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.
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.

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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

Updated 2/3/14
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

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

BLID - Binding Letter of DRI Status

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

BLIVR - Binding Letter of Vested Rights Status

BPCC - Bicycle/Pedestrian Coordinating Committee

CAC - Citizens Advisory Committee

CAO - City/County Administrator Officers

CDBG - Community Development Block Grant

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

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

CHNEP - Charlotte Harbor National Estuary Program

CTC - Community Transportation Coordinator

CTD - Commission for the Transportation Disadvantaged

CUTR - Center for Urban Transportation Research

DEO - Department of Economic Opportunity

DEP - Department of Environmental Protection

DO - Development Order

DOPA - Designated Official Planning Agency (i.e. MPO, RPC, County, etc.)
EDA - Economic Development Administration
EDC - Economic Development Coalition
EDD - Economic Development District
EPA – Environmental Protection Agency
FAC - Florida Association of Counties
FACTS - Florida Association of CTCs
FAR - Florida Administrative Register (formerly Florida Administrative Weekly)
FCTS - Florida Coordinated Transportation System
FDC&F -Florida Department of Children and Families (a.k.a. HRS)
FDEA - Florida Department of Elder Affairs
FDLES - Florida Department of Labor and Employment Security
FDOT - Florida Department of Transportation
FHREDI - Florida Heartland Rural Economic Development Initiative
FIAM – Fiscal Impact Analysis Model
FLC - Florida League of Cities
FQD - Florida Quality Development
FRCA -Florida Regional Planning Councils Association
FTA - Florida Transit Association
IC&R - Intergovernmental Coordination and Review
IFAS - Institute of Food and Agricultural Sciences at the University of Florida
JLCB - Joint Local Coordinating Boards of Glades & Hendry Counties
JPA - Joint Participation Agreement
JSA - Joint Service Area of Glades & Hendry Counties
LCB - Local Coordinating Board for the Transportation Disadvantaged
LEPC - Local Emergency Planning Committee
MOA - Memorandum of Agreement
MPO - Metropolitan Planning Organization
MPOAC - Metropolitan Planning Organization Advisory Council
MPOCAC - Metropolitan Planning Organization Citizens Advisory Committee
MPOTAC - Metropolitan Planning Organization Technical Advisory Committee
NARC - National Association of Regional Councils
NOPC - Notice of Proposed Change
OEDP - Overall Economic Development Program
PDA - Preliminary Development Agreement
REMI – Regional Economic Modeling Incorporated
RFB - Request for Bids
RFP - Request for Proposals
RPC - Regional Planning Council
SHIP - State Housing Initiatives Partnership
SRPP – Strategic Regional Policy Plan
TAC - Technical Advisory Committee
TDC - Transportation Disadvantaged Commission (a.k.a. CTD)
TDPN - Transportation Disadvantaged Planners Network
TDSP - Transportation Disadvantaged Service Plans
USDA - US Department of Agriculture
WMD - Water Management District (SFWMD and SWFWMD)
Invocation
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Item 2

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Item

Roll Call
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Item 5

Agenda 5

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Agenda

Item

Minutes
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.

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.

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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
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
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| **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 BOC  
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 |                      |                   |
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<td>Fort Myers Beach Civic Association USEPA – South Florida Office Audubon of SWF FGCU – College of Arts &amp; Sciences</td>
<td>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.</td>
<td>At the January 16, 2014 SWFRPC Meeting, the Council elected the current slate of officers.</td>
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<td>Executive</td>
<td>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) <strong>The Executive Committee consists of the officers of the Council, so it changes on an annual basis.</strong></td>
<td>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.</td>
<td>January 16, 2014</td>
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<td>Economic Development</td>
<td>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</td>
<td>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.</td>
<td>January 20, 2011</td>
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<td>Legislative Affairs</td>
<td>Vice Mayor Doug Congress, City of Sanibel (Chair) Commissioner Chris Constance, Charlotte County B OCC Mr. Don McCormick, Charlotte County Governor Appointee</td>
<td>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.</td>
<td>January 16, 2014</td>
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<td>Nominating</td>
<td><strong>The Nominating Committee consists of the members of the Council appointed by the current Chair, so it changes on an annual basis.</strong></td>
<td>By Council Rule</td>
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<td>Quality of Life &amp; Safety</td>
<td>Vice Mayor Willie Shaw, City of Sarasota (Chair) Commissioner Cheryl Cook, City of North Port Councilwoman Teresa Heitmann, City of Naples</td>
<td>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.</td>
<td>January 16, 2014</td>
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<td>Regional Transportation</td>
<td>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</td>
<td>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.</td>
<td>Re-established on January 16, 2014</td>
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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

- 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:

  o 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;
  
  o 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,
  
  o 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,

[Signature]
Commissioner Bryan Desloge
President, Florida Association of Counties

[Signature]
Councilman P.C. Wu
President, Florida League of Cities

CC: Florida Delegation
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.
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
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
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

www.fema.gov/plan/prevent/fhm/rm_main.shtm · 1–877–FEMA MAP
Agenda

Item

Staff Summaries
Agenda

Item

Grant Activity Sheet
(Information Only)

8a
<table>
<thead>
<tr>
<th>#</th>
<th>Grants Approval Form</th>
<th>Type</th>
<th>Awarded</th>
<th>Funding Agency</th>
<th>Owner</th>
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<th>App Due Date</th>
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<th>Project Total</th>
<th>RPC Amt</th>
<th>Deliverables</th>
<th>Total Match Amt-RPC</th>
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<tbody>
<tr>
<td>1</td>
<td>Yes Grant</td>
<td>Yes</td>
<td>CTD</td>
<td>Nichole Gwinnett</td>
<td>FY2013-14 Planning Grant for Glades-Hendry Service Area</td>
<td>5/21/2013</td>
<td>$38,637.00</td>
<td>$38,637.00</td>
<td>TDSP Update, CTC Evaluation, LCB Quarterly Meetings, By-Laws</td>
<td>$0.00</td>
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<td>2</td>
<td>Yes Grant</td>
<td>Yes</td>
<td>Visit Florida</td>
<td>Jennifer Pellechio</td>
<td>Our Creative Economy: Southwest Florida Regional Strategy for Public Art</td>
<td>2/22/2013</td>
<td>2/22/2013</td>
<td>$10,000.00</td>
<td>$5,000.00</td>
<td>$5,000.00</td>
<td>Logo &amp; meeting results</td>
<td>$5,000.00</td>
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<td>3</td>
<td>No Contract</td>
<td>Yes</td>
<td>N/A</td>
<td>Jim Beever</td>
<td>Estero Bay ABM</td>
<td>5/21/2013</td>
<td>$12,000.00</td>
<td>$10,000.00</td>
<td>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.</td>
<td>$2,000.00</td>
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<td>4</td>
<td>No Grant</td>
<td>Yes</td>
<td>EPA</td>
<td>Jim Beever</td>
<td>WQFAM</td>
<td>10/1/2012</td>
<td>$160,000.00</td>
<td>$160,000.00</td>
<td>$160,000.00</td>
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<td>5</td>
<td>No Contract</td>
<td>Yes</td>
<td>County - Glades</td>
<td>John Gibbons</td>
<td>SQG Glades</td>
<td>10/1/2012</td>
<td>$4,900.00</td>
<td>$4,900.00</td>
<td>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.</td>
<td>$4,900.00</td>
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<td>6</td>
<td>Yes Contract</td>
<td>Yes</td>
<td>LeeTran</td>
<td>Jennifer Pellechio</td>
<td>VA Transportation Planning Study</td>
<td>10/1/2012</td>
<td>$1,300,000.00</td>
<td>$50,000.00</td>
<td>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.</td>
<td>$0.00</td>
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<td>7</td>
<td>Yes</td>
<td>Contract</td>
<td>Yes</td>
<td>DOE (Department of Energy)</td>
<td>Rebekah Harp</td>
<td>Solar Ready II</td>
<td>3/22/2013</td>
<td>7/18/2013</td>
<td>$140,000.00</td>
<td>$90,000.00</td>
<td>$50,000.00</td>
<td>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.</td>
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<td>8</td>
<td>Yes</td>
<td>Grant</td>
<td>Yes</td>
<td>Southwest Florida Community Foundation</td>
<td>Nichole Gwinnett</td>
<td>Guide &amp; Regional Asset Mapping of Public Arts</td>
<td>9/20/2013</td>
<td>$30,000.00</td>
<td>$15,000.00</td>
<td>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.</td>
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<td>9</td>
<td>Yes</td>
<td>Grant</td>
<td>Yes</td>
<td>EPA</td>
<td>Jim Beever</td>
<td>A Unified Conservation Easement Mapping and Database for the State of Florida</td>
<td>4/15/2013</td>
<td>4/8/2013</td>
<td>$294,496.00</td>
<td>$148,996.00</td>
<td>$145,500.00</td>
<td>GIS database with Conservation Easements</td>
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<td>10</td>
<td>No</td>
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<td>Yes</td>
<td>DEO</td>
<td>Jennifer Pellechio</td>
<td>Regional Economic Development Initiative – Business Outreach</td>
<td></td>
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<td>$15,000.00</td>
<td>$15,000.00</td>
<td>Business Plan</td>
<td></td>
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<td>11</td>
<td>Yes</td>
<td>Contract</td>
<td>Yes</td>
<td>DEO</td>
<td>Jennifer Pellechio</td>
<td>Vision and Implementation Plan</td>
<td></td>
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<td>$25,000.00</td>
<td>$12,500.00</td>
<td>Mission, Goals &amp; Objectives, Draft Plan, Final Plan</td>
<td>$0.00</td>
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<td>12</td>
<td>Yes Grant Yes</td>
<td>DEM</td>
<td>John Gibbons</td>
<td>IECGP Training Grant Program</td>
<td>11/6/13</td>
<td>11/6/13</td>
<td>11/6/13</td>
<td>$7,000.00</td>
<td>$7,000.00</td>
<td>$0.00</td>
<td>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</td>
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<td>13</td>
<td>Yes Grant Yes</td>
<td>Mosaic</td>
<td>Judy Ott</td>
<td>Coral Creek Restoration: Monitoring Juvenile Fish Habitat</td>
<td>9/30/13</td>
<td>9/30/2013</td>
<td>1/2/14</td>
<td>$50,000.00</td>
<td>$50,000.00</td>
<td>Quarterly monitoring reports</td>
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<td>14</td>
<td>Yes Grant To Be Submitted</td>
<td>Visit Florida</td>
<td>Margaret Wuerstle</td>
<td>Our Creative Economy: Southwest Florida Regional Strategy for Public Art</td>
<td>2/18/14</td>
<td>$10,000.00</td>
<td>$5,000.00</td>
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<td>15</td>
<td>Yes Grant To Be Submitted</td>
<td>PNC Foundation</td>
<td>Margaret Wuerstle</td>
<td>Our Creative Economy: A Regional Strategy for Enhancing Public Arts and Cultural Venues</td>
<td>2/28/14</td>
<td>$40,000.00</td>
<td>$10,000.00</td>
<td>A field guide to the public art of Charlotte County.</td>
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<td>16</td>
<td>Yes Grant To Be Submitted</td>
<td>NARC</td>
<td>Liz Donley</td>
<td>Integrating Trees into Stormwater BMPs</td>
<td>2/28/14</td>
<td>$4,000.00</td>
<td>$4,000.00</td>
<td>Forum, powerpoint, scope for work for follow-on project, new partnerships</td>
<td></td>
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<td>17</td>
<td>Yes Grant To Be Submitted</td>
<td>Multiple Agencies</td>
<td>Liz Donley</td>
<td>Neighborhood Lakes and Ponds</td>
<td>2/5/14</td>
<td>$60,000.00</td>
<td>$5,000.00</td>
<td>Video presentations, workshops, micro-grants</td>
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<td>18</td>
<td>No Grant Pending</td>
<td>FDEP</td>
<td>Margaret Wuerstle</td>
<td>Implement agriculture BMP in the Caloosahatchee Watershed</td>
<td>4/12/2013</td>
<td>$3,000,000.00</td>
<td>$3,000,000.00</td>
<td>Grants to growers to implement BMP. Anticipated to assist 20 growers/year for six years or 120 growers</td>
<td></td>
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<td>19</td>
<td>Yes Grant Pending</td>
<td>The Nature Conservancy</td>
<td>Jim Beever</td>
<td>Application of the SWFRPC Salt Marsh Study Method to Other Areas Around the Gulf of Mexico</td>
<td>Open</td>
<td>$150,000.00</td>
<td>$150,000.00</td>
<td>Identification of project area 1. Gathering of GIS mapping data 2. Mapping of salt marshes to type 3. Measurement of the migration movement of the salt marshes 5. Final report</td>
<td></td>
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<td>20</td>
<td>No Pending</td>
<td>FDEP</td>
<td>Jim Beever</td>
<td>Resilient and Consistent Coastal Elements for Florida's Gulf Coast (RESTORE)</td>
<td>1/7/13</td>
<td>1/7/2013</td>
<td>$500,000.00</td>
<td>$500,000.00</td>
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<td>21</td>
<td>No Pending</td>
<td>FDEP</td>
<td>Jim Beever</td>
<td>Environmental Services Provided by the Gulf of Mexico</td>
<td>1/7/13</td>
<td>1/7/2013</td>
<td>$500,000.00</td>
<td>$500,000.00</td>
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<td>22</td>
<td>Yes</td>
<td>Grant</td>
<td>Pending</td>
<td>EDA</td>
<td>Jennifer Pellechio</td>
<td>EDA Planning Grant</td>
<td>01/22/2013</td>
<td>12/18/2013</td>
<td>$270,000.00</td>
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<td>EPA</td>
<td>Jennifer Pellechio</td>
<td>FY14 Brownfields Assessment Grant</td>
<td>1/22/14</td>
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<td>$600,000.00</td>
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<td>24</td>
<td>Yes</td>
<td>Grant</td>
<td>Pending</td>
<td>NOAA</td>
<td>General Partner</td>
<td>“Resilient Coastal Communities” and its National Height Modernization Program (NHMP)</td>
<td>6/21/13</td>
<td>6/21/2013</td>
<td>$50,000.00</td>
<td>$50,000.00</td>
<td>Meetings, workshops, data, new geospatial models</td>
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<td>25</td>
<td>Yes</td>
<td>Grant</td>
<td>Pending</td>
<td>SeaWorld &amp; Bush Gardens Conservation Fund</td>
<td>Liz Donley</td>
<td>Monofilament Cleanup</td>
<td>1/1/14</td>
<td>1/1/14</td>
<td>$17,091.00</td>
<td>$1,647.00</td>
<td>Needs assessment, monofilament clean-up</td>
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<td>26</td>
<td>Yes</td>
<td>Grant</td>
<td>Pending</td>
<td>Elizabeth Dole Foundation</td>
<td>Margaret Wuerstle</td>
<td>Homeless Veterans Camp</td>
<td>10/15/13</td>
<td>9/9/2013</td>
<td>$150,000.00</td>
<td>$150,000.00</td>
<td>Maps of camp locations and documentation of number of homeless veterans</td>
<td>$0.00</td>
<td></td>
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<td>27</td>
<td>Yes</td>
<td>Grant</td>
<td>Pending</td>
<td>FEMA</td>
<td>John Gibbons</td>
<td>Strengthening Resilience Across Whole Communities of Practice: A Regionally-based Virtual Training Approach</td>
<td>8/16/13</td>
<td>8/16/2013</td>
<td>$64,000.00</td>
<td>$64,000.00</td>
<td>National LEPC Training and Exercise Program</td>
<td>$0.00</td>
<td></td>
</tr>
<tr>
<td>28</td>
<td>Yes</td>
<td>Grant</td>
<td>Pending</td>
<td>EPA</td>
<td>Maran Hilgendorf</td>
<td>Gulf of Mexico Citizens Academy</td>
<td>11/11/13</td>
<td>11/12/13</td>
<td>$151,003.18</td>
<td>$151,003.18</td>
<td>On-line, interactive Citizens Academy with apps for tablets, cell phones, etc.</td>
<td>$0.00</td>
<td></td>
</tr>
<tr>
<td>29</td>
<td>Yes</td>
<td>Grant</td>
<td>Pending</td>
<td>NOAA</td>
<td>Jim Beever</td>
<td>The effects of sea level rise on Total Ecosystem Services Value (TEV) in Southwest Florida</td>
<td>11/14/13</td>
<td>11/13/13</td>
<td>$208,245.74</td>
<td>$200,245.74</td>
<td>TEV valuation of southwest Florida in existing and future climate change scenarios</td>
<td></td>
<td></td>
</tr>
<tr>
<td>30</td>
<td>Yes</td>
<td>Grant</td>
<td>Pending</td>
<td>EDA</td>
<td>Jennifer Pellechio</td>
<td>Advanced Manufacturing in West Central Florida Advanced Manufacturing in West Central Florida An Ecosystem Analysis Supporting Regional Development</td>
<td>12/26/2013</td>
<td></td>
<td>$210,000.00</td>
<td>$100,000.00</td>
<td>Regional website, branding strategy, brochures, analysis</td>
<td>$40,000.00</td>
<td></td>
</tr>
<tr>
<td>31</td>
<td>Yes</td>
<td>Grant</td>
<td>Pending</td>
<td>National Endowment for the Arts</td>
<td>Margaret Wuerstle</td>
<td>Our Creative Economy - A Regional Strategy for Southwest Florida’s Public Art and Cultural Venues</td>
<td>1/13/14</td>
<td>1/13/14</td>
<td>$400,000.00</td>
<td>$200,000.00</td>
<td>Asset Mapping, A Regional Strategy for Enhancing Public Art: A SWOT</td>
<td>$113,472.00</td>
<td></td>
</tr>
</tbody>
</table>
Consent Agenda
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
<table>
<thead>
<tr>
<th>SWFRPC #</th>
<th>Name1</th>
<th>Name2</th>
<th>Location</th>
<th>Project Description</th>
<th>Funding Agent</th>
<th>Funding Amount</th>
<th>Council Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013-24</td>
<td>Mr. Steve Spencer, P.G.</td>
<td></td>
<td>Collier County</td>
<td>FDEP Drilling Permit Application No. 1355H (Collier 7-2H)</td>
<td></td>
<td></td>
<td>No Comment</td>
</tr>
<tr>
<td>2013-25</td>
<td>Mr. Steve Spencer, P.G.</td>
<td></td>
<td>Collier County</td>
<td>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.</td>
<td></td>
<td></td>
<td>No Comment</td>
</tr>
<tr>
<td>2013-33</td>
<td>Mr. Rich Weingarten</td>
<td>Charlotte County Transit</td>
<td>Charlotte County</td>
<td>Charlotte County Transit - Section 5310 - To provide capital assistance for two buses totalling $141,004.80.</td>
<td>FTA</td>
<td>$176,256.00</td>
<td>Regionally Significant and Consistent</td>
</tr>
<tr>
<td>2013-34</td>
<td>Mr. Rich Weingarten</td>
<td>Charlotte County Transit</td>
<td>Charlotte County</td>
<td>Charlotte County Transit - Section 5310 - To provide operating assistance totalling $17,500.</td>
<td>FTA</td>
<td>$35,000.00</td>
<td>Regionally Significant and Consistent</td>
</tr>
<tr>
<td>2013-35</td>
<td>Mr. Rich Weingarten</td>
<td>Charlotte County Transit</td>
<td>Charlotte County</td>
<td>Charlotte County Transit - Section 5316 - To provide operating assistance totalling $59,500.</td>
<td>FTA</td>
<td>$119,000.00</td>
<td>Regionally Significant and Consistent</td>
</tr>
<tr>
<td>2014-01</td>
<td>Ms. Glamarier Carter</td>
<td>Sarasota County Transit (SCAT)</td>
<td>Sarasota County</td>
<td>Sarasota County Transit (SCAT) - Section 5310 - Paratransit Bus Replacement.</td>
<td>FTA</td>
<td>$338,464.00</td>
<td>Regionally Significant and Consistent</td>
</tr>
<tr>
<td>SWFRPC #</td>
<td>First Name</td>
<td>Last Name</td>
<td>Location</td>
<td>Project Description</td>
<td>Funding Agent</td>
<td>Funding Amount</td>
<td>Council Comments</td>
</tr>
<tr>
<td>----------</td>
<td>------------</td>
<td>-----------</td>
<td>----------</td>
<td>---------------------</td>
<td>---------------</td>
<td>---------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>2014-02</td>
<td></td>
<td></td>
<td>Collier County</td>
<td>Collier County Area Transit - Section 5310 - Capital assistance to replace paratransit vehicles that have outlived their useful life.</td>
<td>FTA</td>
<td>$545,515.00</td>
<td>Review in Progress</td>
</tr>
<tr>
<td>2014-03</td>
<td></td>
<td></td>
<td>Collier County</td>
<td>Collier County Area Transit - Section 5311 - Operating assistance to offset cost of public transportation provided in the rural (non-urban) areas of Collier County.</td>
<td>FTA</td>
<td>$404,500.00</td>
<td>Review in Progress</td>
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<tr>
<td>2014-04</td>
<td></td>
<td></td>
<td>Collier County</td>
<td>Collier County Area Transit - Section 5339 - Assistance to replace support vehicles that have outlived their useful life.</td>
<td>FTA</td>
<td>$224,534.00</td>
<td>Review in Progress</td>
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<tr>
<td>2014-05</td>
<td></td>
<td></td>
<td>Charlotte County</td>
<td>EPA - State Revolving Funds - Charlotte County Utilities - The East and West Spring Lake Wastewater Pilot Program.*</td>
<td></td>
<td></td>
<td>Review in Progress</td>
</tr>
<tr>
<td>2014-06</td>
<td></td>
<td></td>
<td>Region</td>
<td>Good Wheels, Inc. - Section 5310 - One replacement bus and one replacement minivan to provide service to people who are elderly and or disabled.</td>
<td>FTA</td>
<td>$102,720.00</td>
<td>Review in Progress</td>
</tr>
<tr>
<td>2014-07</td>
<td></td>
<td></td>
<td>Region</td>
<td>Good Wheels, Inc. - Section 5311 - Operating assistance for rural service area.</td>
<td>FTA</td>
<td>$50,000.00</td>
<td>Review in Progress</td>
</tr>
<tr>
<td>SWFRPC #</td>
<td>First Name</td>
<td>Last Name</td>
<td>Location</td>
<td>Project Description</td>
<td>Funding Agent</td>
<td>Funding Amount</td>
<td>Council Comments</td>
</tr>
<tr>
<td>----------</td>
<td>------------</td>
<td>-----------</td>
<td>----------</td>
<td>---------------------</td>
<td>---------------</td>
<td>---------------</td>
<td>------------------</td>
</tr>
<tr>
<td>2014-08</td>
<td>Region</td>
<td>Hope Hospice and Community Services, Inc. - Section 5310 Program - PACE Transportation Project: Enhanced access to healthcare for seniors.</td>
<td>FDOT</td>
<td>$220,000.00</td>
<td>Review in Progress</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Financial Statement for January 31, 2014
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

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CURRENT ASSETS</strong></td>
<td></td>
</tr>
<tr>
<td>Fund Balance</td>
<td>$823,445</td>
</tr>
<tr>
<td>Accounts Receivable</td>
<td>$244,548</td>
</tr>
<tr>
<td><strong>Total Current Assets</strong></td>
<td>$1,067,993</td>
</tr>
<tr>
<td><strong>PROPERTY AND EQUIPMENT</strong></td>
<td></td>
</tr>
<tr>
<td>Property, Furniture &amp; Equip</td>
<td>$2,040,983</td>
</tr>
<tr>
<td>Accumulated Depreciation</td>
<td>($561,679)</td>
</tr>
<tr>
<td><strong>Total Property and Equipment</strong></td>
<td>$1,479,304</td>
</tr>
<tr>
<td><strong>OTHER ASSETS</strong></td>
<td></td>
</tr>
<tr>
<td>Amount T.B.P. for L.T.L.-Leave</td>
<td>$55,640</td>
</tr>
<tr>
<td>FSA Deposit</td>
<td>$2,494</td>
</tr>
<tr>
<td>AMT T.B.P. for L.T.DEBT-OPEP</td>
<td>$59,864</td>
</tr>
<tr>
<td>Amount T.B.P. for L.T.DEBT</td>
<td>$1,002,717</td>
</tr>
<tr>
<td><strong>Total Other Assets</strong></td>
<td>$1,120,715</td>
</tr>
<tr>
<td><strong>Total Assets</strong></td>
<td>$3,668,012</td>
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</tbody>
</table>

### LIABILITIES AND CAPITAL

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CURRENT LIABILITIES</strong></td>
<td></td>
</tr>
<tr>
<td>Accounts Payable</td>
<td>$0</td>
</tr>
<tr>
<td>Retainage Payable</td>
<td>$1,209</td>
</tr>
<tr>
<td>Deferred Income</td>
<td>$281,936</td>
</tr>
<tr>
<td>FICA Taxes Payable</td>
<td>($110)</td>
</tr>
<tr>
<td>Federal W/H Tax Payable</td>
<td>($157)</td>
</tr>
<tr>
<td>United Way Payable</td>
<td>$666</td>
</tr>
<tr>
<td>FSA Payable</td>
<td>$1,756</td>
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<tr>
<td>LEPC Contingency Fund</td>
<td>$305</td>
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<tr>
<td><strong>Total Current Liabilities</strong></td>
<td>$285,605</td>
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<tr>
<td><strong>LONG-TERM LIABILITIES</strong></td>
<td></td>
</tr>
<tr>
<td>Accrued Annual Leave</td>
<td>$55,640</td>
</tr>
<tr>
<td>Long Term Debt - OPEB</td>
<td>$59,864</td>
</tr>
<tr>
<td>Long Term Debt - Bank of Am.</td>
<td>$1,002,717</td>
</tr>
<tr>
<td><strong>Total Long-Term Liabilities</strong></td>
<td>$1,118,221</td>
</tr>
<tr>
<td><strong>Total Liabilities</strong></td>
<td>$1,403,826</td>
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<tr>
<td><strong>CAPITAL</strong></td>
<td></td>
</tr>
<tr>
<td>Fund Balance-Unassigned</td>
<td>$194,487</td>
</tr>
<tr>
<td>Fund Balance-Assigned</td>
<td>$514,000</td>
</tr>
<tr>
<td>FB-Non-Spendable/Fixed Assets</td>
<td>$1,479,303</td>
</tr>
<tr>
<td>Net Income</td>
<td>$76,396</td>
</tr>
<tr>
<td><strong>Total Capital</strong></td>
<td>$2,264,186</td>
</tr>
<tr>
<td><strong>Total Liabilities &amp; Capital</strong></td>
<td>$3,668,012</td>
</tr>
</tbody>
</table>

*Unaudited - for management purposes only*
### FUND BALANCE DETAIL

<table>
<thead>
<tr>
<th>Account</th>
<th>Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>CASH - BANK OF AMERICA OPER.</td>
<td>$ 322,029</td>
</tr>
<tr>
<td>CASH - IBERIA CDS</td>
<td>$ 316,655</td>
</tr>
<tr>
<td>CASH - FL LOCAL GOVT POOL</td>
<td>$ 179,657</td>
</tr>
<tr>
<td>CASH - FL GOVT POOL-FUND B</td>
<td>$ 4,904</td>
</tr>
<tr>
<td>PETTY CASH</td>
<td>$ 200</td>
</tr>
<tr>
<td><strong>FUND BALANCE</strong></td>
<td><strong>$ 823,445</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Account</th>
<th>Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>OPERATING CASH</td>
<td>$ 322,029</td>
</tr>
<tr>
<td>INVESTMENTS</td>
<td>$ 501,216</td>
</tr>
<tr>
<td>PETTY CASH</td>
<td>$ 200</td>
</tr>
<tr>
<td><strong>FUND BALANCE</strong></td>
<td><strong>$ 823,445</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Account</th>
<th>Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>DEFERRED -NEP CE954836611-1</td>
<td>$(138,654)</td>
</tr>
<tr>
<td>DEFERRED INCOME NEP LOCAL</td>
<td>$(46,150)</td>
</tr>
<tr>
<td>DEFERRED INCOME - FAMWQ</td>
<td>$(67,435)</td>
</tr>
<tr>
<td>DEFERRED INC. DRI - FOUNTAINS</td>
<td>$(8,706)</td>
</tr>
<tr>
<td>DEFERRED INC. PALMER RANCH XXI</td>
<td>$(948)</td>
</tr>
<tr>
<td>DEFERRED INCOME LEE MEMORIAL</td>
<td>$(9)</td>
</tr>
<tr>
<td>DEFERRED INCOME - SWFCF</td>
<td>$(12,767)</td>
</tr>
<tr>
<td>DEFERRED PALMER XVI</td>
<td>$(1,042)</td>
</tr>
<tr>
<td>DEFERRED PALMER IV</td>
<td>$(2,500)</td>
</tr>
<tr>
<td>DEFERRED PALMER MDO</td>
<td>$(1,407)</td>
</tr>
<tr>
<td>DEFERRED VILLAGES OF LAKEWOOD</td>
<td>$(2,318)</td>
</tr>
<tr>
<td><strong>NET AVAILABLE FOR RESERVE</strong></td>
<td><strong>$ 541,509</strong></td>
</tr>
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</table>
# Detail of Fund Balance

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total Fund Balance</strong></td>
<td><strong>$ 542,977</strong></td>
</tr>
<tr>
<td><strong>Investments:</strong></td>
<td></td>
</tr>
<tr>
<td>Iberia Bank CD</td>
<td><strong>$316,665.00</strong></td>
</tr>
<tr>
<td>Local government Surplus Trust Fund Investment Pool (Fund A)</td>
<td><strong>179,657</strong></td>
</tr>
<tr>
<td>Local government Surplus Trust Fund (Fund B)</td>
<td><strong>4,904</strong></td>
</tr>
<tr>
<td><strong>Total Investments</strong></td>
<td><strong>$501,226.00</strong></td>
</tr>
<tr>
<td>Petty Cash</td>
<td><strong>$200.00</strong></td>
</tr>
<tr>
<td>Bank of America Operating Funds</td>
<td><strong>$41,551.00</strong></td>
</tr>
<tr>
<td><strong>Total Fund Balance</strong></td>
<td><strong>$542,977.00</strong></td>
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</tbody>
</table>
## SWFRPC
### INCOME STATEMENT
#### COMPARED WITH BUDGET
##### FOR THE FOUR MONTHS ENDING JANUARY 31, 2014

<table>
<thead>
<tr>
<th>REVENUES</th>
<th>Current Month Actual</th>
<th>Year to Date Actual</th>
<th>Year to Date Approved Budget</th>
<th>Current Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>LOCAL ASSESSMENTS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CHARLOTTE COUNTY</td>
<td>$12,252</td>
<td>$24,504</td>
<td>$49,007</td>
<td>(24,503)</td>
</tr>
<tr>
<td>COLIER COUNTY</td>
<td>24,739</td>
<td>49,477</td>
<td>98,955</td>
<td>(49,478)</td>
</tr>
<tr>
<td>GLADES COUNTY</td>
<td>950</td>
<td>1,901</td>
<td>3,801</td>
<td>(1,900)</td>
</tr>
<tr>
<td>HENDY COUNTY</td>
<td>2,860</td>
<td>5,450</td>
<td>11,440</td>
<td>(5,990)</td>
</tr>
<tr>
<td>LEE COUNTY</td>
<td>38,499</td>
<td>76,998</td>
<td>153,997</td>
<td>(76,999)</td>
</tr>
<tr>
<td>SARASOTA COUNTY</td>
<td>28,775</td>
<td>57,520</td>
<td>115,099</td>
<td>(57,579)</td>
</tr>
<tr>
<td>CITY OF FORT MYERS</td>
<td>10,025</td>
<td>15,038</td>
<td>20,050</td>
<td>(5,012)</td>
</tr>
<tr>
<td>TOWN OF FORT MYERS BEACH</td>
<td>469</td>
<td>938</td>
<td>1,876</td>
<td>(938)</td>
</tr>
<tr>
<td>BONITA SPRINGS</td>
<td>3,385</td>
<td>6,769</td>
<td>13,539</td>
<td>(6,770)</td>
</tr>
<tr>
<td>CITY OF SANIBEL</td>
<td>487</td>
<td>973</td>
<td>1,947</td>
<td>(974)</td>
</tr>
<tr>
<td><strong>TOTAL LOCAL ASSESSMENTS</strong></td>
<td>122,441</td>
<td>239,568</td>
<td>469,711</td>
<td>(230,143)</td>
</tr>
</tbody>
</table>

| **FEDERAL / STATE GRANTS** | | | | |
| DEM TITLE III | 0 | 0 | 40,909 | (40,909) |
| HMEL-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) |
| CHNENP 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 GRANTS** | 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 |
| CHNENP 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 CHNENP | 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
<table>
<thead>
<tr>
<th></th>
<th>Current Month Actual</th>
<th>Year to Date Actual</th>
<th>Year to Date Approved Budget</th>
<th>Current Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>TOTAL OTHER REVENUE SOURC</td>
<td>4,448</td>
<td>14,105</td>
<td>706,476</td>
<td>(692,371)</td>
</tr>
<tr>
<td>TOTAL REVENUES</td>
<td>194,505</td>
<td>643,647</td>
<td>2,656,064</td>
<td>(2,012,417)</td>
</tr>
<tr>
<td>EXPENSES</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PERSONNEL EXPENSES</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SALARIES EXPENSE</td>
<td>75,611</td>
<td>306,635</td>
<td>663,042</td>
<td>(356,407)</td>
</tr>
<tr>
<td>SALARIES EXPENSE - NEP</td>
<td>0</td>
<td>0</td>
<td>292,510</td>
<td>(292,510)</td>
</tr>
<tr>
<td>FICA EXPENSE</td>
<td>5,512</td>
<td>21,040</td>
<td>73,100</td>
<td>(52,060)</td>
</tr>
<tr>
<td>RETIREMENT EXPENSE</td>
<td>9,696</td>
<td>22,921</td>
<td>94,535</td>
<td>(71,614)</td>
</tr>
<tr>
<td>HEALTH INSURANCE EXPENSE</td>
<td>14,435</td>
<td>28,460</td>
<td>138,190</td>
<td>(109,730)</td>
</tr>
<tr>
<td>WORKERS COMP. EXPENSE</td>
<td>370</td>
<td>1,480</td>
<td>3,696</td>
<td>(2,216)</td>
</tr>
<tr>
<td>TOTAL PERSONNEL EXPENSES</td>
<td>105,624</td>
<td>380,536</td>
<td>1,265,073</td>
<td>(884,537)</td>
</tr>
<tr>
<td>OPERATIONAL EXPENSES</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>GRANT/CONSULTING EXPENSE</td>
<td>2,648</td>
<td>3,773</td>
<td>51,336</td>
<td>(47,563)</td>
</tr>
<tr>
<td>NEP-CONTRACTUAL</td>
<td>1,640</td>
<td>5,020</td>
<td>394,208</td>
<td>(389,188)</td>
</tr>
<tr>
<td>LEGAL</td>
<td>0</td>
<td>0</td>
<td>15,000</td>
<td>(15,000)</td>
</tr>
<tr>
<td>AUDIT SERVICES EXPENSE</td>
<td>0</td>
<td>1,500</td>
<td>40,000</td>
<td>(38,500)</td>
</tr>
<tr>
<td>TRAVEL EXPENSE</td>
<td>6,421</td>
<td>19,613</td>
<td>21,870</td>
<td>(2,257)</td>
</tr>
<tr>
<td>TELEPHONE EXPENSE</td>
<td>648</td>
<td>2,167</td>
<td>6,540</td>
<td>(4,373)</td>
</tr>
<tr>
<td>POSTAGE / SHIPPING EXPENSE</td>
<td>498</td>
<td>595</td>
<td>4,100</td>
<td>(3,505)</td>
</tr>
<tr>
<td>EQUIPMENT RENTAL EXPENSE</td>
<td>498</td>
<td>2,307</td>
<td>8,750</td>
<td>(6,443)</td>
</tr>
<tr>
<td>INSURANCE EXPENSE</td>
<td>40</td>
<td>18,616</td>
<td>22,500</td>
<td>(3,884)</td>
</tr>
<tr>
<td>REPAIR/MAINT. EXPENSE</td>
<td>251</td>
<td>2,694</td>
<td>15,000</td>
<td>(12,306)</td>
</tr>
<tr>
<td>PRINTING/REPRODUCTION EXP</td>
<td>2,964</td>
<td>32,641</td>
<td>1,500</td>
<td>(31,141)</td>
</tr>
<tr>
<td>UTILITIES (ELEC, WATER, GAR)</td>
<td>0</td>
<td>7,875</td>
<td>22,000</td>
<td>(14,125)</td>
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<tr>
<td>ADVERTISING/LEGAL NOTICES</td>
<td>0</td>
<td>412</td>
<td>3,600</td>
<td>(3,188)</td>
</tr>
<tr>
<td>OTHER MISC. EXPENSE</td>
<td>1</td>
<td>1,443</td>
<td>4,500</td>
<td>(3,057)</td>
</tr>
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<td>BANK SERVICE CHARGES</td>
<td>0</td>
<td>786</td>
<td>2,280</td>
<td>(1,494)</td>
</tr>
<tr>
<td>OFFICE SUPPLIES EXPENSE</td>
<td>518</td>
<td>1,972</td>
<td>8,836</td>
<td>(6,864)</td>
</tr>
<tr>
<td>COMPUTER RELATED EXPENSE</td>
<td>279</td>
<td>22,841</td>
<td>38,500</td>
<td>(15,659)</td>
</tr>
<tr>
<td>DUES AND MEMBERSHIP</td>
<td>497</td>
<td>3,592</td>
<td>28,800</td>
<td>(25,208)</td>
</tr>
<tr>
<td>PUBLICATION EXPENSE</td>
<td>0</td>
<td>360</td>
<td>1,250</td>
<td>(890)</td>
</tr>
<tr>
<td>PROF. DEVELOP.</td>
<td>135</td>
<td>5,190</td>
<td>10,120</td>
<td>(4,930)</td>
</tr>
<tr>
<td>MEETINGS/EVENTS EXPENSE</td>
<td>14</td>
<td>8,594</td>
<td>3,000</td>
<td>5,594</td>
</tr>
<tr>
<td>CAPITAL OUTLAY EXPENSE</td>
<td>1,062</td>
<td>1,062</td>
<td>4,000</td>
<td>(2,938)</td>
</tr>
<tr>
<td>CAPITAL OUTLAY - BUILDING</td>
<td>0</td>
<td>1,082</td>
<td>12,500</td>
<td>(11,418)</td>
</tr>
<tr>
<td>LONG TERM DEBT</td>
<td>10,646</td>
<td>42,584</td>
<td>128,000</td>
<td>(85,416)</td>
</tr>
<tr>
<td>RESERVE FOR OPERATIONS EXP</td>
<td>0</td>
<td>0</td>
<td>542,797</td>
<td>(542,797)</td>
</tr>
<tr>
<td>TOTAL OPERATIONAL EXP.</td>
<td>28,760</td>
<td>186,719</td>
<td>1,390,987</td>
<td>(1,204,268)</td>
</tr>
<tr>
<td>TOTAL CASH OUTLAY</td>
<td>134,384</td>
<td>567,255</td>
<td>2,656,060</td>
<td>(2,088,805)</td>
</tr>
<tr>
<td>NET INCOME (LOSS)</td>
<td>$ 60,121</td>
<td>$ 76,392</td>
<td></td>
<td>$ 76,388</td>
</tr>
</tbody>
</table>
## SWFRPC
### INCOME STATEMENT COMARED WITH BUDGET
### FOR THE FOUR MONTHS ENDING JANUARY 31, 2014

<table>
<thead>
<tr>
<th>REVENUES</th>
<th>Current Month Actual</th>
<th>Year to Date Actual</th>
<th>Year to Date Approved Budget</th>
<th>Current Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>LOCAL ASSESSMENTS</td>
<td>122,441</td>
<td>239,568</td>
<td>469,711</td>
<td>(230,143)</td>
</tr>
<tr>
<td>FEDERAL / STATE GRANTS</td>
<td>14,734</td>
<td>322,952</td>
<td>1,047,569</td>
<td>(724,617)</td>
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<tr>
<td>MISC. GRANTS/CONTRACTS</td>
<td>50,649</td>
<td>64,789</td>
<td>432,308</td>
<td>(367,519)</td>
</tr>
<tr>
<td>OTHER REVENUE SOURCES</td>
<td>6,681</td>
<td>16,339</td>
<td>706,476</td>
<td>(690,137)</td>
</tr>
<tr>
<td>TOTAL REVENUES</td>
<td>194,505</td>
<td>643,648</td>
<td>2,656,064</td>
<td>(2,012,416)</td>
</tr>
</tbody>
</table>

### EXPENSES

<table>
<thead>
<tr>
<th>EXPENSES</th>
<th>Current Month Actual</th>
<th>Year to Date Actual</th>
<th>Year to Date Approved Budget</th>
<th>Current Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>PERSONNEL EXPENSES</td>
<td>105,624</td>
<td>380,536</td>
<td>1,265,073</td>
<td>(884,537)</td>
</tr>
<tr>
<td>OPERATIONAL EXPENSES</td>
<td>28,760</td>
<td>186,719</td>
<td>1,390,987</td>
<td>(1,204,268)</td>
</tr>
<tr>
<td>TOTAL CASH OUTFLAY</td>
<td>134,384</td>
<td>567,255</td>
<td>2,656,060</td>
<td>(2,088,805)</td>
</tr>
</tbody>
</table>

| NET INCOME (LOSS)               | $ 60,121             | $ 76,393            | $ 4                          | 76,389          |

UNAUDITED FOR MANAGEMENT PURPOSES ONLY
Regional Impact
Agenda

Item

10a

10a

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

<table>
<thead>
<tr>
<th>Proposed Amendment</th>
<th>Factors of Regional Significance</th>
</tr>
</thead>
</table>
| DEO 14-1ESR (CPA 2013-C) | Location: no  
Magnitude: yes  
Character: yes |

<table>
<thead>
<tr>
<th>Consistent</th>
</tr>
</thead>
</table>
| (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.

02/14
Attachment I

COMMUNITY PLANNING ACT

Local Government Comprehensive Plans

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

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

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.
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 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. EXTRA JURISDICTIONAL 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?  

X  Yes  ___ No
Maps

Sarasota County
DEO 14-1ESR

Growth Management Plan
Comprehensive Plan Amendments
Sarasota County Comprehensive Plan Amendment (DEO 14-2ESR)
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.

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<thead>
<tr>
<th>Proposed Amendment</th>
<th>Factors of Regional Significance</th>
<th>Consistent</th>
</tr>
</thead>
<tbody>
<tr>
<td>DEO 14-2ESR (CPA 2013-D)</td>
<td>no</td>
<td>no</td>
</tr>
</tbody>
</table>

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

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   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;
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   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
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- the regional planning council, or
- an affected person.

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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

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NOTE: THE ABOVE IS A SIMPLIFIED VERSION OF THE LAW. REFER TO THE STATUTE (CH. 163, FS) FOR DETAILS.
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?  _X_ Yes  ___ No
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) 727-8516.

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
Maps

Sarasota County
DEO 14-2ESR

Growth Management Plan
Comprehensive Plan Amendments
2013 Aerial
REZONE PETITION NO. 13-14,
COMPREHENSIVE PLAN AMENDMENT (CPA)-2013-D,
AMENDMENT TO THE SCIBC MASTER DEVELOPMENT PLAN
PROPOSED FUTURE LAND USE DESIGNATION
REZONE PETITION NO. 13-14,
COMPREHENSIVE PLAN AMENDMENT (CPA)-2013-D,
NOTIFICATION OF PROPOSED CHANGE (NOPC) 8 SCIBC

NOTE: THIS MAP CANNOT BE CORRECTLY INTERPRETED INDEPENDENT OF THE SARASOTA COUNTY COMPREHENSIVE PLAN AS ADOPTED BY SARASOTA COUNTY ORDINANCE NO. 98-15, AS THE SAME MAY BE AMENDED FROM TIME TO TIME. THE BOUNDARIES OF LAND USE DESIGNATIONS, WHERE THEY HAVE BEEN EMBELLISHED, MAY BE REVIEWED AT SARASOTA COUNTY PLANNING SERVICES, 1200 RINGLING BOULEVARD, SARASOTA, FLORIDA.
Hendry County Comprehensive Plan Amendment (DEO 14-1SP)
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:

<table>
<thead>
<tr>
<th>Proposed Amendment</th>
<th>Factors of Regional Significance</th>
<th>Consistent</th>
</tr>
</thead>
<tbody>
<tr>
<td>DEO 14-1SP</td>
<td>Location: yes</td>
<td>Magnitude: yes</td>
</tr>
<tr>
<td>(CEPL12-0001)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>King Ranch Sector Plan</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(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;
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

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

LOCAL GOVERNMENT:

Hendry County

DATE AMENDMENT RECEIVED:

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 propose 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 (Rostrahamus sociabilis plumbeus), red-cockaded woodpecker (Picoides borealis), Bachman’s warbler (Vermivora bachmani), 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
c. 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?  _X_ Yes ___ No
Maps

Hendry County
DEO 14-1SP
King Ranch Sector Plan

Proposed Comprehensive Plan Amendment
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
3502 Colonial Court, Fort Myers, Florida 33913

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

Item

10d

10d

10d

Palmer Ranch Increment XVI
DRI - NOPC

10d

10d
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)(c)(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.
Agenda

Item

10e

Babcock Ranch DRI – Master Development Order (MDO)

10e

10e
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
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RESOLUTION NO. 2014-O47

AN AMENDMENT AND RECODIFICATION OF THE MASTER DEVELOPMENT
ORDER OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE
COUNTY, FLORIDA FOR THE BABCOCK RANCH COMMUNITY (CHARLOTTE
COUNTY), A MASTER DEVELOPMENT OF REGIONAL IMPACT.

WHEREAS, on February 23, 2007, Babcock Property Holdings, LLC
("Developer"), by and through its authorized agent, WilsonMiller, Inc. in accordance with
Subsections 380.06(6) and (21), Florida Statutes, filed an Application for Master
Development Approval ("AMDA") of a Development of Regional Impact (DRI) known as
the Babcock Ranch Community (hereinafter "BRC") with Charlotte County, Florida
("County") and the Southwest Florida Regional Planning Council ("SWFRPC"); and

WHEREAS, Developer, County, and the SWFRPC entered into a Master DRI
Agreement on March 13, 2007 (fully executed March 16, 2007), as required by Section
380.06(21)(b), Florida Statutes ("AMDA Agreement"); and

WHEREAS, the Babcock Ranch Community Independent Special District
("District") was established by the 2007 Session of the Florida Legislature to design,
finance, construct, operate, and maintain various infrastructure elements within BRC;
and

WHEREAS, on December 13, 2007, the Board of County Commissioners of
Charlotte County, Florida ("Board") approved and adopted the Babcock Ranch
Community Master Development of Regional Impact Master DRI Development Order
("MDO") under Resolution 2007-196; and

WHEREAS, the MDO was amended on June 17, 2008 under Resolution 2008-
063 thereby giving the MDO an effective date of September 1, 2008; and subsequently
January 28, 2014

amended on December 15, 2009 by Resolution 2009-283, and on December 13, 2011
by Resolution 2011-485, and on April 24, 2012 by Resolution 2012-024; and
WHEREAS, the Developer has timely notified the County of the extension of the
phase, expiration and buildout dates for the MDO, as well as the associated mitigation
requirements, under Section 73, Chapter 2011-139 Laws of Florida, and in accordance
with Section 252.363, Florida Statutes, so that all phase, expiration and buildout dates,
as well as associated mitigation dates contained within the MDO were cumulatively
extended as hereinafter provided; and
WHEREAS, the Developer has filed a Notice of Proposed Change (NOPC) to
amend the MDO; and
WHEREAS, the Charlotte County Planning and Zoning Board has reviewed and
considered the report and recommendations of the SWFRPC and held a public hearing
to consider the amendments to the MDO on December 9, 2013; and
WHEREAS, on January 28, 2014, the Board, at a public hearing in accordance
with Section 380.06, Florida Statutes, considered the application for amendment to the
MDO submitted by Developer, the report and recommendations of the SWFRPC, the
documentary and oral evidence presented at the hearing before the Board, the report
and recommendations of the Charlotte County Planning and Zoning Board, and the
recommendations of County staff. NOW, THEREFORE, BE IT RESOLVED BY THE
BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA
THAT:

RECITALS

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

2
FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The real property constituting the BRC in Charlotte County consists of approximately 13,630 acres, and is legally described as set forth in Exhibit "A" attached hereto and made a part hereof ("Property" or "Community").

2. The AMDA is consistent with Subsections 380.06(6) and (21), Florida Statutes.

3. The Developer submitted to the County an AMDA in February, 2007 and responses to sufficiency questions in June, 2007 and in July, 2007. The representations and commitments of Developer which are made conditions of this development order are identified and set forth in the relevant provisions of this development order ("Representations and Commitments as Conditions").

4. According to Map #64, Landfalling Storm Surge Zones, included in the Supporting Policy and Analysis Map Series (SPAM) of the 2050 Smart Charlotte Comprehensive Plan, portions of BRC are located within the Category 4/5 Storm Surge Zone, and the balance of the BRC is located outside of any listed storm surge zone.

5. The Developer proposes to develop BRC in accordance with the Babcock Master Concept Plan attached hereto as Exhibit "B" attached hereto and made a part hereof. Map "H" will be further revised as part of each Incremental development order. The development program authorized by this development order is as follows ("Development Program" or "Project"): 

   (i) 17,870 residential dwelling units (recreational vehicle park uses shall count as dwelling units on a one vehicle rental or owner equals one dwelling unit),

   (ii) 1,400,000 square feet of retail,
January 28, 2014

(iii) 3,500,000 square feet of office (general office; medical office; and civic, community, and miscellaneous public facilities),

(iv) 600 hotel rooms (assumes 360,000 square feet of building),

(v) 850,000 square feet of industrial,

(vi) 177 hospital beds,

(vii) 418 units of assisted living facilities,

(viii) 54 golf holes,

(ix) Ancillary facilities such as the educational service center, schools, and university research facilities as identified in Exhibit “B”, attached hereto, 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, and 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.

(x) All other ancillary facilities, together with the development components set forth above (excluding ix) shall not exceed the maximum thresholds established in the Development Order and the BROD policies of the 2050 Smart Charlotte Comprehensive Plan.

(xi) Temporary housing for construction workers and their families will not count against the residential dwelling units allowed by subsection (i) above.
(xii) The total development within the BROD shall not exceed 17,870 dwelling units and 6,000,000 square feet of non-residential uses, not including the educational service center, schools, and university research facilities, libraries, places of worship, regional and community park sites which square footage will be additional.

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

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

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

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

CONDITIONS

1. APPLICATIONS FOR INCREMENTAL DEVELOPMENT APPROVAL.

AIDA’s shall be required to address only those application questions identified for increments or to provide the documentation described in Exhibit “C” attached hereto and made a part hereof.

2. GROSS RESIDENTIAL DENSITY CONDITION AND DEVELOPMENT PROGRAM.

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

B. Other Conditions.

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

C. Incremental Review.

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

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3. AFFORDABLE HOUSING

A. Representations and Commitments as Conditions.

(1) Provide a diversity of housing types to enable citizens from a wide range of economic levels and age groups to live within the BRC. This would include the provision of affordable/workforce housing at a level of ten percent (10%) of the total number of residential housing units built within the BRC. Affordable housing is defined where monthly rents or mortgage payments for housing, including taxes, insurance and utilities do not exceed thirty (30%) percent of the gross annual income of the development's very low, low, and moderate income households as defined in Rule 73-C40.048(e), F.A.C. Workforce housing is defined in Chapter 420.5095(3)(a), F.S.

(2) The County recognizes that adequate housing should be provided only when a demonstrated need for housing among various income groups is clearly identified that can be directly attributed to the development and buildout of the BRC.

(3) A "Determination of Adequate Need" for housing in the BRC shall be assessed through the completion of a reliable affordable housing market analysis which evaluates the housing demand within the BRC and researches the available adequate housing supply reasonably accessible to the BRC, which is defined as a 10 mile radius or 20 minute drive during peak hour, whichever is less,
from the BRC, but may be adjusted with the agreement of DEO and the County.

(4) The Developer commits to undertaking the “Determination of Adequate Housing Need” analysis to assess the demand, supply, and need for affordable rentals and homes based on a market housing analysis at a point in time when the BRC has reached a significant non-residential buildout stage. That threshold is defined as the time when building permits have been issued for the 1.5 millionth square foot of non-residential construction.

(5) The Developer would be required to initiate the first housing needs analysis within 6 months from the time that the analysis is triggered.

(6) The housing needs analysis would evaluate the housing demand of the BRC employee households at very low, low, and moderate household income levels, and at the option of the Developer, could evaluate the housing demand for workforce income levels, the available supply of housing that is reasonably accessible for the very low, low, and moderate household income levels and determine if there is a significant need for housing for these defined income levels. At the option of the Developer, the analysis could evaluate the available housing supply for workforce income levels that is reasonably accessible to the BRC.

(7) The SWFRPC, DEO, and the County must agree upon the methodology utilized to conduct the Determination of Adequate
Housing Need analysis. The methodology may utilize a private affordable housing market study appraiser approved by the Florida Housing Finance Corporation. The market area assessed would conform to ECFRPC model, or another methodology as approved by the review agencies and the County, which examines whether or not there is a significant housing demand for the very low, low, and moderate income groups and whether there is available adequate housing that is reasonably accessible to the BRC. At the option of the Developer, the analysis could evaluate the available housing demand and supply for workforce income levels that is reasonably accessible to the BRC.

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

(9) The Developer may choose to mitigate any significant impact identified by the analysis through a variety of options including, but not limited to: 1) incentivizing or building adequate housing onsite,
or reasonably accessible to the site; 2) payment to an affordable housing trust fund sufficient to meet the cost of rehabilitation existing or construction of new units; or 3) dedicated rent or payment subsidies to the BRC's very low, low, and moderate income employees sufficient to satisfy the adequate housing need identified for each salary range. At the option of the Developer, workforce housing may be included at no more than twenty-five (25%) percent of the required mitigation unless the housing study determines there is not a significant need for the very-low, low and moderate income households.

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

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

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

(13) The County commits that affordable housing units shall be eligible for whatever incentives and/or programs that it may establish after the actual date of offering of said unit to the public by the Developer. The County shall use its best efforts to continue to
January 28, 2014

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

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

B. Other Conditions. – None.

C. Incremental Review. – None.

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4. STORMWATER MANAGEMENT AND FLOOD PLAINS

A. Representations and Commitments as Conditions.

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

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

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

(4) Turbidity resulting from construction dewatering will be managed using structural best management practices (BMPs) prior to discharge to receiving waters. Structural BMPs may include, but are not limited to, vegetated systems, detention systems (e.g., sedimentation basins), geosynthetics, and other methods. Turbidity and other pollutants from construction dewatering on the Property will be reduced to meet the levels required by applicable State Water Quality Standards and as required by the National Pollutant
Discharge Elimination System ("NPDES") general permit for construction. Copies of any reports required by the NPDES permit will be maintained at the appropriate construction site with a copy being sent to the County Administrator or his or her designee.

(5) Clearing and grubbing will be so scheduled and performed such that grading operations can follow thereafter. Grading operations will be so scheduled and performed that permanent erosion control features can follow thereafter if conditions on the project permit, and not beyond the time limits established in the NPDES general construction permit.

(6) Exposed soils will be stabilized as soon as possible, especially slopes leading to wetlands. Stabilization methods include solid sod, seeding and mulching or hydromulching to provide a temporary or permanent grass cover.

(7) Energy dissipaters (such as rip rap, gravel beds, hay bales) shall be installed at the discharge point of pipes or swales if scouring is observed.

(8) Implementation of storm drain inlet protection (such as hay bales or gravel) to limit sedimentation within the stormwater system.

(9) The allowable discharge in a 25 year 3-day design event will be limited to the South Florida Water Management District ("SFWMD") permit for the site.
The development within the FEMA floodplain will have finished floor elevations in each development pod which exceeds the 100 year 3-day design event for the adjacent water course as calculated by the backwater profile for the respective conveyance. Compensating storage will be provided to replace lost storage as part of the SFWMD permit requirements. The SFWMD standard of head loss in a 25-year 3-day design event will be met at each water crossing.

The proposed development will be designed such that the potential for offsite flooding of other private property will be mitigated. This will primarily be accomplished by maintaining the existing conveyances without additional control structures except for restoration efforts. Water management control will be accomplished primarily by structures off-line from these conveyances. Off-site discharges onto the property will be properly routed around and through the property to maintain or lessen off-site flooding.

Open stormwater ponds will be used for the primary volume attenuation and wet detention of water quality in accordance with Best Management Practices as outlined in the current Southwest Florida Basin Rule criteria of the SFWMD for water quality improvement.

On-site wetlands within the project may be incorporated into the stormwater management system. Those wetlands outside that system will continue to store and transmit water as they do today.
except where modifications are made to facilitate hydrologic restoration.

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

(15) The low edge of pavement for local roads to be at or above the peak stage for the 5 year-1 day event. The arterials and collectors will have one lane above the 25 year-3 day event peak stage. Parking lots will be at or above the 5 year-1 day event. Minimum swale grades in urban and suburban areas will have a minimum longitudinal slope of 0.2%. Ditches may have flatter longitudinal slopes. The minimum longitudinal slope on roads with curb and gutter will be 0.3%. 
The perimeter berm elevation will be 0.3 feet above the peak stage for the 25 year-3 day event and the 100 year-1 day event.

The treatment system will provide equal or greater post development storage volume for the 100 year-3 day event than provided by predevelopment conditions.

There will be no increase in stream stage elevation offsite, except as permitted by the SFWMD.

Finish floor elevations will be at least the 100 year-3 day event peak stage plus 0.5 feet.

An Urban Water Management Plan will be developed for the site as part of the construction Environmental Resource Permit ("ERP") process and will address the handling of waste from equestrian facilities on the site. Water quality monitoring will be conducted pursuant to the Babcock Ranch Community Development of Regional Impact Environmental Methodology Supplement dated October 31, 2006.

B. Other Conditions.

All internal stormwater management lakes and ditches, and any on-site preserved/enhanced wetland areas, shall be set aside as recorded drainage and/or conservation easements granted to the SFWMD, or other appropriate governmental entity with a compliance monitoring staff. Stormwater lakes shall include adequate maintenance easements around the lakes, with access to
January 28, 2014

a paved roadway, as required by the appropriate governmental entity.

(2) Any silt barriers and any anchor soil, as well as accumulated silt, shall be removed upon completion of construction. Either the Developer or the entities responsible for the specific construction activities requiring these measures shall assume responsibility for having them removed upon completion of construction.

(3) Any shoreline banks created along the on-site stormwater management system shall include littoral zones constructed on slopes consistent with SFWMD, Florida Department of Environmental Protection ("FDEP"), and County requirements and shall be planted in native emergent or submersgent aquatic vegetation. The Developer shall ensure, by supplemental replanting as necessary, that at least 80% cover by native aquatic vegetation is established within the littoral zone planting areas for the duration of the project.

(4) The Developer shall conduct annual inspections in accordance with the conditions of the approved SFWMD ERP, of the BRC Master Stormwater Management System and any preserved/enhanced wetland areas on the project site so as to ensure that these areas are maintained in keeping with the final approved designs, and that the water management system is capable of accomplishing the level of stormwater storage and treatment for which it was intended.
(5) The Developer shall undertake a regularly scheduled vacuum sweeping of all common streets and parking areas within the Town Center and the non-residential areas of the Villages. The Developer shall encourage any private parcel owners within the Town Center and the non-residential areas of the Villages to institute regularly scheduled vacuum sweeping of their respective parking areas.

(6) Design considerations will be given to ditch and swale slopes, where practicable, so that these facilities provide some additional water quality treatment prior to discharge. Treatment swales shall be planted with vegetation as reviewed and approved during the ERP approval process, and where practicable, landscape islands shall accommodate the detention of runoff. Design consideration will be given to the use of pervious construction materials for the surfaces of trails, walkways, and non-vehicular travel ways.

(7) Any debris that may accumulate in project lakes, ditches or swales, or which may interfere with the normal flow of water through discharge structures and under drain systems, shall be cleaned from the detention/retention areas on a regular basis. Any erosion to banks shall be repaired.

(8) Grease baffles shall be inspected and cleaned and/or repaired on a regular basis. In no instance shall the period between such inspections exceed eighteen months.
Isolated wading bird "pools" shall be constructed to provide aquatic habitat for mosquito larvae predators, such as *Gambusia affinis*, and foraging areas for wading bird species, such as wood stork, consistent with SFWMD, FDEP, and County requirements.

The open drainage system will be designated to provide additional water quality treatment prior to discharge. Design elements may include rainwater gardens, treatment swales planted with native vegetation, and entrainment systems. These will be reviewed and approved during the ERP approval process.

Stormwater runoff should be minimized through a variety of techniques that may include rainwater gardens, bottomless planter boxes, green roofs and pervious surfaces, as well as rainwater harvesting techniques that may include cisterns and rain barrels.

Landscape irrigation will be provided first through the use of reuse water, where reasonably available, and surface water from lakes.

The master stormwater management system will be maintained by District or master property owners association established by covenants and restrictions on the Property.

The applicant has agreed to do a new hydrologic model of the project area to determine predevelopment flow rates for use in current and future permitting. When this work is complete it will be submitted to SFWMD for review, amendment if needed, and
approval. The SFWMD approved predevelopment flow rates will be used in future AIDA submissions.

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

The United States Army Corps of Engineers has issued Permit No. SAJ-2006-6656 (IP-MJD) to Developer in accordance with its jurisdiction over such matters and the Property. Developer will follow the authorizations and permit conditions, which is a separate and enforceable legal document in accordance with its terms. Compliance with this permit, as it may be amended from time to time, will address mitigation of certain impacts of the BRC...
development. The permit is issued under the authority of an agency other than County and, therefore, is subject to enforcement by the issuing agency. County will assist said agency, if requested, in monitoring Developer's compliance with the conditions of said permit. Developers’ successors-in-interest and assigns are hereby placed on notice of this permit and its application to development which they may propose to undertake within BRC.

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

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

C. Incremental Review.

(1) Subsection A and B above in this provision 4 (Stormwater Management) constitute the "Stormwater Plan" for BRC.
(2) The incremental review will address compliance of the increment with the Stormwater Plan and any changes to the adopted floodplain maps.

(3) The incremental review will include an assessment of any pertinent information developed pursuant to a condition of the Master DRI development order which has been developed since the Master DRI development order was issued in order to determine if that new information shows that a change in the Stormwater Plan is needed in order to provide the same level of protection, remediation, or mitigation that is contemplated in the Master DRI Development order.
5. **TRANSPORTATION**

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

B. **Conditions for Development Approval.**

(1) **Master Traffic Study**

(a) The Master Traffic Study is the analysis of the buildout of the Development Program and the horizon year traffic conditions in year 2030. It is a guide to the roadway network and improvements anticipated to be needed to support all area development including the BRC Development Program by the year 2030 and it is intended for use only with the BRC Development Program. As a long range "snapshot" of horizon year conditions, it is anticipated that the mobility network and area growth will change and be revised as the BRC develops. By way of background, the initial Master Traffic Study was prepared by the Developer ("Developer's Initial Master Traffic Study"), which was adequate for the "snapshot" purpose of the Master Development Order, recognizing that additional validation adjustments would be needed for use in Incremental Development Orders. At the time of initial approval of the Master Development Order, the Florida Department of Transportation ("FDOT") was working on a district-wide travel demand model, but it was not yet completed. On August 27, 2008, FDOT informed the
Developed, County and Lee County that the FDOT district-wide travel demand model ("FDOT D1 District-wide Model") was available for use for Babcock Ranch. FDOT, County, Lee County and the SWFRPC accepted the use of the FDOT D1 District-wide Model for Babcock Ranch, without sub-area or corridor model refinements for Increment 1-Phase 1. Recognizing that the FDOT D1 District-wide Model may require sub-area and/or corridor model refinements to be made within the transportation impact area of the BRC for Increment 1-Phase 2 and future increments, refinements, if any, will be made consistent with the procedures outlined in Chapter 4 of the FDOT Project Traffic Forecasting Handbook.

(b) The Charlotte County Babcock Ranch Overlay District (the BROD), Policy 2.5.16.5, recognizes that the BROD is a "smart growth" community and specifies that the "internal capture rate ("ICR")" for the BRC shall be maximized, with a targeted internal capture rate of between 50% - 70%. The Developer's Initial Master Traffic Study reflected the mixed-use character of the Community and consequently maximized the "internal capture" elements, resulting in a trip capture rate for the buildout of the BRC of 55% on a peak hour basis. The 2030 roadway network and candidate
roadway improvements resulting from the Developer's Initial Master Traffic Study based on that trip capture rate for the Babcock component are set forth in Exhibit F attached hereto and made a part hereof by reference. Exhibit F also identifies, under 2030 conditions and the 55% ICR, those regionally and locally significant road segments that were projected to be significantly impacted by the BRC and for which a service deficiency is also projected ("Impacted Segments"). The Developer's Initial Master Traffic Study also identified the improvements which may need to be made by 2030 under the 55% ICR to the Impacted Segments to mitigate Babcock's traffic impacts in order to maintain the adopted level of service (LOS) standards.

(c) A supplemental traffic study was also prepared for the Master Development Order by the Developer at the request of review agencies to identify the potential 2030 roadway network and candidate roadway improvements resulting from the Master DRI Traffic Study based on the initial internal capture rate of 22%, ("Supplemental Master Study"). The roadway network and candidate roadway improvements resulting from the Supplemental Master Study based on that trip capture rate also are set forth in Exhibit F attached hereto and made a part hereof by reference. Exhibit F also
identifies, under those 2030 conditions, the same information for the 22% ICR scenario as for the 55% ICR scenario, including those regionally and locally significant road segments that are projected to be significantly impacted by the BRC and for which a service deficiency is also projected ("Impacted Segments") and the improvements which may need to be made by 2030 to the Impacted Segments under a 22% ICR to mitigate Babcock's traffic impacts in order to maintain the adopted level of service (LOS) standards. The road network presented in Exhibit F is a 2030 horizon year projection that will be updated periodically as set forth below in Condition 5.B.(2) to reflect changing conditions in the area. This 22% ICR is to be used for the First Increment, including Phase 1 and Phase 2.

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

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

(2) Master Traffic Study Updates

(a) (1) The first update of the Master Traffic Study will be undertaken and submitted to County, FDOT, Department of Economic Opportunity, Division of Community Development (“DEO”), Lee County and the SWFRPC and approved prior to the submittal of Increment 1-Phase 2, or any subsequent increment, whichever occurs sooner, but in no event later than December 31, 2011 (“Initial Master Traffic Study Update”). The Initial Master Traffic Study Update shall be approved through the NOPC process as a non-substantial deviation, in accordance with Section 5.B.(2)(d), with resulting amendments, if any, to the Master Development Order to be processed as a NOPC. The Initial Master Traffic Study Update shall utilize the FDOT D1 District-wide Model, which has been accepted by FDOT, DEO, County, Lee County and the SWFRPC for use in the Master Traffic Study
Update and subsequent AIDA traffic assessments. The Master Traffic Study Update will result in a Revised Exhibit F, based upon the ICR determined pursuant to paragraph 5.B.(2)(a)(2)a., which will be used for Increment 2 and subsequent increments (the ICR for Increment 1-Phase 2 will be 22%). Coordination meetings as needed and a formal transportation methodology meeting will be held with County, Lee County, SWFRPC, FDOT, and DEO prior to the commencement of the Initial Master Traffic Study Update. The Initial Master Traffic Study Update shall consider the possibility of a new east-west transportation corridor between SR 31 and I-75, and may consider related corridor studies and interchange justification reports, as determined appropriate in the transportation methodology meeting. The FDOT D1 District-wide Model may require sub-area and/or corridor model refinements to be made within the transportation impact area of the BRC. Refinements, if any, will be made consistent with the procedures outlined in Chapter 4 of the FDOT Project Traffic Forecasting Handbook.

(2) a. Each update of the Master Traffic Study will include a reassessment of the internal capture and external trips consistent with paragraph 5.B.(2)(a)(1) above, Trip
Generation, the ITE Trip Generation Handbook, and the FDOT Site Impact Handbook, the FDOT D1 District-wide Model, as it may be adjusted pursuant to professionally accepted techniques applicable to communities of the size, location, mix of uses, and design of Babcock or other travel demand modeling techniques and data that reflect the size, location, mix of uses, and "smart growth" design of the project, and with consideration of the cumulative impacts of previously evaluated increments and monitoring data up to the point of commencement of that particular Master Traffic Study update.

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

c. Adjustments to the FDOT D1 District-wide Model in accordance with 5.B.(2)(a)(2)(a) for estimating trip capture within a large scale community like the BRC, the community capture and external trips for the BRC will be estimated using the following procedures.
(i) The total new trips generated by the BRC development as identified in the Master Traffic Study and based on accepted standard methods of calculation will be reduced as identified in the sections below.

(ii) There are standard mixed land uses (residential, office, retail) for the mixed use development concepts of the ITE Trip Generation Handbook "Mixed Use Development". For those standard land uses, and using the tract as a single TAZ, calculate, using the methods of the ITE Trip Generation Handbook "Mixed Use Development", the internal capture within the tract.

(iii) For each non-standard land use (those land uses not included in the ITE Trip Generation Handbook methodology) within each tract, create a separate TAZ for each non-standard land use. Using the FDOT D1 District-wide Model, applicable at that time, determine the trip capture for those non-standard land uses within the subject tract.
(iv) Using the FDOT D1 District-wide Model, applicable at that time, determine the trip capture between the individual tracts within the BRC.

(v) Estimate the number of pass-by trips consistent with the then most recent editions of the ITE Trip Generation Handbook, and the FDOT Site Impact Handbook. Only those retail uses which are adjacent to the primary public roadways will be eligible for external pass-by trips. Retail that is not adjacent, whether contained internally or substantially set back without direct access to the major public roadways will not be eligible for pass-by trips.

(vi) The remaining net new trips are external to the BRC and will be assigned to the regional roadway network by the FDOT D1 District-wide Model, applicable at that time.

(vii) In the alternative, Developer may use an alternative methodology for estimating internal capture rate if reviewed and approved by FDOT, County, Lee County, SWFRPC and Department of Community Affairs.
(b) (1) Due to the long term buildout of the Project (over 20 years) and potentially changing conditions in the study area, a periodic update of the Master Traffic Study is required and will use the most current, validated FDOT D1 District-wide Model in effect at the time of the commencement of the Master Traffic Study Update. After the Initial Master Traffic Study Update specified in Condition 5.B.(2)(a)(1), additional updates shall be conducted and submitted no later than five (5) years after the effective date of the most recent previous update. The Developer may update the Master Traffic Study at any time during that five (5) year period. Each updated Master Traffic Study will be a complete update similar to the original Master Traffic Study and will result in a Revised Exhibit F. The Master Traffic Study Update shall consider the possibility of a new east-west transportation corridor between SR 31 and I-75, and may consider related corridor studies and interchange justification reports, as determined appropriate in the transportation methodology meeting. A transportation methodology meeting will be held with County, Lee County, the SWFRPC, FDOT and DEO prior to the conduct of each Master Traffic Study Update.
(2) Each update of the Master Traffic Study will include a reassessment of the internal capture and external trips consistent with paragraph 5.B.(2)(a)(1) above.

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

(d) The methodology for Master Traffic Study Updates will be coordinated through the SWFRPC and include County, Lee County, FDOT and the DEO. The Master Traffic Study Update is not considered a substantial deviation pursuant to Chapter 380.06 (19) and will be submitted for approval through the NOPC process. Any amendments to the Master Development Order resulting from a Master Traffic Study Update shall be processed as a NOPC. The Master Traffic Study Update process will consist of the following steps and timeframes:
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(i) Initial informal coordination meeting to discuss and establish the appropriate methodology, between the Developer and SWFRPC, County, Lee County, FDOT and DEO.

(ii) Submittal of proposed methodology by the Developer to the SWFRPC not less than 14 days in advance of the formal methodology meeting for distribution to the State and Regional review agencies.

(iii) Formal methodology meeting between the Developer and the State and Regional review agencies coordinated by the SWFRPC.

(iv) SWFRPC, within 35 days of the conclusion of the formal methodology meeting(s), will document the findings and agreements made by the participants including a summary of all assumptions agreed upon at the meeting.

(v) SWFRPC shall allow State and Regional review agencies not less than 14 days to agree or disagree in writing with the meeting summary.

(vi) If agreement cannot be reached with all the State and Regional Review agencies, the SWFRPC will designate a methodology in writing to be used by the Developer.
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(vii) The Developer shall submit for approval the Master Traffic Study Update and revised MDO Exhibit F to the SWFRPC through the NOPC process, which shall not be considered a substantial deviation, for distribution to the Regional Review Agencies.

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

(3) **Biennial Monitoring Program**

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

(a) 2-hour AM peak hour and 4-hour PM peak hour turning movement counts and 72-hour machine traffic counts at the BRC's access points onto the external public road network.
external to the Property; the 72 hour traffic counts will be
derived from the permanent traffic counters installed at
Babcock's ingress/egress points as described in Condition
5.B.(7) below.

(b) A comparison of the field-measured Project external trips to
the Project's external trips estimated in the AMDA and the
Incremental traffic study.

(c) The level of service of all access points between the Project
and the external road network.

(d) A summary of construction and development activities to
date, using the categories of the Master Development
Program.

(e) An estimate of the level of development expected to be
added by the Project for the forthcoming year.

(f) The status of the mobility improvements required by any
prior Incremental development program.

(g) The status of mobility improvements identified as committed
in the Master Traffic Study or Incremental traffic studies.

(h) An estimate of the construction traffic at the Project's access
points onto the public roadway network external to the
Property.

(4) The Developer shall promote efficient pedestrian and bicycle
movement within and between the development's components and
to adjacent properties. The Developer shall link the uses and subdivisions, hamlets, town centers and free standing facilities through a series of sidewalks, bike paths, walking trails and internal roadways of various functional classifications. The Developer shall promote transit service through the inclusion of bus stops or other appropriate transit access points in site design, consistent with the County and Lee County Comprehensive Plans and transit plans, if any. The location of bus stops and transit access points shall be planned and integrated with the BRC bicycle and pedestrian plan.

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

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

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

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

(8) Developer shall provide sufficient queuing lanes and turn lanes
along State Road 31 to manage construction traffic in a manner
which does not cause substantial delays to other traffic on State
Road 31. County and FDOT shall review and approve, the timing
of said improvements (which are to be in place concurrent with construction traffic), the locations, dimensions, and configurations in accordance with County and FDOT standards of said construction traffic queuing and turn lanes.

C. Incremental Review.

(1) Incremental Review Analyses.

Development within the BRC, as identified in the AMDA, will undergo a traffic review through an incremental process with traffic studies prepared for each Increment. A transportation methodology meeting will be held with County, Lee County, FDOT, DEO, and the SWFRPC prior to initiating this study. This will allow the study to address specific issues that may be related to any particular Increment. Each Incremental Traffic Study, other than the traffic studies for Increment 1, will establish the trip capture rate for that Increment consistent with Condition 5.B.(2) which will determine the maximum number of PM peak hour trips external to the Property for that Incremental development program. Professionally accepted techniques and data, including FDOT’s then current Site Impact Handbook (or its equivalent) and the then current Subdivision Traffic Study Guidelines for County may be considered in establishing the methodologies for the Incremental studies. If agreement cannot be reached with all the State and Regional Review agencies, the SWFRPC will designate a methodology in writing to be used by the Developer.
As a part of this effort, a traffic study will be prepared in support of that Increment. The Project’s trip capture rate, estimated number of external PM peak hour trips, traffic impacts, proportionate share of needed improvements, pipelining of the proportionate share, and mitigation will be established for each Increment. A traffic study will be prepared for each Incremental level of development. The traffic study in support of each Increment will estimate the trips external to the Property for that Incremental development program and will include the following:

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

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

(c) Identification of roadway and intersection improvements needed to support that level of development and all area growth coincident with buildout of that Incremental development program at the BRC for the AMDA significant impact area per the 22% ICR portions of Exhibit “F” hereto until such time as Exhibit “F” hereto is amended.
Identification of the Project's proportionate share of those needed roadway and intersection improvements. Proportionate share mitigation shall be limited to insure that if Babcock meets the requirements of Section 163.3180, F.S., it shall not be responsible for the additional cost of reducing or eliminating backlogs. The project's proportionate share shall be directed (i.e. "pipelined") to one or more mobility improvements that benefit a regionally significant transportation facility. The funding of one or more required mobility improvements that will benefit a regionally significant transportation facility consistent with Section 163.3180(12), F.S., satisfies concurrency requirements as mitigation of Babcock's impact upon the overall transportation system even if there remains a failure of concurrency on other impacted facilities.

Identification of the Project's traffic mitigation conditions to address its proportionate share of needed mobility improvements and any pipelining of that proportionate share, but not including mitigation for backlogged conditions. Mitigation for impacts to facilities on the State Strategic Intermodal System shall be made after consultation with and with the concurrence of FDOT. Traffic mitigation conditions would include, but not be limited to, commitments to
construct or pay for certain mobility improvements, provision of right-of-way, provision of design plans in support of improvements, cash payments to County or applicable maintenance agency and/or combinations of the above, and a mitigation payment schedule.

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

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

(h) The development approved in each Increment will be vested for traffic concurrency purposes through the scheduled
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payment of its mitigation requirements (proportionate share) for mobility improvements. The payment schedule and the details of that payment schedule must be established in an enforceable agreement with County or the applicable maintenance agency.

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

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

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

(a) Review the requested approval to verify that the development parameters of the requested approval, when combined with the parameters of any other requested approval already reviewed and approved within the Increment and reflective of any land use conversions, are consistent with the level of development evaluated during the Incremental traffic study.
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(b) Review of the requested approval to verify that the projected external trips of the requested approval, when combined with the estimated external trips of any other requested approval already reviewed and approved within the Increment and reflective of any land use conversions, does not exceed the external trips evaluated during the Incremental traffic study.

(c) Review of the requested approval’s access points onto the public roadway network external to the Property to determine if: 1) the proposed access points are consistent with the access established in the Master AMDA, AIDA, and/or public access management standards; 2) the access point intersection will operate at acceptable levels of service coincident with the buildout of the requested approval; 3) identify needed improvements, including signalization, at the access point intersections to maintain acceptable levels of service; and 4) identify the estimated turn lane storage lengths for the needed turn lanes at the access point intersections.

(3) The Developer may, at its sole discretion, determine the size, boundaries, land uses, timing, and termination of each Increment. The Developer may file one or more AIDA’s for concurrent, overlapping, or sequential increments. Provided, however, the
entire project as reflected in this Master DRI development order may not be submitted in only one increment, and any one filing of one or more AIDA's will not include cumulatively among the filing more than fifty percent (50%) of the entire Master DRI Development Program.

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

(b) The Developer may also utilize proportionate fair-share mitigation, consistent with Section 163.3180(16), which may be directed toward one or more specific transportation
improvements reasonably related to the mobility demands created by the development and such improvements may address one or more modes of travel. Proportionate fair-share mitigation shall be limited to ensure that a development meeting the requirements of Section 163.3180(16), Florida Statutes, mitigates its impact on the transportation system but is not responsible for the additional cost of reducing or eliminating backlogs. The funding of any improvements that significantly benefit the impacted transportation system satisfies concurrency requirements as a mitigation of the development’s impact upon the overall transportation system even if there remains a failure of concurrency on other impacted facilities.

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

(6) Incremental Biennial Monitoring Controls.

(a) If the biennial traffic monitoring report for any two year period reveals that the Project’s field measured external trips generated by occupied land uses is 80% or more of the maximum number of external PM peak hour trips for the completed increment(s) and the approved, but uncompleted, Increments and the occupied land uses are less than 50% of
the development program approved for approved, but
uncompleted, Increment(s), the Developer shall, within 90
days of the date of the biennial traffic monitoring report, meet
with County Public Works to determine if the most recently
approved Incremental traffic study must be updated. If an
updated traffic study is required, then an updated list of
significantly and adversely impacted road segments and
corresponding adjustments in the Increment's proportionate
share which are needed to complete the most recently
approved Increment will be identified in that updated study.

(b) If the biennial traffic monitoring report for any two year period
reveals that the Project's field measured external trips
generated by occupied land uses exceed the maximum
number of external PM peak hour trips for the completed
Increment(s) and the approved, but uncompleted,
Increment(s), the most recently approved Incremental traffic
study will be updated within 120 days of the date of the
biennial traffic monitoring report. For that most recently
approved Increment, this may result in an updated list of
significantly and adversely impacted road segments and a
corresponding adjustment in the Increment's proportionate
share with the additional proportionate share being directed
to one or more mobility improvements as set in Condition 5.C.(4).

(c) Alternatively, if the Project's field measured external trips exceed the maximum number of external PM peak hour trips for the completed Increment(s) and the approved, but uncompleted, Increment(s), the Developer may declare the most recently approved increment to be complete in terms of external trips and development program and may submit a new AIDA and Incremental traffic study which may include land area not used in the Increment deemed complete.

(d) If the biennial traffic monitoring report reveals that the Project's field measured external trips generated by occupied land uses exceeds the maximum number of trips from the completed Incremental and the approved, but uncompleted, Incremental development program(s) by the thresholds identified in Section 380.06(19), Florida Statutes, then the provisions regarding substantial deviations will take effect.

(e) If, at the buildout or completion of an Increment, the measured external trips are less than the maximum number of external trips established for the Increment, then the difference in the proportionate share represented by the difference in those external trips will be credited against the
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proportionate share projected to be produced by the next
subsequent Increment(s).

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

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

(7) Notice of Lee Road Agreement.

Developer and Lee County entered into the Babcock Ranch Community
Road Planning Agreement Regarding The Charlotte County Babcock
Ranch Overlay District Amendment on May 23, 2006 ("Lee Road
Agreement"). The Lee Road Agreement relates to the mitigation of
impacts from BRC on Lee County roads. The Lee Road Agreement sets
forth various obligations of the parties to the Lee Road Agreement, and is
enforceable by its own terms and not pursuant to this Development Order.
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Developer's successors-in-interest and assigns are hereby placed on notice of the Lee Road Agreement and its potential application to development which they may propose to undertake within BRC. A copy of said Agreement shall be made available by Developer upon request of such successors-in-interest and assigns, and a copy shall be on file with the Clerk of the County Commission.

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

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

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

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

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

4. Internal roadways will be used to inter-connect separate development pods and will be constructed with wildlife crossings in areas where they cross wildlife corridors. The designs, sizes, and locations of these crossings will be coordinated with County and coordinated and approved by staff from the Florida Fish and Wildlife Conservation Commission (FWC) and the US Fish and Wildlife Service. Internal roadways may be constructed across and through primary flow-ways, as long as the hydrological and wildlife corridor functions are maintained through the crossings. The number of such roadways, not including pedestrian boardwalks and bike, electronic cart, hiking, and equestrian trails (paved or
otherwise), shall be the minimum necessary for safe and efficient public accessibility between development pods.

(5) Roadway layouts in the wildlife corridors will be designed to reduce traffic speeds and minimize the risk of vehicle/wildlife collisions. Traffic calming devices will be employed where appropriate, but will not serve as a substitute for wildlife under crossings or over crossings.

(6) Littoral shelves will be constructed within lake systems and will provide additional foraging areas for wildlife. Littoral shelves will be provided along a minimum of ten percent (10%) of the length of the shoreline of each such lake. Littoral shelves will be designed to mimic the functions of natural systems by establishing shorelines that are sinuous in configuration in order to provide increased length and diversity of the littoral zone. Where appropriate, specific littoral shelf planting areas will be established to provide feeding areas for water dependent avian species. Developer will ensure that recorded restrictions on the Property prohibit the removal of littoral shelf plants, unless replaced with similar plants.

(7) Site lighting standards will be modeled after the International Dark-Sky Association or similar guidelines. Street lighting will use mechanisms to reduce light pollution such as full shield cut-offs to prohibit light from shining upward, low intensity lighting and other acceptable techniques. Greenways, conservation areas and
undeveloped areas bordering these areas where there are unpaved
trails will be unlit, or lit to the extent necessary for safety reasons
only during periods of designated use.

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

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

(11) Freshwater marsh creation areas will be over excavated and backfilled to final grade with organic soils. Tree, shrub, and prairie planting areas will have topsoil furloughed from the grading area or organic mulch added to achieve final grade.

(12) Two hydrologic improvement projects are proposed, one in Curry Canal and one on the west side of Telegraph Swamp and southeast of Hamlet II. At a minimum, each project will have new or modified water control structure(s).

(13) The Developer has prepared an environmental sustainability plan for the Property which calls for protecting environmentally sensitive wetlands and uplands areas, providing for mitigation of certain disturbed areas, enhancing preservation areas, preserving agricultural areas, establishing Greenways and public recreation and environmental education programs. As part of the Developer’s implementation plan, the Developer will utilize conservation
easements as set forth below. Areas in the Developer's plan identified for mitigation will be included in the ERP for placement under a conservation easement. Wetland Areas in the Developer's plan which are not impacted by the project will be protected by a conservation easement. Existing agricultural uses located within the project but which are outside of the development areas shown on Map H will be placed under a conservation easement which will allow for the continuance of agricultural operations. The upland enhancement and preservation areas identified in the Developer's plan will be placed under conservation easements. Acreages referenced in the Developer's plan are subject to change based on future permitting considerations. All required easements will be granted to the SFWMD or other appropriate governmental entity with a compliance monitoring staff. Easements not required by a condition of an environmental permit may be granted to an appropriate governmental entity or to a non-profit charitable entity that exists for the purpose of holding land for conservation purposes with a compliance monitoring staff. The recording of the conservation easements will be phased concurrent with various AIDA's, construction, and plat approvals.

(14) (a) To the maximum extent reasonably practicable, above-ground and underground utility lines (e.g., water, sewer, electric, gas, telephone, cable, electronic, etc.) will be
located within or adjacent to roadway corridors on the Property. Where this is not practicable, Developer shall consult with County and the pertinent utility to establish a location which minimizes to the maximum degree reasonably practicable impacts on upland enhancement and preservation areas.

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

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

(15) BRC greenways will be maintained in their natural state and kept free of refuse and debris. Category I exotic plant pests as defined by the Florida Exotic Pest Plant Council (EPPC) and as set forth in Exhibit “E” attached hereto and made a part hereof will be controlled to ninety-five percent (95%) occurrence (except for torpedo grass, Panicum repens, and cogon grass, Imperata cylindrica, that will be controlled to a ninety percent (90%) occurrence) in non-agricultural greenway areas. Category II pest
plants, as set forth in Exhibit "E" hereto, and other plants reaching a
problematic, invasive level will also be controlled to reasonable and
achievable levels in non-agricultural greenway areas. Maintenance
of these preserve areas will be conducted in perpetuity consistent
with state, local, and federal government environmental permit
approvals.

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

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

B. Other Conditions.

(1) Integrated Pest Management ("IPM") will be utilized in BRC. IPM
will involve the monitoring of sites for pest related problems,
determining when a problem needs attention and taking appropriate
action with the least amount of environmental impact. IPM will
maximize the use of biological controls (i.e., bat houses, etc.),
organic pest control methods, insecticidal soaps, and fish oils
beneficial to lowering the environmental impact of pest control. Property and homeowner education will also be an IPM component within the Community.

(2) All USFWS and FWC threatened and endangered species management plans ("T&E Plans") for the documented listed species including Florida panther (Puma concolor coryi) (E), wood stork (Mycteria americana) (E), beautiful pawpaw (Deeringothamnus pulchellus) (E), Florida sandhill crane (Grus canaden sis pratensis) (T), Eastern indigo snake (Drymarchon corais couperi) (T), little blue heron (Egretta caerulea) (SSC), snowy egret (Egretta thula) (SSC), tricolored heron (Egretta tricolor) (SSC), white ibis (Eudocimus albus) (SSC), gopher tortoise (Gopherus polyphemus) (T), American alligator (Alligator mississippiensis) (SSC), Audubon's crested caracara (Polyborus plancus audubonii) (T), roseate spoonbill (Platalea ajaja) (SSC), Sherman's fox squirrel (Sciurus niger shermani) (SSC) and Florida burrowing owl (Athene cunicularia floridana) (SSC) approved at the time of issuance of this Development Order are incorporated by reference herein and made a part hereof. Any additional species which are listed after the issuance of this Development Order and which are documented in an AIDA shall have a T&E Plan developed and approved by USFWS and FWC and said plan shall
be incorporated by reference as a condition of the particular
incremental development order.

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

(4) The United States Army Corps of Engineers issued Permit Number
SAJ-1992-264(NW-TWM) on May 22, 2006, which includes certain
authorizations and permit conditions, in accordance with its
jurisdiction over such matters and the Property. Developer has
committed to follow this permit and its conditions, which is a
separate and enforceable legal document in accordance with its
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Compliance with this permit, as it may be amended from time to time, addresses mitigation of certain impacts of the BRC development. The permit is issued under the authority of an agency other than County and, therefore, is subject to enforcement by the issuing agency. County will assist said agency, if requested, in monitoring Developer’s compliance with the conditions of said permit. Developers’ successors-in-interest and assigns are hereby placed on notice of this permit and its application to development which they may propose to undertake within BRC.

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

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

C. Incremental Review.

(1) The threatened and endangered species management plan ("T&E
Plan") is that plan for threatened and endangered species provided
for in the ERP and United States Army Corps of Engineers Permit
("ACOEP") for Babcock Charlotte.

(2) The incremental review will address compliance of the increment
with the T&E Plan. It will also address the detailed plan to protect
any wetlands in the increment or to mitigate for proposed impacts on such wetlands. Upland habitats of threatened and endangered species (not including species addressed in the Biological Opinion of the U.S. Fish and Wildlife Service for Babcock Charlotte) which are not addressed by the T&E Plan shall also be addressed in the AIDA to maintain such habitats to the extent practicable with the development planned for those areas, or to relocate affected listed species to other appropriate habitat.

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

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

(a) Greenway acreage not under conservation easements

   (i) agricultural lands

   (ii) non-agricultural lands

(b) Greenway acreage under conservation easements
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(i)  wetland conservation
(ii) wetland enhancement
(iii) upland conservation
(iv) agriculture

(5) Each AIDA shall identify any conservation easements over
wetlands and uplands which have been delivered.

(6) Each AIDA shall include a copy of any wildlife survey which has
been conducted pursuant to an ERP or ACOEP since the last AIDA
was filed.

(7) Each AIDA shall provide an updated Greenway Map.

(8) Each AIDA including roadway within a wildlife corridor will detail the
roadway design features to be employed with regard to surface
material, lighting, signage, access, and speed limits. The existing
unpaved North/South road corridor located along the east Property
line may serve as a transportation, pedestrian, and utility (e.g.
wells, lift stations, transformers, pump stations, associated lines
and infrastructure for water, wastewater, gas, electric, cable,
electronic, etc.) corridor consisting of not more than 120 feet in
width with a maximum speed limit of 20mph. The existing
North/South road shall not be modified beyond its current existing
maximum width, nor paved, unless such modification has been
considered in an AIDA review and approved in an Incremental
development order, or has been reviewed and approved pursuant
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to a Notification of Proposed Change ("NOPC") to a development order.

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WASTEWATER MANAGEMENT AND WATER SUPPLY

A. Representations and Commitments as Conditions

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

   Toilets: 1.6 gallons per flush
   Shower heads: 2.5 gallons per minute
   Faucets: 2.0 gallons per minute

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

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

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

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

6. Reuse Water: Irrigation water will utilize reclaimed water produced by the water reclamation facility. During times when irrigation
demand exceeds reclaimed water supply, irrigation water will be
derived from the on-site lake system. The lake system will be
replenished with ground water.

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

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

(9) **Fertilization Program:** Written fertilization guidelines will be
developed that establish standards for all common area fertilization
and guidelines for individual property owners. The guidelines will
comply with SWFRPC Resolution 2007-1 to the extent adopted by
County and as it may be modified by County from time to time,
except that reuse irrigation water may be applied within 25 feet of a
wetland or water body. The program will be based on the results of
soil samples, water sources, drainage patterns, and the landscape
planned. This program will be designed to provide sufficient
nutrition to sustain density and vigor for the landscape plantings
intended for the Community that will enhance their resistance to
disease, weeds, and insects. Education of residents and
landscape maintenance contractors will be included in the program.
The program standards will include an annual schedule for
applications of controlled release and slow release fertilizers. The
program will also identify appropriate buffer requirements for all
areas on the site with respect to wetlands and all natural or created
bodies of water. The above fertilization program does not eliminate
the requirement of compliance with any County fertilizer ordinance.

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

(11) On-site wastewater treatment systems may be utilized at selected
locations such as construction trailers, sales centers, and other
non-residential facilities where centralized sewer is not currently
available. Each of these non-permanent systems must be licensed as in paragraph (10) above and may continue to be used for five (5) years from the date of installation of each system and thereafter must be abandoned in accordance with state and County regulations. Notwithstanding the foregoing, models, sales centers and associated construction trailers may be extended on an annual basis as needed and such consent by County shall not be unreasonably withheld.

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

B. **Other Conditions.**

(1) The proposed water treatment and distribution and wastewater collection and treatment systems will be designed consistent with current County standards.

(2) All potable water facilities, including any possible on-site potable water treatment plants, will be properly sized to supply average and peak day domestic demand, in addition to fire flow demand, at a flow rate approved by the County Fire Department.

(3) The lowest quality of water available and acceptable should be utilized for all non-potable water uses.
(4) Irrigation systems for new construction will comply with County's irrigation and landscaping ordinance, as may be amended from time to time.

(5) Town and Country Utilities Company or its successor or assigns will provide water, wastewater, and reclaimed water to BRC.

(6) SFWMD issued Permit Number 08-00122 W, in October 2007, which includes certain authorizations and permit conditions, in accordance with its jurisdiction over such matters and the Property. Developer has committed to follow this permit and its conditions, which is a separate and enforceable legal document in accordance with its terms. Compliance with this permit, as it may be amended from time to time, addresses mitigation of certain impacts of the BRC development. Such permit is issued under the authority of an agency other than County and, therefore, shall be subject to enforcement by the issuing agency. County will assist said agency, if requested, in monitoring Developer's compliance with the conditions of said permit. Developers' successors-in-interest and assigns are hereby placed on notice of this permit and its potential application to development which they may propose to undertake within BRC.

(7) Developer may apply for a permit(s) from the SFWMD for non-potable (landscape irrigation) withdrawals, in accordance with its jurisdiction over such matters and the Property. Upon issuance,
Developer will follow the authorizations and permit conditions, which will be a separate and enforceable legal document in accordance with its terms. Compliance with this permit, as it may be amended from time to time, will address mitigation of certain impacts of BRC development. Such permit will be issued under the authority of an agency other than County and, therefore, shall be subject to enforcement by the issuing agency. County will assist said agency, if requested, in monitoring Developer's compliance with the conditions of said permit. Developers' successors-in-interest and assigns are hereby placed on notice of this permit application and its potential application to development which they may propose to undertake within BRC.

C. Incremental Review.

(1) The AIDA which includes the North Babcock Area shall identify the water and wastewater treatment option(s) which will be employed in the North Babcock Area.

(2) Each AIDA shall include an updated Primary Utility Corridor map.

(3) Each AIDA shall identify the source of water for the Increment and the service provider.

(4) Each AIDA shall identify the service provider and the type(s) of wastewater treatment system(s) to be used in the Increment and their duration(s) of use.
A centralized wastewater treatment system, in the form of package plants, shall be limited to 1.5 MGD (not including wastewater treatment options[s] which will be employed in the North Babcock Area).

Package plants shall be bonded to ensure that planned conversion to a permanent centralized wastewater treatment system will be funded. Prior to approval of the applicable Incremental development order, County and Developer shall devise a methodology to determine bonding requirements to maintain and operate the package plants in the event of abandonment, which shall include a bond amount based upon the differential between the anticipated revenue generated from the then current County utility rates and the anticipated cost to operate and maintain said package plants for fifteen (15) years from the date of construction. Such bond shall be released upon the construction of the permanent centralized wastewater system discussed below.

During the appropriate Increment, Developer shall submit plans for the permanent centralized water and/or wastewater treatment plants or portions thereof (not including the package plants provided above) to County. County shall have thirty (30) days to review said plans for compliance with County standards and to provide comment on the plans compliance with County standards to Developer. Developer shall have thirty (30) days to review and
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respond to County’s comments. County shall then have thirty (30) days to review Developer’s comments and to provide Developer with any additional comments regarding the plans compliance with County standards.

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8. HISTORICAL AND ARCHEOLOGICAL SITES

A. Representations and Commitments as Conditions - No relevant provisions.

B. Other Conditions.

(1) A Cultural Resources Survey was prepared and approved by the Florida Department of State, Division of Historical Resources ("DHR"). No cultural resources eligible for listing on the National Register of Historic Places were identified within the BRC, and the development is unlikely to affect historic properties. If any archaeological/historical resources are discovered during the development activities, all work that might cause damage to such resources shall cease immediately, and the Developer shall contact the DHR, SWFRPC, and County so that a state-certified archaeologist can determine the significance of the findings and recommend appropriate preservation and mitigation actions, as necessary.

(2) When County establishes a local register of historical sites, any sites in BRC which qualify for listing on the local register will be listed. Any protection of such resources will be subject to agreement between Developer and County.

(3) By the end of the second DRI Increment, Developer will establish a permanent display of the history of the Babcock Ranch, including but not limited to the railroad and telegraph facilities.
C. **Incremental Review.** – None.

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9. **EDUCATION**

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

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

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

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

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10. POLICE AND FIRE

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

(1) District shall construct the shells of the law enforcement and fire/rescue buildings. The term "shell" means site preparation, foundations, laying of all utilities, exterior building structural components (including all exterior windows and doors), interior unfinished load-bearing walls and floors, stairs, elevators, and general building MEPF (mechanical, electrical, plumbing, and fire) systems, but not including MEPF systems specific to a floor plan layout. The building shells may be constructed in phases. The building shells shall be completed by District and turned over to County on the schedule set forth in Exhibit "D" attached hereto.

Until the turnover to County, District shall be responsible for maintenance of the building shells and the associated building landscaping and any costs of operations elected by District to be incurred prior to said turnover(s). If the District elects to operate any such buildings prior to turnover to County, County will consider an operational contract with District. The Developer or District shall be reimbursed from the impact fees, but only up to the amount of the impact fees collected from the Development (not including any interest earned by County), for the design and construction costs of those buildings and the costs of all associated infrastructure; i.e., water, sewer, paving, drainage, landscaping, lighting, signage, etc.
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(collectively the "Costs"), but not for the sites. District shall be reimbursed by County from funds other than impact fees collected from the Development for the Costs of any portion of a building requested by County which is in excess of that required by County standards to satisfy the demand for the building created by the Development Program.

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

B. Other Conditions.

(1) The fire flows required for the BRC will be provided. Adequate system storage and pumping capacity will be installed to provide the required flows. Distribution system pipes will be sized to deliver the fire flows to the buildings to meet the requirements of the National Fire Protection Association.

(2) As the development of the project progresses, the Developer will coordinate with the Sheriff's Office prior to or during site plan review regarding security measures and features that will likely deter criminal activity in the BRC.

(3) Four sites totaling 10.25 acres will be dedicated for police and/or fire rescue operations and for a communications tower. Site acreages are net developable acres exclusive of jurisdictional
wetlands and listed species habitat areas. The Sheriff’s facility will be co-located within a central fire/rescue building on a 5.75 acre site along with the fire and police communications tower on that site. Any additional acres requested by County for such operations will be subject to payment by County pursuant to a purchase contract negotiated between Developer and County.

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

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

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

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

(8) Babcock is intended to be a “Firewise” community and will employ “Firewise” principles where appropriate. The County’s Office of Emergency Management will cooperate with and assist the District in this endeavor.
C. Incremental Review.

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

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11. **SOLID/HAZARDOUS/MEDICAL WASTE**

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

B. **Other Conditions.**

1. The project shall be bound by all applicable recycling requirements in effect in the County at the time of the development, and all solid waste shall be disposed of by a waste hauler licensed by the State of Florida.

2. Any buildings where hazardous materials, or waste, is to be used, displayed, handled, generated or stored shall be constructed with impervious floors with adequate floor drains leading to separate impervious holding facilities that are adequate to contain and safely facilitate cleanups of any spill, leakage, or contaminated water.

3. Discharge of hazardous waste effluent into the sewage system shall be prohibited unless approved by permit issued by FDEP. There shall be no discharge of hazardous waste or of medical wastes from medical facilities into septic tanks.

4. Any business within the BRC that generates hazardous waste will be responsible for the temporary storage, siting and proper disposal of the hazardous waste generated by such business. However, there will be no siting of hazardous waste storage facilities contrary to the County zoning regulations. There shall be no disposal of hazardous waste within the BRC.
(5) Any off-site disposal of hazardous waste will be the responsibility of the business that has generated the hazardous waste subject to all applicable local, state, and federal regulations.

(6) Restaurant operators will be required to comply with the County’s grease trap ordinance that requires routine maintenance of the grease removal system.

(7) The responsibility for disposing of medical and hazardous waste lies with the waste generator in accordance with local, state and federal law.

(8) Any commercial operations that routinely handle extremely hazardous chemicals (such as the water and wastewater treatment facilities, hospitals and golf courses) will be required to comply with OSHA and NFPA fire and life safety requirements as well as all other local, state, and federal requirements.

(9) Natural gas is identified as a source of energy for the development. The Developer will meet with the Charlotte County Fire & Emergency Medical Services Department to advise it of the location of gas lines prior to installing such lines.

(10) All grease traps will be required to comply with local and state codes. The wastewater from these grease traps will be sent to a centrally located wastewater treatment facility, designed to comply with the applicable effluent quality requirements. The captured grease will be hauled off by a licensed hauler.
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C. **Incremental Review.**

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

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12. **AIR**

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

Dust prevention on development sites will employ wet or other suppression options consistent with applicable NPDES requirements. Unpaved roads will be watered as needed. Paving of roads will be performed as early in the construction schedule as is reasonably possible.

B. **Other Conditions.**

BRC shall comply with any applicable FDEP regulations regarding air quality.

C. **Incremental Review.** – None.

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13. **HURRICANE PREPAREDNESS**

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

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

B. **Other Conditions.**

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

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

C. **Incremental Review.** -- None.

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

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

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

2. BRC will provide 19.5 acres of mini-parks, 58.4 acres of neighborhood parks, and 177.9 acres of community/regional parks, totaling 255.8 acres, as well as other open space areas within neighborhoods, which will exceed the expected demand created by BRC. As set forth on Exhibit “D” attached hereto, the community and regional park buildings and parks site improvements are required by the issuance of the 5,900th dwelling unit certificate of occupancy. Each neighborhood park with pavilion and restrooms will be required by the issuance of the 500th dwelling unit certificate of occupancy within each of the neighborhoods.
(3) One site totaling 15 acres will be dedicated for a library. Site acreage is net developable acres exclusive of jurisdictional wetlands and listed species habitat. Developer shall be required to fund the construction of a 24,000 square foot library shell building. The County may desire to construct a library facility totaling 40,000 square feet. The County and the Developer agree to cooperate with respect to the design, construction and funding of this library facility. Developer shall fund the library shell building costs for 24,000 square feet and the County shall fund the construction of the library shell building costs for 16,000 square feet, in addition to the construction completion of the library facility herein. Phase I of the library to be provided by the issuance of the 10,000th dwelling unit certificate of occupancy, and Phase II of the library to be provided by the issuance of the 15,000th dwelling unit certificate of occupancy as shown on the schedule in Exhibit "D".

(4) The parks and library sites shall be conveyed with exotic pest plants removed and infrastructure provided.

(5) District shall construct the shells of the public purpose buildings (including park and library facilities). The term "shell" means site preparation, foundations, laying of all utilities, exterior building structural components (including all exterior windows and doors), interior unfinished load-bearing walls and floors, stairs, elevators, and general building MEPF (mechanical, electrical, plumbing, and
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fire) systems, but not including MEPF systems specific to a floor
plan layout. The building shells shall be completed by District and
turned over to County on the schedule shown on Exhibit "D"
attached hereto. Until the turnover to County, District shall be
responsible for maintenance of the building shells and the
associated building landscaping and any costs of operations
elected by District to be incurred prior to said turnover(s). If the
District elects to operate any such buildings prior to turnover to
County, County will consider an operational contract with District.
The Developer or District shall be reimbursed from the impact fees,
but only up to the amount of the impact fees collected from the
Development (not including any interest earned by County), for the
design, construction, and permitting costs of those buildings and
the costs of all associated infrastructure; i.e., water, sewer, paving,
drainage, landscaping, lighting, signage, etc. (collectively the
"Costs"), but not for the sites. District shall be reimbursed by
County from funds other than impact fees collected from the
Development for the Costs of any portion of a building requested by
County which is in excess of that required by County standards to
satisfy the demand for the building created by the Development
Program.

(6) District or Developer shall prepare the master plans for the park
sites in consultation with County and at no cost to the County. The
County shall participate with the design team in development of the master plans.

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

B. Other Conditions.

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

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

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

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

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

(v) Plant material used for landscaping must conform to the standards for Florida Number 1, or better as given in Grades and Standards for Nursery Plants (1998 or latest), and Grades and Standards for Nursery Plants Florida
Department of Agriculture and Consumer Services,
Tallahassee, Florida.

(2) General agricultural operations may be conducted in accord with
the Land Development Code.

(3) The mining lake located immediately west of the northernmost
Major Park shown on Map H will be reclaimed in accordance with
the approved Reclamation Plan and the County permit upon the
cessation of mining in the lake and will be incorporated into the plan
for said park (although remaining in District ownership) for park
uses, subject to restrictions and requirements of SFWMD and/or
other governing agencies, and will be connected to the Greenway.

(4) The parks and library buildings shall be completed, staffed, and
opened by County on the schedule shown on Exhibit “D” attached
hereto.

(5) Public facilities such as parks, libraries and community centers will
be co-located with schools to the extent reasonably practicable.
Elementary schools will be encouraged as focal points for
neighborhoods.

(6) All parks and library impact fees collected from the Development
(not including any interest earned by County) shall be provided to
District in the form of reimbursements.
January 28, 2014

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

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

C. Incremental Review.

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

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

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January 28, 2014

15. **HOSPITALS AND HEALTHCARE**

A. **Representations and Commitments as Conditions.** - None.

B. **Other Conditions.**

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

C. **Incremental Review.**

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

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16. **ENERGY**

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

(1) All community recreational facilities and businesses will be encouraged to have bicycle parking facilities located closer to the building entrances than non-handicapped parking spaces.

(2) Developer will evaluate internal transit options, and will implement options determined by the evaluation to be economically viable.

(3) Window design, as well as other design features such as building orientation, solar roof access, overhangs, shading through landscape or interior shades, porches, free standing walls, fences, louvers, awnings, or shutters will be considered to optimize energy efficiency.

(4) The material choices for streets, parking lots, sidewalks, and the trail system shall be selected to encourage the reduction of the heat island effect. Alternatives to impervious pavement, and the use of open areas, landscaping and shade trees will be an integral component of the design.

(5) Lighting for streets, parking, recreation and other public areas should include energy efficient fluorescent/electronic ballasts, photovoltaics, low voltage lighting, motion sensors and/or timers on lighting and full cut-off luminaries in fixtures that comply with the International Dark-Sky Association standards.
Water closets will have a maximum water usage of 1.6 gallons/flush. Showerheads and faucets will have a maximum flow rate of 2.5 gallons/minute at 80 psi water pressure. Faucet aerators will limit flow rates to 0.5 gallons per minute.

A primarily native plant pallet to reduce water consumption throughout the community will be used as referenced in Section 14, Open Space, Parks and Library, above. Additionally, Developer will strive to use innovative irrigation technology, such as drip irrigation, moisture sensors, and micro spray heads to reduce irrigation water use.

All recreational areas as well as the integrated sidewalks, trails, and paths shall include shade trees where design allows.

### B. Other Conditions


2. Site development shall comply with the Florida Green Building Coalition Certification Standards or equivalent green building standards.

3. One Zero Energy Home ("ZEH") model will be built to feature and promote net zero energy efficient housing.

4. The Developer shall allow potential home buyers to select photovoltaic systems, solar hot water heaters, and other alternative
energy or energy efficient features as an option that is clearly listed
in marketing materials.

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

C. **Incremental Review.** -- None.

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17. **MINING OPERATIONS**

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

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

B. **Other Conditions.** – None.

C. **Incremental Review.** – None.

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

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

19. **BIENNIAL REPORTS**

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

20. **CHANGED CONDITIONS**

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

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

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

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

23. **COMMENCEMENT OF DEVELOPMENT**

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

24. **PROJECTED BUILDOUT**

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

25. **EXPIRATION DATE**

The expiration date for this Development Order is March 3, 2044.
26. **DEVELOPMENT PERMITS**

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

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

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

27. **GENERAL PROVISIONS**

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

A. Developer and County shall work together in a cooperative manner to ensure that the necessary applications to County, the issuance of permits and the conduct of inspections occur expeditiously and that development is not impeded by unnecessary delays associated with such applications, permit issuances, and inspections.
B. It is understood that any reference herein to any governmental agency shall be construed to mean any future entity which may be created or be designated or succeed in interest to, or which otherwise possesses any of the powers and duties of, any referenced governmental agency in existence on the effective date of this development order.

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

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

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

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

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

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

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

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

BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA

By: [Signature]

Kenneth W. Doherty

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

By: [Signature]
Michelle D'Bernardo
Deputy Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

By: [Signature]
Janette S. Knowlton, County Attorney

LR2014-2692
January 28, 2014

**EXHIBITS**

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

Legal Description

January 28, 2014

JOHNSON ENGINEERING

204 WEST HICKORY AVENUE
LAKEWORTH, FLORIDA 33460
PHONE 561-966-0077
FAX 561-966-8179

Stebbins Ranch Community
Sketch Of Description
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 +/- 13,530.6 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.

B-2
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

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<thead>
<tr>
<th>Question</th>
<th>Master, Increment</th>
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<td>2, 3 Applicant Information</td>
<td>Master, Increment</td>
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<td>4, Notarized Authorization</td>
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<td>5, Legal Description</td>
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<td>6, Binding Letter Status</td>
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<td>7, Local Government Jurisdiction</td>
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<td>8, Permitting Status</td>
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<td>9, Maps (All)</td>
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<td>9, Maps B, F, G, H, I, J</td>
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<td>10, Part 4, Impact Summary</td>
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<td>11, Revenue Generation</td>
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<td>12, Vegetation and Wildlife</td>
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<td>13, Wetlands</td>
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<td>Master, See Stormwater Management</td>
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<td>18, Wastewater Management</td>
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<td>22, Air</td>
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(MDO Condition 6) (MDO Condition 6) (MDO Condition 4) (MDO Condition 4) (MDO Condition 7) (MDO Condition 7) (MDO Condition 4) (MDO Condition 11) (MDO Condition 11) (MDO Condition 5) (MDO Condition 12)
EXHIBIT C

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 16)

Question 35, Mining Operations ..............................Master, Documentation
(MDO Condition 17)

January 28, 2014
### SUMMARY OF LAND DEDICATION & FACILITIES CONSTRUCTION

<table>
<thead>
<tr>
<th>Parks, Recreation &amp; Cultural Resources</th>
<th>Aggregate Site Dedication (acre)</th>
<th>Number of Sites (n)</th>
<th>Shell Building Required (kW)</th>
<th>Commencement of Operations</th>
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<td>Community Park/Regional Park</td>
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<td>Library Component</td>
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<td>1</td>
<td>6,500 *1</td>
<td>5,000th G/C</td>
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</tbody>
</table>

### Fire/Rescue/Law Enforcement

| Site #1 | 5.5 | 1 | 17,000 (6,000 for Fire, 1,000 for EMS) | One (1) EMS vehicle by the 5,000th G/C |
| Site #2 | 1.5 | 1 | 6,000 | 2nd Fire Station by the 10,000th G/C |
| Site #3 | 1.5 | 1 | 6,000 | 3rd Fire Station by the 15,000th G/C |
| Site #4 | 1.5 | 1 | 6,000 | 4th Fire Station by the 20,000th G/C |
| Fire & Police Communications Tower Site #11 | 0.25 | 1 | | Site identification and dedication for the 5,000th G/C (will be located adjacent to the combined fire/station building) |

### Inland Sheriff's Sub-station Office

| Site #12 | 24'W x 60' overall L | 1 | Residential building permit |

### Public Facilities

| County Annex - "County Hall" | 20,000 | | By the issuance of the 7,000th G/C |

### Solid Waste

| Site #1 | 6.0 | 1 | | Prior to the issuance of the 1,000th G/C |

### Expansion Services

| Site #1 | 24.0 | 1 | | Prior to the issuance of the 1,000th G/C |

| Proposed Central pre-fab building (AHU only) | 1.0 | 1 | 3000 *7 | Prior to the issuance of the 5,000th G/C |
| Site #2 | 1.0 | 1 | n/a | Prior to the issuance of the 5,000th G/C |

| Total page 1 | 313,059 | | | |
**SUMMARY OF LAND DEDICATION & FACILITIES CONSTRUCTION**

<table>
<thead>
<tr>
<th>Public Facilities Required</th>
<th>Aggregate Site Dedication (acre)</th>
<th>Number of Sites (R)</th>
<th>Shell Building Required (R/L)</th>
<th>Commencement of Operations</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Schools</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Elementary Schools</td>
<td>20.0 (2 per school)</td>
<td>3</td>
<td>n/a</td>
<td></td>
</tr>
<tr>
<td>Middle Schools</td>
<td>20.0</td>
<td>1</td>
<td>n/a</td>
<td></td>
</tr>
<tr>
<td>High Schools</td>
<td>20.0</td>
<td>1</td>
<td>n/a</td>
<td></td>
</tr>
<tr>
<td>Educational Service Center</td>
<td>20.0</td>
<td>1</td>
<td>n/a</td>
<td></td>
</tr>
<tr>
<td><strong>Sub-total page 1</strong></td>
<td>65.0</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grand total pages 1 &amp; 2</td>
<td>475.0</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**EXHIBIT D**

**SITE & BUILDING DEDICATION TIME LINE**

The phase reference above is an estimate only. The criteria for determining public facility shell completion and/or land dedication shall be by certificate of occupancy required above.

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

<table>
<thead>
<tr>
<th>School Board criteria for land dedication per the School Site Dedication Agreement.</th>
<th>School Board criteria for land dedication per the School Site Dedication Agreement.</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>School Board criteria for land dedication per the School Site Dedication Agreement.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**General Notes:**

1. All dedications and construction, required under this schedule, shall be completed and turned over based on a certifying unit certificate of occupancy use threshold required above.

2. The shell building construction required above shall be completed by the Developer one (1) year prior to the issuance of the COG referenced in the column entitled "Commencement of Operations."
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                  |
-------------------------------------|------------------------------|
Abrus precatorius                    | rosary pea                   |
Acacia auriculiformis                | earleaf acacia               |
Albizia julibrissin                  | mimosa, silk tree            |
Albizia lebbeck                      | woman's tongue               |
Ardisia crenata (=A. crenulata misapplied) | coral ardisia               |
Ardisia elliptica (=A. humilis misapplied) | shoebutton ardisia          |
Asparagus aethiopicus (=A. sprengeri; A. densiflorus misapplied) | asparagus-fern               |
Bauhinia variegata                   | orchid tree                  |
Bischofia javanica                   | bishopwood                   |
Calophyllum antillanum (=C. calaba and C. inophyllum misapplied) | Santa maria (names "mast wood," "Alexandrian laurel" used in cultivation |
Casuarina aquifolifolia              | suckering Australian- pine, beach sheoak camphor tree |
Casuarina glauca                     | wild taro                    |
Cinnamomum camphora                  | lather leaf                  |
Colocasia esculenta                  | carrotwood                   |
Columbrina asiatica                 | winged yam                   |
Cupaniopsis anacardioides            | air-potato                   |
Dioscorea alata                      | water-hyacinth               |
Dioscorea bulbifera                  | Surinam cherry               |
Eichhornia crassipes                 | laurel fig                   |
Eugenia uniflora                    | hydriilla                    |
Ficus microcarpa (=F. nitida and F. retusa var. nitida misapplied) | green hygro                   |
Hydrilla verticillata                | West Indian marsh grass      |
Hygrophila polysperma                | cogon grass                  |
Hymenachne amplexicaulis             | waterspinach                 |
Imperata cylindrica (=I. brasiiliensis misapplied) | gold coast jasmine           |
Ipomoea aquatica                     | Brazilian jasmine            |
Jasminum dichotomum                  | lantana, shrub verbena       |
Jasminum fluminense                  | glossy privet                |
Lantana camara                       | Chinese privet, hedge privet |
Ligustrum lucidum                    | Japanese honeysuckle         |
Ligustrum sinense                    | Peruvian primrosewillow      |
Lonicer a japonica                   | Japanese climbing fern       |
Ludwigia peruviana                   | Old World climbing fern      |
Lygodium japonicum                  |                             |
Lygodium microphyllum                |                             |
## Florida Exotic Pest Plant Council's 2007 List of Invasive Plant Species

### CATEGORY I, (continued)

<table>
<thead>
<tr>
<th>Scientific Name</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Macfadyena unigus-cati</td>
<td>cat’s claw vine</td>
</tr>
<tr>
<td>Manilkara zapota</td>
<td>sapodilla</td>
</tr>
<tr>
<td>Melaleuca quinquenervia</td>
<td>melaleuca, paper bark</td>
</tr>
<tr>
<td>Mimosa pigra</td>
<td>catclaw mimosa</td>
</tr>
<tr>
<td>Nandina domestica</td>
<td>nandina, heavenly bamboo</td>
</tr>
<tr>
<td>Nepheleopsis cordifolia</td>
<td>sword fern</td>
</tr>
<tr>
<td>Nepheleopsis multiflora</td>
<td>Asian sword fern</td>
</tr>
<tr>
<td>Neuraudia reynaudiana</td>
<td>burma reed, cane grass</td>
</tr>
<tr>
<td>Paederia cruddasiana</td>
<td>sewer vine, onion vine</td>
</tr>
<tr>
<td>Paederia foetida</td>
<td>skunk vine</td>
</tr>
<tr>
<td>Panicum repens</td>
<td>torpedo grass</td>
</tr>
<tr>
<td>Pennisetum purpureum</td>
<td>napier grass</td>
</tr>
<tr>
<td>Pistia stratiotes</td>
<td>waterlettuce</td>
</tr>
<tr>
<td>Psidium cattleianum (=P. littorale)</td>
<td>strawberry guava</td>
</tr>
<tr>
<td>Psidium guajava</td>
<td>guava</td>
</tr>
<tr>
<td>Pueraria montana var. lobata (=P. lobata)</td>
<td>kudzu</td>
</tr>
<tr>
<td>Rhodomyrtus tomentosa</td>
<td>downy rose-myrtle</td>
</tr>
<tr>
<td>Rhyncholytrum repens (=Molinis repens)</td>
<td>natal grass</td>
</tr>
<tr>
<td>Rusella tweediana (=R. brittoniana, R. coerulana)</td>
<td>Mexican petunia</td>
</tr>
<tr>
<td>Sapium sebiferum (=Tridica sebifera)</td>
<td>popcorn tree, Chinese tallow tree</td>
</tr>
<tr>
<td>Scaevaola taccada (=Scaevaola sericea, S. frutescens)</td>
<td>scaevola, half-flower, beach naupaka</td>
</tr>
<tr>
<td>Schelllera actinophyilla (=Brassaia actinophyilla)</td>
<td>schefflera, Queensland umbrella tree</td>
</tr>
<tr>
<td>Schinus terebinthifolius</td>
<td>Brazilian pepper</td>
</tr>
<tr>
<td>Senna pendula var. glabrata (=Cassia couteoides)</td>
<td>climbing cassia, Christmas cassia, Christmas senna</td>
</tr>
<tr>
<td>Solanum tampicense (=S. houstonii)</td>
<td>wetland nightshade, aquatic soda apple</td>
</tr>
<tr>
<td>Solanum viarum</td>
<td>tropical soda apple</td>
</tr>
<tr>
<td>Syngonium podophyllum</td>
<td>arrowhead vine</td>
</tr>
<tr>
<td>Syzygium cumini</td>
<td>jambolan plum, Java plum</td>
</tr>
<tr>
<td>Tectaria incisa</td>
<td>incised haider fern</td>
</tr>
<tr>
<td>Thespesia populnea</td>
<td>seaside mahoie</td>
</tr>
<tr>
<td>Tradescantia fluminesis</td>
<td>white-flowered wandering jew</td>
</tr>
<tr>
<td>Urochola mutica (=Brachiaria mutica)</td>
<td>para grass</td>
</tr>
</tbody>
</table>
EXHIBIT E

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.

<table>
<thead>
<tr>
<th>Scientific Name</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adenanthera pavonina</td>
<td>red sandalwood</td>
</tr>
<tr>
<td>Agave sisalana</td>
<td>sisal hemp</td>
</tr>
<tr>
<td>Alchornea cordifolia (=Vernicia fordii)</td>
<td>tung oil tree</td>
</tr>
<tr>
<td>Alstonia macrophylla</td>
<td>devil tree</td>
</tr>
<tr>
<td>Altermanthera philoxeroides</td>
<td>alligator weed</td>
</tr>
<tr>
<td>Antigonon leptopus</td>
<td>coral vine</td>
</tr>
<tr>
<td>Aristolochia littoralis</td>
<td>calico flower</td>
</tr>
<tr>
<td>Asystasia gangetica</td>
<td>Ganges primrose</td>
</tr>
<tr>
<td>Begonia ciculata</td>
<td>wax begonia</td>
</tr>
<tr>
<td>Blechum pyramidatum</td>
<td>green shrimp plant, Browne’s blechum</td>
</tr>
<tr>
<td>Broussonetia papyrifera</td>
<td>paper mulberry</td>
</tr>
<tr>
<td>Callisia fragrans</td>
<td>inch plant, spironema</td>
</tr>
<tr>
<td>Casuarina cunninghamiana</td>
<td>river sheoak, Australian-pine</td>
</tr>
<tr>
<td>Cecropia palmarata</td>
<td>trumpet tree</td>
</tr>
<tr>
<td>Cestrum diurnum</td>
<td>day jessamine</td>
</tr>
<tr>
<td>Chamaedorea selfrigii</td>
<td>bamboo palm</td>
</tr>
<tr>
<td>Clematis terniflora</td>
<td>Japanese clematis</td>
</tr>
<tr>
<td>Cryptostegia madagascariensis</td>
<td>rubber vine</td>
</tr>
<tr>
<td>Cyperus involucratus</td>
<td>umbrella plant</td>
</tr>
<tr>
<td>(C. alternifolius misapplied)</td>
<td>dwarf papyrus</td>
</tr>
<tr>
<td>Cyperus prolifer</td>
<td>Indian rosewood, sissoo</td>
</tr>
<tr>
<td>Dalbergia sissoo</td>
<td>silverthorn, thorny olive</td>
</tr>
<tr>
<td>Elaeagnus pungens</td>
<td>pothos</td>
</tr>
<tr>
<td>Epipremnum pinnatum cv. Aureum</td>
<td>false banyan, council tree</td>
</tr>
<tr>
<td>Ficus altissima</td>
<td>governor’s plum</td>
</tr>
<tr>
<td>Flacourtia indica</td>
<td>limpo grass</td>
</tr>
<tr>
<td>Hemarthria altissima</td>
<td>mahoe, sea hibiscus</td>
</tr>
<tr>
<td>Hibiscus tiliacus (=Taliparit tilicem)</td>
<td>shrub morning-glory</td>
</tr>
<tr>
<td>Ipomoea fistulosa (=I. carnea ssp. fistulosa)</td>
<td>Arabian jasmine</td>
</tr>
<tr>
<td>Jasminum sambac</td>
<td>life plant</td>
</tr>
<tr>
<td>Kalanchoe pinnata</td>
<td>flamegold tree</td>
</tr>
<tr>
<td>Koelreuteria elegans ssp. formosana (=K. formosana; K. paniculata misapplied)</td>
<td>lead tree</td>
</tr>
<tr>
<td>Leucaena leucocephala</td>
<td>Asian marshweed</td>
</tr>
<tr>
<td>Limnophila sessiliiflora</td>
<td>Chinese fan palm</td>
</tr>
<tr>
<td>Livistona chinensis</td>
<td>Chinaberry</td>
</tr>
<tr>
<td>Melia azedarachi</td>
<td>Molassesgrass</td>
</tr>
<tr>
<td>Melinis minutiflora</td>
<td></td>
</tr>
</tbody>
</table>
Florida Exotic Pest Plant Council's 2007 List of Invasive Plant Species

CATEGORY II, (continued)

Murraya rubra
Murraya paniculata
Myriophyllum spicatum
Nymphoides cristata
Panicum maximum
Passiflora biflora
Pennisetum setaceum
Phoenix reclinata
Phyllostachys aurea
Pittosporum pentandrum

Pteris vittata
Pychoperma elegans
Rhoeo spathacea (see Tradescantia spathacea)
Ricinus communis
Rotala rotundifolia
Sansevieria hyacinthoides
Scleria lacustris
Sesbania punicea
Solanum diphylhum
Solanum jamaicensis
Solanum torvum
Sphagnetocia trilobata (=Wedelia trilobata)
Stachyapheta cayennensis
(=S. urticifolia)
Syagrus romanziiflora (=Arecastrum romanziiflorum)
Syzygium jambos
Terminalia catappa
Terminalia muelleri
Tradescantia spathacea (=Rhoeo spathacea, Rhoeo discolor)
Tribulus cistoides
Urena lobata
Vitex trifolia
Washingtonia robusta
Wedelia (see Sphagnetocia above)
Wisteria sinensis
Xanthosoma sagittifolium

wood-rose
orange-jessamine
Eurasian water-milfoil
snowflake
Guinea grass
two-flowered passion vine
green fountain grass
Senegal date palm
golden bamboo
Philippine pittosporum, Taiwanese cheesewood
Chinese brake fern
solitaire palm
castor bean
roundleaf toothcup, dwarf Rotala
bowstring hemp
Wright's nutrush
purple sesban, rattlebox
two-leaf nightshade
Jamaica nightshade
susumber, turkey berry
wedelia
nettle-leaf porterweed
queen palm
rose-apple
tropical-almond
Australian-almond
oyster plant
puncture vine, burr-nut
Caesar's weed
simple-leaf chaste tree
Washington fan palm
Chinese wisteria
malanga, elephant ear
## Babcock Ranch Community Master Traffic Study Update

### Initial Internal Capture Rate - 22.6% (Transportation Condition B) (1/13)

#### Roadway Influential Impacts - 22.6%

<table>
<thead>
<tr>
<th>Roadway Name</th>
<th>Impact Source</th>
<th>Project Distance</th>
<th>ADJ. IMPACTS</th>
<th>TRANSPORTATION DEFICIENCY</th>
<th>SIG</th>
<th>RECOMMENDED IMPROVEMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**January 28, 2014**

---

F-1
<table>
<thead>
<tr>
<th>Location</th>
<th>From</th>
<th>To</th>
<th>ADVERSE IMPACTS</th>
<th>TRANSPORTATION IMPACT</th>
<th>SIG # OF LANES</th>
<th>RECOMMENDED IMPROVEMENTS</th>
<th>EXTEND</th>
<th>NOTES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lee County</td>
<td></td>
<td></td>
<td></td>
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<td></td>
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</tr>
<tr>
<td>Old Homestead</td>
<td>241</td>
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<tr>
<td>Lantos Road</td>
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<td>NS 46</td>
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<td>NW 64</td>
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<td>Pebble Creek</td>
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<td>Pine Rock Road</td>
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</tr>
<tr>
<td>Tamarisk Bluffs</td>
<td>241</td>
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<td>Tamarisk Bluffs</td>
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<td>Tamarisk Bluffs</td>
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</tr>
</tbody>
</table>
### Developer's Estimated Community Capture Rate - 62%

**Exhibit F (Continued)**

**BARCOCK RANCH COMMUNITY MASTER TRAFFIC STUDY UPDATE**

**MASTERS BUILDOUT - 2035 ROADWAY NETWORK**

| Roadname | Type | ADJACENT ROAD | TRAFFIC IMPACT | EASE OF LATER EXPANSION | NEIGHBORHOOD IMPACT
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>213</td>
<td>1-l</td>
<td>North Fork Rd</td>
<td>T</td>
<td>T</td>
<td>T</td>
</tr>
<tr>
<td>214</td>
<td>1-l</td>
<td>South Fork Rd</td>
<td>T</td>
<td>T</td>
<td>T</td>
</tr>
<tr>
<td>215</td>
<td>1-l</td>
<td>West Fork Rd</td>
<td>T</td>
<td>T</td>
<td>T</td>
</tr>
<tr>
<td>216</td>
<td>1-l</td>
<td>East Fork Rd</td>
<td>T</td>
<td>T</td>
<td>T</td>
</tr>
<tr>
<td>217</td>
<td>1-l</td>
<td>Main (South)</td>
<td>T</td>
<td>T</td>
<td>T</td>
</tr>
<tr>
<td>218</td>
<td>1-l</td>
<td>Main (North)</td>
<td>T</td>
<td>T</td>
<td>T</td>
</tr>
<tr>
<td>219</td>
<td>1-l</td>
<td>Main (West)</td>
<td>T</td>
<td>T</td>
<td>T</td>
</tr>
<tr>
<td>220</td>
<td>1-l</td>
<td>Main (East)</td>
<td>T</td>
<td>T</td>
<td>T</td>
</tr>
<tr>
<td>221</td>
<td>1-l</td>
<td>Main (South)</td>
<td>T</td>
<td>T</td>
<td>T</td>
</tr>
<tr>
<td>222</td>
<td>1-l</td>
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| Roadname | Type | ADJACENT ROAD | TRAFFIC IMPACT | EASE OF LATER EXPANSION | NEIGHBORHOOD IMPACT
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**January 28, 2014**

F-3
Agenda

Item

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.
BABCOCK RANCH COMMUNITY

INCREMENT 1

DRI INCREMENTAL DEVELOPMENT ORDER

BOARD OF COUNTY COMMISSIONERS
CHARLOTTE COUNTY, FLORIDA

AMENDED JANUARY 28, 2014
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RESOLUTION NO. 2014-048

AN AMENDMENT AND RECODIFICATION OF AN INCREMENTAL DEVELOPMENT ORDER OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA FOR INCREMENT 1 OF THE BABCOCK RANCH COMMUNITY (CHARLOTTE COUNTY), A MASTER DEVELOPMENT OF REGIONAL IMPACT.

WHEREAS, on January 16, 2009 Babcock Property Holdings, LLC ("Developer"), in accordance with Subsections 380.06(6) and (21), Florida Statutes, filed an Application for Incremental Development Approval ("AIDA") known as the Babcock Ranch Community, Increment 1 (hereinafter "BRC Increment 1" or "Increment 1") with Charlotte County, Florida ("County") and the Southwest Florida Regional Planning Council ("SWFRPC"); and

WHEREAS, on December 13, 2007, the Board approved and adopted the Babcock Ranch Community Master Development of Regional Impact Master DRI Development Order under Resolution 2007-196, as subsequently amended on June 17, 2008 by Resolution 2008-063; on December 15, 2009 by Resolution 2009-283; on December 13, 2011 by Resolution 2011-485; and on April 24, 2012 by Resolution 2012-024 ("MDO"); and

WHEREAS, on December 15, 2009, the Board of County Commissioners of Charlotte County, Florida ("Board") approved and adopted the Babcock Ranch Community Increment 1 DRI Incremental Development Order under Resolution 2009-284, as subsequently amended on December 14, 2010 by Resolution 2010-112 and on April 24, 2012 by Resolution 2012-024 ("IDO"); and

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

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

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

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

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

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

WHEREAS, on January 28, 2014 the Board, at a public hearing in accordance with Section 380.06, Florida Statutes, having considered the NOPC submitted by Developer, the NOPC sufficiency questions from reviewing agencies and Developer's responses thereto, the report and recommendations of the SWFRPC, the documentary and oral evidence presented at the hearing before the Board, the report and
recommendations of the Charlotte County Planning and Zoning Board, and the
recommendations of County staff, makes the Findings of Fact and Conclusions of Law
set forth below.

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

RECITALS

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The real property constituting Increment 1 which is the subject of the NOPC,
   consists of approximately 4047.96 acres, and is legally described as set forth in Exhibit
   A attached hereto and made a part hereof ("Property" or "Community").

2. The NOPC is consistent with Subsections 380.06(6) and (21), Florida Statutes.

3. The NOPC is consistent with the MDO, which is incorporated herein by
   reference.

4. The Developer submitted to the County an NOPC in March 29, 2013 and
   responses to sufficiency questions on October 16, 2013. The application was deemed
   sufficient by the SWFRPC on October 28, 2013. The representations and commitments
   of Developer made in those documents which are made conditions of this IDO are
   identified and set forth herein.

5. The Developer proposes to develop Increment 1 in accordance with the Babcock
   Master Concept Plan (Map H through H-4, collectively referred to herein as Map H)
   attached hereto as Exhibits B-1 through B-4 and made a part hereof. Map H constitutes
   a portion of the revised Master Plan for the Babcock Ranch Overlay District in the
Charlotte County Comprehensive Plan ("Comprehensive Plan"). The development program for Increment 1 authorized by this IDO, consisting of two phases, is as follows ("Development Program"), subject to the limitations contained herein:

(i) 2,500 residential dwelling units (1,500 single family units and 1,000 multi-family units),
(ii) 126,000 square feet of retail,
(iii) 322,500 square feet of office (general office; medical office; and civic, community, and miscellaneous public facilities),
(iv) 100 hotel rooms,
(v) 90,000 square feet of industrial,
(vi) Ancillary facilities such as the educational service center, schools, and university research facilities as identified in Exhibit B of the MDO, 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 the development components set forth above, and will not count towards the maximum thresholds of development as established in this IDO.
(vii) All other ancillary facilities, together with the development components set forth above (excluding vi) shall not exceed the maximum thresholds established in this IDO, subject to the use of the Equivalency Matrix contained in Exhibit C.
January 28, 2014

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

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

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

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

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

9. The mitigation provided for Increment 1 development is consistent with the requirements of section 163.3180(12), F.S.
10. The NOPC for Increment 1 of the Babcock Ranch Community DRI is hereby approved, subject to compliance with the conditions contained in this IDO.

CONDITIONS

1. GROSS RESIDENTIAL DENSITY CONDITION AND DEVELOPMENT PROGRAM

A. Representations and Commitments as Conditions.

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

(2) The Development Program is approved and may be adjusted by Developer in accordance with the equivalency matrix attached hereto, and incorporated herein, as Exhibit C. 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.

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

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

(5) Development within Increment 1 shall be in two phases in accordance with Exhibit E. Phase 1 shall be year 2010 through 2021, and Phase 2 from 2015 through 2026. Any development not completed in the Phase 1 may be completed in Phase 2.
(6) Current uses within Increment 1 may continue to operate until such time said use is permanently replaced with a use approved herein. Current uses within Increment 1 include, but are not limited to, cattle grazing and agricultural uses, mining and ecotourism uses. Permits for existing uses can be renewed or modified as an allowed use until said use is permanently replaced by a use approved herein.

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

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January 28, 2014

2. AFFORDABLE HOUSING

A. Representations and Commitments as Conditions. – None.

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3. STORMWATER MANAGEMENT, WATER QUALITY, AND FLOOD PLAINS

A. Representations and Commitments as Conditions.

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

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

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

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

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

(6) The stormwater management system shall be that system as permitted by the South Florida Water Management District (“SFWMD”) Individual Environmental Resource Permit No. 08-00004-S-05 and the Florida Department of Environmental Protection (“FDEP”) Individual Environmental Resource Permit No. 0184047-005 (“ERP”).
4. TRANSPORTATION

A. Representations and Commitments as Conditions.

(1) Increment 1-Phase 1.

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

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

SR 31 and South Project Entrance
- Add NB Right-Turn Lane
- Add SB Left-Turn Lane
- Signal, If and When Warranted

SR 31 and North Project Entrance
- Add NB Right-Turn Lane
- Add SB Left-Turn Lane
- Signal, If and When Warranted

Construction of ingress and egress driveways, as necessary along SR 31:

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

1. The mutually agreed upon significant and adversely
impacted roadways and the identified improvements for Increment
1–Phase 1 are:

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

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

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

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 9J-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, County, Lee County, DEO, 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.

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) c.1., accepted by FDOT, County, Lee County, DEO, and SWFRPC, shall be the
January 28, 2014

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

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<th>Reference #</th>
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<th>Total Cost</th>
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<td>1</td>
<td>Intersection Improvements:</td>
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<td>- SR31 and SR80</td>
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<td>2</td>
<td>SR 31 Widening to 4 Lanes from SR 78 to North River Road</td>
<td>$260,000</td>
<td>Initiated(2)</td>
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<td>• Cause to have prepared Project Development and Environment Study or State Environmental Impact Report of SR31 from SR78 to North River Road</td>
<td>$774,000</td>
<td>2012</td>
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<td>• Prepare Preliminary Engineering Plans for SR 31 from SR78 to North River Road</td>
<td>$980,000</td>
<td>2014</td>
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<td>• Undertake Right-of-Way Acquisition for SR 31 from SR78 to North River Road</td>
<td>$521,000</td>
<td>Monitoring(3)</td>
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<td>• Construct Interim Intersection Improvements:</td>
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<td>- SR 31 and North River Road</td>
<td>$126,000</td>
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<td>- SR 31 and SR 78</td>
<td>$5,935,000</td>
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<td>• Construct 4 Lane Improvement for SR 31 from SR78 to North River Road</td>
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<td>3</td>
<td>SR31 Traffic Count Stations</td>
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<td>$8,939,000</td>
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(1) Start date as required per Condition 4(A) (1) c.(4)(a)
(2) These tasks have been initiated early by Developer to facilitate completion of required improvements.
(3) Dates are anticipated and subject to adjustment by Developer and FDOT without a need to amend this development order. Start dates, as well as the associated mitigation requirements, contained within the IDO are subject to extension under Section 252.363, Florida Statutes.

b. If and when requested by County, the Developer shall also make certain intersection improvements at SR 31 and CR 74, to extend the Northbound to Westbound Left Turn
Lane, at an estimated cost of $100,000, and as set forth in more detail in Section 4.d. below.

4. After the effective date of this IDO, the Developer shall:

   a. Initiate the intersection improvements (Reference #1 above) no later than 90 days after the monitoring report indicates that the Project is generating at least 300 pm peak hour, two-way external trips and the intersection is projected to operate below the adopted level of service standard within 12 months. If these improvements are not initiated within the above time period, no building permits beyond these limitations can be issued until these improvements are initiated.

   b. Initiate the improvements of SR 31 to eventually result in the four-laning for SR 31 from SR 78 to North River Road (Reference #2 above). The improvements will consist of the following:

      i) Coordinate with FDOT to fund, continue and complete the Project Development and Environment Study (PD&E) or State Environmental Impact Report (SEIR) for SR31 from at least SR78 to North River Road.

      ii) Coordinate with FDOT to undertake the Preliminary Engineering for the SR31 roadway widening from at least SR 78 to North River Road.
iii) Coordinate acquisition and funding with either the Babcock Ranch Community Independent Special District, County, Lee County, or FDOT to assemble necessary right-of-way.

iv) Coordinate with FDOT to construct the four-lane improvement. As identified in Condition 4(A)(1)c.3 above, it is anticipated that the PD&E study or SEIR, the preliminary engineering, and the right-of-way acquisition will occur through 2014. Construction of the widening improvement is anticipated to commence in 2015. Of note, the interim intersection improvements may provide additional capacity to the roadway to maintain the roadway level of service standards, subject to biennial monitoring and confirmation after construction of the interim intersection improvements. [NOTE: Dates contained within the IDO, as well as the associated mitigation requirements, are subject to extension in accordance with Section 252.363, Florida Statutes.]

v) Coordinate with FDOT to construct interim intersection improvements at SR 31 and North River Road and at SR 31 and SR 78. Intersection improvements are to be initiated no later than 90 days after the monitoring report
indicates that the Project is generating at least 300 pm peak hour, two-way external trips.

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

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

5. FDOT has maintenance authority for SR 31 and the intersection improvements set forth above. Developer shall be responsible for the guaranteed construction of the above improvements, in accordance with the above schedule, and in accordance with the binding and enforceable commitment by the Developer in this IDO and on the attached Exhibit L to assure
construction or improvement of these facilities, pursuant to F.S. 163.3180(12)(a)4. and Rule 9J-2.045(7)(a)1.a.(V), F.A.C.

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

d. Satisfaction of the required mitigation in the timeframes as outlined and compliance with the transportation related provisions of this IDO for Increment 1-Phase 1 shall satisfy the road or traffic concurrency requirements of the Comprehensive Plan, LDR, and the Charlotte County Concurrency Management System, through March 4, 2021 (the build out date of Increment 1–Phase 1). If the Developer proposes to extend
January 28, 2014

(265 of 409)

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

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

f. County, by approving this IDO, has exercised its discretion to accept this
mitigation for Increment1-Phase 1.

(266 of 409)

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

(267 of 409)

a. Increment 1-Phase 2 transportation impacts and mitigation shall be
addressed through an NOPC. All other conditions, other than Transportation, have
been fully addressed for the entire Increment 1, so that the NOPC need only address
Transportation issues, unless the Developer wishes to make other changes to the
Development Program which necessitates a review of the other conditions.
(3) The Master Internal Circulation Plan for Increment 1 is attached hereto as
Exhibit G.

REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY
5. **VEGETATION, WILDLIFE, AND WETLANDS**

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

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

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

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

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

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

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

(7) An updated Greenway Map for Increment 1 is attached hereto as Exhibit H1 and Exhibit H2. Developer shall comply with the Babcock Ranch Community
Charlotte County Greenways Management Plan, a copy of which was provided to County and is on file with the SWFRPC.

REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY
6. WASTEWATER MANAGEMENT AND WATER SUPPLY

A. Representations and Commitments as Conditions.

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

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

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

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

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

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

(7) All effluent suitable for Public Access Reuse will be stored and distributed as needed into an irrigation system which will include residential, commercial, median and other green areas. After storage has been maximized, excess effluent will be disposed of consistent with Florida Department of Environmental Protection permitting. Irrigation systems will use best management practices to minimize overspray onto impervious systems that could lead to the stormwater management system.
January 28, 2014

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

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January 28, 2014

7. EDUCATION

A. Representations and Commitments as Conditions.

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

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

REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY
8. **POLICE AND FIRE**

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

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

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

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

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

   **REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY**
9. OPEN SPACE AND PARKS

A. Representations and Commitments as Conditions.

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

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

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

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

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

6. Common recreational areas and common open spaces within Increment 1, if any, will be maintained by a property owner's association, the District, or a Chapter 190 Community Development District.
January 28, 2014

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

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

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10. **ENERGY**

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

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

(2) One (1) zero energy home shall be constructed within Increment 1.
11. MINING OPERATIONS

A. Representations and Commitments as Conditions.

(1) The existing mining operations may be continued during development of Increment 1, consistent with permitting. As mining operations are phased out, mining lakes will be properly reclaimed pursuant to applicable permits.

REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY
12. **CONSISTENCY WITH THE LOCAL COMPREHENSIVE PLAN**

County has determined that the Increment 1 project is consistent with its Comprehensive Plan.

13. **BIENNIAL REPORTS**

The Developer of Increment 1, or its successor(s)-in-title to the undeveloped portions of Increment 1, must submit a biennial report to the County, the SWFRPC and the DEO, on Form RPM-BSP Annual Report – 1. This report must describe the stage of development and the status of compliance with the IDO conditions as of the date of submission and be consistent with the rules of DEO. The first report must be submitted to the DRI Coordinator for SWFRPC, the DEO, and County simultaneous with the next MDO annual report due not sooner than 2 years after approval of this IDO. Further reporting must be submitted not later than once every two years for subsequent calendar years thereafter, simultaneous with the MDO annual reports, until Buildout, whether actual or declared. Failure to comply with this biennial reporting procedure is governed by Subsection 380.06(18), Florida Statutes, which provides for the temporary suspension of the IDO. The Developer of Increment 1 must inform successors-in-title to any undeveloped portion of the real property covered by this IDO of this reporting requirement.

14. **CHANGED CONDITIONS**

If County, during the course of monitoring the development of Increment 1, can demonstrate that substantial changes in the conditions underlying the approval of this IDO has occurred or that this IDO was based on substantially inaccurate information
provided by the Developer, resulting in additional substantial regional impacts, then a substantial deviation shall be deemed to have occurred.

15. **COMPLIANCE MONITORING**

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

16. **EXEMPTION FROM DOWNZONING AND DENSITY/INTENSITY REDUCTION**

Pursuant to Subsection 380.06(15)(c)3, Florida Statutes, this Increment 1 project is exempt from down zoning, intensity reduction, or unit density reduction until September 9, 2042, unless County can demonstrate that substantial changes in the conditions underlying the approval of this IDO have occurred or this IDO was based on substantially inaccurate information provided by the Developer or that the change is clearly established by local government to be essential to the public health, safety, or welfare.

17. **COMMENCEMENT OF DEVELOPMENT**

Development shall commence in accordance with the deadline(s) established in this IDO.

18. **PROJECTED BUILDCUT**

Buildout of Increment 1 is projected to occur on or about March 4, 2026 ("Buildout Date").

19. **EXPIRATION DATE**

The expiration date for this IDO is March 4, 2033.
20. **DEVELOPMENT PERMITS**

Subsequent requests for development permits within Increment 1 shall not require further review pursuant to Section 380.06, Florida Statutes, unless it is found by the Board, after due notice and hearing, that one or more of the following items listed in Paragraphs A and B is present. Upon such a finding, the Board may take any action authorized by Subsection 380.06(19), Florida Statutes, pending issuance of an amended development order.

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

B. An expiration of this IDO as provided herein.

21. **GENERAL PROVISIONS**

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

A. Developer and County shall work together in a cooperative manner to ensure that the necessary applications to County, the issuance of permits and the conduct of inspections occur expeditiously and that development is not impeded by unnecessary delays associated with such applications, permit issuances, and inspections.
B. It is understood that any reference herein to any governmental agency shall be construed to mean any future entity which may be created or be designated or succeed in interest to, or which otherwise possesses any of the powers and duties of, any referenced governmental agency in existence on the effective date of this IDO.

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

D. If there is a conflict between a provision in this IDO and a provision in the MDO, the provision in this IDO shall prevail for Increment 1. Exhibit D, attached hereto and made a part hereof by reference, is an updated version of Exhibit D to the MDO entitled "Summary of Land Dedication and Facilities Construction" as to the Increment 1 property. Said updated Exhibit D amends Exhibit D to the MDO as to the Increment 1 property.

E. If there is a conflict between a provision in this IDO and a provision in an ERP, a Consumptive Use Permit ("CUP") or ACOEP, the provision in the ERP, CUP, or ACOEP shall prevail.

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

G. This IDO shall be binding upon the County and the Developer, its assignees or successors-in-interest.

H. This IDO shall become effective upon NOPC-13-04-11, approved by the Board on January 28, 2014, becoming effective. All dates contained herein are based
January 28, 2014

upon an assumed effective date occurring within 120 days of January 28, 2014. If for any reason the actual effective date occurs beyond the 120 day assumption, all time frames contained herein shall be extended commensurate with the number of days beyond the 120 days it takes for this IDO to become effective.

I. The County shall provide certified copies of this IDO to DEO and the SWFRPC as provided in Subsection 380.06(25)(g), Florida Statutes.

J. This Resolution shall be recorded in the Minutes of the Board.

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

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By: [Signature]
Kenneth W. Dobson, Chairman

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

By: [Signature]
Deputy Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

By: [Signature]
Janette S. Knowlton, County Attorney

[Stamp]
LR2014-2603
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<td>Exhibit A-1 Increment 1 North Area Babcock Ranch Community</td>
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<td>Legal Description</td>
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<td>Exhibit A-2 Increment 1 South Area Babcock Ranch Community</td>
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<td>Legal Description</td>
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<td>Exhibit A-3 Utility Easement Babcock Ranch Community Legal Description</td>
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<td>Exhibit B-1 Babcock Ranch Community Map H Increment 1</td>
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<td>Master Development Plan</td>
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<td>Exhibit B-2 Babcock Ranch Community Map H-1 Increment 1</td>
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<td>South Area Master Development Plan</td>
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<td>Exhibit B-3 Babcock Ranch Community Map H-2 Increment 1</td>
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<td>Utility Easement Area Master Development Plan</td>
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<td>Exhibit B-4 Babcock Ranch Community Map H-3 Increment 1</td>
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<td>North Area Master Development Plan</td>
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<td>Exhibit B-5 Babcock Ranch Community Map H-4 Increment 1</td>
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<td>Master Development Plan Fixed and Variable Development Criteria</td>
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<td>12</td>
<td>Exhibit C Babcock Ranch Community Increment 1 Equivalency Matrix</td>
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<td>14</td>
<td>Exhibit D Updated Summary of Land Dedications and Facilities Construction</td>
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<td>16</td>
<td>Exhibit E Babcock Ranch Community Increment 1 Parameters</td>
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<td>17</td>
<td>Exhibit F Increment 1 Master Drainage Plan</td>
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<td>18</td>
<td>Exhibit G Increment 1 Master Internal Circulation Plan</td>
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<td>19</td>
<td>Exhibit H1 Increment 1 South Area Primary Greenway Map and Trails Plan</td>
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<td>20</td>
<td>Exhibit H2 Increment 1 North Area Primary Greenway Map and Trails Plan</td>
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<td>Exhibit I Increment 1 Primary Utility Corridor Map</td>
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**EXHIBITS, cont.**

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<tr>
<th>Exhibit</th>
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<tr>
<td>J</td>
<td>Increment 1, Phase 1, Future (2014) Traffic Conditions with 22% (Daily) Internal Capture Directional Peak Hour, Peak Season</td>
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<tr>
<td>K</td>
<td>Increment 1, Phase 1, Future (2014) Traffic Conditions with Project Proportionate Share Calculation</td>
</tr>
<tr>
<td>L</td>
<td>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</td>
</tr>
</tbody>
</table>
EXHIBIT A-1

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 2078, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA; THEN: 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 3,348.81 FEET TO THE POINT OF BEGINNING; THEN: CONTINUE NORTH 89°11'17" EAST, ALONG THE NORTH LINE OF SAID "LESS & EXCEPT PARCEL", A DISTANCE OF 2,331.08 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 2,166.06 FEET; THEN: 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 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

© 2009 Boyle Engineering

SURVEYOR-AND-MAPPER’S SIGNATURE

PROJECT NAME:

SKETCH AND DESCRIPTION FOR:

INCREMETN 1 - NORTH PARCE.

BOYLE ENGINEERING

Code: N/A

Sheet: 1 OF 2

REVISIONS:

Field Book: N/A

Comp: CHK

Page: N/A

Checked: CHK

Field: N/A

Date: 11/23/09

FILE NO.: 60100834/LG01

BOYLAN QUESTIONABLE, PROFESSIONAL SURVEYOR & MAPPER

60100834
EXHIBIT A-1

SECTION 30
TOWNSHIP 41 SOUTH
RANGE 26 EAST

Westerly Extension of the North Line
of That Certain "Less & Except Parcel"
(O.R.B. 3011, Page 2078)

DEPARTMENT OF ENVIRONMENTAL
PROTECTION ACQUISITION PARCEL
(Official Records Book 3011, Page 2078)
(REFERENCE BOUNDARY SURVEY BY
JOHNSON ENGINEERING (SEE REFERENCE
MATERIALS)

N89'17"1E 11'03.49' 2311.08'

POINT OF BEGINNING

NORTH LINE OF
"LESS & EXCEPT PARCEL"
(O.R.B. 3011, PAGE 2078)

SECTION 31
TOWNSHIP 41 SOUTH
RANGE 26 EAST

NORTHWEST CORNER OF
THAT CERTAIN
"LESS & EXCEPT PARCEL"
(O.R.B. 3011, PAGE 2078)

SUBJECT PROPERTY
(44.36 ACRES)

SECTION 32
TOWNSHIP 41 SOUTH
RANGE 26 EAST

SUBJECT PROPERTY
(44.20 ACRES)

NORTH LINE OF THAT CERTAIN
100' WIDE ACCESS EASEMENT
(O.R.B. 3011, PAGE 2046)

POINT OF COMMENCEMENT
(SOUTHWEST CORNER OF SECTION 31,
TOWNSHIP 41 SOUTH, RANGE 26 EAST)

100' WIDE ACCESS EASEMENT
(O.R.B. 3011, PAGE 2046)

THIS IS NOT A SURVEY

PROJECT NAME:

SKETCH AND DESCRIPTION FOR:
INCREMENT 1 - NORTH PARCEL

REVISIONS:

Scale: 1"=100'

BOYLE ENGINEERING
3550 S.W. Corporate Parkway
Palm City, Florida 34990
T 772.286.3933 F 772.286.3928
BP & FLPE License No’s 3005 & 18 762
www.boyle-engineering.com

PRINTED BY:

2009 Boyle Engineering

CHECKED:

11/23/09

FILE NO.

60100834 CL.G.I.01

COMPLETED:

60100834
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 FDEP values.
2. bearings determined after map is prepared.
3. construction to be done 30 ft south of existing road.
4. no utilities to be placed within 40 feet of property line.
5. proposed site plan must be approved by the developer.
6. site plan must be submitted with application for building permit.
7. grade control must be maintained.
8. grading must be done in accordance with the approved site plan.
9. all grading must be completed before any construction begins.

LOCATION MAP

THIS IS NOT A SURVEY

MICHAEL M. HORAN
PROFESSIONAL SURVEYOR AND MAPPER
FLORENCE COUNTY, FLORIDA

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

2213 JOHNSON STREET
P.O. BOX 1072
FORT MYERS, FLORIDA 33901
PHONE: (239) 939-8080
FAX: (239) 939-8081
E-MAIL: info@johnsonengineering.com

SKETCH TO ACCOMPANY DESCRIPTION

January 28, 2014

Page 1 of 5
DESCRIPTION

INCREMENT 1 SOUTH AREA
BARCOCK RANCH COMMUNITY
SECTIONS 16, 20, 21, 29, 30, 31, 32, 33
TOWNSHIP 42 SOUTH, RANGE 28 EAST
CHARLOTTE COUNTY, FLORIDA

A PARCEL OF LAND LYING IN SECTIONS 16, 20, 21, 29, 30, 31, 32, AND 33, TOWNSHIP 42 SOUTH, RANGE 28 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 EASTERN 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 EASTERNLY RIGHT-OF-WAY LINE:

1. NORTH 09°36'46" EAST FOR 5,337.00 FEET
2. NORTH 09°36'10" EAST FOR 5,283.33 FEET
3. NORTH 09°36'10" EAST FOR 5,282.53 FEET

THENCE SOUTH 77°54'41" EAST FOR 188.77 FEET;
THENCE SOUTH 80°07'06" WEST FOR 598.92 FEET;
THENCE NORTH 80°07'06" EAST FOR 988.00 FEET;
THENCE NORTH 82°36'46" EAST FOR 186.36 FEET;
THENCE SOUTH 64°06'38" EAST FOR 1,142.74 FEET;
THENCE SOUTH 09°30'37" EAST FOR 711.69 FEET;
THENCE NORTH 09°30'37" EAST FOR 1,105.93 FEET;
THENCE NORTH 09°30'37" EAST FOR 711.69 FEET;
THENCE SOUTH 57°46'39" EAST FOR 5,335.90 FEET;
THENCE SOUTH 11°20'27" WEST FOR 2,628.70 FEET;
THENCE SOUTH 12°21'45" EAST FOR 2,223.88 FEET;
THENCE SOUTH 23°45'11" EAST FOR 2,708.35 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF SAID SECTION 33, TOWNSHIP 42 SOUTH, RANGE 28 EAST. THENCE THE FOLLOWING BEARINGS AND DISTANCES ON THE SOUTH LINE OF SAID TOWNSHIP 42 SOUTH:

1. NORTH 09°36'46" WEST FOR 1,137.52 FEET
2. NORTH 89°41'45" WEST FOR 5,306.25 FEET
3. NORTH 89°41'45" WEST ALONG SAID LINE FOR 3,109.75 FEET TO THE POINT OF BEGINNING.

THIS PARCEL CONTAINS 5,757.47 ACRES MORE OR LESS.

BEARINGS, DISTANCES AND AREAS ARE BASED ON U.S. NAVS. BEARING REFERENCE: STATE PLANE COORDINATE, FLORIDA WEST ZONE, AND 83 (59) WHEN THE SOUTH LINE OF SECTION 31, TOWNSHIP 42 SOUTH, RANGE 28 EAST BEARS SOUTH 41°45" EAST.

INCREMENT 1 SOUTH AREA
BARCOCK RANCH COMMUNITY
SECTIONS 16, 20, 21, 29, 30, 31, 32, AND 33
TOWNSHIP 42 SOUTH, RANGE 28 EAST
CHARLOTTE COUNTY, FLORIDA

JOHNSON ENGINEERING

2120 JOHNSON STREET
LAKEWOOD RANCH, FL 34202
(941) 365-1860
FAX: (941) 365-1869
LA. P.E. & A.R. #474

SKETCH TO ACCOMPANY DESCRIPTION

DATE: 01/22/02
SCALE: 1" = 100'-0"
DRAWN BY: LA. P.E. & A.R. #474

January 26, 2014
Page 5 of 5
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 44 SOUTH, RANGE 28 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 3984.75 FEET, THENCE DEPARTING FROM SAID WEST LINE RUN S83°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 397.96 FEET; THENCE RUN N81°43'48"E FOR A DISTANCE OF 5226.50 FEET; THENCE RUN S07°53'13"E FOR A DISTANCE OF 10.02 FEET; THENCE RUN N81°38'00"E FOR A DISTANCE OF 651.89 FEET; THENCE RUN N82°44'32"E FOR A DISTANCE OF 4077.36 FEET; THENCE RUN N82°10'55"W FOR A DISTANCE OF 1284.08 FEET; THENCE RUN N85°50'23"E FOR A DISTANCE OF 1091.51 FEET; THENCE RUN S43°35'54"E FOR A DISTANCE OF 444.45 FEET; THENCE RUN N07°33'37"E FOR A DISTANCE OF 233.54 FEET; THENCE RUN N06°35'10"E FOR A DISTANCE OF 173.15 FEET; THENCE RUN N07°19'01"E FOR A DISTANCE OF 124.80 FEET; THENCE RUN N12°51'56"W FOR A DISTANCE OF 1854.85 FEET; THENCE RUN N01°12'25"E FOR A DISTANCE OF 4059.91 FEET; THENCE RUN N15°44'20"W FOR A DISTANCE OF 802.80 FEET; THENCE RUN N04°45'40"W FOR A DISTANCE OF 780.10 FEET; THENCE RUN N13°08'52"W FOR A DISTANCE OF 1136.53 FEET; THENCE RUN W76°33'03"E FOR A DISTANCE OF 50.00 FEET; THENCE RUN S13°36'57"E FOR A DISTANCE OF 1320.67 FEET; THENCE RUN S88°23'03"W FOR A DISTANCE OF 520.00 FEET; THENCE RUN N13°36'57"W FOR A DISTANCE OF 182.12 FEET; THENCE RUN W74°45'40"W FOR A DISTANCE OF 735.62 FEET; THENCE RUN S15°4'20"E FOR A DISTANCE OF 806.05 FEET; THENCE RUN S19°32'05"E FOR A DISTANCE OF 1024.45 FEET; THENCE RUN S03°04'56"W FOR A DISTANCE OF 84.80 FEET; THENCE RUN N04°35'04"W FOR A DISTANCE OF 50.00 FEET; THENCE RUN N19°32'05"W FOR A DISTANCE OF 73.69 FEET; THENCE RUN N19°32'05"W FOR A DISTANCE OF 1013.42 FEET; THENCE RUN N15°14'20"W FOR A DISTANCE OF 194.71 FEET; THENCE RUN S69°12'25"W FOR A DISTANCE OF 481.87 FEET; THENCE RUN S12°51'39"E FOR A DISTANCE OF 1846.85 FEET; THENCE RUN S71°35'01"W FOR A DISTANCE OF 138.40 FEET; THENCE RUN S69°39'10"W FOR A DISTANCE OF 171.96 FEET; THENCE RUN S07°03'37"W FOR A DISTANCE OF 297.14 FEET; THENCE RUN N43°35'54"W FOR A DISTANCE OF 444.32 FEET; THENCE RUN S89°50'23"W FOR A DISTANCE OF 691.15 FEET; THENCE RUN S26°10'55"E FOR A DISTANCE OF 1277.33 FEET; THENCE RUN S52°45'52"W FOR A DISTANCE OF 4736.92 FEET; THENCE RUN S61°38'05"W FOR A DISTANCE OF 681.23 FEET.

(continue description on sheet 2 of 10)

* THIS IS NOT A SURVEY *
UTILITY EASEMENT
BADCOCK RANCH COMMUNITY
CHARLOTTE COUNTY, FLORIDA
LEGAL DESCRIPTION

(CONTINUED DESCRIPTION FROM SHEET 1 OF 10)

THENCE RUN N70°53'13"W FOR A DISTANCE OF 10.07 FEET; THENCE RUN S81°43'46"W FOR A DISTANCE OF 5683.29 FEET; THENCE RUN S00°04'18"W FOR A DISTANCE OF 304.72 FEET; THENCE RUN N90°00'00"E FOR A DISTANCE OF 595.76 FEET; THENCE RUN N82°36'45"E FOR A DISTANCE OF 47.75 FEET; THENCE RUN S27°52'49"E FOR A DISTANCE OF 182.46 FEET; THENCE RUN S21°45'34"E FOR A DISTANCE OF 37.64 FEET; THENCE RUN N48°28'41"W FOR A DISTANCE OF 53.18 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 S52°38'45"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.

DATE SIGNED: 1-28-09

* THIS IS NOT A SURVEY *

TWNK
CONSULTING ENGINEERS

DRAWN BY: NO JOB NO:07938.08 SHEET 2 OF 10

LEGAL DESCRIPTION

50' WIDE UTILITY EASEMENT
BADCOCK RANCH COMMUNITY
SECTIONS 3, 10, 15, 16, 17, 18 & 19, TOWNSHIP 42 SOUTH
RANGE 26 EAST, CHARLOTTE COUNTY, FLORIDA

DATE: DECEMBER 2008 DRAWING: LEGAL
EXHIBIT B-5

FLEXIBLE AND VARIABLE DEVELOPMENT CRITERIA FOR BANCOCK RANCH COMMUNITY INCREMENT 1

FLEXIBLE DEVELOPMENT CRITERIA

1. The allocation of table land units and square footage identified on the Land Use Table on the Map H-4 may be modified consistent with the Equalized Matrix and land parcels, identified in Increment 1, such as schools, places of worship, utility infrastructure and facilities, and buildings will not be attributed to other development components and will not require use of the Equalization Matrix.

2. All development of the Increment Property, as if related to the defined development areas, certain standards and provisions and used for the Increment shall be in conformity with the Sancoke Ranch Overlay Zoning District (Ordinance No. 2009-19), as may be amended.

3. Open space shall be established and updated as a result of final permitting for the purpose of monitoring the reduction of 8% open space by overall, for the Increment. Open space shall be subject to conservation easements, and the Increment shall be recorded in the public records following final permitting.

variable development criteria

5. The following criteria will be subject to detailed site planning and permitting:

a. Final Conformations of Development Uses, including potential relocation and reconfiguration of neighborhood mixed residential, and high-density residential areas.

b. Final acreages of all proposed uses.

c. Nature, Habitat, Preservation, Mitigation, Enhancement, Municipal and Conservation areas that may be needed to sustain lakes, rivers, streams, wetlands, or other ecosystems. Requirements and final permitting.

d. Water management facilities may occur outside the boundaries of the Increment subject to final planning and permitting.

e. The final location, size, and allocation of off-site facilities (e.g. water, sewer, schools, churches, emergency services facilities, etc.).

f. The location, size, and allocation of seismic and monolithic facilities.

5. The configuration and design associated with the Passing Areas and Sustainable Energy Systems and facilities.

6. The final layout, size, allocation, and use of the passing area, trail system, and the exact locations and future interconnections of the trail system with the neighborhood trail framework system.

7. The location of vehicular access points, including existing temporary entry ways, to external public roadways.

8. The existing permitted or approved on-site operations will be allowed to continue.

9. Additional waterfront areas may be allowed consistent with current and subsequent permits.

10. Further assessments to the boundaries of development for specific land use classes exceed any of the Increment final land planning and permitting. Specific uses that are subject to the development concept such as parks, Hawkins, or other open space, may be subject to the Increment subsequent permitting and required to be consistent with the Increment, if deemed necessary.

11. Additional units and square footage shall be added to the Increment in the future through an amendment to this Increment.
EXHIBIT C

Table EM-2. Babcock Ranch Community □ Increment 1 Equivalency Matrix

<table>
<thead>
<tr>
<th>Change From:</th>
<th>Unit</th>
<th>Single Family (d.u.)</th>
<th>Multi Family (d.d.u.)</th>
<th>Retail (1,000 s.f.)</th>
<th>General Office (1000 s.f.)</th>
<th>Medical Office Space (s.f.)</th>
<th>Industrial (1000 s.f.)</th>
<th>Hotel/Motel Unit</th>
<th>Civic/Other (1000 s.f.)</th>
<th>Church (1,000 s.f.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family</td>
<td>d.u.</td>
<td>NA</td>
<td>0.62</td>
<td>6.64</td>
<td>1.73</td>
<td>4.05</td>
<td>1.01</td>
<td>0.82</td>
<td>1.41</td>
<td>0.63</td>
</tr>
<tr>
<td>Multi Family</td>
<td>d.u.</td>
<td>1.93</td>
<td>NA</td>
<td>13.19</td>
<td>3.34</td>
<td>7.80</td>
<td>1.94</td>
<td>1.59</td>
<td>2.72</td>
<td>1.21</td>
</tr>
<tr>
<td>Retail</td>
<td>s.f.</td>
<td>146.11</td>
<td>75.81</td>
<td>NA</td>
<td>253.03</td>
<td>591.32</td>
<td>147.07</td>
<td>120.33</td>
<td>208.28</td>
<td>91.68</td>
</tr>
<tr>
<td>General Office</td>
<td>s.f.</td>
<td>577.45</td>
<td>298.59</td>
<td>3552.08</td>
<td>NA</td>
<td>2336.96</td>
<td>581.22</td>
<td>475.54</td>
<td>815.22</td>
<td>362.32</td>
</tr>
<tr>
<td>Medical Office</td>
<td>s.f.</td>
<td>247.09</td>
<td>128.20</td>
<td>1691.12</td>
<td>427.91</td>
<td>NA</td>
<td>248.71</td>
<td>203.49</td>
<td>348.84</td>
<td>155.04</td>
</tr>
<tr>
<td>Industrial</td>
<td>s.f.</td>
<td>993.51</td>
<td>515.46</td>
<td>6709.63</td>
<td>1720.52</td>
<td>4020.78</td>
<td>NA</td>
<td>818.18</td>
<td>1402.60</td>
<td>623.38</td>
</tr>
<tr>
<td>Hotel/Motel</td>
<td>unit</td>
<td>1.21</td>
<td>0.63</td>
<td>8.31</td>
<td>2.10</td>
<td>4.91</td>
<td>1.22</td>
<td>NA</td>
<td>1.71</td>
<td>0.76</td>
</tr>
<tr>
<td>Civic/Government</td>
<td>s.f.</td>
<td>708.33</td>
<td>367.50</td>
<td>4847.88</td>
<td>1226.67</td>
<td>2866.67</td>
<td>712.96</td>
<td>583.33</td>
<td>NA</td>
<td>444.44</td>
</tr>
<tr>
<td>Church</td>
<td>s.f.</td>
<td>1593.75</td>
<td>826.88</td>
<td>10907.7</td>
<td>2760.00</td>
<td>6450.00</td>
<td>1604.17</td>
<td>1312.50</td>
<td>2250.00</td>
<td>NA</td>
</tr>
</tbody>
</table>

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.
EXHIBIT D

UPDATED SUMMARY OF LAND DEDICATION & FACILITIES CONSTRUCTION REQUIRED FOR INCREMENT 1

<table>
<thead>
<tr>
<th>Public Facilities Required</th>
<th>Aggregate Site Dedication (acre)</th>
<th>Shell Building Required (s.f.)</th>
<th>Land Dedication or Building Shell Complete</th>
<th>Commencement of Operations</th>
</tr>
</thead>
<tbody>
<tr>
<td>PARKS, RECREATION and CULTURAL RESOURCES</td>
<td>Neighborhood Parks (Village Parks)</td>
<td>3.0 - 20.0 ^2</td>
<td>2500 ^3</td>
<td>500th C/O ^4</td>
</tr>
<tr>
<td>FIRE/RESCUE/LAW ENFORCEMENT</td>
<td>One (1) EMS Transport Vehicle ^7</td>
<td>Interim sub-station Sheriff's trailer</td>
<td>^6</td>
<td>Will be operational by the issuance of the first residential building permit. ^6</td>
</tr>
<tr>
<td>SOLID WASTE</td>
<td>Site #1</td>
<td>6.0</td>
<td>N/A</td>
<td>Prior to the issuance of the 16,000th C/O</td>
</tr>
<tr>
<td>EXTENSION SERVICES</td>
<td>Site #1</td>
<td>24.0</td>
<td>N/A</td>
<td>Prior to the issuance of the 1st C/O ^8</td>
</tr>
<tr>
<td></td>
<td>Mosquito Control pre-fab building (shall only).</td>
<td></td>
<td>3000 ^5</td>
<td>Prior to the issuance of the 5,000th C/O</td>
</tr>
<tr>
<td></td>
<td>Site #2</td>
<td>1.0</td>
<td>N/A</td>
<td>Prior to the issuance of the 5,000th C/O</td>
</tr>
<tr>
<td>SCHOOLS</td>
<td>Elementary School</td>
<td>20.0</td>
<td>N/A</td>
<td>School Board criteria for land dedication</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>AMOUNT/SIZE</th>
<th>Phase I</th>
<th>Phase II</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>2,500 units</td>
<td>1000 units</td>
<td>1,500 units</td>
</tr>
<tr>
<td>Retail</td>
<td>128,000 square feet</td>
<td>60,000 square feet</td>
<td>76,000 square feet</td>
</tr>
<tr>
<td>General Office</td>
<td>250,000 square feet</td>
<td>150,000 square feet</td>
<td>100,000 square feet</td>
</tr>
<tr>
<td>Medical Office</td>
<td>50,000 square feet</td>
<td>0 square feet</td>
<td>50,000 square feet</td>
</tr>
<tr>
<td>Industrial</td>
<td>90,000 square feet</td>
<td>0 square feet</td>
<td>90,000 square feet</td>
</tr>
<tr>
<td>Hotel/Motel</td>
<td>100 rooms</td>
<td>0 rooms</td>
<td>100 rooms</td>
</tr>
<tr>
<td>Civic/Government/Church</td>
<td>22,500 square feet</td>
<td>5,000 square feet</td>
<td>17,500 square feet</td>
</tr>
</tbody>
</table>

Table 2. Increment 1 Parameters by Development Area

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>AMOUNT/SIZE</th>
<th>VILLAGE III</th>
<th>TOWN CENTER</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>2,500 units</td>
<td>1650 units</td>
<td>650 units</td>
</tr>
<tr>
<td>Retail</td>
<td>128,000 square feet</td>
<td>26,000 square feet</td>
<td>100,000 square feet</td>
</tr>
<tr>
<td>General Office</td>
<td>250,000 square feet</td>
<td>26,000 square feet</td>
<td>225,000 square feet</td>
</tr>
<tr>
<td>Medical Office</td>
<td>50,000 square feet</td>
<td>10,000 square feet</td>
<td>40,000 square feet</td>
</tr>
<tr>
<td>Industrial</td>
<td>90,000 square feet</td>
<td>0 square feet</td>
<td>90,000 square feet</td>
</tr>
<tr>
<td>Hotel/Motel</td>
<td>100 rooms</td>
<td>0 rooms</td>
<td>100 rooms</td>
</tr>
<tr>
<td>Civic/Government/Church</td>
<td>22,500 square feet</td>
<td>12,500 square feet</td>
<td>10,000 square feet</td>
</tr>
</tbody>
</table>

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 I.DO.
EXHIBIT L

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.

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. 2009-933 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, 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

L-1
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,
Southwest Florida Regional Planning Council, 4980 Bayline Drive, 4th Floor,
North Fort Myers, FL 33918-3809.

PASSED AND DILY ADOPTED this 14th day of December, 2010.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By: 

Robert J. Stack, 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: 

Janelle S. Knowlton, County Attorney

January 28, 2014
EXHIBIT L

BABCOCK RANCH COMMUNITY INCREMENT 1 – PHASE 1
MASTER ROADWAY IMPROVEMENT AGREEMENT
Page 1 of 23

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 the 16th 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 DRI Incremental Development Order.

NOW, THEREFORE, for and in consideration of the premises and in reliance on the mutual promises, covenants, undertakings, stipulations 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 19, 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 DRI 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 except of IDO-1, including
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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 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") within 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-agreements(s) under each phase as required, including, but not limited to funding and specific actions with greater detail, 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 4
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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.

3. 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-Agreements(s) shall also address in greater detail 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 of subsequent costs needed
to complete the PD&E Study exceed the estimated costs, Developer shall
provide funds 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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a. Upon execution of a Sub-Agreement for funding and deposit of required funds from Developer in accordance with the 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 Improvement, 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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5. **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 detail 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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requirements and surety bond requirements. These Sub-Agreements shall also address in greater detail 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 the 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-Agreements for this phase of the Roadway Improvements, which will address transfer of right of way, title review, subordination of easements or encumbrances. These Sub-Agreements shall also address in greater detail the elements listed below.

ea. 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 detail 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 6.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 6.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.

G. 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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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.C.A. above, or termination by the FDOT under subsection 5 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 phase 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 procedures 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
EXHIBIT L

RAICOCK 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 dispute
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 Ombuds Resolution Consortium (the “FORC”) located at Florida State
University in selecting a mediator by initially requesting that FORC 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
FORC, they will then request that FORC select a mediator and the parties agree
to accept the mediator as selected by FORC. 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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themselves- or any legal or administrative remedies available to them at law or in

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: (a) applicable and deemed unenforceable
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 to default for failure to
perform the terms and conditions hereof unless said party shall have first

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received written notice specifying the nature of such failure and said party fails to
cause 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 Area Office
2296 Victory Ave., Suite 292 W
FL, Myers, FL 33901

with a copy to: Florida Department of Transportation District One, District
Secretary
911 N. Broadway Ave.
Bartow, FL 33830

As to Developer: Babcock Property Holdings, LLC
ATTN: Mr. Tom Deyrup, President
17337 Murdock Circle
Port Charlotte, Florida 33948

with a copy to: Babcock Property Holdings, LLC
ATTN: Mr. Syd Kistler, CIO
4500 PGA Boulevard, Suite 400
Palm Beach Gardens, Florida 33418
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BASSCOO 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, 10
Attachment C: Drainage Easement Agreement Provisions for Any Joint Use Ponds,......4, 17

Rest of this page intentionally left blank.
IN WITNESS WHEREOF, FDOT and Developer have executed this Master Agreement on the date first above written.

Witness: Elizabeth Anndes
Print Name: Elizabeth Anndes

BABCOCK PROPERTY HOLDINGS, LLC, a Delaware limited liability company.
By: [Signature]
Name: Thomas J. Daniels
Inc: President

STATE OF FLORIDA
COUNTY OF CHARLOTTE:

The foregoing Instrument was acknowledged before me this 15th day of February, 2010 by Tom Daniels 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 an Identification.

(Notary Seal)

Signature of Notary Public: Elizabeth A. Anndes
Print Name: Elizabeth A. Anndes
My commission expires on April 10, 2011.

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MASTER ROADWAY IMPROVEMENT AGREEMENT  
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FLORIDA DEPARTMENT OF TRANSPORTATION

SIGNED AND ACKNOWLEDGED IN THE PRESENCE OF:

WITNESS #1

[Signature]

WITNESS #2

[Signature]

FLORIDA DEPARTMENT OF TRANSPORTATION, AN AGENCY OF THE STATE OF FLORIDA

BY: [Signature]

DISTRICT SECRETARY, FLORIDA DEPARTMENT OF TRANSPORTATION, DISTRICT ONE

[Signature]

FDOT DEPARTMENT REVIEWED & APPROVED BY:

[Signature]

DATE: 2/10/10

FDOT LEGAL REVIEW:

[Signature]

DATE: 2/10/10

STATE OF FLORIDA  
COUNTY OF Polk

The foregoing instrument was acknowledged before me this 18th day of February, 2010 by [Name], of [Address], as Director of Operations of [Name of Organization], on behalf of [Name of Organization] in the County of Polk, Florida. The above-named person is personally known to me or has produced satisfactory identification.

[Signature]

Notary Public

[Notary Seal]

Signature of Notary Public

Geraldine W. W. cares

[Notary Seal]

My commission expires on 5/1/2011

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EXHIBIT L

ATTACHMENT A
Increment 1 Legal Description

(After Attachment C)
EXHIBIT L

ATTACHMENT B
Increment 1 - Phase 1 Transportation Conditions and Related Attachments
(After Attachment C)
EXHIBIT L

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 purposes of this Agreement for all Easements. The Easements are expressly made subject to all of the terms and conditions contained in this 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 SWMS 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 set forth 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 realty.

4. **Access Easement.** DEVELOPER hereby grants to FDOT a non-exclusive, perpetual easement ("the Access Easement") over the SWMS and any and all lands or easements dedicated (or to be dedicated during development) to governmental units/agencies for access, drainage and/or drainage maintenance and/or treatment in any Subdivision plat that are recorded in Plat Book__, Page__, 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, under the Access Easement area 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 I
MASTER ROADSIDE IMPROVEMENT AGREEMENT: ATTACHMENT C
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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 SFWM 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 SFWM 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 SFWM 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 SFWM 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 SFWM 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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BANCOCK RANCH COMMUNITY INCREMENT 1 - PHASE 1
MASTER ROADWAY IMPROVEMENT AGREEMENT: ATTACHMENT C.
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government requirements affecting FCOT’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 governmental and/or permit requirements affecting FCOT’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 governmental entity or authorized users of their easements under applicable law) as defined in Fla. Stat. §768.26.

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 any other governmental and/or permit requirements 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 and/or permit 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 which Party is responsible for causing the non-compliance (“Responsible Party”). The Responsible Party shall take action at its own expense to restore permit compliance.
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 Provisions. 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, [name], of FDOT’s intent to conduct emergency maintenance and repair on the SWMS.

   b. Allocate 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 costs 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. F.S. § 359.135(6)(e); 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 contractor 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 F.S. § 768.28.

15. All actions 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 F.S. § 768.28 (including a Community Development District, "CDD", as provided in F.S. § 570.543), 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 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
EXHIBIT L

BARCROCK RANCH COMMUNITY INCREDIBLE PHASE 1
MASTER ROADWAY IMPROVEMENT AGREEMENT ATTACHMENT C
Page 21 of 23

January 28, 2014

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 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 contaminants 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 the 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 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 injuries to persons and/or damages 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 above. Failure to comply with the
EXHIBIT L

RASCO 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:

1. The assignment or transfer of this Easement Agreement shall be in connection with the conveyance of the property burdened by the Easement 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.

2. All permits issued for the SWMS, including without limitation, SWWMD 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.b.i. 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.

3. 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.

4. The new assignee or transferee agrees in writing to the acceptance of all obligations, requirements and conditions of this Easement Agreement.

5. The assignment or transfer is properly recorded within thirty (30) business days of the assignment or transfer by DEVELOPER.

18. 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 SWWMD permit transfer requirements.

20. Entire Easement Agreement, Rains 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 or the Access Easement area are 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.
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 counsel. 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 hereunder in connection with this Easement Agreement shall 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 notice shall be given to the Parties at the following addresses:

<table>
<thead>
<tr>
<th>TO DEVELOPER</th>
<th>TO FDOT</th>
</tr>
</thead>
<tbody>
<tr>
<td>DEVELOPER Address</td>
<td>FDOT Address</td>
</tr>
<tr>
<td>Phone # Email</td>
<td>Phone # Email</td>
</tr>
</tbody>
</table>

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 copy of a notice 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 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.
ATTACHMENT A
[LEGAL DESCRIPTIONS]

1. Exhibit A-1, Sketch and Description for Increment 1 - North Parcel (Bahcock Ranch Community) (2 pages).
2. Exhibit A-2, Description and Sketch to Accompany Description for Increment 1 South Area Bahcock Ranch Community (4 pages).
EXHIBIT L

LEGAL DESCRIPTION:
BEING A PARCEL OF LAND LYING OVER A PORTION OF SECTIONS 29, 31, AND 32,
TOWNSHIP 41 S/W, 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°40'42" NORTH, ALONG THE WEST LINE OF SAID SECTION 31, A DISTANCE OF 2075.54
FEET TO A POINT ON THE WESTLY EXTENSION OF THE NORTH LINE OF THAT CERTAIN
"LESS & EXCEPT PARCEL" AS DESCRIBED IN OFFICIAL RECORDS BOOK 321, PAGE 2079,
PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA; THEN NORTH 90°11'17" EAST;
DEPARTING SAID WEST LINE, AND ALONG SAID WESTLY EXTENSION, A DISTANCE OF
346.69 FEET TO THE NORTHWEST CORNER OF "LESS & EXCEPT PARCEL"; THEN
CONTINUE NORTH 89°11'17" EAST, ALONG THE NORTH LINE OF SAID "LESS & EXCEPT
PARCEL", A DISTANCE OF 3,244.36 FEET TO THE POINT OF BEGINNING; THEN CONTINUE
NORTH 89°11'17" EAST, ALONG THE NORTH LINE OF SAID "LESS & EXCEPT PARCEL", A
DISTANCE OF 2,310.89 FEET TO A POINT ON THE WEST LINE OF SAID "LESS & EXCEPT
PARCEL", THEN NORTH 00°40'33" WEST, DEPARTING SAID NORTH LINE, AND ALONG SAID
WEST LINE, A DISTANCE OF 2,785.32 FEET TO A POINT ON THE NORTH LINE OF SAID "LESS
& EXCEPT PARCEL", THEN NORTH 00°40'33" WEST, DEPARTING SAID NORTH LINE, AND
ALONG SAID NORTH LINE, A DISTANCE OF 2,646.84 FEET, THEN SOUTH 00°40'33" EAST,
DEPARTING SAID SOUTH LINE; A DISTANCE OF 6,746.83 FEET TO A POINT ON THE NORTH
LINE OF THAT CERTAIN 100' FOOT WORTH EASEMENT AS DESCRIBED IN OFFICIAL
RECORDS BOOK 321, PAGE 2079, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA;
THEN NORTH 89°31'41" WEST, ALONG SAID NORTH EASEMENT LINE, A DISTANCE OF
3,372.23 FEET, THEN NORTH 00°40'33" WEST, CONTINUING ALONG SAID NORTH EASEMENT
LINE, A DISTANCE OF 1,440.00 FEET, THEN NORTH 00°40'33" WEST, DEPARTING SAID
NORTH EASEMENT LINE, A DISTANCE OF 2,156.48 FEET TO THE POINT OF BEGINNING.
SAID PARCEL-containing 442.58 ACRES, MORE OR LESS.

SURVEYNOR'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 MIDDLE LAT. NORTH AMERICAN DATUM OF 1983/2000 ADJUSTMENT.

BEARING BASE:
The WEST line of SECTION 31, TOWNSHIP 41 SOUTH, RANGE 26 EAST, IS TAKEN TO BE:
NORTH 00°40'42" WEST, AND ALL OTHER BEARINGS SHOWN HEREIN ARE RELATIVE THERETO.

LEGEND:
O.R.B. = OFFICIAL RECORDS BOOK

SURVEYOR'S AND MAPPER'S SIGNATURE:

I, the undersigned, do hereby certify this sketch as of

Doyle Engineering, Inc.

DOYLE ENGINEERING, INC.

January 28, 2014

L-28
UTILITY EASEMENT
BARRON RANCH COMMUNITY
GRANTOR: CHARLOTTE COUNTY, FLORIDA
LEGAL DESCRIPTION

A strip of land 60 feet wide for a utility easement lying in
sections 9, 10, 11, 12, 13, 14, and 15, township 20, range 30
west, Charlotte County, Florida, being more particularly described
as follows:

Commence at the southwest corner of said section 10, thence run
northeast for a distance of 300.00 feet, thence departing from said west line and run southwesterly
for a distance of 250.00 feet to the intersection of the subject 60.00
foot wide utility easement and the point of beginning.

Thence run northeast for a distance of 397.34 feet; thence run
northeast for a distance of 525.30 feet; thence run southwesterly
for a distance of 100.00 feet; thence run northwesterly for a distance of
365.96 feet; thence run northwesterly for a distance of 577.50
feet; thence run northwesterly for a distance of 1044.53 feet; thence
run southwesterly for a distance of 189.27 feet; thence run southwesterly
for a distance of 444.94 feet; thence run northwesterly for a distance of
333.64 feet; thence run northwesterly for a distance of 150.88 feet;

(continue description on sheet 2 of 10)

* THIS IS NOT A SURVEY *

REAL ESTATE MAPPING SERVICES
BARRON RANCH COMMUNITY
GRANTEE: CHARLOTTE COUNTY, FLORIDA
LEGAL DESCRIPTION

A strip of land 60 feet wide for a utility easement lying in
sections 9, 10, 11, 12, 13, 14, and 15, township 20, range 30
west, Charlotte County, Florida, being more particularly described
as follows:

Commence at the southwest corner of said section 10, thence run
northeast for a distance of 300.00 feet, thence departing from said west line and run southwesterly
for a distance of 250.00 feet to the intersection of the subject 60.00
foot wide utility easement and the point of beginning.

Thence run northeast for a distance of 397.34 feet; thence run
northeast for a distance of 525.30 feet; thence run southwesterly
for a distance of 100.00 feet; thence run northwesterly for a distance of
365.96 feet; thence run northwesterly for a distance of 577.50
feet; thence run northwesterly for a distance of 1044.53 feet; thence
run southwesterly for a distance of 189.27 feet; thence run southwesterly
for a distance of 444.94 feet; thence run northwesterly for a distance of
333.64 feet; thence run northwesterly for a distance of 150.88 feet;

(continue description on sheet 2 of 10)
UTILITY EASEMENT
BANCOCK RANCH COMMUNITY
CHARLOTTE COUNTY, FLORIDA
LEGAL DESCRIPTION

(CONTINUED DESCRIPTION FROM SHEET 1 OF 1)

THENCE RUN 467.40' W FOR A DISTANCE OF 100.07 FEET; THENCE RUN 308.43' E FOR A DISTANCE OF 568.56 FEET; THENCE RUN 550.45' W FOR A DISTANCE OF 568.56 FEET; THENCE RUN 467.40' E FOR A DISTANCE OF 47.75 FEET; THENCE RUN 467.40' E FOR A DISTANCE OF 180.48 FEET; THENCE RUN 324.92' N FOR A DISTANCE OF 53.16 FEET; THENCE RUN 519.53' W FOR A DISTANCE OF 33.83 FEET; THENCE RUN 519.53' W FOR A DISTANCE OF 33.83 FEET; THENCE RUN 519.53' W FOR A DISTANCE OF 100.07 FEET; THENCE RUN 324.92' N FOR A DISTANCE OF 53.16 FEET; THENCE RUN 467.40' W TO THE POINT OF BEGINNING.

CONTAINING 1,024,710 SQUARE FEET OR 29.83 ACRES, MORE OR LESS.

NOTES:
1. This survey was prepared and recorded at the request of the California Water District.
2. Subject to easements, reservations and/or restrictions of record.
3. All dimensions shown herein are in feet and inches thereof.

[Signature]
1-16-09

TKW
CONSULTING ENGINEERS

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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 K, Increment 1 Parameters by Phase and Increment 1 Parameters by Development Area (1 page).
EXHIBIT L

(B-1)

4. TRANSPORTATION

A. Representations and Commitments as Conditions.

(1) Increment 1-Phase 1.

a. From a transportation perspective, only Babcock Ranch Community Increment 1-

Phase 1 ("Increment 1-Phase 1") is approved by this Incremental Development Order.

Due to the limited development of Increment 1-Phase 1 and its build-out date of

December 31, 2014, the traffic analysis that has been conducted by the Developer,

Florida Department of Transportation (FDOT), Charlotte County and Lee County is

sufficient. Only the residential and non-residential development shown on Exhibit E for

Increment 1-Phase 1 is authorized by this Incremental Development Order. However,

site related improvements for Increment 1-Phase 1 and Increment 1-

Phase 2 are allowed, such as clearing, grading, infrastructure, water management,

sanitation, environmental restoration and landscaping are allowed. Prior to submittal of

Increment 1-Phase 2 or any other Increments, an update of the Master Traffic Study shall

be conducted, and approved in accordance with the Master Development Order as

modified by that certain Notice of Proposed Change approved December 15, 2009.b.

Developer shall be fully responsible for the required site-related roadway and

intersection improvements associated with Increment 1-Phase 1 as set forth herein. Site-

related improvements include, but are not limited to, the following: site driveways and

roads; median cuts made necessary by those driveways or roads; right-turn, left-turn, and

deceleration or acceleration lanes leading to or from those driveways or roads; traffic

control measures for those driveways or roads; and roads or intersection improvements

whose primary purpose at the time of construction is to provide access to the
EXHIBIT L

development. The specific site-related improvements shall be subject to review and approval under the Site Plan Review process as provided in Section 3-9-5.1 of the Code of Laws and Ordinances of Charlotte County, Florida ("Code"), and coordination with FDOT. The site-related improvements are as follows:

SR 31 and South Project Entrance
- Add NB Right-Turn Lane
- Add SB Left-Turn Lane
- Signal, if and when warranted

SR 31 and North Project Entrance
- Add NB Right-Turn Lane
- Add SB Left-Turn Lane
- Signal, if and when warranted

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

c. The off-site traffic impacts of Increment 1-Phase 1 through 2014, as estimated by the AIDA traffic analysis are identified in Exhibit 1, which is attached hereto and incorporated herein by reference. These off-site traffic impacts have been accepted by FDOT, County, Lee County, DCA, and the SWFRPC; as the impacts resulting from Increment 1-Phase 1,

1. The mutually agreed upon significant and adversely impacted roadways and the identified improvements for Increment 1-Phase 1 site:
   a. SR 31 from SR 78 to North River Road
      - Widens from 2 to 4 lanes

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

L-46
EXHIBIT L

a. SR 31 and SR 39
   - 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

The Increment I-Phase I proportionate share of the improvements, as shown on Exhibit K, has been calculated consistent with P.S. 162.3180.

(12)(a) and Rule 97-2.045, F.A.C. The Increment I-Phase I proportionate share calculation was based on 1,156 pphpd two-way external trips and 1,037 pphpd two-way net new trips established by the AIDA traffic analysis. The calculated proportionate share for Increment I-Phase I is $2,358,100 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 I-Phase I, recognizing that the actual costs may increase or decrease based upon the final actual costs of the agreed upon improvements.

3. a. The Increment I-Phase I agreed upon mitigation of the significantly and adversely impacted roadways and intersection improvements identified in Condition 4(A) U1 b.1., accepted by FDOT, Charlotte County, Lee County, DCA, and SWFRPC, shall be the
January 28, 2014

EXHIBIT L

The following schedule of listed improvements and data contain payment provisions:

<table>
<thead>
<tr>
<th>Reference #</th>
<th>Item Description</th>
<th>Total Cost</th>
<th>Anticipated Start Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Intersection Improvements: - SR 31 and SR 78</td>
<td>$283,000</td>
<td>Monitoring 2013</td>
</tr>
<tr>
<td>2</td>
<td>SR 31 Widening to 4 Lanes from SR 78 to North River Road, - 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 Improvements for SR 31 from SR78 to North River Road</td>
<td>$260,000 $774,000 $80,000</td>
<td>Inlined 2013 2012 2014</td>
</tr>
<tr>
<td>3</td>
<td>SR31 Traffic Count Station</td>
<td>$100,000</td>
<td>2011</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td></td>
<td>$6,939,000</td>
</tr>
</tbody>
</table>

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

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

3. b. If and when requested by Charlotte County, the Developer shall also make certain intersection improvements at SR 31 and CR 74, to extend the Northbound to Westbound Left Turn Lane, at an estimated cost of $100,000, and as set forth in more detail in Section 4.d. below, The anticipated start date for these intersection improvements is 2013.

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EXHIBIT L

4. After the effective date of this Incremental Development Order, the Developer shall:
   a. Initiate the intersection improvements (Reference #1 above) no later than 90 days after the
      monitoring report indicates that the Project is generating at least 300 pcp peak hour, two-way
      external trips and the intersection is projected to operate below the adopted level of service
      standard within 12 months. If these improvements are not initiated within the above time
      period, no building permits beyond these limitations can be issued until these improvements
      are initiated.
   b. Initiate the improvements of SR 31 to eventually result in the four-laning for SR 31 from SR 78 to North River Road
      (Reference #2 above). The improvements will consist of the following:
      i) Coordinate with FDOT to fund, contract and complete the Project Development and Environment Study (PDES) for SR31
         from at least SR78 to North River Road.
      ii) Coordinate with FDOT to undertake the Preliminary Engineering for the SR31 roadway widening from at least SR78 to North River Road.
      iii) Coordinate acquisition and funding with either the Isabekoch Ranch Community Independent Special District, Charlotte...
EXHIBIT L

January 28, 2014

County, Las County or PDOT to assemble necessary right-of-
way.

iv) Coordinate with PDOT to construct the four-lane improvement.

As identified in Condition 4(A)(1)c.3 above, it is anticipated
that the PD&R study, the preliminary engineering, and the
right-of-way acquisition will occur through 2014. Construction
of the widening improvement is anticipated to commence in
2015. Of note, the interior intersection improvements may
provide additional capacity to the roadway to maintain the
roadway level of service standards, subject to successful
monitoring and confirmation after completion of the interi,
intersection improvements.

v) Coordinate with PDOT to construct interior intersection
improvements at SR 31 and North River Road and at SR 31
and SR 78. Intersection improvements are to be initiated no
later than 90 days after the monitoring report indicates that the
Project is generating at least 300 pm peak hour, two-way
external trips.

c) Install permanent traffic count stations at the Project’s access
points off SR 31 at the time of constructing the access points
and up to two permanent traffic count stations along SR 31,
north and south of the proposed permanent entrances to the
EXHIBIT L

January 28, 2014

Community in 2011. Final location of the count stations will be coordinated with Charlotte County (Reference #3 above).

d. If and when requested by Charlotte County the Developer will provide for the extension of the northbound SR 31 left turn lane at CR 74. Charlotte County will complete the analysis to determine the extent of the improvement and the timing requirement of the improvement.

5. FDOT has maintenance authority for SR 31 and the intersection improvements set forth above. Developer shall be responsible for the guaranteed construction of the above improvements, in accordance with the above schedule, and in accordance with the binding and enforceable commitment by the Developer in this Incremental Development Order and on the attached Exhibit L to ensure construction or improvement of these facilities, pursuant to F.S. 163.310(12)(a)4. and Rule 91-2.445(7)(a).I.a.(V), F.A.C.

6. As the cost of the obligation by the Developer for Increment 1-Phase 1 exceeds the proportionate share of the impact fee from Increment 1-Phase 1 of $3,368,100 (as adjusted up or down in accordance with actual costs and based upon the accepted proportionate share percentages shown on Exhibit K), the Developer shall be credited to the overall impact fee for the cost of improvements beyond the proportionate share amount as provided in the MDO and applicable law. Developer and Charlotte County may enter into a Transportation Credit Agreement to
EXHIBIT L

... further delineate the terms and procedures for implementing credits for identified improvements set forth above in excess of the proportionate share of Increment 1-Phase 1. Credit for the cost of additional improvements as set forth above shall be analyzed as part of transportation analysis for Increment 1-Phase 2 or future increments and to be included in subsequent incremental development orders.

As provided for elsewhere in this Incremental Development Order, the Developer shall submit biennial Monitoring Reports pursuant to the requirements of Section 380.06(18), F.S., Chapter 91-2, F.A.C., and the MDO.

Satisfaction of the required mitigation in the timeframes as outlined and compliance with the transportation related provisions of this Incremental Development Order for Increment 1-Phase 1 shall satisfy the road or traffic concurrency requirements of the Charlotte County Comprehensive Plan, Charlotte County Land Development Regulations, and the Charlotte County Concurrency Management System, through December 31, 2014 (the build out date of Increment 1-Phase 1). If the Developer proposes to extend the build out date of Increment 1-Phase 1 beyond December 31, 2014, the Developer and the review agencies, during the development order amendment process pursuant to Section 388.05(10), Florida Statutes, shall re-evaluate the future traffic impact of the development in a manner consistent with the Master Development Order, and shall re-evaluate the concurrency status of Increment 1-Phase 1 on all roadway segments listed in Condition 4(1)(c).1 above.

If DCA has determined that SR 31 is a Regionally Significant Roadway as defined in Rule 91-2.045, F.A.C.
EXHIBIT L

2.9. Charlotte County, by approving this Incremental Development Order, has
2 exercised its discretion to accept this mitigation for Incremental-Phase 1.
3.2. Improvements to the facilities described 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 B for Incremental-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. 163.3225
9 through 163.3225, 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
14 a. Increment 1-Phase 2 transportation impacts and mitigation shall be addressed
15 through an NOPC. All other conditions, other than Transportation, have been fully addressed for
16 the entire Increment 1, so that the NOPC need only address Transportation Issues, unless the
17 Developer wishes to make other changes to the Development Program which necessitates a
18 review of the other conditions.
19 (3) The Master Internal Circulation Plan for Increment 1 is attached here as Exhibit G.
20
21 REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY
EXHIBIT L

(B-2) EXHIBIT E

Increment 1 Parameters by Phase

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>AMOUNT/UNIT</th>
<th>Phase I</th>
<th>Phase II</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>3,500 units</td>
<td>1,000 units</td>
<td>1,500 units</td>
</tr>
<tr>
<td>Retail</td>
<td>145,000 sq ft</td>
<td>60,000 sq ft</td>
<td>76,000 sq ft</td>
</tr>
<tr>
<td>General Office</td>
<td>250,000 sq ft</td>
<td>150,000 sq ft</td>
<td>100,000 sq ft</td>
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<tr>
<td>Medical Office</td>
<td>50,000 sq ft</td>
<td>0 sq ft</td>
<td>50,000 sq ft</td>
</tr>
<tr>
<td>Retail</td>
<td>90,000 sq ft</td>
<td>0 sq ft</td>
<td>90,000 sq ft</td>
</tr>
<tr>
<td>Hotel/Hotel</td>
<td>100 rooms</td>
<td>0 rooms</td>
<td>100 rooms</td>
</tr>
<tr>
<td>Civic/Government/Church</td>
<td>22,000 sq ft</td>
<td>5,000 sq ft</td>
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Increment 1 Parameters by Development Area

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<th>LAND USE</th>
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<th>TOWN CENTER</th>
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<tr>
<td>Residential</td>
<td>2,500 units</td>
<td>1,050 units</td>
<td>650 units</td>
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<tr>
<td>Retail</td>
<td>125,000 sq ft</td>
<td>26,000 sq ft</td>
<td>100,000 sq ft</td>
</tr>
<tr>
<td>General Office</td>
<td>250,000 sq ft</td>
<td>25,000 sq ft</td>
<td>225,000 sq ft</td>
</tr>
<tr>
<td>Medical Office</td>
<td>50,000 sq ft</td>
<td>0 sq ft</td>
<td>50,000 sq ft</td>
</tr>
<tr>
<td>Retail</td>
<td>90,000 sq ft</td>
<td>0 sq ft</td>
<td>90,000 sq ft</td>
</tr>
<tr>
<td>Hotel/Hotel</td>
<td>100 rooms</td>
<td>0 rooms</td>
<td>100 rooms</td>
</tr>
<tr>
<td>Civic/Government/Church</td>
<td>12,000 sq ft</td>
<td>12,000 sq ft</td>
<td>10,000 sq ft</td>
</tr>
</tbody>
</table>

NOTE:
1) Utilization, applications, setbacks, and zoning regulations are permitted throughout Increment 1.
2) Increment 1 Parameters by Phase in this Exhibit II are to be treated as interchanged between Phases 1 and Phase II in accordance with the applicable matrix set forth in Exhibit C herein, subject to the external vehicle trip limitations set forth in Section 4 of the Incremental Development Order.
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11a

Estero Bay Agency on Bay Management Discussion

11a
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**

<table>
<thead>
<tr>
<th>Group</th>
<th>Funding Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Audubon Society of Southwest Florida</td>
<td>Private</td>
</tr>
<tr>
<td>Charlotte Harbor National Estuary Program</td>
<td>Federal, State, Local, Private, Grants</td>
</tr>
<tr>
<td>City of Bonita Springs</td>
<td>Local</td>
</tr>
<tr>
<td>City of Fort Myers</td>
<td>Local</td>
</tr>
<tr>
<td>CREW Land and Water Trust</td>
<td>Private</td>
</tr>
<tr>
<td>Estero Council of Community Leaders</td>
<td>Private</td>
</tr>
<tr>
<td>Florida Department of Economic Development</td>
<td>State and Grants</td>
</tr>
</tbody>
</table>

---

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/](http://www.tbrpc.org/abm/)
<table>
<thead>
<tr>
<th>Group</th>
<th>Funding Source</th>
</tr>
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<tr>
<td>Florida Department of Environmental Protection</td>
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</tr>
<tr>
<td>FDEP Estero Bay Aquatic Preserve</td>
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</tr>
<tr>
<td>Florida Gulf Coast University</td>
<td>Federal, State, Local, Private, and Grants</td>
</tr>
<tr>
<td>Fort Myers Beach Civic Association</td>
<td>Private</td>
</tr>
<tr>
<td>Friends of Six-Mile Cypress Slough</td>
<td>Private</td>
</tr>
<tr>
<td>League of Women Voters</td>
<td>Private</td>
</tr>
<tr>
<td>Lee County</td>
<td>Local and Grants</td>
</tr>
<tr>
<td>Lee County Mosquito Control District</td>
<td>Local</td>
</tr>
<tr>
<td>Lee County Port Authority</td>
<td>Federal, State, Local, and Grants</td>
</tr>
<tr>
<td>Responsible Growth Management Coalition</td>
<td>Volunteer</td>
</tr>
<tr>
<td>Sanibel Captiva Conservation Foundation</td>
<td>Private and Grants</td>
</tr>
<tr>
<td>South Florida Water Management District</td>
<td>Federal, State, Local, and Grants</td>
</tr>
<tr>
<td>Snook and Gamefish Foundation</td>
<td>Private</td>
</tr>
<tr>
<td>Town of Fort Myers Beach</td>
<td>Local and Grants</td>
</tr>
<tr>
<td>The Conservancy of Southwest Florida</td>
<td>Private</td>
</tr>
<tr>
<td>The Nature Conservancy</td>
<td>Private</td>
</tr>
<tr>
<td>U.S. Army Corps of Engineers</td>
<td>Federal</td>
</tr>
<tr>
<td>U.S. Environmental Protection Agency</td>
<td>Federal</td>
</tr>
<tr>
<td>U.S. Fish and Wildlife Service</td>
<td>Federal</td>
</tr>
</tbody>
</table>

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.
FRCA Discussion

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Observe any comments...
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.


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

Item 13e

Item 13e
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 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) bill\(^1\), 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.\(^2\)

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\(^1\) 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)**. 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.

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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.
Quality of Life & Safety Committee
Transportation Committee