Southwest Florida Regional Planning

www.swfrpc.org
1926 Victoria Avenue
Fort Myers, FL 33901
Phone: (239) 338-2550
Fax: (239) 338-2560

COUNCIL MEETING AGENDA

MEETING NOTICE

Mission Statement:
To work together across neighboring communities to consistently protect and improve the unique and relatively unspoiled character of the physical, economic and social worlds we share…for the benefit of our future generations.

January 16, 2014

9:00am – 11:30am

Two or more members of the Charlotte Harbor National Estuary Program may be in attendance and may discuss matters that could come before the Charlotte Harbor National Estuary Program, respectively, for consideration.

In accordance with the Americans with Disabilities Act (ADA), any person requiring special accommodations to participate in this meeting should contact the Southwest Florida Regional Planning Council 48 hours prior to the meeting by calling (239) 338-2550; if you are hearing or speech impaired call (800) 955-8770 Voice/(800) 955-8771 TDD.

Southwest Florida
Regional Planning

www.swfrpc.org
1926 Victoria Avenue
Fort Myers, FL 33901
Phone: (239) 338-2550
Fax: (239) 338-2560

COUNCIL MEETING AGENDA

NEXT SWFRPC MEETING DATE: February 20, 2014

NOTE: The Council's Legislative Affairs Committee is scheduled to meet immediately prior to the Council meeting at 8:15 AM.

Two or more members of the Peace River Basin Management Advisory Committee and Charlotte Harbor National Estuary Program may be in attendance and may discuss matters that could come before the Peace River Basin Management Advisory Committee and Charlotte Harbor National Estuary Program, respectively, for consideration.

In accordance with the Americans with Disabilities Act (ADA), any person requiring special accommodations to participate in this meeting should contact the Southwest Florida Regional Planning Council 48 hours prior to the meeting by calling (239) 338-2550; if you are hearing or speech impaired call (800) 955-8770 Voice/(800) 955-8771 TDD.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL MEMBERSHIP

CHAIR..... Commissioner Karson Turner
VICE CHAIR..... Councilwoman Teresa Heitmann
SECRETARY..... Vacant
TREASURER..... Mr. Robert "Bob" Mulhere

CHARLOTTE COUNTY
Commissioner Tricia Duffy, Charlotte BCC
Commissioner Chris Constance, Charlotte BCC
Councilwoman Nancy Prafke, City of Punta Gorda
Ms. Suzanne Graham, Governor Appointee
Mr. Donald McCormick, Governor Appointee

COLLIER COUNTY
Commissioner Tim Nance, Collier BCC
Commissioner Tom Henning, Collier BCC
Councilwoman Teresa Heitmann, City of Naples
(City of Marco Island Vacancy)
Mr. Robert "Bob" Mulhere, Governor Appointee
Mr. Alan D. Reynolds, Governor Appointee

GLADES COUNTY
Commissioner Dennis Griffin, Glades BCC
Commissioner Tim Stanley, Glades BCC
Councilwoman Pat Lucas, City of Moore Haven
Mr. Thomas C. Perry, Governor Appointee

HENDRY COUNTY
Commissioner Karson Turner, Hendry BCC
Commissioner Don Davis, Hendry BCC
Mayor Phillip Roland, City of Clewiston
Commissioner Daniel Akin, City of LaBelle
Mr. Mel Karau, Governor Appointee

LEE COUNTY
Commissioner Frank Mann, Lee BCC
Commissioner John Manning, Lee BCC
Councilman Jim Burch, City of Cape Coral
Vice Mayor Doug Congress, City of Sanibel
Councilman Forrest Banks, City of Fort Myers
Vice Mayor Joe Kosinski, Town of Fort Myers Beach
Councilwoman Martha Simons, City of Bonita Springs
Ms. Laura Holquist, Governor Appointee
(Gubernatorial Appointee Vacancy)

SARASOTA COUNTY
Commissioner Carolyn Mason, Sarasota BCC
Commissioner Charles Hines, Sarasota BCC
Vice Mayor Rhonda DiFranco, City of North Port
Councilman Kit McKeon, City of Venice
Vice Mayor Willie Shaw, City of Sarasota
(Gubernatorial Appointee Vacancy)
Mr. Felipe Colón, Governor Appointee

EX-OFFICIO MEMBERS
Phil Flood, SFWMD
Jon Iglehart, FDEP
Melissa Dickens, SWFWMD
Carmen Monroy, FDOT

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL STAFF

MARGARET WUERSTLE.....EXECUTIVE DIRECTOR
SEAN McCABE.....LEGAL COUNSEL

James Beever
Lisa Beever
David Crawford
Liz Donley
Nancy Doyle
John L. Gibbons
Nichole Gwinnett
Rebekah Harp
Maran Hilgendorf
Judy Ott
Jennifer Pellechio
Timothy Walker

Updated 11/20/13

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL (SWFRPC) ACRONYMS

ABM - Agency for Bay Management - Estero Bay Agency on Bay Management

ADA - Application for Development Approval

ADA - Americans with Disabilities Act

AMDA -Application for Master Development Approval

BEBR - Bureau of Economic Business and Research at the University of Florida

BLID - Binding Letter of DRI Status

BLIM - Binding Letter of Modification to a DRI with Vested Rights

BLIVR -Binding Letter of Vested Rights Status

BPCC -Bicycle/Pedestrian Coordinating Committee

CAC - Citizens Advisory Committee

CAO - City/County Administrator Officers

CDBG - Community Development Block Grant

CDC - Certified Development Corporation (a.k.a. RDC)

CEDS - Comprehensive Economic Development Strategy (a.k.a. OEDP)

CHNEP - Charlotte Harbor National Estuary Program

CTC - Community Transportation Coordinator

CTD - Commission for the Transportation Disadvantaged

CUTR - Center for Urban Transportation Research

DEO - Department of Economic Opportunity

DEP - Department of Environmental Protection

DO - Development Order

DOPA - Designated Official Planning Agency (i.e. MPO, RPC, County, etc.)

EDA - Economic Development Administration

EDC - Economic Development Coalition

EDD - Economic Development District

EPA – Environmental Protection Agency

FAC - Florida Association of Counties

FACTS - Florida Association of CTCs

FAR - Florida Administrative Register (formerly Florida Administrative Weekly)

FCTS - Florida Coordinated Transportation System

FDC&F -Florida Department of Children and Families (a.k.a. HRS)

FDEA - Florida Department of Elder Affairs

FDLES - Florida Department of Labor and Employment Security

FDOT - Florida Department of Transportation

FHREDI - Florida Heartland Rural Economic Development Initiative

FIAM – Fiscal Impact Analysis Model

FLC - Florida League of Cities

FQD - Florida Quality Development

FRCA -Florida Regional Planning Councils Association

FTA - Florida Transit Association

IC&R - Intergovernmental Coordination and Review

IFAS - Institute of Food and Agricultural Sciences at the University of Florida

JLCB - Joint Local Coordinating Boards of Glades & Hendry Counties

JPA - Joint Participation Agreement

JSA - Joint Service Area of Glades & Hendry Counties

LCB - Local Coordinating Board for the Transportation Disadvantaged

LEPC - Local Emergency Planning Committee

MOA - Memorandum of Agreement

MPO - Metropolitan Planning Organization

MPOAC - Metropolitan Planning Organization Advisory Council

MPOCAC - Metropolitan Planning Organization Citizens Advisory Committee

MPOTAC - Metropolitan Planning Organization Technical Advisory Committee

NARC - National Association of Regional Councils

NOPC - Notice of Proposed Change

OEDP - Overall Economic Development Program

PDA - Preliminary Development Agreement

REMI – Regional Economic Modeling Incorporated

RFB - Request for Bids

RFP - Request for Proposals

RPC - Regional Planning Council

SHIP - State Housing Initiatives Partnership

SRPP – Strategic Regional Policy Plan

TAC - Technical Advisory Committee

TDC - Transportation Disadvantaged Commission (a.k.a. CTD)

TDPN - Transportation Disadvantaged Planners Network

TDSP - Transportation Disadvantaged Service Plans

USDA - US Department of Agriculture

WMD - Water Management District (SFWMD and SWFWMD)

FLORIDA REGIONAL COUNCILS ASSOCIATION
Partnerships for the Future

Apalachee • Central Florida
East Central Florida • North Central Florida
Northeast Florida • South Florida • Southwest Florida
Tampa Bay • Treasure Coast • West Florida • Withlacoochee

104 West Jefferson Street, Tallahassee, FL 32301-1713 • 850.224.3427

Regional Planning Council
Functions and Programs

March 4, 2011

- **Economic Development Districts:** Regional planning councils are designated as Economic Development Districts by the U. S. Economic Development Administration. From January 2003 to August 2010, the U. S. Economic Development Administration invested $66 million in 60 projects in the State of Florida to create/retain 13,700 jobs and leverage $1 billion in private capital investment. Regional planning councils provide technical support to businesses and economic developers to promote regional job creation strategies.

- **Emergency Preparedness and Statewide Regional Evacuation:** Regional planning councils have special expertise in emergency planning and were the first in the nation to prepare a Statewide Regional Evacuation Study using a uniform report format and transportation evacuation modeling program. Regional planning councils have been preparing regional evacuation plans since 1981. Products in addition to evacuation studies include Post Disaster Redevelopment Plans, Hazard Mitigation Plans, Continuity of Operations Plans and Business Disaster Planning Kits.

- **Local Emergency Planning:** Local Emergency Planning Committees are staffed by regional planning councils and provide a direct relationship between the State and local businesses. Regional planning councils provide thousands of hours of training to local first responders annually. Local businesses have developed a trusted working relationship with regional planning council staff.

- **Homeland Security:** Regional planning council staff is a source of low cost, high quality planning and training experts that support counties and State agencies when developing a training course or exercise. Regional planning councils provide cost effective training to first responders, both public and private, in the areas of Hazardous Materials, Hazardous Waste, Incident Command, Disaster Response, Pre- and Post-Disaster Planning, Continuity of Operations and Governance. Several regional planning councils house Regional Domestic Security Task Force planners.

- **Multipurpose Regional Organizations:** Regional planning councils are Florida's only multipurpose regional entities that plan for and coordinate intergovernmental solutions on multi-jurisdictional issues, support regional economic development and provide assistance to local governments.

- **Problem Solving Forum:** Issues of major importance are often the subject of regional planning council-sponsored workshops. Regional planning councils have convened regional summits and workshops on issues such as workforce housing, response to hurricanes, visioning and job creation.

- **Implementation of Community Planning:** Regional planning councils develop and maintain Strategic Regional Policy Plans to guide growth and development focusing on economic development, emergency preparedness, transportation, affordable housing and resources of regional significance. In addition, regional planning councils provide coordination and review of various programs such as Local Government Comprehensive Plans, Developments of Regional Impact and Power Plant Ten-year Siting Plans. Regional planning council reviewers have the local knowledge to conduct reviews efficiently and provide State agencies reliable local insight.

- **Local Government Assistance:** Regional planning councils are also a significant source of cost effective, high quality planning experts for communities, providing technical assistance in areas such as: grant writing, mapping, community planning, plan review, procurement, dispute resolution, economic development, marketing, statistical analysis, and information technology. Several regional planning councils provide staff for transportation planning organizations, natural resource planning and emergency preparedness planning.

- **Return on Investment:** Every dollar invested by the State through annual appropriation in regional planning councils generates 11 dollars in local, federal and private direct investment to meet regional needs.

- **Quality Communities Generate Economic Development:** Businesses and individuals choose locations based on the quality of life they offer. Regional planning councils help regions compete nationally and globally for investment and skilled personnel.

- **Multidisciplinary Viewpoint:** Regional planning councils provide a comprehensive, multidisciplinary view of issues and a forum to address regional issues cooperatively. Potential impacts on the community from development activities are vetted to achieve win-win solutions as council members represent business, government and citizen interests.

- **Coordinators and Conveners:** Regional planning councils provide a forum for regional collaboration to solve problems and reduce costly inter-jurisdictional disputes.

- **Federal Consistency Review:** Regional planning councils provide required Federal Consistency Review, ensuring access to hundreds of millions of federal infrastructure and economic development investment dollars annually.

- **Economies of Scale:** Regional planning councils provide a cost-effective source of technical assistance to local governments, small businesses and non-profits.

- **Regional Approach:** Cost savings are realized in transportation, land use and infrastructure when addressed regionally. A regional approach promotes vibrant economies while reducing unproductive competition among local communities.

- **Sustainable Communities:** Federal funding is targeted to regions that can demonstrate they have a strong framework for regional cooperation.

- **Economic Data and Analysis:** Regional planning councils are equipped with state of the art econometric software and have the ability to provide objective economic analysis on policy and investment decisions.

- **Small Quantity Hazardous Waste Generators:** The Small Quantity Generator program ensures the proper handling and disposal of hazardous waste generated at the county level. Often smaller counties cannot afford to maintain a program without imposing large fees on local businesses. Many counties have lowered or eliminated fees, because regional planning council programs realize economies of scale, provide businesses a local contact regarding compliance questions and assistance and provide training and information regarding management of hazardous waste.

- **Regional Visioning and Strategic Planning:** Regional planning councils are conveners of regional visions that link economic development, infrastructure, environment, land use and transportation into long term investment plans. Strategic planning for communities and organizations defines actions critical to successful change and resource investments.

- **Geographic Information Systems and Data Clearinghouse:** Regional planning councils are leaders in geographic information systems mapping and data support systems. Many local governments rely on regional planning councils for these services.

Agenda Item

Agenda Item

2

Pledge of Allegiance 2

2

Agenda Item

Agenda Item

4

Public Comments 4

4

Agenda Item

5

Agenda 5

5

Agenda Item

MINUTES OF THE
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
NOVEMBER 21, 2013 MEETING

The meeting of the **Southwest Florida Regional Planning Council** was held on **November 21, 2013** at the offices of the Southwest Florida Regional Planning Council – 1st Floor Conference Room at 1926 Victoria Avenue in Fort Myers, Florida. **Chair Karson Turner** called the meeting to order at **9:03 AM.** Commissioner Mann then led an invocation and the Pledge of Allegiance. Administrative Specialist II, Nichole Gwinnett conducted the roll call.

MEMBERS PRESENT

Charlotte County: Commissioner Chris Constance, Commissioner Tricia Duffy, Councilwoman Nancy Prafke, Ms. Suzanne Graham, Mr. Don McCormick

Collier County: Commissioner Tim Nance, Mr. Bob Mulhere, Mr. Alan Reynolds

Glades County: Mr. Thomas Perry

Hendry County: Commissioner Karson Turner, Commissioner Don Davis

Lee County: Commissioner Frank Mann, Commissioner John Manning, Vice Mayor Joe Kosinski, Vice Mayor Doug Congress, Councilman Jim Burch and alternate Councilman Rick Williams, Ms. Laura Holquist

Sarasota County: Commissioner Charles Hines, Councilman Kit McKeon, Commissioner Cheryl Cook for Commissioner Tom Jones

Ex-Officio Members: Mr. Jon Iglehart – FDEP, Mr. Phil Flood – SFWMD, Ms. Melissa Dickens – SWFWMD

MEMBERS ABSENT

Charlotte County: None

Collier County: Commissioner Tom Henning, Councilwoman Teresa Heitmann

Glades County: Councilwoman Pat Lucas, Commissioner Dennis Griffin, Commissioner Tim Stanley

Hendry County: Commissioner Daniel Akin, Mayor Phillip Roland, Mr. Melvin Karau

Lee County: Councilman Forrest Banks, Councilwoman Martha Simons

Sarasota County: Commissioner Carolyn Mason, Vice Mayor Willie Shaw, Mr. Felipe Colón

Ex-Officio Membership: Ms. Carmen Monroy – FDOT

INTRODUCTIONS

Chair Turner welcomed the following new members to the Council.

1. Commissioner John Manning – Lee County BCC
2. Councilman Jim Burch – City of Cape Coral
3. Councilman Rick Williams – City of Cape Coral (alternate)
4. Councilwoman Nancy Prafke – City of Punta Gorda
5. Mr. Don McCormick – Charlotte County Governor Appointee
6. Ms. Suzanne Graham – Charlotte County Governor Appointee

Chair Turner also welcomed Diana McGee from US Senator Nelson's office.

AGENDA ITEM #4
PUBLIC COMMENTS

No public comments were given at this time.

AGENDA ITEM #5
AGENDA

Commissioner Manning made a motion to approve the agenda as presented and Councilman Burch seconded the motion. The motion carried unanimously.

AGENDA ITEM #6
Minutes of the October 17, 2013 Meeting

Commissioner Nance made a motion to approve the minutes of the October 17, 2013 Meeting and Commissioner Manning seconded the motion. The motion carried unanimously.

AGENDA ITEM #7(a)
December 19, 2013 SWFRPC Board Meeting Discussion

Ms. Wuerstle presented the item. She asked the members that since the December 19 meeting was so close to the holidays if they would like to cancel the meeting.

A motion was made by Commissioner Davis to cancel the SWFRPC's December 19, 2013 board meeting. The motion was seconded by Commissioner Manning.

Mr. Mulhere asked Ms. Wuerstle if there were any items with important timeframe issues that may be affected by the cancellation of the December 19 SWFRPC board meeting. Ms. Wuerstle noted that with the anticipation of the cancellation of the December meeting, staff had moved up a couple of items to this month's agenda.

The motion carried unanimously.

AGENDA ITEM #7(b)
2014 Nominations Committee Discussion

Ms. Wuerstle explained that with the cancellation of the December SWFRPC meeting, the Council needed to appoint a Nominations Committee to select the slate of officers for 2014.

Chair Turner appointed the following members to the Nominations Committee.

1. Commissioner Frank Mann – Lee County BCC
2. Mr. Phil Flood – SFWMD
3. Commissioner Cheryl Cook – City of North Port

AGENDA ITEM #7(c)
FY14 NEA Our Town Grant Application Discussion

Ms. Wuerstle gave an overview of the grant application. She then explained that she was requesting a commitment in the form of a letter from the Council of $60,000 ($5,000 per county) over a two year period which would come out of the Council's local funds.

Chair Turner stated that he felt that this was another area where the Council was going to justify its existence with its economic development platform.

Councilman Burch explained that he wanted clarification that all of its benefits get disbursed throughout the region so it would be the knowledge obtained that would make it a successful project.

A motion was made by Mr. Mulhere to have the Council direct staff to draft a letter for the Chair's signature in support of the FY14 NEA Our Town Grant Application. The motion was seconded by Councilman McKeon. The motion passed unanimously.

AGENDA ITEM #7
DIRECTOR'S COMMENTS

Ms. Wuerstle presented the item. She explained that there was a need to re-establish the Council's Energy and Climate Committee in order to fulfill a requirement for the Solar Ready II grant that was recently awarded.

The following members volunteered to participate on the subcommittee.

1. Ms. Melissa Dickens – SWFWMD
2. Mr. Don McCormick – Charlotte County Governor Appointee
3. Mr. Phil Flood – SFWMD
4. Mr. Alan Reynolds – Collier County Governor Appointee

Ms. Wuerstle presented and the distributed a proclamation from FRCA declaring April 17, 2014 as Military Family and Community Covenant Day. FRCA was requesting support from all of the RPCs.

A motion was made by Commissioner Constance to approve FRCA's Proclamation declaring April 17, 2014 as Military Family and Community Covenant Day. The motion was seconded by Mr. Mulhere. The motion passed unanimously.

AGENDA ITEM #8(a)
Grant Activity Sheet

The grant activity sheet was presented in the packet as an information item.

AGENDA ITEM #9
CONSENT AGENDA

Commissioner Mann pulled Consent Agenda Items #9(f) Babcock Ranch MDO DRI – NOPC and 9(g) Babcock Ranch IDO DRI – NOPC for discussion purposes.

Councilman Burch pulled Consent Agenda Item #9(c) Sarasota County Comprehensive Plan Amendment (DEO 13-1ESR) for discussion purposes.

Commissioner Manning made a motion to approve the balance of the consent agenda: Agenda Item #9(a) Intergovernmental Coordination and Review; Agenda Item #9(b) Financial Statement for October 31, 2013; Agenda Item #9(d) City of LaBelle Comprehensive Plan Amendment (DEO 13-2ESR); and Agenda Item #9(e) Coconut Point DRI - NOPC. Vice Mayor Congress seconded the motion and the motion passed unanimously.

AGENDA ITEM #9(c)
Sarasota County Comprehensive Plan Amendment (DEO 13-1ESR)

Mr. Crawford presented the item.

Councilman Burch stated that Mr. Crawford answered his question in his presentation.

A motion was made by Mr. Mulhere to approve staff comments and authorize staff to forward comments to the Department of Economic Opportunity and Sarasota County. The motion was seconded by Mr. McCormick. The motion passed unanimously.

AGENDA ITEM #9(f)
Babcock Ranch MDO DRI – NOPC

Commissioner Mann stated that he usually always took the opportunity to make a comment on the Babcock Ranch Community. He then explained that he is still very concerned about the impacts to Lee County's roadways, i.e. SR31, and the Wilson Pigott Bridge on SR31, and the infrastructure in Lee County. He said that he just wanted everyone to be cognizant of what had happened in the past as the project moves forward.

Mr. David Crawford of staff gave a background overview of the Babcock Ranch project for the new members of the Council, he then presented both items, Agenda Item #9(f) Babcock Ranch MDO DRI – NOPC and Agenda Item #9(g) Babcock Ranch IDO DRI – NOPC.

Commissioner Constance gave Charlotte County's evaluation of the project.

Commissioner Mann asked Mr. Crawford if there were any changes to the access to SR31. Mr. Crawford explained that there weren't any changes made regarding the access to SR31.

A motion was made by Commissioner Mann to approve staff recommendations for both Agenda Item #9(f) Babcock Ranch MDO DRI – NOPC and Agenda Item #9(g) Babcock Ranch IDO DRI – NOPC as presented. The motion was seconded by Commissioner Constance.

Commissioner Duffy thanked Commissioner Mann for his comments. She then said that she wanted to assure everyone that the development would make everyone happy, including all of Lee County's residents because the development will provide jobs. She stated that she would provide Commissioner Mann with the transportation plans in order to make him feel more comfortable. The citizens of Lee County will not be expected to pay for the transportation improvements.

Commissioner Mann thanked Charlotte County for the way the current discussion had been handled.

Mr. Reynolds stated that he needed to abstain from voting on the two items.

Mr. Sam Lee of Lee County's Division of Natural Resources asked if the proposed changes addressed flood, runoff and environmental sensitive areas of the Babcock Ranch Community. Mr. Crawford explained that the MDO assessed the entire project and the impacts of the entire project as it went through the DRI process. The 992 acres were analyzed through the MDO.

Commissioner Mann asked if there was any further review required by the SFWMD. Mr. Crawford explained that the applicant is required to obtain their water management permits for each segment of the project.

Chair Turner asked Mr. Lee if he was presenting on behalf of Lee County's Division of Natural Resources. Mr. Lee replied that he was. Both Commissioner Duffy and Commissioner Manning stated it was inappropriate. Commissioner Manning noted that he had requested the Chair ask Mr. Lee the question.

Mr. Perry stated that he needed to abstain from voting on the two items.

Councilman Burch stated that he assumed with Commissioner Duffy's comments regarding the creation of Lee County jobs, Charlotte County would take a provincial stance with the development of the property and request that local preference be given. Commissioner Duffy stated that Charlotte County has a local preference, but it doesn't apply to this project. Commissioner Constance noted that part of Charlotte County's preference includes both Lee and Sarasota Counties, but local preference is regional.

Ms. Graham stated that he needed to abstain from voting on the two items.

The motion passed with Mr. Reynolds, Mr. Perry and Ms. Graham abstaining.

AGENDA ITEM #10(a)
SWFRPC & CHNEP Relationship as it pertains to the Charlotte Harbor NEP Water Atlas Implementation Project

Dr. Beever presented the item.

Commissioner Constance asked Dr. Beever if it was safe to say during the inception of the CHNEP in 1995 the SWFRPC supported the CHNEP and now during these lean development times it has been the CHNEP grant funding, that supported RPC staff time. Dr. Beever explained that the CHNEP has always paid an indirect expense.

Ms. Wuerstle stated that she believed that the original intention was the CHNEP would be a stand-alone entity that funded itself. Dr. Beever said that was correct.

Commissioner Mann requested a copy of the slide illustrating the spike involving the Ceitus Boat Lift.

Commissioner Manning stated that Lee County is very heavily involved within the nutrient pollution debate and then asked Dr. Beever if the CHNEP had stopped the discussion or debate process and where the county goes from here. He wanted to know if the county was going to be regulated by the federal government who has ineffective data that doesn't match what the reality on the ground. Dr. Beever explained that she believed that the federal government took a lite touch to it. When FDEP establishes TMDLs it is based on recent data in the five-year cycle. When FDEP determined that there is no impairment in a water body, it comes under the 1998 Descent Decree that EPA has had with Earth Justice. They are obligated by law to establish a total maximum daily load.

Commissioner Manning asked Mr. Iglehart if FDEP was involved with EPA in the determination of TMDLs. Mr. Iglehart explained that the group was originally located within regulatory FDEP, but they have now split off into a separate branch under the Secretary and they work directly with EPA. The head of the group used to work for EPA. Commissioner Manning asked if the counties' interest was being upheld to the best extent possible. Mr. Iglehart said that he believed they were.

Councilman Burch asked Dr. Beever about the boundary limits of the study. Dr. Beever responded by saying that it includes the CHNEP's seven county study area.

The CHNEP's 2014 Calendar was distributed at this time and Dr. Beever gave an overview of some of the upcoming CHNEP events.

Commissioner Constance requested that a policy be created where PowerPoint presentations are included within the agenda packets. Ms. Wuerstle explained that it could be done; however, it would slow the process down due to timeframes and schedules. She noted that handouts can be distributed at the meeting without having to change the current schedule.

Commissioner Constance requested that if there was no way of meeting the deadline to have paper copies made available at the meeting.

Vice Mayor Congress suggested sending the information out as "supplemental information" and once the item(s) have been finalized to send out the information by email. Ms. Wuerstle agreed.

Ms. Holquist suggested that in order to save paper, just send out notification to the members and have it available on the Council's website.

AGENDA ITEM #10(b)
Estero Bay Agency on Bay Management

The latest meeting minutes were presented in the packet as an information item.

AGENDA ITEM #10(c)
Solar Friendly BMPs for the Solar Ready II Grant

Ms. Pellechio presented the item.

AGENDA ITEM #10(d)
SWFRPC Legislative Affairs Committee Report

Vice Mayor Congress presented the item.

Commissioner Cook referred to the discussion on the FEMA maps and said that she was under the impression that Governor Scott recently asked the Feds to defer any decisions on the Biggert Waters Act. Vice Mayor Congress explained that the RPC's legislative priorities are requesting to have the brakes put on regarding this issue until the study is completed.

Commissioner Constance noted that he recently attended the FAC Legislative meeting and one of the items that caught his attention was the fact that since its inception Florida gave close to $17 billion to the National Flood Insurance program and only have taken approximately $3.7 billion out of the program. Florida is currently supplementing 37% of the National Flood Insurance Program. If we are policing ourselves properly and we are paying in way more than what we are taking out and the system is falling apart, maybe the idea is to just self-insure within the State of Florida.

Discussion ensued on the issue of self-insure.

Chair Turner suggested adding an agriculture component to the 2015 legislative priorities.

Commissioner Constance requested clarification of the Council's legislative priority process. Chair Turner explained the Council discusses various legislative issues throughout the year. The Council's Legislative Committee is comprised of members of the Council who discusses those particular issues and makes a recommendation to the Council of the legislative priorities.

Commissioner Constance asked what happens when cities and counties submit their legislative priorities to staff. Ms. Wuerstle explained that staff had sent out requests to all Council members requesting a list of their legislative priorities/issues. Then staff compiles the issues received and brings them back to the subcommittee for their input. The Council and subcommittee stated that they didn't want any more than three items.

Discussion ensued.

Commissioner Duffy said that there was one issue that could be done as a region in a positive manner, the Consultants Competitive Negotiation Act (CCNA). She explained that municipalities were not allowed to take into consideration costs and fees as a factor in the bidding process. She noted that Charlotte County feels that is very important and wants it changed.

Commissioner Constance stated that the Council's legislative priorities needed to be updated on a regular basis. He said that it also will need to be done on the city and county level based upon the legislative calendar.

Mr. Mulhere suggested creating a legislative platform that would be more "general" in nature and would focus on regional issues with respect to the legislature's actions on those issues.

Vice Mayor Congress stated that he agreed with Mr. Mulhere's comments. He said that he believed that the process was fluid, but needed time tables and cut off dates.

Commissioner Duffy recommended inviting the legislators to a Council meeting. Ms. Wuerstle stated that staff will work on it; however, staff did send out invitations in the recent past and only one legislator RSVP'd and then the meeting they had chosen was cancelled.

Commissioner Nance stated that he would like to discuss a companion item regarding the Southwest Florida Research and Education Center. He explained that agriculture industry members have made a movement to reform the old Southwest Florida Ag Council. He recently attended a reorganization meeting along with Commissioner Turner. The large land owners throughout the region are discussing action that needs to be taken to support the budget amendment that would be necessary to continue to fund the research center. Across the Southwest Florida Region there is between a $6-7 billion impact and the research center is the region's best and only portal to the University of Florida, which doesn't only support active agriculture industries, but also the natural resources, water management and economic development interests.

Commissioner Nance said that it was requested to bring the request to the RPC to ask for each of the board of county commissioners and municipalities consider of adopting a resolution in support of the budget amendment in order to support the research and education center moving forward. This request is being made because it will take a legislative budget amendment to deal with what is being requested, including a $4.9 million enhancement project.

> **A motion was made by Commissioner Nance to direct staff to work together with Commissioner Turner to draft a resolution in support of a budgetary amendment to support the research and education center, in addition to placing it on the legislative priorities list. The motion was seconded by Commissioner Manning.**

Councilman Burch asked for clarification and Commissioner Nance explained the issue.

The motion passed unanimously.

A motion was made by Vice Mayor Congress to accept the SWFRPC's legislative priorities as presented. The motion was seconded by Commissioner Cook.

Commissioner Constance asked what the issue cutoff dates are. Vice Mayor Congress explained that it was the committee's goal to obtain consensus from the Council to move forward with having staff present them accordingly. He then said that he didn't see why the list couldn't continually evolve.

Commissioner Constance explained that the Small County Coalition for Lobbyists set up principals, priorities and policy statements. He said that the SWFRPC needs to determine their policy statement, three priorities and also a list of policy statements.

The motion passed unanimously.

AGENDA ITEM #11(a)
FDEP Surplus Lands Background and Update

Mr. Iglehart presented the item.

Commissioner Mann explained that Lee County had already passed a resolution opposed to having the Cayo Costa parcels on the surplus list. He then asked if the SWFRPC had taken a position on any of the parcels. Chair Turner explained that the Council discussed drafting a letter at their October meeting; however, the Council decided to have more information presented before making a recommendation. Commissioner Mann suggested having the items placed on the January agenda in order to draft a resolution.

Mr. Perry suggested that staff present any reason(s) that those parcels should not be on the list.

AGENDA ITEM #11(b)
Broadband Presentation

The Broadband project video was shown at this time.

Ms. Pellechio gave an overview of the project.

Mr. John Honker of Magellan Advisors presented the Broadband Plan.

Ms. Pellechio explained that the Broadband committees had recommended that the SWFRPC endorse the plan and also support the plan at local jurisdiction implementation. She announced that the Bonita Springs Chamber of Commerce published an article on the Broadband Plan along with sending the information out by press releases. She said that due to the lack of a quorum currently, she entertains any questions.

Chair Turner asked why broadband is being driven by government and not by public enterprise. Mr. Honker explained that it is driven by both and that is because if you are not in downtown Miami, Orlando or Tampa those types of services are not available, which is a supply and demand issue. Southwest Florida is less urbanized than those communities and as a result there is lower demand and there is less investment from the private sector in these areas. The government's role is not to compete with the private sector, but to utilize their public assets where possible in order to help the private sector access those communities.

Mr. Perry asked what the action items were. Mr. Honker explained that the action items are to positively impact education and adoption in Southwest Florida of broadband services. Mr. Perry stated that is a concept, not an action plan. Mr. Honker explained that the goals of the strategic plan lay out what the strategic goals are and as a follow-up the local governments look at the implementation plan.

AGENDA ITEM #12
NEW BUSINESS

Ms. Holquist announced that on November 8 there was a forum held for the Economic Development Initiative of Southwest Florida and requested that the Economic Development Initiative of Southwest Florida be placed on the Council's January agenda for discussion. She also noted that the website is scheduled to be launched in January and it has a five county area represented (Lee, Collier, Hendry, Glades and Charlotte), while to date the Initiative had only included Lee and Collier Counties. They are at a point to creating an entity to manage the website and data repository. It is an outreach program to bring businesses to Southwest Florida.

AGENDA ITEM #13
STATE AGENCIES COMMENTS/REPORTS

SWFWMD – Ms. Dickens announced that staff was currently reviewing their cooperative funding initiative applications and are making the preliminary recommendations at the beginning of December. The first internal ranking meeting will be held in January. There will be two public meetings held in the spring in each region to discuss the cooperative funding.

AGENDA ITEM #14
COUNCIL ATTORNEY'S COMMENTS

Counsel McCabe stated that he had no comments at this time.

AGENDA ITEM #15
COUNCIL MEMBERS' COMMENTS

Mr. McCormick thanked Mr. McCabe for his presentation at Charlotte County's Legislative Delegation meeting.

Commissioner Mann gave a general overview of the ABM, he then asked that now that FGCU is nearly completed why does the ABM still exist and why should Lee County continue to pay

when other stakeholders do not contribute. He asked if staff could review the nature of the settlement agreement which created the ABM and does the obligation continue for life and if it is not funded then what is the obligation. He said that he feels that it is a duplicative effort.

Councilman Burch asked who were the parties in the settlement agreement. If it is between Lee County and the SFWMD, then he feels that both Lee County and SFWMD should be renewing their contracts. Commissioner Mann said that he wasn't sure if the agreement was required to be renewed.

Mr. Beever noted that the ABM's Settlement Agreement was located on the SWFRPC's website.

Commissioner Mann requested that it be discussed by the Council and also have a legal opinion as to the obligation.

AGENDA ITEM #16
ADJOURNMENT

The meeting was adjourned at 11:52 a.m.

_____
Commissioner Tom Jones, Secretary

The meeting was duly advertised in the November 4, 2013 issue of the FLORIDA ADMINISTRATIVE REGISTER, Volume 39, Number 215.

Agenda Item

7

Director’s Report 7

7

Timeline of Modern Fertilizer Ordinances in Southwest Florida

Jurisdiction	First Adopted (Improved Amendment)	Stricter Than State Standard (87.5%)
City of Naples	6-7-2006	Yes
City of Sanibel	3-6-2007 (9-18-2007)	Yes
Sarasota County	8-27-2007	Yes
City of Sarasota and City of Venice	10-15-2007	Yes
Charlotte County	3-18-2008 (6-14-2011)	Yes
City of North Port	11-26-2007	Yes
Town of Longboat Key	5-5-2008	Yes
Lee County	5-13-2008	Yes
City of Fort Myers	11-17-2008	Yes
Town of Fort Myers Beach	12-18-2008	Yes
City of Bonita Springs	11-19-2008	Yes
City of Marco Island	12-30-2009	Yes
City of Cape Coral	11-29-2010	Yes
Hendry County	4-12-2011	No
Collier County	6-26 -2011	No
City of Punta Gorda	6-6-2012	Yes

Fertilizer Ordinances

- Today there are 90 Florida jurisdictions with local fertilizer ordinances (21 Counties and 69 cities).
- 74% of the local fertilizer ordinances are stricter than the State standard.
- There are three (3) currently in draft review.
- In addition to Florida 12 other states have statewide ordinances. 4 other states have local jurisdictions with ordinances.
- Only 1 state (Indiana) had its ordinance removed (unilaterally by the state chemist).

Agenda Item

7a

FRCA's Legislative Guiding Principles and Procedures

7a

7a

Apalachee • Central Florida
East Central Florida • North Central Florida
Northeast Florida • South Florida • Southwest Florida
Tampa Bay • Treasure Coast • West Florida • Withlacoochee

104 West Jefferson Street, Tallahassee, FL 32301-1713 • 850.224.3427

FLORIDA REGIONAL COUNCILS ASSOCIATION

LEGISLATIVE GUIDING PRINCIPLES AND PROCEDURES

January 11, 2013

GUIDING PRINCIPLES

1. Anyone who represents the interests of the Florida Regional Councils Association (FRCA) and its member councils, including staff, directors and policy board members, shall do so consistent with the guiding principles and procedures contained herein.

2. Anyone who represents the interests of FRCA shall exclusively represent those interests on any particular issue and shall not represent the separate interests of their individual Council, private or public client, local government or any other stakeholder involved in the process on that same issue.

3. Individual Councils are discouraged from pursuing unilateral legislative initiatives and are encouraged to work through FRCA in a coordinated effort involving all Councils. However, should a single Council or group of Councils decide to undertake legislative initiatives such decision shall be immediately disclosed to the Executive Director and the Chair of the Executive Directors Advisory Committee (EDAC).

4. Anyone who represents the interests of FRCA who has a conflict of interest on any particular FRCA issue shall immediately disclose that conflict to the Association's Executive Director, Executive Directors Advisory Committee (EDAC) Chair and President of the FRCA Policy Board. The Board President, in consultation with the EDAC Chair, shall determine if the nature of the conflict is sufficient that the party in question needs to recuse his/herself or firm/agency from further FRCA representation on that issue.

5. Anyone who represents the interests of FRCA and it is determined by the Policy Board President, in consultation with the EDAC Chair, to have an undisclosed conflict of interest shall be subject to sanctions up to and including dismissal (in the case of compensated contractors), ban from further representation or other sanctions deemed appropriate.

PROCEDURES

Annually, the EDAC shall submit a Legislative Strategy and Policy document to the Policy Board for their consideration at their winter meeting. Prior to adoption and public release of any FRCA or RPC legislative proposals or specific policy initiatives, the Executive Director, Policy Board President, EDAC Chair or an agreed upon designee shall, at a minimum, discuss these proposals or initiatives with its partners, including the Florida League of Cities, Florida Association of Counties and the Secretary of the DCA to obtain feedback and gauge the level of support or opposition to such proposals and initiatives. The EDAC Chair shall report to and consult with the members of EDAC, in a timely fashion, on the outcome of these discussions and shall make a recommendation to the Executive Director and Policy Board President on whether to proceed with the adoption and public release of legislative proposals or specific policy initiatives.

1. Upon adoption, the Strategy and Policies adopted shall guide the Association and its representatives throughout the Legislative Session.

2. When and where the Legislative Strategy and Policy needs interpretation and/or when the Association is faced with responding to or taking a position on areas not covered in that document, a conference call between the Executive Director, Policy Board President and EDAC Chair shall be convened to address the issue and the Policy Board President shall make a decision as how to proceed on behalf of FRCA. The EDAC Chair shall report to the members of the EDAC, in a timely fashion, the nature of the issue/subject to the call and the disposition thereof.

Apalachee • Central Florida
East Central Florida • North Central Florida
Northeast Florida • South Florida • Southwest Florida
Tampa Bay • Treasure Coast • West Florida • Withlacoochee

104 West Jefferson Street, Tallahassee, FL 32301-1713 • 850.224.3427

FLORIDA REGIONAL COUNCILS ASSOCIATION

LEGISLATIVE GUIDING PRINCIPLES AND PROCEDURES - DRAFT

INTERNAL GUIDANCE

January 9, 2014

GUIDING PRINCIPLES

1. Anyone who represents the interests of the Florida Regional Councils Association (FRCA) and its member councils, including staff, directors and policy board members, shall do so consistent with the guiding principles and procedures contained herein.

2. Anyone who represents the interests of FRCA shall exclusively represent those interests on any particular issue and shall not represent the separate interests of their individual Council, private or public client, local government or any other stakeholder involved in the process on that same issue.

3. Individual Councils are discouraged from pursuing unilateral legislative initiatives and are encouraged to work through FRCA in a coordinated effort involving all Councils. However, should a single Council or group of Councils decide to undertake legislative initiatives, such decision shall be immediately disclosed to the Executive Director and the Chair of the Executive Directors Advisory Committee (EDAC).

4. Anyone who represents the interests of FRCA who has a conflict of interest on any particular FRCA issue shall immediately disclose that conflict to the Association's Executive Director, EDAC Chair and President of the FRCA Policy Board. The Board President, in consultation with the EDAC Chair, shall determine if the nature of the conflict is sufficient that the party in question should be advised to recuse his/herself or firm/agency from further FRCA representation on that issue.

5. Anyone who represents the interests of FRCA and it is determined by the Policy Board President, in consultation with the EDAC Chair, to have an undisclosed conflict of interest shall be advised s to recuse his/herself or firm/agency from further FRCA representation on that issue. This issue will be placed on the next FRCA Policy Board for further consideration.

PROCEDURES

Annually, the EDAC shall submit a Legislative Agenda document to the Policy Board for consideration at its winter meeting.

1. Upon adoption the Legislative Agenda shall be shared with the Florida Association of Counties, Florida League of Cities, the Small County Coalition and others as deemed appropriate.

2. The Legislative Agenda shall guide the Association and its representatives throughout the Legislative Session.

3. When and where the Legislative Agenda needs interpretation and/or when the Association is faced with responding to or taking a position on areas not covered in that document, a conference call between the Executive Director, Policy Board President and EDAC Chair and Vice-Chair shall be convened to address the issue and the Policy Board President shall make a decision as how to proceed on behalf of FRCA. The EDAC Chair shall report to the members of the EDAC, in a timely fashion, the nature of the issue/subject of the call and the disposition thereof.

Apalachee • Central Florida
East Central Florida • North Central Florida
Northeast Florida • South Florida • Southwest Florida
Tampa Bay • Treasure Coast • West Florida • Withlacoochee

104 West Jefferson Street, Tallahassee, FL 32301-1713 • 850.224.3427

FLORIDA REGIONAL COUNCILS ASSOCIATION

2014 LEGISLATIVE AGENDA - DRAFT

January 9, 2014

Regional planning councils are an extension of the local governments they serve, providing services and programs that meet the needs of their local governments. Florida Statutes recognize regional planning councils as *"Florida's only multipurpose regional entities that plan for and coordinate intergovernmental solutions on multi-jurisdictional issues, support regional economic development, and provide assistance to local governments."*

The Florida Regional Councils Association, a union of Florida's 11 regional planning councils, serves to strengthen the consistency and quality of regional planning council programs to add value to state, regional, and local initiatives, to ensure economic prosperity. To that end, the Florida Regional Councils Association Policy Board adopted the following priorities for the 2014 Legislative Session:

Talent Supply & Education

The Florida Regional Councils Association supports enhanced economic competitiveness, which must include an emphasis on Science, Technology, Engineering, and Math (STEM) in public education.

Innovation & Economic Development

The Florida Regional Councils Association supports full funding of regional planning councils to, at a minimum, cover the costs of statutory responsibilities; provide support to state and regional economic development initiatives and activities; provide assistance to local economic development organizations; and, leverage the role of regional planning councils as federally designated economic development districts.

Infrastructure & Growth Leadership

The Florida Regional Councils Association supports a continued state role in Florida's growth management process as defined by a policy framework that identifies compelling state interests.

The Florida Regional Councils Association supports future transportation corridors that are consistent with regional visions and further the regional Comprehensive Economic Development Strategies of Florida's eleven federally designated Economic Development Districts.

Business Climate & Competitiveness

The Florida Regional Councils Association supports a strong, but fair, development impact mitigation process to address extra-jurisdictional impacts and impacts to regional resources and facilities.

The Florida Regional Councils Association supports the unlimited ability of a regional planning council to provide planning and technical services for a fee.

Civic & Governance Systems

The Florida Regional Councils Association supports the positions and policies of organizations that share a common membership with regional planning councils including the Florida Association of Counties, Florida League of Cities, and Small County Coalition, and which are of mutual interest and concern.

Quality of Life & Quality Places

The Florida Regional Councils Association supports regional visioning as a means to guide the future of Florida, and serve as the basis for strategic statewide planning and budgeting initiatives.

Agenda Item

7b

FEMA’s Response Letter Regarding the Biggert Waters Act

7b

7b

U.S. Department of Homeland Security
500 C Street, SW
Washington, DC 20472

FEMA

NOV 18 2013

Received
NOV 25 2013
SWFRPC

Ms. Margaret Wuerstle, AICP
Executive Director
Southwest Florida Regional Planning Council
1926 Victoria Avenue
Fort Myers, Florida 33901-3414

Dear Ms. Wuerstle:

Thank you for your letter dated October 23, 2013, to William C. Fugate, Administrator of the Federal Emergency Management Agency (FEMA), Department of Homeland Security. In your letter, you expressed concern about the impact of the Biggert-Waters National Flood Insurance Reform Act of 2012 on the residents and businesses of southwest Florida. You requested a delay in the implementation of the new actuarial risk-based premium rates and an extension of the time frame for full implementation of the premium adjustments.

FEMA is working to address your concerns, but additional time is needed to respond. In order to conduct a comprehensive assessment, FEMA must review all information relevant to your request. I will notify you in writing of the results within 60 days of the date of this letter.

Thank you for your cooperation while this review is being conducted. If you need additional information or assistance in the interim, please contact John Hintermister of my staff by telephone at (202) 212-2214.

Sincerely,

Edward L. Connor

Edward L. Connor
Deputy Associate Administrator for Federal Insurance

EC:jh

Agenda Item

8

Staff Summaries 8

8

Agenda Item

8a

Grant Activity Sheet (Information Only)

8a

8a

#	Awarded	Funding Agency	Owner	Project Name	App Due Date	Date Submitted	Project Total	RPC Amt	Deliverables	Total Match Amt-RPC
1	Yes	Visit Florida	Jennifer Pellechio	Our Creative Economy: Southwest Florida Regional Strategy for Public Art	2/22/2013	2/22/2013	$10,000.00	$5,000.00	Logo & meeting results	$5,000.00
2	Yes	DEO	Jennifer Pellechio	Regional Economic Development Initiative – Business Outreach			$15,000.00	$15,000.00	Business Plan	
3	Yes	CTD	Nichole Gwinnett	FY2013-14 Planning Grant for Glades-Hendry Service Area			$38,637.00	$38,637.00	TDSP Update, CTC Evaluation, LCB Quarterly Meetings, By-Laws	$0.00
4	Yes	Southwest Florida Community Foundation	Nichole Gwinnett	Guide & Regional Asset Mapping of Public Arts			$30,000.00	$15,000.00	The Southwest Florida Regional Planning Council, in partnership with the Lee County Alliance for the Arts and the Lee County Tourism Development Council, proposes to identify, map and document existing public art and public art venues in Lee County. A Field Guide to the Public Art of Lee County will assist residents, visitors and tourists to find public art geographically and in temporal space (for regularly scheduled events) in electronic and print media. The deliverables from this project will be incorporated into the overall regional strategy.	$15,000.00
5	Yes	DOE (Department of Energy)	Rebekah Harp	Solar Ready II		3/22/2013	$140,000.00	$90,000.00	Recruit local governments to review and adopt BMPs. Host stakeholder meetings and/or training programs, providing technical assistance to local governments as needed, and tracking any policy adoptions and local government feedback.	$50,000.00

#	Awarded	Funding Agency	Owner	Project Name	App Due Date	Date Submitted	Project Total	RPC Amt	Deliverables	Total Match Amt-RPC
6	Yes	LeeTran	Jennifer Pellechio	VA Transportation Planning Study		10/1/2012	$1,300,000.00	$50,000.00	1. Create a Technical Stakeholder Committee 2. Identify barriers and develop a proposed plan of action to address barriers establishing a regional profile. The study will provide a regional profile, which will map existing services, networks and resources 3. Non-Traditional Outreach Component 4. Develop a Planning Study for the six county region that presents regional profile; identifies barriers, gaps and needs; and proposes potential solutions.	$0.00
7	Yes	County - Glades	John Gibbons	SQG Glades			$3,900.00	$3,900.00		
8	Yes	EPA	Jim Beever	A Unified Conservation Easement Mapping and Database for the State of Florida	04/15/2013	4/8/2013	$294,496.00	$148,996.00	GIS database with Conservation Easements	$145,500.00
9	Yes	N/A	Jim Beever	Estero Bay ABM			$12,000.00	$10,000.00	City of Bonita Springs approved to provide $4,000 to the SWFRPC for the ABM (FY2013/14) of which $1,000 would go to the ABM general fund and $3,000 toward funding the ABM State of the Bay report. Also, the SWFRPC would contribute $2,000 of the local assessment. FGCU contributed $2,500 for FY13.	$2,000.00
10	Yes	Mosaic	Judy Ott	Coral Creek Restoration: Monitoring Juvenile Fish Habitat	9/30/13	9/30/2013	$50,000.00	$50,000.00	Quarterly monitoring reports	
11	Yes	DEO	Jennifer Pellechio	Vision and Implementation Plan			$25,000.00	$12,500.00	Mission, Goals & Objectives, Draft Plan, Final Plan	$0.00

#	Awarded	Funding Agency	Owner	Project Name	App Due Date	Date Submitted	Project Total	RPC Amt	Deliverables	Total Match Amt-RPC
12	Yes	DEM	John Gibbons	IECGP Training Grant Program	11/6/13	11/6/13	$7,000.00	$7,000.00	Location and coordination of suitable training facility and requirements to produce class roster; class evaluation sheets and the execution of the Florida DEM Course Manager's Package	$0.00
13	Yes	EPA	Jim Beever	WQFAM			$160,000.00	$160,000.00		
14	To Be Submitted	USDA	Barbara Barnes-Buchanan	Solid Waste Management Technical Assistance	1/31/14					
15	To Be Submitted	SeaWorld & Bush Gardens Conservation Fund	Liz Donley	Monofilament Cleanup	1/1/14		$220,000.00		Needs assessment, monofilament clean-up	
16	To Be Submitted	Multiple Agencies	Liz Donley	Neighborhood Lakes and Ponds	2/5/14		$60,000.00	$5,000.00	Video presentations, workshops, micro-grants	
17	To Be Submitted	EPA	Jennifer Pellechio	FY14 Brownfields Assessment Grant	1/22/14		$600,000.00			
18	To Be Submitted	National Endowment for the Arts	Margaret Wuerstle	"Our Creative Economy"	1/13/14				•Asset Mapping •A Regional Strategy for Enhancing Public Art: A SWOT •Southwest Florida's Public Art and Cultural Venues Field and Tour Guide	
19	To Be Submitted	Collier County Community Foundation	Rebekah Harp	GIS/App Training in Coordination for Regional Public Arts Grant			$1,500.00	$1,500.00		

#	Awarded	Funding Agency	Owner	Project Name	App Due Date	Date Submitted	Project Total	RPC Amt	Deliverables	Total Match Amt-RPC
20	Pending	Chichester duPont Foundation	Margaret Wuerstle	Sustainable Southwest Florida Farmlands Initiative	9/1/13	8/30/2013	$85,000.00	$85,000.00	Create a working committee, meetings, SWOT analysis, develop recommendations for enhancing and preserving agricultural lands, sustainability and climate change analysis, map conservation easements and final report.	
21	Pending	FDEP	Jim Beever	Environmental Services Provided by the Gulf of Mexico	1/7/13	1/7/2013	$500,000.00	$500,000.00		
22	Pending	FDEP	Jim Beever	Resilient and Consistent Coastal Elements for Florida's Gulf Coast (RESTORE)	1/7/13	1/7/2013	$500,000.00	$500,000.00		
23	Pending	FDEP	Margaret Wuerstle	Implement agriculture BMP in the Caloosahatchee Watershed		4/12/2013	$3,000,000.00	$3,000,000.00	Grants to growers to implement BMP. Anticipated to assist 20 growers /year for six years or 120 growers	
24	Pending	The Nature Conservancy	Jim Beever	Application of the SWFRPC Salt Marsh Study Method to Other Areas Around the Gulf of Mexico	Open		$150,000.00	$150,000.00	1.Identification of project area 2.Gathering of GIS mapping data 3.Mapping of salt marshes to type 4.Measurement of the migration movement of the salt marshes 5.Final repor	
25	Pending	FEMA	John Gibbons	Strengthening Resilience Across Whole Communities of Practice: A Regionally-based Virtual Training Approach	8/16/13	8/16/2013	$64,000.00	$64,000.00	National LEPC Training and Exercise Program	$0.00
26	Pending	EDA	Jennifer Pellechio	Advanced Manufacturing in West Central Florida Advanced Manufacturing in West Central Florida An Ecosystem Analysis Supporting Regional Development		12/26/2013		$100,000.00	Regional website, branding strategy, brochures, anaylsis	

#	Awarded	Funding Agency	Owner	Project Name	App Due Date	Date Submitted	Project Total	RPC Amt	Deliverables	Total Match Amt-RPC
27	Pending	Patagonia Foundation	Jim Beever	Walking the Watersheds: Identifying Nutrient and Other Pollution Sources in the Estero Bay Watershed	8/31/13	8/30/2013	$17,237.00	$9,237.24	Identification of the sources of nutrient and other pollution and in the impaired watersheds Involvement citizens in stewardship of those watersheds and increase local involvement in water quality protection Assistance to the water quality agencies to direct restoration and remediation efforts to the sources of water quality impairment.	$7,999.76
28	Pending	Elizabeth Dole Foundation	Margaret Wuerstle	Homeless Veterans Camp	10/15/13	9/9/2013	$150,000.00	$150,000.00	Maps of camp locations and documentation of number of homeless veterans	$0.00
29	Pending	NOAA	Jim Beever	The effects of sea level rise on Total Ecosystem Services Value (TEV) in Southwest Florida	11/14/13	11/13/13	$208,245.74	$200,245.74	TEV valuation of southwest Florida in existing and future climate change scenarios	
30	Pending	EPA	Maran Hilgendorf	Gulf of Mexico Citizens Academy	11/11/13	11/12/13	$151,003.18	$151,003.18	On-line, interactive Citizens Academy with apps for tablets, cell phones, etc.	$0.00
31	Pending	The KEEN Effect	Margaret Wuerstle	Hendry County Big "O" Birding Extravaganza	12/6/13	12/6/13	$20,000.00	$10,000.00		$4,000.00
32	Pending	EDA	Jennifer Pellechio	EDA Planning Grant	01/22/2013	12/18/2013	$189,000.00	$189,000.00		$81,000.00
33	Pending	NOAA	General Partner	“Resilient Coastal Communities” and its National Height Modernization Program (NHMP)	6/21/13	6/21/2013	$50,000.00	$50,000.00	Meetings, workshops, data, new geospatial models	

Agenda Item

9

Consent Agenda 9

9

CONSENT AGENDA SUMMARY

Agenda Item #9(a) – Intergovernmental Coordination and Review

There were two clearinghouse items reviewed during the months of November and December. Staff found the projects to be "Regionally Significant and Consistent" with the SWFRPC's Strategic Regional Policy Plan (SRPP).

RECOMMENDED ACTION:

- Approve the administrative action on the Clearinghouse Review item.

Agenda Item #9(b) – Financial Statements for November 30, 2013 and December 31, 2013

Staff provided the balance sheet, income statement and statement of cash flow for the months of November and December.

RECOMMENDED ACTION:

- Approve the financial statements for the months of November and December.

Agenda Item #9(c) – Broadband Plan

The Southwest Florida Regional Planning Council (SWFRPC) released the Southwest Florida Comprehensive Broadband Plan on September 27, 2013. The pilot planning area for the plan covers Charlotte, Collier and Lee Counties.

For more information about this project and plan the website link is located www.swfrpc.org/broadband.html

RECOMMENDED ACTION:

- To endorse the Broadband Plan and support local jurisdiction implementation.

Agenda Item #9(d) – Glades-Hendry LCB Membership Certification

Pursuant to Chapter 427, Florida Statutes, Rule 41-2, Florida Administrative Code, and at the request of the respective counties, the Southwest Florida Regional Planning Council is the Designated Official Planning Agency for the Transportation Disadvantaged (TD) Program in Glades County and in Hendry County, which is now a joint service area. As the Planning Agency, the Council is responsible for the appointment of members to serve on the Local Coordinating Board.

The individuals listed below have been recommended to serve on the Local Coordinating Board. The Planning Agency must certify the Local Coordinating Board membership each fiscal year and any time the Local Coordinating Board membership changes.

RECOMMENDED ACTIONS:

- Appoint to the LCB:

    a. April White as the member agency representative representing Regional Workforce Development Board.
    b. Thais Kuoman as the alternate agency representative representing Regional Workforce Development Board.
    c. Nancy Acevedo as the alternate agency representative representing local medical community.
    d. Make additional appointments that may be announced.

- Authorize the Chairman to endorse the LCB certification form for the LCB provided in Attachment A.

Agenda Item #9(e) – Southwest Florida Hazardous Materials Training

The Southwest Florida Regional Planning Council (SWFRPC) and the Southwest Florida Local Emergency Planning Committee for Hazardous Materials (LEPC) continues to provide outstanding hazardous materials training and assistance to emergency responders and government officials of the region. As in previous periods, the Southwest Florida LEPC/SWFRPC is providing free training to government employees of the region. Free Emergency Planning & Community Right-To-Act training is also directed to industry. Continuing education and training are essential parts of our mission to provide comprehensive emergency preparedness systems throughout Southwest Florida. Training opportunities can take many forms from informal "in-house" sessions to major full-scale exercises. Listed below are highlights of courses under consideration in Southwest Florida during the month of February 2014.

Course	Date	Location	Attendees
EPCRA Hazardous Materials Awareness Compliance Course	2/7/2014	SWFRPC	Currently 45 registrants
Florida Interoperability Communications Technicians COM-T Training	2/24/2014-2/28/2014	Southwest Florida Public Safety Academy, Fort Myers	(Limited to 15 students)

RECOMMENDED ACTION:

- Information item.

Agenda Item #9(f) – Collier County Comprehensive Plan Amendment (DEO 14-1ESR)

The Council staff has reviewed proposed changes to the Collier County Growth Management Plan (DEO 14-1ESR). These changes were developed as a result of the 2012 Cycle Growth Management Plan amendments. A synopsis of the requirements of the Act and Council responsibilities is provided as Attachment I. Comments are provided in Attachment II. Site location maps can be reviewed in Attachment III.

Staff review of the proposed amendments was based on whether they were likely to be of regional concern. This was determined through assessment of the following factors:

1. Location--in or near a regional resource or regional activity center, such that it impacts the regional resource or facility; on or within one mile of a county boundary; generally applied to sites of five acres or more; size alone is not necessarily a determinant of regional significance;
2. Magnitude--equal to or greater than the threshold for a Development of Regional Impact of the same type (a DRI-related amendment is considered regionally significant); and
3. Character--of a unique type or use, a use of regional significance, or a change in the local comprehensive plan that could be applied throughout the local jurisdiction; updates, editorial revisions, etc. are not regionally significant.

A summary of the results of the review follows:

Proposed Amendment	Factors of Regional Significance: Location	Magnitude	Character	Consistent
DEO 14-1ESR				
(CP-2013-1)	no	no	no	(1) not regionally significant; and (2) consistent with SRPP
(CP-2013-3)	no	no	no	(1) not regionally significant; and (2) consistent with SRPP
(CP-2013-4)	no	no	no	(1) not regionally significant; and (2) consistent with SRPP

RECOMMENDED ACTION:

- Approve staff comments. Authorize staff to forward comments to the Department of Economic Opportunity and Collier County.

Agenda Item #9(g) – Lee County Comprehensive Plan Amendment (DEO 14-1ESR)

Request Summary:

Southwest Florida International Airport – Airport Layout Plan (CPA 2013-03)
The Lee County Port Authority staff, on May 7, 2013, submitted to the Lee County Division of Planning a request to change the Lee Plan to reflect changes that the Airport Authority desired to make to the Airport Layout Plan (ALP), Map 3F. The request stated that the Lee County Port Authority had recently completed a multi-year planning and design analysis and that during that analysis a modification to the proposed runway layout and associated facilities as depicted on the 2004 ALP had changed. The changes were determined by the analysis to provide the most flexibility for the future and the ultimate development of the airport. The changes were submitted to the FAA and approved on August 27, 2013.

Lee Plan Consistency for DRI Review Thresholds (CPA2013-05)
These Lee Plan text amendments will change Policy 18.1.5, Policy 18.1.16, Policy 18.1.16.6, and Policy 18.2.2 in order to make the Lee Plan consistent with the State requirements that prohibit local governments from requiring Development of Regional Impact (DRI) review of projects that do not meet or exceed the established State thresholds for large scale developments. The changes only relate to the University Community land use designation located adjacent to FGCU.

RECOMMENDED ACTIONS:

- **Southwest Florida International Airport – Airport Layout Plan (CPA 2013-03)**
  Council staff has reviewed the proposed ALP amendments to the Lee County Comprehensive Plan and finds that the proposed changes are provided for an updated ALP in order to properly manage the airport. The proposed changes are important for the health, safety and welfare of population of the region. Based on the fact that the requested policy changes to the Lee Plan have been approved by the FAA and in order to bring the airport plan into consistency with the Lee Plan, Council staff finds the proposed amendments are procedural in nature, are regionally important, but do not adversely affect any significant regional resources or facilities that are identified in the Strategic Regional Policy Plan.

- Council staff has reviewed the proposed amendments with respect to extra-jurisdictional impacts on surrounding local government Comprehensive Plans and finds that the proposed amendments do not negatively impact and are not inconsistent with adjacent local governmental Comprehensive Plans.

- **Lee Plan Consistency for DRI Review Thresholds (CPA2013-05)**
  Council staff has reviewed the proposed amendments to the Lee County Comprehensive Plan and finds that the proposed changes are provided for an updated DRI review requirements of the lands located in the University Community land use designation. The proposed changes are important in order to provide consistency between State law and the Lee Plan. Based on the fact that the requested policy changes to the Lee Plan provides consistency with the Lee Plan, Council staff finds the proposed amendments are procedural in nature, are regionally important because it addresses the region reviews of project, but does not adversely affect any significant regional resources or facilities that are identified in the Strategic Regional Policy Plan.

- Council staff has reviewed the proposed amendments with respect to extra-jurisdictional impacts on surrounding local government Comprehensive Plans and finds that the proposed amendments do not negatively impact and are not inconsistent with adjacent local

governmental Comprehensive Plans.

Agenda Item #9(h) – Sarasota County Comprehensive Plan Amendment (DEO 14-1ESR)
This item was withdrawn.

Agenda Item #9(i) – Palmer Ranch Increment MDO

Council Recommendations

On December 18, 1984, the Sarasota County Board of County Commissioners approved the Application for Development Approval for the Palmer Ranch Development of Regional Impact (DRI) with Resolution No. 84-418. On October 17, 2013, the Council recommended approval of the Coconut Point DRI Fourteenth Notice of Proposed Change (NOPC). The approval dealt with changes to the DRI which revised two conditions of the Master Development Order (Resolution No. 91-170, as amended).

Sarasota County Development Order

On November 20, 2013, the Board of Sarasota County Commissioners approved the Palmer Ranch DRI Master Development Order. A copy of the development order was rendered to the Department of Economic Opportunity (DEO) and the Council (SWFRPC) on December 6, 2013. The 45-day appeal period for the DEO Development Order expires on January 20, 2014. Staff has reviewed the attached development order and finds that it is consistent with all regional issues and recommendations identified within the Council's Official Recommendations.

RECOMMENDED ACTION: Approve consent agenda as presented.

Agenda Item

9a

Intergovernmental Coordination & Review

9a

9a

Project Review and Coordination Regional Clearinghouse Review

The attached report summarizes the project notifications received from various governmental and non-governmental agencies seeking federal assistance or permits for the period beginning November 1, 2013 and ending December 31, 2013.

The staff of the Southwest Florida Regional Planning Council reviews various proposals, Notifications of Intent, Preapplications, permit applications, and Environmental Impact Statements for compliance with regional goals, objectives, and policies of the Regional Comprehensive Policy Plan. The staff reviews such items in accordance with the Florida Intergovernmental Coordination and Review Process (Chapter 29I-5, F.A.C.) and adopted regional clearinghouse procedures.

Council staff reviews projects under the following four designations:

> Less Than Regionally Significant and Consistent - no further review of the project can be expected from Council.
>
> Less Than Regionally Significant and Inconsistent - Council does not find the project to be of regional importance, but notes certain concerns as part of its continued monitoring for cumulative impacts within the noted goal areas.
>
> Regionally Significant and Consistent - Project is of regional importance and appears to be consistent with Regional goals, objectives and policies.
>
> Regionally Significant and Inconsistent - Project is of regional importance and appears not to be consistent with Regional goals, objectives, and policies. Council will oppose the project as submitted, but is willing to participate in any efforts to modify the project to mitigate the concerns.

The report includes the SWFRPC number, the applicant name, project description, location, funding or permitting agency, and the amount of federal funding, when applicable. It also includes the comments provided by staff to the applicant and to the FDEP-State Clearinghouse in Tallahassee.

RECOMMENDED ACTION: Approval of the administrative action on Clearinghouse Review items.

1/2014

ICR Council - 2014

SWFRPC #	Name1	Name2	Location	Project Description	Funding Agent	Funding Amount	Council Comments
2013-31	Ms. Michelle Arnold	Collier Co. Divison of Public Services	Collier County	Collier Co. Divison of Public Services - Section 5310 Grant Application - Capital assistance to replace paratransit vehicles that have outlived their useful life in Collier County.	FTA	$681,894.00	Regionally Significant and Consistent
2013-32	Ms. Michelle Arnold	Collier Co. Divison of Public Services	Collier County	Collier Co. Divison of Public Services - Section 5311 Grant Application - Operating assistance to offset cost of public transportation provided in the rural (non-urban) areas of Collier County.	FTA	$809,000.00	Regionally Significant and Consistent

Agenda Item

9b

Financial Statements for November 30, 2013 & December 31, 2013

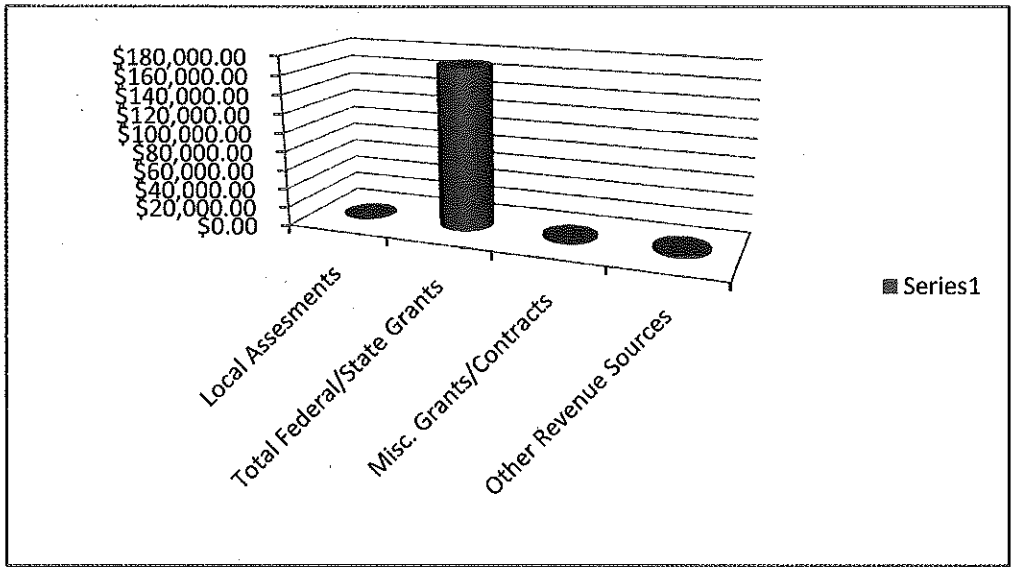
9b

9b

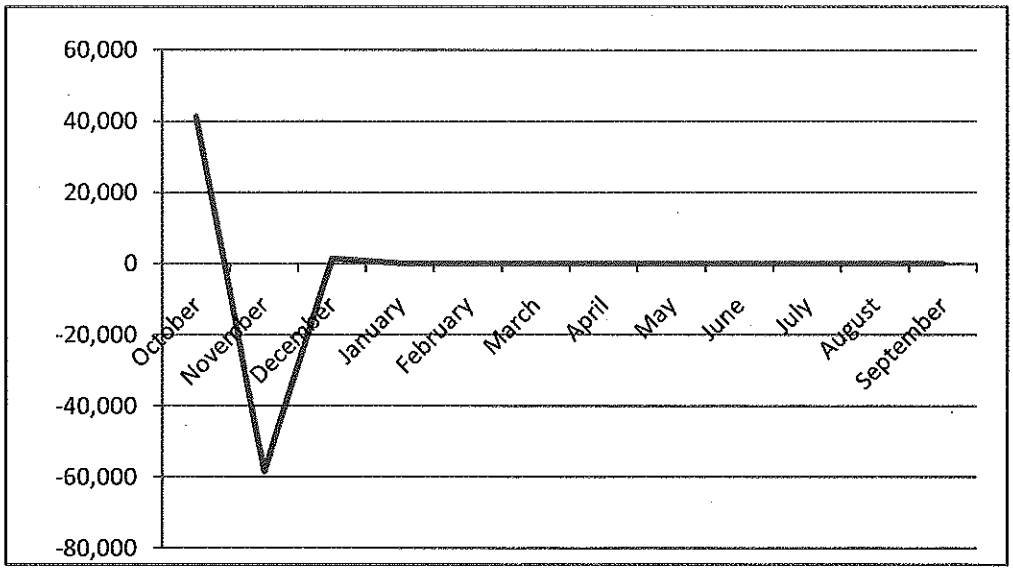
2014 Workplan & Budget Finanacial Snapshot - December 2014

Revenues

Local Assesments
Total Federal/State Grants
Misc. Grants/Contracts
Other Revenue Sources



Notes: Local Assesments billed at the beginning of each quarter: October, January, April and July
Federal Grants (EPA) billed monthly: EPA: CHNEP; FAMWQ; and CE
State/Federal Grants billed quarterly: LEPC, HMEP, TD, Lee Tran, and ED
Misc. Grants/contracts billed quarterly: Visit Florida
Misc. Grants/Contracts billed by deliverable: SQG, SCCF Dunn,CHNEP Local/Grants
Other(DRI) billed /recorded monthly as cost reimbursement



YTD: Net Income $ 22,276 (Unaudited)

SWFRPC
BALANCE SHEET
DECEMBER 31, 2013

ASSETS

CURRENT ASSETS			
FUND BALANCE	$ 771,328		
ACCOUNTS RECEIVABLE	266,978		
TOTAL CURRENT ASSETS			1,038,306
PROPERTY AND EQUIPMENT			
PROPERTY, FURNITURE & EQUIP	2,040,983		
ACCUMULATED DEPRECIATION	(588,913)		
TOTAL PROPERTY AND EQUIPMENT			1,452,070
OTHER ASSETS			
AMOUNT T.B.P. FOR L.T.L.-LEAVE	55,640		
FSA DEPOSIT	2,494		
AMT T.B.P. FOR L.T.DEBT-OPEP	59,864		
AMOUNT T.B.P. FOR L.T.DEBT	1,008,589		
TOTAL OTHER ASSETS			1,126,587
TOTAL ASSETS		$	3,616,963

LIABILITIES AND CAPITAL

CURRENT LIABILITIES			
ACCOUNTS PAYABLE	$ 0		
RETAINAGE PAYABLE	1,209		
DEFERRED INCOME	306,144		
FICA TAXES PAYABLE	(108)		
FEDERAL W/H TAX PAYABLE	(150)		
UNITED WAY PAYABLE	518		
FSA PAYABLE	986		
LEPC CONTINGENCY FUND	305		
TOTAL CURRENT LIABILITIES			308,904
LONG-TERM LIABILITIES			
ACCRUED ANNUAL LEAVE	55,640		
LONG TERM DEBT - OPEB	59,864		
LONG TERM DEBT - BANK OF AM.	1,008,589		
TOTAL LONG-TERM LIABILITIES			1,124,093
TOTAL LIABILITIES			1,432,997
CAPITAL			
FUND BALANCE-UNASSIGNED	194,216		
FUND BALANCE-ASSIGNED	514,000		
FB-NON-SPENDABLE/FIXED ASSETS	1,452,070		
NET INCOME	23,680		
TOTAL CAPITAL			2,183,966
TOTAL LIABILITIES & CAPITAL		$	3,616,963

SWFRPC
BALANCE SHEET
DECEMBER 31, 2013

FUND BALANCE DETAIL		
CASH - BANK OF AMERICA OPER.	$	270,267
CASH - IBERIA CDS		316,300
CASH - FL LOCAL GOV'T POOL		179,657
CASH - FL GOV'T POOL-FUND B		4,904
PETTY CASH		200
FUND BALANCE	$	771,328

OPERATING CASH	$	270,267
INVESTMENTS		500,861
PETTY CASH		200
FUND BALANCE		771,328

DEFERRED -NEP CE954836611-1		(163,887)
DEFERRED INCOME NEP LOCAL		(49,282)
DEFERRED INCOME - FAMWQ		(64,952)
DEFERRED INC. DRI - FOUNTAINS		(8,706)
DEFERRED INC. PALMER RANCH XXI		(948)
DEFERRED INCOME LEE MEMORIAL		(9)
215318 DEFERRED PALMER XVI		(1,698)
DEFERRED PALMER IV		(2,500)
DEFERRED PALMER MDO		838
2157160 SWFCF DEFFERED		(15,000)
NET AVAILABLE FOR RESERVE	$	465,184

Detail of Fund Balance

Total Fund Balance $ 542,977

Investments:

Iberia Bank CD		$316,300.00
Local government Surplus Trust Fund Investment Pool (Fund A)		179,657
Local government Surplus Trust Fund (Fund B)		4,904
Total Investments		$500,861.00
Petty Cash	$	200.00
Bank of America Operating Funds	$	41,916.00
Total Fund Balance		$542,977.00

SWFRPC
INCOME STATEMENT
COMPARED WITH BUDGET
FOR THE THREE MONTHS ENDING DECEMBER 31, 2013

	Current Month Actual	Year to Date Actual	Year to Date Approved Budget	Current Balance
REVENUES				
LOCAL ASSESSMENTS				
CHARLOTTE COUNTY	$ 0	$ 12,252	$ 49,007	(36,755)
COLLIER COUNTY	0	24,739	98,955	(74,216)
GLADES COUNTY	0	950	3,801	(2,851)
HENDY COUNTY	0	2,590	11,440	(8,850)
LEE COUNTY	0	38,499	153,997	(115,498)
SARASOTA COUNTY	0	28,745	115,099	(86,354)
CITY OF FORT MYERS	0	5,013	20,050	(15,037)
TOWN OF FORT MYERS BEACH I	0	469	1,876	(1,407)
BONITA SPRINGS	0	3,385	13,539	(10,154)
CITY OF SANIBEL	0	487	1,947	(1,460)
TOTAL LOCAL ASSESSMENTS	0	117,129	469,711	(352,582)
FEDERAL / STATE GRANTS				
DEM TITLE III	0	0	40,909	(40,909)
HMEP-PLANNING & TRAINING	0	0	58,370	(58,370)
ECONOMIC DEV.-GRANT	13,938	13,938	12,500	1,438
GLADES HENDRY TD	15,455	15,455	38,637	(23,182)
LEE BOCC-VA STUDY	16,831	16,831	40,000	(23,169)
3167 DEM-LEPC	14,965	14,965	0	14,965
3174 VISIT FLORIDA	0	0	5,000	(5,000)
CHNEP FEDERAL	0	0	567,309	(567,309)
6014-EPA	79,142	170,405	0	170,405
6014-FDEP	5,707	14,270	0	14,270
6014-SWFWMD	6,278	15,814	0	15,814
EPA FAMWQ	5,108	22,177	190,000	(167,823)
EPA-CONSERVATION	6,265	17,206	95,944	(78,738)
MARC - SOLAR READY	7,277	7,277	0	7,277
TOTAL FEDERAL / STATE GRAN	170,966	308,338	1,048,669	(740,331)
MISC. GRANTS / CONTRACTS				
GLADES SQG	0	0	3,900	(3,900)
TBRPC ENERGY GRANT	0	7,092	0	7,092
THE NATURE CONSERVANCY	0	1,327	0	1,327
CHNEP LOCAL	0	0	427,308	(427,308)
NEP LOCAL	1,647	5,721	0	5,721
TOTAL MISC. GRANTS/CONTRA	1,647	14,140	431,208	(417,068)
OTHER REVENUE SOURCES				
DRI MONITORING FEES	250	1,500	10,000	(8,500)
RENTAL SPACE-SENATOR	1,250	3,750	15,000	(11,250)
RENTAL SPACE CHNEP	0	0	15,000	(15,000)
DRIS/NOPCS INCOME	1,640	4,131	35,000	(30,869)
MISC. INCOME	29	272	0	272
INTEREST INCOME	4	4	5,000	(4,996)
BUDGETED CARRY OVER FB	0	0	542,797	(542,797)
BUDGETED CARRY OVER OPER	0	0	83,679	(83,679)

SWFRPC
INCOME STATEMENT
COMPARED WITH BUDGET
FOR THE THREE MONTHS ENDING DECEMBER 31, 2013

	Current Month Actual	Year to Date Actual	Year to Date Approved Budget	Current Balance
TOTAL OTHER REVENUE SOURC	3,173	9,657	706,476	(696,819)
TOTAL REVENUES	175,786	449,264	2,656,064	(2,206,800)
EXPENSES				
PERSONNEL EXPENSES				
SALARIES EXPENSE	94,669	231,024	663,042	(432,018)
SALARIES EXPENSE - NEP	0	0	292,510	(292,510)
FICA EXPENSE	6,873	15,528	73,100	(57,572)
RETIREMENT EXPENSE	6,849	13,224	94,535	(81,311)
HEALTH INSURANCE EXPENSE	(8,674)	11,646	138,190	(126,544)
WORKERS COMP. EXPENSE	370	1,110	3,696	(2,586)
TOTAL PERSONNEL EXPENSES	100,087	272,532	1,265,073	(992,541)
OPERATIONAL EXPENSES				
GRANT/CONSULTING EXPENSE	0	1,125	51,336	(50,211)
NEP-CONTRACTUAL	3,380	3,380	394,208	(390,828)
LEGAL	0	0	15,000	(15,000)
AUDIT SERVICES EXPENSE	0	1,500	40,000	(38,500)
TRAVEL EXPENSE	5,601	13,192	21,870	(8,678)
TELEPHONE EXPENSE	910	1,519	6,540	(5,021)
POSTAGE / SHIPPING EXPENSE	45	97	4,100	(4,003)
EQUIPMENT RENTAL EXPENSE	35	1,809	8,750	(6,941)
INSURANCE EXPENSE	4,251	18,576	22,500	(3,924)
REPAIR/MAINT. EXPENSE	651	2,443	15,000	(12,557)
PRINTING/REPRODUCTION EXP	28,907	29,677	1,500	28,177
UTILITIES (ELEC, WATER, GAR)	1,854	6,050	22,000	(15,950)
ADVERTISING/LEGAL NOTICES	293	412	3,600	(3,188)
OTHER MISC. EXPENSE	246	1,442	4,500	(3,058)
BANK SERVICE CHARGES	0	541	2,280	(1,739)
OFFICE SUPPLIES EXPENSE	158	1,454	8,836	(7,382)
COMPUTER RELATED EXPENSE	7,338	22,562	38,500	(15,938)
DUES AND MEMBERSHIP	0	2,000	28,800	(26,800)
PUBLICATION EXPENSE	0	360	1,250	(890)
PROF. DEVELOP.	1,435	3,315	10,120	(6,805)
MEETINGS/EVENTS EXPENSE	8,547	8,580	3,000	5,580
CAPITAL OUTLAY EXPENSE	0	0	4,000	(4,000)
CAPITAL OUTLAY - BUILDING	0	1,082	12,500	(11,418)
LONG TERM DEBT	10,646	31,938	128,000	(96,062)
RESERVE FOR OPERATIONS EXP	0	0	542,797	(542,797)
TOTAL OPERATIONAL EXP.	74,297	153,054	1,390,987	(1,237,933)
TOTAL CASH OUTLAY	174,384	425,586	2,656,060	(2,230,474)
NET INCOME (LOSS)	$ 1,402	$ 23,678	$ 4	23,674

UNAUDITED FOR MANAGEMENT PURPOSES ONLY

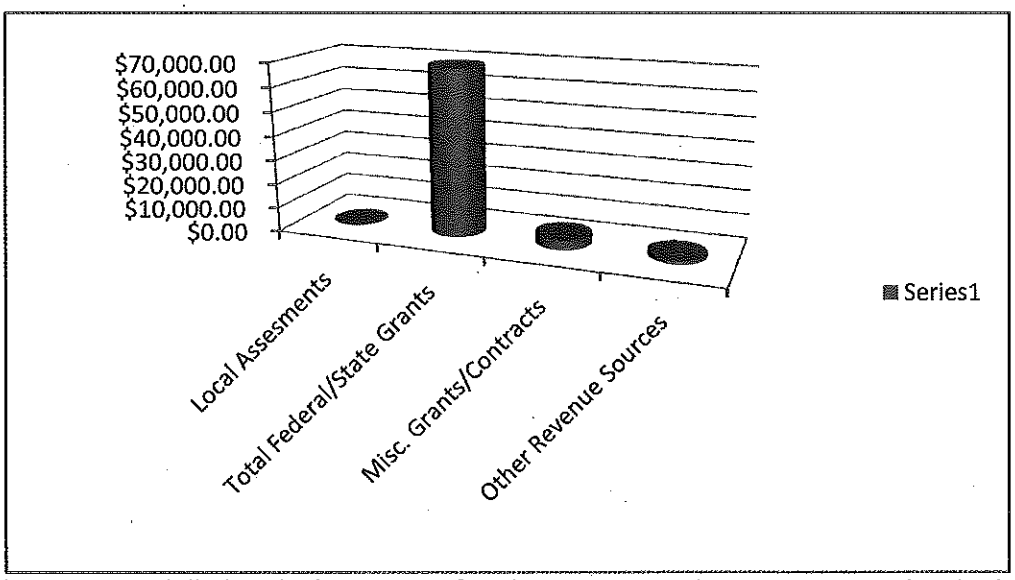
SWFRPC
INCOME STATEMENT
COMPARED WITH BUDGET
FOR THE THREE MONTHS ENDING DECEMBER 31, 2013

	Current Month Actual	Year to Date Actual	Year to Date Approved Budget	Current Balance
REVENUES				
LOCAL ASSESSMENTS	0	117,129	469,711	(352,582)
FEDERAL / STATE GRANTS	170,966	308,338	1,047,569	(739,231)
MISC. GRANTS/CONTRACTS	1,647	14,140	432,308	(418,168)
OTHER REVENUE SOURCES	3,173	9,658	706,476	(696,818)
TOTAL REVENUES	175,786	449,265	2,656,064	(2,206,799)
EXPENSES				
PERSONNEL EXPENSES	100,087	272,532	1,265,073	(992,541)
OPERATIONAL EXPENSES	74,297	153,054	1,390,987	(1,237,933)
TOTAL CASH OUTLAY	174,384	425,586	2,656,060	(2,230,474)
NET INCOME (LOSS)	$ 1,402	$ 23,679	$ 4	23,675

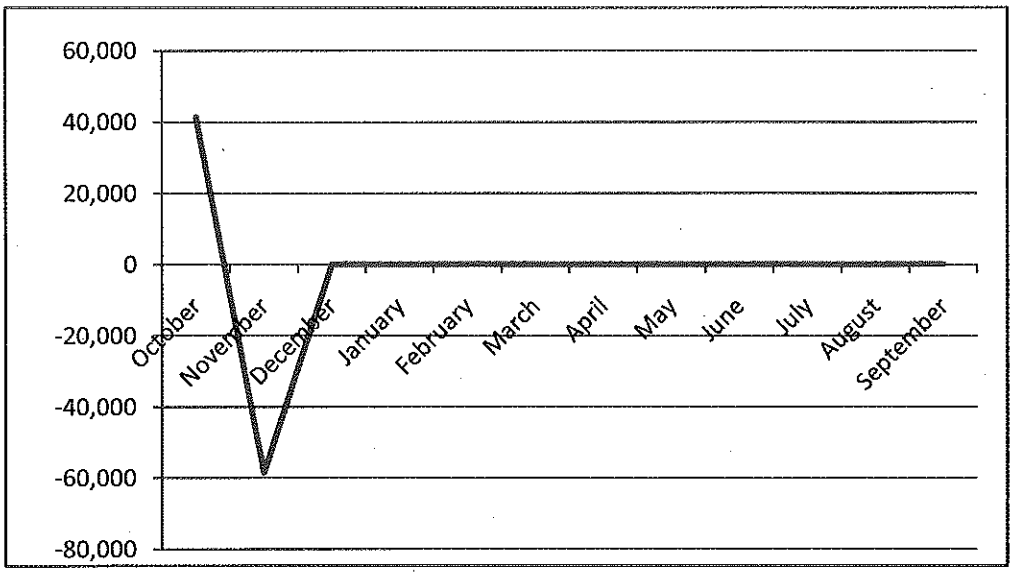
2014 Workplan & Budget Finanacial Snapshot - November 2014

Revenues

Local Assesments
Total Federal/State Grants
Misc. Grants/Contracts
Other Revenue Sources



Notes: Local Assesments billed at the beginning of each quarter: October, January, April and July
Federal Grants (EPA) billed monthly: EPA: CHNEP; FAMWQ; and CE
State/Federal Grants billed quarterly: LEPC, HMEP, TD, Lee Tran, and ED
Misc. Grants/contracts billed quarterly: Visit Florida
Misc. Grants/Contracts billed by deliverable: SQG, SCCF Dunn,CHNEP Local/Grants
Other(DRI) billed /recorded monthly as cost reimbursement



YTD: Net Income $ 22,276 (Unaudited)

SWFRPC
BALANCE SHEET
NOVEMBER 30, 2013

ASSETS

CURRENT ASSETS			
FUND BALANCE	$	745,953	
ACCOUNTS RECEIVABLE		210,586	
TOTAL CURRENT ASSETS			956,539
PROPERTY AND EQUIPMENT			
PROPERTY, FURNITURE & EQUIP		2,040,983	
ACCUMULATED DEPRECIATION		(588,913)	
TOTAL PROPERTY AND EQUIPMENT			1,452,070
OTHER ASSETS			
AMOUNT T.B.P. FOR L.T.L.-LEAVE		55,640	
FSA DEPOSIT		2,494	
AMT T.B.P. FOR L.T.DEBT-OPEP		59,864	
AMOUNT T.B.P. FOR L.T.DEBT		1,014,434	
TOTAL OTHER ASSETS			1,132,432
TOTAL ASSETS		$	3,541,041

LIABILITIES AND CAPITAL

CURRENT LIABILITIES			
ACCOUNTS PAYABLE	$	(12,974)	
RETAINAGE PAYABLE		1,209	
DEFERRED INCOME		219,400	
FICA TAXES PAYABLE		2,848	
FEDERAL W/H TAX PAYABLE		2,530	
UNITED WAY PAYABLE		333	
FSA PAYABLE		(112)	
LEPC CONTINGENCY FUND		305	
TOTAL CURRENT LIABILITIES			213,539
LONG-TERM LIABILITIES			
ACCRUED ANNUAL LEAVE		55,640	
LONG TERM DEBT - OPEB		59,864	
LONG TERM DEBT - BANK OF AM.		1,014,434	
TOTAL LONG-TERM LIABILITIES			1,129,938
TOTAL LIABILITIES			1,343,477
CAPITAL			
FUND BALANCE-UNASSIGNED		194,216	
FUND BALANCE-ASSIGNED		514,000	
FB-NON-SPENDABLE/FIXED ASSETS		1,452,070	
NET INCOME		22,278	
TOTAL CAPITAL			2,182,564
TOTAL LIABILITIES & CAPITAL		$	3,526,041

SWFRPC
BALANCE SHEET
NOVEMBER 30, 2013

FUND BALANCE DETAIL		
CASH - BANK OF AMERICA OPER.	$	244,892
CASH - IBERIA CDS		316,300
CASH - FL LOCAL GOV'T POOL		179,657
CASH - FL GOV'T POOL-FUND B		4,904
PETTY CASH		200
FUND BALANCE	$	745,953

OPERATING CASH	$	244,892
INVESTMENTS		500,861
PETTY CASH		200
FUND BALANCE		745,953
DEFERRED -NEP CE954836611-1		(103,498)
DEFERRED INCOME NEP LOCAL		(50,929)
DEFERRED INCOME - FAMWQ		(52,810)
DEFERRED INC. DRI - FOUNTAINS		(8,706)
DEFERRED INC. PALMER RANCH XXI		(948)
DEFERRED INCOME LEE MEMORIAL		(9)
215318 DEFERRED PALMER XVI		(2,500)
NET AVAILABLE FOR RESERVE	$	526,553

Detail of Fund Balance

Total Fund Balance $ 542,977

Investments:

Iberia Bank CD		$316,300.00
Local government Surplus Trust Fund Investment Pool (Fund A)		179,657
Local government Surplus Trust Fund (Fund B)		4,904
Total Investments		$500,861.00
Petty Cash	$	200.00
Bank of America Operating Funds	$	41,916.00
Total Fund Balance		$542,977.00

SWFRPC
INCOME STATEMENT
COMPARED WITH BUDGET
FOR THE TWO MONTHS ENDING NOVEMBER 30, 2013

	Current Month Actual	Year to Date Actual	Year to Date Approved Budget	Current Balance
REVENUES				
LOCAL ASSESSMENTS				
CHARLOTTE COUNTY	$ 0	$ 12,252	$ 49,007	(36,755)
COLLIER COUNTY	0	24,739	98,955	(74,216)
GLADES COUNTY	0	950	3,801	(2,851)
HENDY COUNTY	0	2,590	11,440	(8,850)
LEE COUNTY	0	38,499	153,997	(115,498)
SARASOTA COUNTY	0	28,745	115,099	(86,354)
CITY OF FORT MYERS	0	5,013	20,050	(15,037)
TOWN OF FORT MYERS BEACH I	0	469	1,876	(1,407)
BONITA SPRINGS	0	3,385	13,539	(10,154)
CITY OF SANIBEL	0	487	1,947	(1,460)
TOTAL LOCAL ASSESSMENTS	0	117,129	469,711	(352,582)
FEDERAL / STATE GRANTS				
DEM TITLE III	0	0	40,909	(40,909)
HMEP-PLANNING & TRAINING	0	0	58,370	(58,370)
ECONOMIC DEV.-GRANT	0	0	12,500	(12,500)
GLADES HENDRY TD	0	0	38,637	(38,637)
LEE BOCC-VA STUDY	0	0	40,000	(40,000)
3174 VISIT FLORIDA	0	0	5,000	(5,000)
CHNEP FEDERAL	0	0	567,309	(567,309)
6014-EPA	47,199	91,262	0	91,262
6014-FDEP	0	8,564	0	8,564
6014-SWFWMD	9,536	9,536	0	9,536
EPA FAMWQ	5,392	17,068	190,000	(172,932)
EPA-CONSERVATION	7,090	10,941	95,944	(85,003)
TOTAL FEDERAL / STATE GRAN	69,217	137,371	1,048,669	(911,298)
MISC. GRANTS / CONTRACTS				
GLADES SQG	0	0	3,900	(3,900)
TBRPC ENERGY GRANT	0	7,092	0	7,092
THE NATURE CONSERVANCY	1,327	1,327	0	1,327
3174 VISIT FLORIDA	0	0	5,000	(5,000)
CHNEP LOCAL	0	0	427,308	(427,308)
NEP LOCAL	2,874	4,074	0	4,074
TOTAL MISC. GRANTS/CONTRA	4,201	12,493	436,208	(423,715)
OTHER REVENUE SOURCES				
DRI MONITORING FEES	250	1,250	10,000	(8,750)
RENTAL SPACE-SENATOR	1,250	2,500	15,000	(12,500)
RENTAL SPACE CHNEP	0	0	15,000	(15,000)
DRIS/NOPCS INCOME	328	2,491	35,000	(32,509)
MISC. INCOME	0	244	0	244
INTEREST INCOME	0	0	5,000	(5,000)
BUDGETED CARRY OVER FB	0	0	542,797	(542,797)
BUDGETED CARRY OVER OPER	0	0	83,679	(83,679)
TOTAL OTHER REVENUE SOURC	1,828	6,485	706,476	(699,991)

SWFRPC
INCOME STATEMENT
COMPARED WITH BUDGET
FOR THE TWO MONTHS ENDING NOVEMBER 30, 2013

	Current Month Actual	Year to Date Actual	Year to Date Approved Budget	Current Balance
TOTAL REVENUES	75,246	273,478	2,661,064	(2,387,586)
EXPENSES				
PERSONNEL EXPENSES				
SALARIES EXPENSE	76,302	136,355	663,042	(526,687)
SALARIES EXPENSE - NEP	0	0	292,510	(292,510)
FICA EXPENSE	5,542	8,655	73,100	(64,445)
RETIREMENT EXPENSE	9,708	6,375	94,535	(88,160)
HEALTH INSURANCE EXPENSE	11,487	20,319	138,190	(117,871)
WORKERS COMP. EXPENSE	370	740	3,696	(2,956)
TOTAL PERSONNEL EXPENSES	103,409	172,444	1,265,073	(1,092,629)
OPERATIONAL EXPENSES				
GRANT/CONSULTING EXPENSE	1,125	1,125	51,336	(50,211)
NEP-CONTRACTUAL	0	0	394,208	(394,208)
LEGAL	0	0	15,000	(15,000)
AUDIT SERVICES EXPENSE	0	1,500	40,000	(38,500)
TRAVEL EXPENSE	859	7,591	21,870	(14,279)
TELEPHONE EXPENSE	420	609	6,540	(5,931)
POSTAGE / SHIPPING EXPENSE	0	52	4,100	(4,048)
EQUIPMENT RENTAL EXPENSE	549	1,774	8,750	(6,976)
INSURANCE EXPENSE	1,882	14,325	22,500	(8,175)
REPAIR/MAINT. EXPENSE	1,341	1,792	15,000	(13,208)
PRINTING/REPRODUCTION EXP	754	770	1,500	(730)
UTILITIES (ELEC, WATER, GAR)	2,166	4,196	22,000	(17,804)
ADVERTISING/LEGAL NOTICES	39	119	3,600	(3,481)
OTHER MISC. EXPENSE	1,196	1,196	4,500	(3,304)
BANK SERVICE CHARGES	296	541	2,280	(1,739)
OFFICE SUPPLIES EXPENSE	419	1,296	8,836	(7,540)
COMPUTER RELATED EXPENSE	6,295	15,224	38,500	(23,276)
DUES AND MEMBERSHIP	2,000	2,000	28,800	(26,800)
PUBLICATION EXPENSE	360	360	1,250	(890)
PROF. DEVELOP.	0	1,880	10,120	(8,240)
MEETINGS/EVENTS EXPENSE	20	34	3,000	(2,966)
CAPITAL OUTLAY EXPENSE	0	0	4,000	(4,000)
CAPITAL OUTLAY - BUILDING	0	1,082	12,500	(11,418)
LONG TERM DEBT	10,646	21,292	128,000	(106,708)
RESERVE FOR OPERATIONS EXP	0	0	542,797	(542,797)
TOTAL OPERATIONAL EXP.	30,367	78,758	1,390,987	(1,312,229)
TOTAL CASH OUTLAY	133,776	251,202	2,656,060	(2,404,858)
NET INCOME (LOSS)	$ (58,530)	$ 22,276	$ 5,004	17,272

SWFRPC
INCOME STATEMENT
COMPARED WITH BUDGET
FOR THE TWO MONTHS ENDING NOVEMBER 30, 2013

	Current Month Actual	Year to Date Actual	Year to Date Approved Budget	Current Balance
REVENUES				
LOCAL ASSESSMENTS	0	117,129	469,711	(352,582)
FEDERAL / STATE GRANTS	69,217	137,371	1,047,569	(910,198)
MISC. GRANTS/CONTRACTS	4,201	12,493	432,308	(419,815)
OTHER REVENUE SOURCES	1,829	6,484	706,476	(699,992)
TOTAL REVENUES	75,247	273,477	2,656,064	(2,382,587)
EXPENSES				
PERSONNEL EXPENSES	103,409	172,444	1,265,073	(1,092,629)
OPERATIONAL EXPENSES	30,367	78,758	1,390,987	(1,312,229)
TOTAL CASH OUTLAY	133,776	251,202	2,656,060	(2,404,858)
NET INCOME (LOSS)	$ (58,529)	$ 22,275	$ 4	22,271

Agenda Item

9c

Broadband Plan

9c

9c

BROADBAND PLAN

The Southwest Florida Regional Planning Council (SWFRPC) released the Southwest Florida Comprehensive Broadband Plan on September 27, 2013. The pilot planning area for the plan covers Charlotte, Collier and Lee Counties.

A team of community leaders worked together with the SWFPRC to assess broadband gaps, identify goals, and develop strategies for the region. The plan adopts specific recommendations and action items that are key next steps and are critical to the implementation of the plan over the next several years.

The Comprehensive Broadband Plan represents the needs and desires of Southwest Florida's diverse communities for broadband services throughout the region. This plan lays the groundwork for implementation of many strategies that will help Southwest Florida thrive in the digital economy. The success of this Comprehensive Broadband Plan rests on the strategies that are implemented to enhance broadband development in our region, providing positive impact to the overall quality of life in our communities. This plan must produce actionable initiatives that drive its purpose forward and measure success along the way. To do so, the plan identifies key short-term and long-term initiatives that will reinforce its goals and continue to foster broadband development in Southwest Florida.

The plan is an important step to ensuring the long term economic success of the region in the new emerging digital economy. The Broadband Planning Project will enable the region to build upon planning efforts that have been undertaken independently to establish an innovative new approach to envisioning Southwest Florida's future through a Broadband Plan.

http://www.swfrpc.org/content/Resources/Publications/SWFL_BB_Plan.pdf

Background History:
The Southwest Florida Regional Planning Council, in partnership with the Central Florida Regional Planning Council and the Tampa Bay Regional Planning Council, received a grant from the State Department of Management Services to develop a Comprehensive Broadband Plan, toolkit and training manual. The broadband toolkit contains databases, surveys, models, and other tools necessary to assess broadband demand and create a strategic broadband plan. The broadband toolkit is also applicable to any community or region, rural, suburban or urban. The broadband training manual guides community leaders and stakeholders through the planning process, providing instruction as to the use and applicability of the broadband toolkit.

RECOMMENDED ACTION: To endorse the Broadband Plan and support local jurisdiction implementation.

Agenda Item

9d

Glades-Hendry LCB
Membership Certification

9d

9d

MEMBER APPOINTMENTS AND CERTIFICATION FOR THE GLADES AND HENDRY COUNTY JOINT LOCAL COORDINATING BOARD FOR THE TRANSPORTATION DISADVANTAGED

Pursuant to Chapter 427, Florida Statutes, Rule 41-2, *Florida Administrative Code*, and at the request of the respective counties, the Southwest Florida Regional Planning Council is the Designated Official Planning Agency for the Transportation Disadvantaged (TD) Program in Glades County and in Hendry County, which is now a joint service area. As the Planning Agency, the Council is responsible for the appointment of members to serve on the Local Coordinating Board.

The individuals listed below have been recommended to serve on the Local Coordinating Board. The Certification form provided in **Attachment A** lists the full membership of the Joint Local Coordinating Board and highlights the new nominees' name or other changes in bold. The Planning Agency must certify the Local Coordinating Board membership each fiscal year and any time the Local Coordinating Board membership changes.

Nominations and applications

Council staff is pursuing nominees to fill existing vacancies on the Local Coordinating Board. Staff may provide additional nominations at the Board meeting. Staff has received assurances from the respective County Commissioners representing the Local Coordinating Board that the appointment process is satisfactory.

About the Local Coordinating Board

The Glades-Hendry Joint Local Coordinating Board typically meets quarterly to guide the functioning of the CTC, Good Wheels, Inc. The next LCB meeting will be held on **March 5, 2014 at 10:30 a.m.** at Hope HealthCare Services in LaBelle.

The Local Coordinating Board is established to oversee the appointed Community Transportation Coordinator (CTC), in its role of coordinating the provision of transportation service. Some of the basic duties of the Board include:

1) Develop, review and approve the annual Transportation Disadvantaged Service Plan (TDSP), including the Memorandum of Agreement, prior to is submittal to the Commission for the Transportation Disadvantaged (CTD);
2) In cooperation with the CTC, the Board shall review and provide recommendations to the Commission for the Transportation Disadvantaged on funding applications affecting the transportation disadvantaged;
3) Review the coordination strategies of service provision to the transportation disadvantaged in the designated service area;
4) Conduct the required annual evaluation of the CTC.

RECOMMENDED ACTIONS:

1. Appoint to the LCB:

   A. **April White** as the member agency representative representing Regional Workforce Development Board.
   B. **Thais Kuoman** as the alternate agency representative representing Regional Workforce Development Board.
   C. **Nancy Acevedo** as the alternate agency representative representing local medical community.
   D. Make additional appointments that may be announced.

2. Authorize the Chairman to endorse the LCB certification form for the LCB provided in Attachment A.

GLADES-HENDRY COUNTY JOINT LOCAL COORDINATING BOARD MEMBERSHIP CERTIFICATION

Planning Agency Name: Southwest Florida Regional Planning Council; 1926 Victoria Ave.; Ft. Myers, FL 33901
Southwest Florida Regional Planning Council named above hereby certifies to the following:

1. The membership of the Glades-Hendry County Joint Local Coordinating Board, established pursuant to Rule 41-2.012(3), *FAC*, does in fact represent the appropriate parties as identified in the following list; and
2. The membership represents, to the maximum extent feasible, a cross section of the local community.

Signature: _____ Date: January 16, 2014
SWFRPC Chairperson

	The Glades-Hendry LCB has a Representative of:	**Voting Member**	**Term Expires**	**Alternate Member**	**Term Expires**
1	The MPO or DOPA shall appoint one elected official to serve as the official Chairperson for all Coordinating Board meetings.	Donna Storter-Long (Chair)	December 2014	Janet Taylor (Vice -Chair) Darrell Harris (Alternate to Vice-Chair)	December 2014 March 2013
2	A. A local representative of the Florida Department of Transportation (DOT)	Debi Stephens	Agency	Richard Shine	Agency
3	B. A local representative of the Florida Department of Children and Families (DCF)	Aaron Stitt	Agency	(Vacant)	Agency
4	C. A local representative of the Public Education Community which could include, but not be limited to, a representative of the District School Board, School Board Transportation Office, or Headstart Program in areas where the School District is responsible	(Vacant)	Agency	Garry Ensor	Agency
5	D. In areas where they exist, a local representative of the Division of Vocational Rehabilitation Services or the Division of Blind Services, representing the Department of Education	Victoria Aguilar	Agency	(Vacant)	Agency
6	E. A person recommended by the local Veterans Service Office, representing Veterans of the county	Gordon E. Bryant	Agency	(Vacant)	Agency

	The Glades-Hendry LCB has a Representative of:	Voting Member	Term Expires	Alternate Member	Term Expires
7	F. A person recognized by the Florida Association for Community Action representing the economically disadvantaged	(Vacant)	Agency	(Vacant)	Agency
8	G. A person over age 60 representing the Elderly in the county	Kristina Rodriquez	Agency	Bill Iffland	Agency
9	H. A person with a disability representing the disabled in the county	(Vacant)		Tony Howard	September 2013
10	I--1.[One of Two] Citizen Advocates in the County	Ron Stevens	September 2015	Debbie Howell Patricia Webber	Agency
11	I--2. [One of two] Citizen Advocates this one must be a person who uses the transportation service(s) of the system as their primary means of transportation.	(Vacant)		(Vacant)	
12	J. A local representative for children at risk	Judith Paskvan	Agency	Sherry Shupp	Agency
13	K. In areas where they exist, the Chairperson or designee of the local Mass Transit or Public Transit System's Board, except in cases where they are also the Community Transportation Coordinator.	N/A		N/A	
14	L. A local representative of the Florida Department of Elder Affairs	(Vacant)	Agency	Angela Wood	Agency
15	M. An experienced representative of the local private for profit transportation industry. In areas where such representative is not available, a local private non-profit representative will be appointed, except where said representative is also the Community Transportation Coordinator	(Vacant)		(Vacant)	
16	N. A local representative of the Florida Agency for Health Care Administration	Joe Martinez	Agency	Karen Brooks	Agency
17	O. A representative of the Regional Workforce Development Board established in Chapter 445, *Florida Statutes*	**April White**	Agency	**Thais Kuoman**	Agency
18	P. A representative of the local medical community, which may include, but not be limited to, kidney dialysis centers, long term care facilities, hospitals, local health department or other home and community based services, etc.	Mary Bartoshuk	March 2014	**Nancy Acevedo**	December 2016

Agenda Item

9e

Southwest Florida Hazardous Materials Training

9e

9e

SWFRPC/SWF LEPC Sponsored
Hazardous Materials Awareness Training

Introduction

The Southwest Florida Regional Planning Council (SWFRPC) and the Southwest Florida Local Emergency Planning Committee for Hazardous Materials (LEPC) continues to provide outstanding hazardous materials training and assistance to emergency responders and government officials of the region. As in previous periods, the Southwest Florida LEPC/SWFRPC is providing free training to government employees of the region. Free Emergency Planning & Community Right-To-Act training is also directed to industry. Continuing education and training are essential parts of our mission to provide comprehensive emergency preparedness systems throughout Southwest Florida. Training opportunities can take many forms from informal "in-house" sessions to major full-scale exercises. Listed below are highlights of courses under consideration in Southwest Florida during the month of February 2014.

Course	Date	Location	Attendees
EPCRA Hazardous Materials Awareness Compliance Course	2/7/2014	SWFRPC	Currently 45 registrants
Florida Interoperability Communications Technicians COM-T Training	2/24/2014-2/28/2014	Southwest Florida Public Safety Academy, Fort Myers	(Limited to 15 students)

Emergency Planning & Community Right–To-Know Hazardous Materials Compliance Workshop

Course Description: This course will cover the major provisions of the Federal Emergency Planning & Community Right-To-Known Act and the Florida Hazardous Materials Program.

Cost

EPCRA courses are offered free to both public and private sector employees. All travel arrangements and expenses are the responsibility of the student.

Target Audience

Industry Representatives, Chemical Storage Operators, Agricultural Managers, Chemical Transporters, Utilities, Hospitals, Plant Managers, Environmental Engineers, Printing and Paving Operations, and Chemical Manufactures, and facilities required to file chemical data under the Emergency Planning and Community Right-To-Know Act.

Communications Unit Technician (COMT) Training

Course Description: The All-Hazards Communications Unit Technician (COMT) class provides DHS approved National Incident Management System (NIMS) Compliant instruction to train emergency responders on practices and procedures common to COMTs during all hazards emergency operations. It introduces public safety professionals and support staff to various communications concepts and technologies, including interoperable communications solutions, Land Mobile Radio (LMR) communications, satellite, telephone, data, and computer technologies used in incident response and planned events. The course helps participants develop the essential core competencies required for performing the duties of the COMT during an all-hazards incident and addresses responsibilities appropriate to a COMT operating in a local, regional, or State-level All-Hazards Incident Management Team (AHIMT). Upon completion of formal classroom training, students must complete and have signed off on a comprehensive position-specific task book before they can be certified as an All-Hazards COMT.

Cost

COMT courses are offered to public sector employees at no charge for qualified applicants. All travel arrangements and expenses are the responsibility of the student.

Target Audience

The COMT class is targeted for all local, regional, state and federal emergency response professionals and coordination/support personnel in all disciplines who have a technical communications background.

NIMS ICS All-Hazards Position-Specific training should be completed by personnel who are regularly assigned to functional, support, or unit technician positions or by those persons who desire to seek qualifications in those positions.

STAF RECOMMENDATION: **None (Information Item)**

Southwest Florida District IX Local Emergency Planning Committee
Proudly Presents

Emergency Planning & Community Right-To-Know Act
Facility
"How to Comply Workshop"
Two (2-Hour) Sessions

February 7, 2014
10:00 a.m. - 12 Noon
2:00 p.m. - 4:00 p.m.
Southwest Florida Regional Planning Council
Conference Center
1926 Victoria Avenue
Fort Myers, FL 33901

Course Sponsors:
Southwest Florida Local Emergency Planning Committee
Southwest Florida Regional Planning Council

Program Description:
The course will cover Sections 301, 302, 304, 311, and 312 of the Emergency Planning & Community Right to Know Act (EPCRA). Also, Section 313 of EPCRA will be briefly addressed. Moreover, the course will expose individuals to compliance requirements congruent to EPCRA. Facilities which fail to comply with EPCRA reporting requirements are potentially subject to substantial administrative, civil and criminal penalties.

Program Cost:
This program is provided free of charge and is offered by the Southwest Florida Regional Planning Council and Florida District IX Local Emergency Planning Committee.

Who Should Attend:
Industry Representatives, Chemical Storage Operators, Agricultural Managers, Chemical Transporters, Utilities, Hospitals, Plant Managers, Environmental Engineers, Printing and Paving Operations, and Chemical Manufactures, and facilities required to file chemical data under the Emergency Planning and Community Right-To-Know Act.

Name of person(s) attending: _____
Organization: _____
Phone: _____

FAX OR EMAIL TO:
John Gibbons
District IX LEPC
Fort Myers, Florida 33901

Fax (239) 338-2560, Phone (239) 338-2550 Email: jgibbons@swfrpc.org

FLORIDA INTEROPERABILITY

Communications Technician (COM-T) Training Course

Expression of Interest

The All-Hazards Communications Technician (COM-T) course trains emergency responders on practices and procedures common to radio communication technicians during all-hazards emergency operations. This course will help communications technicians work within the Incident Command System (ICS) organizational structure. Individuals who are responsible for managing a Strategic Technology Reserve (radio cache, mobile communications vehicle, or other deployable communications assets) are encouraged to attend.

Prerequisites: ICS 100, ICS 200, IS 700, IS 800 (ICS 300 strongly recommended, but not required)

Course dates, February 24-28, 2014.

Students are to register on Florida SERT TRAC

To Express Interest please call/e-mail:

John Gibbons, District 9 LEPC Staff

Phone: (239) 338-2550 Ext. 229

Email: jgibbons@swfrpc.org

Name of Person: _____

Organization: _____

Phone: _____

Email: _____

Agenda Item

9f

Collier County Comprehensive Plan Amendment (DEO 14-1ESR)

9f

9f

LOCAL GOVERNMENT COMPREHENSIVE PLAN AMENDMENTS
COLLIER COUNTY

The Council staff has reviewed proposed changes to the Collier County Growth Management Plan (DEO 14-1ESR). These changes were developed as a result of the 2012 Cycle Growth Management Plan amendments. A synopsis of the requirements of the Act and Council responsibilities is provided as Attachment I. Comments are provided in Attachment II. Site location maps can be reviewed in Attachment III.

Staff review of the proposed amendments was based on whether they were likely to be of regional concern. This was determined through assessment of the following factors:

1. Location--in or near a regional resource or regional activity center, such that it impacts the regional resource or facility; on or within one mile of a county boundary; generally applied to sites of five acres or more; size alone is not necessarily a determinant of regional significance;
2. Magnitude--equal to or greater than the threshold for a Development of Regional Impact of the same type (a DRI-related amendment is considered regionally significant); and
3. Character--of a unique type or use, a use of regional significance, or a change in the local comprehensive plan that could be applied throughout the local jurisdiction; updates, editorial revisions, etc. are not regionally significant.

A summary of the results of the review follows:

Proposed Amendment	Factors of Regional Significance: Location	Magnitude	Character	Consistent
DEO 14-1ESR				
(CP-2013-1)	no	no	no	(1) not regionally significant; and (2) consistent with SRPP
(CP-2013-3)	no	no	no	(1) not regionally significant; and (2) consistent with SRPP
(CP-2013-4)	no	no	no	(1) not regionally significant; and (2) consistent with SRPP

RECOMMENDED ACTION: Approve staff comments. Authorize staff to forward comments to the Department of Economic Opportunity and Collier County.

01/14

Attachment I

COMMUNITY PLANNING ACT

Local Government Comprehensive Plans

The Act requires each municipal and county government to prepare a comprehensive plan that must include at least the following nine elements:

1. Future Land Use Element;
2. Traffic Circulation Element;
   A local government with all or part of its jurisdiction within the urbanized area of a Metropolitan Planning Organization shall prepare and adopt a transportation element to replace the traffic circulation; mass transit; and ports, aviation, and related facilities elements. [9J-5.019(1), FAC]
3. General Sanitary Sewer, Solid Waste, Drainage, and Potable Water and Natural Groundwater Aquifer Recharge Element;
4. Conservation Element;
5. Recreation and Open Space Element;
6. Housing Element;
7. Coastal Management Element for coastal jurisdictions;
8. Intergovernmental Coordination Element; and
9. Capital Improvements Element.

The local government may add optional elements (e. g., community design, redevelopment, safety, historical and scenic preservation, and economic).

All local governments in Southwest Florida have adopted revised plans:
Charlotte County, Punta Gorda
Collier County, Everglades City, Marco Island, Naples
Glades County, Moore Haven
Hendry County, Clewiston, LaBelle
Lee County, Bonita Springs, Cape Coral, Fort Myers, Fort Myers Beach, Sanibel
Sarasota County, Longboat Key, North Port, Sarasota, Venice

Attachment I

Comprehensive Plan Amendments

A local government may amend its plan at any time during the calendar year. Six copies of the amendment are sent to the Department of Economic Opportunity (DEO) for review. A copy is also sent to the Regional Planning Council, the Water Management District, the Florida Department of Transportation, and the Florida Department of Environmental Protection.

The proposed amendments will be reviewed by DEO in two situations. In the first, there must be a written request to DEO. The request for review must be received within forty-five days after transmittal of the proposed amendment. Reviews can be requested by one of the following:

- the local government that transmits the amendment,
- the regional planning council, or
- an affected person.

In the second situation, DEO can decide to review the proposed amendment without a request. In that case, DEO must give notice within thirty days of transmittal.

Within five working days after deciding to conduct a review, DEO may forward copies to various reviewing agencies, including the Regional Planning Council.

Regional Planning Council Review

The Regional Planning Council must submit its comments in writing within thirty days of receipt of the proposed amendment from DEO. It must specify any objections and may make recommendations for changes. The review of the proposed amendment by the Regional Planning Council must be limited to "effects on regional resources or facilities identified in the Strategic Regional Policy plan and extra-jurisdictional impacts which would be inconsistent with the comprehensive plan of the affected local government.

After receipt of comments from the Regional Planning Council and other reviewing agencies, DEO has thirty days to conduct its own review and determine compliance with state law. Within that thirty-day period, DEO transmits its written comments to the local government.

NOTE: THE ABOVE IS A SIMPLIFIED VERSION OF THE LAW. REFER TO THE STATUTE (CH. 163, FS) FOR DETAILS.

Attachment II

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
LOCAL GOVERNMENT COMPREHENSIVE PLAN REVIEW
FORM 01

LOCAL GOVERMENT:

Collier County

DATE AMENDMENT RECIEVED:

November 26, 2013

DATE AMENDMENT MAILED TO LOCAL GOVERNMENT AND STATE:

Pursuant to Section 163.3184, Florida Statutes, Council review of proposed amendments to local government Comprehensive Plans is limited to adverse effects on regional resources and facilities identified in the Strategic Regional Policy Plan and extra-jurisdictional impacts that would be inconsistent with the Comprehensive Plan of any affected local government within the region. A written report containing the evaluation of these impacts, pursuant to Section 163.3184, Florida Statutes, is to be provided to the local government and the State land planning agency within 30 calendar days of receipt of the amendment.

December 26, 2013

1. **Amendment Name**

   Collier County 2013 Cycle Growth Management Plan Amendments

   DESCRIPTION OF AMENDMENT(S):

   Transfer of Development Rights (CP-2013-1)

   This petition was submitted by iStar Development Company, SFI Naples Reserve, LLC, and Wilton Land Company, LLC and is requesting an amendment to the County's Future Land Use Element (FLUE) to introduce specific exception from the County's Transfer of Development Rights (TDR) program limitations, affecting the transfer of TDR credits among properties in the Rural Fringe Mixed Use District (RFMUD) and the Urban Residential Fringe (URF) Subdistrict. This amendment would allow the transfer of TDR credits originating more distant than one (1) mile from the URF boundary for use in the URF portion of the Naples Reserve Planned Unit Development (PUD). If adopted by the County, the amendment would allow new rights to the co-applicant's property to utilize TDR credits from a more distant RFMUD sending lands area.

Buckley Mixed Use Subdistrict (CP-2013-3)

This petition was submitted by the McGuire Development Company and Airport Pulling Orange Blossom, LLC and is requesting an amendment to the County's Future Land Use Element (FLUE), Buckley Mixed Use Subdistrict. The subject site contains 21.7 acres and is located on the west side of Airport Road, north or Orange Blossom Drive, and approximately one-quarter mile south of Vanderbilt Beach Road. The request is to: a) remove the office and retail square feet caps and allow up to 7,500 square feet of gross floor area of commercial uses per acre or 11 residential dwelling units per acre; b) to make residential development optional; c) to prohibit commercial and residential uses on the same parcel; d) to limit multi-tenant commercial buildings to more than 50% of the commercial square footage in order to provide for stand-alone commercial development; and e) to revise development standards, including increasing the cap on the size of individual commercial uses to 100,000 square feet. Adoption of this amendment would allow the subject site to develop as a single use category (all retail or all office or all residential). This type of development on the site is not currently allowed on the site. The amendment would allow a single commercial user up to 100,000 square feet of floor area; such development is generally allowed in the County's existing Mixed Use Activity Center Subdistrict.

Olde Florida Golf Club (CP-2013-4)

This petition was submitted by the Olde Florida Golf Club, Inc. and is requesting an amendment to the County's Future Land Use Map (FLUM), to re-designate the approximately 553-acre site from Rural Fringe Mixed Use District (RFMUD) Neutral Lands to RFMUD Receiving Lands. The subject site is located on the north side of the easterly terminus of Vanderbilt Beach Road, two miles east of Collier Boulevard (CR 951). This re-designation would allow for: a) an increase in residential density from 1 dwelling unit per 5 acres to 1 dwelling unit per acre for non-Rural Village development, through participation in the TDR program; b) allow for development of a Rural Village (density 2-3 dwelling units per acre, commercial, civic, and recreational uses, and greenbelt on the project perimeter), also through the TDR program; and c) decrease the native vegetation retention requirement from 60% to 40% of the native vegetation present on the site.

2. ADVERSE EFFECTS TO SIGNIFICANT REGIONAL RESOURCES AND FACILITIES IDENTIFIED IN THE STRATEGIC REGIONAL POLICY PLAN:

Transfer of Development Rights (CP-2013-1)

Council staff has reviewed the proposed amendments to the Collier County GMP and finds that the proposed changes will facilitate the future development of the Olde Florida Golf Club. The implementation of the Collier County TDR program is considered by Council staff as a local issue. Council staff has reviewed the request and determined that the proposed changes will maintained by the local government in a manner consistent with the County's overall comprehensive plan and that there are adequate preservation and conservation of natural resources on the property. Because the proposed changes will not produce a regional development, the proposed changes are not considered to be regionally significant. The future development of the property will provide for increased economic

development in the County and the region. The requested change to the County TDR program in this particular request is determined by the Council staff to be consistent with the Goals of the SRPP. Finally, Council staff finds that the proposed amendment does not adversely affect any significant regional resources or facilities that are identified in the Strategic Regional Policy Plan.

Buckley Mixed Use Subdistrict (CP-2013-3)

Council staff has reviewed the proposed map amendments to the Collier County GMP for the Buckley Mixed Use Subdistrict. The proposed site is located in the urbanized area of the County and may eventually contain a commercial project of a maximum of 100,000 square feet. While Council staff shares the County staff's concern about the location of the proposed commercial development mid-block instead of an activity center as required by the County's GMP, Council staff finds that the proposed changes are not going to produce a project of regional size and therefore the proposed amendments are not regionally significant and are consistent with the Goals of the SRPP because it will assist in the development of an urbanized area of Collier County. These improvements to the Future Land Use Element (FLUE) will provide increased opportunities for economic development in the area and provide for improvements to future job creation in this important area of the region. Additionally, Council staff finds that the proposed amendments do not significantly adversely affect any regional resources or facilities that are identified in the Strategic Regional Policy Plan.

Olde Florida Golf Club (CP-2013-3)

Council staff has reviewed the proposed map amendments to the Collier County GMP that will provide for the future development of the Olde Florida Golf Club. Because the size of this project will never exceed the DRI thresholds for Collier County, Council staff finds that the project is not regionally significant and also finds that the proposed amendments are consistent with the Goals of the SRPP because it will increased opportunities for economic development in the development area and provide for improvements to the job creation in this important area of the region. Additionally, Council staff finds that the proposed amendments do not adversely affect any significant regional resources or facilities that are identified in the Strategic Regional Policy Plan.

3. EXTRA-JURISDICTIONAL IMPACTS INCONSISTENT WITH THE COMPREHENSIVE PLANS OF LOCAL GOVERNMENTS WITHIN THE REGION

Council staff has reviewed the proposed amendments with respect to extra-jurisdictional impacts on surrounding local government Comprehensive Plans and finds that the proposed amendments do not negatively impact and are not inconsistent with adjacent local governmental Comprehensive Plans.

Request a copy of the adopted version of the amendment? _X_ Yes ___ No

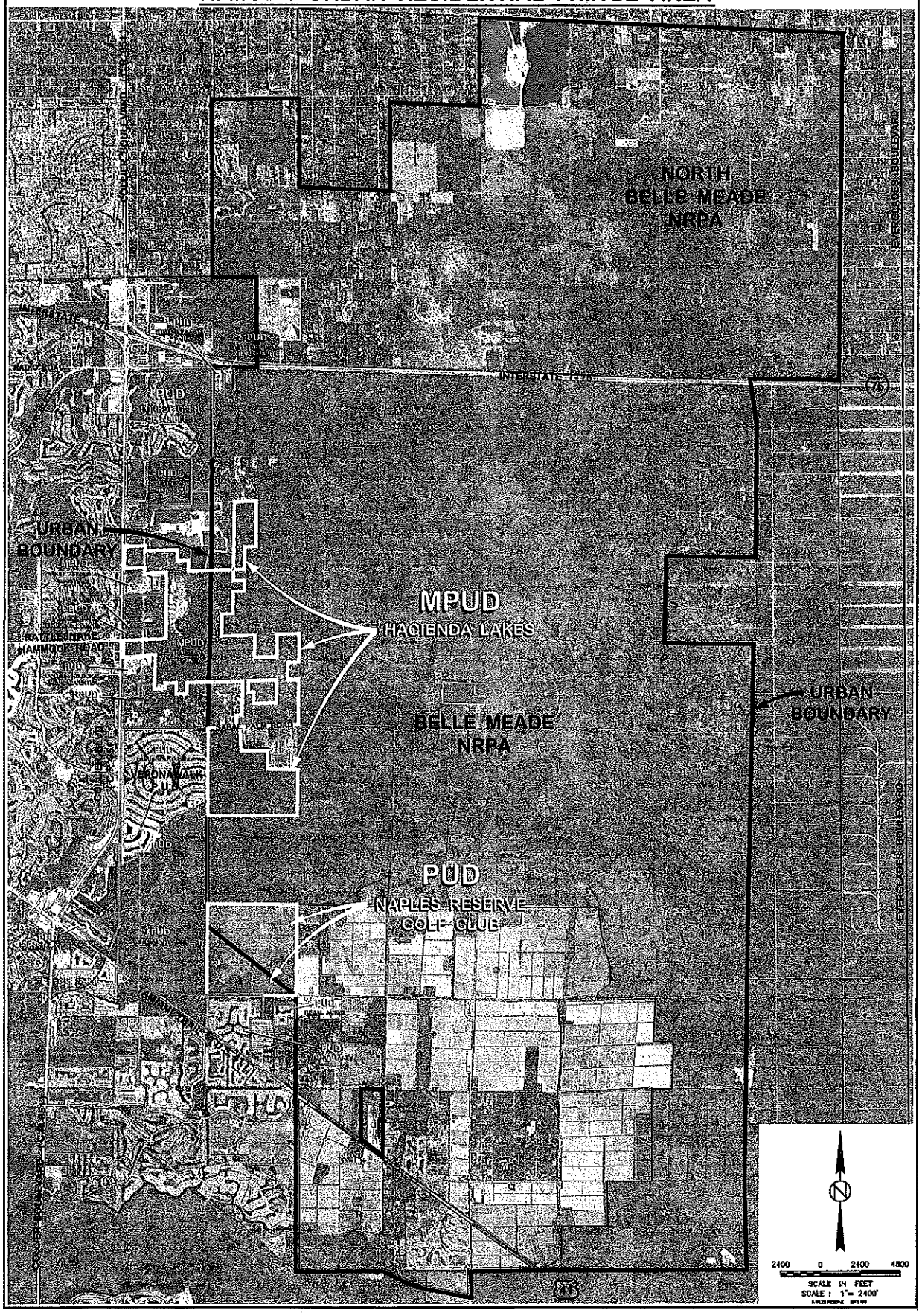
Attachment III

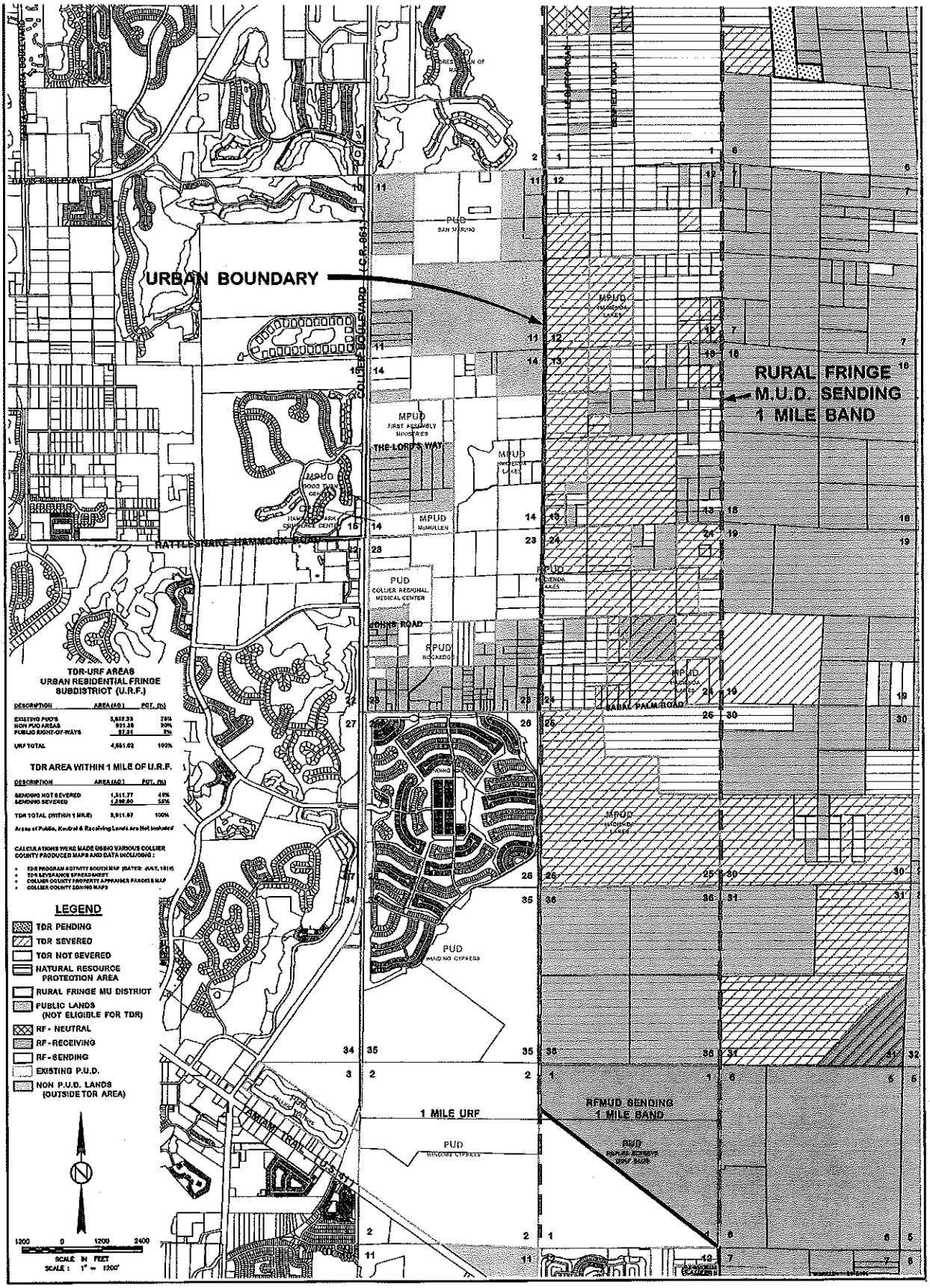
Maps

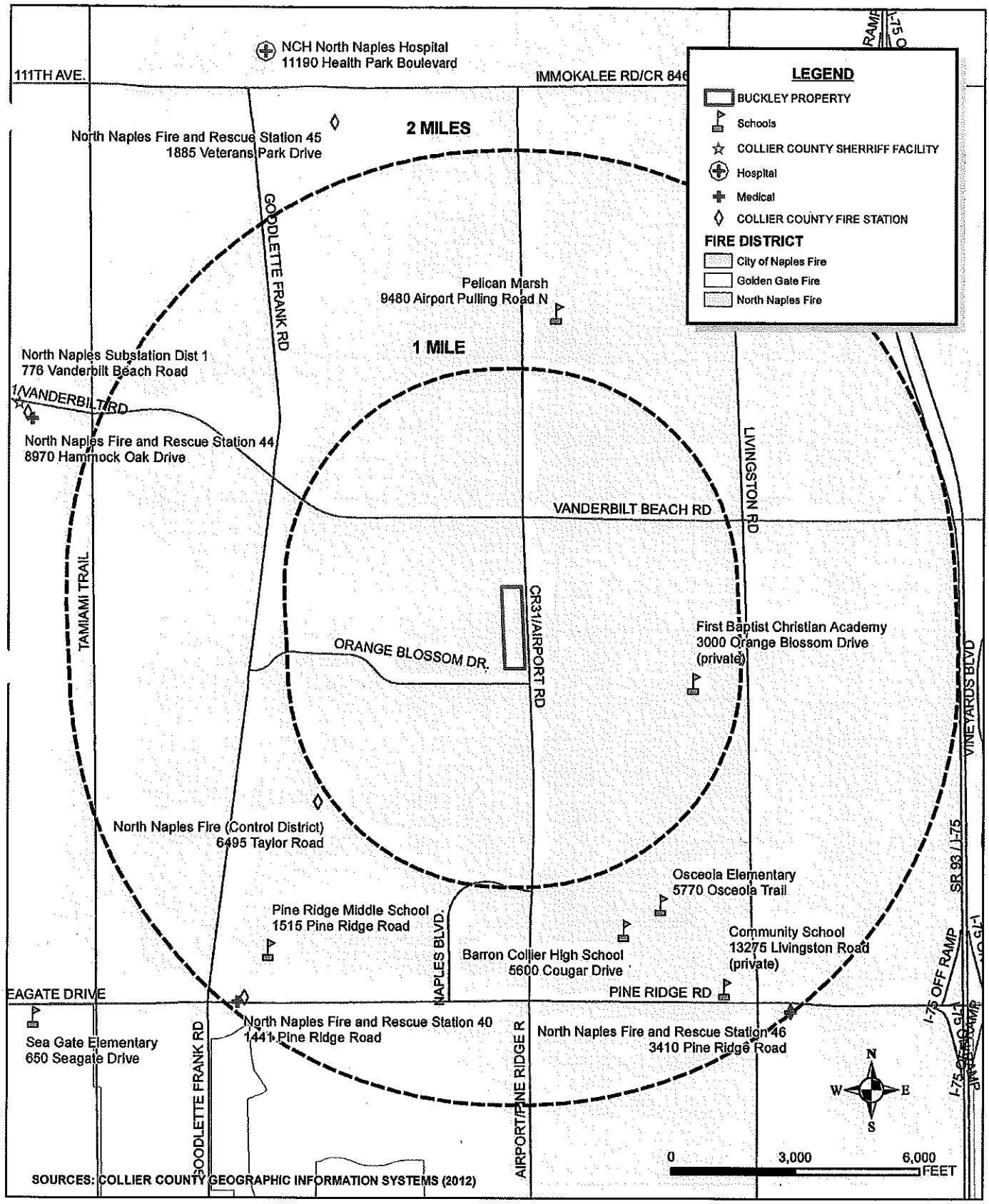
Collier County
DEO 14-1ESR

Growth Management Plan
Comprehensive Plan Amendments

EXHIBIT 'D'
AERIAL OF COLLIER COUNTY FUTURE LAND USE ELEMENT
RFMUD / URBAN RESIDENTIAL FRINGE AREA




URBAN BOUNDARY
RURAL FRINGE
M.U.D. SENDING
1 MILE BAND
RFMUD SENDING
1 MILE BAND
1 MILE URF
COLLIER BOULEVARD (C.R. 951)
RATTLESNAKE HAMMOCK ROAD
DAVIS BOULEVARD
GOLDEN GATE BOULEVARD
GREEN BLVD
SANTA BARBARA BOULEVARD
IMMOKALEE ROAD
LIVINGSTON ROAD
SUNSHINE BOULEVARD
GOODLETTE-FRANK ROAD
AIRPORT-PULLING ROAD
COLLIER BLVD
SABAL PALM ROAD
PUD
SAN MARINO
MPUD
FIRST ASSEMBLY MINISTRIES
THE LORD'S WAY
MPUD
McMULLEN
PUD
COLLIER REGIONAL MEDICAL CENTER
RPUD
ROCKEDO
MPUD
HACIENDA LAKES
MPUD
HACIENDA LAKES
MPUD
HACIENDA LAKES
PUD
WINDING CYPRESS
PUD
WINDING CYPRESS
PUD
PUBLIC RECREATION GOLF COURSE
TDR-URF AREAS
URBAN RESIDENTIAL FRINGE
SUBDISTRICT (U.R.F.)
DESCRIPTION AREA (AC) PCT. (%)
EXISTING PUD'S 3,622.29 78%
NON PUD AREAS 931.38 20%
PUBLIC RIGHT-OF-WAYS 97.31 2%
URF TOTAL 4,651.02 100%
TDR AREA WITHIN 1 MILE OF U.R.F.
DESCRIPTION AREA (AC) PCT. (%)
SENDING NOT SEVERED 1,511.77 45%
SENDING SEVERED 1,299.80 55%
TDR TOTAL (WITHIN 1 MILE) 3,811.57 100%
Areas of Public, Neutral & Receiving Lands Are Not Included
CALCULATIONS WERE MADE USING VARIOUS COLLIER COUNTY PRODUCED MAPS AND DATA INCLUDING :
TDR PROGRAM ACTIVITY SOUTH MAP (DATED: JULY, 1815)
TDR SEVERANCE SPREADSHEET
COLLIER COUNTY PROPERTY APPRAISER PARCELS MAP
COLLIER COUNTY ZONING MAPS
LEGEND
TDR PENDING
TDR SEVERED
TDR NOT SEVERED
NATURAL RESOURCE PROTECTION AREA
RURAL FRINGE MU DISTRICT
PUBLIC LANDS (NOT ELIGIBLE FOR TDR)
RF - NEUTRAL
RF - RECEIVING
RF - SENDING
EXISTING P.U.D.
NON P.U.D. LANDS (OUTSIDE TDR AREA)
1200 0 1200 2400
SCALE IN FEET
SCALE : 1" = 1200'



DAVIDSON ENGINEERING, INC.
4365 RADIOROAD, SUITE 201
NAPLES, FL 34104
PHONE: 239-434-6060

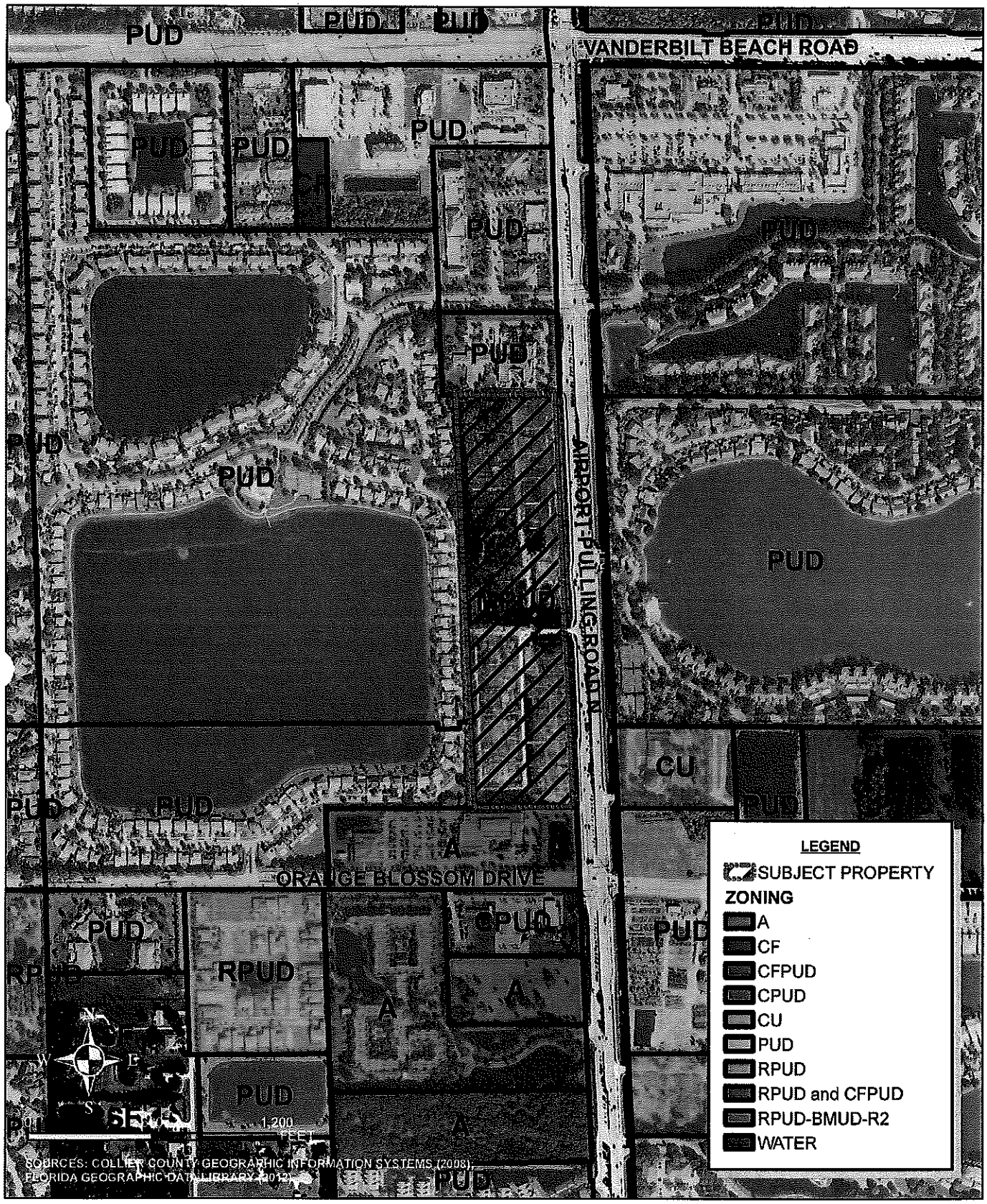
BUCKLEY GMPA

EXHIBIT I: PROXIMITY TO PUBLIC SERVICES

DAVIDSON ENGINEERING, INC.
4365 RADIO ROAD, SUITE 201
NAPLES, FL 34104
PHONE: 239-434-6060

BUCKLEY GMPA

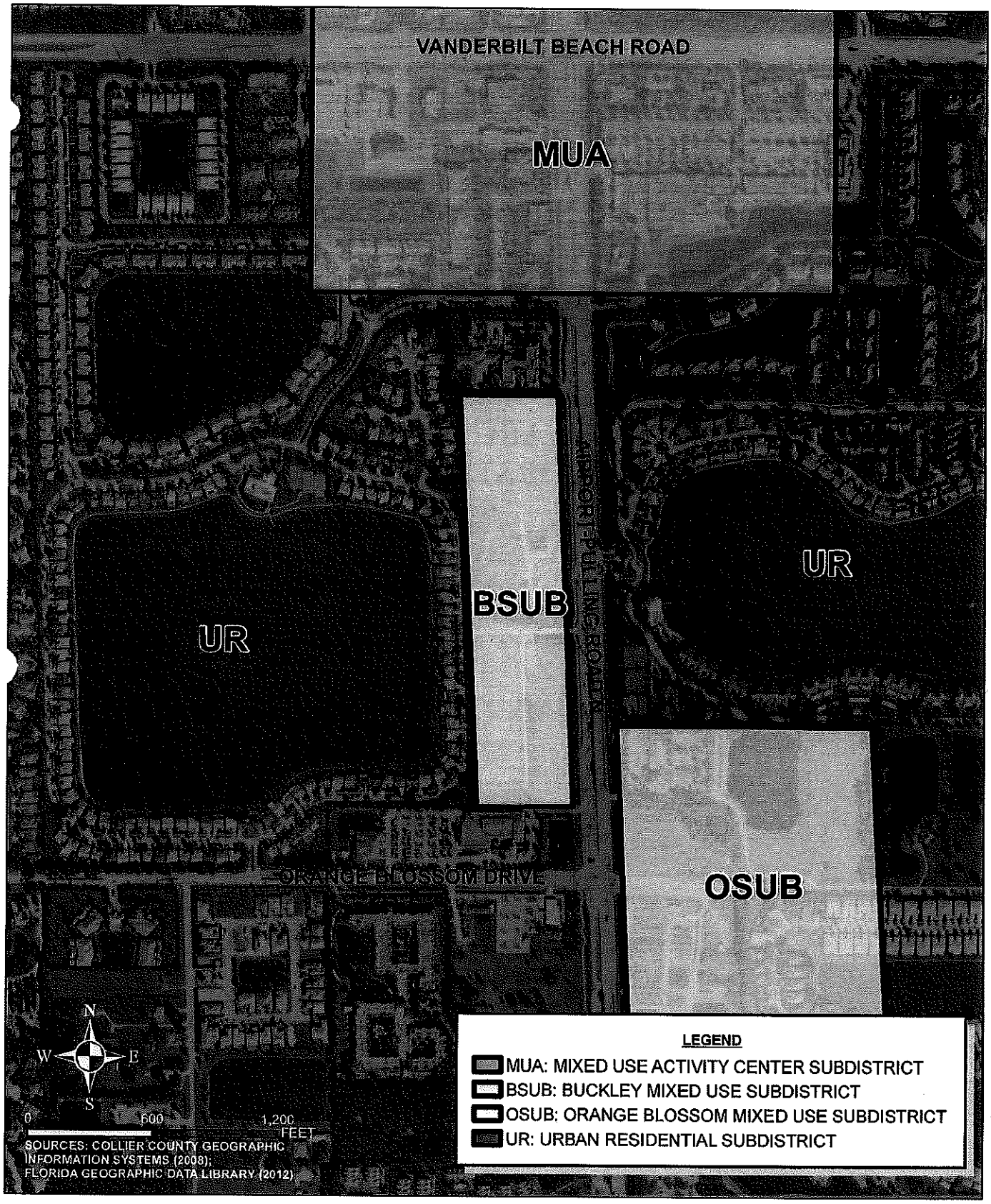
EXHIBIT D: LOCATION MAP



DAVIDSON ENGINEERING, INC.
4365 RADIO ROAD, SUITE 201
NAPLES, FL 34104
PHONE: 239-434-6060

BUCKLEY GMPA

EXHIBIT F: ZONING MAP

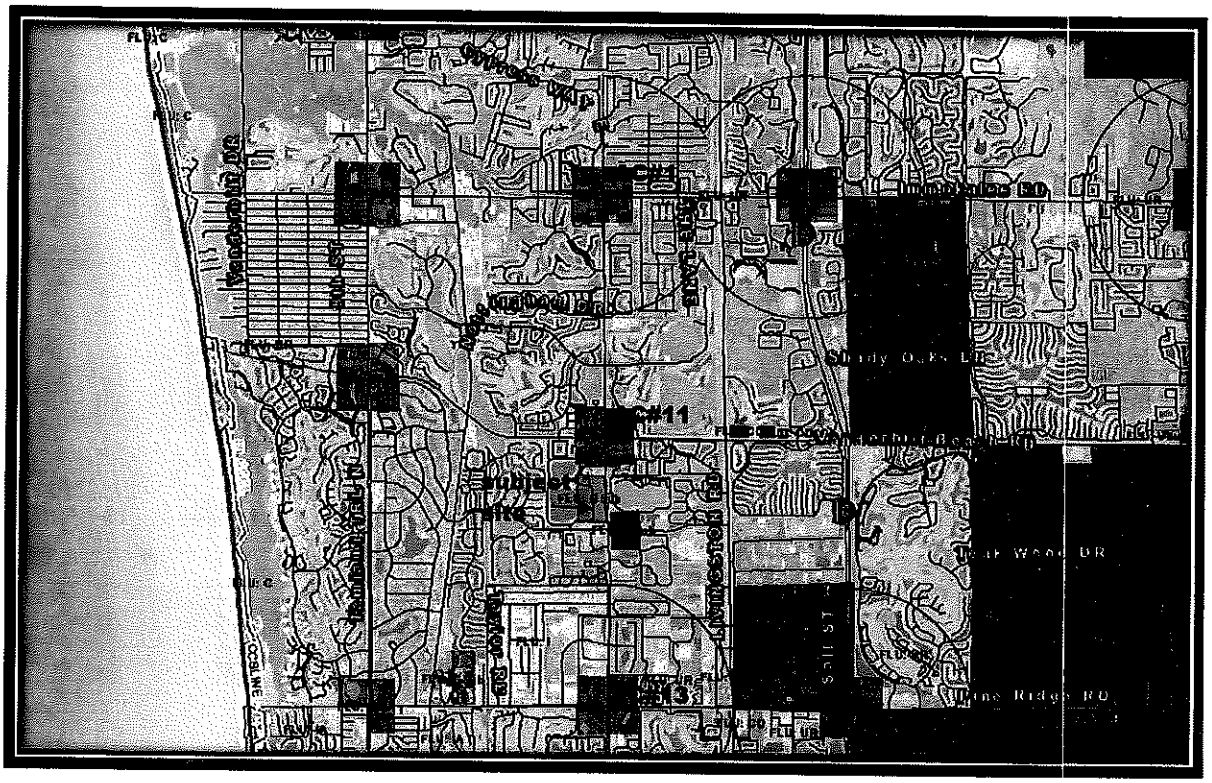


DAVIDSON ENGINEERING, INC.
4365 RADIO ROAD, SUITE 201
NAPLES, FL 34104
PHONE: 239-434-6060

BUCKLEY GMPA

EXHIBIT G: FUTURE LAND USE MAP

Activity Centers Proximate to the Subject Site

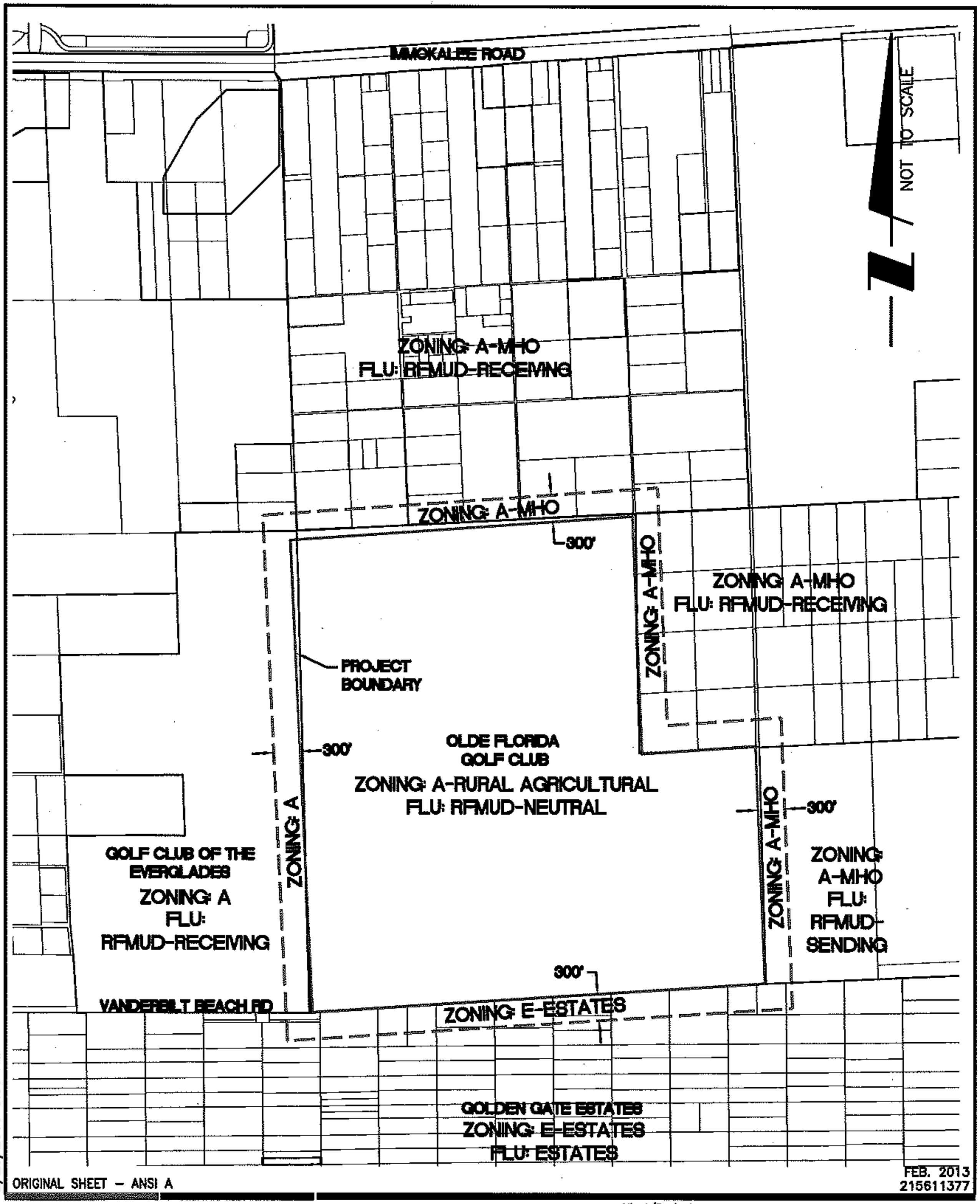


Activity Center # 11 (Airport Rd. and Vanderbilt Beach Rd.): The mid-point of this Activity Center is located approximately ¼ mile north of the subject site (refer to green area on above map) and the closest commercial zoning and development is ±500 feet north of the Subdistrict. The Center consists of approximately 188 acres and is permitted for up to ±1,249,600 square feet of commercial development. The range of uses includes, but is not limited to: restaurants, retail, and office – situated on stand-alone sites and within the traditional shopping center configuration.

Below is a summary of developed and undeveloped commercial acreage within Activity Center 11:

- Southwest Quadrant of Airport Rd. & Vanderbilt Beach Rd. – Walgreen's PUD (15.68 ac./156,800 sq. ft, with 78,904 sq. ft. undeveloped); Fountain Park PUD (10.14 ac./71,400 sq. ft.); and, Venetian Plaza PUD (6.02 ac./90,000 sq. ft., with 15,000 sq. ft. undeveloped)
- Northwest and Northeast Quadrants of Airport Rd. & Vanderbilt Beach Rd. – Pelican Marsh PUD/DRI (80 ac./331,400 sq. ft.)
- Southeast Quadrant of Airport Rd. & Vanderbilt Beach Rd. – Vineyards PUD (75.86 ac./600,000 sq. ft, with approximately 82% of sq. ft. developed.)

Activity Center # 13 (Airport-Pulling Rd. and Pine Ridge Rd.): The mid-point of this Activity Center is located approximately 1-mile south of the subject site (refer to green area on above map) and the closest commercial zoning and development is ±2/3 mile south of the Subdistrict. The Center consists of 306 acres and is permitted for up to ±2,275,017 square feet of commercial development. The range of uses includes, but is not limited to: Big-box development such as "category killers" (PetCo, Sports Authority, Bed, Bath and Beyond, Toys R Us, Staples and more), grocers, restaurants, general retail, and office – situated on stand-alone sites and within the traditional shopping center configuration.

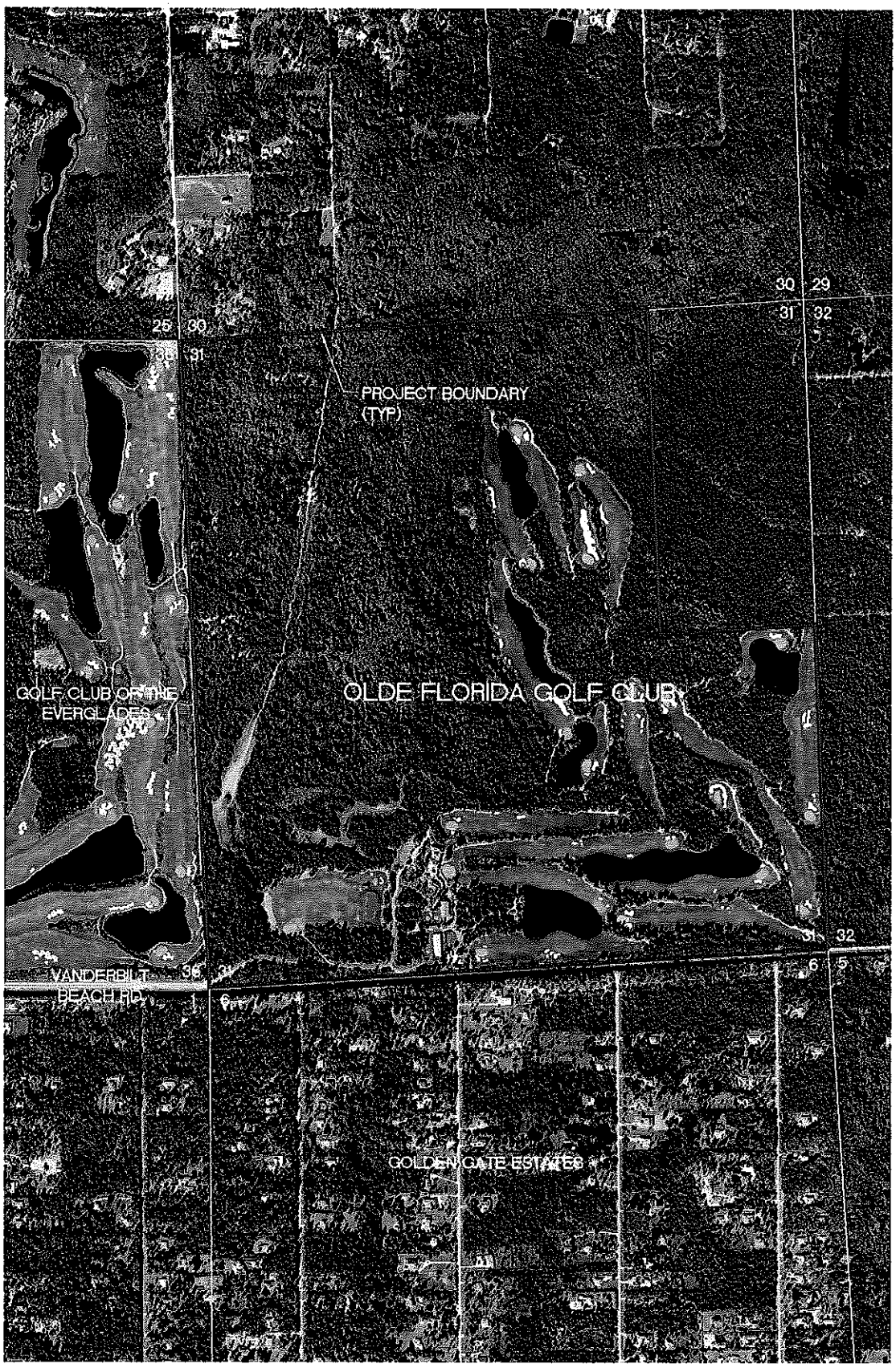


Stantec
3200 BAILEY LANE
NAPLES, FL
34105
Tel. 239.649.4040
Fax. 239.643.5716
www.stantec.com

Client/Project
OLDE FLORIDA GOLF CLUB
GROWTH MANAGEMENT PLAN AMENDMENT
(FLU MAP CHANGE)

Figure No.
EXHIBIT A

Title
GENERAL LOCATION MAP



ORIGINAL SHEET – ANSI B

AERIAL DATE: 2012
SOURCE: COLLIER COUNTY PROPERTY APPRAISER

FEB. 2013
215611377

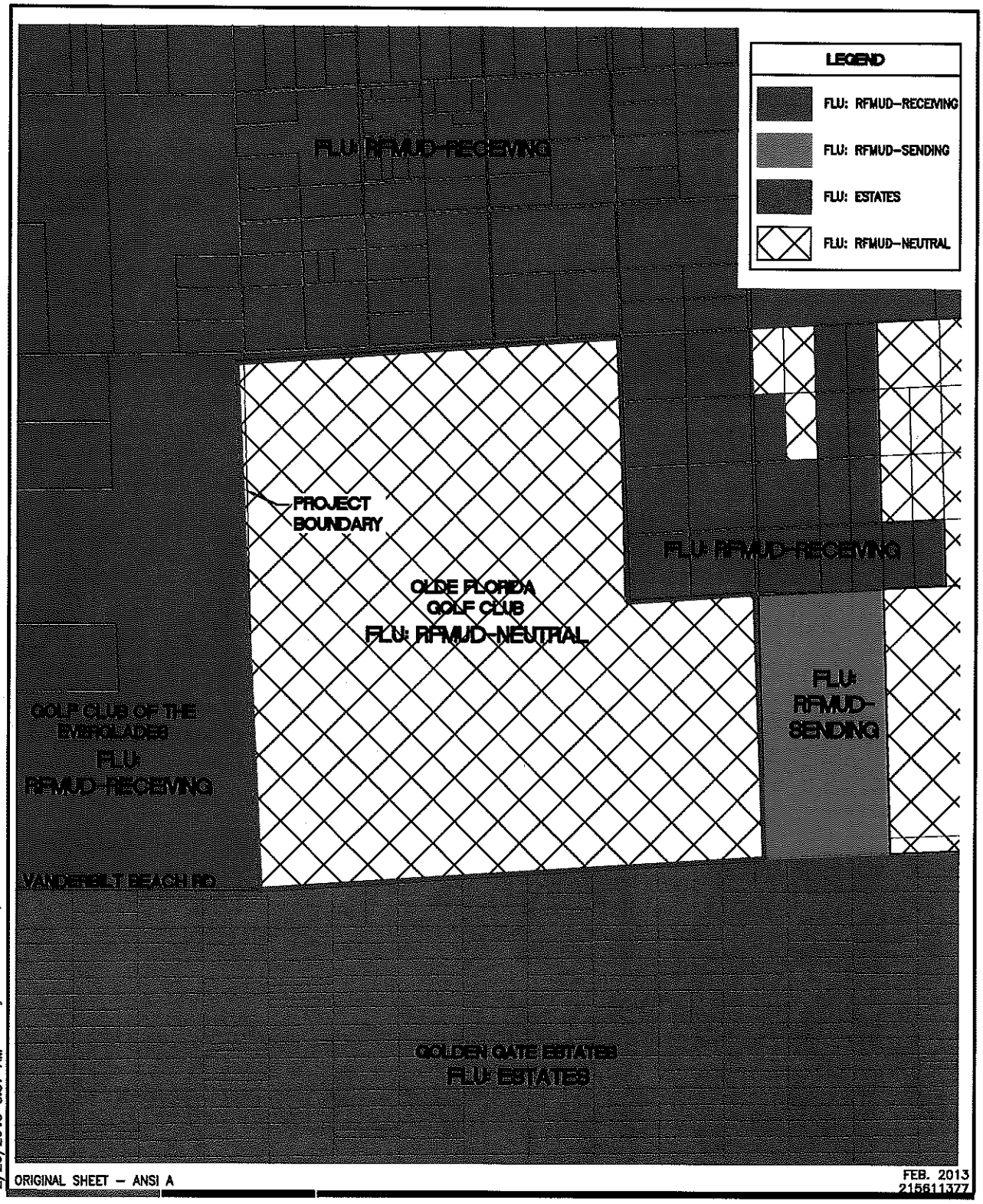
V:\2156\active\215611377\civil\drawing\001_FLU_Map\exhibits\XB_Aerial\215611377-01C-XB.dwg
2013/02/20 8:12 AM By: Wickstrom, Curtis

Stantec
3200 BAILEY LANE
NAPLES, FL
34105
Tel. 239.649.4040
Fax. 239.643.5716
www.stantec.com

Client/Project
OLDE FLORIDA GOLF CLUB
GROWTH MANAGEMENT PLAN AMENDMENT
(FLU MAP CHANGE)

Figure No.
EXHIBIT B

Title
AERIAL



V:\2156\active\215611377\drawing\pdp\FLUFLMAP\exhibits\pdp_EXFLUFLMAP.dwg 2/26/2013 8:57:37 AM By: Wickstrom, Curtis

ORIGINAL SHEET – ANSI A

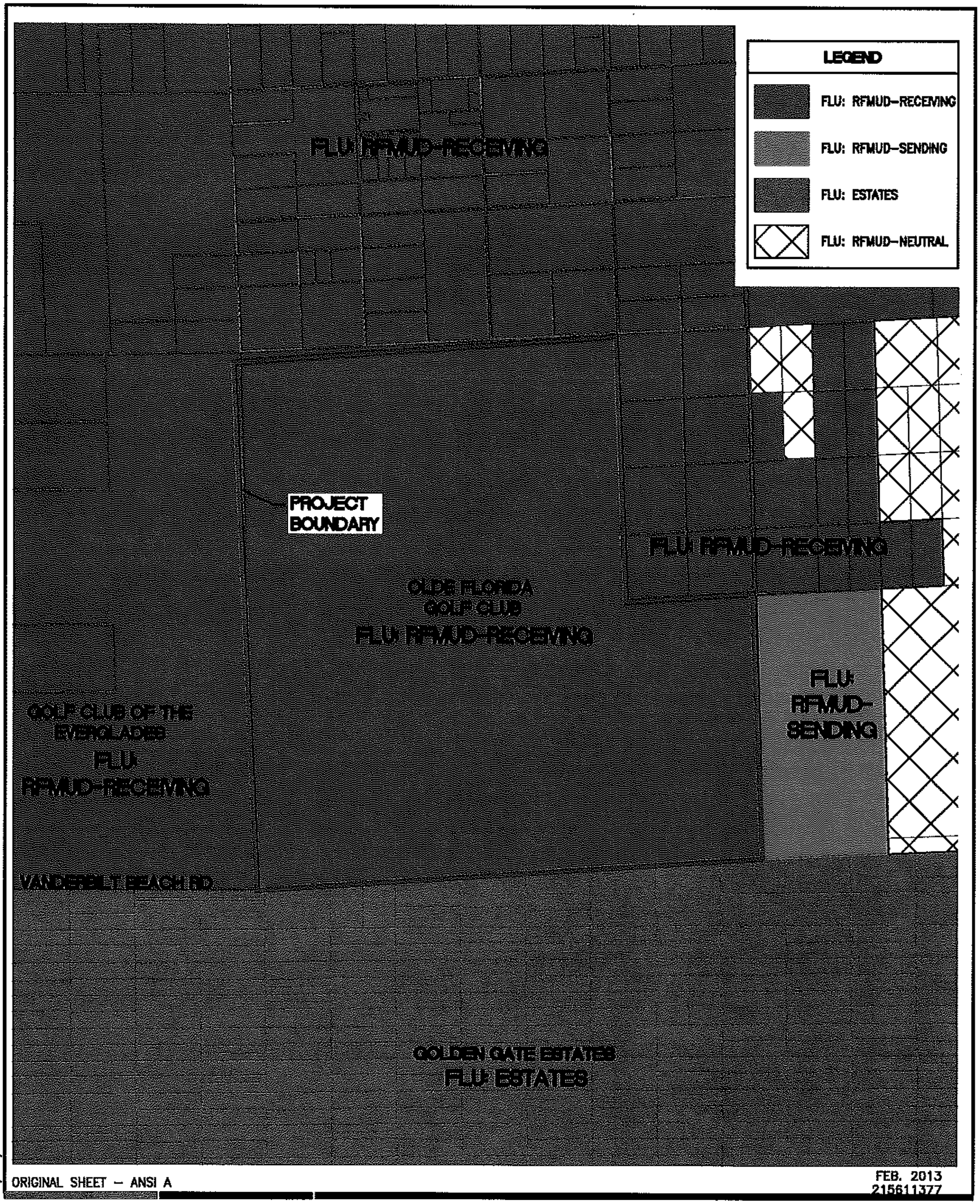
FEB. 2013
215611377

Stantec
3200 BAILEY LANE
NAPLES, FL
34105
Tel. 239.649.4040
Fax. 239.643.5716
www.stantec.com

Client/Project
OLDE FLORIDA GOLF CLUB
GROWTH MANAGEMENT PLAN AMENDMENT (FLU MAP CHANGE)

Figure No.
EXHIBIT C

Title
EXISTING FLUE DESIGNATION



Stantec
3200 BAILEY LANE
NAPLES, FL
34105
Tel. 239.649.4040
Fax. 239.643.5716
www.stantec.com

Client/Project

OLDE FLORIDA GOLF CLUB
GROWTH MANAGEMENT PLAN AMENDMENT
(FLU MAP CHANGE)

Figure No.

EXHIBIT D

Title

PROPOSED FLUE DESIGNATION

Agenda Item

9g

Lee County Comprehensive Plan Amendment (DEO 14-1ESR)

9g

9g

LOCAL GOVERNMENT COMPREHENSIVE PLAN AMENDMENTS
LEE COUNTY

The Council staff has reviewed proposed changes to the Lee County Growth Management Plan (DEO 14-1ESR). A synopsis of the requirements of the Act and Council responsibilities is provided as Attachment I. Comments are provided in Attachment II. Site location maps can be reviewed in Attachment III.

Staff review of the proposed amendments was based on whether they were likely to be of regional concern. This was determined through assessment of the following factors:

1. Location--in or near a regional resource or regional activity center, such that it impacts the regional resource or facility; on or within one mile of a county boundary; generally applied to sites of five acres or more; size alone is not necessarily a determinant of regional significance;
2. Magnitude--equal to or greater than the threshold for a Development of Regional Impact of the same type (a DRI-related amendment is considered regionally significant); and
3. Character--of a unique type or use, a use of regional significance, or a change in the local comprehensive plan that could be applied throughout the local jurisdiction; updates, editorial revisions, etc. are not regionally significant.

A summary of the results of the review follows:

Proposed Amendment	Factors of Regional Significance			
	Location	Magnitude	Character	Consistent
SW Florida International Airport Layout Plan (CPA 2013-03)	no	no	yes	(1) procedural (2) regionally significant; and (3) consistent with SRPP
Lee Plan Consistency for DRI Review Thresholds (CPA 2013-05)	no	no	yes	(1) procedural (2) regionally significant; and (3) consistent with SRPP

RECOMMENDED ACTION: Approve staff comments. Authorize staff to forward comments to the Department of Economic Opportunity and Lee County.

01/14

Attachment I

COMMUNITY PLANNING ACT

Local Government Comprehensive Plans

The Act requires each municipal and county government to prepare a comprehensive plan that must include at least the following nine elements:

1. Future Land Use Element;
2. Traffic Circulation Element;
   A local government with all or part of its jurisdiction within the urbanized area of a Metropolitan Planning Organization shall prepare and adopt a transportation element to replace the traffic circulation; mass transit; and ports, aviation, and related facilities elements. [9J-5.019(1), FAC]
3. General Sanitary Sewer, Solid Waste, Drainage, and Potable Water and Natural Groundwater Aquifer Recharge Element;
4. Conservation Element;
5. Recreation and Open Space Element;
6. Housing Element;
7. Coastal Management Element for coastal jurisdictions;
8. Intergovernmental Coordination Element; and
9. Capital Improvements Element.

The local government may add optional elements (e. g., community design, redevelopment, safety, historical and scenic preservation, and economic).

All local governments in Southwest Florida have adopted revised plans:
Charlotte County, Punta Gorda
Collier County, Everglades City, Marco Island, Naples
Glades County, Moore Haven
Hendry County, Clewiston, LaBelle
Lee County, Bonita Springs, Cape Coral, Fort Myers, Fort Myers Beach, Sanibel
Sarasota County, Longboat Key, North Port, Sarasota, Venice

Attachment I

Comprehensive Plan Amendments

A local government may amend its plan at any time during the calendar year. Six copies of the amendment are sent to the Department of Economic Opportunity (DEO) for review. A copy is also sent to the Regional Planning Council, the Water Management District, the Florida Department of Transportation, and the Florida Department of Environmental Protection.

The proposed amendments will be reviewed by DEO in two situations. In the first, there must be a written request to DEO. The request for review must be received within forty-five days after transmittal of the proposed amendment. Reviews can be requested by one of the following:

- the local government that transmits the amendment,
- the regional planning council, or
- an affected person.

In the second situation, DEO can decide to review the proposed amendment without a request. In that case, DEO must give notice within thirty days of transmittal.

Within five working days after deciding to conduct a review, DEO may forward copies to various reviewing agencies, including the Regional Planning Council.

Regional Planning Council Review

The Regional Planning Council must submit its comments in writing within thirty days of receipt of the proposed amendment from DEO. It must specify any objections and may make recommendations for changes. The review of the proposed amendment by the Regional Planning Council must be limited to "effects on regional resources or facilities identified in the Strategic Regional Policy plan and extra-jurisdictional impacts which would be inconsistent with the comprehensive plan of the affected local government.

After receipt of comments from the Regional Planning Council and other reviewing agencies, DEO has thirty days to conduct its own review and determine compliance with state law. Within that thirty-day period, DEO transmits its written comments to the local government.

NOTE: THE ABOVE IS A SIMPLIFIED VERSION OF THE LAW. REFER TO THE STATUTE (CH. 163, FS) FOR DETAILS.

Attachment II

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

LOCAL GOVERNMENT COMPREHENSIVE PLAN REVIEW
FORM 01

Pursuant to Section 163.3184, Florida Statutes, Council review of proposed amendments to local government Comprehensive Plans is limited to adverse effects on regional resources and facilities identified in the Strategic Regional Policy Plan and extra-jurisdictional impacts that would be inconsistent with the Comprehensive Plan of any affected local government within the region. A written report containing the evaluation of these impacts, pursuant to Section 163.3184, Florida Statutes, is to be provided to the local government and the State land planning agency within 30 calendar days of receipt of the amendment.

LOCAL GOVERMENT:

Lee County

DATE AMENDMENT RECIEVED:

December 2, 2013

DATE AMENDMENT MAILED TO LOCAL GOVERNMENT AND STATE:

January 6, 2014

1. AMENDMENT NAME

Southwest Florida International Airport – Airport Layout Plan
Lee Plan Consistency for DRI Review Thresholds

2. DESCRIPTION OF AMENDMENT(S):

Southwest Florida International Airport – Airport Layout Plan (CPA 2013-03)

The Lee County Port Authority staff, on May 7, 2013, submitted to the Lee County Division of Planning a request to change the Lee Plan to reflect changes that the Airport Authority desired to make to the Airport Layout Plan (ALP), Map 3F. The request stated that the Lee County Port Authority had recently completed a multi-year planning and design analysis and that during that analysis a modification to the proposed runway layout and associated facilities as depicted on the 2004 ALP had changed. The changes were determined by the analysis to provide the most flexibility for the future and the ultimate development of the airport. The changes were submitted to the FAA and approved by the FAA on August 27, 2013.

The airport's land use designations have changed over time as the airport has been expanded. The current land use designations for the airport property are Airport and Wetlands.

Recent changes to the ALP, which was adopted into the Lee Plan as Map 3F by Comprehensive Plan amendment CPA2003-02. It incorporated the results of the Airport Master Plan process that was ongoing at the time. Lee Plan amendments CPA2005-10 amended the Airport Noise Zones. CPA2007-57 and CPA2010-08 amended policies relating to future development within the airport boundaries. The Regional Planning Council has reviewed and approved these past amendments.

The revised ALP contains five changes from what is currently depicted on Map 3F of the Lee Plan. The first change is the shift of the new parallel runway (6R/24L) eighty feet to the south from it proposed location on the existing ALP. The second change is the addition of a third crossfield taxiway for commercial aircraft. This additional taxiway will allow the airport to maintain unrestricted commercial operations. The third and fourth changes include shifting the location of the fire department and control tower facilities as currently depicted on Map 3F. The changes will accommodate the additional crossfield taxiway. The proposed new location of the control tower is intended to provide proper visibility of the airport after completion of the second runway. The proposed new location of the fire department will allow for rapid access to both the existing and future parallel runway. The fifth change to the ALP now depicts existing facilities that have been constructed on site since the adoption of the 2004 ALP. This includes the midfield terminal and its apron and taxiway, long term and employee parking, stormwater detention areas and other airport related facilities.

Lee Plan Consistency for DRI Review Thresholds (CPA2013-05)

These text amendments will change Policy 18.1.5, Policy 18.1.16, Policy 18.1.16.6, and Policy 18.2.2 in order to make the Lee Plan consistent with the State requirements that prohibit local governments from requiring Development of Regional Impact (DRI) review of projects that do not meet or exceed the established State thresholds for large scale developments.

The proposed text changes are as follows:

- **Policy 18.1.5**
  In order to create a cohesive community, site design within the University Community must ut8lize alternative modes of transportation such as pedestrian networks, mass transit opportunities, sidewalks, bike paths and similar facilities. Site design must link related land uses through the use of alternative modes of transportation thus reducing automobile traffic within the University Community. The county will work cooperatively with the University on these matters as the University proceeds through the Campus Master Plan process.

  Prior to local Development Order approval on property within Area 9, the University Community, the developer must demonstrate that the proposed plan of development supports pedestrian, bicycle and transit opportunities. A multi-modal interconnection between the property and the FGCU campus must be provided at no cost to Lee

County. The owner/developer must dedicate the right-of-way for the 951 extension between Alico road and Corkscrew Road to Lee County prior to ~~Development of Regional Impact Development Order~~ rezoning approval. The value of the right-of-way on the date of dedication must not reflect the added value of the lands changed from DR/GR to University Community by virtue of CPA 2009-01. The county will issue road impact fee credits for the dedication. (Amended by Ordinance No. 94-30, 00-22, 10-40)

- **Policy 18.1.16**
  For those lands in Area 9, all development must be designed to enhance and support the University. All rezoning in this area must include a specific finding that the proposed sues qualify as Associated Support Development, as that term is defined in the glossary. The final design and components will be determined as part of the ~~DRI/~~ rezoning process and must be consistent with the following development standards: [No changes proposed to Policy 18.1.16 number paragraphs 1 through 5.]

- **Policy 18.1.16.6**
  6. Development Acreage: The previous mining and crushing operations in Area 9 have rendered a large portion of the property unsuitable for development. Some areas that were previously mined have been filled with materials left over from the crushing operations know as fines. These and other activities have left an area of approx 350 acres that has never been mined that remains suitable for development of structures and other site improvements. Development is therefore limited to this area. The previously impacted areas may only be used for reclamations and development as unoccupied open space. Property may be designated for residential use, non-residential use, or a combination of uses classified as mixed use. Out of the 350 acres available for development, 40 acres of developable land, not including right-of-way which is intended to serve as the connection between Area 9 and FGCU, will be dedicated to FGCU concurrent with ~~DRI~~ rezoning approval. The 40 acres dedicated to FGCU will become part of the FGCU campus and development there will be calculated against the maximum residential unit count, nor maximum commercial square footage otherwise allowed. [No changes proposed to Policy 18.1.16 number paragraph 7 to Policy 18.2.1.]

- **Policy 18.2.2**
  The University Village is an area which provides the associated support development and synergism to create a viable University Community. This sub-category allows a mix of land uses related to and justified by the University and its development. Predominant land uses within this area are expected to be residential, commercial, office, public and quasi-public, recreation, and research and development parks. ~~In addition to complying with the Conceptual Master Plan required by Policy 18.1.10, all property within the University Village must undergo a Development of Regional Impact review.~~

3. ADVERSE EFFECTS TO SIGNIFICANT REGIONAL RESOURCES AND FACILITIES IDENTIFIED IN THE STRATEGIC REGIONAL POLICY PLAN:

Southwest Florida International Airport – Airport Layout Plan (CPA 2013-03)

The proposed changes to the ALP will bring the airport plan up to date and provide for the future changes proposed for the continued development of this major regional facility. The proposed shift in the location of the new runway will provide the airport with an unconstrained commercial aircraft runway and parallel taxiway. The eighty foot shift also creates more area for the future Concourse A terminal at the airport. Although the new runway location moves it closer to the FPL power lines, an analysis performed during the design process showed no conflict was produced by making this change. The relocation of the control tower and fire department facilities will allow them to operate more effectively within the airport. None of the changes will increase any off site impacts.

Council staff has reviewed the proposed ALP amendments to the Lee County Comprehensive Plan and finds that the proposed changes are provided for an updated ALP in order to properly manage the airport. The proposed changes are important for the health, safety and welfare of population of the region. Based on the fact that the requested policy changes to the Lee Plan have been approved by the FAA and in order to bring the airport plan into consistency with the Lee Plan, Council staff finds the proposed amendments are procedural in nature, are regionally important, but do not adversely affect any significant regional resources or facilities that are identified in the Strategic Regional Policy Plan.

Lee Plan Consistency for DRI Review Thresholds (CPA2013-05)

The University Community future land use designation was initially adopted into the Lee Plan and Future Land Use Map (FLUM) on October 27, 1992 by Ordinance 92-47, which adopted PAM/T92-02, Florida's Tenth University. This plan amendment adopted the University Community land use category descriptor policy, Policy 1.1.9, and Goal 20 (later renumbered to Goal 18): University Community, which provided detailed descriptions of the development that was anticipated to surround what is not FGCU.

Since its initial adoption in 1992, all privately owned property with the University Community designation, have been required to undergo a DRI review. This requirement was put in place to help ensure that the University Community area developed as a cohesive community. The specific requirement for the DRI review was contained in Policy 20.2.4. (Later renumbered to Policy 18.2.2.)

The University Community area was expanded in 2010 to include a 9th area. This was accomplished through an amendment to the Lee Plan adopted on October 20, 2010 by Ordinance 10-40, which adopted CPA2009-00001, Alico West. The Alico West Lee Plan amendment included details about the development of Area 9 of the University Community. The property that was the subject of Area 9 was previously an aggregate mine and was not originally included in the University Community area because it was not consistent with the desired uses. Consistent with development requirements with the University Community

area as originally adopted, development within Area 9 would be required to undergo DRI review.

The 2011 legislative amendments adopted by HB7207 changed the DRI statute to prohibit local governments from imposing DRI review on developments that do not exceed the State thresholds for DRIs. The pertinent part of the DRI Statute, F.S. 380.06(24)(u), is as follows:

> *(u) Notwithstanding any provisions in an agreement with or among a local government, regional agency, or the state land planning agency or in a local government's comprehensive plan to the contrary, a project no longer subject to development-of-regional-impact review under revised thresholds is not required to undergo review.*

In response to this change in the Florida Statutes, the Lee County Attorney's Office has advised the County planning staff that the requirement that all development within the University Community area undergo DRI review is no longer consistent with the Florida Statutes and that the requirement may not be enforced and should be removed from the Lee Plan.

Council staff has reviewed the proposed amendments to the Lee County Comprehensive Plan and finds that the proposed changes are provided for an updated DRI review requirements of the lands located in the University Community land use designation. The proposed changes are important in order to provide consistency between State law and the Lee Plan. Based on the fact that the requested policy changes to the Lee Plan provides consistency with the Lee Plan, Council staff finds the proposed amendments are procedural in nature, are regionally important because it addresses the region reviews of project, but does not adversely affect any significant regional resources or facilities that are identified in the Strategic Regional Policy Plan.

4. EXTRA-JURISDICTIONAL IMPACTS INCONSISTENT WITH THE COMPREHENSIVE PLANS OF LOCAL GOVERNMENTS WITHIN THE REGION

Council staff has reviewed the proposed amendments with respect to extra-jurisdictional impacts on surrounding local government Comprehensive Plans and finds that the proposed amendments do not negatively impact and are not inconsistent with adjacent local governmental Comprehensive Plans.

Request a copy of the adopted version of the amendment? _X_ Yes ___ No

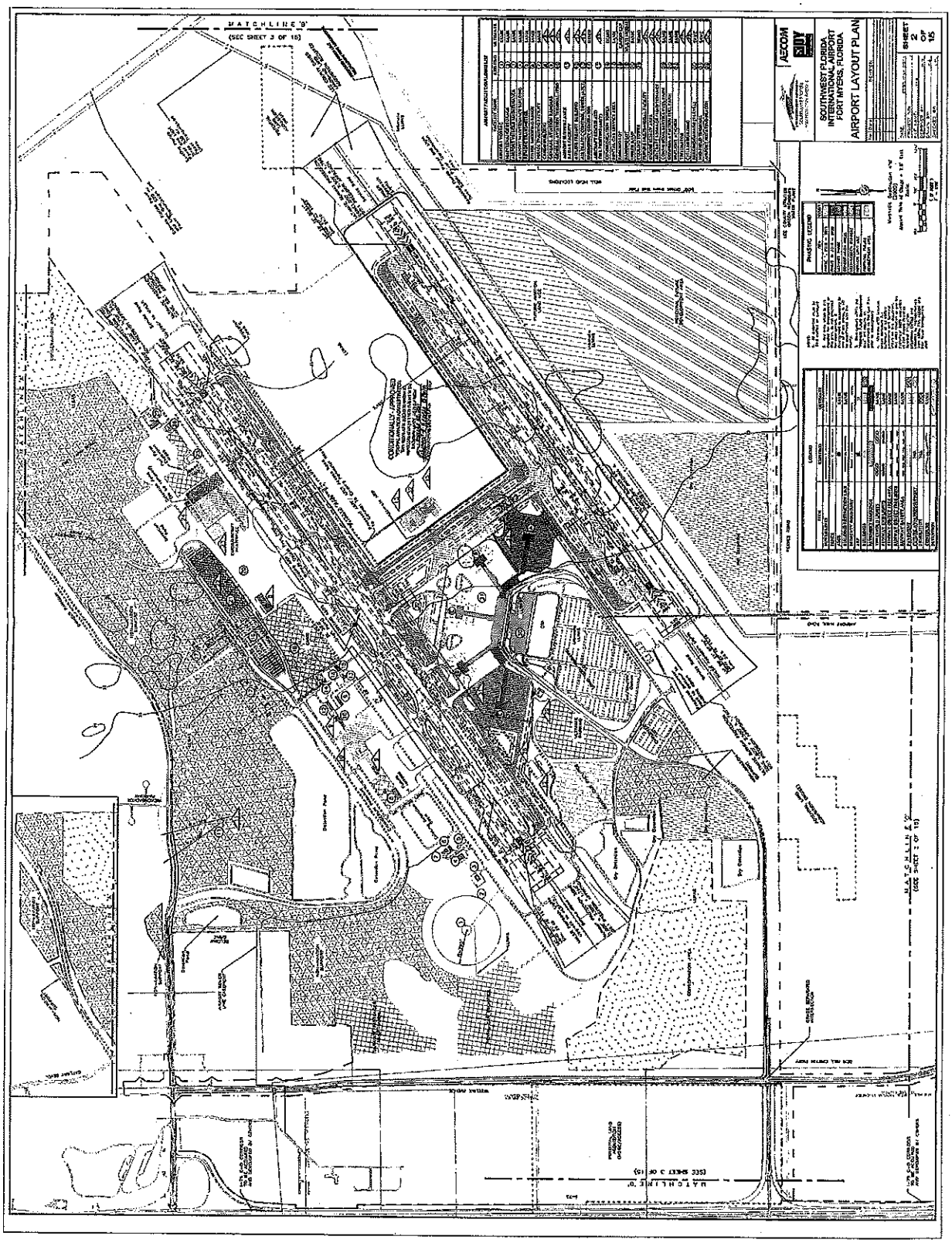
Attachment III

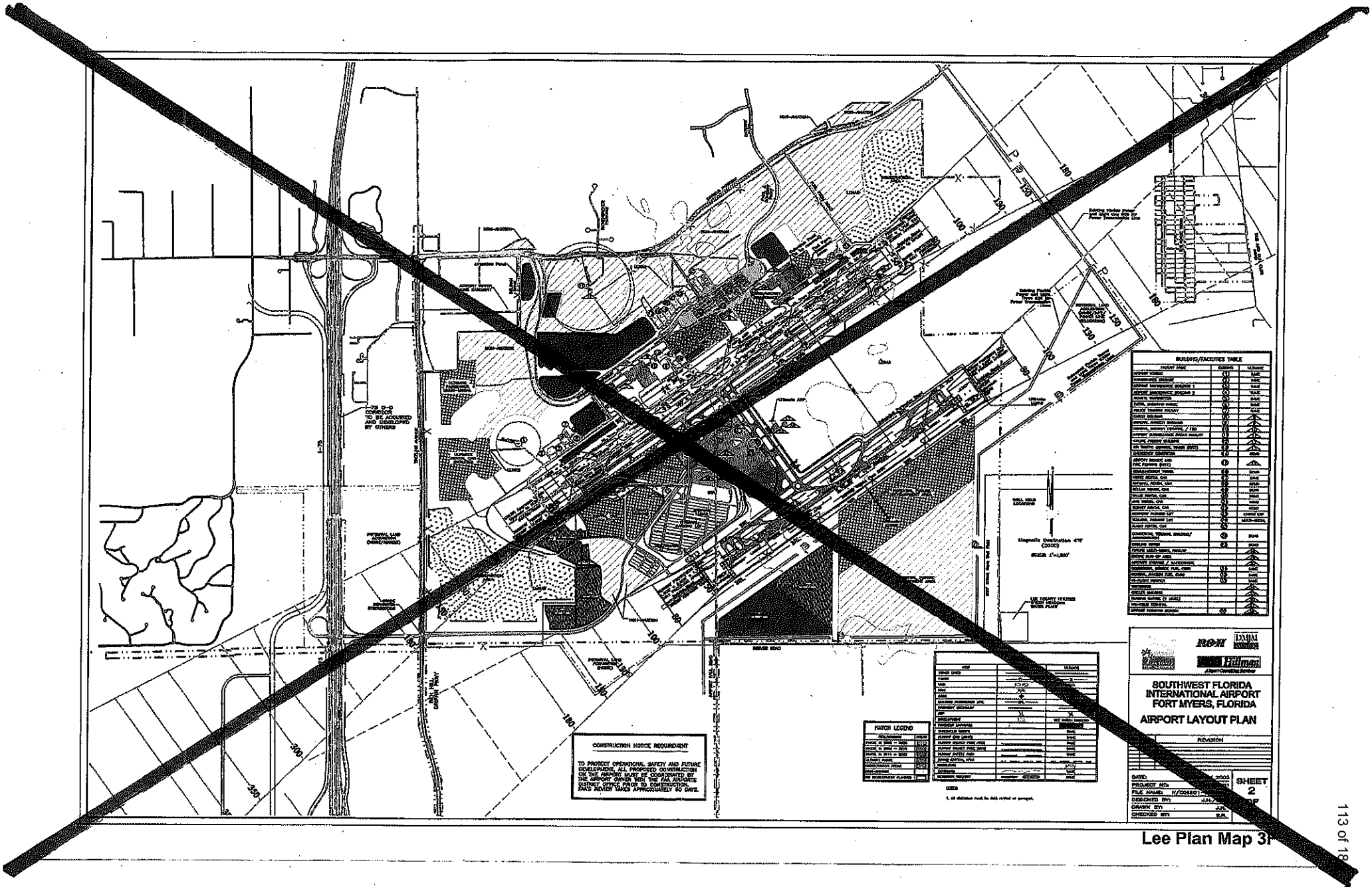
Maps

Lee County
DEO 14-1ESR

Growth Management Plan
Comprehensive Plan Amendments

MAP 3F


SOUTHWEST FLORIDA INTERNATIONAL AIRPORT
FORT MYERS, FLORIDA
AIRPORT LAYOUT PLAN
AECOM
MATCHLINE 'B'
(SEE SHEET 3 OF 15)
MATCHLINE 'A'
(SEE SHEET 2 OF 15)
PHASING LEGEND
LEGEND



Lee Plan Map 3

Agenda Item

9h

Sarasota County Comprehensive Plan Amendment (DEO 14-1ESR) - **Withdrawn**

9h

9h

Agenda Item

9i

Palmer Ranch Increment MDO

9i

9i

PALMER RANCH
DRI # 08-8283-032
REVIEW OF SARASOTA COUNTY DEVELOPMENT ORDER

Council Recommendations

On December 18, 1984, the Sarasota County Board of County Commissioners approved the Application for Development Approval for the Palmer Ranch Development of Regional Impact (DRI) with Resolution No. 84-418. On October 17, 2013, the Council recommended approval of the Palmer Ranch DRI Fourteenth Notice of Proposed Change (NOPC). The approval dealt with changes to the DRI which revised two conditions of the Master Development Order (Resolution No. 91-170, as amended).

The first change related to a change to Land Use/Housing Condition A.3 would increase the total number of residential units allowed in the Palmer Ranch DRI by 10%, from 10,500 to 11,550 dwelling units. The second change dealt with a proposed revision to Transportation Condition B.6 that added an equivalency matrix that clarifies the process for reallocating unused dwelling units from Increments to other areas of the Palmer Ranch DRI. The proposed equivalency matrix was designed to provide an effective tool for measuring traffic impacts in conjunction with DRI incremental traffic reviews and consistency with the Palmer Ranch 5-Year Traffic Reanalysis.

Sarasota County Development Order

On November 20, 2013, the Board of Sarasota County Commissioners approved the Palmer Ranch DRI Master Development Order. A copy of the development order (see Attachment I) was rendered to the Department of Economic Opportunity (DEO) on December 6, 2013 and to the Southwest Florida Regional Planning Council (SWFRPC) on December 6, 2013. The 45-day appeal period for the DEO Development Order expires on January 20, 2014. Staff has reviewed the attached development order and finds that it is consistent with all regional issues and recommendations identified within the Council's Official Recommendations.

RECOMMENDED ACTION:

1. Accept the Sarasota County approved Development Order as rendered.
2. Notify Sarasota County, the Florida Department of Economic Opportunity and the applicant that the approved Development Order is consistent with the Council approved NOPC.

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA

RESOLUTION NO. 2013-196

A RESOLUTION OF THE COUNTY OF SARASOTA, FLORIDA AMENDING THE MASTER DEVELOPMENT ORDER FOR THE PALMER RANCH DEVELOPMENT OF REGIONAL IMPACT ORIGINALLY ADOPTED BY SARASOTA COUNTY RESOLUTION NO. 84-418, AS AMENDED BY RESOLUTION NO. 91-170, AS AMENDED; PROVIDING FOR FINDINGS OF FACT AND CONCLUSIONS OF LAW; PROVIDING FOR AMENDMENT TO THE PALMER RANCH MASTER DEVELOPMENT ORDER; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR SERVICE AND RECORDING; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR RELATIONSHIP TO OTHER REGULATIONS AND PROVIDING FOR CONSENT TO PROVISIONS OF DEVELOPMENT ORDER.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA:

SECTION 1. Findings of Fact and Conclusions of Law. The Board of County Commissioners of Sarasota County, Florida hereby makes the following findings of fact and conclusions of law:

1.1 On December 18, 1984, the Board of County Commissioners approved the Palmer Ranch Development of Regional Impact by issuing the Master Development Order (Resolution No. 84-418) for the property located in Sarasota County, Florida, east of U.S. 41, north of Preymore Street, south of Clark Road and west of I-75 more particularly described in Exhibit "A".

1.2 The issuance of the Palmer Ranch Master Development Order (MDO) has occurred in accordance with Findings of Fact and Conclusions of Law as specified in the Amended and Restated Master Development Order, Resolution No. 91-170, as amended.

1.3 On July 12, 2013, Palmer Ranch Holdings, Ltd., through their authorized agent, James A. Paulmann, submitted to Sarasota County an application for a Notification of Proposed Change (NOPC) to the Palmer Ranch Development of Regional Impact (DRI) Master Development Order (MDO) (Resolution No. 91-170, as amended) in accordance with Chapter 380.06, Florida Statutes to increase the total number of residential units allowed in the Palmer Ranch DRI by 10% from 10,500 to 11,550 dwelling units and to add an equivalency matrix to measure the traffic impacts in conjunction with DRI incremental traffic reviews and consistency with the Palmer Ranch 5 year Traffic Reanalysis.

1.4 The Board of County Commissioners of Sarasota County held a duly noticed public hearing on said NOPC on November 20, 2013.

R2013-196

1.5 Pursuant to Section 380.06 (11), Florida Statutes, public Notification for a hearing on said NOPC before the Board of County Commissioners of Sarasota County was duly published in the "Sarasota Herald-Tribune" on September 17, 2013 and was duly provided to the Florida Department of Economic Opportunity (DEO), the Southwest Florida Regional Planning Council (SWFRPC) and other persons designated by DEO rules.

1.6 When developed in accordance with the modifications imposed by this NOPC to the Master Development Order, which also requires further review of all specific segments of the Palmer Ranch development pursuant to Applications for Incremental Development Approval, the Palmer Ranch development:

(a) Will have a favorable impact on the environment and natural and historical resources of the region;
(b) Will have a favorable economic impact on the economy of the region by providing new employment and business for the residents of the region;
(c) Will efficiently use water, sewer, solid waste disposal, public school facilities, and other necessary public facilities;
(d) Will effectively use public transportation facilities;
(e) Will favorably affect the ability of people to find adequate housing reasonably accessible to their places of employment; and
(f) Complies with such other criteria for determining regional impact as the regional planning agency deems appropriate including, but not limited to, the extent to which the development would create an additional demand for, or additional use of energy.

1.7 The proceedings herein relating to the Palmer Ranch NOPC have been conducted in compliance with the provisions of Chapter 380, Florida Statutes; and the Master Development Order for the Palmer Ranch Development of Regional Impact (Resolution No. 91-170, as amended); and all conditions precedent to the amendment of the MDO required by Chapter 380, Florida Statutes, have occurred.

1.8 The proposed amendment is not located in an Area of Critical State Concern designated pursuant to the provisions of Section 380.05, Florida Statutes.

1.9 The proposed amendment does not unreasonably interfere with the achievement of the objectives of an adopted State Land Development Plan applicable to the Palmer Ranch Development of Regional Impact.

1.10 The proposed amendment, subject to the conditions imposed herein, is consistent with the Sarasota County Comprehensive Plan and does not appear to conflict with other local land development regulations.

1.11 The proposed amendment is consistent with the Report and Recommendation of the SWFRPC pursuant to Section 380.06(12), Florida Statutes.

R2013-196

1.12 The proposed changes do not constitute a substantial deviation and therefore do not cause the development to be subject to further development of regional impact review pursuant to Section 380.06(19), Florida Statutes.

SECTION 2. Approval of Amendment to the Palmer Ranch Master Development Order (Resolution No. 91-170)

2.1 The Board of County Commissioners of Sarasota County, Florida hereby approves, adopts, and incorporates by reference as an amendment to Palmer Ranch Master Development Order (Resolution No. 91-170, as amended) the following:

- A revision to Land Use/Housing Condition A.3 to increase the total number of residential units allowed in the Palmer Ranch DRI by 10% from 10,500 to 11,550 dwelling units, set forth in Exhibit "B" to this Resolution.

- To add an equivalency matrix to measure the traffic impacts in conjunction with DRI incremental traffic reviews and consistency with the Palmer Ranch 5 year Traffic Reanalysis, set forth in Exhibit "N" to this Resolution.

2.2 The revisions to the Palmer Ranch Master Development Order (Resolution No. 91-170, as amended) are approved with this Resolution and are hereby incorporated with the modification of Exhibit "B", Exhibit "B-1", and Exhibit "N". These exhibits are contained within this Resolution.

SECTION 3. Enforcement

3.1 All conditions, restrictions, requirements, commitments and impact mitigating provisions contained or incorporated by reference in this Resolution may be enforced by Sarasota County by action at law or equity, and, in the event Sarasota County prevails in such action at law or equity, it shall be awarded all its costs, including reasonable attorneys' fees.

3.2 The obligations of this Resolution shall run with the land. Palmer Ranch Holdings, Ltd. is bound by the terms of this Resolution so long as it owns such property. This Resolution shall be binding upon and inure to the benefit of all owners of property within the Palmer Ranch MDO area and their assignees or successors in interest. It is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created and designated as successor in interest thereto, or which otherwise possess any of the powers and duties of any referenced governmental agency in existence on the effective date of this Resolution.

SECTION 4. Severability

4.1 If any section, sentence, clause, phrase or word of this Resolution is for any reason held or declared to be invalid, inoperative or void, such holding of invalidity shall not affect the remaining portions of the Master Development Order and it shall be construed to have been the intent to pass this Resolution, without such invalid or inoperative part therein, and the

R2013-196

remainder, exclusive of such part or parts, shall be deemed and held to be valid as if such parts had not been included therein, unless to do so would frustrate the intent of this Resolution.

SECTION 5. Service and Recording

5.1 The Clerk to the Board of County Commissioners is hereby directed to record this Resolution in the Official Record Book of the Clerk of the Circuit Court. All costs associated with the recording of this Resolution shall be borne by the Palmer Ranch Holdings, Ltd. in accordance with Section 380.06 (15) (f), Florida Statutes. This Resolution shall be binding upon the Owner, its successors and assigns and upon Sarasota County.

5.2 The Sarasota County Clerk shall certify the date upon which certified copies of this Resolution are deposited in the U.S. Mail for the DEO, the SWFRPC and Palmer Ranch Holdings, Ltd.

SECTION 6. Effective Date

6.1 This Resolution shall take effect upon execution of the consent provided for in Section 9 of this Resolution.

SECTION 7. Relationship to Other Regulations

7.1 This Development Order shall not be construed as an agreement on the part of Sarasota County to exempt Palmer Ranch Holdings, Ltd., their successors and assigns, from the operation of any ordinance, resolution or other governmental regulation now in effect or hereafter adopted.

SECTION 8. Consent to Provisions of Development Order

8.1 Palmer Ranch Holdings, Ltd., by signing this document in the space hereinafter provided, signifies their approval and assent to the provisions of this amending Resolution.

R2013-196

PASSED AND DULY ADOPTED by the Board of County Commissioners of Sarasota County, Florida, this 20 of November 2013.

BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA

By: Carolyn J. Mason
Chairman

ATTEST:
KAREN E. RUSHING, Clerk of Circuit Court
and ex officio Clerk of the
Board of County Commissioners of
Sarasota County, Florida

By: Deputy Clerk

R2013-196

Applicant's Agreement and Consent to Terms

Palmer Ranch Holdings, Ltd., hereby approve and assent to all the terms, conditions, and provisions of the above and foregoing Resolution and acknowledge that the same are binding upon Palmer Ranch Holdings, Ltd., , and their successors and assigns.

Witnesses as to
Palmer Ranch Holdings, Ltd.

By: _____
Authorized Agent

STATE OF FLORIDA
COUNTY OF SARASOTA

The foregoing instrument was acknowledged before me this 4 day of Dec., 2013, by Justin N. Powell of Palmer Ranch Holdings, Ltd., who acknowledged before me that he executed the same, as its authorized agent, for and in behalf of said tenants in common.

_____
Notary Public

CHARLES D. BAILEY, III
State of Florida
My Comm. Exp. July 2, 2015
Comm. # EE 91181

R 2013-196

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a certified copy of the foregoing Development Order was deposited in the U.S. Mail to the Florida Department of Economic Opportunity, the Southwest Florida Regional Planning Council, and Palmer Ranch Holdings Ltd. this 6 day of December, 2013.

Debbie Shaffer
Deputy Clerk

Brenda Winningham
Department of Economic Opportunity
Division of Community Development
MSC 160
107 East Madison Street
Tallahassee, Florida 32399

David Crawford
Southwest Florida Regional Planning Council
1926 Victoria Avenue
Fort Myers, Florida 33901

Justin N. Powell
Palmer Ranch Holdings, Ltd.
5589 Marquesas Circle, Suite 201
Sarasota, FL 34233

R2013-196

LIST OF EXHIBITS

Note: The following are Exhibits found in the Palmer Ranch Master Development Order (Resolution 91-170 as amended):

Exhibit "A" – Legal Description

Exhibit "B" – Development Order Conditions

Exhibit "B-1" – Unit Allocations for Palmer Ranch

Exhibit "C" – Best Management Practices

Exhibit "D" – Surface Water Management. Maintenance and Monitoring Manual

Exhibit "E" – Surface Water Monitoring Program

Exhibit "F" – Native Habitat Preservation. Alteration, and Mitigation Plan

Exhibit "G" – Wildlife Corridor Plan

Exhibit "H" – Gopher Tortoise Capture/Relocation/Release Permits

Exhibit "I" – Conceptual On-site Surface Water Management Plan Shown on Map G.2.1

Exhibit "J" – Approximate Acres of Native Wetland Habitat Proposed to be Altered on the Palmer Ranch Eastside

Exhibit "K" – Conceptual Master Plan (Map H-2A

Exhibit "L" – Sections 3 through 7 of Resolution No. 89-98 Relating to Transportation Supplemental Requirements

Exhibit "M" – Southwest Florida Regional Planning Council Regional Issues

Exhibit "N" – Equivalency Matrix

R2013-194

EXHIBIT "A" – LEGAL DESCRIPTION

Section 14, Township 37, Range 18 East: LESS premises conveyed to Robert K. Altman and wife in O.R. Book 388, Page 261 of the Public Records of Sarasota County, Florida: and LESS that portion of said Section 14, lying Northerly and Westerly of the Southerly and Easterly right-of-way line of the "Loop Road" described in O.R. Book 1455, Page 961 of said Public Records.

The East Half of Section 15, Township 37 South, Range 18 East:: LESS premises excepted from Parcel B recorded in O.R. Book 1168, Pages 1466 through 1481 of the Public Records of Sarasota County, Florida (see Page 1475): and LESS that portion of said Section 15 lying Northeasterly of the Southwesterly right-of-way line of the "Loop Road" described in O.R. Book 1455, Page 961 of said Public Records.

The North Half of the Southeast ¼ of Section 22, Township 37 South, Range 18 East: LESS premised conveyed to the Church of Jesus Christ of Latter Day Saints in O.R. Book 1137, Page 828, and O.R. Book 1137, Page 829 of the Public Records of Sarasota County, Florida: and LESS Ballentrae, a condominium recorded in Condominium Book 14, Page 26 through 26G of said Public Records: and LESS The Country Club of Sarasota recorded in Plat Book 24, Pages 16 through 16K of said Public Records.

Section 23, Township 37 South, Range 18 East: LES The Country Club of Sarasota recorded in Plat Book 24, Pages 16 through 16K of the Public Records of Sarasota County, Florida: and LESS Lots 3, 4, 5, 6, 11, 12, 13, 42, 43, 49, 50, 52, 53, 64, and 65 of Ridgewood Terrace Estates recorded in Plat Book 2, Page 3 of said Public Records.

Section 24, Township 37 South, Range 18 East: LESS the North Half of the North Half:

Section 25, Township 37, South, Range 18 East:

Section 26, Township 37 South, Range 18 East:

The East Half, the Northeast ¼ of the Northwest ¼ and that part of the Southeast ¼ of the Southwest ¼ lying Easterly of the Easterly right-of-way of State Road 45, all in Section 27, Township 27 South, Range 18 East:

That part of the East Half of Section 34, Township 37 South, Range 18 East, lying Easterly of the Easterly right-of-way line of State Road 45; LESS Lots 7, 8, and 9, Block 1, and Lots 4 and 5, Block 4 of Sarasota-Venice Company's Subdivision of the East Half and the Northwest ¼ of Section 34, recorded in Plat Book A, Page 12 of the Public Records of Sarasota County, Florida:

Also that part of the Southwest ¼ of Section 34, Township 37 South, Range 18 East lying Easterly of the Easterly right-of-way line of State Road 45 and Southerly of the Southerly line of Lot 5, Block 4, Sarasota-Venice Company's Subdivision of the Eat Half and the Northwest ¼ of Section 34, recorded in Plat Book A, Page 12 of the Public Records of Sarasota County, Florida.

Section 35, Township 37 South, Range 18 East: LESS premises conveyed to Albert Glueck and wife in O.R. Book 696, Page 247 of the Public Records of Sarasota County, Florida.

Section 36, Township 37 South, Range 18 East: LESS a tract of land lying in Section 22, 23,

R2013-196

26 and 27, all in Township 37 South, Range 18 East, Sarasota County, Florida described as follows:

Commence at a Smally, Wellford & Nalven concrete monument at the Southeast corner of the Southeast ¼ of said Section 22; thence S-89°28'12"-W along the Southerly line of said Southeast ¼ a distance of 197.56 feet to a Smally, Wellford & Nalven concrete monument at the Southeast corner of The Country Club of Sarasota recorded in Plat Book 24, Pages 16 through 16K of the Public Records of Sarasota County, Florida for the POINT OF BEGINNING (the following 6 calls are to concrete monuments along the lines of The Country Club of Sarasota; thence N-00°31'59"-W a distance of 2039.04 feet; thence N-89°28'01"-E a distance of 100.00 feet; thence N-00°31'59"-W a distance of 250.00 feet; thence N-89°28'01"-E a distance of 583.77 feet; thence N-00°31'59"-W a distance of 600.49 feet; thence N-89°28'01"-E a distance of 4073.67 feet to the Easterly line of Ballantrae, a Condominium recorded in Condominium Book 14, Pages 26 through 26G of said Public Records; thence N-00°03'26"-E along said Easterly line a distance of 650.00 feet to a Smally, Wellford & Nalven concrete monument at the Southerly line of premises conveyed by Sarasota Realty Development Corporation to the County of Sarasota by Dedication Deed dated March 10, 1980 recorded in O.R. Book 1362, Page 1827 of said Public Records, said point being a point on a curve of which the radius point lies N-14°40'27"-W a radial distance of 660.00 feet; thence Northeasterly along the arc through a central angle of 45°43'33" a distance of 526.72 feet to the PRC of a curve to the right having a central angle of 40°44'48" and a radius of 580.00 feet; thence Northeasterly along the arc a distance of 412.48 feet to the PRC of a curve to the left having a central angle of 18°39'03" and a radius of 2120.00 feet; thence Northeasterly along the arc a distance of 690.10 feet; thence N-51°41'46"-E a distance of 800.00 feet to the PC of a curve to the right having a central angle of 50°07'27" and a radius of 620.00 feet; thence Northeasterly and Southeasterly along the arc a distance of 542.40 feet; thence S-78°10'47"-E a distance of 847.98 feet to the PC of a curve to the left having a central angle of 27°09'55" and a radius of 760.00 feet; thence Southeasterly and Northeasterly along the arc a distance of 360.34 feet to the PRC of a curve to the right having a central angle of 84°09'28" and a radius of 25.00 feet; thence Northeasterly and Southeasterly along the arc a distance of 36.72 feet to the PRC of a curve to the left having a central angle of 48°24'45" and a radius of 1360.00 feet; thence Southeasterly along the arc a distance of 1149.14 feet to the PRC of a curve to the right having a central angle of 57°49'16" and a radius of 1240.00 feet; thence Southeasterly along the arc a distance of 1251.37 feet to a line which is 120.00 feet Southwesterly of and parallel with the Westerly right-of-way line of the Seaboard Coast Line Railway (100 feet wide) as conveyed by Adrian C. Honore to Seaboard Air Line Railway by Right-of-Way Deed dated November 5, 1910 recorded in Deed Book 23, Page 127 of the aforementioned Public Records; thence S-11°46'43"-E along said parallel line a distance of 647.48 feet to the PC of a curve to the right having a central angle of 13°05'14" and a radius of 1480.00 feet; thence Southeasterly along the arc a distance of 338.06 feet to the PRC of a curve to the left having a central angle of 26°10'29" and a radius of 1600.00 feet; thence Southeasterly along the arc a distance of 730.94 feet to the PRC of a curve to the left having a central angle of 13°05'14" and a radius of 1480.00 feet; thence Southeasterly along the arc a distance of 338.06 feet to the aforementioned parallel line 120.00 feet Southwesterly of the Westerly right-of-way line of the Seaboard Coast Line Railroad; thence S-11°46'43"-E along said parallel line a distance of 953.36 feet to the PC of a curve to the right having a central angle of 96°45'34" and a radius of 840.00 feet; thence Southeasterly and Southwesterly along the arc a distance of 1418.57 feet; thence S-84°58'51"-W a distance of 810.00 feet to the PC of a curve to the left having a central angle of 62°08'54" and a radius of 1660.00 feet; thence Southwesterly along the arc a distance of 1800.59 feet to the PRC of a curve to the right having a central angle of 85°30'13" and a radius of 25.00 feet; thence Southwesterly along the

R2013-196

arc a distance of 37.31 feet to the PRC of a curve to the left having a central angle of 18°39'50" and a radius of 1000.00 feet to the PC of a curve to the right having a central angle of 38°37'29" and a radius of 1140.00 feet: thence Northwesterly along the arc a distance of 768.51 feet to the PRC of a curve to the left having a central angle of 38°37'29" and radius of 1260.00 feet: thence Northwesterly along the arc a distance of 849.40 feet to a line which is 60.00 feet Northerly of and parallel with the Northerly line of the South Half of the Northwest ¼ of the aforementioned Section 27: thence S-89°40'21"-W along said parallel line a distance of 1338.53 feet to the Easterly line of Pine Tree Village, a condominium recorded in Condominium Book 17, Pages 44 through 44I of the aforementioned Public Records: thence N-00°04'58"-E along said Easterly line a distance of 1282.26 feet to the Southerly line of the Southwest ¼ of the aforementioned Section 22: thence N-89°28'39"-E along said Southerly line a distance of 1337.06 feet to a caped iron pipe found at the Southwest corner of the Southeast ¼ of said Section 22: thence N-89°28'12"-E along the Southerly line of said Southeast ¼ a distance of 2498.54 feet to the POINT OF BEGINNING.

ALSO LESS:

A tract of land lying in Section 15, Township 37 South, Range 18 East, Sarasota County, Florida, described as follows:

Commence at the Northeast corner of the Southeast ¼ of said Section 15: thence N-89°36'31"-W along the Northerly line of said Southeast ¼ a distance of 45.00 feet: thence S-00°16'17"-W parallel with the Easterly line of said Southeast ¼ a distance of 1640.00 feet to the POINT OF BEGINNING: thence continue S-00°16'17"-W along said parallel line a distance of 459.39 feet: thence continue N-89°47'05"-W a distance of 314.06 feet: thence N-89°11'16"-W a distance of 243.35 feet: thence N-89°10'38"-W a distance of 476.74 feet: thence N-00°59'23"-E a distance of 235.02 feet: thence N-44°43'10"-W a distance of 1027.98 feet: thence S-77°02'20"-W a distance of 184.18 feet: thence N-47°24'29"-W a distance of 145.72 feet: thence N-89°00'00"-W a distance of 310.00 feet to the Easterly line of premised excepted from Parcel B, recorded in Instrument dated April 11, 1977 in O.R. Book 1168, Pages 1466 through 1481 (see Page 1475): thence N-00°15'58"-E along said Easterly line a distance of 1244.44 feet: thence S-44°45'13"-E a distance of 234.53 feet: thence S-49°31'01"-E a distance of 301.04 feet to a point on a curve of which the radius point lies N-45°14'48"-E a radial distance of 2340.00 feet: thence Southeasterly along the arc through a central angle of 10°00'00" a distance of 408.41 feet: thence S-54°45'12"-E a distance of 282.70 feet to the PC of a curve to the right having a central angle of 21°33'12" and a radius of 1300.00 feet: thence Southeasterly along the arc a distance of 489.03 feet: thence S-33°12'00"-E a distance of 491.93 feet to the PC of a curve to the left having a central angle of 53°48'56" and a radius of 950.00 feet: thence Southeasterly along the arc a distance of 892.30 feet to the POINT OF BEGINNING. Containing 41.457 acres.

ALSO LESS:

A tract of land lying in Sections 14 and 15, Township 37 South, Range 18 East, Sarasota County, Florida, described as follows:

Commence at the Northwest corner of the Southwest ¼ of said Section 14: thence S-89°36'06"-E along the Northerly line of said Southwest ¼ a distance of 75.00 feet: thence S-00°16'17"-W parallel with the Westerly line of said Southwest ¼ a distance of 1640.80 feet to the POINT OF BEGINNING: thence continue S-00°16'17"-W along said parallel line a distance of 458.21 feet: thence N-89°47'05"-W a distance of 459.39 feet to a point on a curve of which the radius point lies N-02°59'03"-E a radial distance of 950.00 feet: thence Easterly

R2013-196

along the arc through a central angle of 02°42'47" a distance of 44.98 feet: thence S-89°43'44"-E a distance of 75.03 feet to the POINT OF BEGINNING. Containing 1.263 acres.

ALSO LESS:

A tract of land lying in Section 14, Township 37 South, Range 18 East, Sarasota County, Florida, described as follows:

Commence at the Northwest corner of the Southeast ¼ of said Section 14: thence S-89°36'06"-E along the Northerly line of said Southeast ¼ a distance of 50.00 feet: thence S-00°13'09"-W parallel with the Westerly line of said Southeast ¼ a distance of 77.36 feet to the POINT OF BEGINNING: thence continue S-00°13'09"-W a distance of 606.70 feet to the PC of a curve to the right having a central angle of 56°48'21" and a radius of 950.00 feet: thence Southwesterly along the arc a distance of 941.88 feet: thence S-63°42'34"-E a distance of 292.83 feet: thence N-26°17'26"-E a distance of 390.00 feet: thence N-00°43'03"-W a distance of 121.02 feet: thence N-26°00'00"-E a distance of 670.00 feet: thence N-32°36'13"-W a distance of 542.32 feet to the POINT OF BEGINNING. Containing 6.151 acres.

ALSO LESS:

A tract of land lying in Section 26, Township 37 South, Range 18 East, Sarasota County, Florida, described as follows:

Commence at a Smally, Wellford & Nalven concrete monument at the Northwest corner of the Northwest Quarter of said Section 26: thence S-89°31'51"-E along the Northerly line of said Northwest Quarter a distance of 2420.00 feet to the Westerly right-of-way line of Seaboard Coast Line Railroad (100 feet) as conveyed by Adrian C. Honore to Seaboard Airline Railway by right-of-way deed dated November 5, 1910, recorded in Deed Book 23, Page 127 of the Public Records of Sarasota County, Florida: thence S-11°46'43"-E along said Westerly line a distance of 978.21 feet to the POINT OF BEGINNING: thence continue S-11°46'43"-E along said Westerly line a distance of 1118.75 feet: thence S-38°52'35"-W a distance of 473.29 feet thence S-89°31'53"-W a distance of 1022.33 feet: thence N-49°43'17"-W a distance of 620.47 feet: thence N-11°46'43"-W a distance of 1108.80 feet to a Smally, Wellford & Nalven concrete monument set: thence N-84°58'51"-E a distance of 681.75 feet to a Smally, Wellford & Nalven concrete monument set at the PC of a curve to the left having a central angle of 33°31'37" and a radius of 960.00 feet: thence Northeasterly along the arc a distance of 561.75 feet to a Smally, Wellford & Nalven concrete monument set: thence S-70°20'53"-E a distance of 397.45 feet: thence S-56°46'43"-E a distance of 266.59 feet to the POINT OF BEGINNING. Containing 61.500 acres.

Excepting from all of the above, right-of-way for S.R. 93, S.R. 681 and Seaboard Coast Line Railroad.

Containing 4284.29 acres, more or less.

AND

A tract of land in the Northeast ¼ of Section 15, Township 37 South, Range 18 East, Sarasota County, Florida, described as follows:

Commence at the Northeast ¼ of said Section 15: thence S-00°14'48"-W along the Westerly line of said Northeast ¼ a distance of 50.06 feet to the Southerly line of premises conveyed by Honore A. Palmer and wife to the State of Florida by Deed dated February, 1957, recorded in

R2013-196

Deed Book 272 on Page 61 of the Public Records of Sarasota County, Florida (Southerly line of Clark Road – 100 feet wide); thence S-89°26'19"-E along said Southerly line a distance of 2664.84 feet to a concrete monument on the Westerly right-of-way line of McIntosh Road (48 feet wide) for the POINT OF BEGINNING; thence S-00°16'13"-W along said right-of-way line a distance of 532.67 feet; thence N-89°26'19"-W a distance of 1301.15 feet; thence N-00°14'48"-E a distance of 532.67 feet to the aforementioned Southerly line of Clark Road; thence S-89°26'19"-E along said Southerly line a distance of 1301.37 feet to the POINT OF BEGINNING. Containing 15.91 acres.

AND

A tract of land lying in Section 15, Township 37 South, Range 18 East, Sarasota County, Florida, described as follows:

Commence at the Northeast corner of the Southeast ¼ of said Section 15; thence N-89°36'13"-W along the Northerly line of said Southeast ¼ a distance of 24.00 feet to the Westerly right-of-way line of McIntosh Road (48 feet wide) as shown on the Plat of Sarasota-Venice Company's Subdivision of Sections 14 and 15, Township 37 South, Range 18 East, recorded in Plat Book A on Page 10 of the Public Records of Sarasota County, Florida (Plat Book 2, Page 34 of Manatee County records) for the POINT OF BEGINNING; thence S-00°16'17"-W along said Westerly right-of-way line a distance of 1540.68 feet to a point on a curve of which the radius point lies N-01°53'13"-E a radial distance of 850.00 feet; thence Northwesterly along the arc through a central angle of 54°54'47" a distance of 814.65 feet; thence N-33°12'00"-W a distance of 491.93 feet to the PC of a curve to the left having a central angle of 21°33'12" and a radius of 1400.00 feet; thence Northwesterly along the arc a distance of 526.65 feet; thence N-54°45'12"-W a distance of 282.70 feet to the PC of a curve to the right having a central angle of 10°00'00" and a radius of 2240.00 feet; thence Northwesterly along the arc a distance of 390.95 feet; thence N-39°59'23"-W a distance of 301.26 feet to the centerline of an existing drainage ditch (the following 6 calls are along said centerline); thence S-62°42'01"-E a distance of 271.71 feet; thence S-87°41'51"-E a distance of 194.60 feet; thence N-63°23'25"-E a distance of 410.11 feet; thence S-82°16'13"-E a distance of 114.19 feet; thence S-55°09'22"-E a distance of 299.11 feet; thence S-46°32'20"-E a distance of 200.53 feet to the aforementioned Northerly line of the Southeast ¼ of Section 15; thence S-89°16'13"-E along said Northerly line a distance of 739.20 feet to the POINT OF BEGINNING. Containing 40.43 acres.

AND

A tract of land lying Sections 14 and 15, Township 37 South, Range 18 East, Sarasota County, Florida, described as follows:

Commence at the Northwest corner of the Southwest ¼ of said Section 14; thence S-89°36'06"-E along the Northerly line of said Southwest ¼ a distance of 775.98 feet to the Westerly right-of-way line of the Seaboard Coast Line Railroad (100 feet wide) as conveyed by Adrian C. Honore to Seaboard Air Line Railway by right-of-way deed dated November 5, 1910 recorded in Deed Book 23, Page 127 of the Public Records of Sarasota County, Florida; thence S-11°46'43"-E along said Westerly right-of-way line a distance of 1573.93 feet to the POINT OF BEGINNING; thence N-89°43'44"-W a distance of 1104.59 feet to the PC of a curve to the right having a central angle of 56°31'43" and a radius of 850.00 feet; thence Northwesterly along the arc a distance of 838.62 feet; thence N-33°12'00"-W a distance of 491.923 feet to the PC of a curve to the left having a central angle of 21°33'12" and a radius of 1400.00 feet; thence Northwesterly along the arc a distance of 526.65 feet; thence N-

R2013-196

54°45'12"-W a distance of 282.70 feet to the PC of a curve to the right having a central angle of 10°00'00" and a radius of 2240.00 feet: thence Northwesterly along the arc a distance of 390.95 feet: thence N-39°59'23"-W a distance of 301.26 feet to the centerline of an existing drainage ditch (the following 2 calls are along said centerline): thence N-62°42'01"-W a distance of 7.79 feet: thence N-77°48'05"-W a distance of 270.69 feet: thence S-44°45'13"-E a distance of 234.53 feet: thence S-49°31'01"-E a distance of 301.04 feet to a point on a curve of which the radius point lies N-45°14'48"-E a radial distance of 2340.00 feet: thence Southeasterly along said arc through a central angle of 10°00'00" a distance of 498.41 feet: thence S-54°45'12"-E a distance of 282.70 feet to the PC of a curve to the right having a central angle of 21°33'12" and a radius of 1300.00 feet: thence Southeasterly along the arc a distance of 489.03 feet: thence S-33°12'00"-E a distance of 491.93 feet to the PC of a curve to the left having a central angle of 56°31'43" and a radius of 950.00 feet: thence Southeasterly along the arc a distance of 937.28 feet: thence S-89°43'44"-E a distance of 1125.93 feet to the aforementioned Westerly right-of-way line of the Seaboard Coast Line Railroad: thence N-11°46'43"-W along said Westerly right-of-way line a distance of 102.25 feet to the POINT OF BEGINNING. Containing 9.732 acres.

AND

A tract of land lying in Section 14, Township 37 South, Range 18 East, Sarasota County, Florida, described as follows:

Commence at the Northeast corner of the Northwest ¼ of said Section 14: thence S-00°13'09"-W along the Easterly line of said Northwest ¼ a distance of 50.55 feet to the Southerly right-of-way line of Clark Road (100 feed wide): thence N-89°25'37"-W along said Southerly right-of-way line a distance of 50.00 feet to the POINT OF BEGINNING: thence S-00°13'09"-W parallel with the Easterly line of said Northwest ¼ a distance of 3320.29 feet to the PC of a curve to the right having a central angle of 90°03'07" and a radius of 850.00 feet: thence Southerly and Westerly along the arc a distance of 1335.95 feet: thence N-89°43'44"-W a distance of 571.37 feet to the Easterly line of premises conveyed by Adrian C. Honore to Seaboard Airline Railway by Right-of-Way Deed dated November 5, 1910, recorded in Deed Book 23 on Page 127 of the Public Records of Sarasota County, Florida: thence N-11°46'43"-W along said Easterly line a distance of 1549.14 feet to the Southerly right-of-way line of Savage Road (48 feet wide) as shown on the Plat of Sarasota-Venice Company's Subdivision of Sections 14 and 15, Township 37 South, Range 18 East, recorded in Plat Book A on Page 10 of the aforementioned Public Records (Plat Book 2, Page 34 of Manatee County records): thence S-89°36'06"-E along said Southerly right-of-way line a distance of 1124.78 feet: thence N-00°13'55"-E along the Easterly line of Lots 10 and 3 of said Sarasota-Venice Company's Subdivision a distance of 2661.80 feet to the aforementioned Southerly right-of-way line of Clark Road: thence S-89°25'37"-E along said Southerly right-of-way line a distance of 618.81 feet to the POINT OF BEGINNING. Containing 89.24 acres.

AND

A tract of land lying in Section 14, Township 37 South, Range 18 East, Sarasota County, Florida, described as follows:

Commence at the Northeast corner of the Northwest ¼ of said Section 14: thence S-00°13'09"-W along the Easterly line of said Northwest ¼ a distance of 50.55 feet to the Southerly right-of-way line of Clark Road (100 feet wide) for the POINT OF BEGINNING: thence N-89°25'37"-W along said Southerly right-of-way line a distance of 50.00 feet: thence S-00°13'09"-W parallel with the Easterly line of said Northwest ¼ a distance of 3320.29 feet

R2013-196

to the PC of a curve to the right having a central angle of 90°03'07" and a radius of 850.00 feet; thence Southerly and Westerly along the arc a distance of 1335.95 feet; thence N-89°43'44"-W a distance of 571.37 feet to the Easterly right-of-way line of the Seaboard Coast line Railroad (100 feet wide) as conveyed by Adrian C. Honore to Seaboard Air Line Railway by right-of-way deed dated November 5, 1910, recorded in Deed Book 23, Page 127 of the Public Records of Sarasota County, Florida; thence S-11°46'43"-E along said Easterly right-of-way line a distance of 102.25 feet; thence S-89°43'44"-E a distance of 550.02 feet to the PC of a curve to the left having a central angle of 90°03'07" and a radius of 950.00 feet; thence Easterly and Northerly along the arc a distance of 1493.12 feet; thence N-00°13'09"-E a distance of 3319.67 feet to the aforementioned Southerly right-of-way line of Clark Road; thence N-89°25'37"-W along said Southerly right-of-way line a distance of 50.00 feet to the POINT OF BEGINNING. Containing 12.156 acres.

AND

A tract of land lying in Section 15, Township 37 South, Range 18 East, Sarasota County, Florida, described as follows:

Commence at the Northeast corner of the Southeast ¼ of said Section 15; thence N-89°36'13"-W along the Northerly line of said Southeast ¼ a distance of 48.00 feet; thence S-00°16'17"-W parallel with the Easterly line of said Southeast ¼ a distance of 1640.00 feet to the POINT OF BEGINNING; thence continue S-00°16'17"-W along said parallel line a distance of 459.39 feet; thence N-89°47'05"-W a distance of 314.06 feet; thence N-49°41'16"-W a distance of 243.35 feet; thence N-89°10'38"-W a distance of 476.74 feet; thence N-00°59'23"-E a distance of 235.02 feet; thence N-44°43'10"-W a distance of 1027.98 feet; thence S-77°02'20"-W a distance of 184.18 feet; thence N-47°24'29"-W a distance of 145.72 feet; thence N-89°00'00"-W a distance of 310.00 feet to the Easterly line of premises excepted from Parcel B, recorded in Instrument dated April 11, 1977 in O.R. Book 1168, Pages 1466 through 1481 (see Page 1475); thence N-00°15'58"-E along said Easterly line a distance of 1244.44 feet; thence S-44°45'13"-E a distance of 234.53 feet; thence S-49°31'01"-E a distance of 301.04 feet to a point on a curve of which the radius point lies N-45°14'48"-E a radial distance of 2340.00 feet; thence Southeasterly along the arc through a central angle of 10°00'00" a distance of 408.41 feet; thence S-54°45'12"-E a distance of 282.70 feet to the PC of a curve to the right having a central angle of 21°33'12" and a radius of 1300.00 feet; thence Southeasterly along the arc a distance of 489.03 feet; thence S-33°12'00"-E a distance of 491.93 feet to the PC of a curve to the left having a central angle of 53°48'56" and a radius of 950.00 feet; thence Southeasterly along the arc a distance of 892.30 feet to the POINT OF BEGINNING. Containing 41.457 acres.

AND

A tract of land lying in Sections 14 and 15, Township 37 South, Range 18 East, Sarasota County, Florida, described as follows:

Commence at the Northwest corner of the Southwest ¼ of said Section 14; thence S-89°36'06"-E along the Northerly line of said Southwest ¼ a distance of 75.00 feet; thence S-00°16'17"-W parallel with the Westerly line of said Southwest ¼ a distance of 1640.00 feet to the POINT OF BEGINNING thence continue S-00°16'17"-W along said parallel line a distance of 458.21 feet; thence N-89°47'05"-W a distance of 120.00 feet; thence N-00°16'17"-E a distance of 459.39 feet to a point on a curve of which the radius point lies N-02°59'03"-E a radial distance of 950.00 feet; thence Easterly along the arc through a central angle of 02°42'47" a distance of 44.98 feet; thence S-89°43'44"-E a distance of 75.03 feet to the

R 2013-196

POINT OF BEGINNING. Containing 1.263 acres.

AND

A tract of land lying in Section 14. Township 37 South. Range 18 East. Sarasota County. Florida. described as follows:

Commence at the Northwest corner of the Southeast ¼ of said Section 14: thence S-89°36'06"-E along the Northerly line of said Southeast ¼ a distance of 50.00 feet: thence S-00°13'09"-W parallel with the Westerly line of said Southeast ¼ a distance of 77.36 feet to the POINT OF BEGINNING: thence continue S-00°13'09"-W a distance of 606.70 feet to the PC of a curve to the right having a central angle of 56°48'21" and a radius of 950.00 feet: thence Southwesterly along the arc a distance of 941.88 feet: thence S-63°42'34"-E a distance of 292.83 feet: thence N-26°17'26"-E a distance of 390.00 feet: thence N-00°43'03"-W a distance of 121.02 feet: thence N-26°00'00"-E a distance of 670.00 feet: thence N-32°36'13"-W a distance of 542.32 feet to the POINT OF BEGINNING. Containing 6.151 acres.

AND

A tract of land lying in Sections 22. 23, 26. and 27 all in Township 37 South, Range 18 East. Sarasota County. Florida, described as follows:

Commence at a Smally. Wellford & Nalven concrete monument at the Southeast corner of the Southeast ¼ of said Section 22: thence S-89°28'12"-W along the Southerly line of said Southeast ¼ a distance of 197.56 feet to a Smally. Wellford. & Nalven concrete monument at the Southeast corner of The Country Club of Sarasota recorded in Plat Book 24. Pages 16 through 16K of the Public Records of Sarasota County. Florida for the POINT OF BEGINNING (the following 6 calls are to concrete monuments along the lines of The Country Club of Sarasota: thence N-00°31'59"-W a distance of 2039.04 feet: thence N-89°28'01"-E a distance of 100.00 feet: thence N-00°31'59"-W a distance of 250.00 feet: thence N-89°28'01"-E a distance of 583.77 feet: thence N-00°31'59"-W a distance of 600.49 feet: thence S-89°28'01"-W a distance of 4073.67 feet to the Easterly line of Ballantrae. a Condominium recorded in Condominium Book 14. Pages 26 through 26G of said Public Records: thence N-00°03'26"-E along said Easterly line a distance of 650.00 feet to a Smally. Wellford & Nalven concrete monument at the Southerly line of premises conveyed by Sarasota Realty Development Corporation to the County of Sarasota by Dedication Deed dated March 20. 1980 recorded in O.R. Book 1362. Page 1827 of said Public Records. said point being a point on a curve of which the radius point lies NS-14°40'27"-W a radial distance of 660.00 feet: thence Northeasterly along the arc through a central angle of 45°43'33" a distance of 526.72 feet to the PRC of a curve to the right having a central angle of 40°44'48" and a radius of 580.00 feet: thence Northeasterly along the arc a distance of 412.48 feet to the PRC of a curve to the left having a central angle of 18°39'03" and a radius of 2120.00 feet: thence Northeasterly along the arc a distance of 690.10 feet: thence S-51°41'46"-E a distance of 800.00 feet to the PC of a curve to the right having a central angle of 50°07'27" and a radius of 620.00 feet: thence Northeasterly and Southeasterly along the arc a distance of 542.40 feet: thence S-78°10'47"-E a distance of 847.98 feet to the PC of a curve to the left having a central angle of 27°09'55" and a radius of 760.00 feet: thence Southeasterly and Northeasterly along the arc a distance of 360.34 feet to the PRC of a curve to the right having a central angle of 84°09'28" and a radius of 25.00 feet: thence Northeasterly and Southeasterly along the arc a distance of 36.72 feet to the PRC of a curve to the left having a central angle of 48°24'45" and a radius of 1360.00 feet: thence Southeasterly along the arc a distance of 1149.14 feet to the PRC of a curve to the right having a central angle of 57°49'16" and a radius of 1240.00 feet:

R2013-194

thence Southeasterly along the arc a distance of 1251.37 feet to a line which is 120.00 feet Southwesterly of and parallel with the Westerly right-of-way line of the Seaboard Coast Line Railway (100 feet wide) as conveyed by Adrian C. Honore to Seaboard Air Line Railway by Right-of-Way Deed dated November 5, 1910, recorded in Deed Book 23, Page 127 of the aforementioned Public Records; thence S-11°46'43"-E along said parallel line a distance of 647.48 feet to the PC of a curve to the right having a central angle of 13°05'14" and a radius of 1480.00 feet; thence Southeasterly along the arc a distance of 338.06 feet to the aforementioned parallel line 120.00 feet Southwesterly of the Westerly right-of-way line of the Seaboard Coast Line Railroad; thence S-11°46'43"-E along said parallel line, a distance of 953.36 feet to the PC of a curve to the right having a central angle of 96°45'34" and a radius of 840.00 feet; thence Southeasterly and Southwesterly along the arc a distance of 1418.57 feet; thence S-84°58'51"-W a distance of 810.00 feet to the PC of a curve to the left having a central angle of 62°08'54" and a radius of 1660.00 feet; thence Southwesterly along the arc a distance of 1800.59 feet to the PRC of a curve to the right having a central angle of 85°30'13" and a radius of 25.00 feet; thence Southwesterly along the arc a distance of 37.31 feet to the PRC of a curve to the left having a central angle of 18°39'50" and a radius of 100.00 feet; thence Northwesterly along the arc a distance of 325.75 feet; thence S-89°40'21"-W a distance of 150.00 feet to the PC of a curve to the right having a central angle of 38°37'29" and a radius of 1140.00 feet; thence Northwesterly along the arc a distance of 768.51 feet to the PRC of a curve to the left having a central angle of 38°37'29" and a radius of 1260.00 feet; thence Northwesterly along the arc a distance of 849.40 feet to a line which is 60.00 feet Northerly of and parallel with the Northerly line of the South Half of the Northwest ¼ of the aforementioned Section 27; thence S-89°40'21"-W along said parallel line a distance of 1338.53 feet to the Easterly line of Pine Tree Village, a Condominium recorded in Condominium Book 17, Pages 44 through 44I of the aforementioned Public Records; thence N-00°04'58"-E along said Easterly line a distance of 1282.26 feet to the Southerly line of the Southwest ¼ of the aforementioned Section 22; thence N-89°28'29"-E along said Southerly line a distance of 179.16 feet to a capped iron pipe found at the Southwest corner of the Southeast ¼ of said Section 22; thence N-89°28'12"-E along the Southerly line of said Southeast ¼ a distance of 2498.54 feet to the POINT OF BEGINNING. Containing 494.662 acres.

AND

Begin at a concrete monument marking the Northeast corner of said plat of "The Country Club of Sarasota"' thence S-00°57'33"-E, 600.49 feet to a concrete monument; thence S-89°02'27"-W, 583.77 feet to a concrete monument; thence S-00°57'33"-E, 250.00 feet to a concrete monument; thence S-89°02'27"-W, 100.00 feet to a concrete monument; thence N-00°55'44"-W, 850.49 feet to a concrete monument; thence N-89°02'27"-E, 683.32 feet to the POINT OF BEGINNING. Containing 10.00 acres.

AND

Part of the Southwest ¼ of Section 14, Township 37 South, Range 18 East, Sarasota County, Florida described as follows:

Commence at a concrete monument found at the Northwest corner of the Southwest ¼ of said Section 14; thence S-00°16'16"-W along the Westerly line of the Southwest ¼ of said Section 14, a distance of 1540.84 feet; thence S-89°43'38"-E parallel with the Southerly line of the North ½ of the Southwest ¼ of said Section 14 a distance of 75.00 feet to the POINT OF BEGINNING; thence continue S-89°43'38"-E along said parallel line a distance of 1029.41

R2013-196

feet to the Westerly right-of-way line (100 feet wide) of the Seaboard Coastline Railroad. Deed Book 23. Page 127 of the Public Records of Sarasota County. Florida: thence N-11°46'30"-W along said Westerly right-of-way line a distance of 1536.97 feet to its intersection with a line which is 36 feet Southerly of and parallel with the Northerly line of the Southwest ¼ of said Section 14; thence N-89°36'07"-W along said parallel line a distance of 708.64 feet to its intersection with a line which is 75 feet Easterly of and parallel with the Westerly line of the Southwest ¼ of said Section 14; thence S-00°16'16"-W parallel with the Westerly line of the Southwest ¼ of said Section 14 a distance of 1504.67 feet to the POINT OF BEGINNING. Containing 30.00 acres.

AND

A tract of land lying in Section 26, Township 37 South, Range 18 East, Sarasota County, Florida, described as follow:

Commence at a Smally, Wellford and Nalven concrete monument at the Northwest corner of the Northwest Quarter of said Section 26; thence S-89°31'51"-E along the Northerly line of said Northwest Quarter a distance of 2420.00 feet to the Westerly right-of-way line of Seaboard Coast Line Railroad (100 feet wide) as conveyed by Adrian C. Honore to Seaboard Airline Railway by right-of-way deed dated November 5, 1910, recorded in Deed Book 23, Page 127 of the Public Records of Sarasota County, Florida; thence S-11°46'43"-E along said Westerly line a distance of 978.21 feet to the POINT OF BEGINNING; thence continue S-11°46'43"-E along said Westerly line a distance of 1118.75 feet; thence S-38°52'35"-W a distance of 1022.33 feet; thence N-49°43'17"- a distance of 620.47 feet; thence N-11°46'43"-W a distance of 1108.80 feet to a Smally, Wellford & Nalven concrete monument set; thence N-84°58'51"-E a distance of 681.75 feet to a Smally, Wellford & Nalven concrete monument set at the PC of a curve to the left having a central angle of 33°31'37" and a radius of 960.00 feet; thence Northeasterly along the arc a distance of 561.75 feet; thence Northeasterly along the arc a distance of 561.75 feet to a Smally, Wellford & Nalven concrete monument set; thence S-70°20'53"-E a distance of 397.45 feet; thence S-56°46'43"-E a distance of 266.59 feet to the POINT OF BEGINNING. Containing 61.500 acres.

AND

That portion of the East half of the East Half of Section 13, Township 37 South, Range 18 East; being more particularly described as follows:

Commence at the Southeast corner of said Section 13; thence S-88°55'38"-W along the Southerly line of said Section 13, a distance of 508.79 feet to the westerly line of State Road 93 (I-75) for the POINT OF BEGINNING; thence continue along said Southerly line S-88°55'38"-W a distance of 823.25 feet to the Westerly line of the East half of the East half of said Section 13; thence N-00°22'19"-E along said Westerly line, a distance of 2622.12 feet to the Northerly line of the Southeast ¼ of said Section 13; thence continue N-00°25'26"-E along the westerly line of the East half of the East half of said Section 13, a distance of 676.52 feet; thence N-89°58'00"-E a distance of 853.52 feet to the aforementioned Westerly line of State Road 93 (I-75); (the following 3 calls are along said Westerly line); thence S-00°02'00"-E a distance of 569.58 feet; thence S-01°06'45"-W a distance of 2665.37 feet to the PC of a curve to the right having a central angle o 00°10'25" and a radius of 16240.22 feet; thence along the arc in a Southwesterly direction a distance of 49.20 feet to the POINT OF BEGINNING.

Containing 63.707 Acres.

R2013-196

ALSO

Section 24, Township 37 South, Range 18 East; being more particularly described as follows:

That portion of the North ½ of the Northeast ¼ of Section 24, Township 37 South, Range 18 East, lying Westerly of the Westerly right-of-way line of State Road 93 (I-75).

Containing 63.497 Acres.

ALSO

West of I-75 and approximately 1000 feet south of Central Sarasota Parkway, being more particularly described as follows:

That part of Section 31, Township 37 South, Range 19E, Sarasota County, Florida, lying westerly of I-75.

Containing 38.4 Acres.

R 2013-196

EXHIBIT "B" – AMENDED DEVELOPMENT ORDER CONDITIONS

Note: The following amendments to the Conditions for Development Approval and Issues Subject to Further Review at AIDA's found in the Palmer Ranch Master Development Order (Exhibit B of Resolution 91-170 as amended) shall read as follows:

LAND USE/HOUSING

A. CONDITIONS FOR DEVELOPMENT APPROVAL

3. A total of ~~10,500~~ 11,550 dwelling units will be allowed for the Palmer Ranch Project or a combination of the land uses in the equivalency matrix, "Exhibit N." In the Incremental Development Orders (IDOs) ~~for Increments I, II, III, V, VI, VII, VIII, IX, X, XI, and XV,~~ the total number of DUs, a maximum number of DUs, or a not to exceed number of DUs were approved. Increments ~~I, II, III, V, VI, VII, VIII, IX, X, XI, and XV~~ referenced in "Exhibit B-1" have been completely built out at less than the number of approved DUs. Attached to this Master Development Order (MDO) is a schedule of the total number of DUs approved in each of the built-out IDOs and the total number of DUs actually constructed within the respective Increments. The maximum number of DUs approved for these Increments is hereby reduced to the number of DUs existing at build-out, as shown on the attached Schedule "Exhibit ~~C~~B-1." DUs that have been removed from the Increments by this reduction shall be available for assignment to other increments as they are applied for. As additional residential increments become built out, the Palmer Ranch shall, in its biennial reports or as part of an Application for Incremental Development Approval, update the attached Schedule and Map H-2A, to reduce a maximum DU count for such built-out Increment, and make the DUs removed from such Increment available to another Increment. Future residential IDOs shall contain language that states the maximum number of dwelling units allowed and the process of reducing the same, consistent with this condition.

B. ISSUES SUBJECT TO FURTHER REVIEW AT AIDA'S

6. All new AIDA submittals and modifications to approved IDOs proposing a change in use may utilize the attached equivalency matrix, "Exhibit N" as applicable in conjunction with the 5-year Traffic Reanalysis.

R 2013- 196

EXHIBIT "B-1" – UNIT ALLOCATIONS FOR PALMER RANCH

Residential Unit Allocation within the Palmer Ranch Development of Regional Impact

Increment	Parcel	Community	Units Approved in IDO	Units Planned/ Platted	Decrease in IDO Units Approved but not Used
I	J	Prestancia		498	
		The Palmer Club		116	
		Palmer Square		41	
		TOTAL	986	**655**	331
II	D	Marbella		139	
	F	The Palisades		43	
	G	Mira Lago		183	
		TOTAL	686	**365**	321
III	K(a)	Vintage Grand		432	
	K(b)	Citation Club		320	
	K(c)	Pinestone		310	
	K(d)	Covenant Life Presbyterian Church		10	
	K(e)	Claire Bridge ACLF		36	
	L & N	Deer Creek		484	
	Q1a & Q1b	Lowe's			
		TOTAL	1726	**1592**	134
V	Qa	Bella Villino		348	
	Qb	Plaza de Flores		200	
	Qc	Huntington Point		202	
	R east	Stoneybrook G&CC		940	
	R west	Stoneybrook		180	
		TOTAL	1870	**1870**	0
VI	O	Turtle Rock		758	
	O2	Botanica		170	
		TOTAL	1050	**928**	122
VII	B4 & B5	Wellington Chase		220	
	B3	Serenade		324	
		TOTAL	550	**544**	6
VIII	B7	Palmer Ranch Healthcare		68	
	B7b	Stonebridge		118	
		TOTAL	250	**186**	64
IX	S2	Saratoga Place		248	
		TOTAL	274	**248**	26
X	B5, B5a & B6	Hamptons		254	

R2013-196

Residential Unit Allocation within the Palmer Ranch Development of Regional Impact

Increment	Parcel	Community	Units Approved in IDO	Units Planned/ Platted	Decrease in IDO Units Approved but not Used
		TOTAL	275	**254**	21
XI	S1a	Silver Oak		181	
	S1b	Vineyards		72	
	S1c	Enclave		21	
		TOTAL	400	**274**	126
XIII	U1 & U2	Glenridge		360	
		TOTAL	360	**360**	0
XV	P1, P2, P5 & P6	VillageWalk		1177	
		TOTAL	1240	**1177**	63
XVII	C1	Arielle		192	
		TOTAL	192	**192**	0
XVIII	T1 & T4	Isles of Sarasota	700	626	
		TOTAL	700	**626**	74
XIX	B9	Ventura	NOT APPROVED		
		TOTAL			
XX	U3, U4 & P4	Arbor Lakes	267	**In Process 267**	0
XXI	T2 & T3	Sandhill Preserve	290	**In-Process 290**	0
Totals			11,116	9,828	1,288
Maximum Units under MDO			11,550		

R2013-196

Equivalency Matrix

Land Use to be Decreased \ Land Use to be Increased	110: General Light Industrial	210: Single-Family Detached Housing	230: Residential Condominium / Townhouse	710: General Office Building	820: Shopping Center	826: Specialty Retail Center
110: General Light Industrial		1.031 ksf/du	0.536 ksf/du	1.536 ksf/ksf	3.825 ksf/ksf	2.794 ksf/ksf
210: Single-Family Detached Housing	0.970 ksf/du		0.520 du/du	1.490 du/ksf	3.710 du/ksf	2.710 du/ksf
230: Residential Condominium / Townhouse	1.865 ksf/du	1.923 ksf/du		2.865 du/ksf	7.135 du/ksf	5.212 du/ksf
710: General Office Building	0.651 ksf/ksf	0.671 ksf/du	0.349 ksf/du		2.490 ksf/ksf	1.819 ksf/ksf
820: Shopping Center	0.261 ksf/ksf	0.270 ksf/du	0.140 ksf/du	0.402 ksf/ksf		0.730 ksf/ksf
826: Specialty Retail Center	0.356 ksf/ksf	0.369 ksf/du	0.192 ksf/du	0.550 ksf/ksf	1.369 ksf/ksf	

1. Land use changes are based on the peak hour of adjacent street traffic, one hour between 4 and 6 PM.
2. Equivalency factors are based on the ITE Trip Generation Manual 9th Edition average rate for each land use
3. When increasing a land use, multiply by the value in the table. When decreasing a land use, divide by the value in the table

Examples:
Increase 50 single-family dwelling units by decreasing 13,500 SF of shopping center (50 x 0.270)
Increase 50,000 SF of specialty retail by decreasing 261 condo/townhouse dwelling units (50 x 5,212)
Decrease 25 single-family dwelling units by increasing 16,780 SF of office (25 / 1.490)

EXHIBIT 'N' – EQUIVALENCY MATRIX

R2013-196

Agenda Item

10

10

Administrative Issues

10

10

Agenda Item

10a

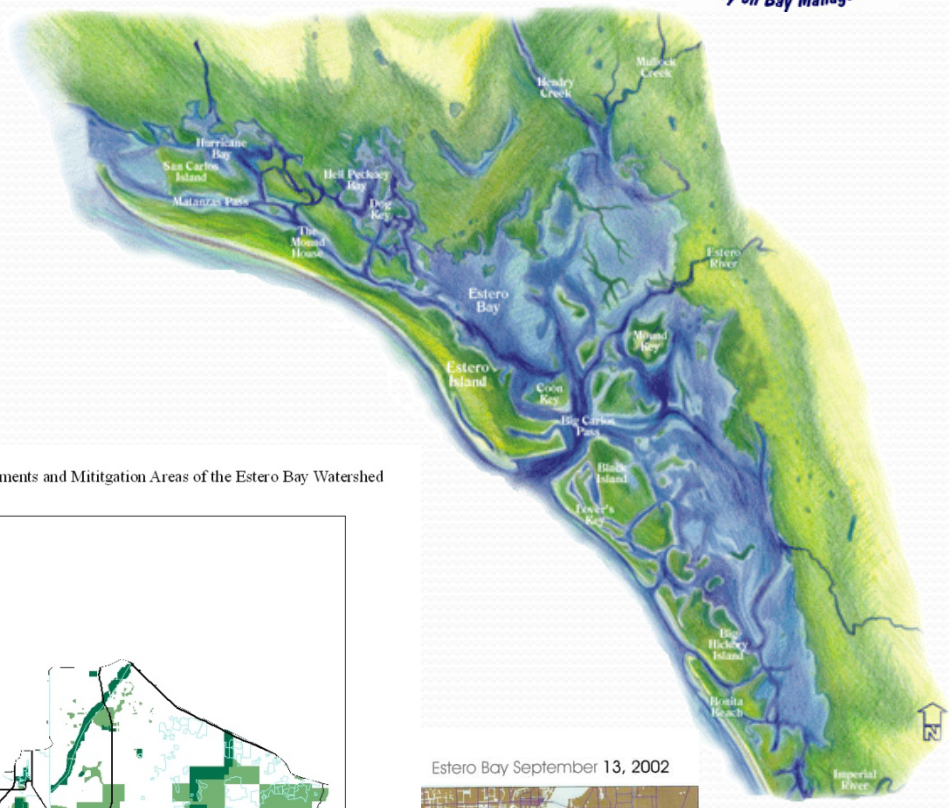
Estero Bay Agency on Bay Management (ABM)

10a

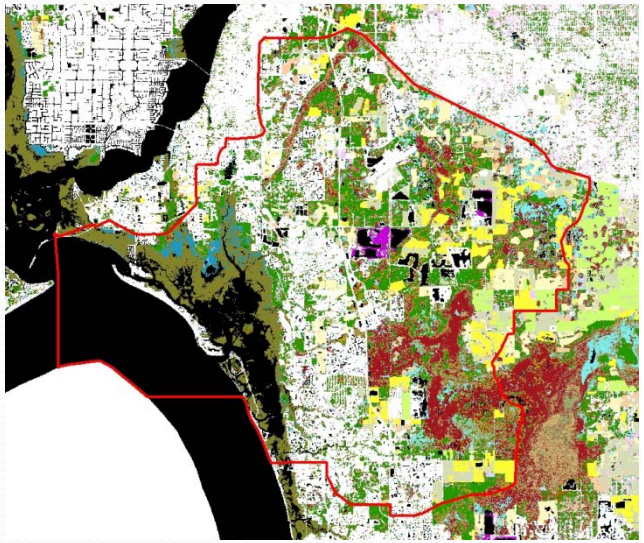
10a

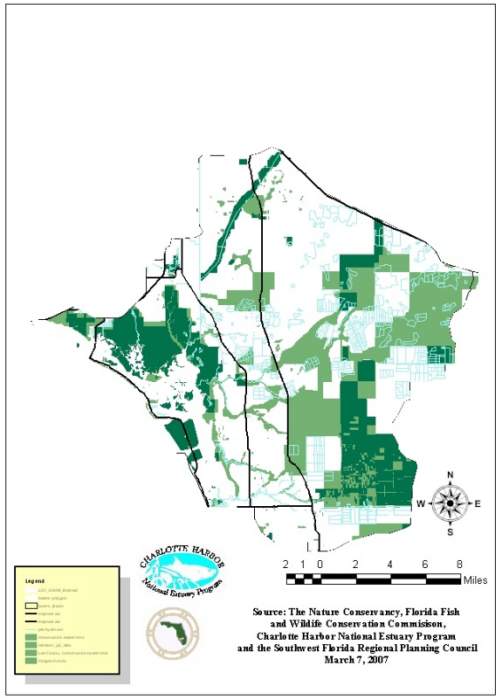
Estero Bay Agency on Bay Management (EBABM)

- The EBABM is a non-regulatory advisory committee to the SWFRC.
- Its directive is to make comments and recommendations regarding the management of Estero Bay and its watershed. The ABM collects and maintains data and it reviews and comments to regulatory agencies on issues affecting the watershed.
- Its members include public and government entities involved with the Estero Bay and its watershed. The EBABM typically meets on the second Monday of each month beginning at 9:30 a.m. Most meetings are held in the conference room of the SWFRPC.
- The EBABM benefits the Estero Bay watershed through review, monitoring, and commenting on planning and protection of the bay and its watershed, including a State of the Bay Report and special meetings (Cela Tega) on bay management issues.

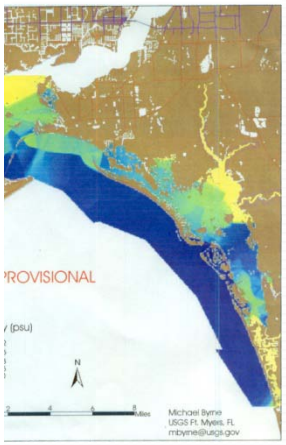


Year 2006 Conservation Easements and Mititgation Areas of the Estero Bay Watershed





Estero Bay September 13, 2002



ESTERO BAY AGENCY ON BAY MANAGEMENT (EBABM)
PROJECTS AND ACTIVITIES 2013

1. **Provide Comments and Report to the Southwest Florida Regional Planning Council (SWFRPC) and others on relevant Items of Review such as: Comprehensive Plan Amendments, Developments of Regional Impact, update of the Strategic Regional Policy Plan, Intergovernmental Coordination and Review projects, etc.**

2. **Develop strategies and recommend actions to reduce impairment to Estero Bay waters. This will include comment on important initiatives including Surface Water Improvement Management (SWIM), development of TMDLs, establishment of Minimum Flows and Levels, Pollution Load Reduction Goals (PRGs), Basin Management Action Plans (BMAPs), Numeric Nutrient Criteria (NNC), and refinement of the Southwest Florida Special Basin Rule.**

3. **Seek continuing funding support from EBABM partners and external grant sources for special projects, event, and staff support of the EBABM.**

4. **Coordinate activities with the Charlotte Harbor National Estuary Program (CHNEP) and the Southwest Florida Watershed Council.**

5. **Provide Comments and Report to the Southwest Florida Regional Planning Council (SWFRPC) and others on relevant Items of Review such as: Comprehensive Plan Amendments, Developments of Regional Impact, update of the Strategic Regional Policy Plan, Intergovernmental Coordination and Review projects, etc.**

6. **Collect and maintain a data library for Estero Bay at the offices of the SWFRPC and contribute to the CHNEP water atlas.**

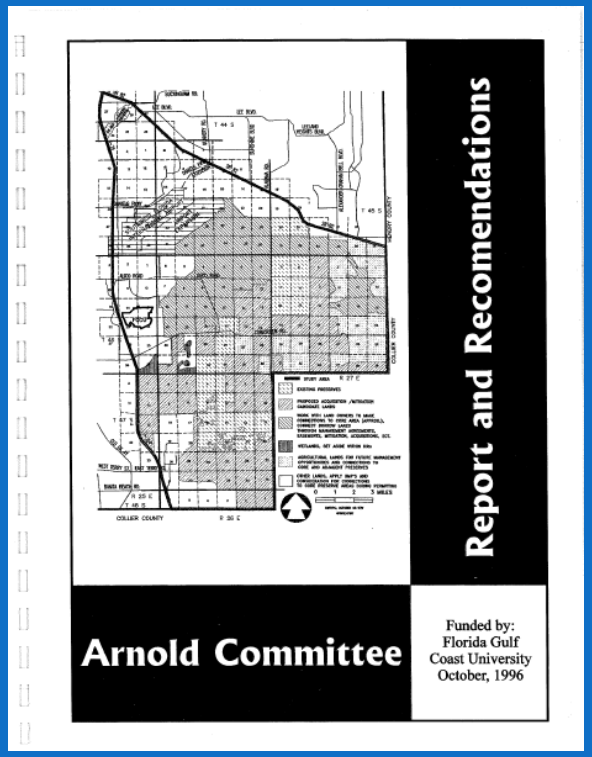
7. **Review and comment to regulatory agencies on issues affecting Estero Bay and its watershed.**

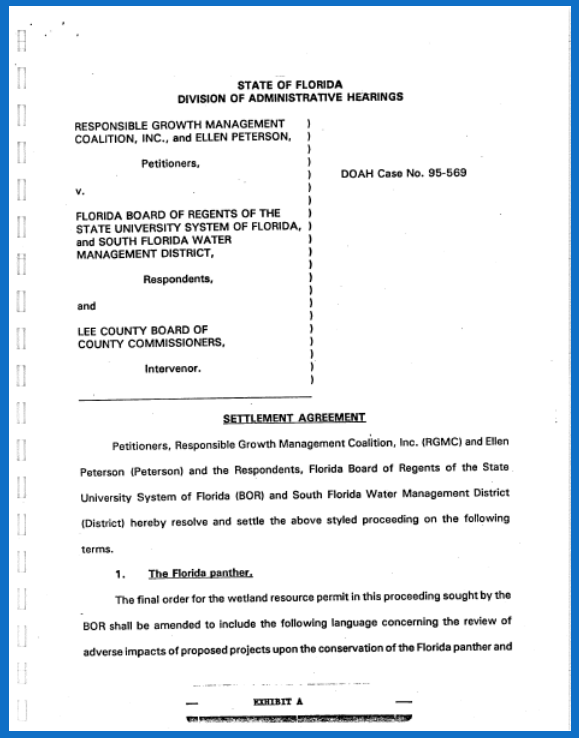
8. **Review and participate as appropriate on other current issues affecting Estero Bay.**

9. **Implement data collection and writing toward completion of the five year update of the Estero Bay State of the Bay for 2014.**

10. **Assure effective dissemination recommendations and findings to decision makers and the public.**

Negotiations over the permit issuance for the Florida Gulf Coast University led to a Settlement Agreement that called for the creation of the "Arnold Committee" and an assessment of overall land uses and natural systems, environmental protection and mitigation tools in the Estero Bay watershed. Upon completion of the Assessment and its adoption by the Arnold Committee in October of 1996, the Council established and began providing Staff support to the Estero Bay Agency on Bay Management (ABM).





STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

RESPONSIBLE GROWTH MANAGEMENT COALITION, INC., and ELLEN PETERSON,

Petitioners,

v.

FLORIDA BOARD OF REGENTS OF THE STATE UNIVERSITY SYSTEM OF FLORIDA, and SOUTH FLORIDA WATER MANAGEMENT DISTRICT,

Respondents,

and

LEE COUNTY BOARD OF COUNTY COMMISSIONERS,

Intervenor.

DOAH Case No. 95-569

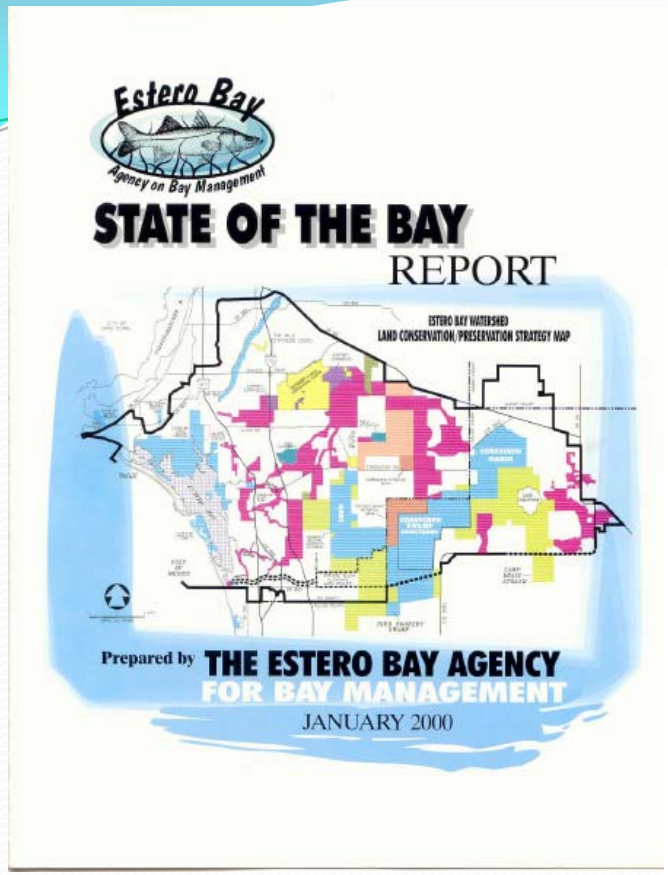
SETTLEMENT AGREEMENT

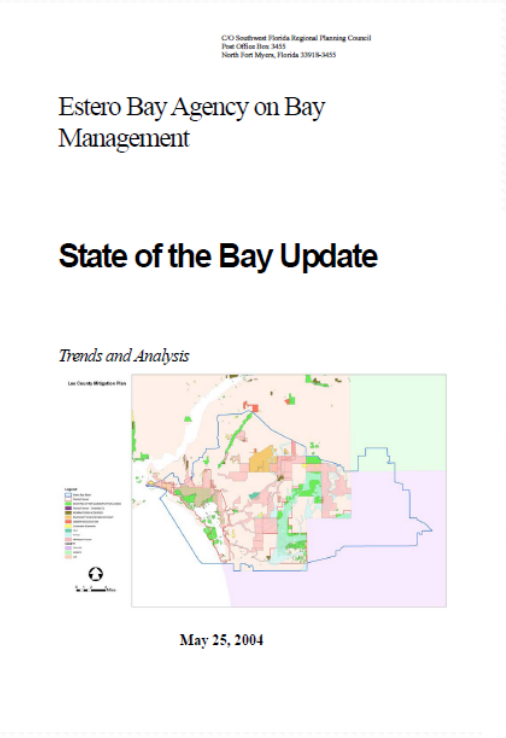
Petitioners, Responsible Growth Management Coalition, Inc. (RGMC) and Ellen Peterson (Peterson) and the Respondents, Florida Board of Regents of the State University System of Florida (BOR) and South Florida Water Management District (District) hereby resolve and settle the above styled proceeding on the following terms.

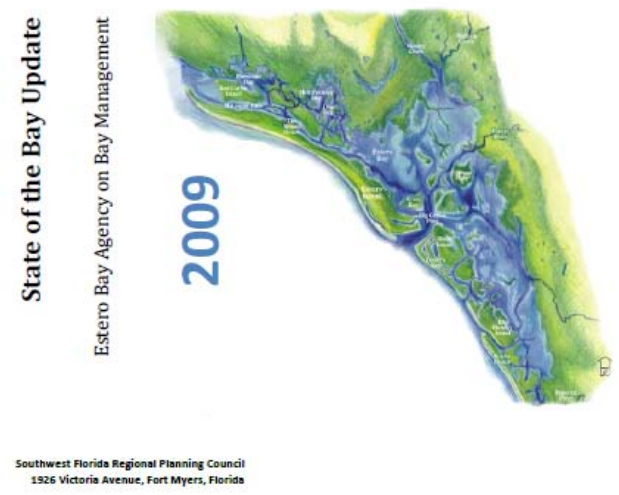
1. The Florida panther.

The final order for the wetland resource permit in this proceeding sought by the BOR shall be amended to include the following language concerning the review of adverse impacts of proposed projects upon the conservation of the Florida panther and

EXHIBIT A







State Of The Bay Reports: 2000, 2004, 2009, 2014 in preparation

Cela Tega: (Calusa for – "a view from high ground")

ESTERO BAY LAND MANAGEMENT CELA TEGA

Monday June 9, 2008

ESTERO BAY LAND ACQUISITION CELA TEGA

Monday December 8, 2008

CONSERVATION LANDS' ECONOMIC VALUE CELA TEGA

Wednesday November 2, 2011

NEXT CELA TEGA 2015 : Potential Topic Water Quality

Links to Information

- Home Page: http://www.swfrpc.org/abm.html
- Principles of the EBABM: http://www.swfrpc.org/content/Natural_Resources/ABM/Principles.pdf
- Arnold Committee Report: http://www.swfrpc.org/content/Natural_Resources/ABM/Arnold_Committee_Report.pdf
- Settlement Agreement: http://www.swfrpc.org/content/Natural_Resources/ABM/ABM_Settlement_Agreement.pdf
- 2011 Cela Tega: http://itech.fgcu.edu/faculty/ndemers/CelaTega%202011/index.htm
- 2009 State of the Bay: http://www.swfrpc.org/content/Natural_Resources/ABM/2009_StateofEsteroBay.pdf

Accomplishments of the Estero Bay Agency on Bay Management

Assisted in review and comment on the SFWMD on the Phase II Estero Bay Watershed Assessment.

Assisted in the development of and continues support and defense of the Lee County fertilizer ordinance.

Assisted in the development of the Southwest Florida Regional Ecosystem Restoration Plan for RESTORE

Assisted in the Environmental Impact Study on Improving the Regulatory Process in Southwest Florida.

Assisted in the Regional Restoration Coordination Team that supported the Southwest Florida Regional Watershed Plan.

Assisted in the Lee County Climate Change Vulnerability Assessment and the Lee County Climate Change Resiliency Strategy

Assisted in the Lee County DR/GR Studies.

Assisted in the planning and development of filter marshes in the Estero Bay Watershed including Ten-Mile Canal Filter Marsh and Island Park.

Collects and maintains a data library for Estero Bay at the offices of the Regional Planning Council.

Conservation Lands' Economic Value Cela Tega Wednesday November 2, 2011. (Cela Tega is the southwest Florida native (i.e.: Calusa) term for “A view from high ground”.)

Contributed acquisition and restoration projects for consideration by the *Southwest Florida Feasibility Study* and included in *the Southwest Florida Comprehensive Watershed Plan*.

Developed acquisition and restoration projects and methodology for the *Lee County Master Mitigation Plan* for Lee County and LDOT.

Estero Bay Land Acquisition Cela Tega: Monday December 8, 2008 Purpose: To convene public & private land managers in the Estero Bay Watershed to identify common challenges for focusing future Agency on Bay Land Acquisition activities.

Estero Bay Land Management Cela Tega Monday June 9, 2008 To convene public & private land managers in the Estero Bay Watershed to identify common challenges for focusing future Agency on Bay Management activities.

Estero Bay State of the Bay Report 1997.

Estero Bay State of the Bay Report 2004.

Estero Bay State of the Bay Report 2009.

Estero Bay Watershed Public Symposium 2009 in partnership with the CHNEP.

Participated in the Development of Total Maximum Daily Loads (TMDLs) for the Estero Bay Watershed.

Provides support for and defends the Estero Bay Aquatic Preserve.

Requested water reservations for the Caloosahatchee.

Review and assistance in improved environmental design of large sized projects in the Estero Bay Watershed through comments to the SWFRPC

Review and comment on my water quality rules and issues including the DEP Designated Water Uses Rule, statewide stormwater rule,

Review and comment on the General Permit for Maintenance of Public Navigation Channel Infrastructure by the West Coast Inland Navigation District within Lee County

Reviewed and sent comments regarding the "Harper Method" of assessing wetland impacts.

Support for conservation land acquisitions in the Estero Bay Watershed by public and private entities.

Worked with the South Florida Water Management District and other appropriate agencies to develop BMPs for Clean and Snag projects.

History of the EBABM

Negotiations over the permit issuance for the Florida Gulf Coast University led to a Settlement Agreement that called for the creation of the "Arnold Committee" and an assessment of overall land uses and natural systems, environmental protection and mitigation tools in the Estero Bay watershed. Upon completion of the Assessment and its adoption by the Arnold Committee in October of 1996, the Council established and began providing Staff support to the Estero Bay Agency on Bay Management (ABM).

The ABM is a non-regulatory advisory committee to the Council. Its directive is to make comments and recommendations regarding the management of Estero Bay and its watershed. The ABM collects and maintains data and it reviews and comments to regulatory agencies on issues affecting the watershed. Its members include Lee County legislative delegates and representatives of the Council, local chambers of commerce, citizen and civic associations, the Responsible Growth Management Coalition, Lee County, Collier County, Fort Myers, Fort Myers Beach, the SFWMD, the Florida Department of Environmental Protection, the Florida Fish and Wildlife Conservation Commission, Florida Gulf Coast University, Federal agencies involved in natural resource management, commercial and recreational fishing interests, environmental and conservation organizations, scientists, affected property owners, and the land development community.

ABM Meetings

The ABM typically meets on the second Monday of each month beginning at 9:30 a.m. Most meetings are held in the conference room of the Southwest Florida Regional Planning Council, but some are occasionally held at other sites within the Estero Bay watershed.

MEMORANDUM

TO: Southwest Florida Regional Planning Council

FROM: Sean McCabe, Regional Counsel

SUBJECT: Estero Bay Agency on Bay Management

DATE: January 15, 2014

Questions/Issues

1. Whether parties or signatories to the Settlement Agreement have a legal obligation to contribute to funding of the Estero Bay Agency on Bay Management (ABM).
2. Whether the ABM exists in perpetuity.
3. What obligations or duties are imposed on SWFRPC by the Settlement Agreement.

Summary

1. The language of the Settlement Agreement does not create a legal obligation for parties and signatories to the to fund the ABM.
2. The language of the Settlement Agreement is silent regarding both funding for the ABM, and the life span or duration of the ABM.
3. The Settlement Agreement, which was signed by the SWFRPC, requires that the SWFRPC establish the ABM as a council subcommittee and provide staff support to the ABM.

A. Background & Discussion

The ABM is a non-regulatory advisory committee to the Council. Its directive is to make comments and recommendations regarding the management of Estero Bay and its watershed. The ABM collects and maintains data, and reviews and comments to regulatory agencies on issues affecting the watershed.

Creation of ABM

The Estero Bay Agency on Bay Management (ABM) was established as one of the terms of a settlement agreement related to the planning approval process for the Florida Gulf Coast University (FGCU.)

The named parties to the action were:

- Petitioners: Responsible Growth Management Coalition, Inc. (RGMC) and Ellen Peterson;
- Respondents: Florida Board of Regents of the State University System of Florida (BOR) and South Florida Water Management District; and
- Intervenor: Lee County Board of County Commissioners.

The Florida Gulf Coast University siting process was conducted in 1991-1992, and resulted in the selection of a site by the Florida Board of Regents. Siting studies indicated that there were many environmental and planning issues associated with the chosen site. In addition to those issues, federal agencies were concerned about the impacts of construction on natural resources, including listed species

and wetlands, and RGMC raised concerns that the school would introduce intense urban uses into a rural area.[1]

The RGCM and Ellen Peterson sued the Florida Board of Regents (BOR) and the South Florida Water Management District (SFWMD) to prevent the issuance of permits by the SFWMD and to keep the BOR from moving ahead with the siting and planning process for FGCU; Lee County intervened to protect its interests and have a voice in the resolution of the dispute. For purposes of this discussion, the case is referred to as *RGMC, Inc. v. Florida Board of Regents.*

Settlement Agreement[2]

Negotiations to resolve the legal dispute resulted in the drafting of a complex, multi-stage planning process, outlined in a settlement agreement ("Settlement Agreement," Appendix B.) The Settlement Agreement involving a number of entities other than the parties to *RGMC, Inc. v. Florida Board of Regents*, including the SWFRPC. [3]

The first step was the creation of the Arnold Committee. Section 4 of the Settlement Agreement states:

> State Representative J. Keith Arnold shall chair a cooperative planning process composed of state and federal regulatory agencies, Lee County, Responsible Growth Management Coalition, affected property owners, and environmental organizations (Arnold Committee). The Arnold Committee shall be a non-regulatory advisory body. Details of the membership, geographic scope, duration goals and scope of study are set forth in Exhibit A hereto. The Florida Department of Community Affairs agrees to provide the staff support for the Arnold Committee.

Section 5 of the Settlement Agreement describes the creation of the ABM:

> After the completion of the Arnold Committee, but in no case later than September, 1996, the Southwest Regional Planning Council (SWFRPC) shall establish an Estero Bay Agency on Bay Management (ABM) as a subcommittee on the SWFRPC. The SWFRPC shall provide staff support to the ABM.
>
> The ABM shall be a non-regulatory advisory body whose directive is to make comments and recommendations for the management of Estero Bay and its watershed. The ABM shall collect and maintain data concerning the Estero Bay watershed, and make such data available to the public.
>
> The ABM shall review and comment upon the District's Estero Bay management and improvement study as it is developed. The ABM shall also review and comment to

---

[1] *See* Appendix A, Background Section of the Arnold Committee Report.

[2] Stipulation signed April 10-11, 1995, in re DOAH Case No. 95-569. Parties included: Responsible Growth Management Coalition and Ellen Peterson, Petitioners (counsel: Thomas Reese); Florida Bd of Regents of the State University System of Florida (Robert Rhodes, counsel; Charles Reed, Chancellor, BOR) and the South Florida Water Management District (John Fumero, counsel; Sam Poole, Exec. Dir.) , Respondents; Lee County Bd of County Commissioners, Intervenors (Linda Shelley also signed as Secretary of DCA).

[3] It is presumed that the SWFRPC and DCA agreed to facilitate the process and provide technical assistance for the Arnold Committee, and subsequently to the ABM, because such a role was clearly within their mission and required under their statutory responsibilities. The settlement occurred in 1995; in 1993, the legislature made a substantive revision to the role and power of regional planning councils, including the responsibility for resolving regional land use disputes: "The regional planning council is recognized as Florida's only multipurpose regional entity that is in a position to plan for and coordinate intergovernmental solutions to growth-related problems on greater-than-local issues, provide technical assistance to local governments, and meet other needs of the communities in each region." § 186.502(4), F.S.; *Florida Land Use Law*, Second Edition, Section 20.07; Julian Juergensmeyer, Ed., Lexis Law Group 1999.

> regulatory agencies on issues affecting Estero Bay and its watershed. It is recommended the ABM issue an annual "State of the Bay" report.
>
> ABM members shall initially be appointed to one year terms by the Arnold Committee. Thereafter the ABM shall determine the method of membership appointments. ABM membership shall consist of, but not be limited to, Lee County legislative delegation members who desire to participate, and shall include, but not be limited to, members from the following: local Chambers of Commerce, Citizen and Civic Associations, Lee County, the District, the Department of Environmental Protection, the FCFWFC, the FGCU, the SWFRPC, commercial and recreational fishing interests, environmental and conservation organizations, Responsible Growth Management Coalition, Fort Myers Beach Civic Association, Citizens Association of Bonita Beach, scientists, affected property owners, and the land development community.
>
> (emphasis added)

The cooperative planning process referenced in section 4 of the Settlement Agreement culminated in the adoption of the Arnold Committee Report and Recommendations in 1996. Subsequently, the Southwest Regional Planning Council established the ABM as a council committee.

There are a number of issues discussed in the settlement agreement; unfortunately, the funding of and duration of the ABM are not among them.

B. Ongoing Obligations Required by the Settlement Agreement

Duty to Provide Funding

The Settlement Agreement is silent on both the issues of funding and duration for the ABM. The agreement discusses funding for the Estero Bay Improvement and Management Plan, which was completed by the SFWMD, but not for the Arnold Committee or the ABM. The SWFRPC agreed to house the ABM as a council committee, but the agreement did not address funding.

The issue of funding for the ABM only became an issue starting in 2010, the year the governor started vetoing funding allocated for regional planning councils. At the direction of its board, SWFRPC staff requested that ABM members make voluntary contributions to offset the cost of administering the ABM. Several agencies and local governments have made voluntary contributions to the SWFRPC over the past several years, and the ABM has also received periodic funding from various sources, including some members who make contributions to the ABM as they are able.

Since no entity is legally obligated to provide payments to fund the ABM, there should be no punitive legal ramifications to an entity for not funding the ABM. It was proposed during discussions in the minutes that signatories to the Settlement Agreement might have an obligation to fund the ABM; however, the plain language of the agreement does not contemplate funding for the ABM, and there is no legal precedent setting a legal obligation for members of a “non-regulatory advisory body” to make payments for the administrative costs of such bodies.

Duty to Staff ABM

Section 5 of the Settlement Agreement (*supra*) requires that the SWFRPC establish the ABM as a subcommittee on the SWFRPC and provide staff support to the ABM.

Section 7(a) of the Settlement Agreement implies an ongoing obligation by SWFRPC and DCA (or DEO, its successor in interest) to continue providing services; it states that SWFRPC and DCA were required to sign the agreement because they are required to perform tasks relating to the Estero Bay ABM:

7. Implementation

a. Because the settlement agreement requires the SWFRPC, the Florida Department of Community Affairs (DCA), and State Representative J. Keith Arnold to perform tasks relating to the Estero Bay ABM and the southeastern Lee County cooperative planning process committee, the SWFRPC, DCA, and Representative Arnold have been made signatories to this settlement agreement even though they are not parties to the above-styled permit challenge proceeding.

(emphasis added)

Tenure of the ABM

Since the agreement is silent on the duration or life of the ABM, it will continue to exist until and unless legal action is taken to dissolve the body. Any action to unilaterally dissolve the body could be contested by the petitioners, Responsible Growth Management Coalition, Inc. and Ellen Peterson (Ms. Peterson's successor in interest.)

C. Conclusion

The language of the Settlement Agreement is conspicuously silent on several salient points: (1) a funding source for the ABM, and (2) the life span or duration of the ABM.

- The Settlement Agreement does not contain language requiring Lee County or any other member of the ABM to pay for the costs associated with the body.
- The Settlement Agreement was signed by the SWFRPC, and states that the SWFRPC will establish the ABM as a council subcommittee and provide staff support to the ABM.
- The Settlement Agreement does not contain language limiting the life of the ABM.

Taking any action towards dissolution of the ABM would involve at least the potential to incur significant legal costs. However, there are options for pursuing dissolution of the ABM, if the Council wishes to do so:

- Call a meeting of the remaining parties to the original agreement to determine whether there is consensus to dissolve the ABM;
- File a motion to dissolve the ABM with the Division of Administrative Hearings (problem: standing issue, since SWFRPC was not a party to the dispute); or
- Unilaterally decide to eliminate staffing for the ABM (problem: opens Council to the risk of significant legal costs if the action is contested.)

Appendix A. Background Section of the Arnold Committee Report

ARNOLD COMMITTEE
REPORT AND RECOMMENDATIONS

I. BACKGROUND

The creation of the Arnold Committee resulted due to permit considerations involving Federal agencies, and due to a challenge to permits pending issuance from the South Florida Water Management District (SFWMD) for construction of the Florida Gulf Coast University. The Florida Gulf Coast University siting process conducted through 1991-2 resulted in the selection of a site by the Florida Board of Regents (the "Alico site"). Siting studies indicated that the site had its natural environment heavily impacted by nearby mining operations, hydrologic alterations and exotic vegetation infestation. Federal agencies, however, had concerns about the direct and secondary impacts that construction would have upon sensitive on-site and off-site natural resources. Further, challengers to the SFWMD permits also raised concerns that this University would introduce more intense urban uses to a rural area, an issue that also concerned Federal entities.

Negotiations over permit issuance led to a settlement agreement that called for the creation of the Arnold Committee and an assessment of overall land uses and natural systems, environmental protection, and mitigation tools. The assessment in turn would lead to recommendations for action, and the creation of an Agency for Bay Management for Estero Bay. This committee, the Arnold Committee is the vehicle by which the settlement agreement is satisfied. The committee is a non-regulatory advisory body made up of private citizens and landowners, along with representatives of non-profit groups and several levels of government.

The primary charge of the "Arnold Committee" was to develop a set of recommendations for the different management entities that would result in a coordinated program of sustained resource management for Southeast Lee County and Estero Bay. At its heart, land-use planning is about connections. Some of these connections are functional: whether avoiding overt conflicts between incompatible land uses, or trying to ensure geographic balance between residential, commercial, and industrial lands. Other connections are physical: understanding the interaction and need for movement of people, drainage, power, drinking water, and wildlife. Most of all, planning is about balance, trying to bind the things our society builds (or conserves) into a mutually supportive whole. The Arnold Committee has undertaken its efforts seeking appropriate connections and a balance between public and private needs.

. . .

Appendix B. Settlement Agreement

***RGMC, Inc. v. Florida Board of Regents*, DOAH Case No. 95-569**

(Following Page)

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

RESPONSIBLE GROWTH MANAGEMENT COALITION, INC., and ELLEN PETERSON, Petitioners, v. FLORIDA BOARD OF REGENTS OF THE STATE UNIVERSITY SYSTEM OF FLORIDA, and SOUTH FLORIDA WATER MANAGEMENT DISTRICT, Respondents, and LEE COUNTY BOARD OF COUNTY COMMISSIONERS, Intervenor.	DOAH Case No. 95-569

SETTLEMENT AGREEMENT

Petitioners, Responsible Growth Management Coalition, Inc. (RGMC) and Ellen Peterson (Peterson) and the Respondents, Florida Board of Regents of the State University System of Florida (BOR) and South Florida Water Management District (District) hereby resolve and settle the above styled proceeding on the following terms.

1. The Florida panther.

The final order for the wetland resource permit in this proceeding sought by the BOR shall be amended to include the following language concerning the review of adverse impacts of proposed projects upon the conservation of the Florida panther and

EXHIBIT A

its habitat.

"Section 403.918 (2) (a) (2), Fla. Stat. (1991) [now codified in Section 373.414 (1) (a) (2), Fla. Stat.,] and implemented in this case through the wetland resource regulatory program and Fla. Admin. Code Chapter 62-312) provides in part that:

> "In determining whether an activity, which is in, on, or over surface waters or wetlands. . .and is regulated under this part, is not contrary to the public interest or is clearly in the public interest, the governing board or the department shall consider and balance the following criteria:
>
> * * *
>
> 2. Whether the activity will adversely affect the conservation of fish and wildlife, including endangered or threatened species, or their habitats. . ."

"In order to comply with the directive in Section 403.918 (2) (a) (2), Fla. Stat. (1991), in the implementation of the wetland resource regulatory program, the District's review of impacts of wetland alteration projects upon the conservation of the Florida panther and its habitats must include the evaluation of all habitat impacts on the proposed site. Review can not be limited to just wetland habitat impacts and denning site impacts."

"While the District and the BOR neither agree with nor stipulate to the following findings, they do acknowledge that the October 27, 1994 United States Fish and Wildlife Service (FWS) Biological Opinion for the Florida Gulf Coast University (FGCU) project, the Treeline Boulevard project, and the Timberland & Tiburon project, included such findings as:

1. The FGCU site is dominated by vegetative cover types of high suitability as potential Florida panther habitat, namely upland hardwood hammocks and pine flatwoods (pg. 14);
2. The Greater Corkscrew Region, of which the FGCU site is a part may support a separate breeding segment of the Florida panther population (pg.11);
3. The Florida panther is a potentially present species on the FGCU site according to the BOR consultants (pg. 16);
4. Florida panthers have been documented to the north of the FGCU site (pg. 17);
5. According to the FWS Biological Opinion, no evidence of Florida panther usage has been discovered on the FGCU site (pg. 17). However, the Florida Game and Fresh Water Fish Commission asserts that a radio collared male Florida panther was located via aerial telemetry on the FGCU site on May 29-30, 1989 (Florida Game and Freshwater Fish Commission (FGFWFC) memo, 11/10/94);
6. The FGCU site currently has a deer and pig prey base for Florida panthers, which is in the category of poor (pg. 11);

7. The FGCU site is not within the area delineated by the January, 1994 Interagency Florida Panther Habitat Protection Plan (HPP) as priority lands (pg. 21); and

8. Issuance of the three permits for the FGCU, Timberland & Tiburon and Treeline Boulevard projects will adversely affect the Florida panther, but will not jeopardize the continued existence of the species (pg. 22);"

"In order to mitigate for any potential adverse affects of the FGCU project on habitat, and not create any adverse cumulative and secondary affects on the conservation of the Florida panther and its habitat, Lee County has agreed to mitigate for any lost habitat functions on the FGCU site by purchasing currently impacted lands within the area identified in the January, 1994 Florida Panther Habitat Protection Plan (HPP) within Lee County, in accordance with Lee County Board of County Commission Resolution No. 95-01-13 which is incorporated herein by reference."

"The proposed mitigation plan for the FGCU project consists of $1.7 million for the purchase, restoration and management of approximately 560+ acres of land within the HPP in Lee County. This land is to be located within the area identified in Special Condition #35 of the surface water management permit and Special Condition #32 of the wetland resource permit, and in accordance with Lee County Board of County Commission Resolution No. 95-01-13. The key elements of this mitigation plan are the acquisition of all or part of Section 12 (T 46 R 26 E) or acquisition of all or parts of Sections 23 and 24. The management of these lands will be combined with the management of the Green Meadows Mitigation Areas, which will be consistent with the CREW Project management plan. The purchase of the land will result in the creation of a larger area of ecosystem protection in Lee County, in the area of the Green Meadows and Flint-Penn Strand Corridors."

"This mitigation plan will not individually adversely affect the conservation of the Florida panther and its habitat because there will be no net loss of Florida panther habitat functions since the identified land to be purchased, restored and managed is within the HPP and the land has been disturbed by previous agricultural row cropping activities. The land acquisition, restoration and management provided for herein will address the impacts of the Treeline Avenue and FGCU projects. The purchase of this previously disturbed land replaces and restores the Florida panther habitat functions which may be adversely impacted on the FGCU site, resulting in no net loss of panther habitat functions."

2. <u>Surface Water Treatment Criteria.</u>

For each phase of the project, FGCU shall provide 1/2 inch of dry detention/retention pretreatment in addition to the required primary treatment volume

of the first one-inch of wet or dry detention treatment for all runoff to "waters of the state" (i.e. total treatment of the first 1.5 inches of runoff). For the one-inch of primary treatment volume, FGCU shall have the option of providing this treatment by means of a system which provides the functional equivalent or better of one-inch of wet detention, or the equivalent dry detention treatment in terms of quality. This treatment criteria will be added to the FGCU surface water management permit.

3. Estero Bay Improvement and Management Plan.

The District shall develop an Estero Bay Improvement and Management (EBIM) plan. The EBIM plan shall include and address the following tasks:

a. collect, develop and analyze data on freshwater inflows (surface and groundwater) into Estero Bay;

b. collect, develop and analyze data on the total pollutant loads (i.e. point source, non-point source, airborne) into Estero Bay and its tributaries;

c. collect, develop, and analyze vegetative community trends in Estero Bay and its tributaries;

d. develop biological goals and standards for Estero Bay and its tributaries;

e. develop pollution load reduction goals (PLRG) for point sources and non-point sources discharging into Estero Bay and its tributaries.

The EBIM plan shall be initially funded by the District for a sum of at least $50,000.00 to be funded in the FY 1996 Budget, subject to Governing Board adoption, for an Estero Bay freshwater inflow plan.

It is estimated that an additional sum of at least $500,000.00 will be necessary for the District to develop and complete the plan. In the event the Florida Legislature does not make an appropriation sufficient to fund the study, the District, FGCU, and the SWFRPC shall use their best efforts to obtain the necessary funding. In the event insufficient funding is provided for plan development, the District shall undertake as many of the plan tasks (a) through (e) above as possible with available funding. This agreement, however, does not constitute a commitment by the parties hereto to fund the study beyond the sum of $50,000.00 for the freshwater inflow study, as referred to above.

4. Representative Arnold Committee

State Representative J. Keith Arnold shall chair a cooperative planning process composed of state and federal regulatory agencies, Lee County, Responsible Growth Management Coalition, affected property owners, and environmental organizations (Arnold Committee). The Arnold Committee shall be a non-regulatory advisory body. Details of the membership, geographic scope, duration goals and scope of study are set forth in Exhibit A hereto. The Florida Department of Community Affairs agrees to provide the staff support for the Arnold Committee.

5. Estero Bay Agency on Bay Management

After the completion of the Arnold Committee, but in no case later than September, 1996, the Southwest Florida Regional Planning Council (SWFRPC) shall establish an Estero Bay Agency on Bay Management (ABM) as a subcommittee on the SWFRPC. The SWFRPC shall provide staff support to the ABM.

The ABM shall be a non-regulatory advisory body whose directive is to make comments and recommendations for the management of Estero Bay and its watershed. The ABM shall collect and maintain data concerning the Estero Bay watershed, and make such data available to the public.

The ABM shall review and comment upon the District's Estero Bay management and improvement study as it is developed. The ABM shall also review and comment to regulatory agencies on issues affecting Estero Bay and its watershed. It is recommended the ABM issue an annual "State of the Bay" report.

ABM members shall initially be appointed to one year terms by the Arnold Committee. Thereafter the ABM shall determine the method of membership appointments. ABM membership shall consist of, but not be limited to, Lee County legislative delegation members who desire to participate, and shall include, but not be limited to, members from the following: local Chambers of Commerce, Citizen and Civic Associations, Lee County, the District, the Department of Environmental Protection, the FGFWFC, the FGCU, the SWFRPC, commercial and recreational fishing interests, environmental and conservation organizations, Responsible Growth Management Coalition, the Ft. Myers Beach Civic Association, Citizens Association of Bonita Beach, scientists, affected property owners, and the land development community.

6. Mitigation Banks in Southeastern Lee County

The District shall identify and establish a mitigation bank in the HPP area of southeastern Lee County. Where appropriate, the District shall also encourage private mitigation banks in the HPP area of southeastern Lee County.

7. Implementation

a. Because the settlement agreement requires the SWFRPC, the Florida Department of Community Affairs (DCA), and State Representative J. Keith Arnold to perform tasks relating to the Estero Bay ABM and the southeastern Lee County cooperative planning process committee, the SWFRPC, DCA, and Representative Arnold have been made signatories to this settlement agreement even though they are not parties to the above-styled permit challenge proceeding.

b. The RGMC, Peterson, the District, and BOR agree to request the State Division of Administrative Hearings (DOAH) to relinquish jurisdiction to the District Governing Board for the purpose of taking final agency action to implement this settlement agreement and issue the challenged surface water management and wetland resource permits to the BOR.

c. The execution of the settlement agreement by the parties and the District Governing Board's adoption of a final order implementing the settlement agreement and issuing the requested permits shall resolve all claims of the parties relating to the subject matter of the permits at issue in this proceeding.

d. In the event the District Governing Board fails to approve this settlement agreement and take final agency action to implement the settlement agreement, the parties shall request the DOAH Hearing Officer to schedule the final hearing as soon as practicable.

e. In the event this settlement agreement is not approved by the District Governing Board, the settlement agreement shall not be admissible at the final hearing and shall in no manner limit the arguments of the parties.

f. The Petitioner RGMC and their undersigned counsel, Thomas W. Reese, hereby agree not to participate in any further judicial or administrative proceedings challenging the FGCU project or any future phases thereto or the Treeline Avenue Project. Actions to enforce the instant settlement agreement are not included within this prohibition.

g. This settlement agreement shall not be construed to bind other projects or landowners that are not a party to this agreement.

h. This settlement agreement is contingent upon the U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency providing a letter of support and participation regarding the cooperative planning processes outlined herein.

STIPULATED this 10th day of April, 1995

L. Loomis Shelley

LINDA LOOMIS SHELLEY
Secretary, DCA

STIPULATED this 10th day of April, 1995

JOHN J. FUMERO, ESQUIRE
Counsel for the District

SAMUEL E. POOLE, III
Executive Director for the District

STIPULATED this 10th day of April, 1995.

JOHN E. ALBION
Chairman, SWFRPC

STIPULATED this 10th day of April, 1995

Robert M. Rhodes
ROBERT M. RHODES, ESQUIRE
Counsel for BOR

Charles B. Reed
CHARLES B. REED
Chancellor, BOR

STIPULATED this 11 day of April, 1995

HONORABLE J. KEITH ARNOLD
State Representative

STIPULATED this 11th day of April, 1995

Thomas W Reese

THOMAS W. REESE, ESQUIRE
Counsel for Petitioners RGMC and Peterson

STIPULATED this 14th day of April, 1995

for Thomas W Reese
EUGENE BOYD
President, RGMC

EXHIBIT "A"

The Arnold Committee

Section I: Purpose

The parties recognize that there are concerns about the environmental sensitivity of southeastern Lee County and the need for close coordination of land use planning, land acquisition for environmental protection, and environmental permitting. By executing this agreement the parties agree to establish a cooperative, time-limited, interagency advisory committee to make recommendations on planning issues for southeastern Lee County with an opportunity for full participation of property owners in the area and the general public. Each party agrees to participate in the planning process.

The primary purpose of this effort is to share and enhance knowledge of the area, to continue and accelerate land acquisition for environmental protection, to evaluate and where warranted and reasonable improve the technical basis for environmental permitting, and to establish a strategy for regional mitigation banking.

The Southwest Florida Regional Planning Council and Florida Department of Community Affairs agree to facilitate the process and provide technical assistance.

Section II: Membership

By September 1, 1995, there shall be established an advisory committee whose membership shall include the Florida Board of Regents, South Florida Water Management District, Responsible Growth Management Coalition, Inc., Lee County, Southwest Florida Regional Planning Council, Florida Department of Community Affairs, U. S. Army Corps of Engineers, U.S. Fish and Wildlife Service, U. S. Environmental Protection Agency, and affected property owners. The meetings of the Committee shall be public, with notice given in the local newspaper. The Committee shall establish supporting sub-committees: a Land Acquisition Group whose focus will be on coordination of various land acquisition programs and formulation of strategy for regional mitigation banking; and a Technical Work Group whose focus will be on evaluation and improvement to technical standards for environmental permitting. The U. S. Army Corps of Engineers agrees to assist and advise and Committee and sub-committees on the impact of their proposals and recommendations on the Section 404 permit program.

Section III. Geographic Scope

The Committee shall address the area delineated by S. R. 82 to the north, the Lee County boundary to the east, the Lee County boundary to the south and I-75 to

the west, except for the Southwest Florida International Airport Project and expansion lands.

Section IV. Duration

The Committee shall complete a final report no later than one year after execution of this agreement.

Section V. Goals

All efforts of the Committee shall be directed towards establishing a coordinated approach to land use planning, land acquisition and environmental permitting which would achieve the following goals:

1. Improved protection and management of water and wetland resources.

2. Improved protection and management of wildlife resources.

3. The establishment of a regional mitigation bank for the acquisition of land for environmental protection.

4. Continued and accelerated acquisition, restoration and management of lands important for the protection of water, wetlands, habitat and wildlife.

5. Protection of the rights of property owners. The protection of the rights of private property owners shall include, but not be limited to, the provision of greater certainty, predictability and lower permitting costs.

Section VI. Scope of Study

The report for southeast Lee County, prepared by the Committee, shall at a minimum address the following specific topics:

1. Land Use

   The Committee shall identify through maps and inventory existing land uses, future land uses as allowed by the Lee County Comprehensive Plan and land uses which have not yet been developed although specific permits have been issued.

2. Land Acquisition

The Committee shall identify through maps and inventory those areas acquired for environmental protection, those areas identified for future acquisition and those additional areas for which land acquisition is recommended. The Committee shall also identify the potential funding sources for the acquisition, as well as the acquisition costs.

3. Wildlife Habitat

The Committee shall identify through maps and inventory areas of habitat for protected wildlife. The Committee shall address the most desirable methods to protect the wildlife particularly with regard to areas for land acquisition.

4. Water Management

The Committee shall determine if revisions are desirable to South Florida Water Management District and U. S. Army Corps of Engineers wetland permitting criteria for the particular characteristics of southeastern Lee County. Particular attention shall be given to the maintenance of wetland hydrology. The Committee shall determine if post development water quantity and quality, including timing, will degrade the water quality of Estero Bay and Corkscrew Swamp, and make recommendations which address maintaining surface water quality.

5. Regional Mitigation Strategy

The Committee shall formulate a strategy for regional mitigation banking. The strategy shall encompass the efforts of those agencies party to this agreement and shall complement existing acquisition programs.

Agenda Item

10b

2014 Nominations Committee Report/Election of 2014 SWFRPC Officers

10b

10b

Nominations Committee Report/Election of 2014 Officers

At its November 21, 2013 meeting, the Council asked for volunteers and the following members volunteered to serve on the 2014 Nominations Committee. A meeting/conference call was scheduled for Tuesday, December 17, 2013 at 11:00 a.m.

- Commissioner Frank Mann, Lee County BOCC
- Commissioner Cheryl Cook, City of North Port
- Mr. Phil Flood, SFWMD

After careful review and the nominees had been contacted and accepted the positions, the Nominations Committee recommended the following:

- 2014 Chair – Councilwoman Teresa Heitmann, City of Naples
- 2014 Vice Chair – Mr. Robert Mulhere, Collier County Governor Appointee
- 2014 Secretary – Mr. Don McCormick, Charlotte County Governor Appointee
- 2014 Treasurer – Councilman Forrest Banks, City of Fort Myers

RECOMMENDED ACTIONS:

1. **Approve the Nominations Committee Report.**
2. **Approve the 2014 Slate of Officers**

01/2014

Agenda Item

11

11

Regional Issues

11

11

Agenda Item

11a

FDEP Surplus Lands Resolution

11a

11a

SWFRPC Resolution #2014-01

A RESOLUTION OF THE SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL OPPOSING THE DESIGNATION AND SALE OF CAYO COSTA LAND PARCELS BY THE DEP DIVISION OF STATE LANDS

WHEREAS, Chapter 253, Florida Statutes, provides the authorization under which the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (Board of Trustees) may hold title to state property, and under which it is authorized to surplus and dispose of lands for which it holds title;

WHEREAS, the Florida Department of Environmental Protection's (DEP) Division of State Lands is Florida's lead agency for environmental management and stewardship, and serves as staff to the Board of Trustees of the Internal Improvement Trust Fund;

WHEREAS, pursuant to Section 216.0153, Florida Statutes, DEP and the Department of Management Services must submit to the Governor and Legislature by October 1 of each year a list of state-owned property recommended for disposition;

WHEREAS, prior to the sale of conservation land owned by the Board of Trustees, it must first be reviewed by the Acquisition and Restoration Council (ARC), a 10-member group with representatives from four state agencies, four appointees of the Governor, one appointee by the Fish and Wildlife Conservation Commission, and one appointee by the Commissioner of Agriculture and Consumer Services, and ARC must determine that that the land is no longer needed for conservation purposes;

WHEREAS, in response to a mandate from the Florida Legislature, the Division of State Lands, in cooperation with state conservation land managing agencies, has conducted an extensive inventory of state-owned conservation lands, evaluating the lands for their conservation value, with the purpose of raising money through the sale of state surplus lands for purchase of lands that may have a greater need for conservation[1], and has created a draft list of surplus lands to be offered for sale by the Board of Trustees;

WHEREAS, the ARC list of surplus lands includes parcels of land within Cayo Costa State Park in Lee County, which create a valuable buffer area which would be lost if they were to be sold for development or any other incompatible land use;

WHEREAS, the listing of the Cayo Costa parcels is opposed by numerous citizens and organizations, including the Conservancy of Southwest Florida, Audubon Florida, Charlotte Harbor National Estuary Program, Florida Wildlife Federation, Florida Coastal and Ocean Coalition, Friends of Cayo Costa, and others, based on their belief that the land is still needed for conservation purposes, including the following rationales:

- The process and methodology utilized to create the draft list of surplus lands were flawed;
- The land is highly susceptible to storm surge and hurricane damage, and private development of the land would place private owners and potentially taxpayers in Florida at risk of loss by underwriting reconstruction of structures homes built on these lands through the state-run Citizens Property Insurance Corp. and the Florida Hurricane Catastrophe Fund;
- The Land Management Plan adopted by the Division of State Lands, and approved by the ARC states that the "The optimum boundary for Cayo Costa State Park includes all remaining public

[1] Florida Forever Budget Proviso language From the 2013-2014 General Appropriations Act.

and private lands on Cayo Costa Island, and remaining unimproved private parcels on the central and southern portions of North Captiva Island."[2];

- The parcels have a Future Land Use Map (FLUM) designation of Conservation Land Upland and/or Conservation Wetland, which does not permit residential density or commercial development, indicating that the parcels are not suitable for development, and it would be contrary to public policy to change the FLUM designation on these parcels to any other designation;
- The parcels have significant environmental value, as evidenced by the presence of three or more rare species and functional wetlands; and
- Selling the parcels would be contrary to the intent of Article X, Section 18, of the Florida Constitution concerning the disposition of conservation lands, which requires that public lands designated for natural resources conservation purposes be managed for the benefit of the citizens of the state, and may be disposed of only if it is determined that the property is no longer needed for conservation purposes;

NOW, THEREFORE, BE IT RESOLVED that the Southwest Florida Regional Planning Council opposes the designation or sale of any parcels on Cayo Costa as surplus lands by the DEP Division of State Lands.

DULY ADOPTED by the Southwest Florida Regional Planning Council this 16th day of January, 2014.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

_____

Teresa Heitman, Chair

ATTEST:

_____

Margaret Wuerstle, Executive Director

[2] Cayo Costa State Park Management Plan, Dec. 9, 2005, pg. 49.

Agenda Item

11b

Southwest Florida Research & Education Center Resolution

11b

SWFRPC Resolution #2014-02

A RESOLUTION OF THE SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL SUPPORTING UF/IFAS BUDGET REQUEST FOR THE SWFREC

WHEREAS, the Southwest Florida Research and Education Center (SWFREC), part of University of Florida's Institute of Food and Agricultural Sciences (UF/IFAS), was established as a UF support facility in 1958 and became a UF/IFAS station in 1986 after agricultural interests in southwest Florida convinced the state that the region needed its own center to serve the area's unique agricultural needs;

WHEREAS, the research and extension capacity at SWFREC has been and will continue to be an economic engine for the region and the state;

WHEREAS, the SWFREC serves Collier, Lee, Charlotte, Hendry and Glades counties, which produce almost 25% of Florida's citrus and nearly 80% of the tomatoes and other fresh vegetables sold during winter to northeastern U.S. markets;

WHEREAS, southwest Florida agricultural interests, including citrus, vegetable, sugarcane, and ornamental growers, along with cattle ranchers, collectively generate $1 billion in farm sales annually, and are the core of an agribusiness and natural resource economy in southwest Florida that contributes more than $6 billion of total annual economic activity statewide;

WHEREAS, in 2009, SWFREC ranked in the top 25% among the 29 departments within UF/IFAS in terms of competitive grants and refereed journal publications per faculty, two important metrics of academic productivity;

WHEREAS, in recent years, the SWFREC has last funding for staff, faculty and research programs, limiting and endangering the ability of the SWFREC to promote and protect the health and productivity of southwest Florida agricultural interests;

NOW, THEREFORE, BE IT RESOLVED that the Southwest Florida Regional Planning Council supports the UF/IFAS budget request of $4.9 million to restore the Southwest Florida Research & Education Center (SWFREC) programs to prior levels, including hiring a center director, restoring lost faculty and staff positions, and providing for the construction of new buildings to accommodate the increased staff, faculty, and students.

DULY ADOPTED by the Southwest Florida Regional Planning Council this 16th day of January, 2014.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

_____

Teresa Heitman, Chair

ATTEST:

_____

Margaret Wuerstle, Executive Director

Agenda Item

11c

Economic Development Initiative of Southwest Florida

11c