

ATTACHMENT FOR DISCUSSION ITEM #4



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Regulation Division

August 9, 2016

Harmony Community Development District
3500 Harmony Square Drive
West Harmony, FL 34773

Dear Harmony Community Development District :

Subject: **Harmony Community Development District**
Application No. 131016-17
Osceola County

This letter is a request for your assistance to withdraw the above-referenced permit application and to notify you of the District's proposed agency action. The application was received by the District on 10/16/2013 . After reviewing the application it was determined to be incomplete. A letter requesting additional information needed to complete the application was sent on 11/4/2013 (copy attached). At the close of the letter it stated that if a response is not received within 90 days, the application may be processed for denial. As of this date, no response has been received and the 90 day deadline has passed.

In accordance with Rule 40E-1.603, F.A.C., if a response to these items is not received within 30 days from the receipt of this letter, the application will be processed for denial. However, the application may be withdrawn or the District may grant an extension upon a showing of good cause by the applicant. The denial of an application for lack of completeness is without prejudice. Therefore, a new application concerning the same subject may be re-submitted at a later date. If you have any questions, please call Carol Biagiotti-Griggs at 407-858-6100. Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer Thomson".

Jennifer Thomson
Environmental Analyst Supervisor
South Florida Water Management District

cc: Gregory A. Guettler, the Dock Ters Marine Construction

DISTRICT HEADQUARTERS: 3301 Gun Club Road, West Palm Beach, Florida 33406
LOWER WEST COAST SERVICE CENTER: 2301 McGregor Boulevard, Fort Myers, FL 33901
OKEECHOBEE SERVICE CENTER: 3800 N.W. 16th Blvd, Suite A, Okeechobee, FL 34972
ORLANDO SERVICE CENTER: 1707 Orlando Central Parkway, Suite 200, Orlando FL 32809

• (561) 686-8800 • (800) 432-2045
• (239) 338-2929 • (800) 248-1201
• (863) 462-5260 • (800) 250-4200
• (407) 858-6100 • (800) 250-4250

sfwmd.gov

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

DOCUMENT HISTORY

ePermitting

Application #: 131016-17 **Permit#:** 49-01058-P **Received Date:** 16-Oct-2013
Issuing Office: ORL/SFWMD **Application Status:** Response Deny
Permit Type: Environmental Resource (Construction/Operation Modification) **30-Day Deadline:**

Project Name: Harmony Community Development District **Project Acres:** 38
Landuse(s): Residential **Location:** Osceola S24,25/T26/R31
Receiving Body: Buck Lake

SWM Reviewer: Mark Daron (407)858-6100
ENV Reviewer: Carol Biagiotti-Griggs (407)858-6100

Applicant: Harmony Community Development District
3500 Harmony Square Drive West Harmony FL 34773

Engr Consultant: The Dock Ters Marine Construction Inc Gregory A Guettler
3965 Canoe Creek Road Saint Cloud FL 34772

RPD Letter Sent: 09-Aug-2016 **Response Received:**
RAI Letter Sent: 04-Nov-2013 **Response Received:**

Project Description:

Contact Email Id: permits@sfwmd.gov

Documents

List by date

	<u>Document Type</u>	<u>Date Posted</u>	<u>Size</u>	<u>Seal</u> <u>Verified?</u>
Applications(3)				
Application Documents(2)				
131016-17_RespDeny_20160809		Aug 9, 2016	235 KB	
131016-17_Application		Oct 18, 2013	57 KB	
Fee Information(1)				
RAI Information(1)				
131016-17_RAI_20131104		Nov 4, 2013	101 KB	
Calculations - Design Plans(2)				
Maps(1)				
131016-17_Maps		Oct 18, 2013	194 KB	
Plans(1)				
131016-17_Plans		Oct 18, 2013	100 KB	

REQUEST FOR INFORMATION SENT BY SFWMD ON NOV 4, 2013



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Regulation Division

November 4, 2013

Mr. Gregory A Guettler
The Dock-Ters Marine Construction, Inc.
3965 Canoe Creek Road
Saint Cloud FL 34772

**Subject: Harmony Community Development District
Environmental Resource Permit Application No. 131016-17
Permit No. 49-01058-P
Osceola County**

Dear Mr. Guettler:

District staff has reviewed the above-referenced application. As discussed with you on October 18, 2013, the District is requesting the following information, in accordance with Section 5.5.3.1 of the Environmental Resource Permit Applicant's Handbook Volume I (AH I), adopted by reference in Section 62.330.010(4)(a), Florida Administrative Code (F.A.C.), to complete the application and provide reasonable assurances for permit issuance:

1. This application was originally submitted as an Individual Minor Modification. It appears this project meets the criteria for an Individual Major Modification. Please be advised, the application fee for an Individual Major Modification permit with greater than 10 boat slips is \$3,300.00. Please submit an updated application and the application fee balance due of \$3050.00. Please be advised that the application will not be deemed complete until the application fee is paid in full.
2. This project has the potential to require a Sovereign Submerged Lands Lease which would require an additional application fee. Please submit the required fee (Chapter 18-21 F.A.C.).
3. Please describe how slips in the docking facility will be made available to owners within the community. Will the slips be for private use only or will any slips be allocated for public use (Chapter 18-21 F.A.C.)?
4. Will there be fueling or boat repair facilities constructed in association with the proposed project? Please provide a spill containment plan that may be implemented as a contingency plan in the event a gasoline or other hazardous material spill occurs (Applicant's Handbook section 10.2.4.3).

DISTRICT HEADQUARTERS: 3301 Gun Club Road, West Palm Beach, Florida 33406 • (561) 686-8800 • (800) 432-2045

Mailing Address: PO BOX 24680 West Palm Beach FL, 33416-4680

LOWER WEST COAST SERVICE CENTER: 2301 McGregor Boulevard, Fort Myers, FL 33901 • (239) 338-2929 • (800) 248-1201

OKEECHOBEE SERVICE CENTER: 3800 N.W. 16th Blvd, Suite A, Okeechobee, FL 34972 • (863) 462-5260 • (800) 250-4200

ORLANDO SERVICE CENTER: 1707 Orlando Central Parkway, Suite 200, Orlando FL 32809 • (407) 858-6100 • (800) 250-4250



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5. Please describe measures proposed to provide assurances that adverse impacts to water quality do not occur as a result of construction and operation of the docking facility (Applicant's Handbook section 10.2.4).
6. The proposed project appears to require a sovereign submerged lands lease. For projects involving activities that require both State Lands (proprietary) authorization and an Environmental Resource Permit (ERP), it is the District's responsibility to compile the information necessary for the Division of State Lands (DSL) review and to forward this information to the DSL. The amended application should indicate that a submerged lands lease is requested. Outlined below is a list of the information required for the submittal package to the DSL for processing the lease application. Please provide this information so that staff can forward the package to the DSL.
 - a. Two prints of a survey prepared, signed and sealed by a person properly licensed by the State of Florida Board of Land Surveyors with the following details shown:
 1. The location of ordinary high water(OHW)
 2. The location and dimensions of existing and proposed structures
 3. The location of the applicant's upland property lines and the length of shoreline within the applicant's ownership
 4. A legal description of the preempted area to be leased (please refer to the definition in Rule 18-21.003, FAC)
 - b. Current local zoning and status of any other government approvals necessary for the proposed activities.
 - c. Florida Department of Revenue registration number. Leases without sales tax exemption certificate shall be subject to Florida sales tax.
 - d. Computation of the lease fee, including the total square footage of preempted sovereignty land to be leased (refer to Rule 18-21.011, FAC).
 - e. A completed billing information form (refer to attached copy).
 1. Please provide a list of names and addresses of all property owners within a 500' radius of the proposed lease area, which has been verified by the County Property Appraiser's Office that these names came from the latest tax assessment rolls. Please send the enclosed notice (with the square footage of the lease area filled in) by certified mail to each individual on the list of adjacent property owners in accordance with the following instructions for noticing your proposed project. In order to ensure that sufficient evidence is provided to the District that the project has been properly noticed, please have each certified mailing marked return receipt requested with the District's address listed as the return address as follows:
South Florida Water Management District
1707 Orlando Central Parkway, Suite 200
Orlando, FL 32809
Attn: Nicole Gough, Application No. 131016-17

Mr. Gregory A Guettler
Harmony Community Development District, Application No. 131016-17
November 4, 2013
Page 3

Note that a location map and site plan of the project along with a legal description of the proposed lease area should be included in the notice sent to adjacent property owners. Pursuant to Chapter 253.115(3), F.S., please also consider publishing the enclosed notice in a newspaper of general circulation within the affected area and provide proof of publication to the District. The application cannot be deemed complete until it has been documented that all adjacent property owners within a 500' radius of the project have been noticed of the proposed submerged lands lease.

Advisory Comment: The following comment is advisory in nature and does not require a response to the District.

- A1. Included with this letter/permit is a brochure from the Florida Department of Environmental Protection (FDEP) on Florida's National Pollutant Discharge Elimination System (NPDES) program for construction activities.

As the brochure indicates, the U.S. Environmental Protection Agency authorized the FDEP in October 2000 to implement the NPDES stormwater permitting program in Florida. The District is assisting FDEP by distributing this information to entities which may be subject to regulation under the NPDES program. No response to the District is required.

A "Generic Permit for Stormwater Discharge from Large and Small Construction Activities" (CGP) is required for a construction activity which ultimately disturbs an acre or more and contributes stormwater discharges to surface waters of the State or into a municipal separate storm sewer system.

The permit required under FDEP's NPDES stormwater permitting program is separate from the Environmental Resource Permit required by the District. Receiving a permit from the District does not exempt you from meeting the NPDES program requirements.

If you have any questions on the NPDES Stormwater program, call 866-336-6312 or email FDEP at NPDES-stormwater@dep.state.fl.us. For additional information on the NPDES Stormwater Program including all regulations and forms cited in the brochure visit: www.dep.state.fl.us/water/stormwater/npdes/.

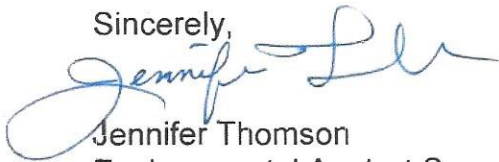
Please submit responses to this letter electronically on the District's ePermitting website (www.sfwmd.gov/epermitting) using the Additional Submittals link to expedite administrative processing of the application and to save paper. Please note that an electronic response may be submitted even if the original application was submitted via hard copy. Information regarding the District's comprehensive ePermitting program is enclosed. Alternatively, please provide one (1) original and one (1) copy of the requested information, clearly labeled with the application number, to <choose office location>.

Mr. Gregory A Guettler
Harmony Community Development District, Application No. 131016-17
November 4, 2013
Page 4

In accordance with section 5.5.3.5 of AH I and paragraph 40E-1.603(1)(d) F.A.C., if the requested information is not received within 90 days of the date of this letter, this application may be processed for denial, if not withdrawn by the applicant. If additional time is needed, please contact one of the District staff members below with a request for an extension before the 90 day period ends.

The District recommends contacting the assigned staff members to resolve the above questions and concerns prior to submitting a response. Nicole Gough, Environmental Analyst 3 at 407-858-6100 x3814, or via email at ngough@sfwmd.gov ; and Mark Daron, Engineer Supervisor at 407-858-6100 x3805, or via email at mdaron@sfwmd.gov are available to assist with questions.

Sincerely,



Jennifer Thomson
Environmental Analyst Supervisor
South Florida Water Management District

ng/CE

Enclosure

cc: Harmony CDD
Osceola County Engineer

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ORIGINAL APPLICATION SUBMITTAL
RECEIVED BY SFWMD ON OCT 15, 2013

LETTER OF MODIFICATION

SFWMD permit # 49-01058-P

Application # referenced: 030501-16

Owner: Harmony Development Company LLC

3500 Harmony Square Dr W

Harmony, FL 34773

Date: 7/22/12

Re: Description of modification

The modification to the referenced permit will involve removing, and replacing the existing floating dock at the facility on the Southeast shore of Buck Lake. The replacement floating dock will be as follows:

1. A 10' x 16' landing for the existing gangway
2. 2 pcs. 8' x 26' making up the main platform
3. 5 pcs. 4' x 20' finger piers
4. 4 pcs mooring piling

The work should be completed within 2 months from the starting date. The existing floating dock covers approx 500 sf. The new replacement will cover approx 976 sf. The new arrangement will allow the boats to be moored more securely, and allow people to access the boats in a safer manner with negligible impact on the surrounding area.

Attached is a drawing showing the existing floating dock and a drawing showing the proposed replacement. Also attached is a check in the amount of \$250.00, for the Letter of Modification fee.

Thank you, Greg 407 908 8350, greg_orl_fl@yahoo.com

APP# 131016 1/

RECEIVED
OCT 16 2013
ORLANDO SERVICE CENTER

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APP# 131016 17

Form # RC-1(0050A)
Rev. 7/89**SOUTH FLORIDA WATER MANAGEMENT DISTRICT**
P.O. Box 24680, West Palm Beach, FL 33416-4680
Telephone: (561) 686-8800 Toll Free: 1-800-432-2045

(For Use by SFWMD Personnel Only) Date Received:

Application Number:

Application to South Florida Water Management District for a Permit For:

- ☐ Utilization of District Works
- ☒ Modification of Existing Permit for Works of the District Number: 49-01058-P

Owner's Name Harmony Community Development District

Address 3500 Harmony Square Drive West

City Harmony State FL Zip 34773 Phone

Developer's Name Birchwood Acres LLLP

Address 3500 Harmony Square Drive West

City Harmony State FL Zip 34773 Phone 407 891 1616

Project Engineer Gregory A Guettler, The Dock-Ters Marine Const Inc

Address 3965 Canoe Creek Rd

City Saint Cloud State FL Zip 34772 Phone 407 908 8350

Project Name**Location** Harmony, Osceola, S 24, 25/ T 26/ R 31

City

County

Section(s)

Township(s)

Range(s)

Purpose **Zoning****Project Size** Acres **Project is** ☐ Proposed ☐ Existing ☒ To Be Modified**If this is a request to modify an existing permit, describe the requested changes** Replace the existing floating dock**Describe the use** Multi boat floating dock on Buck Lake(Culvert, Boat Dock, Fence, Beautification, etc. **NOTE: Include canal name**)**NOTE:** In all cases an accurate location map with the project boundaries clearly shown must be submitted. Also, if this is a proposed or expanded project submit a current aerial photograph showing the project boundaries.

Rule 40E-6.101 F.A.C. specifies data requirements to constitute a complete permit application. The referenced rule is provided on the back of this form. Any necessary checklist may be obtained from the District at the above address.

Date 10-14-13

Owner's signature (If not the owner, certify below)

I hereby certify that I am an authorized Agent of the Owner

Title Pres - The Dock-Ters Marine Const Inc

NOTE: Many projects also require approval by other State and Federal Agencies. SFWMD informs some agencies of permit applications received but the responsibility for requesting approvals rests with the owner.