

## Interoffice Memorandum

**DATE:** January 29, 2025

**TO:** Mayor Jerry L. Demings and County Commissioners

**THROUGH:** N/A

**FROM:** Tanya Wilson, AICP, Director, Planning, Environmental, and Development Services Department

**CONTACT:** Renée H. Parker, LEP, Manager

**PHONE:** (407) 836-1420

**DIVISION:** Environmental Protection Division

**ACTION REQUESTED:**

Acceptance of the findings and recommendation of the Environmental Protection Division staff and approval of Conservation Area Impact Permit Modification Application (CAI-17-05-017-MOD2) to modify Specific Condition No. 15 to allow for a semi-private boat ramp on Little Sand Lake, for the Sand Lake Sound Subdivision, subject to the 34 conditions listed in the staff report. District 1 (Environmental Protection Division)

**PROJECT:** February 25, 2025 – Public Hearing for Conservation Area Impact Permit Modification Application for Goza LLC, Sevillana LLC, Marbellana LLC, and Sand Lake Sound Homeowners Association, Inc. (Application No. CAI-17-05-017-MOD2, Related to Application Nos. BR-22-09-001 and CAI-22-12-081)

**PURPOSE:** The applicants (Goza LLC, Sevillana LLC, Marbellana LLC, and Sand Lake Sound Homeowners Association, Inc.) are requesting a Conservation Area Impact (CAI) Permit Modification to modify Specific Condition No. 15 in CAI-17-05-017-MOD to remove a prohibition on boat ramps on Little Sand Lake and allow for an application and subsequent approval of a semi-private boat ramp in the Sand Lake Sound Subdivision, provided all applicable permits are obtained. This CAI Permit Modification application (CAI-17-05-017-MOD2) is being reviewed concurrently with a Boat Ramp Permit Facility Application (BR-22-09-001) for a new semi-private boat ramp in the Sand Lake Sound Subdivision and a Conservation Area Impact Permit Application (CAI-22-12-081) for surface water impacts associated with the construction of the ramp.

The project is being reviewed under the prior version of Article X, Conservation Areas Ordinance, adopted in 1987, since the original permit (CAI-17-05-017) was issued on August 2, 2017, prior to the effective date of June 1, 2024, for the updated Article X.

The original project area of CAI-17-05-017 encompassed portions of Parcel Nos. 35-23-28-0000-00-056 and 35-23-28-0000-00-008, which have since been split into multiple single family and community lots, including the recreation/boat ramp tract (Parcel No. 35-

23-28-7843-09-001) as part of the Sand Lake Sound subdivision.

On August 2, 2017, CAI-17-05-017 was staff issued to Goza LLC, Sevillana LLC, and Marbellana LLC pursuant to the streamlining approval at the February 5, 2008 Board meeting, and pursuant to Orange County Code, Chapter 15, Article X, Conservation Ordinance (adopted in 1987). The permit authorized 0.28 acre of Class I wetland impacts in order to construct an access road to connect upland portions of the development. Condition No. 15 of CAI-17-05-017 stated, *"No community ramps or docks are permitted on Little Sand Lake, Big Sand Lake, or Lake Marie."* CAI-17-05-017 was subsequently modified on August 8, 2017 to revise Condition No. 15 to instead state, *"No community ramps are permitted on Little Sand Lake, Big Sand Lake or Lake Marie."* On October 6, 2021, CAI-17-05-017 was found to be in compliance with all restoration and mitigation requirements.

Concurrent with the requests for a Semi-Private Boat Ramp Facility Permit Application (BR-22-09-001) for a new semi-private boat ramp on Parcel No. 35-23-28-7843-09-001 in the Sand Lake Sound Subdivision and a Conservation Area Impact Permit Application (CAI-22-12-081) for surface water impacts associated with the construction of the ramp, the applicants completed a replat of Parcel No. 35-23-28-7843-09-001 (PR-23-06-031, approved on March 6, 2024) and a partial transfer of CAI-17-05-017-MOD to add the Sand Lake Sound Homeowners Association, Inc. (current owner of Parcel No. 35-23-28-7843-09-001) as a permittee. The partial transfer of CAI-17-05-017-MOD was issued on January 9, 2025, and places responsibility of all permit conditions of CAI-17-05-017-MOD with respect to Parcel No. 35-23-28-7843-09-001 solely under the Sand Lake Sound Homeowners Association, Inc. The remaining permittees (Goza LLC, Sevillana LLC, and Marbellana LLC) are still responsible for all specific and general conditions of permit CAI-17-05-017-MOD for all other parcels within the development. No other changes were made during the partial transfer.

On January 7, 2025, EPD received the current request to further modify Condition No. 15 of CAI-17-05-017-MOD to state, *"No community ramps are approved by this permit on Big Sand Lake or Lake Marie. A community ramp may be permitted on Little Sand Lake within Tract I of the Sand Lake Sound Replat, as recorded in Plat Book 99, Pages 104-113, subject to obtaining all requisite permits and approval for such ramp."* It should be noted that Plat Book 99, Pages 104-113 was originally the Granada Loop plat. The area was later replatted as Sand Lake Sound (Book 99, Pages 145-150). Subsequently, Parcel No. 35-23-28-7843-09-001 was again replatted (and named Tract I-A) in Book 114, Pages 141-142 (PR-23-06-031, approved on March 6, 2024). Staff has proposed a slightly modified version of Condition No. 15 that reflects the most recent replat (Book 114, Pages 141-142). The final condition states, *"No community ramps are approved by this permit on Big Sand Lake or Lake Marie. A community ramp may be permitted on Little Sand Lake within Tract I-A of the Sand Lake Sound Replat, as recorded in Plat Book 114, Pages 141-142, subject to obtaining all requisite permits and approval for such ramp."* The proposed permit condition was reviewed by the County Attorney's Office and is substantially consistent with the relevant condition in the previously issued Preliminary Subdivision Plans (PSP-17-02-046) approved by the Board on July 11, 2017, which states, *"Approval of this plan does not constitute permission for the construction of a boat dock (including but not limited to boardwalks or observation piers) or a boat ramp. Any person desiring to construct a boat dock or boat ramp within unincorporated Orange*

*County shall first apply for a permit prior to the installation. A Boat Dock shall require additional permitting under Chapter 15, Article IX, Dock Construction, and a boat ramp shall require additional permitting under Chapter 15, Article XV, Boat Ramps."* Other than minor grammatical edits, no other changes to permit conditions are included in the request.

BR-22-09-001 and CAI-22-12-081 were originally presented to the Board on November 19, 2024. The public hearing was continued to February 25, 2025. There is also a community meeting scheduled for February 5, 2025 to discuss both BR-22-09-001 and CAI-22-12-081.

There has been no enforcement action taken by EPD on the subject property.

EPD staff has made a finding that the request is consistent with Orange County Code, Chapter 15, Article X, and recommends approval of the CAI Permit No. CAI-17-05-017-MOD2, subject to the 34 conditions listed below:

Specific Conditions:

1. This permit shall become final and effective upon expiration of the thirty (30) calendar day period following the date of issuance of this permit, unless a petition for writ of certiorari or other legal challenge has been filed within this timeframe. Any timely filed petition or other challenge shall stay the effective date of this permit until the petition or other challenge is resolved.
2. Based on the documentation and justifications provided by the applicants, the applicants have demonstrated that the proposed site plan allows for reasonable use of the land and that there are no other feasible or practical alternatives available to further minimize the impacts to Class I wetlands.
3. The operational phase of this permit is effective upon the completion of the construction and continues in perpetuity.
4. The wetland impacts must be completed in accordance with 'Figure 13' of the plans prepared by Carnahan Proctor & Cross (CPC), received by the Environmental Protection Division (EPD) on July 11, 2017. Construction shall be completed within five years from the original issuance of this permit unless extended in writing. Requests for permit extension must be submitted to EPD prior to the expiration date.
5. The wetland impacts associated with the proposed roadway must be completed in accordance with 'Figure 13' of the plans prepared by CPC, received by EPD on July 11, 2017.
6. Conservation areas shall be clearly marked with signage that identifies the wetland and upland buffer. These signs shall be installed on every other individual lot line, and a distance of 100 feet apart on any roadway or open space. The signage shall conform to the detail shown on 'Figure 13' of the plans. The signs shall be installed prior to plat approval.
7. Prior to initiating any construction within the wetlands to be impacted, EPD shall receive a Certificate of Credit from the Southport Mitigation Bank stating that the

transaction regarding 0.97 credits has been completed. [The credit purchase was completed on November 6, 2017]

8. In the event that the permittees do not successfully complete the transaction to obtain the requisite 0.97 credits from the Southport Mitigation Bank, the permittees shall obtain a permit modification from the Environmental Protection Officer to provide alternative mitigation for the wetland impacts prior to the commencement of any construction activities.
9. The applicants shall provide written notification to property owners that no alteration or encroachment of the platted conservation areas shall occur unless approved by Orange County. These restrictions shall be recorded as covenants and restrictions on the subdivision plat and shall be part of the documents provided to purchasers of lots within the subdivision. A copy of the notification that is to be provided to purchasers shall be submitted to EPD at the time of platting.
10. Properties shall have an environmental berm and swale installed prior to the certificate of completion for any of the subject lots. The berm and swale shall be maintained throughout construction.
11. The restoration planting shall be completed in accordance with the 'Lakeshore Restoration Area' Figure received by EPD on July 11, 2017, prepared by Bio-Tech Consulting Inc. Restoration planting shall include bald cypress (*Taxodium distichum*), sand cordgrass (*Spartina bakeri*), pickerelweed (*Pontederia cordata*) and duck potato (*Sagittaria lancifolia*). Sizes and quantities are listed in the above-referenced Figure.
12. Successful establishment of the wetland restoration will have occurred when:
  - a. At least 80 percent of the planted tree species have survived throughout the monitoring period and show signs of normal growth based upon standard growth parameters such as height and base diameter or canopy circumference;
  - b. At least 85 percent cover by appropriate wetland herbaceous species has been obtained;
  - c. Hydrologic conditions generally conform to those specified in the mitigation plan;
  - d. The mitigation area comprises less than five (5) percent exotic vegetation, as listed in the Florida Exotic Pest Plant Council's 2017 List of Invasive Species Category I and II; and
  - e. The above criteria have been met at the end of a one-year monitoring period to EPD's satisfaction.
13. A time zero monitoring report shall be submitted within 30 days of completion of the restoration planting. The report shall include (at a minimum) the site location, field sampling design, sampling methodology, photographic documentation, fish and wildlife observations, hydrology, results and discussion.
14. The permittees are required to submit semi-annual monitoring reports utilizing the EPD Qualitative Monitoring Form or a monitoring report that contains the following information (site location, GPS location of fixed transect, field sampling design, sampling methodology, photographic documentation, fish and wildlife observations,

hydrology, results and discussion). If at the end of the one-year restoration monitoring period, the mitigation area is not meeting the monitoring success criteria, the permittees may be required to provide a modified restoration plan, primarily if the plant coverage (post removal) is not meeting the success criteria outlined in the July 11, 2017 Monitoring and Maintenance Plan or as stated in Condition #12.

15. No community ramps are approved by this permit on Big Sand Lake or Lake Marie. A community ramp may be permitted on Little Sand Lake within Tract I-A of the Sand Lake Sound Replat, as recorded in Plat Book 114, Pages 141-142, subject to obtaining all requisite permits and approval for such ramp.
16. This permit does not authorize any fill within the wetland restoration areas. The wetland impact associated with the road construction is located within the 100-year flood zone and a Flood Plain Permit may be required from the Orange County Stormwater Management authorizing the fill.
17. The permittees shall notify EPD, in writing, within 30 days of any sale, conveyance, or other transfer of ownership or control of the real property subject to this permit. The permittees shall remain liable for all permit conditions and corrective actions that may be required as a result of any permit violations which occur prior to the transfer of the permit by Orange County to a subsequent owner. If applicable, no permit shall be transferred unless and until adequate financial assurance has been provided and approved by Orange County.
18. For projects which disturb one acre or more of land, or which are less than one acre but are part of a larger common plan of development of sale that is greater than one acre, coverage under a National Pollutant Discharge Elimination System (NPDES) Construction Generic Permit (CGP) is required. Prior to the start of land disturbing activities, which includes demolition, earthwork and/or construction, the operator shall prepare a Stormwater Pollution Prevention Plan (SWPPP) and submit to the Florida Department of Environmental Protection (FDEP) a Notice of Intent (NOI) to obtain coverage under the NPDES Generic Permit for Stormwater Discharge from Large and Small Construction Activities (CGP) pursuant to the requirements of 62-621.300(4)(a) F.A.C. As the Operator of the MS4, a copy of the NOI shall also be submitted to the Orange County NPDES Environmental Program Supervisor prior to the start of activities. Copies of the SWPPP, NOI, and FDEP Acknowledgement Letter are to be kept on the project site and made available upon request. Upon completion of all land disturbing activities and after final stabilization of the site is complete, the developer/contractor shall submit to FDEP a Notice of Termination (NOT) to end their coverage under the CGP and provide a copy of the NOT to the Operator(s) of the MS4. A copy of the CGP, NOI and additional information can be found on the FDEP website: <http://dep.state.fl.us/water/stormwater/npdes/construction3.htm>.
19. Turbidity and sediment shall be controlled to prevent off-site, unpermitted impacts and violations of water quality standards pursuant to Rules 62-302.500, 62-302.530, and 62-4.242 Florida Administrative Code (FAC). Best Management Practices (BMPs), as specified in the State of Florida Erosion and Sediment Control Designer and Reviewer Manual (2013, or most current version), shall be installed and maintained at all locations where there is the possibility of transferring sediment, turbidity, or other pollutants, into wetlands and/or surface waters due to the permitted activities. BMPs are performance based, if selected BMPs are ineffective or if site-specific conditions require additional measures, then the permittee shall implement additional or alternative measures as necessary to prevent adverse impacts to wetlands and/or

surface waters. Turbidity discharging from a site must not exceed 29 NTU over background for Class III waters and their tributaries or 0 NTU over background for those surface waters and tributaries designated as Outstanding Florida Waters (OFW). A copy of the Designer and Reviewer Manual can be found at the following website: <https://www.flrules.org/Gateway/reference.asp?No=Ref-04227>

## General Conditions

20. Subject to the terms and conditions herein, the permittees are hereby authorized to perform or cause to be performed, the impacts shown on the application and approved drawings, plans, and other documents attached hereto or on file with EPD. The permittees bind themselves and their successors to comply with the provisions and conditions of this permit. If EPD determines at any time that activities, including without limitation the performance of the required mitigation, are not in accordance with the conditions of the permit, work shall cease and the permit may be revoked immediately by the Environmental Protection Officer. Notice of the revocation shall be provided to the permit holders promptly thereafter.
21. Prior to construction, the permittees shall clearly designate the limits of construction on-site. The permittees shall advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
22. Construction plans shall be submitted to EPD prior to initiating any construction activities for review and approval. The construction plans shall include, but are not limited to, a site plan clearly depicting the location and acreage of the impacts and preservation.
23. The permittees shall require the contractor to maintain a copy of this permit, complete with all approved drawings, plans, conditions, attachments, exhibits, and modifications in good condition at the construction site. The permittees shall require the contractor to review the permit prior to commencement of the activity authorized by this permit. The complete permit shall be available upon request by Orange County staff.
24. Issuance of this permit does not warrant in any way that the permittees have riparian or property rights to construct any structure permitted herein and any such construction is done at the sole risk of the permittees. In the event that any part of the structure(s) permitted herein is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent property owner's riparian or other property rights, the permittees agree to either obtain written consent or to remove the offending structure or encroachment within 60 days from the date of the adjudication. Failure to comply shall constitute a material breach of this permit and shall be grounds for its immediate revocation.
25. This permit does not release the permittees from complying with all other federal, state, and local laws, ordinances, rules and regulations. Specifically, this permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittees or create in the permittees any property right, or any interest in real property, nor does it authorize any entrance upon or activities upon property which is not owned or controlled by the permittees, or convey any rights or privileges other than those specified in the permit and Chapter 15, Article X (adopted 1987) of the Orange County Code. If these permit conditions conflict with those of any

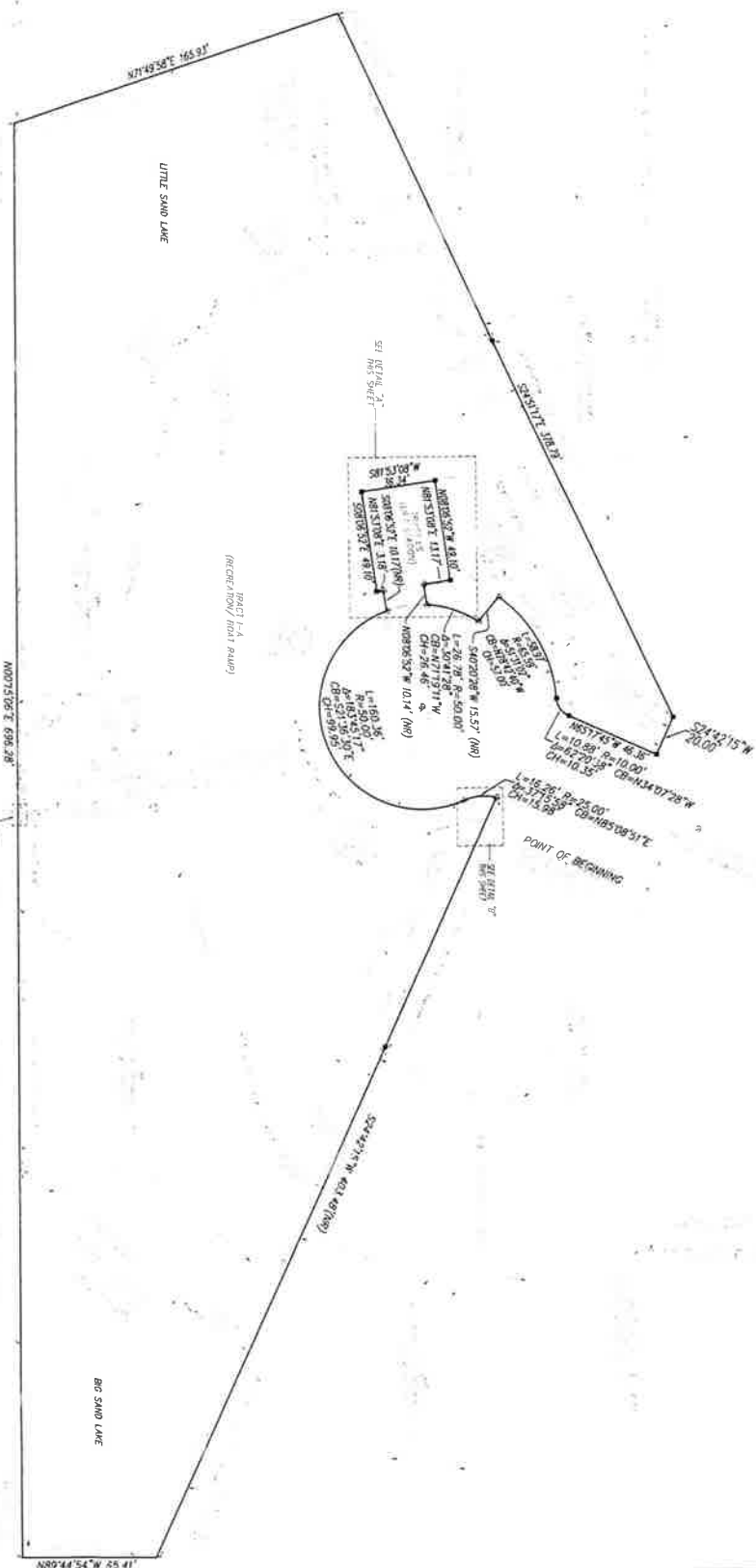
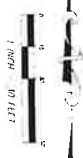


other regulatory agency the permittees shall comply with the most stringent conditions. The permittees shall immediately notify EPD of any conflict between the conditions of this permit and any other permit or approval.

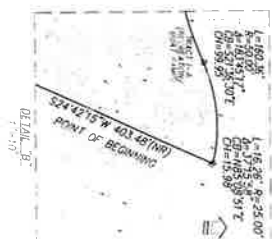
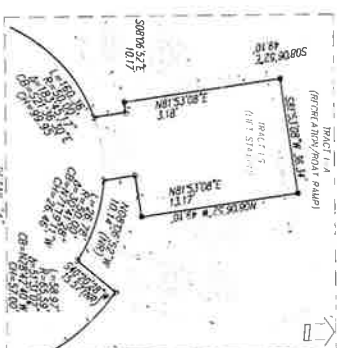
26. The permittees are hereby advised that Section 253.77, Florida Statutes, states that a person may not commence any excavation, construction, or other activity involving the use of sovereignty or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement or other form of consent authorizing the proposed use. Therefore, the permittees are responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.
27. Should any other regulatory agency require changes to the property, permitted activities, or approved mitigation, the permittees shall provide written notification to EPD of the change prior to implementation so that a determination can be made whether a permit modification is required.
28. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
29. The permittees shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.
30. EPD staff, with proper identification, shall have permission to enter the site at any reasonable time to either, at a minimum, inspect, sample, or test to ensure conformity with the plans and specifications approved by the permit.
31. The permittees shall hold and save the County harmless from any and all damages, claims or liabilities, which may arise by reason of the activities authorized by the permit.
32. All costs, including attorney's fees, incurred by the County in enforcing the terms and conditions of this permit shall be required to be paid by the permittees.
33. The permittees agree that any dispute arising from matters relating to this permit shall be governed by the laws of Florida, and initiated only in Orange County.
34. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicants to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicants fail to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicants shall obtain all other applicable state or federal permits before commencement of development.

**BUDGET: N/A**

PLAT  
BOOK: **114** PAGE: **142**



**LAND DEVELOPMENT & TRANSPORTATION ENGINEERING PLANNING SURVEYING & MAPPING**



NOTICE

[illegible]