



Florida Department of Transportation

RON DESANTIS
GOVERNOR

3400 West Commercial Boulevard
Fort Lauderdale, FL 33309

JARED W. PERDUE, P.E.
SECRETARY

June 17, 2024

Susan O'Rourke, P.E.
O'Rourke Engineering & Planning
3725 S. East Ocean Boulevard, Stuart FL, 34996

Dear Susan O'Rourke,

RE: Variance Committee Review to allow for **Category D Driveway**

Applicant/Property Owner: Zentex Ventures LTD

St Lucie County City of Fort Pierce State Road: SR 70 **Section:** 94030000 **MP:** 20.20

Access Class: 03 **Posted Speed:** 45 mph **SIS:** Influence Area

FDOT Ref. Project: FM 447653.1-Jeffrey Robbert-RESURFACING **Site Acreage:** 58.23 Acres

Development Size: 179 Single Family Dwelling Units and 138 Multi-Family Dwelling Units

Project Name & Address: Zentex - Gordy Road south of SR-70, Fort Pierce

AMRC Meeting Date: April 4, 2024

AMRC Meeting Date: May 22, 2024 (Follow-up Meeting)

Request: Maintain full median opening access at the intersection of Gordy Road & SR-70, approximately 850 feet west of Rock Road.

This request is: **Approved with Conditions**

Conditions / Comments:

- The existing westbound left turn lane at SR 70 and Gordy Road intersection shall be extended to accommodate the project traffic. The left turn/U-turn lane shall meet the minimum requirements in the Florida Design Manual (FDM). A queueing analysis shall be submitted at the time of permit to determine the required queue length.**
- Reconstruct existing median opening at SR 70 and Rock Road intersection to an eastbound directional median opening. The left turn/U-turn lane shall meet the minimum requirements in the Florida Design Manual (FDM). A queueing analysis shall be submitted at the time of permit to determine the required queue length.**
- All existing driveways not approved in this letter must be fully removed and the area restored.
- Drainage mitigation is required for any impacts within FDOT right-of-way (i.e. increased runoff or reduction of existing storage).
- A Storm Water Pollution Prevention Plan must be submitted with the application if there will be more than one acre of "disturbed area" (as defined by the Florida Department of Environmental Protection (FDEP))
- If additional right-of-way is required to implement the proposed improvements, the applicant shall donate the right-of-way to the Department.



Coco Vista Centre
466 SW Port St. Lucie Blvd, Suite 111
Port St. Lucie, Florida 34953
772-462-1593 www.stlucietpo.org

September 27, 2024

VIA EMAIL

Mr. Vennis Gilmore, Assistant Planning Director
City of Fort Pierce
100 North U.S. Highway 1
Fort Pierce, Florida 34950

**RE: Proposed Transportation Impact Review (PTIR)
Gordy Creek Planned Development (Resubmittal)
Parcel ID: 2326-130-0000-000-7
2326-130-0000-010-0**

Dear Mr. Gilmore:

As the Federal and State-designated agency responsible for transportation planning for the City of Fort Pierce, City of Port St. Lucie, St. Lucie Village, and St. Lucie County, the St. Lucie Transportation Planning Organization (St. Lucie TPO) initially completed a PTIR regarding the above-referenced proposed development on May 13, 2024. The proposed project is a 76.97-acre Planned Development with 179 single family units and 138 townhome units on a currently undeveloped property. Based on the review of the Resubmittal, the following comments are provided:

- **Gordy Road:** The proposed residential development would rely on Gordy Road for access. Currently, Gordy Road is a rural road with no shoulders or bicycle and pedestrian facilities. Therefore, without improvements, the proposed development would significantly impact traffic, bicycle, and pedestrian safety on Gordy Road. Roadway safety improvements adjusting to the increased traffic should be completed for any proposed development requiring access from Gordy Road.

Applicant Response: Gordy Creek is not a thoroughfare roadway, pedestrian and bicycle traffic are minimal on this roadway.

The St. Lucie TPO is planning a comprehensive multimodal roadway network throughout the TPO area and not just for "thoroughfare" roadways. The addition of 317 residential units will significantly increase vehicle, pedestrian, and bicycle traffic on Gordy Road. To ensure safety for all of the users of Gordy Road to and from the proposed development, roadway safety improvements for bicycle and pedestrian users should be implemented on Gordy Road in addition to traffic safety improvements for vehicles such as shoulders.

- **Sidewalks/Bicycle-Pedestrian Connectivity:** There are no designated areas for bicycle travel, parking, or storage on the site. The sidewalk connection on the east side of the proposed driveway access appears to provide no connectivity to the internal sidewalk network. Pedestrian connections to the internal sidewalk network and bicycle facilities should be provided for bicyclist and pedestrian safety.

Applicant Response: There is a bicycle rack at the amenity/mail kiosk area. Residents should store their bicycles in their homes.

The TPO comment was not pertaining exclusively to bicycle storage. Rather, sidewalk connections from Gordy Road and sidewalks on both sides of the internal roadway network should be provided to create safe pedestrian access throughout the development and to and from Gordy Road, such as for children who may be walking to or from or waiting for a school bus.

- **SmartMoves 2045 Long Range Transportation Plan (LRTP) Inconsistency:** The proposed 317 housing units is inconsistent with the growth allocations included in the Traffic Analysis Zones (TAZs) where the development will be located and, therefore, the development is inconsistent with the 2045 SmartMoves LRTP. Consequently, an amendment to the LRTP is needed which includes an analysis of the changes to the growth allocations in the TAZs.

Applicant Response: Amending the 2045 Long Range Transportation Plan (LRTP) is not the responsibility of the applicant nor a component of the land development process. The LRTP is updated every 5-years to account for new developments and anticipated development in the future.

The LRTP should be amended between the required five-year cycles when there are significant changes in land use and roadway network impacts that are unaccounted for in the current version of the LRTP. Because of the significant change in land use proposed by this development, at a minimum, an analysis of the changes to the growth allocations in the TAZs in the latest version of the Treasure Coast Regional Planning Model, upon which the LRTP is based, and the resultant impacts to the transportation network should be conducted.

- **LRTP Programmatic Environmental Mitigation:** Section 9.2 of the LRTP identifies the proposed project site on Gordy Road as an Environmentally Sensitive Area on the Cost Feasible Roadway Network Plan. An environmental mitigation plan for the Gordy Road improvements will need to be developed consistent with the Programmatic Environmental Mitigation which includes enhancement, restoration, creation and/or preservation that will serve to offset unavoidable environmental impacts of the proposed project.

Applicant Response: There are no wetland impacts proposed; however, 0.35-acre of work in other surface waters (ditch) is proposed within the project site. The wetlands onsite will be preserved and an upland buffer that has an average width of 25 feet is proposed. Preservation area signage and fencing is proposed along the upland buffer. Please see the attached figure depicting the proposed 0.35-acre of work in surface waters.

The applicant identifies on Page 1 of the comments response letter that "This PD includes an extensive preserve area with pedestrian trails and kayak launch that will be accessible to the public" and then indicates on Page 5 that "trails have been removed from the wetland and preserve area". This contradiction should be addressed. In addition, confirmation should be provided that any improvements to Gordy Road will not impact Wetland W-2. Otherwise, any impacts to Wetland W-2 from the Gordy Road improvements should be addressed with the development of an environmental mitigation plan consistent with the LRTP Programmatic Environmental Mitigation which includes enhancement, restoration, creation and/or preservation that serves to offset the unavoidable environmental impacts from the Gordy Road improvements.

Since the Resubmittal results in the above-referenced comments, it is recommended that the proposed project does not proceed further in the development review process until the

comments are addressed. Please contact me should any additional information or clarification be required regarding this review.

Sincerely,

Stephanie M. Torres

Stephanie M. Torres, CPM
Bicycle Pedestrian Program Manager

cc: City of Fort Pierce Planning Department



To: Kori Benton, AICP
Planning Manager
St. Lucie County Planning & Development Services

From: Alex Memering, P.E.
Kimley-Horn and Associates, Inc.

ARM

Date: December 23, 2024

Re: **Gordy Creek Planned Development**
1st Traffic Statement Review

Kimley-Horn has reviewed the Traffic Statement (revised March 6, 2024) prepared by O'Rourke Engineering & Planning, Inc. related to the above-mentioned project. Please find our review comments below pertaining to the development's impacts to adjacent transportation facilities.

1. It appears TMCs are more than 2 years old. Per the St Lucie County TPO Guidelines " Counts more than two years old will not be acceptable unless otherwise approved by the Local Government during the Methodology. Please recollect counts.
2. Please include the Peak Season Factor Category Report by FDOT within the appendix.
3. Please provide intersection signal timings within the appendix of the traffic impact analysis.
4. Please include an AM and PM peak hour intersection analysis of Crossroads Parkway & Okeechobee Road.

Thank you for the opportunity to assist St. Lucie County in reviewing this project. Please contact us if you have any questions or need additional information.

NORTH ST. LUCIE RIVER WATER CONTROL DISTRICT

("District")

14666 Orange Avenue • Fort Pierce, Florida 34945 • (772) 461-5050 • FAX (772) 461-9446

Application to Connect to, or Use, District Facilities, or for Utility Construction*

Gordy Creek

A. General Information:

Applicant Information:

Name: Zentex Ventures LTD
Address: 44 Cocoanut Row Unit B-22
Palm Beach, FL 33480
Telephone: () 904-219-3330
Email: lara@swansonlandco.com

Owner Information (if different from Applicant):

Name: _____
Address: _____
Telephone: ()
Email: _____

Engineer of Record Information (if applicable):

Name: Wesley Mills, P.E., Mills, Short & Associates LLC
Address: 700 22nd Pl, STE 2C/2D
Vero Beach, FL 32960
Telephone: (772) 226-7282
Email: kroegers@millsshortassociates.com

Billing Contact Information:

Name: Wesley Mills, P.E., Mills, Short & Associates LLC
Address: 700 22nd Pl, STE 2C/2D
Vero Beach, FL 32960
Telephone: (772) 226-7282
Email: wmills@millsshortassociates.com

B. Project Information: (Check appropriate box and attach drawings to show location and details):

- Culvert Connection to District canal for irrigation or gravity drainage.
- Pump Connection to District canal for irrigation or drainage.
- Installation of culvert or water control structure in District canal for crossing or water control.
- Utility Crossing:
 - Electric Telephone Gas
 - Cable Television Water Main Force Main

Other (specify): Discharge to Tenmile Creek as part of residential development project

Location: Section(s): 26 Township: 35 Range: 39 Canal No.: TMC
Description of Indirect Connection: Overland flow discharge to Tenmile Creek from wetlands
Drainage area served: _____ acres (Culvert or pump Connections.)

C. Construction Schedule:

Estimated commencement date: Jan 2026 Estimated completion date: Jan 2027

D. Application, Use Fee: \$ 75.00 750.00 **Review Deposit:** \$ 3,500.00 7000.00

(Submit fee with this application in accordance with the District's fee schedule.)

ACKNOWLEDGEMENT AND ACCEPTANCE:

As reflected by my signature below, I hereby certify that the information shown above is accurate to the best of my knowledge, and that I agree to satisfy or abide by all requirements of this Permit, including "Standard Provisions" itemized on the reverse, and "Special Conditions" imposed by the District. Further, I acknowledge that the District and its Engineers are doing work to benefit the property and non-payment may result in filing of a construction lien as permitted by the Florida Statutes.

Owner Signature: See attached Owner Authorization form.
Owner Name (Type or Print): Gary Zentner, Zentex Ventures LTD
Date: 2025.02.04

District Use Only: No. - 025 - 004 - TMC

NORTH ST. LUCIE RIVER WATER CONTROL DISTRICT

("District")


14666 Orange Avenue • Fort Pierce, Florida 34945 • (772) 461-5050 • FAX (772) 461-9446

Application to Connect to, or Use, District Facilities, or for Utility Construction*

SPECIAL CONDITIONS: (for District Use Only):

Attached

Application Approved and Permit for Construction Issued:

By:  Date of Approval: 3-27-25
For the North St. Lucie River Water Control District

Permit Expiration Date: 3-27-27 Construction Expiration Date: _____

Project Certification Received and Accepted:

By: _____ Date of Approval: _____
For the North St. Lucie River Water Control District

Certification Expiration Date: _____

**This Application will become a Permit if and when approved and signed by an authorized representative of the District.*

March 27, 2025

Gordy Creek – Drainage Connection to Ten Mile Creek
NSLRWCD Permit Application No. 025-03-TMC

Permit Conditions

1. The proposed Gordy Creek development is located west of Gordy Rd. and south of Okeechobee Rd. (SR70). The proposed development consists of 178 single-family lots, 138 townhome units, an amenity center and associated utility and drainage infrastructure which ultimately outfalls to Ten Mile Creek. The total project area is 75.98 acres and divided by Ten Mile Creek, with 9.36 acres located on the west side of Ten Mile Creek and 66.62 acres located on the east side. The drainage basin for the proposed project is 58.58 acres, with approximately 17.40 acres to remain as undisturbed preservation area. The permittee shall install the proposed improvements in accordance with the Construction Plans that were signed and sealed by James W. Mills, P.E. with Mills, Short & Associates, Inc. dated March 7, 2025.
2. The permittee shall be responsible for all permit application review fees associated with this permit application.
3. At least two (2) week prior to commencement of construction, the permittee shall contact the District Office and District Engineer to schedule a pre-construction meeting.
4. The permittee shall contact the District Superintendent of Works, Bill Price at (772) 201-4781, to schedule any site inspections.
5. The contractor shall provide the NSLRWCD with a 24-hour contact number and personnel for emergency situations.
6. The applicant shall be responsible for notifying the District of deviations from the approved plans during construction that would impact or affect District right-of-way or facilities. Any revisions or modifications to the approved plans shall be submitted to the District for review and approval.
7. All disturbed areas shall be sodded and pinned, except for areas calling for other material (i.e. riprap stabilization) as on the approved plans.
8. If dewatering is proposed, the permittee shall furnish a copy of the proposed dewatering plan to this District prior to the start of construction. The permittee may need to provide a standby pump for bypassing the canal flow over the temporarily closed canal crossing. However, in the event of forecasted landfall of a named storm event, the permittee shall be prepared to provide additional pumping capabilities or reopen the canal crossing so that the historical canal flow can be maintained. The permittee shall coordinate with the District Superintendent of Works to assess if, or when, bypass pumping is necessary.
9. The applicant shall ensure that the project complies with current State Water Quality Standards. The permittee shall be responsible for installing and maintaining measures to prevent sedimentation and turbidity issues within District canals. At a minimum, the Board recommends installing turbidity curtains downstream of the construction site and installing silt fence as applicable. The contractor shall stake all turbidity barriers at the canal high water line at minimum. Please be advised that the contractor will need to coordinate with the District Supervisor or Works as necessary for the removal of any turbidity barriers in the event of forecasted landfall of a named storm event.
10. Within 30 days after completion of the permitted activity, the permittee shall submit notice of completion to the District for approval. This shall consist of a written notice of completion letter, and two (2) complete sets of the final "Record Drawings", signed and sealed by the project engineer of record or licensed surveyor. These statements must specify the actual date of construction completion and must certify that all improvements have been constructed in substantial conformance with the plans and specifications approved by the District and will function as intended and designed. If deviations from the approved drawings are discovered during the certification process, the certification must be accompanied by a copy of the approved permit drawings with deviations noted. All surveyed dimensions and elevations shall be certified by a registered surveyor.

STANDARD PROVISIONS

for

Application / Permit No. 025-004-TMC

If this Application for a Permit is approved, I do acknowledge, understand, and agree that:

1. I hereby indemnify and hold the District harmless from claims for property damage or personal injury arising from the installation or use of the permitted facility, and that this indemnification extends to damage to the facility itself that may occur from District operation and maintenance work.
2. Approval of this application does not relieve the Permittee from securing any and all other permits that may be required by other entities or governmental agencies, including, but not limited to, the South Florida Water Management District, the Florida Department of Environmental Protection, and St. Lucie County.
3. The use of, or construction within, the District's right-of-way shall conform to the details of the **attached approved drawings** supporting this application. **Modifications must be approved by the District in writing prior to construction.**
4. If required in the interests of the District's operation and maintenance program, or by any modifications to the District's Standard Provisions, I agree to alter, replace, relocate, or remove the permitted facilities at no cost to the District, all as is more fully set forth by District Policy Resolution duly recorded in O.R. Book 669 at page 699 of the Public Records of St. Lucie County, Florida, but subject to the limitations thereof.
5. The lands to be benefited by this application are, or may be, subject to flooding during periods of high water resulting from heavy rains or other acts of God. This Permit will be accepted subject to this possibility, which is recognized not to be within the control of the District.
6. Any other requirements that may be imposed by the District are binding upon me, my successors and assigns.
7. Any Permit issued as an approval of this application other than one issued in irrevocable, recordable form pursuant to the Policy Resolution referenced in item 4, above, shall not be transferable from the Permittee to a subsequent owner or owners of all, or a portion of, the subject property without the express, written approval of the District.
8. Any Permit issued as approval of this application is strictly subject to all of the rules of the District, duly promulgated from time to time, which are on file and available for examination at the offices of the District by those having interest.
9. If a Permit is granted, I shall notify the District not less than 24 hours prior to the beginning and completion of the work, to enable the coordination and scheduling of inspections.
10. I accept total responsibility for any erosion of, or shoaling in, the District's right-of-way or canals that results from the permitted work, and I shall repair or remove same promptly, at no expense to the District.
11. During and after construction, I shall prevent material from the construction area from being discharged to, or settling in, District canals.
12. Unless authorized by Permit, I shall neither place, construct or plant, nor cause to be placed, constructed or planted, any object or improvement within the District right-of-way without the express written prior approval of the District.
13. Within thirty (30) days of completion of the work, I shall submit a written statement to the District certifying that the work was performed and completed in accordance with the Permit and the approved drawings. If the work deviates from the Permit or approved drawings, the certification shall state the nature and extent of those deviations.
14. If this Permit is for a drainage connection, then drainage discharge from the area served shall not exceed the volumetric equivalent of 2.0 inches of depth over the area for any 24-hour period (38 gallons per minute per acre) from the 10-year frequency, 72-hour duration rainfall.
15. If a Permit is issued for a hydraulic connection of property with a District canal, I shall not discharge hyacinths or other aquatic vegetation into the District canal.
16. The Permittee, his agents and contractors, shall conduct the work in a manner that will not impair the use, or potential use, of the District right-of-way and facilities. In no case shall drainage or irrigation canals or appurtenant works be obstructed or restricted.
17. All irrigation and drainage connections to District facilities shall be clearly marked with a post of contrasting colors to identify the location and extent of the permitted installation.
18. If access is permitted via an existing culvert crossing installed in District right-of-way, the Permittee is advised that the crossing may be permitted for use by other affected owners, as such crossings are limited in number by the District.
19. The District reserves the right to permit the use of culvert crossings installed in rights-of-ways by other affected owners of District lands, as culvert crossings are subject to distance limitations imposed by the District.
20. All utility installations shall be clearly marked with above-ground signs or markers, as required by the District's "Permit Information and Criteria Manual."

October 14, 2024

PROJECT: Gordy Creek
REF: 24-43900001
TO: Vennis Gilmore
FROM: Grant Chambers

Corrections:

1. Please provide an updated survey and cross sections through the ROW, including dimensions of the existing pavement and distance from edge of pavement to the drainage ditches running alongside Gordy Road. Additional improvements to Gordy Road will be required to support the development.
2. A 5-foot sidewalk is required along the Gordy Road frontage.
3. Gated access will be required to meet section 7.10.15 of the County's Land Development Code. Provide the dimensions on the plan.

Conditions:

4. A Site Development Permit is required prior to performing site improvement activities.
5. A Road Improvement Agreement and appropriate bond will be required for all permanent improvements within the Right-of-Way.



THE SUNRISE CITY
FORT PIERCE
ENGINEERING
DEPARTMENT

Florida

To : Vennis Gilmore, Assistant Planning Director
FROM: Selena Griffett, P.E., Project Engineer
THRU : Tracy Telle, Engineering Manager
RE : Gordy Creek Planned Development – Gordy Road
TRC #24-4390001 Third Submittal
DATE : FEBRUARY 25, 2025

This is to advise you that we have completed the review of the following documents as received by this office on January 21, 2025:

- | | |
|---|---|
| <input type="checkbox"/> Development Permit Compliance Review | <input checked="" type="checkbox"/> Planned Development |
| <input type="checkbox"/> Construction Drawings | <input type="checkbox"/> Test Reports & Related Documents |
| <input type="checkbox"/> Executed Construction Contract | <input type="checkbox"/> Record Drawings |
| <input type="checkbox"/> Permits | <input type="checkbox"/> Other |

Based on our reviews and appropriate site final inspection, we

- Recommend Do Not Recommend
- Approval PD Approval DPCR Approval C/O

Developer, Owner, Engineer, Contractor, and other members of the Development Team must be aware, the above recommendation is based only on the construction requirements of the engineering plans and other engineering documentation approved by this department. The Development Team shall be responsible for the compliance with other City department requirements and all approved documents, as well as Local, State and Federal regulations. The development requirements for this project may necessitate additional construction requirements that are not subject to this department's review for approval.

- See attached for engineering comments:

1. Advisory Comments:

- a. Stormwater design and reports will be reviewed at DPCR. Please ensure compliance with City Code Chapter 119. Stormwater Management and Site Development Technical Regulations.
- b. At the time of Development Permit Review Compliance (DPCR) review of the appropriate tree survey and tree mitigation calculations will be performed.
- c. Gordy Road is a St. Lucie County owned and maintained facility, please coordinate with St. Lucie County pertaining to required roadway improvements.
- d. At the time of DPCR, the 50' Typical R/W Section shall be updated to reflect sidewalks on both sides of the roadway as reflected on the Site Plan.
- e. The plans indicate the development's entrance islands will not be curbed. Please be aware should raised medians be proposed, wider one-way driveways are needed as per the requirements specified in the City of Fort Pierce Code of Ordinances Section 121.
- f. The provided preliminary plat was not reviewed as this application is designated for Final Planned Development only.



South Florida Water Management District
Conceptual Permit No. 56-110843-P
Date Issued: March 31, 2025

Permittee: Zentex Ventures LTD
44 Coconut Row Unit B-22
Palm Beach, FL 33480

Project: Gordy Creek Residential

Application No. 240423-43466

Location: St Lucie County, See Exhibit 1

Your application for a Conceptual Permit is approved. This action is taken based on Chapter 373, Part IV, of Florida Statutes (F.S.) and the rules in Chapter 62-330, Florida Administrative Code (F.A.C.). Unless otherwise stated, this permit constitutes certification of compliance with state water quality standards under section 401 of the Clean Water Act, 33 U.S.C. 1341, and a finding of consistency with the Florida Coastal Management Program. Please read this entire agency action thoroughly and understand its contents.

This permit is subject to:

- Not receiving a filed request for a Chapter 120, F.S., administrative hearing.
- The attached General Conditions for Environmental Resource Permits.
- The attached Special Conditions.
- All referenced Exhibits.

All documents are available online through the District's RegPermitting site at www.sfwmd.gov/regpermitting.

If you object to these conditions, please refer to the attached "Notice of Rights" which addresses the procedures to be followed if you desire a public hearing or other review of the proposed agency action. Please contact this office if you have any questions concerning this matter. If we do not hear from you in accordance with the "Notice of Rights", we will assume that you concur with the District's action.

The District does not publish notices of action. If you wish to limit the time within which a person may request an administrative hearing regarding this action, you are encouraged to publish, at your own expense, a notice of agency action in the legal advertisement section of a newspaper of general circulation in the county or counties where the activity will occur. Legal requirements and instructions for publishing a notice of agency action, as well as a noticing format that can be used, are available upon request. If you publish a notice of agency action, please send a copy of the affidavit of publication provided by the newspaper to the District's West Palm Beach office for retention in this file.

If you have any questions regarding your permit or need any other information, please call us at 1-800-432-2045 or email regpermitting@sfwmd.gov.

A handwritten signature in blue ink that reads "Jesse Markle".

Jesse Markle, P.E.
Chief, Environmental Resource Bureau

**South Florida Water Management District
Conceptual Permit No. 56-110843-P**

Date Issued: March 31, 2025 **Expiration Date:** March 31, 2045

Project Name: Gordy Creek Residential

Permittee: Zentex Ventures LTD
44 Cocoanut Row Unit B-22
Palm Beach, FL 33480

Operating Entity: Gordy Creek Residential Community Association, Inc.

Location: St Lucie County

Permit Acres: 75.98 acres

Project Land Use: Residential

Special Drainage District: North St Lucie River Water Control District

Water Body Classification: CLASS III

FDEP Water Body ID: 3194A

Wetland and Surface Water Impacts: 0.35 acres

Sovereign Submerged Lands: No

Project Summary

This Environmental Resource Permit (ERP) authorizes Conceptual Approval of a stormwater management (SWM) system serving 75.98 acres of residential development known as Gordy Creek Residential.

The project proposes a residential subdivision consisting of 178 single family lots, 136 townhomes, amenities, internal access roads and project SWM system. The SWM system consists of site grading, inlets and storm sewer to collect and convey runoff to a wet detention system for treatment and attenuation prior to discharging to Ten Mile Creek. Please refer to the Engineering Evaluation and Exhibit Nos. 2.0, 2.1 and 2.2 for additional information.

Issuance of this permit constitutes certification of compliance with state water quality standards in accordance with Rule 62-330.062, FAC.

Site Description

The site is a vacant parcel located south of the intersection of Okeechobee and Gordy Rds. in St. Lucie County. Refer to Exhibit No. 1.0 for a location map.

For information on wetland and other surface water (OSW) impacts, please see the Wetlands and Other Surface Water OSWs section of this permit.

Ownership and Operation & Maintenance (O&M)

Perpetual O&M of the SWM system is the responsibility of Gordy Creek Residential Community Association, Inc. as indicated in the submitted draft governing documents. Refer to Exhibit No. 4.0.

Engineering Evaluation:

Land Use

Please refer to Exhibit No. 2.1A, Page 18 of 53 for land use details.

Water Quality

The project is located within a watershed identified by the Florida Department of Environmental Protection as impaired; therefore, the design includes a site-specific pollutant loading analysis and an additional 50% water quality treatment volume above the amounts required pursuant to Subsection 4.2.1, ERP Applicant's Handbook (AH) Volume (Vol.) II, as reasonable assurances that the projects discharge will not cause or contribute to violations of State water quality standards. The project provides 12.12 ac-ft of water quality treatment.

The project includes implementation of a Stormwater Pollution Prevention Plan, (Exhibit No. 2.0), as additional reasonable assurance of compliance with water quality criteria during construction.

Discharge

As found in Exhibit No. 2.1A, Page 7 of 53, the SWM design meets the criteria of Section 3.2(a), ERP AH Vol. II based on a pre- vs. post-development analysis.

Road Design

As found in Exhibit No. 2.1A, Page 7 of 53, minimum road crown elevations (14.38-ft NAVD) have been set at or above the peak design storm elevation (13.72-ft NAVD).

Perimeter Berm

As found in Exhibit No. 2.0, minimum perimeter berm elevations (15.75-ft NAVD) have been set at or above the peak design storm elevation (14.61-ft NAVD).

Finished Floors

As found in Exhibit No. 2.0, minimum finished floor elevations (17.84-ft NAVD) have been set at or above the peak design storm elevation (17.20-ft NAVD).

Flood Plain/Compensating Storage

The permittee submitted calculations demonstrating that the project will meet the compensating storage requirements of the Ten Mile Creek basin.

Construction Completion Certification (CCC) and O&M

Pursuant to Rule 62-330.310, FAC, Individual Permits will not be converted from the construction phase to the operation phase until CCC of the project is submitted to and accepted by the District. This includes compliance with all permit conditions, except for any long-term maintenance and monitoring requirements. It is suggested that the permittee retain the services of an appropriate professional registered in the State of Florida for periodic observation of construction of the project.

For projects permitted with an operating entity that is different from the permittee, it should be noted that until the CCC is accepted by the District and the permit is transferred to an acceptable operating entity pursuant to Sections 12.1 - 12.3, ERP AH Vol. I and Rule 62-330.310, FAC, the permittee is liable for O&M in compliance with the terms and conditions of this permit.

In accordance with Section 373.416(2), FS, unless revoked or abandoned, all SWM systems and works permitted under Part IV of Chapter 373, FS, must be operated and maintained in perpetuity.

The efficiency of SWM systems, dams, impoundments, and most other project components will decrease over time without periodic maintenance. The O&M entity must perform periodic inspections to identify if there are any deficiencies in structural integrity, degradation due to insufficient maintenance, or improper

operation of projects that may endanger public health, safety, or welfare, or the water resources. If deficiencies are found, the O&M entity is responsible for correcting the deficiencies in a timely manner to prevent compromises to flood protection and water quality. See Section 12.4, ERP AH Vol. I for Minimum Operation and Maintenance Standards.

Notable project components requiring routine inspection and maintenance include but are not limited to:

- Side slopes for stormwater lakes and ponds – maintain side slopes no steeper than 4:1 (horizontal:vertical) to a depth of 2.0 feet below the control elevation and nurtured or planted from 2.0 feet below to 1.0 feet above the control elevation pursuant to Subsection 5.4.2, ERP AH Vol. II.
- Conveyance pipes, conveyance structures and discharge structures – all pipes and structures must be inspected for structural integrity and be maintained clear of trash, sediment and vegetative debris.
- Exfiltration trenches – all pipes and structures must be inspected for structural integrity and be maintained clear of trash, sediment and vegetative debris.
- Swales – maintain the permitted cross-section and vegetative cover.
- Underground storage facilities – all facilities must be inspected for structural integrity and be maintained clear of trash, sediment and vegetative debris.
- Pumps – float switches should be inspected and any obstructions removed to ensure proper operation; intake and discharge pipes should be maintained clear of trash, sediment and vegetative debris; motors should be maintained to ensure proper operation.

Environmental Evaluation:

Wetland and OSW Description

The project site is currently undeveloped and contains native and disturbed uplands (Open Land, FLUCCS 190 and Woodland Pastures, FLUCCS 213), and native wetlands and OSWs associated with the adjacent creek system (Streams and Lake Swamps Bottomland, FLUCCS 615). Vegetative species observed within the onsite wetland community includes bald cypress (*Taxodium distichum*), pond pine (*Pinus serotina*), red maple (*Acer rubrum*), dahoon holly (*Ilex cassine*), saw palmetto (*Serenoa repens*), common buttonbush (*Cephalanthus occidentalis*), water oak (*Quercus nigra*), laurel oak (*Quercus laurifolia*), cinnamon fern (*Osmundastrum cinnamomeum*), swamp fern (*Blechnum serrulatum*), marsh pennywort (*Hydrocotyle verticillata*), and spade leaf (*Centella asiatica*). The onsite portion of these wetlands (W-1A, W-1B, & W-2) encompasses 17.49 acres; however, these wetlands extend offsite to the north, west, and south and are hydrologically connected to Ten Mile Creek. Please refer to Exhibit No. 3.0. Additional wetland descriptions are available in the RegPermitting file.

Wetland and OSW Impacts

No direct wetland impacts are proposed with this project. Secondary impacts will also be avoided as the permittee is providing an average 25-foot wide, minimum 15-foot wide upland buffer between the development and the onsite and offsite wetlands, as well as preserve signage as shown on Exhibit No. 2.0.

Construction of the project will include impacts to a small, 0.35-acre onsite OSW, as described in the Environmental Data Table. This OSW is hydrologically connected to onsite wetland 'W-1A'. Exhibit No. 3.0 identifies the location of the OSW being impacted. Based on a review of historic and current aerial imagery, this OSW was likely a natural tributary to the overall creek system. Although this OSW contains predominately exotic vegetation (Brazilian pepper, bishop wood and strawberry guava) and has been altered due to various human disturbances throughout recent decades, this feature does not appear to be artificially constructed, nor does it appear to be excavated from uplands. Therefore, the habitat functions this feature provides will require mitigation. Because this OSW connects to a freshwater forested (FF) wetland community and is currently functioning as a forested system, District staff determined mitigating a FF community would be appropriate to offset proposed OSW impacts.

At the time of application for construction of future phases that will include OSW impacts, the permittee shall submit an updated summary and map which shows the location and acreage of the OSW to be impacted.

District staff have determined the project meets the elimination and reduction criteria in Subsection 10.2.1, ERP AH Vol. I, as the project will avoid direct impacts to 100% of onsite and offsite wetlands, with the exception of the 0.35-acre OSW providing minimal forested wetland function. Additionally, the permittee is providing 0.06 additional FF mitigation bank credits on top of what is minimally required to offset the proposed functional loss to this feature.

Mitigation Plan

To mitigate for the 0.35 acres of OSW impacts, the permittee will purchase 0.18 FF credits (0.12 required + 0.06 extra) from Bluefield Ranch Mitigation Bank (BRMB), as depicted in Exhibit No. 3.1. The amount and type of required mitigation was determined using the Wetland Rapid Assessment Procedure (WRAP). The final scores and BRMB reservation letter can be found in Exhibit No. 3.1.

Cumulative Impact Analysis

Since the mitigation is not located within the same basin as the proposed impacts, a cumulative impact analysis was conducted for FF wetlands within the St. Lucie Basin (Basin) pursuant to Subsection 10.2.8, ERP AH Vol. I. This analysis can be found in Exhibit No. 3.2.

The analysis identified 17,248 acres of FF wetlands in the Basin, of which 5,836 acres (33%) are "at risk" and not protected by land use restrictions or dedicated as public preserve land. Wetlands preserved/protected accounted for 67% of all FF wetlands in the Basin. Based on the applicant's analysis, if "at risk" FF wetlands within the Basin were impacted to the same extent as the proposed project and all mitigation was conducted outside the Basin, a loss of 0.66% of FF wetlands in the Basin would occur.

Based on the analysis provided and available information, the District has determined that the project will not result in unacceptable cumulative impacts to the St. Lucie Basin. This conclusion is project specific and does not apply to any other application.

Wetland Hydrology (Water Quality & Quantity)

The hydrology of the onsite and offsite wetlands is primarily influenced by Ten Mile Creek which flows in a north to south direction along the western property boundary and eventually east towards the St. Lucie River. The site, in its existing condition, generally slopes towards Ten Mile Creek with a significant drop-off in elevation (+/- 6.0 feet) which has been included in SWM modeling and is reflected on the provided topographic survey located in the RegPermitting file. Overland flow may contribute some hydrology to the adjacent wetlands. Approximate ordinary high water elevations for Ten Mile Creek were derived from ERP No. 56-107962-P for Creekside, located just upstream of the subject property.

The proposed project control elevation (11.50-ft NAVD) is slightly lower than the surveyed average wetland boundary elevation (11.97-ft NAVD); however, this wetland elevation may be inflated due to the significant topography change between the uplands and wetlands. Additionally, elevations within the onsite wetlands vary from north (~ 10.0-ft NAVD) to south (~ 9.5-ft NAVD). Due to the close proximity of the lakes and wetlands, the permittee provided a gradient analysis evaluating the compatibility of the proposed control elevations with the onsite wetlands. The closest horizontal distance between the wetland boundary and the nearest pond's water level at control elevation is 355 feet, which yields a gradient of 0.0031 ft/ft. Therefore, adverse gradient impacts to the adjacent wetlands are not anticipated.

To ensure the proposed SWM system will not adversely impact the wetland's hydroperiod, including the reduction in overland sheetflow to the wetlands, the project design includes discharge from the SWM system to the preserved wetlands, and ultimately Ten Mile Creek. The permittee provided calculations demonstrating the discharge volumes and rates to and from the wetlands are similar in the pre- and post-development conditions during the 5-year, 1-day storm event, indicating that the hydroperiod will not be negatively affected. In addition, a flap gate will be installed at the outfall pipe to prevent backflow from the wetlands. Please refer to Exhibit No. 2.1 for additional information.

Pursuant to Subsection 10.2.7, ERP AH Vol. I, drainage features such as spreader swales and discharge structures are acceptable within upland buffers, provided the construction and operation of these features does not impact wetlands. The proposed outfall shown on Sheet C-3B of Exhibit No. 2.0 encroaches within the upland buffer approximately 14.0 feet and encompasses an approximate area of 210 square feet. Additionally, the permittee provided calculations demonstrating discharge velocities will not be erosive. Therefore, a revegetation plan for any temporary buffer impacts is not proposed and natural recruitment is expected to occur.

No water quality impacts are expected to occur as the permittee has provided calculations demonstrating that all runoff which enters each wetland area will receive the required water quality treatment.

Additionally, erosion and sediment control measures will be implemented both prior to and during the construction to ensure that no adverse water quality impacts to receiving waters and adjacent lands will occur during the proposed work.

Wetland Monitoring and Maintenance

In addition to the modeling provided by the permittee, pursuant to Subsection 10.2.2.4(c) ERP AH Vol. I, monitoring will be conducted by the permittee for a period of five consecutive years to further demonstrate the proposed activity will not result in the altering of water levels in the onsite/adjacent wetlands or OSWs. Monitoring includes vegetative cover, hydrologic conditions, as well as wildlife usage and recommendations for maintenance work. Maintenance will be conducted in perpetuity by the permittee to ensure the onsite wetlands are maintained in their existing, pre-development conditions, or better. Please refer to Exhibit No. 3.3.

Gordy Creek, LLC will be responsible for all monitoring and maintenance activities associated with the onsite wetlands, including the ongoing O&M of all SWM structures within the wetland buffer areas, ensuring they continue to perform effectively in managing water quality and quantity as designed.

Fish, Wildlife, and Listed Species

The OSWs to be impacted provide minimal habitat for wetland-dependent species. The proposed mitigation at BRMB will provide higher quality habitat for wetland-dependent and aquatic species. No aquatic or wetland-dependent listed species or species having special protection were observed to be using the uplands within the project for nesting or denning.

This permit does not relieve the permittee from complying with all applicable rules and any other agencies' requirements if, in the future, endangered or threatened species or species of special concern are discovered on the site.

Public Interest Test

The permittee has demonstrated that the proposed project is not contrary to the public interest in accordance with Subsection 10.2.3, ERP AH Vol. I. No adverse effects to fish and wildlife, navigation, fishing or recreational values, historical and archeological resources, or the relative values of function will occur as a result of the proposed activity.

Environmental Evaluation Tables:

Summary

Other Surface Waters: 0.35 acres
 Direct Impacts: 0.35 acres
 Secondary impacts: 0 acres

Total Mitigation Bank Credits

Mitigation Bank	Type	Total Credits Required	Total Credits Provided
Bluefield Ranch	FF	0.12	0.18
Total:			0.18

Activities in Wetlands or Other Surface Waters, With Mitigation at a Bank

ID	Acres	Community Description	Bank Name	Method	Current Score	With Score	Ratio or Add'l factor	Minimum Credits Needed
OSW-1	0.35	Rivers, Streams and Waterways	Bluefield Ranch	WRAP	0.347	0	1	0.12
Total: 0.35								

*Function provided by the OSW-1 was evaluated as a freshwater forested (FF) community. Therefore, credits to be purchased at BRMB will be for FF credits.

Related Concerns:

Water Use Permit (WUP) Status

Neither irrigation nor dewatering are required for the conceptual approval of this project.

This permit does not release the permittee from obtaining all necessary Water Use authorization(s) prior to the commencement of activities which will require such authorization, including construction dewatering and irrigation.

Water and Wastewater Service

St. Lucie County Utilities (St. Lucie Works)

Historical/Archaeological Resources

The District has received correspondence from the Florida Department of State, Division of Historical Resources indicating that no significant archaeological or historical resources are recorded on the project site; therefore the project is unlikely to have an effect upon any such resources.

This permit does not release the permittee from complying with any other agencies' requirements in the event that historical and/or archaeological resources are found on the site.

General Conditions for Conceptual Permits

1. This permit does not authorize any construction, alteration, maintenance, operation, removal, or abandonment, except where such activities are specifically authorized as the first phase of an individual permit or are authorized to occur in accordance with a general permit or exemption under Chapter 62-330, F.A.C.
2. 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.
3. The permittee shall notify the Agency 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, the name and contact information for the new owner.
4. Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample, and test the project site to ensure conformity with the permit.
5. 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.
6. This conceptual approval permit only authorizes design concepts for a master or future plan to construct, alter, operate, maintain, remove, or abandon projects that require a permit under Part IV of Chapter 373, F.S. It does not authorize any construction, alteration, operation, maintenance, removal, or abandonment, or the establishment and operation of a mitigation bank, or relieve the permit holder of any requirements to obtain such permits.
7. Subsequent applications to construct and operate activities shall be prepared and submitted using the applicable procedures in Rules 62-330.052, 62-330.054, 62-330.060, and 62-330.402 F.A.C., and sections 4.2.2, 4.2.3, 4.3, and 4.4 of Volume I. An application for conceptual approval for a mitigation bank shall also include the materials required by Chapter 62-342, F.A.C.
8. Issuance of this conceptual approval permit is a determination, within the level of detail provided in the application, that the activities approved in this permit are consistent with applicable rules at the time of issuance. This permit provides the conceptual approval permit holder with a rebuttable presumption, during the duration of this permit, that the engineering design and scientific principles upon which the conceptual approval permit approved herein are likely to meet applicable rule criteria for issuance of permits for subsequent phases of the project, provided all of the following are met at the time of receipt of a complete application to construct and operate the future phases:
 - (a) The application to construct and operate the future phases remains consistent with the designs and conditions of this permit. Primary areas for consistency comparisons include the size, location, and extent of the activities proposed, the type and nature of the activities, percent imperviousness, allowable discharge and points of discharge, location and extent of wetland and other surface water impacts, mitigation plans implemented or proposed, control elevations, extent of stormwater reuse, detention and retention volumes, and the extent of flood elevations.If an application for construction of any portion of the land area covered by this permit is inconsistent with

the design concepts and conditions approved herein, the application will be reviewed to determine the extent to which the inconsistency will affect the designs and conditions for the remainder of the lands contained in this permit. If the inconsistency will materially affect those designs and conditions, then the applicant must demonstrate that the holder of this permit agrees to that inconsistency. In such a case, the holder of the conceptual approval permit may:

1. Modify the conceptual approval permit to conform to the revised design;
2. Abandon reliance on the conceptual approval permit; or
3. Rely on those portions of the conceptual approval permit for only those areas that were not affected by the inconsistency.

(b) There are no changes to state water quality standards that would be affected by activities authorized in the conceptual approval permit that have not already been authorized for construction or operation.

(c) There have been no amendments to Florida law governing special basin criteria that would affect future activities authorized by the conceptual approval permit that have not already been authorized for construction.

(d) There are no substantive changes in the site characteristics that would affect whether the design concepts approved in the conceptual approval permit can continue to be reasonably expected to meet the conditions for authorizing construction of future phases. This shall include such things as changes in the designation of listed species, and changes to nesting, denning, and critical designation status of listed species that exist within the lands served by the project area.

9. If changes are proposed to the design of existing or future phases, or where there have been changes to state water quality standards, special basins, or site characteristics as described in conditions (3)(a) through (d), above, during the duration of this permit, the applicant must modify this permit if it wishes to continue to rely on this permit as a basis that reasonable assurance exists for the Agency to issue future construction or operation permits under the terms and conditions of this permit. If the permittee fails to do this, this conceptual approval permit can no longer be relied upon as a basis, in part or whole, under which permits to construct or operate future phases will be issued, and the Agency will reevaluate the terms and conditions of this permit at the time a permit application is received to construct the next phase of activities, or at the next requested extension of this permit's duration in accordance with subsection 62-330.056(11), F.A.C., whichever occurs first.

Special Conditions for Conceptual Permits

1. The Conceptual Approval shall expire on the date shown on page 2 of this permit, in accordance with Sections 62-330.056(9) and (10), F.A.C.
2. Perpetual O&M of the SWM system shall be the responsibility of Gordy Creek Residential Community Association, Inc.
3. Prior to any future construction, the permittee shall apply for and receive an Individual ERP. As part of the permit application, the applicant for that phase shall provide documentation verifying that the proposed construction is consistent with the design of the master stormwater management system, including the land use and site grading assumptions.
4. This permit does not authorize the permittee to cause any adverse impact to or “take” of state listed species and other regulated species of fish and wildlife. Compliance with state laws regulating the take of fish and wildlife is the responsibility of the owner or permittee associated with this project. Please refer to Chapter 68A-27, FAC for definitions of “take” and a list of fish and wildlife species. If listed species are observed onsite, FWC staff are available to provide decision support information or assist in obtaining the appropriate FWC permits. Most marine endangered and threatened species are statutorily protected and a “take” permit cannot be issued. Requests for further information or review can be sent to: FWCConservationPlanningServices@MyFWC.com.
5. Gordy Creek, LLC will be responsible for all monitoring and maintenance activities associated with the onsite wetlands, including the ongoing maintenance and operation of all stormwater management (SWM) structures within the wetland buffer areas, ensuring they continue to perform effectively in managing water quality and quantity as designed.
6. An average 25-foot wide, minimum 15-foot wide, buffer of undisturbed upland vegetation shall be maintained between the proposed development and existing wetlands.
7. Permanent physical markers designating the preserve status of the wetland preservation areas and buffer zones shall be placed at the intersection of the buffer and each lot line. These markers shall be maintained in perpetuity.
8. At the time of application for construction of future phases that include the proposed OSW impacts, the applicant shall submit an updated summary and map which shows the location and acreage of the OSW impacts.
9. All future SWM areas located in the undeveloped areas of this site shall meet the District's lake-wetland separation criteria as outlined in Section 3.12, ERP AH Vol. II. Additionally, if future construction phases propose changes to the conceptually approved lake locations, configurations, and/or control elevations, an updated gradient analysis will be required.
10. Upon submittal of an application for construction approval where wetlands will receive water from the SWMS, the permittee shall submit a wetland baseline and monitoring plan for review by District staff. The plan shall be subject to the approval of District staff and the environmental criteria in effect at the time of the construction permit application.

Distribution List

Lara Swanson, Zentex Ventures LTD

Katie Rodgers, Mills, Short, and Associates

James Mills, Mills, Short & Associates

Sophie Wild, Bio-Tech Consulting

Audubon of Florida

City of Port St Lucie - Planning and Zoning Division

City of Port St Lucie - Public Works

US Army Corps of Engineers - Permit Section

St. Lucie County Engineer

St. Lucie County Planning and Development Services

City Of Fort Pierce

Exhibits

The following exhibits to this permit are incorporated by reference. The exhibits can be viewed by clicking on the links below or by visiting the District's RegPermitting website at www.sfwmd.gov/regpermitting and searching under this application number 240423-43466.

[Exhibit No. 1.0 Location Map](#)

[Exhibit No. 2.0A Construction Plans Pt1](#)

[Exhibit No. 2.0B Construction Plans Pt2](#)

[Exhibit No. 2.1.A SWM Calculations Pt 1](#)

[Exhibit No. 2.1.B SWM Calculations Pt 2](#)

[Exhibit No. 2.1.C SWM Calculations Pt 3](#)

[Exhibit No. 2.2 O&M Documents](#)

[Exhibit No. 3.0 Wetland and OSW Map](#)

[Exhibit No. 3.1 WRAP Scores & BRMB Reservation Letr](#)

[Exhibit No. 3.2 Cumulative Impact Analysis](#)

[Exhibit No. 3.3 Monitoring and Maintenance Plan](#)

[Exhibit No. 4.0 Draft Declaration of Covenants](#)

NOTICE OF RIGHTS

As required by Chapter 120, Florida Statutes, the following provides notice of the opportunities which may be available for administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes, or judicial review pursuant to Section 120.68, Florida Statutes, when the substantial interests of a party are determined by an agency. Please note that this Notice of Rights is not intended to provide legal advice. Some of the legal proceedings detailed below may not be applicable or appropriate for your situation. You may wish to consult an attorney regarding your legal rights.

RIGHT TO REQUEST ADMINISTRATIVE HEARING

A person whose substantial interests are or may be affected by the South Florida Water Management District's (District) action has the right to request an administrative hearing on that action pursuant to Sections 120.569 and 120.57, Florida Statutes. Persons seeking a hearing on a District decision which affects or may affect their substantial interests shall file a petition for hearing in accordance with the filing instructions set forth herein within 21 days of receipt of written notice of the decision unless one of the following shorter time periods apply: (1) within 14 days of the notice of consolidated intent to grant or deny concurrently reviewed applications for environmental resource permits and use of sovereign submerged lands pursuant to Section 373.427, Florida Statutes; or (2) within 14 days of service of an Administrative Order pursuant to Section 373.119(1), Florida Statutes. "Receipt of written notice of agency decision" means receipt of written notice through mail, electronic mail, posting, or publication that the District has taken or intends to take final agency action. Any person who receives written notice of a District decision and fails to file a written request for hearing within the timeframe described above waives the right to request a hearing on that decision.

If the District takes final agency action that materially differs from the noticed intended agency decision, persons who may be substantially affected shall, unless otherwise provided by law, have an additional point of entry pursuant to Rule 28-106.111, Florida Administrative Code.

Any person to whom an emergency order is directed pursuant to Section 373.119(2), Florida Statutes, shall comply therewith immediately, but on petition to the board shall be afforded a hearing as soon as possible.

A person may file a request for an extension of time for filing a petition. The District may grant the request for good cause. Requests for extension of time must be filed with the District prior to the deadline for filing a petition for hearing. Such requests for extension shall contain a certificate that the moving party has consulted with all other parties concerning the extension and whether the District and any other parties agree to or oppose the extension. A timely request for an extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

FILING INSTRUCTIONS

A petition for administrative hearing must be filed with the Office of the District Clerk. Filings with the Office of the District Clerk may be made by mail, hand-delivery, or e-mail. Filings by facsimile will not be accepted. A petition for administrative hearing or other document is deemed filed upon receipt during normal business hours by the Office of the District Clerk at the District's headquarters in West Palm Beach, Florida. The District's normal business hours are 8:00 a.m. – 5:00 p.m., excluding weekends and District holidays. Any document received by the Office of the District Clerk after 5:00 p.m. shall be deemed filed as of 8:00 a.m. on the next regular business day.

Additional filing instructions are as follows:

- Filings by mail must be addressed to the Office of the District Clerk, 3301 Gun Club Road, West Palm Beach, Florida 33406.

- Filings by hand-delivery must be delivered to the Office of the District Clerk. Delivery of a petition to the District's security desk does not constitute filing. It will be necessary to request that the District's security officer contact the Office of the District Clerk. An employee of the District's Clerk's office will receive and process the petition.
- Filings by e-mail must be transmitted to the Office of the District Clerk at clerk@sfwmd.gov. The filing date for a document transmitted by electronic mail shall be the date the Office of the District Clerk receives the complete document.

INITIATION OF ADMINISTRATIVE HEARING

Pursuant to Sections 120.54(5)(b)4. and 120.569(2)(c), Florida Statutes, and Rules 28-106.201 and 28-106.301, Florida Administrative Code, initiation of an administrative hearing shall be made by written petition to the District in legible form and on 8 1/2 by 11 inch white paper. All petitions shall contain:

1. Identification of the action being contested, including the permit number, application number, District file number or any other District identification number, if known.
2. The name, address, any email address, any facsimile number, and telephone number of the petitioner, petitioner's attorney or qualified representative, if any.
3. An explanation of how the petitioner's substantial interests will be affected by the agency determination.
4. A statement of when and how the petitioner received notice of the District's decision.
5. A statement of all disputed issues of material fact. If there are none, the petition must so indicate.
6. A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the District's proposed action.
7. A statement of the specific rules or statutes the petitioner contends require reversal or modification of the District's proposed action.
8. If disputed issues of material fact exist, the statement must also include an explanation of how the alleged facts relate to the specific rules or statutes.
9. A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the District to take with respect to the District's proposed action.

MEDIATION

The procedures for pursuing mediation are set forth in Section 120.573, Florida Statutes, and Rules 28-106.111 and 28-106.401–.405, Florida Administrative Code. The District is not proposing mediation for this agency action under Section 120.573, Florida Statutes, at this time.

RIGHT TO SEEK JUDICIAL REVIEW

Pursuant to Section 120.68, Florida Statutes, and in accordance with Florida Rule of Appellate Procedure 9.110, a party who is adversely affected by final District action may seek judicial review of the District's final decision by filing a notice of appeal with the Office of the District Clerk in accordance with the filing instructions set forth herein within 30 days of rendition of the order to be reviewed, and by filing a copy of the notice with the appropriate district court of appeals via the Florida Courts E-Filing Portal.