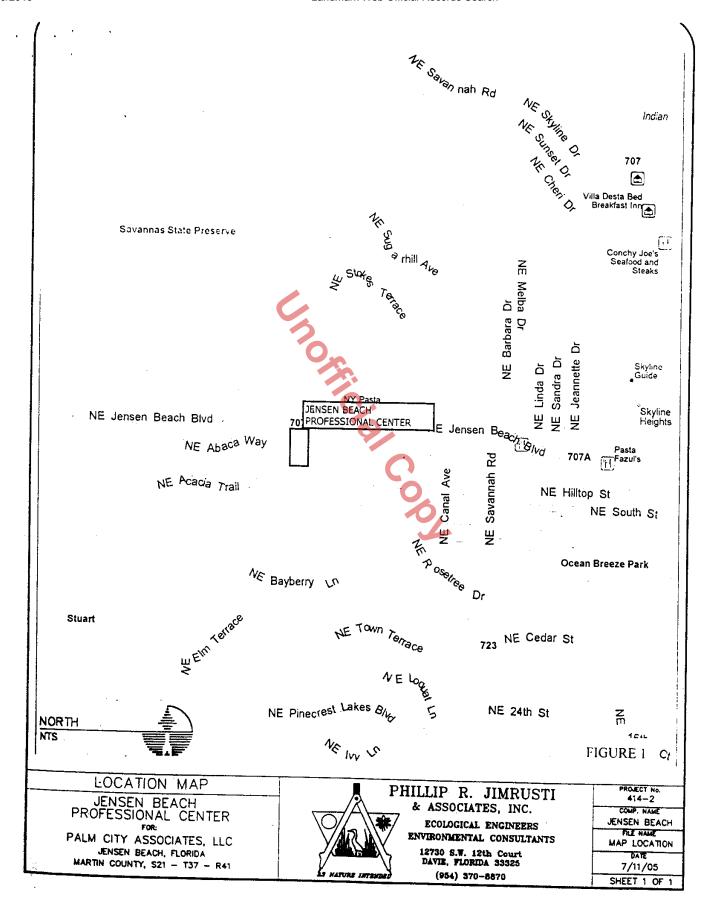
All Annual Monitoring Reports shall contain the following information:

N	Same and address of current owner of Preserve Area;
	ocation of Preserve Area (site/project location, Martin County Parcel Control Number, ection/township/range, etc);
D	Date PAMP approved;
D	Occumentation of vegetation changes, including encroachment of exotic vegetation;
F	ixed-point panoramic photos of all Preserve Areas;
v	ynopsis of maintenance activities conducted in compliance with the PAMP requirements such as exotic egetation removal, revegetation, and additional enhancement activities necessary to maintain the Preserve area;
A	timetable for action within 90 days of the report;
A	a list of all violations of the PAMP; and
F	Recommendations for remedial actions, with a proposed schedule for the coming year.
Signatu	re/Date:
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Compar	ny Name (if applicable):

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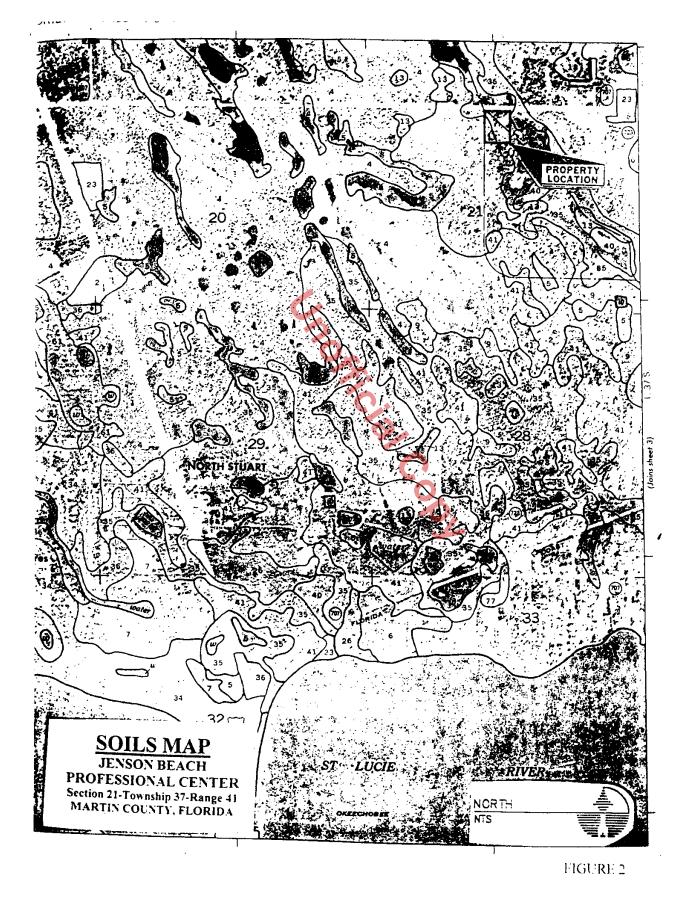
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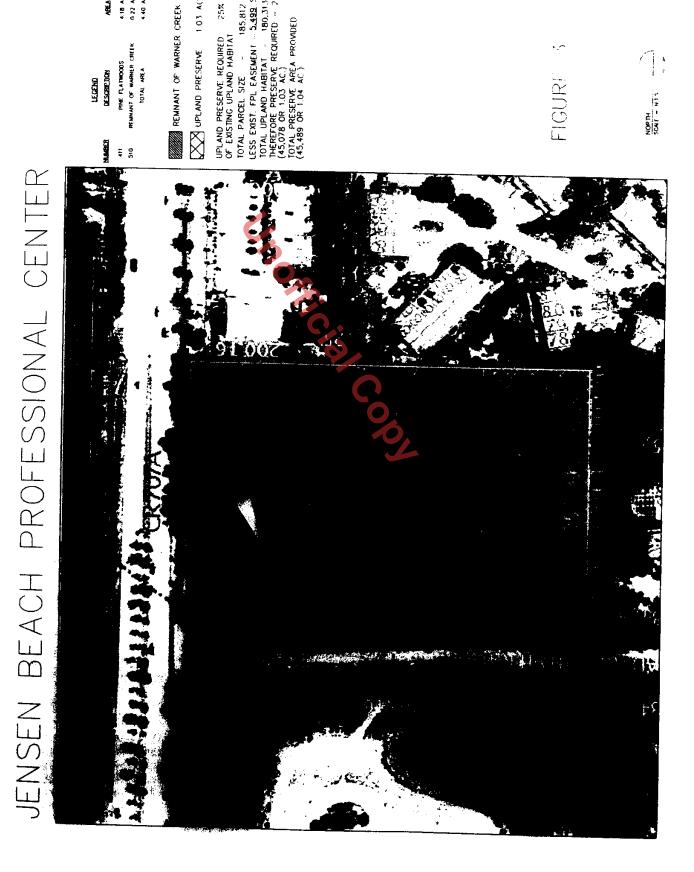
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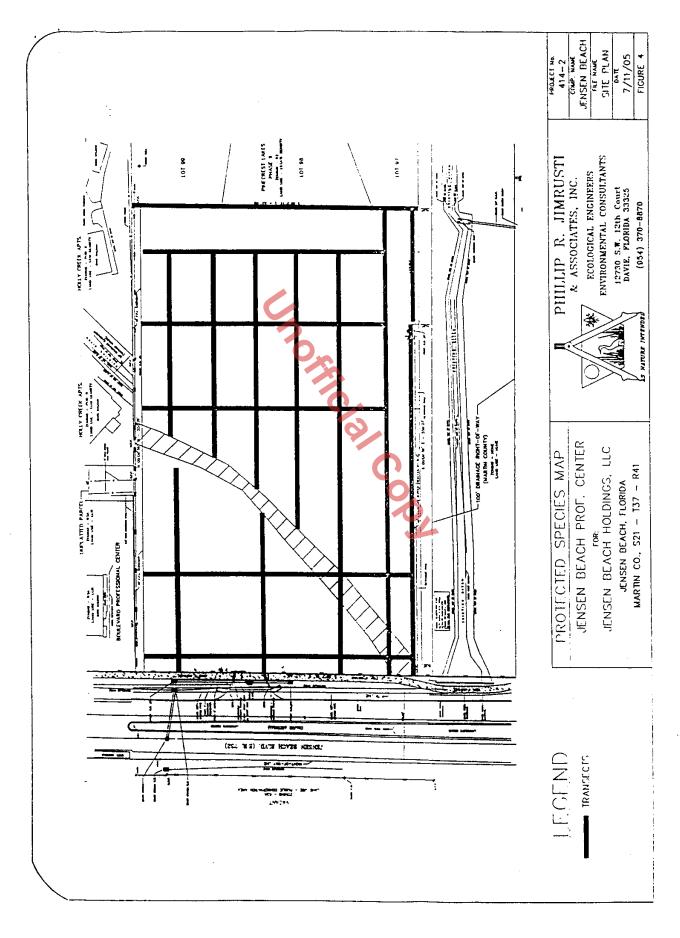




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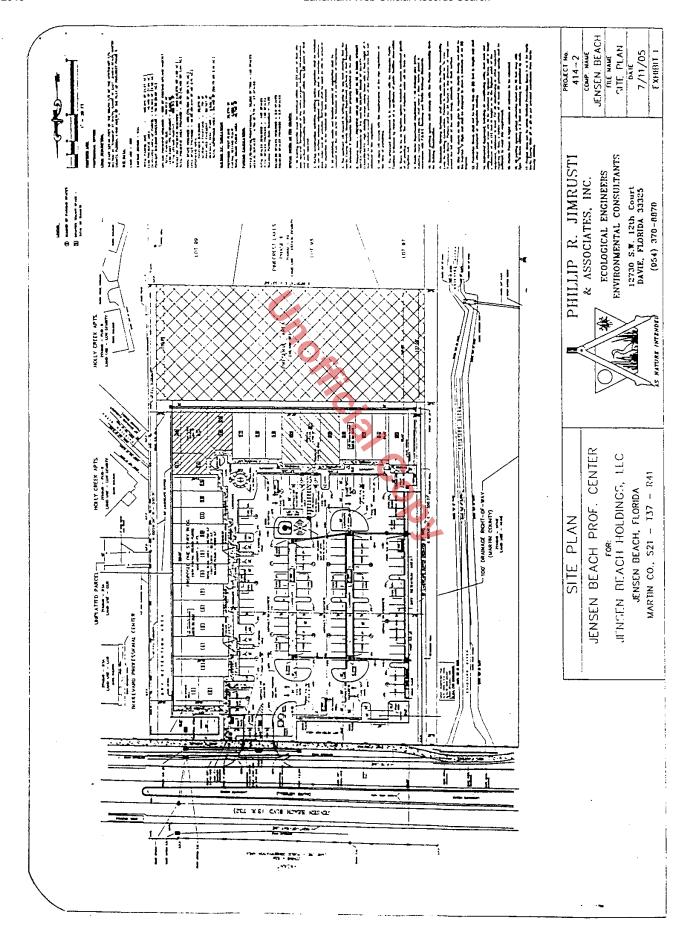
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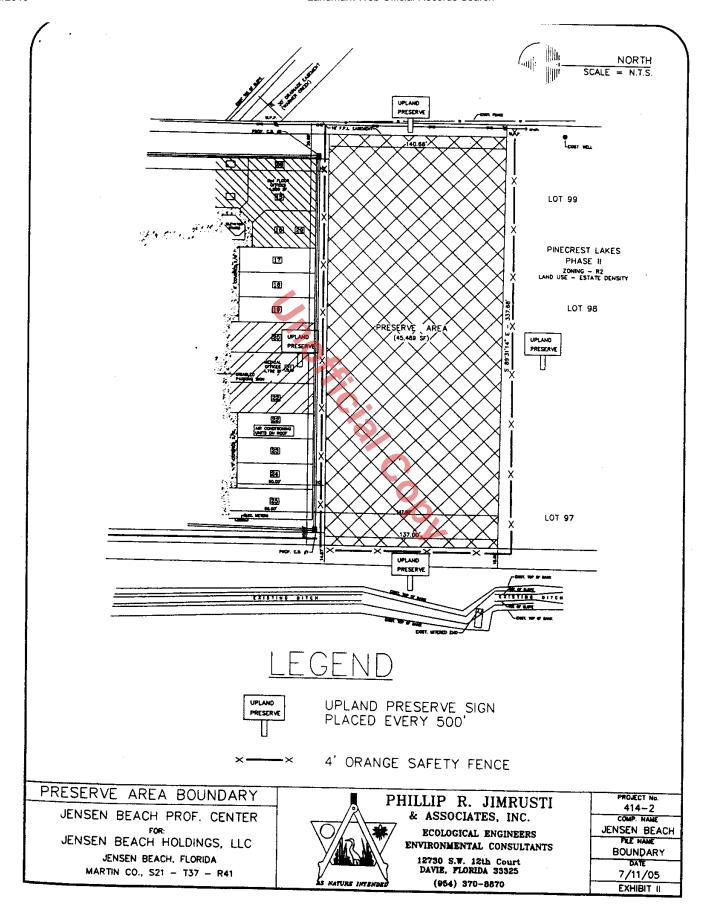
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# PRESERVE

AREA

DO NOT DISTURB

PROTECTED UNDER FEDERAL, STATE AND COUNTY STATUTES

EXHIBIT III

EXHIBIT D"

Prepared By: Martin County Growth Management Department 2401 S.E. Monterey Road Stuart, FL 34996

# MARTIN COUNTY, FLORIDA (REGARDING PARKING RATE ADJUSTMENT APPROVAL FOR THE JENSEN BEACH PROFESSIONAL CENTER)

WHEREAS, Jensen Beach Holdings, LLC, submitted an application for a Parking Rate Adjustment pursuant to Section 4.629.A, Land Development Regulations, Martin County Land Code (LDR).

A. Jensen Beach Holdings, LLC, has submitted an application requesting a parking rate adjustment to reduce the amount of required parking from 147 spaces to 126 spaces. The applicant requests a 14.5 % reduction, or 21 spaces.

B. In accordance with Article 4, Section 4.629.A., Land Development Regulations, Martin County Code (LDR), the applicant is requesting a 14.5 percent parking rate adjustment for this site plan. The reason behind the reduction request is related to "Alternative Mode of Transportation". This project is providing Bus Stop location, which can be used by the Martin County Community Coach. In addition, a Gazebo will be constructed at the Bus stop to provide shaded waiting area.

WHEREAS, pursuant to Section 4.629.A of the Martin County Land Development Regulations (LDR), the County Administrator may approve the reduction or increase in required parking of less than 20% for standard developments, as defined in Article 10, LDR.

# NOW, THEREFORE, THE COUNTY ADMINISTRATOR HEREBY DETERMINES THAT:

A. A Parking Rate Adjustment for Jensen Beach Professional Center is hereby approved authorizing the applicant to reduce the amount of required parking from 147 spaces to 126 spaces, (a 14.5 % reduction, or 21 spaces).

B. This parking rate adjustment shall be recorded in the public records of Martin County. A copy shall be forwarded to the applicant by the Growth Management Department subsequent to recording.

DATED THIS 11th DAY OF April , 2006.

Duncan Ballantyne **County Administrator** 

/data/eng/docs/end/Turtle Creek Parking Resolution

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