



## Interoffice Memorandum

February 21, 2017

TO: Mayor Teresa Jacobs  
-AND-  
Board of County Commissioners

FROM: Jon V. Weiss, P.E., Director  
Community, Environmental and Development Services  
Department

**CONTACT PERSON: Lori Cunniff, CEP, CHMM, Deputy Director  
Community, Environmental and Development Services  
Department  
407-836-1405**

SUBJECT: March 21, 2017 – Public Hearing  
Shoreline Alteration/Dredge and Fill Permit Application for  
George Douglas Ross and Sunset Lakes of Windermere  
Homeowner's Association, Inc. (SADF-16-12-016)

The applicants, George Douglas Ross and Sunset Lakes of Windermere Homeowner's Association, Inc., are requesting a Shoreline Alteration/Dredge and Fill Permit to place rip rap along the shoreline behind Mr. Ross's property on Lake Roper. The property is located at 13596 Sunset Lakes Circle, in Orange County Commission District 1. The Parcel IDs for the project site are 02-23-27-8455-00-530 and 02-23-27-8455-00-005.

Notification of the public hearing was sent to the property owners within five-hundred (500) feet of the project site.

On December 9, 2016, Mr. Ross submitted a Shoreline Alteration/Dredge and Fill Permit Application to place rip rap along his shoreline in order to reduce erosion. During the review, the Environmental Protection Division (EPD) discovered that Sunset Lakes of Windermere Homeowner's Association, Inc. (HOA) was the riparian owner of the portion of Lake Roper waterward of the Normal High Water Elevation (NHWE) where the rip rap was being proposed; therefore, EPD informed Mr. Ross that the HOA would need to be a co-applicant for the project. On January 13, 2017, EPD received a Shoreline Alteration/Dredge and Fill Permit Application signed by the HOA.

Pursuant to Orange County Code, Chapter 33, Article IV, EPD staff has evaluated the proposed Shoreline Alteration application and required documents. The applicants are proposing to place ninety (90) linear feet of rip rap along the NHWE of Lake Roper. EPD is not requiring the installation of additional native aquatic plantings since the shoreline is already heavily vegetated.

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

**Staff Recommendation**

Approval of the Shoreline Alteration/Dredge and Fill Permit, subject to the following conditions:

**Specific Conditions:**

1. This permit shall become final and effective upon expiration of the thirty (30) calendar day appeal period following the date of issuance, unless an appeal has been filed within this timeframe. Any appeal shall stay the effective date of this permit until any and all appeals are resolved.
2. Construction activities shall be completed in accordance with the 'Construction Plan' submitted by Streamline Permitting, dated as received on December 29, 2016 and January 9, 2017, by the Environmental Protection Division (EPD). The permitted work must be commenced within six (6) months and completed within one year from the date of issuance of the permit. In the event that project has not commenced within six (6) months or completed within a year this permit is void.
3. Any permit extensions for the approved construction may be approved by way of Consent Agenda if there are no changes.
4. The riprap must be a minimum size of 6-inches and installed at a 2 (Horizontal): 1 (Vertical) slope.
5. The permittees may maintain a clear access corridor below the NHWE, not to exceed thirty (30) feet in width, of sufficient length waterward from the shoreline, to allow access to open water. Any structures such as a boat dock must be located within this corridor.
6. Native vegetation may not be removed from the shoreline outside of the specified access corridor, specific to project.
7. A copy of this permit, along with EPD stamped and approved drawings should be taken to the Orange County (OC) Zoning Division at 201 South Rosalind Avenue. The rip rap may require an Orange County Building permit. For further information, please contact the OC Zoning Division at (407) 836-5525 or OC Division of Building Safety at (407) 836-5550.

**General Conditions:**

8. 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 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.

9. 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.
10. 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.
11. 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, permittees agree to either obtain written consent or to remove the offending structure or encroachment within sixty (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.
12. 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 permit any property rights, 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 VI 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. Permittees shall immediately notify EPD of any conflict between the conditions of this Permit and any other permit or approval.
13. 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 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 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.

14. 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.
15. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
16. The permittees shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.
17. 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.
18. 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.
19. 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.
20. 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.
21. Turbidity and sediments shall be controlled to prevent violations of water quality pursuant to Rule 62-302.500, 62-302.530(70) and 62-4.242 Florida Administrative Code (FAC). Best Management Practices, as specified in the Florida Stormwater, Erosion, and Sedimentation Control Inspector's Manual, shall be installed and maintained at all locations where the possibility of transferring suspended solids into wetlands and/or surface waters due to the permitted activity. If site-specific conditions require additional measures, then the permittees shall implement them as necessary to prevent adverse impacts to wetlands and/or surface waters.

**ACTION REQUESTED: Approval of Shoreline Alteration/Dredge and Fill Permit (SADF-16-12-016) for George Douglas Ross and Sunset Lakes of Windermere Homeowner's Association, Inc., subject to the conditions listed in the staff report. District**

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JW/LC: mg

Attachments