

Board of County Commissioners

**Conservation Area Impact Permit Modification
and Shoreline Alteration/Dredge and Fill
Permit Application**

CAI-15-09-034 and SADF-19-04-007

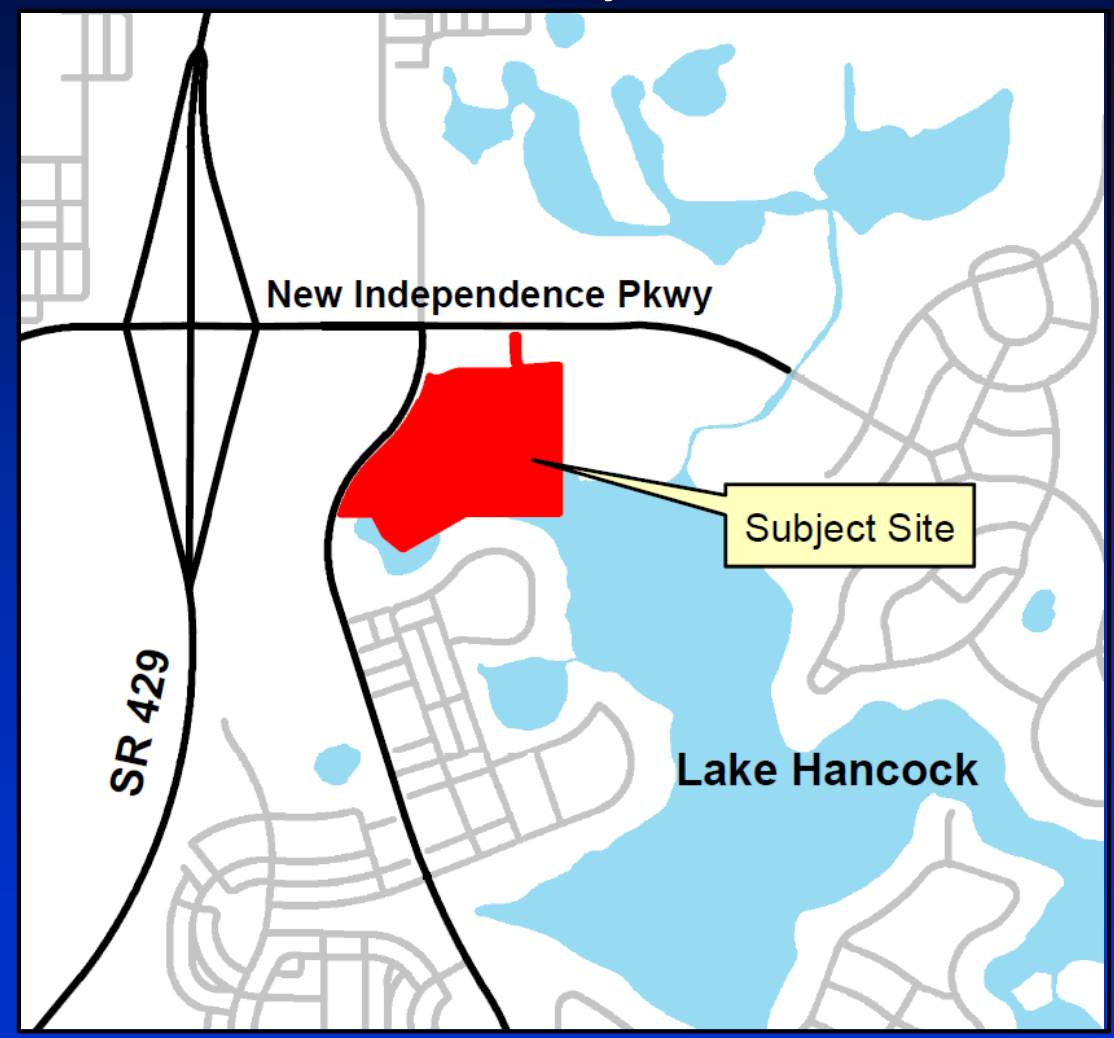
Applicant: Hamlin Retail Partners East, LLC

December 1, 2020



Location Map

14111 Shoreside Way, Winter Garden



Parcel ID Nos.: 20-23-27-2713-03-000, 20-23-27-2713-04-000



Aerial

14111 Shoreside Way, Winter Garden



Parcel ID Nos.: 20-23-27-2713-03-000, 20-23-27-2713-04-000



Background

- **December 13, 2016: CAI-15-09-034 was approved by the Board and was subsequently issued by EPD on December 20, 2016.**
- **CAI-15-09-034 authorized 0.43 acre of direct Class I impacts in order to construct portions of an elevated boardwalk along Lake Hancock and portions of stormwater retention ponds and compensating storage for a retail and dining area.**
- **The permit also authorized 1.67 acres of secondary wetland impacts associated with the construction of a boardwalk, floating dock, and kayak launch.**

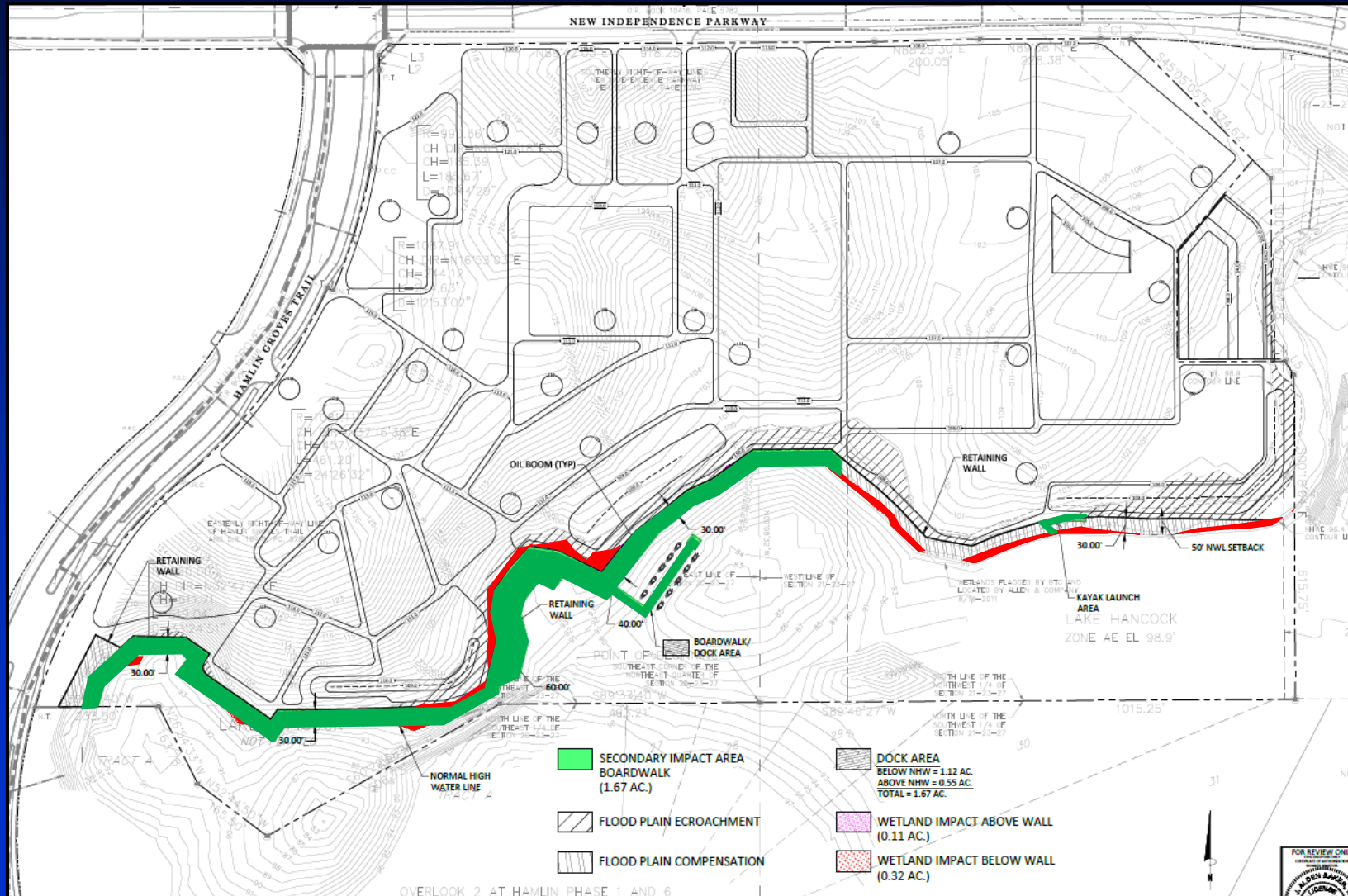


Background

- The previously authorized 0.43 acre wetland impacts have been completed; however, the boardwalk construction has not yet started.
- Mitigation for the direct and secondary impacts included preservation of 10.38 acres of Class I wetlands at the Latham Park Mitigation Tract.
- The mitigation area has been preserved via a recorded conservation easement.



Background



0.43 acre of direct wetland impact

1.67 acres of secondary wetland impact

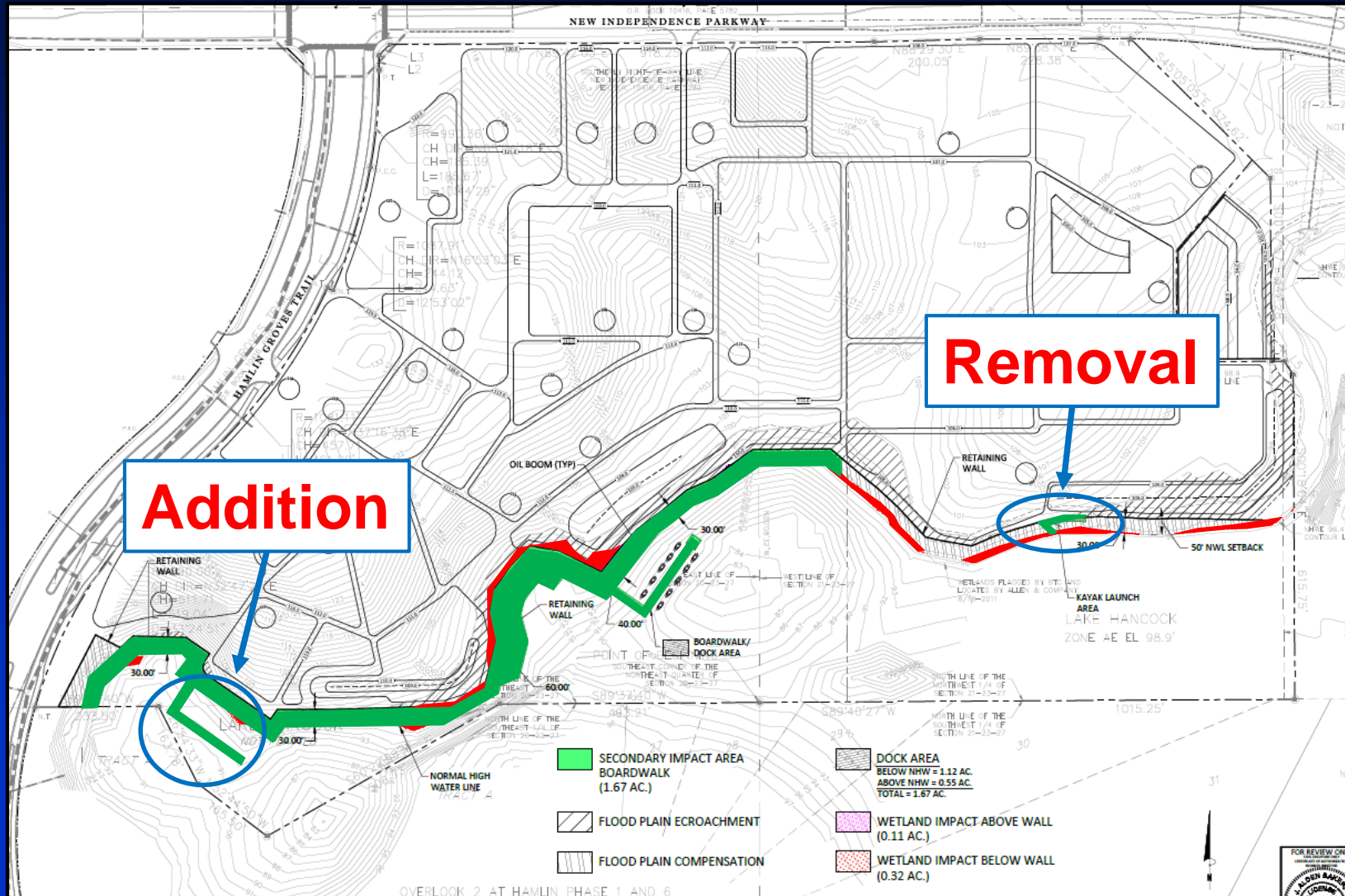


Proposed Request – CAI Modification

- EPD received a request to modify CAI-15-09-034 for proposed changes to the boardwalk which include removing the kayak launch and adding a second mooring dock in the northwestern cove of Lake Hancock adjacent to the development.
- The total acreage of the boardwalk will increase from 1.67 acres to 1.75 acres.
- In the project area, the littoral zone of the lake is mainly comprised of normal healthy native emergent vegetation with moderate occurrences of nuisance exotic species.



Proposed Request - CAI Modification



0.43 acre of direct wetland impact. (already completed)

Secondary wetland impact increases from 1.67 to 1.75 acres. (Addition of mooring dock in western cove and removal of kayak launch)



Proposed Request - CAI Modification

- **By removing the kayak launch and other minor adjustments to the boardwalk configuration, and due to a slight surplus of mitigation provided in the original permit, the applicant has sufficient mitigation under the original permit to adequately offset both the original impacts and the proposed modifications.**

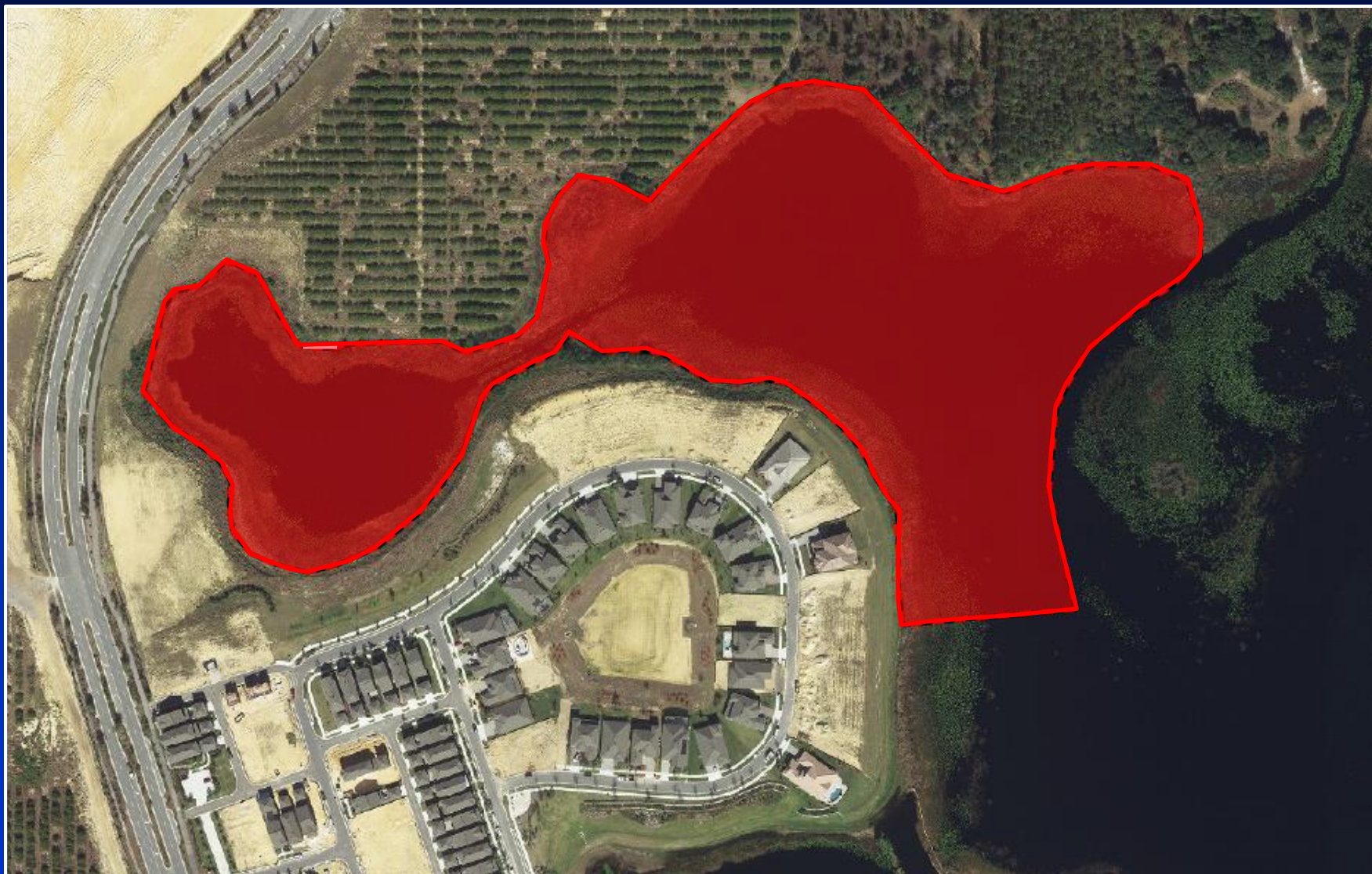


Proposed Request - Shoreline Alteration/Dredge and Fill

- Lake Hancock water levels fluctuate greatly. The lake contains a series of lobes that at times of low water become isolated from the main lake.
- Originally, the applicant proposed to dredge 20 acres of Lake Hancock for navigational dredging.
- Because of the magnitude and unusual nature of the request, EPD engaged Amec, Inc., to perform a third-party review.
- The Amec study concluded “the project should provide increased navigational access and, with proper project management and erosion control, is not expected to result in significant deleterious impacts to water quality or water level as a direct result of the project.”
- The report states that dredging will likely have the greatest impact on habitat quality and quantity.
- Subsequent to the Amec study, the applicant revised their request and reduced the scope to 6.88 acres of navigational dredging in Lake Hancock.

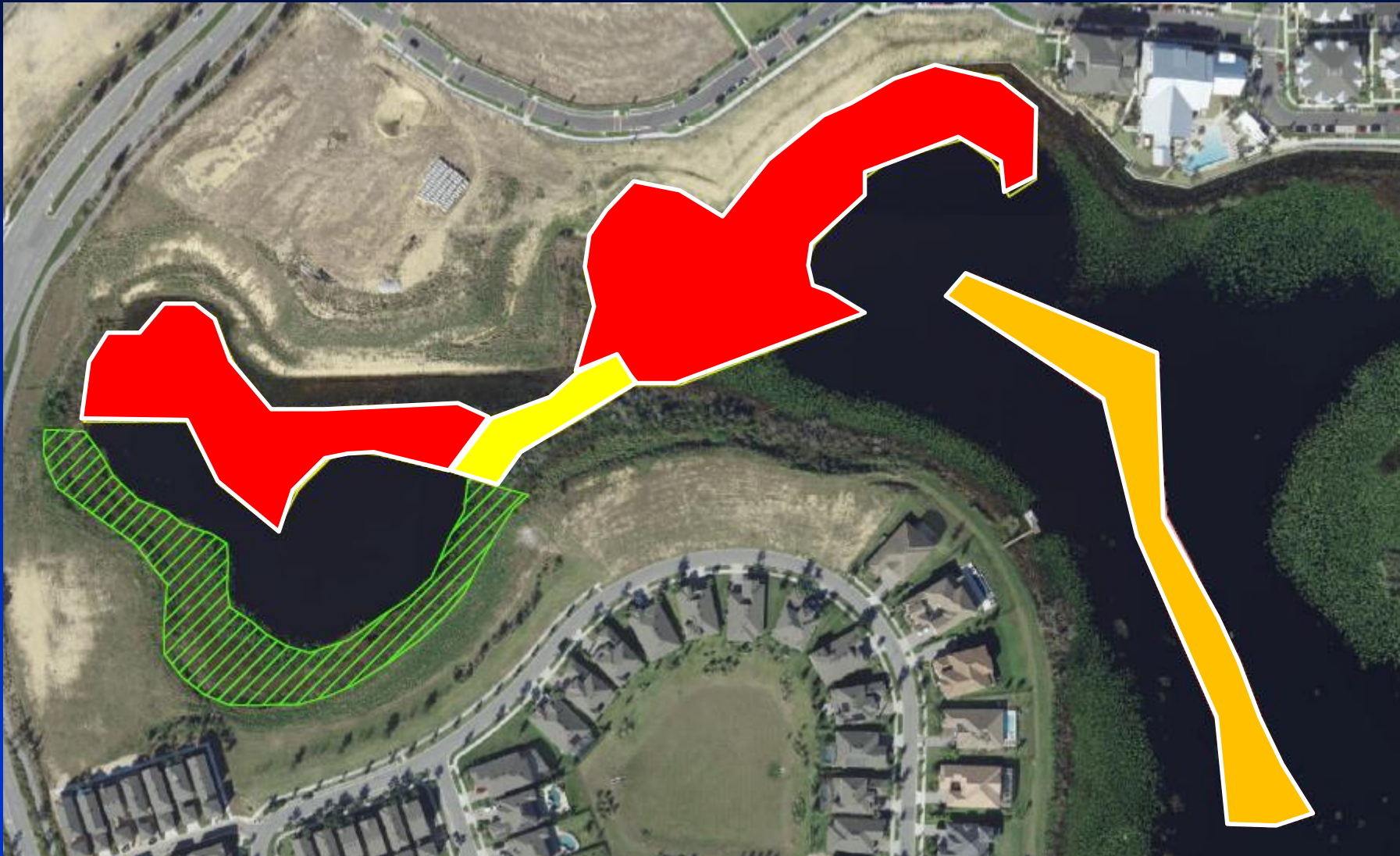





Original Request - Shoreline Alteration/Dredge and Fill





Proposed Request - Shoreline Alteration/Dredge and Fill



-  Northern lobe shoreline
4.79 acres
-  Area between main lake and western lobe
0.32 acre
-  Southern dredge area
1.77 acres



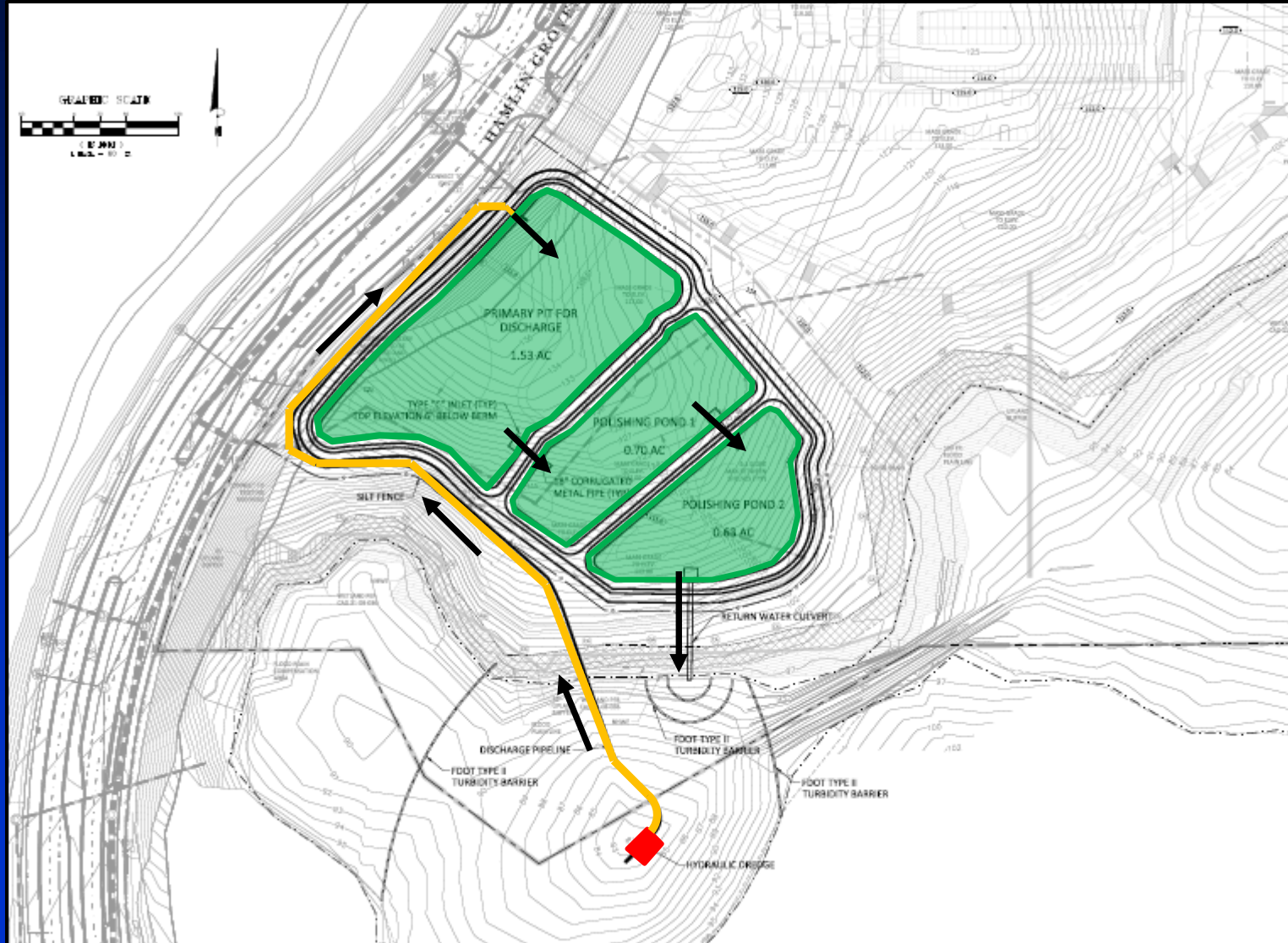
Enhancement/Planting area



Enhancement/
replanting area
1.8 acres



Proposed Request - Shoreline Alteration/Dredge and Fill





Review Criteria

- **Chapter 15, Article VI, Section 15-218(e):**
 - **(1) The effect of the proposed plan or development on the use of said waters in said county for transportation and recreational or other public purposes and public conveniences.**
 - **(2) The effect of the proposed plan or development on the free use of waters and waterways within the county.**
 - **(3) The effect of the proposed plan or development upon erosion control in the said county.**
 - **(4) The effect of the proposed plan or development upon the flow of waters in said county.**



Review Criteria Cont.

- (5) The effect of the proposed plan or development upon formation of stagnant pockets likely to collect debris.**
- (6) The effect of the proposed plan or development upon the natural beauty and recreational advantage within said county.**
- (7) The effect of the proposed plan or development upon the conservation of wildlife, marine life, and other natural resources.**
- (8) The effect of the proposed plan or development upon the upland surrounding or necessarily affected by said plan or development.**



Water Quality Assurance Plan

- **Conduct annual lake vegetation indices to determine the extent and timing of re-establishment and detect any changes in composition of aquatic plant communities within the dredge footprint.**
- **Conduct annual surveys of benthic invertebrate communities within the dredge footprint to determine the extent and timing of re-establishment of the community and identify changes in composition over time.**
- **Collect water quality samples for analysis from dedicated locations on a semi-annual basis, with more frequent sampling if an impairment is detected.**
- **Measure discharges and collect water quality samples from outfalls to the lake to determine the source and concentration of nutrients entering the dredged area.**
- **Collect field data including rainfall amounts and lake stage elevations from a real-time station to establish the hydrologic behavior of the northern lobe.**



Water Quality Monitoring Plan

- Quarterly water quality sampling.
- Annual submerged aquatic vegetation sampling.
- Bi-annual benthic macroinvertebrate sampling.
- Muck depth sampling and maintenance dredging as needed to remove accumulations of muck greater than one foot in thickness to maintain the dredged areas for navigation and reduce the nutrient load associated with the muck.
- Planting and enhancement of 1.8 acres of the southern portion of the northwest cove with native herbaceous species. The enhancement area maintenance plan will include control of nuisance and exotic vegetation and will be monitored for 10 years.



Considerations for CAI

- Pursuant to Orange County Code, Chapter 15, Article X, EPD staff has evaluated the permit application and required documentation therein.
- The proposed changes to the boardwalk result in a minor increase in secondary impacts.
- Surplus mitigation in the form of a recorded conservation easement provided under the original permit sufficiently offsets the slight increase in secondary impacts.



Considerations for SADF

- Pursuant to Orange County Code, Chapter 15, Article VI, EPD staff has evaluated the permit application and required documentation therein.
- Third party review of the proposal determined that no significant deleterious impacts to water quality or levels are expected as a direct result of the project.
- A water quality monitoring program will be established.
- Planting and enhancement of 1.8 acres of the southern portion of the northwest cove will be conducted to offset the dredging impacts.
- Shoreline residents along the entire lake were notified of the dredging request and public hearing. No objections were received. Nine residents have communicated their support for the project via electronic mail.



Findings

- EPD staff has made a finding that the permit requests are consistent with Orange County Code, Chapter 15, Article VI and X, and recommend approval of the permit modification for CAI Permit No. CAI-15-09-034 and Permit No. SADF-19-04-007.



Actions Requested

- **Acceptance of the finding and recommendation of the Environmental Protection Division and approval of Conservation Area Impact Permit Modification CAI-15-09-034 for Hamlin Retail Partners East, LLC subject to the conditions listed in the staff report. District 1**
- **Acceptance of the finding and recommendation of the Environmental Protection Division and approval of Shoreline Alteration/Dredge and Fill Permit SADF-19-04-007 for Hamlin Retail Partners East, LLC subject to the conditions listed in the staff report. District 1**