



Interoffice Memorandum

December 4, 2018

TO: Mayor Jerry L. Demings
-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: December 18, 2018 – Public Hearing
Semi-Private Boat Ramp Facility Permit Application No. BR-
16-08-001 for the Deer Island Homeowners Association of
Killarney, Inc.

The applicant, Deer Island Homeowners Association of Killarney, Inc., requests a permit to reconstruct a semi-private boat ramp facility adjacent to Johns Lake. The project site is located at 231 Deer Isle Drive. The Parcel ID number for the site is 30-22-27-1985-00-001. The subject property is located in District 1.

The project site is located within the Deer Island Subdivision on a tract of land with an existing boat ramp that was approved by the Board of County Commissioners on April 6, 1993. The current ramp is in disrepair and needs to be replaced. The old ramp will be demolished and removed. The new ramp will be constructed in the same location as the existing ramp and will measure 15 feet wide and 188 feet long. The existing companion dock will remain untouched in the same location adjacent to the proposed boat ramp.

The public has been notified of the public hearing by newspaper advertisement, posting on the subject property, and direct mail to the applicant, agent, and all upland owners adjacent to Johns Lake in accordance with the noticing requirements set forth in Article XV, Section 15-605(d)(2).

Pursuant to Orange County Code, Chapter 15, Article XV, Environmental Protection Division (EPD) staff has evaluated the proposed semi-private boat ramp facility permit application and required documents.

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

Staff Recommendation

Approval of the semi-private boat ramp facility permit application subject to the following conditions:

Specific Conditions:

1. Once the decision of the Board is filed by the Clerk of the Board, this permit shall become final and effective upon expiration of the 10 calendar-day period to file a notice of intention to file petition for writ of certiorari. 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 "Boat Ramp Site Plan" submitted by Riddle Newman Engineering, Inc., received by Environmental Protection Division (EPD) on November 15, 2018. The construction of the boat ramp facility shall be completed within one year from the date of issuance of this permit. No changes to the existing companion dock are authorized under this permit. Requests for permit extension must be submitted to EPD prior to the expiration date. The operational phase of the project shall begin upon completion of construction and remain in effect in perpetuity.
3. The permittee may maintain a clear access corridor below the Normal High Water Elevation (NHWE) of Johns Lake [97.36 feet mean sea level, (North American Vertical Datum (NAVD))], not to exceed 20 percent of the shoreline length of the tract. The ramp and companion dock must be located within this corridor.
4. No wake within a 100-foot radius of the boat ramp facility shall be allowed. Prior to final inspection or issuance of Certificate of Completion, "No-Wake Zone" signage shall be installed, as depicted on the "Boat Ramp Site Plan" submitted by Riddle Newman Engineering, Inc., received by EPD on November 15, 2018.
5. The boat ramp facility must be clearly marked with signage that explicitly states that no overnight mooring, beaching, or storage shall be allowed, as depicted on the "Boat Ramp Site Plan" submitted by Riddle Newman Engineering, Inc., received by EPD on November 15, 2018. The signage shall be installed prior to final inspection or issuance of Certificate of Completion.
6. The parking of any car or trailer at the boat ramp facility is prohibited. A "Tow-Away" warning sign shall be installed at the boat ramp facility, as depicted on the "Boat Ramp Site Plan" submitted by Riddle Newman Engineering, Inc., received by EPD on November 15, 2018. The signage must be installed prior to final inspection or issuance of Certificate of Completion.
7. Within 30 days of issuance of this permit, or prior to EPD approval of the Building Permit, whichever comes last, a Developers Agreement, accepted and approved by Orange County, shall be recorded in the public records of Orange County and a copy of the recorded Developers Agreement submitted to EPD.
8. Prior to the final inspection of the boat ramp facility or issuance of Certificate of Completion, the applicant shall post a letter of credit in a form accepted by

Orange County in the amount of 10 percent of the estimated cost of construction of the boat ramp facility site in favor of Orange County. Please note that the 10 percent assessment shall include the cost of construction of the boat ramp and any other improvements to be built in conjunction with the boat ramp which may be required by state or local regulations or Article XV, and the assessed value of the platted lot for the boat ramp facility.

9. The launching of motorized vessels shall be prohibited and access to the ramp shall be blocked when the lake level drops below 90.1 feet above mean sea level NAVD. Signage shall be installed informing boaters of this restriction as depicted on the "Boat Ramp Site Plan" submitted by Riddle Newman Engineering, Inc., received by EPD on November 15, 2018.
10. A permanent staff gauge shall be properly installed and maintained in a usable condition at the end of the companion dock of the boat ramp, as depicted on the "Boat Ramp Site Plan" submitted by Riddle Newman Engineering, Inc., received by EPD on November 15, 2018. The accuracy of the staff gauge will be confirmed by a professional surveyor annually and at such times as the accuracy may be compromised by accident, vandalism or other occurrence. A letter shall be submitted to EPD with the survey information prior to final inspection or issuance of Certificate of Completion and following any other survey event.
11. The lakefront swale shall be reconstructed in accordance with the Deer Island Stormwater Management Plan and Lot Grading Plan dated February 28, 1985, and as depicted on the "Boat Ramp Site Plan" submitted by Riddle Newman Engineering, Inc., received by EPD on November 15, 2018.
12. Any minor modifications [as determined by the Environmental Protection Officer (EPO)] for the construction of the boat ramp facility may be approved by way of Consent Agenda.
13. Use of the boat ramp is limited to the residents of Deer Island and their usual and customary guests.
14. Within 30 days of completion of the activities authorized herein, the permittee must provide an as-built drawing on a final survey, signed and sealed by an appropriate professional licensed by the State of Florida, with the notice of completion. The signed and sealed as-built survey shall include, but is not limited to: a plan view of the project site with the location of the NHWE for Johns Lake, topographic elevations and cross sections with elevation data in the exact same area as the cross sections on the approved "Boat Ramp Site Plan" submitted by Riddle Newman Engineering, Inc., received by EPD on November 15, 2018, and complete dimensions of the companion dock and boat ramp.
15. There shall be no paved parking area provided, and the boat ramp and dock area shall be adequately secured by locking gates or other means to prevent use of the area by non-members of the Association.

General Conditions:

16. A copy of this permit, along with EPD stamped and approved drawings, should be taken to the Orange County Zoning Division (OCZD) at 201 South Rosalind Avenue for approval. For further information, please contact the OCZD at (407) 836-5525.
17. After approval by the OCZD, the certified site plans must be reviewed by the Orange County Building Safety Division (OCBSD) in order to obtain a building permit. For further information, please contact the OCBSD at (407) 836-5550.
18. Prior to any filling within the 100-year flood zone, a Flood Plain Permit authorizing the fill must be obtained from the Orange County Stormwater Management Division.
19. 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 EPO. Notice of the revocation shall be provided to the permit holder promptly thereafter.
20. 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.
21. 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.
22. 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.
23. 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 XV 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. The permittee shall immediately notify EPD of any conflict between the conditions of this permit and any other permit or approval.

24. 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.
25. 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.
26. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
27. The permittee shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate. EPD may revoke the permit upon discovery of information that may cause pollution to water bodies, cause an adverse impact on the riparian rights of other waterfront property owners, or impede the traditional use and enjoyment of the waterbody by the public.
28. EPD staff, with proper identification, shall have permission to enter the site at any reasonable time to inspect, sample, or test to ensure conformity with the plans and specifications approved by the permit.
29. The permittee shall notify EPD, in writing, within 30 days of any sale, conveyance, or other transfer of ownership or control of the permitted system or the real property at which the permitted system is located. The permittee shall remain liable for any corrective actions that may be required as a result of any permit violations until the permit is legally transferred.
30. All excess lumber, scrap wood, trash, garbage and similar materials shall be immediately removed from wetlands or surface waters.
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. 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.
34. Turbidity and sediments shall be controlled to prevent violations of water quality pursuant to Rules 62-302.500, 62-302.530(70) and 62-4.242 Florida Administrative Code. 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 exists of transferring suspended solids into wetlands and/or surface waters due to the permitted activity. If site-specific conditions require additional measures, then the permittee shall implement them as necessary to prevent adverse impacts to wetlands and surface waters.
35. 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 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. Pursuant to Section 125.022, Florida Statutes, the applicant shall obtain all other applicable state or federal permits before commencement of construction.

ACTION REQUESTED: **Approval of Semi-Private Boat Ramp Facility Permit (BR-16-08-001) for Deer Island Homeowners Association of Killarney, Inc., subject to the conditions listed in the staff report. District 1**

JVW/DDJ: mg

Attachments