



Interoffice Memorandum

Received on January 14, 2025
No Advertising Requirements
EPD will send out abutters notice

January 10, 2025

To: Jennifer Lara-Klimetz, Assistant Manager
Comptroller Clerk's Office

Through: Cheryl Gillespie, Agenda Development Supervisor
Agenda Development

From: Renée H. Parker, LEP, Manager *RHP*
Environmental Protection Division
(407) 836-1420

**Staff Person: Elizabeth R. Johnson, CEP, Assistant Manager
Environmental Protection Division
(407) 836-1511**

Subject: Request for Public Hearing on February 25, 2025, at 2:00 p.m., for a Conservation Area Impact (CAI) Permit Modification Application (CAI-17-05-017-MOD2) to modify Specific Condition #15 to allow for a boat ramp on Little Sand Lake, for the Sand Lake Sound Subdivision, Tract I-A, located at 7565 Alpine Butterfly Lane, Orlando, FL 32819, Parcel ID No. 35-23-28-7843-09-001 and Parent Parcel ID Nos. 35-23-28-0000-00-056 (a portion of) and 35-23-28-0000-00-008 (a portion of); District 1

Applicants: Goza LLC, Sevillana LLC, and Marbellana LLC, and Sand Lake Sound Homeowners Ass'n, Inc.

Type of Hearing: Conservation Area Impact (CAI) Permit Modification

Hearing required by
Florida Statute # or Code: Orange County Comprehensive Plan

Advertising requirements: None

Advertising timeframes: N/A

Abutters to be notified: The applicants and agents will be notified at least seven days prior to the hearing by the Environmental Protection Division (EPD). Notification of abutters is not necessary.

Estimated time required
For public hearing: 2 minutes

January 10, 2025

Request for Public Hearing – Conservation Area Impact Permit Modification Application for the Sand Lake Sound Subdivision (CAI-17-05-017-MOD2)

Lake Advisory Board

To be notified:

Big Sand Lake Advisory Board, John Jennings (Chairman),
johnjennings9@icloud.com

Municipality or other

Public Agency to be

notified:

Lisa Prather, South Florida Water Management District,
lprather@sfwmd.gov

Hearing Controversial: No

District #: 1

Materials being submitted as backup for public hearing request:

1. Location Map
2. CAI-17-05-017-MOD
3. Site Photos
4. Plat

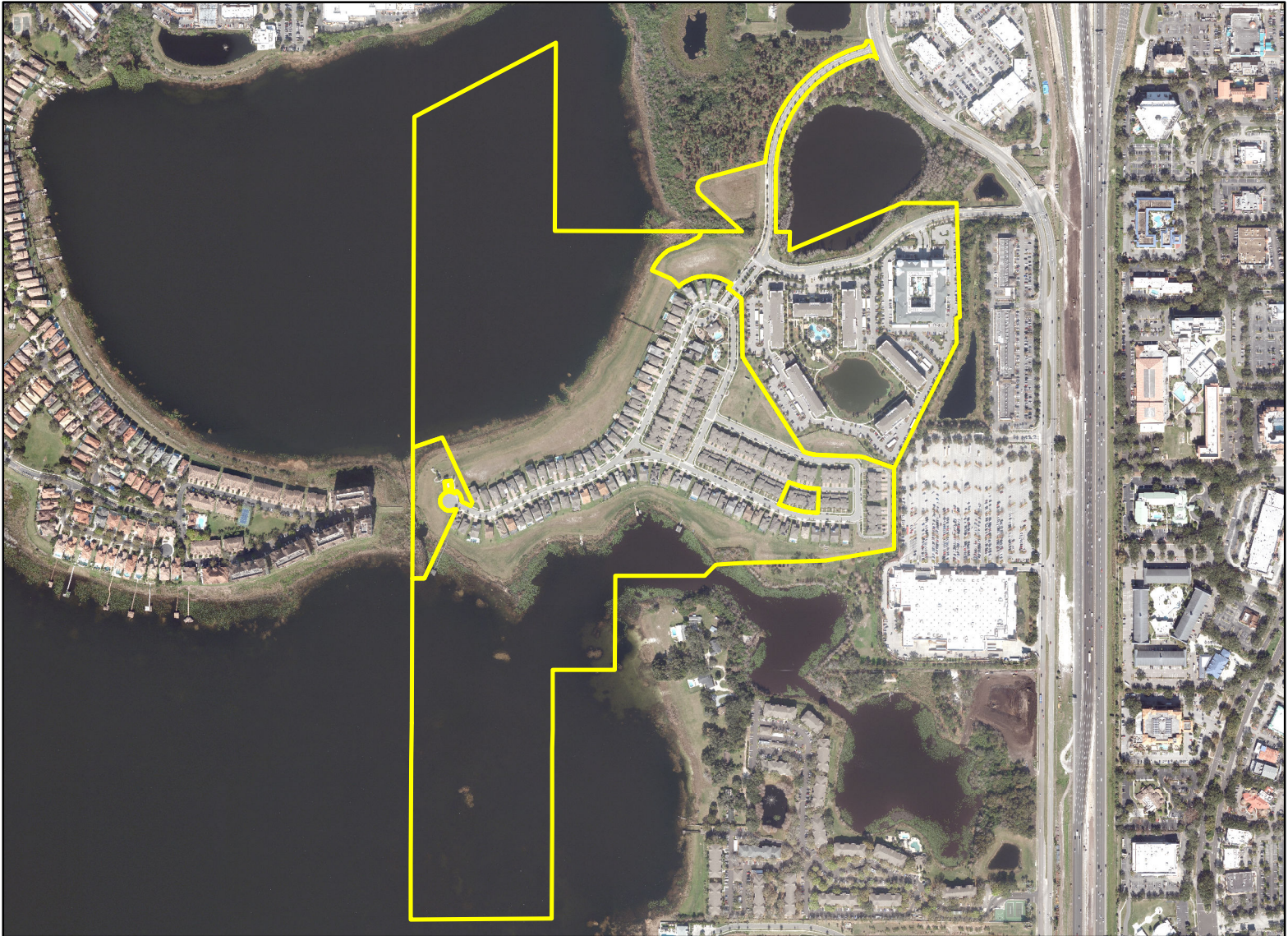
Special Instructions to Clerk:

1. Once the Board of County Commissioners makes a decision on the Conservation Area Impact Permit Modification Application, please submit the decision letter to Liz Johnson with EPD. EPD will issue the decision to the applicant.

NS/KGK/TMH/ERJ/RHP:rt

Attachments

Application for Conservation Area Impact Permit Modification



Application for Conservation Area Impact Permit Modification CAI-17-05-017-MOD2 District #1

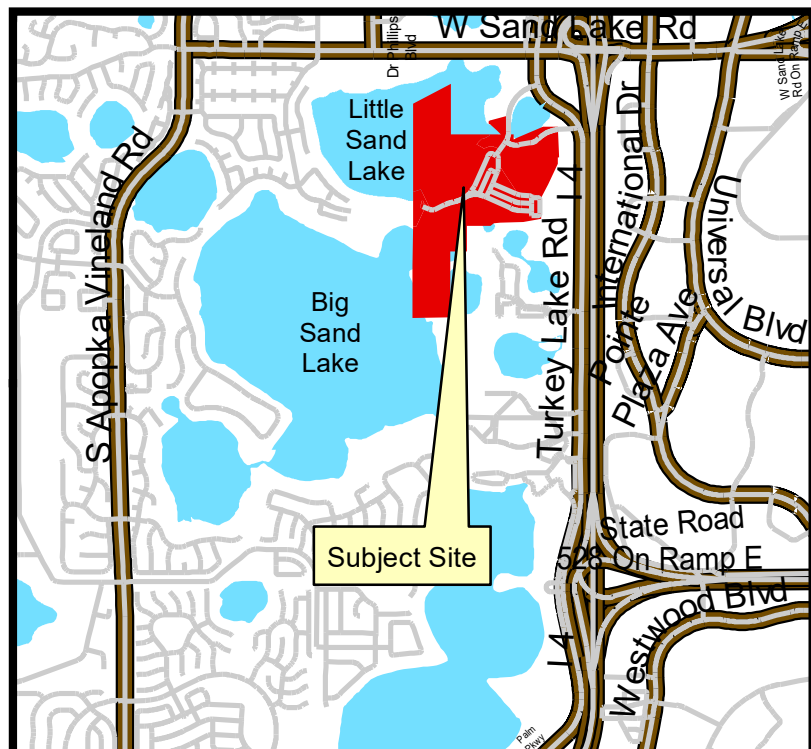
Applicants:

Goza LLC, Sevillana LLC,
Marbellana LLC, and Sand Lake
Sound Homeowners Ass'n, Inc.

Project Site



Project Location





Environmental Protection Division

CONSERVATION AREA IMPACT PERMIT - PARTIAL TRANSFER

Permit No: CAI-17-05-017-MOD

Date Originally Issued: August 2, 2017

Date of First Modification: August 8, 2017

Date of Partial Transfer: January 9, 2025

Permit History:

On August 2, 2017, EPD issued CAI-17-05-017. On August 8, 2017, EPD issued a modification of CAI-17-05-017 to remove a prohibition on community docks in order to allow the future housing development to apply for a community dock. Condition No. 15, previously stated, "No community ramps or docks are permitted on Little Sand Lake, Big Sand Lake or Lake Marie." The modification removed the words "or docks" from Condition No. 15 to allow for a future community dock application/permit.

The permitted parcels were subsequently developed and split into lots for the Sand Lake Sound subdivision. On March 6, 2024, a replat (PR-23-06-031) was approved and recorded in the Public Records which designated Parcel ID No. 35-23-28-7843-09-001 (Tract I-A) as 'Recreation/Boat Ramp'. On December 26, 2024, EPD received a request to partially transfer CAI-17-05-017-MOD to the current owner, Sand Lake Sound Homeowners Ass'n, Inc., pursuant to Permit Condition No. 17. This partial transfer hereby places responsibility of all specific and general conditions of permit CAI-17-05-017-MOD, with respect to Parcel No. 35-23-28-7843-09-001, solely under Sand Lake Sound Homeowners Ass'n, Inc. Permittees, Goza LLC, Sevillana LLC, and Marbellana LLC, are responsible for all specific and general conditions of permit CAI-17-05-017-MOD for all other parcels within this development. No other changes have been made.

A Permit Authorizing:

The restoration of 5.01 acres of Class I wetlands along the shoreline of Big Sand Lake and Little Sand Lake associated with the development of 183 single-family residences and associated infrastructure known as the Granada PD/Parcel E, F and a portion of G, PSP/Lot A PSP (PSP-17-02-046) [aka Sand Lake Sound]. The restoration shall comprise the removal of the heavily infested exotic species Brazilian pepper (*Schinus terebinthifolius*) through chemical, mechanical, and hand removal activities, with restoration planting of desirable native species and annual monitoring/maintenance for successful restoration [completed August 2021]. The restoration area will also be perpetually protected from future development through the recording of a Conservation Easement (CE) [completed March 14, 2018, Doc Nos. 20180150731 and 20180267320].

Orange County Environmental Protection Division
3165 McCrory Place, Suite 200
Orlando, Florida 32803
407-836-1400/ Fax: 407-836-1499
www.OCEPD.org

This permit also authorizes 0.28 acre of Class I wetland impacts to forested wetlands associated with Lake Marie for the construction of an access/infrastructure road network necessary to connect adjacent developed uplands and Turkey Lake Road to the proposed development. No alternative road alignments with lesser wetland impacts were practicable. Once completed, the Permittee shall also place 0.82 acre of wetlands and 0.91 acre of associated upland buffer into a CE (C-1 and C-2) **[completed March 1, 2018, Doc No. 20180150730]**.

Mitigation for the permanent wetland impacts associated with the fill for the road, the secondary impacts associated with the loss of the upland buffer for portions of the wetlands remaining, and the unavoidable wetland impacts due to the restoration activity will include the purchase of 0.97 credits from the Southport Mitigation Bank **[completed November 15, 2017]**. Although the shoreline wetlands will be restored and placed under a Conservation Easement, no mitigation “lift” for the restoration activity is being granted by this permit. This permit can be staff issued pursuant to the streamlining approval at the February 5, 2008 Board of County Commissioners Meeting, and pursuant to Orange County Code, Chapter 15, Article X, Conservation Ordinance. This permit is subject to the permit conditions provided on the following pages:

Summary Status of Mitigation: The recorded CEs, Document Nos. 20180150730 and 20180150731, were dedicated to South Florida Water Management District (SFWMD) and development rights to the CE were dedicated to Orange County via the recorded plats, Plat Book 99/Pages 145-150 and Plat Book 114/Pages 141-142. Additionally, CE Document No. 20180267320 was dedicated to Orange County. The restoration was completed in August 2021 and the Environmental Protection Division (EPD) determined the restoration area had met the success criteria outlined in Condition No. 12 of the permit. The 0.97 credits from the Southport Mitigation Bank were purchased on November 6, 2017.

Activity Location:

Turkey Lake Road, Orlando, FL 32819

Original Parcel ID Nos.: 35-23-28-0000-00-056 (a portion of), 35-23-28-0000-00-008 (a portion of) **(Parcels have since been split into multiple single family and community lots [including Parcel No. 35-23-28-7843-09-001] as part of the Sand Lake Sound subdivision)**

Related CAD Nos.: 00-016 and 00-017

Associated File Nos.: PSP-17-02-046, CDR-17-07-220, PSP-16-11-380, DP-17-05-140, BR-22-09-001, CAI-22-12-081

Orange County Commission District: 1

Permittees / Authorized Entities:

Goza LLC, Sevillana LLC, Marbellana LLC

c/o Mr. Daniel O’Keefe

Shutts & Bowen

Email: dokeefe@shutts-law.com

AND

Sand Lake Sound Homeowners Association, Inc.

c/o Laura Martin

President, Sand Lake Sound Homeowners Association, Inc.

Email: LauraGMartin.sls28@gmail.com

Approval of this permit is subject to the following conditions:

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 applicant, the applicant has 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.
8. In the event that the permittee does not successfully complete the transaction to obtain the requisite 0.97 credits from the Southport Mitigation Bank, the permittee 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 applicant 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 showing 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 Permittee is 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 Permittee 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 permitted on Little Sand Lake, Big Sand Lake or Lake Marie.

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 permittee shall notify EPD, in writing, within thirty 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.

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 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.
21. 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.
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 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.
24. 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, permittee agrees to either obtain written consent or to

remove the offending structure or encroachment within sixty 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 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. Permittee shall immediately notify EPD of any conflict between the conditions of this Permit and any other permit or approval.
26. The permittee is 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 sovereign 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 permittee is 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 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.
28. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
29. The permittee 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 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.
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 permittee.
33. 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.
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 applicant 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 applicant fails 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 applicant shall obtain all other applicable state or federal permits before commencement of development.

If you should have any questions concerning this permit, please contact Nicole Salvatico at Nicole.Salvatico@ocfl.net.

Project Manager:



Nicole Salvatico, Senior Environmental Specialist



for

Renée H. Parker, LEP, Environmental Protection Officer

NS/KCK/TMH/ERJ:gdjr

Enclosure(s): Construction Notice
Figure 13 (Site Plan)
Monitoring and Maintenance Plan
Lakeshore Restoration Plan

c: Goza LLA, Sevillana LLC, Marbellana LLC, 5401 S Kirkman Road, Suite 650, Orlando, FL 32819
Sand Lake Sound Homeowners Assn, Inc., 9419 Tradeport Drive, Orlando, FL 32827
Mark Ausley, Bio-Tech Consulting, mark@btc-inc.com
Vivien Monaco, vmonaco@watsonsloane.com
Daniel O'Keefe, Shutts & Bowen, DOkeefe@shutts.com
Gabriel Shamma, Meritage Homes, gabriel.shamma@meritagehomes.com
Melissa Lavigne, EPD, Melissa.Lavigne@ocfl.net
Lisa Prather, South Florida Water Management District, lprather@sfwmd.gov



Construction Notice

- ☐ BEGINNING OF CONSTRUCTION
- ☐ COMPLETION OF CONSTRUCTION

Mail to: Orange County Environmental Protection Division
3165 McCrory Place, Suite 200
Orlando, FL 32803
Or Fax to: 407-836-1499
Or E-Mail to: WetlandPermitting@ocfl.net

Permit Number and Name: CAI-17-05-017, Granada PD (nka Sand Lake Sound)

Permit Type: Conservation Area Impact Permit (CAI)

Approximate Starting Date: _____

Approximate Completion Date: _____

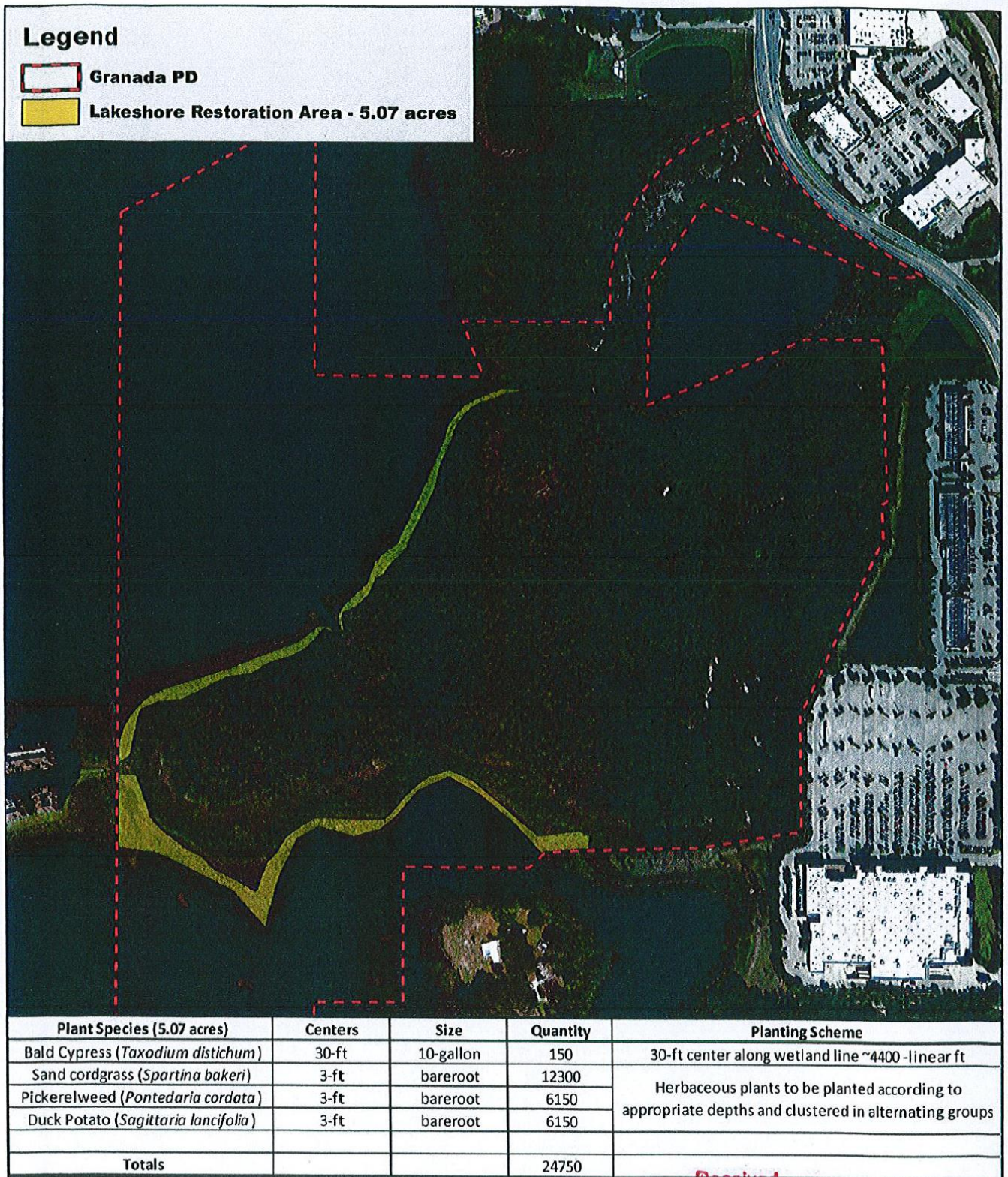
Remarks or any additional information:

I certify I am the permittee / Authorized Entity of the above permit issued by the Orange County Environmental Protection Division and in accordance with the terms of such permit will ☐ begin or ☐ have completed the actual construction of the work described in the permit.

Signature of Permittee: _____

Printed name of Permittee: _____

Date: _____



Received

Bio-Tech Consulting Inc.
 Environmental and Permitting Services
 3025 E. South Street Orlando, FL 32803
 Ph: 407-894-5989 Fax: 407-894-5970
 www.bio-techconsulting.com

Granada PD
 Orange County, Florida
 Lakeshore Restoration Area

JUL 11 2017
 W E
 Orange County EPD

500 Feet
 Project #:925-01
 Produced By:SAS
 Date: 7/7/2017

Monitoring Plan and Reporting Criteria
Project: Granada PD
Orange County EPD

Monitoring Methodology

The Monitoring Plan will consist of a bi-annual, general qualitative monitoring for one (1) year for the occurrence of invasive and exotic species. During these inspections, general observations regarding the quality of the restoration areas in terms of native and non-native species present will be noted. Photographic documentation of the restoration areas will occur during each monitoring. Percent coverage of the native and non-native vegetation located within the restoration areas will also be provided on wetland monitoring forms and submitted with the annual monitoring report. One – 100 foot belt transect will be designated during the baseline monitoring on each lake shoreline.

To preserve the functional value of the wetlands, the wetland restoration areas must be:

- Greater than 70% coverage by desirable species after one (1) year
- Greater than 80% survivorship of the planted canopy tree species
- Less than 5% aerial coverage by nuisance species and exotic species per the 2017 FLEPPC list

Reports will include the following:

- A. The dates and time of the monitoring event.
- B. The person responsible for performing the measurements.
- C. The results of such analyses including:
 - 1. Status of invader species
 - 2. Coverage by wetland vegetation.
 - 3. A description of any problems encountered during evaluation and proposed solutions.
 - 4. Panoramic photographs
- D. Wildlife Observations

Maintenance

Specific management practices being employed within the restoration areas consist of hand clearing and/or herbicide application on a quarterly basis by qualified and licensed herbicide applicators.

Monitoring Schedule

Baseline Monitoring Event: Within 30 days of final plant installation
Bi-annual Monitoring Events: Six (6) months after baseline monitoring
Annual Monitoring Report: One year after plant installation.

Received

JUL 11 2017



SAND LAKE SOUND, TRACT-I REPLAT

A REPLAT OF TRACT I, SAND LAKE SOUND AS RECORDED IN
PLAT BOOK 99, PAGES 145-150, LYING IN SECTION 35, TOWNSHIP 23 SOUTH, RANGE 28 EAST,
DR. PHILLIPS, ORANGE COUNTY, FLORIDA

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

