



Southwest Florida Regional Planning

www.swfrpc.org

1926 Victoria Avenue

Fort Myers, FL 33901

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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.

February 20, 2014

9:00am – 11:30am

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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.



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COUNCIL MEETING AGENDA

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NEXT SWFRPC MEETING DATE: March 20, 2014

NOTES:

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

The Council’s Energy & Climate Committee is scheduled to meet immediately following the Council meeting.

The Council’s Executive Committee is scheduled to meet immediately following the Council meeting.

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..... Councilwoman Teresa Heitmann
VICE CHAIR..... Mr. Robert “Bob” Mulhere
SECRETARY..... Mr. Don McCormick
TREASURER..... Councilman Forrest Banks

CHARLOTTE COUNTY

Commissioner Tricia Duffy
Commissioner Chris Constance
Councilwoman Nancy Prafke
Ms. Suzanne Graham
Mr. Donald McCormick

COLLIER COUNTY

Commissioner Tim Nance
Commissioner Georgia Hiller
Councilwoman Teresa Heitmann
(City of Marco Island Vacancy)
Mr. Robert “Bob” Mulhere
Mr. Alan D. Reynolds

GLADES COUNTY

(Glades County BCC Vacancy)
Commissioner Tim Stanley
Councilwoman Pat Lucas
Mr. Thomas C. Perry

HENDRY COUNTY

Commissioner Karson Turner
Commissioner Don Davis
Mayor Phillip Roland
Commissioner Daniel Akin
Mr. Mel Karau

LEE COUNTY

Commissioner Frank Mann
Commissioner Brian Hamman
Councilman Jim Burch
Vice Mayor Doug Congress
Councilman Forrest Banks
Vice Mayor Joe Kosinski
(City of Bonita Springs Vacancy)
Ms. Laura Holquist
(Gubernatorial Appointee Vacancy)

SARASOTA COUNTY

Commissioner Carolyn Mason
Commissioner Charles Hines
Vice Mayor Rhonda DiFranco
Councilman Kit McKeon
Vice Mayor Willie Shaw
(Gubernatorial Appointee Vacancy)
Mr. Felipe Colón

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



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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.

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

BEER - 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)

Agenda

Item

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Invocation

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1

_____ Agenda
_____ Item

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Pledge of Allegiance

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2

_____ Agenda _____ Item

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Roll Call

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_____ Agenda
_____ Item

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Public Comments

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_____ Agenda
_____ Item

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Agenda

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_____ Agenda
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Minutes

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**MINUTES OF THE
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
JANUARY 16, 2014 MEETING**

The meeting of the **Southwest Florida Regional Planning Council** was held on **January 16, 2014** at the offices of the Southwest Florida Regional Planning Council - 1st Floor Conference Room at 1926 Victoria Avenue in Fort Myers, Florida. In the absence of **Chair Karson Turner, Vice Chair Teresa Heitmann** called the meeting to order at **9:03 AM**. Commissioner Mann then led an invocation and the Pledge of Allegiance.

Chairwoman Heitmann stated that there were two changes in commissioners on the council: Commissioner Hamman would be replacing Commissioner Manning for Lee County, and Commissioner Hiller would be replacing Commissioner Henning for Collier County.

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, Councilwoman Teresa Heitmann

Glades County: Mr. Thomas Perry

Hendry County: Commissioner Karson Turner, Commissioner Don Davis, Commissioner Daniel Akin

Lee County: Commissioner Frank Mann, Councilman Forrest Banks, Councilwoman Martha Simons, Councilman Jim Burch

Sarasota County: Commissioner Charles Hines, Commissioner Carolyn Mason, Vice Mayor Willie Shaw, Councilman Kit McKeon, Commissioner Rhonda DiFranco

Ex-Officio Members: Mr. Jon Iglehart - FDEP, Mr. Phil Flood - SFWMD, Ms. Carmen Monroy - FDOT

MEMBERS ABSENT

Charlotte County: None

Collier County: Commissioner Georgia Hiller, Mr. Bob Mulhere, Mr. Alan Reynolds

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

Hendry County: Mayor Phillip Roland, Mr. Melvin Karau

Lee County: Commissioner Brian Hamman, Vice Mayor Joe Kosinski,
Vice Mayor Doug Congress, Ms. Laura Holquist

Sarasota County: Mr. Felipe Colón

Ex-Officio Membership: Ms. Melissa Dickens - SWFWMD

Ms. Gwinnett announced that there was a quorum.

**AGENDA ITEM #4
PUBLIC COMMENTS**

No public comments were given at this time.

**AGENDA ITEM #5
AGENDA**

Agenda approved by implied consent.

**AGENDA ITEM #6
Minutes of the November 21, 2013 Meeting**

Commissioner Constance requested that the minutes for the November 2013 meeting be amended to include the exact verbiage that he read into the record regarding Agenda Item #9(f), Babcock Ranch MDO DRI – NOPC.

There being no objection, Commissioner Constance moved to approve the minutes of the November 21, 2013, as amended; Mr. Perry seconded the motion. The motion carried unanimously.

**AGENDA ITEM #7
DIRECTOR'S COMMENTS**

Ms. Wuerstle presented the item. She stated that the agenda package included the Florida Regional Council Association's 2014 Legislative Agenda and Legislative Guiding Principles and Procedures, which she had distributed for the Council's review. She said that council members Karson Turner, Bob Mulhere, Teresa Heitmann, and Forrest Banks had attended a FRCA retreat in Tallahassee with her, the purpose of which was to discuss the future of FRCA and regional planning councils (RPCs). FRCA will be summarizing the findings of the retreat discussions, and discussing them at its February meeting. One of the big issues discussed was changing the boundaries of the RPCs; one of the rationales for changing the boundaries is to create boundaries that coincide with those of other governmental entities, e.g. water management districts, FDOT, etc. Ms. Wuerstle said that she would report back to Council as discussions on the issues discussed at the retreat evolved.

Ms. Wuerstle reported that work on Council's annual audit had started, and that the audit was progressing much more smoothly this year, since Council's affairs are in much better shape than they had been in prior years; she anticipated that the audit would be finished on time, and that the auditors' report would be completed earlier than last year. She reported that the budget is on target for the present year, and that as of the time of the meeting, Council has received \$182,000 in additional funding above and beyond the amount approved by Council for the current fiscal year.

Ms. Wuerstle said that there were several informational items that staff would present to Council.

Mr. Beever provided an annual report requested by Council regarding the progress of the fertilizer ordinance resolutions that were put together by Council's Lower West Coast Watershed Subcommittee. Mr. Beever reported that all of the Region's coastal communities have adopted a fertilizer ordinance, and that over 85% of them are stricter than the State standard. Mr. Beever stated that he had presented a much more detailed analysis of the information at the recent meeting of the Everglades Coalition; to summarize, he stated that we are seeing measurable decreases in nutrient pollution in both phosphorous and ammonia in the communities that have had the fertilizer ordinances in effect for longer periods of time. Mr. Beever stated that fertilizer ordinances have been adopted by 90 Florida jurisdictions, and that in addition to Florida, 12 other states have adopted statewide fertilizer standards, four of which have local jurisdictions with ordinances. He concluded by stating that we are having good success with the ordinances, and that they are an important tool for local governments to utilize in meeting their basin management action plans.

Ms. Donley presented information on upcoming free workshops on the care and feeding of stormwater lakes and ponds, being sponsored by the Charlotte Harbor National Estuary Program (CHNEP), Lee County Natural Resources Department, the City of Bonita Springs, Conestoga-Rovers & Associates, and the Coccoloba Chapter of the Florida Native Plant Society. The workshops are being provided in part due to the success of a similar workshop held in September; CHNEP hopes to roll out these workshops in 2014-2015 throughout the CHNEP study area, which extends up through Winter Haven; if interested, have staff contact Ms. Donley. The workshops result in improved stormwater quality, which saves money for residents and the State as a whole.

Ms. Donley also reported that CHNEP will be holding its triennial watershed summit March 25-27, 2014, which provides an opportunity for scientists and resource managers in the region to present the findings from their work and get them published in a peer-reviewed journal. Additional information will be provided at the next Council meeting.

Discussion ensued regarding the FRCA retreat. Commissioner Turner commented that after attending the retreat, he wanted to commend Councilwoman Simons for laying the groundwork for the Council to start assessing what needs to happen with FRCA and its lobbyist, Ron Book; he also commended Councilwoman Heitmann and Councilman Banks for making very candid remarks at the retreat. He anticipates that FRCA will produce a report from the retreat saying that FRCA needs to look at justifying their existence, and that reshaping their boundaries will be a top priority for discussion at their next strategic planning session. Commissioner Turner also commended Ms. Wuerstle on her conduct at the retreat, and stated that he was happy that the members of the

SWFRPC had provided a unified front at the retreat, and were the only regional council willing to take a critical look at the present situation, and admit that we need to reinvent ourselves and justify our existence.

Councilwoman Heitmann provided some background data on FRCA for new Council members, explaining that the Council has questioned the role, leadership, and structure of FRCA, including the dual role of executive director and lobbyist. She stated that due to the difficult questions and comments from representatives of the SWFRPC, a valuable discussion ensued.

Councilwoman Heitmann stated that she believes that the representatives of SWFRPC need to submit a letter to FRCA stating what we believe needs to be changed, and that we should make it clear that we believe leadership should come from the bottom up, rather than top-down; i.e., that FRCA should follow the lead of the regional councils.

Councilman Banks commented on the issue of amending regional council boundaries, stating that he did not believe that the issue would receive serious consideration in the near future, due to the imminent elections.

Councilwoman Simons asked Commissioner Turner if he was aware of any interest in Hendry or Glades counties to leave SWFRPC; he responded that he could only speculate that the answer was no, and that speaking for himself, absolutely not.

Councilwoman Simons stated that she believed that the current boundaries of the SWFRPC resulted in a good partnership; Commissioner Turner agreed.

Councilwoman Simons said that she wanted to make a motion that the SWFRPC should leave FRCA, and refrain from paying them the \$20,400 annual dues for membership in FRCA.

Ms. Wuerstle said that Council has received significant financial support from FRCA in the form of work distributed to regional councils through FRCA, and that there could be negative economic consequences if the Council left FRCA on its own. Ms. Wuerstle said that she would prefer not to pull out from FRCA, but rather to continue to engage the members and encourage changes in the organizational structure. Councilwoman Simons withdrew her motion.

Commissioner Constance said that he had questions regarding the boundary change issue. Commissioner Turner said that he agreed with Councilman Banks' prior assessment, and that the redistricting issue was merely an attempt to direct attention away from the lack of results from FRCA. Commissioner Turner also stated he had been very impressed with the performance of Council's executive director at the retreat; she diplomatically listened to all of the comments, refrained from engaging in petty banter, and allowed representatives of SWFRPC to take the lead in pushing for discussion of larger issues.

Commissioner Constance stated that he wants to make sure that Council retains a voice in any future discussions regarding redistricting.

Commissioner Mann thanked the members who had attended the retreat in Tallahassee, and stated that they had opened up a discussion that needed to be continued and finalized. He

encouraged Council to place the matter on its agenda following the next FRCA meeting, so that the issue could be reconsidered after hearing what actions FRCA takes after considering the issues raised at the retreat.

Commissioner Mann observed that he believes Council spends an inordinate amount of time discussing issues associated with process and procedure, and comparatively little time discussing regional issues such as water projects and development projects that have significant regional impacts. If Council has issues with FRCA, and we can't see any benefit accruing from our involvement, he believes that we should deal with it and get out.

AGENDA ITEM #7(a)
FRCA's Legislative Guiding Principles and Procedures

No discussion; informational item only.

AGENDA ITEM #7(b)
FEMA's Response Letter Regarding the Biggert-Waters Act.

Informational item; Council had asked staff to send letters regarding the Biggert-Waters Act; Council received the attached letter from Mr. Edward Connor of FEMA regarding concerns surrounding the implementation of the Biggert-Waters National Flood Insurance Reform Act of 2012.

AGENDA ITEM #8(a)
Grant Activity Sheet

No discussion; informational item only.

Mr. McCormick mentioned that the Energy & Climate Subcommittee had already met to discuss the Solar Ready II grant, and that they are moving ahead with great cooperation from a large number of stakeholders regarding the initiative on solar applications for residential development.

Councilwoman Simons thanked Mr. Beever and Mr. Crawford for their technical assistance; due to their timely assistance, she was able to put together a request for \$50,000 to have the regional planning council work on a restoration project for Spring Creek.

AGENDA ITEM #9
CONSENT AGENDA

Chairwoman Heitmann asked if anyone had a request to pull any consent agenda items.

Ms. Wuerstle said that staff was prepared to make a brief presentation on any agenda item if requested.

Commissioner Nance made a motion to approve the consent agenda; Mr. Perry seconded the motion.

Discussion ensued.

Councilman Burch asked who attended the hazardous material training courses referenced in agenda item #9(e). Mr. Gibbons explained that the Council and the Southwest Florida Local Emergency Planning Committee for Hazardous Materials (LEPC) provide hazardous materials training and assistance to emergency responders and government officials of the region. The first training course referenced in the agenda, the Emergency Planning & Community Right-To-Act (EPCRA) Hazardous Materials Awareness Compliance Course, is targeted at both public and industry employees. The second course, Florida Interoperability Communications Technicians COM-T Training, is targeted at emergency response personnel who handle radio communications; it is a required course for specific certifications. Mr. Gibbons briefly discussed other upcoming trainings he expects to offer in coming months.

Commissioner Mann stated that he believes Council's consent agendas often include items of regional importance that warrant additional discussion. He made a distinction between administrative agendas and consent agendas, clarifying that administrative agendas contained more substantive issues that warranted discussion, and that it is left to staff discretion to decide which items are placed on administrative rather than consent agendas. Commissioner Mann stated that he has recently been involved in discussions at the local government level regarding what characteristics distinguish an item as warranting additional discussion rather than being placed on a consent agenda. He asked staff to consider which agenda items have a regional impact, such as the comp plan amendments on the current agenda, and to place the items on the administrative agenda, provide a brief explanation of the items by staff, and provide an opportunity for Council members to hold a discussion of the regional impact of the items.

Ms. Wuerstle said that staff was prepared to present any items on the consent agenda. Commissioner Mann asked that this be done as a matter of policy and that if an agenda item has any sense of a regional impact, to place it on the administrative agenda and allow for a brief discussion of the item. Chairwoman Heitmann agreed with Commissioner Mann. Councilwoman Simons suggested that due to the complicated nature of planning, staff could conduct a comprehensive planning workshop for members not already familiar with the planning process.

Chairwoman Heitmann called for a vote on the motion on the table; the motion passed unanimously.

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

Mr. Beever presented the item. He explained the history and purpose of the Estero Bay Agency on Bay Management (ABM), including current activities of the ABM. His presentation was included in the agenda package for the meeting; a brief summary follows.

The ABM is a nonregulatory advisory committee of the SWFRPC; it was established as part of a settlement agreement to settle a lawsuit challenging the placement of the Florida Gulf Coast University. 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 ABM.

The ABM was modeled after the Tampa Bay Agency on Bay Management. Its directive is to make comments and recommendations regarding the management of Estero Bay and its watershed. It collects and maintains data on Estero Bay, it reviews and comments on regulatory activities and issue affecting the watershed.

The ABM benefits the Estero Bay watershed through its review, monitoring, and commenting activities. Through its activities, it has had a positive impact on the Estero Bay area, including improved water quality, habitat, and hydrology, and indirect benefits to the general community. It was at the ABM that the concept of filter marshes had their origin in the Region, and the ABM assisted in the implementation of most of the filter marshes that have been created in the Estero Bay watershed. Recently, an ABM member was involved with designing an award-winning mitigation park project at the Southwest Florida International Airport.¹

The Estero Bay watershed includes the bay itself, and land that extends as far north as the Six-mile Cypress Preserve, east to the Corkscrew Regional Ecosystem Watershed, and south to the Lake Trafford area in Collier County. The ABM has worked on a number of different land use plans, assisting counties and cities, providing professional review services that would have cost local governments considerable amounts of money if they had had to contract for the work. Examples of projects include the DR/GR study and the Lee County Master Mitigation Plan.

Each year, a work plan for the ABM is approved by the SWFRPC. All items on the 2013 work plan have been completed; the 2014 work plan, which will include the next State of the Bay report, will be brought to Council for approval at its next meeting.

The settlement agreement that created the ABM also created the Arnold Committee, which appointed the first members of the ABM. The ABM subsequently developed its own bylaws, which address the selection and appointment of members, and seek to establish a diverse group of persons representing groups from private and public sectors. If a member organization chooses not to continue their membership on the committee, they can resign. Several federal agencies have discontinued their membership as a result of federal cutbacks, and some developers that used to participate discontinued their involvement after the economic downturn.

The ABM has completed three State of the Bay reports; each looks at the condition of the bay in terms of water quality, hydrology, habitat, and a number of other measurements, including tourism and the economic benefits that come from the bay. The ABM also holds periodic conferences that bring together large groups of professionals to discuss subjects related to Estero Bay and other areas of the Region. A list of ABM accomplishments was included in Mr. Beever's presentation in the agenda package.

¹ Church Roberts of Johnson Engineering; the environmental team at Johnson Engineering provided environmental services for the 7,000-acre offsite mitigation park that was created as part of Project Millennium at the Southwest Florida International Airport; the project was the recipient of the Environmental Achievement Award in 2004 presented by the Airport Council North America, and the Florida Airports Council Environmental Award for 2008.

Mr. Beever pointed out that materials regarding the ABM, including organizational documents, meeting minutes, State of the Bay reports, and prior conferences, are available on Council's web site at www.swfrpc.org/abm.

Mr. Beever concluded by stating that the ABM is fully funded for the next year, thanks to major support from the City of Bonita Springs, as well as the Town of Fort Myers Beach and Florida Gulf Coast University.

Commissioner Mann stated that there was a report in the agenda package from Council's attorney, Mr. McCabe, responding to a question he had posed at Council's last meeting regarding Council's obligations to continue housing the ABM, and who was required to pay for the costs of maintaining the agency.

A discussion over the funding history of the ABM ensued; Mr. Beever clarified that the ABM was originally funded by a small portion of the funds received by the regional planning council from the Florida Department of Community Affairs. This funding continued from 1996 through 2010, at which time state funding for the regional planning councils was eliminated from the state budget. At that time, Council directed staff to solicit voluntary contributions from ABM members to offset the cost of administering the ABM. From 2010 to 2013, Lee County, FDEP, and SFWMD all provided funding for the ABM; in the past year, these agencies have elected not to continue funding for the ABM.

Commissioner Mann stated that Lee County staff is recommending against Lee County being the single county that has a financial obligation to fund the ABM; part of the rationale being that the agency is a nonregulatory advisory agency that comments to regulatory agencies, and there are already a number of other environmental agencies providing comments on projects, from the U.S. Army Corps of Engineers on down to the county and city level. Commissioner Mann stated that the point of the ABM was to look at the impact of the university, and the water flowing to the Estero Bay; he stated that we have now been studying the water quality of Estero Bay for almost 20 years now, and at this time, the university has created most of its footprint, although there will be some additions in the future. Commissioner Mann questioned whether we need the ABM, along with all of the other agencies that are also participating in everything relating to Estero Bay. He pointed out that Mr. McCabe's legal analysis states that the settlement agreement establishing the ABM is silent on both how long it should last and who should fund it, so no party, including Lee County, is obligated to fund the agency. Commissioner Mann hypothesized that given the lack of controlling language in the settlement agreement, it appears to be up to the Council's budget process to determine funding for the ABM, and that Council needs to decide whether it wishes to continue funding the ABM as a committee of the Council.

Commissioner Mann concluded by stating that having heard the presentation by Mr. Beever regarding the history and benefits of the ABM, and having received the analysis from Mr. McCabe of Council's obligations under the settlement agreement, he wished to table the issue until the next Council meeting. At that time, he stated, Council could discuss the issue and decide, collectively, if it wishes to continue supporting the work of the ABM.

Commissioner Mann made a motion to postpone debate on the agenda item, and to have a full and open discussion at the next meeting, after members have had the chance to review and consider the materials presented. Commissioner Nance seconded the motion.

Discussion ensued.

Councilwoman Simons started to engage in further discussion of the merits of the ABM; Commissioner Mann called Point of Order, as the topic was not germane to his motion to postpone discussion to the next meeting.

Chairperson Hietmann called for a vote on the motion on the table; all approved, except for Councilwoman Simons, who objected.

Mr. McCormick requested that staff address two points at the next meeting: (1) who maintains the ABM website, and (2) what the status is of the Tampa Bay Agency on Bay Management, that the Estero Bay ABM was modeled after.

Councilman Banks asked staff to provide an accounting for the ABM at the next meeting.

Councilman Burch asked staff to provide: (1) an inventory of the boards and other interests that are currently dealing with the Estero Bay – who is working on the bay, and where their funding is from; and (2) to state what the council is doing regarding waterways in Cape Coral, and to identify where it is putting all of its efforts.

Commissioner Nance asked that Mr. McCabe be prepared to opine on Council's legal obligations and ramifications.

Councilwoman Simons requested that stakeholders from Bonita Springs, Estero, and other areas affected by the continued existence of the ABM be provided with the opportunity to speak on the issue at the next meeting.

AGENDA ITEM #10(b)

2014 Nominations Committee Report/Election of 2014 SWFRPC Officers

Mr. Flood presented the item. At a meeting on December 17, 2013, Mr. Flood met with the other Nominations Committee members, Commissioner Mann and Commissioner Cook, and agreed to recommend the following slate of officers:

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

Councilman Kit McKeon moved to approve the slate as proposed; Commissioner Nance seconded the motion. The motion received unanimous approval.

Councilman Banks commended Commissioner Turner for his outstanding service as chairman of the Council for the past three years; everyone expressed their agreement with the commendation.

AGENDA ITEM #11(a)
FDEP Surplus Lands Resolution

Mr. McCabe presented the item. He stated that the intent of the resolution was to express the opinion that the specified lands had been purchased with public funds with the intent that they be preserved, and that for the numerous reasons specified in the resolution, they should be retained in public ownership, not listed on the FDEP surplus lands list for potential sale.

Commissioner Mann asked whether the resolution included parcels on Cayo Costa only, or other parcels as well; he expressed his belief that the resolution needed to include any parcels on North Captiva Island as well. It was clarified that the resolution included lands on North Captiva Island.

Commissioner Mann moved to adopt the resolution; Councilman Burch seconded, and the motion received unanimous approval.

Chairwoman Heitmann requested that a cover letter be sent with the resolution to the appropriate party at the Division of State Lands; Commissioner Mann requested that a copy also be sent to the regional legislative delegation, our spokesmen and lobbyists on the issue.

AGENDA ITEM #11(b)
Southwest Florida Research & Education Center Resolution

Mr. McCabe presented the item. Commissioner Nance brought a clerical error to the attention of staff, and proposed a friendly amendment to the resolution for consideration of Council members that would broadening the reach of the resolution by adding another “whereas” clause:

“WHEREAS, the University of Florida is a critical regional portal for all science and technology, including the management of water, environmental, and natural resources for all regional counties and municipalities;”

Commissioner Nance stated that he was proposing an amendment because he is seeking support from all counties and municipalities in the region, since it is a technical institution of critical need that addresses all types of natural resource and technology issues, not just agribusiness; he stated that it is one of the best technology assets we have in the region. Commissioner Nance also stated that he would seek the support of and hope that the final resolution would be sent to the members of the Council, and they would seek similar resolutions from their respective bodies supporting the institution.

Councilman Burch stated that he didn’t feel comfortable supporting a change in the resolution that had not been reviewed by his city council, as he could not attest that it would benefit his community. Discussion ensued; alternative language was agreed upon that stated that the Center would benefit the region rather than all counties and municipalities in the regions:

“WHEREAS, the SWFREC is a valuable regional portal providing technology and science regarding the management of water, environmental issues, and natural resources to the region;

Commissioner Davis moved to adopt the resolution as amended; Commissioner Mann seconded; and the motion received unanimous approval.

Commissioner Nance thanked the Council for its support, and requested that Mr. McCabe forward the resolution to member of the Council for consideration by their respective bodies.

**AGENDA ITEM #11(c)
Economic Development Initiative of Southwest Florida**

Chairwoman Heitmann stated that this item was to have been presented by Ms. Holquist; due to her absence, it would be postponed until the following meeting; when she could be present her report on the initiative.

**AGENDA ITEM #12
NEW BUSINESS**

Chairwoman Heitmann stated that there was an open request for Council to appoint someone to the Estero Bay Agency on Bay Management (ABM), and that due to her historical knowledge of the ABM; Councilwoman Simons had been nominated to fill the position. Chairwoman Heitmann stated that she was appointing soon-to-be-former Councilwoman Simons to the board as Ms. Simons to represent the Council on the ABM.

Chairwoman Heitmann stated that she was also creating several new committees. The first committee was the Economic Development Committee, and she was appointing Forrest Banks to chair the committee due to his involvement in economic development with the Florida League of Cities and the Southwest Florida Economic Development Alliance. Councilman Banks stated that he has high hopes for the Alliance, which has support from FGCU and the economic development sectors in Collier and Lee counties, and is working on branding that will promote the Southwest Florida region. In addition, Council staff has a grant to develop a business plan for the Alliance.

Councilwoman Simons voiced her opinion that an additional economic development entity would be redundant, given the number of existing economic development entities.

Chairwoman Heitmann asked council members interested in serving on the Economic Development Committee to contact Ms. Wuerstle.

Chairwoman Heitmann next announced the creation of a Transportation Committee, and asked council members interested in serving on the committee to contact Ms. Wuerstle.

Chairwoman Heitmann also announced the creation of the Quality of Life and Safety Committee, and the appointment of Vice Mayor Willie Shaw as the chair of the committee. She explained that the committee was important because if we cannot expect to be successful with economic

development unless we look at all factors affecting our communities, including quality of life and safety.

Vice Mayor Shaw accepted the appointment, and stated that there were many overlapping issues within the region that need to be addressed from the perspective of safety and quality of life. In order to create a region that is attractive to people, with a high quality of life and economic opportunities, people need to feel safe in their communities. In order for this to happen, we need to have the conversations that will bring these issues to the forefront, which is the purpose of this committee.

Chairwoman Heitmann stated that she was pleased to learn that Commissioner DiFranco had volunteered to serve as chair of the Transportation Committee; a somewhat surprised Commissioner DeFranco accepted the nomination.

Chairwoman Heitmann asked Councilman McKeon if he would be willing to serve as chair of the Budget and Finance Committee; Councilman McKeon agreed.

AGENDA ITEM #13 STATE AGENCIES COMMENTS/REPORTS

SFWMD - Mr. Flood stated that the SFWMD Government Board would be holding their February meeting in Fort Myers in the Lee County commission chambers at 9:00 a.m. on February 13th; also, the Corps of Engineers will holding a Caloosahatchee Estuary after action report meeting at the Lee County administration building on January 28th.

FDEP - Mr. Iglehart stated that district directors around the state will be changing places next month, so Sean Hamilton from Pensacola will be representing the SFWMD at the February Council meeting.

FDOT - no report.

AGENDA ITEM #14 COUNCIL ATTORNEY'S COMMENTS

Counsel McCabe stated that he had no comments at this time. Chairwoman Heitmann asked if there would be a meeting of the Legislative Affairs Committee before the February Council meeting, and asked who was on the committee. Mr. McCabe stated that the committee was chaired by Vice Mayor Congress, and members included Commissioner Constance and Mr. McCormick. Mr. McCabe stated that the committee members had agreed to hold meetings as needed, and that he would contact the committee members to ask whether they wished to meet prior to the February Council meeting.

AGENDA ITEM #15 COUNCIL MEMBERS' COMMENTS

Councilman Burch stated that this was his first meeting back after being away for five years, and that things had changed. He stated that if this meeting was a typical meeting, the Council might want to hold a strategic planning session to discuss their purpose and mission.

Chairwoman Heitmann stated that since she had chaired the meeting, she felt obliged to respond to Councilman Burch's comments. She stated that Council was a place where members are free to speak their minds, and welcomed him back to Council.

Councilman Banks state that he believes that Council is making lots of progress.

Mr. McCormick thanked the Council for their confidence in electing him to the board; he then stated that the fertilizer ordinance was the direct result of Mick Denham's efforts, and gave credit for the results to him; finally, he commended Jennifer Pellechio for her hard work on the Energy & Climate Subcommittee.

Commissioner Duffy stated that she believes the Council is in a good place, and commended Chairwoman Heitmann of leading a tough meeting.

Councilwoman Simons stated that it had been a great time to serve on the Council. She welcomed Councilman Burch back to Council, and commended him for his advocacy work on behalf of his city. She said that they had done a lot of good work, and had gone through some real struggles. She thanked everyone on Council for their willingness to serve, and the executive director and staff of the council for their work. She stated that Council would be well served by Chairwoman Heitmann, whom she had learned to respect during their time together in the League of Cities.

Vice Mayor Shaw stated that he was looking forward to a very productive and prosperous year.

Chairwoman Heitmann thanked Councilwoman Simons for her service, as well as the other Council members, and that she looked forward to the next meeting.

AGENDA ITEM #16 ADJOURNMENT

The meeting was adjourned at 11:06 a.m.

Mr. Don McCormick, Secretary

_____ Agenda
_____ Item

7

Director's Report

7

7



Southwest Florida Regional Planning

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EXECUTIVE DIRECTOR'S REPORT - FEBRUARY 20, 2014

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.

1. Internal Issues

a. Budget

- i. Budget Update
 - a) The 2013 audit is completed and will be presented at the March meeting.
 - b) The financial report shows that we are on target with the 2014 budget.
 - c) Conference call with Bank of America scheduled for February 25, 2014 regarding balloon payment.
- ii. Grants:
 - a) We have received an additional \$182,000 in grants since the 2014 budget was adopted.

b. Council Committees - see attached summary

2. External Issues

- a. FRCA: Attached are the Legislative Highlights. Next FRCA meeting is February 13-14.
- b. Correspondence to Speaker Boehner regarding the Biggert-Waters Flood Insurance Reform Act.
- c. Discovery Meetings for a coastal Risk MAP in SW Florida
- d. The Executive Director met with the following to establish partnerships and discuss issues of mutual concerns:

Dennis Griffin, Glades County Commissioner; Paul Carlisle, Glades County Manager; Southwest Florida Regional Economic Development Alliance, Dan Regelski, SBDC; Senator Rubio's staff.

3. Goals and Priorities for Second Quarter 2013 (January - April)

- a. Research the Health Insurance and benefits package (completed for 2013-2014 budget)
- b. Employee Evaluations and Expectations (in progress)
- c. Implementation of Workplan:
 - Grant Research and Submission: Submitted grants include Manufacturing Grant, Arts and Culture Grant, Economic Development Planning Grant, and Brownfields Grant.
 - Orientation for new RPC members (To be held in May 2014))
 - Improved Financial Reporting: New software in process for time keeping and project management

2014 SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL'S COMMITTEES

COMMITTEE	CURRENT MEMBERS	DESCRIPTION	DATE ESTABLISHED	DATE OF LAST MEETING	DATE DISSOLVED
Budget & Finance	Councilman Kit McKeon, City of Venice (Chair) Councilwoman Teresa Heitmann, City of Naples Ms. Laura Holquist, Lee County Governor Appointee Councilman Forrest Banks, City of Fort Myers Commissioner Karson Turner, Hendry County BOCC Mr. Robert Mulhere, Collier County Governor Appointee	The committee is charged with oversight of the SWFRPC budgets. The committee also reviews issues that impact the financial well-being of the RPC and provides input to the Executive Committee on these issues.	January 20, 2011		
Energy & Climate	Melissa Dickens, Southwest Florida Water Management District Phil Flood, South Florida Water Management District Don McCormick, Charlotte County Governor Appointee Alan Reynolds, Collier County Governor Appointee	The committee is responsible for providing oversight on the Solar Ready II Grant project. The purpose of the grant is to promote solar best management practices that will allow more streamlined and standardized solar permitting regulations to be implemented. The committee will assist with engaging stakeholders in regional events as it pertains to Solar Ready II.	Committee was re-established by the Council on November 21, 2013		
Estero Bay Agency on Bay Management (EBABM)	Ms. Martha Simons, Representing the SWFRPC Councilman Forrest Banks, City of Fort Myers (alt.) Commissioner Brian Hamman, Lee County BCC Many Interested Parties from the Private/Public Sector: Audubon of Florida Corkscrew Regional Ecosystem Watershed (CREW) US Fish and Wildlife Service Scientist FDEP – Estero Bay Aquatic Preserves The Conservancy of SW Florida Johnson Engineering Lee County Div. of Natural Resources Town of Fort Myers Beach League of Women Voters FDOT/SWAO, District One Charlotte Harbor NEP Lee County Div. of County Lands Responsible Growth Management Coalition (RGMC) Lee County Division of Planning Snook and Gamefish Foundation ECCL South Florida WMD Lee County Port Authority FGCU Students Friends of Six Mile Slough Preserve	The EBABM is a non-regulatory advisory committee to the SWFRPC that produces State of the Bay reports. Its directive is to review and make comments and recommendations to the SWFRPC and agencies regarding the management of the hydrology, water quality, habitats, and land uses of Estero Bay and its watershed.	Established from Settlement Agreement on April 10, 1995		

COMMITTEE	CURRENT MEMBERS	DESCRIPTION	DATE ESTABLISHED	DATE OF LAST MEETING	DATE DISSOLVED
	Fort Myers Beach Civic Association USEPA – South Florida Office Audubon of SWF FGCU – College of Arts & Sciences				
Executive	Councilwoman Teresa Heitmann, City of Naples (Chair) Mr. Robert Mulhere, Collier County Governor Appointee (Vice-Chair) Mr. Don McCormick, Charlotte County Governor Appointee (Secretary) Councilman Forrest Banks, City of Fort Myers (Treasurer) The Executive Committee consists of the officers of the Council, so it changes on an annual basis.	The committee consists of the Chair, Vice Chair, Treasurer and Secretary of the SWFRPC and is charged with reviewing issues/information and providing recommendations to the full Council on a variety of matters including personnel, budget, programs and the work plan.	At the January 16, 2014 SWFRPC Meeting, the Council elected the current slate of officers.		
Economic Development	Councilman Forrest Banks, City of Fort Myers (Chair) Mayor Jim Blucher, City of North Port Councilman Jim Burch, City of Cape Coral Commissioner Chris Constance, Charlotte County BCC Councilwoman Teresa Heitmann, City of Naples Ms. Laura Holquist, Lee County Governor Appointee Mr. Tom Perry, Glades County Governor Appointee Commissioner Karson Turner, Hendry County BCC	The committee is charged with providing input to the SWFRPC Executive Committee on ways to enhance and assist regional economic development efforts and will do this by bringing together key leaders. The committee will monitor the clearinghouse activities of the SWFRPC in regard to the collection and dissemination of economic data and it will monitor the Economic Development District (EDD) activities and work products.	January 16, 2014		
Legislative Affairs	Vice Mayor Doug Congress, City of Sanibel (Chair) Commissioner Chris Constance, Charlotte County BOCC Mr. Don McCormick, Charlotte County Governor Appointee	The committee is charged with identifying legislative priorities for the six county region and with providing this input to the full Council. The committee will follow issues and bills throughout the State Legislative Sessions and keep the full Council informed of any issues that would impact the region.	January 20, 2011		
Nominating	The Nominating Committee consists of the members of the Council appointed by the current Chair, so it changes on an annual basis.		By Council Rule		
Quality of Life & Safety	Vice Mayor Willie Shaw, City of Sarasota (Chair) Commissioner Cheryl Cook, City of North Port Councilwoman Teresa Heitmann, City of Naples	The committee is charged with providing input to the SWFRPC on programs and policies to enhance the quality of life in the region. The committee will bring together leaders and stakeholders to discuss crime issues and develop recommendations for innovative programs to assist local leaders in addressing their needs.	January 16, 2014		

COMMITTEE	CURRENT MEMBERS	DESCRIPTION	DATE ESTABLISHED	DATE OF LAST MEETING	DATE DISSOLVED
Regional Transportation	Vice Mayor Rhonda DiFranco, City of North Port (Chair) Mr. Tommy Perry, Glades County Governor Appointee Ms. Carmen Monroy, FDOT/SWAO – District One Mr. Brian Barnes, Charlotte County Director of Capital Improvement Mr. Bill Barton of Naples	The committee is charged with providing input to the SWFRPC Executive Committee on the development of a regional transportation plan. The committee will determine needs and identify resources. A funding strategy will be created and once funding is in place the committee will provide oversight on the development of the plan. The committee will be responsible for determining regional transportation issues for presentation to the full Council.	Re-established on January 16, 2014		



LEGISLATIVE HIGHLIGHTS

January 2014

The year began with two back-to-back legislative committee weeks, starting on January 6, 2014. While many of the committees focused solely on proposed legislation, several were still in an information gathering mode. Among the presentations heard over these two weeks were as follows:

- Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development received a presentation on January 9, 2014, from the Florida Department of Transportation, which addressed the Department's role in multi-use trails, an overview of multi-use trails in Florida, the importance of investing in trails, and specifics on the Coast to Coast Connector. Upon completion, the Coast to Coast Connector will stretch from Volusia County on the east coast to Sarasota County on the west coast. The committee also received a presentation from Enterprise Florida on January 15, 2014, regarding the 2013 Annual Incentives Report, developed in conjunction with the Florida Department of Economic Opportunity (DEO). In a recent Enterprise Florida Legislative update, the following was noted: "Traditionally, this committee has been critical of Florida's economic development programs – but with the publication of more independent reviews, increasing transparency from the DEO Incentive Portal, and a positive return to the state, Senators have become more supportive of these efforts." The 2013 Annual Incentives Report will soon be posted to <http://www.enterpriseflorida.com/newsroom/reports-resources/>, and this link, <http://www.floridajobs.org/office-directory/division-of-strategic-business-development/economic-development-incentives-portal>, will take you to the DEO Incentives Portal.
- Senate Commerce and Tourism Committee heard presentations on January 13, 2014, from the Office of Economic and Demographic Research and Office of Program Policy Analysis and Government Accountability on their respective evaluations of Florida's economic development and incentive programs, required by House Bill 7007 (2013). See the "Economy" policy note below for links to the published reports.
- Senate Community Affairs Committee heard from the Florida Housing Finance Corporation on January 8, 2014, regarding its new allocation system. In 2013, the Legislature provided the corporation with the ability to allocate rental funding through a competitive solicitation process, which resulted in a more flexible system compared to the previous Universal Application Cycle. Through a series of Requests for Applications, Florida Housing can now specifically allocate state and federal resources, which allows them to tailor each Request for Applications to the particular housing need of the intended residents.
- House Economic Development and Tourism Subcommittee held a workshop on January 8, 2014, regarding draft proposed committee bills pertaining to economic development and emergency management. For more information on these proposals, see House Bill 7023 and proposed EDTS2 in the FRCA bill tracking summary.
- House Transportation and Economic Development Appropriations Subcommittee heard from Space Florida on January 8, 2014, regarding expenditures associated with its current year

activities, as well as from Enterprise Florida on January 15, 2014, regarding its 2013 Annual Report, which is available at http://www.enterpriseflorida.com/wp-content/uploads/AR_2013.pdf. For more information on Space Florida, visit <http://www.spaceflorida.gov/>.

- House Transportation and Highway Safety Subcommittee received a presentation from the Florida Department of Transportation on January 9, 2014, pertaining to the Florida Freight Mobility and Trade Plan-Policy Element, similar to the presentation given to the Florida Regional Councils Association Executive Directors Advisory Committee. This Policy Element and related information are available through Florida's freight and logistics portal at <http://www.freightmovesflorida.com/>.

Additional details regarding the presentations discussed above are available in committee meetings packets, which can be found via <http://www.flsenate.gov/Committees/#com-list> (for Senate Committees) or <http://www.myfloridahouse.gov/Sections/Committees/committees.aspx> (for House Committees).

Legislative committee meetings resume on February 3, 2014 and will be held that week as well as the weeks of February 10 and 17. The Legislature will then take a one week break and return to Tallahassee on Tuesday, March 4, 2014, for the start of the 2014 Legislative Session.

GOVERNOR'S BUDGET HIGHLIGHTS

Details on the Governor's budget are available at <http://flitsyourmoney.com/>. Highlights are provided below:

- \$95 million in flexible funding for economic development programs such as the Quick Action Closing Fund and Qualified Target Industry tax refund;
- \$3.8 billion for major road projects;
- \$192 million for bridge infrastructure improvements;
- \$139 million in seaport improvements;
- \$10 million for the Rural and Family Lands Protection Program;
- \$30 million in new revenue for conservation land buying along with \$40 million from the sale of nonconservation lands;
- \$50 million for sewage treatment improvements in the Florida Keys;
- \$25 million for beach renourishment; and,
- \$125 million for petroleum tank cleanups.

POLICY NOTES

- **Economy:** According to *The Florida Current*, a report released by the Office of Economic and Demographic Research on January 1, 2014, shows mixed results for the state's economic incentive programs. The Qualified Target Industry program was the best performing incentive, returning \$6.80 for every state dollar invested. Other programs, such as the Enterprise Zones program, lost state money. The report also questions the effectiveness of incentive programs, noting that academic studies are split on whether incentives influence businesses to move to a given area. A copy of the report is available at <http://edr.state.fl.us/Content/special-research-projects/economic/EDR%20ROI.pdf>. A related report by the Office of Program Policy Analysis and Government Accountability found that incentives are important, but are not the only factor in a business' decision to expand or locate in Florida, and that a majority of the recipients are existing, in-state businesses. That report is available at <http://www.oppaga.state.fl.us/Summary.aspx?reportNum=14-01>.

- **Environment and Transportation:** The Florida Water and Land Legacy Amendment political committee received word that its constitutional amendment, which would require one-third of the state's Documentary Stamp revenue to be set aside for land conservation over 20 years, has qualified for placement on the 2014 ballot. At the last Metropolitan Planning Organization Advisory Council's (MPOAC) Staff Directors and Governing Board meeting, the Florida Department of Transportation was asked to determine the possible impact of this amendment on transportation programs. In a February 4, 2014 email from Jim Wood, Director of the Office of Policy Planning, to Howard Glassman, Executive Director of the MPOAC, Mr. Wood wrote as follows:

The amendment was analyzed by the Financial Impact Estimating Conference. If passed, the amendment would require that 33% of net revenues from documentary stamp taxes be deposited into the Land Acquisition Trust Fund for twenty years. The impact to the state was estimated to be \$648 million in FY 2015-16, growing to \$1.268 billion in FY 2034-35.

Under current law, documentary stamp tax revenue is distributed into the General Revenue Fund and other trust funds such as the State Transportation Trust Fund (STTF), the Land Acquisition Trust Fund, the State Housing Trust Fund, and others. If the amendment were to pass, future Legislatures would need to determine which programs receiving documentary stamp revenues would be reduced or held harmless. Thus, the impact to the STTF which receives revenue from documentary stamp taxes is unknown at this time.

The transportation programs that currently receive funding from documentary stamp taxes are: the Small County Outreach Program (SCOP), New Starts Transit, the Strategic Intermodal System (SIS), the Florida Rail Enterprise, and the Transportation Regional Incentive Program (TRIP).

- **Growth Management:** House Bill 703 is generating a great deal of concern. 1000 Friends of Florida has come out early in opposition, stating that this "*egregious power grab by the state legislature would undermine the power of each local government in Florida to enact and enforce critical local comprehensive plans, policies, and implementing regulations,*" adding that the bill does the following:
 - *Retroactively preempts local government authority to protect wetlands and springs and regulate stormwater runoff. It would, in effect, repeal comprehensive plan policies, implementing regulations and other land use controls related to these issues that have been adopted since 2003;*
 - *Retroactively preempts local government authority to require a supermajority vote on comprehensive plans and amendments, again impacting plans and amendments enacted from 2003 on; and,*
 - *Prevents any local government from rescinding a plan amendment where development has been approved on bona fide agricultural lands.*

In addition, House Bill 7023, a wide-ranging economic development bill, would prohibit applying impact fees or transportation concurrency on new business developments of less than 6,000 square feet. A city or county commission could opt out of the requirement and this change to the law would expire after three years. Opposition is expected from 1000 Friends of Florida, the Florida League of Cities, and Florida Association of Counties, who opposed similar language last year. The Florida Chamber of Commerce has expressed support for the bill.

- **Springs:** On Thursday, January 9, 2014, Senator Simmons released a revised draft of his Springs Protection Bill after considering the many comments received from numerous stakeholder groups. Some of the key points in the bill are as follows:
 - Funds would be allocated from Documentary Stamp revenues, and placed into the Ecosystem Management and Restoration Trust fund for restoration and protection of Outstanding Florida Springs.
 - Membership of the Acquisition and Restoration Council (ARC) would be increased by one to include a Florida Department of Environmental Protection (DEP) representative with expertise in water quality.
 - The ARC would evaluate and rank projects eligible for springs funding, and develop rules for evaluating and ranking projects, and for pilot projects designed to test nutrient reduction technologies.
 - “Outstanding Florida Springs” would be defined to include all first magnitude springs as well as DeLeon, Peacock, Rock, Wekiwa and Gemini Springs.
 - By July 1, 2015, DEP would be required to delineate springs protection zones, and water management districts would be required to establish minimum flows and levels for each of these springs.
 - By 2017, DEP would be required to develop Basin Management Action Plans for each of the Outstanding Florida Springs, identifying load allocations for fertilizer, animal waste, septic tanks, wastewater treatment facilities, and stormwater.
 - Each local government located within a springs protection zone would be required to meet the minimum requirements of the Model Fertilizer Ordinance, including a requirement of 50% slow release nitrogen.
 - In Basin Management Action Plan areas, septic tanks must be connected to central sewer systems “where available” or otherwise upgraded to meet certain criteria by 2019 at no cost to property owners, and all agriculture producers must implement Best Management Practices within two years.
 - Local governments, water management districts, utilities, and agricultural producers must submit project proposals to the ARC for reimbursement up to 75%, with the exception of septic tank upgrades and connections, which are eligible for 100% funding.

Ongoing stakeholder meetings are expected. To obtain a copy of the revised draft, please contact Diane Suddes in Senator Simmons’ office at suddes.diane@flsenate.gov.

LEGISLATIVE EVENTS

February 3-7, 2014:	Interim Committee Week
February 10-12, 2014:	Florida Chamber of Commerce Capitol Days
February 10-14, 2014:	Interim Committee Week
February 17-21, 2014:	Interim Committee Week
March 4, 2014:	Regular Session Convenes
March 27, 2014:	Florida Association of Counties Legislative Action Day
April 1-2, 2014:	Florida League of Cities Legislative Action Days
April 22, 2014:	Last day for regularly scheduled committee meetings
May 2, 2014:	Last day of regular session

BILL TRACKING REPORT

Due to the length of the bill tracking report, it will no longer be appended to this document but will travel as a separate attachment to the email transmitting this legislative update.



The Honorable John Boehner
Speaker
U.S. House of Representatives
H-232 The Capitol
Washington, DC 20515

The Honorable Jeb Hensarling
Chairman, House Financial Services Committee
2228 Rayburn House Office Building
Washington, D.C. 20515

February 7, 2014

Dear Speaker Boehner and Chairman Hensarling:

On behalf of the Florida Association of Counties (FAC) and the Florida League of Cities (FLC), we write to request quick action by the U.S. House of Representatives to modify the Biggert-Waters Flood Insurance Reform Act (BW-12).

Together, FAC and FLC represent Florida's 67 counties and 410 municipalities. Florida's property owners make up 37 percent of National Flood Insurance Program (NFIP) policyholders. While those more than 2 million home and business owners have paid close to \$16 billion into the NFIP during the past thirty years, their claims have totaled just \$3.7 billion - making Florida one of the largest donor states to the NFIP.

We acknowledge the need to reform the NFIP and ensure its long-term solvency. At the same time, this must be done with due care and attention. Despite the delay of portions of BW-12 recently enacted in the Omnibus bill, close to 270,000 policyholders in Florida's communities remain subject to premium changes already in effect. The dramatic increases in flood insurance premiums for Florida's NFIP policyholders are, in many instances, unaffordable and threaten the state's long dormant real estate market and economic recovery.

Along with a limited delay in rate increases for all property owners, FAC and FLC recommend enacting affordability and mitigation policies to bring solvency to the NFIP over the long-term without unduly burdening our property owners, which provide the foundation of our economic growth and recovery. Our recommendations include:

- **Delay Rate Increase – Complete Affordability Study**
Delay rate increases until the Federal Emergency Management (FEMA) completes its affordability study, which is required by BW-12.

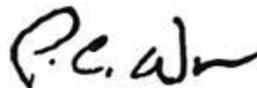
- Reduce Rate Increases – Implement a Means-Tested Assistance Program**
 Limit rate increases to no more than 10 percent per year; implement a means-tested assistance program for property owners who cannot afford coverage.
- Treat Pre-Firm (Section 205) Properties Equally – Eliminate Rate Triggers**
 Treat all Section 205 pre-FIRM properties alike; eliminate the full rate trigger for policy lapses and properties that are sold; tie the rate to the property and not the property owner.
- Improve Consumer Protection**
 Authorize an independent agency to review and approve rate increases before Write Your Own (WYO) companies, and FEMA, issue new policies. Require WYO companies to provide policy holders a complete analysis that supports the premiums set forth in a policy renewal. Designate a Flood Insurance Consumer Advocate to represent the interests of policyholders when insurance decisions are made. Create an appeals process that allows property owners, through the Flood Insurance Consumer Advocate, to appeal rate hikes that exceed a certain dollar threshold.
- Improve Accountability for NFIP Operating Expenses**
 Ensure FEMA’s rulemaking on reimbursement of expenses under the WYO program is completed, as scheduled, and that reimbursements to WYO companies track the actual business and operating expenses of those companies.
- Expand Flood Mitigation**
 Aggressively expand flood mitigation efforts to (1) increase federal funding for flood mitigation, (2) streamline grant administration, (3) implement alternative voucher systems that would allow property owners to undertake mitigation efforts that lower their risk and, subsequently, their insurance rates, and (4) provide tax credits to policy holders who undertake mitigation with their own funds.

We are grateful for the action by the U.S. Senate in passing S.1926, but we recognize that more work needs to be done. We stand ready to work with Florida’s Congressional delegation and the House Financial Services Committee to bring about reasonable and meaningful reform. By working together, we believe we can both stabilize the NFIP while also addressing the unintended consequences of BW-12 and providing homeowners with relief from unaffordable flood insurance. We appreciate your consideration of our recommendations and your attention to our concerns.

Sincerely,



Commissioner Bryan Desloge
 President, Florida Association of Counties



Councilman P.C. Wu
 President, Florida League of Cities

CC: Florida Delegation



Southwest Florida Regional Planning Council

1926 Victoria Avenue, Fort Myers, Florida 33901-3414
 (239) 338-2550 FAX (239) 338-2560 SUNCOM (239)748-2550

February 10, 2014

The Honorable John Boehner
 Speaker
 US House of Representatives
 H-232 The Capitol
 Washington, DC 20515

The Honorable Jeb Hensarling
 Chairman, House Financial Services Committee
 2228 Rayburn House Office Building
 Washington, DC 20515

Dear Speaker Boehner and Chairman Hensarling:

On behalf of the Southwest Florida Regional Planning Council (SWFRPC), I am writing to request quick action by the U.S. House of Representatives to modify the Biggert-Waters Flood Insurance Reform Act (BW-12).

The SWFRPC represents six counties and 13 municipalities. Florida's property owners make up 37 percent of National Flood Insurance Program (NFIP) policyholders. While those more than 2 million home and business owners have paid close to \$16 billion into the NFIP during the past 30 years, their claims have totaled just \$3.7 billion – making Florida one of the largest donor states to the NFIP.

The SWFRPC acknowledges the need to reform the NFIP and ensure its long-term solvency. At the same time, this must be done with due care and attention. Despite the delay of portions of BW-12 recently enacted in the Omnibus bill, close to 270,000 policyholders in Florida's communities remain subject to premium changes already in effect. The dramatic increases in flood insurance premiums for Florida's NFIP policyholders are, in many instances, unaffordable and threaten the state's long dormant real estate market and economic recovery.

Along with a limited delay in rate increases for all property owners, the SWFRPC recommends enacting affordability and mitigation policies to bring solvency to the NFIP over the long-term without unduly burdening our property owners, which provide the foundation of our economic growth and recovery. The SWFRPC recommends the following:

- **Delay Rate Increase – Complete Affordability Study** – Delay rate increases until the Federal Emergency Management Agency (FEMA) completes its affordability study, which is required by BW-12.
- **Reduce Rate Increases – Implement a Means-Tested Assistance Program** – Limit rate increases to no more than 10 percent per year; implement a means-tested assistance program for property owners who cannot afford coverage.



Southwest Florida Regional Planning Council

1926 Victoria Avenue, Fort Myers, Florida 33901-3414
 (239) 338-2550 FAX (239) 338-2560 SUNCOM (239)748-2550

TO: Speaker Boehner and Chairman Hensarling
 DATE: February 10, 2014
 PAGE: 2

- **Treat Pre-FIRM (Section 205) Properties Equally – Eliminate Rate Triggers** – Treat all Section 205 pre-FIRM properties alike; eliminate the full rate trigger for policy lapses and properties that are sold; tie the rate to the property and not the property owner.
- **Improve Consumer Protection** – Authorize an independent agency to review and approve rate increases before Write Your Own (WYO) companies, and FEMA, issue new policies. Require WYO companies to provide policy holders a complete analysis that supports the premiums set forth in a policy renewal. Designate a Flood Insurance Consumer Advocate to represent the interests of policyholders when insurance decisions are made. Create an appeals process that allows property owners, through the Flood Insurance Consumer Advocate, to appeal rate hikes that exceed a certain dollar threshold.
- **Improve Accountability for NFIP Operating Expenses** – Ensure FEMA’s rulemaking on reimbursement of expenses under the WYO program is completed, as scheduled, and that reimbursements to WYO companies track the actual business and operating expenses of those companies.
- **Expand Flood Mitigation** – Aggressively expand flood mitigation efforts to (1) increase federal funding for flood mitigation, (2) streamline grant administration, (3) implement alternative voucher systems that would allow property owners to undertake mitigation efforts that lower their risk and, subsequently, their insurance rates, and (4) provide tax credits to policyholders who undertake mitigation with their own funds.

The SWFRPC is grateful for the action by the US Senate in passing S.1926, but recognize that more work needs to be done. We stand ready to work with Florida’s Congressional delegation and the House Financial Services Committee to bring about reasonable and meaningful reform. By working together, we believe we can both stabilize the NFIP while also addressing the unintended consequences of BW-12 and providing homeowners with relief from unaffordable flood insurance. We appreciate your consideration of our recommendations and your attention to our concerns.

Sincerely,
 SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

Teresa Heitmann
 Chair
 /nlg

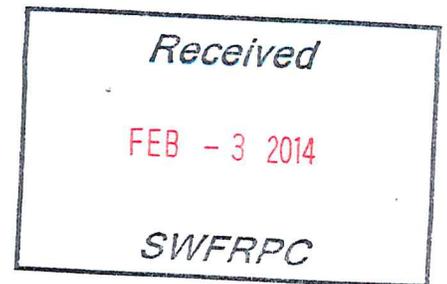


FEMA



January 31, 2014

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



Dear Ms. Margaret Wuerstle:

This letter is written to inform you of the upcoming Discovery Meetings for a coastal Risk Mapping, Assessment, and Planning (Risk MAP) project with counties in Southwest Florida. Risk MAP is a FEMA program that assists community efforts to identify, assess, and reduce their flood risk. By combining quality engineering with updated flood hazard data, FEMA provides accurate and easy-to-use information to enhance local hazard mitigation plans, improve community outreach, and increase local resilience to floods. Please note that this project will only address the portions of the project counties (Charlotte, Collier, DeSoto, Hendry, Lee, and Sarasota) that are affected by coastal flooding.

The Discovery process encourages FEMA and the impacted communities to envision a holistic picture of local coastal flood hazards, risk, and mitigation efforts—as well as to start discussions about increasing resilience to flooding. The information exchanged between FEMA and the communities during Discovery will improve our understanding of coastal flood hazard mapping, coastal flooding risk, mitigation planning, and communication needs. We are holding four Discovery Meetings March 4 – 6, 2014 in coordination with community officials in project counties as described below.

Mark A. Vieira, a Senior Engineer with FEMA Region IV, is the study manager for this project and will be your FEMA point of contact. FEMA is partnering with Risk Assessment, Mapping and Planning Partners (RAMPP) to complete this multi-year coastal Risk MAP project. FEMA and RAMPP are working together to invite the appropriate community leaders, emergency managers, GIS specialists, and local planners, as well as others with a vested interest in the community's watershed resources, floodplains, and flood risk. Please pick from one of four Discovery Meetings that is most convenient for you to attend:

The Discovery Meeting for Sarasota County will be held Tuesday, March 4, 2014 at 2:00 PM:

Southwest Florida Water Management District
Sarasota Service Office
6750 Fruitville Road
Sarasota, FL 34240-9711

The Discovery Meeting for Charlotte and DeSoto Counties will be held Wednesday, March 5, 2014 at 9:00 AM:

Charlotte Building Department
18500 Murdock Circle
Port Charlotte, FL 33948



FEMA



The Discovery Meeting for Lee and Hendry Counties will be held Wednesday, March 5, 2014 at 2:00 PM:
 Lee County Emergency Operations Center (Conference Rooms B-D)
 2675 Ortiz Avenue
 Fort Myers, FL 33905

The Discovery Meeting for Collier County will be held Thursday, March 6, 2014 at 9:00 AM:
 County Community Development Department
 2800 Horseshoe Dr. N.
 Naples, FL 34104

At the meeting, we will discuss:

- The flood risk data we have gathered to date
- The counties' and cities' coastal flooding history
- The counties' and cities' coastal development plans
- The counties' and cities' coastal flood risk concerns
- Mitigation plan and potential coastal flood reducing activities communities can undertake, along with potential Federal funding mechanisms
- Coastal and floodplain management activities that impact the communities' coastal flood risk (e.g., erosion control structures, beach and dune nourishment projects, or flood protection structures)

We thank you for supporting this effort and encourage you or your designee to attend this important meeting. The partnership between FEMA and the [ORGANIZATION_NAME] will be vital to our success in identifying flood risks and needs that may exist.

To RSVP or request additional information, please contact Chris Zambito, RAMPP Study Manager (Charlotte, Collier, DeSoto, and Sarasota Counties), at 813-421-8639 or czambito@dewberry.com or Marissa Soule, RAMPP Study Manager (Lee and Hendry Counties), at 301-820-3449 or Marissa.Soule@urs.com.

We look forward to seeing you in March.

Sincerely,

Robert E. Lowe
 Risk Analysis Branch Chief
 FEMA – Mitigation Division

_____ Agenda
_____ Item

8

Staff Summaries

8

8

_____ Agenda
_____ Item

8a

Grant Activity Sheet
(Information Only)

8a

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#	Grants Approval Form	Type	Awarded	Funding Agency	Owner	Project Name	App Due Date	Date Submitted	Date Awarded/Denied	Project Total	RPC Amt	Deliverables	Total Match Amt-RPC
1	Yes	Grant	Yes	CTD	Nichole Gwinnett	FY2013-14 Planning Grant for Glades-Hendry Service Area			5/21/2013	\$38,637.00	\$38,637.00	TDSP Update, CTC Evaluation, LCB Quarterly Meetings, By-Laws	\$0.00
2	Yes	Grant	Yes	Visit Florida	Jennifer Pellechio	Our Creative Economy: Southwest Florida Regional Strategy for Public Art	2/22/2013	2/22/2013	5/17/2013	\$10,000.00	\$5,000.00	Logo & meeting results	\$5,000.00
3	No	Contract	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
4	No	Grant	Yes	EPA	Jim Beever	WQFAM				\$160,000.00	\$160,000.00		
5	No	Contract	Yes	County - Glades	John Gibbons	SQG Glades				\$3,900.00	\$3,900.00		
6	Yes	Contract	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

#	Grants Approval Form	Type	Awarded	Funding Agency	Owner	Project Name	App Due Date	Date Submitted	Date Awarded/Denied	Project Total	RPC Amt	Deliverables	Total Match Amt-RPC
7	Yes	Contract	Yes	DOE (Department of Energy)	Rebekah Harp	Solar Ready II		3/22/2013	7/18/2013	\$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
8	Yes	Grant	Yes	Southwest Florida Community Foundation	Nichole Gwinnett	Guide & Regional Asset Mapping of Public Arts			9/20/2013	\$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
9	Yes	Grant	Yes	EPA	Jim Beever	A Unified Conservation Easement Mapping and Database for the State of Florida	04/15/2013	4/8/2013	6/3/2013	\$294,496.00	\$148,996.00	GIS database with Conservation Easements	\$145,500.00
10	No	Grant	Yes	DEO	Jennifer Pellechio	Regional Economic Development Initiative – Business Outreach				\$15,000.00	\$15,000.00	Business Plan	
11	Yes	Contract	Yes	DEO	Jennifer Pellechio	Vision and Implementation Plan				\$25,000.00	\$12,500.00	Mission, Goals & Objectives, Draft Plan, Final Plan	\$0.00

#	Grants Approval Form	Type	Awarded	Funding Agency	Owner	Project Name	App Due Date	Date Submitted	Date Awarded/Denied	Project Total	RPC Amt	Deliverables	Total Match Amt-RPC
12	Yes	Grant	Yes	DEM	John Gibbons	IECGP Training Grant Program	11/6/13	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	Grant	Yes	Mosaic	Judy Ott	Coral Creek Restoration: Monitoring Juvenile Fish Habitat	9/30/13	9/30/2013	1/2/14	\$50,000.00	\$50,000.00	Quarterly monitoring reports	
14	Yes	Grant	To Be Submitted	Visit Florida	Margaret Wuerstle	Our Creative Economy: Southwest Florida Regional Strategy for Public Art	2/18/14			\$10,000.00	\$5,000.00		
15	Yes	Grant	To Be Submitted	PNC Foundation	Margaret Wuerstle	Our Creative Economy: A Regional Strategy for Enhancing Public Arts and Cultural Venues				\$40,000.00	\$10,000.00	A field guide to the public art of Charlotte County.	\$30,000.00
16	Yes	Grant	To Be Submitted	NARC	Liz Donley	Integrating Trees into Stormwater BMPs	2/28/14			\$4,000.00	\$4,000.00	Forum, powerpoint, scope fo work for follow-on project, new partnerships	
17	Yes	Grant	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	
18	No	Grant	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	
19	Yes	Grant	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	
20	No		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		
21	No		Pending	FDEP	Jim Beever	Environmental Services Provided by the Gulf of Mexico	1/7/13	1/7/2013		\$500,000.00	\$500,000.00		

#	Grants Approval Form	Type	Awarded	Funding Agency	Owner	Project Name	App Due Date	Date Submitted	Date Awarded/Denied	Project Total	RPC Amt	Deliverables	Total Match Amt-RPC
22	Yes	Grant	Pending	EDA	Jennifer Pellechio	EDA Planning Grant	01/22/2013	12/18/2013		\$270,000.00	\$189,000.00		\$81,000.00
23	Yes	Grant	Pending	EPA	Jennifer Pellechio	FY14 Brownfields Assessment Grant	1/22/14	1/22/14		\$600,000.00			
24	Yes	Grant	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	
25	Yes	Grant	Pending	SeaWorld & Bush Gardens Conservation Fund	Liz Donley	Monofilament Cleanup	1/1/14	1/1/14		\$17,091.00	\$1,647.00	Needs assessment, monofilament clean-up	
26	Yes	Grant	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
27	Yes	Grant	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
28	Yes	Grant	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
29	Yes	Grant	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	Yes	Grant	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		\$210,000.00	\$100,000.00	Regional website, branding strategy, brochures, analysis	\$40,000.00
31	Yes	Grant	Pending	National Endowment for the Arts	Margaret Wuerstle	Our Creative Economy - A Regional Strategy for Southwest Florida's Public Art and Cultural Venues	1/13/14	1/13/14		\$400,000.00	\$200,000.00	<ul style="list-style-type: none"> •Asset Mapping •A Regional Strategy for Enhancing Public Art: A SWOT •Southwest Florida's Public Art and Cultural Venues Field and Tour Guide 	\$113,472.00

_____ Agenda
_____ Item

9

Consent Agenda

9

9

CONSENT AGENDA SUMMARY

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

There were six clearinghouse items reviewed during the month of January. 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 items.

Agenda Item #9(b) – Financial Statement for January 31, 2014

Staff provided the balance sheet, income statement and statement of cash flow for the month of January.

RECOMMENDED ACTION:

- Approve the financial statement for the month of January.

RECOMMENDED ACTION: Approve consent agenda as presented.

2/2014

_____ 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 January 1, 2014 and ending January 31, 2014.

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.

2/2014

ICR Council - 2014

SWFRPC #	Name1	Name2	Location	Project Description	Funding Agent	Funding Amount	Council Comments
2013-24	Mr. Steve Spencer, P.G.	FDEP - Bureau of Mining and Minerals	Collier County	FDEP Drilling Permit Application No. 1355H (Collier 7-2H)			No Comment
2013-25	Mr. Steve Spencer, P.G.	FDEP - Bureau of Mining and Minerals	Collier County	FDEP Drilling Permit Application No. 1356 (Collier 7-5 SWDW) Dan A. Hughes Company, L.P. to drill a saltwater disposal well in Collier County.			No Comment
2013-33	Mr. Rich Weingarten	Charlotte County Transit	Charlotte County	Charlotte County Transit - Section 5310 - To provide capital assistance for two buses totalling \$141,004.80.	FTA	\$176,256.00	Regionally Significant and Consistent
2013-34	Mr. Rich Weingarten	Charlotte County Transit	Charlotte County	Charlotte County Transit - Section 5310 - To provide operating assistance totalling \$17,500.	FTA	\$35,000.00	Regionally Significant and Consistent
2013-35	Mr. Rich Weingarten	Charlotte County Transit	Charlotte County	Charlotte County Transit - Section 5316 - To provide operating assistance totalling \$59,500.	FTA	\$119,000.00	Regionally Significant and Consistent
2014-01	Ms. Glamari Carter	Sarasota County Transit (SCAT)	Sarasota County	Sarasota County Transit (SCAT) - Section 5310 - Paratransit Bus Replacement.	FTA	\$338,464.00	Regionally Significant and Consistent

Review in Progress

<i>SWFRPC #</i>	<i>First Name</i>	<i>Last Name</i>	<i>Location</i>	<i>Project Description</i>	<i>Funding Agent</i>	<i>Funding Amount</i>	<i>Council Comments</i>
2014-02			Collier County	Collier County Area Transit - Section 5310 - Capital assistance to replace paratransit vehicles that have outlived their useful life.	FTA	\$545,515.00	Review in Progress
2014-03			Collier County	Collier County Area Transit - Section 5311 - Operating assistance to offset cost of public transportation provided in the rural (non-urban) areas of Collier County.	FTA	\$404,500.00	Review in Progress
2014-04			Collier County	Collier County Area Transit - Section 5339 - Assistance to replace support vehicles that have outlived their useful life.	FTA	\$224,534.00	Review in Progress
2014-05			Charlotte County	EPA - State Revolving Funds - Charlotte County Utilities - The East and West Spring Lake Wastewater Pilot Program."			Review in Progress
2014-06			Region	Good Wheels, Inc. - Section 5310 - One replacement bus and one replacement minivan to provide service to people who are elderly and or disabled.	FTA	\$102,720.00	Review in Progress
2014-07			Region	Good Wheels, Inc. - Section 5311 - Operating assistance for rural service area.	FTA	\$50,000.00	Review in Progress

<i>SWFRPC #</i>	<i>First Name</i>	<i>Last Name</i>	<i>Location</i>	<i>Project Description</i>	<i>Funding Agent</i>	<i>Funding Amount</i>	<i>Council Comments</i>
2014-08			Region	Hope Hospice and Community Services, Inc. - Section 5310 Program - PACE Transportation Project: Enhanced access to healthcare for seniors.	FDOT	\$220,000.00	Review in Progress

_____ Agenda
_____ Item

9b

Financial Statement for
January 31, 2014

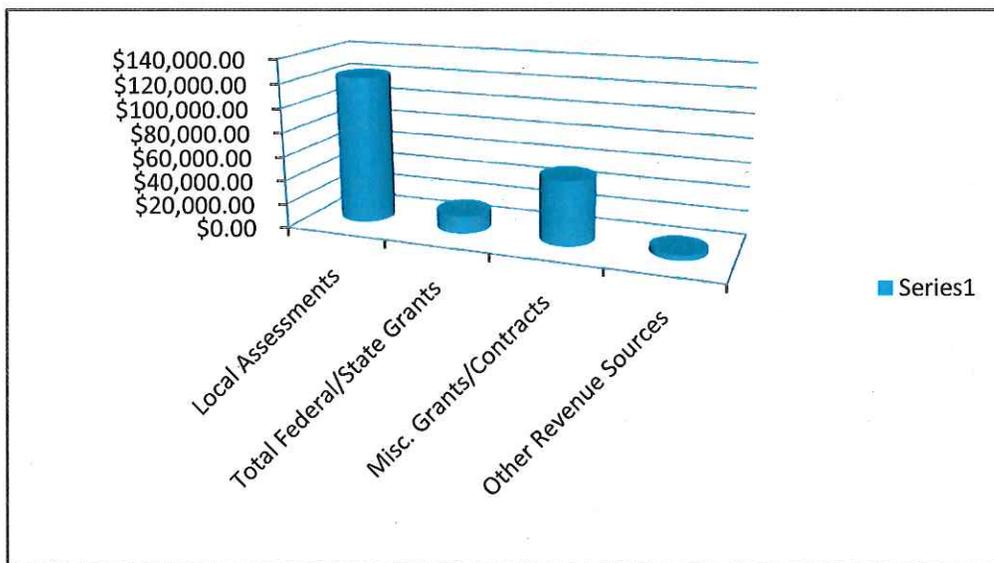
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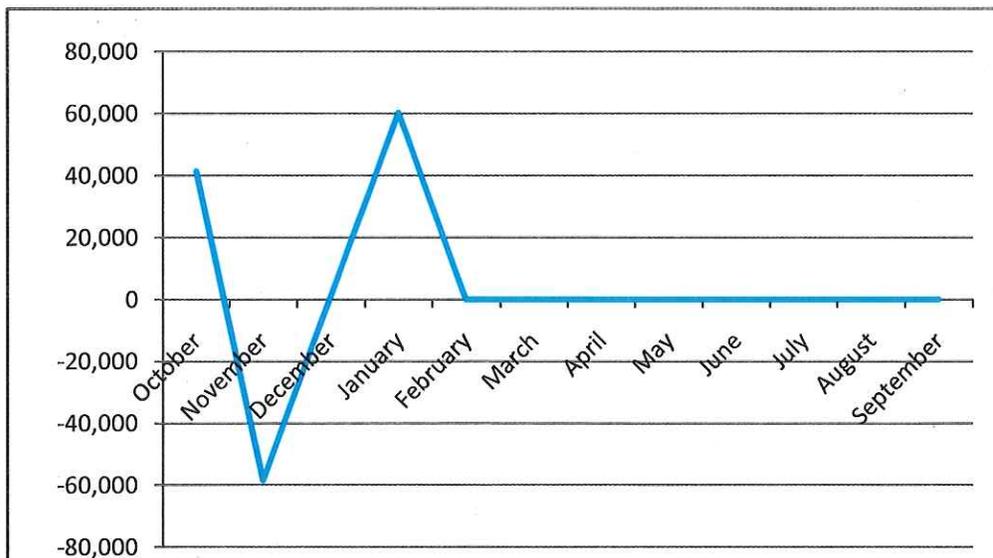
2014 Workplan & Budget Financial Snapshot - January 2014

Revenues

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



Notes: Local Assessments 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 \$ 76,392 (Unaudited)

SWFRPC
BALANCE SHEET
JANUARY 31, 2014

ASSETS		
CURRENT ASSETS		
FUND BALANCE	\$	823,445
ACCOUNTS RECEIVABLE		244,548
		<hr/>
TOTAL CURRENT ASSETS		1,067,993
PROPERTY AND EQUIPMENT		
PROPERTY, FURNITURE & EQUIP		2,040,983
ACCUMULATED DEPRECIATION		(561,679)
		<hr/>
TOTAL PROPERTY AND EQUIPMENT		1,479,304
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		1,002,717
		<hr/>
TOTAL OTHER ASSETS		1,120,715
		<hr/>
TOTAL ASSETS	\$	<u>3,668,012</u>
LIABILITIES AND CAPITAL		
CURRENT LIABILITIES		
ACCOUNTS PAYABLE	\$	0
RETAINAGE PAYABLE		1,209
DEFERRED INCOME		281,936
FICA TAXES PAYABLE		(110)
FEDERAL W/H TAX PAYABLE		(157)
UNITED WAY PAYABLE		666
FSA PAYABLE		1,756
LEPC CONTINGENCY FUND		305
		<hr/>
TOTAL CURRENT LIABILITIES		285,605
LONG-TERM LIABILITIES		
ACCRUED ANNUAL LEAVE		55,640
LONG TERM DEBT - OPEB		59,864
LONG TERM DEBT - BANK OF AM.		1,002,717
		<hr/>
TOTAL LONG-TERM LIABILITIES		1,118,221
		<hr/>
TOTAL LIABILITIES		1,403,826
CAPITAL		
FUND BALANCE-UNASSIGNED		194,487
FUND BALANCE-ASSIGNED		514,000
FB-NON-SPENDABLE/FIXED ASSETS		1,479,303
NET INCOME		76,396
		<hr/>
TOTAL CAPITAL		2,264,186
		<hr/>
TOTAL LIABILITIES & CAPITAL	\$	<u>3,668,012</u>

UNAUDITED - FOR MANAGEMENT PURPOSES ONLY

SWFRPC
BALANCE SHEET
JANUARY 31, 2014

FUND BALANCE DETAIL		
CASH - BANK OF AMERICA OPER.	\$	322,029
CASH - IBERIA CDS		316,655
CASH - FL LOCAL GOV'T POOL		179,657
CASH - FL GOV'T POOL-FUND B		4,904
PETTY CASH		200
		<hr/>
FUND BALANCE	\$	823,445
		<hr/> <hr/>
OPERATING CASH	\$	322,029
INVESTMENTS		501,216
PETTY CASH		200
		<hr/>
FUND BALANCE		823,445
DEFERRED -NEP CE954836611-1		(138,654)
DEFERRED INCOME NEP LOCAL		(46,150)
DEFERRED INCOME - FAMWQ		(67,435)
DEFERRED INC. DRI - FOUNTAINS		(8,706)
DEFERRED INC. PALMER RANCH XXI		(948)
DEFERRED INCOME LEE MEMORIAL		(9)
DEFERRED INCOME - SWFCF		(12,767)
DEFERRED PALMER XVI		(1,042)
DEFERRED PALMER IV		(2,500)
DEFERRED PALMER MDO		(1,407)
DEFERRED VILLAGES OF LAKEWOOD		(2,318)
		<hr/>
NET AVAILABLE FOR RESERVE	\$	541,509
		<hr/> <hr/>

SWFRPC
INCOME STATEMENT
COMPARED WITH BUDGET
FOR THE FOUR MONTHS ENDING JANUARY 31, 2014

	Current Month Actual	Year to Date Actual	Year to Date Approved Budget	Current Balance
REVENUES				
LOCAL ASSESSMENTS				
CHARLOTTE COUNTY	\$ 12,252	\$ 24,504	\$ 49,007	(24,503)
COLLIER COUNTY	24,739	49,477	98,955	(49,478)
GLADES COUNTY	950	1,901	3,801	(1,900)
HENDY COUNTY	2,860	5,450	11,440	(5,990)
LEE COUNTY	38,499	76,998	153,997	(76,999)
SARASOTA COUNTY	28,775	57,520	115,099	(57,579)
CITY OF FORT MYERS	10,025	15,038	20,050	(5,012)
TOWN OF FORT MYERS BEACH I	469	938	1,876	(938)
BONITA SPRINGS	3,385	6,769	13,539	(6,770)
CITY OF SANIBEL	487	973	1,947	(974)
TOTAL LOCAL ASSESSMENTS	122,441	239,568	469,711	(230,143)
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	13,938	12,500	1,438
GLADES HENDRY TD	0	15,455	38,637	(23,182)
LEE BOCC-VA STUDY	0	16,831	40,000	(23,169)
DEM-LEPC	0	14,845	0	14,845
VISIT FLORIDA - 3174	0	0	5,000	(5,000)
CHNEP FEDERAL	0	0	567,309	(567,309)
EPA 6014	0	170,405	0	170,405
FDEP- 6014	0	14,270	0	14,270
SWFWMD - 6014	9,863	25,677	0	25,677
EPA FAMWQ	0	22,177	190,000	(167,823)
EPA-CONSERVATION	4,871	22,077	95,944	(73,867)
MARC - SOLAR READY	0	7,277	0	7,277
TOTAL FEDERAL / STATE GRAN	14,734	322,952	1,048,669	(725,717)
MISC. GRANTS / CONTRACTS				
GLADES SQG	0	0	3,900	(3,900)
TBRPC ENERGY GRANT	0	7,092	0	7,092
SWFCF - 3175	2,233	2,233	0	2,233
THE NATURE CONSERVANCY	0	1,327	0	1,327
CHNEP LOCAL	0	0	427,308	(427,308)
NEP LOCAL	50,649	56,370	0	56,370
TOTAL MISC. GRANTS/CONTRA	52,882	67,022	431,208	(364,186)
OTHER REVENUE SOURCES				
DRI MONITORING FEES	500	2,000	10,000	(8,000)
RENTAL SPACE-SENATOR	2,500	6,250	15,000	(8,750)
RENTAL SPACE CHNEP	0	0	15,000	(15,000)
DRIS/NOPCS INCOME	1,093	5,224	35,000	(29,776)
MISC. INCOME	0	272	0	272
INTEREST INCOME	355	359	5,000	(4,641)
BUDGETED CARRY OVER FB	0	0	542,797	(542,797)
BUDGETED CARRY OVER OPER	0	0	83,679	(83,679)

UNAUDITED FOR MANAGEMENT PURPOSES ONLY

SWFRPC
INCOME STATEMENT
COMPARED WITH BUDGET
FOR THE FOUR MONTHS ENDING JANUARY 31, 2014

	Current Month Actual	Year to Date Actual	Year to Date Approved Budget	Current Balance
TOTAL OTHER REVENUE SOURC	4,448	14,105	706,476	(692,371)
TOTAL REVENUES	194,505	643,647	2,656,064	(2,012,417)
EXPENSES				
PERSONNEL EXPENSES				
SALARIES EXPENSE	75,611	306,635	663,042	(356,407)
SALARIES EXPENSE - NEP	0	0	292,510	(292,510)
FICA EXPENSE	5,512	21,040	73,100	(52,060)
RETIREMENT EXPENSE	9,696	22,921	94,535	(71,614)
HEALTH INSURANCE EXPENSE	14,435	28,460	138,190	(109,730)
WORKERS COMP. EXPENSE	370	1,480	3,696	(2,216)
TOTAL PERSONNEL EXPENSES	105,624	380,536	1,265,073	(884,537)
OPERATIONAL EXPENSES				
GRANT/CONSULTING EXPENSE	2,648	3,773	51,336	(47,563)
NEP-CONTRACTUAL	1,640	5,020	394,208	(389,188)
LEGAL	0	0	15,000	(15,000)
AUDIT SERVICES EXPENSE	0	1,500	40,000	(38,500)
TRAVEL EXPENSE	6,421	19,613	21,870	(2,257)
TELEPHONE EXPENSE	648	2,167	6,540	(4,373)
POSTAGE / SHIPPING EXPENSE	498	595	4,100	(3,505)
EQUIPMENT RENTAL EXPENSE	498	2,307	8,750	(6,443)
INSURANCE EXPENSE	40	18,616	22,500	(3,884)
REPAIR/MAINT. EXPENSE	251	2,694	15,000	(12,306)
PRINTING/REPRODUCTION EXP	2,964	32,641	1,500	31,141
UTILITIES (ELEC, WATER, GAR)	0	7,875	22,000	(14,125)
ADVERTISING/LEGAL NOTICES	0	412	3,600	(3,188)
OTHER MISC. EXPENSE	1	1,443	4,500	(3,057)
BANK SERVICE CHARGES	0	786	2,280	(1,494)
OFFICE SUPPLIES EXPENSE	518	1,972	8,836	(6,864)
COMPUTER RELATED EXPENSE	279	22,841	38,500	(15,659)
DUES AND MEMBERSHIP	497	3,592	28,800	(25,208)
PUBLICATION EXPENSE	0	360	1,250	(890)
PROF. DEVELOP.	135	5,190	10,120	(4,930)
MEETINGS/EVENTS EXPENSE	14	8,594	3,000	5,594
CAPITAL OUTLAY EXPENSE	1,062	1,062	4,000	(2,938)
CAPITAL OUTLAY - BUILDING	0	1,082	12,500	(11,418)
LONG TERM DEBT	10,646	42,584	128,000	(85,416)
RESERVE FOR OPERATIONS EXP	0	0	542,797	(542,797)
TOTAL OPERATIONAL EXP.	28,760	186,719	1,390,987	(1,204,268)
TOTAL CASH OUTLAY	134,384	567,255	2,656,060	(2,088,805)
NET INCOME (LOSS)	\$ 60,121	\$ 76,392	\$ 4	76,388

UNAUDITED FOR MANAGEMENT PURPOSES ONLY

SWFRPC
INCOME STATEMENT
COMPARED WITH BUDGET
FOR THE FOUR MONTHS ENDING JANUARY 31, 2014

	Current Month Actual	Year to Date Actual	Year to Date Approved Budget	Current Balance
REVENUES				
LOCAL ASSESSMENTS	122,441	239,568	469,711	(230,143)
FEDERAL / STATE GRANTS	14,734	322,952	1,047,569	(724,617)
MISC. GRANTS/CONTRACTS	50,649	64,789	432,308	(367,519)
OTHER REVENUE SOURCES	6,681	16,339	706,476	(690,137)
TOTAL REVENUES	<u>194,505</u>	<u>643,648</u>	<u>2,656,064</u>	<u>(2,012,416)</u>
EXPENSES				
PERSONNEL EXPENSES	105,624	380,536	1,265,073	(884,537)
OPERATIONAL EXPENSES	28,760	186,719	1,390,987	(1,204,268)
TOTAL CASH OUTLAY	<u>134,384</u>	<u>567,255</u>	<u>2,656,060</u>	<u>(2,088,805)</u>
NET INCOME (LOSS)	<u>\$ 60,121</u>	<u>\$ 76,393</u>	<u>\$ 4</u>	<u>76,389</u>

Agenda

Item

10

10

Regional Impact

10

10

_____ Agenda
_____ Item

10a

10a

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

10a

**LOCAL GOVERNMENT COMPREHENSIVE PLAN AMENDMENTS
SARASOTA COUNTY**

The Council staff has reviewed proposed amendments to the Sarasota County Comprehensive Plan (DEO 14-1ESR; CPA 2013-C). These amendments were developed under the Local Government Comprehensive Planning and Land Development Regulation Act. 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:

<u>Proposed Amendment</u>	<u>Factors of Regional Significance</u>			
	<u>Location</u>	<u>Magnitude</u>	<u>Character</u>	<u>Consistent</u>
DEO 14-1ESR (CPA 2013-C)	no	yes	yes	(1) regionally significant; and (2) consistent with SRPP

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

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

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 GOVERNMENT:

Sarasota County

DATE AMENDMENT RECIEVED:

November 27, 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.

February 11, 2013

1. AMENDMENT NAME:

Application Number: DEO 14-1ESR; CPA 2013-C
Sarasota 2050-South Village RMA “Clark Road Properties”

2. DESCRIPTION OF AMENDMENT(S):

This amendment is a privately-initiated application requesting to amend a number of existing policies contained in the Sarasota 2050 Resource Management Area (RMA) System, particularly the Village/Open Space RMA. The proposed changes include adding, deleting, and revising policies to create specific language that will affect approximately 4,672± acres within the northeasterly portion of the South Village RMA referred to, and defined via a new RMA definition in the amendment, as the Clark Road Properties. The Clark Road Properties are located south of Clark Road (SR 72), east of I-75, and comprise 55 percent of the South Village Area (See attached Map).

The Clark Road Properties have a Future Land Use Map (FLUM) designation of Rural (maximum density of 1 dwelling unit/5 acres) and a Village/Open Space RMA Land Use designation within the Sarasota 2050 Plan. Under the adopted Sarasota 2050 RMA Plan, a range of density of 3 dwelling units/Developed Area to 6 dwelling units/Developed Area (with affordable housing) is permitted within Villages. The 2 units per gross acre proposed by this amendment would not result in additional development potential which exceeds that range under the existing 2050 Plan.

The proposed amendments, if granted, would also grant additional flexibility with respect to size of developed area, open space, timing and processing of development, land use mixture, the Village Center size and location, greenbelts, and roadway character, that would be limited to the specific area in the County identified as the Clark Road Properties. The amendment would not change any of the FLUMs and instead propose to describe the Clark Road Properties via a new RMA definition and associated graphic.

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

The Clark Road Properties are located within the County land use pattern as a designated urban area and shown as the South Village Area on the Village/Open Space RMA Land Use Map. The Site land use designation is currently an optional overlay map to the 2050 FLUM. The subject site is in close proximity to I-75 on the west; adjacent along a portion of its northern boundary to the Urban Service Boundary on the north side of Clark Road; and adjacent to the Veterans Cemetery and County landfill to the east and southeast.

The developments to the north and west have potable water, wastewater, reuse water, and other urban services facilities that are currently available or planned in the future. The Clark Road Properties have many of the characteristics of in-fill parcels such as the Urban/Suburban Settlement Area (the “Settlement Area”) in South County, which provides for Village-type development under modified guidelines which recognize those characteristics. The requested policy amendments correspond closely to the development guidelines which already exist in the 2050 Plan for designated Settlement Areas.

The requested amendments are specifically limited to Policies within the current Sarasota 2050 Plan and will not change the existing Plan’s FLUM. The proposed changes are intended to overcome restrictions found in the 2050 Plan which indirectly hinders Village development on the Clark Road Properties as required by the Plan. Specifically, these amendments will provide for the following changes to be made with the goal of improving the desirability of Village Development on the subject site:

- Development is limited to a maximum of 2 dwelling units per acre unless additional units are acquired through Transfer of Development Rights (TDR) from Greenway RMA areas outside the Clark Road Properties. The amendments do not increase the allowable overall

density on the property beyond what the 2050 Plan has already approved and the village development area must be constructed at a minimum of three dwelling units per Gross Developable Acre, consistent with existing requirements;

- The development minimum open space is reduced from 50% to 33% if the Open Space provides a net ecological benefit equal to the current 50% open space requirement and consists of a substantially connected network of Greenway RMA lands, native habitats, and other areas designated Open Space. In addition, the Open Space must provide ecological enhancement with priority given to the network along the Cow Pen Slough and enhancing external connections to off-site environmental lands;
- The mix of residential and non-residential land uses and phasing will be determined on a case-by-case basis;
- Flexibility is provided to the Board to increase the maximum size of Village Centers upon determining that it will facilitate economic development activities intended to sustain a diverse and stable economic base;
- Village Centers need not be internal to the Developed Area. The location of Village and Neighborhood Centers will be determined through the zoning and Master Development Plan process; and
- The Board is allowed to reduce or eliminate Greenbelts and required setbacks between the Village Developed Areas and Clark Road /SR 72 and between adjacent Village Developed Areas, after taking into account certain specified development factors.

Council staff believes that the Sarasota 2050 Plan is recognized as a creative alternative to planning for future growth in the areas of Sarasota County east of the Interstate. The Village development format was approved by the Board in the past because it discourages urban sprawl and protects the natural environment by providing for a development form that requires open space around the development areas and provides for a more efficient use of the lands in the areas of the County where they were designated. Council staff supports the applicant's efforts to make the Village form somewhat more desirable in the market place, thereby increasing the potential success of this type of urban form, while still providing for the protection and enhancement of the of the site's natural resources and the area's larger environmental systems.

Council staff has reviewed the requested amendments and finds that the proposed changes to the Plan will not produce significant adverse effects on regional resources and regional facilities that are identified in the Strategic Regional Policy Plan. In addition, due to the magnitude and character of the propose project and because the 2050 Plan requires the Village developments to undergo review as a Development of Regional Impact (DRI), which will require future impacts of the development to be mitigate development. Council staff therefore finds that the proposed changes to the Sarasota 2050 Plan is regionally significant in that it has the magnitude and character that requires it to be a DRI in the future and consistent with the Strategic Regional Policy Plan because the proposed development with the changes will still maintain the village form on a site identified previously and approved by the County for such land uses.

4. EXTRAJURISDICTIONAL IMPACTS INCONSISTENT WITH THE COMPREHENSIVE PLANS OF LOCAL GOVERNMENTS WITHIN THE REGION

As proposed, Council staff finds that the requested Comprehensive Plan amendments do not produce any significant extra-jurisdictional impacts that would be inconsistent with the Comprehensive Plan of any other affected local government within the region.

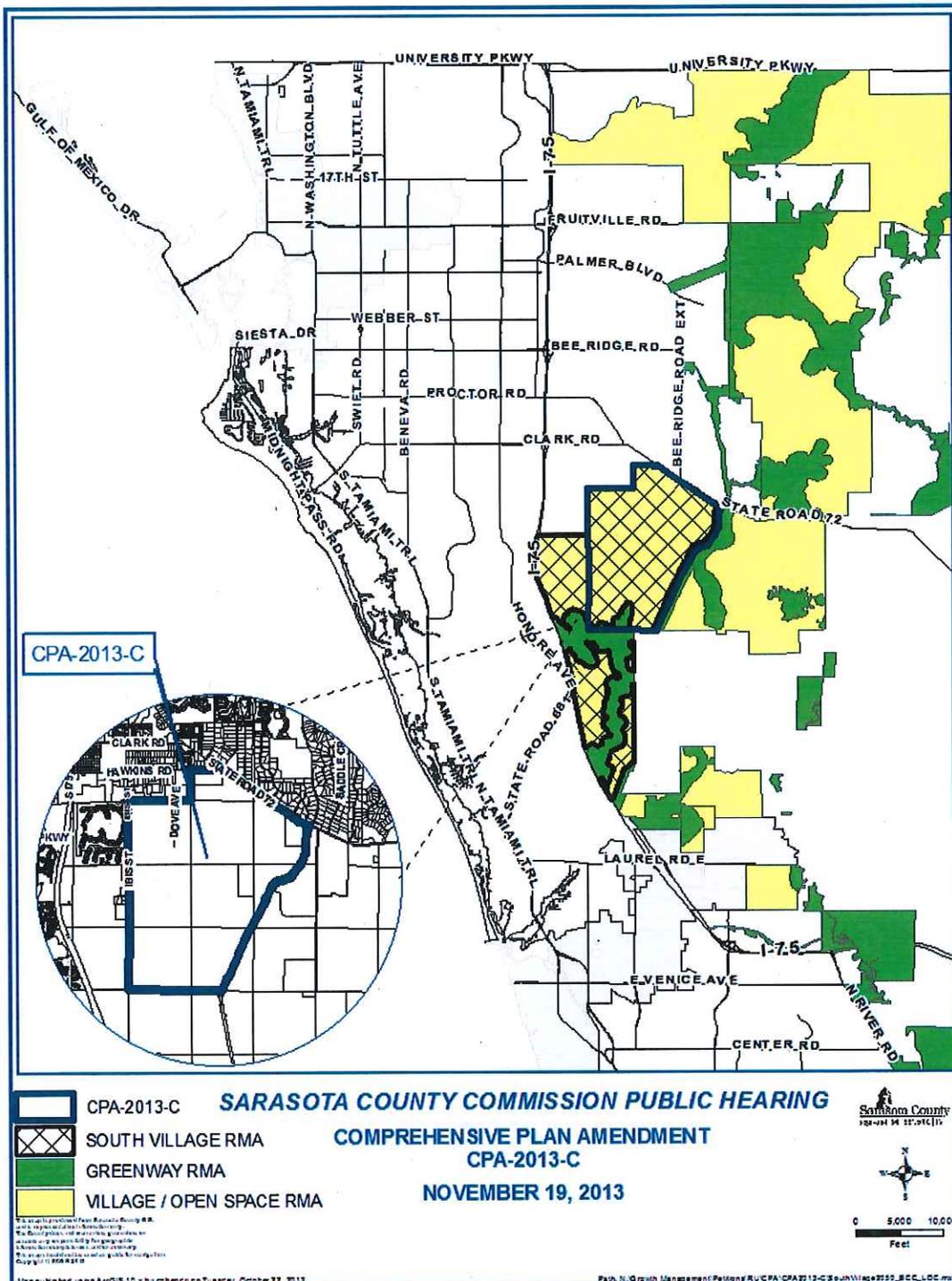
Request a copy of the adopted version of the amendment? Yes No

Attachment III

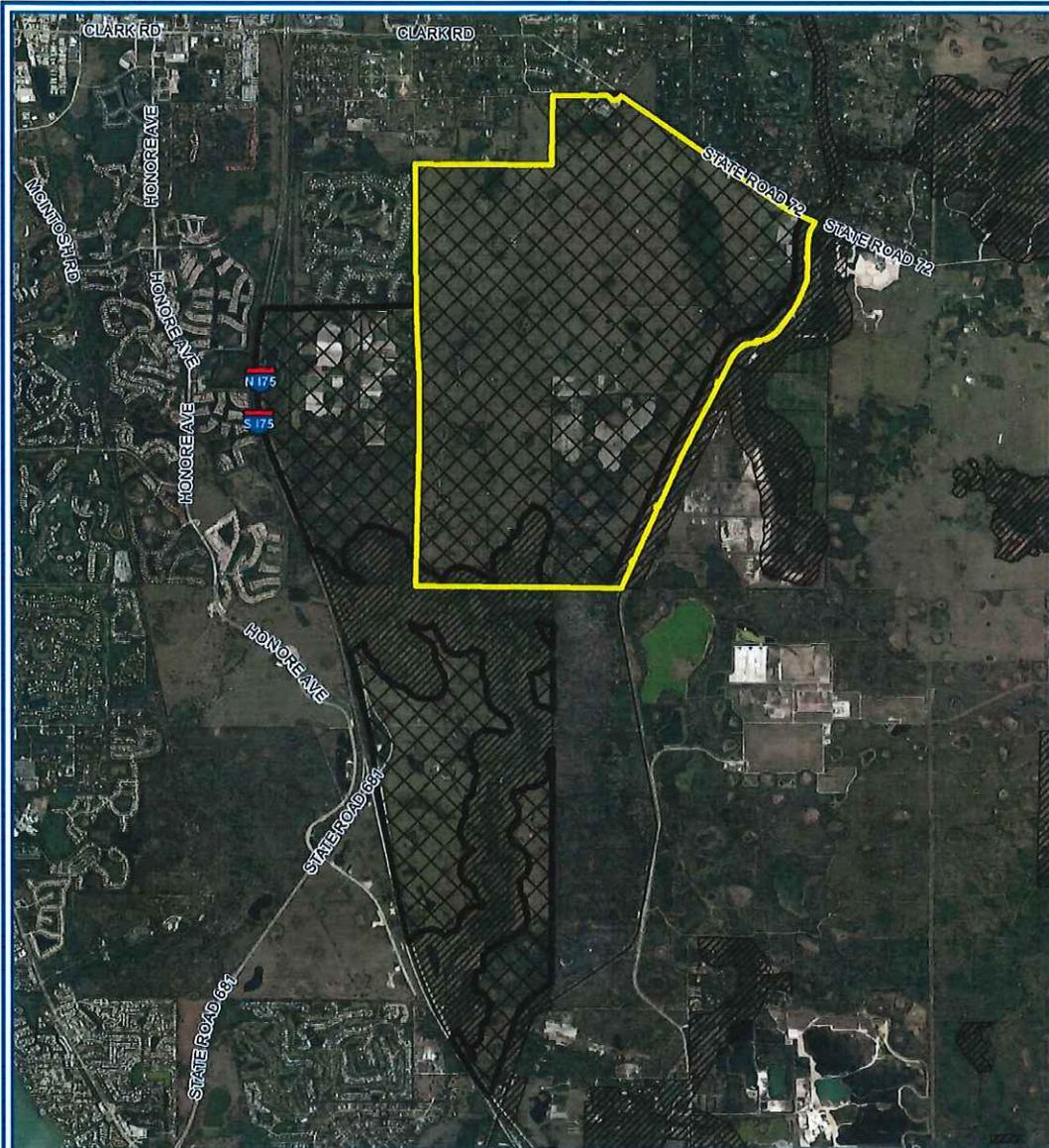
Maps

**Sarasota County
DEO 14-1ESR**

**Growth Management Plan
Comprehensive Plan Amendments**



MAP SERIES



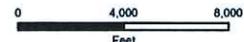
- CPA-2013-C
- SOUTH VILLAGE RMA
- GREENWAY RMA

2012 Aerial

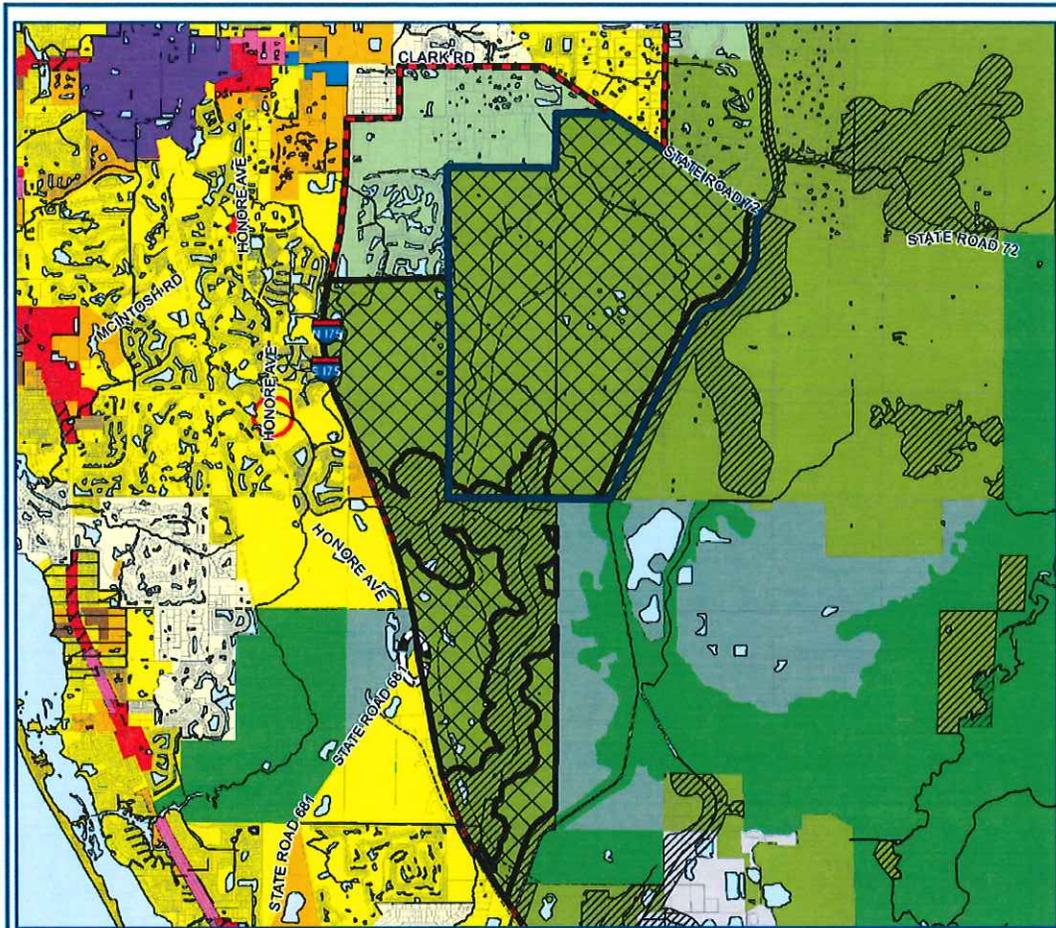
COMPREHENSIVE PLAN AMENDMENT CPA-2013-C

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Map published using ArcGIS 10 x by cohencl on Tuesday, July 02, 2013

Sarasota County
Imagery provided by 041 061 0000 TV



Aerial Imagery Provided by: Aerial Cartographics of America, Inc.
Sarasota County, FL
March 2012
1" Resolution
N.A.D. 1983 HARN State Plane Florida West FIPS 9902 (U.S. Survey Feet)
Path: N:\Growth Management\Persons\RU\CPA\CPA2013-C\South Village\2050_Aerial.mxd



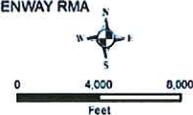
FUTURE LAND USE DESIGNATION COMPREHENSIVE PLAN AMENDMENT CPA-2013-C

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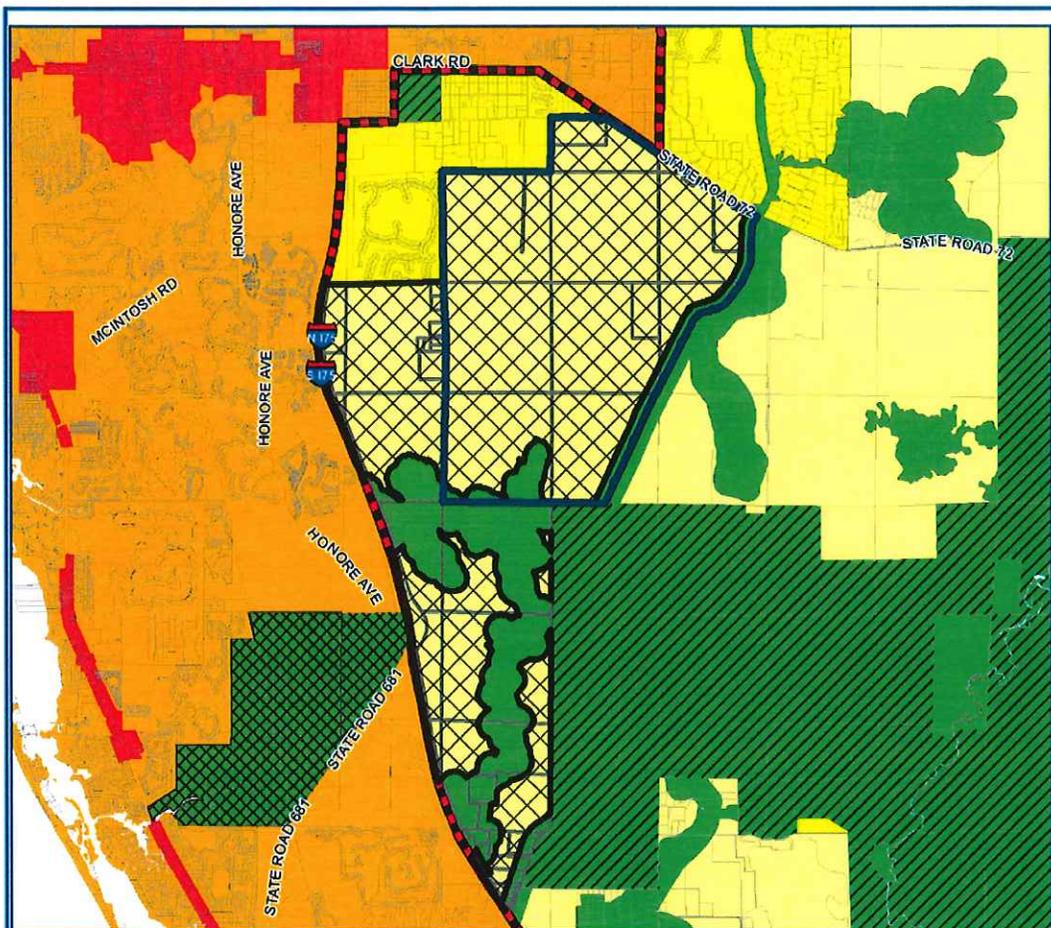


NOTE: THIS MAP CANNOT BE CORRECTLY INTERPRETED INDEPENDENT OF THE SARASOTA COUNTY COMPREHENSIVE PLAN AS ADOPTED BY SARASOTA COUNTY ORDINANCE NO. 89-18, AS THE SAME MAY BE AMENDED FROM TIME TO TIME. THE BOUNDARIES OF LAND USE DESIGNATIONS, WHERE THEY HAVE BEEN ESTABLISHED, MAY BE REVIEWED AT SARASOTA COUNTY PLANNING SERVICES, 1660 RINGLING BOULEVARD, SARASOTA, FLORIDA.

<ul style="list-style-type: none"> LOW DENSITY RESIDENTIAL (< 2 DUs/ACRES) MODERATE DENSITY RESIDENTIAL (≥ 2 AND < 5 DUs/ACRE) MEDIUM DENSITY RESIDENTIAL (≥ 5 AND ≤ 9 DUs/ACRE) HIGH DENSITY RESIDENTIAL (> 9 AND ≤ 13 DUs/ACRE) SEMI-RURAL RURAL BARRIER ISLAND COMMERCIAL CENTER COMMERCIAL CORRIDOR COMMERCIAL CENTER (UNDEFINED BOUNDARIES) 	<ul style="list-style-type: none"> LIGHT OFFICE OFFICE/MULTI-FAMILY RESIDENTIAL COMMERCIAL HIGHWAY INTERCHANGE MAJOR EMPLOYMENT CENTER - MEC MAJOR GOVERNMENT USES PUBLIC CONSERVATION/PRESERVATION INCORPORATED AREA WATER URBAN SERVICE AREA BOUNDARY FUTURE URBAN SERVICE AREA BOUNDARY 	<ul style="list-style-type: none"> PUBLIC AIRPORT FACILITY PRIVATE AIRPORT FACILITY FUTURE THOROUGHFARES CPA-2013-C SOUTH VILLAGE RMA GREENWAY RMA
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Path: N:\Growth Management\Petitions\RU-CPA\CPA2013-C\SouthVillage2050_FLU.mxd
Map published using ArcGIS 10.x by cplands on Tuesday, July 27, 2013



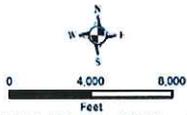
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**SARASOTA COUNTY 2050
RESOURCE MANAGEMENT AREA DESIGNATION
COMPREHENSIVE PLAN AMENDMENT
CPA-2013-C**

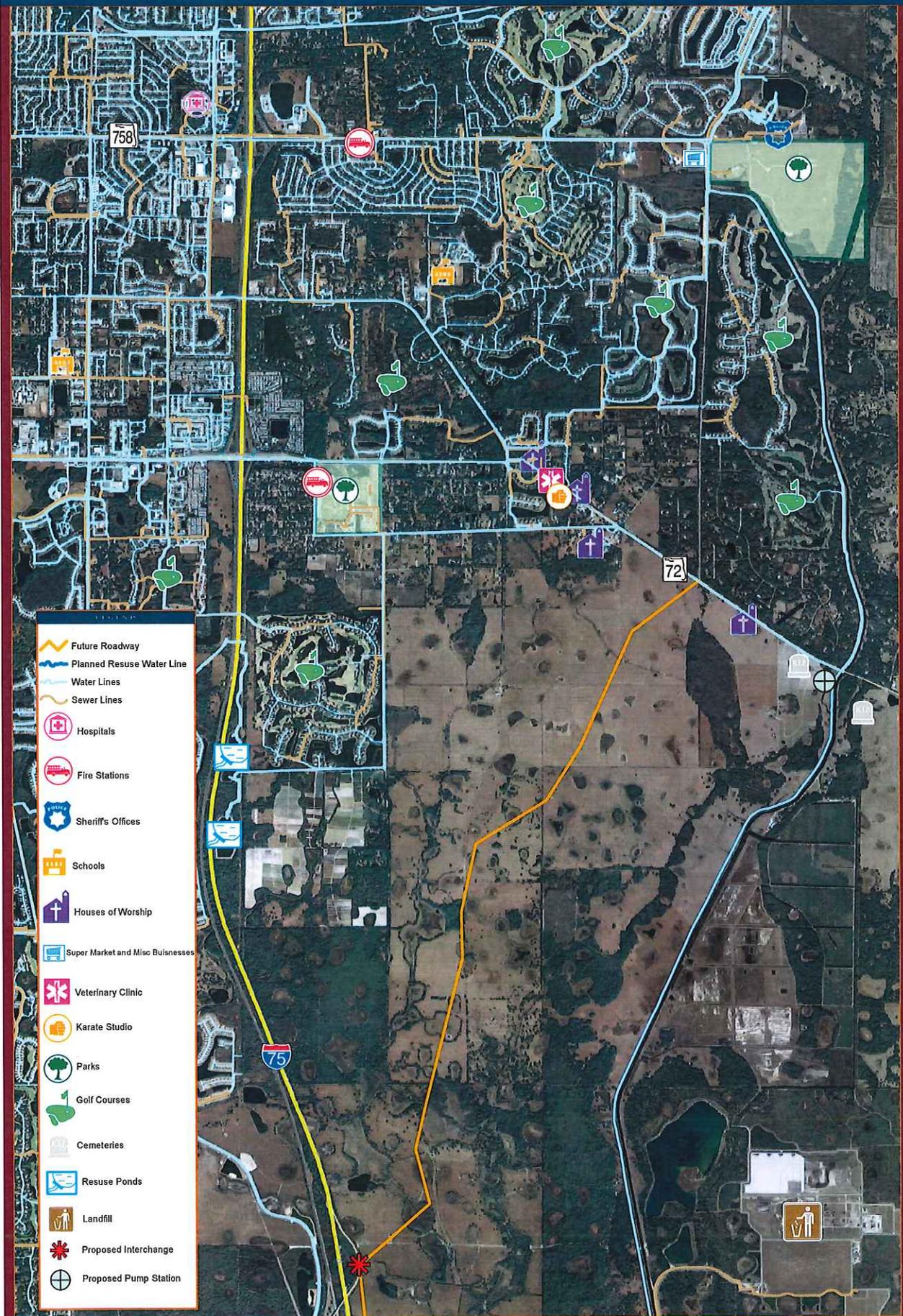


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- URBAN SERVICE AREA BOUNDARY
- FUTURE URBAN AREA
- INCORPORATED AREA
- URBAN / SUBURBAN
- URBAN / SUBURBAN SETTLEMENT AREA
- URBAN / SUBURBAN SETTLEMENT OVERLAY ORD NO No 2003-012
- URBAN OPEN SPACE / CONSERVATION / PRESERVATION
- ECONOMIC DEVELOPMENT
- RURAL HERITAGE / ESTATE
- VILLAGE / OPEN SPACE
- GREENWAY
- PUBLICLY OWNED LANDS AND LANDS PROTECTED FOR PRESERVATION
- AGRICULTURAL RESERVE
- CPA-2013-C
- SOUTH VILLAGE RMA



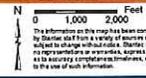
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Map published using ArcGIS 10.4 by copeland on Tuesday, July 27, 2013



- Future Roadway
- Planned Resuse Water Line
- Water Lines
- Sewer Lines
- Hospitals
- Fire Stations
- Sheriffs Offices
- Schools
- Houses of Worship
- Super Market and Misc Businesses
- Veterinary Clinic
- Karate Studio
- Parks
- Golf Courses
- Cemeteries
- Resuse Ponds
- Landfill
- Proposed Interchange
- Proposed Pump Station


Stantec Consulting Services Inc.
 2205 North 20th Street
 Tampa, FL 33605
 tel 813.223.9500
 fax 813.223.0009

URBAN CHARECTER
 SARASOTA COUNTY URBAN INFILL
 AUGUST 2013



_____ Agenda
_____ Item

10b

10b

Sarasota County Comprehensive
Plan Amendment (DEO 14-
2ESR)

10b

**LOCAL GOVERNMENT COMPREHENSIVE PLAN AMENDMENTS
SARASOTA COUNTY**

The Council staff has reviewed proposed amendments to the Sarasota County Comprehensive Plan (DEO 14-2ESR). These amendments were developed under the Local Government Comprehensive Planning and Land Development Regulation Act. 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:

<u>Proposed Amendment</u>	<u>Factors of Regional Significance</u>			
	<u>Location</u>	<u>Magnitude</u>	<u>Character</u>	<u>Consistent</u>
DEO 14-2ESR (CPA 2013-D)	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 Sarasota County.

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

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 GOVERNMENT:

Sarasota County (DEO 14-2ESR)

DATE AMENDMENT RECEIVED:

January 17, 2014

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.

February 11, 2014

1. AMENDMENT NAME:

Application Number: CPA 2013-D
Sarasota County Interstate Business Center

2. DESCRIPTION OF AMENDMENT(S):

This amendment (CPA 2013-D) to the Sarasota County Comprehensive Plan is a privately-initiated application requesting to amend the Future Land Use Map (FLUM) designation on a 29.99± acres parcel in the Sarasota County Interstate Business Center (SCIBC) Development of Regional Impact (DRI). The subject parcel is part of the DRI that is located east of Jacaranda Boulevard and south of Interstate 75. The request is to change the existing Major Employment Center (MEC) land use designation to an Office/Multi-family Residential designation.

The SCIBC DRI is an approved 251± acre development originally approved on February 22, 1994 under Ordinance No. 94-029. The SCIBC DRI was approved for 1,010,000 square feet of industrial uses, 54,100 square feet of retail uses, a 120 room motel, 360,000 square feet of office uses, a place of worship, and 250 multi-family residential dwelling units. To date, approximately 513,000 square feet of industrial uses have been developed in the northern quadrant of the DRI while only a motel and gas/convenience store have been developed in the southern quadrant of

the project. A Special Exception for a Place of Worship was approved in the southern quadrant in 2012, but has not been constructed.

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

The applicant filed the amendment request to the approved DRI Master Development Plan in order to allocate 250 multi-family units within the DRI to the 29.99± acre subject property. The application was submitted to the Department of Economic Opportunity (DEO) pursuant to the provisions of Chapter 380.06, F.S., which governs the DRI process. Since the proposed map change is located within an approved DRI, DEO issued a determination letter indicating that this request would not constitute a Notice of Proposed Change (NOPC). Council staff reviewed the letter and agrees with findings of the DEO as it relates to this change.

Council staff has reviewed the requested amendment and finds that the proposed changes to the Master Development Order of the SCIBC DRI. Council staff agrees with the findings of the County staff in that the proposed changes are consistent with the County's Comprehensive Plan because Major Employment Centers allow some residential development in order to facilitate access between home and the workplace and because the proposed changes will only move existing uses within the DRI no new impacts that were not previously reviewed and mitigated will be produced by the change, therefore the requested amendment will not produce significant adverse effects to regional resources or regional facilities that are identified in the Strategic Regional Policy Plan.

Based on the information submitted, Council staff finds that the requested change is not regionally significant and consistent with the Goals, Strategies, and Actions found in the SRPP.

4. EXTRAJURISDICTIONAL IMPACTS INCONSISTENT WITH THE COMPREHENSIVE PLANS OF LOCAL GOVERNMENTS WITHIN THE REGION

As proposed, Council staff finds that the requested Comprehensive Plan amendments do not produce any significant extra-jurisdictional impacts that would be inconsistent with the Comprehensive Plan of any other affected local government within the region.

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

Rick Scott
GOVERNOR



Jesse Panuccio
EXECUTIVE DIRECTOR

June 25, 2013

Ms. Anne Merrill, AICP, Principle Planner
AMDS, INC. Development Strategies and Solutions
Post Office Box 2097
Englewood, Florida 34295-2097

RE: Sarasota County Interstate Business Center Development of Regional Impact
Request for Determination pursuant to 380.06(19)(e)2, Florida Statutes

Dear Ms. Merrill:

The Department of Economic Opportunity has evaluated your request for a determination that a change to Map H for the Sarasota County Interstate Business Center Development of Regional Impact (approved by Resolution 94-029) would qualify as "(e)2.k" change. The modification to Map H would allow the approved 250 multifamily dwelling units assigned to Parcel 2 to shift to Parcel 1. (See Revised Exhibit C Attachment: Map H and Table)

The modifications to Map H would shift the approved multifamily use within the approved DRI. The proposed change would not alter the approved access points, land uses or entitlements of the project. Thus, the change would not result in an increase of external peak hour trips or reduce any required open space. The Department has determined that the request qualifies as a change pursuant to subparagraph 380.06(19)(e)2.k, F.S., and the proposed change does not require the filing of a Notice of Proposed Change.

Your letter indicates that a Future Land Use Map amendment is also needed for the proposed change. The amendment needs to be approved by the local government prior to adopting the requested change to Sarasota County Interstate Business Center DRI Development Order Exhibit C (Map H). Any questions regarding this determination may be directed to Brenda Winningham, Regional Planning Administrator at (850) 717-8516.

Sincerely,

Mike McDaniel
Comprehensive Planning Manager

Enclosures: Revised Map and Table (Exhibit C)

cc: Margaret Wuerstle, Executive Director, Southwest Florida Regional Planning Council
Mr. Randall Reid, County Administrator, Sarasota County
Adrianna Trujillo-Villa, DRI Coordinator, Sarasota County

Florida Department of Economic Opportunity Caldwell Building 107 E. Madison Street Tallahassee, FL 32399
866.971.2345 850.245.7105 850.921.3223 Fax

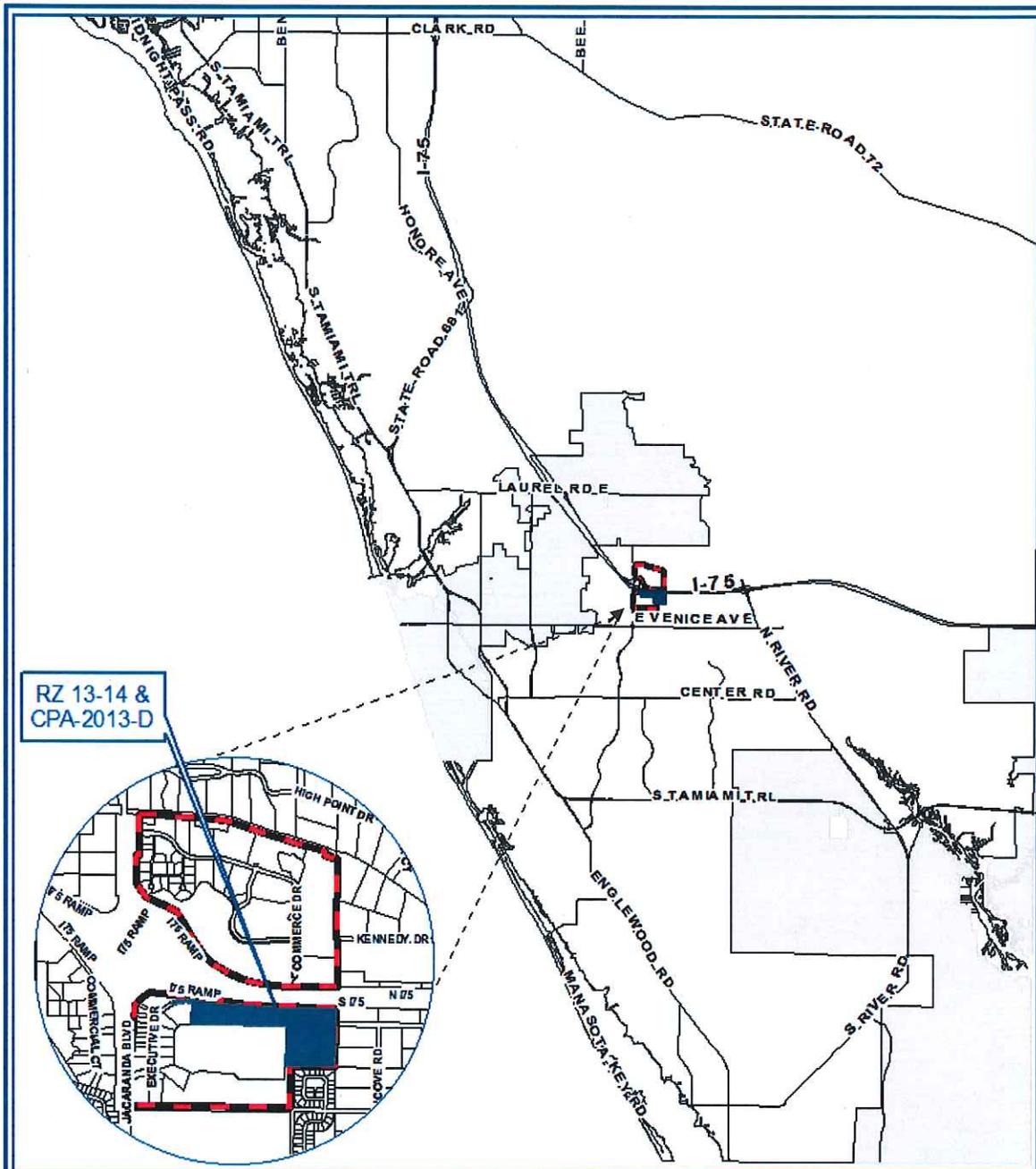
www.floridajobs.org www.twitter.com/FLDOO www.facebook.com/FLDOO

Attachment III

Maps

**Sarasota County
DEO 14-2ESR**

**Growth Management Plan
Comprehensive Plan Amendments**



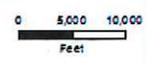
RZ 13-14 & CPA-2013-D

- RZ 13-14 & CPA-2013-D
- SARASOTA COUNTY INTERSTATE BUSINESS CENTER (SCIBC) DRI

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SARASOTA COUNTY COMMISSION PUBLIC HEARING

REZONE PETITION NO. 13-14, COMPREHENSIVE PLAN AMENDMENT (CPA)-2013-D, AMENDMENT TO THE SCIBC MASTER DEVELOPMENT PLAN
JANUARY 14, 2014

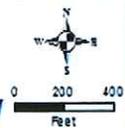




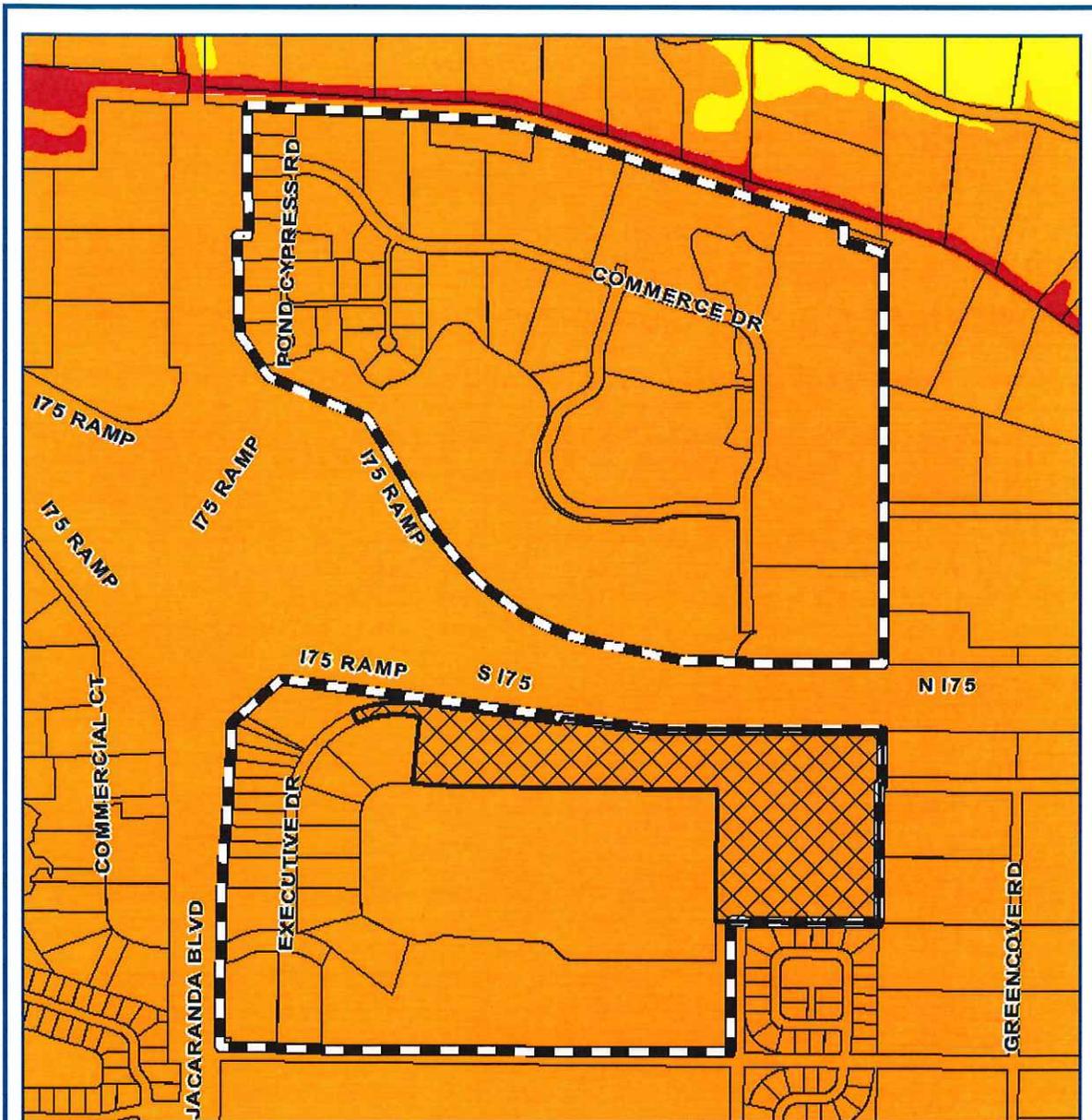
-  RZ 13-14 & CPA-2013-D
-  SARASOTA COUNTY INTERSTATE BUSINESS CENTER (SCIBC) DRI

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2013 Aerial
REZONE PETITION NO. 13-14,
COMPREHENSIVE PLAN AMENDMENT (CPA)-2013-D,
AMENDMENT TO THE SCIBC MASTER DEVELOPMENT PLAN



Aerial Imagery Provided by: iStockphoto.com
 Sarasota County, FL
 February 2013
 4" Resolution
 N.A.S. 1983 MAIN STATE PLANE Florida West NAD 83 (U.S. Survey Feet)
 Path: N:\GIS\Management\Petitions\13-14\13-14_Aerial.mxd



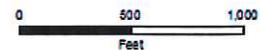
HURRICANE STORM SURGE
 REZONE PETITION NO. 13-14,
 COMPREHENSIVE PLAN AMENDMENT (CPA)-2013-D,
 AMENDMENT TO THE SCIBC MASTER DEVELOPMENT PLAN

-  RZ 13-14 & CPA-2013-D
-  SARASOTA COUNTY INTERSTATE BUSINESS CENTER (SCIBC) DRI

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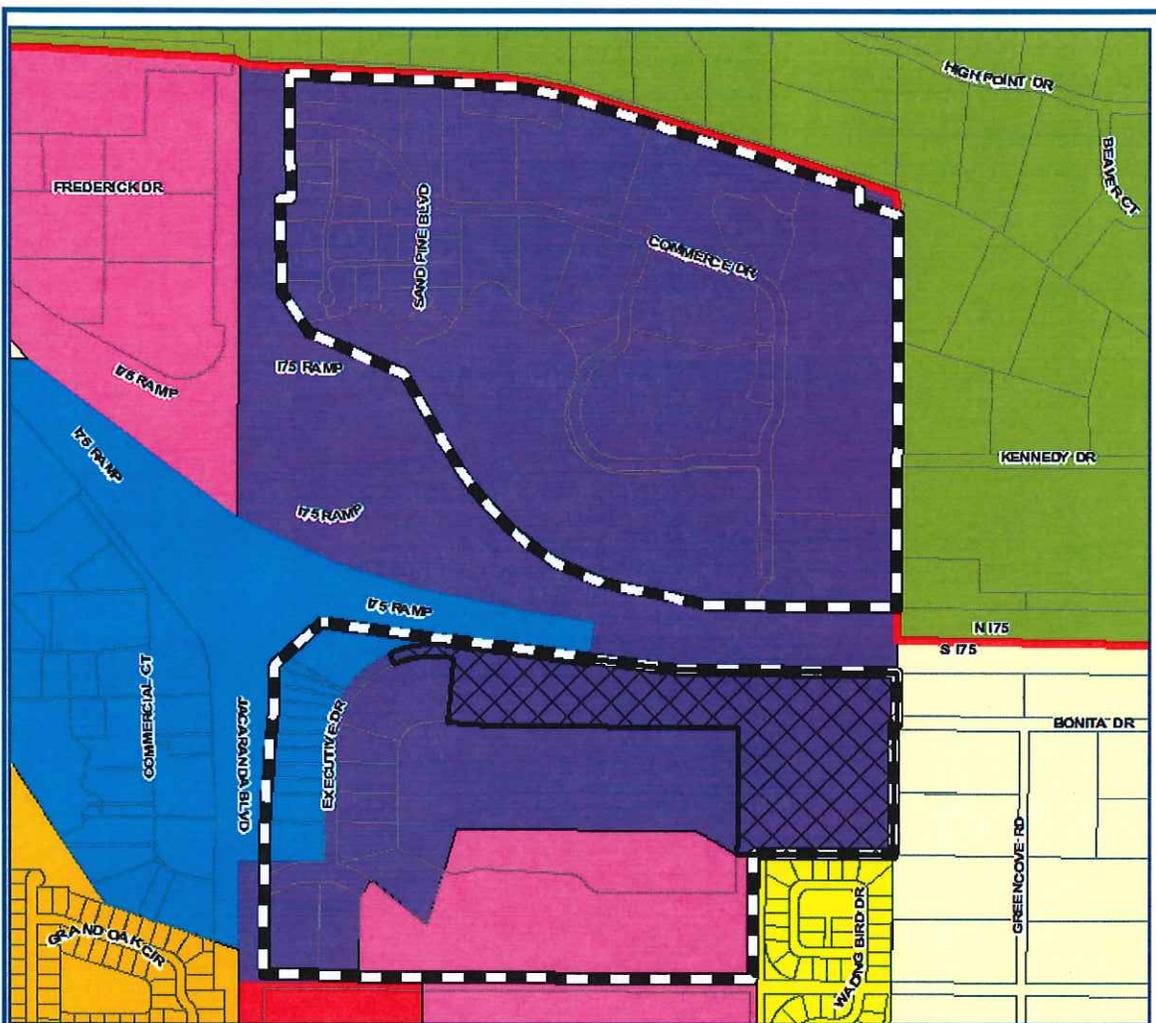
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T.S.+ 1	39-95	To 7'
2	96-110	To 15'
3	111-130	To 26'
4	131-155	To 33'
5	156 AND OVER	To 35'
NOT WITHIN CATEGORY 1-5	—	—

Sarasota County
 941.662.6333 TV



Map published using ArcGIS 10.1 by echen on Tuesday, November 19, 2013

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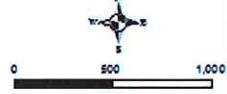
**FUTURE LAND USE DESIGNATION
REZONE PETITION NO. 13-14,
COMPREHENSIVE PLAN AMENDMENT (CPA)-2013-D,
AMENDMENT TO THE SCIBC MASTER DEVELOPMENT PLAN**

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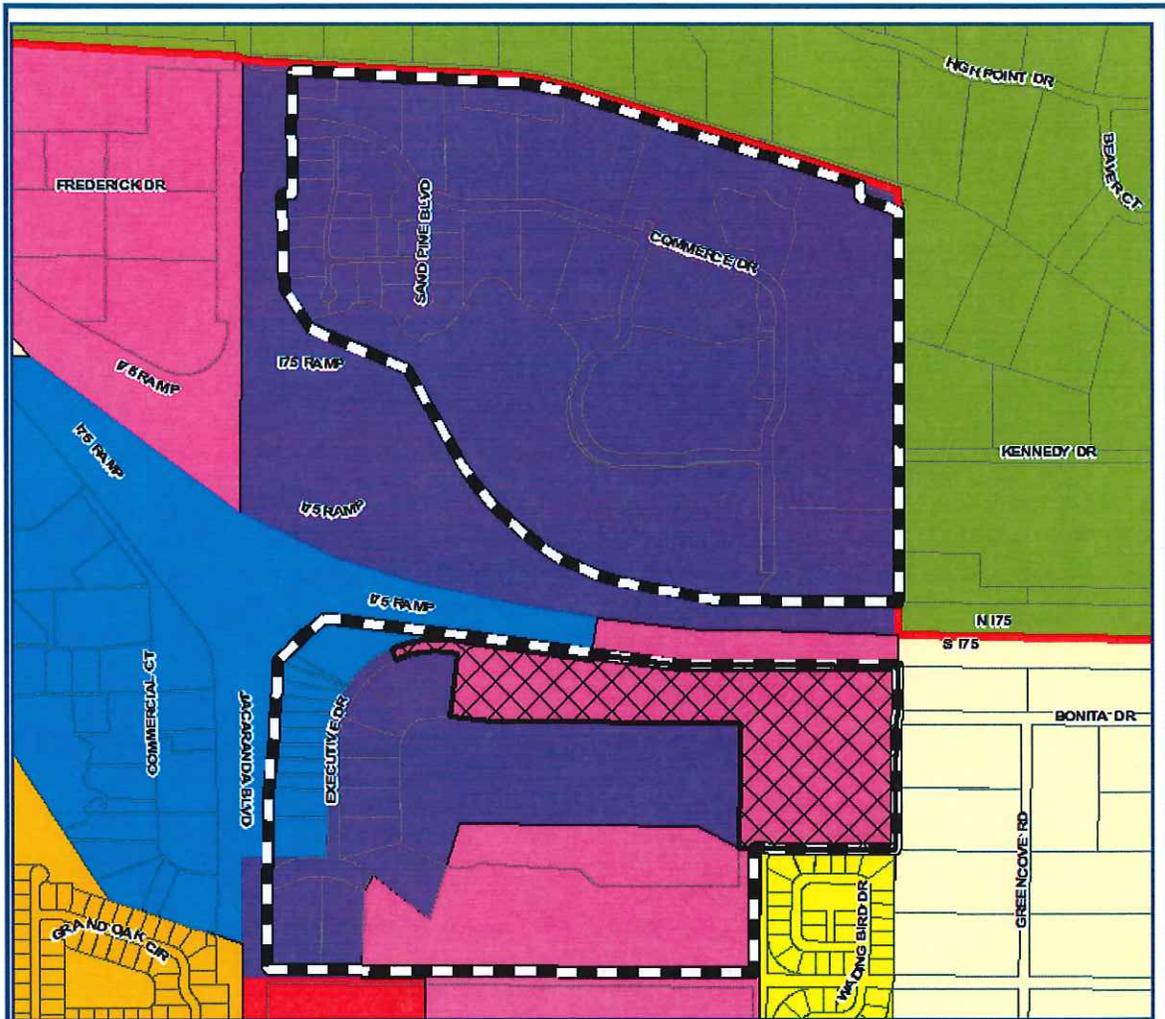


NOTE: THIS MAP CANNOT BE CORRECTLY INTERPRETED INDEPENDENT OF THE SARASOTA COUNTY COMPREHENSIVE PLAN AS ADOPTED BY SARASOTA COUNTY ORDINANCE NO. 89-18, AS THE SAME MAY BE AMENDED FROM TIME TO TIME. THE BOUNDARIES OF LAND USE DESIGNATIONS, WHERE THEY HAVE BEEN ESTABLISHED, MAY BE REVIEWED AT SARASOTA COUNTY PLANNING SERVICES, 1880 RINGLING BOULEVARD, SARASOTA, FLORIDA.

LOW DENSITY RESIDENTIAL (< 2 DUs/ACRES)	OFFICE/MULTI-FAMILY RESIDENTIAL	PUBLIC AIRPORT FACILITY
MODERATE DENSITY RESIDENTIAL (≥ 2 AND < 5 DUs/ACRE)	COMMERCIAL HIGHWAY INTERCHANGE	PRIVATE AIRPORT FACILITY
MEDIUM DENSITY RESIDENTIAL (≥ 5 AND ≤ 9 DUs/ACRE)	MAJOR EMPLOYMENT CENTER - MEC	FUTURE THOROUGHFARES
HIGH DENSITY RESIDENTIAL (> 9 AND ≤ 13 DUs/ACRE)	MAJOR GOVERNMENT USES	RZ 13-14 & CPA-2013-D SARASOTA COUNTY INTERSTATE BUSINESS CENTER (SCIBC) DRI
SEMI-RURAL	PUBLIC CONSERVATION/PRESERVATION	SARASOTA COUNTY INTERSTATE BUSINESS CENTER (SCIBC) DRI
BARRIER ISLAND	INCORPORATED AREA	
COMMERCIAL CENTER	WATER	
COMMERCIAL CORRIDOR	URBAN SERVICE AREA BOUNDARY	
COMMERCIAL CENTER (UNDEFINED BOUNDARIES)	FUTURE URBAN SERVICE AREA BOUNDARY	



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Map published using ArcGIS 10.x by esriadmin on Tuesday, November 19, 2013



**PROPOSED FUTURE LAND USE DESIGNATION
REZONE PETITION NO. 13-14,
COMPREHENSIVE PLAN AMENDMENT (CPA)-2013-D,
NOTIFICATION OF PROPOSED CHANGE (NOPC) 8 SCIBC**

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NOTE: THIS MAP CANNOT BE CORRECTLY INTERPRETED INDEPENDENT OF THE SARASOTA COUNTY COMPREHENSIVE PLAN AS ADOPTED BY SARASOTA COUNTY ORDINANCE NO.89-18, AS THE SAME MAY BE AMENDED FROM TIME TO TIME. THE BOUNDARIES OF LAND USE DESIGNATIONS, WHERE THEY HAVE BEEN ESTABLISHED, MAY BE REVIEWED AT SARASOTA COUNTY PLANNING SERVICES, 1660 RINGLING BOULEVARD, SARASOTA, FLORIDA.

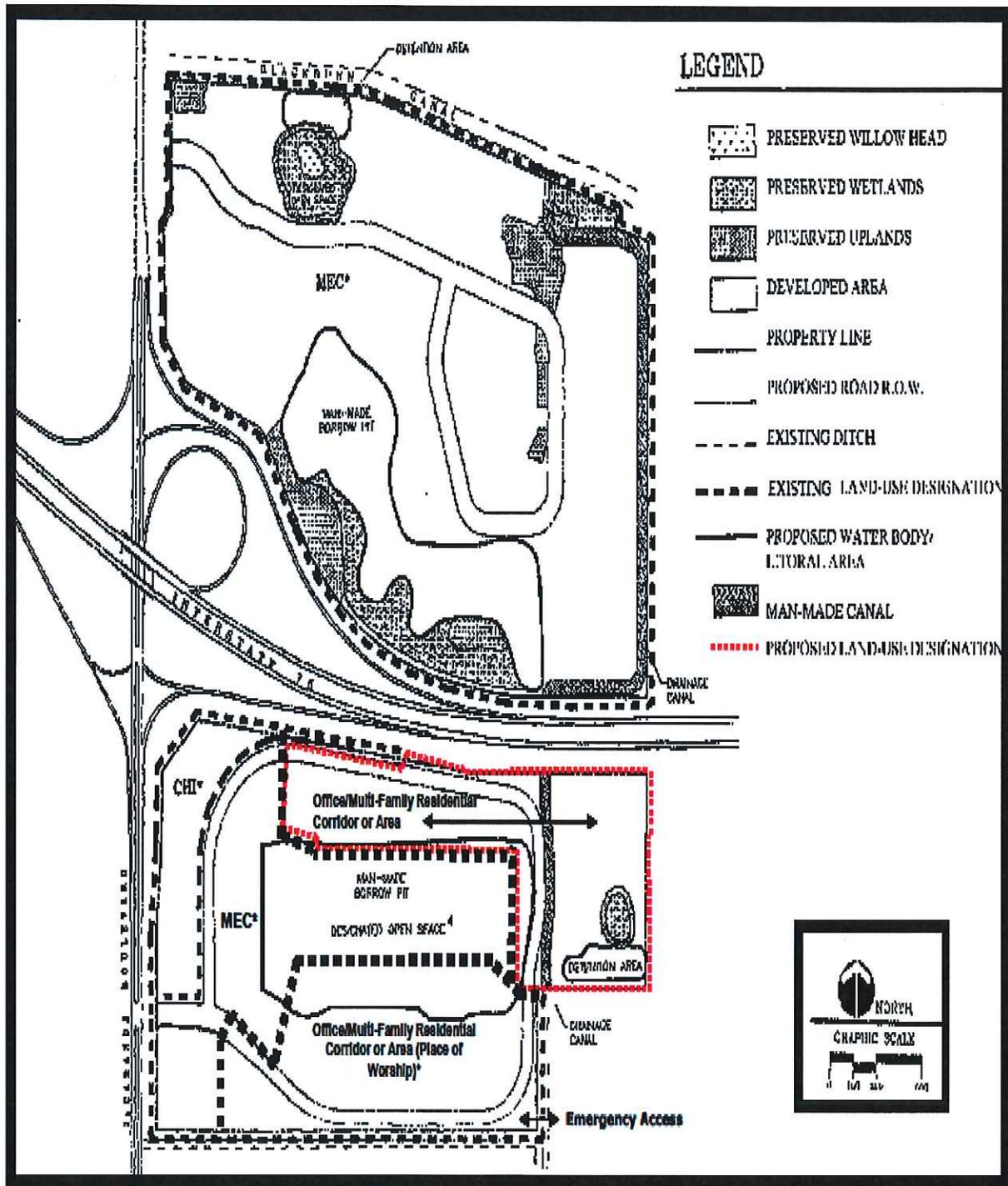
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MEDIUM DENSITY RESIDENTIAL (≥ 5 AND ≤ 9 DUs/ACRE)	MAJOR EMPLOYMENT CENTER - MEC	FUTURE THOROUGHFARES
HIGH DENSITY RESIDENTIAL (> 9 AND ≤ 13 DUs/ACRE)	MAJOR GOVERNMENT USES	RZ 13-14 & CPA-2013-D
SEMI-RURAL	PUBLIC CONSERVATION/PRESERVATION	SARASOTA COUNTY INTERSTATE BUSINESS CENTER (SCIBC) DRI
RURAL	INCORPORATED AREA	
BARRIER ISLAND	WATER	
COMMERCIAL CENTER	URBAN SERVICE AREA BOUNDARY	
COMMERCIAL CORRIDOR	FUTURE URBAN SERVICE AREA BOUNDARY	
COMMERCIAL CENTER (UNDEFINED BOUNDARIES)		



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Map published using ArcGIS 10.x by schindler on Wednesday, November 13, 2013

PROPOSED DRI MASTER DEVELOPMENT PLAN MAP AMENDMENT

EXHIBIT B-1



_____ Agenda
_____ Item

10c

10c

Hendry County Comprehensive
Plan Amendment (DEO 14-1SP)

10c

LOCAL GOVERNMENT COMPREHENSIVE PLAN AMENDMENTS HENDRY COUNTY

The Council staff has reviewed proposed amendments to the Hendry County Comprehensive Plan (DEO 14-1SP). These amendments were developed under the Local Government Comprehensive Planning and Land Development Regulation Act. 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:

<u>Proposed Amendment</u>	<u>Factors of Regional Significance</u>			<u>Consistent</u>
	<u>Location</u>	<u>Magnitude</u>	<u>Character</u>	
DEO 14-1SP (CEPL12-0001) King Ranch Sector Plan	yes	yes	yes	(1) regionally significant; and (2) conditionally consistent with SRPP

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

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;
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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;
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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).

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Glades County, Moore Haven

Hendry County, Clewiston, LaBelle

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Sarasota County, Longboat Key, North Port, Sarasota, Venice

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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:

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- 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 GOVERNMENT:

Hendry County

DATE AMENDMENT RECIEVED:

December 14, 2012

DATE AMENDMENT MAILED TO LOCAL GOVERNMENT AND STATE:

February 11, 2012

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.

1. AMENDMENT NAME:

Southwest Hendry County Sector Plan (DEO 14-1SP) King Ranch

2. DESCRIPTION OF AMENDMENT(S):**Proposed Development Site Description**

The applicant has applied for a large scale Comprehensive Plan amendment to re-designate approximately 23,500± acres of land located in two separate parcels in the southwest portion of Hendry County through the Sector Planning process as allowed by the State of Florida. The subject area is comprised of two separate planning areas (See the attached maps). The larger planning area known as the West Planning Area consists of approximately 19,798± acres. The West Planning Area is bounded by Collier County to the south and Lee County to the west. The northern boundary is adjacent to the Lee/Hendry County Landfill and the previously approved Rodina Sector Plan. The eastern boundary is generally consistent with the western boundary of the Felda Community Planning Area. The smaller planning area known as the East Planning Area consist of approximately 3,697± acres that connect Dinner Island Ranch Wildlife Management Area to the Okaloacoochee Slough.

The Southwest Hendry County Sector Plan will allow for urban type development in designated areas, long term agriculture and conservation that has an estimated buildout of 50 years. The Sector Plan site is located in an area of the region that is surrounded by existing and planned development, long-term agriculture, and conservation areas.

Proposed Land Use Program

The proposed land use program for the future development consists of six land use districts and two sub-districts. The primary development plans for each of these land use districts are as follows:

- Employment District – Hotel, Industrial, Commercial and Attached Residential;
- Village District – Commercial, Attached and Detached Residential, Heritage Estates
 - Village Center – Hotel, Industrial, Commercial, and Attached Residential
- Neighborhood District – Commercial, Attached and Detached Residential, Heritage Estates
 - Neighborhood Center – Commercial, Attached Residential
- Rural District – Detached Residential, Heritage Estates, Limited Commercial
- Agriculture District – Long Term Agriculture
- Natural Resources District – Long Term Conservation/Open Space

Each District has a specific limit of size, level density and intensity descending as they go from Employment District to Natural Resource District. Each District will allow for Agriculture, Open space, Public, community and Institutional Uses, some of these uses are limited where appropriate.

West Planning Area – Since this area was found not to have regionally significant natural resources, this area is intended for more urbanized development.

Land Uses in the West Planning Area (19,798 acres) will allow a maximum of the following:

- Residential – 22,928 Dwelling Units
 - Hotel – 400 Rooms
 - Commercial – 1,730,000 Square Feet
 - Industrial – 3,311,000
- (This development amount includes the SR 82 MUD entitlements previously approved by the County)

East Planning Area – The East Planning Area is surrounded by existing agriculture, conservation areas and is located in an area with regionally significant resources. In order to complement and maintain the existing land use pattern, the East Planning Area has been designated only as Agriculture District and Natural Resources District.

Land Uses in the East Planning Area (3,697 acres) are limited to 21 single-family dwelling units. To allow for the continuation of the sustainable agricultural uses, farm worker, land

manager, and on-site employee housing is allowed in addition to the 21 single-family dwelling units.

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

Sector Planning Overview

Sector Plans are authorized in Section 163.32145, Florida Statutes, and are intended to recognize and encourage the benefits of long-range planning for specific areas within a region or local governmental jurisdiction. The minimum size of the land area for a sector plan is 15,000 acres.

The primary goals of a Sector Plan include:

- Promoting long-term planning for conservation, development and agriculture on a landscape scale;
- Supporting innovative and flexible planning and development strategies;
- Facilitate protection of regionally significant resources;
- Ensure adequate mitigation of impacts to regional resources and facilities, including extra-jurisdictional impacts; and
- Emphasizing urban form in those areas designated for development.

The main stated purpose of the King Ranch Sector Plan, is to undertake planning in a regional context in such a manner that the environmental opportunities are enhanced, while economically via agriculture is supported, and economic development through conversion to new, more urban oriented land uses, is encouraged. Without a Sector Plan that provides the necessary protections, assurances and incentives for the land owners within the proposed study area, the opportunity to develop a long-term, balanced plan could be lost to future fragmentation of the subject lands.

Sector planning is a two step process. The first step requires a Comprehensive Plan amendment from the local jurisdiction. This amendment establishes the general framework for future land use as describe in the Goals, Objectives, and Policies (GOPs) and as depicted on the Long Term Master Plan (LTMP). The second step provides a Detailed Specific Area Plan (DSAP). The DSAP when undertaken at a later date requires more detailed and up dated data and analyses that are intended to address the specific impacts and necessary mitigation required for the DSAP site and development program. DSAPs are similar to a Planned Unit Develop (PUD) zoning category in that they are reviewed and approved by the local jurisdiction. However, unlike a PUD a DSAP must be rendered to the Florida Department of Economic Opportunity (DEO) pursuant to Section 163.3245(3)(e), F.S.

The sector plan process limits the role of the Regional Planning Council to that of a commenting agency to DEO on projects that are by definition regional in scope in that they will have multi-jurisdictional impacts. Specifically, this application is requesting approval of

the Sector Plan GOPs and the LTMP that establish the general framework for the future DSAPs.

Council Analyses and Comments

Council staff has reviewed the proposed Southwest Hendry County Sector Plan provides the following comments:

1. Council staff agrees with the County that the proposed development plan will provide for opportunities for long-term agriculture uses which are consistent with the Hendry County Comprehensive Plan and the SWFRPC Strategic Regional Policy Plan (SRPP). The proposed Sector Plan will accommodate on-going agricultural activities currently allowed in the County's Agricultural Land Use designation and promoted in the SRPP. All six Districts identified in the Sector Plan will allow agricultural uses and Policy 1.7.10 provides a framework of agricultural easements to ensure the long-term agriculture over the site.
2. Council staff agrees with the County that the proposed development plan will provide for long-term conservation and preservation activities in this area of the region. These activities are also consistent with the Hendry County Comprehensive Plan and the SWFRPC SRPP. Council staff supports the efforts of the Sector Plan to provide for long-term the conservation/preservation of important regional resources, especially those efforts that reestablish significant flowways and important wildlife habitat in both the East and West Planning Areas. Policy 1.7.9 provides a framework for Natural Resource Lands Easement to ensure protection and restoration, if appropriate, that will be consistent with Chapter 704.06, F.S.
3. Council staff also supports the Open Space efforts of the Sector Plan. The GOPS provides for prioritization of Open Space in the project that will support long-term conservation of any existing natural resources or creation of outdoor activities for future residents of the proposed development. The Open Space program in the plan requires a 1:1 ratio of connected open space in areas that would connect to areas designated as Natural Resources District and upland preservation and restoration, wetland preservation and restoration, Citrus Groves and unimproved pastures. These open space planning and interconnection efforts are consistent with the SRPP.
4. The proposed development's infrastructure impacts will be addressed at the time of the DSAP approvals by the County. Future infrastructure provided for the proposed development will have to be in compliance with the applicable Hendry County Comprehensive Plan Goal, Objectives and Policies at the time they are approved and constructed. The Southwest Hendry Sector Plan provides a framework for the provision of infrastructure. Policy 1.9.1, Objective 1.10, and Policies 1.10.1 through 1.10.4 and Objective 1.11.1, 1.11.2, and 1.11.3 provide specific requirements to address the infrastructure needs including roads, schools, fire protection, law enforcement, emergency medical services, parks, libraries, potable water, and wastewater systems.
5. The Sector Plan will be served by a future transportation network that will include future connections to both Lee and Collier Counties. The main portions of the transportation network will have to be approved by the Florida Department of

Transportation (FDOT) base on the future needs of the region. Council staff supports the comments provide by the FDOT in their letter dated January 30, 2014. These transportation planning and interconnection efforts are consistent with the SRPP.

6. The stormwater management systems required for the proposed development will be required to meet the Hendry County Comprehensive Plan Goal 7.D, the Hendry County Land Development Code, and the South Florida Water Management District (SFWMD) permitting criteria. The Sector Plan is located in FEMA flood zones A and X. In accordance with the Hendry County Comprehensive Plan Policy 1.9.20. The specifics of the future stormwater management will be addressed through the DSAP process and the permitting process. The stormwater management planning and efforts are consistent with the SRPP if approved by the SFWMD.

Council Staff Recommendations

Council staff has reviewed the requested land use and textual changes to the County's Comprehensive Plan and based on the information stated above, believes that the proposed Southwest Hendry County Sector Plan has adequately addressed the local issues affecting the County and has addressed as much as possible at the present time the regional impacts to Lee and Collier Counties. Council staff therefore finds that the proposed amendments are conditionally acceptable for the intended long-range planning in the County and region.

Council staff however believes that the development of Southwest Hendry County Sector Plan as proposed may have the potential to produce off-site regional effects on regional resources and facilities that are identified in the Strategic Regional Policy Plan in Lee and Collier Counties.

The sector planning process is intended to provide general long term development plans for a significant portion of Hendry County and then provide more detailed plans called DSAPs in the future as market conditions and consumer demands permit. Unfortunately, the current legislation for Sector Plans does not identify a specific role for the Regional Planning Councils to take in the review process even though developments the size of the Southwest Hendry County Sector Plan will have significant impacts on multiple jurisdictions, which is regional by definition, given that the subject site is located adjacent to Lee County on the west and Collier County to the south. Council staff believes that regional impacts and appropriate mitigation for these impacts may not be addressed adequately under the current local review and approval process. Council staff concerns in this matter could be addressed if the County would add language to the amendments that would require the Council to provide input at such time as future DSAPs is reviewed. Council staff would recommend the following:

SWFRPC Recommendation #1:

The Council would request that technical assistance and comments concerning regional issues associated with the future development of the Southwest Hendry County Sector Plan community are provided to Hendry County during the Detailed Specific Area Plans (DSAP) review process as they are submitted and reviewed by Hendry County. The

Council would encourage the County to continue to coordinate with the Council staff at the time of each subsequent DSAP application.

The Environmental Analysis in the submittal documents indicates that only one (1) federally listed species is found on the reviewed site, the Florida panther (*Puma concolor coryi*) within the east parcel boundary. Given the wetland and upland habitats shown in the application the two sites, West and East have the potential for the occurrence of nineteen (19) other Federal and State listed species including the Florida bonneted bat (*Eumops floridanus*), wood stork (*Mycteria americana*), snail kite (*Rostrhamus sociabilis plumbeus*), red-cockaded woodpecker (*Picoides borealis*), Bachman's warbler (*Vermivora bachmanii*), Big Cypress fox squirrel (*Sciurus niger avicennia*), southeastern American kestrel (*Falco sparverius paulus*), Florida sandhill crane (*Grus canadensis pratensis*), crested caracara (*Caracara cheriway*), eastern indigo snake (*Drymarchon corais couperi*), gopher tortoise (*Gopherus polyphemus*), roseate spoonbill (*Platalea ajaja*), little blue heron (*Egretta caerulea*), snowy egret (*Egretta thula*), tricolored heron (*Egretta tricolor*), white ibis (*Eudocimus albus*), limpkin (*Aramus guarauna*), burrowing owl (*Athene cunicularia floridana*), American alligator (*Alligator mississippiensis*).

To address this issue, Council staff would recommend the following:

SWFRPC Recommendation #2:

Prior to any DSAP approval, the applicant should address the survey for and, if present, the planning to protect, avoid impacts to, and if necessary, mitigation for these species. This survey should provide the following information:

- a. Identify the dominant species and other unusual or unique features of the plant communities on the DSAP site. Identify and describe the amount of all plant communities that will be preserved in a natural state following development as shown on a map of the DSAP;
- b. Discuss what survey methods were used to determine the absence or presence of state or federally listed wildlife and plants. (Sampling methodology should be agreed to by the reviewing agencies at conference stage.) State actual samplings times and dates, and discuss any factors that may have influenced the results of the sampling effort. Show on a map of the DSAP the location of all transects, trap grids, or other sampling stations used to determine the on-site status of state or federally listed wildlife and plant resources;
- c. List all state or federally listed wildlife and plant resources that were observed on the site and show location on a DSAP map. Given the plant communities on-site, list any additional state or federally listed wildlife and plant resources expected to occur on the site and show the location of suitable habitat on a DSAP map. Additionally, address any unique wildlife and plant resources, such as colonial bird nesting sites and migrating bird concentration areas. For species that are either observed or expected to utilize the site, discuss the known or expected location and population size on-site, existence (and extent, if known) of adjacent, contiguous habitat off-site, and any special habitat requirements of the species;
- d. Indicate what impact development of the site will pose to affected state or federally listed wildlife and plant resources; and

- e. Discuss what measures are proposed to be taken to mitigate impacts to state and federally listed wildlife and plant resources. If protection is proposed to occur on-site, describe what legal instrument will be used to protect the site, and what management actions will be taken to maintain habitat value. If protection is proposed to occur off-site, identify the proposed amount and type of lands to be mitigated as well as whether mitigation would be through a regional mitigation land bank, by acquisition of lands that adjoin existing public holdings, or by other means.

4. EXTRAJURISDICTIONAL IMPACTS INCONSISTENT WITH THE COMPREHENSIVE PLANS OF LOCAL GOVERNMENTS WITHIN THE REGION

Council staff finds that the proposed amendments may produce extra-jurisdictional impacts that would be inconsistent with the Comprehensive Plan of adjacent governmental entities if the proposed changes to the Hendry County Comprehensive Plan are approved as currently submitted. Council staff recommends that this request be found to be regionally significant due to the proposed development's magnitude, character, and location, but if the recommendations made by the Council are addressed the proposed amendments would be conditionally consistent with the Strategic Regional Policy Plan and not inconsistent with the Comprehensive Plans of local governments within the region.

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

Attachment III

Maps

Hendry County

DEO 14-1SP

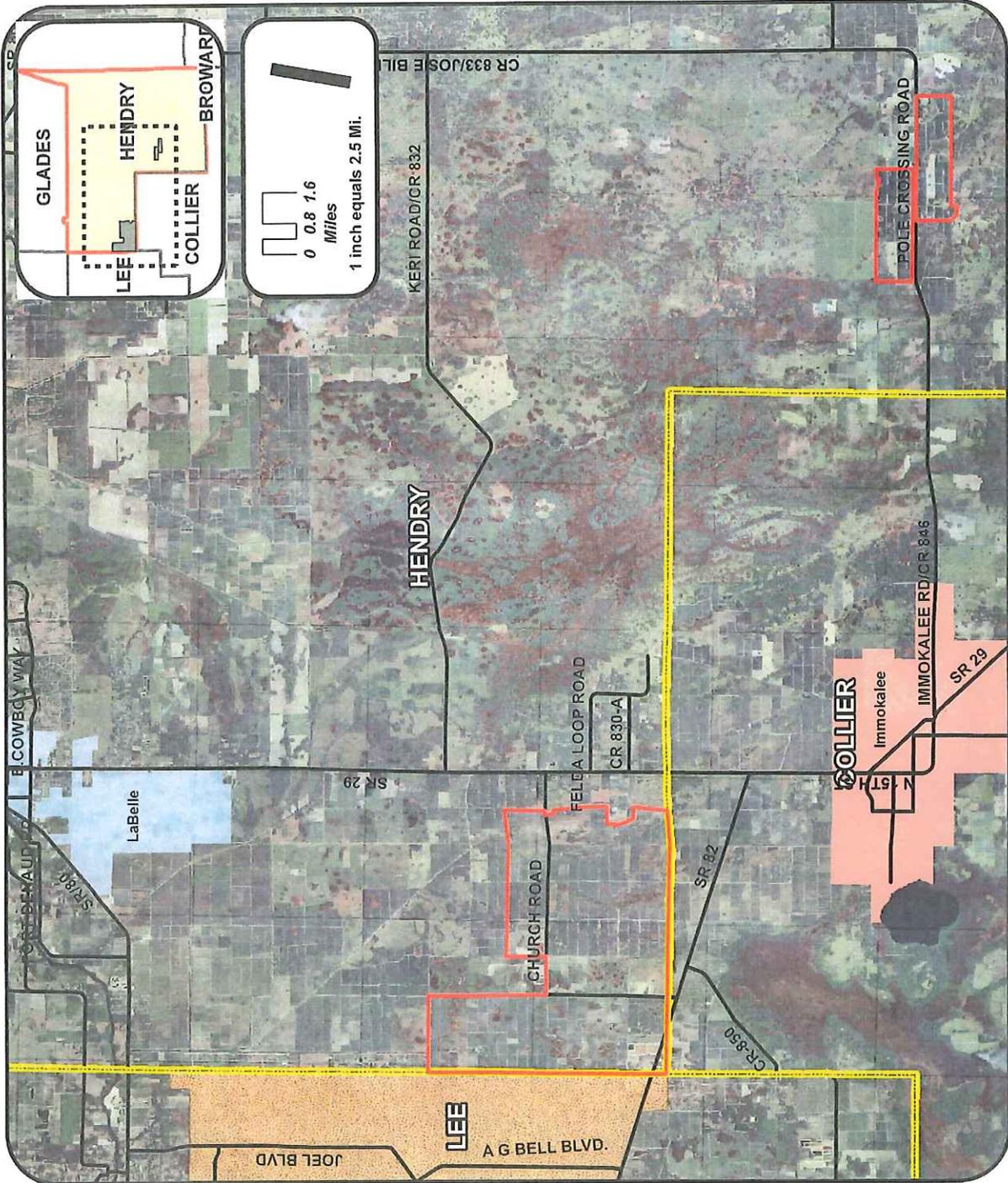
King Ranch Sector Plan

Proposed Comprehensive Plan Amendment

Map B1 Aerial Map SWHSP Study Area

August 6, 2013

- Legend**
-  Sector Plan Boundary
 -  County Boundary
 -  LaBelle
 -  Lehigh Acres Planning Area
 -  Immokalee, Florida



SW Hendry Sector Plan 3602 Colonial Court, Fort Myers, Florida 33913

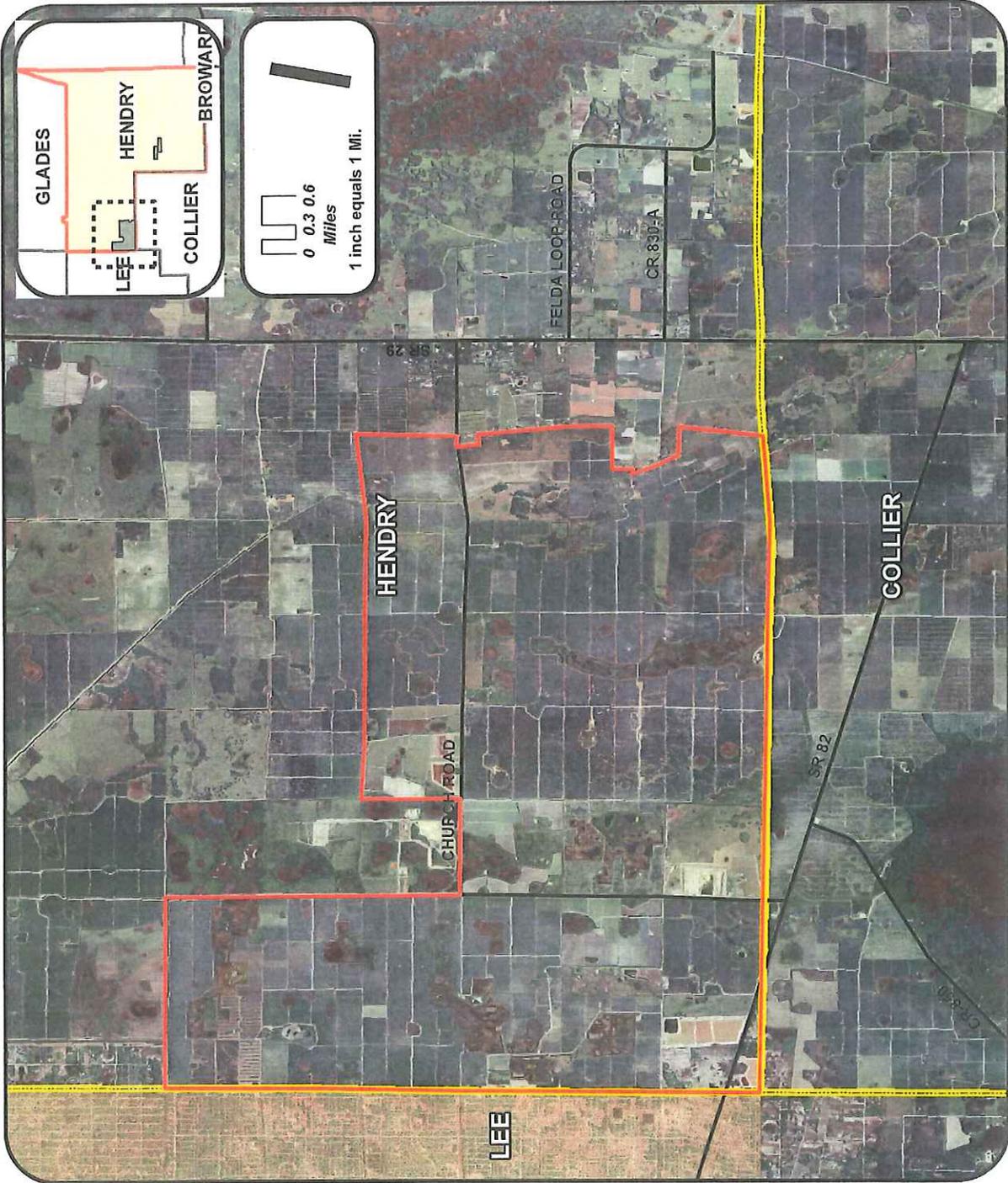
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Map B2 Aerial Map Western Planning Area SWHSP

August 6, 2013

Legend

-  Sector Plan Boundary
-  County Boundary
-  Lehigh Acres Planning Area



Supporting Information:

Map B2 highlights the Western Planning Area of the Southwest Hendry Sector Plan (SWHSP), showing it in relation to the existing landscape pattern, as captured in this regional aerial.

SW Hendry Sector Plan

3602 Colonial Court, Fort Myers, Florida 33913

Note:

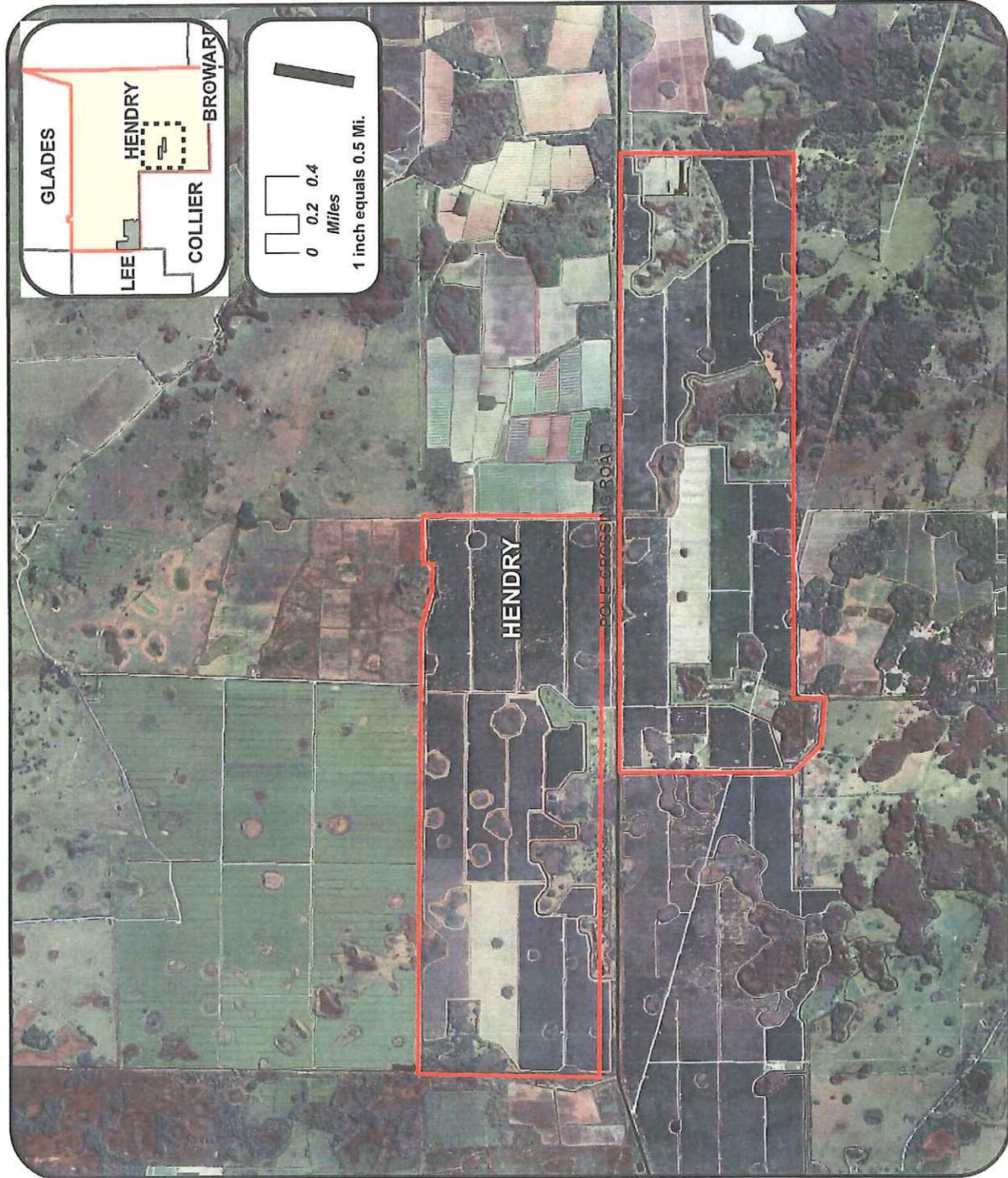
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Map B3
Aerial Map
Eastern Planning Area
SWHSP

August 6, 2013

Legend

□ Sector Plan Boundary



Supporting Information:

Map B3 highlights the Eastern Planning Area of the Southwest Hendry Sector Plan (SWHSP), showing it in relation to the existing landscape pattern, as captured in this regional aerial.

SW Hendry Sector Plan
 3602 Colonial Court, Fort Myers, Florida 33913

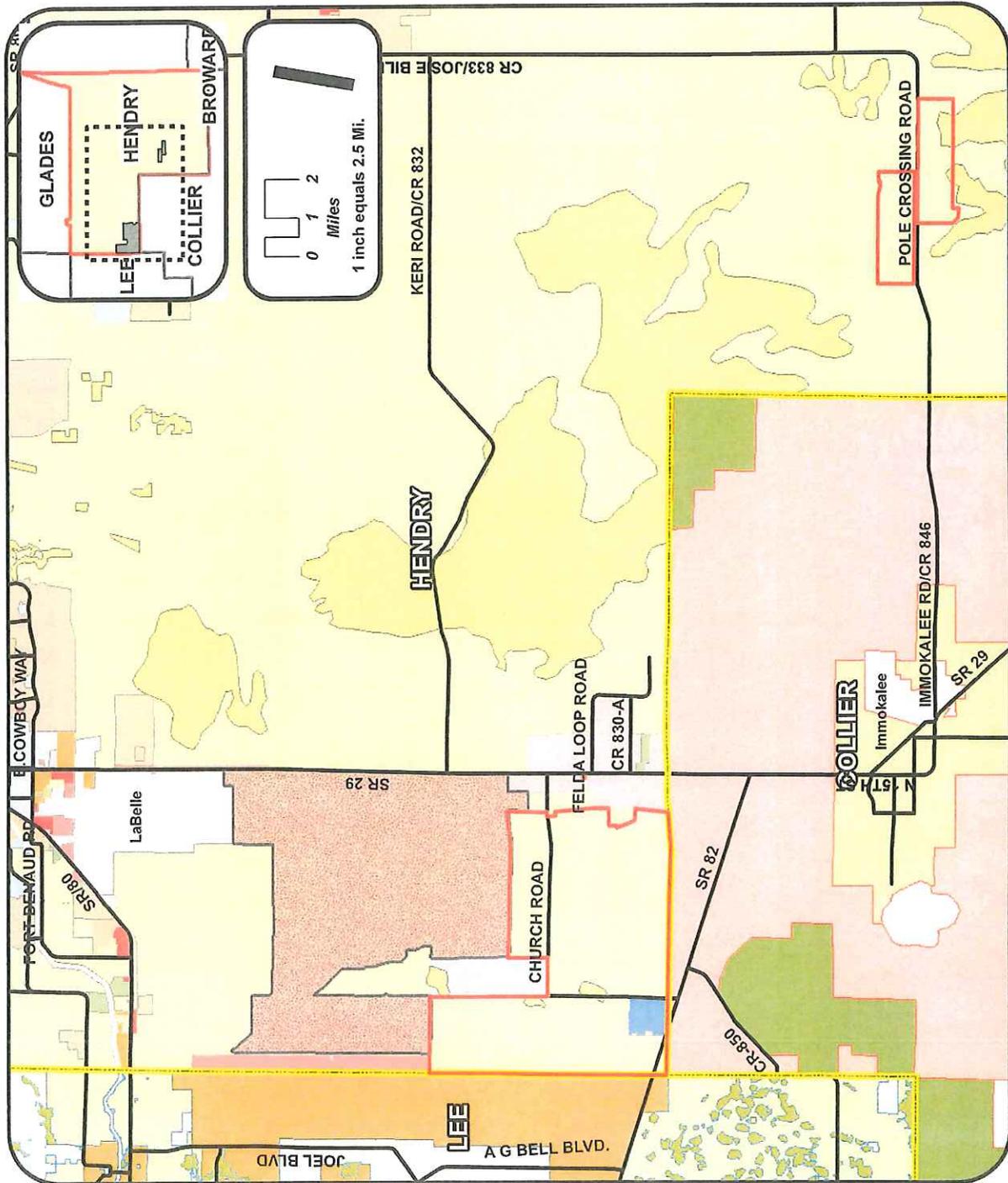
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Map C Future Land Use Map (Current Conditions) SWHSP

August 6, 2013

Legend

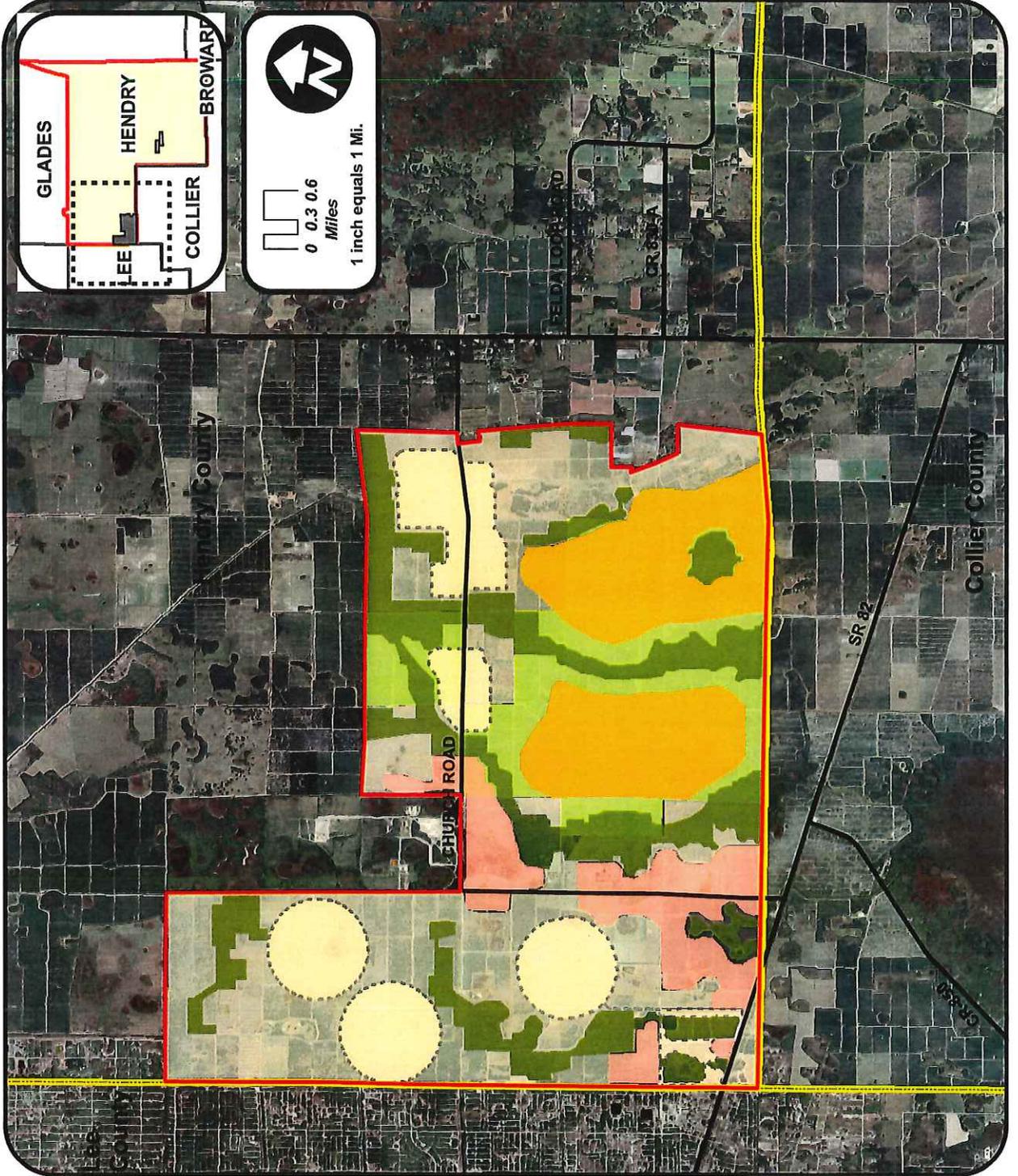
- Sector Plan Boundary
- County Boundary
- Hendry Future Land Use
- Agriculture
- Agriculture Conservation
- Commercial
- Felda Estates
- Industrial
- LaBelle
- Leisure Recreational
- Multi-Use
- Public
- Recreational
- Residential, High Density
- Residential, Low Density
- Residential, Medium Density
- Residential, Pre-Existing Rural Estates
- Residential, Rural Estates
- Residential, Special Density
- Rodina Sector Plan
- SR82MUD
- Western Oxbow Mix-Use
- Lee County DRGR
- Lee County Rural
- Lee County Urban Community
- Lee County Wetlands
- Collier FLU
- Collier Rural Mixed Use (RLSA)
- Collier Conservation
- Collier Urban Residential



Map J-2 (Aerial) Long-Term Master Plan SWHSP Study Area Western Planning Area

November 21, 2013

- Legend**
-  Sector Plan Boundary
 -  County Boundary
 -  Employment District
 -  Village District
 -  Neighborhoods
 -  Rural District
 -  Agricultural District
 -  Natural Resources District
 -  LaBelle

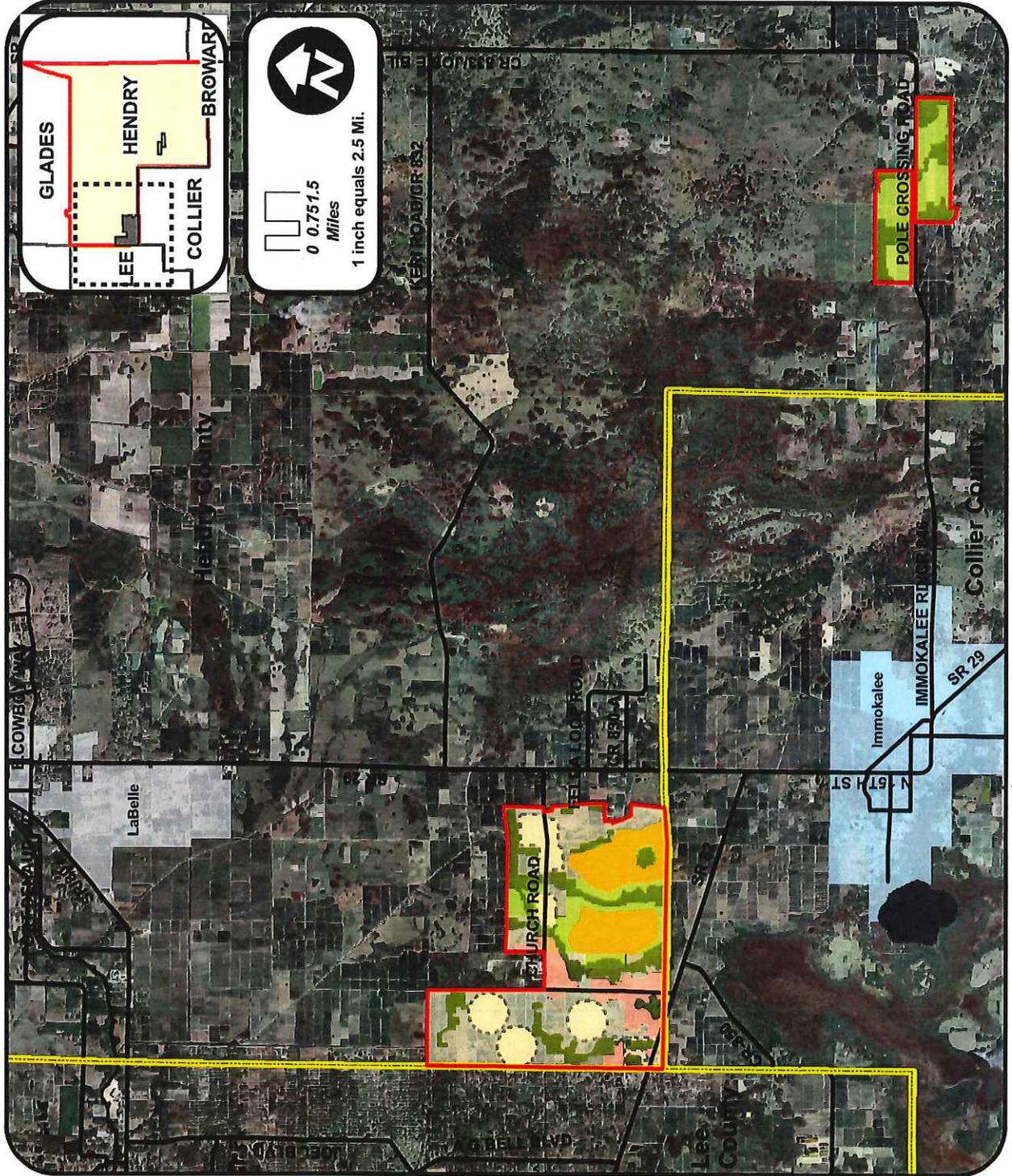


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Map J-1 (Aerial) Long-Term Master Plan SWHSP Study Area

November 21, 2013

- Legend**
- Sector Plan Boundary
 - County Boundary
 - Employment District
 - Village District
 - Neighborhoods
 - Rural District
 - Agricultural District
 - Natural Resources District
 - LaBelle
 - Immokalee, Florida



Note: This exhibit was prepared utilizing numerous data sources, including public and private Geographic Data Libraries, and is the property of King Ranch/CCLP. This exhibit is intended for general information only, and is subject to change resulting from stakeholder input prior to adoption by Hendry County and DEC. Any use or distribution of this exhibit without prior, written authorization of King Ranch/CCLP is prohibited.

_____ Agenda
_____ Item

10d

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Palmer Ranch Increment XVI
DRI - NOPC

10d

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SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
REPORT

NOTICE OF PROPOSED CHANGE
SARASOTA COUNTY
PALMER RANCH INCREMENT XVI

BACKGROUND

The Palmer Ranch Development of Regional Impact (DRI) is an approved mixed-use master-planned development located in Sarasota County, Florida. The DRI is generally bounded to the east by I-75, Beneva Road and U.S. 41 on the west, Clark Road to the north, and Preymore Street to the south. The original Master Development Order (MDO) document was approved by the Sarasota Board of County Commissioners on December 18, 1984. The MDO, including the Conceptual Master Development Plan (Map H-2) for the Palmer Ranch DRI is being implemented pursuant to the terms and conditions of the Amended and Restated MDO (Resolution No. 91-170, as amended) which was first adopted on July 12, 1991 by the Sarasota Board of County Commissioners. The amended and restated MDO calls for planning and developing the 5,307.5-acre Palmer Ranch DRI in incremental developments.

The existing Palmer Ranch development is approved for 11,550 residential dwelling units; 99 acres ± of internal commercial, plus additional square footage of commercial/office approved/planned in designated Activity Centers; and 1.75 million square feet of industrial development. The Application for Master Development Order (AMDO) review process requires that Applications for Incremental Development Approval (AIDA) be submitted to approve specific land uses. To date, 20 Incremental Development Orders (IDO) have been approved within the Palmer Ranch DRI.

On March 19, 2003, the Board of County Commissioners approved the Palmer Ranch DRI Increment XVI impact by issuing the Incremental Development Order (IDO) (Ordinance No. 2003-029) for the approximate 29.37± acre Parcel P3, located east of Honore Avenue and north of Central Sarasota Parkway, and for the approximate 10.8± acre Parcel B8, located east of Honore Avenue and north of Palmer Ranch Parkway in Sarasota County, Florida. Parcel P3 is located in Section 25, Township 37 South, Range 18 East and Parcel B8 is located in Section 14, Township 37 South, Range 18 East.

The current build-out date for Palmer Ranch Increment XVI is December 31, 2014. Section 5.2 of the Development Order allows for the extension of this build-out date by the Board of County Commissioners upon approval of the 1999 Transportation Reanalysis or subsequent reanalyses every five years. The most recent Transportation Reanalysis, dated December 2009 was approved by the Board of County Commissioners. Thus, a Transportation Reanalysis is due to submitted to Sarasota County this year. Upon approval of the 2014 Transportation Reanalysis by Board of County Commissioners, the build-out date will be extended to December 31, 2019. It should be noted that the projected development build-

out in the current Reanalysis had not been reached yet and will be adjusted in the upcoming reanalysis

PREVIOUS CHANGES

Palmer Ranch Increment XVI has not been amended to date.

PROPOSED CHANGES

On October 22, 2013, the SWFRPC staff received a Notice of Proposed Change (NOPC) to the Development Order for the Palmer Ranch Increment XVI. The proposed change is to reduce the amount of approved commercial in Increment XVI from 200,000 square feet to 100,000 square feet, add 78 residential units on Parcel P3 and incorporate the adjacent 14.06 ± acres Restoration Area D into Increment XVI. This additional acreage is located in directly east of the 29.37± acre Parcel P3 contained in Increment XVI. The added property will be incorporated into Increment XVI and will remain in open space.

The total number of units approved for the Palmer Ranch MDO (11,550 residential units) will not change as a result of this additional acreage. No additional units are being requested as a result of the NOPC to the MDO.

The Conceptual Master Development Plan (Map H-2) has been revised, as necessary, to correctly reflect the proposed change and is attached to this application. No language changes are necessary to the MDO. The current approved Transportation Reanalysis for the Palmer Ranch MDO demonstrates that trips are available for the proposed project.

STAFF ANALYSIS

The applicant's proposal to add land to Increment XVI is presumed to create a substantial deviation under one section of the Florida Statutes:

Chapter 380.06(19)(e)(3) F.S. states in part "Except for the change authorized by sub-subparagraph 2.f., any addition of land not previously reviewed or any change not specified in paragraph (b) or paragraph (c) shall be presumed to create a substantial deviation. This presumption may be rebutted by clear and convincing evidence."

The information in the NOPC application for this proposed change has successfully rebutted the presumption of a substantial deviation by reducing the amount of commercial square footage on Parcel P3 from 200,000 to 100,000, adding 78 residential units and 14.06± acres of open space to Increment XVI. The impacts of the 78 single-family dwelling units and 100,000 square feet of nonresidential on Parcel P3 results in 181 fewer PM peak hour trips than the previously approved 200,000 square feet of commercial uses and no other unmitigated impact resulting from the change have been identified.

The applicant proposes to impact 1.17 ± acres of existing wetlands which will be mitigated within Restoration Area "D" and Mitigation Area M-1 in accordance with MDO and Eastside Environmental Analysis requirements. Restoration Area "D" has been constructed, placed in a conservation easement, and has been deemed successful. The Environmental

Review document has been accepted by the County and other environment review agencies. No endangered species were found on the site. The Sarasota County staff review concluded that certain obsolete conditions in the Increment XVI DO should be removed, no additional conditions are necessary, and this change has been found by the County to be consistent with the County's Comprehensive Plan. No changes are necessary for the utilities or storm water management.

CHARACTER, MAGNITUDE, LOCATION

The proposed change will not affect the character, magnitude or location of the DRI, because no new development is being proposed beyond what is approved in the MDO or Increment XVI DO.

REGIONAL RESOURCES AND FACILITIES IMPACT

The proposed change will not create additional impacts on regional facilities. Since, no additional units are proposed; the five year update traffic reanalysis process required under the MDO has already addressed traffic impacts. Other regional issues such as storm water management will be incorporated in the existing Storm Water Management Plan for the Ranch. As indicated above no change to utility capacity will be necessary. The Environmental Review document submitted with the NOPC does not propose any regionally significant environmental impacts since all wetlands will be preserved on site and no endangered species were found.

MULTI-JURISDICTIONAL ISSUES

Because transportation is a regional issue and Palmer Ranch traffic does impact state roads and roads within the City of Sarasota, the proposed changes do affect multi-jurisdictional issues. However, the proposed reduction in the amount of commercial square footage on Parcel P3 from 200,000 to 100,000, the addition of 78 residential units and 14.06± acres of open space within Increment XVI will not create additional regional impacts not previously reviewed in the last five year Traffic Reanalysis and will lessen the impacts on the overall regional transportation network by 181 fewer PM peak hour trips.

NEED FOR REASSESSMENT OF THE DRI

The proposed changes do not require the DRI to be reassessed because no additional impacts that were not previously indentified and mitigated are being proposed for the development's Master Development Plan.

ACCEPTANCE OF PROPOSED D.O. LANGUAGE

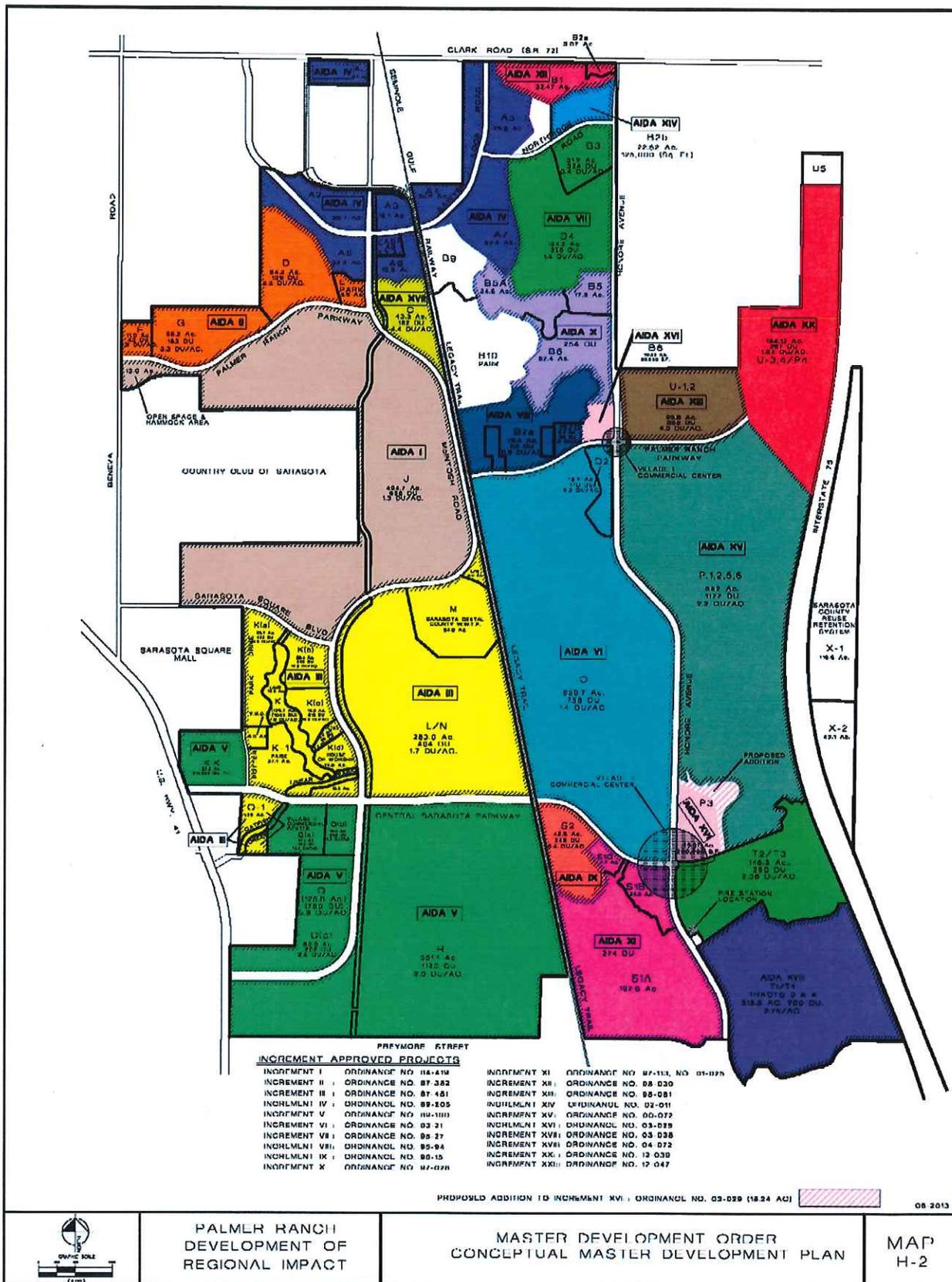
The NOPC included proposed Increment XVI amendments to the legal description and Master Development Concept Plan, which are acceptable to address the proposed change.

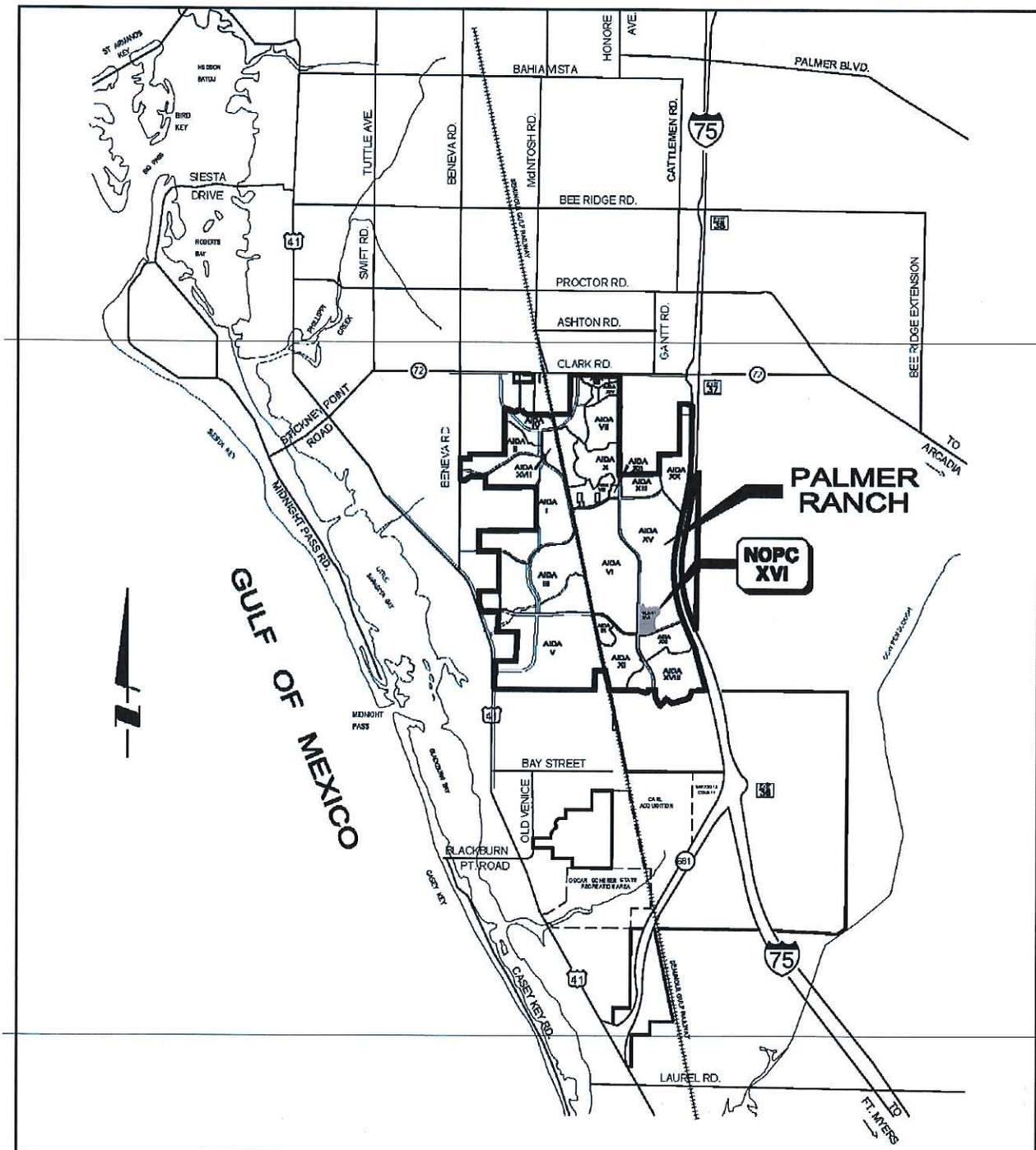
STAFF CONCLUSIONS

The SWFRPC role in coordinating the review process of NOPCs is to determine under the authority of Chapter 380.06(19)(a) F.S. if "any proposed change to a previously approved

development creates a reasonable likelihood of additional regional impact, or any type of regional impact created by the change not previously reviewed by the regional planning agency." It is staff's recommendation that no additional regional impacts will occur from the proposed change not previously reviewed by the SWFRPC and as such do not object to any of the requested changes. Furthermore, the applicant rebutted the presumption of a substantial deviation with the information provided in the NOPC.

- RECOMMENDED ACTIONS:**
1. Notify Sarasota County, the Florida Department of Economic Opportunity (DEO) and the applicant that SWFRPC staff has no objection to the change, which is found not to be a substantial deviation and found not to create additional regional impacts not previously reviewed by the Regional Planning Council.
 2. Request that Sarasota County provide SWFRPC staff with copies of any Development Order amendments related to the proposed changes not contained in the NOPC, as well as any additional information requested of the applicant by DEO or the County.





PROJECT: PALMER RANCH – INCREMENT XVI (PARCELS P3-A & P3-B)

CLIENT: PALMER RANCH HOLDINGS

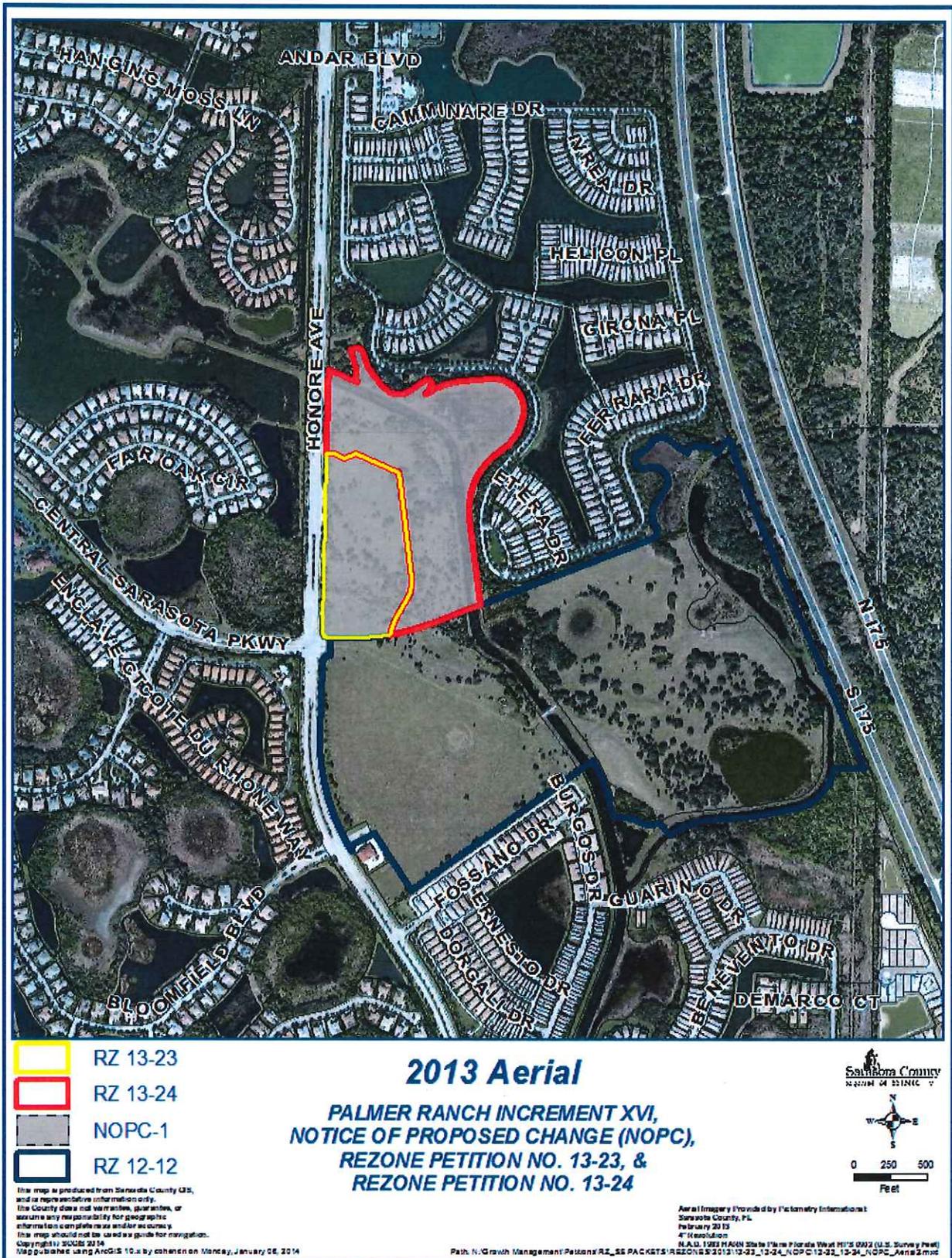


6800 Professional Parkway East, Sarasota, FL 34240
 Phone 941-907-6900 • Fax 941-907-6910
 Certificate of Authorization #27013 • www.stantec.com

SITE LOCATION PLAN

SCALE:	AS NOTED	DATE:	JUNE 2013
SEC:	36	TWP:	37S
		RGE:	18E
PROJECT NO:	215611231		INDEX NO:
DRWN BY/EMP NO:	CLL/96591		SHEET NO: 1

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Babcock Ranch DRI – Master
Development Order (MDO)

10e

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BABCOCK RANCH
DRI # 03-067-177
REVIEW OF CHARLOTTE COUNTY
MASTER DEVELOPMENT ORDER

Council Recommendations

The Charlotte County Board of County Commissioners (the Board) originally approved the Babcock Ranch Master Development Order (MDO) on December 13, 2007. The Florida Department of Community Affairs (FDCA), now the Florida Department of Economic Opportunity (FDEO), filed an appeal of Development Order 2007-196 on January 28, 2008. On June 17, 2008, the Board adopted Resolution 2008-063 which incorporated settlement language into the Development of Regional Impact (DRI) approval conditions; and subsequently amended the MDO on December 15, 2009 by Resolution 2012-024.

The Babcock Ranch Master DRI consists of 13,630± acres and is located in the southeastern Charlotte County, north of Lee County Road (CR) 78, south of Charlotte County Road (CR) 74, and immediately east of Florida State Road 31. As currently approved, the development program for Babcock Ranch DRI MDO includes: 17,870 residential dwelling units, 1,400,000 square feet of retail, 3,500,000 square feet of office, 600 hotel rooms, 650,000 square feet of industrial, 177 hospital beds, 418 units of assisted living facilities, 54 holes of golf, and a variety of other ancillary uses.

Proposed Changes

On March 29, 2013, Regional staff received an application for a Notice of Proposed Change (NOPC) for the Babcock Ranch Community Master Development Order (Resolution 2007-196, as amended) that requested the following changes:

1. Affordable Housing

The applicant requested revisions to the conditions of approval relative to the Affordable Housing conditions approved in the current MDO that updates those conditions to reflect update the antiquated Affordable Housing programs that no longer exist and to allow analyses of Affordable Housing needs upon development of the 1.5 million square feet of non-residential development approved in the development and provide for mitigation of the identified need as it occurs;

2. DRI Development Order

The applicant requested changes to the DRI Development Order Buildout and Expiration dates to reflect the extensions as provided by law and changes to reflect development permits that have been issued to the project.

Council Staff Analysis

Based on Chapter 308.06(19), F.S., Council staff reviewed the proposed changes and recommended that Council find the proposed changes to the Babcock Ranch DRI Increment I Development Order will not produce additional substantial regional impacts that were not previously identified and mitigated. Specifically no substantial additional impacts to any regional resources or facilities could be identified.

Therefore, based on the information presented, the requested changes to the Babcock Ranch DRI Increment I changes should not be found to be a substantial deviation.

Charlotte County Development Order

On December 9, 2013 the Council reviewed and approved changes requested in a legally filed Notice of Proposed Change (NOPC) to amend the MDO. On January 28, 2014, the board considered and approved the report and recommendations of the SWFRPC concerning the requested amendments to the MDO.

A copy of the development order (see Attachment I) was rendered to the Department of Economic Opportunity (DEO) on January 29, 2014 and to the Southwest Florida Regional Planning Council (SWFRPC) on February 6, 2014. The 45-day appeal period for the DEO Development Order expires on March 14, 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 Charlotte County approved Development Order as rendered.
 2. Notify Charlotte County, the Florida Department of Economic Opportunity and the applicant that the approved Development Order is consistent with the Council approved NOPC.

02/14

BABCOCK RANCH COMMUNITY

**MASTER DEVELOPMENT
OF
REGIONAL IMPACT**

MASTER DRI DEVELOPMENT ORDER

**BOARD OF COUNTY COMMISSIONERS
CHARLOTTE COUNTY, FLORIDA**

AMENDED JANUARY 28, 2014

January 28, 2014

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1 amended on December 15, 2009 by Resolution 2009-283, and on December 13, 2011
2 by Resolution 2011-485, and on April 24, 2012 by Resolution 2012-024; and

3 WHEREAS, the Developer has timely notified the County of the extension of the
4 phase, expiration and buildout dates for the MDO, as well as the associated mitigation
5 requirements, under Section 73, Chapter 2011-139 Laws of Florida, and in accordance
6 with Section 252.363, Florida Statutes, so that all phase, expiration and buildout dates,
7 as well as associated mitigation dates contained within the MDO were cumulatively
8 extended as hereinafter provided; and

9 WHEREAS, the Developer has filed a Notice of Proposed Change (NOPC) to
10 amend the MDO; and

11 WHEREAS, the Charlotte County Planning and Zoning Board has reviewed and
12 considered the report and recommendations of the SWFRPC and held a public hearing
13 to consider the amendments to the MDO on December 9, 2013; and

14 WHEREAS, on January 28, 2014, the Board, at a public hearing in accordance
15 with Section 380.06, Florida Statutes, considered the application for amendment to the
16 MDO submitted by Developer, the report and recommendations of the SWFRPC, the
17 documentary and oral evidence presented at the hearing before the Board, the report
18 and recommendations of the Charlotte County Planning and Zoning Board, and the
19 recommendations of County staff. NOW, THEREFORE, BE IT RESOLVED BY THE
20 BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA
21 THAT:

22 RECITALS

23 The recitals set forth above are true and correct and are incorporated herein and
24 made a part hereof and the MDO is amended to provide as follows.

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- 1 (iii) 3,500,000 square feet of office (general office; medical office; and civic,
2 community, and miscellaneous public facilities),
- 3 (iv) 600 hotel rooms (assumes 360,000 square feet of building),
- 4 (v) 650,000 square feet of industrial,
- 5 (vi) 177 hospital beds,
- 6 (vii) 418 units of assisted living facilities,
- 7 (viii) 54 golf holes,
- 8 (ix) Ancillary facilities such as the educational service center, schools, and
9 university research facilities as identified in Exhibit "B", attached hereto,
10 libraries, places of worship, regional and community park sites, and the
11 necessary utility infrastructure including, but not limited to, water,
12 wastewater and reuse water systems, electric, telephone and cable
13 systems will not be attributed to other development components set forth
14 above, and will not count towards the maximum thresholds of
15 development as established in the Development Order and the BROD
16 policies of the 2050 Smart Charlotte Comprehensive Plan.
- 17 (x) All other ancillary facilities, together with the development components set
18 forth above (excluding ix) shall not exceed the maximum thresholds
19 established in the Development Order and the BROD policies of the 2050
20 Smart Charlotte Comprehensive Plan.
- 21 (xi) Temporary housing for construction workers and their families will not
22 count against the residential dwelling units allowed by subsection (i)
23 above.

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1 (xii) The total development within the BROD shall not exceed 17,870 dwelling
 2 units and 6,000,000 square feet of non-residential uses, not including the
 3 educational service center, schools, and university research facilities,
 4 libraries, places of worship, regional and community park sites which
 5 square footage will be additional.

6 6. The development is not in an area designated as an Area of Critical State
 7 Concern pursuant to the Provisions of Section 380.05, Florida Statutes, as amended.

8 7. The development of BRC is consistent with the current land development
 9 regulations and the Comprehensive Plan of County, as amended, adopted pursuant to
 10 Chapter 163, Part II, Florida Statutes.

11 8. The BRC development is consistent with the State Comprehensive Plan.

12 9. BRC is expected to be developed in increments pursuant to applications for
 13 incremental development approval ("AIDA's"). The DRI questions which must be
 14 addressed by those applications and the scopes of review of those applications are set
 15 forth in the pertinent provisions of this development order and are repeated in Exhibit
 16 "C" attached hereto and made a part hereof.

17 **CONDITIONS**

18 **1. APPLICATIONS FOR INCREMENTAL DEVELOPMENT APPROVAL.**

19 AIDA's shall be required to address only those application questions identified for
 20 increments or to provide the documentation described in Exhibit "C" attached hereto
 21 and made a part hereof.

22 **2. GROSS RESIDENTIAL DENSITY CONDITION AND DEVELOPMENT** 23 **PROGRAM.**

24 A. Representations and Commitments as Conditions.

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1 The gross residential density for the 13,630.6 acres is anticipated to be
2 approximately 1.31 dwelling units per acre. The net density of the development areas is
3 anticipated to be approximately 4.05 dwelling units per acre. The calculation for net
4 density is based on the area of the development pods. The net densities within the
5 development pods will increase consistent with the planning approach to cluster
6 development. As provided in the BROD, net densities in those development pods will
7 range from 3 to 16 units per acre in villages and hamlets, and from 3 to 24 units per
8 acre in the town center.

9 B. Other Conditions.

10 The Development Program is approved and may be adjusted by Developer in
11 accordance with an equivalency matrix to be adopted in an Incremental development
12 order.

13 C. Incremental Review.

14 (1) The BROD Summary Phasing Plan is subject to adjustment
15 through the DRI, State and Federal permitting processes. Incremental
16 Development Orders shall establish the phasing of development within an
17 increment by determining the amount of residential and non-residential
18 development within the Town Center, each Village, and each Hamlet.

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1 **3. AFFORDABLE HOUSING**

2 A. Representations and Commitments as Conditions.

- 3 (1) Provide a diversity of housing types to enable citizens from a wide
4 range of economic levels and age groups to live within the BRC.
5 This would include the provision of affordable/workforce housing at
6 a level of ten percent (10%) of the total number of residential
7 housing units built within the BRC. Affordable housing is defined
8 where monthly rents or mortgage payments for housing, including
9 taxes, insurance and utilities do not exceed thirty (30%) percent of
10 the gross annual income of the development's very low, low, and
11 moderate income households as defined in Rule 73-C40.048(e),
12 F.A.C. Workforce housing is defined in Chapter 420.5095(3)(a),
13 F.S.
- 14 (2) The County recognizes that adequate housing should be provided
15 only when a demonstrated need for housing among various income
16 groups is clearly identified that can be directly attributed to the
17 development and buildout of the BRC.
- 18 (3) A "Determination of Adequate Need" for housing in the BRC shall
19 be assessed through the completion of a reliable affordable
20 housing market analysis which evaluates the housing demand
21 within the BRC and researches the available adequate housing
22 supply reasonably accessible to the BRC, which is defined as a 10
23 mile radius or 20 minute drive during peak hour, whichever is less,

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- 1 from the BRC, but may be adjusted with the agreement of DEO and
2 the County.
- 3 (4) The Developer commits to undertaking the "Determination of
4 Adequate Housing Need" analysis to assess the demand, supply,
5 and need for affordable rentals and homes based on a market
6 housing analysis at a point in time when the BRC has reached a
7 significant non-residential buildout stage. That threshold is defined
8 as the time when building permits have been issued for the 1.5
9 millionth square foot of non-residential construction.
- 10 (5) The Developer would be required to initiate the first housing needs
11 analysis within 6 months from the time that the analysis is triggered.
- 12 (6) The housing needs analysis would evaluate the housing demand of
13 the BRC employee households at very low, low, and moderate
14 household income levels, and at the option of the Developer, could
15 evaluate the housing demand for workforce income levels, the
16 available supply of housing that is reasonably accessible for the
17 very low, low, and moderate household income levels and
18 determine if there is a significant need for housing for these defined
19 income levels. At the option of the Developer, the analysis could
20 evaluate the available housing supply for workforce income levels
21 that is reasonably accessible to the BRC.
- 22 (7) The SWFRPC, DEO, and the County must agree upon the
23 methodology utilized to conduct the Determination of Adequate

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1 Housing Need analysis. The methodology may utilize a private
2 affordable housing market study appraiser approved by the Florida
3 Housing Finance Corporation. The market area assessed would
4 conform to ECFRPC model, or another methodology as approved
5 by the review agencies and the County, which examines whether or
6 not there is a significant housing demand for the very low, low, and
7 moderate income groups and whether there is available adequate
8 housing that is reasonably accessible to the BRC. At the option of
9 the Developer, the analysis could evaluate the available housing
10 demand and supply for workforce income levels that is reasonably
11 accessible to the BRC.

12 (8) If the Determination of Adequate Housing Need analysis
13 documents that there is a significant impact, defined as evidence
14 that the BRC's cumulative adequate housing need for the very low,
15 low, and moderate household income levels, at the time of the
16 analysis, is projected to exceed five (5%) percent of the County's
17 residential threshold calculation, or 50 units, whichever is larger,
18 then the Developer shall be required to submit a Notice of
19 Proposed Change amendment to the MDO to incorporate the
20 findings of the analysis and the agreed upon mitigation.

21 (9) The Developer may choose to mitigate any significant impact
22 identified by the analysis through a variety of options including, but
23 not limited to: 1) incentivizing or building adequate housing onsite,

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1 or reasonably accessible to the site; 2) payment to an affordable
2 housing trust fund sufficient to meet the cost of rehabilitation
3 existing or construction of new units; or 3) dedicated rent or
4 payment subsidies to the BRC's very low, low, and moderate
5 income employees sufficient to satisfy the adequate housing need
6 identified for each salary range. At the option of the Developer,
7 workforce housing may be included at no more than twenty-five
8 (25%) percent of the required mitigation unless the housing study
9 determines there is not a significant need for the very-low, low and
10 moderate income households.

11 (10) The mitigation strategy recommended by the BRC must be
12 approved by the County and must be initiated within 6 months of
13 approval as a Notice of Proposed Change to the MDO.

14 (11) Requirements to undertake further housing needs assessments
15 through methods described above shall occur at each additional 1.5
16 million sq. feet of permitted non-residential through build out.

17 (12) Developer shall not be required to provide affordable and/or
18 workforce housing mitigation in excess of ten (10%) percent of the
19 total number of residential units constructed within the BRC.

20 (13) The County commits that affordable housing units shall be eligible
21 for whatever incentives and/or programs that it may establish after
22 the actual date of offering of said unit to the public by the
23 Developer. The County shall use its best efforts to continue to

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1 develop and maintain incentives and programs specifically targeted
2 at affordable units within the BRC.

3 (14) The County shall include the needs of the BRC in its annual Local
4 Housing Action Plan and, to the extent available, shall provide
5 impact fee waivers, credits, deferrals, or other regulatory and
6 financial incentives for affordable rental and home ownership
7 programs to all qualified buyers, builders or developers within the
8 BRC that may qualify for such credits or deferrals.

9 B. Other Conditions. – None.

10 C. Incremental Review. – None.

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1 **4. STORMWATER MANAGEMENT AND FLOOD PLAINS**

2 **A. Representations and Commitments as Conditions.**

3 (1) Silt fences or silt screens will be installed prior to land clearing to
4 protect water quality and to identify areas to be protected from
5 clearing activities and maintained for the duration of the project until
6 all soil is stabilized.

7 (2) Floating turbidity barriers or other devices will be in place on flowing
8 systems or in open water lake edges prior to initiation of earthwork
9 and maintained for the duration of the project until all soil is
10 stabilized.

11 (3) The installation of temporary erosion control barriers will be
12 coordinated with the construction of the permanent erosion control
13 features to the extent necessary to assure effective and continuous
14 control of erosion and water pollution throughout the life of the
15 construction phase.

16 (4) Turbidity resulting from construction dewatering will be managed
17 using structural best management practices (BMPs) prior to
18 discharge to receiving waters. Structural BMPs may include, but
19 are not limited to, vegetated systems, detention systems (e.g.,
20 sedimentation basins), geotextiles, and other methods. Turbidity
21 and other pollutants from construction dewatering on the Property
22 will be reduced to meet the levels required by applicable State
23 Water Quality Standards and as required by the National Pollutant

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- 1 Discharge Elimination System ("NPDES") general permit for
2 construction. Copies of any reports required by the NPDES permit
3 will be maintained at the appropriate construction site with a copy
4 being sent to the County Administrator or his or her designee.
- 5 (5) Clearing and grubbing will be so scheduled and performed such
6 that grading operations can follow thereafter. Grading operations
7 will be so scheduled and performed that permanent erosion control
8 features can follow thereafter if conditions on the project permit,
9 and not beyond the time limits established in the NPDES general
10 construction permit.
- 11 (6) Exposed soils will be stabilized as soon as possible, especially
12 slopes leading to wetlands. Stabilization methods include solid sod,
13 seeding and mulching or hydromulching to provide a temporary or
14 permanent grass cover.
- 15 (7) Energy dissipaters (such as rip rap, gravel beds, hay bales) shall
16 be installed at the discharge point of pipes or swales if scouring is
17 observed.
- 18 (8) Implementation of storm drain inlet protection (such as hay bales or
19 gravel) to limit sedimentation within the stormwater system.
- 20 (9) The allowable discharge in a 25 year 3-day design event will be
21 limited to the South Florida Water Management District ("SFWMD")
22 permit for the site.

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- 1 (10) The development within the FEMA floodplain will have finished floor
2 elevations in each development pod which exceeds the 100 year 3-
3 day design event for the adjacent water course as calculated by the
4 backwater profile for the respective conveyance. Compensating
5 storage will be provided to replace lost storage as part of the
6 SFWMD permit requirements. The SFWMD standard of head loss
7 in a 25-year 3-day design event will be met at each water crossing.
- 8 (11) The proposed development will be designed such that the potential
9 for offsite flooding of other private property will be mitigated. This
10 will primarily be accomplished by maintaining the existing
11 conveyances without additional control structures except for
12 restoration efforts. Water management control will be accomplished
13 primarily by structures off-line from these conveyances. Off-site
14 discharges onto the property will be properly routed around and
15 through the property to maintain or lessen off-site flooding.
- 16 (12) Open stormwater ponds will be used for the primary volume
17 attenuation and wet detention of water quality in accordance with
18 Best Management Practices as outlined in the current Southwest
19 Florida Basin Rule criteria of the SFWMD for water quality
20 improvement.
- 21 (13) On-site wetlands within the project may be incorporated into the
22 stormwater management system. Those wetlands outside that
23 system will continue to store and transmit water as they do today

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1 except where modifications are made to facilitate hydrologic
2 restoration.

3 (14) The stormwater treatment will include a backbone system
4 consisting of wet detention areas and dry detention areas. Dry
5 detention areas will not be used as the primary detention/retention
6 component, but may be utilized in combination with wet
7 detention/retention facilities. The stormwater treatment system will
8 be designed in accordance with the current Southwest Florida
9 Basin Rule Criteria of the SFWMD and will provide 50% more
10 retention/detention water quality treatment above that required by
11 Section 5.2.1(a) of the SFWMD Basis of Review. Best
12 Management Practices will include reduced turf coverage, native
13 landscaping, created wetlands, filter marshes, phyto-zones,
14 extended hydraulic residence times and increased flow paths.

15 (15) The low edge of pavement for local roads to be at or above the
16 peak stage for the 5 year-1 day event. The arterials and collectors
17 will have one lane above the 25 year-3 day event peak stage.
18 Parking lots will be at or above the 5 year-1 day event. Minimum
19 swale grades in urban and suburban areas will have a minimum
20 longitudinal slope of 0.2%. Ditches may have flatter longitudinal
21 slopes. The minimum longitudinal slope on roads with curb and
22 gutter will be 0.3%.

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- 1 (16) The perimeter berm elevation will be 0.3 feet above the peak stage
2 for the 25 year-3 day event and the 100 year-1 day event.
- 3 (17) The treatment system will provide equal or greater post
4 development storage volume for the 100 year-3 day event than
5 provided by predevelopment conditions.
- 6 (18) There will be no increase in stream stage elevation offsite, except
7 as permitted by the SFWMD.
- 8 (19) Finish floor elevations will be at least the 100 year-3 day event
9 peak stage plus 0.5 feet.
- 10 (20) An Urban Water Management Plan will be developed for the site as
11 part of the construction Environmental Resource Permit ("ERP")
12 process and will address the handling of waste from equestrian
13 facilities on the site. Water quality monitoring will be conducted
14 pursuant to the Babcock Ranch Community Development of
15 Regional Impact Environmental Methodology Supplement dated
16 October 31, 2006.

17 B. Other Conditions.

- 18 (1) All internal stormwater management lakes and ditches, and any on-
19 site preserved/enhanced wetland areas, shall be set aside as
20 recorded drainage and/or conservation easements granted to the
21 SFWMD, or other appropriate governmental entity with a
22 compliance monitoring staff. Stormwater lakes shall include
23 adequate maintenance easements around the lakes, with access to

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- 1 a paved roadway, as required by the appropriate governmental
2 entity.
- 3 (2) Any silt barriers and any anchor soil, as well as accumulated silt,
4 shall be removed upon completion of construction. Either the
5 Developer or the entities responsible for the specific construction
6 activities requiring these measures shall assume responsibility for
7 having them removed upon completion of construction.
- 8 (3) Any shoreline banks created along the on-site stormwater
9 management system shall include littoral zones constructed on
10 slopes consistent with SFWMD, Florida Department of
11 Environmental Protection ("FDEP"), and County requirements and
12 shall be planted in native emergent or submergent aquatic
13 vegetation. The Developer shall ensure, by supplemental
14 replanting as necessary, that at least 80% cover by native aquatic
15 vegetation is established within the littoral zone planting areas for
16 the duration of the project.
- 17 (4) The Developer shall conduct annual inspections in accordance with
18 the conditions of the approved SFWMD ERP, of the BRC Master
19 Stormwater Management System and any preserved/enhanced
20 wetland areas on the project site so as to ensure that these areas
21 are maintained in keeping with the final approved designs, and that
22 the water management system is capable of accomplishing the
23 level of stormwater storage and treatment for which it was intended.

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- 1 (5) The Developer shall undertake a regularly scheduled vacuum
2 sweeping of all common streets and parking areas within the Town
3 Center and the non-residential areas of the Villages. The
4 Developer shall encourage any private parcel owners within the
5 Town Center and the non-residential areas of the Villages to
6 institute regularly scheduled vacuum sweeping of their respective
7 parking areas.
- 8 (6) Design considerations will be given to ditch and swale slopes,
9 where practicable, so that these facilities provide some additional
10 water quality treatment prior to discharge. Treatment swales shall
11 be planted with vegetation as reviewed and approved during the
12 ERP approval process, and where practicable, landscape islands
13 shall accommodate the detention of runoff. Design consideration
14 will be given to the use of pervious construction materials for the
15 surfaces of trails, walkways, and non-vehicular travel ways.
- 16 (7) Any debris that may accumulate in project lakes, ditches or swales,
17 or which may interfere with the normal flow of water through
18 discharge structures and under drain systems, shall be cleaned
19 from the detention/retention areas on a regular basis. Any erosion
20 to banks shall be repaired.
- 21 (8) Grease baffles shall be inspected and cleaned and/or repaired on a
22 regular basis. In no instance shall the period between such
23 inspections exceed eighteen months.

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- 1 (9) Isolated wading bird "pools" shall be constructed to provide aquatic
2 habitat for mosquito larvae predators, such as *Gambusia affinis*,
3 and foraging areas for wading bird species, such as wood stork,
4 consistent with SFWMD, FDEP, and County requirements.
- 5 (10) The open drainage system will be designated to provide additional
6 water quality treatment prior to discharge. Design elements may
7 include rainwater gardens, treatment swales planted with native
8 vegetation, and entrainment systems. These will be reviewed and
9 approved during the ERP approval process.
- 10 (11) Stormwater runoff should be minimized through a variety of
11 techniques that may include rainwater gardens, bottomless planter
12 boxes, green roofs and pervious surfaces, as well as rainwater
13 harvesting techniques that may include cisterns and rain barrels.
- 14 (12) Landscape irrigation will be provided first through the use of reuse
15 water, where reasonably available, and surface water from lakes.
- 16 (13) The master stormwater management system will be maintained by
17 District or master property owners association established by
18 covenants and restrictions on the Property.
- 19 (14) The applicant has agreed to do a new hydrologic model of the
20 project area to determine predevelopment flow rates for use in
21 current and future permitting. When this work is complete it will be
22 submitted to SFWMD for review, amendment if needed, and

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1 approval. The SFWMD approved predevelopment flow rates will be
2 used in future AIDA submissions.

3 (15) The SFWMD has issued Permit No. 08-00004-S-05 (Application
4 No. 070330-5) to Developer for a conceptual ERP in accordance
5 with its jurisdiction over such matters and the Property. Developer
6 will follow the authorizations and permit conditions, which will be a
7 separate and enforceable legal document in accordance with its
8 terms. Compliance with this permit, as it may be amended from
9 time to time, will address mitigation of certain impacts of the BRC
10 development. The permit is issued under the authority of an
11 agency other than County and, therefore, is subject to enforcement
12 by the issuing agency. County will assist said agency, if requested,
13 in monitoring Developer's compliance with the conditions of said
14 permit. Developers' successors-in-interest and assigns are hereby
15 placed on notice of this permit and its application to development
16 which they may propose to undertake within BRC.

17 (16) The United States Army Corps of Engineers has issued Permit No.
18 SAJ-2006-6656 (IP-MJD) to Developer in accordance with its
19 jurisdiction over such matters and the Property. Developer will
20 follow the authorizations and permit conditions, which is a separate
21 and enforceable legal document in accordance with its terms.
22 Compliance with this permit, as it may be amended from time to
23 time, will address mitigation of certain impacts of the BRC

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1 development. The permit is issued under the authority of an
2 agency other than County and, therefore, is subject to enforcement
3 by the issuing agency. County will assist said agency, if requested,
4 in monitoring Developer's compliance with the conditions of said
5 permit. Developers' successors-in-interest and assigns are hereby
6 placed on notice of this permit and its application to development
7 which they may propose to undertake within BRC.

8 (17) As part of any AIDA phase that will discharge to Owl Creek, Trout
9 Creek, and /or Telegraph Creek, 100 year three-day storm event
10 calculations will be provided for two items. The two items are: the
11 setting of finished floor elevation and the determination that the
12 peak volume stored in the pre-development condition is equal or
13 exceeded by that stored in the post development condition. This
14 information will be made available to the general public.

15 (18) The Developer shall reduce the introduction of fill material outside
16 approved development pods into the 100 year flood plain where
17 practical. Structures outside approved development pods, but built
18 in the 100 year flood plain, should be built as elevated structures
19 and not as monolithic slabs on fill soil.

20 C. Incremental Review.

21 (1) Subsection A and B above in this provision 4 (Stormwater
22 Management) constitute the "Stormwater Plan" for BRC.

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- 1 (2) The Incremental review will address compliance of the Increment
2 with the Stormwater Plan and any changes to the adopted
3 floodplain maps.
- 4 (3) The Incremental review will include an assessment of any pertinent
5 information developed pursuant to a condition of the Master DRI
6 development order which has been developed since the Master
7 DRI development order was issued in order to determine if that new
8 information shows that a change in the Stormwater Plan is needed
9 in order to provide the same level of protection, remediation, or
10 mitigation that is contemplated in the Master DRI Development
11 order.

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1 **5. TRANSPORTATION**

2 A. Representations and Commitments as Conditions. – None.

3 B. Conditions for Development Approval.

4 (1) Master Traffic Study

5 (a) The Master Traffic Study is the analysis of the buildout of the
6 Development Program and the horizon year traffic conditions
7 in year 2030. It is a guide to the roadway network and
8 improvements anticipated to be needed to support all area
9 development including the BRC Development Program by
10 the year 2030 and it is intended for use only with the BRC
11 Development Program. As a long range “snapshot” of
12 horizon year conditions, it is anticipated that the mobility
13 network and area growth will change and be revised as the
14 BRC develops. By way of background, the initial Master
15 Traffic Study was prepared by the Developer (“Developer’s
16 Initial Master Traffic Study”), which was adequate for the
17 “snapshot” purpose of the Master Development Order,
18 recognizing that additional validation adjustments would be
19 needed for use in Incremental Development Orders. At the
20 time of initial approval of the Master Development Order, the
21 Florida Department of Transportation (“FDOT”) was working
22 on a district-wide travel demand model, but it was not yet
23 completed. On August 27, 2008, FDOT informed the

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1 Developer, County and Lee County that the FDOT district-
2 wide travel demand model ("FDOT D1 District-wide Model")
3 was available for use for Babcock Ranch. FDOT, County,
4 Lee County and the SWFRPC accepted the use of the
5 FDOT D1 District-wide Model for Babcock Ranch, without
6 sub-area or corridor model refinements for Increment 1-
7 Phase 1. Recognizing that the FDOT D1 District-wide Model
8 may require sub-area and/or corridor model refinements to
9 be made within the transportation impact area of the BRC for
10 Increment 1-Phase 2 and future increments, refinements, if
11 any, will be made consistent with the procedures outlined in
12 Chapter 4 of the FDOT Project Traffic Forecasting
13 Handbook.

- 14 (b) The Charlotte County Babcock Ranch Overlay District (the
15 BROD), Policy 2.5.16.5, recognizes that the BROD is a
16 "smart growth" community and specifies that the "internal
17 capture rate ("ICR")" for the BRC shall be maximized, with a
18 targeted internal capture rate of between 50% - 70%. The
19 Developer's Initial Master Traffic Study reflected the mixed-
20 use character of the Community and consequently
21 maximized the "internal capture" elements, resulting in a trip
22 capture rate for the buildout of the BRC of 55% on a peak
23 hour basis. The 2030 roadway network and candidate

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1 roadway improvements resulting from the Developer's Initial
2 Master Traffic Study based on that trip capture rate for the
3 Babcock component are set forth in Exhibit F attached
4 hereto and made a part hereof by reference. Exhibit F also
5 identifies, under 2030 conditions and the 55% ICR, those
6 regionally and locally significant road segments that were
7 projected to be significantly impacted by the BRC and for
8 which a service deficiency is also projected ("Impacted
9 Segments"). The Developer's Initial Master Traffic Study
10 also identified the improvements which may need to be
11 made by 2030 under the 55% ICR to the Impacted
12 Segments to mitigate Babcock's traffic impacts in order to
13 maintain the adopted level of service (LOS) standards.

- 14 (c) A supplemental traffic study was also prepared for the
15 Master Development Order by the Developer at the request
16 of review agencies to identify the potential 2030 roadway
17 network and candidate roadway improvements resulting
18 from the Master DRI Traffic Study based on the initial
19 internal capture rate of 22%, ("Supplemental Master Study").
20 The roadway network and candidate roadway improvements
21 resulting from the Supplemental Master Study based on that
22 trip capture rate also are set forth in Exhibit F attached
23 hereto and made a part hereof by reference. Exhibit F also

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1 identifies, under those 2030 conditions, the same information
2 for the 22% ICR scenario as for the 55% ICR scenario,
3 including those regionally and locally significant road
4 segments that are projected to be significantly impacted by
5 the BRC and for which a service deficiency is also projected
6 ("Impacted Segments") and the improvements which may
7 need to be made by 2030 to the Impacted Segments under a
8 22% ICR to mitigate Babcock's traffic impacts in order to
9 maintain the adopted level of service (LOS) standards. The
10 road network presented in Exhibit F is a 2030 horizon year
11 projection that will be updated periodically as set forth below
12 in Condition 5.B.(2) to reflect changing conditions in the
13 area. This 22% ICR is to be used for the First Increment,
14 including Phase 1 and Phase 2.

- 15 (d) The significant impacts, roadway network, and roadway
16 improvements identified in Exhibit F hereto are provided for
17 comparison purposes between the two internal capture rate
18 scenarios described above. As specified under Conditions
19 5.B.(2)(a), (2)(b), (2)(c), and (2)(d) below, as data from the
20 annual traffic monitoring program becomes available, as
21 specified under Conditions 5.B.(3)(a) and 5.B.(3)(b) below,
22 this data will be incorporated into the Master Traffic Study
23 Updates as described in Condition 5.B.(2) below. Exhibit F

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1 will then be re-evaluated and revised as specified in
2 Condition 5.B.(2) below.

3 (e) For purposes of the First Increment, the 22% ICR portions of
4 Exhibit "F" will control the measurement of significant impact
5 for the Incremental DRI traffic studies. Future Increments
6 will use a revised Exhibit "F" as re-evaluated either under
7 Condition 5.B.(2)(a) or B.(2)(b), as applicable.

8 (2) Master Traffic Study Updates

9 (a) (1) The first update of the Master Traffic Study will be
10 undertaken and submitted to County, FDOT, Department of
11 Economic Opportunity, Division of Community Development
12 ("DEO"), Lee County and the SWFRPC and approved prior
13 to the submittal of Increment 1-Phase 2, or any subsequent
14 increment, whichever occurs sooner, but in no event later
15 than December 31, 2011 ("Initial Master Traffic Study
16 Update"). The Initial Master Traffic Study Update shall be
17 approved through the NOPC process as a non-substantial
18 deviation, in accordance with Section 5.B.(2)(d), with
19 resulting amendments, if any, to the Master Development
20 Order to be processed as a NOPC. The Initial Master Traffic
21 Study Update shall utilize the FDOT D1 District-wide Model,
22 which has been accepted by FDOT, DEO, County, Lee
23 County and the SWFRPC for use in the Master Traffic Study

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1 Update and subsequent AIDA traffic assessments. The
2 Master Traffic Study Update will result in a Revised Exhibit
3 F, based upon the ICR determined pursuant to paragraph
4 5.B.(2)(a)(2)a., which will be used for Increment 2 and
5 subsequent increments (the ICR for Increment 1-Phase 2
6 will be 22%). Coordination meetings as needed and a
7 formal transportation methodology meeting will be held with
8 County, Lee County, SWFRPC, FDOT, and DEO prior to the
9 commencement of the Initial Master Traffic Study Update.
10 The Initial Master Traffic Study Update shall consider the
11 possibility of a new east-west transportation corridor
12 between SR 31 and I-75, and may consider related corridor
13 studies and interchange justification reports, as determined
14 appropriate in the transportation methodology meeting.
15 The FDOT D1 District-wide Model may require sub-area
16 and/or corridor model refinements to be made within the
17 transportation impact area of the BRC. Refinements, if any,
18 will be made consistent with the procedures outlined in
19 Chapter 4 of the FDOT Project Traffic Forecasting
20 Handbook.

21 (2) a. Each update of the Master Traffic Study will
22 include a reassessment of the internal capture and external
23 trips consistent with paragraph 5.B.(2)(a)(1) above, Trip

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1 Generation, the ITE Trip Generation Handbook, and the
2 FDOT Site Impact Handbook, the FDOT D1 District-wide
3 Model, as it may be adjusted pursuant to professionally
4 accepted techniques applicable to communities of the size,
5 location, mix of uses, and design of Babcock or other travel
6 demand modeling techniques and data that reflect the size,
7 location, mix of uses, and “smart growth” design of the
8 project, and with consideration of the cumulative impacts of
9 previously evaluated increments and monitoring data up to
10 the point of commencement of that particular Master Traffic
11 Study update.

12 b. Due to its size and mix of uses, the BRC will be
13 divided into a number of traffic analysis zones (TAZs) and
14 tracts, which are combinations of TAZs. The size, location
15 and number of TAZs will be determined by the Developer.
16 There shall be no minimum or maximum number of TAZs or
17 tracts.

18 c. Adjustments to the FDOT D1 District-wide
19 Model in accordance with 5.B.(2)(a)(2)(a) for estimating trip
20 capture within a large scale community like the BRC, the
21 community capture and external trips for the BRC will be
22 estimated using the following procedures.

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- 1 (i) The total new trips generated by the BRC
2 development as identified in the Master Traffic
3 Study and based on accepted standard
4 methods of calculation will be reduced as
5 identified in the sections below.
- 6 (ii) There are standard mixed land uses
7 (residential, office, retail) for the mixed use
8 development concepts of the ITE Trip
9 Generation Handbook "Mixed Use
10 Development". For those standard land uses,
11 and using the tract as a single TAZ, calculate,
12 using the methods of the ITE Trip Generation
13 Handbook "Mixed Use Development", the
14 internal capture within the tract.
- 15 (iii) For each non-standard land use (those land
16 uses not included in the ITE Trip Generation
17 Handbook methodology) within each tract,
18 create a separate TAZ for each non-standard
19 land use. Using the FDOT D1 District-wide
20 Model, applicable at that time, determine the
21 trip capture for those non-standard land uses
22 within the subject tract.

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- 1 (iv) Using the FDOT D1 District-wide Model,
2 applicable at that time, determine the trip
3 capture between the individual tracts within the
4 BRC.
- 5 (v) Estimate the number of pass-by trips
6 consistent with the then most recent editions of
7 the ITE Trip Generation Handbook, and the
8 FDOT Site Impact Handbook. Only those retail
9 uses which are adjacent to the primary public
10 roadways will be eligible for external pass-by
11 trips. Retail that is not adjacent, whether
12 contained internally or substantially set back
13 without direct access to the major public
14 roadways will not be eligible for pass-by trips.
- 15 (vi) The remaining net new trips are external to the
16 BRC and will be assigned to the regional
17 roadway network by the FDOT D1 District-wide
18 Model, applicable at that time.
- 19 (vii) In the alternative, Developer may use an
20 alternative methodology for estimating internal
21 capture rate if reviewed and approved by
22 FDOT, County, Lee County, SWFRPC and
23 Department of Community Affairs.

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1 (b) (1) Due to the long term buildout of the Project (over 20
2 years) and potentially changing conditions in the study area,
3 a periodic update of the Master Traffic Study is required and
4 will use the most current, validated FDOT D1 District-wide
5 Model in effect at the time of the commencement of the
6 Master Traffic Study Update. After the Initial Master Traffic
7 Study Update specified in Condition 5.B.(2)(a)(1), additional
8 updates shall be conducted and submitted no later than five
9 (5) years after the effective date of the most recent previous
10 update. The Developer may update the Master Traffic Study
11 at any time during that five (5) year period. Each updated
12 Master Traffic Study will be a complete update similar to the
13 original Master Traffic Study and will result in a Revised
14 Exhibit F. The Master Traffic Study Update shall consider
15 the possibility of a new east-west transportation corridor
16 between SR 31 and I-75, and may consider related corridor
17 studies and interchange justification reports, as determined
18 appropriate in the transportation methodology meeting. A
19 transportation methodology meeting will be held with County,
20 Lee County, the SWFRPC, FDOT and DEO prior to the
21 conduct of each Master Traffic Study Update.

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1 (2) Each update of the Master Traffic Study will include a
2 reassessment of the internal capture and external trips
3 consistent with paragraph 5.B.(2)(a)(1) above.

4 (c) The First Increment has used the FDOT D1 District-wide
5 Model for Increment 1-Phase 1, prior to an update of the
6 Master Traffic Study. Such use has been accepted by
7 FDOT, County, Lee County, DEO and SWFRPC for use in
8 Increment 1-Phase 1 in accordance with the conditions of
9 the Increment 1 Development Order approved by County on
10 December 15, 2009. Subsequent Increments, including
11 Increment 1-Phase 2, will use the FDOT D1 District-wide
12 Model or the most current, validated FDOT D1 District-wide
13 Model in effect at the time.

14 (d) The methodology for Master Traffic Study Updates will be
15 coordinated through the SWFRPC and include County, Lee
16 County, FDOT and the DEO. The Master Traffic Study
17 Update is not considered a substantial deviation pursuant to
18 Chapter 380.06 (19) and will be submitted for approval
19 through the NOPC process. Any amendments to the Master
20 Development Order resulting from a Master Traffic Study
21 Update shall be processed as a NOPC. The Master Traffic
22 Study Update process will consist of the following steps and
23 timeframes:

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- 1 (i) Initial informal coordination meeting to discuss and
2 establish the appropriate methodology, between the
3 Developer and SWFRPC, County, Lee County, FDOT
4 and DEO.
- 5 (ii) Submittal of proposed methodology by the Developer
6 to the SWFRPC not less than 14 days in advance of
7 the formal methodology meeting for distribution to the
8 State and Regional review agencies.
- 9 (iii) Formal methodology meeting between the Developer
10 and the State and Regional review agencies
11 coordinated by the SWFRPC.
- 12 (iv) SWFRPC, within 35 days of the conclusion of the
13 formal methodology meeting(s), will document the
14 findings and agreements made by the
15 participants including a summary of all assumptions
16 agreed upon at the meeting.
- 17 (v) SWFRPC shall allow State and Regional review
18 agencies not less than 14 days to agree or disagree
19 in writing with the meeting summary.
- 20 (vi) If agreement cannot be reached with all the State and
21 Regional Review agencies, the SWFRPC will
22 designate a methodology in writing to be used by the
23 Developer.

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1 (vii) The Developer shall submit for approval the Master
2 Traffic Study Update and revised MDO Exhibit F to
3 the SWFRPC through the NOPC process, which shall
4 not be considered a substantial deviation, for
5 distribution to the Regional Review Agencies.

6 (viii) Public hearings will be conducted in accordance with
7 the procedures for processing NOPC's in County in
8 coordination with the SWFRPC.

9 (3) Biennial Monitoring Program

10 On a biennial basis, the Developer shall submit a DRI traffic
11 monitoring report to the following entities: County, FDOT, DEO, Lee
12 County, and the SWFRPC. The first monitoring report shall be
13 submitted two (2) years after the recorded date of the approval of
14 the first AIDA Development Order, unless no buildings have been
15 physically occupied by a permanent user. Once a building in
16 Babcock is occupied by a permanent user the biennial traffic
17 monitoring requirement will commence. For the purposes of growth
18 management the Biennial Monitoring will monitor the external trips
19 generated by occupied uses in Babcock. The traffic monitoring
20 program must include the following.

21 (a) 2-hour AM peak hour and 4-hour PM peak hour turning
22 movement counts and 72-hour machine traffic counts at the
23 BRC's access points onto the external public road network

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- 1 external to the Property; the 72 hour traffic counts will be
2 derived from the permanent traffic counters installed at
3 Babcock's ingress/egress points as described in Condition
4 5.B.(7) below.
- 5 (b) A comparison of the field-measured Project external trips to
6 the Project's external trips estimated in the AMDA and the
7 Incremental traffic study.
- 8 (c) The level of service of all access points between the Project
9 and the external road network.
- 10 (d) A summary of construction and development activities to
11 date, using the categories of the Master Development
12 Program.
- 13 (e) An estimate of the level of development expected to be
14 added by the Project for the forthcoming year.
- 15 (f) The status of the mobility improvements required by any
16 prior Incremental development program.
- 17 (g) The status of mobility improvements identified as committed
18 in the Master Traffic Study or Incremental traffic studies.
- 19 (h) An estimate of the construction traffic at the Project's access
20 points onto the public roadway network external to the
21 Property.
- 22 (4) The Developer shall promote efficient pedestrian and bicycle
23 movement within and between the development's components and

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1 to adjacent properties. The Developer shall link the uses and
2 subdivisions, hamlets, town centers and free standing facilities
3 through a series of sidewalks, bike paths, walking trails and internal
4 roadways of various functional classifications. The Developer shall
5 promote transit service through the inclusion of bus stops or other
6 appropriate transit access points in site design, consistent with the
7 County and Lee County Comprehensive Plans and transit plans, if
8 any. The location of bus stops and transit access points shall be
9 planned and integrated with the BRC bicycle and pedestrian plan.

10 (5) Within twelve (12) months from the date of the Master DRI
11 Development Order, the Developer shall prepare and submit to
12 County a transit feasibility study for possible transit service within
13 the BRC. The transit feasibility study shall evaluate the feasibility of
14 an internal tram or trolley system to link the villages, hamlets, and
15 town center and other uses and to provide a linkage to the external
16 road network. The feasibility study will evaluate, among other
17 things, the timing of the implementation of the system, system
18 routing, vehicle type, headways, funding sources, and capital and
19 operating costs. If the study determines that such a system is
20 economically viable, Developer will implement the system.

21 (6) The Developer shall prepare a transit feasibility study of providing
22 public transportation to and from Babcock. The transit feasibility
23 study will evaluate, among other things, the feasibility of providing

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1 public transportation, timing of the implementation of the system,
2 system routing, vehicle type, headways, funding sources, and
3 capital and operating costs. In an effort to insure sufficient
4 population to support this type of transit service, the Developer
5 shall coordinate the initiation of this study with transit
6 representatives from County, Lee County, and the FDOT. The
7 Babcock development will be credited with an appropriate reduction
8 in net external trips for the implementation of such a public transit
9 component. The cost of the study may be credited against
10 Developer's proportionate share mitigation.

11 (7) The Developer shall install permanent traffic count stations at all
12 BRC ingress/egress points on the external road network and at the
13 County lines on SR31. The equipment will be turned over to
14 County and County will own and maintain the permanent count
15 station equipment. The cost of the permanent count station
16 equipment will be credited against the DRI's traffic mitigation
17 obligation. Data from the count stations shall be made available in
18 a digital format on a periodic schedule agreed to by County and
19 Developer and without any cost, to Developer.

20 (8) Developer shall provide sufficient queuing lanes and turn lanes
21 along State Road 31 to manage construction traffic in a manner
22 which does not cause substantial delays to other traffic on State
23 Road 31. County and FDOT shall review and approve, the timing

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1 of said improvements (which are to be in place concurrent with
2 construction traffic), the locations, dimensions, and configurations
3 in accordance with County and FDOT standards of said
4 construction traffic queuing and turn lanes.

5 C. Incremental Review.

6 (1) Incremental Review Analyses.

7 Development within the BRC, as identified in the AMDA, will undergo a
8 traffic review through an incremental process with traffic studies prepared
9 for each Increment. A transportation methodology meeting will be held
10 with County, Lee County, FDOT, DEO, and the SWFRPC prior to initiating
11 this study. This will allow the study to address specific issues that may be
12 related to any particular Increment. Each Incremental Traffic Study, other
13 than the traffic studies for Increment 1, will establish the trip capture rate
14 for that Increment consistent with Condition 5.B.(2) which will determine
15 the maximum number of PM peak hour trips external to the Property for
16 that Incremental development program. Professionally accepted
17 techniques and data, including FDOT's then current Site Impact Handbook
18 (or its equivalent) and the then current Subdivision Traffic Study
19 Guidelines for County may be considered in establishing the
20 methodologies for the Incremental studies. If agreement cannot be
21 reached with all the State and Regional Review agencies, the SWFRPC
22 will designate a methodology in writing to be used by the Developer.
23

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1 As a part of this effort, a traffic study will be prepared in support of that
2 Increment. The Project's trip capture rate, estimated number of external
3 PM peak hour trips, traffic impacts, proportionate share of needed
4 improvements, pipelining of the proportionate share, and mitigation will be
5 established for each Increment. A traffic study will be prepared for each
6 Incremental level of development. The traffic study in support of each
7 Increment will estimate the trips external to the Property for that
8 Incremental development program and will include the following.

9 (a) Road segment evaluation of those external road segments
10 significantly impacted by the Incremental development
11 program for the AMDA significant impact area per the 22%
12 ICR portions of Exhibit "F" until such time as Exhibit "F" is
13 amended.

14 (b) Intersection evaluations of those external intersections
15 significantly impacted by the Incremental development
16 program.

17 (c) Identification of roadway and intersection improvements
18 needed to support that level of development and all area
19 growth coincident with buildout of that Incremental
20 development program at the BRC for the AMDA significant
21 impact area per the 22% ICR portions of Exhibit "F" hereto
22 until such time as Exhibit "F" hereto is amended.

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- 1 (d) Identification of the Project's proportionate share of those
2 needed roadway and intersection improvements.
3 Proportionate share mitigation shall be limited to insure that
4 if Babcock meets the requirements of Section 163.3180,
5 F.S., it shall not be responsible for the additional cost of
6 reducing or eliminating backlogs. The project's
7 proportionate share shall be directed (i.e. "pipelined") to one
8 or more mobility improvements that benefit a regionally
9 significant transportation facility. The funding of one or more
10 required mobility improvements that will benefit a regionally
11 significant transportation facility consistent with Section
12 163.3180(12), F.S., satisfies concurrency requirements as
13 mitigation of Babcock's impact upon the overall
14 transportation system even if there remains a failure of
15 concurrency on other impacted facilities.
- 16 (e) Identification of the Project's traffic mitigation conditions to
17 address its proportionate share of needed mobility
18 improvements and any pipelining of that proportionate share,
19 but not including mitigation for backlogged conditions.
20 Mitigation for impacts to facilities on the State Strategic
21 Intermodal System shall be made after consultation with and
22 with the concurrence of FDOT. Traffic mitigation conditions
23 would include, but not be limited to, commitments to

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1 construct or pay for certain mobility improvements, provision
2 of right-of-way, provision of design plans in support of
3 improvements, cash payments to County or applicable
4 maintenance agency and/or combinations of the above, and
5 a mitigation payment schedule.

6 (f) Each Incremental traffic study will include any previously
7 evaluated Increment as Project traffic consistent with
8 Sections 380.06(21)(b) and 380.0651, F.S., and 9J-2.045,
9 F.A.C. Mitigation provided by any previously evaluated
10 Increment shall be credited to the overall impact of the
11 Project.

12 (g) An accounting system will be established so that if the field
13 measured external trips at the end of the particular
14 Increment are less than previously estimated for that
15 Increment, the Developer would be entitled to credits which
16 can be used by the Developer, sold to other parties or
17 carried over to the next Increment. Alternatively, if the actual
18 traffic for that particular Increment is greater than previously
19 estimated, then the Developer will be required to mitigate
20 those additional traffic impacts as part of the then under
21 review Increment.

22 (h) The development approved in each Increment will be vested
23 for traffic concurrency purposes through the scheduled

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1 payment of its mitigation requirements (proportionate share)
2 for mobility improvements. The payment schedule and the
3 details of that payment schedule must be established in an
4 enforceable agreement with County or the applicable
5 maintenance agency.

- 6 (i) As provided in the AMDA Agreement, an Incremental traffic
7 study may consider relevant information from previously
8 approved studies or Increments, but no Incremental review
9 will result in a requirement to revise any element or
10 requirement of a previously approved Increment other than
11 the provision in item 5.C.(g) above.

12 (2) Planned Development, Site Plan and Subdivision Plan Approval
13 Within An Increment.

14 Planned development, site plan, and subdivision plan approvals
15 within an Increment will be evaluated for consistency with the Incremental
16 traffic study as set forth below.

- 17 (a) Review the requested approval to verify that the
18 development parameters of the requested approval, when
19 combined with the parameters of any other requested
20 approval already reviewed and approved within the
21 Increment and reflective of any land use conversions, are
22 consistent with the level of development evaluated during
23 the Incremental traffic study.

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- 1 (b) Review of the requested approval to verify that the projected
2 external trips of the requested approval, when combined
3 with the estimated external trips of any other requested
4 approval already reviewed and approved within the
5 Increment and reflective of any land use conversions, does
6 not exceed the external trips evaluated during the
7 Incremental traffic study.
- 8 (c) Review of the requested approval's access points onto the
9 public roadway network external to the Property to
10 determine if: 1) the proposed access points are consistent
11 with the access established in the Master AMDA, AIDA,
12 and/or public access management standards; 2) the access
13 point intersection will operate at acceptable levels of service
14 coincident with the buildout of the requested approval; 3)
15 identify needed improvements, including signalization, at the
16 access point intersections to maintain acceptable levels of
17 service; and 4) identify the estimated turn lane storage
18 lengths for the needed turn lanes at the access point
19 intersections.
- 20 (3) The Developer may, at its sole discretion, determine the size,
21 boundaries, land uses, timing, and termination of each Increment.
22 The Developer may file one or more AIDA's for concurrent,
23 overlapping, or sequential increments. Provided, however, the

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1 entire project as reflected in this Master DRI development order
2 may not be submitted in only one increment, and any one filing of
3 one or more AIDA's will not include cumulatively among the filing
4 more than fifty percent (50%) of the entire Master DRI Development
5 Program.

6 (4)

7 (a) The Developer's proportionate share obligation, as
8 established per each Increment, shall be directed or
9 pipelined, pursuant to section 163.3180(12), Florida
10 Statutes, to one or more required mobility improvements
11 which may or may not be a part of the AMDA roadway
12 network, which benefit a regionally significant transportation
13 facility and which can be funded by the Developer's
14 proportionate share. The funding of one or more required
15 mobility improvements that will benefit a regionally significant
16 transportation facility consistent with Section 163.3180(12).
17 F.S. satisfies concurrency requirements as a mitigation of
18 Babcock's impact upon the overall transportation system
19 even if there remains a failure of concurrency on other
20 impacted facilities.

21 (b) The Developer may also utilize proportionate fair-share
22 mitigation, consistent with Section 163.3180(16), which may
23 be directed toward one or more specific transportation

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1 improvements reasonably related to the mobility demands
2 created by the development and such improvements may
3 address one or more modes of travel. Proportionate fair-
4 share mitigation shall be limited to ensure that a
5 development meeting the requirements of Section
6 163.3180(16), Florida Statutes, mitigates its impact on the
7 transportation system but is not responsible for the additional
8 cost of reducing or eliminating backlogs. The funding of any
9 improvements that significantly benefit the impacted
10 transportation system satisfies concurrency requirements as
11 a mitigation of the development's impact upon the overall
12 transportation system even if there remains a failure of
13 concurrency on other impacted facilities.

14 (5) In addition to, or in the alternative to the pipelining described in
15 provisions 5.C.(1)(d) and 5.C.(4)(a) above, the developer may also
16 mitigate its traffic impacts pursuant to Rule 9J-2.045, F.A.C.

17 (6) Incremental Biennial Monitoring Controls.

18 (a) If the biennial traffic monitoring report for any two year period
19 reveals that the Project's field measured external trips
20 generated by occupied land uses is 80% or more of the
21 maximum number of external PM peak hour trips for the
22 completed Increment(s) and the approved, but uncompleted,
23 Increments and the occupied land uses are less than 50% of

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1 the development program approved for approved, but
2 uncompleted, Increment(s), the Developer shall, within 90
3 days of the date of the biennial traffic monitoring report, meet
4 with County Public Works to determine if the most recently
5 approved Incremental traffic study must be updated. If an
6 updated traffic study is required, then an updated list of
7 significantly and adversely impacted road segments and
8 corresponding adjustments in the Increment's proportionate
9 share which are needed to complete the most recently
10 approved Increment will be identified in that updated study.

11 (b) If the biennial traffic monitoring report for any two year period
12 reveals that the Project's field measured external trips
13 generated by occupied land uses exceed the maximum
14 number of external PM peak hour trips for the completed
15 Increment(s) and the approved, but uncompleted,
16 Increment(s), the most recently approved Incremental traffic
17 study will be updated within 120 days of the date of the
18 biennial traffic monitoring report. For that most recently
19 approved Increment, this may result in an updated list of
20 significantly and adversely impacted road segments and a
21 corresponding adjustment in the Increment's proportionate
22 share with the additional proportionate share being directed

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- 1 to one or more mobility improvements as set in Condition
2 5.C.(4).
- 3 (c) Alternatively, if the Project's field measured external trips
4 exceed the maximum number of external PM peak hour trips
5 for the completed Increment(s) and the approved, but
6 uncompleted, Increment(s), the Developer may declare the
7 most recently approved Increment to be complete in terms of
8 external trips and development program and may submit a
9 new AIDA and Incremental traffic study which may include
10 land area not used in the Increment deemed complete.
- 11 (d) If the biennial traffic monitoring report reveals that the
12 Project's field measured external trips generated by
13 occupied land uses exceeds the maximum number of trips
14 from the completed Incremental and the approved, but
15 uncompleted, Incremental development program(s) by the
16 thresholds identified in Section 380.06(19), Florida Statutes,
17 then the provisions regarding substantial deviations will take
18 effect.
- 19 (e) If, at the buildout or completion of an Increment, the
20 measured external trips are less than the maximum number
21 of external trips established for the Increment, then the
22 difference in the proportionate share represented by the
23 difference in those external trips will be credited against the

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1 proportionate share projected to be produced by the next
2 subsequent Increment(s).

3 (f) Every two years, the results of the traffic monitoring report
4 will be compiled with the results of the previous reports. The
5 data from these monitoring reports will be used with respect
6 to the applicable components of the development program
7 prepared for the next Increment, as well as the updates of
8 the Master Traffic Study.

9 (g) Under Conditions 5.C.(6)(a), (b), and (d) above,
10 development (including but not limited to: planned
11 development, site plan, and sub-division approvals; building
12 permits; construction; and certificates of occupancy)
13 pursuant to Incremental approvals will not be suspended
14 while the traffic study updates and any adjustments required
15 by those provisions are being finalized.

16 (7) Notice of Lee Road Agreement.

17 Developer and Lee County entered into the Babcock Ranch Community
18 Road Planning Agreement Regarding The Charlotte County Babcock
19 Ranch Overlay District Amendment on May 23, 2006 ("Lee Road
20 Agreement"). The Lee Road Agreement relates to the mitigation of
21 impacts from BRC on Lee County roads. The Lee Road Agreement sets
22 forth various obligations of the parties to the Lee Road Agreement, and is
23 enforceable by its own terms and not pursuant to this Development Order.

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1 Developer's successors-in-interest and assigns are hereby placed on
2 notice of the Lee Road Agreement and its potential application to
3 development which they may propose to undertake within BRC. A copy of
4 said Agreement shall be made available by Developer upon request of
5 such successors-in-interest and assigns, and a copy shall be on file with
6 the Clerk of the County Commission.

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1 **6. VEGETATION, WILDLIFE, AND WETLANDS**

2 **A. Representations and Commitments as Conditions.**

3 (1) The exotic pest plant impacted areas, and native plant communities
4 (approximately 5000 acres) will be managed and incorporated into
5 the final preservation areas and consolidated north-south flow-ways
6 and east-west greenways.

7 (2) The upland preserve/conservation areas and the wetland preserves
8 will have management that optimizes the value and function of
9 these areas of native habitat.

10 (3) There will be an average 100-foot setback from the State Preserve
11 and an average 50-foot setback adjacent to wetlands.

12 (4) Internal roadways will be used to inter-connect separate
13 development pods and will be constructed with wildlife crossings in
14 areas where they cross wildlife corridors. The designs, sizes, and
15 locations of these crossings will be coordinated with County and
16 coordinated and approved by staff from the Florida Fish and
17 Wildlife Conservation Commission (FWC) and the US Fish and
18 Wildlife Service. Internal roadways may be constructed across and
19 through primary flow-ways, as long as the hydrological and wildlife
20 corridor functions are maintained through the crossings. The
21 number of such roadways, not including pedestrian boardwalks and
22 bike, electronic cart, hiking, and equestrian trails (paved or

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- 1 otherwise), shall be the minimum necessary for safe and efficient
2 public accessibility between development pods.
- 3 (5) Roadway layouts in the wildlife corridors will be designed to reduce
4 traffic speeds and minimize the risk of vehicle/wildlife collisions.
5 Traffic calming devices will be employed where appropriate, but will
6 not serve as a substitute for wildlife under crossings or over
7 crossings.
- 8 (6) Littoral shelves will be constructed within lake systems and will
9 provide additional foraging areas for wildlife. Littoral shelves will be
10 provided along a minimum of ten percent (10%) of the length of the
11 shoreline of each such lake. Littoral shelves will be designed to
12 mimic the functions of natural systems by establishing shorelines
13 that are sinuous in configuration in order to provide increased
14 length and diversity of the littoral zone. Where appropriate, specific
15 littoral shelf planting areas will be established to provide feeding
16 areas for water dependent avian species. Developer will ensure
17 that recorded restrictions on the Property prohibit the removal of
18 littoral shelf plants, unless replaced with similar plants.
- 19 (7) Site lighting standards will be modeled after the International Dark-
20 Sky Association or similar guidelines. Street lighting will use
21 mechanisms to reduce light pollution such as full shield cut-offs to
22 prohibit light from shining upward, low intensity lighting and other
23 acceptable techniques. Greenways, conservation areas and

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1 undeveloped areas bordering these areas where there are unpaved
2 trails will be unlit, or lit to the extent necessary for safety reasons
3 only during periods of designated use.

4 (8) Golf courses will be designed to comply with the goals of the
5 Audubon International Signature Program – Silver Level
6 certification program, with best management practices developed
7 by the Florida Department of Environmental Protection under
8 Section 403.067, F.S. (2005), or with other equivalent certification
9 programs or equivalent best management practices.

10 (9) During the construction process, appropriate measures will be
11 taken to minimize impacts to preserved wetlands and to water
12 quality. Wetland and upland buffer areas to be preserved will be
13 clearly marked in the field to avoid damage of and intrusion into
14 protected areas. Appropriate construction Best Management
15 Practices will be employed. Prior to commencement of construction
16 near preserved wetlands, including proposed water control
17 structures, erosion control devices will be installed to control and
18 reduce soil erosion, sediment transport and turbidity. Such devices
19 (e.g., silt fencing, temporary sediment traps, impoundment areas to
20 control excessive discharges, etc.) will remain in place throughout
21 the duration of construction in an area until construction zones and
22 surrounding areas are stabilized.

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- 1 (10) Erosion control methods/devices used during construction will
2 generally conform to applicable standards set forth in FDER's "The
3 Florida Development Manual: A Guide to Sound Land and Water
4 Management," Sections 6-301 through 6-500 of Chapter 6: "Storm
5 Water and Erosion Control Best Management Practices for
6 Developing Areas; Guidelines for Using Erosion and Sediment
7 Control Practices," (ES BMP 1.011.67. FDER, Tallahassee, FL
8 1988).
- 9 (11) Freshwater marsh creation areas will be over excavated and
10 backfilled to final grade with organic soils. Tree, shrub, and prairie
11 planting areas will have topsoil furloughed from the grading area or
12 organic mulch added to achieve final grade.
- 13 (12) Two hydrologic improvement projects are proposed, one in Curry
14 Canal and one on the west side of Telegraph Swamp and
15 southeast of Hamlet II. At a minimum, each project will have new
16 or modified water control structure(s).
- 17 (13) The Developer has prepared an environmental sustainability plan
18 for the Property which calls for protecting environmentally sensitive
19 wetlands and uplands areas, providing for mitigation of certain
20 disturbed areas, enhancing preservation areas, preserving
21 agricultural areas, establishing Greenways and public recreation
22 and environmental education programs. As part of the Developer's
23 implementation plan, the Developer will utilize conservation

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1 easements as set forth below. Areas in the Developer's
2 plan identified for mitigation will be included in the ERP for
3 placement under a conservation easement. Wetland Areas in the
4 Developer's plan which are not impacted by the project will be
5 protected by a conservation easement. Existing agricultural uses
6 located within the project but which are outside of the development
7 areas shown on Map H will be placed under a conservation
8 easement which will allow for the continuance of agricultural
9 operations. The upland enhancement and preservation areas
10 identified in the Developer's plan will be placed under conservation
11 easements. Acreages referenced in the Developer's plan are
12 subject to change based on future permitting considerations. All
13 required easements will be granted to the SFWMD or other
14 appropriate governmental entity with a compliance monitoring staff.
15 Easements not required by a condition of an environmental permit
16 may be granted to an appropriate governmental entity or to a non-
17 profit charitable entity that exists for the purpose of holding land for
18 conservation purposes with a compliance monitoring staff. The
19 recording of the conservation easements will be phased concurrent
20 with various AIDA's, construction, and plat approvals.

- 21 (14) (a) To the maximum extent reasonably practicable, above-
22 ground and underground utility lines (e.g., water, sewer,
23 electric, gas, telephone, cable, electronic, etc.) will be

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1 located within or adjacent to roadway corridors on the
2 Property. Where this is not practicable, Developer shall
3 consult with County and the pertinent utility to establish a
4 location which minimizes to the maximum degree reasonably
5 practicable impacts on upland enhancement and
6 preservation areas.

7 (b) With respect to the location of major utility transmission lines
8 on the Property, Developer will consult with County and the
9 pertinent utility prior to such location in an effort to minimize
10 impacts from such lines on environmental resources located
11 on the Property.

12 (c) Nothing herein shall preclude the location of utility or
13 transmission lines within the north/south "Limited
14 Transportation, Pedestrian and Utility Corridor" shown on
15 Exhibit "B" hereto.

16 (15) BRC greenways will be maintained in their natural state and kept
17 free of refuse and debris. Category I exotic plant pests as defined
18 by the Florida Exotic Pest Plant Council (EPPC) and as set forth in
19 Exhibit "E" attached hereto and made a part hereof will be
20 controlled to ninety-five percent (95%) occurrence (except for
21 torpedo grass, *Panicum repens*, and cogon grass, *Imperata*
22 *cylindrica*, that will be controlled to a ninety percent (90%)
23 occurrence) in non-agricultural greenway areas. Category II pest

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1 plants, as set forth in Exhibit "E" hereto, and other plants reaching a
2 problematic, invasive level will also be controlled to reasonable and
3 achievable levels in non-agricultural greenway areas. Maintenance
4 of these preserve areas will be conducted in perpetuity consistent
5 with state, local, and federal government environmental permit
6 approvals.

7 (16) The prescribed fire plan for BRC will be a program that mimics the
8 natural fire cycle for the various habitat types identified within the
9 mitigation and preserve areas. Prescribed burning will be planned
10 and carried out by a Certified Prescribed Burn Manager (as
11 licensed by the Florida Division of Forestry) and experienced fire
12 crew.

13 (17) The Developer shall dedicate a one (1) acre site and provide a
14 3,000 square feet, pre-fabricated, shell building to County for
15 mosquito control operations use pursuant to the schedule shown on
16 Exhibit "D" hereto.

17 B. Other Conditions.

18 (1) Integrated Pest Management ("IPM") will be utilized in BRC. IPM
19 will involve the monitoring of sites for pest related problems,
20 determining when a problem needs attention and taking appropriate
21 action with the least amount of environmental impact. IPM will
22 maximize the use of biological controls (i.e., bat houses, etc.),
23 organic pest control methods, insecticidal soaps, and fish oils

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1 beneficial to lowering the environmental impact of pest control.
2 Property and homeowner education will also be an IPM component
3 within the Community.

- 4 (2) All USFWS and FWC threatened and endangered species
5 management plans ("T&E Plans") for the documented listed
6 species including Florida panther (*Puma concolor coryi*) (E), wood
7 stork (*Mycteria americana*) (E), beautiful pawpaw
8 (*Deeringothamnus pulchellus*) (E), Florida sandhill crane
9 (*Gruscanadenis pratensis*) (T), Eastern indigo snake (*Drymarchon*
10 *corais couperi*) (T), little blue heron (*Egretta caerulea*) (SSC),
11 snowy egret (*Egretta thula*) (SSC), tricolored heron (*Egretta*
12 *tricolor*) (SSC), white ibis (*Eudocimus albus*) (SSC), gopher tortoise
13 (*Gopherus polyphemus*) (T), American alligator (*Aligator*
14 *mississippiensis*) (SSC), Audubon's crested caracara (*Polyborus*
15 *plancus audubonii*) (T), roseate spoonbill (*Platalea ajaja*) (SSC),
16 Sherman's fox squirrel (*Sciurus niger shermani*) (SSC) and Florida
17 burrowing owl (*Athene cunicularia floridana*) (SSC) approved at the
18 time of issuance of this Development Order are incorporated by
19 reference herein and made a part hereof. Any additional species
20 which are listed after the issuance of this Development Order and
21 which are documented in an AIDA shall have a T&E Plan
22 developed and approved by USFWS and FWC and said plan shall

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1 be incorporated by reference as a condition of the particular
2 incremental development order.

3 (3) The SFWMD issued Permit Number 08-00119-P on July 6, 2006,
4 which includes certain authorizations and permit conditions, in
5 accordance with its jurisdiction over such matters and the Property.
6 Developer has committed to follow this permit and its conditions,
7 which is a separate and enforceable legal document in accordance
8 with its terms. Compliance with this permit, as it may be amended
9 from time to time, addresses mitigation of certain impacts of the
10 BRC development. Such permit is issued under the authority of an
11 agency other than County and, therefore, shall be subject to
12 enforcement by the issuing agency. County will assist said agency,
13 if requested, in monitoring Developer's compliance with the
14 conditions of said permit. Developers' successors-in-interest and
15 assigns are hereby placed on notice of this permit and its potential
16 application to development which they may propose to undertake
17 within BRC.

18 (4) The United States Army Corps of Engineers issued Permit Number
19 SAJ-1992-264(NW-TWM) on May 22, 2006, which includes certain
20 authorizations and permit conditions, in accordance with its
21 jurisdiction over such matters and the Property. Developer has
22 committed to follow this permit and its conditions, which is a
23 separate and enforceable legal document in accordance with its

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1 terms. Compliance with this permit, as it may be amended from
2 time to time, addresses mitigation of certain impacts of the BRC
3 development. The permit is issued under the authority of an
4 agency other than County and, therefore, is subject to enforcement
5 by the issuing agency. County will assist said agency, if requested,
6 in monitoring Developer's compliance with the conditions of said
7 permit. Developers' successors-in-interest and assigns are hereby
8 placed on notice of this permit and its application to development
9 which they may propose to undertake within BRC.

- 10 (5) The United States Army Corps of Engineers issued Permit No.
11 SAJ-2006-6656 (IP-MJD) which includes certain authorizations and
12 permit conditions, in accordance with its jurisdiction over such
13 matters and the Property. Developer has committed to follow this
14 permit and its conditions, which is a separate and enforceable legal
15 document in accordance with its terms. Compliance with this
16 permit, as it may be amended from time to time, addresses
17 mitigation of certain impacts of the BRC development. The permit
18 is issued under the authority of an agency other than County and,
19 therefore, is subject to enforcement by the issuing agency. County
20 will assist said agency, if requested, in monitoring Developer's
21 compliance with the conditions of said permit. Developers'
22 successors-in-interest and assigns are hereby placed on notice of

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1 this permit and its application to development which they may
2 propose to undertake within BRC.

- 3 (6) The SFWMD issued Permit No. 08-00004-S-05 (Application No.
4 070330-5) to Developer for a conceptual ERP in accordance with
5 its jurisdiction over such matters and the Property. Developer will
6 follow the authorizations and permit conditions, which is a separate
7 and enforceable legal document in accordance with its terms.
8 Compliance with this permit, as it may be amended from time to
9 time, addresses mitigation of certain impacts of the BRC
10 development. The permit is issued under the authority of an
11 agency other than County and, therefore, is subject to enforcement
12 by the issuing agency. County will assist said agency, if requested,
13 in monitoring Developer's compliance with the conditions of said
14 permit. Developers' successors-in-interest and assigns are hereby
15 placed on notice of this permit and its application to development
16 which they may propose to undertake within BRC.

17 C. Incremental Review.

- 18 (1) The threatened and endangered species management plan ("T&E
19 Plan") is that plan for threatened and endangered species provided
20 for in the ERP and United States Army Corps of Engineers Permit
21 ("ACOEP") for Babcock Charlotte.
- 22 (2) The incremental review will address compliance of the increment
23 with the T&E Plan. It will also address the detailed plan to protect

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1 any wetlands in the increment or to mitigate for proposed impacts
2 on such wetlands. Upland habitats of threatened and endangered
3 species (not including species addressed in the Biological Opinion
4 of the U.S. Fish and Wildlife Service for Babcock Charlotte) which
5 are not addressed by the T&E Plan shall also be addressed in the
6 AIDA to maintain such habitats to the extent practicable with the
7 development planned for those areas, or to relocate affected listed
8 species to other appropriate habitat.

9 (3) The incremental review will include an assessment of any pertinent
10 information developed pursuant to a condition of the Master DRI
11 development order which has been developed since the Master
12 DRI development order was issued in order to determine if that new
13 information shows that a change in the T&E Plan is needed in order
14 to provide the same level of protection, remediation, or mitigation
15 that is contemplated in the Master DRI development order.

16 (4) Each AIDA shall identify the number of acres to be contained in the
17 increment with respect to each of the following Greenway
18 categories and the percentage of the total of each and shall include
19 a companion map:

- 20 (a) Greenway acreage not under conservation easements
21 (i) agricultural lands
22 (ii) non-agricultural lands
23 (b) Greenway acreage under conservation easements

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- 1 (i) wetland conservation
 - 2 (ii) wetland enhancement
 - 3 (iii) upland conservation
 - 4 (iv) agriculture
- 5 (5) Each AIDA shall identify any conservation easements over
6 wetlands and uplands which have been delivered.
- 7 (6) Each AIDA shall include a copy of any wildlife survey which has
8 been conducted pursuant to an ERP or ACOEP since the last AIDA
9 was filed.
- 10 (7) Each AIDA shall provide an updated Greenway Map.
- 11 (8) Each AIDA including roadway within a wildlife corridor will detail the
12 roadway design features to be employed with regard to surface
13 material, lighting, signage, access, and speed limits. The existing
14 unpaved North/South road corridor located along the east Property
15 line may serve as a transportation, pedestrian, and utility (e.g.
16 wells, lift stations, transformers, pump stations, associated lines
17 and infrastructure for water, wastewater, gas, electric, cable,
18 electronic, etc.) corridor consisting of not more than 120 feet in
19 width with a maximum speed limit of 20mph. The existing
20 North/South road shall not be modified beyond its current existing
21 maximum width, nor paved, unless such modification has been
22 considered in an AIDA review and approved in an Incremental
23 development order, or has been reviewed and approved pursuant

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1 to a Notification of Proposed Change ("NOPC") to a development
2 order.

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1 **7. WASTEWATER MANAGEMENT AND WATER SUPPLY**

2 **A. Representations and Commitments as Conditions**

3 (1) Low Flow Fixtures: Low volume plumbing fixtures will be installed
4 in all new homes and businesses. The plumbing fixtures will
5 comply with the following maximum flow volumes at 80 psi:

6 Toilets: 1.6 gallons per flush

7 Shower heads: 2.5 gallons per minute

8 Faucets: 2.0 gallons per minute

9 (2) Customer billing by Town and Country Utilities Company will be
10 based on the use of water conservation-based rate structures.

11 (3) Leak Detection: Town and Country Utilities Company will
12 implement leak detection programs in the event water losses
13 exceed 10 percent. Site tours and routine maintenance personnel
14 trips along water supply and distribution lines will also be
15 conducted. On a monthly basis, metered usage will be compared
16 to the master potable supply meter reading.

17 (4) Town and Country Utilities Company will distribute literature to
18 households describing water conservation practices.

19 (5) Drought-Tolerant Landscaping: The use of native landscaping and
20 the Florida Yards and Neighborhoods Program principles will be
21 incorporated throughout the project site.

22 (6) Reuse Water: Irrigation water will utilize reclaimed water produced
23 by the water reclamation facility. During times when irrigation

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1 demand exceeds reclaimed water supply, irrigation water will be
2 derived from the on-site lake system. The lake system will be
3 replenished with ground water.

4 (7) Leak Detection Program: Reports of water leaks will be directed to
5 personnel during business hours. Site tours and routine
6 maintenance personnel trips along water supply and distribution
7 lines will also be conducted. On a monthly basis, customer
8 metered usage will be compared to the master meter reading.

9 (8) Irrigation System Design: Rain sensors and/or soil moisture
10 sensors are required for irrigation systems within the project site in
11 order to preclude irrigation during rainfall events. The project will
12 install low flow irrigation systems for common areas where
13 reasonably practicable.

14 (9) Fertilization Program: Written fertilization guidelines will be
15 developed that establish standards for all common area fertilization
16 and guidelines for individual property owners. The guidelines will
17 comply with SWFRPC Resolution 2007-1 to the extent adopted by
18 County and as it may be modified by County from time to time,
19 except that reuse irrigation water may be applied within 25 feet of a
20 wetland or water body. The program will be based on the results of
21 soil samples, water sources, drainage patterns, and the landscape
22 planned. This program will be designed to provide sufficient
23 nutrition to sustain density and vigor for the landscape plantings

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1 intended for the Community that will enhance their resistance to
2 disease, weeds, and insects. Education of residents and
3 landscape maintenance contractors will be included in the program.
4 The program standards will include an annual schedule for
5 applications of controlled release and slow release fertilizers. The
6 program will also identify appropriate buffer requirements for all
7 areas on the site with respect to wetlands and all natural or created
8 bodies of water. The above fertilization program does not eliminate
9 the requirement of compliance with any County fertilizer ordinance.

10 (10) Various types of on-site wastewater treatment systems may be
11 used permanently at the plant nursery, the North Babcock Area,
12 restroom facilities in the project's trail system, and the mining office.
13 Pursuant to F.S. 381.0065(4), as may be amended, an operating
14 permit must be obtained prior to the use of any aerobic treatment
15 unit or if the establishment generates commercial waste. Buildings
16 or establishments that use an aerobic treatment unit or generate
17 commercial waste will be subject to annual inspections by the State
18 Department of Health to assure compliance with the terms of the
19 operating permit. Any currently permitted uses of such systems
20 may continue pursuant to existing, modified, and renewed permits.

21 (11) On-site wastewater treatment systems may be utilized at selected
22 locations such as construction trailers, sales centers, and other
23 non-residential facilities where centralized sewer is not currently

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1 available. Each of these non-permanent systems must be licensed
2 as in paragraph (10) above and may continue to be used for five (5)
3 years from the date of installation of each system and thereafter
4 must be abandoned in accordance with state and County
5 regulations. Notwithstanding the foregoing, models, sales centers
6 and associated construction trailers may be extended on an annual
7 basis as needed and such consent by County shall not be
8 unreasonably withheld.

9 (12) Bio-solids may be converted into a Class AA residual that may be
10 used as a slow release fertilizer on the site, provided this use meets
11 applicable permitting conditions for the site.

12 B. Other Conditions.

- 13 (1) The proposed water treatment and distribution and wastewater
14 collection and treatment systems will be designed consistent with
15 current County standards.
- 16 (2) All potable water facilities, including any possible on-site potable
17 water treatment plants, will be properly sized to supply average and
18 peak day domestic demand, in addition to fire flow demand, at a
19 flow rate approved by the County Fire Department.
- 20 (3) The lowest quality of water available and acceptable should be
21 utilized for all non-potable water uses.

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- 1 (4) Irrigation systems for new construction will comply with County's
2 irrigation and landscaping ordinance, as may be amended from
3 time to time.
- 4 (5) Town and Country Utilities Company or its successor or assigns will
5 provide water, wastewater, and reclaimed water to BRC.
- 6 (6) SFWMD issued Permit Number 08-00122 W, in October 2007,
7 which includes certain authorizations and permit conditions, in
8 accordance with its jurisdiction over such matters and the Property.
9 Developer has committed to follow this permit and its conditions,
10 which is a separate and enforceable legal document in accordance
11 with its terms. Compliance with this permit, as it may be amended
12 from time to time, addresses mitigation of certain impacts of the
13 BRC development. Such permit is issued under the authority of an
14 agency other than County and, therefore, shall be subject to
15 enforcement by the issuing agency. County will assist said agency,
16 if requested, in monitoring Developer's compliance with the
17 conditions of said permit. Developers' successors-in-interest and
18 assigns are hereby placed on notice of this permit and its potential
19 application to development which they may propose to undertake
20 within BRC.
- 21 (7) Developer may apply for a permit(s) from the SFWMD for non-
22 potable (landscape irrigation) withdrawals, in accordance with its
23 jurisdiction over such matters and the Property. Upon issuance,

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1 Developer will follow the authorizations and permit conditions,
2 which will be a separate and enforceable legal document in
3 accordance with its terms. Compliance with this permit, as it may
4 be amended from time to time, will address mitigation of certain
5 impacts of BRC development. Such permit will be issued under the
6 authority of an agency other than County and, therefore, shall be
7 subject to enforcement by the issuing agency. County will assist
8 said agency, if requested, in monitoring Developer's compliance
9 with the conditions of said permit. Developers' successors-in-
10 interest and assigns are hereby placed on notice of this permit
11 application and its potential application to development which they
12 may propose to undertake within BRC.

13 C. Incremental Review.

- 14 (1) The AIDA which includes the North Babcock Area shall identify the
15 water and wastewater treatment option(s) which will be employed in
16 the North Babcock Area.
- 17 (2) Each AIDA shall include an updated Primary Utility Corridor map.
- 18 (3) Each AIDA shall identify the source of water for the Increment and
19 the service provider.
- 20 (4) Each AIDA shall identify the service provider and the type(s) of
21 wastewater treatment system(s) to be used in the Increment and
22 their duration(s) of use.

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- 1 (5) A centralized wastewater treatment system, in the form of package
2 plants, shall be limited to 1.5 MGD (not including wastewater
3 treatment options[s] which will be employed in the North Babcock
4 Area).
- 5 (6) Package plants shall be bonded to ensure that planned conversion
6 to a permanent centralized wastewater treatment system will be
7 funded. Prior to approval of the applicable Incremental
8 development order, County and Developer shall devise a
9 methodology to determine bonding requirements to maintain and
10 operate the package plants in the event of abandonment, which
11 shall include a bond amount based upon the differential between
12 the anticipated revenue generated from the then current County
13 utility rates and the anticipated cost to operate and maintain said
14 package plants for fifteen (15) years from the date of construction.
15 Such bond shall be released upon the construction of the
16 permanent centralized wastewater system discussed below.
- 17 (7) During the appropriate Increment, Developer shall submit plans for
18 the permanent centralized water and/or wastewater treatment
19 plants or portions thereof (not including the package plants
20 provided above) to County. County shall have thirty (30) days to
21 review said plans for compliance with County standards and to
22 provide comment on the plans compliance with County standards
23 to Developer. Developer shall have thirty (30) days to review and

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1 respond to County's comments. County shall then have thirty (30)
2 days to review Developer's comments and to provide Developer
3 with any additional comments regarding the plans compliance with
4 County standards.

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1 **8. HISTORICAL AND ARCHEOLOGICAL SITES**2 A. Representations and Commitments as Conditions - No relevant
3 provisions.4 B. Other Conditions.5 (1) A Cultural Resources Survey was prepared and approved by the
6 Florida Department of State, Division of Historical Resources
7 ("DHR"). No cultural resources eligible for listing on the National
8 Register of Historic Places were identified within the BRC, and the
9 development is unlikely to affect historic properties. If any
10 archaeological/historical resources are discovered during the
11 development activities, all work that might cause damage to such
12 resources shall cease immediately, and the Developer shall contact
13 the DHR, SWFRPC, and County so that a state-certified
14 archaeologist can determine the significance of the findings and
15 recommend appropriate preservation and mitigation actions, as
16 necessary.17 (2) When County establishes a local register of historical sites, any
18 sites in BRC which qualify for listing on the local register will be
19 listed. Any protection of such resources will be subject to
20 agreement between Developer and County.21 (3) By the end of the second DRI Increment, Developer will establish a
22 permanent display of the history of the Babcock Ranch, including
23 but not limited to the railroad and telegraph facilities.

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1 C. Incremental Review. – None.

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1 **9. EDUCATION**

2 A. Representations and Commitments as Conditions.

3 The Developer shall dedicate five school sites on the Property: three
4 elementary schools (20 acres each), one middle school (30 acres), and
5 one high school (50 acres), and an educational service center (25 acres).
6 Site acreages are net developable acres exclusive of jurisdictional
7 wetlands and listed species habitat areas. These sites will be delivered on
8 the schedule set forth in Exhibit "D", attached hereto, as that schedule
9 may be revised by agreement of Developer and the Charlotte County
10 School Board.

11 B. Other Conditions. Public facilities such as parks, libraries, and community
12 centers shall be co-located with schools to the extent reasonably
13 practicable. Elementary schools shall be encouraged as focal points for
14 neighborhoods.

15 C. Incremental Review. Developer shall provide anticipated student
16 generation numbers as part of an AIDA using student generation rates
17 contained in the Student Impact Analysis form.

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1 **10. POLICE AND FIRE**

2 A. Representations and Commitments as Conditions.

3 (1) District shall construct the shells of the law enforcement and
4 fire/rescue buildings. The term "shell" means site preparation,
5 foundations, laying of all utilities, exterior building structural
6 components (including all exterior windows and doors), interior
7 unfinished load-bearing walls and floors, stairs, elevators, and
8 general building MEPF (mechanical, electrical, plumbing, and fire)
9 systems, but not including MEPF systems specific to a floor plan
10 layout. The building shells may be constructed in phases. The
11 building shells shall be completed by District and turned over to
12 County on the schedule set forth in Exhibit "D" attached hereto.
13 Until the turnover to County, District shall be responsible for
14 maintenance of the building shells and the associated building
15 landscaping and any costs of operations elected by District to be
16 incurred prior to said turnover(s). If the District elects to operate
17 any such buildings prior to turnover to County, County will consider
18 an operational contract with District. The Developer or District shall
19 be reimbursed from the impact fees, but only up to the amount of
20 the impact fees collected from the Development (not including any
21 interest earned by County), for the design and construction costs of
22 those buildings and the costs of all associated infrastructure; i.e.,
23 water, sewer, paving, drainage, landscaping, lighting, signage, etc.

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1 (collectively the "Costs"), but not for the sites. District shall be
2 reimbursed by County from funds other than impact fees collected
3 from the Development for the Costs of any portion of a building
4 requested by County which is in excess of that required by County
5 standards to satisfy the demand for the building created by the
6 Development Program.

- 7 (2) Site acreages are net developable acres exclusive of jurisdictional
8 wetlands and listed species habitat areas. The sites shall be
9 conveyed with exotic pest plants removed, infrastructure provided,
10 and on a schedule set forth in Exhibit "D" attached hereto.

11 B. Other Conditions.

- 12 (1) The fire flows required for the BRC will be provided. Adequate
13 system storage and pumping capacity will be installed to provide
14 the required flows. Distribution system pipes will be sized to deliver
15 the fire flows to the buildings to meet the requirements of the
16 National Fire Protection Association.
- 17 (2) As the development of the project progresses, the Developer will
18 coordinate with the Sheriff's Office prior to or during site plan review
19 regarding security measures and features that will likely deter
20 criminal activity in the BRC.
- 21 (3) Four sites totaling 10.25 acres will be dedicated for police and/or
22 fire rescue operations and for a communications tower. Site
23 acreages are net developable acres exclusive of jurisdictional

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1 wetlands and listed species habitat areas. The Sheriff's facility will
2 be co-located within a central fire/rescue building on a 5.75 acre
3 site along with the fire and police communications tower on that
4 site. Any additional acres requested by County for such operations
5 will be subject to payment by County pursuant to a purchase
6 contract negotiated between Developer and County.

7 (4) The District shall place an interim fully operational double-wide
8 trailer at least 24 feet in width and 60 feet in overall length as the
9 first Sheriff's Sub-Station next to the existing fire station located on
10 SR 31 which will utilize the utilities serving the existing fire station.

11 (5) An EMS vehicle will be provided by Developer pursuant to the
12 schedule in Exhibit "D" hereto. The housing of that vehicle will be
13 the responsibility of County.

14 (6) The public purpose buildings and sites shall be subject to the land
15 development regulations and architectural guidelines established
16 for the Property.

17 (7) All law enforcement, fire, and EMS impact fees collected from the
18 Development (not including any interest earned by County) shall be
19 provided to District in the form of reimbursements.

20 (8) Babcock is intended to be a "Firewise" community and will employ
21 "Firewise" principles where appropriate. The County's Office of
22 Emergency Management will cooperate with and assist the District
23 in this endeavor.

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1 C. Incremental Review.

2 (1) Each AIDA shall include an updated Exhibit "D" schedule.

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1 **11. SOLID/HAZARDOUS/MEDICAL WASTE**2 A. Representations and Commitments as Conditions. – None.3 B. Other Conditions.4 (1) The project shall be bound by all applicable recycling requirements
5 in effect in the County at the time of the development, and all solid
6 waste shall be disposed of by a waste hauler licensed by the State
7 of Florida.8 (2) Any buildings where hazardous materials, or waste, is to be used,
9 displayed, handled, generated or stored shall be constructed with
10 impervious floors with adequate floor drains leading to separate
11 impervious holding facilities that are adequate to contain and safely
12 facilitate cleanups of any spill, leakage, or contaminated water.13 (3) Discharge of hazardous waste effluent into the sewage system
14 shall be prohibited unless approved by permit issued by FDEP.
15 There shall be no discharge of hazardous waste or of medical
16 wastes from medical facilities into septic tanks.17 (4) Any business within the BRC that generates hazardous waste will
18 be responsible for the temporary storage, siting and proper disposal
19 of the hazardous waste generated by such business. However,
20 there will be no siting of hazardous waste storage facilities contrary
21 to the County zoning regulations. There shall be no disposal of
22 hazardous waste within the BRC.

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- 1 (5) Any off-site disposal of hazardous waste will be the responsibility of
2 the business that has generated the hazardous waste subject to all
3 applicable local, state, and federal regulations.
- 4 (6) Restaurant operators will be required to comply with the County's
5 grease trap ordinance that requires routine maintenance of the
6 grease removal system.
- 7 (7) The responsibility for disposing of medical and hazardous waste
8 lies with the waste generator in accordance with local, state and
9 federal law.
- 10 (8) Any commercial operations that routinely handle extremely
11 hazardous chemicals (such as the water and wastewater treatment
12 facilities, hospitals and golf courses) will be required to comply with
13 OSHA and NFPA fire and life safety requirements as well as all
14 other local, state, and federal requirements.
- 15 (9) Natural gas is identified as a source of energy for the development.
16 The Developer will meet with the Charlotte County Fire &
17 Emergency Medical Services Department to advise it of the location
18 of gas lines prior to installing such lines.
- 19 (10) All grease traps will be required to comply with local and state
20 codes. The wastewater from these grease traps will be sent to a
21 centrally located wastewater treatment facility, designed to comply
22 with the applicable effluent quality requirements. The captured
23 grease will be hauled off by a licensed hauler.

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1 C. Incremental Review.

2 (1) Each AIDA will indicate whether or not the proposed Increment will
3 be part of the County's Sanitation District, and if not, what other
4 option will be used. Each AIDA will include a letter from the service
5 provider that collection will be provided and a letter of availability
6 regarding landfill capacity for the proposed Increment.

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1 **12. AIR**2 **A. Representations and Commitments as Conditions.**3 Dust prevention on development sites will employ wet or other
4 suppression options consistent with applicable NPDES requirements.5 Unpaved roads will be watered as needed. Paving of roads will be
6 performed as early in the construction schedule as is reasonably possible.7 **B. Other Conditions.**8 BRC shall comply with any applicable FDEP regulations regarding air
9 quality.10 **C. Incremental Review. – None.**11 **REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY**

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1 **13. HURRICANE PREPAREDNESS**2 **A. Representations and Commitments as Conditions.**

3 The District will build the shells of community center civic buildings and
4 certain portions of public school buildings on the Property to hurricane
5 building standards per American Red Cross publication #4496, and said
6 buildings will be equipped with emergency generators.

7 **B. Other Conditions.**

8 (1) District shall develop a hurricane preparation and shelter
9 information program for the residents of the Property which will
10 include annual awareness communications to residents. The
11 appropriate County departments dealing with emergency
12 preparedness will cooperate with and assist the District in the
13 development of this program. A copy of the information program
14 shall be provided to County prior to the first residential closing.

15 (2) To encourage sheltering in place, hurricane window protection shall
16 be offered as an option to the initial purchasers of single-family
17 residences in BRC.

18 **C. Incremental Review. – None.**

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1 **14. OPEN SPACE, PARKS, AND LIBRARY**

2 A. Representations and Commitments as Conditions.

3 (1) Developer agrees to provide a minimum of thirty-five (35%) percent
4 of the gross acreage of the BRC as open space. "Open Space"
5 shall consist of the Primary Greenway Plan, non-residential
6 vegetated green space (including, but not limited to, community
7 supported agriculture and community gardening), lakes and ponds
8 not engineered for stormwater, lakes and ponds engineered for
9 stormwater with general public access, hiking trails, greenways,
10 bike paths, upland and wetland areas. Active uses such as ball
11 fields, golf courses and other related recreation uses can be
12 counted toward Open Space, but only 50% of the area can be
13 utilized for calculation purposes.

14 (2) BRC will provide 19.5 acres of mini-parks, 58.4 acres of
15 neighborhood parks, and 177.9 acres of community/regional parks,
16 totaling 255.8 acres, as well as other open space areas within
17 neighborhoods, which will exceed the expected demand created by
18 BRC. As set forth on Exhibit "D" attached hereto, the community
19 and regional park buildings and parks site improvements are
20 required by the issuance of the 5,900th dwelling unit certificate of
21 occupancy. Each neighborhood park with pavilion and restrooms
22 will be required by the issuance of the 500th dwelling unit certificate
23 of occupancy within each of the neighborhoods.

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- 1 (3) One site totaling 15 acres will be dedicated for a library. Site
2 acreage is net developable acres exclusive of jurisdictional
3 wetlands and listed species habitat. Developer shall be required to
4 fund the construction of a 24,000 square foot library shell building.
5 The County may desire to construct a library facility totaling 40,000
6 square feet. The County and the Developer agree to cooperate
7 with respect to the design, construction and funding of this library
8 facility. Developer shall fund the library shell building costs for
9 24,000 square feet and the County shall fund the construction of
10 the library shell building costs for 16,000 square feet, in addition to
11 the construction completion of the library facility herein. Phase I of
12 the library to be provided by the issuance of the 10,000th dwelling
13 unit certificate of occupancy, and Phase II of the library to be
14 provided by the issuance of the 15,000th dwelling unit certificate of
15 occupancy as shown on the schedule in Exhibit "D".
- 16 (4) The parks and library sites shall be conveyed with exotic pest
17 plants removed and infrastructure provided.
- 18 (5) District shall construct the shells of the public purpose buildings
19 (including park and library facilities). The term "shell" means site
20 preparation, foundations, laying of all utilities, exterior building
21 structural components (including all exterior windows and doors),
22 interior unfinished load-bearing walls and floors, stairs, elevators,
23 and general building MEPF (mechanical, electrical, plumbing, and

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1 fire) systems, but not including MEPF systems specific to a floor
2 plan layout. The building shells shall be completed by District and
3 turned over to County on the schedule shown on Exhibit "D"
4 attached hereto. Until the turnover to County, District shall be
5 responsible for maintenance of the building shells and the
6 associated building landscaping and any costs of operations
7 elected by District to be incurred prior to said turnover(s). If the
8 District elects to operate any such buildings prior to turnover to
9 County, County will consider an operational contract with District.
10 The Developer or District shall be reimbursed from the impact fees,
11 but only up to the amount of the impact fees collected from the
12 Development (not including any interest earned by County), for the
13 design, construction, and permitting costs of those buildings and
14 the costs of all associated infrastructure; i.e., water, sewer, paving,
15 drainage, landscaping, lighting, signage, etc. (collectively the
16 "Costs"), but not for the sites. District shall be reimbursed by
17 County from funds other than impact fees collected from the
18 Development for the Costs of any portion of a building requested by
19 County which is in excess of that required by County standards to
20 satisfy the demand for the building created by the Development
21 Program.

- 22 (6) District or Developer shall prepare the master plans for the park
23 sites in consultation with County and at no cost to the County. The

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1 County shall participate with the design team in development of the
2 master plans.

3 (7) The parks and library buildings and sites shall be subject to the
4 land development regulations and architectural guidelines
5 established for the Property.

6 B. Other Conditions.

7 (1) All landscaped open space areas shall be replanted with native
8 vegetation after construction.

9 (i) Ninety percent (90%) of the trees and ninety percent (90%)
10 of the shrubs installed in public areas will be native plants.

11 (ii) Seventy-five percent (75%) of the total number of required
12 trees and seventy-five percent (75%) of the shrubs installed
13 in privately owned areas will be native plants.

14 (iii) One hundred percent (100%) of the trees and shrubs
15 installed in primary greenways will be native plants.

16 (iv) All plants listed on the Florida Exotic Pest Plant Council's
17 2007 List of Invasive Plant Species Category I and II, as set
18 forth in Exhibit "E" attached hereto and incorporated herein
19 by reference are prohibited for use as landscaping material.

20 (v) Plant material used for landscaping must conform to the
21 standards for Florida Number 1, or better as given in Grades
22 and Standards for Nursery Plants (1998 or latest), and
23 Grades and Standards for Nursery Plants Florida

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1 Department of Agriculture and Consumer Services,
2 Tallahassee, Florida.

- 3 (2) General agricultural operations may be conducted in accord with
4 the Land Development Code.
- 5 (3) The mining lake located immediately west of the northernmost
6 Major Park shown on Map H will be reclaimed in accordance with
7 the approved Reclamation Plan and the County permit upon the
8 cessation of mining in the lake and will be incorporated into the plan
9 for said park (although remaining in District ownership) for park
10 uses, subject to restrictions and requirements of SFWMD and/or
11 other governing agencies, and will be connected to the Greenway.
- 12 (4) The parks and library buildings shall be completed, staffed, and
13 opened by County on the schedule shown on Exhibit "D" attached
14 hereto.
- 15 (5) Public facilities such as parks, libraries and community centers will
16 be co-located with schools to the extent reasonably practicable.
17 Elementary schools will be encouraged as focal points for
18 neighborhoods.
- 19 (6) All parks and library impact fees collected from the Development
20 (not including any interest earned by County) shall be provided to
21 District in the form of reimbursements.

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1 (7) The common recreational areas and common open spaces will be
2 maintained by either a master property owner's association, the
3 District, or a Chapter 190 Community Development District.

4 (8) Vegetated upland areas within conservation areas will be part of
5 the extensive recreational open space system of BRC.

6 C. Incremental Review.

7 (1) Each AIDA shall provide the number of acres of Open Space to be
8 provided in the Increment and the cumulative number with other
9 approved Increments.

10 (2) Each AIDA shall include an updated Exhibit "D" schedule.

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1 **15. HOSPITALS AND HEALTHCARE**

2 A. Representations and Commitments as Conditions. – None.

3 B. Other Conditions.

4 Hospital beds and assisted living facilities may be provided within BRC
5 subject to applicable licensing.

6 C. Incremental Review.

7 Each AIDA shall indicate whether or not a certificate of need has been, or
8 will be, filed for hospital or other healthcare facilities in the proposed
9 Increment.

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1 **16. ENERGY**2 **A. Representations and Commitments as Conditions.**3 (1) All community recreational facilities and businesses will be
4 encouraged to have bicycle parking facilities located closer to the
5 building entrances than non-handicapped parking spaces.6 (2) Developer will evaluate internal transit options, and will implement
7 options determined by the evaluation to be economically viable.8 (3) Window design, as well as other design features such as building
9 orientation, solar roof access, overhangs, shading through
10 landscape or interior shades, porches, free standing walls, fences,
11 louvers, awnings, or shutters will be considered to optimize energy
12 efficiency.13 (4) The material choices for streets, parking lots, sidewalks, and the
14 trail system shall be selected to encourage the reduction of the heat
15 island effect. Alternatives to impervious pavement, and the use of
16 open areas, landscaping and shade trees will be an integral
17 component of the design.18 (5) Lighting for streets, parking, recreation and other public areas
19 should include energy efficient fluorescent/electronic ballasts,
20 photovoltaics, low voltage lighting, motion sensors and/or timers on
21 lighting and full cut-off luminaries in fixtures that comply with the
22 International Dark-Sky Association standards.

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- 1 (6) Water closets will have a maximum water usage of 1.6
2 gallons/flush. Showerheads and faucets will have a maximum flow
3 rate of 2.5 gallons/minute at 80 psi water pressure. Faucet
4 aerators will limit flow rates to 0.5 gallons per minute.
- 5 (7) A primarily native plant pallet to reduce water consumption
6 throughout the community will be used as referenced in Section 14,
7 Open Space, Parks and Library, above. Additionally, Developer will
8 strive to use innovative irrigation technology, such as drip irrigation,
9 moisture sensors, and micro spray heads to reduce irrigation water
10 use.
- 11 (8) All recreational areas as well as the integrated sidewalks, trails, and
12 paths shall include shade trees where design allows.

13 B. Other Conditions.

- 14 (1) Commercial and residential buildings shall comply with the Florida
15 Energy Efficiency Code for Building Construction.
- 16 (2) Site development shall comply with the Florida Green Building
17 Coalition Certification Standards or equivalent green building
18 standards.
- 19 (3) One Zero Energy Home ("ZEH") model will be built to feature and
20 promote net zero energy efficient housing.
- 21 (4) The Developer shall allow potential home buyers to select
22 photovoltaic systems, solar hot water heaters, and other alternative

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1 energy or energy efficient features as an option that is clearly listed
2 in marketing materials.

3 (5) Recognizing that green building, efficient energy alternatives and
4 the integration of existing and future technology is important and
5 rapidly evolving, the Developer shall continue to evaluate
6 alternatives and create a green building program of options
7 available to the homes and businesses to be built in BRC. Specific
8 programs may include, but are not limited to, higher efficiency
9 appliances, higher efficiency HVAC systems, solar hot water
10 heaters, solar pool heaters, programmable thermostats, net
11 metering as allowed by State law (when and if available under the
12 law) and other. Inasmuch as alternative methods of producing and
13 providing energy is also evolving, the Developer shall work with the
14 State and local power suppliers (LCEC and FP&L) and with
15 suppliers of other commercially reasonable technologies, or
16 combinations thereof, with the objective to create practical and
17 affordable energy options to reduce the consumption of non-
18 renewable energy sources and to encourage the use of renewable
19 energy sources within BRC. Developer shall also explore the
20 usefulness and feasibility in Southwest Florida of green roofs (or
21 suitable alternatives) for residential and commercial buildings, to
22 further reduce energy demands. Compliance with this condition
23 shall be shown by including in the biennial reports a summary of

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1 the green building efforts and program to date and the green
2 options made available to homes and businesses.

3 C. Incremental Review. – None.

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1 **17. MINING OPERATIONS**2 A. Representations and Commitments as Conditions.

3 The existing mining operations may be continued during development of
4 the Community consistent with permitting. As mining operations are
5 phased out, mining lakes will be properly reclaimed pursuant to applicable
6 permits.

7 B. Other Conditions. – None.8 C. Incremental Review. – None.

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1 **18. CONSISTENCY WITH THE LOCAL COMPREHENSIVE PLAN**

2 County has determined that the BRC project is consistent with the County
3 Comprehensive Plan.

4 **19. BIENNIAL REPORTS**

5 The Developer, or its successor(s)-in-title to the undeveloped portions of the
6 Property, must submit a biennial report to the County, the SWFRPC and the DEO, on
7 Form RPM-BSP Annual Report – 1. This report must describe the stage of development
8 and the status of compliance with the DRI development order conditions as of the date
9 of submission and be consistent with the rules of DEO. The first monitoring report must
10 be submitted to the DRI Coordinator for SWFRPC, DEO, and County no later than two
11 years after the effective date of this development order. Further reporting must be
12 submitted not later than once every two years for subsequent calendar years thereafter,
13 until Buildout, whether actual or declared. Failure to comply with this biennial reporting
14 procedure is governed by Subsection 380.06(18), Florida Statutes, which provides for
15 the temporary suspension of the DRI development order. The Developer must inform
16 successors-in-title to any undeveloped portion of the real property covered by this
17 development order of this reporting requirement.

18 **20. CHANGED CONDITIONS**

19 If County, during the course of monitoring the development, can demonstrate that
20 substantial changes in the conditions underlying the approval of the development order
21 has occurred or that the development order was based on substantially inaccurate
22 information provided by the Developer, resulting in additional substantial regional
23 impacts, then a substantial deviation shall be deemed to have occurred.

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2 **21. COMPLIANCE MONITORING**

3 The County Administrator, or his or her designee, shall be the local official
4 responsible for assuring compliance with the development order. Monitoring
5 procedures will include County's site plan review and code enforcement procedures,
6 and the Biennial Reports.

7 **22. EXEMPTION FROM DOWNZONING AND DENSITY/INTENSITY REDUCTION**

8 Pursuant to Subsection 380.06(15)(c)3, Florida Statutes, this project is exempt
9 from downzoning, intensity reduction, or unit density reduction until September 9, 2042,
10 unless County can demonstrate that substantial changes in the conditions underlying
11 the approval of the development order have occurred or the development order was
12 based on substantially inaccurate information provided by the Developer or that the
13 change is clearly established by local government to be essential to the public health,
14 safety, or welfare.

15 **23. COMMENCEMENT OF DEVELOPMENT**

16 Development shall commence in accordance with the deadline(s) established in
17 the Incremental development orders.

18 **24. PROJECTED BUILDOUT**

19 The project is being built in Increments. Buildout of the final Increment is
20 projected to occur on or about September 9, 2042 ("Buildout Date").

21 **25. EXPIRATION DATE**

22 The expiration date for this Development Order is March 3, 2044.

January 28, 2014

1 **26. DEVELOPMENT PERMITS**

2 Subsequent requests for development permits shall not require further review
3 pursuant to Section 380.06, Florida Statutes, unless it is found by the Board of County
4 Commissioners of Charlotte County ("Board"), after due notice and hearing, that one or
5 more of the following items listed in Paragraphs A and B is present. Upon such a
6 finding, the Board may take any action authorized by Subsection 380.06(19), Florida
7 Statutes, pending issuance of an amended development order.

8 A. A substantial deviation from the terms or conditions of this development
9 order, a failure to carry out conditions, commitments or mitigation measures to the
10 extent set forth herein or consistent with the timing schedules specified herein or
11 substantial deviation from the approved development plans which create a reasonable
12 likelihood of additional regional impacts or other types of regional impacts which were
13 not previously reviewed by the SWFRPC; or

14 B. An expiration of this development order as provided herein.

15 **27. GENERAL PROVISIONS**

16 The approval granted by this development order is limited. Such approval shall
17 not be construed to relieve the Developer of the duty to comply with all other applicable
18 local, state or federal permitting regulations.

19 A. Developer and County shall work together in a cooperative manner to
20 ensure that the necessary applications to County, the issuance of permits and the
21 conduct of inspections occur expeditiously and that development is not impeded by
22 unnecessary delays associated with such applications, permit issuances, and
23 inspections.

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1 B. It is understood that any reference herein to any governmental agency
2 shall be construed to mean any future entity which may be created or be designated or
3 succeed in interest to, or which otherwise possesses any of the powers and duties of,
4 any referenced governmental agency in existence on the effective date of this
5 development order.

6 C. Appropriate conditions and commitments contained herein may be
7 assigned to or assumed by District.

8 D. If there is a conflict between a provision in this development order and a
9 provision in an ERP, a Consumptive Use Permit ("CUP") or ACOEP, the provision in the
10 ERP, CUP, or ACOEP shall prevail.

11 E. In the event that any portion or section of this development order is
12 determined to be invalid, illegal, or unconstitutional by a court or agency of competent
13 jurisdiction, such decision shall in no manner, affect the remaining portions of this
14 development order which shall remain in full force and effect.

15 F. This development order shall be binding upon the County and the
16 Developer, its assignees or successors-in-interest.

17 G. This development order shall become effective as provided by law.

18 H. Certified copies of this development order shall be provided by the County
19 to DEO and the SWFRPC as provided in Subsection 380.06(25)(g), Florida Statutes.

20 I. This Resolution shall be recorded in the Minutes of the Board.

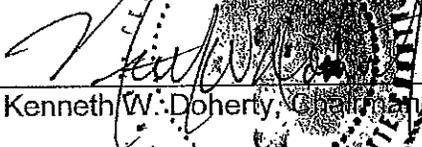
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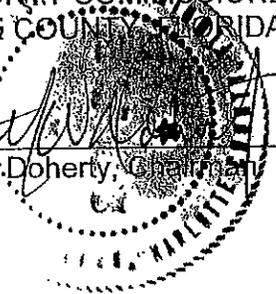
January 28, 2014

PASSED AND DULY ADOPTED this 28TH day of January, 2014.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By:


Kenneth W. Doherty, Chairman



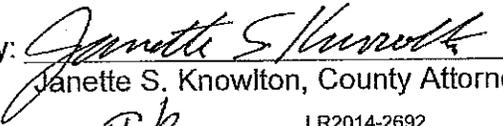
ATTEST:

Barbara T. Scott, Clerk of Circuit
Court and Ex-officio Clerk to the
Board of County Commissioners

By: Michelle DiBernardo
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

By:


Janette S. Knowlton, County Attorney

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1		<u>EXHIBITS</u>
2	Exhibit A	Legal Description
3	Exhibit B	Master Concept Plan (Map H)
4	Exhibit C	Questions to be addressed in AIDA's
5	Exhibit D	Updated Summary of Land Dedications and Facilities
6		Construction
7	Exhibit E	Florida Exotic Pest Plant Council's 2007 List of
8		Invasive Plant Species
9	Exhibit F	Master (Buildout 2035) Roadway Network with Initial
10		Internal Capture Rate – 22% and with Developer's
11		Estimated Community Capture Rate – 60%

EXHIBIT A

January 28, 2014

Legal Description

CHARLOTTE COUNTY PARCEL
 A parcel of land lying within Sections 29, 31 through 33, Township 41 South, Range 26 East, AND, Sections 4 through 10, Section 15 through 17, and Sections 19 through 39, Township 42 South, Range 26 East, Charlotte County, Florida, being more particularly described as follows:

Commence at the Southeast corner of Section 31, Township 42 South, Range 26 East and run S89°41'45"E, along the South line of said Section 31, a distance of 50.00 feet to a point on the East right-of-way line of State Road No. 31; said point also being the Point of Beginning of the parcel of land herein described; Thence continue S89°41'45"E a distance of 5,189.75 feet to the Southwest corner of Section 32, Township 42 South, Range 26 East; Thence S89°41'45"E a distance of 5,306.03 feet to the Southwest corner of Section 32, Township 42 South, Range 26 East; Thence S89°37'16"E a distance of 5,289.11 feet to the Southwest corner of Section 34, Township 42 South, Range 26 East; Thence S89°35'44"E a distance of 5,294.60 feet to the Southwest corner of Section 34, Township 42 South, Range 26 East; Thence S89°35'44"E, along the South line of Section 36, Township 42 South, Range 26 East, a distance of 5,430.86 feet; Thence N0°00'40"W a distance of 10,185.53 feet; Thence N0°46'23"E a distance of 4,058.66 feet; Thence N65°40'38"W a distance of 200.62 feet; Thence S83°12'47"W a distance of 1,373.33 feet; Thence N30°17'53"W a distance of 1,686.63 feet; Thence N70°02'41"W a distance of 1,332.41 feet; Thence S72°42'44"W a distance of 1,430.81 feet; Thence N49°18'31"W a distance of 2,362.25 feet; Thence S69°00'57"W a distance of 1,515.19 feet; Thence S21°08'17"W a distance of 665.44 feet; Thence S20°29'11"E a distance of 1,376.91 feet; Thence N74°33'25"E a distance of 1,635.69 feet; Thence S00°18'50"E a distance of 1,309.92 feet; Thence S49°45'02"W a distance of 4,154.48 feet; Thence N51°39'36"W a distance of 782.63 feet; Thence N0°41'12"E a distance of 1,329.59 feet; Thence N39°20'39"W a distance of 1,776.16 feet; Thence N42°01'35"W a distance of 1,162.84 feet; Thence S52°01'18"W a distance of 818.34 feet; Thence S82°56'46"W a distance of 516.42 feet; Thence S89°55'33"W a distance of 307.20 feet; Thence N80°08'48"W a distance of 334.84 feet; Thence N20°54'51"W a distance of 335.86 feet; Thence N05°03'05"E a distance of 333.36 feet; Thence N22°47'48"E a distance of 5,490.32 feet; Thence N53°42'28"E a distance of 1,057.73 feet; Thence N21°59'06"W a distance of 1,739.17 feet; Thence N32°37'55"E a distance of 867.75 feet; Thence N13°36'57"W a distance of 2,507.33 feet; Thence S78°50'16"W a distance of 687.65 feet; Thence N10°46'25"W a distance of 388.25 feet; Thence N08°01'21"W a distance of 493.32 feet; Thence N03°43'40"E a distance of 647.22 feet; Thence N00°28'20"E a distance of 674.31 feet; Thence N25°12'33"W a distance of 281.13 feet; Thence N42°54'55"W a distance of 643.19 feet; Thence N07°19'57"W a distance of 171.40 feet; Thence N13°05'30"E a distance of 201.66 feet; Thence N32°40'01"W a distance of 186.12 feet; Thence N05°04'15"W a distance of 1,632.77 feet; Thence N19°47'08"W a distance of 527.20 feet; Thence N25°13'22"W a distance of 892.13 feet; Thence S79°08'55"W a distance of 476.20 feet; Thence N74°19'19"W a distance of 1,689.05 feet; Thence N01°26'06"W a distance of 897.42 feet; Thence N89°51'42"W a distance of 67.81 feet; Thence N00°00'03"W a distance of 1,218.37 feet; Thence N39°50'11"W a distance of 180.86 feet; Thence N00°00'29"W a distance of 324.82 feet; Thence N89°39'52"W a distance of 866.20 feet; Thence N00°00'00"E a distance of 1,967.22 feet; Thence N41°13'25"W a distance of 2,625.17 feet; Thence S89°29'57"W a distance of 3,566.80 feet; Thence S00°00'03"E a distance of 2,789.34 feet; Thence S89°11'12"W a distance of 5,966.98 feet to a point on the East right-of-way line for State Road No. 31; Thence along the East right-of-way line for State Road No. 31, the following courses and distances: S00°46'43"E a distance of 2,976.13 feet and S00°34'01"W a distance of 786.25 feet; Thence S89°25'59"E a distance of 4,104.32 feet; Thence S00°01'22"E a distance of 2,084.04 feet; Thence S19°44'15"E a distance of 1,740.24 feet; Thence S09°11'59"W a distance of 1,325.05 feet; Thence S73°13'18"E a distance of 661.15 feet; Thence N59°20'29"E a distance of 577.75 feet; Thence S34°10'46"E a distance of 551.46 feet; Thence S86°25'56"E a distance of 385.80 feet; Thence S24°01'11"E a distance of 975.12 feet; Thence S57°46'34"E a distance of 530.20 feet; Thence S70°04'12"E a distance of 1,643.47 feet; Thence N65°01'21"E a distance of 1,214.99 feet; Thence S50°03'22"E a distance of 2,565.56 feet; Thence S13°56'09"W a distance of 1,963.90 feet; Thence S12°51'59"E a distance of 1,862.33 feet; Thence S71°59'01"W a distance of 448.53 feet; Thence N42°00'57"W a distance of 266.60 feet; Thence S69°50'23"W a distance of 1,104.27 feet; Thence S28°10'53"E a distance of 1,272.60 feet; Thence S82°40'03"W a distance of 4,639.30 feet; Thence S82°12'01"W a distance of 711.45 feet; Thence S81°33'00"W a distance of 5,187.52 feet; Thence N77°04'11"W a distance of 707.32 feet; Thence N69°28'16"W a distance of 229.98 feet to a point on the East right-of-way line for State Road No. 31; Thence along the East right-of-way line for State Road No. 31, the following courses and distances: S00°31'45"W a distance of 4,197.71 feet, S00°26'10"W a distance of 5,282.33 feet and S00°36'48"W a distance of 5,337.00 feet to this Point of Beginning.

Containing 13,630.90 acres, more or less.
 Dimensions and acreage shown are grid values.
 Bearings hereinabove mentioned are based on the South line of Section 31, Township 42 South, Range 26 East to bear S89°41'45"E.

S:\20082801-01\Charlotte-Station and Description (1114-1) (3).dwg Oct 23, 2007 7:56am

	251 WEST HICKPOCHEE AVENUE LABELLE, FLORIDA 33885 PHONE (863) 612-0584 FAX (863) 612-0511 CO. #642 & L.B. #642	Babcock Ranch Community Sketch Of Description				
		DATE January 2007	PROJECT NO. 20065693-602	FILE NO. 31-42-26	SCALE As Shown	SHEET 3

EXHIBIT B

January 28, 2014

(Master Concept Plan – Map H)

FIXED AND VARIABLE DEVELOPMENT CRITERIA FOR PROPOSED DEVELOPMENT OF +/- 13,630.6 ACRES LOCATED ON S.R. 31 IN CHARLOTTE COUNTY BABCOCK RANCH

FIXED DEVELOPMENT CRITERIA

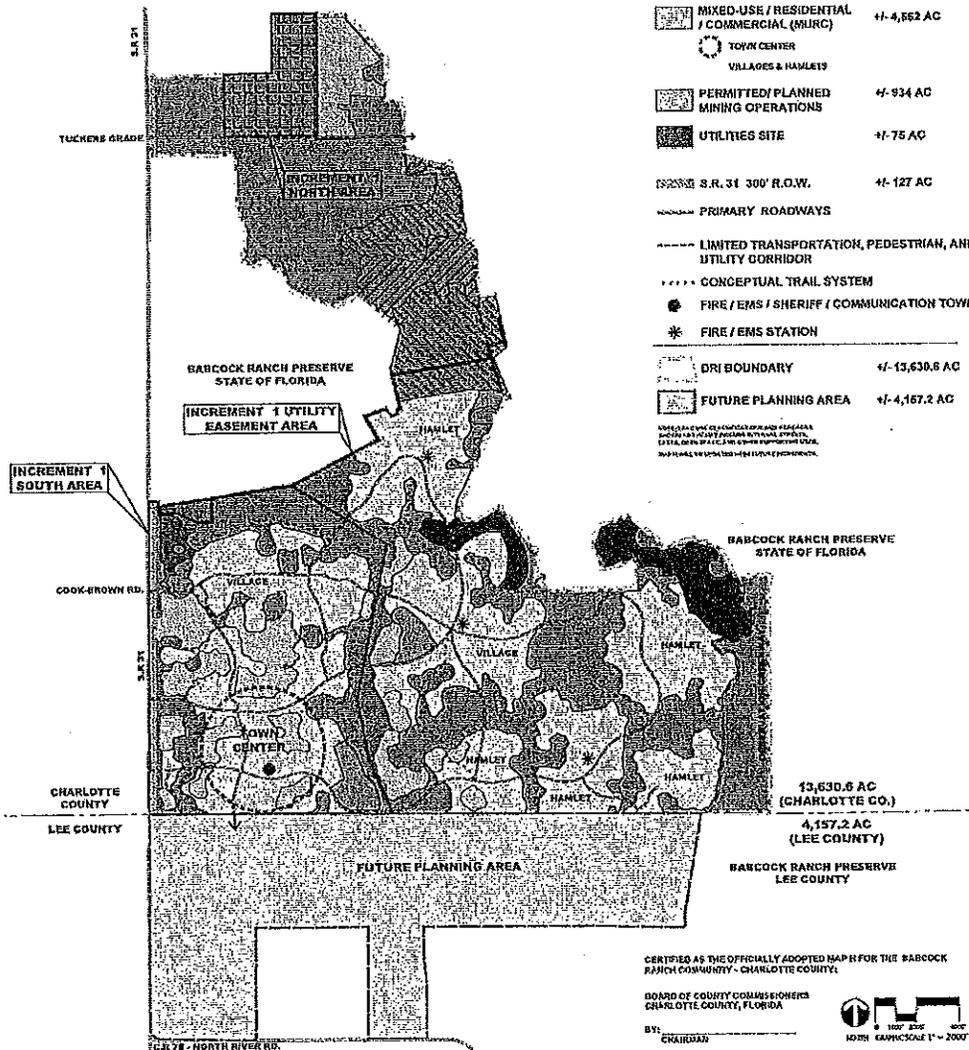
1. Development of the project shall not exceed 17,810 dwelling units, 6,000,000 square feet of floor area of civic, security, commercial, public or institutional uses, 500,000 square feet of parking, and 100,000 square feet of office space. Any other uses shall be subject to the approval of the Board of County Commissioners. Any other uses shall be subject to the approval of the Board of County Commissioners. Any other uses shall be subject to the approval of the Board of County Commissioners.
2. Any other uses shall be subject to the approval of the Board of County Commissioners.
3. There shall be a minimum of 10% of the total area to be developed for open space.
4. Open Space/Conservation Elements shall be addressed using vegetative, structural, and non-structural measures to protect the project from flooding.

VARIABLE DEVELOPMENT CRITERIA

1. The following items will be required during development of the project:
 - a. Final coverage of all program uses.
 - b. Final site plans, site plan, site plan, site plan, and site plan.
 - c. Final site plan, site plan, site plan, and site plan.
 - d. Final site plan, site plan, site plan, and site plan.
 - e. Final site plan, site plan, site plan, and site plan.
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 - x. Final site plan, site plan, site plan, and site plan.
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2. The following items will be required during development of the project:
 - a. Final site plan, site plan, site plan, and site plan.
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3. The following items will be required during development of the project:
 - a. Final site plan, site plan, site plan, and site plan.
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 - z. Final site plan, site plan, site plan, and site plan.

DRI LAND USE SUMMARY

	GREENWAYS/FLOWWAYS/AGRICULTURE	+/- 6,934.6 AC
	362 ACRE CONSERVATION EASEMENT CORRIDOR	
	FUTURE CONSERVATION AREA/AGRICULTURE	
	SOLAR ARRAY AREA (OPTIONAL)	
	NORTH BABCOCK AREA	+/- 276 AC
	HIGHER EDUCATION	+/- 67 AC
	MAJOR PARKS	+/- 178 AC
	RECREATION	+/- 487 AC
	MIXED-USE / RESIDENTIAL / COMMERCIAL (MURC)	+/- 4,862 AC
	TOWN CENTER	
	VILLAGES & HAMLETS	
	PERMITTED/PLANNED MINING OPERATIONS	+/- 934 AC
	UTILITIES SITE	+/- 75 AC
	S.R. 31 300' R.O.W.	+/- 127 AC
	PRIMARY ROADWAYS	
	LIMITED TRANSPORTATION, PEDESTRIAN, AND UTILITY CORRIDOR	
	CONCEPTUAL TRAIL SYSTEM	
	FIRE / EMS / SHERIFF / COMMUNICATION TOWER	
	FIRE / EMS STATION	
	DRI BOUNDARY	+/- 13,630.6 AC
	FUTURE PLANNING AREA	+/- 4,167.2 AC



Babcock Ranch

A SHARED VISION. A SHARED COMMITMENT.

THE BABCOCK RANCH COMMUNITY - CHARLOTTE COUNTY
MASTER DEVELOPMENT PLAN
 MAP H
 AUGUST 2013

Stantec

EXHIBIT B

January 28, 2014

(Expanded Fixed and Variable Criteria depicted on B-1 Master Concept Plan – Map H)**FIXED AND VARIABLE DEVELOPMENT CRITERIA FOR PROPOSED DEVELOPMENT OF +/- 13,630.6 ACRES LOCATED ON S.R. 31 IN CHARLOTTE COUNTY
BABCOCK RANCH****FIXED DEVELOPMENT CRITERIA**

1. Development of the subject property shall not exceed: 17,870 dwelling units and 6,000,000 square feet of non-residential uses, including commercial/ office/ retail space, light industrial, government/ civic space (not including schools, places of worship, libraries, or parks), assisted living units, hospital beds, and hotel rooms.
Ancillary facilities such as the educational service center, schools, and university research facilities, libraries, places of worship, regional and community park sites, and the necessary utility infrastructure including, but not limited to, water, wastewater and reuse water systems, electric, telephone and cable systems will not be attributed to other development components set forth above, will not count towards the maximum thresholds of development as established in the Development Order and the BROD policies of the 2050 Smart Charlotte Comprehensive Plan, and will not require use of the equivalency matrix.
2. Agricultural uses shall be permitted throughout the Babcock Ranch Community.
3. There shall be a minimum of thirty-five (35%) percent Open Space provided overall.
4. Open Space/ Conservation Easements shall be addressed during subsequent incremental submittals, and recorded in the Public Records following final permitting.

VARIABLE DEVELOPMENT CRITERIA

1. The following items will be refined during subsequent incremental reviews and/or final permitting:
 - a. Final acreages of all proposed uses;
 - b. Native habitat preservation, alteration, enhancement, mitigation, and conservation acreages may be modified based on stormwater lake design, other engineering requirements and final permitting;
 - c. The final location and allocation of civic facilities (i.e. internal parks, schools, emergency services buildings, etc.);
 - d. The internal road alignments and circulation;
 - e. The configuration and detail associated with the agriculture areas;
 - f. The final location, allocation, alignment and use of the conceptual trail system;
 - g. The location of vehicular access points, including existing temporary entry ways, to external public roadways; and
 - h. The limited transportation, pedestrian, and utility corridor between Hamlet I and North Babcock Area.
2. The existing mining operations, including areas currently planned or permitted, will be allowed to continue, consistent with mining permits for these areas. Additional mining areas may be allowed consistent with subsequent permitting. These areas will be shown on updated maps provided through the DRI monitoring process or through subsequent DRI increments.
3. The boundaries of the areas shown as "Mixed Use/ Residential/ Commercial", including Town Center, Villages, and Hamlets, are conceptual in nature, and may be modified through the subsequent incremental review process. Specific uses to support "mixed use" or "residential" or "commercial," including, but not limited to parking, stormwater lakes, preservation areas, parks or other space, may be identified and refined during subsequent incremental review and/or through subsequent permitting consistent with local Land Development Regulations.

EXHIBIT C

January 28, 2014

The following indicates which application questions are to be addressed only in the Master DRI Application and which questions are to be addressed in both the AMDA ("Master") and the AIDA's ("Increment"). It also indicates those instances where only documentation required by the corresponding Incremental Review provision of this Master Development Order is to be provided ("Documentation").

AMDA and AIDA Questionnaire Responses

Question	1, Statement of Intent.....	Master, Increment
Questions	2, 3 Applicant Information.....	Master, Increment
Question	4, Notarized Authorization	Master, Increment
Question	5, Legal Description	Master, Increment
Question	6, Binding Letter Status	Master
Question	7, Local Government Jurisdiction	Master
Question	8, Permitting Status.....	Master, Increment
Question	9, Maps (All).....	Master
Question	9, Maps B, F, G, H, I, J.....	Increment
Question	10, Part 1, Project Description.....	Master, Increment
Question	10, Part 2, Comprehensive Plan.....	Master
Question	10, Part 3, Demographics.....	Master
Question	10, Part 4, Impact Summary.....	Master
Question	11, Revenue Generation	Master
Question	12, Vegetation and Wildlife..... (MDO Condition 6)	Master, Increment
Question	13, Wetlands	Master, Increment
	(MDO Condition 6)	
Question	14, Water	Master, Increment
	(MDO Condition 4)	
Question	15, Soils	Master
Question	16, Floodplains.....	Master, See Stormwater Management
	(MDO Condition 4)	
Question	17, Water Supply.....	Master, Increment
	(MDO Condition 7)	
Question	18, Wastewater Management.....	Master, Documentation
	(MDO Condition 7)	
Question	19, Stormwater Management	Master, Increment
	(MDO Condition 4)	
Question	20, Solid Waste.....	Master, Documentation
	(MDO Condition 11)	
Question	20, Hazardous Waste.....	Master, Documentation
	(MDO Condition 11)	
Question	21, Transportation.....	Master, Increment
	(MDO Condition 5)	
Question	22, Air	Master
	(MDO Condition 12)	

EXHIBIT C

January 28, 2014

AMDA and AIDA Questionnaire Responses, (continued)

Question	23, Hurricane Preparedness.....	Master, Documentation (MDO Condition 13)
Question	24, Housing.....	Master (MDO Condition 3)
Question	25, Police and Fire Protection	Master, Documentation (MDO Condition 10)
Question	26, Recreation/Open Space	Master, Documentation (MDO Condition 14)
Question	27, Education	Master (MDO Condition 9)
Question	28, Health Care.....	Master, Documentation (MDO Condition 15)
Question	29, Energy.....	Master, Documentation (MDO Condition 16)
Question	30, Historical/Archaeological	Master, Documentation (MDO Condition 8)
Question	33, Hospitals	Master, Documentation (MDO Condition 15)
Question	35, Mining Operations	Master, Documentation (MDO Condition 17)

EXHIBIT D

January 28, 2014

SITE & BUILDING DEDICATION/CONSTRUCTION TIME LINE

SUMMARY OF LAND DEDICATION & FACILITIES CONSTRUCTION

Public Facilities Required	Aggregate Site Dedication (acre)	Number of Sites (#)	Shell Building Required (s.f.)	Commencement of Operations
Parks, Recreation and Cultural Resources				
Community Park/Regional Park	77.9	1	6500 *1	5,900th C/O
Neighborhood Parks (Village Parks)	58.4	7	2500 *2	500th C/O *5
Mini Parks *3	19.5	11		
Library Component	15.0	1	24000 *3 15,000 (County participation)	10,000th C/O
Regional park and community park to be centrally located	100.0	1	6,500 *1	5,900th C/O
Fire/Rescue/Law/ Enforcement				
Site #1	5.5	1	17,300 (9,300 sf for Sheriff; 8,000 sf for Fire)	One (1) EMS vehicle by the 500th C/O 17,300 sq ft combined Fire Station and Sheriff facilities by the 5,000th C/O
Site #2	1.5	1	6,500	2nd Fire Station 10,000th C/O
Site #3	1.5	1	6,500	3rd Fire Station 15,000th C/O
Site #4	1.5	1	6,500	4th Fire Station 17,000th C/O
Fire & Police Communications Tower Site *11	0.25	1		Site identification and dedication by 5,000th C/O (will be located adjacent to the combined fire/sheriff site)
Interim Sheriff's Sub-station Office Trailer *12			24'W x 60' overall L	1st residential building permit
Public Facilities - "County Hall"			20,000	By the issuance of the 7,000th C/O *14
Solid Waste				
Site #1	5.0	1	n/a	Prior to the issuance of the 10,000th C/O
Extension Services				
Site #1	24.0	1	n/a	Prior to the issuance of the 1st C/O *15
Mosquito Control pre-fab building (shell only)	1.0	1	3000 *7	Prior to the issuance of the 3,000th C/O
Site#2	1.0	1	n/a	Prior to the issuance of the 5,000th C/O
Total page 1			313.05	

The criteria for determining public facility shell completion and/or land dedication shall be by certificate of occupancy ("C/O") referenced below.

Community Park Building and park site improvements by the 5,900th du/C.O.

1-Neighborhood Park #1 w/Pav & restrooms (500th C/O within Neighborhood).
As Neighborhoods develop

2-Neighborhood Park #233 w/Pav & restrooms (500th C/O within Neighborhood).
As Neighborhoods develop

2-Neighborhood Park #687 w/Pav & restrooms (500th C/O within Neighborhood).
As Neighborhoods develop

Phase I - 20,000 sf building by the 10,000th du/C.O. *5
Regional Park Building and park site improvements by the 5,900th du/C.O.

One (1) EMS Transport Vehicle by the 500th C/O
Fire Station 17,300 combined facilities by the 5,000th C/O. *10

6,500 sf Fire Station by the 10,000th C/O

6,500 sf Fire Station by the 15,000th C/O

6,500 sf Fire Station by the 17,000th C/O

Will be operational by the issuance of the first residential building permit. *12

The County Hall building will be operational by the issuance of the 7,000th C/O

Prior to the issuance of the 5,000th C/O

January 28, 2014

EXHIBIT D

SITE & BUILDING DEDICATION TIME LINE

SUMMARY OF LAND DEDICATION & FACILITIES CONSTRUCTION

Public Facilities Required	Aggregate Site Dedication (acre)	Number of Sites (#)	Shell Building Required (s.f.)	Commencement of Operations
Schools ^{*5}				
Elementary Schools	60 (20 per school)	3	n/a	n/a
Middle Schools	30.0	1	n/a	n/a
High Schools	50.0	1	n/a	n/a
Educational Service Center	25.0	1	n/a	n/a
sub-total page 2	165.0			
Grand total pages 1 & 2	472.06			

The phase reference above is an estimate only. The criteria for determining public facility shall completion and/or land dedication shall be by certificate of occupancy (C/O)¹⁰

Schools^{*5} School Board criteria for land dedication per the School Site Dedication Agreement.

Elementary Schools School Board criteria for land dedication per the School Site Dedication Agreement.

Middle Schools School Board criteria for land dedication per the School Site Dedication Agreement.

High Schools School Board criteria for land dedication per the School Site Dedication Agreement.

Educational Service Center School Board criteria for land dedication per the School Site Dedication Agreement.

sub-total page 2 School Board criteria for land dedication per the School Site Dedication Agreement.

Grand total pages 1 & 2 School Board criteria for land dedication per the School Site Dedication Agreement.

Notes to Exhibit 'D'

- *1 Community park building improvements to include pavilion and restrooms.
- *2 Neighborhood parks (village park) to include pavilion and restrooms.
- *3 Phased Library center. The developer shall be required to fund the construction of a 24,000 sf library shell building. The County may desire to construct a library facility totaling 40,000 sf. The County and the developer agree to cooperate, with respect to the design, construction, and funding of this library facility. The developer shall fund the library shell building costs for 24,000 sf and the County shall fund the construction of the library shell building costs for 16,000 sf. In addition to the construction completion of the library facility described herein.
- *4 RESERVED.
- *5 Must be completed and turned over prior to the 500th C/O for the village within which it is located.
- *6 First school may be developed as an interim school within a commercial building, located within the Town Center or in other areas of the County. The County and the developer shall agree to determine the timing of the dedication of the required school sites and the extent of the developer's obligations above, during the DRI review process. During the DRI process, the School Board and the District will negotiate an agreement for the bonded construction, leaseback, and sale of the buildings pursuant to the issuance of bonds by the District for said construction.
- *7 Pre-fab building to include two offices, two bays for vehicle and equipment, and chemical storage. This facility shall be ADA compliant and shall include all required utilities, parking, and landscaping.
- *8 Mini parks required herein shall be designed, developed, and maintained by the Developer, the District, or the master property owner's association. The mini parks shall not be dedicated to the County.
- *9 RESERVED.
- *10 The first fire station building will be co-located with the sheriff's sub-station facility.
- *11 A communication tower site for the exclusive use of the Fire/EMS and Sheriff's department will be located adjacent to the combined fire/sheriff facility and will be ceded to the County by the issuance of the 5,000th residential C/O.
- *12 An interim sheriff's sub-station office trailer (24'W x 60' overall length) will be located next to the existing fire station site located on SR 31. The interim trailer will connect to the utilities that service the existing fire station. The trailer will be fully operational by the issuance of the first residential building permit and will be terminated upon the opening of the combined Fire/Sheriff's facility.
- *13 RESERVED.
- *14 A County Annex building will be constructed. This facility will be designed as a gathering place for community residents, and as County Commission and key staff satellite offices. Appropriate operations shall be served from this facility. The District may choose to construct the shell building earlier than the 7,000th C/O, following which the District will be responsible to maintain the exterior of the building and all site improvements constructed to support the County Annex building until the building is completed and occupied by the County (7,000 C/O). The County, at its option, may increase the size of the County Annex and fund said expansion.
- *15 Primitive camp site development may occur on Site #1 without being included in an increment.

EXHIBIT E

January 28, 2014

Florida Exotic Pest Plant Council's 2007 List of Invasive Plant Species**CATEGORY I**

Invasive exotics that are altering native plant communities by displacing native species, changing community structures or ecological functions, or hybridizing with natives. This definition does not rely on the economic severity or geographic range of the problem, but on the documented ecological damage caused.

Scientific Name	Common Name
<i>Abrus precatorius</i>	rosary pea
<i>Acacia auriculiformis</i>	earleaf acacia
<i>Albizia julibrissin</i>	mimosa, silk tree
<i>Albizia lebbek</i>	woman's tongue
<i>Ardisia crenata</i>	coral ardisia
(= <i>A. crenulata</i> misapplied)	
<i>Ardisia elliptica</i>	shoebutton ardisia
(= <i>A. humilis</i> misapplied)	
<i>Asparagus aethiopicus</i> (= <i>A. sprengeri</i> ; <i>A. densiflorus</i> misapplied)	asparagus-fern
<i>Bauhinia variegata</i>	orchid tree
<i>Bischofia javanica</i>	bishopwood
<i>Calophyllum antillanum</i> (= <i>C. calaba</i> and <i>C. inophyllum</i> misapplied)	Santa maria (names "mast wood," "Alexandrian laurel" used in cultivation)
<i>Casuarina equisetifolia</i>	Australian-pine, beach sheoak
<i>Casuarina glauca</i>	suckering Australian- pine, gray sheoak
<i>Cinnamomum camphora</i>	camphor tree
<i>Colocasia esculenta</i>	wild taro
<i>Colubrina asiatica</i>	lather leaf
<i>Cupaniopsis anacardioides</i>	carrotwood
<i>Dioscorea alata</i>	winged yam
<i>Dioscorea bulbifera</i>	air-potato
<i>Eichhornia crassipes</i>	water-hyacinth
<i>Eugenia uniflora</i>	Surinam cherry
<i>Ficus microcarpa</i> (<i>F. nitida</i> and <i>F. retusa</i> var. <i>nitida</i> misapplied)	laurel fig
<i>Hydrilla verticillata</i>	hydrilla
<i>Hygrophilia polysperma</i>	green hygro
<i>Hymenachne amplexicaulis</i>	West Indian marsh grass
<i>Imperata cylindrica</i> (<i>I. brasiliensis</i> misapplied)	cogon grass
<i>Ipomoea aquatica</i>	waterspinach
<i>Jasminum dichotomum</i>	gold coast jasmine
<i>Jasminium fluminense</i>	Brazilian jasmine
<i>Lantana camara</i>	lantana, shrub verbena
<i>Ligustrum lcidum</i>	glossy privet
<i>Ligustrum sinsense</i>	Chinese privet, hedge privet
<i>Lonicera japonica</i>	Japanese honeysuckle
<i>Ludwigia peruviana</i>	Peruvian primrosewillow
<i>Lygodium japonicum</i>	Japanese climbing fern
<i>Lygodium microphyllum</i>	Old World climbing fern

EXHIBIT E

January 28, 2014

Florida Exotic Pest Plant Council's 2007 List of Invasive Plant Species**CATEGORY I, (continued)**

Scientific Name	Common Name
<i>Macfadyena unigus-cati</i>	cat's claw vine
<i>Manilkara zapota</i>	sapodilla
<i>Melaleuca quinquenervia</i>	melaleuca, paper bark
<i>Mimosa pigra</i>	catclaw mimosa
<i>Nandina domestica</i>	nandina, heavenly bamboo
<i>Nephrolepis cordifolia</i>	sword fern
<i>Nephrolepis multiflora</i>	Asian sword fern
<i>Neyraudia reynaudiana</i>	burma reed, cane grass
<i>Paederia cruddasiana</i>	sewer vine, onion vine
<i>Paederia foetida</i>	skunk vine
<i>Panicum repens</i>	torpedo grass
<i>Pennisetum purpureum</i>	napier grass
<i>Pistia stratiotes</i>	waterlettuce
<i>Psidium cattleianum</i> (= <i>P. littorale</i>)	strawberry guava
<i>Psidium guajava</i>	guava
<i>Pueraria montana</i> var. <i>lobata</i> (= <i>P. lobata</i>)	kudzu
<i>Rhodomyrtus tomentosa</i>	downy rose-myrtle
<i>Rhynchelytrum repens</i> (= <i>Melinis repens</i>)	natal grass
<i>Ruellia tweediana</i> (= <i>R. brittoniana</i> , <i>R. coerulea</i>)	Mexican petunia
<i>Sapium sebiferum</i> (= <i>Tridaca sebifera</i>)	popcorn tree, Chinese tallow tree
<i>Scaevola taccada</i> (= <i>Scaevola sericea</i> , <i>S. frutescens</i>)	scaevola, half-flower, beach naupaka
<i>Schefflera actinophylla</i> (= <i>Brassaia actinophylla</i>)	schefflera, Queensland umbrella tree
<i>Schinus terebinthifolius</i>	Brazilian pepper
<i>Senna pendula</i> var. <i>glabrata</i> (= <i>Cassia coluteoides</i>)	climbing cassia, Christmas cassia, Christmas senna
<i>Solanum tampicense</i> (= <i>S. houstonii</i>)	wetland nightshade, aquatic soda apple
<i>Solanum viarum</i>	tropical soda apple
<i>Syngonium podophyllum</i>	arrowhead vine
<i>Syzygium cumini</i>	jambolan plum, Java plum
<i>Tectaria incisa</i>	incised halberd fern
<i>Thespesia populnea</i>	seaside mahoe
<i>Tradescantia fluminensis</i>	white-flowered wandering jew
<i>Urochloa mutica</i> (= <i>Brachiaria mutica</i>)	para grass

EXHIBIT E

January 28, 2014

Florida Exotic Pest Plant Council's 2007 List of Invasive Plant Species**CATEGORY II**

Invasive exotics that have increased in abundance or frequency but have not yet altered Florida plant communities to the extent shown by Category I species. These species may become ranked Category I, if ecological damage is demonstrated.

Scientific Name	Common Name
<i>Adenanthera pavonina</i>	red sandalwood
<i>Agave sisalana</i>	sisal hemp
<i>Aleurites fordii</i> (= <i>Vernicia fordii</i>)	tung oil tree
<i>Alonia macrophylla</i>	devil tree
<i>Alternanthera philoxeroides</i>	alligator weed
<i>Antigonon leptopus</i>	coral vine
<i>Aristolochia littoralis</i>	calico flower
<i>Asystasia gangetica</i>	Ganges primrose
<i>Begonia cucullata</i>	wax begonia
<i>Blechnum pyramidatum</i>	green shrimp plant, Browne's blechnum
<i>Broussonetia papyrifera</i>	paper mulberry
<i>Callisia fragrans</i>	inch plant, spironema
<i>Casuarina cunninghamiana</i>	river sheoak, Australian-pine
<i>Cecropia palmate</i>	trumpet tree
<i>Cestrum diurnum</i>	day jessamine
<i>Chamaedorea seifrizii</i>	bamboo palm
<i>Clematis terniflora</i>	Japanese clematis
<i>Cryptostegia madagascariensis</i>	rubber vine
<i>Cyperus involucratus</i>	umbrella plant
(<i>C. alternifolius</i> misapplied)	
<i>Cyperus prolifer</i>	dwarf papyrus
<i>Dalbergia sissoo</i>	Indian rosewood, sissoo
<i>Elaeagnus pungens</i>	silverthorn, thorny olive
<i>Epipremnum pinnatum</i> cv. <i>Aureum</i>	pothos
<i>Ficus altissima</i>	false banyan, council tree
<i>Flacourtia indica</i>	governor's plum
<i>Hemarthria altissima</i>	limpo grass
<i>Hibiscus tiliaceus</i> (= <i>Talipariti tiliaceum</i>)	mahoe, sea hibiscus
<i>Ipomoea fistulosa</i> (= <i>I. carnea</i> ssp. <i>fistulosa</i>)	shrub morning-glory
<i>Jasminum sambac</i>	Arabian jasmine
<i>Kalanchoe pinnata</i>	life plant
<i>Koelreuteria elegans</i> ssp. <i>formosana</i> (= <i>K. formosana</i> ; <i>K. paniculata</i> misapplied)	flamegold tree
<i>Leucaena leucocephala</i>	lead tree
<i>Limnophila sessiliflora</i>	Asian marshweed
<i>Livistona chinensis</i>	Chinese fan palm
<i>Melia azedarach</i>	Chinaberry
<i>Melinis minutiflora</i>	Molassesgrass

EXHIBIT E

January 28, 2014

Florida Exotic Pest Plant Council's 2007 List of Invasive Plant Species

CATEGORY II, (continued)

<i>Merremia tuberosa</i>	wood-rose
<i>Murraya paniculata</i>	orange-jessamine
<i>Myriophyllum spicatum</i>	Eurasian water-milfoil
<i>Nymphoides cristata</i>	snowflake
<i>Panicum maximum</i>	Guinea grass
<i>Passiflora biflora</i>	two-flowered passion vine
<i>Pennisetum setaceum</i>	green fountain grass
<i>Phoenix reclinata</i>	Senegal data palm
<i>Phyllostachys aurea</i>	golden bampoo
<i>Pittosporum pentandrum</i>	Philippine pittosporum, Taiwanese cheesewood
<i>Pteris vittata</i>	Chinese brake fern
<i>Ptychosperma elegans</i>	solitaire palm
<i>Rhoeo spathacea</i> (see <i>Tradescantia</i> <i>spathacea</i>)	
<i>Ricinus communis</i>	castor bean
<i>Rotala rotundifolia</i>	roundleaf toothcup, dwarf Rotala
<i>Sansevieria hyacinthoides</i>	bowstring hemp
<i>Scleria lacustris</i>	Wright's nutrush
<i>Sesbania punicea</i>	purple sesban, rattlebox
<i>Solanum diphyllum</i>	two-leaf nightshade
<i>Solanum jamaicense</i>	Jamaica nightshade
<i>Solanum torvum</i>	susumber, turkey berry
<i>Sphagneticola trilobata</i> (= <i>Wedelia</i> <i>trilobata</i>)	wedelia
<i>Stachytarpheta cayennensis</i> (= <i>S. urticifolia</i>)	nettle-leaf porterweed
<i>Syagrus romanzoffiana</i> (= <i>Arecastrum</i> <i>romanzoffianum</i>)	queen palm
<i>Syzygium jambos</i>	rose-apple
<i>Terminalia catappa</i>	tropical-almond
<i>Terminalia muelleri</i>	Australian-almond
<i>Tradescantia spathacea</i> (= <i>Rhoeo</i> <i>spathacea</i> , <i>Rhoeo discolor</i>)	oyster plant
<i>Tribulus cistoides</i>	puncture vine, burr-nut
<i>Urena lobata</i>	Caesar's weed
<i>Vitex trifolia</i>	simple-leaf chaste tree
<i>Washingtonia robusta</i>	Washington fan palm
<i>Wedelia</i> (see <i>Sphagneticola</i> above)	
<i>Wisteria sinensis</i>	Chinese wisteria
<i>Xanthosoma sagittifolium</i>	malanga, elephant ear

January 28, 2014

EXHIBIT F
BARCOCK RANCH COMMUNITY MASTER TRAFFIC STUDY UPDATE
MASTER (BUILDOUT - 2035) ROADWAY NETWORK
 Page 1 of 3

(1)
 Initial Internal Capture Rate - 22%
 (Transportation Condition B.(1)(c))

SIGNIFICANTLY IMPACTED ROADWAYS			ADVERSE IMPACTS	TRANSPORTATION DEFICIENCY	EQD # OF LANES	RECOMMENDED IMPROVEMENTS # OF LANES
Roadway	From	To				
Charlotte County						
SR 31	Lee County Line	Project Entrance	Y	Y	2	4 Lanes - Refer to MPO LRTP
	Project Entrance	CR 74	Y	Y	2	4 Lanes - Refer to MPO LRTP
	CR 74	DeSoto County Line	Y	Y	2	4 Lanes - Refer to MPO LRTP
	DeSoto County Line	SR 70	Y	Y	2	4 Lanes - Refer to MPO LRTP
I-75	Lee County Line	Tuckers Grace	Y	Y	4	8 Lanes - Refer to MPO LRTP
	Tuckers Grace	N. Jones Loop Road	Y	Y	4	8 Lanes - Refer to MPO LRTP
	N. Jones Loop Road	US 17	Y	Y	4	8 Lanes - Refer to MPO LRTP
US 41	Lee County Line	Samel Road	Y	Y	4	4 Lanes - Refer to MPO LRTP
	Samel Road	Old Way Road	Y	Y	4	4 Lanes - Refer to MPO LRTP
	Old Way Road	Notre Dame Boulevard	Y	Y	4	4 Lanes - Refer to MPO LRTP
	Notre Dame Boulevard	Taylor Road	Y	Y	4	6 Lanes - Refer to MPO LRTP
	Taylor Road	Acacia Road	Y	Y	4	4 Lanes - Refer to MPO LRTP
	Acacia Road	Burnt Store Road	Y	Y	4	4 Lanes - Refer to MPO LRTP
	Burnt Store Road	Lee County Line	Y	Y	2	4 Lanes - Refer to MPO LRTP
Taylor Road	US 41 South	Acacia Road	Y	Y	2	4 Lanes - Refer to MPO LRTP
	Acacia Road	Burnt Store Road	Y	Y	2	4 Lanes - Refer to MPO LRTP
	Burnt Store Road	Alport Road	Y	Y	2	2 Lanes - Refer to MPO LRTP
	Alport Road	US 41 North	Y	Y	2	2 Lanes - Refer to MPO LRTP
Piper Road	N. Jones Loop Road	Alport Road	Y	Y	2	2 Lanes - Refer to MPO LRTP
	Alport Road	CR 74	Y	Y	2	2 Lanes - Refer to MPO LRTP
CR 74	US 17	Charlotte County Line	Y	Y	2	4 Lanes - Refer to MPO LRTP
	Charlotte County Line	SR 29	Y	Y	2	4 Lanes - Refer to MPO LRTP
US 17	Marion Avenue	I-75	Y	Y	2	2 Lanes - Refer to LRTP
	I-75	CR 74	Y	Y	0	6 Lanes - Refer to MPO LRTP
Florida Street	Alport Road	Carroll Street	Y	Y	2	4 Lanes - Refer to MPO LRTP
Alport Road	Taylor Road	I-75 Bypass	Y	Y	2	4 Lanes - Refer to MPO LRTP
	I-75 Bypass	Piper Road	Y	Y	2	4 Lanes - Refer to MPO LRTP
N. Jones Loop Road	Taylor Road	I-75	Y	Y	4	4 Lanes - Refer to MPO LRTP
	I-75	S. Jones Loop Road	Y	Y	4	4 Lanes - Refer to MPO LRTP
Tuckers Grace	US 41	I-75	Y	Y	4	0 Lanes - Refer to MPO LRTP
Zemmel Road	Burnt Store Road	US 41	Y	Y	2	4 Lanes - Refer to MPO LRTP
East-West Corridor	SR 31	Lee County Line	Y	Y	2	4 Lanes - Refer to MPO LRTP
DeSoto County						
SR 31	Charlotte County Line	SR 70	Y	Y	2	4 Lanes - Refer to LRTP
Glades County						
CR 74	Charlotte County Line	SR 29	Y	Y	2	2 Lanes - Refer to LRTP
Hendry County						
North River Road	Lee County Line	CR 78A/B	Y	Y	2	4 Lanes - Refer to LRTP
SR 60	Lee County Line	CR 78A	Y	Y	4	4 Lanes - Refer to LRTP
Lee County						
Bayshore Road	US 41	Business 41	Y	Y	4	4 Lanes - Refer to MPO LRTP
	Business 41	Holt Road	Y	Y	4	4 Lanes - Refer to MPO LRTP
	Holt Road	Stacy Road	Y	Y	4	4 Lanes - Refer to MPO LRTP
	Stacy Road	I-75	Y	Y	4	4 Lanes - Refer to MPO LRTP
	I-75	Halle Road	Y	Y	2	4 Lanes - Refer to MPO LRTP
	Halle Road	SR 31	Y	Y	2	4 Lanes - Refer to MPO LRTP
Buckingham Road	Gunnery Road	Orange River Boulevard	Y	Y	2	4 Lanes - Refer to MPO LRTP
	Orange River Boulevard	SR 60	Y	Y	2	4 Lanes - Refer to MPO LRTP
Business 41	US 41	Linnton Road	Y	Y	2	4 Lanes - Refer to MPO LRTP
	Linnton Road	Pine Island Road	Y	Y	2	4 Lanes - Refer to MPO LRTP
	Pine Island Road	Pondix Road	Y	Y	4	4 Lanes - Refer to MPO LRTP
	Pondix Road	SR 60	Y	Y	4	4 Lanes - Refer to MPO LRTP
Colonial Boulevard	Fowler Street	Metro Pkwy.	Y	Y	6	6 Lanes - Refer to MPO LRTP
	Metro Parkway	Veronica Shoemaker Blvd.	Y	Y	6	6 Lanes - Refer to MPO LRTP
	Veronica Shoemaker Blvd.	Winkler Avenue	Y	Y	6	6 Lanes - Refer to MPO LRTP
	Winkler Avenue	Chiz Avenue	Y	Y	6	6 Lanes - Refer to MPO LRTP
	Chiz Avenue	I-75	Y	Y	6	6 Lanes - Refer to MPO LRTP
Del Prado Boulevard	Stacy Road	US 41	Y	Y	2	2 Lanes - Refer to MPO LRTP
	US 41	US 41	Y	Y	4	4 Lanes - Refer to MPO LRTP
	US 41	Klumb Parkway	Y	Y	4	4 Lanes - Refer to MPO LRTP
Glennery Road	Buckingham Road	Lee Boulevard	Y	Y	2	4 Lanes - Refer to MPO LRTP
	Lee Boulevard	Colonial Boulevard	Y	Y	6	6 Lanes - Refer to MPO LRTP
I-75	Colonial Boulevard	SR 60	Y	Y	6	6 Lanes - Refer to MPO LRTP
	SR 60	Luckett Road	Y	Y	6	6 Lanes - Refer to MPO LRTP
	Luckett Road	SR 130	Y	Y	6	6 Lanes - Refer to MPO LRTP
	SR 130	Bayshore Road	Y	Y	4	6 Lanes - Refer to MPO LRTP
Bayshore Road	Bayshore Road	Charlotte County Line	Y	Y	4	6 Lanes - Refer to MPO LRTP
Joel Boulevard	SR 60	16th Street	Y	Y	2	4 Lanes - Refer to MPO LRTP
	16th Street	12th Street	Y	Y	2	4 Lanes - Refer to MPO LRTP
	12th Street	Bay Boulevard	Y	Y	2	4 Lanes - Refer to MPO LRTP
Littleton Road	Business 41	US 41	Y	Y	2	4 Lanes - Refer to MPO LRTP
	US 41	Colonial Road	Y	Y	2	4 Lanes - Refer to MPO LRTP
	Colonial Road	NE 2nd Avenue	Y	Y	2	4 Lanes - Refer to MPO LRTP
Luckett Road	I-75	SR 2 Avenue	Y	Y	2	4 Lanes - Refer to MPO LRTP
	SR 2 Avenue	Nona Avenue	Y	Y	2	4 Lanes - Refer to MPO LRTP
	Nona Avenue	Nalle Grade Road	Y	Y	2	4 Lanes - Refer to MPO LRTP
Nalle Road	Bayshore Road	Stacy Road	Y	Y	2	4 Lanes - Refer to MPO LRTP
Nalle Grade Road	Nalle Road	Stacy Road	Y	Y	2	4 Lanes - Refer to MPO LRTP
North River Road	SR 31	East of SR 31	Y	Y	2	2 Lanes - Refer to MPO LRTP
	East of SR 31	Olga Road	Y	Y	2	2 Lanes - Refer to MPO LRTP
	Olga Road	Alva Bridge	Y	Y	2	2 Lanes - Refer to MPO LRTP
	Alva Bridge	Hendry County Line	Y	Y	2	2 Lanes - Refer to MPO LRTP
	Hendry County Line	SR 78/B/W	Y	Y	2	2 Lanes - Refer to MPO LRTP

January 28, 2014

EXHIBIT F (Continued)
BABCOCK RANCH COMMUNITY MASTER TRAFFIC STUDY UPDATE
MASTER (BUILDOUT - 2035) ROADWAY NETWORK
 Page 2 of 3

(1)
Initial Internal Capture Rate - 22% (Continued)
(Transportation Condition B.1)(c)

SIGNIFICANTLY IMPACTED ROADWAYS			ADVERSE IMPACTS	TRANSPORTATION DEFICIENCY	EIC # OF LANES	RECOMMENDED IMPROVEMENTS # OF LANES
Roadway	From	To				
Lee County Continued			Y = Yes, N = Not Applicable			
Ortiz Avenue	SR 60	Luckett Road	Y	Y	2	4 Lanes - Refer to MPO LRTP
	Luckett Road	SR 62	Y	Y	2	4 Lanes - Refer to MPO LRTP
	SR 62	Hanson Street	Y	Y	2	4 Lanes - Refer to MPO LRTP
	Hanson Street	Colonial Boulevard	Y	Y	2	4 Lanes - Refer to MPO LRTP
Orangut River Boulevard	Staley Road	Buckingham Road	Y	Y	2	2 Lanes - Refer to MPO LRTP
Pine Island Road	SR 24th Avenue	US 41	Y	Y	4	6 Lanes - Refer to MPO LRTP
	Del Prado Boulevard	SR 24th Avenue	Y	Y	4	6 Lanes - Refer to MPO LRTP
	West	Del Prado Boulevard	Y	Y	4	6 Lanes - Refer to MPO LRTP
Plantation Road	Colonial Blvd	Idenwild Street	Y	Y	2	4 Lanes - Refer to MPO LRTP
St. Mia Cyrenas Parkway	Colonial Boulevard	Challenger Boulevard	Y	Y	6	4 Lanes - Refer to MPO LRTP
	Challenger Boulevard	Winkler Avenue	Y	Y	4	4 Lanes - Refer to MPO LRTP
Sleier Road	Nelle Grade Road	Del Prado Boulevard	Y	Y	2	4 Lanes - Refer to MPO LRTP
	Del Prado Boulevard	Bayshore Road	Y	Y	2	4 Lanes - Refer to MPO LRTP
SR 31	SR 00	Bayshore Road	Y	Y	4	4 Lanes - Refer to MPO LRTP
	Bayshore Road	North River Road	Y	Y	4	4 Lanes - Refer to MPO LRTP
	North River Road	Project Entrance	Y	Y	4	4 Lanes - Refer to MPO LRTP
	Project Entrance	Charlotte County Line	Y	Y	4	4 Lanes - Refer to MPO LRTP
SR 62	Fowler Street	V. S. Shoemaker Blvd.	Y	Y	4	4 Lanes - Refer to MPO LRTP
	V. S. Shoemaker Blvd.	Michigan Link	Y	Y	4	4 Lanes - Refer to MPO LRTP
	Michigan Link	Ortiz Avenue	Y	Y	4	4 Lanes - Refer to MPO LRTP
	Ortiz Avenue	I-75	Y	Y	6	6 Lanes - Refer to MPO LRTP
SR 60	Park Avenue	Seaboard Street	Y	Y	2	4 Lanes - Refer to MPO LRTP
	Seaboard Street	V. S. Shoemaker Blvd.	Y	Y	4	4 Lanes - Refer to MPO LRTP
	V. S. Shoemaker Blvd.	Ortiz Avenue	Y	Y	4	4 Lanes - Refer to MPO LRTP
	Ortiz Avenue	I-75	Y	Y	6	6 Lanes - Refer to MPO LRTP
	I-75	SR 31	Y	Y	8	6 Lanes - Refer to MPO LRTP
SR 31	SR 31	Tropic Avenue	Y	Y	4	6 Lanes - Refer to MPO LRTP
	Tropic Avenue	Buckingham Road	Y	Y	4	6 Lanes - Refer to MPO LRTP
	Buckingham Road	Hickey Creek	Y	Y	4	4 Lanes - Refer to MPO LRTP
	Hickey Creek	Alva Bridge	Y	Y	4	4 Lanes - Refer to MPO LRTP
	Alva Bridge	Joel Boulevard	Y	Y	4	4 Lanes - Refer to MPO LRTP
	Joel Boulevard	Hendry County Line	Y	Y	4	4 Lanes - Refer to MPO LRTP
	Hendry County Line	CR 78A	Y	Y	4	4 Lanes - Refer to LRTP
Sunshine Boulevard	26th Street	138th Street	Y	Y	2	4 Lanes - Refer to MPO LRTP
US 41	Hancock Bridge Parkway	Pondella Road	Y	Y	4	6 Lanes - Refer to MPO LRTP
	Pondella Road	Liliston Road	Y	Y	4	6 Lanes - Refer to MPO LRTP
	Liliston Road	Business 41	Y	Y	4	6 Lanes - Refer to MPO LRTP
	Business 41	Del Prado Ext.	Y	Y	4	6 Lanes - Refer to MPO LRTP
	Del Prado Extension	Charlotte County Line	Y	Y	4	6 Lanes - Refer to MPO LRTP
East-West Corridor (4)	Charlotte County Line	I-75	Y	Y	4	6 Lanes - Refer to MPO LRTP
Del Prado Ext. N. (4)	I-75	Del Prado Ext. E.	Y	Y	4	New 4 Lanes - Refer to MPO LRTP
I-75 Interchange (4)	Del Prado Ext. N.	East-West Corridor	Y	Y	4	New Interchanges - Refer to MPO LRTP
Hanson Street Ext. (4)	V. S. Shoemaker Boulevard	Ortiz Avenue	Y	Y	4	New 6 Lanes - Refer to MPO LRTP
Liliston Road Ext. (4)	Business 41	SR 78/Sleier Road	Y	Y	4	New 2 Lanes - Refer to MPO LRTP

Agenda

Item

10f

10f

Babcock Ranch DRI –
Increment 1 Development
Order

10f

BABCOCK RANCH
DRI # 03-067-177
REVIEW OF CHARLOTTE COUNTY
INCREMENT I DEVELOPMENT ORDER

Council Recommendations

The Charlotte County Board of County Commissioners (the Board) originally approved the Babcock Ranch Master Development Order (MDO) on December 13, 2007. The Florida Department of Community Affairs (FDCA), now the Florida Department of Economic Opportunity (FDEO), filed an appeal of Development Order 2007-196 on January 28, 2008. On June 17, 2008, the Board adopted Resolution 2008-063 which incorporated settlement language into the Development of Regional Impact (DRI) approval conditions; and subsequently amended the MDO on December 15, 2009 by Resolution 2012-024. On December 15, 2009, the Board approved and adopted the Babcock Ranch Increment I DRI Incremental Development Order (IDO) under Resolution 2009284, as subsequently amended.

The Babcock Ranch DRI Increment I consists of 4,047± acres and is located in the southwesterly portion of the entire DRI, north of Lee County line, south of Charlotte County Road (CR) 74, and immediately east of Florida State Road 31. As currently approved, the development program for Babcock Ranch DRI Increment I includes: 2,500 residential dwelling units (1,500 single-family units and 1,000 multi-family units), 126,000 square feet of retail, 322,000 square feet of office, 100 hotel rooms, 90,000 square feet of industrial, and a variety of other ancillary uses.

Proposed Changes

On March 29, 2013, Regional staff received an application for a Notice of Proposed Change (NOPC) for the Babcock Ranch Community Increment 1 Development Order (Resolution 2009-284, as amended) that requested the following changes:

1. Increment 1 Development Area and Concept Plans

The applicant requested to revise the IDO to increase the acreage of Increment 1 by approximately 992 acres in order to increase flexibility in community planning alternatives for the subject site. The applicant did not requested increases in any of the development parameters. There were no changes in the number of residential units and non-residential square footages previously approved for the entire project or in Increment 1;

2. Affordable Housing

The applicant requested revisions to the conditions of approval relative to the Affordable Housing conditions approved in the current IDO to provide consistency with the MDO requirements; and

3. DRI Development Order

The applicant requested changes to the DRI Development Order Buildout and Expiration dates to reflect the extensions as provided by law and to reflect permits that have been issued.

Council Staff Analysis

Based on Chapter 308.06(19), F.S., Council staff reviewed the proposed changes and recommended that Council find the proposed changes to the Babcock Ranch DRI Increment I Development Order will not produce additional substantial regional impacts that were not previously identified and mitigated. Specifically no substantial additional impacts to any regional resources or facilities could be identified. Therefore, based on the information presented, the requested changes to the Babcock Ranch DRI Increment I should not be found to be a substantial deviation.

Charlotte County Development Order

On December 9, 2013 the Council reviewed and approved changes requested in a legally filed Notice of Proposed Change (NOPC) to amend Babcock Ranch DRI Increment I. On January 28, 2014, the Board considered and approved the report and recommendations of the SWFRPC concerning the requested amendments to the MDO.

A copy of the development order (see Attachment I) was rendered to the Department of Economic Opportunity (DEO) on January 29, 2014 and to the Southwest Florida Regional Planning Council (SWFRPC) on February 6, 2014. The 45-day appeal period for the DEO Development Order expires on March 14, 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 Charlotte County approved Development Order as rendered.
 2. Notify Charlotte County, the Florida Department of Economic Opportunity and the applicant that the approved Development Order is consistent with the Council approved NOPC.

02/14

BABCOCK RANCH COMMUNITY

INCREMENT 1

DRI INCREMENTAL DEVELOPMENT ORDER

**BOARD OF COUNTY COMMISSIONERS
CHARLOTTE COUNTY, FLORIDA**

AMENDED JANUARY 28, 2014

January 28, 2014

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1 with Section 252.363, Florida Statutes, so that all phase, expiration and buildout dates,
2 as well as associated mitigation dates contained within the IDO were cumulatively
3 extended as hereinafter provided; and

4 WHEREAS, all of the agreements, studies, reports and other documents
5 referenced in this IDO shall be kept on file with the SWFRPC; and

6 WHEREAS, the Board, as the governing body of the unincorporated area of
7 Charlotte County having jurisdiction pursuant to Section 380.06, Florida Statutes, is
8 authorized and empowered to consider the Notice of Proposed Change ("NOPC") for
9 the BRC Increment 1; and

10 WHEREAS, the public notice requirements of Section 380.06, Florida Statutes,
11 and the Charlotte County Land Development Regulations ("LDR"), which includes the
12 County's Zoning Ordinance, have been satisfied for the NOPC; and

13 WHEREAS, the Charlotte County Planning and Zoning Board has reviewed and
14 considered the report and recommendations of the SWFRPC and held a public hearing
15 to consider the NOPC on December 9, 2013; and

16 WHEREAS, the issuance of a development order pursuant to Section 380.06,
17 Florida Statutes, does not constitute a waiver of any powers or rights of County
18 regarding the issuance of other development permits consistent herewith; and

19 WHEREAS, on January 28, 2014 the Board, at a public hearing in accordance
20 with Section 380.06, Florida Statutes, having considered the NOPC submitted by
21 Developer, the NOPC sufficiency questions from reviewing agencies and Developer's
22 responses thereto, the report and recommendations of the SWFRPC, the documentary
23 and oral evidence presented at the hearing before the Board, the report and

January 28, 2014

1 recommendations of the Charlotte County Planning and Zoning Board, and the
2 recommendations of County staff, makes the Findings of Fact and Conclusions of Law
3 set forth below.

4 NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY
5 COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA THAT:

6 **RECITALS**

7 The recitals set forth above are true and correct and are incorporated herein and
8 made a part hereof.

9 **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

- 10 1. The real property constituting Increment 1 which is the subject of the NOPC,
11 consists of approximately 4047.98 acres, and is legally described as set forth in Exhibit
12 A attached hereto and made a part hereof ("Property" or "Community").
- 13 2. The NOPC is consistent with Subsections 380.06(6) and (21), Florida Statutes.
- 14 3. The NOPC is consistent with the MDO, which is incorporated herein by
15 reference.
- 16 4. The Developer submitted to the County an NOPC in March 29, 2013 and
17 responses to sufficiency questions on October 16, 2013. The application was deemed
18 sufficient by the SWFRPC on October 28, 2013. The representations and commitments
19 of Developer made in those documents which are made conditions of this IDO are
20 identified and set forth herein.
- 21 5. The Developer proposes to develop Increment 1 in accordance with the Babcock
22 Master Concept Plan (Map H through H-4, collectively referred to herein as Map H)
23 attached hereto as Exhibits B-1 through B-4 and made a part hereof. Map H constitutes
24 a portion of the revised Master Plan for the Babcock Ranch Overlay District in the

January 28, 2014

1 Charlotte County Comprehensive Plan ("Comprehensive Plan"). The development
2 program for Increment 1 authorized by this IDO, consisting of two phases, is as follows
3 ("Development Program"), subject to the limitations contained herein:

4 (i) 2,500 residential dwelling units (1,500 single family units and 1,000 multi-
5 family units),

6 (ii) 126,000 square feet of retail,

7 (iii) 322,500 square feet of office (general office; medical office; and civic,
8 community, and miscellaneous public facilities),

9 (iv) 100 hotel rooms,

10 (v) 90,000 square feet of industrial,

11 (vi) Ancillary facilities such as the educational service center, schools, and
12 university research facilities as identified in Exhibit B of the MDO, libraries,
13 places of worship, regional and community park sites, and the necessary
14 utility infrastructure including, but not limited to, water, wastewater and
15 reuse water systems, electric, telephone and cable systems will not be
16 attributed to the development components set forth above, and will not
17 count towards the maximum thresholds of development as established in
18 this IDO.

19 (vii) All other ancillary facilities, together with the development components set
20 forth above (excluding vi) shall not exceed the maximum thresholds
21 established in this IDO, subject to the use of the Equivalency Matrix
22 contained in Exhibit C.

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1 (viii) Temporary housing for construction workers and their families will not
2 count against the residential dwelling units allowed herein.

3 As set forth in more detail in Section 4 below, from a transportation perspective, only
4 Babcock Ranch Community Increment 1-Phase 1 ("Increment 1- Phase 1") is approved
5 by this IDO. Only the residential and non-residential development shown on Exhibit E
6 for Increment 1-Phase 1 is authorized by this IDO. However, site related preparation
7 and improvements for Increment 1-Phase 1 and Increment 1-Phase 2 are allowed, such
8 as clearing, grading, infrastructure, water management, mitigation, environmental
9 restoration and landscaping. An update of the Master Traffic Study was conducted and
10 approved in accordance with the MDO. Additional units and square footage will be
11 added to the development program in the future through the filing of a NOPC to this
12 increment.

13 6. The development is not in an area designated as an Area of Critical State
14 Concern pursuant to the Provisions of Section 380.05, Florida Statutes, as amended.

15 7. The development of Increment 1 is consistent with the current land development
16 regulations and the Comprehensive Plan of County ("Comprehensive Plan"), adopted
17 pursuant to Chapter 163, Part II, Florida Statutes. Further, it is orderly, maximizes
18 efficiency of infrastructure, and provides for specific infrastructure improvements
19 needed to meet prescribed levels of service.

20 8. The Increment 1 development as approved herein is consistent with the State
21 Comprehensive Plan.

22 9. The mitigation provided for Increment 1 development is consistent with the
23 requirements of section 163.3180(12), F.S.

January 28, 2014

1 10. The NOPC for Increment 1 of the Babcock Ranch Community DRI is hereby
2 approved, subject to compliance with the conditions contained in this IDO.

3 CONDITIONS

4 1. GROSS RESIDENTIAL DENSITY CONDITION AND DEVELOPMENT 5 PROGRAM

6 A. Representations and Commitments as Conditions.

7 (1) As provided in the Comprehensive Plan, net densities in the development
8 pods will range from 3 to 16 units per acre in villages, and from 3 to 24 units per acre in
9 the town center.

10 (2) The Development Program is approved and may be adjusted by
11 Developer in accordance with the equivalency matrix attached hereto, and incorporated
12 herein, as Exhibit C. The maximum and minimum limits of development within each
13 category for Increment 1 shall be subject to the Substantial Deviation criteria set forth in
14 Subsection 380.06(19), Florida Statutes.

15 (3) The Updated Summary of Land Dedication & Facilities Construction for
16 Increment 1 is attached hereto as Exhibit D and updates a portion of Exhibit D of the
17 MDO.

18 (4) The amount of non-residential development which may be constructed by
19 the end of Increment 1 relative to the cumulative number of residential units which have
20 been, or are projected to be, developed in Increment 1 shall be 10,000 square feet. The
21 intent is that non-residential uses be allowed to serve the occupancy of dwelling units.

22 (5) Development within Increment 1 shall be in two phases in accordance with
23 Exhibit E. Phase 1 shall be year 2010 through 2021, and Phase 2 from 2015 through
24 2026. Any development not completed in the Phase 1 may be completed in Phase 2.

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1 (6) Current uses within Increment 1 may continue to operate until such time
2 said use is permanently replaced with a use approved herein. Current uses within
3 Increment 1 include, but are not limited to, cattle grazing and agricultural uses, mining
4 and ecotourism uses. Permits for existing uses can be renewed or modified as an
5 allowed use until said use is permanently_replaced by a use approved herein.

6 (7) Increment 1 is approved for all conditions herein, with the exception of
7 Transportation impacts, which are approved only for Increment 1-Phase 1, as provided
8 for in Condition 4(A)(1) herein.

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1 **2. AFFORDABLE HOUSING**

2 A. Representations and Commitments as Conditions. – None.

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1 **3. STORMWATER MANAGEMENT, WATER QUALITY, AND FLOOD PLAINS**

2 A. Representations and Commitments as Conditions.

3 (1) The Master Drainage Plan for Increment 1 is attached hereto as Exhibit F.

4 (2) The design of the Increment 1 surface water management system will
5 comply with the "Stormwater Plan" outlined in Subsection A and B in Condition 4 of the
6 MDO.

7 (3) Developer shall submit the results from monitoring the existing ground and
8 surface water quality conditions on and abutting Increment 1 with the applicable
9 Biennial Report in accordance with Condition 13 herein.

10 (4) When available, Developer shall identify any changes including duration,
11 frequency and seasonality, in timing or pattern of water flows, and between pre- and
12 post-development conditions as part of the applicable Biennial Report in accordance
13 with Condition 13 herein.

14 (5) Development of Increment 1 includes conveyance features located
15 outside the Increment 1 boundaries that convey stormwater runoff. Examples of
16 conveyance features include, but are not limited to, swales, ditches, canals and
17 overland flow. Some improvements to these conveyance features will be made as part
18 of Increment 1.

19 (6) The stormwater management system shall be that system as permitted by
20 the South Florida Water Management District ("SFWMD") Individual Environmental
21 Resource Permit No. 08-00004-S-05 and the Florida Department of Environmental
22 Protection ("FDEP") Individual Environmental Resource Permit No. 0184047-005
23 ("ERP").

24

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1 **4. TRANSPORTATION**

2 A. Representations and Commitments as Conditions.

3 (1) Increment 1-Phase 1.

4
5 a. From a transportation perspective, only Babcock Ranch Community
6 Increment 1-Phase 1 ("Increment 1-Phase 1") is approved by this IDO. Due to
7 the limited development of Increment 1-Phase 1 and its build-out date of March
8 4, 2021, the traffic analysis that has been conducted by the Developer, Florida
9 Department of Transportation (FDOT), County and Lee County is sufficient. Only
10 the residential and non-residential development shown on Exhibit E for Increment
11 1- Phase 1 is authorized by this IDO. However, site related preparation and
12 improvements for Increment 1-Phase 1 and Increment 1-Phase 2 are allowed,
13 such as clearing, grading, infrastructure, water management, mitigation,
14 environmental restoration and landscaping are allowed.

15 b. Developer shall be fully responsible for the required site-related roadway
16 and intersection improvements associated with Increment 1- Phase 1 as set
17 forth herein. Site-related improvements include, but are not limited to, the
18 following: site driveways and roads; median cuts made necessary by those
19 driveways or roads; right-turn, left-turn, and deceleration or acceleration lanes
20 leading to or from those driveways or roads; traffic control measures for those
21 driveways or roads; and roads or intersection improvements whose primary
22 purpose at the time of construction is to provide access to the development. The
23 specific site-related improvements shall be subject to review and approval under
24 the Site Plan Review process as provided in Section 3-9-5.1 of the Code of Laws

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1 and Ordinances of Charlotte County, Florida ("Code"), and coordination with
2 FDOT. The site-related improvements are as follows:

3 SR 31 and South Project Entrance
4 - Add NB Right-Turn Lane
5 - Add SB Left-Turn Lane
6 - Signal, If and When Warranted
7

8 SR 31 and North Project Entrance
9 - Add NB Right-Turn Lane
10 - Add SB Left-Turn Lane
11 - Signal, If and When Warranted
12

13 Construction of ingress and egress driveways, as necessary
14 along SR 31.
15

16 c. The off-site traffic impacts of Increment 1-Phase 1, through 2021, as
17 estimated by the AIDA traffic analysis are identified in Exhibit J, which is attached
18 hereto and incorporated herein by reference. These off-site traffic impacts have
19 been accepted by FDOT, County, Lee County, Department of Economic
20 Opportunity, Division of Community Development ("DEO"), and the SWFRPC, as
21 the impacts resulting from Increment 1-Phase 1.

22 1. The mutually agreed upon significant and adversely
23 impacted roadways and the identified improvements for Increment
24 1-Phase 1 are:

25 a. SR 31 from SR 78 to North River Road
26 - Widen from 2 to 4 lanes
27

28 2. The mutually agreed upon significantly and adversely
29 impacted intersections and the identified improvements for
30 Increment 1-Phase 1 are:

31 a. SR 31 and SR 80
32 - Add Second Southbound Left-Turn Lane

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1 following schedule of listed improvements and date-certain
 2 payment provisions:
 3

Reference #	Item	Total Cost	Anticipated Start Date ⁽³⁾
1	Intersection Improvements: - SR31 and SR80	\$243,000	Monitoring ⁽¹⁾
2	SR 31 Widening to 4 Lanes from SR 78 to North River Road <ul style="list-style-type: none"> • Cause to have prepared Project Development and Environment Study or State Environmental Impact Report of SR31 from SR78 to North River Road • Prepare Preliminary Engineering Plans for SR 31 from SR78 to North River Road • Undertake Right-of-Way Acquisition for SR 31 from SR78 to North River Road • Construct Interim Intersection Improvements: - SR 31 and North River Road - SR 31 and SR 78 • Construct 4 Lane Improvement for SR 31 from SR78 to North River Road 	\$260,000 \$774,000 \$980,000 \$521,000 \$126,000 \$5,935,000	Initiated ⁽²⁾ 2012 2014 Monitoring ⁽¹⁾ Monitoring ⁽¹⁾ 2015
3	SR31 Traffic Count Stations	\$100,000	2011
	TOTAL	\$8,939,000	

4 (1) Start date as required per Condition 4(A) (1) c.(4)(a)

5 (2) These tasks have been initiated early by Developer to facilitate completion of required
 6 improvements.

7 (3) Dates are anticipated and subject to adjustment by Developer and FDOT without a need to
 8 amend this development order. Start dates, as well as the associated mitigation
 9 requirements, contained within the IDO are subject to extension under Section 252.363,
 10 Florida Statutes.

11 b. If and when requested by County, the Developer shall
 12 also make certain intersection improvements at SR 31 and
 13 CR 74, to extend the Northbound to Westbound Left Turn

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1 Lane, at an estimated cost of \$100,000, and as set forth in
2 more detail in Section 4.d. below.

- 3 4. After the effective date of this IDO, the Developer shall:
- 4 a. Initiate the intersection improvements (Reference #1
5 above) no later than 90 days after the monitoring report
6 indicates that the Project is generating at least 300 pm
7 peak hour, two-way external trips and the intersection is
8 projected to operate below the adopted level of service
9 standard within 12 months. If these improvements are
10 not initiated within the above time period, no building
11 permits beyond these limitations can be issued until
12 these improvements are initiated.
- 13 b. Initiate the improvements of SR 31 to eventually result in
14 the four-laning for SR 31 from SR 78 to North River Road
15 (Reference #2 above). The improvements will consist of
16 the following:
- 17 i) Coordinate with FDOT to fund, continue and complete
18 the Project Development and Environment Study (PD&E)
19 or State Environmental Impact Report (SEIR) for SR31
20 from at least SR78 to North River Road.
- 21 ii) Coordinate with FDOT to undertake the Preliminary
22 Engineering for the SR31 roadway widening from at least
23 SR 78 to North River Road.

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- 1 iii) Coordinate acquisition and funding with either the
2 Babcock Ranch Community Independent Special District,
3 County, Lee County, or FDOT to assemble necessary
4 right-of-way.
- 5 iv) Coordinate with FDOT to construct the four-lane
6 improvement. As identified in Condition 4(A)(1)c.3
7 above, it is anticipated that the PD&E study or SEIR, the
8 preliminary engineering, and the right-of-way acquisition
9 will occur through 2014. Construction of the widening
10 improvement is anticipated to commence in 2015. Of
11 note, the interim intersection improvements may provide
12 additional capacity to the roadway to maintain the
13 roadway level of service standards, subject to biennial
14 monitoring and confirmation after construction of the
15 interim intersection improvements. [NOTE: Dates
16 contained within the IDO, as well as the associated
17 mitigation requirements, are subject to extension in
18 accordance with Section 252.363, Florida Statutes.]
- 19 v) Coordinate with FDOT to construct interim intersection
20 improvements at SR 31 and North River Road and at SR
21 31 and SR 78. Intersection improvements are to be
22 initiated no later than 90 days after the monitoring report

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1 indicates that the Project is generating at least 300 pm
2 peak hour, two-way external trips.

3 c. Install permanent traffic count stations at the Project's
4 access points off SR 31 at the time of constructing the
5 access points and up to two permanent traffic count
6 stations along SR31, north and south of the proposed
7 permanent entrances to the Community in 2011. Final
8 location of the count stations will be coordinated with
9 County (Reference #3 above). [NOTE: Dates contained
10 within the IDO, as well as the associated mitigation
11 requirements, are subject to extension in accordance
12 with Section 252.363, Florida Statutes.]

13 d. If and when requested by County the Developer will
14 provide for the extension of the northbound SR31 left turn
15 lane at CR 74. County will complete the analysis to
16 determine the extent of the improvement and the timing
17 requirement of the improvement.

18 5. FDOT has maintenance authority for SR 31 and the
19 intersection improvements set forth above. Developer shall be
20 responsible for the guaranteed construction of the above
21 improvements, in accordance with the above schedule, and in
22 accordance with the binding and enforceable commitment by the
23 Developer in this IDO and on the attached Exhibit L to assure

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1 construction or improvement of these facilities, pursuant to F.S.
2 163.3180(12)(a)4. and Rule 9J-2.045(7)(a)1.a.(V), F.A.C.

3 6. As the cost of the mitigation by the Developer for Increment
4 1-Phase 1 exceeds the proportionate share of the impacts from
5 Increment 1-Phase 1 of \$3,368,100 (as adjusted up or down in
6 accordance with actual costs and based upon the accepted
7 proportionate share percentages shown on Exhibit K), the
8 Developer shall be credited to the overall impact of the Project for
9 the cost of improvements beyond the proportionate share amount
10 as provided in the MDO and applicable law. Developer and County
11 may enter into a Transportation Credit Agreement to further
12 delineate the terms and procedures for implementing credits for
13 identified improvements set forth above in excess of the
14 proportionate share of Increment 1-Phase 1. Credit for the cost of
15 additional improvements as set forth above shall be analyzed as
16 part of transportation analysis for Increment 1-Phase 2 or future
17 increments and be included in subsequent incremental
18 development orders.

19 d. Satisfaction of the required mitigation in the timeframes as outlined and
20 compliance with the transportation related provisions of this IDO for Increment 1-Phase
21 1 shall satisfy the road or traffic concurrency requirements of the Comprehensive Plan,
22 LDR, and the Charlotte County Concurrency Management System, through March 4,
23 2021 (the build out date of Increment 1-Phase 1). If the Developer proposes to extend

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1 the build out date of Increment 1-Phase 1 beyond March 4, 2021, the Developer and the
2 review agencies, during the development order amendment process pursuant to
3 Section 380.06(10), Florida Statutes, shall re-evaluate the future traffic impact of the
4 development in a manner consistent with the Master Development Order, and shall re-
5 evaluate the concurrency status of Increment 1-Phase 1 on all roadway segments listed
6 in Conditions 4(A)(1)c.1 above.

7 e. DEO has determined that SR 31 is a Regionally Significant Roadway as
8 defined in Rule 9J-2.045, F.A.C.

9 f. County, by approving this IDO, has exercised its discretion to accept this
10 mitigation for Increment 1-Phase 1.

11 g. Improvements to the facilities outlined above shall be made at the time
12 that a road segment or intersection is expected to operate below the level of service
13 standard adopted in an impacted jurisdiction's Comprehensive Plan. No building permits
14 for residential and non-residential development shown on Exhibit E for Increment 1-
15 Phase 1 shall be issued unless the improvements are: a) complete, b) under
16 construction, c) the subject of a clearly identified, executed and recorded local
17 government development agreement consistent with Sec. 163.3220 through 163.3423,
18 F.S. incorporated into the IDO ensuring completion concurrent with impacts; or d) the
19 subject of a binding commitment ensuring completion concurrent with impacts
20 incorporated into the IDO.

21 (2) Increment 1-Phase 2

22 a. Increment 1-Phase 2 transportation impacts and mitigation shall be
23 addressed through an NOPC. All other conditions, other than Transportation, have
24

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1 been fully addressed for the entire Increment 1, so that the NOPC need only address
2 Transportation issues, unless the Developer wishes to make other changes to the
3 Development Program which necessitates a review of the other conditions.

4 (3) The Master Internal Circulation Plan for Increment 1 is attached hereto as
5 Exhibit G.

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January 28, 2014

1 **5. VEGETATION, WILDLIFE, AND WETLANDS**

2 A. Representations and Commitments as Conditions.

3 (1) No additional species have been documented within Increment 1 over
4 those identified in the MDO.

5 (2) Development within Increment 1 shall comply with the threatened and
6 endangered management plan ("T&E Plan") provided for in the Conceptual ERP and
7 United States Army Corps of Engineers Permit SAJ 2006-6656 (IP-MJD) ("ACOEP").

8 (3) Development within Increment 1 shall comply with the mitigation
9 requirements provided for in the ERP and ACOEP.

10 (4) Mitigation for wetlands and listed species within the Increment 1 boundary
11 may occur outside the Increment 1 boundary in accordance with state and federal
12 permits and the MDO.

13 (5) The approved T&E Plan and approved Mitigation Plan will be provided as
14 part of the first applicable Biennial Report to the County, the SWFRPC and the DEO in
15 accordance with Condition 13 herein. The Biennial Report shall also contain copies of
16 any conservation easements that have been recorded relative to Increment 1 that were
17 not provided in a previously submitted Biennial Report.

18 (6) Developer shall provide a copy of the Prescribed Fire Plan once
19 completed as part of the applicable Biennial Report in accordance with Condition 13
20 herein.

21 (7) An updated Greenway Map for Increment 1 is attached hereto as Exhibit
22 H1 and Exhibit H2. Developer shall comply with the Babcock Ranch Community

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- 1 Charlotte County Greenways Management Plan, a copy of which was provided to
- 2 County and is on file with the SWFRPC.

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January 28, 2014

1 **6. WASTEWATER MANAGEMENT AND WATER SUPPLY**

2 A. Representations and Commitments as Conditions.

3 (1) The updated Primary Utility Corridor map for Increment 1 is attached
4 hereto as Exhibit I.

5 (2) The source of raw water for potable service within Increment 1 will be
6 groundwater. MSKP Town and Country Utility, LLC or its successors and assigns will
7 provide water service for Increment 1.

8 (3) MSKP Town and Country Utility, LLC or its successors and assigns will
9 provide wastewater service for Increment 1.

10 (4) A centralized wastewater treatment system, in the form of package plants,
11 shall be limited to 1.5 MGD (not including wastewater treatment options which will be
12 employed in the North Babcock Area).

13 (5) On-site wastewater treatment system(s) may be used permanently within
14 the Increment 1 North Area.

15 (6) Agricultural activities within the Increment 1 North Area will continue to
16 use the existing agricultural wells. An agricultural well may be converted or a new
17 potable well established for non-agricultural activities within the Increment 1 North Area.

18 (7) All effluent suitable for Public Access Reuse will be stored and distributed
19 as needed into an irrigation system which will include residential, commercial, median
20 and other green areas. After storage has been maximized, excess effluent will be
21 disposed of consistent with Florida Department of Environmental Protection permitting.
22 Irrigation systems will use best management practices to minimize overspray onto
23 impervious systems that could lead to the stormwater management system.

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1 (8) MSKP Town and Country Utility, LLC, or its successors and assigns, will
2 provide reclaimed water service for Increment 1.

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1 **7. EDUCATION**

2 A. Representations and Commitments as Conditions.

3 (1) The Developer shall comply with the School Site Dedication Agreement.

4 (2) The Developer shall comply with the Charlotte County Public School
5 Facilities Element of the Comprehensive Plan regarding the process for school
6 concurrency management, review and approval, and with Article XIV of the Charlotte
7 County Land Development Code, Concurrency Management regulations.

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January 28, 2014

1 **8. POLICE AND FIRE**2 A. Representations and Commitments as Conditions.

3 (1) The specifications for (1) Horton EMS Transport Vehicle were submitted
4 as part of the AIDA for Increment 1. One (1) such vehicle shall be provided in
5 accordance with Exhibit D. The housing of that vehicle will be the responsibility of
6 County.

7 (2) The District shall place an interim fully operational double-wide trailer at
8 least 24 feet in width and 60 feet in overall length as the first Sheriff's Sub-Station next
9 to the existing fire station located on SR 31 which will utilize the utilities serving the
10 existing fire station. Said trailer shall be made available to the Sheriff by the issuance of
11 the first residential Certificate of Occupancy and will be terminated upon the opening of
12 the combined fire/Sheriff's facility in a future increment.

13 (3) All law enforcement, fire, and EMS impact fees collected from the
14 Development (not including any interest earned by County) shall be provided to District
15 and/or Developer in the form of reimbursements as set forth in the Impact Fee
16 Agreement.

17 (4) Fire protection may be served by appropriately pressurized irrigation
18 water.

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January 28, 2014

1 **9. OPEN SPACE AND PARKS**

2 A. Representations and Commitments as Conditions.

3 (1) Renewable energy resource facilities and systems shall be allowed
4 throughout Increment 1. If constructed within Active Greenways, such facilities shall not
5 count as open space.

6 (2) Park sites shall be conveyed with exotic plants removed and infrastructure
7 provided as set forth in Exhibit D.

8 (3) District or Developer shall prepare the master plan(s) for the permanent
9 park site(s) required within Increment 1 in consultation with County and at no cost to the
10 County. The County may participate with the design team in development of the master
11 plan(s). County shall enter into an agreement with Developer or District regarding the
12 development and operation of parks prior to the 500th residential Certificate of
13 Occupancy ("C/O") being issued within Increment 1.

14 (4) General agricultural operations may be conducted throughout Increment 1
15 in accordance with the Comprehensive Plan and the LDR.

16 (5) All parks and library impact fees collected from the Development within
17 Increment 1 shall be provided to District and/or Developer in accordance with the
18 Impact Fee Agreement.

19 (6) Common recreational areas and common open spaces within
20 Increment 1, if any, will be maintained by a property owner's association, the District, or
21 a Chapter 190 Community Development District.

January 28, 2014

1 (7) Some recreation and parks may be provided as temporary uses in
2 Increment 1 that might be replaced by future development as other facilities are
3 provided.

4 (8) Mini parks shall be provided at a minimum of one-half (.5) acre per one-
5 thousand population and neighborhood parks shall be provided at a minimum of one
6 and one-half (1.5) acre per one-thousand population within Increment 1.

7 **REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY**
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January 28, 2014

1 **10. ENERGY**

2 A. Representations and Commitments as Conditions.

3 (1) A Solar Photovoltaic Electrical Generation Facility and associated
4 facilities, a substation, an operations and maintenance building, and related
5 appurtenances may be constructed throughout Increment 1.

6 (2) One (1) zero energy home shall be constructed within Increment 1.

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January 28, 2014

1 **11. MINING OPERATIONS**

2 A. Representations and Commitments as Conditions.

3 (1) The existing mining operations may be continued during development of
4 Increment 1, consistent with permitting. As mining operations are phased out, mining
5 lakes will be properly reclaimed pursuant to applicable permits.

6 **REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY**

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January 28, 2014

1 **12. CONSISTENCY WITH THE LOCAL COMPREHENSIVE PLAN**

2 County has determined that the Increment 1 project is consistent with its
3 Comprehensive Plan.

4 **13. BIENNIAL REPORTS**

5 The Developer of Increment 1, or its successor(s)-in-title to the undeveloped
6 portions of Increment 1, must submit a biennial report to the County, the SWFRPC and
7 the DEO, on Form RPM-BSP Annual Report – 1. This report must describe the stage of
8 development and the status of compliance with the IDO conditions as of the date of
9 submission and be consistent with the rules of DEO. The first report must be submitted
10 to the DRI Coordinator for SWFRPC, the DEO, and County simultaneous with the next
11 MDO annual report due not sooner than 2 years after approval of this IDO. Further
12 reporting must be submitted not later than once every two years for subsequent
13 calendar years thereafter, simultaneous with the MDO annual reports, until Buildout,
14 whether actual or declared. Failure to comply with this biennial reporting procedure is
15 governed by Subsection 380.06(18), Florida Statutes, which provides for the temporary
16 suspension of the IDO. The Developer of Increment 1 must inform successors-in-title to
17 any undeveloped portion of the real property covered by this IDO of this reporting
18 requirement.

19 **14. CHANGED CONDITIONS**

20 If County, during the course of monitoring the development of Increment 1, can
21 demonstrate that substantial changes in the conditions underlying the approval of this
22 IDO has occurred or that this IDO was based on substantially inaccurate information

January 28, 2014

1 provided by the Developer, resulting in additional substantial regional impacts, then a
2 substantial deviation shall be deemed to have occurred.

3 **15. COMPLIANCE MONITORING**

4 The County Administrator, or his or her designee, shall be the local official
5 responsible for assuring compliance with the IDO. Monitoring procedures will include
6 County's site plan review and code enforcement procedures, and the Biennial Reports.

7 **16. EXEMPTION FROM DOWNZONING AND DENSITY/INTENSITY REDUCTION**

8 Pursuant to Subsection 380.06(15)(c)3, Florida Statutes, this Increment 1 project
9 is exempt from down zoning, intensity reduction, or unit density reduction until
10 September 9, 2042, unless County can demonstrate that substantial changes in the
11 conditions underlying the approval of this IDO have occurred or this IDO was based on
12 substantially inaccurate information provided by the Developer or that the change is
13 clearly established by local government to be essential to the public health, safety, or
14 welfare.

15 **17. COMMENCEMENT OF DEVELOPMENT**

16 Development shall commence in accordance with the deadline(s) established in
17 this IDO.

18 **18. PROJECTED BUILDOUT**

19 Buildout of Increment 1 is projected to occur on or about March 4, 2026
20 ("Buildout Date").

21 **19. EXPIRATION DATE**

22 The expiration date for this IDO is March 4, 2033.

January 28, 2014

1 **20. DEVELOPMENT PERMITS**

2 Subsequent requests for development permits within Increment 1 shall not
3 require further review pursuant to Section 380.06, Florida Statutes, unless it is found by
4 the Board, after due notice and hearing, that one or more of the following items listed in
5 Paragraphs A and B is present. Upon such a finding, the Board may take any action
6 authorized by Subsection 380.06(19), Florida Statutes, pending issuance of an
7 amended development order.

8 A. A substantial deviation from the terms or conditions of this IDO, a failure to
9 carry out conditions, commitments or mitigation measures to the extent set forth herein
10 or consistent with the timing schedules specified herein or substantial deviation from the
11 approved development plans which create a reasonable likelihood of additional regional
12 impacts or other types of regional impacts which were not previously reviewed by the
13 SWFRPC; or

14 B. An expiration of this IDO as provided herein.

15 **21. GENERAL PROVISIONS**

16 The approval granted by this IDO is limited. Such approval shall not be
17 construed to relieve the Developer of the duty to comply with all other applicable local,
18 state or federal permitting regulations.

19 A. Developer and County shall work together in a cooperative manner to
20 ensure that the necessary applications to County, the issuance of permits and the
21 conduct of inspections occur expeditiously and that development is not impeded by
22 unnecessary delays associated with such applications, permit issuances, and
23 inspections.

January 28, 2014

1 B. It is understood that any reference herein to any governmental agency
2 shall be construed to mean any future entity which may be created or be designated or
3 succeed in interest to, or which otherwise possesses any of the powers and duties of,
4 any referenced governmental agency in existence on the effective date of this IDO.

5 C. Appropriate conditions and commitments contained herein may be
6 assigned to or assumed by District.

7 D. If there is a conflict between a provision in this IDO and a provision in the
8 MDO, the provision in this IDO shall prevail for Increment 1. Exhibit D, attached hereto
9 and made a part hereof by reference, is an updated version of Exhibit D to the MDO
10 entitled "Summary of Land Dedication and Facilities Construction" as to the Increment 1
11 property. Said updated Exhibit D amends Exhibit D to the MDO as to the Increment 1
12 property.

13 E. If there is a conflict between a provision in this IDO and a provision in an
14 ERP, a Consumptive Use Permit ("CUP") or ACOEP, the provision in the ERP, CUP, or
15 ACOEP shall prevail.

16 F. In the event that any portion or section of this IDO is determined to be
17 invalid, illegal, or unconstitutional by a court or agency of competent jurisdiction, such
18 decision shall in no manner, affect the remaining portions of this development order
19 which shall remain in full force and effect.

20 G. This IDO shall be binding upon the County and the Developer, its
21 assignees or successors-in-interest.

22 H. This IDO shall become effective upon NOPC-13-04-11, approved by the
23 Board on January 28, 2014, becoming effective. All dates contained herein are based

January 28, 2014

1 upon an assumed effective date occurring within 120 days of January 28, 2014. If for
2 any reason the actual effective date occurs beyond the 120 day assumption, all time
3 frames contained herein shall be extended commensurate with the number of days
4 beyond the 120 days it takes for this IDO to become effective.

5 I. The County shall provide certified copies of this IDO to DEO and the
6 SWFRPC as provided in Subsection 380.06(25)(g), Florida Statutes.

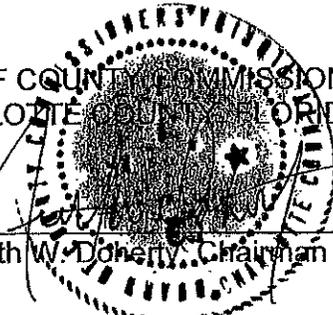
7 J. This Resolution shall be recorded in the Minutes of the Board.

8 PASSED AND DULY ADOPTED this 28TH day of January, 2014.

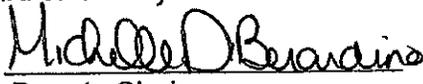
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BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

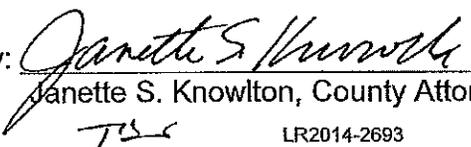
By: 
Kenneth W. Doherty, Chairman



ATTEST:
Barbara T. Scott, Clerk of Circuit
Court and Ex-officio Clerk to the
Board of County Commissioners

By: 
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

By: 
Janette S. Knowlton, County Attorney

TSC LR2014-2693

January 28, 2014

1

EXHIBITS

2	Exhibit A-1	Increment 1 North Area Babcock Ranch Community
3		Legal Description
4	Exhibit A-2	Increment 1 South Area Babcock Ranch Community
5		Legal Description
6	Exhibit A-3	Utility Easement Babcock Ranch Community Legal
7		Description
8	Exhibit B-1	Babcock Ranch Community Map H Increment 1
9		Master Development Plan
10	Exhibit B-2	Babcock Ranch Community Map H-1 Increment 1
11		South Area Master Development Plan
12	Exhibit B-3	Babcock Ranch Community Map H-2 Increment 1
13		Utility Easement Area Master Development Plan
14	Exhibit B-4	Babcock Ranch Community Map H-3 Increment 1
15		North Area Master Development Plan
16	Exhibit B-5	Babcock Ranch Community Map H-4 Increment 1
17		Master Development Plan Fixed and Variable
18		Development Criteria
19	Exhibit C	Babcock Ranch Community Increment 1 Equivalency
20		Matrix
21	Exhibit D	Updated Summary of Land Dedications and Facilities
22		Construction
23	Exhibit E	Babcock Ranch Community Increment 1 Parameters
24	Exhibit F	Increment 1 Master Drainage Plan
25		
26	Exhibit G	Increment 1 Master Internal Circulation Plan
27		
28	Exhibit H1	Increment 1 South Area Primary Greenway Map and
29		Trails Plan
30		
31	Exhibit H2	Increment 1 North Area Primary Greenway Map and
32		Trails Plan
33		
34	Exhibit I	Increment 1 Primary Utility Corridor Map
35		
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January 28, 2014

EXHIBITS, cont.

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- Exhibit J Increment 1, Phase 1, Future (2014) Traffic Conditions with 22% (Daily) Internal Capture Directional Peak Hour, Peak Season
- Exhibit K Increment 1, Phase 1, Future (2014) Traffic Conditions with Project Proportionate Share Calculation
- Exhibit L Babcock Ranch Community DRI Increment 1-Phase 1 Master Roadway Improvement Agreement dated February 18, 2010 as approved under the Board of County Commissioners of Charlotte County, Florida Resolution Number 2012-112

January 28, 2014

EXHIBIT A-1

Page 1 of 2

LEGAL DESCRIPTION:

BEING A PARCEL OF LAND LYING OVER A PORTION OF SECTIONS 29, 31, AND 32, TOWNSHIP 41 SOUTH, RANGE 26 EAST, CHARLOTTE COUNTY, FLORIDA; SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 31; PROCEED NORTH 00°48'42" WEST, ALONG THE WEST LINE OF SAID SECTION 31, A DISTANCE OF 2975.54 FEET TO A POINT ON THE WESTERLY EXTENSION OF THE NORTH LINE OF THAT CERTAIN "LESS & EXCEPT PARCEL" AS DESCRIBED IN OFFICIAL RECORDS BOOK 3011, PAGE 2078, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA; THENCE NORTH 89°11'17" EAST, DEPARTING SAID WEST LINE, AND ALONG SAID WESTERLY EXTENSION, A DISTANCE OF 349.99 FEET TO THE NORTHWEST CORNER OF SAID "LESS & EXCEPT PARCEL"; THENCE CONTINUE NORTH 89°11'17" EAST, ALONG THE NORTH LINE OF SAID "LESS & EXCEPT PARCEL", A DISTANCE OF 3,349.91 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89°11'17" EAST, ALONG THE NORTH LINE OF SAID "LESS & EXCEPT PARCEL", A DISTANCE OF 2,311.08 FEET TO A POINT ON THE WEST LINE OF SAID "LESS & EXCEPT PARCEL"; THENCE NORTH 00°00'03" WEST, DEPARTING SAID NORTH LINE, AND ALONG SAID WEST LINE, A DISTANCE OF 2,799.32 FEET TO A POINT ON THE NORTH LINE OF SAID "LESS & EXCEPT PARCEL"; THENCE NORTH 89°59'57" EAST, DEPARTING SAID WEST LINE, AND ALONG SAID NORTH LINE, A DISTANCE OF 2,166.96 FEET; THENCE SOUTH 00°00'03" EAST, DEPARTING SAID NORTH LINE, A DISTANCE OF 5,764.83 FEET TO A POINT ON THE NORTH LINE OF THAT CERTAIN 100-FOOT WIDE ACCESS EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 3011, PAGE 2046, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA; THENCE NORTH 89°51'41" WEST, ALONG SAID NORTH EASEMENT LINE, A DISTANCE OF 3,037.25 FEET; THENCE NORTH 89°35'41" WEST, CONTINUING ALONG SAID NORTH EASEMENT LINE, A DISTANCE OF 1,440.60 FEET; THENCE NORTH 00°00'03" WEST, DEPARTING SAID NORTH EASEMENT LINE, A DISTANCE OF 2,915.19 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 442.56 ACRES, MORE OR LESS.

SURVEYOR'S NOTES:

THE BEARINGS AND DISTANCES SHOWN ON THIS SKETCH AND DESCRIPTION ARE "GRID" AND BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, TRANSVERSE MERCATOR PROJECTION, FLORIDA WEST ZONE, NORTH AMERICAN DATUM OF 1983/2007 ADJUSTMENT.

BEARING BASE:

THE WEST LINE OF SECTION 31, TOWNSHIP 41 SOUTH, RANGE 26 EAST, IS TAKEN TO BEAR NORTH 00°48'42" WEST, AND ALL OTHER BEARINGS SHOWN HEREON, ARE RELATIVE THERETO.

LEGEND:

O.R.B. = OFFICIAL RECORDS BOOK

 = SECTION CORNER

THIS IS NOT A SURVEY

Date: 12/1/2009 9:27 AM
 Plotted by: Knobloch, Clint
 Layout Name: SHEET 1
 Drawing Name: P:\60100834\Survey\Boundary\60100834.dwg

© 2009 Boyle Engineering

SURVEYOR AND MAPPER'S SIGNATURE
 1. UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, THIS MAP/REPORT IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.
 2. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THIS OFFICE.

CLINTON H. KNOBLOCH, PROFESSIONAL SURVEYOR & MAPPER
 STATE OF FLORIDA NO. 6053

PROJECT NAME:

SKETCH AND DESCRIPTION FOR:
 INCREMENT 1 - NORTH PARCEL

BOYLE ENGINEERING
 3550 S.W. Corporate Parkway
 Palm City, Florida 34880
 T 772.266.3883 F 772.266.3925
 BPR & FBPE License No's: 2005 & LB 7822
 www.boyle.com

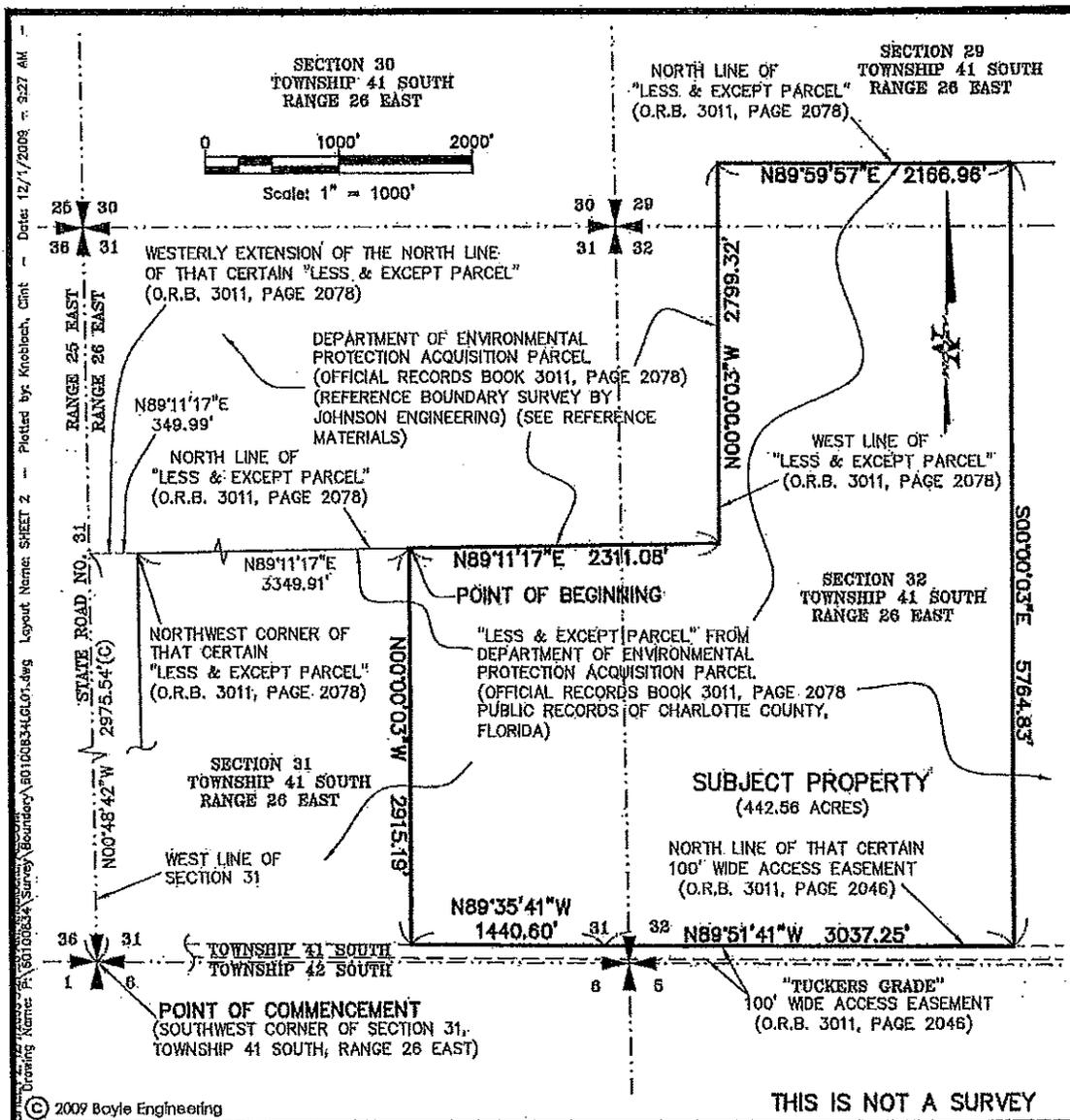
BOYLE ALUM

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Checked: CHK			

January 28, 2014

EXHIBIT A-1

Page 2 of 2

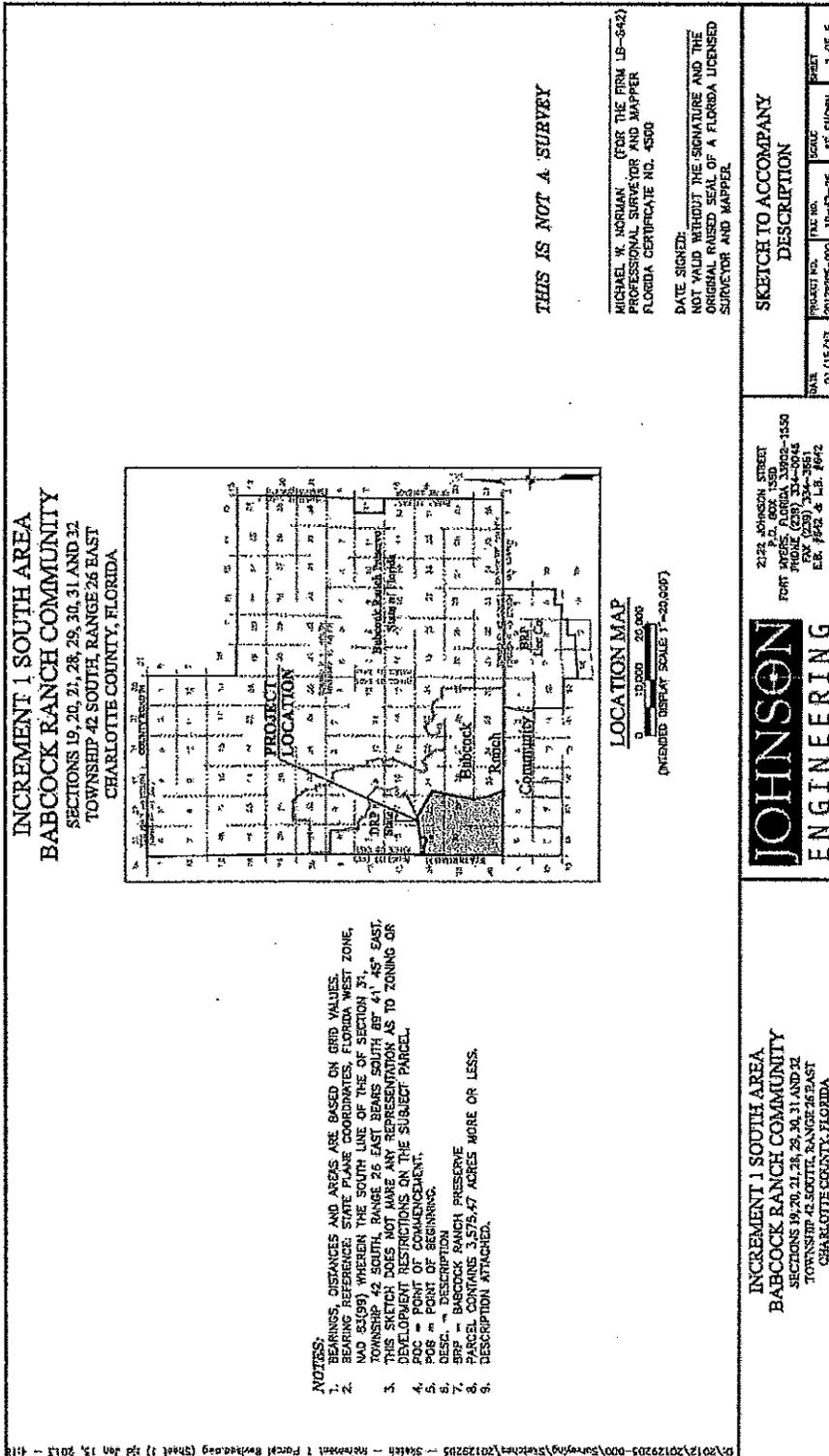


<p>BOYLE ENGINEERING</p> <p>3550 S.W. Corporate Parkway Palm City, Florida 34980 T 772.286.3883 F 772.286.3925 BPR & FBPE License No's 2005 & LB 7622 www.boyle.ascom.com</p>		<p>PROJECT NAME:</p> <p>SKETCH AND DESCRIPTION FOR: INCREMENT 1 - NORTH PARCEL</p>							
		<p>REVISIONS:</p> <table border="1"> <tr> <td>Field Book: N/A</td> <td>Page: N/A</td> <td>Field: N/A</td> </tr> <tr> <td>Date: 11/23/09</td> <td>FILE NO. 60100834.GL01</td> <td>Project No. 60100834</td> </tr> </table>		Field Book: N/A	Page: N/A	Field: N/A	Date: 11/23/09	FILE NO. 60100834.GL01	Project No. 60100834
Field Book: N/A	Page: N/A	Field: N/A							
Date: 11/23/09	FILE NO. 60100834.GL01	Project No. 60100834							
<p>BOYLE ENGINEERING</p> <p>3550 S.W. Corporate Parkway Palm City, Florida 34980 T 772.286.3883 F 772.286.3925 BPR & FBPE License No's 2005 & LB 7622 www.boyle.ascom.com</p>		<p>Scale: 1"=1000'</p> <p>Sheet 2 OF 2</p> <p>Computed: CHK</p> <p>Checked: CHK</p>	<p>REVISIONS:</p> <table border="1"> <tr> <td>Field Book: N/A</td> <td>Page: N/A</td> <td>Field: N/A</td> </tr> <tr> <td>Date: 11/23/09</td> <td>FILE NO. 60100834.GL01</td> <td>Project No. 60100834</td> </tr> </table>	Field Book: N/A	Page: N/A	Field: N/A	Date: 11/23/09	FILE NO. 60100834.GL01	Project No. 60100834
Field Book: N/A	Page: N/A	Field: N/A							
Date: 11/23/09	FILE NO. 60100834.GL01	Project No. 60100834							

January 28, 2014

EXHIBIT A-2

Page 1 of 5



**INCREMENT 1 SOUTH AREA
BABCOCK RANCH COMMUNITY**
SECTIONS 19, 20, 21, 28, 29, 30, 31 AND 32
TOWNSHIP 42 SOUTH, RANGE 26 EAST
CHARLOTTE COUNTY, FLORIDA

- NOTES:
1. BEARINGS, DISTANCES AND AREAS ARE BASED ON GRID VALUES.
 2. BEARING REFERENCE STATE PLANE COORDINATES, FLORIDA WEST ZONE, NAD 83(98) WHEREIN THE SOUTH LINE OF THE OF SECTION 31, TOWNSHIP 42 SOUTH, RANGE 26 EAST BEARS SOUTH BY 41' 48" EAST. THIS SKETCH DOES NOT MAKE ANY REPRESENTATION AS TO ZONING OR DEVELOPMENT RESTRICTIONS ON THE SUBJECT PARCEL.
 3. POC = POINT OF COMMENCEMENT.
 4. PDB = POINT OF BEGINNING.
 5. PDB = POINT OF BEGINNING.
 6. PDB = POINT OF BEGINNING.
 7. PDB = POINT OF BEGINNING.
 8. PDB = POINT OF BEGINNING.
 9. PARCEL CONTAINS 3,575.47 ACRES MORE OR LESS. DESCRIPTION ATTACHED.

THIS IS NOT A SURVEY

MICHAEL W. NORMAN (FOR THE FIRM LS-642)
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 4500

DATE SIGNED: _____
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
01/15/13	201205-000	11-02-06	AS SHOWN	1 OF 5

2122 JOHNSON STREET
PORT ST. LOUIS, MISSISSIPPI 39068-1550
PHONE (239) 334-3044
FAX (239) 334-3851
E.E. #52 & L.S. #642

**JOHNSON
ENGINEERING**

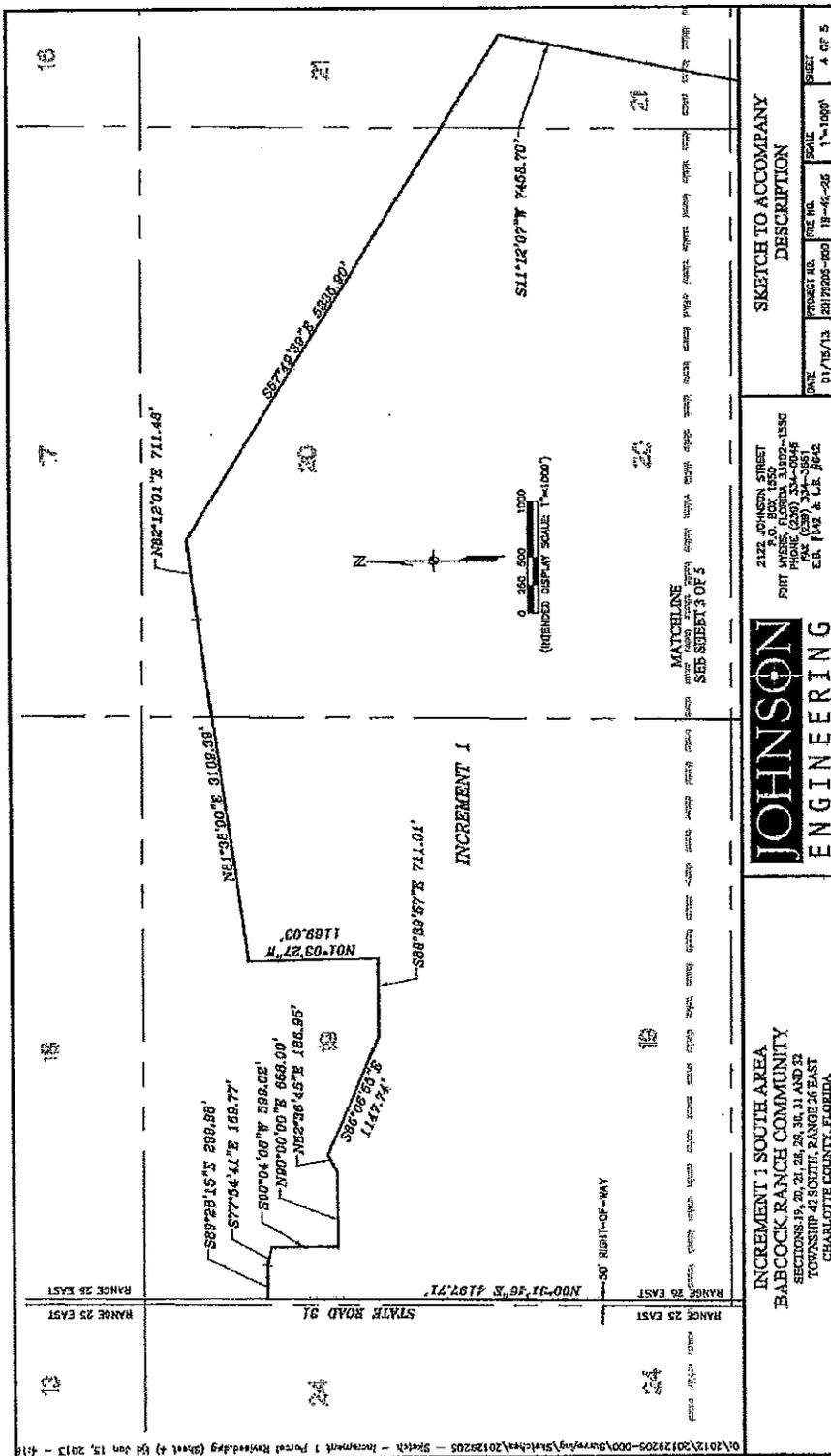
**INCREMENT 1 SOUTH AREA
BABCOCK RANCH COMMUNITY**
SECTIONS 19, 20, 21, 28, 29, 30, 31 AND 32
TOWNSHIP 42 SOUTH, RANGE 26 EAST
CHARLOTTE COUNTY, FLORIDA

D:\2012\20129205-000\Surveying\Sketches\20129205 - Sketch 1 - Increment 1 Parcel Boundary (Sheet 1) of 5.dwg 15-Jan-2014 - 11:18

January 28, 2014

EXHIBIT A-2

Page 4 of 5



SKETCH TO ACCOMPANY DESCRIPTION

2122 JOHNSON STREET
P.O. BOX 1520
FORT MYERS, FLORIDA 33902-1520
PHONE (813) 334-3900
FAX (813) 334-3901
E.S. 1192 & L.E. 1642

JOHNSON
ENGINEERING

INCREMENT 1 SOUTH AREA
BABCOCK RANCH COMMUNITY
SECTIONS 19, 20, 21, 24, 25, 30, 31 AND 32
TOWNSHIP 42 SOUTH, RANGE 26 EAST
CHARLOTTE COUNTY, FLORIDA

DATE	PROJECT NO.	SHEET NO.	SCALE
01/19/13	2012205-000	78-45-26	1"=100'

SHEET 4 OF 5

0:\2012\2012205-000\Surveying\Sketches\2012205 - Sketch - Increment 1 Parcel Readings (Sheet 4) 04 Jan 15, 2013 - 418

January 28, 2014

EXHIBIT A-2

Page 5 of 5

DESCRIPTION

INCREMENT 1 SOUTH AREA
 BABCOCK RANCH COMMUNITY
 SECTIONS 26, 27, 28, 29, 30, 31, 32 AND 33
 TOWNSHIP 42 SOUTH, RANGE 26 EAST
 CHARLOTTE COUNTY, FLORIDA

A PARCEL OF LAND LYING IN SECTIONS 19, 20, 21, 28, 29, 30, 31, 32 AND 33, TOWNSHIP 42 SOUTH, RANGE 26 EAST, CHARLOTTE COUNTY, FLORIDA, WHICH TRACT OR PARCEL IS DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 31, THENCE SOUTH 89°41'45" EAST ALONG THE SOUTH LINE OF SAID SECTION 31 FOR 50.00 FEET, TO AN INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD 31 AND THE POINT OF BEGINNING FROM SAID POINT OF BEGINNING THENCE THE FOLLOWING THREE (3) BEARINGS AND DISTANCES ON SAID EASTERLY RIGHT-OF-WAY LINE, NORTH 80°38'46" EAST FOR 5,337.00 FEET; NORTH 02°28'10" EAST FOR 5,282.83 FEET; NORTH 00°31'45" EAST FOR 4,197.71 FEET; THENCE SOUTH 89°28'15" EAST DEPARTING SAID RIGHT-OF-WAY LINE FOR 289.98 FEET; THENCE SOUTH 77°34'41" EAST FOR 189.77 FEET; THENCE SOUTH 00°04'08" WEST FOR 399.02 FEET; THENCE NORTH 90°00'00" EAST FOR 896.00 FEET; THENCE NORTH 82°36'45" EAST FOR 186.95 FEET; THENCE SOUTH 86°08'55" EAST FOR 1,147.74 FEET; THENCE SOUTH 89°39'57" EAST FOR 711.01 FEET; THENCE NORTH 01°03'27" WEST FOR 1,159.03 FEET; THENCE NORTH 81°38'00" EAST FOR 3,109.39 FEET; THENCE NORTH 82°12'01" EAST FOR 711.48 FEET; THENCE SOUTH 57°49'39" EAST FOR 5,335.80 FEET; THENCE SOUTH 11°12'07" WEST FOR 7,458.70 FEET; SOUTH 10°23'41" EAST FOR 2,923.88 FEET; THENCE SOUTH 23°14'51" EAST FOR 2,788.33 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF SAID SECTION 33, TOWNSHIP 42 SOUTH, RANGE 26 EAST; THENCE THE FOLLOWING BEARINGS AND DISTANCE ON THE SOUTH LINE OF SAID TOWNSHIP 42 SOUTH, NORTH 89°37'16" WEST FOR 1,137.52 FEET; NORTH 89°41'45" WEST FOR 5,306.08 FEET; NORTH 89°41'45" WEST ALONG SAID LINE FOR 5,189.75 FEET TO THE POINT OF BEGINNING.
 PARCEL CONTAINS 3,575.47 ACRES, MORE OR LESS.

BEARINGS, DISTANCES AND AREAS ARE BASED ON GRID VALUES. BEARING REFERENCE STATE PLANE COORDINATES, FLORIDA WEST ZONE, NAD 83 (95) WHEREIN THE SOUTH LINE OF SECTION 31, TOWNSHIP 42 SOUTH, RANGE 26 EAST BEARS SOUTH: 89° 41' 45" EAST.

INCREMENT 1 SOUTH AREA
 BABCOCK RANCH COMMUNITY
 SECTIONS 19, 20, 21, 28, 29, 30, 31 AND 32
 TOWNSHIP 42 SOUTH, RANGE 26 EAST
 CHARLOTTE COUNTY, FLORIDA

JOHNSON
ENGINEERING

2112 JOHNSON STREET
 P.O. BOX 1550
 FORT PIERCE, FLORIDA 34945-1550
 PHONE (888) 333-0940
 FAX (239) 334-3061
 E.B. #12 A LB. #642

SKETCH TO ACCOMPANY
 DESCRIPTION

DATE	01/15/13
PROJECT NO.	2012205-000
DATE	12-10-12
SHEET	5 OF 5

January 28, 2014

EXHIBIT A-3

Page 1 of 10

UTILITY EASEMENT

BABCOCK RANCH COMMUNITY
CHARLOTTE COUNTY, FLORIDA

LEGAL DESCRIPTION

A STRIP OF LAND 50.00 FEET WIDE FOR A UTILITY EASEMENT, LYING IN SECTIONS 9, 10, 15, 16, 17, 19, AND 20, TOWNSHIP 42 SOUTH, RANGE 26 EAST, CHARLOTTE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 19, THENCE RUN N00°31'45"E ALONG THE WEST LINE OF SAID SECTION 19 FOR A DISTANCE OF 3564.75 FEET; THENCE DEPARTING FROM SAID WEST LINE RUN S89°28'15"E FOR A DISTANCE OF 521.13 FEET TO THE INTERSECTION OF THE SUBJECT 50.00 FOOT WIDE UTILITY EASEMENT AND THE POINT OF BEGINNING; THENCE RUN N00°04'08"E FOR A DISTANCE OF 397.98 FEET; THENCE RUN N81°43'48"E FOR A DISTANCE OF 5726.50 FEET; THENCE RUN S07°53'13"E FOR A DISTANCE OF 10.07 FEET; THENCE RUN N81°38'00"E FOR A DISTANCE OF 652.89 FEET; THENCE RUN N62°44'52"E FOR A DISTANCE OF 4677.38 FEET; THENCE RUN N28°10'55"W FOR A DISTANCE OF 1284.06 FEET; THENCE RUN N69°50'23"E FOR A DISTANCE OF 1051.51 FEET; THENCE RUN S43°36'34"E FOR A DISTANCE OF 444.45 FEET; THENCE RUN N70°03'37"E FOR A DISTANCE OF 233.54 FEET; THENCE RUN N06°35'10"E FOR A DISTANCE OF 173.15 FEET; THENCE RUN N71°59'01"E FOR A DISTANCE OF 124.80 FEET; THENCE RUN N12°51'59"W FOR A DISTANCE OF 1654.85 FEET; THENCE RUN N81°12'25"E FOR A DISTANCE OF 4859.91 FEET; THENCE RUN N15°14'20"W FOR A DISTANCE OF 607.80 FEET; THENCE RUN N74°45'40"E FOR A DISTANCE OF 790.10 FEET; THENCE RUN N13°36'57"W FOR A DISTANCE OF 1136.53 FEET; THENCE RUN N76°23'03"E FOR A DISTANCE OF 50.00 FEET; THENCE RUN S13°36'57"E FOR A DISTANCE OF 1338.67 FEET; THENCE RUN S76°23'03"W FOR A DISTANCE OF 50.00 FEET; THENCE RUN N13°36'57"W FOR A DISTANCE OF 152.12 FEET; THENCE RUN S74°45'40"W FOR A DISTANCE OF 738.68 FEET; THENCE RUN S15°14'20"E FOR A DISTANCE OF 800.95 FEET; THENCE RUN S19°32'05"E FOR A DISTANCE OF 1024.45 FEET; THENCE RUN S05°04'56"W FOR A DISTANCE OF 84.80 FEET; THENCE RUN N84°55'04"W FOR A DISTANCE OF 50.00 FEET; THENCE RUN N05°04'56"E FOR A DISTANCE OF 73.89 FEET; THENCE RUN N19°32'05"W FOR A DISTANCE OF 1015.42 FEET; THENCE RUN N15°14'20"W FOR A DISTANCE OF 194.71 FEET; THENCE RUN S81°12'25"W FOR A DISTANCE OF 4811.87 FEET; THENCE RUN S12°51'59"E FOR A DISTANCE OF 1646.85 FEET; THENCE RUN S71°59'01"W FOR A DISTANCE OF 138.40 FEET; THENCE RUN S06°35'10"W FOR A DISTANCE OF 171.98 FEET; THENCE RUN S70°03'37"W FOR A DISTANCE OF 297.14 FEET; THENCE RUN N43°36'34"W FOR A DISTANCE OF 444.32 FEET; THENCE RUN S69°50'23"W FOR A DISTANCE OF 961.13 FEET; THENCE RUN S28°10'55"E FOR A DISTANCE OF 1277.33 FEET; THENCE RUN S62°44'52"W FOR A DISTANCE OF 4736.52 FEET; THENCE RUN S81°38'00"W FOR A DISTANCE OF 661.29 FEET;
(CONTINUE DESCRIPTION ON SHEET 2 OF 10)

** THIS IS NOT A SURVEY **

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5521 Bawol Drive
Fort Myers, Florida 33912
339.276.1952 • FAX 239.276.0922
E-MAIL: info@tkwonline.com
Engineering Certificate # 5752
Survey License # 734

DRAWN BY: KC	JOB NO.: 07918.00	SHEET 1 OF 10
LEGAL DESCRIPTION		
50' WIDE UTILITY EASEMENT BABCOCK RANCH COMMUNITY SECTIONS 9, 10, 15, 16, 17, 19, & 20, TOWNSHIP 42 SOUTH, RANGE 26 EAST, CHARLOTTE COUNTY, FLORIDA		
DATE: DECEMBER 2008	DRAWING: LEGAL\WM	

January 28, 2014

EXHIBIT A-3

Page 2 of 10

UTILITY EASEMENT
BABCOCK RANCH COMMUNITY
CHARLOTTE COUNTY, FLORIDA
LEGAL DESCRIPTION

(CONTINUED DESCRIPTION FROM SHEET 1 OF 10)

THENCE RUN N07°53'13"W FOR A DISTANCE OF 10.07 FEET; THENCE RUN S81°43'48"W FOR A DISTANCE OF 5683.29 FEET; THENCE RUN S00°04'08"W FOR A DISTANCE OF 304.72 FEET; THENCE RUN N90°00'00"E FOR A DISTANCE OF 595.76 FEET; THENCE RUN N62°36'45"E FOR A DISTANCE OF 47.75 FEET; THENCE RUN S27°32'49"E FOR A DISTANCE OF 182.46 FEET; THENCE RUN S21°45'34"E FOR A DISTANCE OF 37.94 FEET; THENCE RUN S48°25'41"W FOR A DISTANCE OF 53.15 FEET; THENCE RUN N21°45'34"W FOR A DISTANCE OF 53.43 FEET; THENCE RUN N27°32'49"W FOR A DISTANCE OF 130.07 FEET; THENCE RUN S62°36'45"W FOR A DISTANCE OF 10.07 FEET; THENCE RUN S90°00'00"W FOR A DISTANCE OF 658.00 FEET TO THE POINT OF BEGINNING; CONTAINING 1,304,710 SQUARE FEET OR 29.95 ACRES, MORE OR LESS.

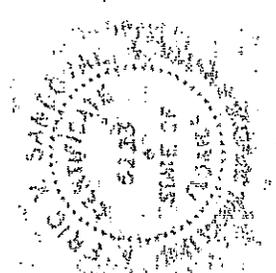
NOTES:

- 1.) BEARINGS SHOWN HEREON ARE BASED ON THE WEST LINE OF SECTION 19, TOWNSHIP 42 SOUTH, RANGE 26 EAST, CHARLOTTE COUNTY, FLORIDA, WHICH BEARS NORTH 00°31'45" EAST.
- 2.) SUBJECT TO EASEMENTS, RESERVATIONS AND/OR RESTRICTIONS OF RECORD.
- 3.) DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.

Eric V. Sandoval 1-28-09
 SIGNATURE DATE SIGNED:

ERIC V. SANDOVAL (FOR THE FIRM - LB-734)
 PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA CERTIFICATE NO. 5223

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.



* THIS IS NOT A SURVEY *



6621 Boone Drive
 Fort Myers, Florida 33912
 239.278.1592 • FAX 239.218.6022
 E-MAIL: info@tandw.com
 Engineering Certification # 5762
 Survey LB # 734

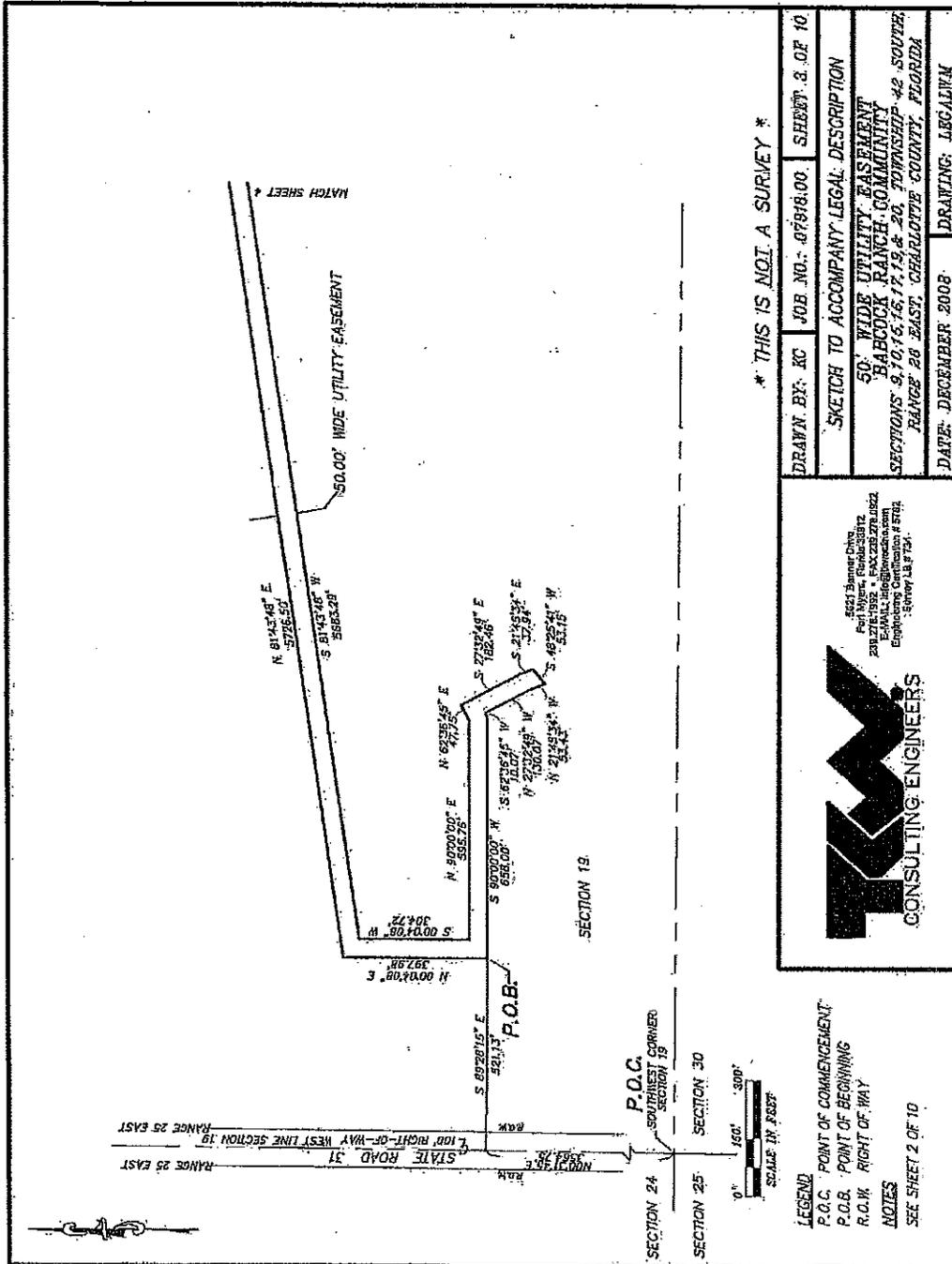
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LEGAL DESCRIPTION		
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DATE: DECEMBER 2008	DRAWING: LEGALWM	

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January 28, 2014

EXHIBIT A-3

Page 3 of 10



* THIS IS NOT A SURVEY *

DRAWN BY: KC	JOB NO.: 07818.00	SHEET: 3 OF 10
SKETCH TO ACCOMPANY LEGAL DESCRIPTION		
50' WIDE UTILITY EASEMENT		
BARCOCK RANCH COMMUNITY		
SECTIONS 9, 10, 15, 16, 17, 19, & 20, TOWNSHIP 42 SOUTH,		
RANGE 28 EAST, CHARLOTTE COUNTY, FLORIDA		
DATE: DECEMBER 2008		DRAWING: LEGAL/M

5021 Jasper Circle
 Fort Myers, Florida 33912
 239.276.1952 • FAX 239.276.0522
 E-MAIL: info@tce-engineers.com
 Engineering and Construction # 5714
 • Survey Lic. # 747



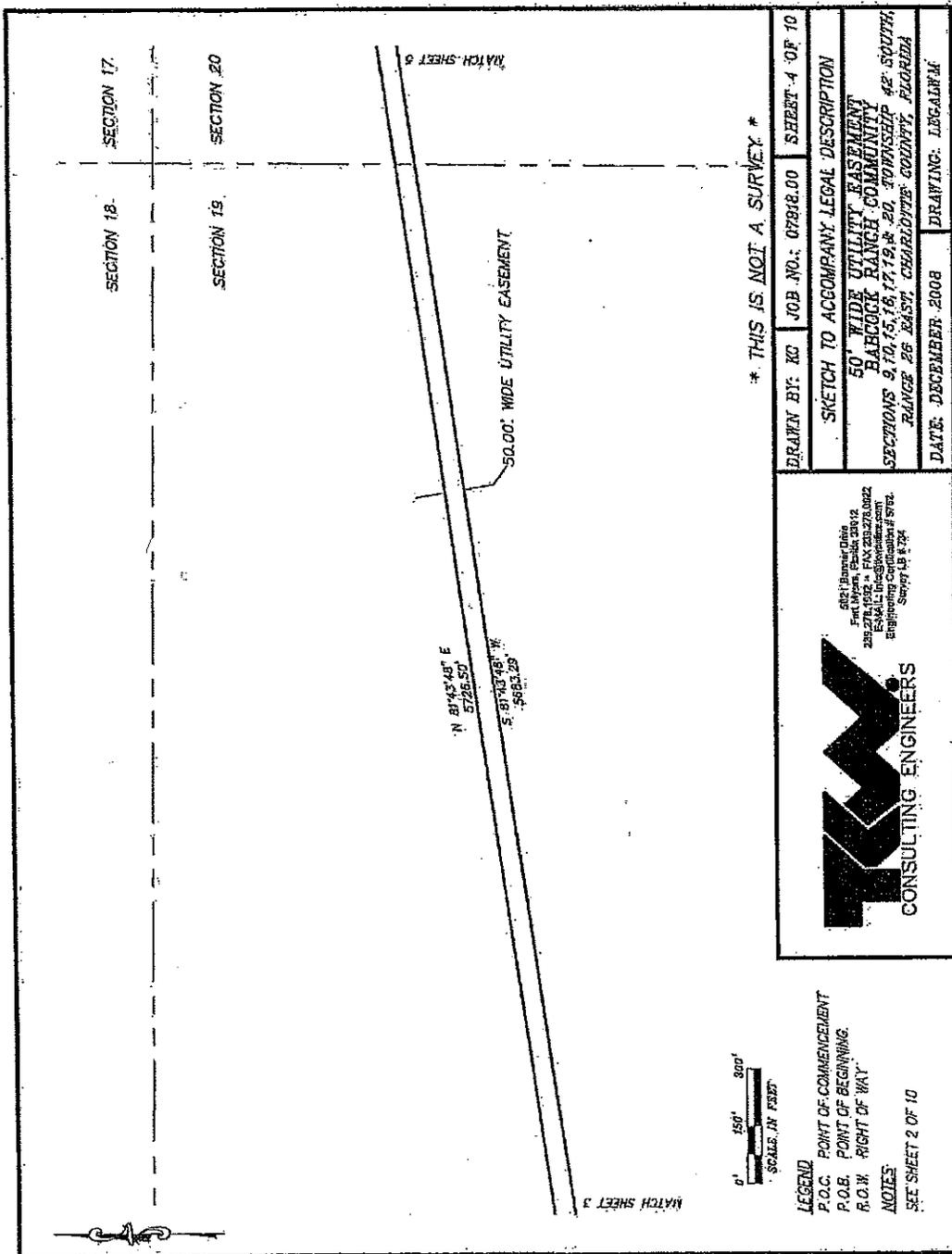
TCE
 CONSULTING ENGINEERS

LEGEND
 P.O.C. POINT OF COMMENCEMENT
 P.O.B. POINT OF BEGINNING
 R.O.W. RIGHT OF WAY
 NOTES
 SEE SHEET 2 OF 10

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January 28, 2014

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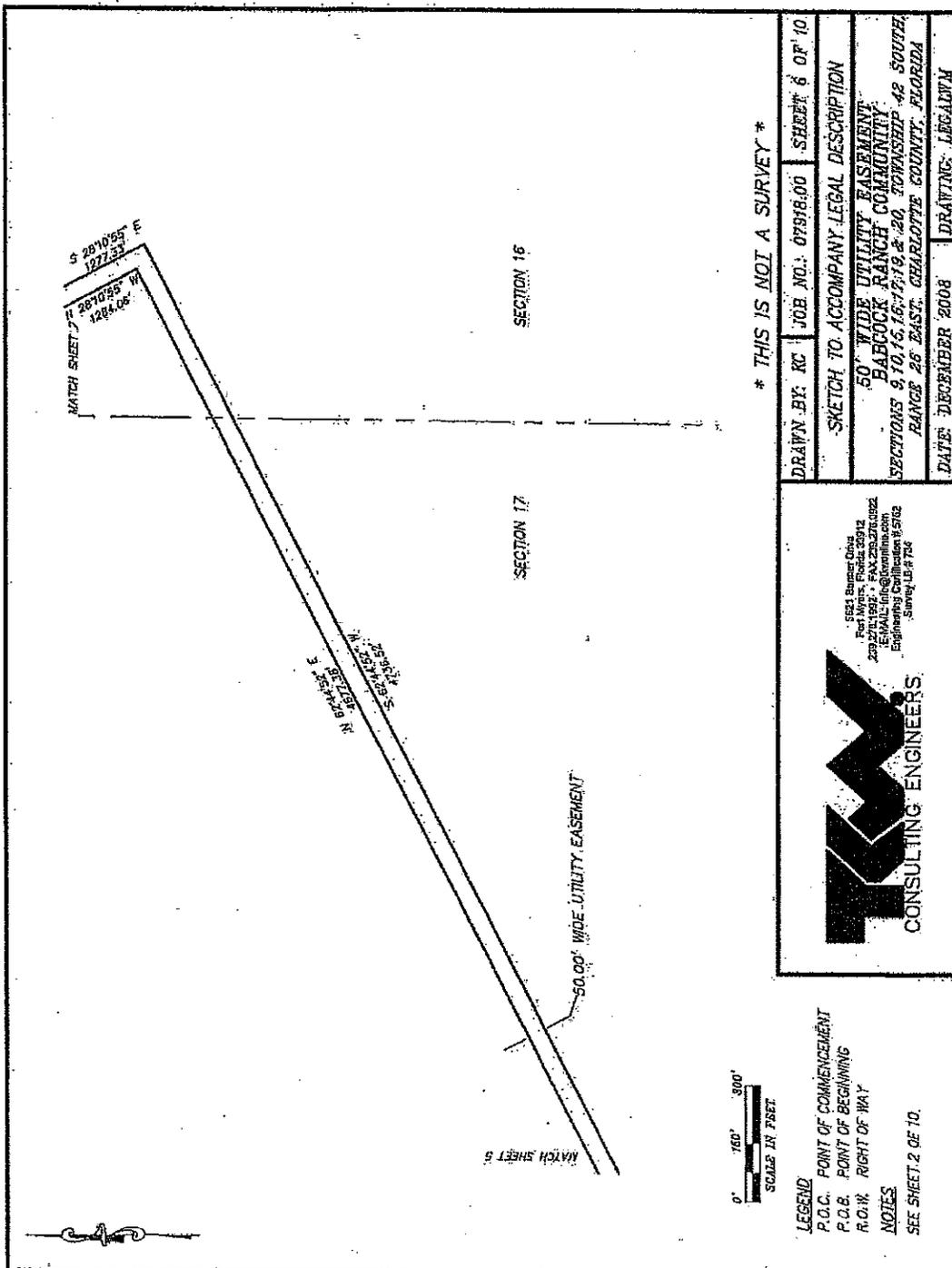


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January 28, 2014

EXHIBIT A-3

Page 6 of 10

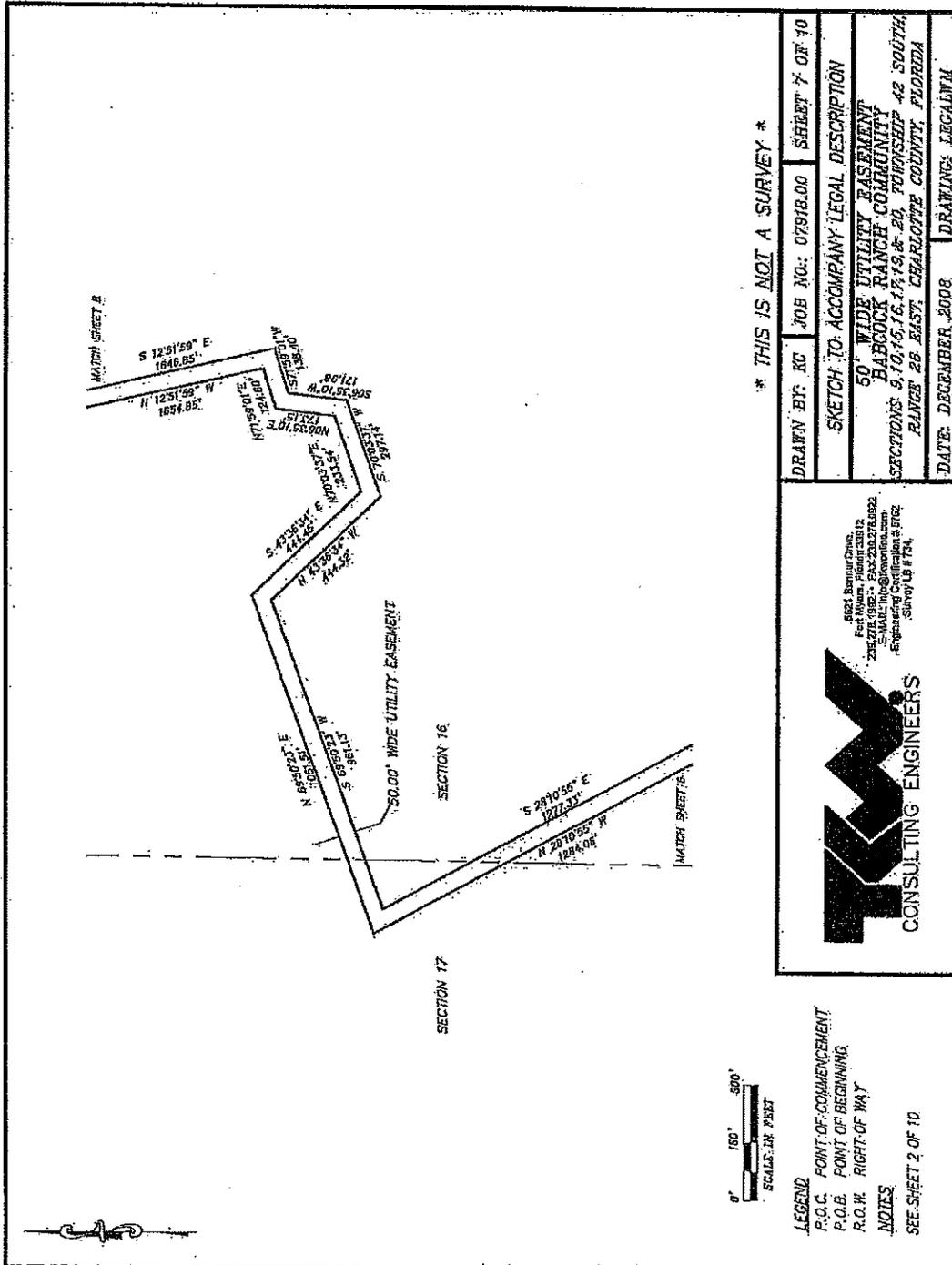


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January 28, 2014

EXHIBIT A-3

Page 7 of 10

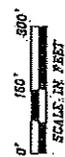


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SECTIONS 9, 10, 15, 16, 17, 19 & 20, TOWNSHIP 42 SOUTH,		
RANGE 28 EAST, CHARLOTTE COUNTY, FLORIDA		
DATE: DECEMBER, 2008		DRAWING: LEGAL/WM

6522 Semper Chino
 Fort Worth, Planning 330112
 205-272-1992 • Fax: 202-272-5922
 E-MAIL: info@kw-engineers.com
 Engineering Corporation # 5702
 Since 1914 # 124

KW
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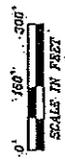
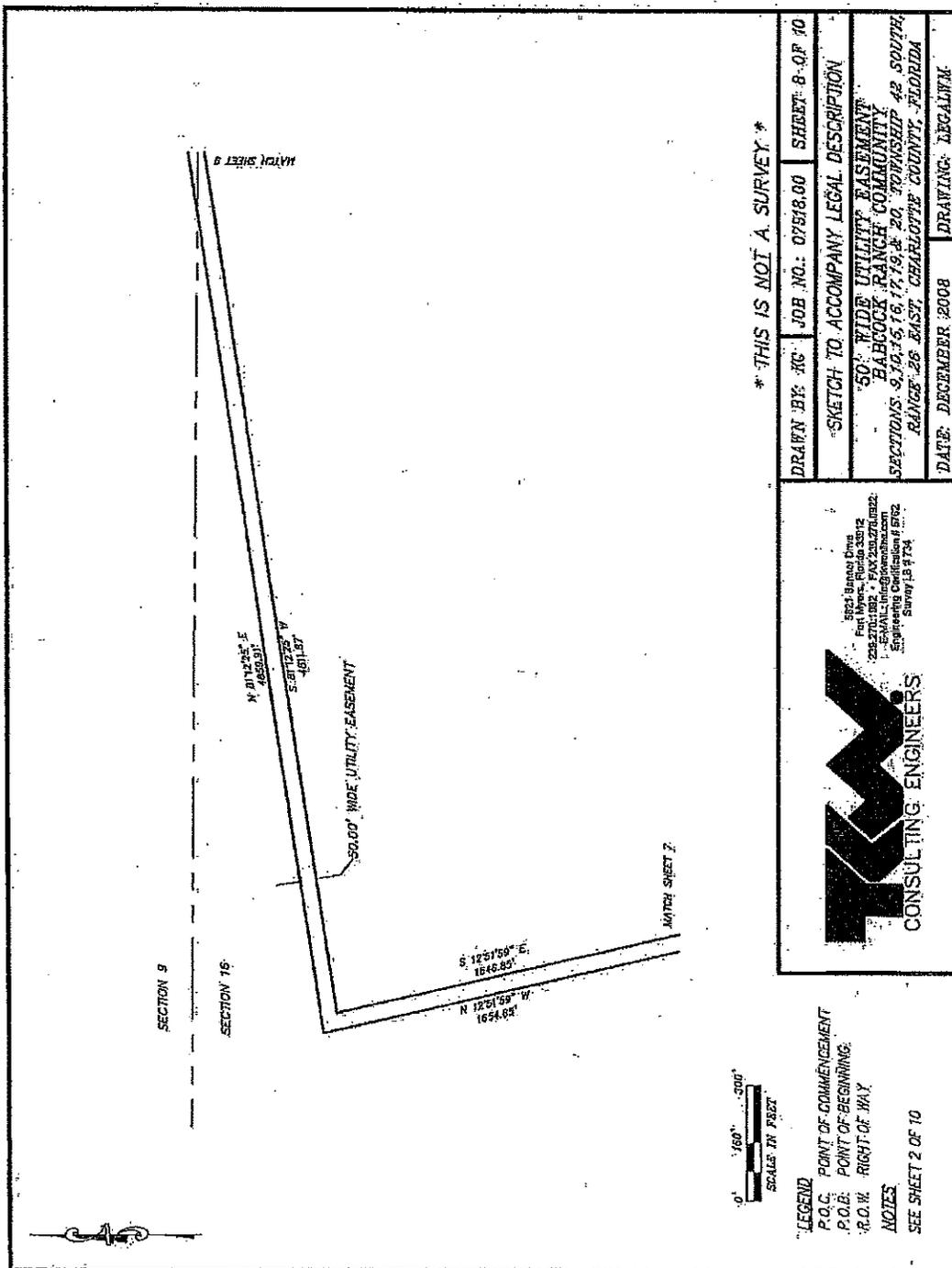
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 P.O.C. POINT OF COMMENCEMENT
 P.O.B. POINT OF BEGINNING
 R.O.W. RIGHT-OF-WAY
NOTES
 SEE SHEET 2 OF 10

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January 28, 2014

EXHIBIT A-3

Page 8 of 10



LEGEND
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 P.O.B. POINT OF BEGINNING
 R.O.W. RIGHT OF WAY
 NOTES
 SEE SHEET 2 OF 10

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DRAWN BY: KC	JOB NO.: 07518.00	SHEET: 8-OF 10
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BARCOCK RANCH COMMUNITY		
SECTIONS 9, 16, 15, 16, 17, 19, & 20, TOWNSHIP 42 SOUTH,		
RANGE 26 EAST, CHARLOTTE COUNTY, FLORIDA		
DATE: DECEMBER 2008		DRAWING: LEGAL/AM

5521 Barcoi Drive
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 239-937-1111 • FAX 239-937-0022
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 Engineering Certification # 6192
 Survey # 87724

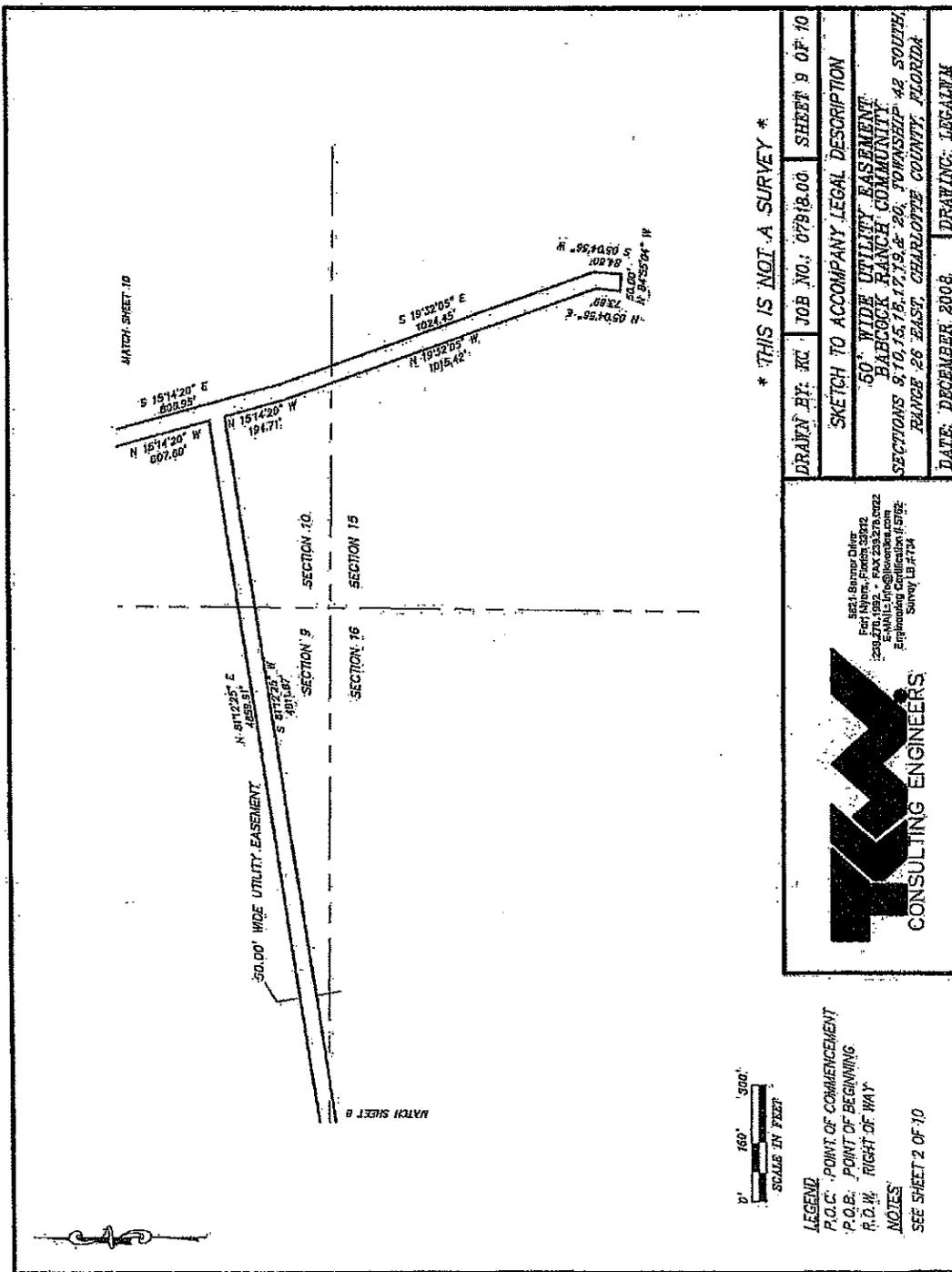
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January 28, 2014

EXHIBIT A-3

Page 9 of 10



* THIS IS NOT A SURVEY *

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DATE: DECEMBER 2008		DRAWING: LEGAL/DM

KW
CONSULTING ENGINEERS

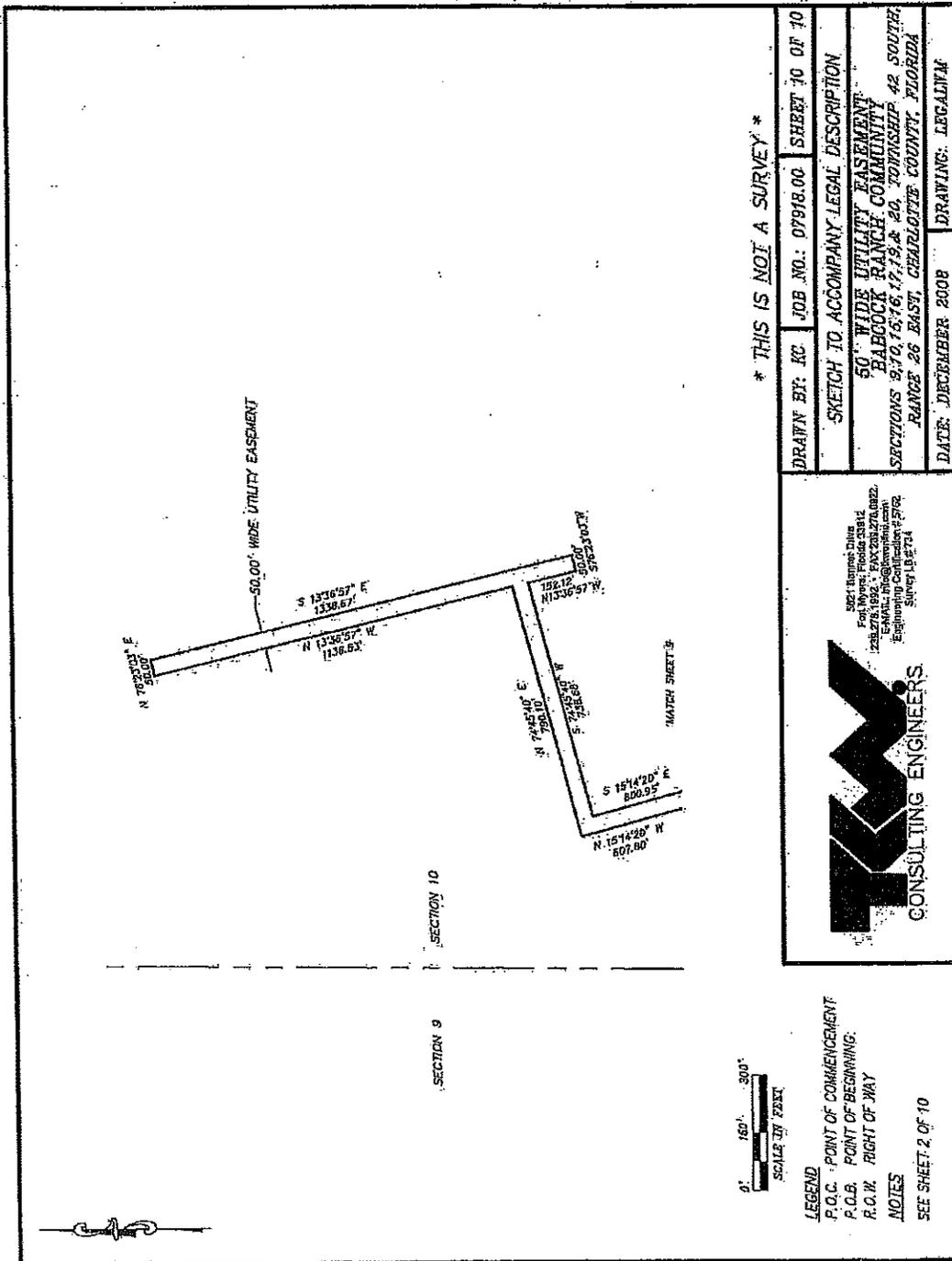
5623 Sandoz Drive
Fort Myers, Florida 33912
239.276.1952 • fax 239.276.0222
E-MAIL: k@kw-engineers.com
Engineering Office: 1575
Sunway, LA #714

LEGEND
 P.O.C. - POINT OF COMMENCEMENT
 P.O.B. - POINT OF BEGINNING
 R.O.W. - RIGHT OF WAY
 NOTES
 SEE SHEET 2 OF 10

January 28, 2014

EXHIBIT A-3

Page 10 of 10

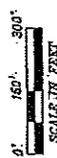


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SECTIONS 9, 10, 15, 16, 17, 19 & 20, TOWNSHIP 42 SOUTH,		
RANGE 26 EAST, CHARLOTTE COUNTY, FLORIDA		
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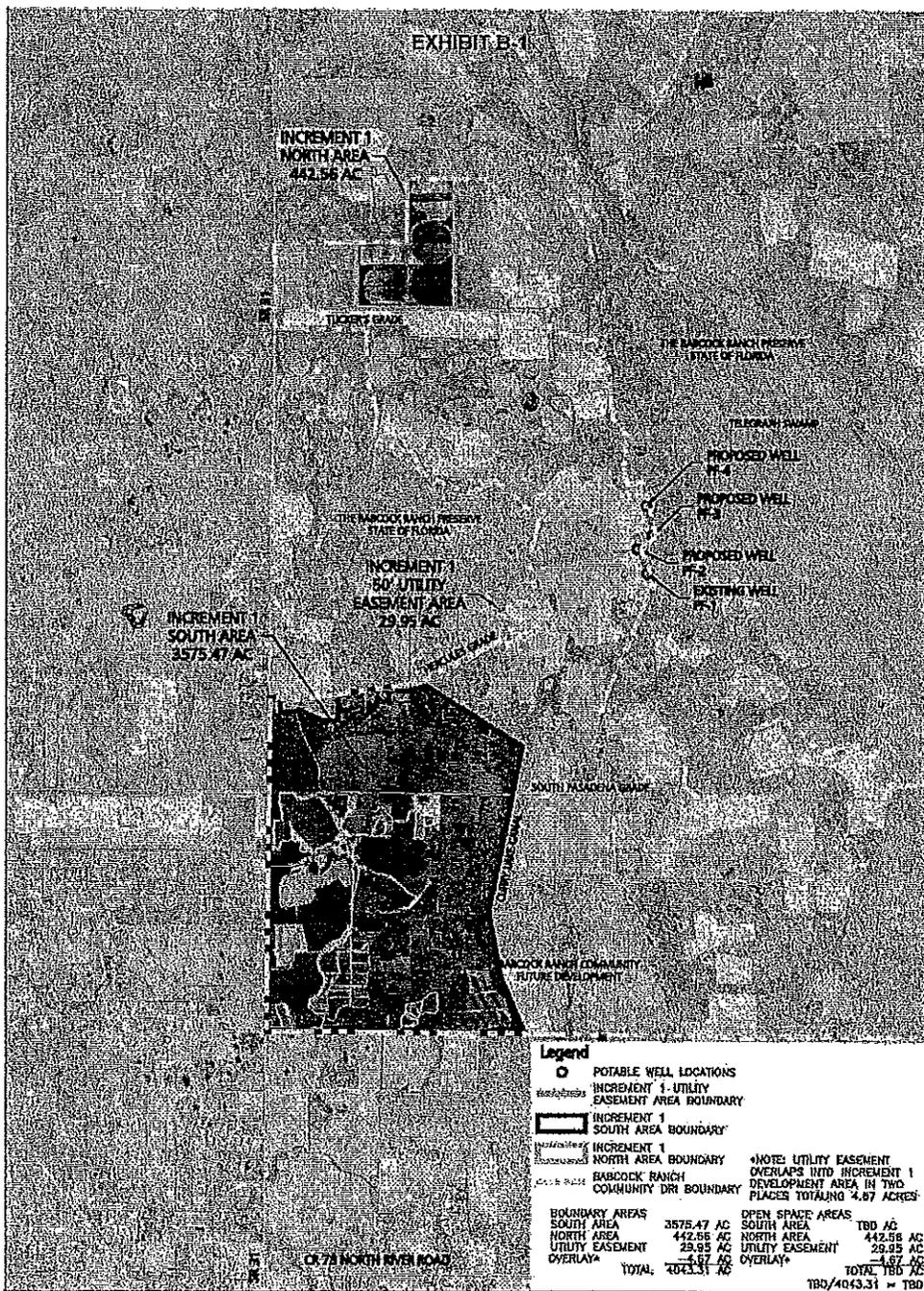


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 R.O.W. - RIGHT OF WAY
 NOTES
 SEE SHEET 2 OF 10



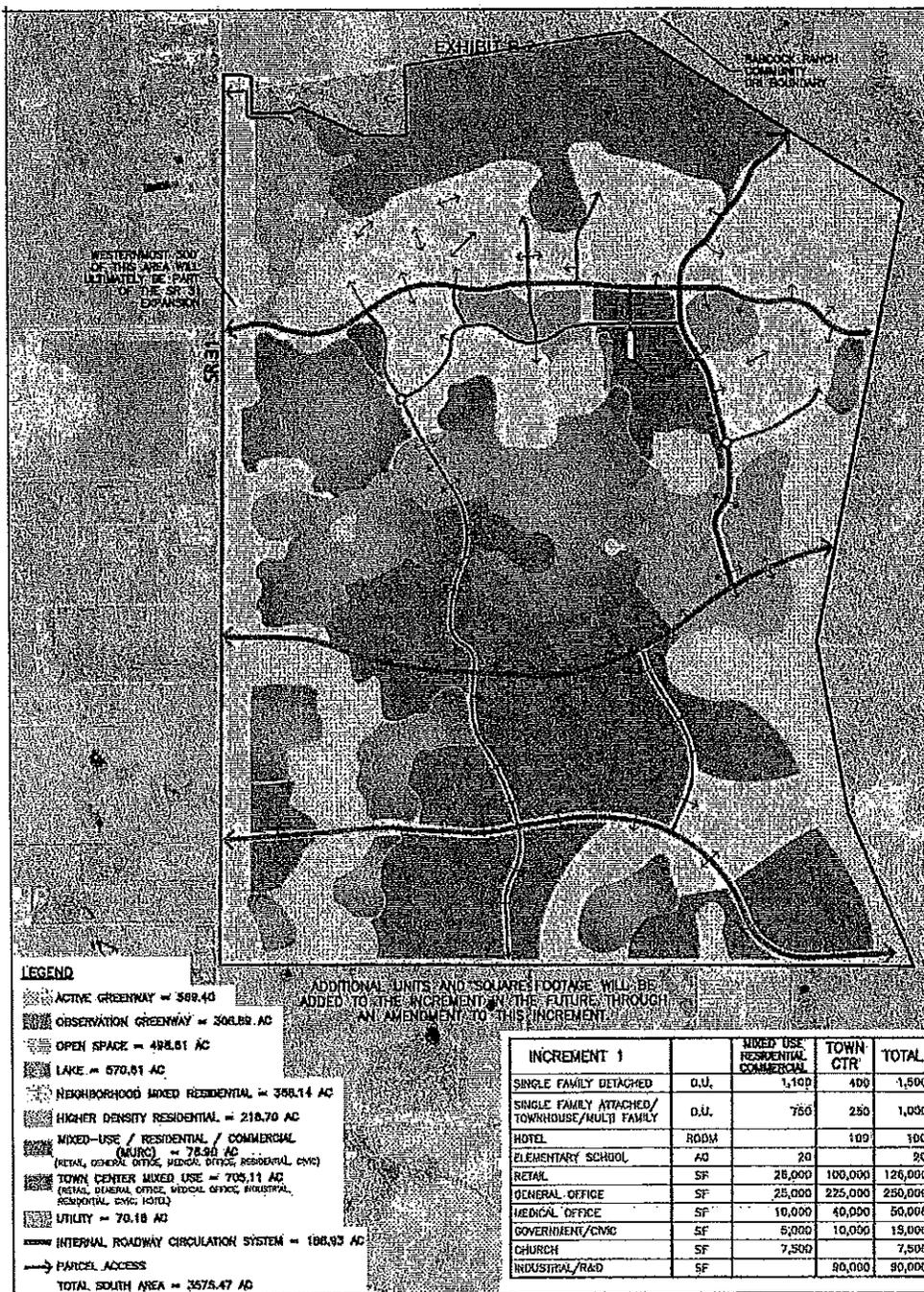
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January 28, 2014



BABCOCK RANCH COMMUNITY MAP H INCREMENT 1 MASTER DEVELOPMENT PLAN

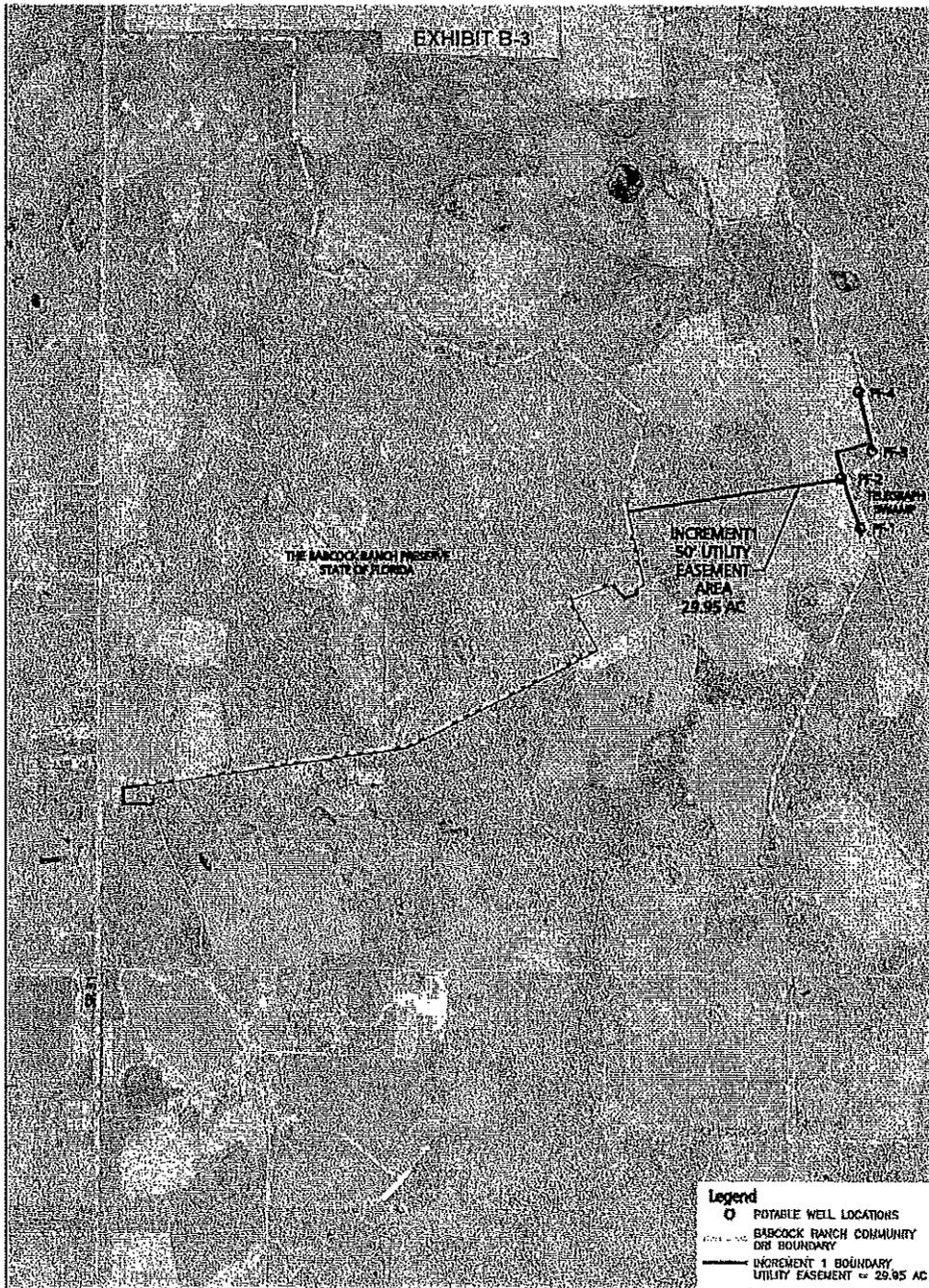
January 28, 2014



BABCOCK RANCH COMMUNITY

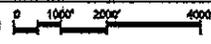
MAP H-1 INCREMENT 1 SOUTH AREA MASTER DEVELOPMENT PLAN

January 28, 2014



BABCOCK RANCH COMMUNITY

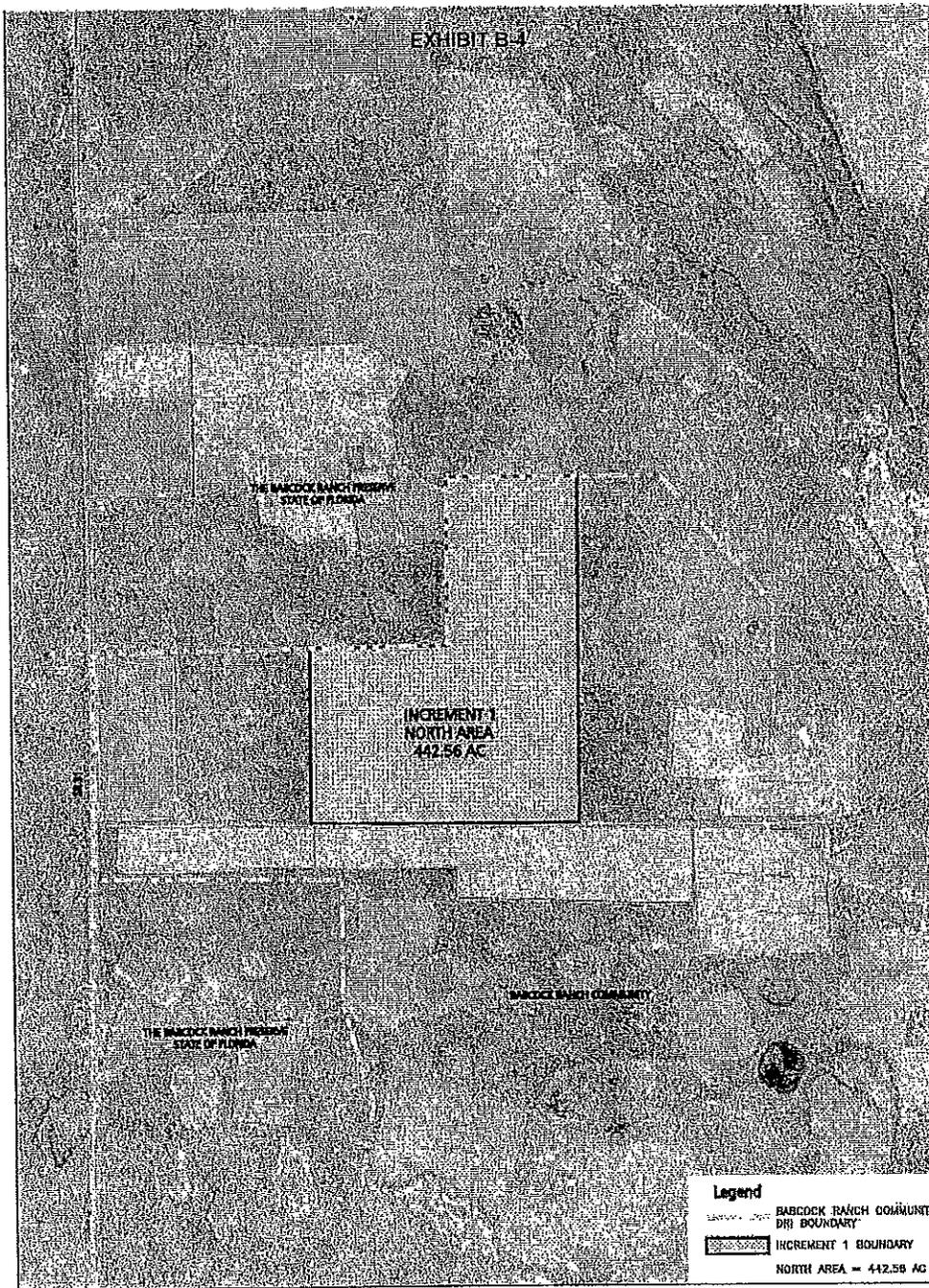
MAP H-2 INCREMENT 1 UTILITY EASEMENT AREA MASTER DEVELOPMENT PLAN



FEBRUARY 2013

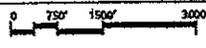


January 28, 2014

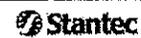


BABCOCK RANCH COMMUNITY

MAP H-3 INCREMENT 1 NORTH AREA MASTER DEVELOPMENT PLAN



FEBRUARY 2013



January 28, 2014

EXHIBIT C

Table EM-2. Babcock Ranch Community □ Increment 1 Equivalency Matrix

Change From:	Unit	Single Family (1 d.u.)	Multi Family (1 d.u.)	Retail (1,000 s.f.)	General Office (1,000 s.f.)	Medical Office (1,000 s.f.)	Industrial (1,000 s.f.)	Hotel/Motel (1 unit)	Civic/Government (1,000 s.f.)	Church (1,000 s.f.)
Change To:										
Single Family	d.u.	NA	0.52	6.84	1.73	4.05	1.01	0.82	1.41	0.63
Multi Family	d.u.	1.93	NA	13.19	3.34	7.80	1.94	1.59	2.72	1.21
Retail	s.f.	146.11	75.81	NA	253.03	591.32	147.07	120.33	206.28	91.68
General Office	s.f.	577.45	299.59	3952.08	NA	2336.96	581.22	475.54	815.22	362.32
Medical Office	s.f.	247.09	128.20	1691.12	427.91	NA	248.71	203.49	348.84	155.04
Industrial	s.f.	993.51	515.45	6799.63	1720.52	4020.78	NA	818.18	1402.60	623.38
Hotel/Motel	unit	1.21	0.63	8.31	2.10	4.91	1.22	NA	1.71	0.76
Civic/Government	s.f.	708.33	367.50	4847.88	1226.67	2866.67	712.96	583.33	NA	444.44
Church	s.f.	1593.75	826.88	10907.74	2760.00	6450.00	1604.17	1312.50	2250.00	NA

NOTE:

- 1) The maximum and minimum limits of development within each category for Increment 1 shall be subject to the Substantial Deviation criteria set forth in Subsection 380.06(19), Florida Statutes.
- 2) Permanent residential units shall not exceed the maximum number of units approved in the MDO.

January 28, 2014

EXHIBIT D

**UPDATED SUMMARY OF LAND DEDICATION & FACILITIES CONSTRUCTION
REQUIRED FOR INCREMENT 1 *1**

Public Facilities Required	Aggregate Site Dedication (acre)	Shell Building Required (s.f.)	Land Dedication or Building Shell Complete	Commencement of Operations
PARKS, RECREATION and CULTURAL RESOURCES				
Neighborhood Parks (Village Parks)	3.0 - 20.0 *2	2500 *3	500th C/O *4	180 days from Turnover
FIRE/RESCUE/LAW ENFORCEMENT				
One (1) EMS Transport Vehicle *7			500th C/O	500th C/O
Interim sub-station Sheriff's trailer		*6	Will be operational by the issuance of the first residential building permit. *6	30 days from Turnover
SOLID WASTE				
Site #1	6.0	N/A	Prior to the issuance of the 10,000th C/O	
EXTENSION SERVICES				
Site #1	24.0	N/A	Prior to the issuance of the 1st C/O *8	
Mosquito Control pre-fab building (shell only).		3000 *5	Prior to the issuance of the 5,000th C/O	180 days from Turnover
Site#2	1.0	N/A	Prior to the issuance of the 5,000th C/O	
SCHOOLS				
Elementary School	20.0	N/A	School Board criteria for land dedication	

Notes to Exhibit D:

- *1 This Exhibit D, as it relates to Increment 1, updates Exhibit D to the MDO.
- *2 Acreage to be finalized at time of site planning and coordination with the County Parks, Recreation & Cultural Resources Department.
- *3 Neighborhood parks (village park) to include a pavilion and restrooms.
- *4 Must be completed and turned over prior to the 500th C/O.
- *5 Pre-fab building to include two offices, two bays for vehicle and equipment and chemical storage. This facility shall be ADA compliant and shall include all required utilities, parking and landscaping.
- *6 An interim sheriff's sub-station office trailer (24'W x 60' overall length) will be located next to the existing fire station site located on SR 31. The interim trailer will connect to the utilities that service the existing fire station. The trailer will be fully operational by the issuance of the first residential building permit and will be terminated upon the opening of the combined Fire/Sheriff's facility.
- *7 Specifications for one (1) Horton EMS transport vehicle were submitted as Exhibit 25-A-1 of the AIDA for Increment 1.
- *8 Primitive camp site development may occur on Site #1 without being included in an increment.

General Notes:

- 1) All dedications, public facility shell completion, and construction required under this schedule shall be completed and turned over based on a dwelling unit C/O use threshold required above.

January 28, 2014

EXHIBIT E**Table 1. Increment 1 Parameters by Phase**

LAND USE	AMOUNT/SIZE	Phase I	Phase II
Residential	2,500 units	1000 units	1,500 units
Retail	126,000 square feet	50,000 square feet	76,000 square feet
General Office	250,000 square feet	150,000 square feet	100,000 square feet
Medical Office	50,000 square feet	0 square feet	50,000 square feet
Industrial	90,000 square feet	0 square feet	90,000 square feet
Hotel/Motel	100 rooms	0 rooms	100 rooms
Civic/Government/Church	22,500 square feet	5,000 square feet	17,500 square feet

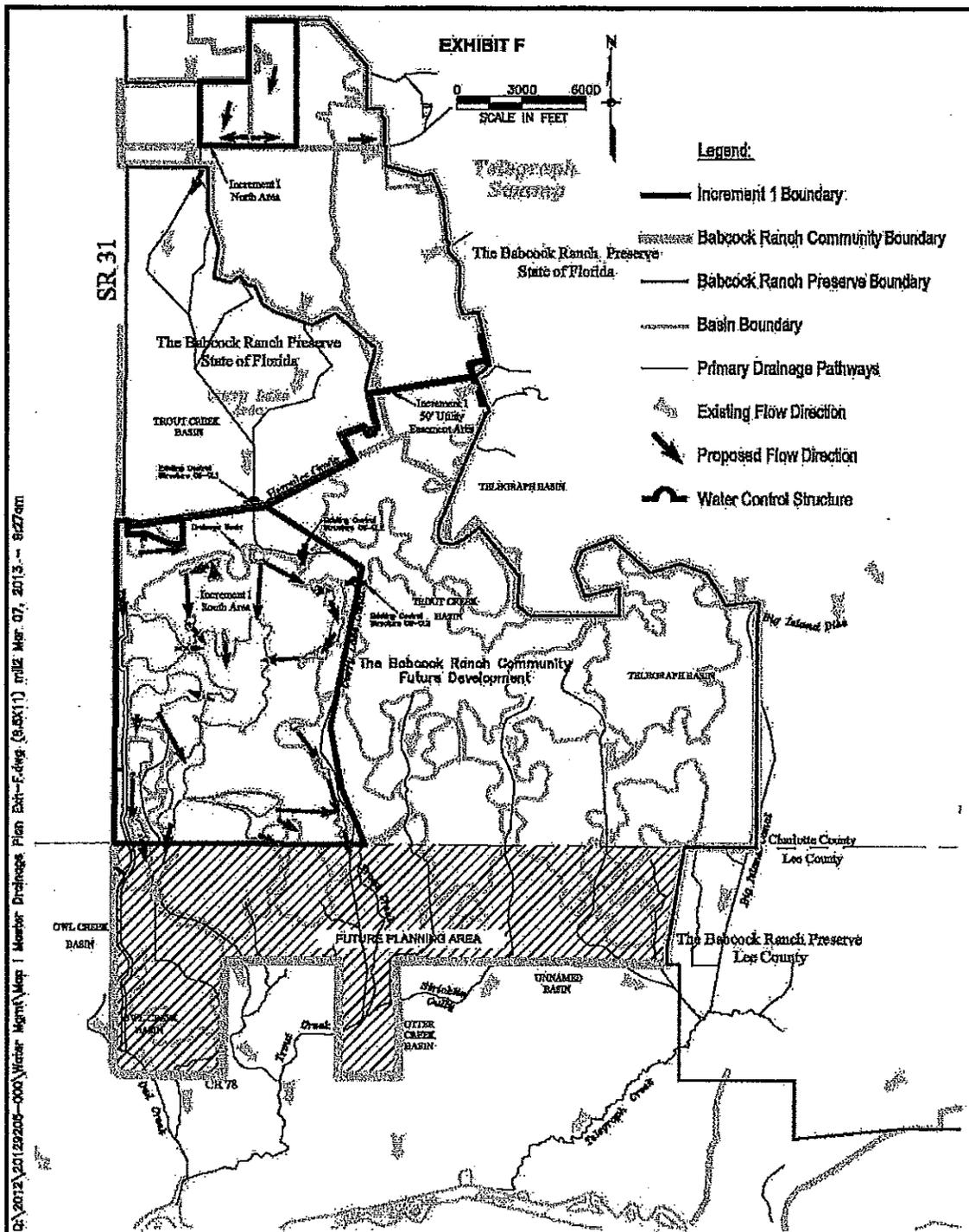
Table 2. Increment 1 Parameters by Development Area

LAND USE	AMOUNT/SIZE	VILLAGE III	TOWN CENTER
Residential	2,500 units	1850 units	650 units
Retail	126,000 square feet	26,000 square feet	100,000 square feet
General Office	250,000 square feet	25,000 square feet	225,000 square feet
Medical Office	50,000 square feet	10,000 square feet	40,000 square feet
Industrial	90,000 square feet	0 square feet	90,000 square feet
Hotel/Motel	100 rooms	0 rooms	100 rooms
Civic/Government/Church	22,500 square feet	12,500 square feet	10,000 square feet

NOTE:

- 1) Utilities, agriculture, ecotourism, and mining uses are permitted throughout Increment 1.
- 2) Table 1 and Table 2 in this Increment 1 Parameters by Phase and by Development Area in this Exhibit E can be adjusted and interchanged in accordance with the equivalency matrix set forth in Exhibit C hereto, subject to the external vehicle trip limitations set forth in Section 4 of this IDO.

January 28, 2014



C:\2012\201220206-000\Water Mgmt\Map 1 Master Drainage Plan Exh-F.dwg (6.8K) 11/12 Mar 07, 2013 -- 8:27 AM

JOHNSON
ENGINEERING

2122 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE (239) 334-0048
FAX (239) 334-3881
E.S. #642 & L.S. #642

**Increment 1.
Proposed Master Drainage Plan**

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
January 2013	20129206	00-00-00	As Shown	Exh F

January 28, 2014



Q:\2012\201205-000\ArcGIS\Exhibit G - Primary Trans.mxd

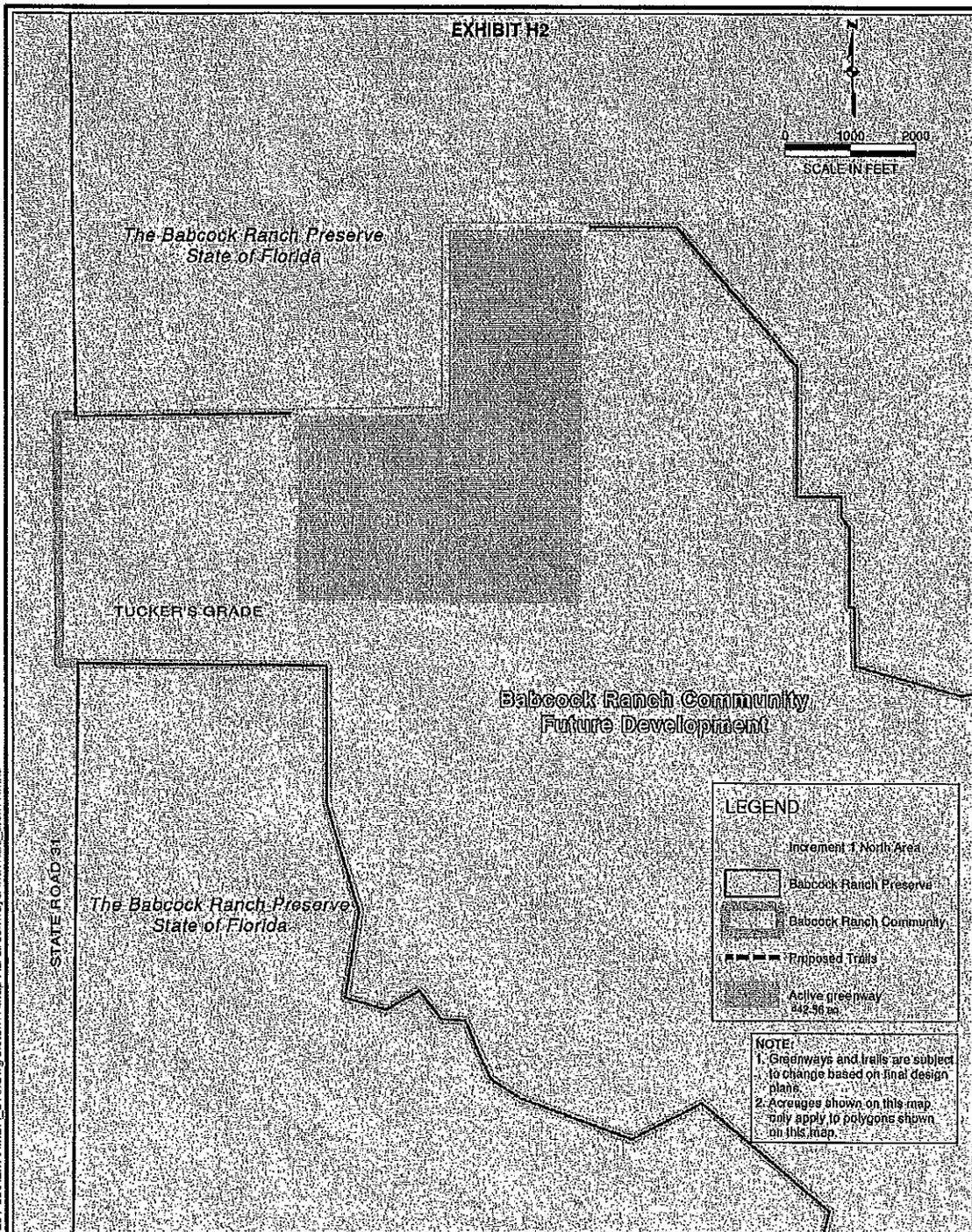
JOHNSON
ENGINEERING

2122 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE (239) 334-0046
FAX (239) 334-3661
E.G. #642 & I.F. #642

Increment I
Master Internal Circulation Plan

DATE	PROJECT	FILE NO.	SCALE	SHEET
Aug 2012	20120205-000	---	As Shown	EXH - 6

January 28, 2014



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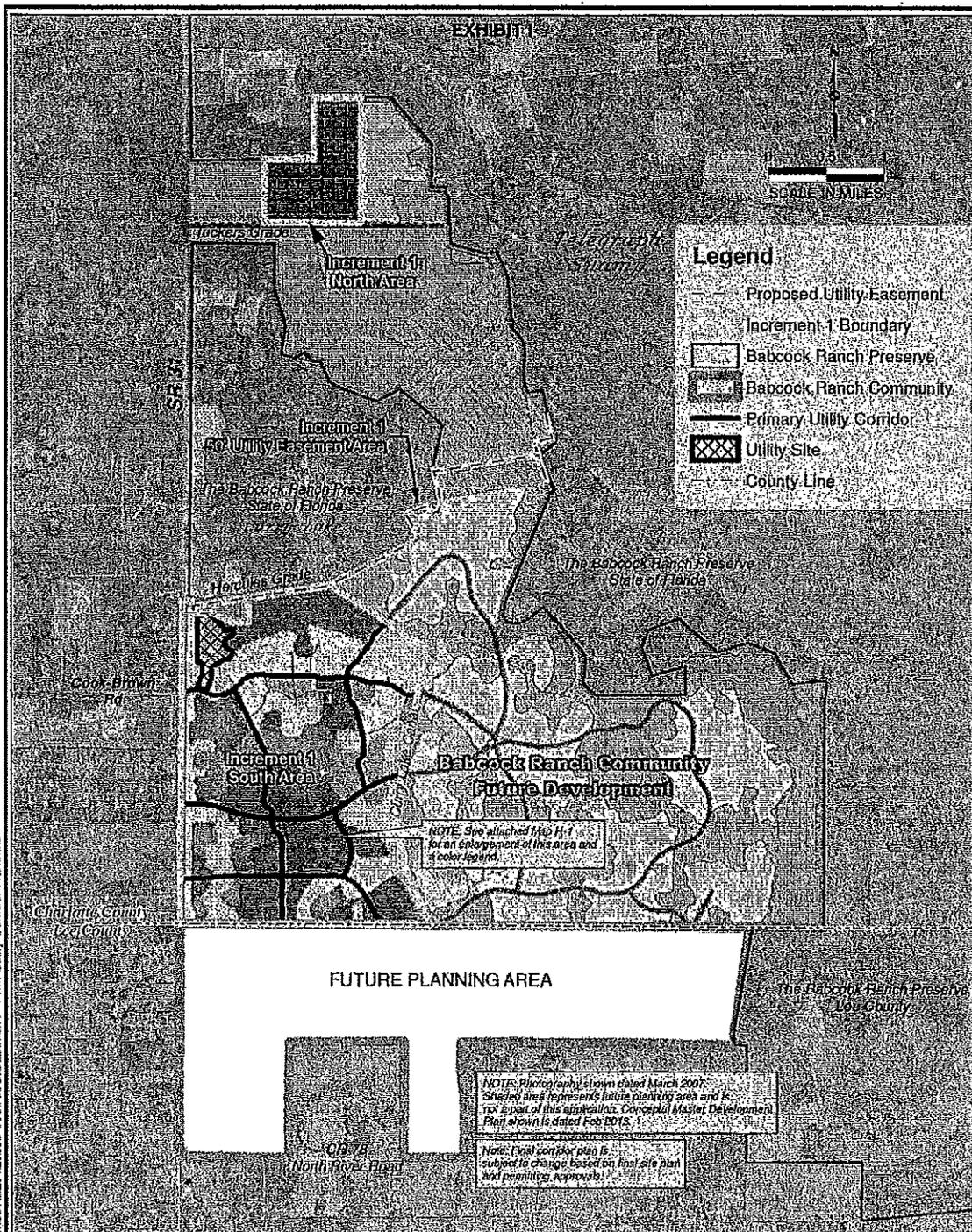
JOHNSON
ENGINEERING

2122 JOHNSON STREET
P.O. BOX 1250
FORT MYERS, FLORIDA 33902-1250
PHONE (239) 334-0049
FAX (239) 334-1861
E.O. #042 & L.B. #642

Increment 1 North Area
Primary Greenway Map and Trails Plan

DATE	PROJECT	FILE NO.	SCALE	SHEET
Aug 2013	20066201	--	As Shown	EXHIBIT H2

January 28, 2014



C:\2012\201220205-000-AncSIS\EXHIBIT 1 - Prim Utility Corridor Plan.mxd

	2122 JOHNSON STREET P.O. BOX 1550 FORT MYERS, FLORIDA 33907-1550 PHONE (239) 534-0046 FAX (239) 534-5601 C.R. #642 & L.S. #642		Increment 1 Primary Utility Corridor Plan		
	DATE Aug 2013	PROJECT 20122205	FILE NO. ---	SCALE As Shown	SHEET EXH 1

January 28, 2014

EXHIBIT L

*Orig
Dec #14*

RESOLUTION
NUMBER 2010 - 112

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING THE INCREMENT 1 DEVELOPMENT ORDER OF BABCOCK RANCH COMMUNITY AS APPROVED BY RESOLUTION NO. 2009-284; FINDING THAT THIS AMENDMENT DOES NOT CONSTITUTE A SUBSTANTIAL DEVIATION; AND PROVIDING FOR AN EFFECTIVE DATE.

CHARLOTTE COUNTY CLERK OF CIRCUIT COURT
OR BOOK 3524, PAGES 1424-1481 59 (9/9)
INSTR # 1985753
Doc Type GOV, Recorded 12/20/2010 at 02:27 PM
Rec. Fee: \$494.50
Cashiered By: MARGEC Doc.#:2

RECITALS

WHEREAS, on December 13, 2007, the Board of County Commissioners of Charlotte County, Florida, passed and approved Resolution 2007-196, constituting the Master Development Order for a development known as Babcock Ranch Community; and

WHEREAS, the Master Development Order was amended by Charlotte County Resolution No. 2008-063 on June 17, 2008, and by Resolution No. 2009-283 on December 15, 2009; and

WHEREAS, the Increment 1 Development Order was approved by Charlotte County Resolution No. 2009-284 on December 15, 2009; and

WHEREAS, the Increment 1 Development Order contained, as Exhibit L, the binding and enforceable commitment by the Developer to undertake certain transportation improvements in the form of a letter from the Developer to the Florida Department of Transportation; and

WHEREAS, Babcock Property Holdings, LLC ("Developer") has now entered into an agreement with the Florida Department of Transportation to provide for said transportation improvements, said agreement titled "Babcock Ranch Community Increment 1 - Phase 1 Master Roadway Improvement

CERTIFIED TRUE COPY
OF THE ORIGINAL
BARBARA T. SCOTT
CLERK OF THE CIRCUIT COURT
CHARLOTTE COUNTY, FLORIDA
BY: *[Signature]*
DEPUTY CLERK

IMAGED
12-21-10
AP

58
[Star]
Memo

January 28, 2014

EXHIBIT L

Agreement" which is intended to replace the letter as Exhibit L to the Increment 1 Development Order; and

WHEREAS, the Board of County Commissioners of Charlotte County, Florida, has considered the amendment requested by the Developer, and finds that, pursuant to Chapter 380.06(19), Florida Statutes, it does not constitute a substantial deviation.

WHEREAS, the Department of Community Affairs and the Southwest Florida Regional Planning Council have reviewed the amendment request and have determined that, pursuant to 380.06(19)(e)2.k, Florida Statutes, said request qualifies as an amendment that does not require the filing of a Notice of Proposed Change.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Charlotte County, Florida, that Resolution No. 2009-284 be amended as follows:

1. The attached "Babcock Ranch Community Increment 1 - Phase 1, Master Roadway Improvement Agreement" is added to the Increment 1 Development Order as Exhibit L, replacing the original Exhibit L.
2. The amendment incorporated herein does not constitute a substantial deviation of the Increment 1 Development Order.
3. This Resolution shall become effective immediately upon its adoption.
4. County staff is hereby directed to forward a copy of this Resolution and its attachments to the Florida Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100, and to the Executive Director,

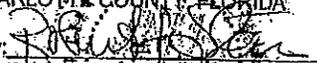
January 28, 2014

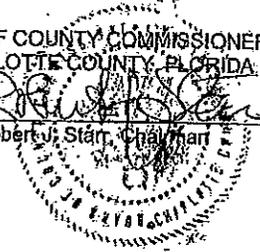
EXHIBIT L

Southwest Florida Regional Planning Council, 4980 Bayline Drive, 4th Floor,
North Fort Myers, FL 33916-3909.

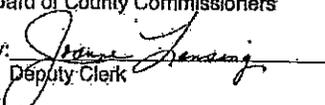
PASSED AND DULY ADOPTED this 14th day of December, 2010.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

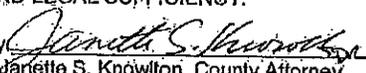
By: 
Robert J. Starr, Chairman



ATTEST:
Barbara T. Scott, Clerk of Circuit
Court and Ex-officio Clerk to the
Board of County Commissioners

By: 
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

By: 
Jariette S. Knowlton, County Attorney

January 28, 2014

EXHIBIT L

**BABCOCK RANCH COMMUNITY INCREMENT 1 - PHASE 1
MASTER ROADWAY IMPROVEMENT AGREEMENT**
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**BABCOCK RANCH COMMUNITY
INCREMENT 1 - PHASE 1
MASTER ROADWAY IMPROVEMENT AGREEMENT**

This Babcock Ranch Community Increment 1- Phase 1 Master Roadway Improvement Agreement ("Master Agreement") is entered into this 18th day of February 2010, by and between Babcock Property Holdings, LLC, a Delaware limited liability company ("Developer") and the Florida Department of Transportation, an agency of the State of Florida ("FDOT"). The purpose of this Master Agreement is to create a binding agreement between the parties to address Developer's obligations that will satisfy its transportation concurrency requirements for its Babcock Ranch Community Increment 1 DR1 Incremental Development Order.

NOW, THEREFORE, for and in consideration of the premises and in reliance on the mutual promises, covenants, undertakings, recitals and other matters contained herein, the parties hereby covenant and agree as follows:

A. FACTUAL BASIS

1. Developer is the owner and developer of property known as the Babcock Ranch Community (the "Property") which is located on the east side of SR 31, just north of the Lee County-Charlotte County boundary in Charlotte County Florida, and
2. Developer wishes to develop the Property as a mixed use community ("Project") and received approval on December 13, 2007 from the Board of County Commissioners of Charlotte County for that certain Babcock Ranch Community Development of Regional Impact Master Development Order ("DRI"), as subsequently amended, with an effective date of September 1, 2008; and
3. On December 15, 2009, Developer received approval from the Board of County Commissioners of Charlotte County for a Babcock Ranch Community Increment 1 DR1 Incremental Development Order ("IDO-1") (Charlotte County Ordinance No. 2009-284); for that certain portion of the Property known as Increment 1 and as shown on the legal description in Attachment A. IDO-1 limited development of Phase 1 from a transportation perspective. (see excerpt of IDO-1, including

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BABCOCK RANCH COMMUNITY INCREMENT 1 – PHASE 1
 MASTER ROADWAY IMPROVEMENT AGREEMENT
 Page 2 of 23

Exhibit E of IDO-1 for Phase 1 transportation conditions as shown in Attachment B); and

4. IDO-1 requires Developer to adequately mitigate impacts to regionally significant roadway segments anticipated to occur as a result of development of Phase 1, specifically certain improvements to SR 31, a regionally significant transportation facility maintained by FDOT, as set forth in the IDO-1 and required by Florida Statutes ("F.S."), Chapter 163.3180(12)(a)4.; and
5. Pursuant to 163.3180(12)(a)4., F.S., mitigation of the significant and adverse transportation impacts resulting from Phase 1 of IDO-1, will require Developer "...to enter into a binding and legally enforceable commitment to transfer funds to the governmental entity having maintenance authority; or to otherwise assure construction or improvement of the facility"; and
6. The Developer and FDOT have agreed that the Developer's completion of identified improvements, as described in IDO-1 Transportation section 4.A.(1)c., see Attachment B, and FDOT's final acceptance of the completed roadway improvement to SR 31, will satisfy Developer's transportation mitigation obligations for Phase 1. The Developer agrees that these identified improvements shall include all phases of the Roadway Improvements listed below in section B of this Master Agreement, as well as associated improvements required for FDOT's final acceptance (hereinafter, the identified improvements in IDO-1, all phases listed in section B of the Master Agreement, and all associated improvements required for FDOT's final acceptance shall collectively be referred to as the "Roadway Improvements").
7. Sub-agreement(s) under each phase as required, including, but not limited to funding and specific actions with greater details, shall follow and will be executed by the parties.
8. The Developer has agreed to be responsible for all costs of the Roadway Improvements, unless otherwise expressly excluded in this Master Agreement and/or any Sub-Agreement(s). The Developer shall provide documentation of its

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**BABCOCK RANCH COMMUNITY INCREMENT 1 – PHASE 1
MASTER ROADWAY IMPROVEMENT AGREEMENT**
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financial ability to complete all phases of the Roadway Improvements; the documentation required shall be further specified in the Sub-Agreements. Roadway Improvements shall be completed consistent with all requirements necessary for the transportation facility to maintain federal funding eligibility status.

B. ROADWAY IMPROVEMENT PHASES-

1. **PD&E STUDY PHASE.** Developer and FDOT shall enter into Sub-Agreement(s) for this phase of the Roadway Improvements, which will address funding obligations, budget, timing and all other items necessary for the completion of the Project Development and Environment (PD&E) Study. These Sub-Agreement(s) shall also address in greater details the elements listed below.
 - a. Developer shall provide to FDOT the funds estimated for the PD&E Study in accordance with the Sub-Agreement(s). FDOT will use these funds to obtain a consultant to complete a PD&E Study for the required Roadway Improvements. In the event the bid amount or subsequent costs needed to complete the PD&E Study exceed the estimated cost, Developer shall provide these additional funds to FDOT in accordance with the Sub-Agreement(s).
 - b. Developer shall provide FDOT with existing study materials from its previous PD&E work. FDOT shall coordinate with FHWA for review of the materials and determination of the eligibility of the materials for use in the FDOT PD&E Study. The parties agree that FDOT will use all of Developer's study materials that are accepted by FHWA.
 - c. Depending upon FHWA requirements, the PD&E Study may be expanded to cover additional portions of SR 31 at Developer's expense, subject to limitations to be established in the Sub-Agreement(s).
 - d. Unless otherwise agreed to by the parties, FDOT shall program the PD&E Study into FDOT's 2010/2011 fiscal year.

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BABCOCK RANCH COMMUNITY INCREMENT 1 - PHASE 1
 MASTER ROADWAY IMPROVEMENT AGREEMENT
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- e. Upon execution of a Sub-Agreement for funding and deposit of required funds from Developer in accordance with that Sub-Agreement, FDOT shall commence the PD&E Study and progress to completion of the PD&E Study in a timely manner.
 - f. Upon closeout of the PD&E consultant contract by FDOT, any unexpended funds provided by the Developer to FDOT, including any accrued interest, shall be returned to Developer.
2. DESIGN, ENGINEERING AND PERMITTING PHASE. Developer and FDOT shall enter into Sub-Agreement(s) for this phase of the Roadway Improvements, which will address funding obligations, design criteria and standards, permit applicant coordination, permitting and bidding process. These Sub-Agreement(s) shall also address in greater detail the elements listed below.
- a. Developer, at its expense, shall be responsible for and shall ensure that the design is completed in compliance with FDOT design criteria and standards; requirements identified in the completed PD&E Study, and FDOT review and approval.
 - b. Developer, at its expense, shall be responsible for acquiring all applicable permits from appropriate governmental agencies, in close coordination with FDOT, and FDOT may be a permit applicant.
 - c. Developer shall utilize FDOT pre-qualified engineering firm(s) for the design and permitting work.
 - d. Prior to the construction phase, if there are any joint use ponds, a Drainage Easement Agreement, including the provisions in Attachment C, subject to modifications upon agreement of the parties, shall be executed.
 - e. Unless otherwise agreed to between the parties, FDOT shall program the Design, Engineering and Permitting Phase as an FDOT non-budgeted item, meaning that FDOT is not expending FDOT funds, (hereinafter "FDOT Non-Budgeted") into FDOT's 2012/2013 fiscal year.

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BABCOCK RANCH COMMUNITY INCREMENT 1 – PHASE 1
MASTER ROADWAY IMPROVEMENT AGREEMENT
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3. **RIGHT OF WAY ACQUISITION PHASE:** Developer and FDOT shall enter into Sub-Agreement(s) for this phase of the Roadway Improvements, which will address funding obligations and right of way acquisition. These Sub-Agreement(s) shall also address in greater details the elements listed below.
 - a. Developer and FDOT shall work together to identify the necessary right of way based upon the completed PD&E Study, design and engineering.
 - b. To the extent that additional right of way not owned or controlled by Developer is necessary for the Roadway Improvements, FDOT shall be responsible for the acquisition, which shall be in accordance with FDOT and FHWA requirements, and Developer shall be responsible for the acquisition costs.
 - c. Unless otherwise agreed to by the parties, and/or subject to the PD&E Study and the Design, Engineering and Permitting Phases, FDOT shall program the right of way phases into FDOT's 2013/2014 fiscal year.
 - d. Upon execution of a Sub-Agreement for funding and deposit of required funds from Developer, and in accordance with that Sub-Agreement, FDOT shall commence the right of way acquisition process and timely pursue same to completion.
 - e. Upon closeout of the Right of Way acquisition phase by FDOT, any unexpended funds provided by Developer to FDOT, including any accrued interest, shall be returned to Developer.
4. **CONSTRUCTION PHASE:** Developer and FDOT shall enter into Sub-Agreement(s) for this phase of the Roadway Improvements, which will address funding obligations, construction requirements including bidding process, approved design, FDOT Standards and Specifications, construction engineering and inspection, materials, materials testing and acceptance, maintenance of traffic during construction, FDOT project management and oversight, insurance

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**BABCOCK RANCH COMMUNITY INCREMENT 1 – PHASE 1
 MASTER ROADWAY IMPROVEMENT AGREEMENT
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requirements and surety bond requirements. These Sub-Agreements shall also address in greater details the elements listed below.

- a. Developer, at its expense, shall construct and complete the Roadway Improvements in accordance with the approved design, FDOT Standards and Specifications and applicable permits.
 - b. Developer shall be responsible for letting the construction contract. Developer shall use FDOT-prequalified contractors and FDOT-prequalified consultants for consultant engineering and inspection ("CEI"). Developer shall use FDOT's CEI scope of services agreement in its CEI contract letting.
 - c. Unless otherwise agreed to between the parties, FDOT shall program, as FDOT Non-Budgeted, the construction phase no later than FDOT fiscal year 2014/2015.
 - d. Unless otherwise agreed to by parties and subject to satisfactory completion of previous phases, Developer shall commence construction no later than December 31, 2015.
5. **TRANSFER OF RIGHT OF WAY AND ROADWAY FACILITIES PHASE:** Developer and FDOT shall enter into Sub-Agreement(s) for this phase of the Roadway Improvements, which will address transfer of right of way, title review, subordination of easements or encumbrances. These Sub-Agreement(s) shall also address in greater details the elements listed below.
- a. After completion of construction and acceptance by FDOT and permitting agencies, Developer shall transfer the necessary property ownership identified for the transportation facility; with the necessary ownership rights (fee simple or otherwise), to FDOT.
 - b. In the event the Developer begins physical construction and fails to complete its obligations under this Master Agreement and/or any Sub-Agreements, FDOT shall retain fee simple title to the property acquired

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BABCOCK RANCH COMMUNITY INCREMENT 1 – PHASE 1
 MASTER ROADWAY IMPROVEMENT AGREEMENT
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under eminent domain. Any other interest owned by the Developer and needed for the transportation facility may be utilized by FDOT at its option under a separate agreement with the Developer.

6. **MAINTENANCE PHASE.** Developer and FDOT shall enter into Sub-Agreement(s) for this phase of the Roadway Improvements, which will address Developer's obligations for any non-standard enhancements and non-standard landscaping. These Sub-Agreement(s) shall also address in greater details the elements listed below.
- a. The parties shall execute a Sub-Agreement maintenance agreement for any non-standard landscaping or other enhancements.
 - b. After completion of section 5.a above, and subject to exceptions in any related landscape maintenance agreements and/or permits, FDOT, at its expense, shall be responsible for maintenance of the Roadway Improvements, except as listed in subsection c below.
 - c. After completion of section 5.a above, Developer, at its expense, shall be responsible for and ensure maintenance of any non-standard enhancements and/or landscaping listed in Sub-Agreement(s) and Developer's obligations under any Drainage Easement Agreement.

C. GENERAL TERMS

1. **COOPERATION.** The parties shall cooperate with each other to implement provisions of this Master Agreement and/or any Sub-Agreements.
2. **REVIEW OF DOCUMENTS AND MATERIALS.** Both parties shall review documents and materials submitted by the other and shall respond in a timely manner.
3. **FDOT APPROVALS.** In the event approvals are necessary, FDOT shall not unreasonably withhold any approvals.

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BABCOCK RANCH COMMUNITY INCREMENT 1 - PHASE 1
 MASTER ROADWAY IMPROVEMENT AGREEMENT
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4. **DURATION OF MASTER AGREEMENT.** This Master Agreement shall be effective upon execution by all parties and shall continue in force until satisfaction of B.5.a above, or termination by the FDOT under subsection 6 below.
5. **AMENDMENT OF MASTER AGREEMENT.** This Master Agreement and any Sub-Agreement(s) may only be amended in writing by mutual consent of the parties.
6. **TERMINATION.** Failure of Developer to deposit the funds required for any phases of the Road Improvements within specified time frames in Sub-Agreement(s) shall be grounds for termination of this Master Agreement at FDOT's discretion.
7. **LEGAL OR PROCEDURAL REQUIREMENTS.** The terms of this Master Agreement and/or any Sub-Agreements may not supersede the legal or procedural requirements of Florida law.
8. **SPECIFICITY.** The failure of this Master Agreement and/or Sub-Agreement(s) to address a particular permit, condition, term or restriction does not relieve Developer of the necessity of complying with the law governing those permitting requirements, conditions, terms or restrictions or complying with FDOT's established procedure for obtaining a permit.
9. **TRANSFER AND/OR ASSIGNMENT OF OBLIGATION(S) TO ANOTHER ENTITY.** No transfer and/or assignment in whole or in part of any obligation(s) under this Master Agreement and/or any Sub-Agreement(s) shall be valid until the following requirements have been complied with:
 - a. Developer shall provide timely written notice to FDOT of any proposed transfer and/or assignment of any obligations under this Master Agreement and/or any Sub-Agreement(s) to another entity ("Entity").
 - b. Developer shall provide to FDOT documentation showing the Entity has the legal capacity, financial ability and has consented in writing to

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EXHIBIT L

BABCOCK RANCH COMMUNITY INCREMENT 1 – PHASE 1
 MASTER ROADWAY IMPROVEMENT AGREEMENT
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undertake the obligation(s). An authorized representative of the Entity must provide written consent to undertake the obligation(s);

c: FDOT has provided written consent to the transfer and/or assignment upon verification of the Entity's legal capacity and financial ability and written consent to undertake the obligation(s). Upon verification of these items by FDOT, such written consent will not be unreasonably withheld.

10. DEVELOPER'S OBLIGATIONS. Any transfer and/or assignment(s) shall not relieve Developer of its obligations under this Master Agreement and/or Sub-agreement(s), unless specifically agreed by the parties in writing.
11. ALTERNATIVE DISPUTE RESOLUTION. If a dispute arises over this Master Agreement or its implementation that cannot be resolved by a meeting or meetings of representatives of Developer and FDOT, then prior to either party seeking legal or administrative remedies, the parties will mediate the impasse under the statutes and rules governing mediation in the State of Florida. If the parties cannot agree on a mediator within five (5) business days of a written request for mediation by either party, then the parties shall seek the assistance of the Florida Conflict Resolution Consortium (the "FCRC") located at Florida State University in selecting a mediator by mutually requesting that FCRC provide a list of potential mediators. Any mediator selected, or sought to be appointed as provided below, must be a mediator certified by the Supreme Court of the State of Florida to mediate civil cases, unless otherwise agreed to by the parties, and must have substantial experience in transportation matters. If the parties cannot agree on a mediator within five (5) business days following receipt of the list from FCRC, they will then request that FCRC select a mediator and the parties agree to accept the mediator as selected by FCRC. The Developer shall be responsible for the costs of a mediator and the fees and expenses of the mediation. Any mediation will be conducted as expeditiously as possible and the parties agree to use all reasonable efforts to facilitate an expeditious mediation. In the event that the parties do not resolve the particular dispute or impasse after employing the mediation procedures set forth in this provision, the parties may then avail

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BABCOCK RANCH COMMUNITY INCREMENT 1 – PHASE 1
 MASTER ROADWAY IMPROVEMENT AGREEMENT
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themselves of any legal or administrative remedies available to them at law or in equity in the courts in the State of Florida.

12. **VENUE AND INTERPRETATION.** The parties agree that suits or actions at law arising from the provisions, performance, or breach of this Master Agreement and/or Sub-Agreements (after the completion of the alternative dispute resolution process above) shall be brought in Charlotte County, Florida, and no other jurisdiction. This Master Agreement and/or any Sub-Agreements shall be construed and interpreted under the laws of the State of Florida.
13. **COMPLETE AGREEMENT.** This Master Agreement incorporates and includes all prior negotiations, correspondence, conversations, agreements or understandings applicable to the matters contained herein; and the parties agree that there are no commitments, agreements or understandings concerning the subject matter of this Master Agreement that are not contained in or incorporated into this Master Agreement. Accordingly, it is agreed that no deviation from the terms hereof shall be predicated upon any prior written or oral representations or agreements.
14. **APPLICABLE LAWS AND REGULATIONS.** If any provisions of this Master Agreement are contrary to, prohibited by, or deemed invalid under any applicable law or regulation, such provisions shall be inapplicable and deemed omitted to the extent so contrary, prohibited or invalid. The remainder of this Master Agreement shall not be invalidated thereby and shall be given full force and effect so long as the remaining provisions can carry out the purpose of this Master Agreement.
15. **CONSTRUCTION.** This Master Agreement shall not be construed more strictly against any party.
16. **RIGHTS OF ENFORCEMENT.** The parties shall have all rights available by law to enforce this Master Agreement.
17. **OPPORTUNITY TO CURE.** No party shall be considered in default for failure to perform the terms and conditions hereof unless said party shall have first

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EXHIBIT L

BABCOCK RANCH COMMUNITY INCREMENT 1 – PHASE 1
 MASTER ROADWAY IMPROVEMENT AGREEMENT
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received written notice specifying the nature of such failure and said party fails to cure same within ten (10) business days of receipt of such written notice or, if such failure cannot be cured within ten (10) business days, said party fails to commence curing same within ten (10) business days of receipt of such written notice.

18. **DISCLAIMER OF JOINT VENTURE.** It is understood by the parties that nothing contained in this Master Agreement shall be construed to constitute any party as the partner, agent, joint venturer, employee, consultant, or legal representative of the other, or to create any fiduciary relationship between them. No party shall have the authority to bind the other party to any obligation whatsoever to any third party without the express specific written consent of the other.

19. **NOTICE.** Any notice required or permitted hereunder shall be delivered by hand delivery, express courier, telecopy or certified mail, return receipt requested, shall be effective upon receipt, and shall be delivered to each of the parties at the following addresses or at such other addresses as specified by written notice in compliance with the terms of this paragraph:

As to FDOT: Florida Department of Transportation District One,
 Director of Southwest Areas Office
 2295 Victoria Ave., Suite 292 W
 Ft. Myers, FL 33801

with a copy to: Florida Department of Transportation District One, District
 Secretary
 801 N. Broadway Ave.
 Bartow, FL 33830.

As to Developer: Babcock Property Holdings, LLC
 ATTN: Mr. Tom Danahy, President
 17837 Murdock Circle
 Port Charlotte, Florida 33948

with a copy to: Babcock Property Holdings, LLC
 ATTN: Mr. Syd Kilson, CEO
 4500 PGA Boulevard, Suite 400
 Palm Beach Gardens, Florida 33418

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EXHIBIT L

BABCOCK RANCH COMMUNITY INCREMENT 1 - PHASE 1
MASTER ROADWAY IMPROVEMENT AGREEMENT
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D. ATTACHMENTS

- 1. All Exhibits and Attachments referenced and/or attached to this Master Agreement are incorporated into and made part of this Master Agreement.

ATTACHMENTS

Attachment A: Increment 1 Legal Description..... 1, 15
Attachment B: Increment 1- Phase 1 Transportation Conditions and Related Attachment 2, 16
Attachment C: Drainage Easement Agreement Provisions for Any Joint Use Ponds..... 4, 17

Rest of this page intentionally left blank.

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BABCOCK RANCH COMMUNITY INCREMENT 1 - PHASE 1
MASTER ROADWAY IMPROVEMENT AGREEMENT
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IN WITNESS WHEREOF, FDOT and Developer have executed this Master Agreement on the date first above written.

BABCOCK PROPERTY HOLDINGS, LLC, a Delaware limited liability company.

Elizabeth Andres
Witness
ELIZABETH ANDRES
Print Name

By: Tom Danahy
Name: Thomas J. Danahy
Its: President

Eric S. Chutkan
Witness
ERIC S. CHUTKAN
Print Name

STATE OF FLORIDA }
COUNTY OF CHARLOTTE } ss:

The foregoing instrument was acknowledged before me this 18th day of February, 2010 by Tom Danahy as President of Babcock Property Holdings, LLC on behalf of Babcock Property Holdings, LLC. The above-named person is personally known to me or has produced _____ as identification.

(Notary Seal)

Elizabeth A. Andres
Signature of Notary Public
ELIZABETH A. ANDRES
Print Name

My commission expires on APRIL 16, 2011.



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BABCOCK RANCH COMMUNITY INCREMENT 1 - PHASE 1
MASTER ROADWAY IMPROVEMENT AGREEMENT
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FLORIDA DEPARTMENT OF TRANSPORTATION

SIGNED AND ACKNOWLEDGED IN THE
PRESENCE OF:

WITNESS #1

[Signature] 2/18/10
SIGN HERE DATE

WITNESS #2
[Signature] 2/18/10
SIGN HERE DATE

FDOT DEPARTMENTS REVIEWED & APPROVED BY:

[Signature] 02/18/10 DATE
PORT MARLON BIZERRA
[Signature] 2-17-10 DATE
DESIGN: BEENIE MASING
[Signature] 2-17-10 DATE
RIGHT OF WAY: TOM SMALL
[Signature] 02/18/10 DATE
CONSTRUCTION: JON SANDS
[Signature] 7/17/10 DATE
MAINTENANCE: SHARON HARRIS

FLORIDA DEPARTMENT OF
TRANSPORTATION, AN AGENCY
OF THE STATE OF FLORIDA

BY [Signature]
FOR STANLEY M. GANN,
DISTRICT SECRETARY,
FLORIDA DEPARTMENT OF
TRANSPORTATION,
DISTRICT ONE
2/18/10
DATE

FDOT LEGAL REVIEW:

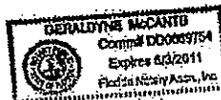
[Signature] 02/18/10
DATE

STATE OF FLORIDA)
COUNTY OF Polk) ss.

The foregoing instrument was acknowledged before me this 18th day of February, 2010, by Edward Gonzalez, as Director of operations of Florida Dept. of Transportation. The above-named person is personally known to me or has produced [Signature] as identification.

(Notary Seal)

[Signature]
Signature of Notary Public
Geraldynne McCants
Print Name
My commission expires on 5/3/2011



January 28, 2014

EXHIBIT L

BABCOCK RANCH COMMUNITY INCREMENT 1 - PHASE 1
MASTER ROADWAY IMPROVEMENT AGREEMENT: ATTACHMENT A
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ATTACHMENT A
Increment 1 Legal Description

(After Attachment C)

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EXHIBIT L

BABCOCK RANCH COMMUNITY INCREMENT 1 - PHASE 1
MASTER ROADWAY IMPROVEMENT AGREEMENT: ATTACHMENT B
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ATTACHMENT B

Increment 1- Phase 1 Transportation Conditions and Related Attachments

(After Attachment C)

January 28, 2014

EXHIBIT L

BABCOCK RANCH COMMUNITY INCREMENT 1 - PHASE 1
 MASTER ROADWAY IMPROVEMENT AGREEMENT: ATTACHMENT C
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Attachment C

Drainage Easement Agreement Provisions for Any Joint Use Ponds

1. Grant of Easements. The Drainage Easement, the Emergency Maintenance and Repair Easement and the Access Easement are collectively referred to as the "Easements" and are described with more particularity below. Each Party shall cooperate with each other to effectuate the purpose of this Easement Agreement for all Easements. The Easements are expressly made subject to all of the terms and conditions contained in this Easement Agreement.
2. Drainage Easement. DEVELOPER hereby grants to FDOT a non-exclusive, perpetual drainage easement (the "Drainage Easement") over, across, through and under the Storm Water Management System (SWMS), as set forth in EXHIBIT _____, for the limited purpose of accepting stormwater discharge solely from the Roadway Improvements in accordance with all SFWMD permit and/or other government agency requirements and based upon the FDOT Stormwater Volume and TMDL Volume, as set forth in EXHIBIT _____ (in the Drainage Easement Agreement).
3. Emergency Maintenance and Repair Easement. DEVELOPER hereby grants to FDOT a non-exclusive, perpetual emergency maintenance and repair easement (the "Emergency Maintenance and Repair Easement") over, across, through, and under the SWMS as shown in EXHIBIT _____, solely for the maintenance and/or repair of the SWMS in the event of an actual or imminent threat to FDOT's right of way and/or use of roadway.
4. Access Easement. DEVELOPER hereby grants to FDOT a non-exclusive, perpetual easement (the "Access Easement") over the SWMS and any and all tracts or easements dedicated (or to be dedicated during development) to governmental entities/agencies for access, drainage and/or drainage maintenance and/or flowage in any Subdivision plats that are recorded in Plat Book _____, Page(s) _____ of the public records of _____ County, Florida, solely for access to the SWMS to effectuate the purposes of the Emergency Maintenance and Repair Easement.
5. Reservation by DEVELOPER. DEVELOPER shall have and retain all rights to use, construct, operate and maintain the SWMS, and/or the Access Easement areas for DEVELOPER's purposes provided it is not inconsistent with the government required permit(s) and/or modifications thereto and/or regulation(s), and the Easements granted herein. DEVELOPER retains the right to modify and relocate, at DEVELOPER's expense, the Easements and the surface water management system located therein, to an alternative location and shall ensure the following requirements are satisfied during and after any modification and/or relocation:
 - a. Consistent with the government required permit(s) and/or modifications thereto; and
 - b. Any permit application and any permit(s) issued includes FDOT's required Stormwater Volume and TMDL Volume; and
 - c. There is not an adverse impact upon the flow of FDOT stormwater discharge from the Roadway Improvements; and

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BABCOCK RANCH COMMUNITY INCREMENT 1 - PHASE 1
 MASTER ROADWAY IMPROVEMENT AGREEMENT: ATTACHMENT C
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- d. The capacity of the SWMS to receive stormwater discharge from the Roadway Improvements is not diminished below the FDOT Stormwater Volume and TMDL Volume; and
 - e. Sufficient access is provided to FDOT to conduct any emergency maintenance and repairs to the Easements. DEVELOPER shall ensure that upon completion of any modification of the Easements, the SWMS meets all FDOT construction requirements and/or standards; and
 - f. The completed surface water management system has inflow, outfall and control structures that meet requirements of FDOT's construction standards; and
 - g. FDOT shall execute all documents necessary to effectuate said modification and/or relocation, including any necessary modification to this Agreement.
6. Letter of Authority. Simultaneous with the execution of this Easement Agreement, DEVELOPER has executed a "letter of authority", as set forth in EXHIBIT _____ to allow FDOT to apply for permits or permit modifications to SFWMD and other governmental agencies in connection with the SWMS. However, it is understood and agreed that this letter of authority may only be used by FDOT upon the following conditions: (1) such permits or permit modifications sought by FDOT must be consistent with the terms of this Easement Agreement; (2) the letter of authority shall only be used by FDOT to seek permits or permit modifications if required to effectuate future changes to the SWMS to comply with SFWMD or other governmental requirements; and (3) FDOT shall provide DEVELOPER notice of its use of the letter of authority by copying DEVELOPER on all applications made by FDOT to SFWMD or other governmental agencies where it is using the letter of authority as part of the permit application. In addition, both DEVELOPER and FDOT shall cooperate with one another in connection with obtaining SFWMD and other governmental permits as may be necessary for the construction, operation, maintenance or modification of the SWMS so long as the same are consistent with the terms hereof, including, without limitation, the execution of appropriate SFWMD applications and replacement of new letters of authority, if required.
7. FDOT's Acceptance. FDOT accepts these Easements subject to all covenants, restrictions, limitations and easements of record, and subject to the terms and conditions contained herein.
8. No Third Party Easements. FDOT shall not grant any easement rights arising out of the Easements or this Easement Agreement to any third party and no third party shall be the beneficiary of this Easement Agreement and the Easements contained herein, either directly or indirectly.
9. Easements Compliance and Responsibility.
- a. Neither Party shall take any action(s) to delay implementation of the purposes of the Easement(s). All obligations in this Easement Agreement are subject to and contingent upon the occurrence of events beyond DEVELOPER's or FDOT's reasonable control, acts of God and force majeure.
 - b. Neither Party shall take any action or engage in any conduct, including the modification to or adjustment of the SWMS that adversely affects or will adversely affect the SWMS and/or adversely impact upon the flow of stormwater discharge from the Roadway Improvements and/or adversely affect the terms and conditions of this Easement Agreement and any relevant permits and/or

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BABCOCK RANCH COMMUNITY INCREMENT 1 - PHASE 1
 MASTER ROADWAY IMPROVEMENT AGREEMENT ATTACHMENT C
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government requirements affecting FDOT's rights hereunder.

- c. DEVELOPER shall provide notice to FDOT of any material physical alteration, expansion, improvement, and/or platting of the SWMS or its property which would affect FDOT's access to the SWMS, at least thirty (30) days prior to same. Upon any modification of the SWMS configuration that changes any Easement area and/or location of control structures, DEVELOPER shall immediately notify FDOT and provide a set of complete as-built plans to FDOT's Fort Myers Operations Center, modify the legal description and map of the respective Easements, and promptly file with the Clerk of the Court any modification(s) of any legal description and map.
10. Permit Compliance
- a. Each Party shall take all reasonable precautions on their respective property to prevent violations of state water quality standards established by SFWMD permit #_____ and any modifications thereto and/or any other government agency requirements affecting FDOT's rights hereunder. FDOT shall not be responsible for the actions of Third Party Easement Holders as defined herein. Third Party Easement Holders are defined as holders of an easement over the SWMS who are not a government entity or authorized users of their easements under applicable law) as defined in Fla. Stat. §768.28.
- b. DEVELOPER, at its expense, shall be responsible for the perpetual operation, maintenance and repair of the SWMS pursuant to SFWMD permit #_____ and any modifications thereto and/or other governmental requirements and/or modifications thereto affecting FDOT's rights hereunder. Except as provided herein, at no time shall FDOT be responsible for any costs incurred by DEVELOPER in maintaining the SWMS. Should DEVELOPER subsequently seek its own SFWMD permit over any part of the SWMS, DEVELOPER shall be obligated to include FDOT's stormwater volume requirements, as well as DEVELOPER's requirements, in any permit application and ensure that the permit issued includes FDOT's requirements.
- c. Non-compliance Process. If either Party receives any notice of non-compliance of SFWMD permit #_____ and/or any modifications thereto and/or other governmental requirements affecting FDOT's rights hereunder, said Party shall notify and cooperate with the other Party if it intends to seek reimbursement from said Party, as set forth below:
- i. Notice. The Party intending to seek reimbursement (the "Notifying Party") shall notify the other Party (the "Responding Party") of any receipt of notice of non-compliance within thirty (30) days of such receipt. The Responding Party has an obligation to respond to the Notifying Party within thirty (30) days of receiving such notice from the Notifying Party.
 - ii. Field Review. The Parties shall cooperate with each other in setting a meeting and field review of the SWMS for verification and documentation.
 - iii. Responsible Party Determination. The Parties shall cooperate with each other to determine who is responsible for causing the non-compliance ("Responsible Party"). The Responsible Party shall take action at its expense to restore permit compliance.

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BABCOCK RANCH COMMUNITY INCREMENT 1 - PHASE 1
 MASTER ROADWAY IMPROVEMENT AGREEMENT ATTACHMENT C
 Page 20 of 23

- iv. If the Parties cannot agree on who is the Responsible Party, the DEVELOPER shall take action at its expense to restore permit compliance and reserves the right to seek appropriate legal remedies.
11. Emergency Maintenance & Repair Process. If any event occurs which presents an actual or imminent threat to FDOT's right of way and/or use of roadway;
- a. Notice. Notify the DEVELOPER's contact person, _____ of DEVELOPER, _____ FL _____ phone (____) _____ of FDOT's intent to conduct emergency maintenance and repair on the SWMS.
 - b. Alleviate Immediate danger. FDOT shall take necessary emergency maintenance and repair action to alleviate any immediate danger to the roadway and/or FDOT's right of way.
 - c. Post-Emergency Maintenance. The Parties shall follow the Field Review and Responsible Party Determination steps above for any post-emergency maintenance and responsibility for cost incurred in alleviating the immediate danger, which shall be paid promptly to the FDOT upon presentation of invoice and supporting documentation if DEVELOPER was responsible for the cause of the event.
12. FDOT shall be responsible, at FDOT's expense, for the perpetual maintenance and repair of drainage facilities located on FDOT's right of way.
13. Fla. Stat. §339.135(6)(a): The Department during any fiscal year shall not expend money, incur any liability, or enter into any contract which, by its terms, involves the expenditure of money in excess of the amounts budgeted as available for expenditure during such fiscal year. Any contract, verbal or written, made in violation of this subsection is null and void; and no money may be paid on such contract. The Department shall require a statement from the Comptroller of the Department that funds are available prior to entering into any such contract or other binding commitment of funds. Nothing herein contained shall prevent the making of contracts for periods exceeding 1 year, but any contract so made shall be executory only for the value of the services to be rendered or agreed to be paid for in succeeding fiscal years; and this paragraph shall be incorporated verbatim in all contracts of the department which are for an amount in excess of \$25,000 and which have a term for a period of more than 1 year.
14. DEVELOPER is or becomes subject to Fla. Stat. §768.28.
15. At anytime DEVELOPER is or becomes an entity, or conveys the property subject to this Easement Agreement to an entity that is subject to the limitations set forth in Fla. Stat. §768.28 (including a Community Development District, "CDD", as provided in Fla. Stat. §190.043), it shall, to the extent permitted by Fla. Stat. §768.28, be responsible only for the negligent acts, events, or omissions of its own respective officers and/or employees and/or agents and/or its successors and/or assigns, arising from or resulting in damages and/or injuries. This provision supersedes any other contract provision addressing the DEVELOPER's liability, and nothing in this Agreement shall be construed to be a waiver of rights or protection afforded from Fla. Stat. §768.28, or other applicable law.
16. Pollutants And Contaminants
- a. The Parties acknowledge that the Florida Department of Environmental Protection has authority to enforce federal and state laws with respect to contaminants and/or pollutants (as defined in applicable Florida Statutes) of

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EXHIBIT L

BABCOCK RANCH COMMUNITY INCREMENT 1 - PHASE 1
 MASTER ROADWAY IMPROVEMENT AGREEMENT: ATTACHMENT C
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surface and ground waters;

- b. FDOT, to the extent permitted by law to include, Fla. Stat. § 768.28, is responsible for the negligent acts, events, or omissions of action of its officers, or employees arising from or resulting in any contaminants and/or pollutants entering the SWMS.
 - c. FDOT is not responsible for the negligent acts, events or omissions of the DEVELOPER and/or DEVELOPER's officers and/or employees and/or Third Party Easement Holders arising from or resulting in any contaminants and/or pollutants entering the SWMS.
 - d. DEVELOPER is responsible for the negligent acts, events, or omissions of action of its own officers and/or employees and/or Third Party Easement Holders arising from or resulting in any contaminants and/or pollutants entering the SWMS.
 - e. DEVELOPER is not responsible for the negligent acts, events or omissions of the FDOT and/or FDOT's officers and/or employees and/or its successors and assigns and/or third parties (other than Third Party Easement Holders) arising from or resulting in any contaminant and/or pollutants entering the SWMS.
 - f. Nothing herein shall be construed to waive any rights, in law or equity, that DEVELOPER or FDOT may have against third parties.
 - g. This Agreement, including this paragraph, does not alter the Parties' legal rights, duties and obligations related to intentional torts or strict liability. Further, nothing herein shall be construed to waive any rights, in law or equity, that DEVELOPER or FDOT may have against third parties.
17. General Liability And Insurance
- a. FDOT, to the extent permitted by law to include Fla. Stat. §768.28, is responsible for the negligent acts, events, or omissions of action of its officers and/or employees, arising from or resulting in damages and/or injuries in its exercise of any Easement rights granted herein.
 - b. DEVELOPER is responsible for the negligent acts, events, or omissions of action of its officers and/or employees and/or other Third Party Easement Holders arising from or resulting in any damages and/or injuries within the SWMS.
 - c. Neither Party shall be responsible for the negligent acts, events or omissions of third parties. Nothing herein shall be construed to waive any rights, in law or equity, that DEVELOPER or FDOT may have against third parties.
 - d. DEVELOPER, at its expense, shall ensure there is sufficient insurance for the SWMS at all times to cover injury to person and/or damage to property and DEVELOPER shall obtain, maintain and pay the premiums for liability insurance for the SWMS consistent with state and local insurance laws. This paragraph shall be consistent with Fla. Stat. §768.28 if DEVELOPER is an entity subject to said statute.
18. Assignment
- a. The DEVELOPER may assign or transfer all obligations, requirements and conditions the DEVELOPER has agreed to undertake in this Easement Agreement according to the conditions listed below. Failure to comply with the

January 28, 2014

EXHIBIT L

BABCOCK RANCH COMMUNITY INCREMENT 1 - PHASE 1
 MASTER ROADWAY IMPROVEMENT AGREEMENT ATTACHMENT C
 Page 22 of 23

requirements shall automatically render any assignment or transfer null and void without any legal action. The conditions are:

- i. The assignment or transfer of this Easement Agreement shall be in connection with the conveyance of the property burdened by the Easements in this Easement Agreement and both the conveyance of the burdened property and the assignment or transfer of this Easement Agreement must occur at the same time and to the same entity or person.
 - ii. All permits issued for the SWMS, including without limitation, SFWMD permits, that are within the authority and control of the DEVELOPER, must be assigned or transferred to the same entity or person referenced in paragraph 12.a.1. above and in accordance with all laws, rules, or regulations, applicable to said permit transfer, including those applicable to transfer or assignment to a Homeowners' Association ("HOA") if the entity is an HOA.
 - iii. The new assignee or transferee must have legal authority to accept and carry out all obligations, requirements and conditions required of the DEVELOPER in this Easement Agreement.
 - iv. The new assignee or transferee agrees in writing to the acceptance of all obligations, requirements and conditions of this Easement Agreement.
 - v. The assignment or transfer is properly recorded within thirty (30) business days of the assignment or transfer by DEVELOPER.
19. FDOT may assign or transfer all obligations, requirements and conditions herein only to a successor governmental agency or political subdivision of the State of Florida and consistent with all SFWMD permit transfer requirements.
 20. Entire Easement Agreement, Runs With the Land, and Amendment. This Easement Agreement contains the entire understanding and agreement between the Parties with respect to the subject matter herein and shall become effective upon execution by both parties, and shall run with the land, regardless of whether the same is specifically mentioned in any subsequent deed or conveyance of all or a part of the SWMS or Access Easement, and shall be binding on all persons subsequently acquiring all or a part of the SWMS or Access Easement, including any HOA or CDD having or obtaining an interest in either the SWMS or Access Easement. This Easement Agreement may be amended or modified only by an instrument signed by FDOT and all owners and first mortgagees of the SWMS and/or the Access Easement area, as applicable. No amendment shall become effective prior to a duly executed and acknowledged copy being recorded in the Public Records of Lee County, Florida.
 21. Severability. If any part of this Easement Agreement shall be determined to be invalid or unenforceable by a court of competent jurisdiction or by any other legally constituted body having the jurisdiction to make such determination, the remainder of this Easement Agreement shall remain in full force and effect provided the part of this Easement Agreement thus invalidated or declared unenforceable is not material to the intended operation of this Easement Agreement.
 22. Law and Venue. This Easement Agreement shall be construed under and in accordance with the laws of the State of Florida, and all actions brought hereunder, whether at law or in equity, shall be brought in the Circuit Court in and for Lee County, Florida.

January 28, 2014

EXHIBIT L

BABCOCK RANCH COMMUNITY INCREMENT 1--PHASE 1
 MASTER ROADWAY IMPROVEMENT AGREEMENT: ATTACHMENT C
 Page 23 of 23.

23. **Disclaimer of Waiver.** No failure or a succession of failures on the part of the DEVELOPER or the FDOT to enforce any provision of this Easement Agreement shall operate as a waiver or discharge thereof, render the same provision inoperative, or impair the right of the DEVELOPER or the FDOT to enforce the same provision.
24. **Disclaimer of Joint Venture.** It is understood by the Parties that nothing contained in this Easement Agreement shall be construed to constitute any Party as the partner, agent, joint venturer, employee, consultant, or legal representative of the other, or to create any fiduciary relationship between them. No Party shall have the authority to bind the other Party to any obligation whatsoever to any third party without the express specific written consent of the other.
25. **Contract Interpretation.** This Easement Agreement was created by both DEVELOPER and FDOT, each of whom were represented by legal counsel, reviewed and agreed to by both Parties and their legal counsels. Therefore, this Easement Agreement shall not be construed more favorably against either Party.
26. **Notice.** Any notice to be given or to be served upon any Party hereof in connection with this Easement Agreement must be in writing and may be given by certified or registered mail and shall be deemed to have been given and received three business days after the date when a certified or registered letter containing such notice, properly addressed, with postage prepaid is deposited in the United States mails. If notice is given otherwise than by certified or registered mail, it shall be deemed to have been given when delivered to and received by the Party to whom it is addressed. Such notices shall be given to the Parties at the following address:

TO DEVELOPER	TO FDOT
DEVELOPER	FDOT
Address	Address
Phone #	Phone #
Email	Email

- a. Any Party may change the address to which its notices are sent by giving the other Party five (5) days prior written notice of any such change in the manner provided in this section, but notice of change of address is effective only upon receipt.
- b. The failure by any Party to deliver a courtesy copy as referenced above shall not constitute a default under the terms of this Easement Agreement nor shall it create a defect in any notice which is otherwise given.
- c. Copies of all notices shall, to the extent practical, be sent by email, telefacsimile as well, but a failure to send such a telefacsimile copy shall not constitute a default under the terms of this Easement Agreement nor shall it create a defect in any notice which is otherwise properly given. Furthermore, it is expressly agreed that legal counsel for either Party may send notice on behalf of its client to legal counsel for the other Party, with a copy to both DEVELOPER and FDOT, and that the same shall constitute proper notice hereunder.

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EXHIBIT L

ATTACHMENT GA²
[LEGAL DESCRIPTIONS]

1. **Exhibit A-1, Sketch and Description for Increment 1 – North Parcel [Babcock Ranch Community] (2 pages).**
2. **Exhibit A-2, Description and Sketch to Accompany Description for Increment 1 South Area Babcock Ranch Community (4 pages).**
3. **Exhibit A-3, Utility Easement Babcock Ranch Community.**

January 28, 2014

EXHIBIT L

EXHIBIT A-1, Page 1 of 2

LEGAL DESCRIPTION:																					
BEING A PARCEL OF LAND LYING OVER A PORTION OF SECTIONS 29, 31, AND 32, TOWNSHIP 41 SOUTH, RANGE 28 EAST, CHARLOTTE COUNTY, FLORIDA; SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:																					
COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 31; PROCEED NORTH 00°48'42" WEST, ALONG THE WEST LINE OF SAID SECTION 31, A DISTANCE OF 2975.54 FEET TO A POINT ON THE WESTERLY EXTENSION OF THE NORTH LINE OF THAT CERTAIN "LESS & EXCEPT PARCEL" AS DESCRIBED IN OFFICIAL RECORDS BOOK 3011, PAGE 2076, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA; THENCE NORTH 89°11'17" EAST, DEPARTING SAID WEST LINE, AND ALONG SAID WESTERLY EXTENSION, A DISTANCE OF 349.99 FEET TO THE NORTHWEST CORNER OF SAID "LESS & EXCEPT PARCEL"; THENCE CONTINUE NORTH 89°11'17" EAST, ALONG THE NORTH LINE OF SAID "LESS & EXCEPT PARCEL", A DISTANCE OF 3,349.91 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89°11'17" EAST, ALONG THE NORTH LINE OF SAID "LESS & EXCEPT PARCEL", A DISTANCE OF 2,311.08 FEET TO A POINT ON THE WEST LINE OF SAID "LESS & EXCEPT PARCEL"; THENCE NORTH 00°00'03" WEST, DEPARTING SAID NORTH LINE, AND ALONG SAID WEST LINE, A DISTANCE OF 2,799.32 FEET TO A POINT ON THE NORTH LINE OF SAID "LESS & EXCEPT PARCEL"; THENCE NORTH 89°59'57" EAST, DEPARTING SAID WEST LINE, AND ALONG SAID NORTH LINE, A DISTANCE OF 2,166.98 FEET; THENCE SOUTH 00°00'03" EAST, DEPARTING SAID NORTH LINE, A DISTANCE OF 5,764.83 FEET TO A POINT ON THE NORTH LINE OF THAT CERTAIN 100-FOOT WIDE ACCESS EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 3011, PAGE 2046, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA; THENCE NORTH 89°51'41" WEST, ALONG SAID NORTH EASEMENT LINE, A DISTANCE OF 3,037.26 FEET; THENCE NORTH 89°35'41" WEST, CONTINUING ALONG SAID NORTH EASEMENT LINE, A DISTANCE OF 1,440.60 FEET; THENCE NORTH 00°00'03" WEST, DEPARTING SAID NORTH EASEMENT LINE, A DISTANCE OF 2,915.19 FEET TO THE POINT OF BEGINNING.																					
SAID PARCEL CONTAINING 442.58 ACRES; MORE OR LESS.																					
SURVEYOR'S NOTES:																					
THE BEARINGS AND DISTANCES SHOWN ON THIS SKETCH AND DESCRIPTION ARE "GRID" AND BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, TRANSVERSE MERCATOR PROJECTION, FLORIDA WEST ZONE, NORTH AMERICAN DATUM OF 1983/2007 ADJUSTMENT.																					
BEARING BASE:																					
THE WEST LINE OF SECTION 31, TOWNSHIP 41 SOUTH, RANGE 28 EAST, IS TAKEN TO BEAR NORTH 00°48'42" WEST, AND ALL OTHER BEARINGS SHOWN HEREON, ARE RELATIVE THERETO.																					
LEGEND:																					
O.R.B. = OFFICIAL RECORDS BOOK																					
SECTION CORNER																					
THIS IS NOT A SURVEY																					
© 2009 Boyle Engineering SURVEYOR AND MAPPER'S SIGNATURE 1. UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RASOR SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, THIS MAP/REPORT IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID. 2. NO PART OF THE PUBLIC RECORDS HAS BEEN MADE BY THIS OFFICE. CLAYTON H. KOZLOWSKI, PROFESSIONAL SURVEYOR & MAPPER STATE OF FLORIDA, No. 2000	PROJECT NAME: SKETCH AND DESCRIPTION FOR: INCREMENT 1 - NORTH PARCEL																				
BOYLE ENGINEERING BOYLE 3350 NW Corporate Parkway Fort Lauderdale, Florida 33418 T 772.288.3883 F 772.288.3928 BPA & FREE Usage Nov 2008 & Ltr 7622 www.boyle-eng.com	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2">Scale: N/A</td> <td colspan="3">REVISIONS:</td> </tr> <tr> <td>Sheet 1 OF 2</td> <td>Field Book: N/A</td> <td>Page: N/A</td> <td>Field: N/A</td> <td></td> </tr> <tr> <td>Computed: CHK</td> <td>Date: 11/23/09</td> <td>FILE NO. 60100834GL01</td> <td>Project No. 60100834</td> <td></td> </tr> <tr> <td>Checked: CHK</td> <td></td> <td></td> <td></td> <td></td> </tr> </table>	Scale: N/A		REVISIONS:			Sheet 1 OF 2	Field Book: N/A	Page: N/A	Field: N/A		Computed: CHK	Date: 11/23/09	FILE NO. 60100834GL01	Project No. 60100834		Checked: CHK				
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Computed: CHK	Date: 11/23/09	FILE NO. 60100834GL01	Project No. 60100834																		
Checked: CHK																					

January 28, 2014

EXHIBIT L

Exhibit A-2

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**INCREMENT 1 SOUTH AREA
BABCOCK RANCH COMMUNITY**
SECTIONS 19, 20, 21, 28, 29, 30, 31 AND 32
TOWNSHIP 42 SOUTH, RANGE 24 EAST
CHARLOTTE COUNTY, FLORIDA.

LOCATION MAP
0 1000 2000
1:20,000

NOTES:

1. BEARINGS, DISTANCES AND AREAS ARE BASED ON GRID VALUES.
2. ALL BEARINGS, STATE PLANE COORDINATES, FLORIDA WEST ZONE, NAD 83, FIRST TORSION, TOWNSHIP 42 SOUTH, RANGE 24 EAST, SECTION 19, 20, 21, 28, 29, 30, 31 AND 32.
3. THIS SKETCH DOES NOT MAKE ANY REPRESENTATION AS TO ZONING OR REGULATORY RESTRICTIONS ON THE SUBJECT PARCELS.
4. POB = POINT OF BEGINNING.
5. DESK = DESCRIPTION.
6. BRP = BABCOCK RANCH PRESERVE.
7. BRP CONTAINS 2,381.52 ACRES MORE OR LESS.
8. DESCRIPTION ATTACHED.

THIS IS NOT A SURVEY

Michael R. Norman
MICHAEL R. NORMAN (FOR THE FSN 12-562)
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 6500
JUL 2 5 2013

DATE SURVEYED: 11/15/13
DRAWN BY: [Signature]
CHECKED BY: [Signature]
SCALE: AS SHOWN
PROJECT NO.: 13-0001
SHEET NO.: 1 OF 4

**INCREMENT 1 SOUTH AREA
BABCOCK RANCH COMMUNITY**
SECTIONS 19, 20, 21, 28, 29, 30, 31 AND 32
TOWNSHIP 42 SOUTH, RANGE 24 EAST
CHARLOTTE COUNTY, FLORIDA.

**JOHNSON
ENGINEERING**

2115 W. BAYVIEW BLVD
SUITE 200
MARIETTA, GEORGIA 30067
PHONE: (770) 575-3444
FAX: (770) 575-3444
E.L. #42 & L.L. #343

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DESCRIPTION

INCREMENT 1 SOUTH AREA
BASEDICK RANCH COMMUNITY
SECTIONS 19, 20, 21, 28, 29, 31, 31 AND 32
TOWNSHIP 42 SOUTH, RANGE 26 EAST
CHARLOTTE COUNTY, FLORIDA

A PARCEL OF LAND LYING IN SECTIONS 19, 20, 21, 28, 29, 31, 31 AND 32, TOWNSHIP 42 SOUTH, RANGE 26 EAST, CHARLOTTE COUNTY, FLORIDA, WHICH TRACT OR PARCEL IS DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 31 RUN SOUTH 00°36'48" WEST ALONG THE WEST LINE OF NORTHWEST QUARTER (NW-1/4) OF SAID SECTION 31 FOR 387.00 FEET; THENCE RUN SOUTH 89°31'44" EAST DEPARTING SAID LINE FOR 50.00 FEET TO AN INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD 31; AND THE POINT OF BEGINNING;

FROM SAID POINT OF BEGINNING RUN THE FOLLOWING, THREE (3) BEARINGS AND DISTANCES ALONG SAID RIGHT-OF-WAY LINE NORTH 00°36'46" EAST FOR 397.08 FEET; NORTH 00°28'10" EAST FOR 5,259.33 FEET; NORTH 00°31'45" EAST FOR 4,079.71 FEET; THENCE RUN SOUTH 89°28'15" EAST DEPARTING SAID RIGHT-OF-WAY LINE FOR 289.87 FEET; THENCE FEET; THENCE RUN NORTH 50°00'00" EAST FOR 638.00 FEET; THENCE RUN NORTH 82°38'45" EAST FOR 188.58 FEET; THENCE RUN SOUTH 88°28'57" EAST FOR 1,477.74 FEET; THENCE RUN SOUTH 88°38'57" EAST FOR 711.48 FEET; THENCE RUN NORTH 0°03'27" WEST FOR 1,168.03 FEET; THENCE RUN NORTH 82°12'01" EAST FOR 711.48 FEET; THENCE RUN SOUTH 87°58'39" EAST FOR 5,335.60 FEET; THENCE RUN SOUTH 11°12'07" WEST FOR 7,458.70 FEET; THENCE RUN SOUTH 78°07'33" WEST FOR 1,479.71 FEET; THENCE RUN SOUTH 77°58'39" WEST FOR 2,652.02 FEET; THENCE RUN SOUTH 10°55'10" EAST FOR 395.41 FEET; THENCE RUN SOUTH 36°36'47" WEST FOR 321.84 FEET; THENCE RUN NORTH 78°58'45" WEST FOR 545.84 FEET; THENCE RUN SOUTH 01°41'42" EAST FOR 780.76 FEET; THENCE RUN NORTH 78°58'45" WEST FOR 780.76 FEET; THENCE RUN NORTH 44°41'52" WEST FOR 854.80 FEET; THENCE RUN SOUTH 89°41'16" WEST FOR 2,031.20 FEET; THENCE RUN SOUTH 00°06'43" EAST FOR 1,227.12 FEET; THENCE RUN SOUTH 89°41'16" WEST FOR 1,314.43 FEET; THENCE RUN NORTH 00°00'00" EAST FOR 2,486.95 FEET; THENCE RUN SOUTH 89°58'34" WEST FOR 2,096.15 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 2,393.32 ACRES, MORE OR LESS.

BEARINGS, DISTANCES AND AREAS ARE BASED ON GRID VALUES. BEARING REFERENCE STATE PLANE COORDINATES FLORIDA WEST ZONE, NAD 83 (95) WHEREIN THE WEST LINE OF THE NORTHWEST QUARTER (NW-1/4) OF SECTION 31, TOWNSHIP 42 SOUTH, RANGE 26 EAST BEARS SOUTH 00°36'46" WEST.

INCREMENT 1 SOUTH AREA BASEDICK RANCH COMMUNITY SECTIONS 19, 20, 21, 28, 29, 31, 31 AND 32 TOWNSHIP 42 SOUTH, RANGE 26 EAST CHARLOTTE COUNTY, FLORIDA	JOHNSON ENGINEERING
4172 JOHNSON STREET FORT LAUDERDALE, FLORIDA 33309-1686 PHONE: (352) 341-0004 FAX: (352) 341-0061 E-MAIL: JEN@JOHNSON-ENG.COM	DESCRIPTION
DATE: 01/28/09	PROJECT NO.: 13-46-08
DRAWN BY: [Signature]	PAGE: 4 OF 4

January 28, 2014

EXHIBIT L

Exhibit A-3

Page 1 of 10

UTILITY EASEMENT
BABCOCK RANCH COMMUNITY
CHARLOTTE COUNTY, FLORIDA

LEGAL DESCRIPTION

A STRIP OF LAND 50.00 FEET WIDE FOR A UTILITY EASEMENT LYING IN SECTIONS 9, 10, 15, 16, 17, 18, 19, AND 20, TOWNSHIP 42 SOUTH, RANGE 26 EAST, CHARLOTTE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 19, THENCE RUN N00°31'45"E ALONG THE WEST LINE OF SAID SECTION 19 FOR A DISTANCE OF 3565.42 FEET; THENCE DEPARTING FROM SAID WEST LINE RUN S89°28'15"E FOR A DISTANCE OF 821.48 FEET TO THE INTERSECTION OF THE SUBJECT 50.00 FOOT WIDE UTILITY EASEMENT AND THE POINT OF BEGINNING;

THENCE RUN N00°04'08"E FOR A DISTANCE OF 397.98 FEET; THENCE RUN N81°43'46"E FOR A DISTANCE OF 5726.60 FEET; THENCE RUN S07°53'13"E FOR A DISTANCE OF 10.07 FEET; THENCE RUN N81°38'00"E FOR A DISTANCE OF 652.98 FEET; THENCE RUN N62°44'52"E FOR A DISTANCE OF 4677.58 FEET; THENCE RUN N28°10'55"W FOR A DISTANCE OF 1284.13 FEET; THENCE RUN N69°30'20"E FOR A DISTANCE OF 1051.27 FEET; THENCE RUN S43°36'34"E FOR A DISTANCE OF 444.54 FEET; THENCE RUN N70°03'37"E FOR A DISTANCE OF 233.54 FEET; THENCE RUN N08°35'10"E FOR A DISTANCE OF 173.24 FEET; THENCE RUN N71°59'01"E FOR A DISTANCE OF 125.04 FEET; THENCE RUN N12°51'59"W FOR A DISTANCE OF 1654.72 FEET; THENCE RUN N81°12'25"E FOR A DISTANCE OF 4859.66 FEET; THENCE RUN N15°14'20"W FOR A DISTANCE OF 607.80 FEET; THENCE RUN N74°45'40"E FOR A DISTANCE OF 790.10 FEET; THENCE RUN N13°35'57"W FOR A DISTANCE OF 1136.53 FEET; THENCE RUN N76°23'03"E FOR A DISTANCE OF 50.00 FEET; THENCE RUN S13°36'57"E FOR A DISTANCE OF 1338.67 FEET; THENCE RUN S76°23'03"W FOR A DISTANCE OF 50.00 FEET; THENCE RUN N13°36'57"W FOR A DISTANCE OF 162.12 FEET; THENCE RUN S74°45'40"W FOR A DISTANCE OF 238.68 FEET; THENCE RUN S15°14'20"E FOR A DISTANCE OF 800.94 FEET; THENCE RUN S18°52'05"E FOR A DISTANCE OF 1024.45 FEET; THENCE RUN S05°44'56"W FOR A DISTANCE OF 84.80 FEET; THENCE RUN N84°56'04"W FOR A DISTANCE OF 50.00 FEET; THENCE RUN N08°04'58"E FOR A DISTANCE OF 73.89 FEET; THENCE RUN N19°32'05"W FOR A DISTANCE OF 1015.42 FEET; THENCE RUN N15°14'20"W FOR A DISTANCE OF 194.71 FEET; THENCE RUN S01°12'25"W FOR A DISTANCE OF 4811.62 FEET; THENCE RUN S12°51'59"E FOR A DISTANCE OF 1646.73 FEET; THENCE RUN S71°59'01"W FOR A DISTANCE OF 138.64 FEET; THENCE RUN S06°35'10"W FOR A DISTANCE OF 172.07 FEET; THENCE RUN S70°03'37"W FOR A DISTANCE OF 297.14 FEET; THENCE RUN N43°36'34"W FOR A DISTANCE OF 444.40 FEET; THENCE RUN S89°50'20"W FOR A DISTANCE OF 960.82 FEET; THENCE RUN S28°10'55"E FOR A DISTANCE OF 1277.40 FEET; THENCE RUN S82°44'52"W FOR A DISTANCE OF 4736.72 FEET; THENCE RUN S81°38'00"W FOR A DISTANCE OF 681.29 FEET;

(CONTINUE DESCRIPTION ON SHEET 2 OF 10)

* THIS IS NOT A SURVEY *

TRW CONSULTING ENGINEERS	<small>19818 Wood Dale Fort Worth, Texas 76116 817-337-1111 / 817-337-1100 214-714-6100 Copyright © 2008 TRW 5-11-10-214</small>	DRAWN BY: JC JOB NO. 070800 SHEET 1 OF 10
LEGAL DESCRIPTION		
50' WIDE UTILITY EASEMENT BABCOCK RANCH COMMUNITY SECTIONS 9, 10, 15, 16, 17, 18, & 20, TOWNSHIP 42 SOUTH, RANGE 26 EAST, CHARLOTTE COUNTY, FLORIDA		
DATE: DECEMBER 2008		DRAWING: LSCALM

P:\proj\070800\070800-00_BABCOCK_RANCH\BACCDRAW\CAD-FINAL_LEGAL\Jc.dwg, 1/16/2009 10:13:38 AM, WISUN/CJG 841

January 28, 2014

EXHIBIT L

Exhibit A-3

Page 2 of 10

UTILITY EASEMENT
BABCOCK RANCH COMMUNITY
CHARLOTTE COUNTY, FLORIDA
LEGAL DESCRIPTION

(CONTINUED DESCRIPTION FROM SHEET 1 OF 10)

THENCE RUN N07°53'13"W FOR A DISTANCE OF 10.07 FEET; THENCE RUN S01°43'46"W FOR A DISTANCE OF 5683.38 FEET; THENCE RUN S00°04'08"W FOR A DISTANCE OF 304.72 FEET; THENCE RUN N00°00'00"E FOR A DISTANCE OF 595.78 FEET; THENCE RUN N62°36'45"E FOR A DISTANCE OF 47.75 FEET; THENCE RUN S27°32'49"E FOR A DISTANCE OF 182.48 FEET; THENCE RUN S21°45'34"E FOR A DISTANCE OF 37.94 FEET; THENCE RUN S48°25'41"W FOR A DISTANCE OF 53.15 FEET; THENCE RUN N21°45'34"W FOR A DISTANCE OF 53.43 FEET; THENCE RUN N27°32'49"W FOR A DISTANCE OF 130.07 FEET; THENCE RUN S62°36'45"W FOR A DISTANCE OF 10.07 FEET; THENCE RUN S00°00'00"W FOR A DISTANCE OF 658.00 FEET TO THE POINT OF BEGINNING; CONTAINING 1,304,710 SQUARE FEET OR 29.95 ACRES, MORE OR LESS.

NOTES:

- 1.) BEARINGS SHOWN HEREON ARE BASED ON THE WEST LINE OF SECTION 18, TOWNSHIP 42 SOUTH, RANGE 26 EAST, CHARLOTTE COUNTY, FLORIDA, WHICH BEARS NORTH 00°31'45" EAST.
- 2.) SUBJECT TO EASEMENTS, RESERVATIONS AND/OR RESTRICTIONS OF RECORD.
- 3.) DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.

Eric V. Garboud 1-16-09
 SIGNATURE DATE SIGNED

ERIC V. GARBOUD (FOR THE FIRM - LW-731)
 PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA CERTIFICATE NO. 8222
 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A
 FLORIDA LICENSED SURVEYOR AND MAPPER.

* THIS IS NOT A SURVEY *

DRAWN BY: KO	JOB NO.: 09016.00	SHEET 2 OF 10
LEGAL DESCRIPTION		
50' WIDE UTILITY EASEMENT BABCOCK RANCH COMMUNITY SECTIONS 9, 10, 15, 16, 17, 18, & 20, TOWNSHIP 42 SOUTH, RANGE 26 EAST, CHARLOTTE COUNTY, FLORIDA		
DATE: DECEMBER 2008		DRAWING: LEGAL/EN



2011 RECORD
 Eric V. Garboud, PLS
 701 278-1810 FAX 352 278-9777
 6330 E. 17th Avenue, Suite 200
 Fort Lauderdale, FL 33324
 Surveyor # 7304

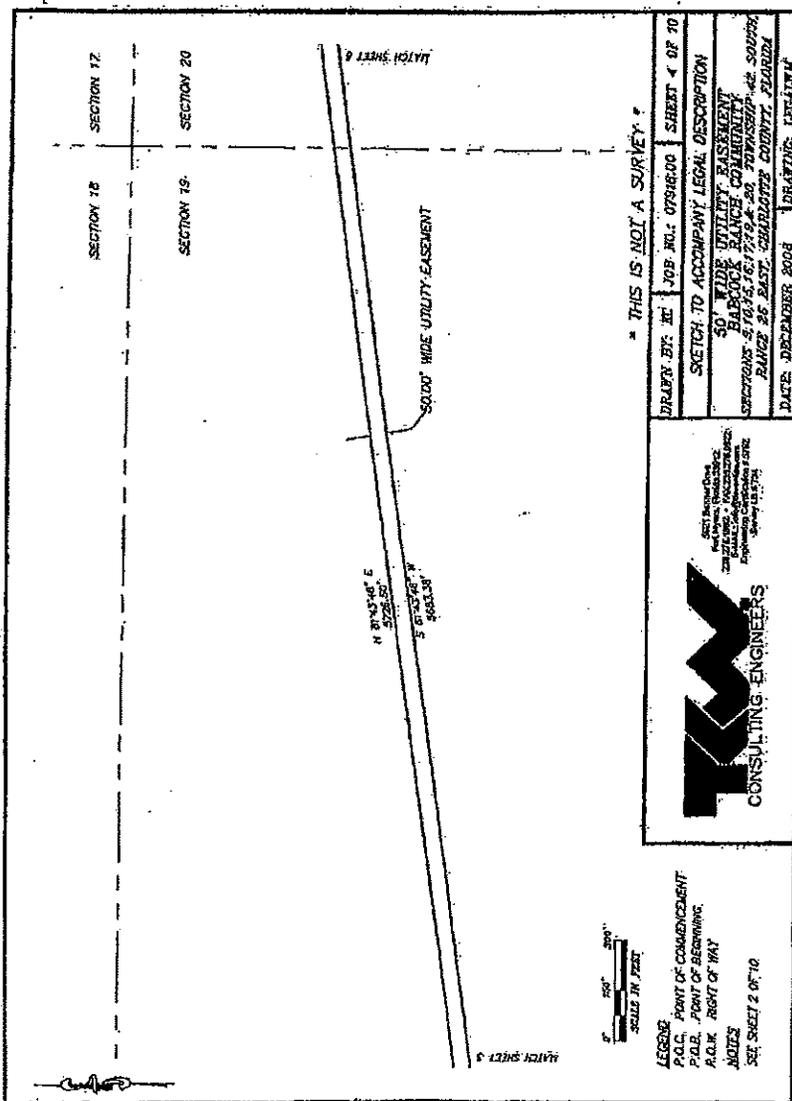
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EXHIBIT L

Exhibit A-3

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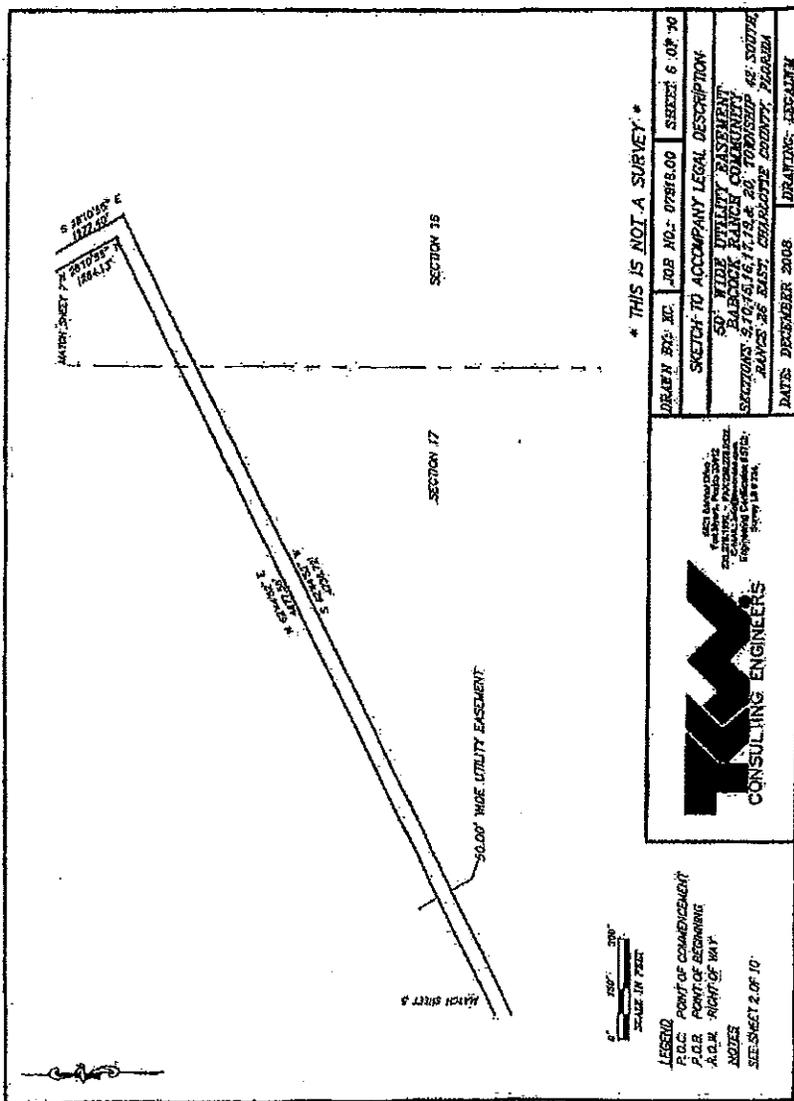


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EXHIBIT L

Exhibit A-3

Page 8 of 10

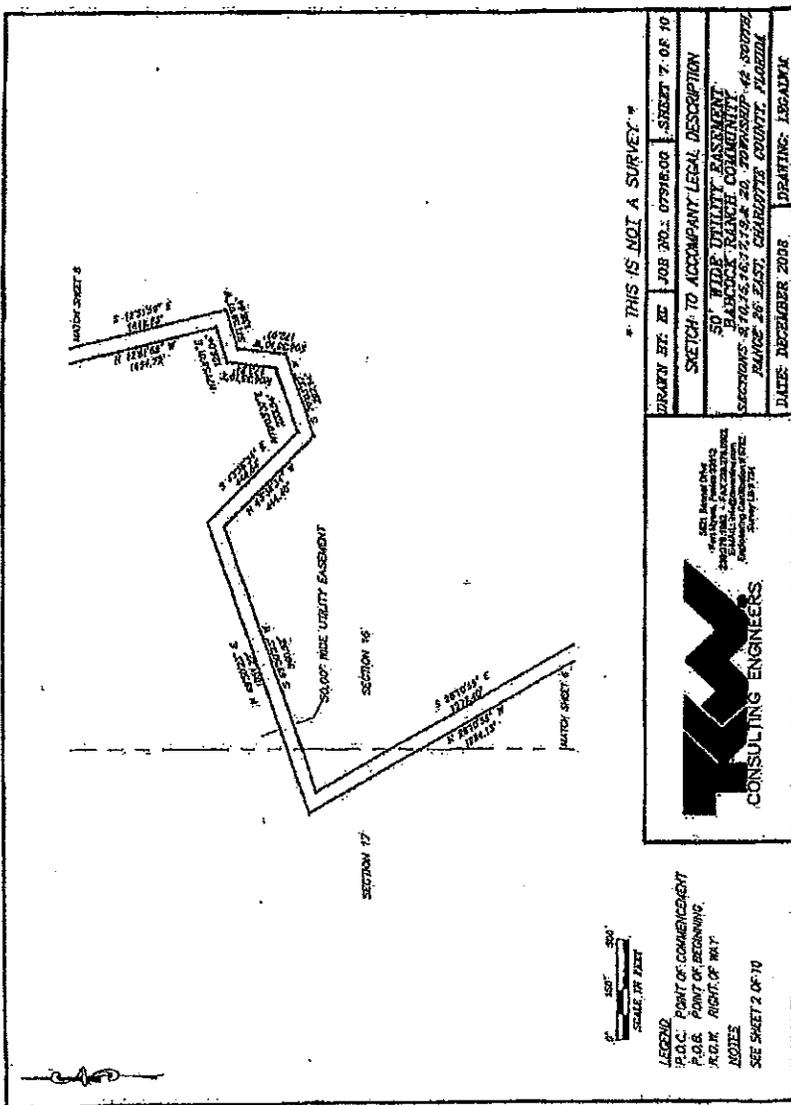


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EXHIBIT L

Exhibit A-3.

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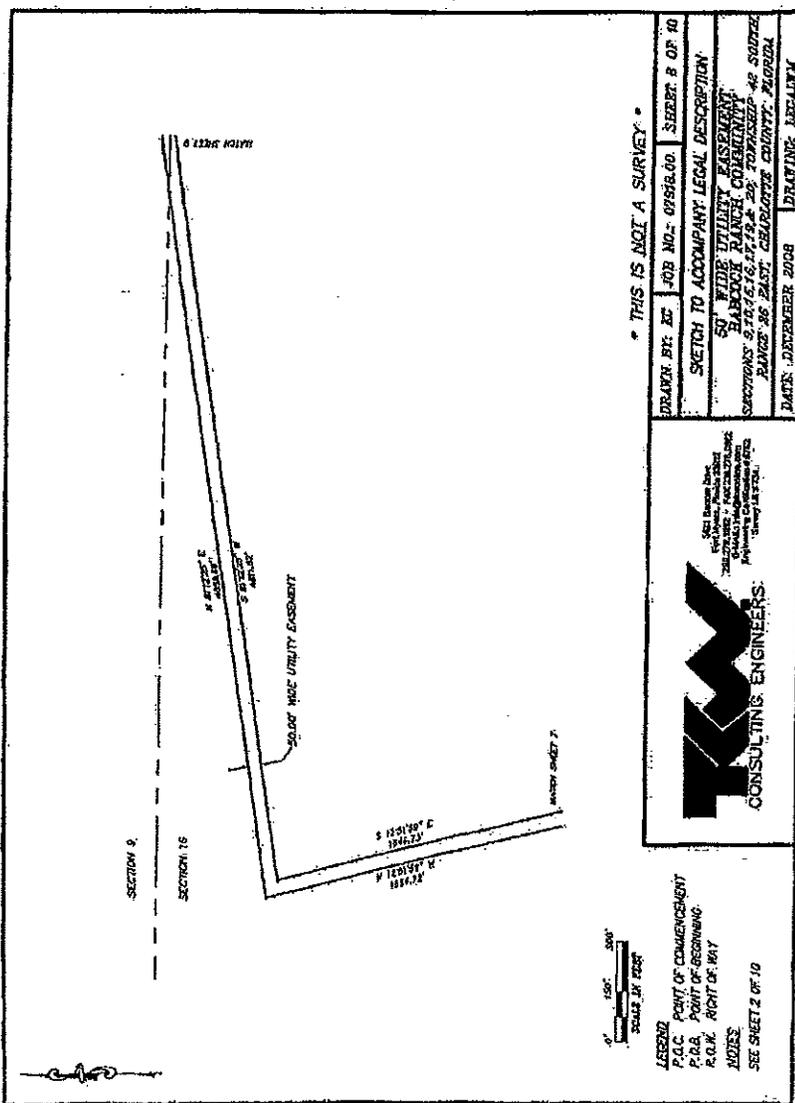


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EXHIBIT L

Exhibit A-3

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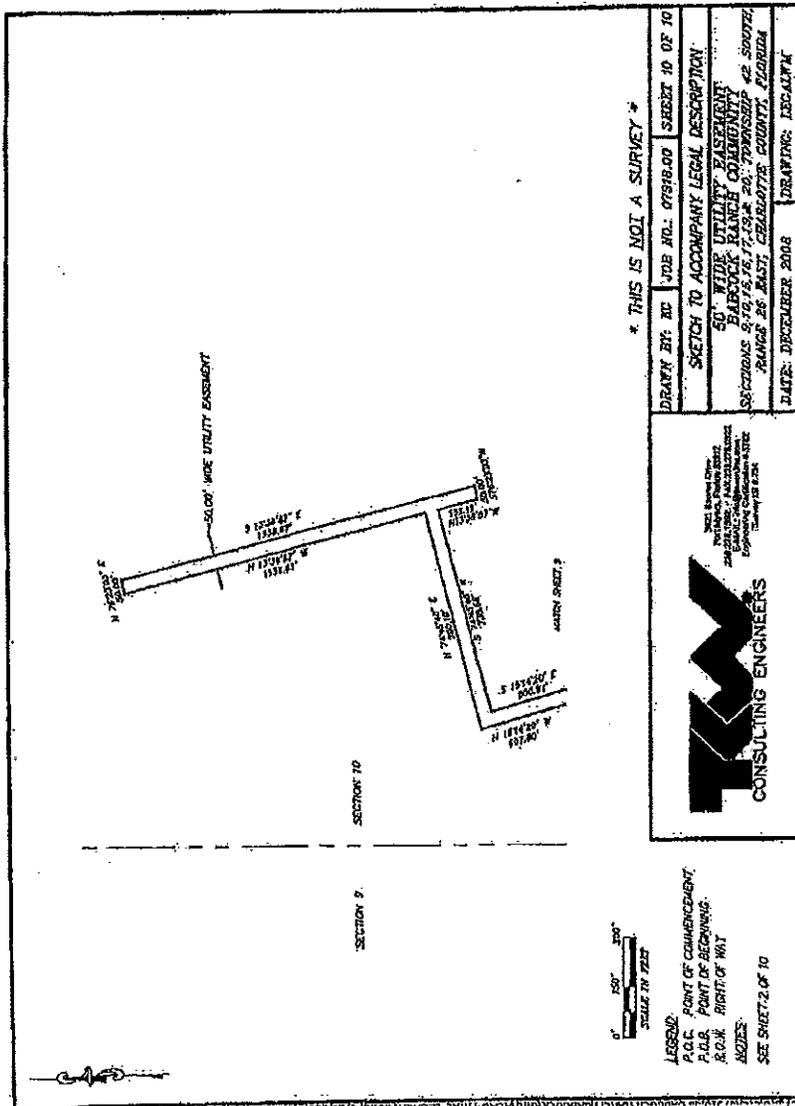


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EXHIBIT L

Exhibit A-3

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EXHIBIT L**ATTACHMENT "B"**

1. Babcock Ranch Community Increment 1 DRI Incremental Development Order, Section 4, Transportation Representations and Commitments as Conditions (9 pages).
2. Exhibit E, Increment 1 Parameters by Phase and Increment 1 Parameters by Development Area (1 page).
3. Exhibit J, Babcock Ranch Community Increment 1 – Phase 1 Future (2014) Traffic Conditions with 22% (Daily) Internal Capture Directional Peak Hour, Peak Season (3 pages).
4. Exhibit K, Babcock Ranch Community Future (2014) Traffic Conditions with Project Proportionate Share Calculation, Increment 1, Phase I (1 page).

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EXHIBIT L**(B-1)**1 4. **TRANSPORTATION**2 **A. Representations and Commitments as Conditions.**

3 (1) Increment 1-Phase 1.

4
5 a. From a transportation perspective, only Babcock Ranch Community Increment 1-
6 Phase 1 ("Increment 1-Phase 1") is approved by this Incremental Development Order.
7 Due to the limited development of Increment 1-Phase 1 and its build-out date of
8 December 31, 2014, the traffic analysis that has been conducted by the Developer,
9 Florida Department of Transportation (FDOT), Charlotte County and Lee County is
10 sufficient. Only the residential and non-residential development shown on Exhibit E for
11 Increment 1-Phase 1 is authorized by this Incremental Development Order. However,
12 site related preparation and improvements for Increment 1-Phase 1 and Increment 1-
13 Phase 2 are allowed, such as clearing, grading, infrastructure, water management,
14 mitigation, environmental restoration and landscaping are allowed. Prior to submittal of
15 Increment 1-Phase 2 or any other increments, an update of the Master Traffic Study shall
16 be conducted and approved in accordance with the Master Development Order as
17 modified by that certain Notice of Proposed Change approved December 15, 2009.b.

18 Developer shall be fully responsible for the required site-related roadway and
19 intersection improvements associated with Increment 1-Phase 1 as set forth herein. Site-
20 related improvements include, but are not limited to, the following: site driveways and
21 roads; median cuts made necessary by those driveways or roads; right-turn, left-turn, and
22 deceleration or acceleration lanes leading to or from those driveways or roads; traffic
23 control measures for those driveways or roads; and roads or intersection improvements
24 whose primary purpose at the time of construction is to provide access to the

January 28, 2014

EXHIBIT L

1 development. The specific site-related improvements shall be subject to review and
 2 approval under the Site Plan Review process as provided in Section 3-9-5.1 of the Code
 3 of Laws and Ordinances of Charlotte County, Florida ("Code"), and coordination with
 4 FDOT. The site-related improvements are as follows:

5 SR 31 and South Project Entrance
 6 - Add NB Right-Turn Lane
 7 - Add SB Left-Turn Lane
 8 - Signal, If and When Warranted

9 SR 31 and North Project Entrance
 10 - Add NB Right-Turn Lane
 11 - Add SB Left-Turn Lane
 12 - Signal, If and When Warranted

13 Construction of ingress and egress driveways, as necessary along
 14 SR 31.
 15

16
 17 c. The off-site traffic impacts of Increment 1-Phase 1, through 2014, as estimated by
 18 the AIDA traffic analysis are identified in Exhibit I, which is attached hereto and
 19 incorporated herein by reference. These off-site traffic impacts have been accepted by
 20 FDOT, County, Lee County, DCA, and the SWERPFC, as the impacts resulting from
 21 Increment 1-Phase 1,
 22

23 1. The mutually agreed upon significant and adversely impacted
 24 roadways and the identified improvements for Increment 1-Phase 1 are:

25 a. SR 31 from SR 78 to North River Road
 26 - Widen from 2 to 4 lanes

27 2. The mutually agreed upon significantly and adversely impacted
 28 intersections and the identified improvements for Increment 1-Phase 1
 29 are:
 30
 31

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EXHIBIT L

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- a. SR 31 and SR 80
 - Add Second Southbound Left-Turn Lane
 - Add Second Eastbound Left-Turn Lane
 - Signal Retiming
 - b. SR 31 and SR 78
 - Add Second Eastbound Left-Turn Lane
 - Signal Retiming
 - c. SR 31 and North River Road
 - Add Westbound Left-Turn Lane
 - Signalization, If and When Warranted

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The Increment 1-Phase 1 proportionate share of the improvements, as shown on Exhibit K, has been calculated consistent with F.S. 163.3180 (12)(a) and Rule 91-2.045, F.A.C. The Increment 1-Phase 1 proportionate share calculation was based on 1,156 pm peak hour two-way external trips and 1,032 pm peak hour two-way net new trips established by the AIDA traffic analysis. The calculated proportionate share for Increment 1-Phase 1 is \$3,368,100 based upon the proportionate share percentages for each improvement as shown on Exhibit K. The proportionate share percentages have been accepted by FDOT, Charlotte County, Lee County, DCA, and the SWFRPC for Increment 1-Phase 1, recognizing that the actual costs may increase or decrease based upon the final actual costs of the agreed upon improvements.

26
27
28
29

3. a. The Increment 1-Phase 1 agreed upon mitigation of the significantly and adversely impacted roadways and intersection improvements identified in Condition 4(A)(1) b.i., accepted by FDOT, Charlotte County, Lee County, DCA, and SWFRPC, shall be the

January 28, 2014

EXHIBIT L

1 following schedule of listed improvements and date-certain payment
 2 provisions:
 3

Reference #	Item	Total Cost	Anticipated Start Date
1	Intersection Improvements; - SR31 and SR80	\$243,000	Monitoring ⁽¹⁾
2	SR 31 Widening to 4 Lanes from SR 78 to North River Road. <ul style="list-style-type: none"> • Cause to have prepared Project Development and Environment Study of SR31 from SR78 to North River Road • Prepare Preliminary Engineering Plans for SR-31 from SR78 to North River Road • Undertake Right-of-Way Acquisition for SR 31 from SR78 to North River Road • Construct Interim Intersection Improvements; - SR 31 and North River Road - SR 31 and SR 78 • Construct 4 Lane Improvement for SR 31 from SR78 to North River Road 	\$260,000 \$774,000 \$980,000 \$521,000 \$126,000 \$5,935,000	Initiated ⁽¹⁾ 2012 2014 Monitoring ⁽¹⁾ Monitoring ⁽¹⁾ 2015
3	SR31 Traffic Count Stations.	\$100,000	2011
	TOTAL	\$ 8,939,000	

4 (1) Start date as required per Condition 4(A) (f) b.(4)(a)

5 (2) These tasks have been initiated early by Developer to facilitate completion of required improvements.

6 b. If and when requested by Charlotte County, the Developer shall
 7 also make certain intersection improvements at SR 31 and CR 74, to
 8 extend the Northbound to Westbound Left Turn Lane, at an estimated cost
 9 of \$100,000, and as set forth in more detail in Section 4.d, below. The
 10 anticipated start date for these intersection improvements is 2013.
 11
 12

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EXHIBIT L

- 1 4. After the effective date of this Incremental Development Order, the
2 Developer shall:
- 3 a. Initiate the intersection improvements (Reference #1 above) no
4 later than 90 days after the monitoring report indicates that the
5 Project is generating at least 300 pm peak hour, two-way
6 external trips and the intersection is projected to operate below
7 the adopted level of service standard within 12 months. If
8 these improvements are not initiated within the above time
9 period, no building permits beyond these limitations can be
10 issued until these improvements are initiated.
- 11 b. Initiate the improvements of SR 31 to eventually result in the
12 four-laning for SR 31 from SR 78 to North River Road
13 (Reference #2 above). The improvements will consist of the
14 following:
- 15 i) Coordinate with FDOT to fund, continue and complete the
16 Project Development and Environment Study (PD&E) for SR31
17 from at least SR78 to North River Road.
- 18 ii) Coordinate with FDOT to undertake the Preliminary
19 Engineering for the SR31 roadway widening from at least SR
20 78 to North River Road.
- 21 iii) Coordinate acquisition and funding with either the Babcock
22 Ranch Community Independent Special District, Charlotte

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EXHIBIT L

- 1 County, Lee County or FDOT to assemble necessary right-of-
2 way.
- 3 iv) Coordinate with FDOT to construct the four-lane improvement.
4 As identified in Condition 4(A)(1)c.3 above, it is anticipated
5 that the PD&E study, the preliminary engineering, and the
6 right-of-way acquisition will occur through 2014. Construction
7 of the widening improvement is anticipated to commence in
8 2015. Of note, the interim intersection improvements may
9 provide additional capacity to the roadway to maintain the
10 roadway level of service standards, subject to biennial
11 monitoring and confirmation after construction of the interim
12 intersection improvements.
- 13 v) Coordinate with FDOT to construct interim intersection
14 improvements at SR 31 and North River Road and at SR 31
15 and SR 78. Intersection improvements are to be initiated no
16 later than 90 days after the monitoring report indicates that the
17 Project is generating at least 300 pm peak hour, two-way
18 external trips.
- 19 c. Install permanent traffic count stations at the Project's access
20 points off SR 31 at the time of constructing the access points
21 and up to two permanent traffic count stations along SR31,
22 north and south of the proposed permanent entrances to the

January 28, 2014

EXHIBIT L

- 1 Community in 2011. Final location of the count stations will
2 be coordinated with Charlotte County (Reference #3 above).
- 3 d. If and when requested by Charlotte County the Developer will
4 provide for the extension of the northbound SR31 left turn lane
5 at CR 74. Charlotte County will complete the analysis to
6 determine the extent of the improvement and the timing
7 requirement of the improvement.
- 8 5. FDOT has maintenance authority for SR 31 and the intersection
9 improvements set forth above. Developer shall be responsible for the
10 guaranteed construction of the above improvements, in accordance with
11 the above schedule, and in accordance with the binding and enforceable
12 commitment by the Developer in this Incremental Development Order and
13 on the attached Exhibit L to assure construction or improvement of these
14 facilities, pursuant to F.S. 163.3180(12)(a)4. and Rule 9J-
15 2.045(7)(a)1.a.(V), F.A.C.
- 16 6. As the cost of the mitigation by the Developer for Increment 1-
17 Phase I exceeds the proportionate share of the impacts from Increment 1-
18 Phase I of \$3,368,100 (as adjusted up or down in accordance with actual
19 costs and based upon the accepted proportionate share percentages shown
20 on Exhibit K), the Developer shall be credited to the overall impact of the
21 Project for the cost of improvements beyond the proportionate share
22 amount as provided in the MDO and applicable law. Developer and
23 Charlotte County may enter into a Transportation Credit Agreement to

January 28, 2014

EXHIBIT L

1 further delineate the terms and procedures for implementing credits for
2 identified improvements set forth above in excess of the proportionate
3 share of Increment 1-Phase 1. Credit for the cost of additional
4 improvements as set forth above shall be analyzed as part of transportation
5 analysis for Increment 1-Phase 2 or future increments and to be included
6 in subsequent incremental development orders.

7 d. As provided for elsewhere in this Incremental Development Order, the Developer
8 shall submit biennial Monitoring Reports pursuant to the requirements of Section 380.06(18),
9 F.S., Chapter 9J-2, F.A.C., and the MDO.

10 e. Satisfaction of the required mitigation in the timeframes as outlined and
11 compliance with the transportation related provisions of this Incremental Development Order for
12 Increment 1-Phase 1 shall satisfy the road or traffic concurrency requirements of the Charlotte
13 County Comprehensive Plan, Charlotte County Land Development Regulations, and the
14 Charlotte County Concurrency Management System, through December 31, 2014 (the build out
15 date of Increment 1-Phase 1). If the Developer proposes to extend the build out date of
16 Increment 1-Phase 1 beyond December 31, 2014, the Developer and the review agencies, during
17 the development order amendment process pursuant to Section 380.06(10), Florida Statutes, shall
18 re-evaluate the future traffic impact of the development in a manner consistent with the Master
19 Development Order, and shall re-evaluate the concurrency status of Increment 1-Phase 1 on all
20 roadway segments listed in Conditions 4(A)(1)c, I above.

21 f. DCA has determined that SR-31 is a Regionally Significant Roadway as defined
22 in Rule 9J-2.045, F.A.C.

January 28, 2014

EXHIBIT L

1 g. Charlotte County, by approving this Incremental Development Order, has
2 exercised its discretion to accept this mitigation for Increment 1-Phase 1.

3 h. Improvements to the facilities outlined above shall be made at the time that a road
4 segment or intersection is expected to operate below the level of service standard adopted in an
5 impacted jurisdiction's Comprehensive Plan. No building permits for residential and non-
6 residential development shown on Exhibit E for Increment 1-Phase 1 shall be issued unless the
7 improvements are: a) complete, b) under construction, c) the subject of a clearly identified,
8 executed and recorded local government development agreement consistent with Sec. 163.3220
9 through 163.3423, F.S. incorporated into the Incremental Development Order ensuring
10 completion concurrent with impacts; or d) the subject of a binding commitment ensuring
11 completion concurrent with impacts incorporated into the Incremental Development Order.

12 (2) Increment 1-Phase 2

13 a. Increment 1-Phase 2 transportation impacts and mitigation shall be addressed
14 through an NOPC. All other conditions, other than Transportation, have been fully addressed for
15 the entire Increment 1, so that the NOPC need only address Transportation issues, unless the
16 Developer wishes to make other changes to the Development Program which necessitates a
17 review of the other conditions.

18 (3) The Master Internal Circulation Plan for Increment 1 is attached hereto as
19 Exhibit G.

20
21 **REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY**

January 28, 2014

EXHIBIT L**(B-2)****EXHIBIT E****Increment 1 Parameters by Phase**

LAND USE	AMOUNT/SIZE	Phase I	Phase II
Residential	2,500 units	1,000 units	1,500 units
Retail	126,000 square feet	50,000 square feet	76,000 square feet
General Office	250,000 square feet	150,000 square feet	100,000 square feet
Medical Office	50,000 square feet	0 square feet	50,000 square feet
Industrial	90,000 square feet	0 square feet	90,000 square feet
Hotel/Motel	100 rooms	0 rooms	100 rooms
Civic/Government/Church	22,500 square feet	5,000 square feet	17,500 square feet

Increment 1 Parameters by Development Area

LAND USE	AMOUNT/SIZE	VILLAGE HT	TOWN CENTER
Residential	2,500 units	1,850 units	650 units
Retail	126,000 square feet	26,000 square feet	100,000 square feet
General Office	250,000 square feet	25,000 square feet	225,000 square feet
Medical Office	50,000 square feet	10,000 square feet	40,000 square feet
Industrial	90,000 square feet	0 square feet	90,000 square feet
Hotel/Motel	100 rooms	0 rooms	100 rooms
Civic/Government/Church	22,500 square feet	12,500 square feet	10,000 square feet

NOTE:

- 1) Utilities, agriculture, ecotourism, and mining uses are permitted throughout Increment 1.
- 2) Increment 1 Parameters by Phase in this Exhibit E can be adjusted and interchanged between Phase I and Phase II in accordance with the equivalency matrix set forth in Exhibit C hereto, subject to the external vehicle trip limitations set forth in Section 4 of this Incremental Development Order.

January 28, 2014

EXHIBIT L

EXHIBIT K

(B-4)

COMMITTEE MEMBERS
BARBARA J. HANCOCK
PROPOSITION 13
INCREASING TRANSPARENCY IN GOVERNMENT

CONTRIBUTOR	ADDRESS	CITY	STATE	ZIP	DATE	AMOUNT	TYPE	STATUS	REMARKS
...
<p>PROFESSIONAL FEES</p> <p>PROFESSIONAL FEES FOR THE YEAR ENDING 12/31/13</p> <p>...</p>									
<p>ADDITIONAL INFORMATION</p> <p>...</p>									

IMAGED
12-21-10 AP

Agenda

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MEMORANDUM

TO: Southwest Florida Regional Planning Council
FROM: Sean McCabe, Regional Counsel
SUBJECT: Estero Bay Agency on Bay Management
DATE: February 11, 2014

Introduction

At the January 16, 2014 meeting of the Council, discussion of the Estero Bay Agency on Bay Management (ABM) was tabled until the February 20, 2014 meeting, to provide members with the opportunity to evaluate the issue before discussing their options. Council members also requested additional information, which is being provided in this agenda package.

This memorandum is divided into two sections:

Part A contains the additional information requested by Council.

Part B includes options available to Council regarding the ABM.

A. Information Requested by Council at January 16, 2014 Meeting

1. An accounting of the ABM.
2. Identify who maintains the Estero Bay ABM website.
3. Current status of the Tampa Bay Agency on Bay Management, on which the Estero Bay ABM was modeled.
4. Inventory of entities working on issues related to Estero Bay.
5. Council activities related to waterways in Cape Coral and the region.

1. Accounting of ABM Subcommittee

Over the past five years, the direct and indirect administrative costs of the ABM to the Council have been more than offset by funding received by the Council to pay for the administrative costs of the ABM. The ABM is currently funded by donations from some of its members including the City of Bonita Springs, the Town of Fort Myers Beach, and the Florida Gulf Coast University; and a match from the SWFRPC specified for the 2014 State of the Bay document. There is currently no regularly dedicated funding for the ABM.

2. Identify who maintains the Estero Bay ABM website

The ABM website is maintained by the SWFRPC and hosted at their webpage. Material on the website is generated from the works of the ABM and the SWFRPC staff member assigned to the ABM and IT staff. The website IT work is funded by the indirect funding from the ABM budget.

3. Status of the Tampa Bay Agency on Bay Management

The Tampa Bay Agency on Bay Management (Agency) is still active and doing important things for Tampa Bay. The Agency on Bay Management, the natural resources committee of the Tampa Bay Regional Council, remains the primary community organization focusing on the protection and management of the Tampa Bay estuary. This association of representatives from the recreational, commercial fisheries, industrial, regulatory, academic and scientific sectors, local, regional, state and

federal governments, and legislators was instituted in 1985 to address issues and opportunities affecting the Bay. The Agency serves as a broad-based forum for open discussion of the myriad issues involving the estuary, and as a voice for protection, restoration and wise use of the Bay by the entire region.

Past accomplishments of the Agency include establishment of the Surface Water Improvement and Management (SWIM) program statewide as an important tool in habitat restoration and stormwater quality improvement, and designation of the Sarasota Bay and Tampa Bay National Estuary Programs.

The Agency is active in public outreach efforts. The State of Tampa Bay Report, which was published from 1985 to 2001, was compilation of reports on the wide variety of activities, programs and issues of the previous year. The annual report was prepared for the Florida Legislature, but was widely distributed to the public, and served as a source for further contact with the various entities involved in Bay matters. Starting in 2002, the Tampa Bay Regional Planning Council replaced the State of Tampa Bay Report with a quarterly environmental journal, *Tampa Bay Soundings*. This journal is an independent publication that provides complete and objective reporting on the challenges, programs, and successes involving the Tampa Bay estuary, its watershed, and regional natural resources. In July 2003, the name of the journal changed to [Bay Soundings](#).

The Agency continues to support the efforts of the Tampa Bay Estuary Program, which has developed a long-term restoration and management plan for Tampa Bay, and the Southwest Florida Water Management District's SWIM program, an important component of the region's natural resource protection, restoration and management. These programs, as well as local initiatives to moderate the impacts of development, continue to provide significant improvements to the Tampa Bay estuary and the region's other natural resources.

Specific actions undertaken by the Agency at the request of the Tampa Bay Estuary Program¹ include organizing Bay Area Scientific Information Symposiums, a Manatee Protection Strategies Task Force, the Mitigation Criteria Working Group, and the Off-Road Vehicle Access Working Group. These efforts have resulted in recommendations to the Estuary Program on the issues raised in the Comprehensive Conservation and Management Plan (CCMP).

The Agency meets on the second Thursday of most months, usually alternating between a full Agency meeting and committee meetings. It is currently chaired by Mayor Bob Minning, City of Treasure Island and TBRPC Chair.²

4. Provide an inventory of other entities involved in monitoring the health of the Estero Bay

Group	Funding Source
Audubon Society of Southwest Florida	Private
Charlotte Harbor National Estuary Program	Federal, State, Local, Private, Grants
City of Bonita Springs	Local
City of Fort Myers	Local
CREW Land and Water Trust	Private
Estero Council of Community Leaders	Private
Florida Department of Economic Development	State and Grants

¹ The Tampa Bay Estuary Program is the corollary to the Charlotte Harbor National Estuary Program in our Region; they are two of 28 estuaries in the National Estuary Program; the other two in Florida are Sarasota Bay and Indian River Lagoon.

² Source: <http://www.tbrpc.org/abm/>

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Group	Funding Source
Florida Department of Environmental Protection	State
FDEP Estero Bay Aquatic Preserve	State
Florida Gulf Coast University	Federal, State, Local, Private, and Grants
Fort Myers Beach Civic Association	Private
Friends of Six-Mile Cypress Slough	Private
League of Women Voters	Private
Lee County	Local and Grants
Lee County Mosquito Control District	Local
Lee County Port Authority	Federal, State, Local, and Grants
Responsible Growth Management Coalition	Volunteer
Sanibel Captiva Conservation Foundation	Private and Grants
South Florida Water Management District	Federal, State, Local, and Grants
Snook and Gamefish Foundation	Private
Town of Fort Myers Beach	Local and Grants
The Conservancy of Southwest Florida	Private
The Nature Conservancy	Private
U. S Army Corps of Engineers	Federal
U.S. Environmental Protection Agency	Federal
U.S. Fish and Wildlife Service	Federal

Although there are a number of groups that are doing work related to the Estero Bay, the services the ABM currently provides either cannot be duplicated or would be very expensive to duplicate, e.g.:

- The ABM helps with the development and implementation of various plans, which helps to save time and money invested by government agencies (Basin Management Action Plan implementation, National Pollution Discharge Elimination System requirements, Southwest Florida Comprehensive Watershed Plan development, Lee County Master Mitigation Plan preparation, etc.)
- The ABM launches new ideas and initiatives that are replicated throughout the region, such as restoration needs mapping and ecosystem services assessments.
- The ABM's work strives to ensure the non-degradation of water quality, thereby promoting the \$2.1 billion Lee County tourism economy (and associated \$26.5 million in tourist tax revenue.)

The purpose of the Estero Bay ABM, like the Tampa Bay ABM it is modeled upon, is to act as a forum for constructive dialogue among a diverse group of resource stakeholders regarding the issues surrounding preservation and restoration efforts for the bay and estuary. It is not meant to replace or duplicate any other entity; it is meant to augment the work of its individual members, to provide the opportunity for members to learn from each other, and make recommendations that can benefit the region by improving habitat and water quality while supporting a healthy economy.

5. Council actions related to Waterways of Cape Coral and the Region

SWFRPC has worked on water quality issues in Cape Coral through the Regional Watersheds Committee, provided technical assistance in the development of the City's fertilizer ordinance, and with the Ceitus Boat Lift Committee. At the request of the city, Council staff also assists city staff with issues of hydrology, water quality, and wildlife.

Regionally, the SWFRPC performs a wide variety of work related to regional waterways, including: coordinating regional wildlife habitat planning; review of Developments of Regional Impact; review of Department of Transportation projects; review and planning of the Comprehensive Everglades Restoration Plan (CERP); the Southwest Florida Comprehensive Watershed Study (SWCWS) and other restoration projects; review of large and significant State Clearinghouse projects, including those of the Florida Department of Environmental Protection, Southwest Florida and South Florida Water Management Districts, U.S. Army Corps of Engineers permits; wildlife resource inventories; and Fish and Wildlife technical assistance.

In addition, the SWFRPC serves or has served on 16 Committees and Partnerships relating to natural resources other than the Estero Bay ABM, including the following:

- Charlotte Harbor National Estuary Program
- Regional Watersheds Committee of the SWFRPC
- Comprehensive Everglades Restoration Plan
 - Picayune Strand (Southern Golden Gate Estates Restoration) – including Mapping and Wildlife Monitoring
 - US 41 Culverts Collier County west of BCNP
 - Lake Trafford
 - Southern Corkscrew Regional Ecosystem Watershed Restoration
 - C-43 (Caloosahatchee River) Reservoir
 - Lakes Park Restoration
 - Henderson Creek Restoration
 - South West Florida Regional Restoration Coordination Team
 - Big Cypress Basin-Estero Bay Regional Restoration Coordination Team
 - Calusa Regional Restoration Coordination Team
- Southwest Florida Comprehensive Watershed Plan
 - Mapping
 - Performance Measures
 - Natural Systems Group
 - Alternatives Development Group
 - Sensitive Lands
 - Landscape Projects
 - Estuarine Projects
 - Charlotte Flatwoods Initiative

B. ABM Options and Alternatives

As discussed in the January 15, 2014 memorandum analyzing Council's obligations under the Settlement Agreement, the Agreement is silent regarding both funding the ABM and the life span or duration of the ABM. Council was a signatory to the April 1995 Settlement Agreement, which states that Council will establish the ABM as a subcommittee and provide staff support to the ABM. Council created the ABM subcommittee, and has continuously provided staff support to the ABM through the present date.

1. Options

There are numerous options available to Council; a few are outlined below:

- Continue to support the ABM as a Council subcommittee, including providing staff support to the committee.
- Call a meeting of the remaining parties to the original agreement (Responsible Growth Management Coalition, Inc.; the Estate of Ellen Peterson; the Florida Board of Regents of the State University System of Florida; the South Florida Water Management District; and Lee County) to discuss amending the agreement, and if consensus is reached, draft an amendment superseding the original agreement and amending the duties and responsibilities of the Council to the ABM. Possible amendments:
 - Designate an alternative host for the ABM.
 - Eliminate duty of SWFRPC to provide staff support for the ABM.
- Eliminate support for the ABM as a Council committee; i.e., terminate the ABM subcommittee, cease fundraising activities for the ABM, and stop providing staff support to the ABM (Council has an obligation to provide services that it has been paid to perform for the current fiscal year; in addition, pursuant to the settlement agreement that it signed, it has a continuing duty to host the ABM as a committee and to provide staff support to the ABM.)

Conclusion and Recommendations

The decision concerning the staffing of the ABM is clearly a policy decision that can only be made by the Council itself after due deliberation. Council staff have attempted to provide council members with all relevant information to assist with its deliberations.

From a cost-benefit perspective, voluntary donations to the ABM have covered all administrative costs associated with housing and staffing the ABM subcommittee in recent years. In addition, the services provided by the ABM have significant economic value, as well as environmental and public health benefits, which are provided by ABM members and affiliates at no cost to Council or the public, as described above in the ABM Benefits section. From a policy perspective, the activities performed by the ABM are in line with Council's mission statement and its comprehensive policy plan.

If Council elects to discontinue its commitments to the ABM without first getting the written consent of the other parties to the settlement agreement, it would expose itself to potentially significant legal costs, and Council has no reserve to fund legal disputes.

Since the ABM furthers the mission and values of the Council, operates at no cost to the Council, and performs valuable services that are not duplicative of other entities, there are advantages to providing continued support to the ABM as a committee of the Council.

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Estero Bay Agency on Bay
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Estero Bay Agency on Bay Management

The regular meeting of the Estero Bay Agency on Bay Management was held on January 13, 2014 in the SWFRPC 1st Floor Conference Room in Fort Myers, Florida.

The Presentation of the 2013 ABM Environmental Stewardship Award Recipient to Mr. Church Roberts IV, with Johnson Engineering was made. (Photograph is attached).

Mr. Don Scott with the Lee County MPO presented on future transportation plans for the Estero Bay Watershed and other parts of Lee County including the Alico Road Widening to the Airport Haul Road (2016-2017), thence to Green Meadows Road and finally to SR 82 in 2031-2035; CR951 from Corkscrew Road to Alico Road (2035); Three Oaks Parkway from Alico Road to Daniels Parkway; east -west connectors; and signal interconnection 2016-2220. Question and discussion included how the MPO sets priorities, mass transit, rail, trolleys, project needs, and transportation needs on Fort Myers Beach.

Wayne Daltry proposed a Resolution of Thanks and Appreciation for the participation of Martha Simons on the EBABM. Ms. Kwiat seconded the motion. Passed by acclamation and applause.

The next regular meeting of the Estero Bay Agency on Bay Management was held on February 10, 2014 in the SWFRPC 1st Floor Conference Room in Fort Myers, Florida.

Dr. Lisa Beever was elected chair for 2014. Dr. Nora Demers was elected vice chair for 2014. Mr. Wayne Daltry was elected secretary for 2104.

The EBABM draft work plan for 2014 (attached) was reviewed and approved.

A review of membership in the EBABM for the Bonita Springs Lion's Club was made and membership approved

Mr. Steve Boutelle with Lee County presented o the proposed dredging of New Pass to remove shoaling.

The Centerplace Development AKA Alico West located northeast of FGCU with a new entrance road to the university was discussed, and plans to request a presentation for a future meeting were made.

Discussions followed on contracting under-represented entities for EBABM participation, recent Conservation 2020 projects in the CREW, and beginning the planning for the Cela Tega 2015.

Next Meeting Time and Place, for EBABM is Monday, March 10, 2014 – 9:30 A.M, and for the IAS is Monday, February 24, 2014 – 1:30 p.m.

Recommended Action: Approval of the EBABM 2014 officers and the 2014 EBABM Workplan

**ESTERO BAY AGENCY ON BAY MANAGEMENT (EBABM)
PROJECTS AND ACTIVITIES 2014**

- 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. Complete the five year update of the Estero Bay State of the Bay for 2014.**
- 10. Begin planning for the 2015 Cela Tega**
- 11. Assure effective dissemination recommendations and findings to decision makers and the public.**



Church Roberts IV, with Johnson Engineering, receiving the 2013 Exemplary Service Award from the Estero Bay Agency On Bay Management for his work in protecting the watershed and water quality of Estero Bay, including the Southwest Florida Regional Airport Mitigation Area and several filter marsh projects

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Legislative Affairs Committee

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Southwest Florida Regional Planning Council

Legislative Affairs Committee

Legislative Update – For February 20, 2014 Council Meeting

Sean McCabe, Regional Counsel

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General Overview

The Senate meeting schedule [can be found here](#). The House meeting schedule [can be found here](#). The 2014 session will convene on March 4 and end on May 2.

Legislative Activities:

The Florida League of Cities [2014 Legislative Action Days](#) will be held on Tuesday and Wednesday, April 1-2, 2014 in Tallahassee.

Regional Legislative Agenda Update

There has been legislative activity at both the federal and state level concerning several of the items selected for Council's [2014 Legislative Agenda](#), which is attached.

Southwest Florida Research and Education Center (SWFREC). There has been a concerted effort to rally legislative support for restoring funding to the Center to prior levels. Council's resolution supporting funding for the SWFREC was sent to the legislative delegation, and a model resolution was forwarded to council members to facilitate creation of additional resolutions supporting funding for the Center.

WRDA. The House-Senate conference committee began work Nov. 20 on resolving the differences between the Water Resources Reform and Development Act (H.R. 3080) and the Senate's version of the water resources legislation, S. 601. Congress last passed a WRDA bill six years ago; the process is supposed to take place every two years. Leaders from the House Transportation and Infrastructure Committee and Senate Environment and Public Works Committee have expressed optimism over the prospects of adopting a conference bill that can be sent to the President's desk for final passage.

Corps to increase flows from Lake Okeechobee to Caloosahatchee. The U.S. Army Corps of Engineers Jacksonville District announced it will increase the amount of water flowing from Lake Okeechobee to the Caloosahatchee River starting this weekend in response to changes in current and forecasted conditions. The Corps started increasing flows from the lake to the Caloosahatchee Estuary beginning Feb. 8th to 10-day average of 1,000 cubic feet per second(cfs) as measured at W.P. Franklin Lock and Dam (S-79) near Fort Myers; since Oct. 21st, the target flow has been 650 cfs. The SFWMD continues to move water south through the Stormwater Treatment Areas to the Water Conservation Areas. The releases are being conducted in accordance with the 2008 Lake Okeechobee Regulation Schedule (LORS); the current LORS guidance allows for releases up to 3,000 cfs at Franklin Lock.

This is good news, at least for the time being, for Southwest Florida's coastal communities, since it will lower rising salinity and prevent the killing of freshwater organisms like tape grass, which is the base of the food chain for manatees and other aquatic life. If the water becomes stagnant, the region gets harmful algae blooms that threaten the health of aquatic life, humans, and the economy, as the algae blooms have a negative impact on tourism and waterfront real estate values.

Biggert-Waters Act (BW-12). The last week of January, the Senate passed the Homeowner Flood Insurance Affordability Act by a vote of 67-32. Florida's delegation, Senators Nelson and Rubio, both voted in favor of the bill. The legislation now moves to the House for consideration, where there is no set timeline for them to consider it; the [Coalition for Sustainable Flood Insurance](#) is in conversations with the House Financial Services Committee and legislative delegations. The path for success in the House will be different from that followed in the Senate (in the Senate, advocates were able to bypass the committee process and go straight to the Senate floor); the bill will have to go through the committee process before final passage by the House. Jeb Hensarling, Chairman of the House Financial Services Committee, has stated that he is opposed to a bill that will add to the deficit, so efforts will be made to make the bill revenue neutral. Some of Sen. Rubio's amendment from the Senate bill could be added to the House bill, but it is very unlikely that the Senate bill will be introduced in the House in its present form.

There are several state bill addressing flood insurance:

- SB 542: Flood Insurance - creates laws governing the sale of private flood insurance policies.
- HB 581: Flood Insurance - adds projected flood losses to factors that must be considered by OIR in reviewing certain rate filings; increases membership of Florida Commission on Hurricane Loss Projection Methodology; etc.
- HM 583: National Flood Insurance Program - a bill urging Congress to delay implementation of BW-12.

Policy Updates

Below are policy notes on matters of potential interest, followed by brief descriptions of bills of potential interest. I attempted to limit the information to bills and issues of interest to our Region. There are links to online resources throughout the document, and some links to some supplemental information that is within this document.

Note: If you get lost, just go back to the first page; the table of contents is hyperlinked. For additional research beyond the information in this document, the Florida Association of Counties web site has an excellent legislative advocacy section, including a [federal legislation](#) section with resources on the Biggert-Waters Flood Insurance Reform Act and WRDA; *see also* the [Florida League of Cities](#) and the [Florida Chapter of the American Planning Association](#) legislative web pages.

Environment and Natural Resources. The Florida Water and Land Legacy Amendment political committee received word that its constitutional amendment, which would require one-third of the state's Documentary Stamp revenue to be set aside for land conservation over 20 years, has qualified for placement on the 2014 ballot. At the last Metropolitan Planning Organization Advisory Council's (MPOAC) Staff Directors and Governing Board meeting, the Florida Department of Transportation was asked to determine the possible impact of this amendment on transportation programs. In a February 4, 2014 email from Jim Wood, Director of the Office of Policy Planning, to Howard Glassman, Executive Director of the MPOAC, Mr. Wood wrote:

The amendment was analyzed by the Financial Impact Estimating Conference. If passed, the amendment would require that 33% of net revenues from documentary stamp taxes be deposited into the Land Acquisition Trust Fund for twenty years. The impact to the state was estimated to be \$648 million in FY 2015-16, growing to \$1.268 billion in FY 2034-35.

Under current law, documentary stamp tax revenue is distributed into the General Revenue Fund and other trust funds such as the State Transportation Trust Fund (STTF), the Land Acquisition Trust Fund, the State Housing Trust Fund, and others. If the amendment were to pass, future Legislatures would need to determine which programs receiving documentary stamp revenues would be reduced or held harmless. Thus, the impact to the STTF which receives revenue from documentary stamp taxes is unknown at this time.

The transportation programs that currently receive funding from documentary stamp taxes are: the Small County Outreach Program (SCOP), New Starts Transit, the Strategic Intermodal System (SIS), the Florida Rail Enterprise, and the Transportation Regional Incentive Program (TRIP).

Numeric Nutrient Criteria. In the 2013 session, [CS/SB 1808](#) (Ch. [2013-71](#)) codified an agreement between the Florida Department of Environmental Protection (DEP) and the U.S. Environmental Protection Agency regarding the state's implementation of the DEP Numeric Nutrient Criteria Water Quality program for estuaries, as well as streams, canals and other conveyances. The law also clarified that DEP is entitled to adopt its nutrient criteria for streams, lakes and estuaries. In January 2014, U.S. District Judge Robert Hinkle [issued an order](#) that approved the 2013 agreement between EPA and DEP allowing the state to set water quality standards in waterways, which had been challenged by a coalition of environmental groups.

Bills of Interest

Note: bills are listed in numerical order.

PCB EDTS 14-03: Economic Development

Proposed Committee Bill EDTS 14-03 (PCB EDTS 14-03) is a comprehensive economic development proposal by the House Economic Development and Tourism Subcommittee (Subcommittee). The proposed committee bill is scheduled to be heard by the Subcommittee on January 15 at 8:00 a.m.

Sections one and two of the PCB are OPPOSED by the League. These sections prohibit proportionate-share contributions, transportation concurrency and impacts fees for new development before July 1, 2017, unless authorized by a majority vote of the local government's governing body. This prohibition would apply to non-residential developments less than 6,000 square feet.

Section seven of the bill, which the League supports, would improve the Community Development Program (CDBG) to maintain current funding categories with adequate safeguards to ensure grants primarily benefit low and

moderate-income families. This section of the bill was drafted in cooperation with the Department of Economic Opportunity and is a League priority.

Please contact members of the House Economic Development and Tourism Subcommittee and voice your opposition to sections one and two; and your support of section seven.

[PCB EDTS 14-03](#) & [Analysis](#)

[HB 49: Springs Revival Act \(Stewart\)](#)

(Similar - [SB 76, Soto](#))

Official description: Springs Revival Act; Requires water management districts to identify certain springs, develop certain plans, & submit certain reports; authorizes districts to adopt rules & issue orders.

Analysis: By October 1 of each year, requires each WMD, with appropriate technical support, to identify first and second magnitude springs that are in decline based upon historic average water quality and flow levels, and which are not identified in DEP's rule for impaired water bodies. By July 1, 2015, each WMD must develop a five-year plan to restore historic average water quality flow levels to the springs that are identified as described above and in the rule for impaired water bodies. Also beginning July 1, 2015, quarterly progress reports are required. The authority to adopt rules pursuant to this legislation is provided.

Status: Referred to Agriculture and Natural Resources Subcommittee; Rulemaking Oversight and Repeal Subcommittee; State Affairs Committee

[CS/CS/SB 84: Waivers of Out-of-state Fees for Veterans \(Latvala\)](#)

Waivers of Out-of-state Fees for Veterans; Citing this act as the "Congressman C. W. Bill Young Veteran Tuition Waiver Act"; establishing the Congressman C. W. Bill Young Veteran Tuition Waiver Program; requiring a state university or Florida College System institution to waive out-of-state fees for certain veterans of the Armed Forces of the United States, including the National Guard and reserve components thereof; requiring a state university and Florida College System institution to report to the Board of Governors and the State Board of Education, respectively, the number and value of all fee waivers, etc.

CS/CS/SB 84 creates the "Congressman C.W. Bill Young Veteran Tuition Waiver Act." The bill provides an out-of-state fee waiver for honorably discharged veterans of the U.S. Armed Forces, including the National Guard and reserve components thereof, who reside in the state while enrolled at a state university or Florida College System institution. Essentially, the waiver allows qualifying veterans to pay in-state rates for tuition and fees. The waiver covers 110 percent of the credit hours needed to complete the degree or certificate program in which the veteran is enrolled. The bill requires that state universities and Florida College System institutions report to the Board of Governors and the State Board of Education, respectively, the number and value of all fee waivers granted each year. The fiscal impact of the bill on Florida College System institutions cannot be determined; the fiscal impact on the State University System is \$8,196,185, based on academic year 2012-2013 enrollment data for non-resident veterans.

Status: CS/CS by Education 12/10/13; CS/CS/CS by Appropriations Subcommittee on Education 1/15/14; Now in Appropriations

[CS/HB 137: Edison State College \(Hudson, Eagle, Rodrigues\)](#)

Official description: Edison State College; Renames Edison State College as "Florida SouthWestern State College."

Analysis: Current law permits an institution in the Florida College System to change its name and use the designation "college" or "state college" if the name change has been approved by the institution's district board of trustees, the institution has been authorized to grant baccalaureate degrees, and the institution has been accredited as a baccalaureate-degree-granting institution by the Commission on Colleges of the Southern Association of Colleges and Schools. A district board of trustees that approves such a name change must seek statutory codification of the name change during the next regular legislative session. Edison College was renamed Edison State College in the 2009 legislative session, Chapter 2009-228, pursuant to this authority. This bill changes the name of "Edison State College" to "Florida SouthWestern State College" to avoid a possible violation of trademark rights of two other "Edison" institutions in the country.

Status: CS by Higher Education and Workforce Subcommittee 1/8/14; CS/CS by- Education Committee 2/6/14

[HB 157: Public Records/Fracturing Chemical Usage Disclosure Act \(Rodrigues\)](#)

(Similar/companion: [HB 71, Rodrigues](#))

Official description: Pub. Rec./Fracturing Chemical Usage Disclosure Act; Provides exemption from public records requirements for trade secrets contained within information relating to hydraulic fracturing treatments obtained by DEP's Division of Resource Management in connection with the division's online hydraulic fracturing chemical registry; provides procedures & requirements with respect to the granting of confidential and exempt status; provides for disclosure under specified circumstances; provides for future review & repeal of the exemption; provides statement of public necessity; provides for contingent effect.

Status: Favorable by Agriculture and Natural Resources Subcommittee 1/14/14; Now in Government Operations Subcommittee

[HB 189: Growth Management \(Boyd\)](#)

(Similar/companion: [SB 374, Detert](#))

Official description: Growth Management; Revising restrictions on initiative or referendum process in regard to local comprehensive plan amendments & map amendments.

House Analysis: HB 189 revises the prohibition on initiative and referendum processes for local comprehensive plan amendments or map amendments by removing a provision that allows such initiatives or referendum processes for any local comprehensive plan amendment or map amendment that affects more than five parcels of land under certain conditions. The bill prohibits initiative or referendum processes for any local comprehensive plan amendment or map amendment, unless the initiative or referendum process is expressly authorized by specific language in a local government charter which was lawful and in effect on June 1, 2011.

Status: Favorable by Economic Development and Tourism Subcommittee 2/4/14; Now in Local and Federal Affairs Committee

[SB 246: Local Government Pensions Reform \(Police and Fire Pensions\) \(Caldwell\)](#)

(Identical: [HB 509](#))

Senate Community Affairs Committee summary: Local Government Pension Reform; Revising the legislative declaration to require that all firefighter pension plans meet the requirements of ch. 175, F.S., in order to receive insurance premium tax revenues; revising existing payment provisions and providing for an additional mandatory payment by the municipality or special fire control district to the firefighters' pension trust fund; revising the legislative declaration to require that all police officer pension plans meet the requirements of ch. 185, F.S., in order to receive insurance premium tax revenues, etc.

Status: Favorable by Governmental Oversight and Accountability 12/11/13; Favorable by Community Affairs 1/14/14; Now in Appropriations

[CS/SB 312: Agriculture/Water Storage \(Simpson\)](#)

(Companion bill HB 575 - Albritton)

Senate Community Affairs Committee summary: Agriculture; Providing that participation in a water retention program may be considered a nonincome-producing use under certain circumstances; providing that certain items in agricultural use, certain nets, gas or electricity used for agricultural purposes, and growth enhancers or performance enhancers used by a qualified agricultural producer for cattle are exempt from the sales and use tax imposed under ch. 212, F.S.; requiring a qualified agricultural producer to apply for an agricultural sales and use tax exemption certificate from the Department of Revenue, etc.

Analysis: Under current law, water management districts have the ability to enter into agreements with owners of agricultural land, which could include making payments to that owner under certain circumstances. Such payments are typically classified as revenue and therefore, taxable. SB 312 (and House Bills 207 and 121 by Representative Jake Raburn) state that participation in a water retention program sponsored by a water management district which requires flooding of land that is assessed at a de minimis value pursuant to § 193.461(7)(a), Fla.Stat., is considered a nonincome-producing use if payments to the owner under the program do not exceed the reasonable expenses associated with program participation. In other words, it reduces the tax liability that exists today as it enables participants to maintain their greenbelt agricultural classification, which typically results in a significant ad valorem tax savings. The bill also provides an expiration date for this provision of December 31, 2020.

Status: Favorable by Agriculture 12/9/13; CS by Community Affairs 1/8/14; Now in Appropriations Subcommittee on Finance and Tax

[SB 356: Vacation Rentals \(Thrasher\)](#)

(Companion bill [HB 307](#))

The Senate Regulated Industries Committee unanimously passed SB 356 (Thrasher) relating to vacation rentals. SB 356 removes the preemption language that was enacted in 2011, allowing local governments to regulate vacation rental properties to protect the health and welfare of their residents, visitors and businesses.

Analysis. In 2011, the Legislature adopted CS/HB 883, codified at Ch. 2011-119, F.S. The law combined resort condominiums and resort dwellings into a new classification of public lodging establishment, “vacation rentals” and prohibits local governments from treating vacation rentals differently than residential property. The law permits single family homes to be occupied by large numbers of people for time periods as short as one day, impacting permanent residents due to parking issues, noise, garbage collection, and other community concerns.

Status: Favorable by Regulated Industries 1/9/14; Favorable by Community Affairs 2/4/14; Placed on Calendar, on 2nd reading 2/5/14

[SB 372: Developments of Regional Impact \(Galvano\)](#)

(Similar: [H 241 - Gaetz](#))

Official description: Developments of Regional Impact; Deleting certain exemptions for dense urban land areas; revising the exemption for any proposed development within a county that has a population of at least 300,000 and an average population of at least 400 people per square mile, etc. Effective Date: 7/1/2014

Status: Favorable by Community Affairs 2/4/14; Now in Appropriations Subcommittee on Transportation, Tourism, and Economic Development

[Link to bill analysis prepared by Staff of the Senate Committee on Community Affairs](#)

Analysis: SB 372 would amend s. 380.06(29), F.S., by expanding upon the DRI exemptions for Dense Urban Land Areas (DULAs) created by SB 360 in 2009.

Under current law the following are exempt from DRI review as DULAs:

- Any proposed development in a municipality that has an average of at least 1,000 people per square mile of land area and a minimum total population of at least 5,000;
- Any proposed development within a county, including the municipalities located in the county, that has an average of at least 1,000 people per square mile of land area and is located within an urban service area as defined in s. 163.3164, F.S., which has been adopted into the comprehensive plan;
- Any proposed development within a county, including the municipalities located therein, which has a population of at least 900,000, that has an average of at least 1,000 people per square mile of land area, but which does not have an urban service area designated in the comprehensive plan; or
- Any proposed development within a county, including the municipalities located therein, which has a population of at least 1 million and is located within an urban service area as defined in s. 163.3164, F.S., which has been adopted into the comprehensive plan.

If HB 372 is enacted, the DULA exemption for counties would be amended to include (exempt) any county with “an average population of at least 400 people per square mile and a population of at least 300,000.” It also eliminates the requirement that the proposed development be within an urban service area. The effect would be that 14 additional cities and 6 additional counties would be exempt from the DRI process, including Lee, Sarasota, Manatee, Brevard, Pasco, and Volusia. Under the existing criteria for a local government to be considered a DULA, eight counties and 242 municipalities are designated; in our Region, there no counties are currently excluded; the following municipalities are already excluded as DULAs: Bonita Springs, Cape Coral, Clewiston, Fort Myers, Fort Myers Beach, Longboat Key, Marco Island, Naples, Punta Gorda, Sarasota, and Venice.

▶ [Click here for additional information](#)

[HB 395: Growth Management/Private Property Rights \(Perry\)](#)

Official description: Growth Management: Requires local governments to address protection of private property rights in their comprehensive plans; requires comprehensive plans to include property rights element that addresses certain objectives; requires counties & municipalities to adopt land development regulations consistent with property rights element. Effective Date: 7/1/2014

Analysis: HB 395 would amend s. 163.3167, F.S., which contains required elements of comprehensive plans, by adding the requirement for a “property rights element”; within a year of adopting the element, each county and

municipality would be required to adopt land development regulations consistent with the requirements listed in the law.

Status: Referred to Economic Development and Tourism Subcommittee; Local and Federal Affairs Committee; Economic Affairs Committee

[SB 510: Local Government Neighborhood Improvement Districts \(Ring\)](#)

(Similar H 351)

Local Government Neighborhood Improvement Districts; Providing that an ordinance that creates a local government neighborhood improvement district may authorize the district to incur certain debts and pledge the funds, credit, property, and special assessment power of the district to pay such debts for the purpose of financing certain projects; providing conditions on the exercise of such power, etc.

Status: favorable by Community Affairs 1/14/14; now in Appropriations Subcommittee on Finance and Tax

[CS/SB 542: Flood Insurance \(Brandes\)](#)

Official description: This bill was amended and passed by the Senate Banking and Insurance Committee. The bill creates laws governing the sale of private flood insurance policies, contracts and endorsements by authorized insurers. The bill also requires insurers that write flood coverage to provide coverage for "flood" as currently defined by the National Flood Insurance Program (NFIP) and permits insurers to expand flood coverage to include water intrusion originating from outside the structure.

Status: CS passed by Banking and Insurance 1/8/14, CS/CS passed by Appropriations Subcommittee on General Government 2/6/14, now in Appropriations

[HB 581: Flood Insurance \(Ahern & Fitzenhagen\)](#)

Official description: Flood Insurance; Adds projected flood losses to factors that must be considered by OIR in reviewing certain rate filings; increases membership of Florida Commission on Hurricane Loss Projection Methodology; requires commission to adopt standards & guidelines relating to flood loss by certain date; authorizes insurers to offer flood insurance in this state; establishes minimum coverage requirements for such policies; provides coverage limitations that an insurer may include in such policies; requires that certain limitations be noted on policy declarations or face page; provides insurer with rate options; requires insurer to provide notice that flood insurance is available from National Flood Insurance Program; allows insurer to export contract or endorsement of certain amount to surplus lines insurer without meeting certain requirements; provides prior notice requirements for cancellation or nonrenewal of policy; requires insurer to notify office before writing flood insurance & to file plan of operation with office; provides preemption for any conflicts with other provisions of Florida Insurance Code; requires Commissioner of OIR to provide certification that condition qualifies for flood insurance or disaster assistance.

Status: 1/27/2014 House - Referred to Insurance and Banking Subcommittee; Government Operations Appropriations Subcommittee; Regulatory Affairs Committee

[HM 583: National Flood Insurance Program \(Raschein\)](#)

Official description: Memorial bill regarding the National Flood Insurance Program; Urges Congress to delay implementation of Biggert-Waters Flood Insurance Reform Act of 2012 until specified conditions are met & to eliminate any requirement to immediately increase to full-risk rate a property owner's insurance procured through National Flood Insurance Program.

Status: 1/27/2014 House - Referred to Local and Federal Affairs Committee; Regulatory Affairs Committee

[CS/SB 586: Brownfields \(Altman\)](#)

Official description: Brownfields; Revising legislative intent with regard to community revitalization in certain areas; revising procedures for designation of brownfield areas by local governments; providing procedures for adoption of a resolution; providing requirements for notice and public hearings; authorizing local governments to use a term other than "brownfield area" when naming such areas; providing an exemption from liability for property damages for entities that execute and implement certain brownfield site rehabilitation agreements, etc.

Status: 2/6/2014 Senate - CS by Environmental Preservation and Conservation 2/5/14; Pending reference review under Rule 4.7(2) - (Committee Substitute)

[SB 606: Ethics \(Clemens\)](#)

Official description: Governmental Ethics; Requiring elected municipal officials to participate in annual ethics training; deleting the requirement that each reporting individual or procurement employee file a quarterly statement disclosing certain gifts with the Commission on Ethics; authorizing a reporting individual or procurement employee to request an advisory opinion regarding application of the section; requiring the commission to impose a civil penalty on a person who has filed a complaint with malicious intent under certain circumstances, etc.

Analysis: The bill addresses a number of governmental ethics issues including providing a balanced manner by which public officials may identify, disclose and resolve (or otherwise avoid) conflicts between public duty and private interests.

Status: On Committee agenda-- Ethics and Elections, 02/17/14

[HB 703: Environmental Regulation \(Petronis\)](#)

Official description: Environmental Regulation; Specifies authority of counties to enforce certain wetlands, springs protection, & stormwater ordinances, regulations, & rules; provides vote requirements for adoption of certain elements of local government comprehensive plans & plan amendments; prohibits local governments from rescinding certain comprehensive plan amendments; authorizes durations & multiple commencement dates for certain consumptive use permits; requires delegated local governments to follow certain criteria & standards for well construction; provides that proof of insurance meets certain mitigation bank permit requirements; requires certain criteria to be incorporated into regional water supply plans; provides conditions under which DEP is required to establish certain greenhouse gas performance standards & repeal & revise certain rules; establishes solid waste landfill closure account within Solid Waste Management Trust Fund. Effective Date: 7/1/2014

Analysis:

1000 Friends of Florida claims that HB 703 would undermine the power of each local governments to enact and enforce critical local comprehensive plans, policies, and implementing regulations, and that the bill:

- Retroactively preempts local government authority to protect wetlands and springs and regulate stormwater runoff. It would, in effect, repeal comprehensive plan policies, implementing regulations and other land use controls related to these issues that have been adopted since 2003;
- Retroactively preempts local government authority to require a supermajority vote on comprehensive plans and amendments, again impacting plans and amendments enacted from 2003 on; and,
- Prevents any local government from rescinding a plan amendment where development has been approved on bona fide agricultural lands.

In addition, House Bill 7023, a wide-ranging economic development bill, would prohibit applying impact fees or transportation concurrency on new business developments of less than 6,000 square feet. A city or county commission could opt out of the requirement and this change to the law would expire after three years. Opposition is expected from 1000 Friends of Florida, the Florida League of Cities, and Florida Association of Counties, who opposed similar language last year. The Florida Chamber of Commerce has expressed support for the bill.

Status: 2/3/2014 House - Referred to Agriculture and Natural Resources Subcommittee; Local and Federal Affairs Committee; Agriculture and Natural Resources Appropriations Subcommittee; State Affairs Committee

[HB 7005: Department of Transportation \(Red Light Camera Preemption Bill\) \(Artiles\)](#)

(Formerly PCB 14-01) General Bill by Transportation and Highway Safety Subcommittee; Department of Transportation; Revises provisions relating to Mid-Bay Bridge Authority, traffic infraction detectors, acquisition & disposition of property, lease of property, transportation facilities that are interoperable with department's systems, mitigation of project environmental impact, & Pinellas Bayway & repeals provisions for Florida Statewide Passenger Rail Commission.

Analysis: The Transportation and Highway Safety Subcommittee passed proposed committee bill THSS 14-01 (PCB 14-01), which contains several provisions relating to transportation: After July 1, 2014, cities would be prohibited from installing red light cameras or relocating existing red light cameras. The fine for a red light camera violation would be reduced from \$158 to \$83. Cities would no longer receive any of the revenue generated by a red light camera violation. A surcharge could be imposed by cities for the sole purpose of funding administrative costs and to satisfy contractual agreements with vendors.

The bill also makes changes to the Florida Department of Transportation (FDOT) process for conveying surplus property; it would eliminate the requirement that FDOT offer cities a right of first refusal to purchase surplus

property located within city limits. The would also prohibit cities from charging for public parking, such as installing parking meters, within the right-of-way of a state road.

[PCB 14-01](#) - [Committee Bill Analysis](#)

Status: Referred to Transportation and Economic Development Appropriations Subcommittee; Economic Affairs Committee

[HB 7023: Economic Development \(Trujillo\)](#)

Official description: Economic Development; Revises provisions relating to transportation concurrency, impact fees, loan programs, urban redevelopment, Space Florida, Unemployment Compensation Trust Fund contributions, & rural areas of critical economic concern. Effective Date: 7/1/2014

Analysis: HB 7023 would prohibit the application of impact fees or transportation concurrency on new business developments of less than 6,000 square feet; a city or county commission could opt out of the requirement, and this change to the law would expire after three years. Opposition is expected from 1000 Friends of Florida, the Florida League of Cities, and Florida Association of Counties, who opposed similar language last year; the Florida Chamber of Commerce has expressed support for the bill.

Status: 2/5/2014 - House - Referred to Transportation and Economic Development Appropriations Subcommittee; Economic Affairs Committee

SUPPLEMENTAL INFORMATION

Supplemental Information: SB 372, Developments of Regional Impact

Bill dealing with 'developments of regional impact' clears first Senate stop

Bruce Ritchie, 02/04/2014 - 04:44 PM

A bill that would expand the list of counties where larger developments are excluded from a state review process passed its first committee stop Tuesday despite opposition from environmentalists.

In 2009, the Legislature passed **SB 360** exempting counties designated as "dense urban land areas" from review by state and regional agencies as "developments of regional impact."

SB 372, filed this year by **Sen. Bill Galvano**, R-Bradenton, would provide the dense urban land area designation to counties with at least 300,000 residents or densities of 400 people per square mile.

That would increase from eight to 15 the number of designated counties including Manatee County, where Galvano lives. Galvano's office previously said only six rather than seven additional counties would get the designation. The seven are Brevard, Escambia, Lee, Manatee, Pasco, Sarasota and Volusia.

Galvano told the **Senate Committee on Community Affairs** that the bill attempts "to recognize the sophistication" of planning staff at cities and counties and provide local control over development.

"It's not that you are diminishing the standards of development," Galvano said. "Instead you are recognizing local control with the appropriate technology and training would work better."

However, representatives of **1000 Friends of Florida** and **Sierra Club Florida** said the bill raised concerns about increasing the number of counties with DRI exemptions.

The bill also removes the requirement that the exempted areas be in "urban service areas" where development already is expected to occur.

"Entire new cities could be planned and permitted without taking into perspective the regional impact," Sierra Club lobbyist **David Cullen** said.

Representatives of the **Florida Chamber of Commerce** and the **Association of Florida Community Developers** indicated their support for the bill. SB 372 passed without opposition or debate among senators. The bill has three more committee stops.

Outside of the meeting, Galvano said that his legislation could allow approval of new developments only if they can gain support from local governments.

"Again, it's not removing standards -- that's not the case at all," the senator said. "It's just changing the process and giving more local oversight as opposed to state oversight."

Also Tuesday, the **House Economic Development & Tourism Subcommittee** passed **HB 189** to try again to fix state law regarding local referendums on development decisions.

It started in 2011 with a sweeping growth management bill that prohibited citizen referendums on development decisions. Then the Legislature passed bills in 2012 and 2013 to address concerns raised by cities that previously had charter language requiring votes.

HB 189 removes language allowing referendums only on land use changes involving five or more parcels. Supporters include the Sierra Club, 1000 Friends of Florida, the Florida Chamber of Commerce and the city of Longboat Key.



Southwest Florida Regional Planning Council 2014 Legislative Agenda

The Southwest Florida Regional Planning Council (SWFRPC) is a multi-purpose regional entity created in 1973 pursuant to an interlocal agreement between Charlotte, Collier, Glades, Hendry, Lee and Sarasota counties. The SWFRPC supports legislative actions consistent with the agency mission to plan, protect and improve the physical, economic and social environments for the benefit of future generations, and opposes actions which could weaken the ability to effectively implement the Strategic Regional Policy Plan.

I. Federal Priorities

A. Water Policy

1. Fully support the next Water Resources Development Act (WRDA) bill¹, including authorization for the Caloosahatchee C-43 West Basin Reservoir Project, and appropriation of the necessary funds to implement the C-43 Reservoir Project. (Reservoir will provide 170,000 acre-feet of storage within the Caloosahatchee basin and help address high and low flow issues.)
2. Fast track the Central Everglades Planning Project (CEPP) and get congressional support and funding for the project. (The project will move approximately 210,000 acre-feet of water south of Lake Okeechobee and will reduce some of the damaging flows to the St. Lucie and Caloosahatchee estuaries.)
3. The Federal Government needs to fund their share of the Comprehensive Everglades Restoration Plan (CERP) and implement the projects agreed to in the plan. (A majority of the lands needed for the projects have been purchased by the State and need Federal funding to move forward with the projects.)
4. Continue to keep pressure on the U.S. Army Corps of Engineers to move as quickly as possible to rehabilitate the Herbert Hoover Dike. (The project will protect the communities around Lake Okeechobee and provide more freeboard and temporary storage in the lake to reduce peak flows to the estuaries.)

- B. Support efforts to suspend implementation of the Biggert-Waters Flood Insurance Reform Act of 2012 federal flood insurance rate hikes until an affordability study is completed, and to amend the time frame for premium adjustments to allow responsible changes that accomplish the objective of a solvent National Flood Insurance Program based on the findings of the study.²

¹ Two water resource bills were passed by Congress in 2013: H.R. 3080, Water Resources Reform & Development Act of 2013 (passed the House on 10/23/2013), and S. 601, Water Resources Development Act of 2013 (passed the Senate on 05/15/2013); bills now in conference.

² Several bills have been filed addressing this issue: S. 1846 and H.R. 3370, Homeowner Flood Insurance Affordability Act of 2013; and H.R. 3511, Keeping Flood Insurance Affordable Act of 2013.

II. State Priorities

A. Water Policy

1. **Interim storage on C-43 West Reservoir site** - Project would significantly increase the amount of water that can be stored on the C-43 West Reservoir (Berry Groves) property until the full project is completed. It would require additional infrastructure including building berms and installing larger pumps to put more water on the site. This would be considered phase I of the larger C-43 West Reservoir CERP project and could be included in the state cost share for the federal project. Estimated cost of the interim storage project is \$10 million. In addition, the 1,500 acres of land purchased as part of the Berry Groves acquisition should be used to construct a stormwater treatment area (STA) adjacent to the reservoir to treat water before it is discharged into the Caloosahatchee.
2. **Lake Hicpochee Restoration Project** - Funds needed to complete planning and construction on north and south sides of Lake Hicpochee to increase storage and treatment. Estimated cost for planning and construction is \$20-30 million. Project will result in increased water storage and treatment within the Caloosahatchee basin.
3. **Increase distributed storage in Kissimmee, Lake Okeechobee, and Caloosahatchee basins.** Additional funds are needed for the state to partner with large land owners in the Kissimmee, Lake Okeechobee and Caloosahatchee basins to store more water on the land so that it is not discharged to Lake Okeechobee or to the Caloosahatchee River. No cost estimate available, but new partners could be brought on as funds become available.
4. **Southwest Florida Comprehensive Watershed Plan (SWFCWP)³.** Support funding for projects furthering the goals and objectives of the SWFCWP.

- B. **Support the continuation of the Southwest Florida Research and Education Center (SWFREC) in Immokalee** as part of the Florida Agricultural Experiment Station system, and the continued operation of the University of Florida's Institute of Food and Agricultural Sciences (IFAS) Extension Service offices in each of the six counties in southwest Florida.

³ The SWFCWP (originally the Southwest Florida Feasibility Study) was recommended in the 1999 Comprehensive Everglades Restoration Plan. The SWFCWP study area covers approximately 4,300 square miles including all of Lee County, most of Collier and Hendry Counties, and portions of Charlotte, Glades, and Monroe Counties; the project boundary corresponds to that of the South Florida Water Management District Lower West Coast Water Supply Plan Planning Area. The SWFCWP is a regional restoration plan that addresses water resources issues within all watersheds in southwest Florida. Issues addressed by the study include loss of natural ecosystems, fragmentation of natural areas, degradation of wildlife habitat, alteration of natural freshwater flows to wetlands and estuaries, and water quality degradation in surface waters. The Draft Final Plan is currently under review by the U.S. Army Corps of Engineers.

Florida Association of Counties 2014 Legislative Priorities

As always, preserving local government's ability to make decisions on behalf of their communities remains our paramount guiding principle. With that in mind, Florida's counties have identified the following as major issues for resolution in 2014:

- **Maintaining Revenues for Florida's Communities:** Support for tax reform measures that simplify administration and provide an economic boost to Florida's taxpayers while at the same time considering and minimizing the collective and cumulative negative impact on local revenues, including state shared and local discretionary revenue sources that are critical to local governments in providing community services. Proposals of interest to FAC and its members include those effecting the Communications Services Tax, Sales Tax Exemption on Commercial Leases, Local Business Taxes, E-911 Fees and Local Discretionary Revenue Sources.
- **Enhancing Juvenile Justice:** Support initiatives that reduce juvenile detention through prevention, treatment, and rehabilitation services. In addition, support state funding for the operation of juvenile detention facilities, as upheld by Florida's courts and support allowing counties to pay actual costs on a monthly reimbursement basis.
- **Protecting Florida's Waters:** Support sustained commitment of state resources for the development of alternative water supplies, water quality improvement projects and comprehensive water infrastructure needs. Support legislation that enhances regional and local financial capacity to address water supply development and water infrastructure.
- **Ending Homelessness in Florida:** Support developing a dedicated state funding source for homeless programs and tax credits for businesses that employ the homeless.

Introduction to [2014 APA Florida Legislative Program, Position and Policy Statements](#)

GENERAL OBJECTIVES:

- APA Florida is committed to an integrated planning system in Florida with clearly delineated state, regional and local planning responsibilities.
- APA believes meaningful state oversight functions should be performed by a single state land planning agency.
- APA Florida is committed to promoting, protecting and preserving well-planned neighborhoods, communities, cities and rural areas, high quality natural areas and resilient and sustainable economies throughout Florida.
- APA Florida supports visioning at the state, regional and local levels, in order to foster economic development, create jobs, and promote a healthy statewide economy. The state's vision should set the framework for future growth, economic opportunity, patterns of development and preservation of a high quality of life for all Floridians.
- APA Florida believes that local government should have maximum funding flexibility in order to fully fund existing and future infrastructure needs.
- APA Florida is committed to promoting sustainable communities through sound planning principles that promote alternative energy usage and production, efficient resource utilization, and sustainable resource management practices.
- APA Florida believes that truly outstanding Florida communities and regions offer safe, dynamic, equitable, convenient, attractive and healthful environments with employment and economic opportunities, friendly neighborhoods, and equal access to a high quality of life, including education, recreation, and personal growth opportunities for all generations.

APA FLORIDA SUPPORTS:

- Communities are planned and guided by the talents of planning professionals who strive to bring vibrancy and permanency to the built environment, while preserving the natural environment. APA Florida is committed to the advancement of the following goals, throughout the State, by utilizing trained and qualified planning professionals, and with the support of elected officials and community leaders.
- Legislative revisions that strengthen, improve and integrate current planning processes consistent with Florida's long-standing commitment to growth management, sustainable economic development, and healthy communities.
- A balance approach among public and private sector perspectives in state, regional and local planning, policy development and decision-making that does not preempt local government authority.
- Long-range land and resource management that conserves, protects, and enhances the state's natural resources.
- Planning policy that better integrates the siting and planning of significant land uses and includes greater public/private cooperation and accountability.
- An open and collaborative planning process that includes meaningful and responsible citizen participation.

Agenda

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Quality of Life & Safety
Committee

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Transportation Committee

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