

INDIVIDUAL ENVIRONMENTAL RESOURCE PERMIT TECHNICAL STAFF REPORT
06-Sep-2016
APPLICATION #: 145576-1

Applicant: Richard Beavers
Clermont Storage Center, LLC
1041 Crown Park Cr
Winter Garden, FL 34787
321-278-7928

Owner: Richard Beavers
Clermont Storage Center, LLC
1041 Crown Park Cr
Winter Garden, FL 34787
321-278-7928

Agent: Thomas H Skelton
207 N Moss Rd Ste 211
Winter Springs, FL 32708-2591
407-327-7700

Consultant: Thomas H Skelton
207 N Moss Rd Ste 211
Winter Springs, FL 32708-2591
407-327-7700

Project Name: CubeSmart @ Hancock Road
Acres Owned: 5.74
Project Acreage: 5.28
County: Lake

STR:

Section(s):	Township(s):	Range(s):
34	22S	26E

Receiving Water Body:

Name	Class
Unnamed Wetland	III Fresh

Authority: 62-330.020 (2)(c) , 62-330.020 (2)(b), 62-330.020 (2)(d),
62-330.020 (2)(g)
Existing Land Use: Fallow Crop Land(2610)
Mitigation Drainage Basin: Southern Ocklawaha River
Special Regulatory Basin: Ocklawaha River , Lake Apopka Basin
Final O&M Entity: Clermont Storage Center, LLC
ERP Conservation Easements/Restrictions: No
Interested Parties: No
Objectors: No

Authorization Statement:

Construction of a stormwater management system with stormwater treatment by retention and exfiltration trench for CubeSmart @ Hancock Road, a 5.28 - acre project to be constructed as per plans received by the District on March 11, 2016, and as amended by Sheets 8, 9, and 10, received by the District on September 6, 2016.

Recommendation: Approval

Reviewers: Timothy Wetzel; Lindsey Porter

Staff Comments

Project Applicant and Sufficient Real Property Interest: *Under rule 62-330.060, Florida Administrative Code (F.A.C.), and subsection 4.2.3(d), Environmental Resource Permit Applicant's Handbook Volume I (ERP A.H. Volume I), a permit applicant must certify that it has sufficient real property interest over the land upon which the activities subject to the application will be conducted.*

The permit applicant is the record title holder over the property on which the proposed activities will be conducted.

Project Location and Brief Description:

The project is located on the east side of Hancock Road approximately one mile south of SR-50 in Lake County, Florida. This project area will be split into three commercial lots with stormwater treatment by retention and exfiltration trench. This permit includes the construction of Lot 1. The site is located within the Ocklawaha River Hydrologic Basin and the Lake Apopka Hydrologic Basin.

Permitting History:

There are no known District permits for this project area.

Engineering

Description of Project (Surface Water Management System):

The project consists of the construction of a three-lot commercial site with two retention ponds (Ponds 11 and 12) serving Basins 101 and 102, respectively, and an exfiltration trench (Pond 13) serving Basin 103. This application also includes the construction of Lot 1, which will be a CubeSmart storage facility, as well as the construction of the stormsewer system, drive aisles, and parking area. Pond 11 has been designed to accommodate 1.82 acres of impervious area; Pond 12 has been designed to accommodate 2.15 acres of impervious area; and Pond 13 has been designed to accommodate 0.58 acres of impervious area. A permit modification will be required to authorize the construction of Lots 2 and 3.

Water Quality:

The applicant has submitted plans and calculations demonstrating that the proposed stormwater management system will provide treatment and recovery of the required treatment volume for systems that discharge to a Class III waterbody.

The applicant had also provided reasonable assurance that the requirements for permit issuance have been met by demonstrating that the proposed stormwater management

system Pond 13 will attenuate the post-development total phosphorus loading to pre-development levels and that Ponds 11 and 12 will not discharge water to Lake Apopka for the 100-year, 24-hour storm event.

Flood Protection:

The applicant has submitted plans and calculations demonstrating that the post-development volume of direct runoff will not exceed the pre-development volume of direct runoff for the 25-year, 96-hour storm event. Plans and calculations have also been provided demonstrating that the stormwater management system will provide for attenuation of the peak rate of discharge of stormwater runoff from the mean annual, 24-hour; 10-year, 24-hour; and 25-year, 24-hour storm events.

Special Basin Criteria:

The project site is located within the Ocklawaha River Hydrologic Basin. The project, as proposed, is consistent with the conditions for permit issuance as follows:

Storm Frequency: The system has been designed to provide attenuation of the post-development peak rate of discharge to that of the pre-development peak rate of discharge for the 10-year, 24-hour storm event.

Runoff Volume: The proposed system is not utilizing a pumped discharge, thus satisfying the runoff volume criteria.

The project site is also located within the Lake Apopka Hydrologic Basin. The applicant has demonstrated that the proposed system meets all conditions for issuances of permits, pursuant to Section 13.7, ERP A.H. Volume II. The applicant has provided reasonable assurance that Pond 13 of the stormwater management system will attenuate the post-development phosphorus loading to pre-development levels and that Ponds 11 and 12 will not discharge water to Lake Apopka in the 100-year, 24-hour storm event.

Operation and Maintenance:
Clermont Storage Center, LLC

Environmental

Site Description:

Existing conditions on the project site includes an old citrus grove with upland herbaceous and woody species throughout. An upland cut ditch runs along the northern side of the property adjacent to Trade Avenue and discharges underneath the road and into a depressional area to the north.

Impacts: *Subsection 10.2.2, ERP A.H. Volume I, states that an applicant must provide reasonable assurances that a regulated activity will not impact the values of wetland and other surface water functions so as to cause adverse impacts to: (a) the abundance and diversity of fish, wildlife and listed species; and (b) the habitat of fish, wildlife and listed species.*

The project involves work within 0.28 acre of upland cut ditch located within the project limits. In accordance with section 10.2.2.2, A.H. Vol. I, alterations in drainage ditches that were constructed in uplands will not be required to comply with the provisions of

sections 10.2.2 through 10.2.2.3, 10.2.3 through 10.2.3.7, and 10.2.5 through 10.3.8, A.H. Vol. I, unless those ditches provide significant habitat for threatened or endangered species. Observations revealed no evidence that the on-site ditches provide significant habitat for threatened or endangered species and proposed impacts to this ditch would not be considered adverse so mitigation is not needed to offset impacts to this system.

Secondary impacts: *Subsection 10.2.7, ERP A.H. Volume I, contains a four-part criterion that addresses additional impacts that may be caused by a proposed activity: (a) adverse impacts to wetland (and other surface water) functions and water quality violations that may result from the intended or reasonably expected uses of a proposed activity; (b) adverse impacts to the upland nesting habitat of bald eagles and aquatic or wetland dependent listed animal species; (c) impacts to significant historical and archaeological resources that are very closely linked and causally related to any proposed dredging or filling of wetlands or other surface waters; and (d) adverse wetland (and other surface) impacts and water quality violations that may be caused by future phases of the project or by activities that are very closely linked and causally related to the project.*

The applicant has demonstrated through the designed stormwater system and no adverse impacts to wetlands or other surface waters within the project boundaries or directly adjacent to the project site, that the proposed project will have no unacceptable adverse secondary and cumulative impacts to wetlands and water quality, as defined by Section 10.2.7(a), A.H. Vol. I.

The project site is dominated by old citrus grove with early successional herbaceous and woody vegetation and does not appear to provide nesting or denning opportunities for listed aquatic or wetland dependent fish or wildlife species, as defined by Section 10.2.7(b), A.H. Vol. I.

The proposed project includes work within 0.28 acre of upland cut ditch. Significant historical and archaeological resources are not expected to be impacted by the proposed activities, as defined by Section 10.2.7(c), A.H. Vol. I.

Project location and construction level site design provide assurance that no wetland impacts may be caused by future phases of the project or activities that are closely linked and causally related to the project as defined by Section 10.2.7(d), A.H. Vol. I.

Elimination/Reduction of Impacts: *Pursuant to subsection 10.2.1.1, ERP A.H. Volume I, the applicant must implement practicable design modifications to reduce or eliminate adverse impacts to wetlands and other surface waters. A proposed modification that is not technically capable of being completed, is not economically viable, or that adversely affects public safety through endangerment of lives or property is not considered "practicable". Alternatively, an applicant may meet this criterion by demonstrating compliance with section 10.2.1.2.a. or 10.2.1.2.b.*

No adverse impacts to wetlands or other surface waters are proposed for this project.

Mitigation:

No adverse wetland or surface water impacts are proposed for this project and no mitigation is needed.

Cumulative Impacts: *Subsection 10.2.8, ERP A.H. Volume I, requires applicants to provide reasonable assurances that their projects will not cause unacceptable cumulative impacts upon wetlands and other surface waters within the same drainage basin as the project for which a permit is sought. This analysis considers past, present, and likely future similar impacts and assumes that reasonably expected future applications with like impacts will be sought, thus necessitating equitable distribution of acceptable impacts among future applications. Under section 10.2.8, when an applicant proposes mitigation that offsets a project's adverse impacts within the same basin as the impacts, the project does not cause unacceptable cumulative impacts.*

No adverse impacts to wetlands or other surface waters are proposed for this project and cumulative impact criteria are not applicable.

**Wetland Summary Table
CubeSmart @ Hancock Road Commercial**

		<u>Acres</u>
Total Surface Water, Upland RHPZ and Wetlands in Project		
Wetlands		0.000
OSW		0.280
Upland RHPZ		0.000
	Total	0.000
 Impacts that Require Mitigation		
	Total	0.000
 Impacts that Require No Mitigation		
	Total	0.280
 Mitigation		
On-Site		
	Total	0.000
 Off-Site		
	Total	0.000
 Other		
		0.000

Conclusion: The applicant has provided reasonable assurance that the proposed project meets the conditions for issuance of permits specified in rules 62-330.301 and 62-330.302, F.A.C.

Conditions

1. All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. Any deviations must be authorized in a permit modification in accordance with Rule 62-330.315, F.A.C. Any deviations that are not so authorized may subject the permittee to enforcement action and revocation of the permit under Chapter 373, F.S.

2. A complete copy of this permit shall be kept at the work site of the permitted activity during the construction phase, and shall be available for review at the work site upon request by the District staff. The permittee shall require the contractor to review the complete permit prior to beginning construction.
3. Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation June 2007), and the Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008), which are both incorporated by reference in subparagraph 62-330.050(9)(b)5, F.A.C., unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.
4. At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the District a fully executed Form 62-330.350(1), "Construction Commencement Notice,"[10-1-13], incorporated by reference herein (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02505>), indicating the expected start and completion dates. A copy of this form may be obtained from the District, as described in subsection 62-330.010(5), F.A.C. If available, an District website that fulfills this notification requirement may be used in lieu of the form.
5. Unless the permit is transferred under Rule 62-330.340, F.A.C., or transferred to an operating entity under Rule 62-330.310, F.A.C., the permittee is liable to comply with the plans, terms and conditions of the permit for the life of the project or activity.
6. Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Agency, as applicable:
 - a. For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex — "Construction Completion and Inspection Certification for Activities Associated With a Private Single-Family Dwelling Unit" [Form 62-330.310(3)]; or
 - b. For all other activities — "As-Built Certification and Request for Conversion to Operational Phase" [Form 62-330.310(1)].
 - c. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.

7. If the final operation and maintenance entity is a third party:
 - a. Prior to sales of any lot or unit served by the activity and within one year of permit issuance, or within 30 days of as-built certification, whichever comes first, the permittee shall submit, as applicable, a copy of the operation and maintenance documents (see sections 12.3 thru 12.3.3 of Volume I) as filed with the Department of State, Division of Corporations and a copy of any easement, plat, or deed restriction needed to operate or maintain the project, as recorded with the Clerk of the Court in the County in which the activity is located.
 - b. Within 30 days of submittal of the as- built certification, the permittee shall submit "Request for Transfer of Environmental Resource Permit to the Perpetual Operation Entity" [Form 62-330.310(2)] to transfer the permit to the operation and maintenance entity, along with the documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.
8. The permittee shall notify the District in writing of changes required by any other regulatory District that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.
9. This permit does not:
 - a. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;
 - b. Convey to the permittee or create in the permittee any interest in real property;
 - c. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
 - d. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.
10. Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, the permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.
11. The permittee shall hold and save the District harmless from any and all damages, claims, or liabilities that may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any project authorized by the permit.
12. The permittee shall notify the District in writing:

a. Immediately if any previously submitted information is discovered to be inaccurate; and

b. Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall request transfer of the permit in accordance with Rule 62-330.340, F.A.C. This does not apply to the sale of lots or units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase.

13. Upon reasonable notice to the permittee, District staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.
14. If any prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, work involving subsurface disturbance in the immediate vicinity of such discoveries shall cease. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section, at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Such subsurface work shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and notification shall be provided in accordance with Section 872.05, F.S.
15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under Rule 62-330.201, F.A.C., provides otherwise.
16. The permittee shall provide routine maintenance of all components of the stormwater management system to remove trapped sediments and debris. Removed materials shall be disposed of in a landfill or other uplands in a manner that does not require a permit under Chapter 62-330, F.A.C., or cause violations of state water quality standards.
17. This permit is issued based on the applicant's submitted information that reasonably demonstrates that adverse water resource-related impacts will not be caused by the completed permit activity. If any adverse impacts result, the District will require the permittee to eliminate the cause, obtain any necessary permit modification, and take any necessary corrective actions to resolve the adverse impacts.
18. A Recorded Notice of Environmental Resource Permit may be recorded in the county public records in accordance with Rule 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.

19. This permit for construction will expire five years from the date of issuance.
20. At a minimum, all retention and detention storage areas must be excavated to rough grade prior to building construction or placement of impervious surface within the area to be served by those facilities. To prevent reduction in storage volume and percolation rates, all accumulated sediment must be removed from the storage area prior to final grading and stabilization.
21. The operation and maintenance entity shall submit inspection reports to the District one year after the operation phase of the permit becomes effective and every two years thereafter on form 62-330.331(1), "Operation and Maintenance Inspection Certification". The inspection form must be signed and sealed by an appropriate registered professional.
22. In accordance with the monitoring requirements of Section 13.7(b)(2) of the ERP Applicant's Handbook, SJRWMD Volume II (October 1, 2013), the permittee shall monitor water elevations in the stormwater management system for ten years following completion of construction of the entire system, including all associated residential, commercial, transportation, or agricultural improvements. If the results of the monitoring indicate that the system is not recovering storage in accordance with the permitted design or causes water to be discharged to Lake Apopka or its tributaries for events less than the 100-year 24-hour storm event, then the permittee shall either perform maintenance that brings the system into compliance or obtain a modification to the permit and implement measures to bring the system into compliance, and in either event the monitoring shall continue for three years after the date the system is brought into compliance.
23. The permittee shall install a staff gauge in each retention pond in a clearly visible location, upon completion of construction of the system or upon any part of the system being used for its intended purpose. During the monitoring period, water level elevations in each pond shall be monitored once a month in the months of March, and June through December. A permanent record of water level measurements showing the date and time of day of the measurement, the depth (water level) and weather conditions shall be maintained by the permittee. These records must be submitted to the District within 30 days of the end of each calendar year during the monitoring period.
24. The proposed project must be constructed and operated as per plans received by the District on March 11, 2016, as amended by Sheets 8, 9, and 10, received by the District on September 6, 2016.