




Interoffice Memorandum

June 13, 2018

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

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

CONTACT PERSON: **David D. Jones, P.E., CEP, Manager
Environmental Protection Division
(407) 836-1405** 

SUBJECT: July 10, 2018 – Public Hearing
After-the-Fact Shoreline Alteration/Dredge and Fill Permit
Application for Timothy and Barbara Shipe (SADF-18-01-001)

Timothy and Barbara Shipe are requesting an After-the-Fact Shoreline Alteration/Dredge and Fill (SADF) Permit for the installation of a slalom ski course on the southernmost lobe of Lake Conway. The Parcel ID for the site is 13-23-29-0000-00-044. Lake Conway is located in District 3.

Notification of the public hearing was sent to all lakeshore property owners on the southernmost lobe of Lake Conway.

Pursuant to Orange County Code, Chapter 33, Article II, Environmental Protection Division (EPD) staff has evaluated the subject SADF application and required documents.

The submerged lands of Lake Conway are sovereign. The applicants obtained authorization to install the course at its current location from the State of Florida Board of Trustees of the Internal Improvement Trust Fund pursuant to Florida Statute 253.77 and the conditions of their Noticed General Permit (48-164015-001) issued by the Florida Department of Environmental Protection on January 19, 2000.

The existing slalom ski course was installed sometime after January 2000. It is approximately 850 feet long and consists of 22 buoys and is at least 500 feet away from the closest shoreline. The buoys are approximately 8" in diameter and consist of rubber surface buoys with submerged foam sub-buoys below connected with rubber tubing and polyvinyl rope. The ski course is anchored utilizing twenty-two (22) 18" x 18" x 6" cement blocks and stainless steel eyebolts.

Use of the course is limited to private (non-commercial) recreational purposes. Commercial use of the course is prohibited.

Page Two

July 10, 2018 – Public Hearing

Shoreline Alteration/Dredge and Fill Permit Application for Timothy and Barbara Shipe (SADF-18-01-001)

There is an open enforcement case (17-488668) for the installation of the ski course without an Orange County permit. Approval of this permit application (SADF-18-01-001) will bring the course into compliance.

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 all appeals are resolved.
2. The slalom ski course shall remain constructed as shown on the 'Site Plans' submitted by Barbara Shipe, received by the Environmental Protection Division (EPD) on June 26, 2017 (revised February 8, 2018), January 10, 2018, March 14, 2018, and EPD's revised plan (created for clarification using the Shipe's plan) dated May 16, 2018.
3. The permittee shall apply and maintain reflective tape on the buoys at all times.
4. No portion of the slalom course shall be located in or over aquatic vegetation.
5. The buoys shall be firmly anchored to the bottom of the water body.
6. The use of the course is limited to daylight hours.
7. The use of the course is limited to private recreational purposes. Commercial use of the course is prohibited.
8. If the Shipe's lose their riparian ownership on Lake Conway, and this permit is not properly transferred to a new owner, EPD reserves the right to have the course removed.

General Conditions:

9. 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 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.

10. 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 (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.
11. 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 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 permittee, or convey any rights or privileges other than those specified in the permit and Chapter 33, Article II 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.
12. 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 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 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.
13. Should any other regulatory agency require changes to the property or permitted activities, 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.
14. The permittee shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.
15. The permittee shall hold and save the County harmless from all damages, claims or liabilities, which may arise because of the activities authorized by the permit.

16. 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.
17. 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.
18. Pursuant to Section 125.022, Florida Statutes, issuance of this 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.
19. Pursuant to Section 125.022, Florida Statutes, the applicant shall obtain all other applicable state or federal permits before commencement of the activity authorized herein.

ACTION REQUESTED: Approval of After-the-Fact Shoreline Alteration/Dredge and Fill permit request (SADF-18-01-001) for Timothy and Barbara Shipe, subject to the conditions listed in the staff report. District 3

JVW/DJ: mg

Attachments

Request for Shoreline Alteration/Dredge and Fill Permit



Request for Shoreline Alteration/ Dredge and Fill Permit

SADF-18-01-001

District #3

Applicants: Timothy and Barbara Shipe

Address: Hoffner Avenue

Parcel ID: 13-23-29-0000-00-044

Project Site



Ski Course Location



Property Location

