

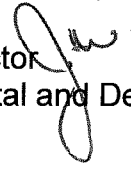


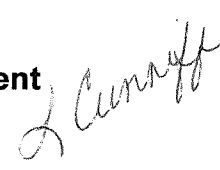
Interoffice Memorandum

AGENDA ITEM

March 11, 2016

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: April 26, 2016—Consent Item
Request to Modify Shoreline Alteration/Dredge and Fill
Permit SADF-13-03-003 – Harold Mills

On July 2, 2013, the Board of County Commissioners (BCC) approved a request for a Shoreline Alteration/Dredge and Fill Permit (issued on July 12, 2013) to replace an existing dilapidated seawall on the property located at 11900 Lake Butler Boulevard, Windermere, Florida 34786, on Lake Butler. This permit required installation of rip rap waterward of the proposed seawall. Shoreline plantings were required as part of an active Lakeshore Protection Permit (LSP-12-05-022).

On August 5, 2014, the BCC approved a modification to said permit for slight deviations to the permitted plans; as well as, a one year extension in order to give the Permittee time to install the required rip rap along the shoreline of Lake Butler.

On September 7, 2015, a follow up site inspection revealed that the wall had been constructed; however, rip rap had not been installed as per the approved permit. Specifically Condition # 5 stated "*The Permittee must install rip rap at a 2(Horizontal): 1(Vertical) slope as it is depicted on the Construction Plans received by EPD on May 17, 2013*". Therefore, a Notice of Violation and Consent Agreement, both dated October 19, 2015, were sent to the Permittee. The corrective actions included an administrative penalty of \$1,120 and the installation of the required rip rap.

On November 24, 2015, staff from EPD met with the Permittee on the subject property to discuss the rip rap issue. The Permittee was given the choice to install the rip rap as required by the permit, or apply for a modification in an attempt to provide surface water/lakebed mitigation in lieu of installing the rip rap.

Page Two
April 26, 2016—Consent Item
Request to Modify Shoreline Alteration/Dredge and Fill Permit SADF-13-03-003
Harold Mills

On February 17, 2016, EPD received a request for modification of the permit to obtain approval to remove the requirement to place rip rap along the shoreline of Lake Butler.

Using the Uniform Mitigation Assessment Methodology (UMAM), as set forth in 62-345 FAC, staff assessed the mitigation for the direct and indirect impacts to the surface water without rip rap in place. The applicant has agreed to pay \$9,603.72 to the Conservation Trust Fund (CTF), which is equivalent to the amount of UMAM credits that would be required to compensate for the habitat loss. Approval of this permit modification and payment to the CTF will resolve the outstanding enforcement case.

ACTION REQUESTED: **Approval of permit modification for the Harold Mills Shoreline Alteration/Dredge and Fill permit (SADF-13-03-003) to eliminate the requirement for rip rap placement, with the condition that the Permittee pay mitigation in the amount of \$9,603.72 to the Conservation Trust Fund in lieu of installing rip rap within 30 days of receipt of the BCC Decision. District 1**

JVW/LC: mg

Attachments



Environmental Protection Division
**SHORELINE ALTERATION/DREDGE
& FILL PERMIT MODIFICATION &
EXTENSION**

Permit No: SADF-13-03-003

Date Issued: July 12, 2013

Modification Date: August 6, 2014

Extension Date: July 12, 2015

History:

On July 2, 2013, the Board of County Commissioners (BCC) approved Shoreline Alteration/Dredge & Fill Permit SADF-13-03-003 for the replacement of an existing dilapidated seawall on the subject property. The approval included the installation of rip rap along the main shoreline of Lake Butler, but not within the internal lagoon feature. On April 23, 2014, a request to modify the permit was received. This Modification and Extension Permit authorizes the construction modifications depicted on the cross section plans and as-built survey dated as received on May 17, 2013, and April 29, 2014; respectively. It also authorizes an update to the project location by including new parcel information; as well as, an extension of the permit for a period of one year in order for the Permittee to install the require rip rap along the shoreline of Lake Butler.

A Permit Authorizing:

Replacement of an existing dilapidated seawall on the property, described below, adjacent to Lake Butler.

This permit is issued pursuant to Orange County Code, Chapter 33, Windermere Water and Navigation Control District, Section 33-129, and is subject to the Permit Conditions provided on the following pages:

Activity Location:

11900 Lake Butler Boulevard & Lake Butler Boulevard
Windermere, Florida 34786
Parcel IDs: 07-23-28-5616-00-751 & 07-23-28-5616-00-756
Orange County Commission District: 1

Permittee / Authorized Entity:

Harold Mills
c/o Sheila Cichra
Streamline Permitting, Inc.
2154 Oak Beach Boulevard
Sebring, Florida 33875
E-mail: sheilacichra@gmail.com

Orange County Environmental Protection Division
800 Mercy Drive, Suite 4
Orlando, Florida 32808-7896.
407-836-1400/ Fax: 407-836-1499
www.OCEPD.org

The Board of County Commissioners (BCC) approved this Modification and Extension Permit by Consent Agenda on August 5, 2014, 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 Plans submitted by Albert Cichra Builders, Inc., dated as received on May 17, 2013, by the Environmental Protection Division (EPD); as well as the As-Built Survey submitted by Streamline Permitting, Inc., dated as received by EPD on April 29, 2014. 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. No filling can be performed except in the actual construction of the seawall. This permit does not authorize any dredging or filling which may be necessary to provide maintenance or creation of a navigable access from the boat ramp to the open water.
5. The permittee must install riprap at a 2 (Horizontal): 1 (Vertical) slope as it is depicted on the Construction Plans dated received by EPD on May 17, 2013.
6. The permittee may maintain a clear access corridor below the Normal High Water Elevation (98.60 '88 NAVD), not to exceed 30 feet in width, of sufficient length waterward from the shoreline, to allow access to open water. Any future structures such as a boat dock must be located within this corridor.
7. Native vegetation, including but not limited to, pickerelweed (*Pontederia cordata*), duck potato (*Sagittaria lanceifolia*), maidencane (*Panicum hemitomon*), *Fuirena* spp., and eelgrass (*Vallisneria Americana*) may not be removed from the shoreline outside of the specified access corridor, specific to project.
8. All dredged debris material shall be removed to an upland location.
9. No filling is approved with this permit.
10. A copy of this permit, along with EPD stamped and approved drawings, should be taken to the Town of Windermere at 614 Main Street, for approval in order to obtain a Building permit. For further information, please contact the Town of Windermere at 407-876-2563.

General Conditions

11. 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

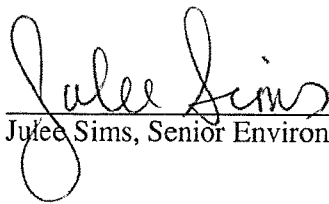
cease and the permit may be revoked immediately by the Environmental Protection Officer. Notice of the revocation shall be provided to the permit holder promptly thereafter.

12. 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.
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, 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.
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 VI 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.
16. 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.
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 either, at a minimum: inspect, sample, or test 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. 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. 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 permittee shall implement them as necessary to prevent adverse impacts to wetlands and/or surface waters.
25. 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.
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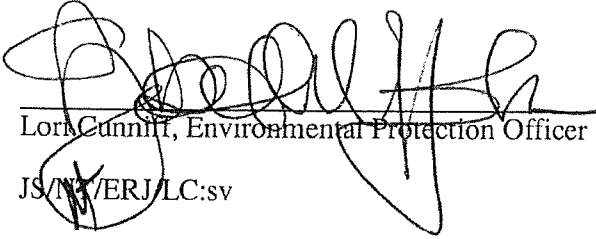
If you should have any questions concerning this permit, please contact Julee Sims at (407) 836-1494 or julee.sims@ocfl.net.

Project Manager:



Julee Sims, Senior Environmental Specialist

Authorized for the Orange County Environmental Protection Division by:



Lora Cunniff, Environmental Protection Officer

JS/NT/ERJ/LC:sv

Enclosure(s): "Construction Notice" (form CN-001-04)
Additional Enclosures

c: Lisa Prather, Lisa.Prather@dep.state.fl.us
Harold Mills, Hmills@zerochaos.com



Construction Notice

- BEGINNING OF CONSTRUCTION
- COMPLETION OF CONSTRUCTION

Mail to: Orange County Environmental Protection Division
800 Mercy Drive, Suite 4
Orlando, FL 32808-7896
Or Fax to: 407-836-1499, Attn: Elizabeth R. Johnson,
Environmental Supervisor

Permit Number and Name: SADF-13-03-003, Mills

Permit Type: **Shoreline Alteration/Dredge and Fill**

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: _____

1" = 1.3'

MILLS SEAWALL
11900 LAKE BUTLER BLVD

NAD 88 Datum

FLOATING
TURBIDITY

NHWC
98.6

LAKE
Butler

LAKE
BOTTOM

"In addition to public regulations which Orange County enforces, be advised that there may be other private restrictions or approval requirements that will affect your ability to erect this structure. Please review your deed restrictions and/or consult with your Homeowners Association or Architectural Review Board"

Michael Thompson
47509
5200 Vineland Rd - Suite 250

Orlando, FL 32811

Off 407-529-3306

Fax 407-529-3310

Email: ccanar@thompsoneng.com

Web: www.thompsoneng.com

6'
MIN

4'
MAX

RIP RAP
INSTALLED @
A 2:1 SLOPE

THIS STRUCTURE HAS BEEN DESIGNED TO MEET OR EXCEED THE WIND LOAD REQUIREMENTS OF THE 2010 FLORIDA BUILDING CODE RESIDENTIAL EDITION SECTION R301 DESIGN CRITERIA AND ASCE 7-10 AND 2011 NEC

- 1. BASIC WIND SPEED= 139 MPH- ULTIMATE WIND SPEED (V_{ult}) AND 108 MPH (V_{base})
- 2. WIND IMPORTANCE FACTOR= 1.0
- 3. CONSTRUCTION TYPE= SINGLE FAMILY RESIDENCE
- 4. WIND EXPOSURE= CATEGORY C
- 5. INTERNAL PRESSURE FOR ENCLOSED STRUCTURE IS .18 AND HEIGHT & EXPOSURE ADJUSTMENT COEFFICIENT IS 1.0

6.4" 7" SC-7 CAP

GRADE

3/4" ALUMINUM ROD

APPROVED BY
ORANGE COUNTY
ENVIRONMENTAL PROTECTION DIV.

DATE: 7/12/2013

INITIAL: J. Sims

SADF-13-03-003

DMA-4
ANCHOR

5'-10'
(8'-10' ON CENTER)

AWL-3
SHEET PILING

RECEIVED
MAY 17 2013
EPD

APPROVED BY
ORANGE COUNTY
ENVIRONMENTAL PROTECTION DIV.

DATE: 8/16/2014

INITIAL: J. Sims

SADF-13-03-003
MOD & EXT

1" = 1.3'

MILLS SEAWALL
11900 LAKE BUTLER BLVD

NAVD 87 Datum

FLLOATING
TURBIDITY

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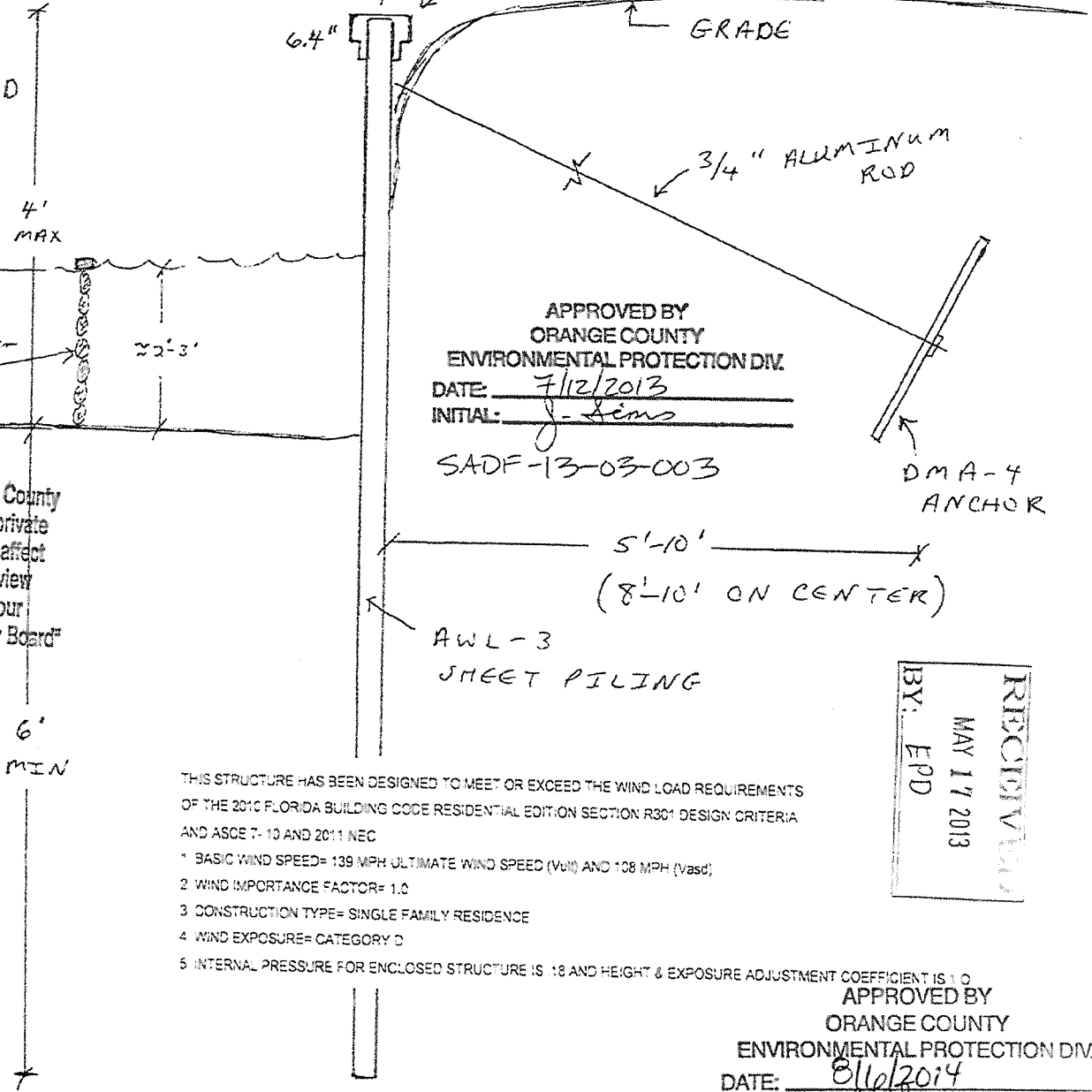
Orlando, FL 32811

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Fax 407-529-3310

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RECEIVED
MAY 17 2013
BY: EPD

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