



**AGENDA**  
**HARBOR AND WATERWAYS BOARD MEETING**  
**MONDAY, JANUARY 11, 2021**  
**5:00 PM**  
**DESTIN CITY HALL ANNEX COUNCIL CHAMBERS**

- 1. CALL TO ORDER/PLEDGE OF ALLEGIANCE/ROLL CALL**
- 2. NOMINATION OF CHAIRMAN & VICE CHAIRMAN**
  - A) Chairman**
  - B) Vice Chairman**
- 3. TRAINING/INFORMATION**
  - A) Sunshine & Public Records Law Training - Kyle Bauman**
- 4. APPROVAL OF MINUTES**
  - A) September 28, 2020**
- 5. PUBLIC COMMENTS**
- 6. OLD BUSINESS**
  - A) None**
- 7. NEW BUSINESS**
  - A) Single-Family Residential Marine Construction Proposed - 823 Cross Street**
  - B) Single-Family Residential Marine Construction Proposed- 944 Bambi Street**
  - C) Single-Family Residential Marine Construction Proposed at 952 Bambi Street**
- 8. COMMITTEE MEMBER REPORTS**
- 9. DIRECTOR'S REPORT**
  - A) Harbor Capacity Study**
- 10. NEXT MEETING DATE: TBD**
  - A) February 22, 2020 5:00 pm**

## **11. ADJOURNMENT**

**Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the City Clerk at (850) 837-4242 at least 48 hours prior to the hearing. If a person decides to appeal any decision made with respect to any matter considered at such meeting, such person will need a record of the proceeding and for such purpose may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. (Sec. 286.0105, Florida Statutes)**

# RESOLUTION 19-27

The City of Destin's Enhanced Public Records  
Policy



# BRIEF HISTORY OF THE CITY'S PUBLIC RECORDS POLICIES

- ④ In addition requirements set forth in Florida Statutes, the City has had in place additional, internal requirements and protocols since 2009 relating to public records and how to handle public record requests. These policies help ensure that the law is adhered to and that the City's goal of full transparency is met.
- ④ See, Operating Instruction ADM-05; Operating Instruction ADM-35; Operating Instruction ADM-56.
- ④ These policies were legally sufficient and represented more stringent requirements than those in place at most state agencies and local governments. In fact, most state agencies and local governments do not have any written policy in place and rely strictly on Chapter 119, Florida Statute. See, The Florida Public Records Act in the Era of Modern Technology, Ralph A. DeMeo and Lauren M. DeWeil (Florida Bar Journal, Vol. 92, No. 9).

# BRIEF HISTORY OF THE CITY'S PUBLIC RECORDS POLICIES

- ④ While legally sufficient, the City's internal Public Records Policies were disjointed and located in separate locations, making compliance more difficult than necessary.
- ④ The attorneys and City staff identified this as an area that could be strengthened and made more efficient by adopting a new policy containing all internal requirements in a single location and strengthening mechanisms already in place beyond those found in Chapter 119, Florida Statutes.
- ④ On November 4, 2019, the attorneys and City staff presented Resolution 19-27 for Council's consideration and Council adopted the Resolution in its entirety.
- ④ Resolution 19-27 is substantially similar to the City of Tallahassee's policy, which legal scholars believe is the "model template for other agencies and local governments to adapt and apply." The Florida Public Records Act in the Era of Modern Technology, Ralph A. DeMeo and Lauren M. DeWeil (Florida Bar Journal, Vol. 92, No. 9)

# EMAILS -- DO'S AND DON'TS FOR ELECTED OFFICIALS

## Do's

- ④ Use your @cityofdestin email address for all correspondence relating to City business. (D.05).
- ④ If you receive an email at your private email address, then immediately transfer it to your @cityofdestinemail address. (D.05)

## Don'ts

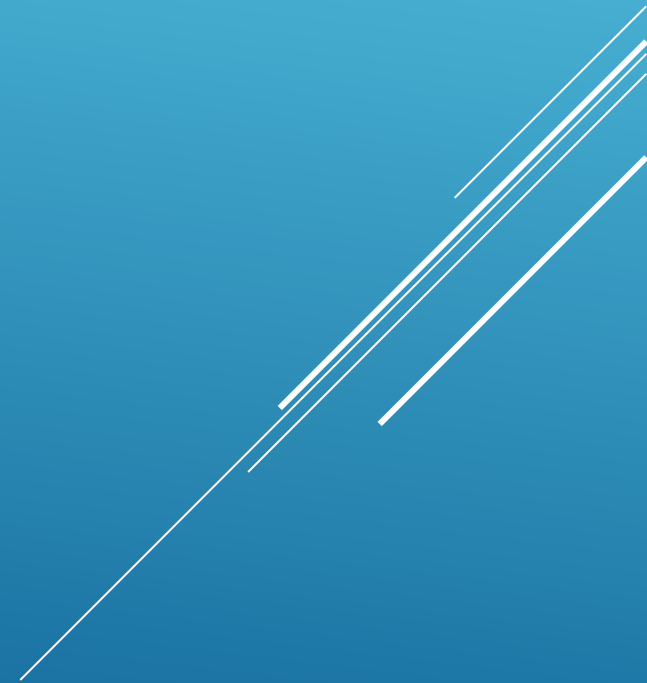
- ④ Use any other email address for any correspondence relating to City business. (D.05)

# TEXT MESSAGING & OTHER FORMS OF INSTANT, WRITTEN COMMUNICATION (E.G., DIRECT MESSAGES ON FACEBOOK, TWITTER, INSTAGRAM, SKYPE, ETC.) -- DO'S AND DON'TS FOR APPOINTED OFFICIALS

## Do's

- ④ If you receive or send a text message from your private phone, then you must transmit the text message to your City issued phone or @cityofdestin email address. (D.06)

## Don'ts



# SOCIAL MEDIA ACCOUNTS -- DO'S AND DON'TS FOR APPOINTED OFFICIALS

## Do's

- ④ If you maintain social media accounts, then you must maintain all public records relating to your board or committee on such accounts. (D.07).
- ④ If you maintain accounts and the City receives a public records request, then you must thoroughly search your account and produce any responsive material to the City Clerk. (D.07)

## Don'ts

- ④ Delete any social media account relating to the business of your board or committee. (D.07, E.01)
- ④ Delete any public or private message that you may have created or received from any individual or entity relating to the business of your board or committee. (D.07, E.01).

COMMENTS/QUESTIONS

The background is a solid blue gradient. On the right side, there are several white lines of varying lengths and thicknesses, all slanted upwards from the bottom-left towards the top-right, creating a dynamic, abstract graphic element.

## Sunshine Law Handout

*Anchors Smith Grimsley, PLC  
Kyle S. Bauman, Esq.  
City of Destin City Attorney*

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**Last Updated: November 2020**

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***\*\*\* This Handout is intended to be used as a basic overview of the Sunshine Law and no Board or Council Member should rely on it when taking specific actions which may be impacted by the Sunshine Law. Please contact me and City staff if you have specific questions before taking action and we will respond to you as quickly as possible. \*\*\****

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**The 2018 Government in the Sunshine Manual can be found at:**

[http://myfloridalegal.com/webfiles.nsf/WF/MNOS-AXJGEU/\\$file/2018+Government+in+the+Sunshine+Manual.pdf](http://myfloridalegal.com/webfiles.nsf/WF/MNOS-AXJGEU/$file/2018+Government+in+the+Sunshine+Manual.pdf)

**Laws can be found at:**

<http://leg.state.fl.us/>

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### WHAT IS THE SUNSHINE LAW?

- Two interrelated but separate laws are colloquially referred to as the “Sunshine Law”:
  - **(1) Public Records Act** – Chapter 119, Fla. Stat. (2018)
    - Primary Purpose: Provide the public “a right to access to the records of the state and local governments as well as to private entities acting on their behalf.”
    - [http://leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0100-0199/0119/0119ContentsIndex.html&StatuteYear=2018&Title=%2D%3E2018%2D%3EChapter%20119](http://leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0119/0119ContentsIndex.html&StatuteYear=2018&Title=%2D%3E2018%2D%3EChapter%20119)
  - **(2) Government in the Sunshine Law** – § 286.011, Fla. Stat. (2018); Art. I, § 24, Fla. Const.
    - Primary Purpose: Provide the “public a right of access to governmental proceedings of public boards or commissions at both the state and local levels.”
    - [http://leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=0200-0299/0286/Sections/0286.011.html](http://leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0200-0299/0286/Sections/0286.011.html)
- Florida has arguably the broadest, most “public-friendly,” laws in the entire country and you immediately became subject to these laws the second you were appointed to this Board.

## THE PUBLIC RECORDS ACT

- Lengthy statute, but application to advisory boards is relatively simple.
- General Rule: Any record you generate or receive in connection with your role on a City board is a public record and any member of the public has the right to request to view these records at any time. *See* Inf. Op. to Nicoletti, November 18, 1987.
- What is a “public record”?
  - “All materials used or received in connection with official business *used to perpetuate, communicate, or formalize knowledge.*”
  - “Public Records” are *very* broad, essentially including *any* written document and most non-written material. For example:
    - Physical documents such as: “papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software.” § 119.011(12), Fla. Stat. (2018).
    - Electronic documents such as: emails, documents generated in word processing software (including this Handout!), text messages, etc.
- Are there any exemptions?
  - Yes, there are lengthy exemptions listed in the statute, however, most of these will **not** apply to advisory boards. These exemptions are sometimes complex and heavily litigated.
  - Therefore, if the City receives a public records request and City staff asks you to turn over public records related to the particular subject contained in that request, do **not** try to determine by yourself whether the document is (a) a public record; and (b) whether an exemption is applicable. Instead, contact my office and City staff and allow us the opportunity to review the record.
  - **If the “public record” is located on my personal device is it exempted?**
    - **NO! This is a common misconception. Just because something is located only on your personal device does not mean that it is exempt.** The inquiry is whether the item is “used to perpetuate, communicate, or formalize knowledge” relating to City business, and where this information is located is irrelevant.
- What happens if I violate the Public Records Act?
  - **Knowing Violations** are a first degree misdemeanor, punishable by removal from office, up to one year in prison, and/or a \$1000 fine.
  - “**Non-knowing Violations**” are non-criminal but still subject to a \$500 fine.
- Rules of Thumb: **When you generate or receive any document relating to your position, always presume that the document is a “public record” that will eventually be subject to the public’s view. Also, if you generate receive a “public record,” retain it and do not destroy it to ensure compliance with the Public Records Act.**

## GOVERNMENT IN THE SUNSHINE LAW

- Shorter statute, but it has generate tons of litigation and its application to advisory boards is more impactful than the Public Records Law.
- Basic Sunshine Law Requirements:
  - (1) “Meetings” of public boards or commissions must be open to the public;
  - (2) Reasonable notice of these meetings must be given to the public; and
  - (3) Minutes of the meetings must be taken, promptly recorded, and open to public inspection.
  - Most of these you do not need to worry about because City staff ensures compliance. Your primary concern is making sure that “meetings” do not take place outside publicly noticed meetings.
- What is a “meeting”?
  - The Sunshine Law defines “meeting” *very* broadly to include:
    - (a) informal meetings of two or more members; and
    - (b) electronic communications between two or more members regarding any foreseeable matter which could come before the board.
- Examples of specific scenarios:
  - One member sends a text message to another board member saying he is “against agenda item 2(b).”
    - This is an obvious but important example of strictly forbidden actions.
  - One board member sends an email to another board member’s husband stating that he is “against agenda item 2(b).”
    - Also likely a violation. You cannot use an intermediary to do indirectly what you cannot do directly.
  - One board member sends an email to City staff explaining why they are “against agenda item 2(b).”
    - Because staff are not elected or appointed officials, this communication is likely ok. If, however, you have reason to believe staff might disclose this information to other board members, then it is a violation.
  - One board members emails strictly factual information regarding item 2(b) to other board members.
    - Likely, it is technically ok to share strictly factual information directly with each other, however, because of how the information could be interpreted it is strongly discouraged. The better practice is to ask staff to include the information in the Agenda material.
  - Two board members carpool to a meeting.
    - This is ok, so long as you do not discuss any matter which foreseeably could come before the board.
    - However, because of the possible appearance of impropriety, these types of actions are discouraged.
  - Two board members are at the same charity event.
    - This is ok, so long as you do not discuss any matter which foreseeably could come before the board with the other board member.
  - The board took official action on agenda item 2(b) at a publicly noticed meeting. After the meeting, two board members discuss agenda item 2(b).

- Because boards have the inherent authority to change their positions on items at any time it is “reasonably foreseeable” that the item might come before the board again and, therefore, this type of action is strongly discouraged.
- What happens if I violate the Government in the Sunshine Law?
  - **Knowing Violations** can result in 2<sup>nd</sup> degree misdemeanor charges, with penalties up to 60 days in jail and up to a \$500 fine.
  - **“Not-knowing” Violations** are non-criminal but still subject to a fine of up to \$500.
  - Also, failure to comply could **void the board’s actions** relating to the subject matter of the violation.
- Rules of Thumb: **Always err on the side of caution and, outside of publicly noticed meetings, do not engage in any discussions or communications with other elected or appointed officials regarding pending matters before your board or any reasonably foreseeable matter that might come before your board. Also, generally it is ok for you to privately communicate with City staff and City attorneys regarding such matters provided there are no other elected or appointed city officials present or copied on the communication.**

## STANDARDS OF CONDUCT FOR PUBLIC OFFICERS

*Anchors Smith Grimsley, PLC*  
*Kyle S. Bauman, Esq.*  
*City of Destin City Attorney*

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**Last Updated: November 2020**

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*\*\*\* This Handout is intended to be used as a basic overview of the Standards of Conduct for Public Officials and no Board or Council Member should rely on it when taking specific actions which may be impacted by the Chapter 112, Florida Statutes. Please contact me and City staff if you have specific questions before taking action and we will respond to you as quickly as possible. \*\*\**

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**Laws can be found at:**

<http://leg.state.fl.us/>

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### WHAT ARE THE STANDARDS OF CONDUCT FOR PUBLIC OFFICERS?

*“A public office is a public trust.”  
– Article II, Section 8, Florida Constitution*

- **Chapter 112.313, Florida Statutes**, describes a series of “standards of conduct” public officers must adhere to. Essentially, the standards of conduct are the basic statutory principles of ethics public officials are legally obligated to adhere to.

#### GIFTS

- **Solicitation or Acceptance of Gifts (Bribery)**: You are not allowed to solicit or accept anything of value, including a gift, loan, reward, promise of future employment, favor or service, based upon any understanding that your vote, official action, or judgment would be influenced by the gift or promise. § 112.313(2), Fla. Stat.
- **Unauthorized Compensation**: You cannot accept anything of value when you know or should know that the item is being given to influence your vote or other action. § 112.313(4), Fla. Stat.
  - Also applies to your spouse and minor children.
- You are always prohibited from soliciting any gift and from accepting any gift when the gift is intended to influence your actions as an elected official.

## BUSINESS PROHIBITIONS

- **Doing Business with the City:** You are not allowed to purchase, rent, or lease any realty, goods, or services for the City from any business entity of which you are an officer, partner, director, or proprietor or in which the officer has a material interest. § 112.313(3), Fla. Stat.
  - Also applies to your spouse and children.
- **Conflicting Employment or Contractual Relationships:** You cannot hold any employment or contractual relationship with any entity which is subject to the regulation of or is doing business with the City. §112.313(7), Fla. Stat.
  - Legal tests to determine whether there is a conflict:
    - Is the conflict frequently recurring?
    - Does the conflict impede the full and faithful discharge of public duties?

## GENERAL PROHIBITIONS

- **Misuse of Public Position:** You cannot corruptly use or attempt to use your position or any property or resource within your trust to secure special privilege, benefit, or exemption for yourself. § 112.313(6), Fla. Stat.
- **Disclosure or Use of Certain Information:** You cannot disclose or use information not available to members of the general public and gained by reason of your official position for your personal gain or benefit or the personal gain or benefit of any other person or business entity. § 112.313(8), Fla. Stat.

## REQUIRED ETHICS TRAINING & FINANCIAL DISCLOSURE

- All elected municipal officials must complete at least 4 hours of ethics training each year. § 112.3142, Fla. Stat.
- All elected municipal officials must file a financial disclosure with the Florida Commission on Ethics no later than July 1 each year. § 112.3144, Fla. Stat.

## CONSEQUENCES

- Generally, this statute is policed by the Florida Commission on Ethics and violation of the statute can lead to punishments including impeachment, removal from office, suspension from office, public censure and reprimand, a civil penalty not to exceed \$10,000, and restitution of any pecuniary benefits received because of the violation committed. § 112.317, Fla. Stat.
- Can also carry criminal penalties in some instances.

## VOTING CONFLICTS

*Anchors Smith Grimsley, PLC  
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City of Destin City Attorney*

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**Last Updated: November 2020**

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*\*\*\* This Handout is intended to be used as a basic overview of the Voting Conflicts and no Board or Council Member should rely on it when taking specific actions which may be impacted by the Chapter 112, Florida Statutes. Please contact me and City staff if you have specific questions before the meeting at which the conflict will arise and we will respond to you as quickly as possible. \*\*\**

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**Laws can be found at:**

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### WHAT IS A VOTING CONFLICT?

*§ 112.3143, Florida Statutes*

- A voting conflict arises when you are prohibited from voting on a specific matter coming before your board. In instances in which you do not have a conflict, you must vote. § 286.012, Fla. Stat.
- Designed to avoid situation where a public officer is tempted to exercise the powers of his or her office to promote the interest of someone other than the public because of that someone's relationship to the officer.

### Statutory Language:

- You cannot vote on any measure which would
  - inure to your "special private gain or loss,"
  - which you know would inure to the special private gain or loss of any "principal by whom you are retained" or to the parent organization or subsidiary of a corporate principal by which you are retained, or
  - which you know would inure to the special private gain or loss of your "relative" or business associate.

### Definitions:

- **"Principal by whom retained"** – means an individual or entity that has permitted or directed another to act on behalf of the principal for compensation, salary, pay, or consideration. E.g., your client or employer. Also, the parent, subsidiary, or sibling organization of your client or employer.
- **"Relative"** – means your father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law.

- **“Business associate”** – means any person or entity engaged in or carrying out a business enterprise with a public officer, public employee, or candidate as a partner, joint venture, corporate shareholder where the shares of such corporation are not listed on any national or regional stock exchange, or co-owner of property. § 112.312(4), Fla. Stat.
- **“Special private gain or loss”** – means an economic benefit or harm that would inure to you, your relative, your business associate, or principal.

### **WHO IS PROHIBITED FROM BENEFITTING?**

- Four classes of people are prohibited from benefiting from the public officer’s vote:
  - (1) The public officer;
  - (2) A relative;
  - (3) A business associate;
  - (4) A principal, subsidiary, or parent corporation of a principal.

### **WHAT KIND OF BENEFITS ARE PROHIBITED?**

#### **“Special Private Gain or Loss”**

- This is the test by which voting conflicts are determined. There are four factors to look for:
  - (1) The size of the class affected by the vote;
  - (2) The nature of the interests involved;
  - (3) The degree to which the interests of all members of the class are affected by the vote;
  - (4) The degree to which the officer, relative, business associate, or principal receives a greater benefit or harm when compared to other members of the class.
- Standards – Depending on the type of special gain or loss, three different “standards” are considered:
  - *Special private gain or loss* – the gain or loss must be *special* and *private* to the officer, relative, business associate, or principal. Cannot be general.
  - *Size of the class test* – typically, the Commission on Ethics applies the “1% Rule” which means that if the special gain or loss of people prohibited from benefitting is less than 1% of the total class affected, then there is no voting conflict.
  - *Remote and speculative test* – generally, the special private gain or loss must be somewhat concrete and certain in order to rise to the level of a voting conflict.

### **WHAT TO DO WHEN YOU HAVE A CONFLICT**

- Four steps are required:
  - (1) *Announce* the conflict at the meeting;
  - (2) *Abstain* from voting on the matter;
  - (3) *Disclose* the conflict on the Conflict Form provided to you by the City Clerk;
  - (4) *File* the completed version of the Conflict Form with the City Clerk, who will properly file it and include it in the minutes of the meeting.
- You are also prohibited from participating in discussion on the matter.

**MINUTES OF THE  
HARBOR AND WATERWAYS BOARD MEETING  
DESTIN CITY HALL, SEPTEMBER 28, 2020 - 5:00 P.M.**

**1. CALL TO ORDER:**

Chairman Trammell called the Destin Harbor and Waterways Board meeting to order at approximately 5:00 p.m. on Monday, September 28, 2020 at Destin City Hall.

**2. ROLL CALL:**

**Member Present:**

Matt Trammell  
Richard Hoey  
Guy Tadlock  
Bill McKissick  
Casey Jones  
Quinten Selby

**Members Absent**

Jim Green

**Staff:**

Kim Montgomery, Deputy City Clerk  
Traci Goodheart, Planner  
Lauren Witt, Planning Manager  
Steven Bauman, City Attorney

**3. APPROVAL OF MINUTES:**

➤ **June 22, 2020**

**Board member Green moved to approve the minutes of the June 22, 2020 minutes as corrected with Board member Jones providing the second; the motion passes with a 6-0 vote.**

**4. PUBLIC COMMENT:**

None

**5. OLD BUSINESS:**

**A. Marina Siting Proposed Amendments**

Mrs. Goodhart explained the changes that were made to Amendment Article 11.05.01 included new commercial docks, marinas, and upland cuts, as well as proposed single family projects over one thousand square feet would be required to first come before the Harbor Board for review and recommendation to City Council.

In addition, staff added language that requires commercial marine businesses who operate or rent passenger marine vessels located in South Harbor Mixed Use or Calhoun Mixed Use Village Zones, must also provide docking facilities, whether privately owned or registered at the time of application. Adding that this was to establish criteria for City Council to approve or deny marina's or commercial docking facilities based upon three criteria: either land use compatibility, mitigation techniques, infrastructure, or hazardous waste.

Number three was to amend Article 11.05.01(J), and this tool is to include additional requirements to the applications personnel requirements. To include a boundary survey with the location of the mean high water line, and the linear feet of waterfront.

In addition to accurate measurements for depth and width in several locations to include the linear feet and total square footage of the proposed project, the boathouse height, if applicable, the identification of environmentally sensitive areas, if applicable. In addition to the riparian setbacks, which are established 25-feet from the adjacent property lines and established riparian lines.

Number four, amend Article 11.06.05, was to include provisions for reviewing upland structures. Currently, the LDC is silent for those, and the requirements would be to adhere to the 7.5 foot side setback requirement for those types of upland cuts and located on Holiday Isle.

Number five amend Article 11.05.05(W), and this was essentially to re-iterate the abutter notifications to make sure that the written notification shall be provided to adjacent property owners of the proposed marine construction projects which states that at any time, we receive an application for a marine construction project, the adjacent property owners will be notified. Not only when they go to the Harbor Board, but anytime staff receives any type of application for marine construction projects.

**Board member Green moved the Harbor and Waterways Board recommends City Council approval of proposed amendments to Article 11 of the Land Development Code as outlined with Board member Jones providing the second.**

Prior to the vote, the following discussions took place:

In 11.05.00, the Chairman spoke of how in past discussions how they wanted to avoid the boilerplate approvals. And although he spoke of how most of that was captured in the first amendment of 11.05.01. He did want to make sure that, should there be a project that didn't hit the 25 foot riparian offset, or there was a letter of concern from an adjacent property owner, or some other instances, that would trip the requirement to come before the Board. So, ideally, if it were a residential dock that may have one or more of those other issues they would be brought to the Harbor Waterways Board.

Committee member Tadlock asked to look at 11.05.01(S) where it states that no dock or vessel shall be placed within the 25-foot setback of property lines without providing written notification. And how it eludes that any objections received by adjoining property owners would be brought to the Harbor and Waterways Board with a recommendation to City Council. And asked for assurance that any objections to any permits they review, that do not meet the over 1,000 square foot threshold, would be brought before them to discuss and make a recommendation to Council. Mrs. Goodhart assured him that would be the case.

**6. MEMBER COMMENTS:**

**Board member Jones** – Thanked staff for all their hard work and how he appreciates it.

**Chairman Trammell** - Thanked staff for their hard work and dedication.

**Board member Green** – Agreed as well and thanked staff for their work.

**Board member McKissick** – Thanked staff and spoke of the accidents that continue to take place on and around the harbor. He spoke of how there needs to be regulations put in place for required boater operational classes prior to pontoon and water related vessel rentals.

**Board member Tadlock** – Also thanked staff for their hard work.

**Board member Selby**- Thanked staff as well.

**7. DIRECTOR’S REPORT:**

Mr. Zunguze reminded the member to use their city issued email accounts for all correspondence regarding this board.

Chairman Trammell asked the status of the Harbor Capacity Study and how much the city was responsible. According to Mr. Zunguze, the study of course is currently delayed because of Covid but a draft set of questions are being reviewed by the Army Corps and being sent to Treasury, the Office of Management and Budget. Explaining that is the process it has to initially to be approved for funding. And then, it will be brought back to be shared with the committees, including the Harbor Capacity Committee. So currently, staff is waiting for the feedback from the Federal Government. Adding that the City has committed \$200k towards the cost with the Federal Government committing to the same amount.

Additionally, Mr. Zunguze informed the members that they would have their Sunshine Law/Public Records Update on their next meeting agenda.

**8. MEETING DATES: October 26, 2020, if necessary.**

**ADJOURNMENT:**

With there being no further discussion, the meeting adjourned at 6:00 p.m.

Adopted and approved this \_\_\_\_\_ day of \_\_\_\_\_ 2020.

\_\_\_\_\_  
Matt Trammell, Chairman

\_\_\_\_\_  
Kim Montgomery, Deputy City Clerk

## CITY OF DESTIN – COMMUNITY DEVELOPMENT



# AGENDA ITEM

**MEETING DATE:** January 11, 2021  
**BOARD/COMMITTEE:** Harbor & Waterways Board  
**TYPE OF AGENDA ITEM:** Public Hearing

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**TO:** Harbor & Waterways Board

**THRU:** Louis Zunguze, Community Development Director  
 Kyle Bauman, City Attorney  
 Lauren Witt, Planner

**FROM:** Traci Goodhart  
 Daniel Butler, City Planner  
 Himangi Mutha, Planner

**DATE:** December 18, 2020

**SUBJECT:** Single-Family Residential Marine Construction Proposed - 823 Cross Street

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**I. BACKGROUND:** The applicant requests Harbor and Waterways Board approval for a marine construction project located at 823 Cross Street. located within Marler Bayou, Class III Florida Waters.

The contractor has submitted a permit for ±71 LF of dock from the MHWL, a covered boat house with one (1) 3' x 32' catwalk, and boatlift. The total project footprint is ± 1078 square feet.

**II. DISCUSSION:** The proposed marine construction project meets the requirements of Article 11.05.00, City of Destin Land Development Code, in addition, to including the required 25-foot riparian setback. The proposed marine construction project is consistent with Coastal Management Element Goal 6-1, Coastal Management Element Objective 6-1.1, and Coastal Management Element Policy 6-1.1.3: Protect Coastal and Estuarine Environmental Quality and the Shoreline.

- A. Link to Strategic Goals / Objectives:** 1) Enhance Quality of Life. 2) Improve Public Use of Beach, Waterways and Harbor. 3) Enhance and Preserve Heritage and Environment.
- B. Effect on Budget (EOB):** There is no anticipated effect on the budget
- C. Level of Service (LOS):** There is no anticipated effect on the Level of

## Service

**III. CONCLUSION:** The contactor provided a Florida Department of Environmental Protection (FDEP), Permit No: 0386382-002-EI/46 and Army Corps of Engineers (ACE), Permit No. SAJ-2020-02018 (GP-HMM). City staff reviewed the application and determined that the plans comply with City Codes and regulations. Specifically, the proposed dock complies with Article 11.05.01.M., City of Destin Land Development Code, and the Coastal Management Element of the City's Comprehensive Plan (Coastal Management Element Policy 6-1.1.3).

Staff recommends approval of a single-family marine construction project proposed at 823 Cross Street, for  $\pm 71$  LF of dock from the MHWL, a covered boat house with one (1) 3' x 32' catwalk, and boatlift, subject to the applicant meeting all applicable City permit requirements.

**IV. RECOMMENDED MOTION:** We move that the Harbor & Waterways Board recommend City Council approval of a single-family marine construction project located at 823 Cross Street, subject to the applicant meeting all applicable City permit requirements.

## Attachments:

1. 823 Cross Street DEP and US ACE
2. 823 Cross Street Harbor Board  
Application Packet
3. 823 Cross Street Permit Application
4. 823 Cross Street Staff Report FINAL  
011121
5. 823 Cross Street Abutter Notice



REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
**JACKSONVILLE DISTRICT CORPS OF ENGINEERS**  
**PENSACOLA REGULATORY OFFICE**  
**41 NORTH JEFFERSON STREET, SUITE 301**  
**PENSACOLA, FLORIDA 32502**

September 1, 2020

Regulatory Division  
North Permits Branch  
Pensacola Permits Section  
SAJ-2020-02018 (GP-HMM)

Benjamin Causton  
4100 Indian Trail  
Destin, Florida 32541

Dear Mr. Causton:

Your application for a Department of the Army permit (for the Dennis Connors Dock) has been assigned number SAJ-2020-02018 (GP-HMM). A review of the information and drawings provided shows the proposed work is to construct a single-family dock consisting of a 67.5-foot by 4-foot access pier, a 16-foot by 10-foot terminal platform with a 16-foot by 6-foot stepdown, and a 16-foot by 4-foot walkway to a 32-foot by 3-foot catwalk forming a 32-foot by 13-foot slip with boat lift and 36-foot by 17-foot boathouse. The activities subject to this permit are authorized pursuant to authorities under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403). The project is located at 823 Cross Street, in Marler Bayou, Latitude 30.406925° North, Longitude 86.500560° West, Section 0, Township 2 South, Range 22 West, in Destin, in Okaloosa County, Florida.

Your project, as depicted on the enclosed drawings, is authorized by Regional General Permit (GP) SAJ-20. This authorization is valid until **March 27, 2023**. Please access the Corps' Jacksonville District Regulatory Division Internet page to view the special and general conditions for SAJ-20, which apply specifically to this authorization. The Internet URL address is: <http://www.saj.usace.army.mil/Missions/Regulatory.aspx> Please be aware this Internet address is case sensitive; and, you will need to enter it exactly as it appears above. Once there you will need to click on "Source Book"; and, then click on "General Permits." Then you will need to click on the specific SAJ permit noted above. You must comply with all of the special and general conditions of the permit; and, any project-specific conditions noted below, or you may be subject to enforcement action. The following project-specific conditions are included with this authorization:

The following special conditions are included with this verification:

1. **Reporting Address:** The Permittee shall submit all reports, notifications, documentation and correspondence required by the general and special conditions of this permit to either (not both) of the following addresses:
  - a. For electronic mail (preferred): SAJ-RD-Enforcement@usace.army.mil (not to exceed 15 MB).
  - b. For standard mail: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.

The Permittee shall reference this permit number, SAJ-2020-02018 (GP - HMM), on all submittals
2. **Commencement Notification:** Within 10 days from the date of initiating the work authorized by this permit the Permittee shall submit a completed "Commencement Notification" Form (Attached).
3. **Self-Certification:** Within 60 days of completion of the work authorized by this permit, the Permittee shall complete the attached "Self-Certification Statement of Compliance" form and submit it to the Corps. In the event that the completed work deviates in any manner from the authorized work, the Permittee shall describe the deviations between the work authorized by this permit and the work as constructed on the "Self-Certification Statement of Compliance" form. The description of any deviations on the "Self-Certification Statement of Compliance" form does not constitute approval of any deviations by the Corps.
4. **Assurance of Navigation and Maintenance:** The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
5. **Turbidity Barriers:** Prior to the initiation of any of the work authorized by this permit, the Permittee shall install floating turbidity barriers with weighted skirts that extend to within 1 foot of the bottom around all work areas that are in, or adjacent to, surface waters. The turbidity barriers shall remain in place and be maintained until the authorized work has been completed and all suspended and erodible materials have been stabilized. Turbidity barriers shall be removed upon stabilization of the work

area.

6. **Agency Changes/Approvals:** Should any other agency require and/or approve changes to the work authorized or obligated by this permit, the Permittee is advised a modification to this permit instrument is required prior to initiation of those changes. It is the Permittee's responsibility to request a modification of this permit from the **Pensacola** Permits Section. The Corps reserves the right to fully evaluate, amend, and approve or deny the request for modification of this permit.
7. **Posting of Permit:** The Permittee shall have available and maintain for review a copy of this permit and approved plans at the construction site
8. **Dock Construction Guidelines:** The Permittee shall comply with the attached "Dock Construction Guidelines in Florida for Docks or Other Minor Structures Constructed in or over Submerged Aquatic Vegetation, Marsh or Mangrove Habitat – U.S. Army Corps of Engineers/National Marine Fisheries Service – November 2017.
9. **Eastern Indigo Snake Protection Measures and Inspection:** Permittee shall comply with the attached U.S. Fish and Wildlife Service's "Standard Protection Measures for the Eastern Indigo Snake" dated August 12, 2013. All gopher tortoise burrows, active or inactive, shall be evacuated prior to site manipulation in the vicinity of the burrow. If excavating potentially occupied burrows, active or inactive, individuals must first obtain state authorization via a Florida Fish and Wildlife Conservation Commission (FWC) Authorized Gopher Tortoise Agent permit. The excavation method selected shall minimize the potential for injury of an indigo snake. The Permittee shall follow the excavation guidance provided in the most current FWC Gopher Tortoise Permitting Guidelines found at <http://myfwc.com/gophertortoise>. If an indigo snake is encountered, the snake must be allowed to vacate the area prior to additional site manipulation in the vicinity. Holes, cavities, and snake refugia other than gopher tortoise burrows shall be inspected each morning before planned site manipulation of a particular area, and if occupied by an indigo snake, no work shall commence until the snake has vacated the vicinity of the proposed work.
10. **Manatee Conditions:** The Permittee shall comply with the attached "Standard Manatee Conditions for In-Water Work – 2011".

11. **Jacksonville District Programmatic Biological Opinion (JAXBO), November 2017, Project Design Criteria (PDCs):** Structures authorized under this permit must comply with all applicable PDCs, based on the permitted activity, as required by JAXBO. Please note that failure to comply with the applicable PDCs, where a take of listed species occurs, would constitute an unauthorized take, and noncompliance with this permit. The NMFS is the appropriate authority to enforce the terms and conditions of JAXBO. The most current version of JAXBO can be accessed at the Jacksonville District Regulatory Division internet webpage in the Endangered Species section of the Sourcebook located at: <http://www.saj.usace.army.mil/Missions/Regulatory/SourceBook.aspx>.

**Note** - JAXBO may be subject to revision at any time. The most recent version of these conditions must be utilized during the design and construction of the permitted work. In accordance with the Endangered Species Act, and for those projects which do not comply with JAXBO, the Corps will seek individual consultation with the NMFS.

**Note** - some authorized activities may deviate from the PDCs. In cases, where the activity (i.e., structure dimensions, length, etc.) deviates from the PDCs, the permit drawings shall supersede the PDCs.

For each of the following authorized activities subject of this permit, the permittee shall adhere to the following PDCs, which are attached to, and made part of, this authorization/verification letter:

Activity 2 - Pile-supported Structures: (AP.1-11; A2.1-9; S.2)

12. **Cultural Resources/Historic Properties:**

- a. No structure or work shall adversely affect impact or disturb properties listed in the *National Register of Historic Places* (NRHP) or those eligible for inclusion in the NRHP.
- b. If during the ground disturbing activities and construction work within the permit area, there are archaeological/cultural materials encountered which were not the subject of a previous cultural resources assessment survey (and which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes, evidence of structures or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the Permittee shall immediately stop all work and ground-disturbing activities within a 100-meter diameter of the discovery and notify the Corps within the same business day (8 hours). The Corps shall then notify the Florida State Historic Preservation Officer (SHPO) and the appropriate Tribal Historic Preservation Officer(s) (THPO(s)) to assess the significance of the discovery and devise appropriate actions.

- c. Additional cultural resources assessments may be required of the permit area in the case of unanticipated discoveries as referenced in accordance with the above Special Condition ; and if deemed necessary by the SHPO, THPO(s), or Corps, in accordance with 36 CFR 800 or 33 CFR 325, Appendix C (5). Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume on non-federal lands without written authorization from the SHPO for finds under his or her jurisdiction, and from the Corps.
  
- d. In the unlikely event that unmarked human remains are identified on non-federal lands, they will be treated in accordance with Section 872.05 Florida Statutes. All work and ground disturbing activities within a 100-meter diameter of the unmarked human remains shall immediately cease and the Permittee shall immediately notify the medical examiner, Corps, and State Archeologist within the same business day (8-hours). The Corps shall then notify the appropriate SHPO and THPO(s). Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume without written authorization from the State Archeologist and from the Corps.

This letter of authorization does not give absolute Federal authority to perform the work as specified on your application. The proposed work may be subject to local building restrictions mandated by the National Flood Insurance Program. You should contact your local office that issues building permits to determine if your site is located in a flood-prone area, and if you must comply with the local building requirements mandated by the National Flood Insurance Program.

Please note U.S. Coast Guard regulations may require you as permittee to provide information for a Notice to the maritime community regarding your project. You should contact the Coast Guard Sector Mobile Waterways Management Branch (spw), 1500 15th Street, Mobile, AL 36615 or by phone at 251-441-5684 to determine if a Notice is necessary. Also any safety lights, signs and signals prescribed by the U.S. Coast Guard through their regulations or otherwise, must be installed and maintained at your expense as permittee on authorized facilities in navigable waters of the United States. To receive a U.S. Coast Guard Private Aids to Navigation marking determination, you are advised to contact the Eighth Coast Guard District (dpw), 500 Poydras St. Suite 1230, New Orleans, LA 70130, 504-671-2328 or via email to: D8oanPATON@uscg.mil prior to installation/construction of any fixed structures. For general information related to Private Aids to Navigation please visit the Eighth CG District web site at: <http://www.atlanticaea.uscg.mil/district-8/district-divisions/waterways/PATON>.

If you are unable to access the internet or require a hardcopy of any of the conditions, limitations, or expiration date for the above referenced RGP, please contact

Holly Millsap by the letterhead address, by email at [Holly.M.Millsap@usace.army.mil](mailto:Holly.M.Millsap@usace.army.mil) or by telephone at 850-470-9823.

Thank you for your cooperation with our permit program. The Corps Jacksonville District Regulatory Division is committed to improving service to our customers. We strive to perform our duty in a friendly and timely manner while working to preserve our environment. We invite you to complete our automated Customer Service Survey at [http://corpsmapu.usace.army.mil/cm\\_apex/f?p=regulatory\\_survey](http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey). Please be aware this Internet address is case sensitive; and, you will need to enter it exactly as it appears above. Your input is appreciated – favorable or otherwise.

Sincerely,



Holly Millsap  
Project Manager

Enclosures:

- Permit Drawings
- General Conditions
- Commencement Notification
- Self-Certification Statement of Compliance
- Dock Construction Guidelines
- Indigo Snake Conditions
- Manatee Conditions
- PDCs for In-Water Activities (AP.1-14; A2.1-9; S.2)
- Department of the Army Permit Transfer Request

Copy/ies Furnished:

- CESAJ-RD-SE
- Wetland Sciences, Inc., Agent



# FLORIDA DEPARTMENT OF Environmental Protection

Northwest District  
160 W. Government Street, Suite 308  
Pensacola, FL 32502

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Noah Valenstein**  
Secretary

## Permittee/Authorized Entity:

Benjamin Causton  
4100 Indian Trail  
Destin, Florida 32541, Okaloosa County  
[LBCAUSTON@gmail.com](mailto:LBCAUSTON@gmail.com)

## Cross Street Dock

## Authorized Agent:

Jason Taylor  
1225 Oakview Rd  
Decatur, Georgia 30030  
[Oakhurstenvironmental@gmail.com](mailto:Oakhurstenvironmental@gmail.com)

## Environmental Resource Permit State-owned Submerged Lands Authorization – Granted

## U.S. Army Corps of Engineers Authorization – Separate Corps Authorization Required

Okaloosa County  
Permit No.: 0386382-002-EI/46

Permit Issuance Date: July 14, 2020  
Permit Construction Phase Expiration Date: July 14, 2025

# Consolidated Environmental Resource Permit and Sovereignty Submerged Lands Authorization

Permittee/Grantee: Benjamin Causton

Permit No: 0386382-002-EI/46

## PROJECT LOCATION

The activities authorized by this permit and sovereignty submerged lands authorization are located at 823 Cross Street, Destin FL, Parcel ID 00-2S-22-0310-000D-0960, in Section 24, Township 02 South, Range 23 West in Okaloosa County, at 30°24'25.2528" North Latitude, 86°30'1.0054" West Longitude.

## PROJECT DESCRIPTION

The permittee is authorized to construct a single-family dock, within Marler Bayou, a Class II Florida Waterbody, Prohibited Shellfish Harvesting Area. Those activities include the construction and use of 272 square foot access pier, a 160 square foot terminal platform, a 96 square foot steep-down platform, and a 416 square foot covered boatlift, and a 160 square foot catwalk, serving 1 vessel, and comprising 1104 square feet of structure and 1046 square feet of preemption of state-owned sovereignty submerged lands. Authorized activities are depicted on the attached exhibits.

## AUTHORIZATIONS

### Cross Street Dock

#### Environmental Resource Permit

The Department has determined that the activity qualifies for an Environmental Resource Permit. Therefore, the Environmental Resource Permit is hereby granted, pursuant to Part IV of Chapter 373, Florida Statutes (F.S.), and Chapter 62-330, Florida Administrative Code (F.A.C.).

#### Sovereignty Submerged Lands Authorization

The activity is located on sovereignty submerged lands owned by the State of Florida. It therefore also requires authorization from the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees), pursuant to Article X, Section 11 of the Florida Constitution, and Section 253.77, F.S. As staff to the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) under Sections 253.002, F.S., the Department has determined that the activity qualifies for and requires a Letter of Consent, as long as the work performed is located within the boundaries as described and is consistent with the terms and conditions herein.

During the term of this Letter of Consent you shall maintain satisfactory evidence of sufficient upland interest as required by paragraph 18-21.004(3)(b), F.A.C. If such interest is terminated or the Board of Trustees determines that such interest did not exist on the date of issuance of this Letter of Consent, this Letter of Consent may be terminated by the Board of Trustees at its sole option. If the Board of Trustees terminates this Letter of Consent, you agree not to assert a claim or defense against the Board of Trustees arising out of this Letter of Consent.

### Federal Authorization

Your proposed activity as outlined on your application and attached drawings **does not qualify** for federal authorization pursuant to the State Programmatic General Permit and a **SEPARATE permit** or authorization **shall be required** from the U.S. Army Corps of Engineers (Corps). You must apply separately to the Corps using the federal application form (ENG 4345). More information about Corps permitting may be found online in the Jacksonville District Regulatory Division Sourcebook. **Failure to obtain Corps authorization prior to construction could subject you to federal enforcement action by that agency.**

Authority for review – an agreement with the Corps entitled “Coordination Agreement Between the U. S. Army Corps of Engineers (Jacksonville District) and the Florida Department of Environmental Protection, or Duly Authorized Designee, State Programmatic General Permit,” Section 10 of the Rivers and Harbor Act of 1899, and Section 404 of the Clean Water Act.

### Coastal Zone Management

Issuance of this authorization also constitutes a finding of consistency with Florida’s Coastal Zone Management Program, as required by Section 307 of the Coastal Zone Management Act.

### Water Quality Certification

This permit also constitutes a water quality certification under Section 401 of the Clean Water Act, 33 U.S.C. 1341.

### Other Authorizations

You are advised that authorizations or permits for this activity may be required by other federal, state, regional, or local entities including but not limited to local governments or municipalities. This permit does not relieve you from the requirements to obtain all other required permits or authorizations.

The activity described may be conducted only in accordance with the terms, conditions and attachments contained in this document. Issuance and granting of the permit and authorizations herein do not infer, nor guarantee, nor imply that future permits, authorizations, or modifications will be granted by the Department.

## **PERMIT / SOVEREIGNTY SUBMERGED LANDS CONDITIONS**

The activities described must be conducted in accordance with:

- **The Specific Conditions**
- **The General Conditions**
- **The Special Consent Conditions**
- **The General Conditions for Sovereignty Submerged Lands Authorization**
- **The limits, conditions and locations of work shown in the attached drawings**
- **The term limits of this authorization**

You are advised to read and understand these conditions and drawings prior to beginning the authorized activities, and to ensure the work is conducted in conformance with all the terms, conditions, and drawings herein. If you are using a contractor, the contractor also should read and understand these conditions and drawings prior to beginning any activity. Failure to comply with these conditions, including any mitigation requirements, shall be grounds for the

Department to revoke the permit and authorization and to take appropriate enforcement action. Operation of the facility is not authorized except when determined to be in conformance with all applicable rules and this permit and sovereignty submerged lands authorization, as described.

#### **SPECIFIC CONDITIONS – ADMINISTRATIVE/EMERGENCIES**

1. The construction phase expires at 11:59 p.m. on the date indicated on the cover page of this permit.
2. For emergencies involving a serious threat to the public health, safety, welfare, or environment, the emergency telephone contact number is (800) 320-0519 (State Warning Point). The Department telephone number for reporting nonthreatening problems or system malfunctions is (850) 595-0663, day or night.
3. The mailing address for submittal of forms for the “Construction Commencement Notice”, “As-Built Certification ...”, “Request for Conversion of Stormwater Management Permit Construction Phase to Operation and Maintenance Phase”, or other correspondence is FDEP, SLERP, 160 W Government St, Suite 308, Pensacola, Florida 32502.

#### **SPECIFIC CONDITIONS – PRIOR TO ANY CONSTRUCTION**

4. Prior to the initiation of any work authorized by this permit, floating turbidity screens with weighted skirts that extend to within 1 ft. of the bottom shall be placed around the active construction areas of the site. The screens shall be maintained and shall remain in place for the duration of the project construction to ensure that turbidity levels outside the construction area do not exceed 29 NTU’s above background levels. The permittee shall be responsible for ensuring that turbidity control devices are inspected daily and maintained in good working order so that there are no violations of state water quality standards outside of the turbidity screens.
5. The following measures shall be taken by the permittee whenever turbidity levels within waters of the State surrounding the project site exceed 29 NTU’s above background:
  - a. Immediately cease all work contributing to the water quality violation.
  - b. Modify the work procedures that were responsible for the violation, and install more turbidity containment devices and repair any non-functioning turbidity containment devices.
  - c. Notify the Department of Environmental Protection, Submerged Lands & Environmental Resources Program, Compliance and Enforcement Section, Northwest District Office, 160 W Government Street, Pensacola, Florida 32502-5794, in writing or by telephone at (850)595-8300 within 24 hours of the time the violation is first detected.

#### **SPECIFIC CONDITIONS – CONSTRUCTION ACTIVITIES**

6. Best management practices for erosion control shall be implemented and maintained at all times during construction to prevent siltation and turbid discharges in excess of State water quality standards pursuant to Rule 62-302, F.A.C. Methods shall include, but are not limited to the use of staked hay bales, staked filter cloth, sodding, seeding, and mulching; staged construction; and the installation of turbidity screens around the immediate project site.
7. Any damage to wetlands and/or seagrasses outside of the authorized impact area as a result of construction shall be immediately reported to the Department at (850) 595-8300, and repaired by reestablishing the pre-construction elevations and replanting vegetation of the same species,

size, and density as that in the adjacent areas. The restoration shall be completed within 30 days of completion of construction, and the Department shall be notified of its completion within that same 30-day period.

8. There shall be no stock piling of tools, materials, (i.e., lumber, pilings, riprap, and debris) within wetlands, along the shoreline within the littoral zone, or elsewhere within waters/waters of the state.

9. All cleared vegetation, excess lumber, scrap wood, trash, garbage and any other type of debris shall be removed from wetlands/waters of the state within 14 days of completion of the work authorized in this permit.

10. Construction equipment shall not be repaired or refueled in wetlands or elsewhere within waters of the state.

11. All watercraft associated with the construction of the permitted structure shall only operate within waters of sufficient depth so as to preclude bottom scouring and prop dredging.

12. This permit does not authorize the construction of any additional structures not illustrated on the permit drawings. Examples of additional structures include but are not limited to walkways, awnings, enclosed sides and covers over slip areas, finger piers, step-down stairs, storage closets and decking.

13. Pilings within areas of wetlands or seagrasses shall be spaced at least ten feet apart and shall be installed by vibrating, pounding or hand-auguring them in place. Jetting of pilings within seagrass areas shall be prohibited.

14. To protect benthic and wetland resources when present, the elevation of the decking shall be a minimum of five feet above mean high water. There shall be a minimum of 1/2-inch spacing between deck planks.

#### **SPECIFIC CONDITIONS – OTHER LISTED SPECIES**

15. 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 applicant associated with this project. Please refer to Chapter 68A-27 of the Florida Administrative Code 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](mailto:FWCConservationPlanningServices@MyFWC.com).

#### **SPECIFIC CONDITIONS – OPERATION AND MAINTENANCE ACTIVITIES**

16. There shall be a minimum 12-inch clearance between the deepest draft of the vessel (with the motor in the down position) and the bottom of the waterbody at mean low water so as to preclude bottom scouring or prop dredging.

17. To protect benthic and wetland resources when present, the elevation of the decking shall be maintained at a minimum of five feet above mean high for the life of the facility. There shall be a minimum of 1/2-inch spacing between deck planks maintained for the life of the facility.

18. All future authorized replacement pilings for support of the docking structures shall be spaced at least ten feet apart and shall be installed by vibrating, pounding or hand-auguring them in place. Jetting of pilings within seagrass areas shall be prohibited.

19. Overboard discharges of trash, human or animal waste, or fuel shall not occur at the dock.

20. The waterward corners of the dock shall be marked by a sufficient number of reflectors so as to be visible from the water at night by reflected light. The reflectors shall not be green or red in color.

### **GENERAL CONDITIONS FOR INDIVIDUAL PERMITS**

The following general conditions are binding on all individual permits issued under chapter 62-330, F.A.C., except where the conditions are not applicable to the authorized activity, or where the conditions must be modified to accommodate project-specific 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 Agency 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 Agency a fully executed Form 62-330.350(1), "Construction Commencement Notice," [October 1, 2013], which is incorporated by reference in paragraph 62-330.350(1)(d), F.A.C., indicating the expected start and completion dates. A copy of this form may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C. If available, an Agency 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 Agency in writing of changes required by any other regulatory agency 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 Agency 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 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, 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, Agency 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 Agency 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 subsection 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.

## **SPECIAL CONSENT CONDITIONS**

1. The applicant agrees to indemnify, defend and hold harmless the Board of Trustees and the State of Florida from all claims, actions, lawsuits and demands in any form arising out of the authorization to use sovereignty submerged lands or the applicant's use and construction of structures on sovereignty submerged lands. This duty to indemnify and hold harmless will include any and all liabilities that are associated with the structure or activity including special assessments or taxes that are now or in the future assessed against the structure or activity during the period of the authorization.
2. Failure by the Board of Trustees to enforce any violation of a provision of the authorization or waiver by the Board of Trustees of any provision of the authorization will not invalidate the provision not enforced or waived, nor will the failure to enforce or a waiver prevent the Board of Trustees from enforcing the unenforced or waived provision in the event of a violation of that provision.
3. Applicant binds itself and its successors and assigns to abide by the provisions and conditions set forth in the authorization. If the applicant or its successors or assigns fails or refuses to comply with the provisions and conditions of the authorization, the authorization may be terminated by the Board of Trustees after written notice to the applicant or its successors or assigns. Upon receipt of such notice, the applicant or its successors or assigns will have thirty (30) days in which to correct the violations. Failure to correct the violations within this period will result in the automatic revocation of this authorization.
4. All costs incurred by the Board of Trustees in enforcing the terms and conditions of the authorization will be paid by the applicant. Any notice required by law will be made by certified mail at the address shown on page one of the authorization. The applicant will notify the Board of Trustees in writing of any change of address at least ten days before the change becomes effective.
5. This authorization does not allow any activity prohibited in a conservation easement or restrictive covenant that prohibits the activity.

## **GENERAL CONDITIONS FOR SOVEREIGNTY SUBMERGED LANDS AUTHORIZATION**

Any use of sovereignty submerged lands is subject to the following general conditions, which are binding upon the applicant and are enforceable under Chapter 253, F.S.

1. Sovereignty submerged lands may be used only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use will constitute a violation. Violation of the authorization will result in suspension or revocation of the applicant's use of the sovereignty submerged lands unless cured to the satisfaction of the Board of Trustees.
2. Authorization under Rule 18-21.005, F.A.C., conveys no title to sovereignty submerged lands or water column, nor does it constitute recognition or acknowledgment of any other person's title to such land or water.

3. Authorizations under Rule 18-21.005, F.A.C., may be modified, suspended or revoked in accordance with its terms or the remedies provided in Sections 253.04, F.S. and Chapter 18-14, F.A.C.
4. Structures or activities will be constructed and used to avoid or minimize adverse impacts to resources.
5. Construction, use, or operation of the structure or activity will not adversely affect any species which is endangered, threatened or of special concern, as listed in Rules 68A-27.003, 68A-27.004, and 68A-27.005, F.A.C.
6. Structures or activities will not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity will be modified in accordance with the court's decision.
7. Structures or activities will not create a navigational hazard.
8. Structures will be maintained in a functional condition and will be repaired or removed if they become dilapidated to such an extent that they are no longer functional.
9. Structures or activities will be constructed, operated, and maintained solely for water dependent purposes.
10. The applicant agrees to indemnify, defend and hold harmless the Board of Trustees and the State of Florida from all claims, actions, lawsuits and demands in any form arising out of the authorization to use sovereignty submerged lands or the applicant's use and construction of structures on sovereignty submerged lands. This duty to indemnify and hold harmless will include any and all liabilities that are associated with the structure or activity including special assessments or taxes that are now or in the future assessed against the structure or activity during the period of the authorization.
11. Failure by the Board of Trustees to enforce any violation of a provision of the authorization or waiver by the Board of Trustees of any provision of the authorization will not invalidate the provision not enforced or waived, nor will the failure to enforce or a waiver prevent the Board of Trustees from enforcing the unenforced or waived provision in the event of a violation of that provision.
12. Applicant binds itself and its successors and assigns to abide by the provisions and conditions set forth in the authorization. If the applicant or its successors or assigns fails or refuses to comply with the provisions and conditions of the authorization, the authorization may be terminated by the Board of Trustees after written notice to the applicant or its successors or assigns. Upon receipt of such notice, the applicant or its successors or assigns will have thirty (30) days in which to correct the violations. Failure to correct the violations within this period will result in the automatic revocation of this authorization.
13. All costs incurred by the Board of Trustees in enforcing the terms and conditions of the authorization will be paid by the applicant. Any notice required by law will be made by certified mail at the address shown on page one of the authorization. The applicant will notify the Board

of Trustees in writing of any change of address at least ten days before the change becomes effective.

14. This authorization does not allow any activity prohibited in a conservation easement or restrictive covenant that prohibits the activity.

### **NOTICE OF RIGHTS**

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until a subsequent order of the Department. Because the administrative hearing process is designed to formulate final agency action, the subsequent order may modify or take a different position than this action.

#### Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rules 28-106.201 and 28-106.301, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at [Agency\\_Clerk@FloridaDEP.gov](mailto:Agency_Clerk@FloridaDEP.gov). Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

#### Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant and persons entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. You cannot justifiably rely on the finality of this decision unless notice of

this decision and the right of substantially affected persons to challenge this decision has been duly published or otherwise provided to all persons substantially affected by the decision. While you are not required to publish notice of this action, you may elect to do so pursuant to Rule 62-110.106(10)(a).

The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C. If you do not publish notice of this action, this waiver will not apply to persons who have not received written notice of this action.

#### Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency\_Clerk@FloridaDEP.gov, before the deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

#### Mediation

Mediation is not available in this proceeding.

#### FLAWAC Review

The applicant, or any party within the meaning of Section 373.114(1)(a) or 373.4275, F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when this order is filed with the Clerk of the Department.

#### Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S. by filing a Notice of Appeal pursuant to Florida Rules of Appellate Procedure 9.110 and 9.190 with the Clerk of the Department in the Office of General Counsel (Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000) and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice must be filed within 30 days from the date this action is filed with the Clerk of the Department.

Thank you for applying to the Submerged Lands and Environmental Resource Permit Program. If you have any questions regarding this matter, please contact Lyndsey Benton at the letterhead address, at (850)595-0603, or at [Lyndsey.Benton@FloridaDEP.gov](mailto:Lyndsey.Benton@FloridaDEP.gov)

**EXECUTION AND CLERKING**

Executed in Orlando, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



\_\_\_\_\_  
Kimberly R. Allen  
Permitting Program Administrator

KRA:lb

**Attachments:**

Project Drawings and Design Specs., 6 pages

Copies of 62-330 forms may be obtained at: <https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/forms-environmental-resource>

**CERTIFICATE OF SERVICE**

The undersigned duly designated deputy clerk hereby certifies that this document and all attachments were sent on the filing date below to the following listed persons:

Kimberly R. Allen, DEP, [Kim.Allen@FloridaDEP.gov](mailto:Kim.Allen@FloridaDEP.gov)  
Wade Dandridge, [Wade.Dandridge@FLoridaDEP.gov](mailto:Wade.Dandridge@FLoridaDEP.gov)  
Lyndsey Benton, [Lyndsey.Benton@FloridaDEP.gov](mailto:Lyndsey.Benton@FloridaDEP.gov)  
Jason Taylor, [Oakhurstenvironmental@gmail.com](mailto:Oakhurstenvironmental@gmail.com)  
Okaloosa County, [mmartinez@co.okaloosa.fl.us](mailto:mmartinez@co.okaloosa.fl.us) [jautrey@co.okaloosa.fl.us](mailto:jautrey@co.okaloosa.fl.us)  
[sbitterman@co.okaloosa.fl.us](mailto:sbitterman@co.okaloosa.fl.us) [propertyappraiser@okaloosapa.com](mailto:propertyappraiser@okaloosapa.com)  
City of Destin, [planning@cityofdestin.com](mailto:planning@cityofdestin.com)

**FILING AND ACKNOWLEDGMENT**

FILED, on this date, pursuant to Section 120.52, F.S., with the designated Department Clerk, receipt of which is hereby acknowledged.



\_\_\_\_\_  
Clerk

July 14, 2020  
Date



**City of Destin**  
**Community Development Department**  
**Planning & Zoning Division**

City of Destin Annex  
4100 Indian Bayou Trail  
Destin, Florida 32541  
Phone (850) 654-1119 • Fax (850) 460-2171  
**planning@cityofdestin.com**

All applications must be emailed or shared with [planning@cityofdestin.com](mailto:planning@cityofdestin.com).

**APPLICATION for HARBOR BOARD**

Harbor Board meets the 4<sup>th</sup> Monday of each month, all applications must be submitted at least one month prior.

Description of work: • Remove and build new dock w/lift

**1. APPLICANT INFORMATION:**

Name: Ben Causton  
Mailing Address: 327 Mountain Dr. Destin  
Phone: 850-714-4616 Fax: \_\_\_\_\_  
Email: LBCauston@gmail.com

**2. PROPERTY TO BE REVIEWED:**

Street Address: 823 Cross Street  
Parcel ID #: 00-25-22-0310-000D-0960

**3. FEE:** \$50.00 Residential      Cash, Check, MasterCard or Visa  
\$100.00 Commercial

Fees must be paid when submitting an application.

**4. ADDITIONAL DOCUMENTATION REQUIRED:**

- Complete detailed drawings and site plan.
- Adjacent property owner mailing information.

**State and Federal permits required prior to submission for Harbor Board approval. Association approval (if applicable) shall accompany a completed application for a building permit, provided no additional slips are created. (Article 11.05.01B., Land Development Code).**

APPLICANT'S SIGNATURE: Ben Causton DATE: 10/25/2020



# Okaloosa County Property Appraiser

## Parcel Summary

**Parcel ID** 00-25-22-0310-000D-0950  
**Location Address** 821 CROSS ST  
 DESTIN 32541  
**Neighborhood** DESTIN (222100.00)  
**Brief Tax Description\*** CALHOUN S/D DESTIN LOT 95 BLK D  
\*The Description above is not to be used on legal documents.  
**Property Use Code** SINGLE FAM (000100)  
**Sec/Twp/Rng** 00-25-22  
**Tax District** Destin (District 10)  
**Millage Rate** 12.6845  
**Acreage** 0.000  
**Homestead** N  
**Acreage (GIS)** 0.68  
**Fire District** N/A

[View Map](#)

## Owner Information

**Primary Owner**  
 Musser David L & Dawn T  
 141 Lakeside Dr  
 Kennesaw, GA 30144

Cell #  
 678-372-4010

## Valuation

	2020 Certified Values	2019 Certified Values	2018 Certified Values	2017 Certified Values
Building Value	\$335,876	\$305,626	\$290,731	\$279,547
Extra Features Value	\$15,680	\$15,313	\$12,813	\$12,813
Land Value	\$376,200	\$317,808	\$311,577	\$291,194
Land Agricultural Value	\$0	\$0	\$0	\$0
Agricultural (Market) Value	\$0	\$0	\$0	\$0
Just (Market) Value	\$727,756	\$638,747	\$615,121	\$583,554
Assessed Value	\$702,622	\$638,747	\$615,121	\$583,554
Exempt Value	\$0	\$0	\$0	\$0
Taxable Value	\$702,622	\$638,747	\$615,121	\$583,554
Maximum Save Our Homes Portability	\$25,134	\$0	\$0	\$0

"Just (Market) Value" description - This is the value established by the Property Appraiser for ad valorem purposes. This value does not represent anticipated selling price.

## Land Information

Code	Land Use	Number of Units	Unit Type	Frontage	Depth
000120	SFR BAYOU	100.00	FF	100	0

## Building Information

**Building 1**  
**Type** SINGLE FAM  
**Total Area** 4,253  
**Heated Area** 3,251  
**Exterior Walls** BRICK;  
**Roof Cover** DIMEN/TIMB;  
**Interior Walls** DRYWALL;  
**Frame Type** .  
**Floor Cover** CLAY/CERMC; CARPET  
**Heat** AIR DUCTED  
**Air Conditioning** CENTRAL  
**Bathrooms** 3  
**Bedrooms** 3  
**Stories** 2  
**Actual Year Built** 1997  
**Effective Year Built** 1997

## Extra Features

Code	Description	Number of Items	Length x Width x Height	Units	Unit Type	Effective Year Built
FIRPLC	FIREPLC	1	0x0x0	1	UT	1997
DRIVWY	DRIVEWAY	1	0x0x0	1	UT	1997
DOCK	DOCK	1	0x0x0	1	UT	2000



# Okaloosa County Property Appraiser

## Parcel Summary

Parcel ID 00-25-22-0310-000D-0970  
 Location Address 825 CROSS ST  
 DESTIN 32541  
 Neighborhood DESTIN (222100.00)  
 Brief Tax Description\* CALHOUN S/D DESTIN LOT 97 BLK D AS PER DB 39 PG 371  
 \*The Description above is not to be used on legal documents.  
 Property Use Code SINGLE FAM (000100)  
 Sec/Twp/Rng 00-25-22  
 Tax District Destin (District 10)  
 Millage Rate 12.6845  
 Acreage 0.000  
 Homestead Y  
 Acreage (GIS) 0.82  
 Fire District N/A

[View Map](#)

## Owner Information

Primary Owner  
 Jacobs Jonathan R & Mcpeak J  
 825 Cross St  
 Destin, FL 32541

*Cell #*  
*850-240-5253*

## Valuation

	2020 Certified Values	2019 Certified Values	2018 Certified Values	2017 Certified Values
Building Value	\$143,842	\$131,076	\$124,864	\$120,228
Extra Features Value	\$8,324	\$8,129	\$8,129	\$8,129
Land Value	\$396,000	\$353,121	\$346,197	\$323,549
Land Agricultural Value	\$0	\$0	\$0	\$0
Agricultural (Market) Value	\$0	\$0	\$0	\$0
Just (Market) Value	\$548,166	\$492,326	\$479,190	\$451,906
Assessed Value	\$436,165	\$426,359	\$418,409	\$401,086
Exempt Value	\$55,000	\$55,000	\$55,000	\$55,000
Taxable Value	\$381,165	\$371,359	\$363,409	\$346,086
Maximum Save Our Homes Portability	\$112,001	\$65,967	\$60,781	\$50,820

"Just (Market) Value" description - This is the value established by the Property Appraiser for ad valorem purposes. This value does not represent anticipated selling price.

## Land Information

Code	Land Use	Number of Units	Unit Type	Frontage	Depth
000120	SFR BAYOU	100.00	FF	100	0

## Building Information

Building 1  
 Type SINGLE FAM  
 Total Area 2,419  
 Heated Area 2,255  
 Exterior Walls BRICK;  
 Roof Cover METAL;  
 Interior Walls WOOD PANEL; DRYWALL  
 Frame Type  
 Floor Cover CLAY/CERMC; HARDWOOD  
 Heat AIR DUCTED  
 Air Conditioning CENTRAL  
 Bathrooms 2  
 Bedrooms 3  
 Stories 1  
 Actual Year Built 1961  
 Effective Year Built 1961

## Extra Features

Code	Description	Number of Items	Length x Width x Height	Units	Unit Type	Effective Year Built
DRIVWY	DRIVEWAY	1	0x0x0	1	UT	1995
FIRPLC	FIREPLC	1	0x0x0	1	UT	1961
DOCK	DOCK	1	0x0x0	1	UT	2015



# Community Development Department Building Division

4200 Indian Bayou Trail, Destin, FL 32541  
Phone: (850) 654-1119 Permits@cityofdestin.com

## Marine Construction Permit Application

DATE: 7/15/2020

JOB SITE ADDRESS: 823 Cross Street

NAME OF PROJECT: Caston Dock

PARCEL ID: 00-25-22-0310-000 D-0960 LOT: D BLOCK: 96 SUBDIVISION: Calhoun S/D

OWNER OF PROPERTY: Ben + Nichole Causton

CONTRACTOR COMPANY NAME: SELF

ADDRESS: 327 Mountain Drive

QUALIFIER NAME: \_\_\_\_\_

CITY, STATE, ZIP: Destin FL 32541

STATE LICENSE #: \_\_\_\_\_ COMP#: \_\_\_\_\_

PHONE: 850-714-4616 FAX: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

MOBILE/CELL: \_\_\_\_\_

CITY, STATE, ZIP: \_\_\_\_\_

FEE SIMPLE TITLEHOLDER (if other than owner): \_\_\_\_\_

PHONE: \_\_\_\_\_ FAX: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CONTACT PERSON: Ben Causton

CITY, STATE, ZIP: \_\_\_\_\_

MOBILE/CELL: 850-714-4616

EMAIL: LBCAUSTON@GMAIL.COM

**All new marine construction requires review by the Harbor & Waterways Board, per Article 11.05.01.A., Land Development Code. This process requires a separate Harbor & Waterways Board Application. After the Board meets to take action on a proposed dock application, its recommendation is forwarded to the City Council for approval or denial. A Marine Construction Permit is also necessary and may be reviewed simultaneously. All applications require a scaled site plan or survey depicting improvements.**

HARBOR & WATERWAYS BOARD HEARING DATE: \_\_\_\_\_ CITY COUNCIL APPROVAL DATE: \_\_\_\_\_ (Provide the information checklist with Mayor or City Council designee signature or City Council meeting minutes.)

DESCRIPTION OF WORK TO BE DONE: Remove Old Dock + Rebuild with attached drawings.

CATEGORY TYPE:  Residential  Commercial CURRENT CODE: 2017  
PERMIT TYPE:  Bulkhead(seawall)  Dock/Pier  Piles  Boatlift  Boathouse  Boat Ramp  Other: \_\_\_\_\_  
CONSTRUCTION TYPE:  New  Repair  Replace  Remove  Relocate  Addition DEP Permit required:  Yes  No

**Marine Contractors must maintain applicable workers' compensation and general liability insurance as required by state and federal law, including but not limited to the provisions of the LONGSHOREMEN'S and Harbor Worker's Compensation Act.**

TOTAL VALUE (MATERIAL & LABOR): \$30,000  
(excluding lot)

**FINAL INSPECTION IS REQUIRED ON ALL PERMITS-Failure to obtain a final inspection may result in legal action.**

Applicants Signature: [Signature] Date: 7/15/2020  
Applicants Printed Name: Ben Causton Date: 7/15/2020

Reviewed by: \_\_\_\_\_ (Building Division) Date: \_\_\_\_\_  
Reviewed By: \_\_\_\_\_ (Planning Division) Date: \_\_\_\_\_  
Reviewed By: \_\_\_\_\_ (Code Compliance Dept.) Date: \_\_\_\_\_  
Received By: \_\_\_\_\_ (Initials) Date: \_\_\_\_\_

Calhoun Ave

Cross St

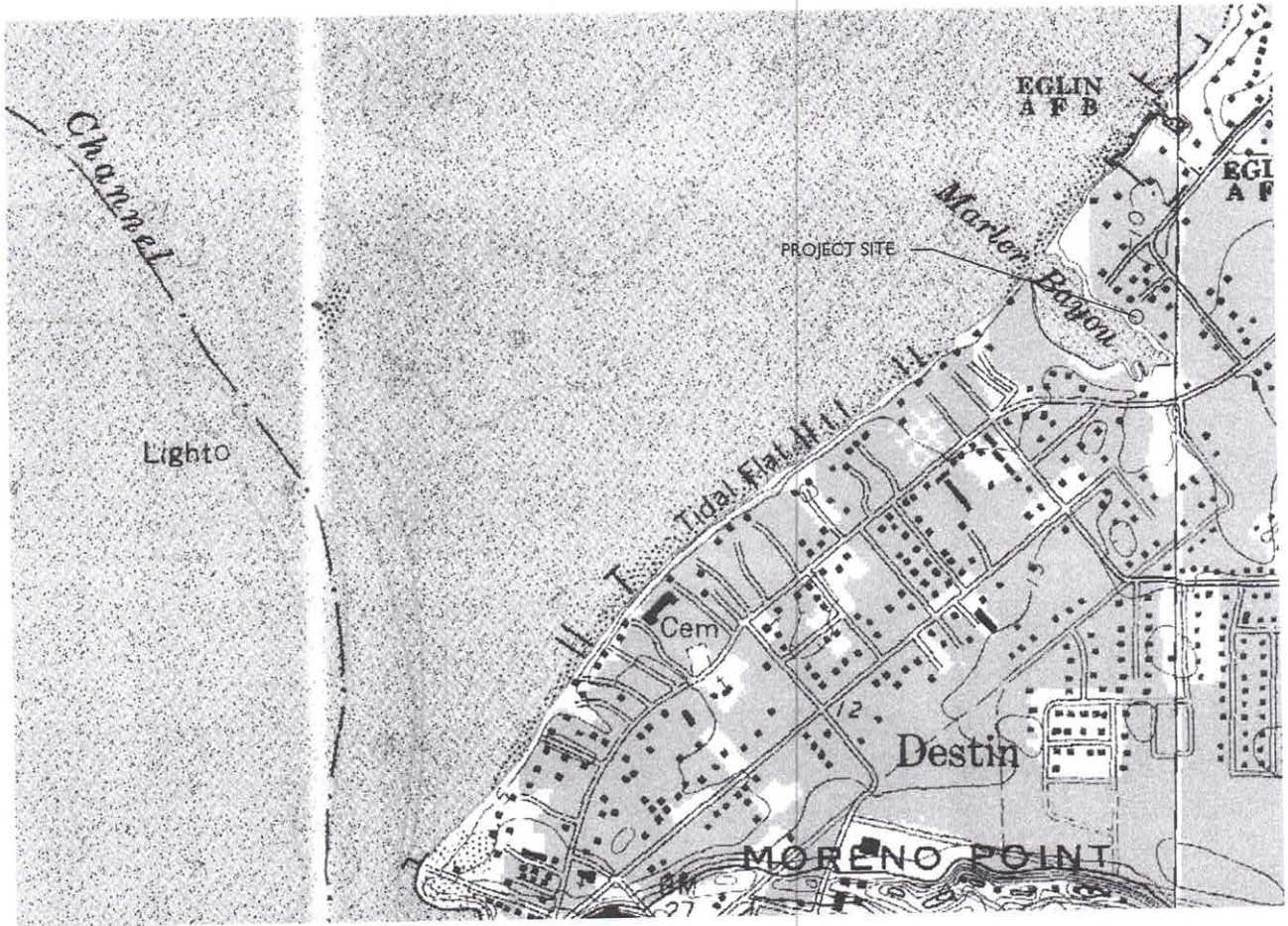
823 Cross Street

Cross St

**OLD DOCK**



Google



PARCEL ID#  
 00-2S-22-0310-000D-0960  
 823 CROSS STREET  
 DESTIN, FL 32541

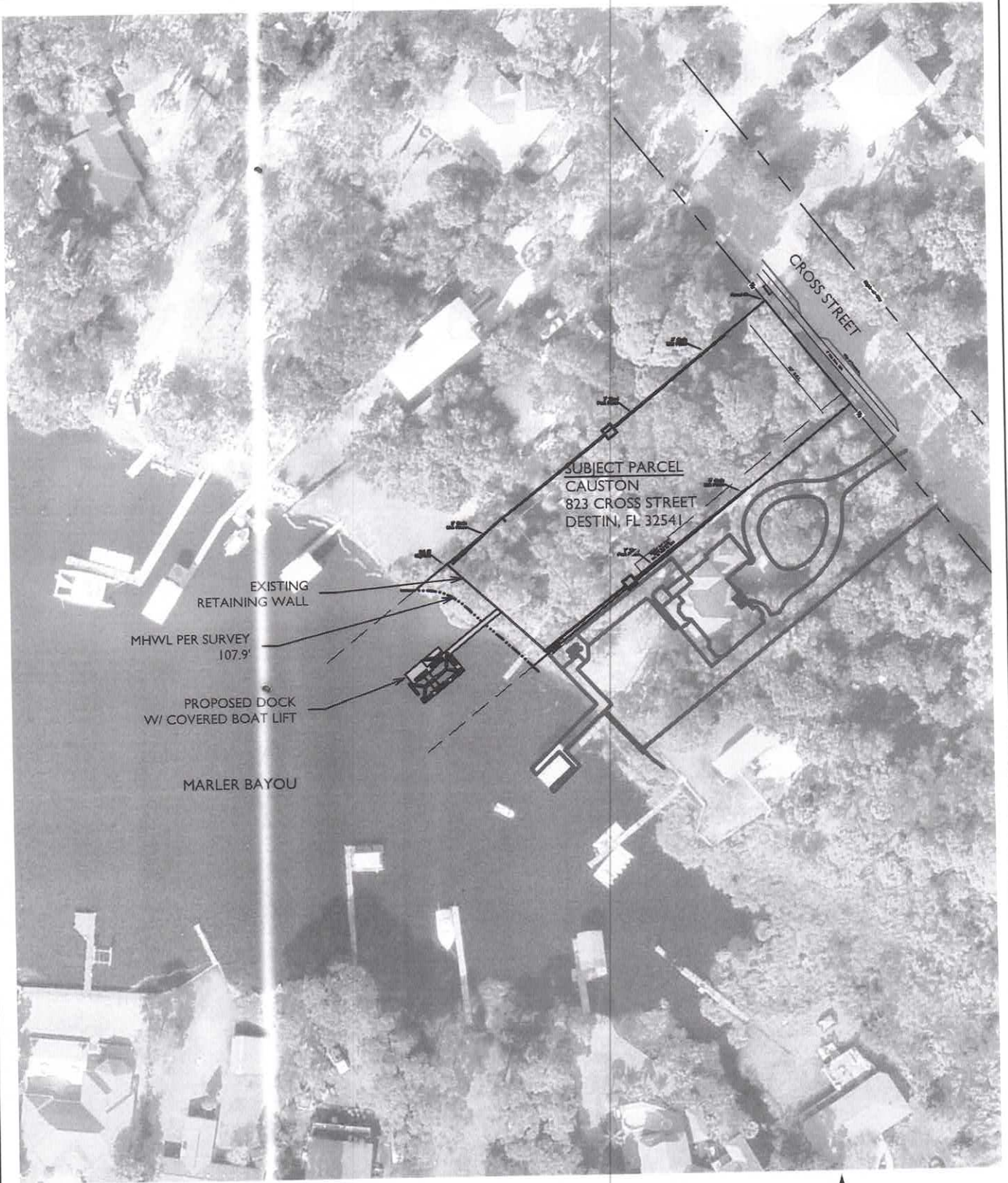
RECORD OWNER  
 BENJAMIN & NICOLE CAUSTON  
 4100 INDIAN TRAIL  
 DESTIN, FL 32541

- INDEX OF SHEETS
- 1- SITE LOCATION & SHEET INDEX
  - 2-EXISTING SITE CONDITIONS
  - 3-PLAN VIEW DEPICTED ONTO AERIAL
  - 4-PLAN VIEW
  - 5-PROFILE (TYPICAL)
  - 6-SECTION VIEW (TYPICAL)

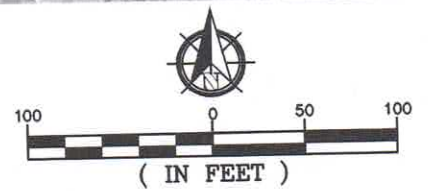
PROJECT NAME: 823 CROSS STREET, CAUSTON	
SITE LOCATION & SHEET INDEX	
PROJECT NO.: 20-015	
DRAWN BY: JAT	DATE: 5/18/20
SHEET: 1 OF 6	



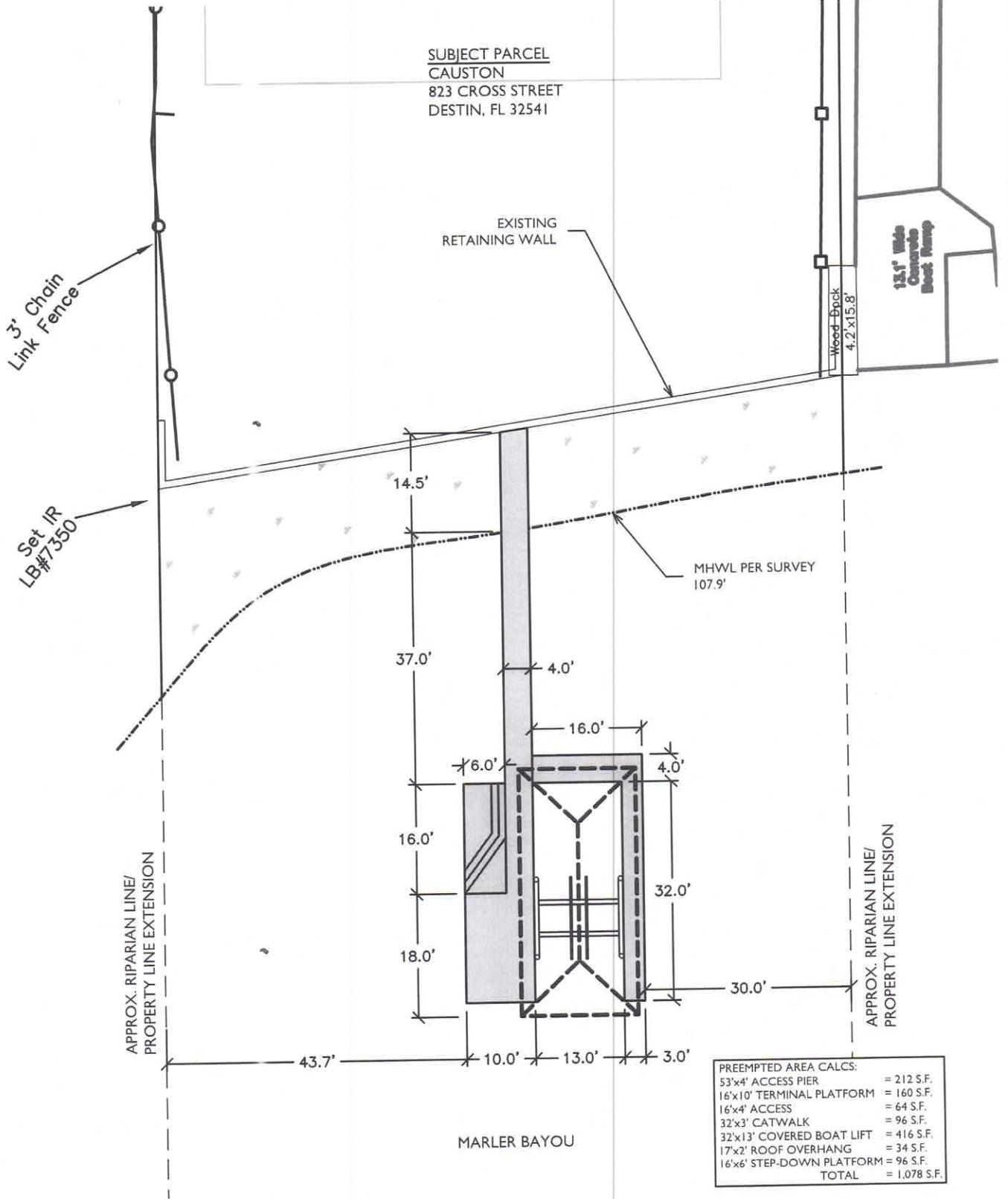




PROJECT NAME: 823 CROSS STREET, CAUSTON	
PLAN VIEW DEPICTED ONTO AERIAL	
PROJECT NO.: 20-015	
DRAWN BY: JAT	DATE: 5/18/20
SHEET: 3 OF 6	



SUBJECT PARCEL  
CAUSTON  
823 CROSS STREET  
DESTIN, FL 32541

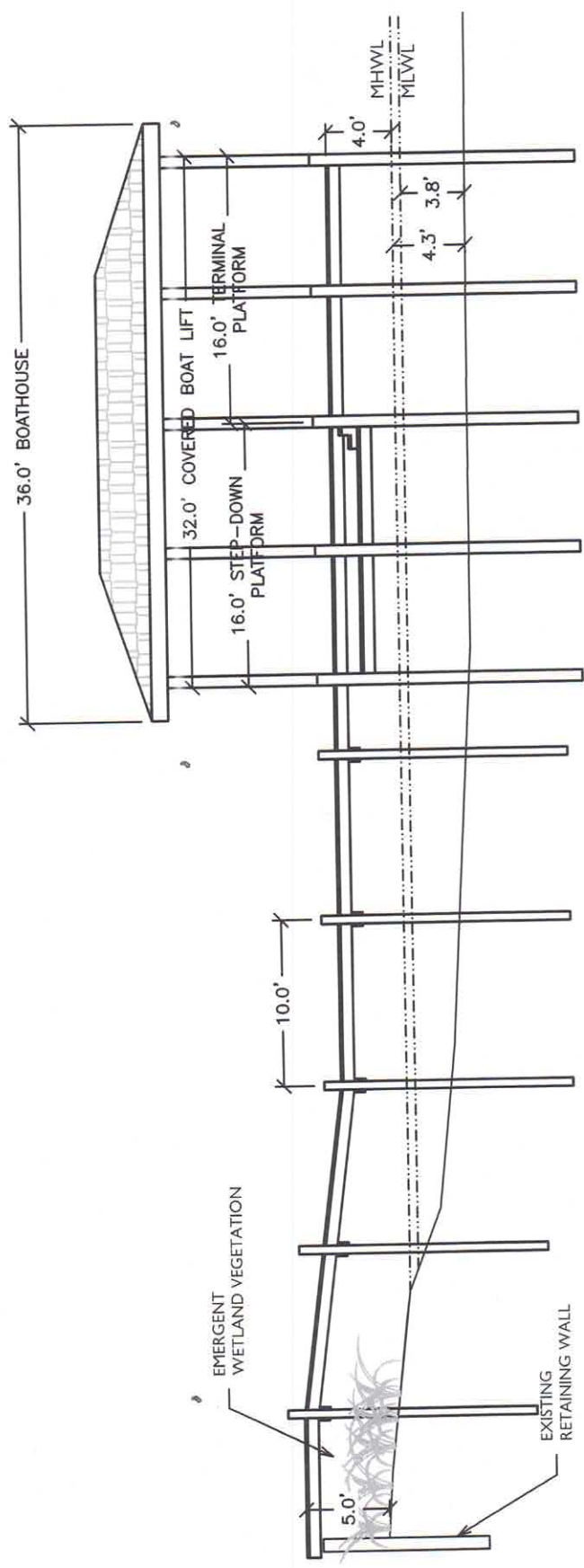


PREEMPTED AREA CALCS:

53'x4' ACCESS PIER	= 212 S.F.
16'x10' TERMINAL PLATFORM	= 160 S.F.
16'x4' ACCESS	= 64 S.F.
32'x3' CATWALK	= 96 S.F.
32'x13' COVERED BOAT LIFT	= 416 S.F.
17'x2' ROOF OVERHANG	= 34 S.F.
16'x6' STEP-DOWN PLATFORM	= 96 S.F.
<b>TOTAL</b>	<b>= 1,078 S.F.</b>

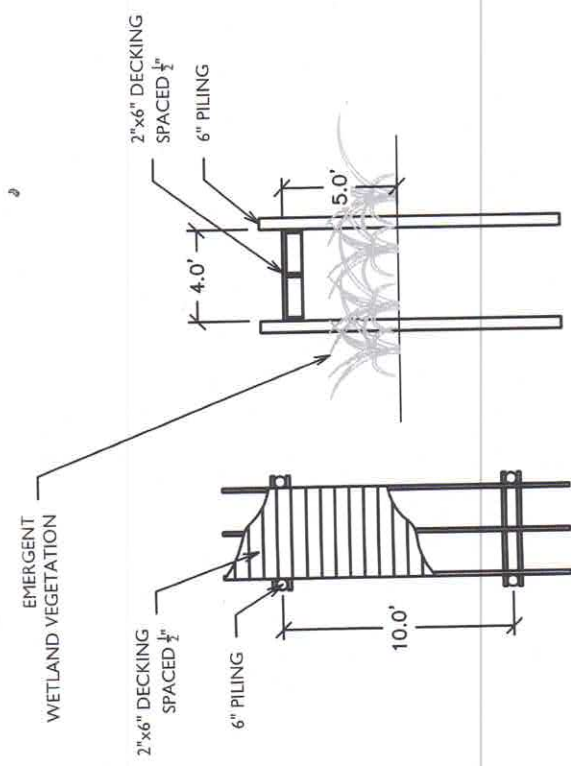
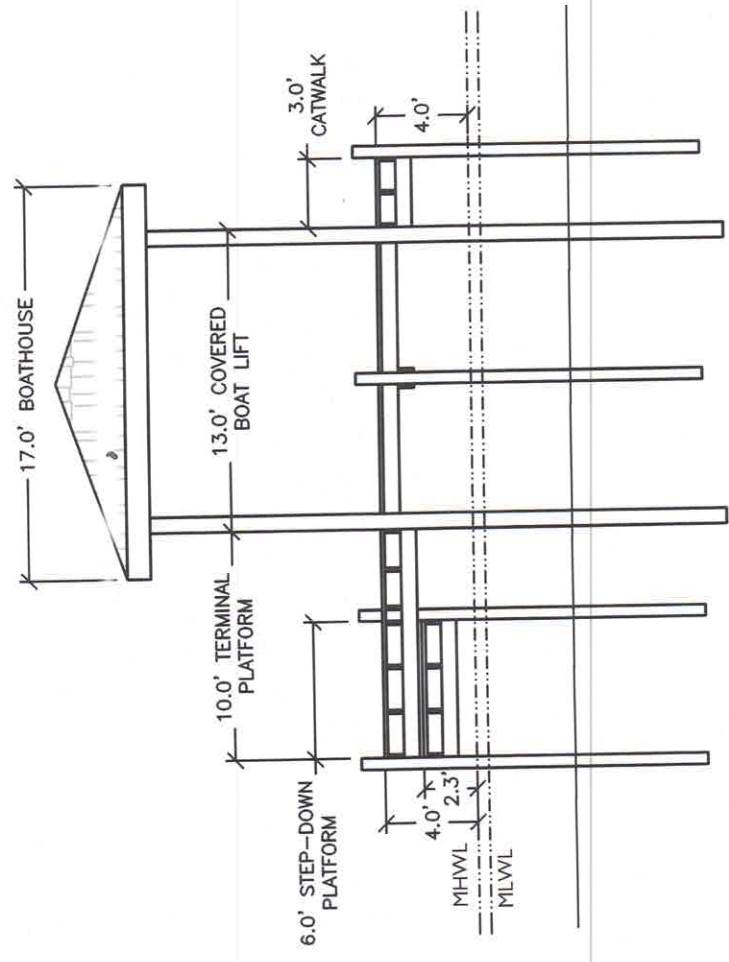
PROJECT NAME: 823 CROSS STREET, CAUSTON	
PLAN VIEW	
PROJECT NO.: 20-015	
DRAWN BY: JAT	DATE: 5/18/20
SHEET: 4 OF 6	





PROJECT NAME: 823 CROSS STREET, CAUSTON
PROFILE (TYPICAL)
PROJECT NO.: 20-015
DRAWN BY: JAT
DATE: 5/18/20
SHEET: 5 OF 6





PROJECT NAME: 823 CROSS STREET, CAUSTON
DETAILS (TYPICAL)
PROJECT NO.: 20-015
DRAWN BY: JAT
DATE: 5/18/20
SHEET: 6 OF 6





## COMMUNITY DEVELOPMENT DEPARTMENT

## AGENDA ITEM

**HARBOR AND WATERWAYS BOARD MEETING DATE:** January 11, 2021

**TYPE OF AGENDA ITEM:** Staff Report and Recommendation

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**TO:** Harbor and Waterways Board

**THRU:** Louis Zunguze, Community Development Director  
Kyle Bauman, City Attorney  
Lauren Witt, Principal Planner

**FROM:** Traci Goodhart, Planner  
Daniel Butler, Planner  
Himangi Mutha, Planner

**DATE:** December 18, 2020

**SUBJECT:** Single-Family Residential Marine Construction Proposed at 823 Cross Street

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**REQUEST:** The applicant requests Harbor and Waterways Board approval for a marine construction project located at 823 Cross Street. located within Marler Bayou, Class III Florida Waters.

**BACKGROUND:** The contractor has submitted a permit for  $\pm 71$  LF of dock from the MHWL, a covered boat house with one (1) 3' x 32' catwalk, and boatlift. The total project footprint is  $\pm 1078$  square feet.

**DISCUSSION:** The proposed marine construction project meets the requirements of *Article 11.05.00, City of Destin Land Development Code*, in addition, to including the required 25-foot riparian setback. The proposed marine construction project is consistent with Coastal Management Element Goal 6-1, Coastal Management Element Objective 6-1.1, and Coastal Management Element Policy 6-1.1.3: Protect Coastal and Estuarine Environmental Quality and the Shoreline.

- A. Link to Strategic Goals /Objectives:** 1) Enhance Quality of Life. 2) Improve Public Use of Beach, Waterways and Harbor. 3) Enhance and Preserve Heritage and Environment.
- B. Effect on Budget (EOB):** There is no anticipated effect on the budget.
- C. Level of Service (LOS):** There is no anticipated effect on the LOS.

**CONCLUSION:** The contactor provided a Florida Department of Environmental Protection (FDEP), Permit No: 0386382-002-EI/46 and Army Corps of Engineers (ACE), Permit No. SAJ-2020-02018 (GP-HMM). City staff reviewed the application and determined that the plans comply with City Codes and regulations. Specifically, the proposed dock complies with *Article 11.05.01.M., City of Destin Land Development Code*, and the Coastal Management Element of the City's Comprehensive Plan (*Coastal Management Element Policy 6-1.1.3*).

**STAFF RECOMMENDATION:** Staff recommends approval of a single-family marine construction project proposed at 823 Cross Street, for  $\pm 71$  LF of dock from the MHWL, a covered boat house with one (1) 3' x 32' catwalk, and boat lift, subject to the applicant meeting all applicable Federal, State and City permit requirements.

**RECOMMENDED MOTION:** I move that the Harbor & Waterways Board recommend City Council approval of a single-family marine construction project located at 823 Cross Street, subject to the applicant meeting all applicable Federal, State and City permit requirements.



# Community Development

## Planning Division

4200 Indian Bayou Trail | Destin, FL 32541 | Phone: 850-654-1119 | Email: [planning@cityofdestin.com](mailto:planning@cityofdestin.com)

December 22, 2020

**Subject: Notice of Public Hearing – 823 Cross Street  
Proposed ±71 LF of dock, a boathouse with one (1) catwalk, and a boatlift**

Dear Property Owner:

The purpose of this letter is to notify you of the Marine Construction Permit received by the Community Development Department. The Marine Construction application seeks Harbor and Waterways Board approval for ±71 LF of dock, a boathouse with one (1) catwalk, and a boatlift. **The Application will be heard by the Harbor and Waterways Board at 5:00 p.m. at Destin City Hall Annex, 4100 Indian Bayou Trail on Monday, January 11, 2021.** As an owner of property located adjacent of this project, *Article 2.17.00 of the Destin Land Development Code (LDC)* requires a written notice providing you the following information.

**This notice is for informational purposes only. No action is required on your part.**

1. Name of Owner: Ben & Nichole Causton
2. Name of Agent: N/A
3. Address of Project: 823 Cross Street
4. Parcel ID Number: 00-2S-22-0310-000D-0960
5. Project Description: This is an application for approval of ±71 LF of dock, a boathouse with one (1) catwalk, and a boatlift.

If you have any questions, please do not hesitate to call me (850) 654-1119.

Sincerely,



Traci Goodhart  
Planner

## CITY OF DESTIN – COMMUNITY DEVELOPMENT



# AGENDA ITEM

**MEETING DATE:** January 11, 2021  
**BOARD/COMMITTEE:** Harbor & Waterways Board  
**TYPE OF AGENDA ITEM:** Public Hearing

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**TO:** Harbor & Waterways Board

**THRU:** Louis Zunguze, Community Development Director  
 Kyle Bauman, City Attorney  
 Lauren Witt, Planner

**FROM:** Traci Goodhart  
 Daniel Butler, City Planner  
 Himangi Mutha, Planner

**DATE:** December 18, 2020

**SUBJECT:** Single-Family Residential Marine Construction Proposed- 944 Bambi Street

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**I. BACKGROUND:** The applicant requests Harbor and Waterways Board approval for a marine construction project located at 944 Bambi Drive, located within Choctawhatchee Bay, Class II Florida Waters.

The contractor has submitted a permit for ±96 LF of dock, one (1) catwalk, a 12 x 14 platform and 8 X 8 access corner. The total project footprint is ±528 square feet.

**II. DISCUSSION:** The proposed marine construction project meets the requirements of Article 11.05.00, City of Destin Land Development Code, in addition, to including the required 25-foot riparian setback. The proposed marine construction project is consistent with Coastal Management Element Goal 6-1, Coastal Management Element Objective 6-1.1, and Coastal Management Element Policy 6-1.1.3: Protect Coastal and Estuarine Environmental Quality and the Shoreline.

**A. Link to Strategic Goals / Objectives:** 1) Enhance Quality of Life. 2) Improve Public Use of Beach, Waterways and Harbor. 3) Enhance and Preserve Heritage and Environment.

**B. Effect on Budget (EOB):** There is no anticipated effect on the budget.

**C. Level of Service (LOS):** There is no anticipated effect on the Level of Service.

**III. CONCLUSION:** The contactor provided a Florida Department of Environmental Protection Permit (FDEP), File No: 0215876002EE/46. A separate Army Corp of Engineers (ACE) approval must be obtained prior to permit issuance. City staff reviewed the application and determined that the plans comply with City Codes and regulations. Specifically, the proposed dock complies with Article 11.05.01.M., City of Destin Land Development Code, and the Coastal Management Element of the City's Comprehensive Plan (Coastal Management Element Policy 6-1.1.3).

Staff recommends approval of a single-family marine construction project proposed at 944 Bambi Drive, for ±96 LF of dock, one (1) catwalk, a 14 x 12 platform and 8 X 8 access corner. Subject to the applicant meeting all applicable Federal, State, and City permit requirements.

**IV. RECOMMENDED MOTION:** We move that the Harbor & Waterways Board recommend City Council approval of a single-family marine construction project located at 944 Bambi Drive, subject to the applicant meeting all applicable Federal, State and City permit requirements.

Attachments:

1. 944 Bambi Dr DEP  
WmFDavisConstruction
2. 944 Bambi Dr Harbor Board App
3. 944 Bambi Dr Permit Application
4. 944 Bambi Dr Staff Report
5. 944 Bambi Dr\_ Abutter Notice



# FLORIDA DEPARTMENT OF Environmental Protection

Northwest District  
160 W. Government Street, Suite 308  
Pensacola, FL 32502

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Noah Valenstein**  
Secretary

September 15, 2020

Dieter Blasbichler  
944 Bambi Drive  
Destin, Florida 32541  
[blas222@aol.com](mailto:blas222@aol.com)

File No.: 0215876-002-EE/46, Okaloosa County

Dear Mr. Blasbichler:

On August 20, 2020, we received your request for verification of exemption to perform the following activities:

To construct a single-family dock totaling less than 1,000 square feet within Choctawhatchee Bay, Class II Florida Waters, Conditionally Approved Central Section (0622) Shellfish Harvesting Area. The project is located at Bambi Drive, Destin, Florida 32541, Parcel No. 00-2S-22-0000-0005-0060, in Section 00, Township 02 South, Range 22 West in Okaloosa County; 30°25'4.15" North Latitude, 86°29'13.12" West Longitude.

Your request has been reviewed to determine whether it qualifies for (1) regulatory exemption, (2) proprietary authorization (related to state-owned submerged lands), and (3) federal approval that may be necessary for work in wetlands or waters of the United States.

Your project did not qualify for the federal review portion of this verification request. **Additional authorization must be obtained prior to commencement of the proposed activity.** This letter does not relieve you from the responsibility of obtaining other federal, state, or local authorizations that may be required for the activity. Please refer to the specific section(s) dealing with that portion of the review below for advice on how to proceed.

If you change the project from what you submitted, the authorization(s) granted may no longer be valid at the time of commencement of the project. Please contact us prior to beginning your project if you wish to make any changes.

## 1. Regulatory Review – Verified

Based on the information submitted, the Department has verified that the activity as proposed is exempt, under Rule 62-330.051(5)(b), Florida Administrative Code (F.A.C.) from the need to obtain a regulatory permit under Part IV of Chapter 373 of the Florida Statutes.

This exemption verification is based on the information you provided the Department and the statutes and rules in effect when the information was submitted. This verification may not be valid if site conditions materially change, the project design is modified, or the statutes or rules governing the exempt activity are amended. In the event you need to re-verify the exempt status for the activity, a new request and verification fee will be required. Any substantial modifications to the project design should be submitted to the Department for review, as changes may result in a permit being required.

## **2. Proprietary Review – Granted**

The Department acts as staff to the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) and issues certain authorizations for the use of sovereign submerged lands. The Department has the authority to review activities on sovereign submerged lands under Chapters 253 and 258, F.S. and Chapters 18-20 and 18-21, F.A.C.

The activity appears to be located on sovereign submerged lands owned by the Board of Trustees. The activity is not exempt from the need to obtain the applicable proprietary authorization. As staff to the Board of Trustees, the Department has reviewed the activity described above, and has determined that the activity qualifies for an automatic consent by rule under Rule 18-21.005(1)(b), F.A.C. and Section 253.77, F.S. to construct and use the activity on the specified sovereign submerged lands, as long as the work performed is located within the boundaries as described herein and is consistent with the terms and conditions herein. No further application is required for this consent by rule.

### **Special Consent Conditions for Sovereign Submerged Lands Authorization**

1. The applicant agrees to indemnify, defend and hold harmless the Board of Trustees and the State of Florida from all claims, actions, lawsuits and demands in any form arising out of the authorization to use sovereignty submerged lands or the applicant's use and construction of structures on sovereignty submerged lands. This duty to indemnify and hold harmless will include any and all liabilities that are associated with the structure or activity including special assessments or taxes that are now or in the future assessed against the structure or activity during the period of the authorization.

2. Failure by the Board of Trustees to enforce any violation of a provision of the authorization or waiver by the Board of Trustees of any provision of the authorization will not invalidate the provision not enforced or waived, nor will the failure to enforce or a waiver prevent the Board of Trustees from enforcing the unenforced or waived provision in the event of a violation of that provision.

3. Applicant binds itself and its successors and assigns to abide by the provisions and conditions set forth in the authorization. If the applicant or its successors or assigns fails or refuses to comply with the provisions and conditions of the authorization, the authorization may be terminated by the Board of Trustees after written notice to the applicant or its successors or assigns. Upon receipt of such notice, the applicant or its successors or assigns will have thirty

(30) days in which to correct the violations. Failure to correct the violations within this period will result in the automatic revocation of this authorization.

4. All costs incurred by the Board of Trustees in enforcing the terms and conditions of the authorization will be paid by the applicant. Any notice required by law will be made by certified mail at the address shown on page one of the authorization. The applicant will notify the Board of Trustees in writing of any change of address at least ten days before the change becomes effective.

5. This authorization does not allow any activity prohibited in a conservation easement or restrictive covenant that prohibits the activity.

**General Conditions for Authorizations for Activities on State-Owned Submerged Land**

All authorizations granted by rule or in writing under rule 18-21.005, F.A.C., except those for geophysical testing, shall be subject to the general conditions as set forth in paragraphs (a) through (j) below. The general conditions shall be part of all authorizations under this chapter, shall be binding upon the grantee, and shall be enforceable under chapter 253 or 258, part II, F.S.

(a) Authorizations are valid only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use shall constitute a violation. Violation of the authorization shall result in suspension or revocation of the grantee's use of the sovereignty submerged land unless cured to the satisfaction of the Board.

(b) Authorizations convey no title to sovereignty submerged land or water column, nor do they constitute recognition or acknowledgment of any other person's title to such land or water.

(c) Authorizations may be modified, suspended or revoked in accordance with their terms or the remedies provided in sections 253.04 and 258.46, F.S., or chapter 18-14, F.A.C.

(d) Structures or activities shall be constructed and used to avoid or minimize adverse impacts to sovereignty submerged lands and resources.

(e) Construction, use, or operation of the structure or activity shall not adversely affect any species which is endangered, threatened or of special concern, as listed in rules 68A-27.003, 68A-27.004 and 68A-27.005, F.A.C.

(f) Structures or activities shall not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity shall be modified in accordance with the court's decision.

(g) Structures or activities shall not create a navigational hazard.

(h) Activities shall not interfere with the public easement for traditional uses of the sandy beaches provided in section 161.141, F.S.

(i) Structures shall be maintained in a functional condition and shall be repaired or removed if they become dilapidated to such an extent that they are no longer functional. This shall not be construed to prohibit the repair or replacement subject to the provisions of rule 18-21.005, F.A.C., within one year, of a structure damaged in a discrete event such as a storm, flood, accident, or fire.

(j) Structures or activities shall be constructed, operated, and maintained solely for water dependent purposes, or for non-water dependent activities authorized under paragraph 18-21.004(1)(g), F.A.C., or any other applicable law.

### **3. Federal Review – SPGP Not Included**

Your proposed activity as outlined on your application and attached drawings **does not qualify** for Federal authorization pursuant to the State Programmatic General Permit and a **SEPARATE permit** or authorization **shall be required** from the Corps. You must apply separately to the Corps using their APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT, ENG FORM 4345, or alternative as allowed by their regulations. More information on Corps permitting may be found online in the Jacksonville District Regulatory Division Source Book at: <https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book>.

Authority for review - an agreement with the USACOE entitled “Coordination Agreement Between the U. S. Army Corps of Engineers (Jacksonville District) and the Florida Department of Environmental Protection (or Duly Authorized Designee), State Programmatic General Permit”, Section 10 of the Rivers and Harbor Act of 1899, and Section 404 of the Clean Water Act.

#### **Additional Information**

Please retain this letter. The activities may be inspected by authorized state personnel in the future to ensure compliance with appropriate statutes and administrative codes. If the activities are not in compliance, you may be subject to penalties under Chapter 373, F.S. and Chapter 18-14, F.A.C.

#### **NOTICE OF RIGHTS**

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until a subsequent order of the Department. Because the administrative hearing process is designed to formulate final agency action, the subsequent order may modify or take a different position than this action.

### Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rules 28-106.201 and 28-106.301, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at [Agency\\_Clerk@FloridaDEP.gov](mailto:Agency_Clerk@FloridaDEP.gov). Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

### Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant and persons entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first. You cannot justifiably rely on the finality of this decision unless notice of this decision and the right of substantially affected persons to challenge this decision has been duly published or otherwise provided to all persons substantially affected by the decision. While you are not required to publish notice of this action, you may elect to do so pursuant Rule 62-110.106(10)(a).

The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C. If you

do not publish notice of this action, this waiver may not apply to persons who have not received a clear point of entry.

#### Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency\_Clerk@FloridaDEP.gov, before the deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

#### Mediation

Mediation is not available in this proceeding.

#### FLAWAC Review

The applicant, or any party within the meaning of Section 373.114(1)(a) or 373.4275, F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when this order is filed with the Clerk of the Department.

#### Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S. by filing a Notice of Appeal pursuant to Florida Rules of Appellate Procedure 9.110 and 9.190 with the Clerk of the Department in the Office of General Counsel (Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000) and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice must be filed within 30 days from the date this action is filed with the Clerk of the Department.

If you have any questions regarding this matter, please contact Hali Troendle at the letterhead address, at (850)595-0610, or at [Hali.Troendle@FloridaDEP.gov](mailto:Hali.Troendle@FloridaDEP.gov)

**EXECUTION AND CLERKING**

Executed in Orlando, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



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Hali Troendle  
Environmental Specialist  
Submerged Lands and Environmental Resources Program

**Attachments:**

1. Rule 62-330.051(5)(b), F.A.C. and Section 403.813(1)(b), F.S., 2 pages
2. Project Drawings, 4 pages

**CERTIFICATE OF SERVICE**

The undersigned duly designated deputy clerk hereby certifies that this document and all attachments were sent on the filing date below to the following listed persons:

Wade Dandridge, DEP, [Wade.Dandridge@FloridaDEP.gov](mailto:Wade.Dandridge@FloridaDEP.gov)  
Jason Taylor, Agent, [oakhurstenvironmental@gmail.com](mailto:oakhurstenvironmental@gmail.com)  
City of Destin, [planning@cityofdestin.com](mailto:planning@cityofdestin.com)  
Okaloosa County, [mmartinez@co.okaloosa.fl.us](mailto:mmartinez@co.okaloosa.fl.us), [jautrey@co.okaloosa.fl.us](mailto:jautrey@co.okaloosa.fl.us),  
[sbitterman@co.okaloosa.fl.us](mailto:sbitterman@co.okaloosa.fl.us), [propertyappraiser@okaloosapa.com](mailto:propertyappraiser@okaloosapa.com)

**FILING AND ACKNOWLEDGMENT**

FILED, on this date, pursuant to Section 120.52, F.S., with the designated Department Clerk, receipt of which is hereby acknowledged.



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Clerk

September 15, 2020  
Date

### **62-330.051 Exempt Activities.**

The activities meeting the limitations and restrictions below are exempt from permitting. However, if located in, on, or over state-owned submerged lands, they are subject to a separate authorization under chapters 253 and 258, F.S., as applicable.

(5) Dock, Pier, Boat Ramp and Other Boating-related Work –

(b) Installation of private docks, piers, and recreational docking facilities, and installation of local governmental piers and recreational docking facilities, in accordance with section 403.813(1)(b), F.S. This includes associated structures such as boat shelters, boat lifts, and roofs, provided:

1. The cumulative square footage of the dock or pier and all associated structures located over wetlands and other surface waters does not exceed the limitations in section 403.813(1)(b), F.S.;
2. No structure is enclosed on more than three sides with walls and doors;
3. Structures are not used for residential habitation or commercial purposes, or storage of materials other than those associated with water dependent recreational use; and
4. Any dock and associated structure shall be the sole dock as measured along the shoreline for a minimum distance of 65 feet, unless the parcel of land or individual lot as platted is less than 65 feet in length along the shoreline, in which case there may be one exempt dock allowed per parcel or lot.

*Rulemaking Authority 373.026(7), 373.043, 373.4131, 373.4145, 403.805(1) FS. Law Implemented 373.406, 373.4131, 373.4145, 373.415, 403.813(1) FS. History—New 10-1-13, Amended 6-1-18.*

### **403.813 Permits issued at district centers; exceptions.—**

(1) A permit is not required under this chapter, chapter 373, chapter 61-691, Laws of Florida, or chapter 25214 or chapter 25270, 1949, Laws of Florida, for activities associated with the following types of projects; however, except as otherwise provided in this subsection, this subsection does not relieve an applicant from any requirement to obtain permission to use or occupy lands owned by the Board of Trustees of the Internal Improvement Trust Fund or a water management district in its governmental or proprietary capacity or from complying with applicable local pollution control programs authorized under this chapter or other requirements of county and municipal governments:

- (b) The installation and repair of mooring pilings and dolphins associated with private docking facilities or piers and the installation of private docks, piers and recreational docking facilities, or piers and recreational docking facilities of local governmental entities when the local governmental entity's activities will not take place in any manatee habitat, any of which docks:
1. Has 500 square feet or less of over-water surface area for a dock which is located in an area designated as Outstanding Florida Waters or 1,000 square feet or less of over-water surface area for a dock which is located in an area which is not designated as Outstanding Florida Waters;
  2. Is constructed on or held in place by pilings or is a floating dock which is constructed so as not to involve filling or dredging other than that necessary to install the pilings;
  3. Shall not substantially impede the flow of water or create a navigational hazard;
  4. Is used for recreational, noncommercial activities associated with the mooring or storage of boats and boat paraphernalia; and
  5. Is the sole dock constructed pursuant to this exemption as measured along the shoreline for a distance of 65 feet, unless the parcel of land or individual lot as platted is less than 65 feet in

length along the shoreline, in which case there may be one exempt dock allowed per parcel or lot.

Nothing in this paragraph shall prohibit the department from taking appropriate enforcement action pursuant to this chapter to abate or prohibit any activity otherwise exempt from permitting pursuant to this paragraph if the department can demonstrate that the exempted activity has caused water pollution in violation of this chapter.



PROPERTY INFO

PID: 00-25-22-0000-0005-0060

SITUS: 944 BAMBI DRIVE  
DESTIN, FL 32541

LAT: 30.417327

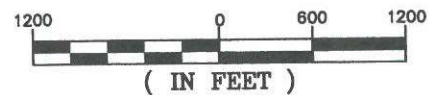
LONG: -86.487311

RECORD OWNER

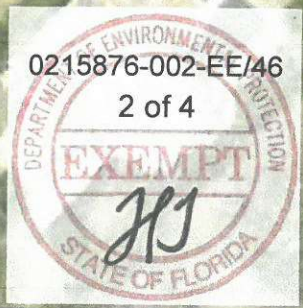
BLASBICHLER H D & CHRISTINE  
(LIFE ESTATE)  
PO BOX 222  
DESTIN, FL 32540-0222

INDEX OF SHEETS

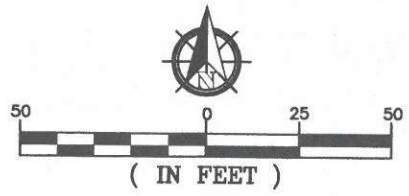
- 1- SITE LOCATION
- 2-PLAN VIEW DEPICTED ONTO AERIAL
- 3-PLAN VIEW
- 4-PROFILE & DETAILS (TYPICAL)



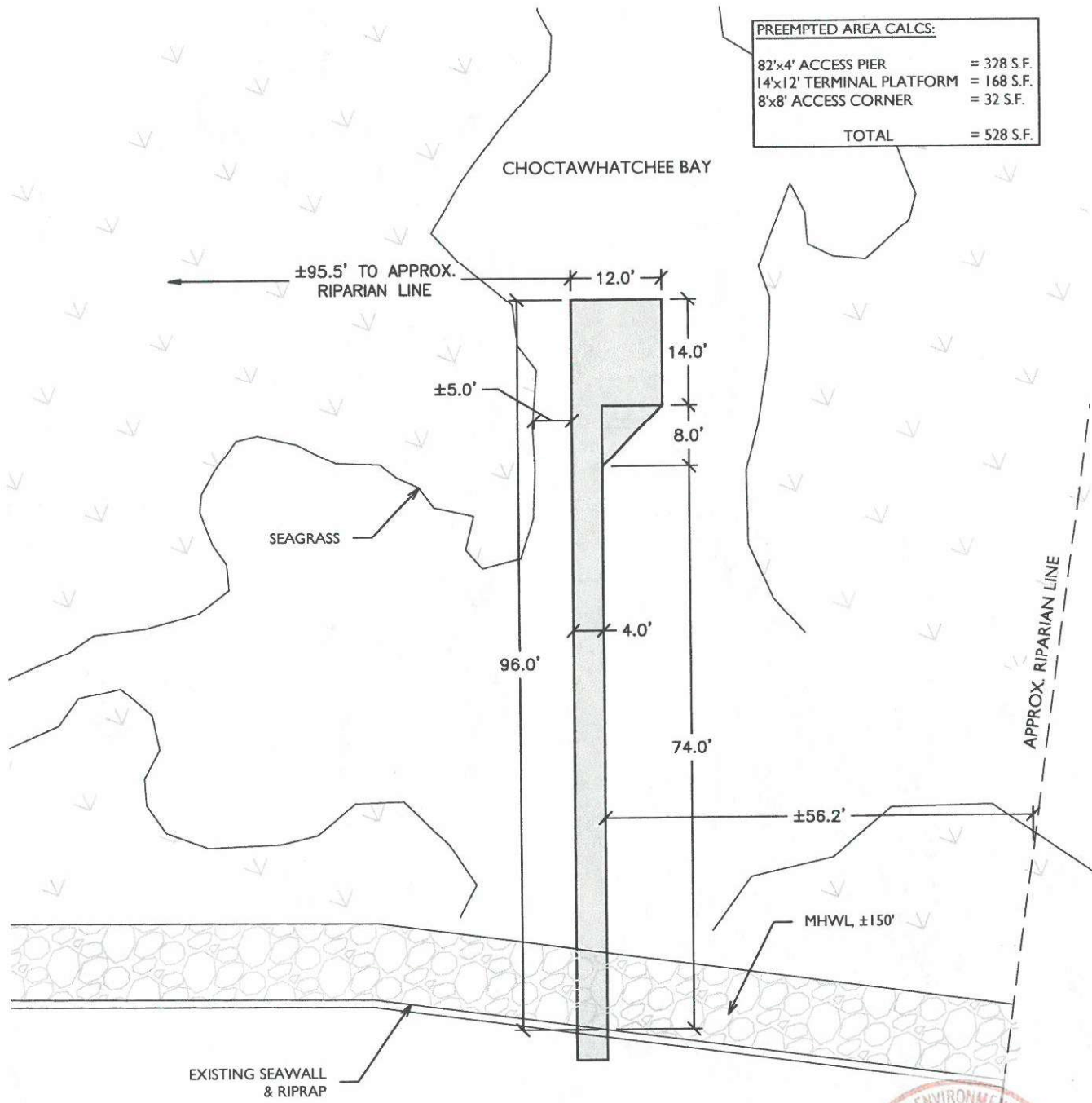
PROJECT NAME: 944 BAMBI DRIVE, BLASBICHLER	
SITE LOCATION MAP & SHEET INDEX	
PROJECT NO.: 20-044	
DRAWN BY: JAT	DATE: 8/3/20
SHEET: 1 OF 4	



PROJECT NAME: 944 BAMBI DRIVE, BLASBICHLER	
PLAN VIEW DEPICTED ONTO AERIAL	
PROJECT NO.: 20-044	
DRAWN BY: JAT	DATE: 8/3/20
SHEET: 2 OF 4	



PREEMPTED AREA CALCS:	
82'x4' ACCESS PIER	= 328 S.F.
14'x12' TERMINAL PLATFORM	= 168 S.F.
8'x8' ACCESS CORNER	= 32 S.F.
<b>TOTAL</b>	<b>= 528 S.F.</b>

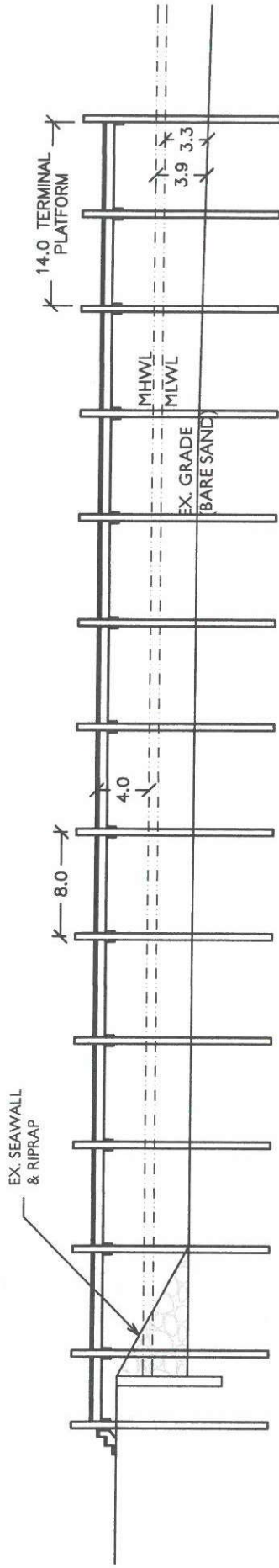


SUBJECT PARCEL  
 BLASBICHLER  
 944 BAMBI DR  
 DESTIN, FL 32541

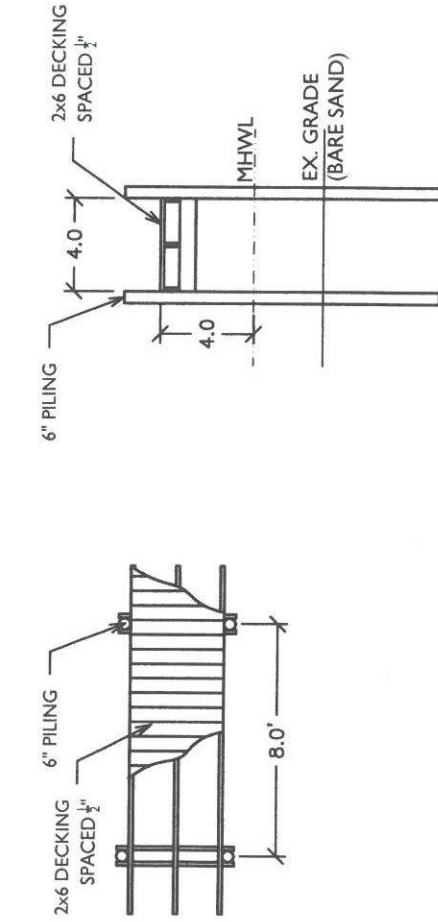
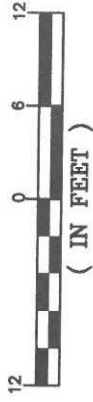


PROJECT NAME: 944 BAMBI DRIVE, BLASBICHLER	
PLAN VIEW	
PROJECT NO.: 20-044	
DRAWN BY: JAT	DATE: 8/3/20
SHEET: 3 OF 4	

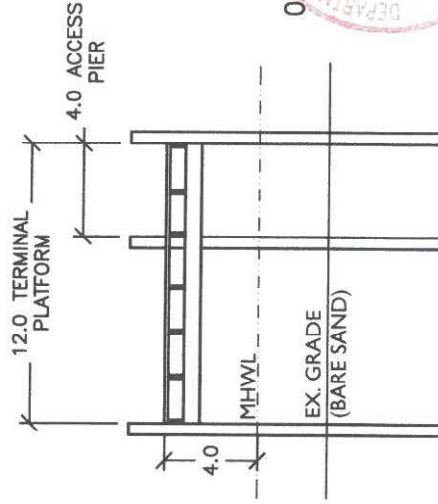




PROFILE (TYPICAL)



DETAILS (TYPICAL)



PROJECT NAME: 944 BAMBI DRIVE, BLASSBICHLER
DOCK PROFILE & DETAILS (TYPICAL)
PROJECT NO.: 20-044
DRAWN BY: JAT
DATE: 8/3/20
SHEET: 4 OF 4



**City of Destin**  
**Community Development Department**  
**Planning & Zoning Division**  
City of Destin Annex  
4100 Indian Bayou Trail  
Destin, Florida 32541  
Phone (850) 654-1119 • Fax (850) 460-2171  
**planning@cityofdestin.com**

All applications must be emailed or shared with [planning@cityofdestin.com](mailto:planning@cityofdestin.com).

**APPLICATION for HARBOR BOARD**

**Harbor Board meets the 4<sup>th</sup> Monday of each month, all applications must be submitted at least one month prior.**

Description of work: Take out existing dock and install new dock

**1. APPLICANT INFORMATION:**

Name: W F Davis Construction

Mailing Address: 1765 W Hewett Rd, Santa Rosa Bch, FL 32459

Phone: 850-259-2255

Fax: \_\_\_\_\_

Email: wfdavis.construction@gmail.com or kelce.wfdconstruction@yahoo.com

**2. PROPERTY TO BE REVIEWED:**

Street Address: 944 Bambi Dr.

Parcel ID #: 00-25-22-0000-0005-0060


**3. FEE:     \$50.00 Residential                      Cash, Check, MasterCard or Visa  
                  \$100.00 Commercial**

**Fees must be paid when submitting an application.**

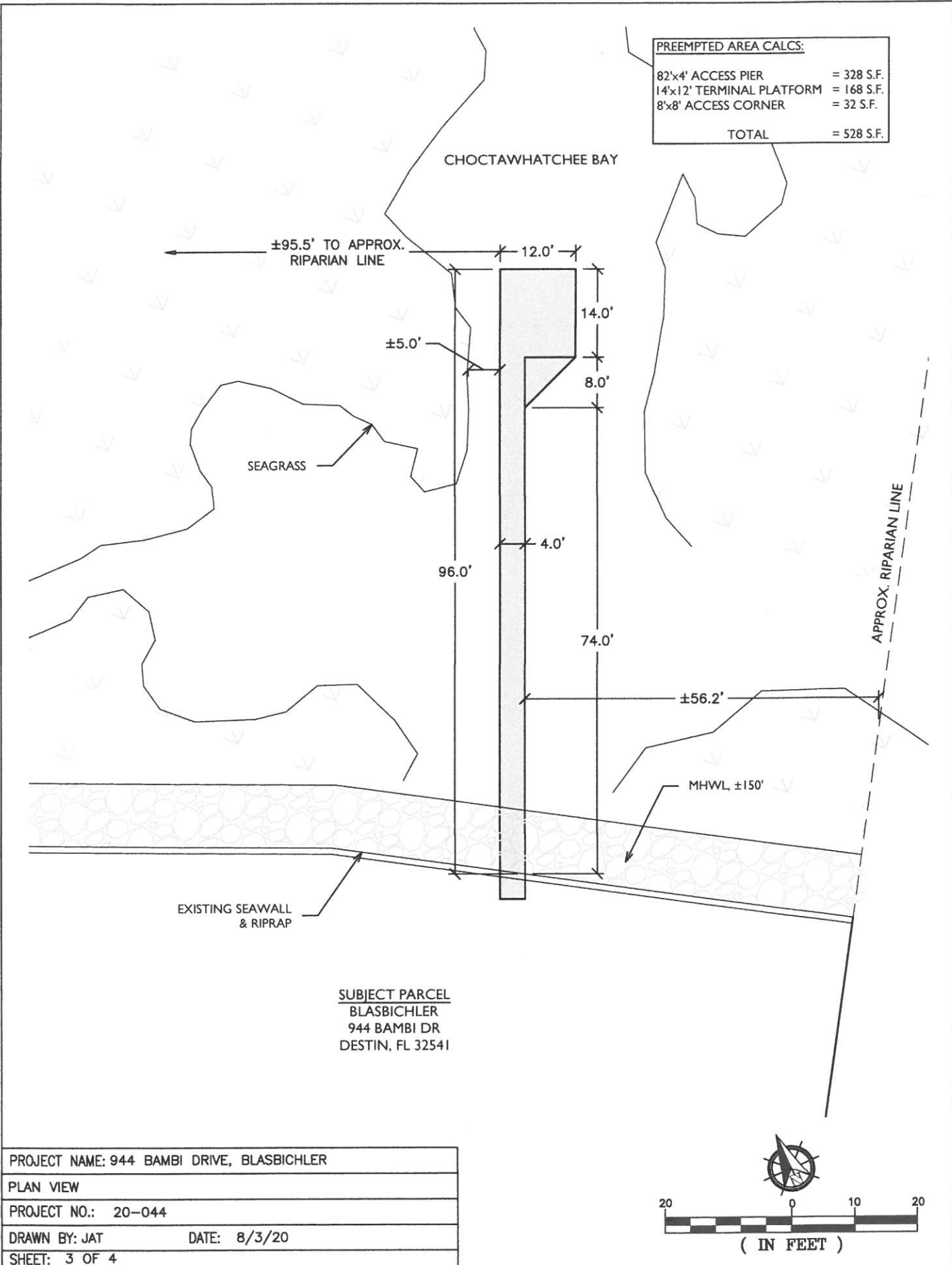
**4. ADDITIONAL DOCUMENTATION REQUIRED:**

- a. Complete detailed drawings and site plan.
- b. Adjacent property owner mailing information.

**State and Federal permits required prior to submission for Harbor Board approval. Association approval (if applicable) shall accompany a completed application for a building permit, provided no additional slips are created. (Article 11.05.01B., Land Development Code).**

APPLICANT'S SIGNATURE: 

DATE: 12-21-20



PREEMPTED AREA CALCS:	
82'x4' ACCESS PIER	= 328 S.F.
14'x12' TERMINAL PLATFORM	= 168 S.F.
8'x8' ACCESS CORNER	= 32 S.F.
<b>TOTAL</b>	<b>= 528 S.F.</b>

SUBJECT PARCEL  
 BLASBICHLER  
 944 BAMBI DR  
 DESTIN, FL 32541

PROJECT NAME: 944 BAMBI DRIVE, BLASBICHLER	
PLAN VIEW	
PROJECT NO.: 20-044	
DRAWN BY: JAT	DATE: 8/3/20
SHEET: 3 OF 4	





PROJECT NAME: 944 BAMBI DRIVE, BLASBICHLER	
PLAN VIEW DEPICTED ONTO AERIAL	
PROJECT NO.: 20-044	
DRAWN BY: JAT	DATE: 8/3/20
SHEET: 2 OF 4	





# Community Development

Phone: 850-654-1119  
Fax: 850-460-2171

# Permit Review Memorandum

**DATE:** December 18, 2020  
**APPLICANT:** Frank Davis  
**EMAIL:** [wfdavis.construction@gmail.com](mailto:wfdavis.construction@gmail.com)  
**PROJECT:** New Dock  
**ADDRESS:** 944 Bambi Drive  
**STATUS:** PENDING ADDITIONAL DOCUMENTATION

Detailed comments regarding the items above may be found below. Please contact Staff with any questions or concerns regarding comments related to the permit application.

**ALL comments must be addressed and re-reviewed prior to permit issuance. Send additional documentation to [permits@cityofdestin.com](mailto:permits@cityofdestin.com).**

## BUILDING DIVISION – APPROVED WITHOUT COMMENTS

Plans Reviewer	Title	Phone Number	Email Address
Mrs. Noell Bell	Chief Building Official	850-654-1119	<a href="mailto:nbell@cityofdestin.com">nbell@cityofdestin.com</a>

## PLANNING DIVISION –

- Please submit Harbor Board Application to [planning@cityofdestin.com](mailto:planning@cityofdestin.com)

Plans Reviewer	Title	Phone Number	Email Address
Traci Goodhart	Planner	850-654-1119	<a href="mailto:tgoodhart@cityofdestin.com">tgoodhart@cityofdestin.com</a>

## CODE COMPLIANCE DEPARTMENT –

- Approved without comments

Plans Reviewer	Title	Phone Number	Email Address
Dave Bazylak	Harbor & Waterways Compliance Officer	850-654-1119	<a href="mailto:dbazylak@cityofdestin.com">dbazylak@cityofdestin.com</a>

**ESTIMATED IMPACT FEES**

Parks	Libraries	Police	Transportation	Total

**If applicable, an erosion control inspection prior to construction and after erosion control measures have been put in place. Please call Engineering Division to schedule when ready (850) 654-1119 – Engineering).**

↳ JW Please initial acknowledging that you understand

OWNER/APPLICANT INITIALS

**If applicable, a foundation survey shall be submitted to the city building department prior to the dry-in inspection. Any work undertaken prior to submission of the foundation survey shall be done at the builder's risk.**

↳ JW Please initial acknowledging that you understand comment no. 24.

OWNER/APPLICANT INITIALS

**FINAL INSPECTION REQUIRED: Please call the Inspection line at (850) 654-1119, option 1 to schedule your inspection.**

\_\_\_\_\_  
OWNER SIGNATURE

\_\_\_\_\_  
DATE

JW  
APPLICANT SIGNATURE

12-20-20  
DATE



# Community Development Department Building Division

4200 Indian Bayou Trail, Destin, Fl. 32541  
Phone: (850) 654-1119 Fax: (850) 460-2171

## Marine Construction Permit Application

DATE: 11-17-2020

JOB SITE ADDRESS: 944 Bambi Dr

NAME OF PROJECT: Blasbichler Project

PARCEL ID: 00-25-22-0000-0005-0000 LOT: 14

BLOCK: N/A SUBDIVISION: Indian tr. Choctaw By

OWNER OF PROPERTY: HD + Christine Blasbichler

CONTRACTOR COMPANY NAME: W F Davis Construction

ADDRESS: PO Box 222

QUALIFIER NAME: Frank Davis

CITY, STATE, ZIP: Destin, FL 32540

STATE LICENSE #: \_\_\_\_\_ COMP#: \_\_\_\_\_

PHONE: \_\_\_\_\_ FAX: \_\_\_\_\_

ADDRESS: 1765 W Hewett Rd

MOBILE/CELL: 850-585-7769

CITY, STATE, ZIP: SRB, FL 32459

FEE SIMPLE TITLEHOLDER (If other than owner): \_\_\_\_\_

PHONE: \_\_\_\_\_ FAX: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CONTACT PERSON: Frank Davis or Kelce Shackelton

CITY, STATE, ZIP: \_\_\_\_\_

MOBILE/CELL: 850-259-2255 850-496-2485

EMAIL: wf.davis.construction@gmail.com

**All new marine construction requires review by the Harbor & Waterways Board, per Article 11.05.01.A., Land Development Code. This process requires a separate Harbor & Waterways Board Application. After the Board meets to take action on proposed dock application, its recommendation is forwarded to the City Council for approval or denial. A Marine Construction Permit is also necessary and may be reviewed simultaneously. All applications require a scaled site plan or survey depicting improvements.**

HARBOR & WATERWAYS BOARD HEARING DATE: \_\_\_\_\_ CITY COUNCIL APPROVAL DATE: \_\_\_\_\_ (Provide the information checklist with Mayor or City Council designee signature or City Council meeting minutes.)

DESCRIPTION OF WORK TO BE DONE: take out existing dock + put in new dock

CATEGORY TYPE:  Residential  Commercial CURRENT CODE: \_\_\_\_\_

PERMIT TYPE:  Bulkhead(seawall)  Dock/Pier  Piles  Boatlift  Boathouse  Boat Ramp  Other: \_\_\_\_\_

CONSTRUCTION TYPE:  New  Repair  Replace  Remove  Relocate  Addition DEP Permit required:  Yes  N

**Marine Contractors must maintain applicable workers' compensation and general liability insurance as required by state and federal law, including but not limited to the provisions of the LONGSHOREMEN'S and Harbor Worker's Compensation Act.**

TOTAL VALUE (MATERIAL & LABOR): \$14,000.00 (excluding lot)

**FINAL INSPECTION IS REQUIRED ON ALL PERMITS-Failure to obtain a final inspection may result in legal action.**

Applicants Signature: *Frank Davis* Date: 11-17-20

Reviewed by: *Larry Ballard* (Building Division) Date: 11/19/20

Applicants Printed Name: Frank Davis Date: 11-17-20

Reviewed By: \_\_\_\_\_ (Planning Division) Date: \_\_\_\_\_

Reviewed By: \_\_\_\_\_ (Code Compliance Dept.) Date: \_\_\_\_\_

## CITY OF DESTIN – COMMUNITY DEVELOPMENT



# AGENDA ITEM

**MEETING DATE:** January 11, 2021  
**BOARD/COMMITTEE:** Harbor & Waterways Board  
**TYPE OF AGENDA ITEM:** Public Hearing

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**TO:** Harbor & Waterways Board

**THRU:** Louis Zunguze, Community Development Director  
 Kyle Bauman, City Attorney  
 Lauren Witt, Planner

**FROM:** Traci Goodhart  
 Daniel Butler, City Planner  
 Himangi Mutha, Planner

**DATE:** December 18, 2020

**SUBJECT:** Single-Family Residential Marine Construction Proposed- 944 Bambi Street

---

**I. BACKGROUND:** The applicant requests Harbor and Waterways Board approval for a marine construction project located at 944 Bambi Drive, located within Choctawhatchee Bay, Class II Florida Waters.

The contractor has submitted a permit for ±96 LF of dock, one (1) catwalk, a 12 x 14 platform and 8 X 8 access corner. The total project footprint is ±528 square feet.

**II. DISCUSSION:** The proposed marine construction project meets the requirements of Article 11.05.00, City of Destin Land Development Code, in addition, to including the required 25-foot riparian setback. The proposed marine construction project is consistent with Coastal Management Element Goal 6-1, Coastal Management Element Objective 6-1.1, and Coastal Management Element Policy 6-1.1.3: Protect Coastal and Estuarine Environmental Quality and the Shoreline.

**A. Link to Strategic Goals / Objectives:** 1) Enhance Quality of Life. 2) Improve Public Use of Beach, Waterways and Harbor. 3) Enhance and Preserve Heritage and Environment.

**B. Effect on Budget (EOB):** There is no anticipated effect on the budget.

**C. Level of Service (LOS):** There is no anticipated effect on the Level of Service.

**III. CONCLUSION:** The contactor provided a Florida Department of Environmental Protection Permit (FDEP), File No: 0215876002EE/46. A separate Army Corp of Engineers (ACE) approval must be obtained prior to permit issuance. City staff reviewed the application and determined that the plans comply with City Codes and regulations. Specifically, the proposed dock complies with Article 11.05.01.M., City of Destin Land Development Code, and the Coastal Management Element of the City's Comprehensive Plan (Coastal Management Element Policy 6-1.1.3).

Staff recommends approval of a single-family marine construction project proposed at 944 Bambi Drive, for ±96 LF of dock, one (1) catwalk, a 14 x 12 platform and 8 X 8 access corner. Subject to the applicant meeting all applicable Federal, State, and City permit requirements.

**IV. RECOMMENDED MOTION:** : I move that the Harbor & Waterways Board recommend City Council approval of a single-family marine construction project located at 944 Bambi Drive, subject to the applicant meeting all applicable Federal, State and City permit requirements.



# Community Development

## Planning Division

4200 Indian Bayou Trail | Destin, FL 32541 | Phone: 850-654-1119 | Email: [planning@cityofdestin.com](mailto:planning@cityofdestin.com)

December 22, 2020

**Subject: Notice of Public Hearing – 944 Bambi Drive**  
**Proposed ±82 LF of dock, one (1) catwalk, 14 X 12 terminal platform and 8 X 8 access corner.**

Dear Property Owner:

The purpose of this letter is to notify you of the Marine Construction Permit received by the Community Development Department. The Marine Construction application seeks Harbor and Waterways Board approval for ±82 LF of dock, one (1) catwalk, 14 x 12 terminal platform and 8 X 8 access corner. **The Application will be heard by the Harbor and Waterways Board at 5:00 p.m. at Destin City Hall Annex, 4100 Indian Bayou Trail on Monday, January 11, 2021.** As an owner of property located adjacent of this project, *Article 2.17.00 of the Destin Land Development Code (LDC)* requires a written notice providing you the following information.

**This notice is for informational purposes only. No action is required on your part.**

1. Name of Owner: Dieter Blasbichler
2. Name of Agent: Frank Davis
3. Address of Project: 944 Bambi Drive
4. Parcel ID Number: 00-2S-22-0000-0005-0060
5. Project Description: This is an application for approval of ±82 LF of dock, one (1) catwalk, 14 x 12 platform and 8 X 8 access corner.

If you have any questions, please do not hesitate to call me (850) 654-1119.

Sincerely,



Himangi Mutha  
Planner

CITY OF DESTIN – COMMUNITY DEVELOPMENT



# AGENDA ITEM

**MEETING DATE:** January 11, 2021  
**BOARD/COMMITTEE:** Harbor & Waterways Board  
**TYPE OF AGENDA ITEM:** Public Hearing

---

**TO:** Harbor & Waterways Board

**THRU:** Louis Zunguze, Community Development Director  
Kyle Bauman, City Attorney  
Lauren Witt, Planner

**FROM:** Traci Goodhart  
Daniel Butler, City Planner  
Himangi Mutha, Planner

**DATE:** December 18, 2020

**SUBJECT:** Single-Family Residential Marine Construction Proposed at 952 Bambi Street

---

**I. BACKGROUND:** The applicant requests Harbor and Waterways Board approval for a marine construction project located at 952 Bambi Drive, located within Choctawhatchee Bay, Class II Florida Waters.

The contractor has submitted a permit for ±85 LF of dock, with a covered boathouse, one (1) catwalk, and a 16 x 16 platform. The total project footprint is ±998 square feet.

**II. DISCUSSION:** The proposed marine construction project meets the requirements of Article 11.05.00, City of Destin Land Development Code, in addition, to including the required 25-foot riparian setback. The proposed marine construction project is consistent with Coastal Management Element Goal 6-1, Coastal Management Element Objective 6-1.1, and Coastal Management Element Policy 6-1.1.3: Protect Coastal and Estuarine Environmental Quality and the Shoreline.

**A. Link to Strategic Goals / Objectives:** 1) Enhance Quality of Life. 2) Improve Public Use of Beach, Waterways and Harbor. 3) Enhance and Preserve Heritage and Environment.

**B. Effect on Budget (EOB):** There is no anticipated effect on the budget.

**C. Level of Service (LOS):** There is no anticipated effect on the Level of Service.

**III. CONCLUSION:** The contactor provided a Florida Department of Environmental Protection (FDEP) and Army Corp of Engineers (ACE), Self Cert No. 0394092001EE. City staff reviewed the application and determined that the plans comply with City Codes and regulations. Specifically, the proposed dock complies with Article 11.05.01.M., City of Destin Land Development Code, and the Coastal Management Element of the City's Comprehensive Plan (Coastal Management Element Policy 6-1.1.3).

Staff recommends approval of a single-family marine construction project proposed at 952 Bambi Drive, for ±85 LF of dock, with a covered boathouse, one (1) catwalk, and a 16 x 16 platform. Subject to the applicant meeting all applicable Federal, State and City permit requirements.

**IV. RECOMMENDED MOTION:** We move that the Harbor & Waterways Board recommend City Council approval of a single-family marine construction project located at 952 Bambi Drive, subject to the applicant meeting all applicable Federal, State and City permit requirements.

Attachments:

1. 952 Bambi Dr Abutter Notice
2. 952 Bambi Dr FDEP Certification
3. 952 Bambi Dr HWB Application w- Pictures
4. 952 Bambi Dr Permit Application
5. 952 Bambi Staff Report



# Community Development

## Planning Division

4200 Indian Bayou Trail | Destin, FL 32541 | Phone: 850-654-1119 | Email: [planning@cityofdestin.com](mailto:planning@cityofdestin.com)

December 22, 2020

**Subject: Notice of Public Hearing – 952 Bambi Drive**  
**Proposed ±85 LF of dock, one (1) catwalk, and 16 x 16 platform**

Dear Property Owner:

The purpose of this letter is to notify you of the Marine Construction Permit received by the Community Development Department. The Marine Construction application seeks Harbor and Waterways Board approval for ±85 LF of dock, with a covered boathouse, one (1) catwalk, and a 16 x 16 platform. **The Application will be heard by the Harbor and Waterways Board at 5:00 p.m. at Destin City Hall Annex, 4100 Indian Bayou Trail on Monday, January 11, 2021.** As an owner of property located adjacent of this project, *Article 2.17.00 of the Destin Land Development Code (LDC)* requires a written notice providing you the following information.

**This notice is for informational purposes only. No action is required on your part.**

1. Name of Owner: Leah McGill
2. Name of Agent: Chuck LoBello
3. Address of Project: 952 Bambi Drive
4. Parcel ID Number: 00-2S-22-0000-0005-017A
5. Project Description: This is an application for approval of ±85 LF of dock, with a covered boathouse, one (1) catwalk, and 16 x 16 platform

If you have any questions, please do not hesitate to call me (850) 654-1119.

Sincerely,



Traci Goodhart  
Planner



FLORIDA DEPARTMENT OF  
Environmental Protection

Bob Martinez Center  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Noah Valenstein**  
Secretary

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**TERMS AND CONDITIONS**

Self Certification File No.: **0394092001EE**

**Construction Conditions:**

**Private residential single family docks are subject to the following criteria in accordance with [Section 403.813\(1\)\(b\), F.S.](#) The dock to be constructed:**

1. Has 1,000 square feet or less over water surface (includes adjacent wetlands) in accordance with Chapter 62-340, F.A.C.;
2. Is constructed on or held in place by pilings and is constructed so as not to involve filling or dredging other than that necessary to install the pilings;
3. Will not substantially impede the flow of water, cause water pollution, or create a navigational hazard;
4. Is used **ONLY** for recreational, noncommercial activities associated with the mooring or storage of boats and boat paraphernalia;
5. Is the sole dock on the parcel; and
6. Must not be subject to any conservation easement or restrictive covenant of record prohibiting the activity.

**Boat lifts are subject to the following additional conditions:**

1. Is to be installed in a proposed slip or, at or adjacent to the waterward end of the dock;
2. With other mooring will not result in the mooring of more than two vessels (including jet skis);
3. Will not substantially impede the flow of water, cause water pollution, or create a navigational hazard;
4. Will not be located in areas prohibited for mooring by a previously issued permit or other form of authorization issued by a local government;

**General Conditions for Sovereignty/State-Owned Submerged Lands Authorizations:**

**Any use of sovereignty/state-owned submerged lands is subject to the following general conditions that are binding upon the applicant and are enforceable under [Chapters 253, F.S.](#) or [258, F.S.](#)**

1. Sovereignty/state-owned submerged lands may be used only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use will constitute a violation. Violation of the authorization will result in suspension or revocation of the applicant's use of the sovereignty/state-owned submerged lands unless cured to the satisfaction of the Board of Trustees of the Internal Improvement Trust Fund (Board).
2. Authorization under Rule 18-21.005, F.A.C., conveys no title to sovereignty/state-owned submerged

lands or water column, nor does it constitute recognition or acknowledgment of any other person's title to such land or water.

3. Authorizations under Rule 18-21.005, F.A.C., may be modified, suspended or revoked in accordance with its terms or the remedies provided in Sections 253.04, F.S. or Chapter 18-14, F.A.C.
4. Structures or activities will be constructed and used to avoid or minimize adverse impacts to resources.
5. Construction, use, or operation of the structure or activity will not adversely affect any species which is endangered, threatened or of special concern, as listed in Rules 68A-27.003, 68A-27.004, and 68A-27.005, F.A.C.;
6. Structures or activities will not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity will be modified in accordance with the court's decision.
7. Structures or activities will not create a navigational hazard.
8. Structures will be maintained in a functional condition and will be repaired or removed if they become dilapidated to such an extent that they are no longer functional.
9. Structures or activities will be constructed, operated, and maintained solely for water dependent purposes.
10. The applicant agrees to indemnify, defend and hold harmless the Board and the State of Florida from all claims, actions, lawsuits and demands in any form arising out of the authorization to use sovereignty/state-owned submerged lands or the applicant's use and construction of structures on sovereignty/state-owned submerged lands. This duty to indemnify and hold harmless will include any and all liabilities that are associated with the structure or activity including special assessments or taxes that are now or in the future assessed against the structure or activity during the period of the authorization.
11. Failure by the Board to enforce any violation of the authorization or waiver by the Board of any provision of the authorization will not invalidate the provision not enforced or waived, nor will the failure or waiver prevent the Board from enforcing the waived or unenforced provision in the event of a future violation of that provision.
12. Applicant binds itself and its successors and assigns to abide by the provisions and conditions set forth in the authorization. If the applicant or its successors or assigns fails or refuses to comply with the provisions and conditions of the authorization, the authorization may be terminated by the Board after written notice to the applicant or its successors or assigns. Upon receipt of such notice, the applicant or its successors or assigns will have thirty (30) days in which to correct the violations. Failure to correct the violations within this period will result in the automatic revocation of this authorization.
13. All costs incurred by the Board in enforcing the terms and conditions of the authorization will be paid by the applicant. Any notice required by law will be made by certified mail at the address shown on page one of the authorization. The applicant will notify the Board in writing of any change of address at least ten days before the change becomes effective.
14. This authorization does not allow any activity prohibited in a conservation easement or restrictive covenant of record that prohibits the activity.

#### **Manatee Conditions:**

#### **The following conditions are intended to protect manatees from direct project effects; THESE CONDITIONS APPLY ONLY IN WATERS THAT ARE ACCESSIBLE TO MANATEES:**

1. All personnel associated with the project will be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee will advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
2. All vessels associated with the construction project will operate at 'Idle Speed/No Wake' at all times

- while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
3. Siltation or turbidity barriers will be made of material in which manatees cannot become entangled, will be properly secured, and will be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
  4. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
  5. Any collision with or injury to a manatee will be reported immediately to the FWC Hotline at 1-888-404-FWCC. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida.
  6. Temporary signs concerning manatees will be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Awareness signs that have already been approved for this use by the Florida Fish and Wildlife Conservation Commission (FWC) must be used (see MyFWC.com). One sign which reads Caution: Boaters must be posted. A second sign measuring at least 8 1/2" by 11" explaining the requirements for 'Idle Speed/No Wake' and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities.

### **Self-Certification Requirements:**

#### **The user agrees to the following:**

1. The information provided herein is true and accurate.
2. **Construction of the project must be completed within one year from the self-certification date.** If the project cannot be completed within that time frame, or the project is to be modified, the Department must be contacted for authorization requirements.
3. Any substantial modifications in the plans for this project must be submitted to the Department for review, as changes may result in a permit being required.
4. This self-certification will automatically expire if site conditions materially change; if the terms, conditions, and limitations of the self-certification are not followed; or if the governing statutes or rules are amended before the project is completed.
5. Department personnel will be allowed to enter the property for purposes of inspecting the project for compliance with the terms and conditions of this self-certification.



FLORIDA DEPARTMENT OF  
Environmental Protection

Bob Martinez Center  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Noah Valenstein**  
Secretary

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**CONDITIONS FOR DEPARTMENT OF THE ARMY SELF-CERTIFIED STATE  
PROGRAMMATIC GENERAL PERMIT FOR A PROJECT AT A PRIVATE, SINGLE-FAMILY  
RESIDENCE**

Self Certification File No.: **0394092001EE**

**Verification that the project meets the Project Design Criteria:**

You have verified that the project meets the Project Design Criteria (attached in a separate document), and have authorized FDEP to send a copy of this verification to the Corps on your behalf.

**General Conditions:**

1. The time limit for completing the work authorized on July 26, 2021.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner on the enclosed form and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

**Further Information:**

1. Limits of this authorization:
  - a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.
  - b. This permit does not grant any property rights or exclusive privileges.
  - c. This permit does not authorize any injury to the property or rights of others.
  - d. This permit does not authorize interference with any existing or proposed Federal projects.
2. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any

liability for the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
  - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
  - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
  - d. Design or Construction deficiencies associated with the permitted work.
  - e. Damage claims associated with any future modification, suspension, or revocation of this permit.
3. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
  4. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
    - a. You fail to comply with the terms and conditions of this permit.
    - b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 3 above).
    - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.
  5. Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CER 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.
  6. When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date the enclosed form.
  7. The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the U.S. Army Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal, relocation or alteration.

#### **Manatee Conditions:**

1. All personnel associated with the project will be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee will advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
2. All vessels associated with the construction project will operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
3. Siltation or turbidity barriers will be made of material in which manatees cannot become entangled, will be properly secured, and will be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.

4. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
5. Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida, and to FWC at **ImperiledSpecies@myFWC.com**.
6. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Temporary signs that have already been approved for this use by the FWC must be used. One sign which reads Caution: Boaters must be posted. A second sign measuring at least 8 ½" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. These signs can be viewed at [MyFWC.com/manatee](http://MyFWC.com/manatee). Questions concerning these signs can be sent to the email address listed above.



FLORIDA DEPARTMENT OF  
Environmental Protection

Bob Martinez Center  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Noah Valenstein**  
Secretary

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**TERMS AND CONDITIONS**

Self Certification File No.: **0394092001EE**

**Construction Conditions:**

**Private residential single family docks are subject to the following criteria in accordance with [Section 403.813\(1\)\(b\), F.S.](#) The dock to be constructed:**

1. Has 1,000 square feet or less over water surface (includes adjacent wetlands) in accordance with Chapter 62-340, F.A.C.;
2. Is constructed on or held in place by pilings and is constructed so as not to involve filling or dredging other than that necessary to install the pilings;
3. Will not substantially impede the flow of water, cause water pollution, or create a navigational hazard;
4. Is used **ONLY** for recreational, noncommercial activities associated with the mooring or storage of boats and boat paraphernalia;
5. Is the sole dock on the parcel; and
6. Must not be subject to any conservation easement or restrictive covenant of record prohibiting the activity.

**Boat lifts are subject to the following additional conditions:**

1. Is to be installed in a proposed slip or, at or adjacent to the waterward end of the dock;
2. With other mooring will not result in the mooring of more than two vessels (including jet skis);
3. Will not substantially impede the flow of water, cause water pollution, or create a navigational hazard;
4. Will not be located in areas prohibited for mooring by a previously issued permit or other form of authorization issued by a local government;

**General Conditions for Sovereignty/State-Owned Submerged Lands Authorizations:**

**Any use of sovereignty/state-owned submerged lands is subject to the following general conditions that are binding upon the applicant and are enforceable under [Chapters 253, F.S.](#) or [258, F.S.](#)**

1. Sovereignty/state-owned submerged lands may be used only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use will constitute a violation. Violation of the authorization will result in suspension or revocation of the applicant's use of the sovereignty/state-owned submerged lands unless cured to the satisfaction of the Board of Trustees of the Internal Improvement Trust Fund (Board).
2. Authorization under Rule 18-21.005, F.A.C., conveys no title to sovereignty/state-owned submerged

lands or water column, nor does it constitute recognition or acknowledgment of any other person's title to such land or water.

3. Authorizations under Rule 18-21.005, F.A.C., may be modified, suspended or revoked in accordance with its terms or the remedies provided in Sections 253.04, F.S. or Chapter 18-14, F.A.C.
4. Structures or activities will be constructed and used to avoid or minimize adverse impacts to resources.
5. Construction, use, or operation of the structure or activity will not adversely affect any species which is endangered, threatened or of special concern, as listed in Rules 68A-27.003, 68A-27.004, and 68A-27.005, F.A.C.;
6. Structures or activities will not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity will be modified in accordance with the court's decision.
7. Structures or activities will not create a navigational hazard.
8. Structures will be maintained in a functional condition and will be repaired or removed if they become dilapidated to such an extent that they are no longer functional.
9. Structures or activities will be constructed, operated, and maintained solely for water dependent purposes.
10. The applicant agrees to indemnify, defend and hold harmless the Board and the State of Florida from all claims, actions, lawsuits and demands in any form arising out of the authorization to use sovereignty/state-owned submerged lands or the applicant's use and construction of structures on sovereignty/state-owned submerged lands. This duty to indemnify and hold harmless will include any and all liabilities that are associated with the structure or activity including special assessments or taxes that are now or in the future assessed against the structure or activity during the period of the authorization.
11. Failure by the Board to enforce any violation of the authorization or waiver by the Board of any provision of the authorization will not invalidate the provision not enforced or waived, nor will the failure or waiver prevent the Board from enforcing the waived or unenforced provision in the event of a future violation of that provision.
12. Applicant binds itself and its successors and assigns to abide by the provisions and conditions set forth in the authorization. If the applicant or its successors or assigns fails or refuses to comply with the provisions and conditions of the authorization, the authorization may be terminated by the Board after written notice to the applicant or its successors or assigns. Upon receipt of such notice, the applicant or its successors or assigns will have thirty (30) days in which to correct the violations. Failure to correct the violations within this period will result in the automatic revocation of this authorization.
13. All costs incurred by the Board in enforcing the terms and conditions of the authorization will be paid by the applicant. Any notice required by law will be made by certified mail at the address shown on page one of the authorization. The applicant will notify the Board in writing of any change of address at least ten days before the change becomes effective.
14. This authorization does not allow any activity prohibited in a conservation easement or restrictive covenant of record that prohibits the activity.

### **Manatee Conditions:**

#### **The following conditions are intended to protect manatees from direct project effects; THESE CONDITIONS APPLY ONLY IN WATERS THAT ARE ACCESSIBLE TO MANATEES:**

1. All personnel associated with the project will be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee will advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
2. All vessels associated with the construction project will operate at 'Idle Speed/No Wake' at all times

- while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
3. Siltation or turbidity barriers will be made of material in which manatees cannot become entangled, will be properly secured, and will be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
  4. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
  5. Any collision with or injury to a manatee will be reported immediately to the FWC Hotline at 1-888-404-FWCC. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida.
  6. Temporary signs concerning manatees will be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Awareness signs that have already been approved for this use by the Florida Fish and Wildlife Conservation Commission (FWC) must be used (see MyFWC.com). One sign which reads Caution: Boaters must be posted. A second sign measuring at least 8 1/2" by 11" explaining the requirements for 'Idle Speed/No Wake' and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities.

### **Self-Certification Requirements:**

#### **The user agrees to the following:**

1. The information provided herein is true and accurate.
2. **Construction of the project must be completed within one year from the self-certification date.** If the project cannot be completed within that time frame, or the project is to be modified, the Department must be contacted for authorization requirements.
3. Any substantial modifications in the plans for this project must be submitted to the Department for review, as changes may result in a permit being required.
4. This self-certification will automatically expire if site conditions materially change; if the terms, conditions, and limitations of the self-certification are not followed; or if the governing statutes or rules are amended before the project is completed.
5. Department personnel will be allowed to enter the property for purposes of inspecting the project for compliance with the terms and conditions of this self-certification.

**FLORIDA DEPARTMENT OF  
Environmental Protection**

**Ron DeSantis**  
Governor

Bob Martinez Center  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

**Jeanette Nuñez**  
Lt. Governor

**Noah Valenstein**  
Secretary

**Receipt for Submission**

**SELF-CERTIFICATION FOR A PROJECT AT A  
PRIVATE, RESIDENTIAL SINGLE-FAMILY**

**10/29/2020**

Self-Certification File No.: **0394092001EE**

File Name: **952 Bambi Dr Destin, FL 32541 - Self Cert Exempt Dock with Boat Lift(s) (General)**

Dear **Charles LoBello**: On **10/29/2020** you used the Florida Department of Environmental Protection's electronic Self Certification Process to certify compliance with the terms and conditions of the Federal State Programmatic General Permit (SPGP) Self Certification Process for a project at private, single-family residence located at:

LAT - Degrees: **30** Minutes: **25** Seconds: **2.7631**  
LONG - Degrees: **-86** Minutes: **29** Seconds: **17.0325**  
SITE ADDRESS: **952 Bambi Dr Destin, FL 32541**  
COUNTY: **Okaloosa**

For:  
**Charles LoBello**  
**297 W Miracle Strip Pkwy Mary Esther, FL 32569**

You have certified that the project you propose to construct at the above location meets all the conditions of the Self-Certification Process. A project that is built in conformance to those conditions (attached for reference) will:

1. Qualify for a regulatory exemption under Section 403.813(1)(b) of the Florida Statutes (F.S.) and Chapter 62-330, Florida Administrative Code (F.A.C.). As such, it is exempt from the need to obtain a DEP Environmental Resource Permit.;
2. Qualify for Consent by Rule or Letter of Consent (as applicable) under Chapter 253, F.S. and Chapter 18-21, F.A.C. (and Chapter 258, F.S. and Chapter 18-20, F.A.C., if applicable), when the project is located on submerged lands owned by the State of Florida.

Your Self-Certification is based solely on the information you provided under this process, and applies only to the statutes and rules in effect when your certification was completed. The certification is effective only for the specific project proposed, and only if the project is constructed, operated, and maintained in

conformance with all the terms, conditions, and limitations stated in the Self-Certification Process. In addition, any substantial modifications in your plans should be submitted to the Department for review, as changes may result in a permit being required.

You have acknowledged that this Self Certification will automatically expire if:

1. Construction of the project is not completed within one year from the self-certification date;
2. site conditions materially change;
3. the terms, conditions, and limitations of the Self Certification are not followed; or
4. the governing statutes or rules are amended before construction of the project.

Completion of the Self Certification constitutes your authorization for Department or Corps personnel to enter the property for purposes of inspecting for compliance.

Receipt of this Self-Certification constitutes authorization to use sovereignty/state-owned submerged lands, as required by rule 18-21.005, F.A.C.

The authorization must be visibly posted during all construction activities.

In waters that are accessible to manatees, obtain information on your mandatory Manatee Protection sign by clicking here.

### **FEDERAL STATE PROGRAMMATIC GENERAL PERMIT (SPGP)**

You have certified that the project you propose to construct at the above location meets all the conditions of the SPGP Self-Certification Process and will be built in conformance to those conditions (attached for reference). Your proposed activity as certified is in compliance with the SPGP program. U.S. Army Corps of Engineers (Corps) Specific conditions apply to your project, attached. **No further permitting for this activity is required by the Corps. Although the construction period for works authorized by Department of the Army permits is finite, the permit itself, with its limitations, does not expire.**

**Notifications to the Corps.** For all authorizations under this SPGP V-R1, including Self-Certifications, the Permittee shall provide the following notifications to the Corps:

1. Commencement Notification. Within 10 days before the date of initiating the work authorized by this permit or for each phase of the authorized project, the Permittee shall provide a written notification of the date of commencement of authorized work to the Corps
2. Corps Self-Certification Statement of Compliance form. Within 60 days of completion of the work authorized by this permit, the Permittee shall complete the "Self-Certification Statement of Compliance" form (attached) and submit it to the Corps. In the event that the completed work deviates in any manner from the authorized work, the Permittee shall describe the deviations between the work authorized by this permit and the work as constructed on the "Self-Certification Statement of Compliance" form. The description of any deviations on the "Self-Certification Statement of Compliance" form does not constitute approval of any deviations by the Corps.
3. Permit Transfer. When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date the enclosed form.
4. Reporting Address. The Permittee shall submit all reports, notifications, documentation, and

correspondence required by the general and special conditions of this permit to the following address.

1. For standard mail: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, P.O. Box 4970, Jacksonville, FL, 32232-0019.
2. For electronic mail: [SAJ-RD-Enforcement@usace.army.mil](mailto:SAJ-RD-Enforcement@usace.army.mil) (not to exceed 10 MB). The Permittee shall reference this permit number, SAJ-2015-2575 on all submittals.

This SPGP Self-Certification is based solely on the information you provided under this process, and applies only to the statutes and rules in effect when your certification was completed. You have recognized that your certification is effective only for the specific project proposed, and provided the project is constructed, operated, and maintained in conformance with all the terms, conditions, and limitations stated in the SPGP Self-Certification Process. This Self-Certification will not apply if any substantial modifications are made to the project. You agree to contact the Department for review of any plans to construct additional structures or to modify the project, as changes may result in a permit being required.

You have acknowledged that this Self-Certification will automatically expire if:

1. construction of the project is not completed by midnight, July 25, 2021, unless construction commenced or a contract to construct was executed before July 25, 2021, in which case the time limit for completing the work authorized by the SPGP ends at midnight, July 25, 2022. However, in no case can construction continue for more than one year beyond the Self-Certification date;
2. site conditions materially change;
3. the terms, conditions, and limitations of the Self-Certification are not followed; or
4. the governing statutes or rules are amended before construction of the project.

Completion of the Self-Certification constitutes your authorization for Department or Corps personnel to enter the property for purposes of inspecting for compliance.

If you have any questions, please contact your local Department District Office. Contact information can be found at:

[https://floridadep.gov/sites/default/files/SLERC\\_contacts\\_web\\_map\\_01-2017\\_0.pdf](https://floridadep.gov/sites/default/files/SLERC_contacts_web_map_01-2017_0.pdf).

For further information, contact the Corps directly at:

<https://www.saj.usace.army.mil/Missions/Regulatory.aspx>. When referring to your project, please use the SPGP Self-Certification file number listed above.

Authority for review - an agreement with the U.S. Army Corps of Engineers entitled Coordination Agreement between the U. S. Army Corps of Engineers (Jacksonville District) and the Florida Department of Environmental Protection State Programmatic General Permit, Section 10 of the Rivers and Harbor Act of 1899 and Section 404 of the Clean Water Act.

## **ADDITIONAL INFORMATION**

This Self-Certification Process does not relieve you from the responsibility of obtaining other permits or authorizations from other agencies (federal, state, Water Management District, or local) that may be required for the project. Failure to obtain all applicable authorizations prior to construction of the project may result in enforcement.

If you have any questions or issues with the attached documents, please contact your local Department District Office:

Northwest District

[NWD\\_ERP\\_Applications@FloridaDEP.gov](mailto:NWD_ERP_Applications@FloridaDEP.gov)

Sincerely,

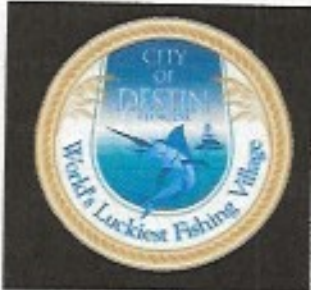
Florida Department of Environmental Protection.

**Attachments:**

FDEP Terms and Conditions

SPGP Terms and Conditions

Project Design Criteria



**City of Destin**  
**Community Development Department**  
**Planning & Zoning Division**  
City of Destin Annex  
4100 Indian Bayou Trail  
Destin, Florida 32541  
Phone (850) 837-4242 • Fax (850) 460-2171  
[planning@cityofdestin.com](mailto:planning@cityofdestin.com)

## APPLICATION for HARBOR BOARD

Harbor Board meets the 4<sup>th</sup> Monday of each month, all applications must be submitted at least one month prior.

Description of work: construct dock/boat house and boatlift

### 1. APPLICANT INFORMATION:

Name: LEAH McGill

Mailing Address: 952 BAMBI DR DESTIN, FL

Phone: 850-240-8535

Fax: \_\_\_\_\_

Email: LEAH. ~~MC~~ R. MCGILL@gmail.com

### 2. PROPERTY TO BE REVIEWED:

Street Address: same

Parcel ID #: \_\_\_\_\_

3. FEE:    \$50.00 Residential                      Cash, Check, MasterCard or Visa  
              \$100.00 Commercial

Fees must be paid when submitting an application.

### 4. ADDITIONAL DOCUMENTATION REQUIRED:

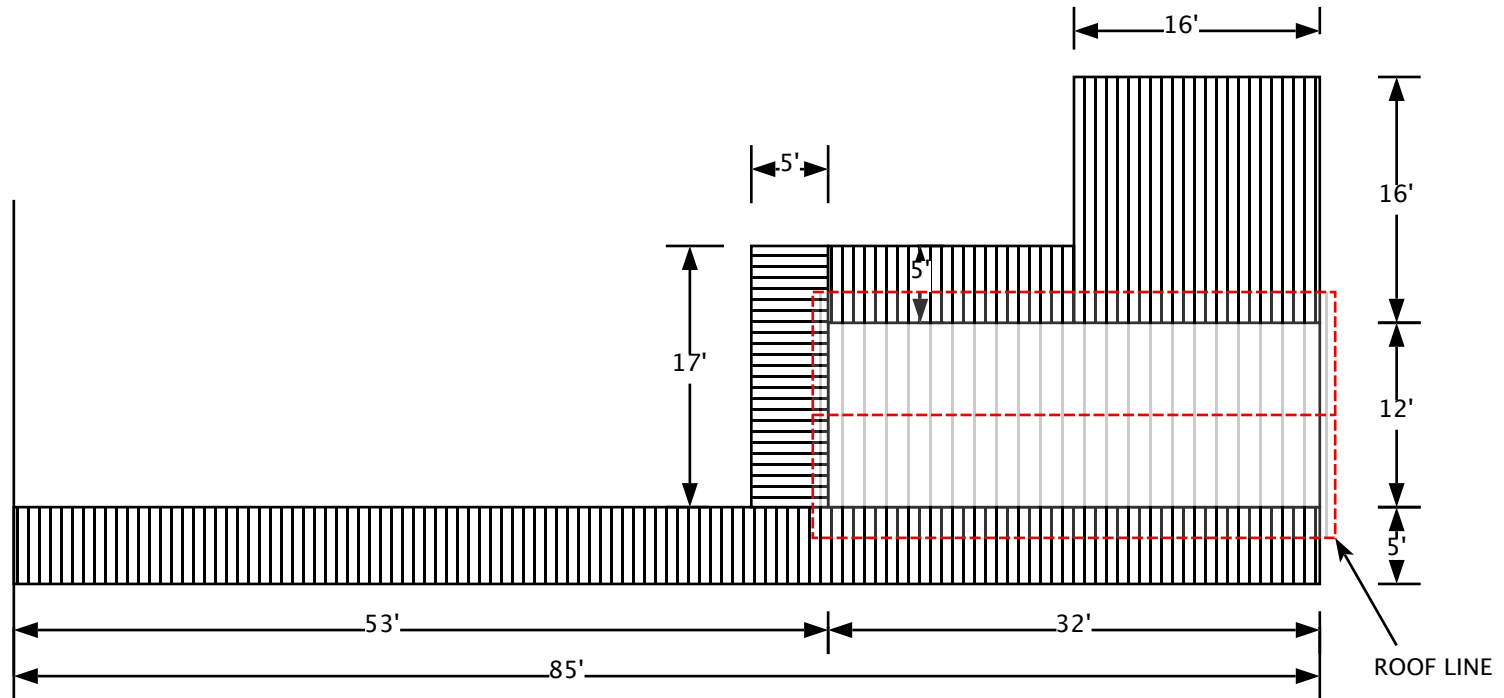
- Complete detailed drawings and site plan.
- Adjacent property owner mailing information.

State and Federal permits required prior to submission for Harbor Board approval. Association approval (if applicable) shall accompany a completed application for a building permit, provided no additional slips are created. (Article 11.05.01B., Land Development Code).

APPLICANT'S SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

McGILL  
DRAWING 2.5  
952 BAMBI DR.  
998 SF.



L D & L MARINE CONTRACTORS  
297 W. MIRACLE STRP. PKWY  
MARY ESTHER, FL. 32569  
(Chuck LoBello) 850 585 3003 / chuckldl@cox.net  
(Clay Duhon) 850 585 5557 / c3d1@cox.net  
MARINE CONTRACTOR LIC. NO. 11071-0600564



RAPARIAN LINE

RAPARIAN LINE

129'

25'

LEAH MCGILL  
952 BAMBI DR.

55 ft



RAPARIAN LINE

RAPARIAN LINE

129'

25'

55 ft

LEAH MCGILL  
952 BAMBI DR.



**Community Development Department**  
**Building Division**  
 4200 Indian Bayou Trail, Destin, Fl. 32541  
 Phone: (850) 654-1119 Fax: (850) 460-2171

**Marine Construction Permit Application**

DATE: 10/30/20

JOB SITE ADDRESS: 952 Bambi Dr

NAME OF PROJECT: McGill Dock

PARCEL ID: \_\_\_\_\_ LOT: \_\_\_\_\_ BLOCK: \_\_\_\_\_ SUBDIVISION: \_\_\_\_\_

OWNER OF PROPERTY: Leah McGill

CONTRACTOR COMPANY NAME: LoBello Duhon LoBello

ADDRESS: same

QUALIFIER NAME: Chuck LoBello

CITY, STATE, ZIP: \_\_\_\_\_

STATE LICENSE #: \_\_\_\_\_ COMP#: 6024DO

PHONE: 850 240 8535 FAX: \_\_\_\_\_

ADDRESS: 297 W Miracle Strip Pkwy

MOBILE/CELL: \_\_\_\_\_

CITY, STATE, ZIP: Mary Esther, Fl 32569

FEE SIMPLE TITLEHOLDER (if other than owner): \_\_\_\_\_

PHONE: 850 585 3003 FAX: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CONTACT PERSON: same

CITY, STATE, ZIP: \_\_\_\_\_

MOBILE/CELL: \_\_\_\_\_  
 EMAIL: \_\_\_\_\_

**All new marine construction requires review by the Harbor & Waterways Board, per Article 11.05.01.A., Land Development Code. This process requires a separate Harbor & Waterways Board Application. After the Board meets to take action on a proposed dock application, its recommendation is forwarded to the City Council for approval or denial. A Marine Construction Permit is also necessary and may be reviewed simultaneously. All applications require a scaled site plan or survey depicting improvements.**

HARBOR & WATERWAYS BOARD HEARING DATE: \_\_\_\_\_ CITY COUNCIL APPROVAL DATE: \_\_\_\_\_ (Provide the information checklist with Mayor or City Council designee signature or City Council meeting minutes.)

DESCRIPTION OF WORK TO BE DONE:

Remove old storm damaged dock and replace with new dock in new footprint (see drawing and aerial)

CATEGORY TYPE:  Residential  Commercial CURRENT CODE: \_\_\_\_\_

PERMIT TYPE:  Bulkhead(seawall)  Dock/Pier  Piles  Boatlift  Boathouse  Boat Ramp  Other: \_\_\_\_\_

CONSTRUCTION TYPE:  New  Repair  Replace  Remove  Relocate  Addition DEP Permit required:  Yes  No

**Marine Contractors must maintain applicable workers' compensation and general liability insurance as required by state and federal law, including but not limited to the provisions of the LONGSHOREMEN'S and Harbor Worker's Compensation Act.**

TOTAL VALUE (MATERIAL & LABOR): 48,000  
 (excluding lot)

**FINAL INSPECTION IS REQUIRED ON ALL PERMITS-Failure to obtain a final inspection may result in legal action.**

Applicants Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Applicants Printed Name: Chuck LoBello Date: 10/30/20

Reviewed by: Larry Ballard (Building Division) Date: 11/2/20

Reviewed By: \_\_\_\_\_ (Planning Division) Date: \_\_\_\_\_

Reviewed By: \_\_\_\_\_ (Code Compliance Dept.) Date: \_\_\_\_\_

Received By: \_\_\_\_\_ (Initials) Date: \_\_\_\_\_

**CITY OF DESTIN - BUILDING DIVISION**

**PERMIT APPLICATION**

**NOTICE TO OWNER / CONTRACTOR**

JOB SITE ADDRESS: 952 Bambi Dr

NAME OF PROJECT: McGill dock

PARCEL ID: \_\_\_\_\_ LOT: \_\_\_\_\_ BLOCK: \_\_\_\_\_ SUBDIVISION: \_\_\_\_\_

Application is hereby made to obtain a permit to do the work and installation as indicated. **I certify that no work or installation has been commenced prior to issuance of a permit** and that all work will be performed to meet all codes, standards and laws governing construction in this jurisdiction. I also certify that all required insurances for me and any trades are in accordance with state laws. I understand that a separate permit must be secured for **BUILDING, ELECTRICAL WORK, PLUMBING, MECHANICAL, ROOFING, SIGNS, POOLS and Right of Way (ROW) CONSTRUCTION**, etc.

**OWNER / CONTRACTOR AFFIDAVIT:** I certify that all the foregoing information is accurate and that all work will be done in compliance with all applicable laws regulating construction and zoning per State and City of Destin.

If the direct contract is greater than \$2500, the applicant/owner must file a NOTICE OF COMMENCEMENT.

**“WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE COMMENCING WORK OR RECORDING YOUR NOTICE OF COMMENCEMENT.”**

**FINAL INSPECTION IS REQUIRED ON ALL PERMITS-Failure to obtain a final inspection may result in legal action.**

Must be signed in presence of a Notary

\_\_\_\_\_  
Signature  
Owner or Agent (including contractor)

**STATE OF FLORIDA  
COUNTY OF OKALOOSA**

Sworn to (or affirmed) and subscribed before me this  
30 day of 10, 2020

Personally known \_\_\_\_\_ OR  
Produced Identification FLDL

\_\_\_\_\_  
Notary Signature as to Owner

SEAL:



SHAWN RUMFELT  
Commission # GG 156178  
Expires October 30, 2021  
Bonded Thru Budget Notary Services



## COMMUNITY DEVELOPMENT DEPARTMENT

## AGENDA ITEM

**HARBOR AND WATERWAYS BOARD MEETING DATE:** January 11, 2021

**TYPE OF AGENDA ITEM:** Staff Report and Recommendation

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**TO:** Harbor and Waterways Board

**THRU:** Louis Zunguze, Community Development Director  
 Kyle Bauman, City Attorney  
 Lauren Witt, Principal Planner

**FROM:** Traci Goodhart, Planner  
 Daniel Butler, Planner  
 Himangi Mutha, Planner

**DATE:** December 18, 2020

**SUBJECT:** Single-Family Residential Marine Construction Proposed at 952 Bambi Street

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**REQUEST:** The applicant requests Harbor and Waterways Board approval for a marine construction project located at 952 Bambi Drive, located within Choctawhatchee Bay, Class II Florida Waters.

**BACKGROUND:** The contractor has submitted a permit for ±85 LF of dock, with a covered boathouse, one (1) catwalk, and a 16 x 16 platform. The total project footprint is ±998 square feet.

**DISCUSSION:** The proposed marine construction project meets the requirements of *Article 11.05.00, City of Destin Land Development Code*, in addition, to including the required 25-foot riparian setback. The proposed marine construction project is consistent with Coastal Management Element Goal 6-1, Coastal Management Element Objective 6-1.1, and Coastal Management Element Policy 6-1.1.3: Protect Coastal and Estuarine Environmental Quality and the Shoreline.

- A. **Link to Strategic Goals /Objectives:** 1) Enhance Quality of Life. 2) Improve Public Use of Beach, Waterways and Harbor. 3) Enhance and Preserve Heritage and Environment.
- B. **Effect on Budget (EOB):** There is no anticipated effect on the budget.
- C. **Level of Service (LOS):** There is no anticipated effect on the LOS.

**CONCLUSION:** The contactor provided a Florida Department of Environmental Protection (FDEP) and Army Corp of Engineers (ACE), Self Cert No. 0394092001EE. City staff reviewed the application and determined that the plans comply with City Codes and regulations. Specifically, the proposed dock complies with *Article 11.05.01.M., City of Destin Land Development Code*, and the Coastal Management Element of the City's Comprehensive Plan (*Coastal Management Element Policy 6-1.1.3*).

**STAFF RECOMMENDATION:** Staff recommends approval of a single-family marine construction project proposed at 952 Bambi Drive, for ±85 LF of dock, with a covered boathouse, one (1) catwalk, and a 16 x 16 platform. Subject to the applicant meeting all applicable Federal, State and City permit requirements.

**RECOMMENDED MOTION:** I move that the Harbor & Waterways Board recommend City Council approval of a single-family marine construction project located at 952 Bambi Drive, subject to the applicant meeting all applicable Federal, State and City permit requirements.