

Interoffice Memorandum

DATE: January 22, 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 CAI-22-12-081 for the Sand Lake Sound Homeowners Association, Inc., subject to the 25 conditions listed in the staff report. District 1

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

PURPOSE: The applicant, Sand Lake Sound Homeowners Association, Inc., is requesting a Conservation Area Impact (CAI) permit to authorize direct impacts to a Class I surface water in order to construct a new semi-private boat ramp for the Sand Lake Sound Subdivision. The CAI permit application (CAI-22-12-081) is being reviewed concurrently with a Semi-Private Boat Ramp Permit Application (BR-22-09-001) as well as a modification of a previously issued Conservation Area Impact Permit (CAI-17-05-017-MOD2) issued for the development of the Sand Lake Sound subdivision.

The project is being reviewed under the prior version of Article X, Conservation Areas Ordinance, adopted in 1987, since the application was received December 14, 2022 prior to the effective date of June 1, 2024 for the updated Article X.

The project site is located at 7565 Alpine Butterfly Lane, Orlando, FL 32819, on the southern shoreline of Little Sand Lake in District 1. The Parcel ID for the site is 35-23-28-7843-09-001.

On September 11, 2022, the Environmental Protection Division (EPD) received an Application to Construct a Boat Ramp Facility to construct a semi-private boat ramp at the subject parcel, located within the Sand Lake Sound Subdivision. On November 1, 2022,

EPD informed the applicant that a Conservation Area Impact (CAI) Permit Application was also required in order to address any impacts to wetlands and surface waters. On December 14, 2022, EPD received the subject CAI permit application. Several Requests for Additional Information letters were sent and other coordination has taken place with the applicant throughout 2023 and 2024.

The applicant is proposing 0.049 acres of direct impacts and 0.17 acres of secondary impacts to Little Sand Lake in order to construct the semi-private boat ramp. The direct impacts include the permanent alteration to the surface water and shoreline wetland for the construction of the concrete ramp (0.02 acre), as well as the dredging of 67.56 cubic feet of lake-bottom sediment to create a 12-foot by 50-foot (0.029 acre) channel at the end of the concrete ramp for adequate water depth and navigation purposes. The applicant will install sediment and erosion control measures during construction.

Associated with the proposed dredging activities, the applicant will implement a water quality monitoring plan to ensure the construction does not result in a decrease in water quality during the construction period. As part of the plan, the applicant will monitor the applicable water quality parameters and submit reports to EPD on a weekly basis.

As mitigation for the proposed impacts, the applicant has proposed to make a contribution to the Conservation Trust Fund of \$5,000. EPD has determined that the mitigation is appropriate and sufficient to offset adverse impacts to wetlands and surface waters that will occur as a result of the proposed project.

EPD staff has evaluated the proposed impacts and site plan in accordance with the applicable review criteria. Pursuant to Orange County Code, Chapter 15, Article X, Section 15-362(5), where wetlands serve a significant and productive environmental function, the public health, safety and welfare require that any alteration or development affecting such lands should be so designed and regulated so as to minimize or eliminate any impact upon the beneficial environmental productivity of such lands, consistent with the development rights of property owners. When encroachment, alteration or removal of Class I conservation areas is permitted, habitat compensation or mitigation as a condition of development approval shall be required. Additionally, pursuant to Section 15-396(3)(a), the removal, alteration or encroachment within a Class I conservation area shall only be allowed in cases where no other feasible or practical alternatives exist that will permit a reasonable use of the land or where there is an overriding public benefit.

Based on the documentation and justifications provided by the applicant, EPD staff has determined that the applicant has demonstrated the proposed site plan allows for reasonable use of the land, that there are no other feasible or practical alternatives available to further minimize or eliminate impacts to the Class I wetlands, and therefore the request meets the criteria for approval.

This application request was originally presented to the Board as a public hearing on November 19, 2024. The applicant and their agent were sent notification of the public hearing via electronic correspondence. Notification of the adjacent property owners is not required; however, noticing was completed for BR-22-09-001 consistent with the requirements in Orange County Code, Chapter 15, Article XV, Section 15-605(d)(2).

Prior to the public hearing, EPD had received 54 responses from residents: 31 in favor and 23 opposed. Of the total responses received, 34 were from property owners in the subject subdivision: 30 in favor and four opposed. During the hearing, there were 10 members of the public that made comments; three stated their opposition and seven spoke in favor of the request. The main themes of the comments in opposition to the request included: concern over a potential increase in boat traffic, potential dredging/destruction of the nearby channel that is hydrologically connected to Big Sand Lake, and the prohibition on boat ramps in the previously issued CAI-17-05-017. The main themes of the comments in favor included: the ramp would increase property values in the Sand Lake Sound subdivision, the Sand Lake Sound property owners were promised a boat ramp when they purchased their properties, and the ramp would provide a safer and more environmentally friendly way for residents to access the lake than is currently available. During the hearing, District 1 Commissioner Nicole Wilson noted that her request for a community meeting had been declined by the applicant. A motion was made and unanimously approved to continue the public hearing to February 25, 2025. Subsequently, a community meeting was scheduled for February 5, 2025.

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, Sections 15-362(5) and 15-396(3)(a) and recommends approval of the CAI Permit No. CAI-22-12-081, subject to the conditions listed below:

Specific Conditions:

1. This permit shall become final and effective upon expiration of the 30-calendar day period following the date of rendition of the Board's decision approving the 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 in favor of the Board's decision.
2. The operational phase of this permit is effective upon the completion of the construction and continues in perpetuity.
3. The wetland and surface water impacts must be completed in accordance with 'Figure 1, Proposed Boat Ramp Impacts' plan prepared by Bio-Tech Consulting, Inc., received by the Environmental Protection Division (EPD) on August 30, 2024. The applicant may maintain an access corridor in perpetuity pursuant to Chapter 15, Article VII, Section 15-255(1). Construction shall be completed within five years from issuance of this permit unless extended in writing. Requests for permit extension must be submitted to EPD prior to the expiration date.
4. The permittee must implement all water quality monitoring consistent with the 'Surface Water Quality Monitoring Program' prepared by Bio-Tech Consulting, Inc., received by EPD on August 30, 2024. The baseline water quality monitoring report is due to EPD within 14 days of the initiation of construction, after which time weekly reports must be submitted, with a final water quality report to be submitted within six months of the completion of the project.

5. Prior to any filling within the 100-year flood zone, a Flood Plain Permit may be required from the Orange County Stormwater Management Division authorizing the fill.
6. The permittee 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 permittee 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.
7. 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 CGP pursuant to the requirements of 62-621.300(4)(a) Florida Administrative Code (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>.
8. 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(70), and 62-4.242, F.A.C. 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>.
9. Discharge of groundwater from dewatering operations requires approval from FDEP

and the applicable Water Management District. The operator/contractor shall obtain an FDEP Generic Permit for the Discharge of Ground Water from Dewatering Operations pursuant to the requirements of 62-621.300(2)(a) and 62-620 F.A.C. and Chapter 403, Florida Statutes (FS). Discharges directed to the County's MS4 require an Orange County Right-of-Way Utilization Permit for Dewatering prior to the start of any discharges.

General Conditions:

10. Subject to the terms and conditions herein, the permittee is 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 permittee binds itself and its 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 holder promptly thereafter.
11. Prior to construction, the permittee shall clearly designate the limits of construction on-site. The permittee shall advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
12. 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 impact and preservation areas.
13. The permittee 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 permittee 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.
14. Issuance of this permit does not warrant in any way that the permittee has riparian or property rights to construct any structure permitted herein and any such construction is done at the sole risk of the permittee. 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 permittee agrees 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.
15. This permit does not release the permittee 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 permittee or create in the permittee 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 permittee or convey any rights or privileges other than those specified in the permit and Chapter 15, Article X of the Orange County Code. If these permit conditions conflict with those of any other regulatory agency the permittee shall comply with the most stringent conditions.

16. The permittee shall immediately notify EPD of any conflict between the conditions of this permit and any other permit or approval.
17. Should any other regulatory agency require changes to the property, permitted activities, or approved mitigation, the permittee 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.
18. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
19. The permittee shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.
20. EPD staff, with proper identification, shall have permission to enter the site at any reasonable time to ensure conformity with the plans and specifications approved by the permit.
21. The permittee 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.
22. 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 permittee.
23. The permittee agrees that any dispute arising from matters relating to this permit shall be governed by the laws of Florida and initiated only in Orange County.
24. Pursuant to Section 125.022 FS, issuance of this permit by the County does not in any way create any rights on the part of the permittee 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 permittee fails to obtain the 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.
25. Pursuant to Section 125.022 FS, the applicant shall obtain all other applicable state or federal permits before commencement of development.

BUDGET: N/A



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Suite 2
Jacksonville, FL 32246

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August 5, 2024

received
8/30/2024

Nicole Salvatico
Environmental Protection Division
3165 McCrory Place, Suite 200
Orlando, Florida 32803

Proj: Sand Lake Sound Boat Ramp – Orange County, Florida
Section 35, Township 23 South, Range 28 East
(BTC File #612-87)

Re: Surface Water Quality Monitoring Program

Dear Ms. Salvatico:

The applicant proposes the following Surface Water Quality Monitoring Program for the above referenced project:

WATER QUALITY MONITORING PROGRAM

As part of the dredge/construction work, the applicant will implement a program to monitor the background water quality conditions, as well as work area water quality conditions during construction of the proposed boat ramp. The data collected during this monitoring program will be utilized to compare subsequent conditions to background conditions, as well as calculated State water quality standards, to determine the effects, if any, of the construction activities related to the proposed boat ramp. This monitoring plan is proposed to commence upon acceptance from the Orange County Environmental Protection Division (OCEPD).



Collection of surface water samples and data associated with the monitoring program will be collected at least 30 days prior to conducting the dredge/construction; once a week during the construction period; and at least twice during the 60 days following completion of the project, or until water quality parameters post-construction meets the parameters pre-construction. The turbidity curtain will be in place and maintained until pre-construction parameters are met. If the collected data are indicative of atypical conditions or violations of water quality standards or criteria, OCEPD will be notified immediately. Any potential activities associated with corrective actions will be conducted in accordance and coordination with the OCEPD.

The following sections provide particular information associated with the proposed collection and analysis of water quality samples and data for the Surface Water Quality Monitoring Program:

WATER QUALITY METHODS AND MATERIALS

The water quality plan will consist of field data and surface water sample collection, as well as analysis of samples by an approved laboratory. The data and samples will be collected from four (4) water quality monitoring stations to be established both within and outside the turbidity curtain (Figure 1) by the BTC project biologist. Collection of surface water samples and data associated with the monitoring program will be collected at least 30 days prior to conducting the work to establish background turbidity levels; once a week during active work; and at least twice during the 60 days following completion of the project, or until water quality parameters post-construction meets the parameters of pre-construction. The turbidity curtain will be in place and maintained until pre-construction parameters are met. During the dredging activities, two (2) samples will be taken within the work area and two (2) samples outside the work area. If the sample outside the work area rises too high (29 NTU) above the background level established prior to construction, the dredging will be stopped and corrective actions will be coordinated with OCEPD.

PROPOSED SAMPLING STATIONS

The data and samples gathered as part of this plan will be collected from the following proposed water quality monitoring stations. Background data collections will be taken from these locations prior to construction activities.

Station

Location

Station #1	Within Work Area
Station #2	Within Work Area
Station #3	Outside Work Area
Station #4	Outside Work Area



The locations of these stations are depicted on the attached exhibit. We believe these locations will be sufficient to assess the project's contributions to the water quality of the lake and to downstream habitats.

WATER QUALITY FIELD MEASUREMENTS

Field parameters to be obtained during each monitoring event will include the following:

<i>Time</i>	<i>Water Temperature</i>
<i>Dissolved Oxygen</i>	<i>Specific Conductivity</i>
<i>Turbidity (NTU)</i>	<i>pH</i>

Field instruments to be utilized will be calibrated prior to each monitoring event. Upon arrival at the sampling destination, instruments will be calibrated prior to the collection of samples. During both calibration events standard EPA methods and manufacturer's instructions will be followed.

In situ measurements of dissolved oxygen, temperature, specific conductance, and pH will utilize a calibrated Hanna Multi-Parameter meter. Results of the in-field parameter monitoring events will be compiled and outlined in a letter report submitted to the OCEPD within 1 week of the sampling. A report of monitoring results will be prepared and submitted to the OCEPD following the 'MONITORING PROGRAM REPORT PREPARATION TIMELINE' below. The letter reports will include methods, field data, laboratory data, and comparisons of gathered data to baseline/background information, as well as State water quality standards.

WATER QUALITY SAMPLING PARAMETERS

In order to further assess the quality of the designated surface waters, the following sampling parameters will be monitored:

General Chemistry Parameters:
Total Nitrogen (mg/L)
Total Phosphorus (mg/L)
Total Suspended Solids (mg/L)
Turbidity (NTU)

Field activities conducted as part of this program will be in accordance with Florida Department of Environmental Protection (FDEP) Standard Operating Procedures (SOP) listed in FT1000 (rev 1/2017). Laboratory analysis will be conducted by a NELAC certified laboratory (TestAmerica – DOH Certification #E83012 Orlando, DOH Certification #E84282 Tampa and DOH Certification #E84282 Nashville). Sample containers utilized in laboratory analysis will be obtained from the



laboratory to be utilized prior to each sampling event. The containers will be labeled to indicate the type of analysis (nutrients, metals, etc...) and the type of preservative (if appropriate) for each container. Quality assurance objectives for laboratory analysis of listed parameters will be as per methods listed within Section 5 of the analyzing laboratory's QAP (available upon request).

The BTC project biologist will be responsible for sample custody until sample containers are dropped off at the analyzing laboratory. The project biologist will physically collect samples and operate field equipment. The project biologist will be responsible for recording all data and logging information on data sheets and labels in the field. Samples will be transported from the field to the laboratory by the project biologist. When samples are dropped off at the analyzing laboratory, a chain of custody form will be transferred from the project biologist to the laboratory project manager for each set of samples collected. The laboratory will verify the sample location identification, number of samples and types of samples collected. Samples will be logged in and processed per Section 7 of the analyzing laboratory's QAP.

MONITORING PROGRAM REPORT PREPARATION TIMELINE

Upon receipt of the results of the laboratory analysis, all data will be collated, reviewed and compared to baseline data as well as calculated Class III Water Quality Standards established by the Florida Department of Environmental Protection (FDEP) [F.A.C. 62-302.560 Criteria: Class III Waters]. Reports of monitoring results will be prepared and submitted to the OCEPD as follows;

1. A baseline water quality monitoring prior to construction (due within 14 days of the initiation of construction)
2. Weekly water quality monitoring during construction (to be submitted weekly)
3. A final water quality sample after construction is complete (due within 6 months of the completion of the project).

Data and conclusions drawn from the reports will be utilized to determine the effects, if any, of maintenance dredging on the selected surface waters located in the vicinity of the project.

If you have any questions, comments, or require any additional information do not hesitate to contact me at (407) 894-5969 or at kate@bio-techconsulting.com. Thank you.

Regards,

Kate Groninger
Project Manager