



COUNCIL MEETING AGENDA

October 16, 2014

9:00am – 11:30am

Mission Statement:

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

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

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



COUNCIL MEETING AGENDA

d) Estero Bay Agency on Bay Management Committee – **Mr. James Beever**

e) Executive Committee – **Councilwoman Teresa Heitmann**

f) Legislative Affairs Committee – **Vice Mayor Doug Congress**

g) Quality of Life & Safety Committee – **Mayor Willie Shaw**

h) Regional Transportation Committee – **Ms. Margaret Wuerstle**

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NEXT SWFRPC MEETING DATE: November 20, 2014

NOTE: The Legislative Affairs Committee is scheduled to meet prior to the SWFRPC meeting at 8:15 a.m.

The Quality of Life and Safety Committee is scheduled to meet immediately following the SWFRPC's October meeting.



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

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

GLADES COUNTY

Commissioner Donna Storter-Long, Glades Co BCC
 Commissioner Russell Echols, Glades Co BCC
 Councilwoman Pat Lucas, City of Moore Haven
 Mr. Thomas C. Perry, Governor Appointee

LEE COUNTY

Commissioner Frank Mann, Lee Co BCC
 Commissioner Brian Hamman, Lee Co BCC
 Councilman Jim Burch, City of Cape Coral
 Vice Mayor Doug Congress, City of Sanibel
 Councilman Forrest Banks, City of Fort Myers
 Mayor Anita Cereceda, Town of Fort Myers Beach
 (City of Bonita Springs Vacancy)
 Ms. Laura Holquist, Governor Appointee
 (Gubernatorial Appointee Vacancy)

COLLIER COUNTY

Commissioner Tim Nance, Collier Co BCC
 Commissioner Georgia Hiller, Collier Co BCC
 Councilwoman Teresa Heitmann, City of Naples
 (City of Marco Island Vacancy)
 Mr. Robert “Bob” Mulhere, Governor Appointee
 Mr. Alan D. Reynolds, Governor Appointee

HENDRY COUNTY

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

SARASOTA COUNTY

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

EX-OFFICIO MEMBERS

Phil Flood, SFWMD
 Jon Iglehart, FDEP
 Melissa Dickens, SWFWMD
 Carmen Monroy, FDOT

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL STAFF

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

James Beever
 David Crawford
 Nancy Doyle
 John Gibbons

Nichole Gwinnett
 Rebekah Harp
 Jay McLeod
 Jennifer Pellechio

Jerilyn Walker
 Timothy Walker



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

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

Regional Planning Council Functions and Programs

March 4, 2011

- **Economic Development Districts:** Regional planning councils are designated as Economic Development Districts by the U. S. Economic Development Administration. From January 2003 to August 2010, the U. S. Economic Development Administration invested \$66 million in 60 projects in the State of Florida to create/retain 13,700 jobs and leverage \$1 billion in private capital investment. Regional planning councils provide technical support to businesses and economic developers to promote regional job creation strategies.
- **Emergency Preparedness and Statewide Regional Evacuation:** Regional planning councils have special expertise in emergency planning and were the first in the nation to prepare a Statewide Regional Evacuation Study using a uniform report format and transportation evacuation modeling program. Regional planning councils have been preparing regional evacuation plans since 1981. Products in addition to evacuation studies include Post Disaster Redevelopment Plans, Hazard Mitigation Plans, Continuity of Operations Plans and Business Disaster Planning Kits.
- **Local Emergency Planning:** Local Emergency Planning Committees are staffed by regional planning councils and provide a direct relationship between the State and local businesses. Regional planning councils provide thousands of hours of training to local first responders annually. Local businesses have developed a trusted working relationship with regional planning council staff.
- **Homeland Security:** Regional planning council staff is a source of low cost, high quality planning and training experts that support counties and State agencies when developing a training course or exercise. Regional planning councils provide cost effective training to first responders, both public and private, in the areas of Hazardous Materials, Hazardous Waste, Incident Command, Disaster Response, Pre- and Post-Disaster Planning, Continuity of Operations and Governance. Several regional planning councils house Regional Domestic Security Task Force planners.
- **Multipurpose Regional Organizations:** Regional planning councils are Florida's only multipurpose regional entities that plan for and coordinate intergovernmental solutions on multi-jurisdictional issues, support regional economic development and provide assistance to local governments.
- **Problem Solving Forum:** Issues of major importance are often the subject of regional planning council-sponsored workshops. Regional planning councils have convened regional summits and workshops on issues such as workforce housing, response to hurricanes, visioning and job creation.
- **Implementation of Community Planning:** Regional planning councils develop and maintain Strategic Regional Policy Plans to guide growth and development focusing on economic development, emergency preparedness, transportation, affordable housing and resources of regional significance. In addition, regional planning councils provide coordination and review of various programs such as Local Government Comprehensive Plans, Developments of Regional Impact and Power Plant Ten-year Siting Plans. Regional planning council reviewers have the local knowledge to conduct reviews efficiently and provide State agencies reliable local insight.

- **Local Government Assistance:** Regional planning councils are also a significant source of cost effective, high quality planning experts for communities, providing technical assistance in areas such as: grant writing, mapping, community planning, plan review, procurement, dispute resolution, economic development, marketing, statistical analysis, and information technology. Several regional planning councils provide staff for transportation planning organizations, natural resource planning and emergency preparedness planning.
- **Return on Investment:** Every dollar invested by the State through annual appropriation in regional planning councils generates 11 dollars in local, federal and private direct investment to meet regional needs.
- **Quality Communities Generate Economic Development:** Businesses and individuals choose locations based on the quality of life they offer. Regional planning councils help regions compete nationally and globally for investment and skilled personnel.
- **Multidisciplinary Viewpoint:** Regional planning councils provide a comprehensive, multidisciplinary view of issues and a forum to address regional issues cooperatively. Potential impacts on the community from development activities are vetted to achieve win-win solutions as council members represent business, government and citizen interests.
- **Coordinators and Conveners:** Regional planning councils provide a forum for regional collaboration to solve problems and reduce costly inter-jurisdictional disputes.
- **Federal Consistency Review:** Regional planning councils provide required Federal Consistency Review, ensuring access to hundreds of millions of federal infrastructure and economic development investment dollars annually.
- **Economies of Scale:** Regional planning councils provide a cost-effective source of technical assistance to local governments, small businesses and non-profits.
- **Regional Approach:** Cost savings are realized in transportation, land use and infrastructure when addressed regionally. A regional approach promotes vibrant economies while reducing unproductive competition among local communities.
- **Sustainable Communities:** Federal funding is targeted to regions that can demonstrate they have a strong framework for regional cooperation.
- **Economic Data and Analysis:** Regional planning councils are equipped with state of the art econometric software and have the ability to provide objective economic analysis on policy and investment decisions.
- **Small Quantity Hazardous Waste Generators:** The Small Quantity Generator program ensures the proper handling and disposal of hazardous waste generated at the county level. Often smaller counties cannot afford to maintain a program without imposing large fees on local businesses. Many counties have lowered or eliminated fees, because regional planning council programs realize economies of scale, provide businesses a local contact regarding compliance questions and assistance and provide training and information regarding management of hazardous waste.
- **Regional Visioning and Strategic Planning:** Regional planning councils are conveners of regional visions that link economic development, infrastructure, environment, land use and transportation into long term investment plans. Strategic planning for communities and organizations defines actions critical to successful change and resource investments.
- **Geographic Information Systems and Data Clearinghouse:** Regional planning councils are leaders in geographic information systems mapping and data support systems. Many local governments rely on regional planning councils for these services.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL (SWFRPC) ACRONYMS

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

ADA - Application for Development Approval

ADA - Americans with Disabilities Act

AMDA -Application for Master Development Approval

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

BLID - Binding Letter of DRI Status

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

BLIVR -Binding Letter of Vested Rights Status

BPCC -Bicycle/Pedestrian Coordinating Committee

CAC - Citizens Advisory Committee

CAO - City/County Administrator Officers

CDBG - Community Development Block Grant

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

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

CHNEP - Charlotte Harbor National Estuary Program

CTC - Community Transportation Coordinator

CTD - Commission for the Transportation Disadvantaged

CUTR - Center for Urban Transportation Research

DEO - Department of Economic Opportunity

DEP - Department of Environmental Protection

DO - Development Order

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

EDA - Economic Development Administration

EDC - Economic Development Coalition

EDD - Economic Development District

EPA – Environmental Protection Agency

FAC - Florida Association of Counties

FACTS - Florida Association of CTCs

FAR - Florida Administrative Register (formerly Florida Administrative Weekly)

FCTS - Florida Coordinated Transportation System

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

FDEA - Florida Department of Elder Affairs

FDLES - Florida Department of Labor and Employment Security

FDOT - Florida Department of Transportation

FHREDI - Florida Heartland Rural Economic Development Initiative

FIAM – Fiscal Impact Analysis Model

FLC - Florida League of Cities

FQD - Florida Quality Development

FRCA -Florida Regional Planning Councils Association

FTA - Florida Transit Association

IC&R - Intergovernmental Coordination and Review

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

JLCB - Joint Local Coordinating Boards of Glades & Hendry Counties

JPA - Joint Participation Agreement

JSA - Joint Service Area of Glades & Hendry Counties

LCB - Local Coordinating Board for the Transportation Disadvantaged

LEPC - Local Emergency Planning Committee

MOA - Memorandum of Agreement

MPO - Metropolitan Planning Organization

MPOAC - Metropolitan Planning Organization Advisory Council

MPOCAC - Metropolitan Planning Organization Citizens Advisory Committee

MPOTAC - Metropolitan Planning Organization Technical Advisory Committee

NADO – National Association of Development Organizations

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

RFI – Request for Invitation

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 Plan

USDA - US Department of Agriculture

WMD - Water Management District (SFWMD and SWFWMD)

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Invocation

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**MINUTES OF THE
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
SEPTEMBER 18, 2014 MEETING**

The meeting of the **Southwest Florida Regional Planning Council** was held on **September 18, 2014** at the offices of the Southwest Florida Regional Planning Council - 1st Floor Conference Room at 1926 Victoria Avenue in Fort Myers, Florida. Chairwoman Teresa Heitmann called the meeting to order at **9:00 AM** and **Mayor Willie Shaw** then led an invocation and the Pledge of Allegiance. SWFRPC Planner 1/Grants Coordinator, Nichole Gwinnett conducted the roll call.

MEMBERS PRESENT

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

Collier County: Councilwoman Teresa Heitmann, Mr. Bob Mulhere, Mr. Alan Reynolds

Glades County: Commissioner Crystal Drake, Commissioner Donna Storter-Long (9:12 a.m.), Mr. Thomas Perry

Hendry County: Commissioner Don Davis

Lee County: Commissioner Frank Mann (9:10 a.m.), Commissioner Brian Hamman, Councilman Forrest Banks, Councilman Jim Burch, Vice Mayor Doug Congress

Sarasota County: Commissioner Carolyn Mason (9:12 a.m.), Commissioner Rhonda DiFranco, Mayor Willie Shaw, Councilman Kit McKeon

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

MEMBERS ABSENT

Charlotte County: Ms. Suzanne Graham

Collier County: Commissioner Georgia Hiller, Commissioner Tim Nance

Glades County: Councilwoman Pat Lucas, Commissioner Russell Echols

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

Lee County: Mayor Anita Cereceda, Ms. Laura Holquist

Sarasota County: Commissioner Charles Hines, Mr. Felipe Colón

Ex-Officio: Ms. Melissa Dickens – SWFWMD

Ms. Gwinnett announced that there wasn't a quorum present at that time. She stated that Commissioner Mann was going to be 10-15 minutes late arriving. The Council at this time decided to move forward with the non-action items.

AGENDA ITEM #4 PUBLIC COMMENTS

There were no public comments made at this time.

AGENDA ITEM #7 DIRECTOR'S REPORT

Ms. Wuerstle presented the item. She announced that a receptionist had been hired along with three part-time contract grant writers. She said that staff is in a good position to help all of their cities and counties in writing and submitting grants.

Ms. Wuerstle also announced that Rebekah Harp, had created a new logo for the SWFRP. The tag line "Big Issues Real Solutions" was also chosen by staff.

At this time Commissioner Mann arrived at the meeting (9:10 a.m.) which made a quorum.

A motion was made by Vice-Mayor Congress to approve the SWFRPC's new logo and tag line as presented. The motion was seconded by Mr. Mulhere and carried unanimously.

Also, both Commissioner Donna Storter-Long and Commissioner Carolyn Mason joined the meeting by conference phone at 9:12 a.m.

Ms. Wuerstle gave a brief overview of the most recent FRCA meeting. Mr. Mulhere stated that obviously the SWFRPC wasn't the only RPC who had concerns as it related to keeping FRCA focused on serving the RPCs as opposed to the RPCs serving them. He felt that they got the message.

Chair Heitmann thanked Mr. Mulhere for his efforts at FRCA. She then asked Ms. Wuerstle when the new FRCA board members are chosen. She stated that she will be getting off the board shortly. Ms. Wuerstle said that it could happen anytime; as the responsibilities change at the RPC, they will be changed at FRCA.

AGENDA ITEM #5 AGENDA

Mr. Perry made a motion to approve the agenda as presented and the motion was seconded by Councilman Burch. The motion carried unanimously.

AGENDA ITEM #6
Minutes of the June 19, 2014 & August 14, 2014 Meetings

Mr. Perry made a motion to approve the minutes of the June 19, 2014 and August 14, 2014 meetings as presented and the motion was seconded by Councilman Burch. The motion carried unanimously.

AGENDA ITEM #8(a)
Grant Activity Sheet

This item was for information purposes only.

Chair Heitmann stated to the members if they weren't seeking staff's help with seeking grants, to please do so. It is being offered to the local cities and counties as a service from staff and we really should be working in partnership with staff.

AGENDA ITEM #9
CONSENT AGENDA

A motion was made by Commissioner Mann to approve the consent agenda; Councilman Burch seconded the motion and the motion carried unanimously.

AGENDA ITEM #10
REGIONAL IMPACT

Mr. Crawford and Mr. McLeod gave a PowerPoint presentation on the following items.

AGENDA ITEM #10(a)
Collier County Comprehensive Plan Amendment - DEO 14-4ESR

A motion was made by Mr. Reynolds to approve staff recommendations. 1. Approve staff comments; and 2. Authorize staff to forward comments to the Department of Economic Opportunity and Collier County. The motion was seconded by Mr. Mulhere. The motion carried unanimously.

AGENDA ITEM #10(b)
City of Bonita Springs Comprehensive Plan Amendment (Coconut Village - Estero Marina) - DEO 14-2ESR

Mr. Mulhere asked if the project was approved by the City of Bonita Springs and Mr. McLeod stated that it had been.

A motion was made by Commissioner Mann to approve staff recommendations. 1. Approve staff comments; and 2. Authorize staff to forward comments to the Department of Economic Opportunity and the City of Bonita Springs. The motion was seconded by Mr. Mulhere and carried unanimously.

AGENDA ITEM #10(c)
Palmer Ranch AIDA Increment XXII-9A – Questionnaire Checklist

Mr. Reynolds noted that he would be abstaining from both Items #10(c) and 10(d).

A motion was made by Commissioner Manson to approve the questionnaire checklist as presented. The motion was seconded by Mayor Shaw. The motion carried with Mr. Reynolds abstaining.

AGENDA ITEM #10(d)
Palmer Ranch AIDA Increment XXIII-9B – Questionnaire Checklist

A motion was made by Commissioner Manson to approve the questionnaire checklist as presented. The motion was seconded by Mayor Shaw. The motion carried with Mr. Reynolds abstaining.

AGENDA ITEM #10(e)
Miromar Lakes DRI – Development Order Review

A motion was made by Commissioner Mann to accept the development order as rendered and forward the review to Lee County and the Florida Department of Economic Opportunity. The motion was seconded by Councilman Burch and carried unanimously.

AGENDA ITEM #11(a)
Comprehensive Economic Development Strategy (CEDS) Annual Update

Ms. Pellechio presented the item, but first she asked everyone to look at distributed flyer for the Southwest Florida Security Showcase and Expo. Mr. Mulhere asked Ms. Pellechio if the counties and cities were aware of the event. Ms. Pellechio said that they were because they have partnered with the SWFRPC to put on the showcase and expo. Currently, the Lee County Clerk's office is the lead, along with the City of Cape Coral. Then there is the IT Consortium which is made up of all of the counties.

Councilman McKeon asked if Sarasota County fit. Ms. Pellechio explained that since they are within the region, Sarasota County did fit. When the Broadband Plan was created there wasn't enough federal funds to reach out to Sarasota County, but they were engaged in the process. They were at the table throughout the entire effort.

Councilwoman Prafke asked if the flyer was up on the SWFRPC's website. Ms. Pellechio said it was located on the homepage.

Commissioner Storter-Long announced that on July 26 the Glades County Training Center broke ground, but it wasn't listed in the CEDS document.

Mr. Mulhere asked about the funding that was recently approved by the State for the FGCU I-Hub. Ms. Pellechio explained that the I-Hub was included in the CEDS update on page 7.

A motion was made by Mr. Mulhere to authorize staff to submit the report to the Economic Development Administration. The motion was seconded by Councilman McKeon and carried unanimously.

Ms. Wuerstle asked Ms. Pellechio to comment on the new grant that was just received. Ms. Pellechio explained that EDA awarded the SWFRPC a grant in the amount of \$58,000 to conduct a manufacturing analysis. The project consists of creating a website and linking manufacturers throughout the region, specifically medical manufacturers. The SWFRPC is working in collaboration with the TBRPC who has done an in-depth cluster analysis on the medical manufacturing throughout their region.

AGENDA ITEM #12(a) Budget & Finance Committee Report

Councilman McKeon gave the committee report. He announced that it was expected that the Council would conclude their fiscal year with a budget surplus of approximately \$100,000.

AGENDA ITEM #12(b) Economic Development Committee

Councilman Banks gave the committee report. He stated that the committee assisted with creating the Business Plan for the Alliance, which staff did an outstanding job. He then stated that Ms. Pellechio is a force to be reckoned with in the economic development field.

Ms. Wuerstle announced that Ms. Pellechio was about to finish her economic development training and will be taking her economic development certification exam in December.

AGENDA ITEM #12(c) Energy & Climate Committee

Mr. McCormick gave the committee report. He announced that a two-day training was currently being held and the second session was scheduled immediately following today's Council meeting. The purpose of the training was to try to standardize the zoning regulations and building ordinances for solar. He explained that a letter of commitment is needed from the local jurisdictions. Also, the best management policies (BMPs) needed to be adopted.

Councilman Burch asked if the project was focusing on residential or commercial. Mr. McCormick stated that it is primarily for residential.

At this time, staff presented the SolarReady Florida video.

Mr. Mulhere said that he expected that there would be some minor permitting issues for local governments, such as hurricanes, electric systems, etc. He then asked if there was an active lobbying effort. Ms. Pellechio encouraged him to stay for the second session and the consultants would be able to answer that question.

Councilman McKeon stated that he will gather Venice's solar information and report back to the Council at its October meeting.

Commissioner Mann stated that within the video a statement was made about bringing all of the local government agencies together that have inconsistent regulations and rules, along with the private sector. He said that the private sector are the experts on solar and they would be much better suited to administer such regulations and rules than the government agencies. He would like to see more private sector input and participation.

Mr. McCormick explained that the private sector has been very involved.

AGENDA ITEM #12(d)
Estero Bay Agency on Bay Management Committee

Mr. Beever gave the committee report.

AGENDA ITEM #12(e)
Executive Committee

No report was given.

AGENDA ITEM #12(f)
Legislative Affairs Committee

Vice-Mayor Congress gave the committee report. He explained that the committee was currently prioritizing the priorities for the upcoming delegation meetings.

Councilman Banks asked if staff will be giving presentations to the legislative delegation. Vice-Mayor Congress said there will be presentations given, same as last year. Over the course of this month, the committee will develop their specific priorities and they would also like to hear from the local governments. Councilman Banks said that they needed to find out when the delegation meetings are being held and get on their agenda. Vice Mayor Congress said that staff is working on obtaining all of the delegation meeting schedules and he will bring that information to the Council's October meeting.

Commissioner Mann stated that he was Lee County's representative on the 16 County Coalition - 10 county resolution- who recently met and adopted their legislative priorities which are all water related, because that is what the coalition is all about (Okeechobee, Clewiston, etc.). All of their priorities have to do with funding. The SWFRPC could dovetail with them, it would make a 1-2 punch on the same congressmen and legislators. Vice-Mayor Congress explained that Mr. Flood had mentioned that and he will provide the committee with that information.

Commissioner Storter-Long stated that the Glades County Legislative Delegation meeting was scheduled for October 3 and all of the paperwork had to be submitted by September 24.

Vice-Mayor Congress asked the members to forward their legislative priorities to Mr. McCabe.

Commissioner Constance noted that Charlotte County's legislative delegation meeting will be held in December. On Tuesday, Charlotte County's state lobbyist will be meeting with the BCC at their workshop to go over their priorities. He felt that the legislative delegation meetings can become like a "carnival" and a lot of ideas and issues seem to get lost. He said that he felt that the process needs to start much earlier and work with those cities and counties and not worry about the legislative delegation meetings. Also, the new Speaker of the House is not in favor of local fertilizer ordinances, so we need to be very prepared for the next session to defend the local fertilizer ordinances.

Vice-Mayor Congress said that the local fertilizer ordinances were on everyone's radar every year. It is also something that will be incorporated into our water policy.

AGENDA ITEM #12(g)
Quality of Life & Safety Committee

Mayor Shaw gave the committee report. He stated that he would like to have more participation from the region and he plans to address that issue at the committee's next meeting on October 16.

Chair Heitmann reiterated the importance of the committee.

AGENDA ITEM #12(h)
Regional Transportation Committee

Ms. Wuerstle gave the committee report. She announced that the SWFRPC's proposal for the TIGER Planning Grant was not awarded, but staff will keep on pursuing it and will submit the next cycle.

Councilman Banks stated that he has been in discussions with FDOT about putting together a regional transportation plan.

AGENDA ITEM #13
NEW BUSINESS

Councilman Banks stated that with being the SWFRPC's Treasurer there is check signing duties and there were two checks for him to sign which had very large amounts and he didn't feel comfortable enough to sign them without the Council addressing them. He asked Ms. Wuerstle to explain what the checks were for. Ms. Wuerstle explained that both checks were for the Charlotte National Estuary Program (CHNEP) projects. The CHNEP will be moving to the City of Punta Gorda, who will become the CHNEP's new host agency. The CHNEP has been closing many contracts out and she had reviewed the back-up materials for both checks and felt comfortable in processing those checks. The CHNEP just wants to have a clean slate for when they move to the City of Punta Gorda.

Commissioner Mann thanked Councilman Banks for bringing up that issue since he is also one of the SWFRPC's check signers. He then asked where those funds came from to pay those projects. Ms. Wuerstle explained that the funds came out of the CHNEP's project funds and grant programs.

A motion was made by Commissioner Mann to approve the two CHNEP expenditures as presented. The motion was seconded by Mr. Perry and carried unanimously.

Chair Heitmann suggested that staff contact Nicole Johnson at the Conservancy of Southwest Florida to give a presentation on the economic benefits of conservation lands to the Council at a future meeting.

AGENDA ITEM #14 STATE AGENCIES COMMENTS/REPORTS

SFWMD - Mr. Flood announced that the Governor and Cabinet will be making a decision on the acquisition of 600+ acres of land in Charlotte County, known as the Charlotte Flatwoods. The project will be utilized specifically for assisting FDOT with their storm water and mediation projects.

FDEP - Mr. Iglehart announced that the Deep Horizon (RESTORE) funds are starting to funnel down.

FDOT - Mr. Massey addressed Councilman Banks' comment on creating a regional transportation plan and stated that the project falls under his area of expertise and he would be happy to assist. Councilman Banks said that he spoke to Jennifer Stolz at the Bartow office. Mr. Massey then introduced FDOT's new Strategic Intermodal System Growth Management Coordinator for District One, Sara Catella.

AGENDA ITEM #15 COUNCIL ATTORNEY'S COMMENTS

No report was given at this time.

A motion was made by Mr. McCormick to add the following public comments to the agenda. The motion was seconded by Councilman Burch and carried unanimously.

AGENDA ITEM #4(a) PUBLIC COMMENTS

Mr. Pete Quasius, on behalf of Audubon of the Western Everglades, stated that many of the conservationists and supporting groups support the acquisition of the Charlotte Flatwoods. It would significantly enhance many coastal habitats and encouraged everyone to send a letter of support to the governor.

**AGENDA ITEM #16
COUNCIL MEMBERS' COMMENTS**

Councilman McKeon stated that the Manasota League of Cities has a FPL representative who announced that FPL will be bringing into Florida a third natural gas line to ensure that there is adequate natural gas supply on a regular basis.

**AGENDA ITEM #17
ADJOURNMENT**

The meeting adjourned at 10:26 a.m.

Mr. Don McCormick, Secretary

The meeting was duly advertised in the September 4, 2014 issue of the **FLORIDA ADMINISTRATIVE REGISTER**, Volume 40, Number 172.

Agenda Item

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Director's Report

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EXECUTIVE DIRECTOR'S REPORT: October 16, 2014

Mission Statement:

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

1. Special Presentation

- a. Correspondence from Governor Scott
- b. Response from Chair Heitmann to Governor Scott
- c. Presentation by Nancy Stroud entitled *Planning for Large Development: Developments of Regional Impact and Sector Plans*

1. Goals and Priorities for First Quarter 2014-2015 (October - December)

- a. Implementation of Workplan:
 - Grants Under Development: NEA Arts and Culture project \$200,000; Brownfield Identification and Assessment grant \$600,000, I-75 Medical Manufacturing Corridor designation;
 - Pending Grants: approximately \$1,000,000 in various grants.
 - New Grants submitted: National Endowment for the Humanities \$75,000; Bank of America Arts and Culture grant for Sarasota \$45,000; Atilus, LLC \$20,000 for a Website for the Southwest Florida Resource Conservation & Development Council; Fidelity Foundation \$60,000 for "Our Creative Economy – Sarasota County Sponsorship; NACo – National Association of Counties for a Summit; Southwest Florida Community Foundation \$25,000 UNITE Award for the Collaboration between the SWFRPC and RC&DC; DEO \$25,000 for Sector Plans and Development of DRI Database and Website for the City of Clewiston; John S. and James L. Knight Foundation for the Southwest Florida Regional Planning Council's Retrospective Digital Historical Challenge Archive.
 - A Resiliency Plan for the State of Florida is being pursued with DEO through a HUD grant.
 - Improved Financial Reporting: New software for time keeping and project

1926 Victoria Avenue | Fort Myers, FL



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management has been rolled out and is being refined.

- IT Security Workshop is under development with the City of Cape Coral.
- The Invest in Manufacturing Communities Partnership Summit will be held in Washington DC on October 30 & 31st. We will be attending to meet with fellow applicants and exchange best practices in order to prepare for the second round of the program.

--- Agenda --- Item

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Correspondence from Governor
Scott

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RICK SCOTT
GOVERNOR

September 16, 2014

Councilwoman Teresa Heitman
Southwest Florida Regional Planning Council
1926 Victoria Avenue
Fort Myers, Florida 33901

Dear Councilwoman Heitman:

As you already know, a hallmark of our Administration has been our dedicated and historic focus on protecting and restoring Florida's Everglades. The goal of Florida's Everglades Restoration plan, signed in 2012, is to improve water quality and water flow throughout the Everglades. This is certainly one of the most important things we have done on behalf of all Floridians in our first four years, and continued progress on our restoration efforts is critical for Florida's environment, economy and families.

The plan is funded in part by a \$32 million annual appropriation and is a partnership between the Florida Department of Environmental Protection, the Water Management District, stakeholders in the Everglades Agricultural Area and all of South Florida to address water quality in the Everglades. A number of important milestones have already been achieved. In total the plan will contribute \$880 million to fund critical advancements in Everglades restoration, including:

- 6,500 acres of additional stormwater treatment areas to naturally remove phosphorus from water prior to the water being discharged into the Everglades;
- 110,000 acre-feet of water storage capabilities in flow equalization basins to regulate flows and optimize treatment efficiency; and
- engineering projects in existing treatment areas and the modification of conveyance features necessary to move the water through the South Florida Water Management District's massive flood control and water delivery features.

In addition, this administration has worked to jump start water storage projects for our estuaries and projects to send water from Lake Okeechobee south to Everglades National Park. For instance, this year we have celebrated the first state funding to construct the C-43 Stormwater Treatment Area, \$90 million to continue the bridging of Tamiami Trail, and the initial approval of the Central Everglades Planning Project that creates a blueprint for moving water from Lake Okeechobee south and away from the estuaries.

Councilwoman Teresa Heitman
September 16, 2014
Page Two

This work was not easy. Together, we were able to corral numerous federal agencies and put an end to decades of litigation so that important restoration projects could begin to happen. Moving forward, we must do everything we can to ensure that we maintain our commitment to restoration.

In light of the recent Sugar Hill Sector Plan submission from Hendry County that sets out a plan for land usage near Lake Okeechobee, please allow me to direct your special attention to any potential impacts to the Florida Everglades arising from this proposal. As reviewing agencies, you hold a special responsibility to ensure that proper rigor and careful, thorough evaluation is given to this proposed Sugar Hill Sector Plan. The Florida Everglades plays an important role in Florida's economic growth and job creation as well as in the lives of millions of Florida families. Our restoration efforts are critical to our state's future, and we must ensure that any decision we make or endorse will not hinder our ability to fulfill our promises to future generations in any way.

Thank you for your work to create opportunities for Florida families.

Sincerely,



Rick Scott
Governor

cc: Hendry County Board of County Commissioners

1926 Victoria Avenue | Fort Myers, FL 33901



P: 239.338.2550 | F: 239.338.2560 | www.swfrpc.org

September 25, 2014

Governor Rick Scott
The Capitol
Tallahassee, Florida 32399

Dear Governor Scott:

Thank you for your letter of September 16, 2014, requesting that the Southwest Florida Regional Planning Council conduct a meticulous review of the proposed Sugar Hill Sector Plan in Hendry County, especially regarding the potential impacts of the proposal to Florida Everglades restoration efforts.

I assure you that as chair of the Council, I will do my utmost to ensure the Sugar Hill Sector Plan project receives a comprehensive and unbiased review, by council staff and by the Council itself. I am working with council staff to plan the agenda for the October 16, 2014 Council meeting, at which the Sugar Hill Sector Plan project will be reviewed; there will also be a special presentation concerning Developments of Regional Impact (DRIs) and sector plans.

In your letter, you state that as a reviewing agency, the Southwest Florida Regional Planning Council holds "a special responsibility to ensure that proper rigor and careful, thorough evaluation is given to this proposed Sugar Hill Sector Plan....Our [Everglades] restoration efforts are critical to our state's future, and we must ensure that any decision we make or endorse will not hinder our ability to fulfill our promises to future generations in any way."

I commend you for your support of Everglades restoration efforts. As you are no doubt aware, our Council has consistently supported Everglades restoration efforts; as a fellow resident of Southwest Florida, I know that you are aware of the importance of a fully restored Everglades to our local, regional, and state economy, our environment, and our quality of life. I also appreciate your acknowledgement of the relevance and the role that Regional Planning Councils play in protecting the state's quality of life and economic vitality.

As the subject matter of this dialogue concerns the role of Regional Planning Councils in Florida's land development review process, I hope that you will not take umbrage if I discuss this issue. You state in your letter that we should fulfill our promises to future generations of Floridians. Since Florida is one of the fastest growing states in the country, the quality of life of present and future generations is dependent upon properly managing the state's development interests in balance with the environment. I am sure that you agree that growth management plays an important role in ensuring that land and economic development in Florida will be sustainable and resilient.

I would like to set the stage by providing some historical context. Florida's visionary and unique growth management regulations were established in order to address a crisis created by the adverse environmental and social impacts of rapid and unbridled development in the state. In 1972, the Florida Legislature adopted several major pieces of legislation, including the Environmental Land and Water Management Act (ELWMA), the Water Resources Act, the State Comprehensive Planning Act, and the Land Conservation Act. The ELWMA adopted a regional review technique that was intended to control large-scale development activities, called Developments of Regional Impact. In the legislation, Regional Planning Councils (RPCs) were designated as the review agencies for DRIs; their role was to review and make recommendations to local governments, which retained the authority to approve or deny projects. Subsequent legislative actions affected regional planning: the Regional Planning Council Act of 1980 provided additional guidance for the role of RPCs and the DRI process; in 1993, the legislature repealed the ability of an RPC to appeal a local development order; in 1998, sector plans were created, which act as an alternative to DRIs and largely exclude RPCs from the planning process; in 2009, areas designated as "dense urban land areas" were exempted from the DRI process; and you are no doubt familiar with the many substantive changes made pursuant to the Community Planning Act of 2011.

The purpose of regional review is to evaluate regional impacts of proposed projects. In recent years, the legislature has limited the role of RPCs in the review process. The stated reasoning behind these regulatory reform efforts:

- local governments are now capable of evaluating and reviewing the regional impacts of large-scale developments without assistance from RPCs; and
- the DRI process results in duplicative review, additional expense, and unwarranted delay for proposed development projects. (Contrary to this assertion, there is evidence that the DRI process actually adds significant value to projects that go through the 6-9 month average DRI review time; see attachment, Florida Growth Management Legislation Timeline.)

The flaw in this reasoning is that local governments are inherently incapable of conducting an impartial review of a development proposal from a regional perspective; they are parochial by nature. If a project will benefit their tax base, or is proposed by a person of local significance, it is likely to receive approval even if it has negative impacts beyond the local government's boundaries. Although the state land planning agency reviews DRI projects, their staff does not have the depth of knowledge on local and regional issues that the staff, elected local officials, and gubernatorial appointees at RPCs possess. Only a regional body is capable of conducting a balanced review and looking at the costs and benefits of a proposed project from a regional perspective.

The Sugar Hill Sector Plan provides a case study regarding the issues raised by a regional development proposal that is not subject to DRI review. First, the sector plan review process does not allow for the detailed level of review, the regional perspective, or the impartial review that would be required if it were a project required to undergo DRI review. As the reviewing RPC, we are limited to comments, and can only make recommendations to the state land planning agency. Second, even if this project was a DRI proposal, the RPC would have limited review powers, especially after recent statutory changes:

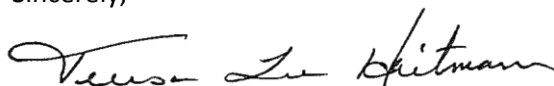
Governor Rick Scott
September 25, 2014
Page 3

DRI thresholds now exempt many projects from DRI review, and for the few projects that remain subject to DRI review, many concurrency and other review criteria have been eliminated or weakened, substantially limiting the scope of review for RPCs.

Finally, for Florida's growth management system to work, it has to be funded. In order for members of a Regional Planning Council to responsibly perform their statutory duties, they rely on well researched, unbiased, professional evaluations and recommendations from their staff. In recent years, the state has not provided funding for state-mandated planning activities performed by Regional Planning Councils, and Regional Planning Councils have been forced to substantially reduce their planning review staff.

As a fellow public servant and resident of the City of Naples, I urge you to attend the October 16, 2014 meeting of our Council if at all possible; your presence would mean a great deal to council members and the public, and would provide credible evidence of your appreciation of the role that Regional Planning Councils play in planning for Florida's future.

Sincerely,

A handwritten signature in black ink, reading "Teresa L. Heitmann". The signature is fluid and cursive, with the first name "Teresa" being the most prominent.

Teresa Heitmann, Chair
Southwest Florida Regional Planning Council

cc: Southwest Florida Regional Planning Council
Hendry County Board of County Commissioners
Jesse Pannucio, Executive Director, FDEO

--- Agenda --- Item

7b

Planning for Large Scale
Development: Developments of
Regional Impact & Sector Plans

7b

7b

Planning for Large Scale Development: Developments of Regional Impact and Sector Plans

Southwest Florida Regional Planning Council October 16, 2014

Nancy E. Stroud, Esq., AICP

Lewis Stroud & Deutsch, PL

- Process established in 1972 by Chapter 380.06, Florida Statutes
- Part of landmark early growth management laws in Florida
- Focus on types of development which required review, prior to local government decision, because of the potential impacts of greater than local (county) significance
- “Guidelines and standards” identifying DRI types of development were adopted by Administration Commission and later incorporated into statutes. DRIs include types of uses and “numerical thresholds.”
- Florida population is **6.7 million**

Process steps:

- Preapplication meeting with the Regional Planning Council; methodologies and assumptions discussed; standards for review developed by state
- Developer makes application with the Local Government, copies to RPC and state land planning agency (SLPA)
- RPC determines application to be sufficient and local public hearing scheduled
- Application reviewed by RPC and SLPA, and other state agencies, RPC coordinates comments and makes recommendations to the Local Government regarding regional and state impacts and potential mitigation

Developments of Regional Impact: Background

- Local Government conducts quasi-judicial hearing, makes decision, adopts Development Order which addresses numerous statutory issues
- Potential appeal of the decision is limited to Owner, Developer, and SLPA (RPCs excluded in 1993)
- Land and Water Adjudicatory Commission (Governor and Cabinet) hears and decides appeal
- Changes to approved DRIs reviewed under the same process if they are “substantial deviations” to the original DRI. Statute defines “substantial deviation.”
- DRI Development Order must be consistent with the local comprehensive plan, zoning, and state agency laws and regulations

- Statutory amendments over the years:
- Thresholds for review increase, allowing more projects out of the DRI process
- Certain types of uses exempted
- Thresholds increased for certain types of locations such as urban central business districts, regional activity centers
- RPCs limited to review for regional issues that are identified in adopted Regional Policy Plans
- 2009 Community Renewal Act excludes DRI reviews in Dense Urban Land Areas (DULA). Florida population is **18 million**

Developments of Regional Impact: Early Benefits

- Major process by which large scale development mitigated impacts on roads, environment and other infrastructure, especially for regional and state resources
- Provided additional technical expertise and review assistance for local government
- Coordinated review among multiple agencies and governments
- Vested development rights for long term for developers
- Limited legal standing for development challenges
- Encouraged quality, high value development on a large scale during periods of rapid growth

Developments of Regional Impact: Criticisms

Developer Criticism

- Comprehensive review by RPCs included local issues, not just regional or state
- Duplicative of other agency review
- Mitigation conditions excessive

Other criticisms:

- DULAs now exempt most Florida local governments from the DRI process, and substantially all of Florida urban and suburban areas
- Legislative changes substantially limit types and scale of development now subject to DRI review
- RPCs are underfunded for their responsibilities

Sector Plans: Background

- Authorized by Section 163.3245, Florida Statutes
- Began as a pilot program in 1998, general authorization expanded in 2011
- 20-50 year plans, longer term than typical DRIs or Comprehensive Plans (10-20 years)
- Include larger geographic areas than typical DRI: minimum 15,000 acres required

Sector Plans: Process

First step is adoption of a Long-Term Master Plan

- Adopted by comprehensive plan amendment
- Focus is on long-term development pattern, identification of regionally significant environmental resources and infrastructure needs
- Owners within planning area may opt out of the Master Plan only before adoption; later requires a comprehensive plan amendment
- May include a phasing schedule
- SLPA determines whether plan amendment is in compliance with statute and whether it will adversely impact important state resources and facilities

Sector Plans: Process

Long Term Master Plan

- Plan shall identify intergovernmental coordination procedures and policies to address extra-jurisdictional impacts
- Once adopted, MPO long-range transportation plan must be consistent with the Master Plan and water supply needs and projects must be incorporated into the regional water supply plan

Second step is Detailed Specific Area Plan (DSAP)

- Must include more detailed analysis and project requirements, such as densities and intensities of land uses, conservation easements, necessary capital improvements, extra-jurisdictional impacts
- Minimum 1,000 acres
- Establish buildout date until which approved uses are not subject to downzoning (vesting)
- Not subject to comprehensive plan compliance review, not subject to DRI review
- SLPA to consult with other state agencies in review of DSAP and may appeal, like DRI, to FLWAC

Sector Plans: Potential Pros and Cons

Pros:

- Settles expectations for long-term growth and conservation through Master Plan
- Protects against unwanted land uses, builds long term value
- DSAP intended to encourage permanent conservation of natural resources
- Intended to better support long term agricultural uses

For applicants: more flexibility with DSAP than with DRIs in standards for mitigation; DSAP vesting for development; regional transportation and water planning must adjust to the Master Plan

Citizen concerns:

- Potential to “vest” development for 50 years through development agreement concurrent with Master Plan without requiring demonstration of need
- Potential to “vest” consumptive use permits for 50 years
- Master Plan compliance review by state limited to impacts on “important state resources and facilities”
- Extra-jurisdictional impacts of DSAP the responsibility of state and the approving local government, potentially leaves out neighboring local jurisdictions and expertise of RPC

Role of the Regional Planning Council

Sector Plans:

- Prepares comprehensive plan compliance reviews of Master Plan and makes recommendations to local government
- If requested by the local government, must conduct a “scoping” process for the Master Plan with local government and agencies to identify issues, data and analysis
- No statutory role in DSAP process

Role of the Regional Planning Council

DRIs:

- Coordinating agency for state, regional and local agency impact review
- Provides independent review of DRI impacts on regional resources and facilities identified in the Strategic Regional Policy Plan, and extra-jurisdictional impacts that are inconsistent with any local government comprehensive plan

Agenda Item

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Staff Summaries

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Agenda Item

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Grant Activity Sheet (Information Only)

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SWFRPC GRANT SUMMARY AS OF OCTOBER 6, 2014

#	Agency	Type	Awarded	Funding Agency	Project Mgr.	Project Name	LOI Due Date	LOI Date Submitted	App Due Date	Date Submitted	Date Awarded/Denied	Project Total	RPC Amt	Start Date	End Date	Deliverables	Total Match Amt- RPC
1	SWFRPC	Grant	Yes	EPA	Jim Beaver	WQFAM						\$160,000.00	\$160,000.00	10/1/2011	9/30/2015	Extention 2014-2015	
2	SWFRPC	Contract	Yes	County - Glades	John Gibbons	SQG Glades						\$3,900.00	\$3,900.00	5/17/2011	5/16/2015		
3	SWFRPC	Contract	Yes	DOE (Department of Energy)	Rebekah Harp	Solar Ready II	1/24/2013	1/24/2013		3/22/2013	7/18/2013	\$140,000.00	\$90,000.00	7/1/2013	1/1/2016	Recruit local governments to review and adopt BMPs. Host stakeholder meetings and/or training programs, providing technical assistance to local governments as needed, and tracking any policy adoptions and local government feedback.	\$50,000.00
4	SWFRPC	Grant	Yes	EPA	Jim Beaver	A Unified Conservation Easement Mapping and Database for the State of Florida			4/15/2013	4/8/2013	6/3/2013	\$294,496.00	\$148,996.00	10/1/2013	9/30/2015	GIS database with Conservation Easements	\$145,500.00
5	SWFRPC	Grant	Yes	EDA	Jennifer Pellechio	EDA Planning Grant			1/22/2013	12/18/2013	4/18/2014	\$270,000.00	\$189,000.00	1/1/2014	12/31/2016	CEDS Plan, Annual Reports, CEDS Working Committee	\$81,000.00
6	SWFRPC	Grant	Yes	EDA	Jennifer Pellechio	Advanced Manufacturing in West Central Florida An Ecosystem Analysis Supporting Regional Development				12/26/2013	9/3/2014	\$116,514.00	\$58,257.00			SWOT Analysis, Web Survey, REMI, Regional website, branding strategy, brochures	\$30,584.45
7	SWFRPC	Grant	Yes	Visit Florida	Margaret Wuerstle	Our Creative Economy: Video - Southwest Florida Regional Strategy for Public Art			2/18/2014	2/18/2014	5/14/2014	\$10,000.00	\$5,000.00	7/1/2014	5/31/2015		\$5,000.00
8	SWFRPC	Grant	Yes	EPA/CHNEP	Jim Beaver	Identifying Future Saltwater Wetland Loss			4/4/2014	4/4/2014		\$243,324.00	\$60,000.00			Report, transect information, presentations, articles	\$63,800.00
9	SWFRPC	Grant	Yes	DEO	Nichole Gwinnett	Agriculture Tours to Promote Assets and Economic Development in the City of LaBelle			6/6/2014	5/7/2014	8/26/2014	\$25,000.00	\$4,000.00			City of LaBelle Agriculture Tour Plan	
10	SWFRPC	Grant	Yes	CTD	Nichole Gwinnett	Glades-Hendry TD Planning Agreement FY2014-15					5/16/2014	\$38,573.00	\$38,573.00	7/1/2014	6/30/2015	Update of TDSP, CTC Evaluation, Staff Support, LCB Quarterly Meetings, Committee Meetings, Update By-Laws and Grievance Procedures.	\$0.00

SWFRPC GRANT SUMMARY AS OF OCTOBER 6, 2014

#	Agency	Type	Awarded	Funding Agency	Project Mgr.	Project Name	LOI Due Date	LOI Date Submitted	App Due Date	Date Submitted	Date Awarded/Denied	Project Total	RPC Amt	Start Date	End Date	Deliverables	Total Match Amt-RPC
11	SWFRPC	Contract	Yes	DEM	John Gibbons	Title III (LEPC) FY14-15			7/1/2014		7/1/2014	\$42,000.00	\$42,000.00	7/1/2014	6/30/2015	LEPC Program Coordination; attendance during four (4) local quarterly meetings; attendance during four (4) state quarterly meetings; quarterly reports; quarterly news articles/updates; annual LEPC plan update; industry compliance support; housing of chemical data, meeting minutes; exercise coordination; publishing of public availability notice; etc .	\$0.00
12	SWFRPC	Contract	Yes	DEM	John Gibbons	HMEP Planning Grant (Hazardous Materials Emergency Preparedness)			7/1/2014		6/1/2014	\$25,000.00	\$25,000.00	7/1/2014	11/15/2014	Major Planning Project; travel coordination for LEPC Chairman; LEPC program coordination and quarterly reports.	\$0.00
13	SWFRPC	PO	Yes	RPC - NEFRC	Tim Walker	Small Area Data for the 2014 Statewide Hurricane Evacuation Study						\$11,000.00	\$11,000.00	7/1/2014	12/12/2014	Data	
14	SWFRPC	Grant	Yes	City of Bonita Springs	Jim Beever	Spring Creek Restoration Plan					8/27/2014	\$50,000.00	\$50,000.00	9/1/2014	9/30/2015	The Spring Creek Vulnerability Assessment and The Spring Creek Restoration Plan	\$0.00
15	SWFRPC	Grant	Yes	DEM	John Gibbons	HMEP Training FY13-14					7/1/2014	\$47,963.00	\$47,963.00	7/1/2014	11/15/2014	Training Exercises	\$0.00
16	SWFRPC	PO	Yes	City of Cape Coral	Rebekah Harp	Southwest Florida Security Showcase & Expo					9/1/2014	\$5,000.00	\$5,000.00	9/1/2014	10/31/2014		\$0.00
17	SWFRPC	Grant	To Be Submitted	DEO	Jennifer Pellechio	Economic Development Plan for Immokalee				9/5/2014		\$25,000.00	\$25,000.00			TBD	\$0.00
18	SWFRPC	Grant	To Be Submitted	National Endowment for the Arts	Margaret Wuerstle	Our Creative Economy - A Regional Strategy for Southwest Florida's Public Art and Cultural Venues			1/13/2015			\$400,000.00	\$200,000.00			• Asset Mapping • A Regional Strategy for Enhancing Public Art: A SWOT • Southwest Florida's Public Art and Cultural Venues Field and Tour Guide	\$113,472.00
19	SWFRPC	Grant	To Be Submitted	EPA	Jennifer Pellechio	FY15 Brownfields Assessment Grant			1/22/2015	1/22/2015		\$600,000.00	\$600,000.00				\$0.00
20	SWFRPC	Grant	To Be Submitted	FDEP	Jim Beever	Coastal Partnership Initiative (CPI) - City of Bonita Springs			10/31/2014								
21	SWFRPC	Grant	To Be Submitted	NEA - National Endowment for the Arts	Margaret Wuerstle	Our Creative Economy			12/15/2014								

SWFRPC GRANT SUMMARY AS OF OCTOBER 6, 2014

#	Agency	Type	Awarded	Funding Agency	Project Mgr.	Project Name	LOI Due Date	LOI Date Submitted	App Due Date	Date Submitted	Date Awarded/Denied	Project Total	RPC Amt	Start Date	End Date	Deliverables	Total Match Amt-RPC
22	SWFRPC	Grant	To Be Submitted	NIH - National Institutes of Health	John Gibbons	TBD			11/7/2014								
23	SWFRPC	Grant	To Be Submitted	HUD	Jim Beever	Florida Vulnerability Assessment and Resilience Program (FVARP)										Vulnerability and Resiliency Plan (AMMA strategies) for every county in the state; list of potential resiliency projects; plan adopted by local governments.	
24	SWFRPC	Grant	Pending	National Endowment for the Humanities	Jay McLeod	ZombiCon: Dying for the Arts			8/13/2014	8/13/2014		\$75,000.00	\$45,000.00			Film Script/Storyline developed, in collaboration with humanities scholars.	\$0.00
25	RC&DC	Grant	Pending	Atilus, LLC	Rebekah Harp	RC&DC Website			9/30/2014	9/30/2014	9/30/2014	\$20,000.00	\$20,000.00			New website, 2-year hosting, Adwords setup, and BoardMa tool (50 licenses).	
26	SWFRPC		Pending	FDEP	Jim Beever	Resilient and Consistent Coastal Elements for Florida's Gulf Coast (RESTORE)			1/7/2013	1/7/2013		\$500,000.00	\$500,000.00				
27	SWFRPC		Pending	FDEP	Jim Beever	Environmental Services Provided by the Gulf of Mexico			1/7/2013	1/7/2013		\$500,000.00	\$500,000.00				
28	SWFRPC	Grant	Pending	FDEP	Margaret Wuerstle	Implement agriculture BMP in the Caloosahatchee Watershed				4/12/2013		\$3,000,000.00	\$3,000,000.00			Grants to growers to implement BMP. Anticipated to assist 20 growers /year for six years or 120 growers	
29	SWFRPC	Grant	Pending	USDA	Nichole Gwinnett	Opportunity Buy Program Coordinator			4/30/2014	4/30/2014		\$195,979.00	\$99,848.00			A part-time employee will be assigned to develop and coordinate this program over a two year period. After the program is implemented and stable, it will be turned over to the school districts for their continued usage.	\$42,510.00
30	RC&DC	Grant	Pending	USDA	Rebekah Harp	The Smart Process Food Hub			4/30/2014	4/30/2014		\$139,457.00	\$98,729.00			Host regional stakeholder meeting; hire and train two food service processors; secure warehouse rental space; distributing food from HUB to school districts; and completion of project - self sustaining.	\$25,728.00
31	RC&DC	Grant	Pending	Bank of America	Margaret Wuerstle	OUR CREATIVE ECONOMY - A Regional Strategy for SW Florida Public Art and Cultural Venues			9/15/2014	9/12/2014		\$45,000.00	\$45,000.00				\$0.00

SWFRPC GRANT SUMMARY AS OF OCTOBER 6, 2014

#	Agency	Type	Awarded	Funding Agency	Project Mgr.	Project Name	LOI Due Date	LOI Date Submitted	App Due Date	Date Submitted	Date Awarded/Denied	Project Total	RPC Amt	Start Date	End Date	Deliverables	Total Match Amt- RPC
32	RC&DC	Grant	Pending	Fidelity Foundation	Margaret Wuerstle	Our Creative Economy - Sarasota County (Sponsorship)				9/24/2014		\$60,000.00	\$60,000.00				\$0.00
33	SWFRPC	Contract	Pending	NACo - National Association of Counties	Jennifer Pellechio	NACo County Prosperity Summit			10/3/2014	10/3/2014		\$0.00	\$0.00			Summit	\$0.00
34	RC&DC	Grant	Pending	Southwest Florida Community Foundation	Margaret Wuerstle	SWFRPC & RC&DC Collaboration			9/30/2014	9/30/2014	9/30/2014	\$25,000.00	\$25,000.00			Provide information to the non-profit community about collaborative models that have succeeded in our area and to share proven effective practices for non-profits working together.	\$0.00
35	SWFRPC	Grant	Pending	DEO	Margaret Wuerstle	Sector Plans and Developments of Regional Impact Database and Website				9/12/2014		\$25,000.00	\$25,000.00			Technical Assessment, Final Website, Final Geodatabase	\$0.00
36	SWFRPC		Pending	John S. and James L. Knight Foundation	Margaret Wuerstle	The Southwest Florida Regional Planning Council's Retrospective Digital Historical Challenge Archive			9/30/2014	9/25/2014						Application refined October 21-28, 2014	\$0.00
37	SWFRPC	Grant	No	Wells Fargo	Rebekah Harp	Mote Marine Programming			8/31/2012	8/31/2012	8/31/2012		\$21,058.00			Master Plan and Design documents align with market analysis and feasibility study	
38	SWFRPC		No	WalMart	Rebekah Harp	Mote Marine - Teens influencing community through technology			8/10/2012	8/10/2012	8/10/2012		\$9,500.00	12/3/2012			
39	SWFRPC		No	WalMart	Jennifer Pellechio	Integrated Training Center-- Partnered with United Way			8/10/2012	8/9/2012	8/10/2012	\$275,000.00	\$55,000.00				
40	SWFRPC	Grant	No	NOAA	Jim Beever	Curriculum development to educated decision makers and planners on preparing and responding to the impacts of changing climate conditions			8/29/2012	8/29/2012	11/6/2012		\$203,000.00	12/3/2012		curriculum development, train the trainer workshops, electronic workbook, videos recorded	
41	SWFRPC	Grant	No	Robert Wood Johnson	Margaret Wuerstle	PASS = Plan for Achieving Student Success			10/14/2012	10/14/2012	12/1/2012		\$70,000.00	12/3/2012		Documentation of the number middle school students serviced, track their academic performance and their attendance as a result of intervention at a younger age based on truancy	

SWFRPC GRANT SUMMARY AS OF OCTOBER 6, 2014

#	Agency	Type	Award ed	Funding Agency	Project Mgr.	Project Name	LOI Due Date	LOI Date Submitted	App Due Date	Date Submitted	Date Awarded/Deni ed	Project Total	RPC Amt	Start Date	End Date	Deliverables	Total Match Amt- RPC
42	SWFRPC	Grant	No	Southwest Florida Community Foundation	Jennifer Pellechio	Capacity Building - Communication Guide			10/15/2012	10/15/2012	12/1/2012		\$800.00	12/3/2012		Development of a marketing and communication plan for the RPC	
43	SWFRPC	Grant	No	FEMA	Jennifer Pellechio	Promoting Community Resilience through interactive mapping & toolkits for HOA			10/26/2012	10/26/2012	5/7/2013	\$35,000.00	\$35,000.00			Interactive mapping and toolkit for City of Ft. Myers	\$17,100.00
44	SWFRPC	Grant	No	US Fish & Wildlife	Jim Beever	Master's Landing Phase 1			10/25/2012	10/25/2012	12/1/2012	\$2,042,517.50	\$75,000.00			Management Plan/ enhancement of wetlands and assoc. upland habitats for migratory birds on lands owned by the Calusa Land trust	\$1,967,517.00
45	SWFRPC	Grant	No	NOAA	Jennifer Pellechio	Creating a Better Climate for Businesses through Climate Change Adaptation Planning Education in Southwest Florida	11/19/2012	11/19/2012	1/11/2013		6/5/2013	\$81,086.00		12/3/2012			
46	SWFRPC	Grant	No	Gannet Foundation	Nichole Gwinnett	Mapping of Food Deserts & Farmers Markets			2/10/2013	2/10/2013	5/20/2013	\$10,000.00	\$10,000.00			Develop spatial analyses graphics of food deserts, produce production areas, existing Farmers Markets and the potential location for new Farmers Markets.	\$0.00
47	SWFRPC	Grant	No	Kresge Foundation	Jim Beever	Climate Change Education				3/22/2013	6/3/2013	\$100,000.00	\$100,000.00			The Southwest Florida Regional Planning Council proposes to develop a Florida Business Climate Change Education Program and Curriculum (FBCCEPC) for business leaders, decision-makers and entrepreneurs in southwest Florida. A Business Solutions for Climate Change Adaptation web page.	\$0.00
48	SWFRPC	Contract	No	National Science Foundation	Jim Beever	Adaptation of Coastal Environments (ACE) Coastal SEES- UF				1/14/2013	8/1/2013	\$100,000.00	\$100,000.00	10/1/2013			
49	SWFRPC		No	Mosaic	Margaret Wuerstle	Mobile Service Vehicle				9/30/2012	12/31/2012	\$300,000.00	\$35,000.00			NonTraditional outreach to homeless camps and doutmentation of needs, number of clients& services required	

SWFRPC GRANT SUMMARY AS OF OCTOBER 6, 2014

#	Agency	Type	Awarded	Funding Agency	Project Mgr.	Project Name	LOI Due Date	LOI Date Submitted	App Due Date	Date Submitted	Date Awarded/Denied	Project Total	RPC Amt	Start Date	End Date	Deliverables	Total Match Amt- RPC
50	SWFRPC	Grant	No	USDA	Rebekah Harp	Farm to School - HUB			4/24/2013	4/24/2013	11/20/2013	\$140,725.00	\$13,360.00	1/1/2014	9/30/2015	<ul style="list-style-type: none"> •Host regional stakeholder meeting. •Hire and Train two food service processors. •Secure warehouse rental space •Distributing food from hub to school districts •Completion of project – self sustaining 	\$40,728.00
51	SWFRPC	Grant	No	USDA	Nichole Gwinnett	Opportunity Buy Program Coordinator			4/23/2013	4/23/2013	11/20/2013	\$99,667.00	\$15,000.00	11/1/2013	10/31/2015	A part time employee will be assigned to develop and coordinate this program over a two year period. After the program is implemented and stable, it will be turned over to the school districts for their continued usage.	\$53,621.00
52	SWFRPC	Grant	No	EPA	John Gibbons	Southwest Florida Job Training Project			4/9/2013	4/9/2013	6/13/2013	\$200,000.00	\$200,000.00			Grant is to be administered over a two year period. The following courses are to be conducted. Two (2) OSHA 40-hours HAZWOPER courses; Three (3) First Aid/CPR courses; Two (2) OSHA Basic Safety courses; Two (2) EPA Renovate, Repair, and Paint courses; One (1) Solid Waste Management Awareness course; Two (2) Lead Abatement Certification courses; Two (2) Mold Abatement courses; One (1) Asbestos Abatement course; One (1) Green Environment course	\$0.00
53	SWFRPC	Grant	No	FDACS - Florida Department of Agriculture and Consumer Services	Margaret Wuerstle	Mobile Market: Creating a Nutritional Oasis in the Food Deserts of SWFL			4/10/2013	4/10/2013	7/11/2013	\$335,954.00	\$25,000.00				
54	RC&DC	Grant	No	Cape Coral Community Foundation	Margaret Wuerstle	Guide & Regional Asset mapping of Public Arts			7/10/2013	7/9/2013	10/1/2013	\$15,000.00	\$15,000.00				\$0.00

SWFRPC GRANT SUMMARY AS OF OCTOBER 6, 2014

#	Agency	Type	Awarded	Funding Agency	Project Mgr.	Project Name	LOI Due Date	LOI Date Submitted	App Due Date	Date Submitted	Date Awarded/Denied	Project Total	RPC Amt	Start Date	End Date	Deliverables	Total Match Amt-RPC
55	SWFRPC	Grant	No	Gulf Coast Community Foundation	Nichole Gwinnett	Guide & Regional Asset mapping of Public Arts	8/19/2013	8/14/2013	8/30/2013		8/15/2013	\$80,000.00	\$75,000.00			Track hits to the website; collect arts-industry related economic and labor data demonstrating the arts economic impact similar to the database used by New England Foundation for the Arts to inform public policy decision making; and track the number of jurisdictions adopting the recommendations in their comprehensive plans.	\$5,000.00
56	SWFRPC	Grant	No	EPA	Jennifer Pellechio	Rt 41 Corridor, Rt 29 Moore Haven and Rt 80 Labelle				11/20/2012	5/9/2013	\$600,000.00	\$100,000.00			Sites identified and evaluated along Rt. 41 and Rt 27 and scattered sites.	
57	SWFRPC	Grant	No	DEO	Jennifer Pellechio	Our Creative Economy - A Regional Strategy for SW Florida's Public Art & Cultural Venues	06/01/2013				7/12/2013	\$150,000.00	\$150,000.00			1. Asset Mapping; 2. A Multi-Jurisdictional Strategy for Enhancing Public Art; and 3. A Southwest Florida's Public Art and Cultural Venues Field and Tour Guide	\$0.00
58	SWFRPC	Grant	No	EDA	Jennifer Pellechio	Develop a Regional Strategy for Manufacturing			6/13/2013	6/13/2013	7/22/2013	\$200,000.00	\$80,000.00			Assessment/Inventory, Mapping, Website & Strategy Plan	\$200,000.00

SWFRPC GRANT SUMMARY AS OF OCTOBER 6, 2014

#	Agency	Type	Awarded	Funding Agency	Project Mgr.	Project Name	LOI Due Date	LOI Date Submitted	App Due Date	Date Submitted	Date Awarded/Denied	Project Total	RPC Amt	Start Date	End Date	Deliverables	Total Match Amt-RPC
59	SWFRPC	Grant	No	DEO	Margaret Wuerstle	Regional Strategy for Agricultural Sustainability in Hendry & Glades Counties		5/10/2013			7/12/2013	\$150,000.00	\$150,000.00			The final result will be an Agricultural Vision that the local governments can use as a reference or incorporate when considering changes to their comprehensive plans and land development codes. This project will create a Regional Strategy for Agricultural Sustainability that will include: 1. Creation of a working committee consisting of stakeholders from the six county region including the water management districts, IFAS, the Farm Bureau, Natural Resources Conservation Service, local government representatives and agriculturists. 2. Identification of issues including development pressures, farming constraints, diversification, adaptation to climate changes, trade and export opportunities, shifts in markets, transportation infrastructure, commodity pipes and financing. 3. A Strengths, Weakness, Opportunities and Threats (SWOT) analysis. 4. Mapping of existing agricultural lands. 5. Mapping of conservation easements and constraints. 6. Research best land use practices for agricultural sustainability. 7. Development of	
60	SWFRPC	Grant	No	Florida Humanities Council	Jennifer Pellechio	Our Creative Economy: A Regional Strategy for Enhancing Public Arts and Cultural Venues	8/19/2013	8/16/2013			9/3/2013	\$15,000.00	\$15,000.00			The Southwest Florida Regional Planning Council, in partnership with the Hendry County Tourism Development Council, and the Native American Tribes of Florida, proposes to identify, map and document existing public art and public art venues in Hendry County. A Field Guide to the Public Art of Hendry 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.	

SWFRPC GRANT SUMMARY AS OF OCTOBER 6, 2014

#	Agency	Type	Awarded	Funding Agency	Project Mgr.	Project Name	LOI Due Date	LOI Date Submitted	App Due Date	Date Submitted	Date Awarded/Denied	Project Total	RPC Amt	Start Date	End Date	Deliverables	Total Match Amt-RPC
61	SWFRPC	Grant	No	USDA	Sean McCabe	Sustainable Southwest Florida Farmlands Initiative			6/24/2013	6/21/2013	8/13/2013	\$100,000.00	\$100,000.00				\$0.00
62	RC&DC	Grant	No	Lowe's Charitable and Educational Foundation (LCEF)	Tim Walker	Low-Impact Sustainable Parking Demonstration Project			7/31/2013	7/30/2013	9/16/2013	\$35,000.00	\$25,000.00			Pictures, data collection and reporting, publicity (Hold opening ceremony attended by elected officials from at least 15 local governments and at least 5 state agency representatives; list site with Florida Native Plant Society; publish article in "Harbor Happenings")	\$10,000.00
63	RC&DC	Grant	No	WalMart	Sean McCabe	Sustainable Southwest Florida Farmlands Initiative			8/9/2013	8/9/2013	11/26/2013	\$150,000.00	\$150,000.00			Working committee; ID issues, SWOT, research, recommendations, sustainability & climate change analysis, map agricultural lands & conservation easements, final report	\$0.00
64	SWFRPC	Grant	No	FEMA	John Gibbons	Strengthening Resilience Across Whole Communities of Practice: A Regionally-based Virtual Training Approach			8/16/2013	8/16/2013		\$64,000.00	\$64,000.00			National LEPC Training and Exercise Program	\$0.00
65	RC&DC	Grant	No	Wells Fargo	Margaret Wuerstle	Mobile Market: Creating a Nutritional Oasis in the Food Deserts of Lee County			8/31/2013	8/29/2013	9/4/2013	\$132,434.00	\$13,784.00			Coordination w/Roots Heritage Urban Food Hub in the deployment of "Mobile Market"	\$0.00
66	RC&DC	Grant	No	Chichester duPont Foundation	Margaret Wuerstle	Sustainable Southwest Florida Farmlands Initiative			9/1/2013	8/30/2013	12/12/2013	\$85,000.00	\$85,000.00			Create a working committee, meetings, SWOT analysis, develop recommendations for enhancing and preserving agricultural lands, sustainability and climate change analysis, map conservation easements and final report.	
67	RC&DC	Grant	No	Patagonia Foundation	Jim Beaver	Walking the Watersheds: Identifying Nutrient and Other Pollution Sources in the Estero Bay Watershed			8/31/2013	8/30/2013	12/30/2013	\$17,237.00	\$9,237.24			Identification of the sources of nutrient and other pollution and in the impaired watersheds Involvement citizens in stewardship of those watersheds and increase local involvement in water quality protection Assistance to the water quality agencies to direct restoration and remediation efforts to the sources of water quality impairment.	\$7,999.76

SWFRPC GRANT SUMMARY AS OF OCTOBER 6, 2014

#	Agency	Type	Awarded	Funding Agency	Project Mgr.	Project Name	LOI Due Date	LOI Date Submitted	App Due Date	Date Submitted	Date Awarded/Denied	Project Total	RPC Amt	Start Date	End Date	Deliverables	Total Match Amt-RPC
68	SWFRPC	Grant	No	Elizabeth Dole Foundation	Margaret Wuerstle	Homeless Veterans Camp			10/15/2013	9/9/2013	1/1/2014	\$150,000.00	\$150,000.00			Maps of camp locations and documentation of number of homeless veterans	\$0.00
69	SWFRPC	Grant	No	NOAA	Jim Beever	The effects of sea level rise on Total Ecosystem Services Value (TEV) in Southwest Florida	9/10/13	9/10/13	11/14/2013	11/13/2013	5/8/2014	\$208,245.74	\$200,245.74			TEV valuation of southwest Florida in existing and future climate change scenarios	
70	SWFRPC	Grant	No	The KEEN Effect	Margaret Wuerstle	Hendry County Big "O" Birding Extravaganza			12/6/2013	12/6/2013	1/14/2014	\$20,000.00	\$10,000.00				\$4,000.00
71	SWFRPC	Grant	No	EPA	Jennifer Pellechio	FY14 Brownfields Assessment Grant			1/22/2014	1/22/2014	5/28/2014	\$600,000.00	\$600,000.00				\$0.00
72	SWFRPC	Grant	No	National Endowment for the Arts	Margaret Wuerstle	Our Creative Economy - A Regional Strategy for Southwest Florida's Public Art and Cultural Venues			1/13/2014	1/13/2014		\$400,000.00	\$200,000.00			<ul style="list-style-type: none"> •Asset Mapping •A Regional Strategy for Enhancing Public Art: A SWOT •Southwest Florida's Public Art and Cultural Venues Field and Tour Guide 	\$113,472.00
73	SWFRPC	Grant	No	EPA	John Gibbons	Environmental Job Training for dislocated workers and veterans with employable job skills			2/13/2014	2/13/2014	5/12/2014		\$200,000.00			<ul style="list-style-type: none"> •Cooperative Agreement Application required •Finalized Budget and Work Plan •Progress Reports •Data Registration electronically •Final Report require 	
74	RC&DC	Grant	No	PNC Foundation	Margaret Wuerstle	Our Creative Economy: A Regional Strategy for Enhancing Public Arts and Cultural Venues				3/14/2014	7/1/2014	\$20,000.00	\$10,000.00			A field guide to the public art of Charlotte County.	\$10,000.00
75	RC&DC	Grant	No	Presbyterian Committee	Margaret Wuerstle	A Nutritional Oasis for Marginalized Individuals	Open	2/11/14			8/15/2014	\$15,000.00	\$15,000.00				
76	SWFRPC	Grant	No	EDA	Jennifer Pellechio	SWFRPC, TBRPC, SFRPC Medical Corridor Initiative				4/14/2014	6/1/2014	\$0.00	\$0.00			Designation	\$0.00
77	RC&DC	Grant	No	Seeds of Change	Margaret Wuerstle	Fort Myers Nutritional Oasis in the Food Deserts	3/31/14	3/18/14			4/23/2014					Training of fifteen individuals to grow produce in the existing community garden.	
78	RC&DC	Grant	No	USDA	Margaret Wuerstle	Mobile Market: A Nutritional Oasis for Food Markets of SWFL			3/31/2014	3/31/2014	10/1/2014	\$599,549.00	\$298,605.00	10/1/2014	9/30/2017	Education Plan	
79	SWFRPC	Grant	No	USDOT	Margaret Wuerstle	Public/Private Regional Transportation Connectivity Plan			4/28/2014	4/25/2014	9/12/2014	\$1,378,476.00	\$1,148,476.00			Public/Private Regional Transportation Connectivity Plan	\$70,000.00

SWFRPC GRANT SUMMARY AS OF OCTOBER 6, 2014

#	Agency	Type	Awarded	Funding Agency	Project Mgr.	Project Name	LOI Due Date	LOI Date Submitted	App Due Date	Date Submitted	Date Awarded/Denied	Project Total	RPC Amt	Start Date	End Date	Deliverables	Total Match Amt-RPC
80	SWFRPC	Grant	No	DEO	Jennifer Pellechio	The Zoning Mapping Project - Hendry County			6/6/2014	5/6/2014	8/29/2014	\$25,000.00	\$25,000.00			<p>This project will update the framework for zoning in Hendry County. The concept is to enhance the existing database and update all parcels with 2015 data, incorporating over 35K parcels depicting specific development as it relates to zoning classification in Hendry County.</p> <p>The County is regulated by the Zoning Ordinance, which controls the overall scale and use of buildings throughout the county. Hendry's zoning is a reflection of ongoing planning work, which helps to guide future growth in the county.</p> <p>The result will be a tangible geodatabase that Hendry County can utilize to create economies of scale in order provide seamless customer service. Immediately, they will share the data sets amongst the county departments and other agencies to the goal to host all maps electronically in the future.</p>	\$0.00
81	SWFRPC	Grant	No	DEO	Margaret Wuerstle	OUR CREATIVE ECONOMY -- Asset Mapping			6/6/2014	5/9/2014	9/9/2014	\$25,000.00	\$25,000.00			A field guide to the Public Art in both electronic and print media.	\$0.00
82	SWFRPC	Grant	No	DOE (Department of Energy)	Jennifer Pellechio	Solar Market Pathways			5/21/2014	5/20/2014	6/18/2014						\$20,000.00

SWFRPC GRANT SUMMARY AS OF OCTOBER 6, 2014

#	Agency	Type	Awarded	Funding Agency	Project Mgr.	Project Name	LOI Due Date	LOI Date Submitted	App Due Date	Date Submitted	Date Awarded/Denied	Project Total	RPC Amt	Start Date	End Date	Deliverables	Total Match Amt-RPC
83	SWFRPC	Grant	No	DEO	Jennifer Pellechio	SWFL - Comprehensive Economic Development Strategy (CEDS) Incorporates Economic Resiliency			6/6/2014	6/5/2014	9/9/2014	\$25,000.00	\$25,000.00		5/31/2015	This project will create an in-depth study analysis based on the federal change requirements to the document incorporating economic vulnerabilities as it related to jobs and employers. The outcome of the integrated technical assistance would be a general framework for considering economic resilience in the CEDS for Southwest Florida. The project would build upon the national model by creating "Resiliency Specific Action Plans" to address the top economic vulnerabilities and strengthen economic resilience. These would include specific economic diversification strategies and projects.	\$0.00
84	RC&DC	Grant	No	USDA	Nichole Gwinnett	Fort Myers Food Desert Farmer's Market			6/20/2014	6/19/2014	9/29/2014	\$97,792.00	\$97,792.00			1. Establish a year-round daily farm stand and weekend Farmer's Market offering affordable, fresh, local produce. 2. Support farmers, food producers and value added vendors with training and workshops and provide opportunities for independent entrepreneurs. 3. Expand the access of the residents of the surrounding food desert to locally grown and produced food and encourage consumption of nutritious, fresh foods.	\$0.00
85	SWFRPC	Contract	No	Alliance	Rebekah Harp	Consulting Services for Website Development and Maintenance			6/11/2014	6/11/2014		\$90,000.00	\$90,000.00			To maintain the stability of your site, the Alliance would receive dedicated technical support during development, testing, and launch; ongoing assistance with site maintenance; and solution monitoring and customer support.	\$0.00
86	SWFRPC	Grant	No	Florida Humanities Council	Jennifer Pellechio	Develop and refine the Art Field Guide and online Map Viewer for Lee County	7/1/14	7/1/14	8/6/2014		7/2/2014	\$15,000.00					

SWFRPC GRANT SUMMARY AS OF OCTOBER 6, 2014

#	Agency	Type	Awarded	Funding Agency	Project Mgr.	Project Name	LOI Due Date	LOI Date Submitted	App Due Date	Date Submitted	Date Awarded/Denied	Project Total	RPC Amt	Start Date	End Date	Deliverables	Total Match Amt-RPC
87	RC&DC	Grant	No	Fidelity Foundation	Margaret Wuerstle	Our Creative Economy - Collier County		9/17/2014			10/1/2014	\$60,000.00	\$60,000.00				\$0.00

Agenda Item

9

Consent Agenda

9

9

CONSENT AGENDA SUMMARY

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

There were three clearinghouse items reviewed during the month of September. There are currently four projects under review.

RECOMMENDED ACTION:

- Approve the administrative action on the Clearinghouse Review items.

Agenda Item #9(b) – Financial Statement for September 30, 2014

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

RECOMMENDED ACTION:

- Approve the financial statements for the month of September.

RECOMMENDED ACTION: Approve consent agenda as presented.

10/2014

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 September 1, 2014 and ending September 30, 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.

10/2014

ICR Council - 2014

SWFRPC #	Name1	Name2	Location	Project Description	Funding Agent	Funding Amount	Council Comments
2014-26	Ms. Lauren Milligan	FDEP - Beaches, Inlets and Ports	Sarasota County	EDA - Investments for Public Works and Economic Development Facilities - City of Sarasota Downtown Infrastructure Stabilization Project, Coconut Avenue Water Line Replacement, Traffic and Streetscaping Improvements and Pedestrian Bridge Walkway - Sarasota, Sarasota County, Florida.			Regionally Significant and Consistent
2014-27	Mr. Richard Kolar	Charlotte County Transit	Charlotte County	Charlotte County Transit - USC Section 5307 Grant Application - Purchase three buses.	FTA	\$1,381,877.00	Regionally Significant and Consistent
2014-28	Mr. Scott McManus	GFA International, Inc.	Collier County	GFA International, Inc. - Big Cypress Housing Corporation & Hatcher's Preserve 18 unit residential subdivision at 3180 Westclox Street in Immokalee, Collier County, Florida.			Not Regionally Significant and Consistent

Review in Progress

<i>SWFRPC #</i>	<i>First Name</i>	<i>Last Name</i>	<i>Location</i>	<i>Project Description</i>	<i>Funding Agent</i>	<i>Funding Amount</i>	<i>Council Comments</i>
2014-05			Charlotte County	EPA - State Revolving Funds - Charlotte County Utilities - The East and West Spring Lake Wastewater Pilot Program."			Review in Progress
2014-17			Lee County	FDEP JCP Application (#0200269-009-JC) for the Captiva and Sanibel Islands Renourishment Project in Lee County.			Review in Progress
2014-18			Sarasota County	FDEP JCP Application #0240984-001-JC - South Siesta Key Beach Restoration Project - Phase 2 in Sarasota County.			Review in Progress
2014-20			Lee County	FDEP - Collier 26-4 Well in Lee County. Permit #1360			Review in Progress

Agenda Item

9b

Financial Statement for
September 30, 2014

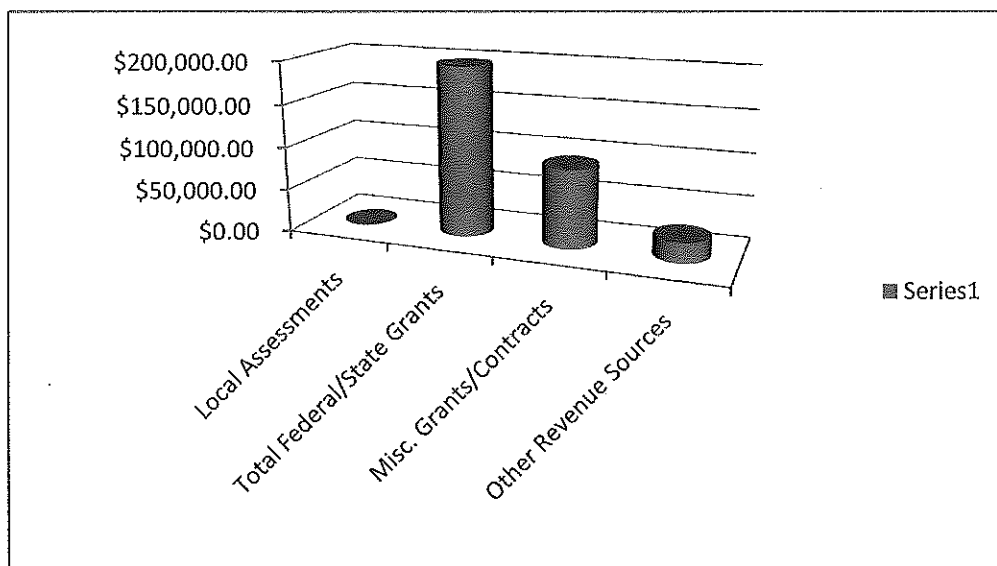
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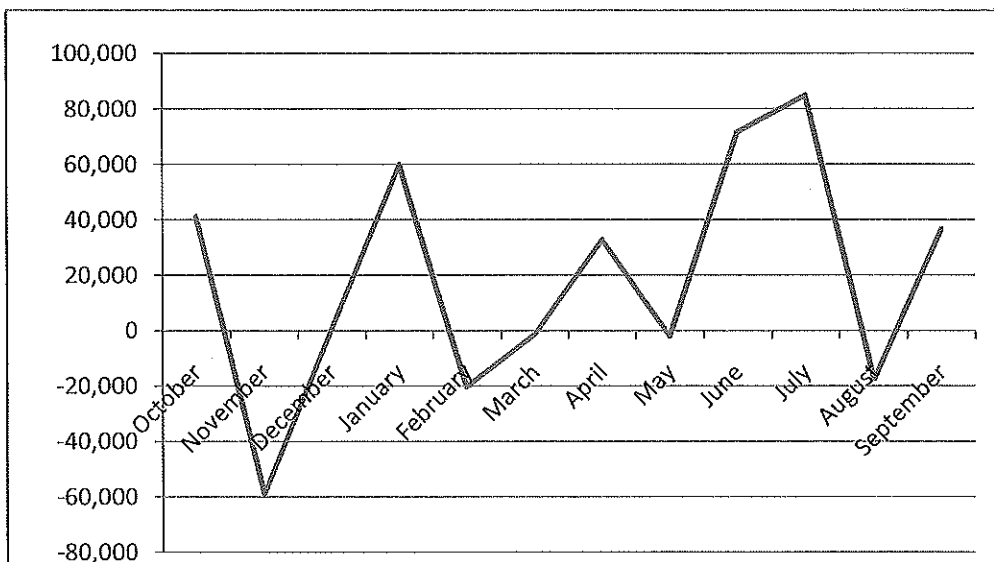
2014 Workplan & Budget Financial Snapshot - September 2014

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, and ED
 Misc. Grants/Contracts billed quarterly: MARC Solar Ready
 Misc. Grants/Contracts billed by deliverable: SQG, CHNEP Local/Grants, Interagency PO'S
 Other(DRI) billed /recorded monthly as cost reimbursement



YTD: Net Income \$ 64,774 (Unaudited)

SWFRPC
BALANCE SHEET
SEPTEMBER 30, 2014

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ASSETS		
CURRENT ASSETS		
FUND BALANCE	\$	719,199
ACCOUNTS RECEIVABLE		227,896
TOTAL CURRENT ASSETS		947,095
PROPERTY AND EQUIPMENT		
PROPERTY, FURNITURE & EQUIP		2,040,983
ACCUMULATED DEPRECIATION		(561,679)
TOTAL PROPERTY AND EQUIPMENT		1,479,304
OTHER ASSETS		
AMOUNT T.B.P. FOR L.T.L.-LEAVE		55,640
FSA DEPOSIT		2,494
AMT T.B.P. FOR L.T.DEBT-OPEP		59,864
AMOUNT T.B.P. FOR L.T.DEBT		954,730
TOTAL OTHER ASSETS		1,072,728
TOTAL ASSETS	\$	3,499,127
LIABILITIES AND CAPITAL		
CURRENT LIABILITIES		
ACCOUNTS PAYABLE	\$	2,916
RETAINAGE PAYABLE		0
DEFERRED INCOME		177,204
FICA TAXES PAYABLE		2
FEDERAL W/H TAX PAYABLE		6
FSA PAYABLE		(304)
LEPC CONTINGENCY FUND		305
TOTAL CURRENT LIABILITIES		180,129
LONG-TERM LIABILITIES		
ACCRUED ANNUAL LEAVE		55,640
LONG TERM DEBT - OPEB		59,864
LONG TERM DEBT - BANK OF AM.		954,730
TOTAL LONG-TERM LIABILITIES		1,070,234
TOTAL LIABILITIES		1,250,363
CAPITAL		
BEGINNING BALANCE EQUITY		(3,798)
FUND BALANCE-UNASSIGNED		194,487
FUND BALANCE-ASSIGNED		514,000
FB-NON-SPENDABLE/FIXED ASSETS		1,479,303
NET INCOME		64,772
TOTAL CAPITAL		2,248,764
TOTAL LIABILITIES & CAPITAL	\$	3,499,127

UNAUDITED - FOR MANAGEMENT PURPOSES ONLY

SWFRPC
BALANCE SHEET
SEPTEMBER 30, 2014

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FUND BALANCE DETAIL

CASH - BANK OF AMERICA OPER.	\$	216,393
CASH - IBERIA CDS		317,366
CASH - FL LOCAL GOV'T POOL		183,323
CASH - FL GOV'T POOL-FUND B		1,917
PETTY CASH		200
		<hr/>
FUND BALANCE	\$	719,199
		<hr/>

OPERATING CASH	\$	216,393
INVESTMENTS		502,606
PETTY CASH		200
		<hr/>
FUND BALANCE		719,199

DEFERRED -NEP CE954836611-1	(84,573)
DEFERRED INCOME NEP LOCAL	(48,127)
DEFERRED INCOME - FAMWQ	(20,562)
DEFERRED INC. PALMER RANCH XXI	(1)
DEFERRED-PALMER RANCH XXII	(10,545)
DEFERRED PALMER XXIII-B	(12,894)
DEFERRED SANDILL NOPC	(502)
	<hr/>
NET AVAILABLE FOR RESERVE	\$ 541,995
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Detail of Fund Balance

Total Fund Balance	\$ 708,487
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Investments:

Iberia Bank CD	317,366
Local government Surplus Trust Fund Investment Pool (Fund A)	183,323
Local government Surplus Trust Fund (Fund B)	1,917

Total Investments	\$502,606.00
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Petty Cash	\$ 200.00
Bank of America Operating Funds	\$205,681.00

Total Fund Balance	\$708,487.00
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SWFRPC
INCOME STATEMENT
COMPARED WITH BUDGET
FOR THE TWELVE MONTHS ENDING SEPTEMBER 30, 2014

	Current Month Actual	Year to Date Actual A	FY 2013-2014 Approved Budget B	FY 2013 - 2014 Amended Budget C	Budget Change
REVENUES	\$	\$	\$	\$	
LOCAL ASSESSMENTS	0	49,007	49,007	49,007	0
CHARLOTTE COUNTY	0	98,955	98,955	98,955	0
COLLIER COUNTY	0	3,801	3,801	3,801	0
GLADES COUNTY	0	11,170	11,440	11,440	0
HENDY COUNTY	0	153,997	153,997	153,997	0
LEE COUNTY	0	115,069	115,099	115,099	0
SARASOTA COUNTY	0	20,051	20,050	20,050	0
CITY OF FORT MYERS	0	1,876	1,876	1,876	0
TOWN OF FORT MYERS BEACH I	0	13,539	13,539	13,539	0
BONITA SPRINGS	0	1,947	1,947	1,947	0
CITY OF SANIBEL	0				0
TOTAL LOCAL ASSESSMENTS	0	469,412	469,711	469,711	0
FEDERAL / STATE GRANTS					
ECONOMIC DEV.-GRANT	0	13,938	12,500	12,500	0
CHNEP - SWFWMD	0	55,080	0	0	0
CHNEP MANATEE	0	5,000	5,000	5,000	0
EPA 6014	40,435	608,486	567,309	567,309	0
FDER- 6014	0	74,994	75,000	75,000	0
SWFWMD - 6014	69,500	104,420	130,000	130,000	0
EPA FAMWQ	21,799	120,802	190,000	190,000	0
EPA-CONSERVATION	10,163	60,780	95,944	95,944	0
DEM TITLE III	0	(511)	0	0	0
DEM-LEPC -14/15	10,500	10,500	0	0	0
DEM-LEPC	0	21,902	40,909	40,909	0
331068 DEM-HMEP	14,184	46,012	58,370	58,370	0
LEE BOCC-VA STUDY	0	41,214	40,000	40,000	0
GLADES HENDRY TD	0	31,296	38,637	38,637	0
TD GLADES 14/15	10,415	10,415	0	0	0
MARC - SOLAR READY	21,262	57,664	0	50,000	50,000
TOTAL FEDERAL / STATE GRAN	198,258	1,261,992	1,253,669	1,303,669	50,000

UNAUDITED FOR MANAGEMENT PURPOSES ONLY

SWFRPC
INCOME STATEMENT
COMPARED WITH BUDGET
FOR THE TWELVE MONTHS ENDING SEPTEMBER 30, 2014

	Current Month Actual	Year to Date Actual A	FY 2013-2014 Approved Budget B	FY 2013 - 2014 Amended Budget C	Budget Change
MISC. GRANTS / CONTRACTS					
GLADES SQG	0	3,900	3,900	3,900	0
THE NATURE CONSERVANCY	0	1,327	0	0	0
MPO 112 - 2011-12 INCOME	(6,506)	(6,506)	0	0	0
HMEP TRAINING	0	(270)	0	0	0
VISIT FLORIDA - 3174	0	5,000	5,000	5,000	0
BROADBAND PLANNING PROJE	0	(379)	0	0	0
TBRPC ENERGY GRANT	0	7,092	0	0	0
SPRING CREEK RESTORATION P	713	713	0	0	0
LEE COUNTY DEO	0	15,000	0	15,000	15,000
EDA 2014	15,750	47,250	0	0	0
COLLIER CO PO #4500149533	0	3,000	0	3,000	3,000
337890 PO # 890	0	7,000	0	7,000	7,000
NEFRC PO # 900	0	5,250	0	5,250	5,250
NEFRC PO # 7926	0	2,000	0	0	0
NEFRC PO # 943	2,744	2,744	0	0	0
6014 LOCAL	72,342	126,789	217,308	217,308	0
SWFCF - 3175	0	15,000	0	15,000	15,000
IT EVENT	5,250	5,250	0	0	0
HENDRY COUNTY EDC-ED. TAS	0	14,933	0	12,500	12,500
VISIT FLORIDA	353	353	0	0	0
SARASOTA COUNTY SUSTAINA	1,500	1,500	0	0	0
TOTAL MISC. GRANTS/CONTRA	92,146	256,946	226,208	283,958	57,750
OTHER REVENUE SOURCES					
DRI MONITORING FEES	1,000	4,750	10,000	10,000	0
ABM SPONSERSHIPS	3,799	3,799	0	0	0
RENTAL SPACE-SENATOR	1,250	15,000	15,000	15,000	0
RENTAL SPACE CHNEP	0	0	15,000	0	(15,000)
DRIS/NOPCS INCOME	16,452	35,713	35,000	25,000	(10,000)
INTEREST INCOME	0	1,749	5,000	5,000	0
MISC. INCOME	1,054	39,139	0	0	0
BUDGETED CARRY OVER FB	0	0	542,797	708,304	165,507
BUDGETED CARRY OVER OPER	0	0	83,679	33,429	(50,250)

UNAUDITED FOR MANAGEMENT PURPOSES ONLY

SWFRPC
INCOME STATEMENT
COMPARED WITH BUDGET
FOR THE TWELVE MONTHS ENDING SEPTEMBER 30, 2014

	Current Month Actual	Year to Date Actual A	FY 2013-2014 Approved Budget B	FY 2013 - 2014 Amended Budget C	Budget Change
TOTAL OTHER REVENUE SOURC	23,555	100,150	706,476	796,733	90,257
TOTAL REVENUES	313,959	2,088,500	2,656,064	2,854,071	198,007

UNAUDITED FOR MANAGEMENT PURPOSES ONLY

SWFRPC
INCOME STATEMENT
COMPARED WITH BUDGET
FOR THE TWELVE MONTHS ENDING SEPTEMBER 30, 2014

Current Month Actual	Year to Date Actual A	FY 2013-2014 Approved Budget B	FY 2013 - 2014 Amended Budget C	Budget Change
EXPENSES				
PERSONNEL EXPENSES				
SALARIES EXPENSE	76,981	944,713	663,046	0
SALARIES EXPENSE - NEP	0	0	292,510	36,000
FICA EXPENSE	5,683	68,471	73,100	0
RETIREMENT EXPENSE	8,089	88,417	94,535	0
HEALTH INSURANCE EXPENSE	11,933	136,255	138,190	0
UNEMPLOYMENT COMP. EXPEN	63	2,304	0	0
WORKERS COMP. EXPENSE	365	2,960	3,696	0
TOTAL PERSONNEL EXPENSES	103,114	1,243,120	1,301,077	36,000
OPERATIONAL EXPENSES				
GRANT/CONSULTING EXPENSE	9,070	33,200	51,336	0
NEP-CONTRACTUAL	130,901	333,617	394,208	0
LEGAL	0	0	15,000	(15,000)
AUDIT SERVICES EXPENSE	0	41,000	40,000	0
TRAVEL EXPENSE	1,447	31,317	21,870	31,870
CHNEP TRAVEL	1,636	17,215	0	0
TELEPHONE EXPENSE	765	6,452	6,540	0
POSTAGE / SHIPPING EXPENSE	135	2,296	4,100	0
EQUIPMENT RENTAL EXPENSE	883	6,519	8,750	0
INSURANCE EXPENSE	769	20,683	22,500	0
REPAIR/MAINT. EXPENSE	7,594	18,766	15,000	0
PRINTING/REPRODUCTION EXP	379	5,539	1,500	0
UTILITIES (ELEC, WATER, GAR)	573	21,674	22,000	0
ADVERTISING/LEGAL NOTICES	394	2,827	3,600	0
OTHER MISC. EXPENSE	65	1,861	4,500	0
BANK SERVICE CHARGES	0	2,807	2,280	0
OFFICE SUPPLIES EXPENSE	89	9,853	8,836	0
COMPUTER RELATED EXPENSE	1,304	41,876	38,500	0
DUES AND MEMBERSHIP	5,122	25,999	28,800	0
PUBLICATION EXPENSE	199	1,337	1,250	0
PROF. DEVELOP.	1,545	8,844	10,120	0

UNAUDITED FOR MANAGEMENT PURPOSES ONLY

SWFRPC
INCOME STATEMENT
COMPARED WITH BUDGET
FOR THE TWELVE MONTHS ENDING SEPTEMBER 30, 2014

	Current Month Actual	Year to Date Actual A	FY 2013-2014 Approved Budget B	FY 2013 - 2014 Amended Budget C	Budget Change
MEETINGS/EVENTS EXPENSE	563	3,065	3,000	3,000	0
CAPITAL OUTLAY EXPENSE	0	14,293	4,000	4,000	0
CAPITAL OUTLAY - BUILDING	0	1,815	12,500	12,500	0
LONG TERM DEBT	10,646	127,751	128,000	128,000	0
RESERVE FOR OPERATIONS EXP	0	0	542,797	708,304	165,507
TOTAL OPERATIONAL EXP.	174,079	780,606	1,390,987	1,552,994	162,007
TOTAL CASH OUTLAY	277,193	2,023,726	2,656,064	2,854,071	198,007
NET INCOME (LOSS)	\$ 36,766	\$ 64,774	\$ 0	\$ 0	0

UNAUDITED FOR MANAGEMENT PURPOSES ONLY

--- Agenda --- Item

10

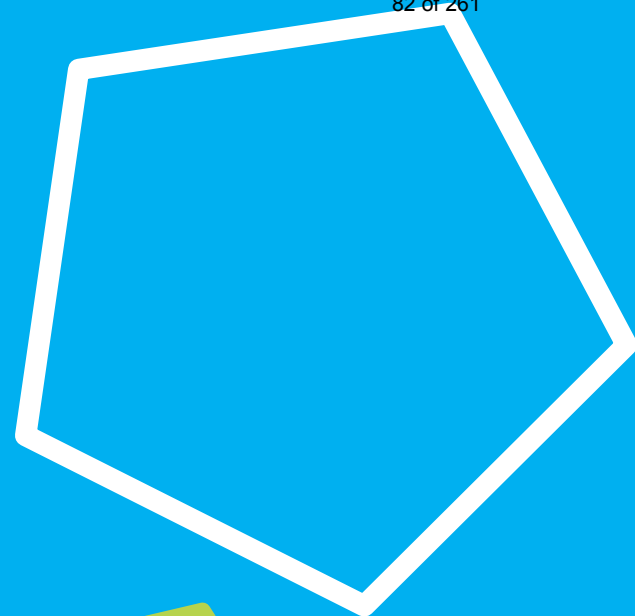
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Regional Impact

10

10

GROWTH MANAGEMENT PROGRAM

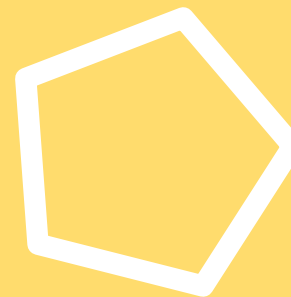


GROWTH MANAGEMENT PLANNING

Funding for the reviews that Council will see today was funded through local jurisdiction dues.



COMP PLAN AMENDMENTS



LEE COUNTY

DEO 14-6 ESR

Description:

- Privately-initiated
- Extend potable water and sewer service to 59 parcels within the Lee County DRGR

Analysis: Not regionally significant; goes above and beyond current groundwater protection regulations

Recommend: Not regionally significant.



SARASOTA CO.

DEO 14-9 ESR

Description:

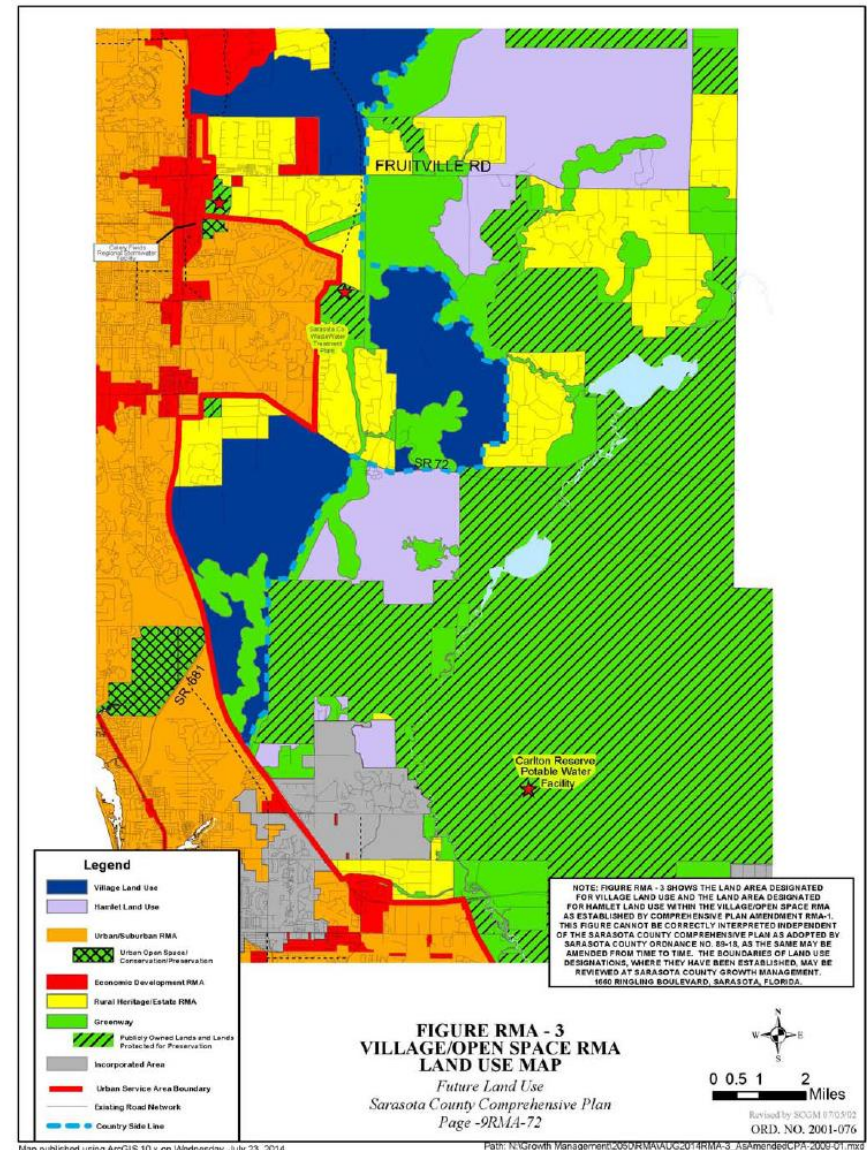
Sarasota County is requesting thirteen (13) changes that relate to the Sarasota 2050 Resource Management Area (RMA) Policy component of the County's Comp Plan (Ch 9).

Analysis:

Staff believes these changes are necessary either to make the County's plan more accurate and up-to-date, or clarify past issues that hindered the future development of the village and hamlet format in the RMA area.

Recommend:

The requested changes will not produce any significant adverse effects on the regional resources or regional facilities that are identified in the Strategic Regional Policy Plan



SANDHILL DRI

NOPC





SANDHILL DRI NOPC

- **Description:**

Amend Revised Map H as follows:

Eliminate the 84.09-acre golf course recreation area and replace it with the following:

- 6.48 acres of commercial area with 43,000 square feet of commercial development;

- 15.47 acres of assisted living facilities with 458 beds;

- 47.64 acres of industrial park with 365,000 square feet of industrial development; and

- 16.25 acres of residential with 26 multi-family dwelling units.

All of the above changes to the DRI are found within the portion of Tract 5 located within northeast quadrant of the I-75 / Kings Highway interchange.

Amend Paragraph 7 of the Development Order to reflect the new acreages and uses stated above.

Amend the Development Order to correct scriveners' errors.

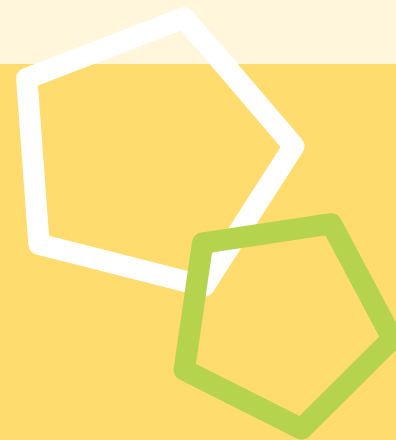
- **Analysis:**

Council staff therefore has determined that this request is subject to Chapter 380.06(19)(e)(2)k, F.S. which states that changes that do not increase the number of external peak hour trips and do not reduce open space and conserved areas within the project no Substantial Deviation review is required.

- **Recommend:**

Notify Charlotte County, the Florida Department of Economic Opportunity and the applicant that the proposed DRI changes do not appear to create a reasonable likelihood of additional regional impacts on regional resources or facilities not previously reviewed by the SWFRPC.

RIVER'S EDGE DRI (GULF HARBOR) DEVELOPMENT ORDER REVIEW





RIVER'S EDGE DRI

- **DEVELOPMENT ORDER REVIEW**

Project Description

The River's Edge (Gulf Harbour) Development of Region Impact (DRI) was approved on April 19, 1982. The Council recommended conditional approval of the River's Edge DRI Application for Development Approval. The DRI is a mostly built out development on 548 acres and is located on between the Caloosahatchee River and McGregor Blvd. at Pine Ridge Road in Lee County. The approval was subject to regional conditions and was found consistent with the Local Comprehensive Plan and Strategic Regional Policy Plan.

Request Analysis

The residents of the Palmas Del Sol Condominium Association are the owners of approximately 10.17 acres of predominantly mangrove preserves located directly behind the structures which are located along the Caloosahatchee River. The property is subject to a conservation easement to Lee County which currently permits trimming the mangroves to a height of 32 feet within certain view corridors.

The association requested that Lee County allow the height of the trimming be reduced to 20 feet because the views of the river were blocked for the lower floors of the condominium structures. Since the mangrove trimming limitations are also contained within the DRI Development Order, the association requested that the DRI Development Order language be amended to reflect the lower trim height.

At the present time, the existing mangrove trimming is currently in compliance with an existing Department of Environment Protection permit. In order to obtain this permit to allow the trimming, the association was required to purchase and dedicate to Lee County as a preserve an additional 11 acres of mangroves at the end of Shell Point Dr. in Lee County.

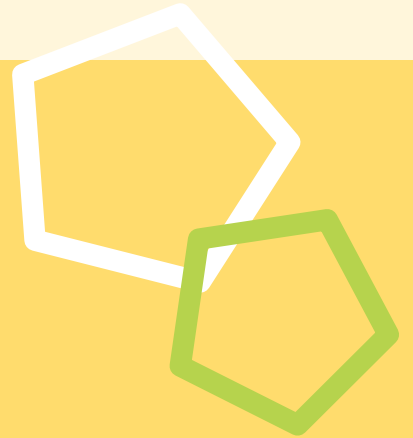
- **RECOMMENDED ACTION:**

Accept the Development Order as rendered. Notify the Florida Department of Economic Opportunity and Lee County.

SUGAR HILL SECTOR PLAN

HENDRY COUNTY 14-3SP

(SEPL14-00001)

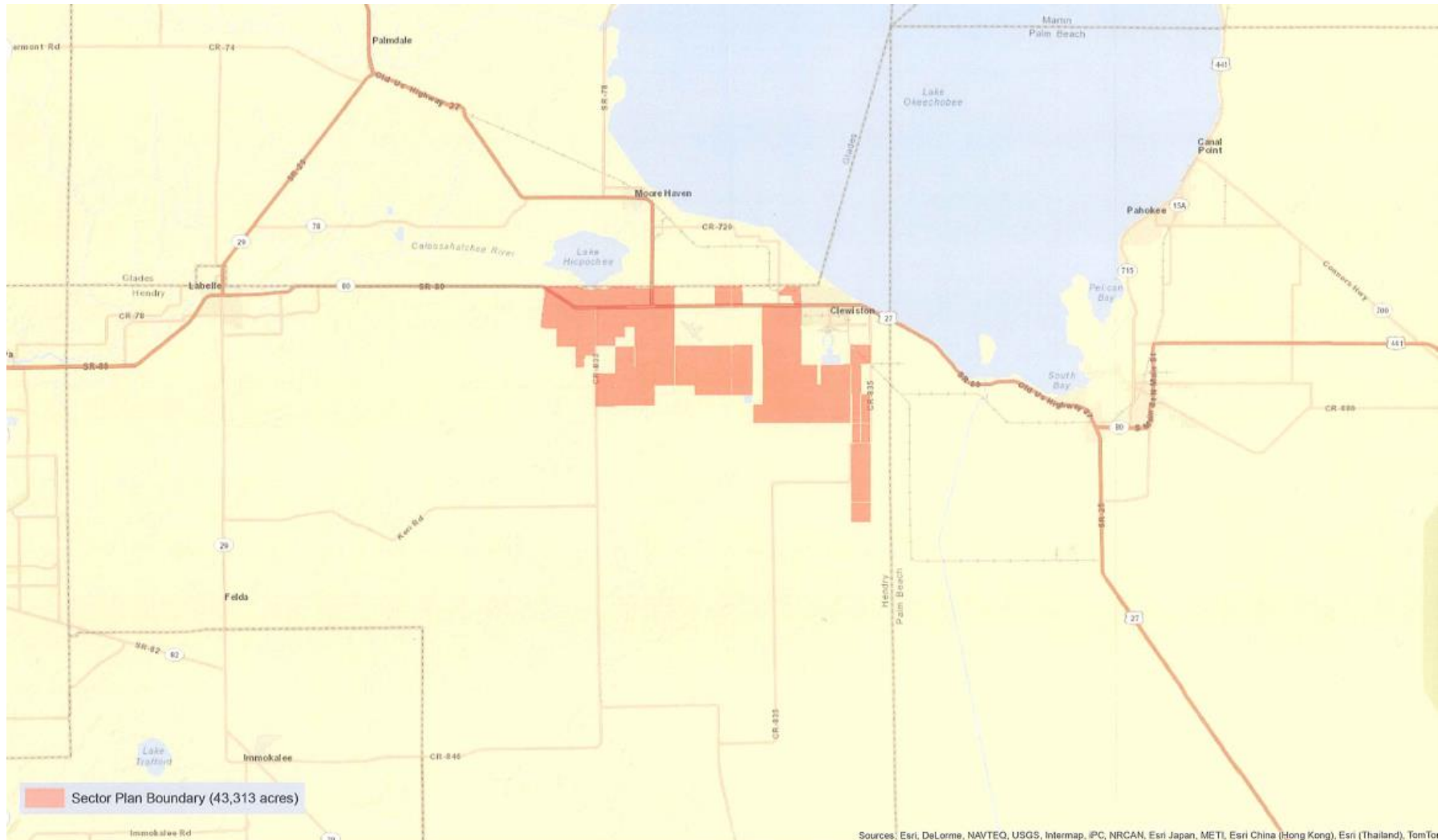




Sugar Hill Sector Plan

- Privately-initiated Comprehensive Plan Amendment
- 43,313 acres (~67 sq. mi., 5.9% of Hendry County)
- 18,000 dwelling units
- 25 million sq. ft. of non-residential uses
- Planning horizon: 2060
- Sugar Hill is the third Sector Plan in Hendry County in two years

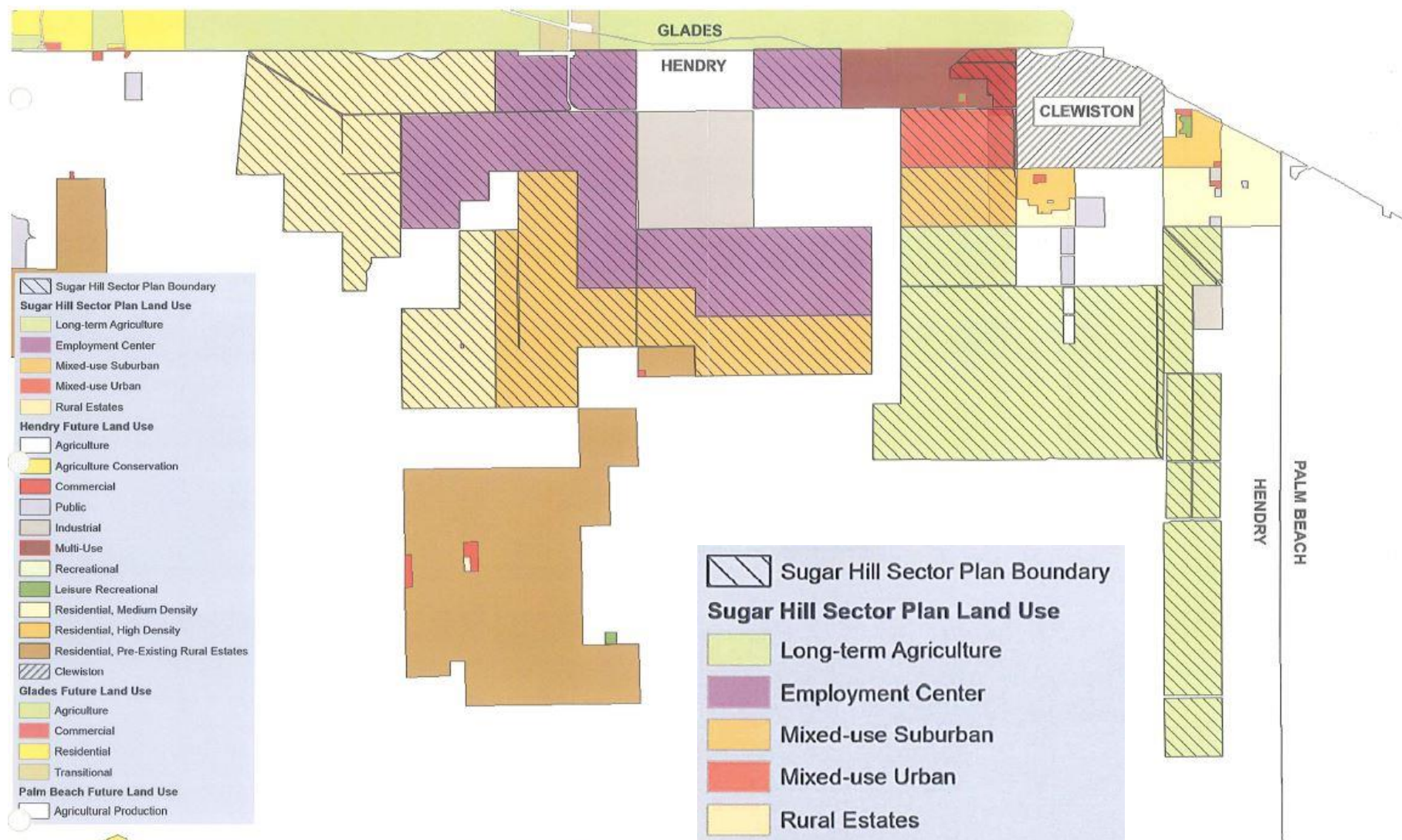
Sugar Hill Plan Location



Map: Existing Future Land Use



Map: Proposed Future Land Use





Sugar Hill Land Uses

- Current land use is predominantly agricultural.
- Proposed uses include:
 - Employment Center
 - Mixed Use Urban
 - Mixed Use Suburban
 - Rural Estates
 - Long-Term Agriculture
 - Natural Resource Management

Examples of Land Uses



Employment Center

Anticipated Employment Center Land Use Allocation (Percentages are Land Use Totals)		
Land Use	Minimum Acreage	Maximum Acreage
Industrial	30%	80%
Office	10%	80%
Commercial	5%	10%
Recreation/Open Space	5%	No Maximum
Public/Institutional	5%	80%
Multi-Family Residential*	0%	10%



Mixed Use Urban

Anticipated Mixed-Use Urban Land Use Allocation (Percentages are Land Use Totals)		
Land Use	Minimum Acreage	Maximum Acreage
Industrial	0%	10%
Office	10%	30%
Commercial	20%	40%
Recreation/Open Space	10%	No Maximum
Public/Institutional	10%	20%
Residential	20%	70%

Examples of Land Uses

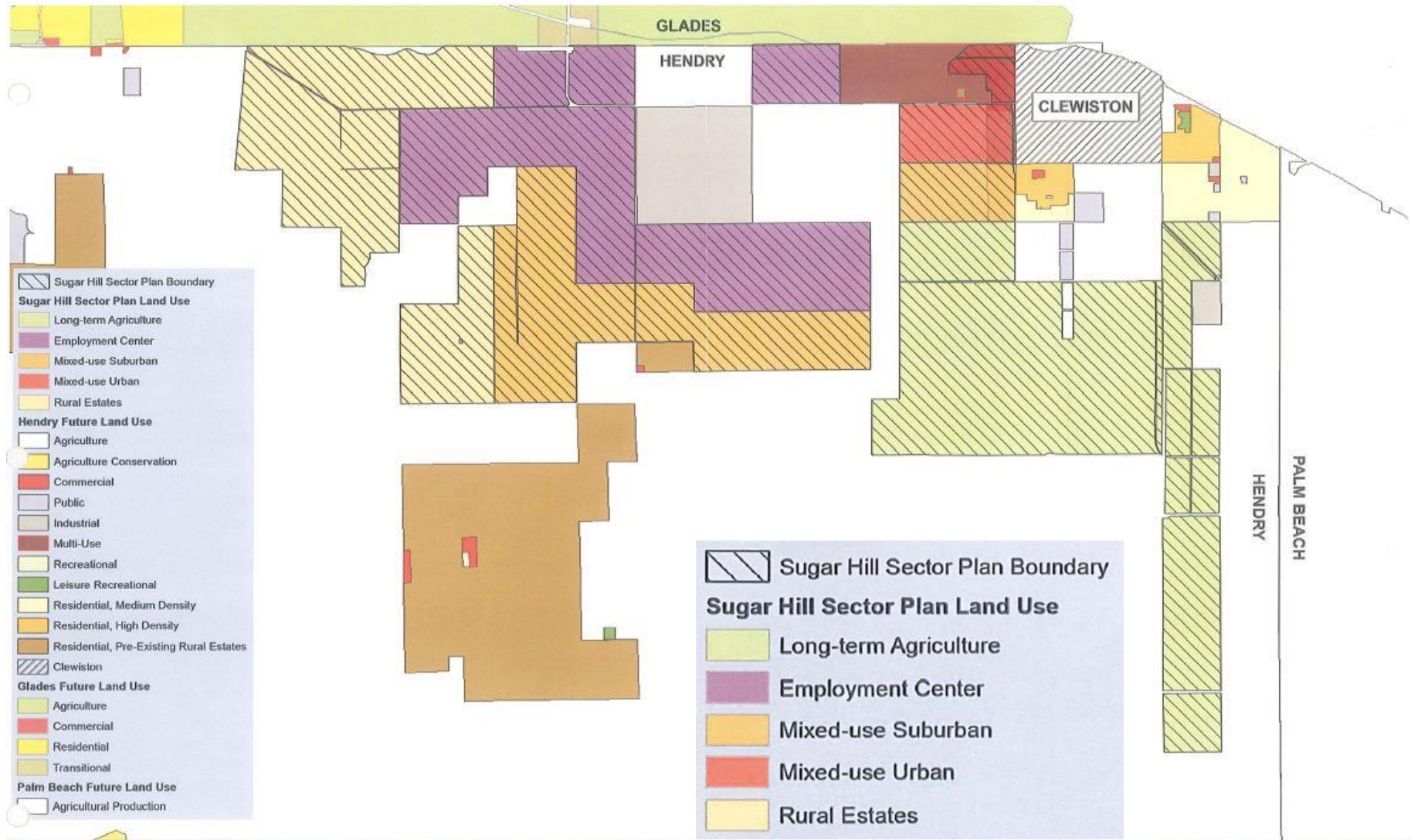
Mixed Use Suburban

Anticipated Mixed-Use Suburban Land Use Allocation (Percentages are Land Use Totals)		
Land Use	Minimum Acreage	Maximum Acreage
Industrial	0%	5%
Office	0%	20%
Commercial	10%	30%
Recreation/Open Space	20%	No Maximum
Public/Institutional	0%	20%
Residential	30%	80%

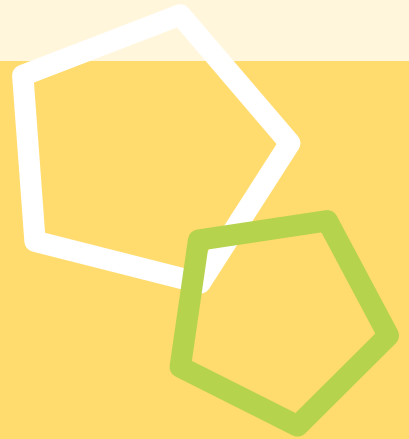
Rural Estates

- Less than 1 dwelling unit per 5 acres, or
- Cluster subdivisions, with dwellings on 1 acre lots

Map: Proposed Future Land Use

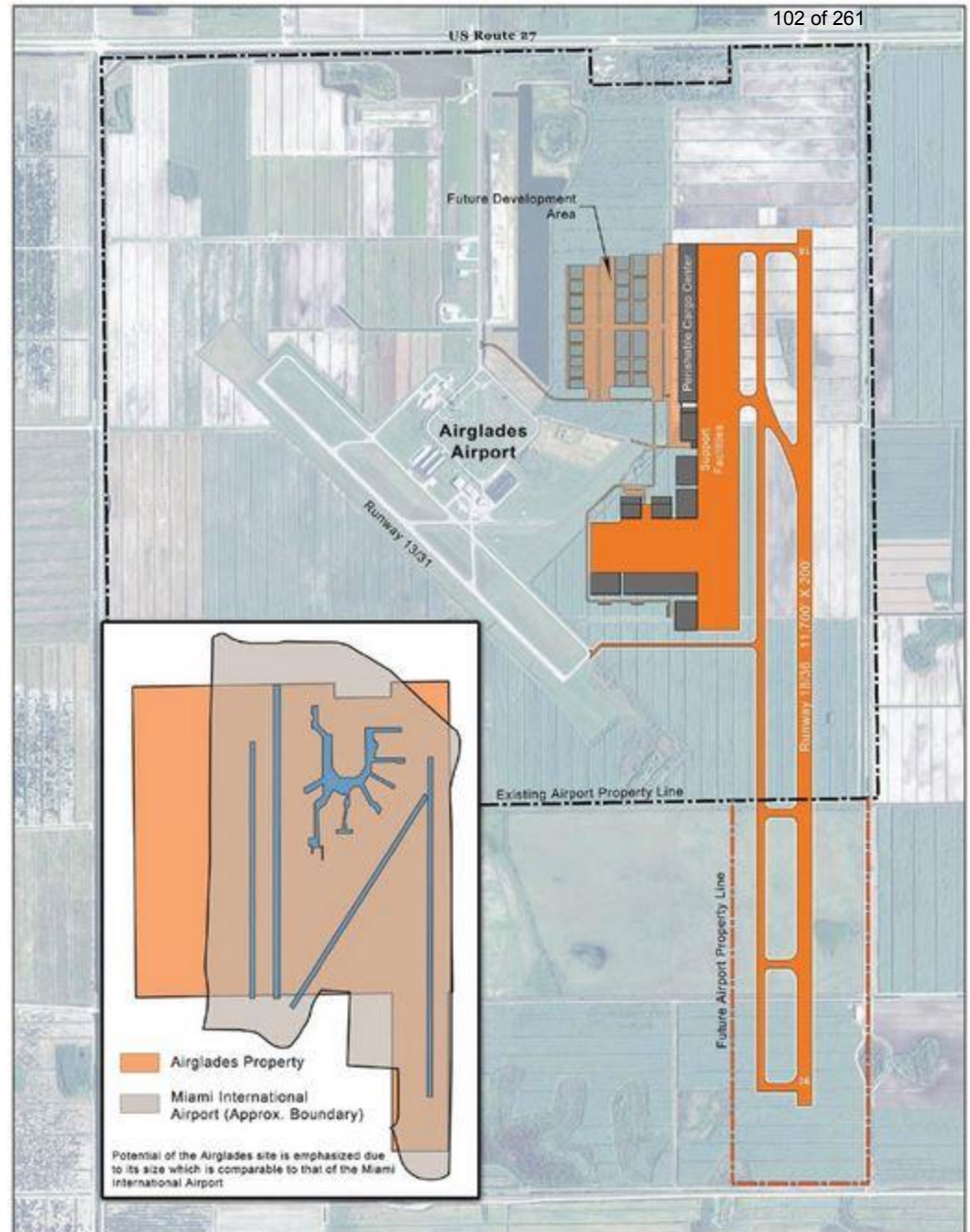


CONTEXT

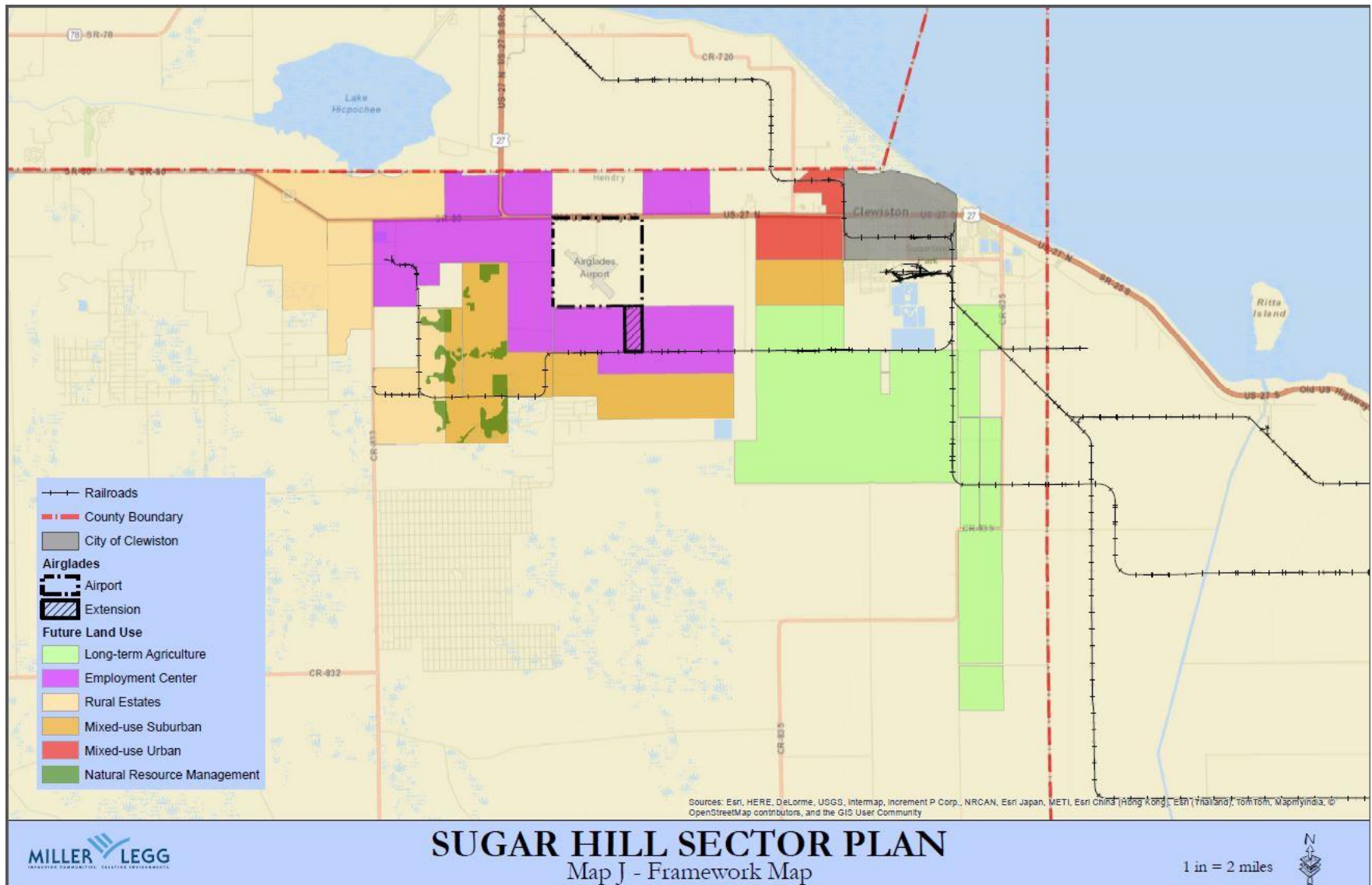


Airglades International Airport (proposed expansion)

- Not part of SHSP
- 12,000 ft runway
- Cargo freight



Sugar Hill Land Use Map



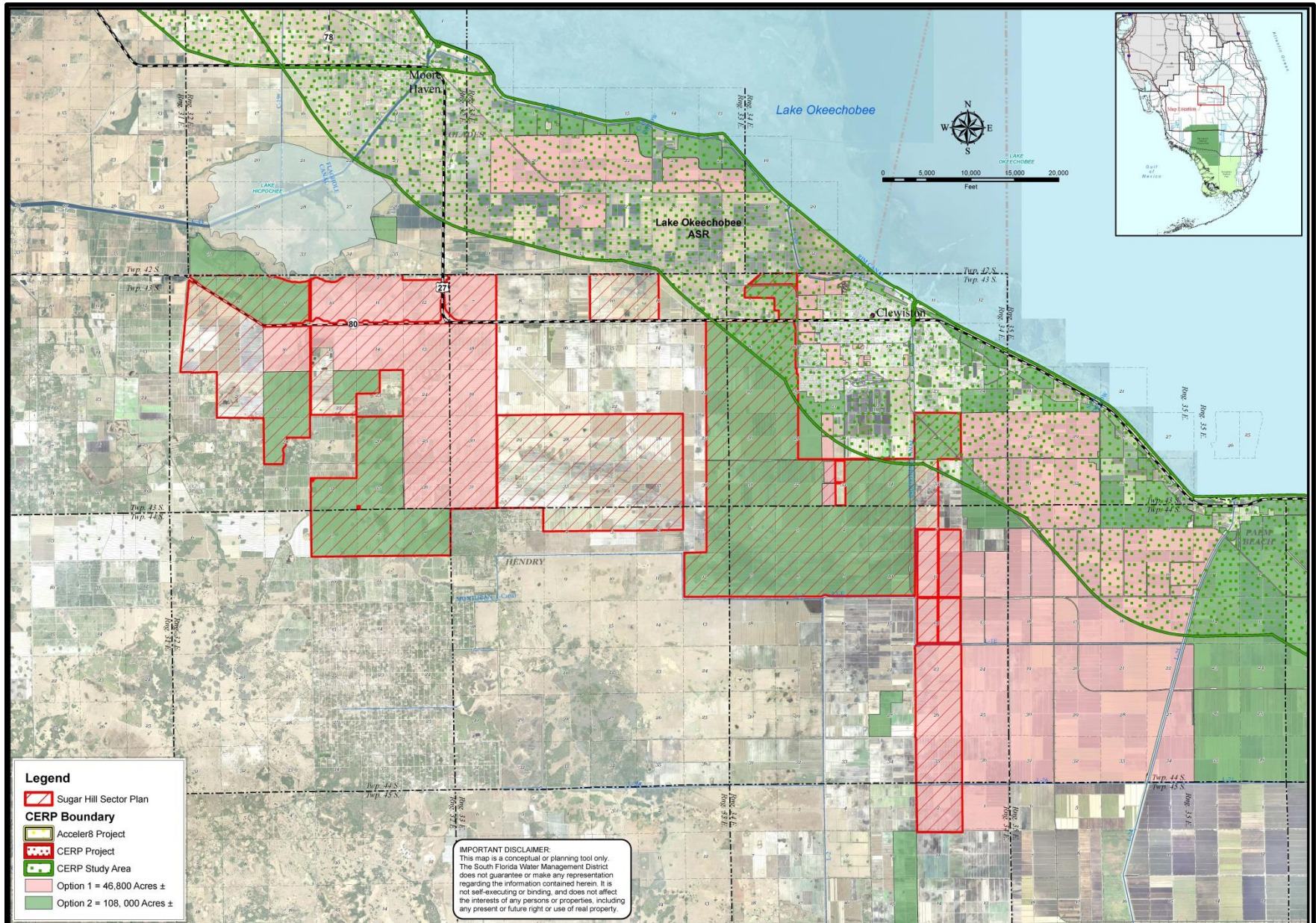


Everglades restoration

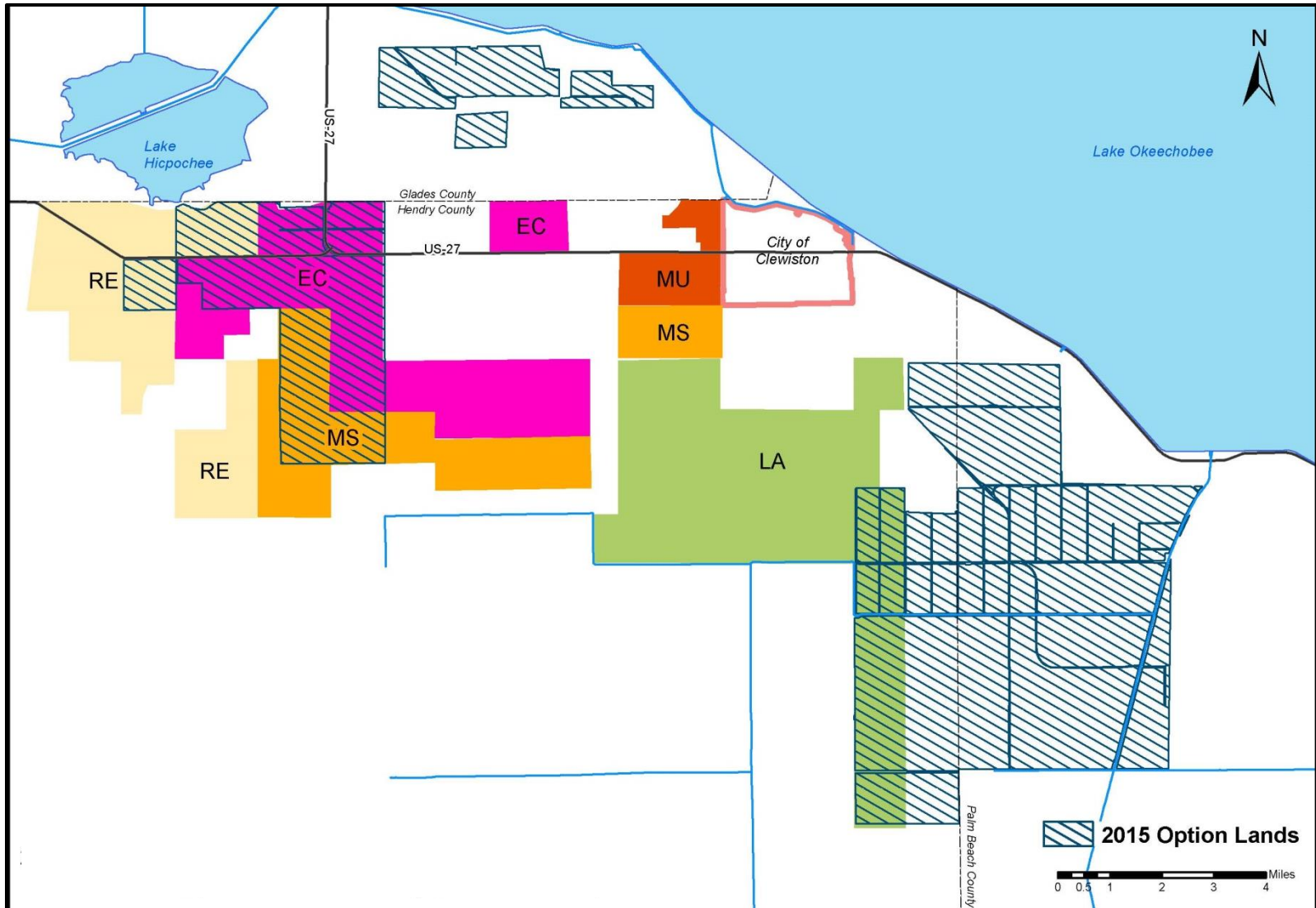
State of Florida has purchase options on U.S. Sugar lands that are included in the Sector Plan:

- Initial Option (expires Oct. 2015): **13,272 acres**
- Entire Option (expires Oct. 2020): **19,494 acres**

Everglades Restoration – Option Lands



Everglades Restoration – Initial Option

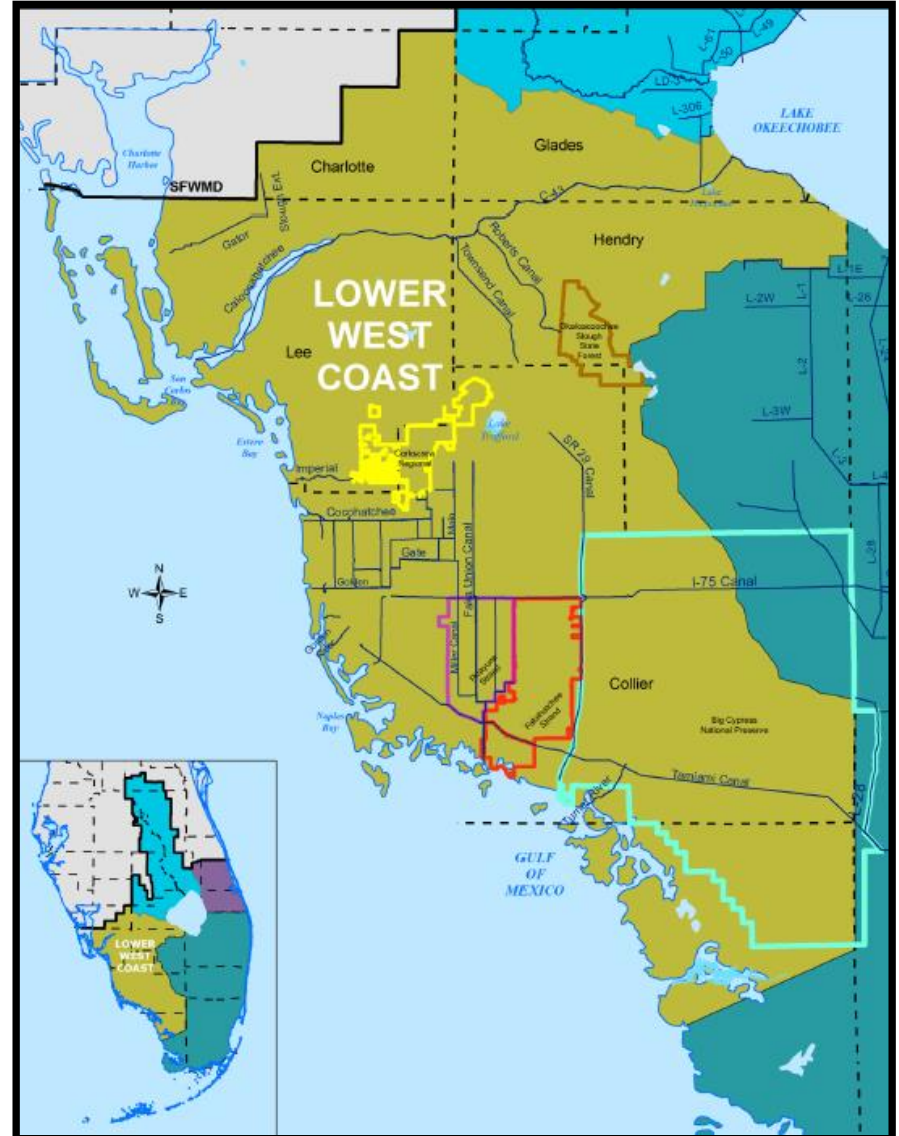


Lower West Coast Water Supply Plan

(SFWMD document)

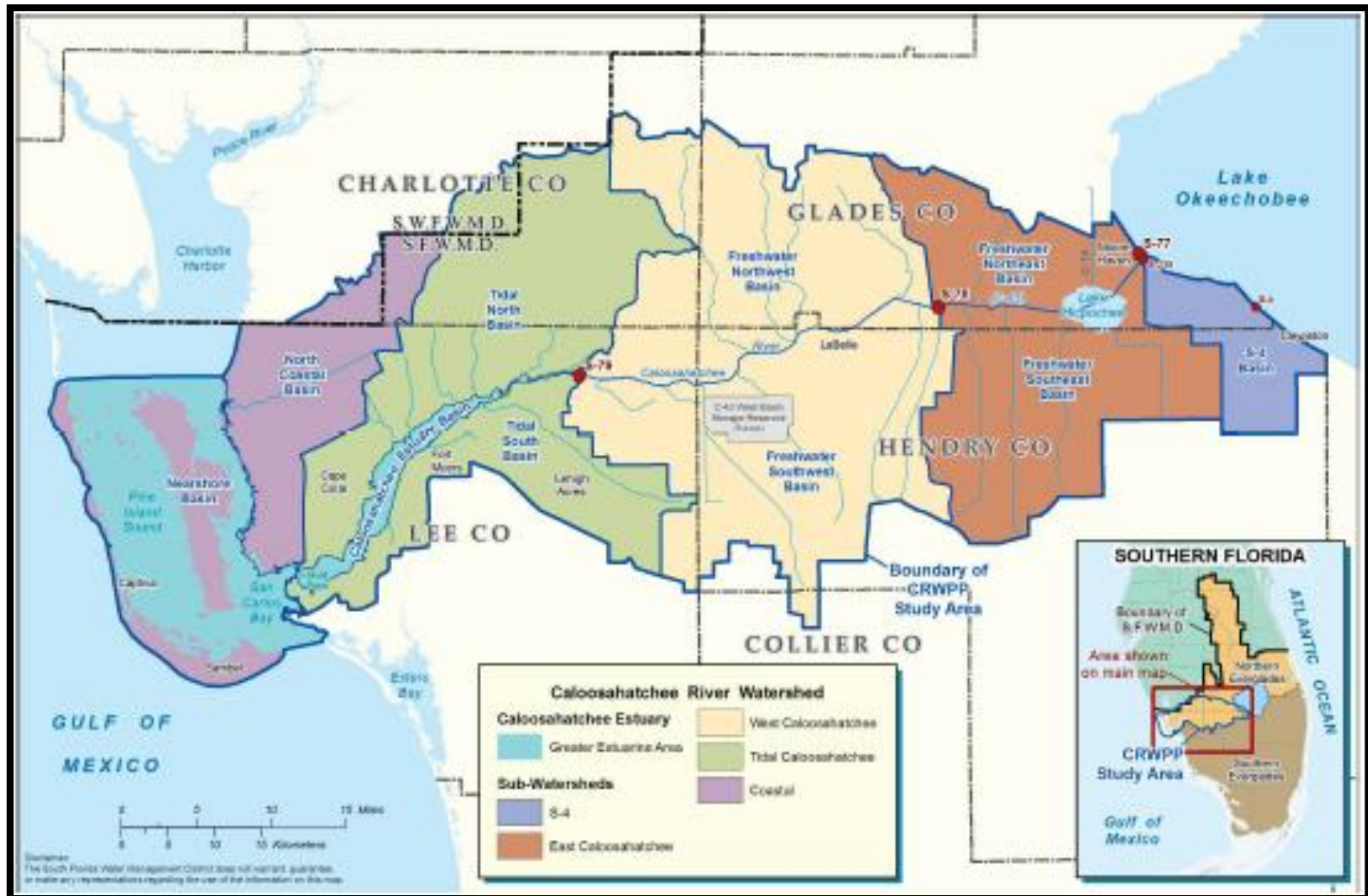
“...primary freshwater sources in the LWC Planning Area are not sufficient to meet 2030 projected water use demands.”

(per 2014 amendment, prior to SHSP submittal)



Caloosahatchee River Watershed Protection Plan

108 of 261





Agency Comments

FDEP: objects to proposed Sugar Hill Sector Plan

FDOT: objects and requires more information

FWC: objects to proposed Plan

Hendry County: approved and submitted to DEO

SFWMD: objects and requires additional information



Recommendations to DEO

Staff comments:

- Regionally significant in location, magnitude, and character
- Unable to determine consistency due to lack of adequate information

Staff recommends:

- Holding approval until adequate information is provided to determine consistency
- Alternatively, staff recommends that regional issues be reviewed by SWFRPC at the DSAP stage

Note: Sector Planning does not involve RPC review of regional issues after the Comprehensive Plan Amendment.

Agenda Item

10a

10a

Lee County Comprehensive Plan Amendment (DEO 14-6ESR)

10a

LOCAL GOVERNMENT COMPREHENSIVE PLAN AMENDMENTS LEE COUNTY

The Council staff has reviewed proposed evaluation and appraisal based amendments to the Lee County Comprehensive Plan (**DEO 14-6ESR / local CPA 2013-04**). These amendments were developed under the Local Government Comprehensive Planning and Land Development Regulation Act. A synopsis of the requirements of the Act and Council responsibilities is provided as Attachment I. Comments are provided in Attachment II. Site location maps can be reviewed in Attachment III.

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

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

A summary of the results of the review follows:

<u>Amendment</u>	<u>Factors of Regional Significance</u>			<u>Consistent</u>
	<u>Location</u>	<u>Magnitude</u>	<u>Character</u>	
DEO 14-6ESR (local CPA 2013-04)	no	no	no	(1) not regionally significant.

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

10/2014

Attachment I

COMMUNITY PLANNING ACT

Local Government Comprehensive Plans

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

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

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

All local governments in Southwest Florida have adopted revised plans:

Charlotte County, Punta Gorda
 Collier County, Everglades City, Marco Island, Naples
 Glades County, Moore Haven
 Hendry County, Clewiston, LaBelle
 Lee County, Bonita Springs, Cape Coral, Fort Myers, Fort Myers Beach, Sanibel
 Sarasota County, Longboat Key, North Port, Sarasota, Venice

Comprehensive Plan Amendments

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

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

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

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

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

Regional Planning Council Review

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

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

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

1926 Victoria Avenue | Fort Myers, FL 33901


P: 239.338.2550 | F: 239.338.2560 | www.swfrpc.org
Attachment II

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

LOCAL GOVERNMENT:

Lee County

DATE AMENDMENT RECIEVED:

August 29, 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.

October 2, 2014

1. AMENDMENT NAME:**Application Number:** DEO 14-6ESR (CPA 2013-04)**2. DESCRIPTION OF AMENDMENT(S):**

This proposed, privately-initiated amendment to expand Lee Plan Maps to extend potable water and sanitary sewer service to a 75-acre neighborhood with 59 platted parcels. This vested neighborhood is in the Density Reduction / Groundwater Resource area.

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

Council staff has reviewed the requested amendment. Based on the review, Council staff has found that the requested changes are not regionally significant.

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

Council staff has reviewed the requested changes and 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 local government within the region.

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

Attachment III

Maps

**Lee County
DEO 14-6ESR**

**Growth Management Plan
Comprehensive Plan Amendments**

Map 1: Site Location

10b

10b

Sarasota County Comprehensive Plan Amendment – DEO 14- 9ESR

10b

LOCAL GOVERNMENT COMPREHENSIVE PLAN AMENDMENTS SARASOTA COUNTY

The Council staff has reviewed proposed evaluation and appraisal based amendments to the Sarasota County Comprehensive Plan (DEO 14-9ESR / local CPA 2013-I). These amendments were developed under the Local Government Comprehensive Planning and Land Development Regulation Act. A synopsis of the requirements of the Act and Council responsibilities is provided as Attachment I. Comments are provided in Attachment II. Site location maps can be reviewed in Attachment III.

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

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

A summary of the results of the review follows:

<u>Proposed Amendment</u>	<u>Factors of Regional Significance</u>			
	<u>Location</u>	<u>Magnitude</u>	<u>Character</u>	<u>Consistent</u>
DEO 14-9ESR (CPA 2013-I)	yes	yes	yes	(1) procedural; (2) regionally significant; and (3) consistent with SRPP

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

09/2014

Attachment I

COMMUNITY PLANNING ACT

Local Government Comprehensive Plans

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

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

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

All local governments in Southwest Florida have adopted revised plans:

Charlotte County, Punta Gorda
 Collier County, Everglades City, Marco Island, Naples
 Glades County, Moore Haven
 Hendry County, Clewiston, LaBelle
 Lee County, Bonita Springs, Cape Coral, Fort Myers, Fort Myers Beach, Sanibel
 Sarasota County, Longboat Key, North Port, Sarasota, Venice

Attachment I

Comprehensive Plan Amendments

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

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

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

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

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

Regional Planning Council Review

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

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

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

Attachment II

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

LOCAL GOVERNMENT:

Sarasota County

DATE AMENDMENT RECEIVED:

September 11, 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.

October 6, 2014

1. AMENDMENT NAME:

Application Number: DEO 14-9 ESR (CPA 2013-I)

2. DESCRIPTION OF AMENDMENT(S):

Sarasota County is requesting thirteen (13) changes that relates to the Sarasota 2050 Resource Management Area (RMA) Policy component of the County's Comprehensive Plan (Chapter 9).

1. Update of Comprehensive Plan Map Figures RMA-1, 2, 3, and 4

The 2050 Map Figures These map figures needed to be updated to reflect scrivener's changes that have occurred since the maps were initially adopted in 2002 including changes to associated Future Land Use Map designations and municipal boundaries;

2. Conservation Subdivisions

Proposed Policy and Regulatory Changes Requested to implement a 20-acre or less threshold that will not require the establishment of a Conservation Subdivision when the rezoning of a property involves an increase in residential density within the Rural Heritage/Estate RMA;

3. FN-1 Fiscal Neutrality

Proposed Policy and Regulatory Changes Recommendation to consider revisions to the demonstration of long term fiscal neutrality by phase or other recurring time period and instead allow for demonstrations of fiscal neutrality based on agreed variations from the projections. In addition, a recommendation to allow for administrative mechanisms to encourage the provision of affordable housing, without negatively impacting fiscal neutrality analysis model results;

4. FN-1a Fiscal Neutrality Compliance for Public Transit

No Proposed Policy or Regulatory Changes This item was derived from a recommendation of Fiscal Neutrality consultant, Laffer Associates, and is intended to delete Public Transit as one of the fifteen identified items for which Fiscal Neutrality must be demonstrated as part of a 2050 development. Public transit is a key supportive mechanism associated with the intended form of development. The potential to provide appropriate funding via mechanisms such as a mobility fee and provides future potential revenue to support the alternative land development pattern intended by 2050 policy;

5. FN-2 Timing/Phasing of Development

Proposed Policy Changes These changes include: 1) Eliminates the 15-year waiting period required for consecutive Village approval, which is applicable only within the “Central Village Area”; 2) Eliminates policy which prevents the approval of a Village development, if the additional units cause the potential dwelling unit capacity for urban development within the unincorporated County to exceed 150 percent of the forecasted housing demand for the subsequent 20-year period; and 3) Modifies the area designated for inclusion in the Residential Capacity Analysis to include the Urban Service Area, the Future Urban Area, and lands west of the Countryside Line;

6. FN-3 Affordable Housing

Proposed Policy and Regulatory Changes Recommendations to address intent and implementation differences between policy and regulations. Affordable Housing is recommended to be incentivized in Policy, while it is prescriptively required in regulations. The recommendation includes a change to allow for alternative mechanisms to provide Affordable Housing;

7. NU-5 Minimum of One Village Center

Proposed Policy and Regulatory Changes Allows a reduction or elimination of the non-residential building square footage required within a subsequent, smaller Village Center, where the market analysis demonstrates such need, or lack of need. In addition, clarifies that each of the three areas designated Village Land Use on the RMA-3 Land Use Map (North, Central, and South) have at least one Village Center;

8. NU-9 400 Dwelling Unit (DU) Limit on Hamlets

No Proposed Policy or Regulatory Changes Recognizes that each Hamlet is an individual neighborhood, the 400 DU cap is already at the extreme higher end of the neighborhood size spectrum while retaining walk-ability;

9. NU-7 Hamlet Walk-ability

No Proposed Policy or Regulatory Changes It has been demonstrated that the largest of Hamlets can be designed to meet the walk-ability standards in accordance with the fundamental principles of the 2050 policy;

10. NU-8 Hamlet Focal Points

Proposed Policy and Regulatory Changes Eliminates the 4,000 foot separation requirement between “focal points” because there is no significant impact on the design of a Hamlet;

11. OS-9b Greenbelts between Hamlets

Proposed Policy and Regulatory Changes Allows multiple Hamlet Development Areas within a single Master Development Plan to potentially be within +/-100 feet of each other so that the required equivalent open space can be consolidated for agricultural or other consolidated/coordinated uses;

12. OS-5 Greenways as Open Space in Hamlets

Proposed Policy and Regulatory Changes Eliminates the currently ambiguous allowance for Greenways that are on-site within a Hamlet Master Development Plan, to be counted toward the percentage of Open Space required. Affirming that on-site Greenways shall count toward the required open space percentages encourages inclusion of the Greenway within the Hamlet Master Development Plan, which will contribute to its protection pursuant to 2050 policy; and

13. Additional clarifications

Clarifications Two clarifications that are also being recommended involve Policy VOS2.1(c) recognizing that Hamlet Land Use designated property can serve as on-site Open Space for a Village, and that Zoning Regulation 11.3.15.a. calls for appropriate county staff to review 2050 project proposals.

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

Council staff has reviewed the requested amendment and finds that these changes either correct errors in the County’s Comprehensive Plan or provide changes that further clarify the 2050 Plan as it relates development of villages east of the interstate in the RMA areas of the County. Council staff believes that these changes are necessary either to make the County’s plan more accurate and up-to-date or clarifies past issues that hindered the future development of the village and hamlet format in the RMA area. The village development in Sarasota County is important to the entire region because it sets a land use pattern that can be used in other areas of the region located east of the Interstate. Based on the review, Council staff has found that the requested changes will not produce any significant adverse effects on the regional resources or regional facilities that are identified in the Strategic Regional Policy Plan and clarify and improve the development opportunities of the villages that were previously approved in the 2050 Plan.

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

Council staff has reviewed the requested changes and 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 local government within the region.

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

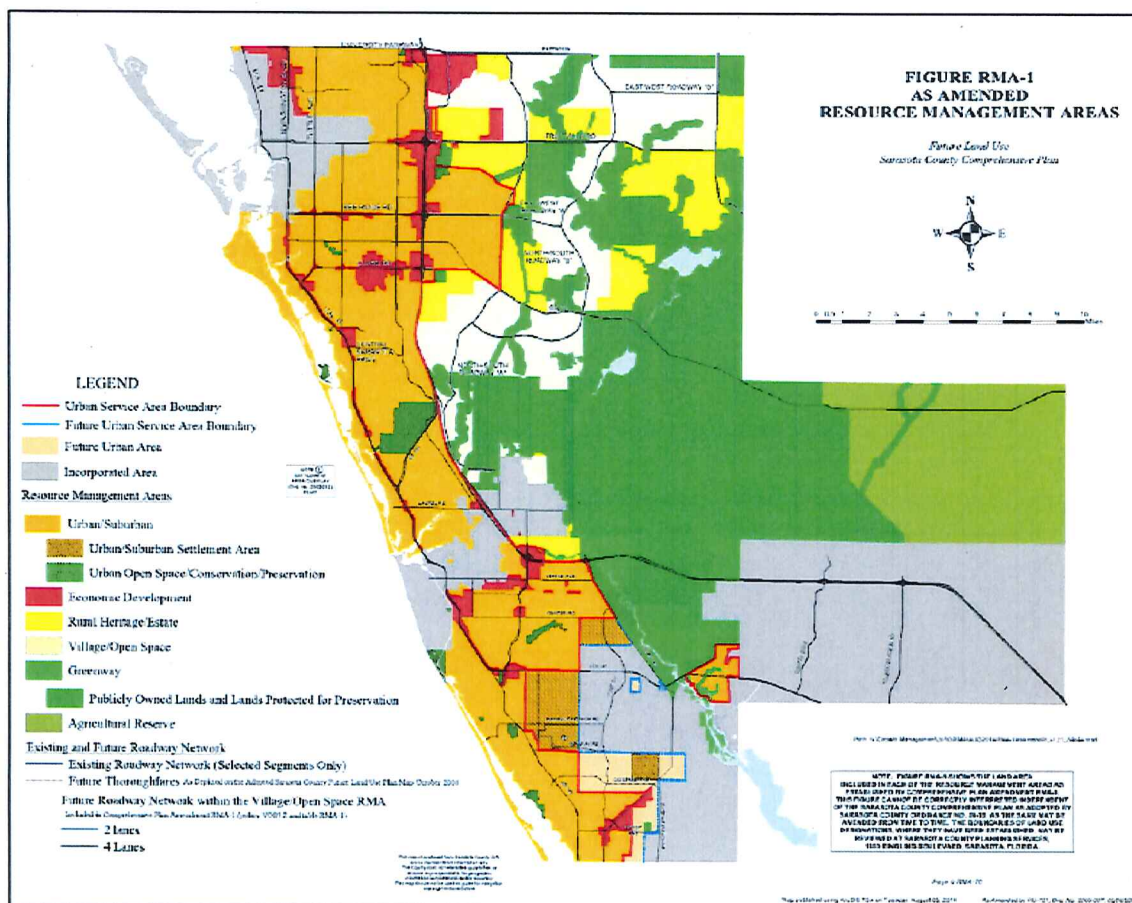
Attachment III

Maps

**Sarasota County
DEO 14-9ESR**

**Growth Management Plan
Comprehensive Plan Amendments**

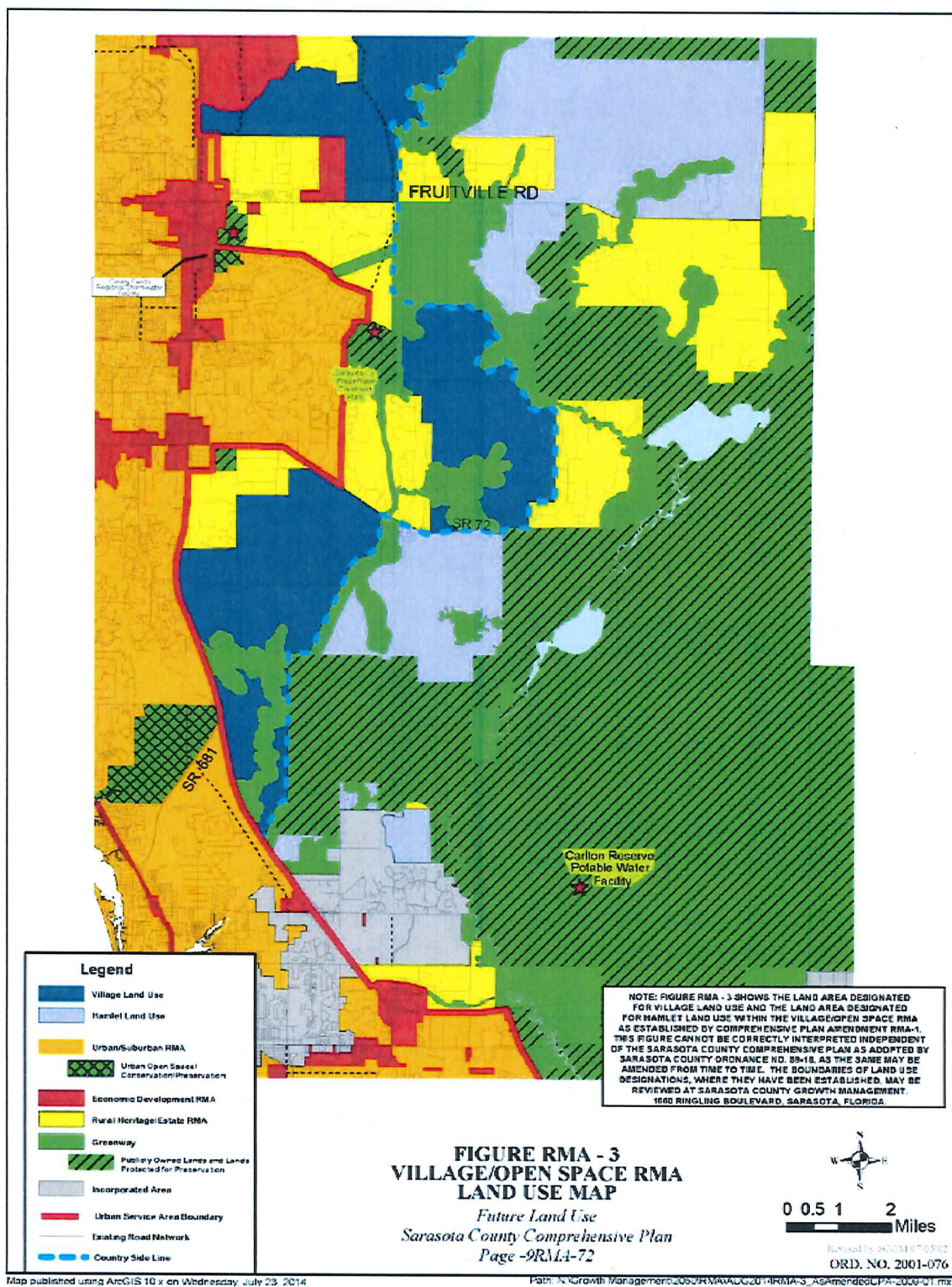
Map 1 – RMA -1



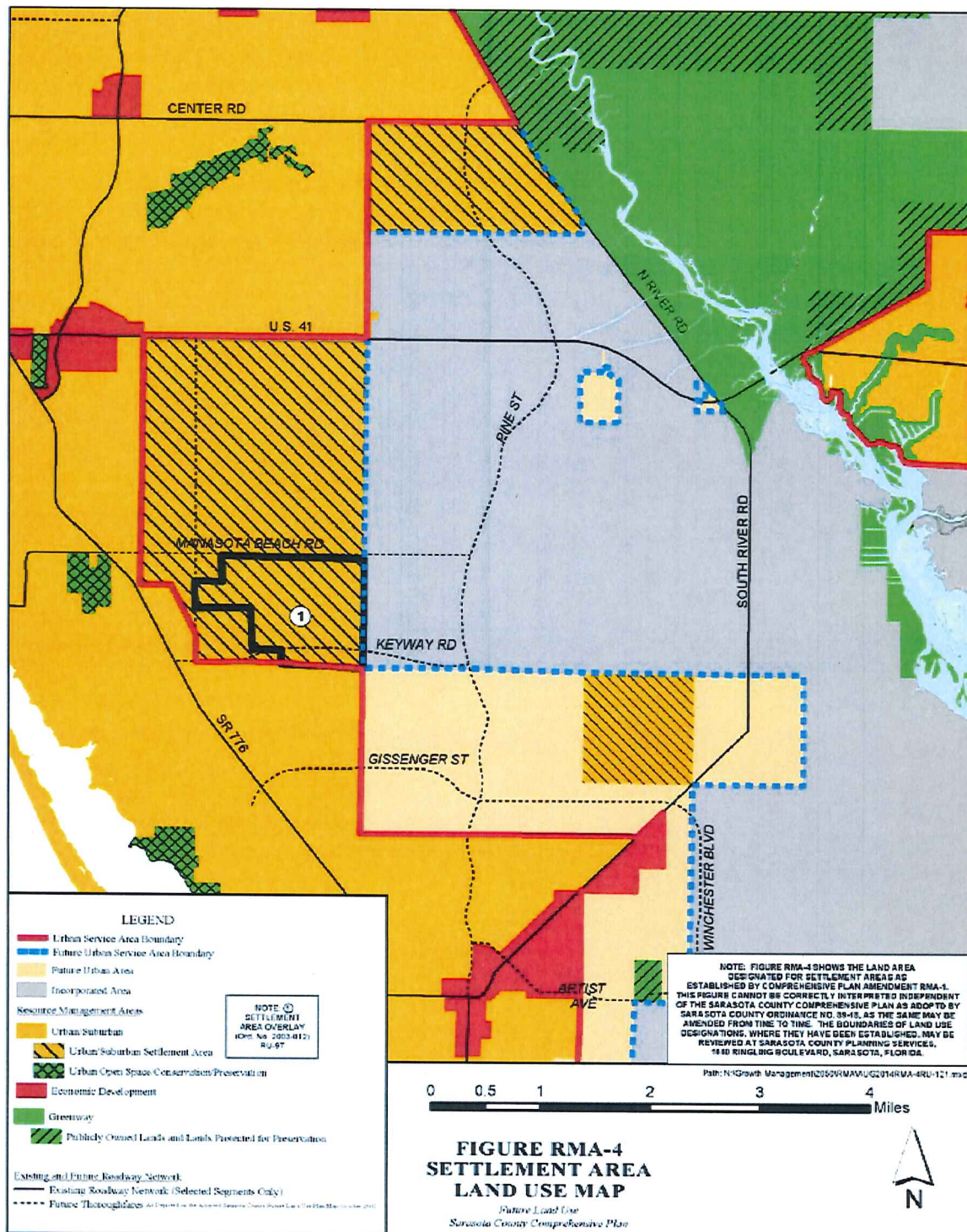
Map 2 – RMA 2

This map remains unchanged.

Map 3 – RMA 3



Map 3 – RMA 4



10c

10c

**SANDHILL
DEVELOPMENT OF REGIONAL IMPACT
DRI # 10-9192-116
NOTICE OF PROPOSED CHANGE**

Background:

The Charlotte County Board of County Commissioners (the Board) originally approved the Sandhill Development Order on February 17, 1981 (DRI # 09-7980-16). The original development order included residential units, office and retail development. Over the years, the project has undergone ownership changes, numerous Development Order Changes and two Substantial Deviation reviews.

The first Substantial Deviation resulted in the approval of Resolution 86-230 on September 9, 1986 (DRI # 09-8485-58). The second Substantial Deviation resulted in the approval of Resolution 92-285 on December 15, 1992 (DRI # 10-9192-116).

The Florida Department of Community Affairs (the precursor to the Florida Department of Economic Opportunity) subsequently filed an appeal of Development Order Resolution 92-285 on February 5, 1993. On May 4, 1993 the Board adopted Resolution 93-59 which incorporated settlement language into the DRI approval conditions.

The Sandhill Development of Regional Impact (DRI) is located on all four quadrants of the I-75/Kings Highway interchange, in northern Charlotte County (see Exhibit B – Map H). The subject site contains a total of 730.3± acres. As currently approved, the development can construct 2,600 residential units (multi-family) on 138.59± acres, 1,965,800 gross square feet of commercial retail space and 120 hotel rooms on 249.39± acres, 42,000 square feet of research and development uses on 4.2± acres, 65,000 square feet of Park/Public/Semi-Public space on 50.18± acres, and 18 holes of golf on 84.09± acres. The other land uses on the site are as follows Lakes (61.4± acres), Public (2.6± acres), Mitigation (84.7± acres), Preservation (6.55± acres) and Roads (37.9± acres).

Previous Changes

There have been 31 previous changes to the Sandhill Development Order that have been adopted by the Charlotte County Board of County Commissioners (CCBCC). These changes were as follows:

Previously Adopted by the CCBCC:

<u>Resolution Number</u>	<u>Date of Adoption</u>	<u>Change to Development Order</u>
(1) Resolution 86-230	September 09, 1986	First Substantial Deviation;
(2) Resolution 86-325	November 18, 1986	Allowed for the inclusion of a public golf course of approximately 96 acres, reduced the maximum number of dwelling units from 4,804 to 4,022 and found no additional DRI review required;

(3) Resolution 87-07	January 20, 1987	Allowed for an increase of private recreation area from 62 to 73 acres, reduced the 160.5 acres of parks and open space to 35.4 acres of public parks and 95.7 acres of a public golf course;
(4) Resolution 87-156	July 21, 1987	Altered the phasing plan by transferring a 1.7-acre retail parcel from Phase IV to Phase II;
(5) Resolution 87-289	December 15, 1987	Altered the phasing plan by transferring a 3.8-acre retail parcel from Phase III to Phase II.
(6) Resolution 88-56	April 19, 1988	Altered the phasing plan for two retail parcels and a research and development parcel;
(7) Resolution 88-57	April 19, 1988	Change the land use on a 2.0-acre parcel and altered the phasing plan;
(8) Resolution 88-235	October 4, 1988	Extended the deadline for the developer to submit the Detail Plans for portions of Phase II;
(9) Resolution 88-282	December 20, 1988	Amended road construction requirements;
(10) Resolution 89-42	February 21, 1989	Altered the Phasing Plan by transferring 180,000 square feet of retail commercial use or approximately 20 acres from Phase III to Phase II;
(11) Resolution 89-90	April 25, 1989	Altered the Phasing Plan to allow for a 7.2 acre parcel to be developed as part of Phase II rather than in Phase III and the addition of 22,000 square feet to Phase II;
(12) Resolution 89-324	October 24, 1989	Permitted development of a 320,000 square foot shopping center, 160,000 square feet was allowed to be constructed at the time of adoption of the resolution and 160,000 square feet could be constructed subject to certain criteria;
(13) Resolution 89-330A	October 31, 1989	Permitted development of a telephone switching facility of approximately 1,100 square feet;
(14) Resolution 90-258	October 16, 1990	Altered the Phasing Plan, transferred commercial square footage within the DRI and realigned Sandhill Boulevard;

(15) Resolution 91-99	May 21, 1991	Changed 2.99 acres of Research and Development to Commercial;
(16) Resolution 91-123	June 18, 1991	Restated Resolution 91-99;
(17) Resolution 92-285	December 15, 1992	Second Substantial Deviation removed phasing and revised the project land use allocations. This amendment reduced the residential units from 4,022 on 273.3 acres to 3,682 on 184.92 acres and dramatically increased commercial square footage from 946,000 on 180.3 acres to 1,606,000 on 190.4 acres;
(18) Resolution 93-59	May 4, 1993	Modified the Development Order to reflect terms of settlement agreement between DCA and Charlotte County;
(19) Resolution 97-0610A0	July 15, 1997	Increased commercial retail acreage from 190.4 to 193.4 acres, increased the overall DRI acreage from 727 to 730 acres and expanded the uses allowed in the commercial areas to include automotive convenience maintenance service; and
(20) Resolution 2002-064	May 28, 2002	Extension of buildout date of DRI Development Order from October 2001 to September 30, 2006.
(21) Resolution 2002-178	November 12, 2002	Reduced residential units from 3,682 units on 184.92 acres to 3,608 units on 181.12 acres, reduced the commercial retail square footage on Parcel C-17 in Tract 3, and added commercial square footage with the newly created Parcel C-24 in Tract 2. The changes to commercial land increased the commercial land area from 193.4 acres to 197.2 acres.
(22) Resolution 2003-028	February 11, 2003	Consolidation of parcels, reduced residential units from 3,608 on 181.12 acres to 2,496 on 125.8 acres, increased commercial square footage from 1,606,000 on 197.2 acres to 1,965,800 on 240 acres, increased the lake area from 60.7 to 61.4 acres, increased the mitigation area from 78.4 acres to 84.7 acres, and added 6.55 acres of preservation area.

(23) Resolution 2006-026	February 21, 2006	Increased the overall DRI acreage from 730 to 730.3 acres, increased the commercial retail acreage from 240 acres to 240.3 acres, reallocated existing commercial square footage from Tract 5 to a newly created Parcel 5-19A and limited those uses on Parcel 5-19A to Commercial Neighborhood uses as defined by the Charlotte County Zoning Regulations.
(24) Resolution 2006-027	February 21, 2006	Increased residential acreage from 125.8 acres to 151.9 acres, reallocated residential units from Parcel R-1 in Tract 1 to a newly created Parcel R-2 in Tract 4, decreased the commercial retail acreage from 240.3 acres to 214.2 acres and reallocated 75,000 square feet of commercial square footage from Parcels C-19 and C-20 in Tract 4 to Parcels C-21 and C-25 in Tract 1. The residential acreage should have only increased by 9 acres and the commercial acreage should have only decreased by 9 acres. The total residential acreage should be corrected to 134.8 acres and the commercial acreage should be corrected to 231.3 acres.
(25) Resolution 2006-173	September 19, 2006	1) Reallocated 40,000 square feet of commercial area from Parcel C-19B in Tract 4 to a newly created Parcel 5-19H; 2) Reallocated 25,000 square feet of commercial area from Parcel 5-18 to the newly created Parcel 5-19H; 3) Reallocated 25,000 square feet of commercial area not part of the last Substantial Deviation; 4) Reduced the Golf Course acreage from 95.7 acres to 84.1 acres (11.6 acre reduction); 5) Increased the Commercial acreage from 213.1 acres to 224.7 acres (11.6 acre increase)
(26) Resolution 2006-212	November 21, 2006	Extended the build out date to March 2, 2009.
(27) Resolution 2007-112	August 14, 2007	Adopted a consolidated Development Order.
(28) Resolution 2007-161	October 16, 2007	Codified the Development Order, extended the build out date to March 1, 2012, and increased the office square footage to 65,000 on the parcel labeled public/semi-public in Tract 2 which is owned by Charlotte County.

(29) Resolution 2008-029	March 18, 2008	Modified the entitlements for Parcel C-24 in Tract 2 from 30,000 square feet of Commercial to 17,000 square feet of Commercial and 120 hotel units
(30) Resolution 2008-158	December 16, 2008	1) Added terms of the development agreement between Charlotte Commons, LLC and Charlotte County dated March 25, 2008; 2) Amended section I.g. to eliminate the prohibition on direct access from Loveland Boulevard; 3) Deleted Section L. which requires an affordable housing study after total developed retail commercial square footage exceeds 946,000 square feet.
(31) Resolution 2009-237	August 18, 2009	Corrected the acreage figures and clarified the commercial and hotel/motel allocation on Parcel C-24 of Tract 2, and provided for a biennial monitoring report.

Proposed Changes:

The applicant for the proposed change is ATM II, LLC. The applicant's agent is Geri L. Waksler with the McCrory Law Firm. The Notice of Proposed Change (NOPC) was submitted to Regional staff on July 23, 2014. The applicant is requesting the following changes to the approved DRI:

Amend Revised Map H as follows:

Eliminate the 84.09-acre golf course recreation area and replace it with the following:

- 6.48 acres of commercial area with 43,000 square feet of commercial development;
- 15.47 acres of assisted living facilities with 458 beds;
- 47.64 acres of industrial park with 365,000 square feet of industrial development; and
- 16.25 acres of residential with 26 multi-family dwelling units.

All of the above changes to the DRI are found within the portion of Tract 5 located within northeast quadrant of the I-75 / Kings Highway interchange.

Amend Paragraph 7 of the Development Order to reflect the new acreages and uses stated above.

Amend the Development Order to correct scriveners' errors. (Charlotte County had communicated with the Florida Department of Economic Opportunity (DEO). In a letter dated July 11, 2012, DEO indicated that the scriveners' errors changes do not require an NOPC. However, the Development Order was never amended to incorporate these corrections, but they have been included as part of the proposed Development Order included in this application.)

Amend the Development Order to provide an equivalency matrix. Charlotte County has also requested

the inclusion of the equivalency matrix to allow for increases and decreases in land uses which will not increase the number of external peak hour trips and which will not reduce open space and conservation areas with the development.

Regional Staff Analysis:

The proposed changes listed above do not appear to create the possibility of additional regional impacts within the Sandhill DRI. While there are 26 additional residential units added, the amount of industrial uses has been reduced and the golf course land uses have been eliminated. A matrix has been added, but the mix of uses will not substantially impact the future peak hour trips from the subject site.

The applicant has provided an amendment to the DRI Transportation Impact Study (TIS) and it shows that the proposed land use changes will not substantially increase the traffic impacts on the surrounding regional transportation system. The Florida Department of Transportation has reviewed the amended TIS and in a letter provided on October 7, 2014 found it to be acceptable with the finding that the changes do not rise above the 15% DRI Substantial Deviation threshold.

The applicant has provided an analysis of the open space for the project which shows that even with the removal of the golf course the project meets the open space requirements of the County.

Council staff therefore has determined that this request is subject to Chapter 380.06(19)(e)(2)k, F.S. which states that changes that do not increase the number of external peak hour trips and do not reduce open space and conserved areas within the project no Substantial Deviation review is required. The proposed removal of the golf course and the reduction of the industrial land uses do not increase the peak hour trips for the proposed project, nor do the proposed changes reduce the required open space or conservation areas, therefore Council finds that the requested changes are not presumed to be a Substantial Deviation and will not have to undergo a DRI reassessment.

Character, Magnitude, Location:

The proposed changes do not significantly change the character, magnitude or location of the DRI.

Regional Goals, Resources, and Facilities:

Regional staff has examined the NOPC in order to determine the potential for adverse regional impacts and determined that the changes to the project do not create adverse regional impacts on regional resources or facilities and therefore is deemed to be consistent with the regional goals, resources and facilities as determined through the substantial deviation reviews process. The applicant has provided sufficient evidence to rebut any presumption of a substantial deviation. No additional regional impacts to regional resources or facilities will occur from the proposed changes.

Multi-Jurisdictional Issues:

Regional staff has not identified any adverse multi-jurisdictional impacts due to the proposed changes.

Need For Reassessment of the DRI:

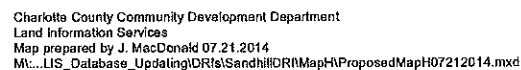
The proposed changes listed above do not create the possibility of additional regional impacts within the Sandhill DRI. The requested changes are not presumed to create a Substantial Deviation and thus will not require a reassessment of the DRI.

Acceptance of Proposed D.O. Language:

The proposed Development Order (DO) amendment is found to be sufficient.

RECOMMENDED ACTIONS:

1. Notify Charlotte County, the Florida Department of Economic Opportunity and the applicant that the proposed DRI changes do not appear to create a reasonable likelihood of additional regional impacts on regional resources or facilities not previously reviewed by the SWFRPC.
2. Request that Charlotte County provide a copy of the Development Order amendment, and any related materials, to the Council in order to ensure that the development order amendment is consistent with the Notice of Proposed Change. Request the Charlotte County staff to provide the Council a copy of the above information at the same time the information is provided to the Florida Department of Economic Opportunity.



**RIVER'S EDGE (GULF HARBOUR)
DEVELOPMENT OF REGIONAL IMPACT
REVIEW OF THE LEE COUNTY
DEVELOPMENT ORDER**

Lee County Recommendations

The River's Edge (Gulf Harbour) Development of Region Impact (DRI) was approved on April 19, 1982. The Council recommended conditional approval of the River's Edge DRI Application for Development Approval. The DRI is a mostly built out development on 548 acres and is located on between the Caloosahatchee River and McGregor Blvd. at Pine Ridge Road in Lee County. The approval was subject to regional conditions and was found consistent with the Local Comprehensive Plan and Strategic Regional Policy Plan.

The DRI has been amended Six (6) times in the past and is currently approved for 1,987 dwelling units of which 788 may be single-family (detached and zero lot line type of units) and up to 1,199 multi-family dwelling units on a total of 250.3 acres; a 135-acre, 18-hole golf course and 30,000 square foot golf clubhouse with 250 parking spaces; a 190 wet berth marina and a 5,000 square foot ancillary ship's store; a 7,000 gross square foot health club; a 16 court tennis complex; 70 acres of lakes; 18.2 acre refined vegetation preservation buffers including: a 14.02 acres of mangrove and listed plant species preserve area south of the marina, a 3.88 acre eagle's perch management and listed plant species preservation island, and a .33 acre shore line listed plant species preservation area north of the marina; and 250.7 acres of open space (including the golf course, preservation areas, and private open space, but excluding the lake, marina and basin areas).

The residents of the Palmas Del Sol Condominium Association are the owners of approximately 10.17 acres of predominantly mangrove preserves located directly behind the structures which are located along the Caloosahatchee River. The property is subject to a conservation easement to Lee County which currently permits trimming the mangroves to a height of 32 feet within certain view corridors.

The association requested that Lee County allow the height of the trimming be reduced to 20 feet because the views of the river were blocked for the lower floors of the condominium structures. Since the mangrove trimming limitations are also contained within the DRI Development Order, the association requested that the DRI Development Order language be amended to reflect the lower trim height.

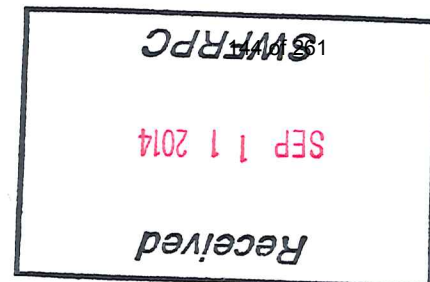
At the present time, the existing mangrove trimming is currently in compliance with an existing Department of Environment Protection permit. In order to obtain this permit to allow the trimming, the association was required to purchase and dedicate to Lee County as a preserve an additional 11 acres of mangroves at the end of Shell Point Dr. in Lee County.

Council staff has determined that this request was subject to Chapter 380.06(19)(e)(2)k, F.S. which states that changes that do not increase the number of external peak hour trips and do not reduce open space and conserved areas with the project are not subject to Substantial Deviation reviews. The proposed reduction in the mangrove heights does not increase peak hour trips, nor does it reduce the open space or the conserved areas within the project, therefore the requested change is not subject to the Substantial Deviation review process and the trimming of the subject mangroves becomes a local decision which the Lee County Board of County Commissioner has issued this amended Development Order.

Lee County Development Order

On August 20, 2014, the Lee County Board of Commissioners approved the River's Edge (Gulf Harbor) Development Order amendment. A copy of the development order (see Attachment) was rendered to the SWFRPC on September 11, 2014. The 45-day appeal period for the development order expires on October 27, 2014. Staff review of the attached Development Order finds that it is consistent with all regional issues and recommendations identified within the Council's Official Recommendations.

RECOMMENDED ACTION: Accept the Development Order as rendered. Notify the Florida Department of Economic Opportunity and Lee County.



Telephone (239) 533-2236
Facsimile (239) 485-2106

John E. Manning
District One

Cecil L. Pendergrass
District Two

Larry Kiker
District Three

Brian Hamman
District Four

Frank Mann
District Five

Roger Desjarlais
County Manager

Richard Wm. Wesch
County Attorney

Donna Marie Collins
Chief County Hearing Examiner

September 11, 2014

VIA CERTIFIED MAIL 7011 1150 0001 5757 1022

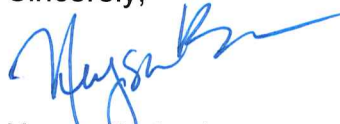
David Crawford, DRI Coordinator
Southwest Florida Regional Planning Council
1926 Victoria Avenue
Fort Myers, Florida 33901

Re: RIVER'S EDGE YACHT AND COUNTRY CLUB DRI
DEVELOPMENT ORDER
SEVENTH DEVELOPMENT ORDER AMENDMENT
STATE DRI #12-8182-21
COUNTY CASE #81-09-08-DRI(c)

Dear Mr. Crawford:

Enclosed please find a certified copy of the Seventh Amendment to the River's Edge Yacht and Country Club DRI Development Order adopted by the Board of County Commissioners of Lee County, Florida, on August 20, 2014. This certified copy has been transmitted pursuant to Rule 9J-2.025, Florida Administrative Code.

Sincerely,

A handwritten signature in blue ink, appearing to read "Neysa Borkert".

Neysa Borkert
Assistant County Attorney

NB/mms
Enclosure

cc via e-mail only: Alvin Block, AICP, Principal Planner, Zoning Division/DCD
Steve Hartsell, Esq., Pavese Law Firm

SEVENTH AMENDED DEVELOPMENT ORDER¹

FOR

RIVER'S EDGE YACHT AND COUNTRY CLUB
(A/K/A GULF HARBOUR)A DEVELOPMENT OF REGIONAL IMPACTSTATE DRI #12-8182-21
COUNTY CASE #81-09-08-DRI(c)

LET IT BE KNOWN that, pursuant to §380.06, Florida Statutes, the Board of County Commissioners of Lee County, Florida, considered the Application for Development Approval filed by Ramar Group, regarding a Development of Regional Impact consisting of 548 acres, at a public hearing and adopted the original development order for the River's Edge Yacht and County Club Development of Regional Impact (DRI) on April 19, 1982.

WHEREAS, the River's Edge Yacht and County Club DRI was amended on March 16, 1992 to decrease the density from 4,380 dwelling units to 2,071; relocate 6 golf holes, the golf course club house, tennis courts, marina basin and marina village; reduce the number of boat slips from 250 to 190 slips; and extend the buildout date 4 years and 11 months to May 4, 1998; and

WHEREAS, a second amendment to the River's Edge Yacht and County Club DRI was adopted on March 21, 1994 to modify the location and design of the marina facility; and

WHEREAS, a third amendment to the River's Edge Yacht and Country Club DRI was adopted on March 19, 2001 to (1) reduce the number of dwelling units from 2,071 to 1,987; (2) eliminate 200 hotel units; (3) replace the 65,000 square feet of commercial with a 5,000 square foot ship's store and 30,000 square foot club house; (4) eliminate the 250 seat restaurant; and (5) extend the buildout date an additional 7 years to May 4, 2005; and

WHEREAS, a fourth amendment to the DRI Development Order was adopted on October 7, 2002, to allow construction of a boardwalk with observation platform and mangrove trimming within the established Mangrove Preservation Area (Tract E); and

¹ This is a codification and restatement of all DRI development orders rendered with respect to the River's Edge Yacht and County Club DRI, including actions taken May 5, 1982, March 16, 1992, March 21, 1994, March 19, 2001, October 7, 2002, October 31, 2005, September 11, 2007 and August 20, 2014.

WHEREAS, a fifth amendment to the DRI Development Order was adopted on October 31, 2005, to extend the buildout date three years from May 4, 2005 to May 4, 2008 (a cumulative extension of 17 years; 11 months), allowing issuance of building permits and construction on the remaining single-family home lots (currently less than 20 lots) within the DRI boundary; and

WHEREAS, a sixth amendment to the DRI Development Order was adopted on September 11, 2007, to grant a three-year statutory extension of the buildout date to May 4, 2011, and the termination date to May 4, 2013; and

WHEREAS, an amendment to the DRI Development Order pursuant to Florida Statutes §380.06(19)(e)(2)(k), was filed by Palmas Del Sol Condominium Association, Inc. on February 6, 2014 to reduce the minimum height of the mangroves and other preserve trees trimming from 32-feet NGVD to 20-feet NGVD, to trim red mangroves in compliance with FDEP Permit File No. 36-0152741-003, as amended, and to extend monitoring requirements for mangrove trimming; and

WHEREAS, under Florida Statutes §380.06(19)(e)(2), the requested amendment is not a substantial deviation; and

WHEREAS, the Board of County Commissioners finds and determines that based upon the evidence in the record, the requested amendment does not constitute a substantial deviation warranting further Development of Regional Impact review; and

NOW THEREFORE, it is resolved by the Board of County Commissioners that the development order for River's Edge Yacht and County Club DRI is further amended as follows:

NOTE: *New language is underlined and deleted text is struck through.*

I. FINDINGS OF FACT AND CONCLUSIONS OF LAW

A. The legal description of the River's Edge Yacht and County Club DRI property (aka Gulf Harbour) is set forth in attached Exhibit A:

B. The River's Edge Yacht and County Club DRI is a Development of Regional Impact consisting of approximately 548 acres. The proposed development is depicted on Map "H", attached as Exhibit B and includes:

1. 1,987 dwelling units of which up to 788 may be single-family (detached and zero lot line type units) and up to 1,199 multi-family on a total of 250.3 acres; approved, but unbuilt multi-family units may be exchanged for single-family units, provided that the resulting total mix of approved multi-family and single-family dwelling units do not exceed a gross trip generation rate of

1,349 p.m. peak hour trips as calculated from the fitted curve formulas of the 6th Edition of the ITE Trip Generation Manual for land use categories 210 and 230;

2. 135 acre 18 hole golf course and 30,000 square foot golf clubhouse with 250 parking spaces;
3. 190 wet berth marina and 5,000 square foot ancillary ship's store;
4. 7,000 gross square foot health club;
5. a 16 tennis court complex;
6. 70.0 acres of lakes;
7. 18.23 acre refined vegetation preservation buffer including:
 - a. 14.02 acre mangrove and listed plant species preserve area south of the proposed marina;
 - b. a 3.88 acre eagles perch management and listed plant species preservation island of 3.88 acres;
 - c. a 0.33 acre shoreline listed plant species preservation area north of the proposed marina; and
8. 250.7 acres of open space (including golf course, preservation areas, and private open space, but excluding lake, marina mitigation and basin areas).

C. The subject property is currently zoned Planned Unit Development (PUD) in accordance with the Lee County Land Development Code and Lee County Ordinance 93-26.

D. The application for development approval is consistent with the requirements of §380.06, Florida Statutes.

E. The proposed development:

1. is not located in an area designated as an Area of Critical State Concern, pursuant to the provisions of §380.05, Florida Statutes;
2. will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area; and

3. is consistent with the Lee County Comprehensive Plan and the Lee County Land Development Code.

F. The Southwest Regional Planning Council has reviewed the proposed development and adopted recommendations subsequently forwarded to Lee County pursuant to §380.06, Florida Statutes. The development, as proposed in the Application for Development Approval and modified by this amended Development Order, is consistent with the recommendations issued by the Southwest Regional Planning Council in accordance with §380.06(12).

G. The proposed conditions set forth below meet the criteria found in §380.05(15)(d), Florida Statutes.

H. The project buildout date is May 4, 2011.

I. Rivers Edge Yacht and Country Club DRI qualified for the statutory three-year extension to all phase, buildout and expiration dates granted by the 2007 Florida Legislature under House Bill 7203 (amending F.S. §380.06(19)(c)) and signed into law on June 19, 2007. The Board of County Commissioners granted the extension pursuant to Lee County Resolution 07-09-17, as the Sixth Amendment to the Rivers Edge Yacht and Country Club DRI Development Order, adopted on September 11, 2007. Under HB7203, the three-year extension is not a substantial deviation, is not subject to further Development of Regional Impact review, and may not be considered when determining whether a subsequent extension is a substantial deviation under F.S. §380.06(19)(c).

J. The request to amend the DRI Development Order, pursuant to Florida Statutes §380.06(19)(e)(2), to reduce the minimum trimming height of the mangroves and other preserve trees from 32-feet NGVD to 20-feet NGVD, to trim red mangroves in compliance with the FDEP Permit File No. 36-0152741-003, as amended, and to extend monitoring requirements for mangrove trimming is not a substantial deviation. Under Florida Statutes § 380.06(19)(e)(2)(k), changes that do not increase the number of external peak hour trips and do not reduce open space and conserved areas are not substantial deviations, do not require filing a Notice of Proposed Change, and are not subject to further Development of Regional Impact review.

II. ACTION ON REQUEST AND CONDITIONS OF APPROVAL

A. ENERGY

1. The River's Edge development must comply with the Energy Code as adopted and in force at the time of commencement of each phase of the development.

2. River's Edge must construct a jogging and bicycle trail system as described in the Application for Development Approval (hereinafter referred to as the ADA) and the Master Site Plan. That system is to connect all points within the project. Benches and special parking areas are to be provided for bicycles and golf carts at each commercial and recreational area. That portion of the system alongside McGregor Boulevard must be built in conformance with the Lee County Comprehensive Bicycle Facilities Plan and is to be dedicated to the County.

3. The Developers of River's Edge must design all facilities for optimum energy efficiency utilizing state-of-the-art energy conservation techniques, including but not limited to the following:

- proper roof and wall insulation
- glazing
- energy efficient appliances
- structure orientation for solar energy and natural ventilation
- structural shading, e.g., inclusive of porch/patio areas in residential units and utilization of roof overhangs for low-rise buildings
- proper landscaping throughout the project and planting of native shade trees and understory wherever appropriate for all active and passive recreation areas, streets and parking areas
- site design and landscaping to enhance energy conservation

4. River's Edge must cooperate with the Lee County Transit System in locating and providing bus stops and shelters within the development.

5. Alternate energy devices, such as solar collectors, may not be prohibited unless it is determined necessary for the protection of the health, safety and welfare of the residents of the River's Edge Yacht and Country Club DRI.

B. TRANSPORTATION

1. The River's Edge development is responsible for development of all roads and bike paths within the River's Edge development.

2. *Development Impact/Phasing Schedule.* The transportation impact assessment that forms the basis for this Development Order Amendment assumes the land uses and phasing schedule as set forth in attached Exhibit C with a project buildout date of May 4, 2005² ³.

3. *Annual Monitoring Program.* Pursuant to §380.06(18), Florida Statutes, the River's Edge DRI must submit an "Annual Monitoring Report" to the Lee County Department of Transportation (LCDOT), the Southwest Florida Regional Planning Council (SWFRPC), and the Florida Department of Community Affairs (DCA) each year until project buildout. If the local government does not receive the annual report or receives notification that the regional planning agency or the state land planning agency has not received the report, the local government must request in writing that the Developer submit the report within 30 days. The failure to submit the report after 30 days may result in the temporary suspension of the Development Order by the local government. At a minimum, the monitoring report must contain a.m. and p.m. peak hour peak season traffic counts (with turning movements) and a professionally acceptable level of service analysis, mutually agreed upon by the Applicant's engineer, LCDOT, FDOT, SWFRPC and DCA, at all project access locations onto McGregor Boulevard (SR 867) as well as at the following regional roadway segments and all intersections included within and at the end of those segments:

REGIONAL ROAD SEGMENTS

McGregor Boulevard (SR 867) from

Gladiolus Drive to Pine Ridge Road

Pine Ridge Road to Cypress Lake Drive

²To obtain approval for the Third Amendment to the DRI, the applicant submitted a full transportation analysis, with a buildout horizon of 2005. Subsequent traffic analysis has not been submitted for review. Therefore, May 4, 2005 is the appropriate reference for purposes of traffic analysis.

³The Sixth Amendment to the DRI Development Order served to grant the three-year statutory extension of the buildout date to May 4, 2011. However, the traffic assessment assumptions remained unchanged. Therefore, this date was not altered to reflect the three-year extension.

Cypress Lake Drive to College Parkway
College Parkway to Winkler Road

Cypress Lake Drive from

McGregor Boulevard to South Pointe Blvd.
South Pointe Blvd. to Winkler Road
Winkler Road to Summerlin Road

Gladiolus Drive from

Pine Ridge Road to A&W Bulb Road
A&W Bulb Road to Winkler Road

Pine Ridge Road from

Gladiolus Drive to McGregor Boulevard

San Carlos Boulevard from

Summerlin Road to Kelly Road
Kelly Road to Gladiolus Drive

INTERSECTIONS:

Gladiolus Drive at Pine Ridge Road
McGregor Boulevard at San Carlos Boulevard/Gladiolus Drive
McGregor Boulevard at Iona Road
McGregor Boulevard at south project entrance
McGregor Boulevard at north project entrance/Pine Ridge Road
McGregor at A&W Bulb Road
McGregor Boulevard at Cypress Lake Drive
San Carlos Boulevard at Kelly Road

The above off-site intersections and roadway segments were identified as significantly impacted by greater than 5% utilization of the adopted level of service volume in the traffic impact statement submitted for the 1999 Notice of Proposed Change. Peak season peak hour traffic counts and level of service calculations must be performed by the Developer's traffic consultant and submitted as part of the annual monitoring report for the significantly impacted road segments.

The purpose of this monitoring report is to: (1) determine if the projected traffic for the Year 2005⁴ in the traffic impact assessment for River's Edge DRI Amendment is exceeded by actual impacts; (2) assist LCDOT and FDOT in determining the proper timing of necessary roadway improvements within the Lee Plan traffic district encompassing the River's Edge DRI (currently District 4); (3) determine the project's external trip generation compared to the estimate of 1,115 net new external trips.

The following is recognized and understood:

- a. Traffic counts may be obtained from original machine and manual peak hour counts, Lee County Traffic Volume Reports and other DRI developments with similar monitoring requirements and other generally acceptable sources.
- b. In the event that construction has not begun on the land uses identified above by the date the monitoring report is due, a letter to the above agencies documenting the development status on-site may be considered an acceptable replacement to the above traffic monitoring for that year.

4. *Site Related Improvements.* In addition to the payment of monies and other obligations specified in the Development Order Amendment, the Developer, or its successor, is required to construct, at no cost to Lee County and the Florida Department of Transportation, all site-related improvements deemed necessary by Lee County and the Florida Department of Transportation. The Developer, or its successors, must construct site-related roadway and intersection improvements within River's Edge DRI. The Developer must construct any site-related intersection improvements (including but not limited to signalization, if warranted, turn lanes, and additional through lanes found to be necessary by the governmental authority with

⁴The Sixth Amendment to the DRI Development Order served to grant the three-year statutory extension of the build out date to May 4, 2011. However, the traffic assessment assumptions remained unchanged. Therefore, this date was not altered to reflect the three-year extension.

jurisdiction of the roadway) as appropriate for the project's access intersections onto McGregor Boulevard (SR 867) throughout all phases of development.

When authorized by the Lee County Engineer or his designee, upon approval of plans by Lee County and FDOT, the Developer, or his successors, must build the necessary site related intersection improvements to achieve the adopted level of service for the following intersections:

McGregor Boulevard (SR 867) at

Pine Ridge Road/River's Edge North Entrance (The Developer's responsibility does not include the realignment of Pine Ridge Road)

River's Edge South Entrance

Site-related improvements include any improvement deemed site-related at the time of construction under the definition contained in the Lee County Roads Impact Fee or Development Standards regulations, as either may be amended or replaced. The Developer's obligation must include the full cost of design and engineering, drainage and utility relocation, right-of-way acquisition and dedication, construction of turn lanes, acceleration and deceleration lanes, construction inspection, contract administration, testing and signalization (as needed and warranted). The alignment, design, signalization, and construction schedule must be approved by the Lee County Engineer and FDOT. The Developer must pay the full cost for any site-related intersection improvements found necessary by the County or FDOT for the project's access.

5. *Right-of-Way Dedications.* The property owner have previously dedicated right-of-way to allow widening and improvement of McGregor Boulevard (SR 867). The dedicated property has been appraised at \$191,000.

Additionally, the Florida Department of Transportation identified the need for a stormwater retention pond on the River's Edge site adjacent to McGregor Boulevard near the vicinity of Griffin Boulevard. The property owners dedicated this land to FDOT for the stormwater retention for the McGregor Boulevard widening improvements in 1995. The agreed upon value for this dedication was \$1,742,000.

The \$191,000 McGregor Boulevard widening right-of-way and the \$1,742,000 stormwater retention dedication is applicable to reduce the proportionate share of River's Edge DRI transportation impacts. The dedications are not eligible for road impact fee credits.

6. *Mitigation of Transportation Impacts:*

- a. As mitigation for the transportation impacts created by the development of River's Edge DRI in accordance with this amended development order the Developer, or its successors, must:
 - (1) dedicate property appraised at \$191,000.00 dollars for the McGregor Boulevard widening⁵; and
 - (2) dedicate property to Lee County for the stormwater retention area necessary for the McGregor Boulevard widening, subject to certified appraisals agreed upon by Lee County and the Developer and approved by the Lee County Department of County Lands, determining the fair market value for the dedication. If an agreement cannot be reached on the appraisal amount, then the two appraisers chosen by the Developer and Lee County respectively will chose a third independent appraiser to do an appraisal, and the value will be established by an average of the three appraisals⁶; and
 - (3) pay Lee County Road Impact Fees at the fee schedule in effect at the time building permits are issued by Lee County. The Road Impact Fees applicable to development of the River's Edge DRI as approved in accordance with the third development amendment are estimated to be \$2,935,689; and

⁵ This obligation has been satisfied.

⁶ This obligation has been satisfied. The agreed upon value is \$1,742,000. The dDeveloper also agreed to forgo any claim relating to property values in excess of the agreed upon value for the stormwater retention parcel transferred to FDOT.

- b. Should the provisions of the roads impact fee regulations be repealed, made unenforceable or of no effect, they must nevertheless be required as payment for the transportation mitigation for the River's Edge DRI Development Order as described above.
- c. The Developer is informed that the Lee County Board of County Commissioners may adopt an interim operation improvement program and that such program may be applicable to this development.

7. Nothing contained in this Development Order Amendment is to imply or supersede any Florida FDOT permitting requirements.

8. To fulfill the obligations of the Developer to provide infrastructure, systems, facilities, and services as required herein, the Developer may employ a number of alternative management and financing mechanisms, including a uniform community development district ("UCDD") pursuant to Chapter 190, Florida Statutes, a property owners association, and special assessments, all as applicable and as available by law. In the event the Developer elects to use a UCDD, the Developer will enter into a Developer's Agreement with Lee County. Such Developer's Agreement will delineate boundaries of the UCDD and must be subject to and not inconsistent with Chapter 190, Florida Statutes, and this Development Order. The various agencies that review this Development Order do not by accepting this condition waive any right they may have to comment on and review the management and financing mechanism chosen by the Developer to manage and finance infrastructure, systems, facilities, services, and improvements pursuant to this paragraph. Furthermore, nothing contained in this Development Order may be construed to exempt this development from participation in the funding, through Municipal Services Benefit Unit (MSBU) or a Municipal Services Taxing Unit (MSTU), or a special assessment district, of improvements to various State and County arterial and collector roads to the degree the development is benefitted and has not already mitigated its impacts.

9. River's Edge proportionate share responsibility for any improvements required in this Development Order is discharged in full upon payment of the entire proportionate share contribution due under the terms of this section.⁷ The contribution may not be

⁷ Based upon the level of development approved through and including the Third Amendment to this development order, the only outstanding transportation mitigation payments due are the roads impact fees incurred at building permit issuance.

reduced or refunded provided, however, that all other provisions of the Development Order also must govern.

10. If the proportionate share contribution due under the terms of this section is not paid in a timely manner, issuance of development approvals and building permits for River's Edge must immediately cease.

11. Compliance with all of the terms of the transportation related provisions of this development order must satisfy the substantive requirements related to regional transportation facilities of §§163.3177(10)(h) and 163.3202(2)(g), Florida Statutes (1989); Lee County concurrency regulations; the Lee County Comprehensive Plan, adopted pursuant to Chapter 163, Part II, Florida Statutes; and Rule 9J-5.0055, Florida Administrative Code, as they currently apply. Satisfaction of concurrency extends only through May 4, 2010⁸.

C. AIR QUALITY

The River's Edge development must comply with all applicable codes and apply for all required permits relative to air quality.

D. FIRE PROTECTION

The fire protection impacts created by development of River's Edge DRI will be mitigated by the payment of fire impact fees in accordance with the Lee County Land Development Code. No refund or credit for fire impact fees paid prior to the adoption of the third amendment to this development order will be issued.

E. PARKS

The park impacts created by development of River's Edge DRI will be mitigated by the payment of park impact fees in accordance with the Lee County Land Development Code. No refund or credit for park impact fees paid prior to the adoption of the third amendment to this development order will be issued.

⁸Under the provisions of the Fifth DRI Development Order, this project is deemed concurrent until May 4, 2011. The 2007 amendment to F.S. §380.06(19)(c) did not establish an entitlement to extension of concurrency vesting beyond the date set forth in the DRI Development Order as of June 30, 2007.

F. SCHOOLS

River's Edge must provide off-street school bus loading zones for each development phase as deemed necessary by the Lee County School Board.

G. WATER SUPPLY, WATER QUALITY AND WILDLIFE HABITAT

1. No residential development may commence until sufficient water is available through a public water system to insure adequate fire flow, as well as a sufficient quantity of potable water, to adequately serve the residential development for which a building permit is requested.

2. During Phase I, River's Edge must plug all existing on-site wells in accordance with Lee County Division of Protective Services and South Florida Water Management District standards.

3. The River's Edge development must comply with the best management practices as defined by the South Florida Water Management District (SFWMD) with regard to the use of excavated areas and of wetlands acting as polishing and buffer areas and grassed swales for drainage purposes.

4. Pursuant to the drainage plans and permits approved by the SFWMD and the marina plans and permits approved by the Florida Department of Natural Resources, Florida Department of Environmental Protection, and U.S. Army Corps of Engineers, stormwater drainage will be collected within the drainage lake system and discharged via a system of weir control structures into spreader swales. Stormwater will not be discharged into the marina basin or the marina mitigation area. Direct discharge of water/effluent by River's Edge DRI into the Caloosahatchee River is prohibited. South Florida Water Management District plans for River's Edge, Phase One, Primary Drainage System Reference Plan, dated January, 1984, revised 12-27-84, Sheet 2 of 27, shows Lakes "O" and "L" running along Griffin Boulevard and Schultz Road, connected by a littoral zone at the northeast corner of the property at the corner of Schultz Road and Griffin Boulevard. Those two lakes must remain substantially in the configuration as shown on the Water Management District Plans referenced herein. Minor adjustments may be made but must not result in a net reduction of the area of Lakes "O" and "L" which must continue to run in an alignment as shown along Griffin Boulevard and Schultz Road.

- a. A row of shrubs and trees containing the Type "B" buffer vegetation (five trees and eighteen shrubs per 100 linear feet), suitably clustered subject to the approval of the Division of Environmental Sciences (DES), must be planted along the west side of the Lakes "O" and "L" along Griffin Boulevard. DES may not unreasonably withhold its approval.
- b. Littoral shelves as required in condition G.7. must be constructed along Lakes "O" and "L".
- c. A Type "B" buffer must be placed in front of Lakes "D" and "G" at the project entrance as shown on Map H attached as Exhibit B.

5. For the riverfront lots the following vegetation management and maintenance guidelines apply:

- a. The following: spider lilies, golden polypody, giant leather fern, and golden leather fern, will hereinafter be referred to as "listed species." The Developer must provide a vegetation conservation buffer along the river, as shown by the surveyed preservation line on attached Exhibit D (Preservation Line Map stamped received 1-3-94), excluding the area approved for the marina basin construction, marina mitigation area, boat access and flushing channels, for the purpose of conserving existing native vegetation, planting additional native vegetation and allowing passive recreational uses. The buffer area must consist of the naturally vegetated area between the Caloosahatchee River and the refined preservation line described above. Additionally, the preservation areas include the entirety of the Eagles Perch Island. It is the intent of the refined vegetation preservation line to provide natural shoreline stabilization through native vegetation and to protect a unique vegetation/wildlife habitat.

It is understood, however, that visual access to the river from the rear of the lot through the vegetation in the buffer and preservation is desired by the Developer and may be allowed for specific, appropriate areas along the riverfront. Selective trimming of trees and vegetation within the preservation and buffer areas for this purpose may be permitted only in those areas specifically designated in this development order in the conditions specified below. Selective clearing for limited pedestrian access to the river via boardwalks or decks may also be permitted subject to the conditions specified below, but may not involve any dredge or fill

activities of wetlands, any dredge or fill activities in the Caloosahatchee River, either the Eagles Perch Island or the Eagles Nest Island, nor involve preservation or buffer areas located west of a north-south line running through marker RP-44 as designated on Exhibit D and excluding the area identified on Exhibit F.

Access to the Eagle Perch Island must be allowed for purposes of 1) the removal and maintenance of invasive exotic vegetation; and 2) the limited pedestrian use. Access to the island and permitted activities are subject to the following conditions:

- (1) The Eagle Perch Island must be accessed via the dock/bridge located in the western portion of the marina basin as shown on the overall Marina Plan, dated October 5, 1993 attached as Exhibit E.
 - (2) The point of access to the Eagle Perch Island may be a maximum 8 feet wide. The point of access must have a gate or similar obstruction to impede unauthorized vehicle (e.g. golf cart) access, yet allow pedestrian passage.
 - (3) Golf carts are permitted on the Eagle Perch Island only when used for the intermittent removal and maintenance of invasive exotic vegetation.
 - (4) Pedestrian uses permitted on the Eagle Perch Island include walking, bird watching, and nature observation. Pedestrian uses not permitted include any activities that involve boardwalks, development, trimming or removing of vegetation.
 - (5) In the event bald eagles build a nest on the Eagle Perch Island, access to the island must be prohibited during the Southern bald eagle nesting season October 1 through May 15.
- b. The Developer must remove all Brazilian pepper, melaleuca, and Australian pine from the refined preservation area with minimal possible disturbance to existing native vegetation.

- c. No development, boardwalks, trimming, or clearing of vegetation is allowed in the following preservation areas as depicted on attached Exhibit D:
- (1) a complete ten foot radius around any Cabbage Palm with the golden polypody located between marks RP-1 and RP-2;
 - (2) Eagles Perch Island;
 - (3) a complete ten foot radius around the golden leather fern located nearly adjacent to RP-34;
 - (4) West of a north-south line running through RP-44 excluding the area depicted on Exhibit F which is subject to subsection G.5.d.

The following conditions apply to the remaining preservation and buffer areas not listed in (1) through (4) above:

Other than the removal of the exotics delineated above, there must be no removal of any trees or vegetation greater than or equal to four inches in diameter at breast height (4" D.B.H.), except that at least a maximum four foot wide pedestrian access, located outside the preservation areas specified above may be permitted on each lot notwithstanding other limitations. Selective removal/replacement and trimming of trees and vegetation may be permitted for the purpose of providing limited pedestrian access to the river via boardwalks or decks provided all necessary agency or governmental permits are issued as limited by condition G.5.a. above. However, at a minimum, the buffer must contain those trees that are greater than or equal to 4" D.B.H. as well as naturally existing native understory growth. However, those trees or shrubs that are less than 4" D.B.H., or existing native understory growth, may be removed for purposes of providing visual access to the river or pedestrian access as described herein if said understory vegetation is replaced with native coastal strand vegetation replacement stock of not less than one gallon-size nursery grown containerized stock planted for any understory or shrubs removed, with a guaranteed survival rate of 80% after three years. Those trees that are removed must be relocated or replaced with a similar size tree. In no case must more than 20% of the refined preservation buffer be impacted for purposes of pedestrian access.

- d. Selective trimming of native vegetation, one boardwalk with an observation deck, and one access walkover is allowed on the property described in Exhibit F, which is a portion of tract E, per the following conditions:

(1) Mangrove (including other preserved trees) Trimming

- (a) Prior to any mangrove trimming within the 10 acre preserve adjacent to the Palmas del Sol condominiums the following must occur:
- i) The 10-foot wide rip-rap sill (breakwater) must be installed along the entire 10 acre mangrove preserve described in Exhibit F; and
 - ii) A Conservation Easement, approved by the County Attorney's Office, dedicated to Lee County and the Department of Environmental Protection (DEP) detailing the restrictions of the DEP mangrove trimming permit and the limited trimming of red mangrove must be recorded; and
 - iii) A deed donating and conveying clear title to Lee County or the State of Florida to the 11 acre parcel identified as STRAP 27-45-23-00-00005.0000 must be executed and recorded. Prior to recording, the deed must be reviewed and approved by the County Attorney's office. The applicant must pay all costs associated with the donation (e.g. surveys, closing fees, recording). Any exotic vegetation must be removed by hand from the 11 acre parcel prior to the County's acceptance of the donation.
- (b) Three corridors, each the width of each of the buildings (240', 244' and 152' wide) and extending from the landward boundary of the property described in Exhibit F North Northwest to the Caloosahatchee River will have selective mangrove trimming and maintenance as described as follows and as shown on Exhibit G.

- (c) All mangrove trimming must be conducted as permitted by the Florida Department of Environmental Protection (FDEP) General Mangrove Permit File No. 36-0152741-003, as amended, which includes, but is not limited to, the following conditions:
- (i) Mangrove Trimming must be supervised or conducted exclusively by a Professional Mangrove Trimmer.
 - (ii) No herbicide or other chemical may be used for the purpose of removing leaves of a mangrove.
 - (iii) Trimming must be conducted in stages so that no more than 25% of the foliage is removed annually, and the height and configuration of the mangroves trimmed under these general permits may be maintained.
 - (iv) The final height of trimmed mangroves and other preserved trees to be maintained is 20' 32" NGVD (approximately 18 30'+ from substrate). Only the mangroves within the mangrove trimming areas shown in Exhibit G (as Page 1 of 2 dated August 27, 2014 and Page 2 of 2 dated June 19, 2002) may be trimmed. Because many of the trees in the mangrove trimming areas are less than 32' NGVD in height (as of June 2002), approximately thirty percent of the area will not be initially trimmed. Trees less than 20' 32" NGVD in the mangrove trimming area will only be trimmed as they exceed 20 32' NGVD in the future to maintain the required elevation.
- (d) ~~Red mangroves trimming is limited on the main trunk to branches above 32' NGVD with a diameter of 1" or less. All other branches above 32' NGVD will be trimmed in compliance with the FDEP Permit File No. 36-0152741-003, as amended.~~
- (e) Once the final configuration and height (20' 32" NGVD) is achieved, the trimming corridors will be maintained by annual, bi-annual or biennial trimming events.

- (I) The property described in Exhibit F must be conveyed to the Palmas del Sol Condominium Association, subject to covenants and restrictions with respect to maintenance and use consistent with the Fourth Amendment to the DRI D.O.
- (ii) The observation deck is limited to a maximum of 400 square feet, and must meet the standards of fishing piers in Land Development Code Section 26-73. The access boardwalk to the observation deck is limited to a 5-foot width. The boardwalk and observation deck must be field located to avoid impacts to the existing mangrove forest and individual large mangrove trees. Placement of the boardwalk must be within the limits of the existing berm along the west boundary of the mangrove preserve. The boardwalk and observation deck must be in substantial compliance with the Boardwalk and Observation Deck/Mangrove Trimming Plan prepared by W. Dexter Bender and Associates (attached as two-page Exhibit G).
- (iii) A rip-rap revetment/breakwater system including red mangrove plantings shall be installed along the shoreline of the portion of the property described in Exhibit F to protect the shoreline from further erosion as shown on Exhibit H. The rip-rap sill must consist of rock material no less than 10-inches in diameter and no greater than 24-inches in diameter. The rock must be placed in a manner that does not damage the existing mangroves. Prior to issuance of a Certificate of Compliance for the rip-rap sill, the rip-rap must be planted with 3-gallon red mangrove seedlings or 3-gallon wetland plants such as leather fern placed 3-foot on center.
- (iv) A Lee County Dock and Shoreline Permit must be obtained for the boardwalk/observation deck and the rip-rap sill. A planting plan for the rip-rap sill showing the locations, species and container size must be submitted with the Dock and Shoreline Permit for the Division of Environmental Sciences staff review and approval.
- (v) The entire 10.17 acre preserve shown in Exhibit F must be placed under a conservation easement

granted to Lee County. The easement document must be reviewed and approved by the County Attorney's Office prior to recording in the public records.

- (vi) The nuisance plant Moon vine (*Ipomoea* sp.) must be killed in place by an appropriate herbicide in the portion of the subject property described in Exhibit F.
 - (vii) *Monitoring.* The trimming corridors ~~must be~~ have been monitored annually for a period of ten (10) years from the date of initial trimming, and will continue to be monitored for another five (5) years from the 2014 date of the next trimming below 32' NGVD. Annual reports will be submitted to Lee County Environmental Sciences that analyze tree health, canopy coverage, plant species present and wildlife observed.
 - (viii) The Division of Environmental Sciences staff must be notified prior to commencement of any mangrove trimming and invasive exotic vegetation removal. Invasive exotic vegetation removal must be done concurrently with the mangrove trimming. All invasive exotic vegetation including, but not limited to, Brazilian pepper, melaleuca, Australian pine, seaside mahoe, and carrotwood must be removed from the preserve area.
- e. Prior to the recording of a subdivision plat for riverfront lots, these vegetation maintenance and management guidelines must be included by the Developer in recorded deed restrictions applicable to any residential lots located adjacent to the river and must be enforceable by a homeowner's association as well as being made conditions of the DRI Development Order and local Development Order.
- f. Prior to any clearing in the single-family area along the river, there must be an on-site review by Lee County to insure that there is a complete radius of 25' preserved around any giant leather ferns, ten feet preserved around any golden leather fern or golden polypody, and that any spider lilies without a ten foot radius of preserved area will be relocated or replaced on the River's Edge site with comparable nursery stock.

6. In the Marina mitigation area, prior to clearing or construction activity, a "listed species" vegetation survey must be conducted and any "listed species" located landward of the preservation line shown on Exhibit D must be relocated or replaced elsewhere on-site in a suitably similar habitat.

The spider lilies located near markers RP-21 and RP-22 and between RP-33 and RP-36 must be appropriately relocated and transplanted to appropriate habitat on the Eagles Perch Island by a qualified botanist hired by the Developer prior to development of the flushing channel at this site. The methodology, location and details of this relocation and transplantation must be reported in the next annual monitoring report required to be submitted. Three years after the relocation, or in the 1997 annual monitoring report, whichever occurs first, a qualified botanist hired by the Developer must report on the success or failure status of the relocation and discuss any discernible reasons surrounding the success or failure of the relocation.

7. For all manmade water bodies, except the marina basin, littoral shelves must be constructed at random locations along lake edges with a maximum depth of two feet below the lake control elevation, and must be planted with native wetland vegetation. This work must be done concurrently with construction of the final water management system.

8. In the 1989-90 bald eagle breeding season a bald eagle nest was constructed in the "witches broom" top of an Australian Pine tree located within 25 feet of the existing River's Edge golf course. Pursuant to the Lee County Bald Eagle Management Ordinance, River's Edge prepared a Southern Bald Eagle Habitat Management Plan for the River's Edge Yacht and Country Club that has been adopted by Lee County. The provisions of that plan, as it may be amended from time to time, are incorporated into this development order.

A resolution (#93-09-70) amending the Habitat Management Plan was approved by the Lee County Commission in September, 1993. The amendment deleted the specific nest preservation measures outlined by the eagle management plan because the Florida Game Commission (FGC) and the Lee County Eagle Technical Advisory Committee (ETAC) determined the eagle nest abandoned and the perch tree had been blown down.

The resolution required the creation of a short term and long term plan encouraging bald eagles to continue utilizing River's Edge for perching and feeding. This plan must include:

- a. Designing and constructing an artificial perch for Eagle Perch Island. The structural design and placement of the perch must be subject to approval by the Lee County Eagle Technical Advisory Committee.
- b. A planting plan to install 35' South Florida slash pine trees (*Pinus elliotti* var. *densa*), a minimum of eight feet in height, on the Eagle Perch Island. The pines must be distributed and spaced to promote the growth of tall, straight trees with large crowns at the tops of the trees. The purpose of these pines is to provide future natural perching and roosting substrates for bald eagles.

The locations of the artificial perch and the pine plantings, including sizes and numbers, must be clearly illustrated on a local development order plan for the new marina. The artificial perch and the plantings must be installed and approved by Lee County Division of Natural Resources Management staff prior to issuance of the Certificate of Compliance for the marina.

However, if the plan is further amended, the Southwest Florida Regional Planning Council and the Department of Community Affairs must be notified of the proposed amendment.

9. There must be no entrance ways from River's Edge directly onto Griffin Boulevard or Schultz Road.

I. HURRICANE MITIGATION

River's Edge must provide sufficient storm shelter space during the construction of the first 512 residential units to accommodate at least 24% of that population. Such shelter space must meet the following conditions:

1. Located at least 16' above MSL.
2. No structures located within 150' of the shoreline may be utilized as shelter space.

3. Designated shelter space must be located in the interior hallways and similar areas with no openings leading directly to the exterior.
4. Shelter space must be provided at a ratio of 20' square feet per person.
5. A homeowners association must be established to coordinate and educate the development's residents as to the availability of shelter areas and procedures to follow during a storm event.
6. Structures that provide shelter space must be constructed to withstand 140 mph wind velocities and a professional engineer licensed and registered by the State of Florida must so certify.
7. Subsequent to construction of the shelter, River's Edge will provide comparative information and other data to assist Lee County in developing adequate on site storm shelter standards that may be included within the Lee County Building Code.
8. In lieu of the on-site storm shelter requirements set forth above, the River's Edge development may provide off-site storm shelter space. The space must be coordinated with and approved by the Lee County Emergency Management Services. The timing of this alternative must be as described above.

III. LEGAL EFFECT AND LIMITATIONS OF THIS DEVELOPMENT ORDER AND ADMINISTRATIVE REQUIREMENTS

1. This Codified Development Order Amendment constitutes a resolution of Lee County, adopted by the Board of County Commissioners in response to the River's Edge Yacht and Country Club DRI NOPC.
2. All commitments and impact mitigating actions volunteered by the Developer in the Application for Development Approval, subsequent NOPC applications and supplementary documents not in conflict with conditions or stipulations specifically enumerated above are hereby incorporated by reference into this Development Order Amendment.

3. This Development Order Amendment is binding upon the Developer, its successors and assigns. Those portions of this Development Order Amendment that clearly apply only to the project Developer, will be binding upon any builder/developer who acquires any tract of land within the River's Edge Yacht and Country Club DRI.

4. The terms and conditions set out in this document constitute a basis upon which the Developer and County may rely in future actions necessary to implement fully the final development contemplated by this Resolution and Development Order.

5. All conditions, restrictions, stipulations and safeguards contained in this Resolution and Development Order Amendment may be enforced by either party hereto in an action at law or equity, and all costs of such proceedings, including reasonable attorneys' fees will be paid by the prevailing party.

6. It is understood that any reference herein to any governmental agency will be construed to mean future instrumentalities created and designated as successors in interest to, or which otherwise possesses the powers and duties of the referenced governmental agency in existence on the effective date of this Development Order Amendment.

7. If any portion or section of this Development Order Amendment is determined to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such decision will not affect the remaining portions or sections of the Development Order Amendment, which will remain in full force and effect.

8. The approval granted by this Development Order Amendment is limited. Approval may not be construed to obviate the duty of the Developer to comply with all applicable local or state review and permitting procedures, except where otherwise specifically provided.

9. Subsequent requests for local development permits will not require further review pursuant to § 380.06, Florida Statutes, unless the Board of County Commissioners finds, after due notice and hearing, that one or more of the following occurs:

- a. A substantial deviation from the terms or conditions of this Development Order, or other changes to the approved development plan creates a reasonable likelihood of adverse regional impacts or other regional

impacts not evaluated in the review by the Southwest Florida Regional Planning Council; or

- b. Expiration of the period of effectiveness of this Development Order.

Upon a finding that either of the above has occurred, the Board may order a termination of all development activity until a new DRI Application for Development Approval has been submitted, reviewed and approved in accordance with §380.06, Florida Statutes.

10. The established buildout date under this Development Order Amendment is May 4, 2011, and the termination date is May 4, 2013, unless an extension is granted by the Board. No permits for development will be issued by the County subsequent to the termination date, or expiration date, unless the conditions set forth in F.S. §380.06(15)(g) are applicable.

11. An extension of the buildout or termination date may be granted by the Board of County Commissioners if the project has been developing substantially in conformance with the original plans and approval conditions, and if no substantial adverse impacts not known to the Southwest Florida Regional Planning Council or to Lee County at the time of their review and approval, or arising due to the extension, have been identified. Future requests to extend time will be evaluated cumulatively with past requests in accordance with F.S. §380.06(19). For the purpose of calculating when a buildout date has been exceeded, the time is tolled during the pendency of administrative and judicial proceedings relating to development permits.

12. The Administrative Director of the Lee County Department of Community Development or his/her designee, is the local official responsible for assuring compliance with this Development Order.

13. The development will not be subject to down-zoning, or intensity reduction, for five years following the date this Development Order Amendment is approved, unless the County demonstrates that substantial changes have occurred in the conditions underlying the approval of this Development Order amendment including, but not limited to such factors as a finding that the Development Order Amendment 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 and welfare.

14. The Developer, or its successor in title to the undeveloped portion of the subject property, must continue to submit a biennial report to Lee County, the Southwest Florida Regional Planning Council, the State land planning agency (the Department of Community Affairs), and all affected permit agencies. This report must describe the state of development and compliance as of the date of submission, and must further be consistent with the rules of the State land planning agency. The biennial report must include information required by Florida Statutes §380.06.

The first monitoring report must be submitted to the Administrative Director of the Department of Community Development not later than one year after the effective date of this Development Order Amendment, and further reporting must be submitted not later than May 1st of subsequent calendar years thereafter, until buildout. Failure to comply with this reporting procedure is governed by §380.06(18) Florida Statutes, and the Developer must so inform any successor in title to any undeveloped portion of the real property covered by this Development Order. This may not be construed to require reporting from individual tenants.

15. Certified copies of this Development Order Amendment will be forwarded to the Southwest Florida Regional Planning Council, the Applicant, and appropriate state agencies. This Development Order Amendment is rendered as of the date of that transmittal, but is not effective until the expiration of the statutory appeals period (45 days from rendition) or until the completion of any appellate proceedings, whichever time is greater. Upon this Development Order Amendment becoming effective, the Developer must record a notice of its adoption in accordance with § 380.06(15), Florida Statutes.

Commissioner John E. Manning made a motion to adopt the Seventh Development Order Amendment, seconded by Commissioner Cecil L Pendergrass. The vote was as follows:

John E. Manning	Aye
Cecil L Pendergrass	Aye
Larry Kiker	Aye
Brian Hamman	Aye
Frank Mann	Aye

(The remainder of this page is intentionally left blank)

DULY PASSED AND ADOPTED this 20th day of August, 2014.

ATTEST:
LINDA DOGGETT, CLERK

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

By: Marcia Wilson
Deputy Clerk



By: [Signature]
For: Chairman

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

By: [Signature]
Neysa Borkert
Assistant County Attorney
Lee County Attorney's Office

Attachments:

Exhibit A - Legal Description

Exhibit B - Map H

Exhibit C - Phasing Schedule

Exhibit D - Sketch of Preservation Line Map - dated 10-13-93 the Preservation Area within River's Edge Yacht Club stamped "Received JAN 03 1994"

Exhibit E - Overall Marina Plan - dated October 5, 1993

Exhibit F - Sketch of Phase 4 Preservation Area dated 5-1-2002

Exhibit G - Boardwalk and Observation Deck/Mangrove Trimming Plan - 2-page exhibit prepared by Dexter Bender & Associated dated 6-26-2002 and 6-19-2002 respectively 8-27-2014 and 6-19-2002, respectively

Exhibit H - Rip Rap detail

EXHIBIT A

LEGAL DESCRIPTION

EXHIBIT A
LEGAL DESCRIPTION
Property located in Lee County, Florida

Banks Engineering, Inc.

Professional Engineers, Planners & Land Surveyors
FORT MYERS • NAPLES • SARASOTA

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTIONS 29, 30, & 31, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA
(GULF HARBOUR)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTIONS 29, 30, AND 31, TOWNSHIP 45 SOUTH RANGE 24 EAST, AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 30; THENCE S89°19'35"W (BEARINGS BASED ON THE FLORIDA COORDINATE SYSTEM, WEST ZONE) ALONG THE SOUTH LINE OF SAID SECTION 30 FOR 425.34 FEET TO THE INTERSECTION WITH THE NORTHWESTERLY RIGHT-OF-WAY LINE OF MCGREGOR BOULEVARD (80 FEET FROM CENTERLINE), BEING THE NORTHWESTERLY LINE OF LANDS CONVEYED BY DEED RECORDED IN OFFICIAL RECORDS BOOK 1837, PAGE 2982 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND THE POINT OF BEGINNING, THENCE N49°27'05"E ALONG SAID RIGHT-OF-WAY 556.64 TO THE INTERSECTION WITH THE EAST LINE OF SAID SECTION 30; THENCE CONTINUING N49°27'05"E ALONG SAID RIGHT-OF-WAY LINE INTO SAID SECTION 29 FOR 202.49 FEET; THENCE NORTHEASTERLY ALONG A CURVE CONCAVE TO THE NORTHWEST AND SAID RIGHT-OF-WAY LINE FOR 141.67 FEET, RADIUS 2212.00 FEET, CHORD OF 141.65 FEET BEARING N47°37'00"E; THENCE N45°46'55"E ALONG SAID RIGHT-OF-WAY LINE FOR 1444.31 FEET; THENCE N00°44'41"W, LEAVING SAID RIGHT-OF-WAY, ALONG THE WESTERLY LINE OF TRACT "B" PALMETTO POINT, AS RECORDED IN PLAT BOOK 29, PAGES 21 THROUGH 23 OF SAID PUBLIC RECORDS, AND ALONG THE WESTERLY RIGHT-OF-WAY LINE OF GRIFFIN BOULEVARD (50 FEET WIDE) FOR 3603.97 FEET; THENCE N89°37'45"W, LEAVING SAID RIGHT-OF-WAY LINE PARALLEL WITH AND 100 FEET SOUTH OF THE NORTH LINE OF SAID SECTION 29 FOR 1279.05 FEET TO THE INTERSECTION WITH THE EASTERLY LINE OF SAID SECTION 30; THENCE N89°37'45"W PARALLEL WITH AND 100 FEET SOUTH OF THE NORTHERLY LINE OF SAID SECTION 30 FOR 554 FEET, MORE OR LESS, TO THE WATERS OF THE CALOOSAHATCHEE RIVER, THEN SOUTHWESTERLY AND WESTERLY ALONG THE WATERS OF THE CALOOSAHATCHEE RIVER FOR 6690 FEET, MORE OR LESS, TO THE INTERSECTION WITH THE WESTERLY LINE OF SAID SECTION 30 WHICH BEARS N01°03'43"W FROM THE SOUTHWEST CORNER OF SAID SECTION 30; THENCE S01°03'43"E ALONG THE WESTERLY LINE OF SAID SECTION 30 FOR 2049 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF SAID SECTION 30; THENCE N88°46'47"E ALONG THE SOUTHERLY LINE OF SAID SECTION 30 FOR 1317.12 FEET TO THE SOUTHEAST CORNER OF GOVERNMENT LOT 2; THENCE S01°06'09" ALONG THE WESTERLY BOUNDARY LINE OF THE LANDS OF RIVER'S EDGE 3, A CONDOMINIUM AS RECORDED IN OFFICIAL RECORD BOOK 1783, PAGE 3709 OF SAID PUBLIC RECORDS, FOR 665.51 FEET TO THE SOUTHWEST CORNER OF

DRI2005-00004

PAGE 1 of 3

RECEIVED
MAY 03 2005

EXHIBIT A
LEGAL DESCRIPTION
Property located in Lee County, Florida

174 of 261

Banks Engineering, Inc.

Professional Engineers, Planners & Land Surveyors
FORT MYERS • NAPLES • SARASOTA

THE NORTHWEST QUARTER (NW1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW1/4) OF SAID SECTION 31; THENCE N.88°51'11"E. ALONG THE SOUTH BOUNDARY LINE OF SAID CONDOMINIUM LANDS AND THE SOUTH LINE OF SAID FRACTIONAL SECTION FOR 593.45 FEET TO AN INTERSECTION WITH THE EAST LINE OF SAID CONDOMINIUM LAND; THENCE CONTINUE N88°51'11"E ALONG THE SOUTH LINE OF SAID FRACTIONAL SECTION FOR 65.45 FEET TO THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 31; THENCE S01°09'19"E ALONG THE WESTERLY LINE OF SAID FRACTION OF SECTION 31 FOR 666.27 FEET TO THE SOUTHWEST CORNER OF SAID FRACTION OF SECTION 31; THENCE N88°55'32"E ALONG THE SOUTHERLY LINE OF SAID FRACTION SECTION 31 FOR 659.51 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 31; THENCE N89°11'55"E ALONG THE SOUTHERLY LINE OF SAID FRACTIONAL SECTION FOR 542.56 FEET; THENCE N01°07'54"W ALONG THE WESTERLY BOUNDARY LINE OF LANDS CONVEYED BY DEED RECORDED IN OFFICIAL RECORD BOOK 2125, PAGE 2439, FOR 221.20 FEET TO THE NORTHWEST CORNER OF SAID LANDS; THENCE N65°09'03"E ALONG THE NORTHWESTERLY BOUNDARY LINE OF SAID LANDS FOR 163.03 FEET TO THE MOST NORTHERLY CORNER OF SAID LANDS; THENCE S40°32'55"E ALONG THE NORTHEASTERLY BOUNDARY LINE OF SAID LANDS, ALONG A LINE PERPENDICULAR WITH THE NORTHWESTERLY RIGHT-OF-WAY LINE OF MCGREGOR BOULEVARD FOR 164.14 FEET TO THE NORTHWESTERLY RIGHT-OF-WAY LINE OF MCGREGOR BOULEVARD (80 FEET FROM CENTERLINE), BEING THE NORTHWESTERLY LINE OF LANDS CONVEYED BY DEED RECORDED IN RECORD BOOK 1837, PAGE 2982 OF SAID PUBLIC RECORDS; THENCE N49°27'05"E ALONG SAID RIGHT-OF-WAY LINE FOR 1826.43 FEET TO THE SOUTH LINE OF SAID SECTION 30 AND THE POINT OF BEGINNING.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, AND RIGHTS-OF-WAY.

BEARINGS ARE BASED ON THE SOUTH LINE OF THE SOUTH EAST QUARTER OF SECTION 30, TOWNSHIP 45 SOUTH, RANGE 24 EAST AS BEARING S.89°19'35"W.

SUBJECT TO FACTS THAT MAY BE REVEALED BY AN ACCURATE BOUNDARY SURVEY.

DESCRIPTION PREPARED 7/31/01.

DRI2005-00004

RECEIVED
MAY 03 2005

Exhibit B

Map H

MASTER CONCEPT PLAN / MAP H

PALMAS DEL SOL NOPC

GULF HARBOR YACHT & COUNTRY CLUB

1/26 County, Florida

MORRIS - DEPEW ASSOCIATES, INC.

ENGINEERS - PLANNERS - ARCHITECTS

1000 N. W. 10th Ave., Suite 200, Fort Lauderdale, FL 33304

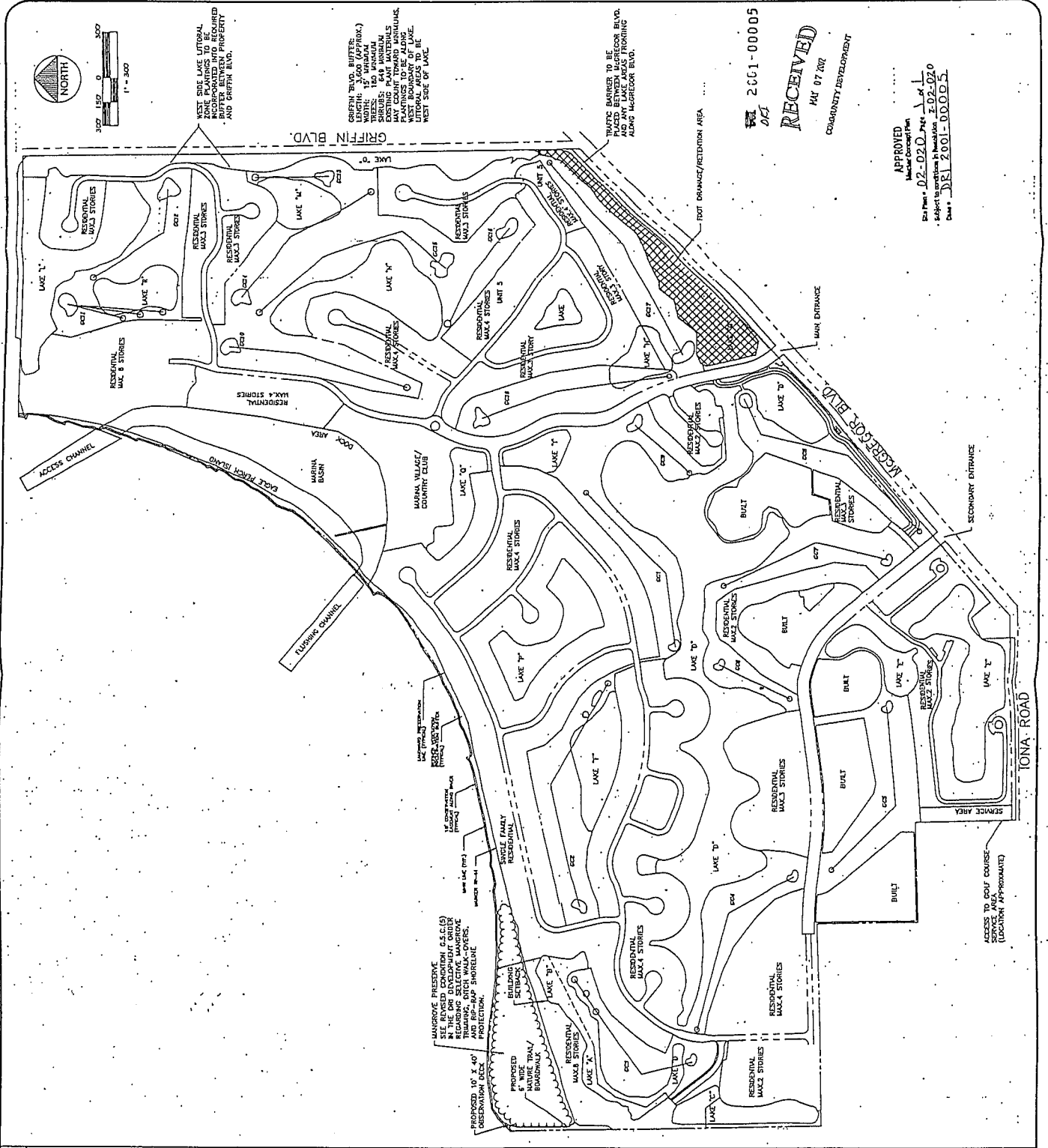
TEL: (305) 557-1111 FAX: (305) 557-1112

DATE: 04/03/02

BY: RCH

CHECKED BY: DWD

SCALE: 1" = 300'



APPROVED

Master Concept Plan

DATE: 02-02-02

APPROVED BY: [Signature]

DATE: 02-02-02

RECEIVED

MAY 07 2002

COUNTY DEVELOPMENT

STREETS - 15'

PRIVATE STREETS - 25'

WATER BODIES - 10'

WATER BODIES - 25'

PERMIT SUMMARY:

USE	ACREAGE
INITIAL PERMIT RESIDENTIAL	19.73
INITIAL PERMIT COMMERCIAL	12.0
INITIAL PERMIT WATER MANAGEMENT	70.0
INITIAL PERMIT WATER MANAGEMENT	17.2
INITIAL PERMIT WATER MANAGEMENT	250.7
TOTAL	547.6

ONLY CONTRACTED AREAS LABELED "BUILT": 215

UNITS APPROVED BY 1982 AMENDMENT: 2,071

NOTES: 1. ALL LAKES MUST BE CONSTRUCTED ALONG LAKE SHORE.

2. LAKES MUST BE CONSTRUCTED ALONG LAKE SHORE.

3. LAKES MUST BE CONSTRUCTED ALONG LAKE SHORE.

Exhibit C

Phasing Schedule

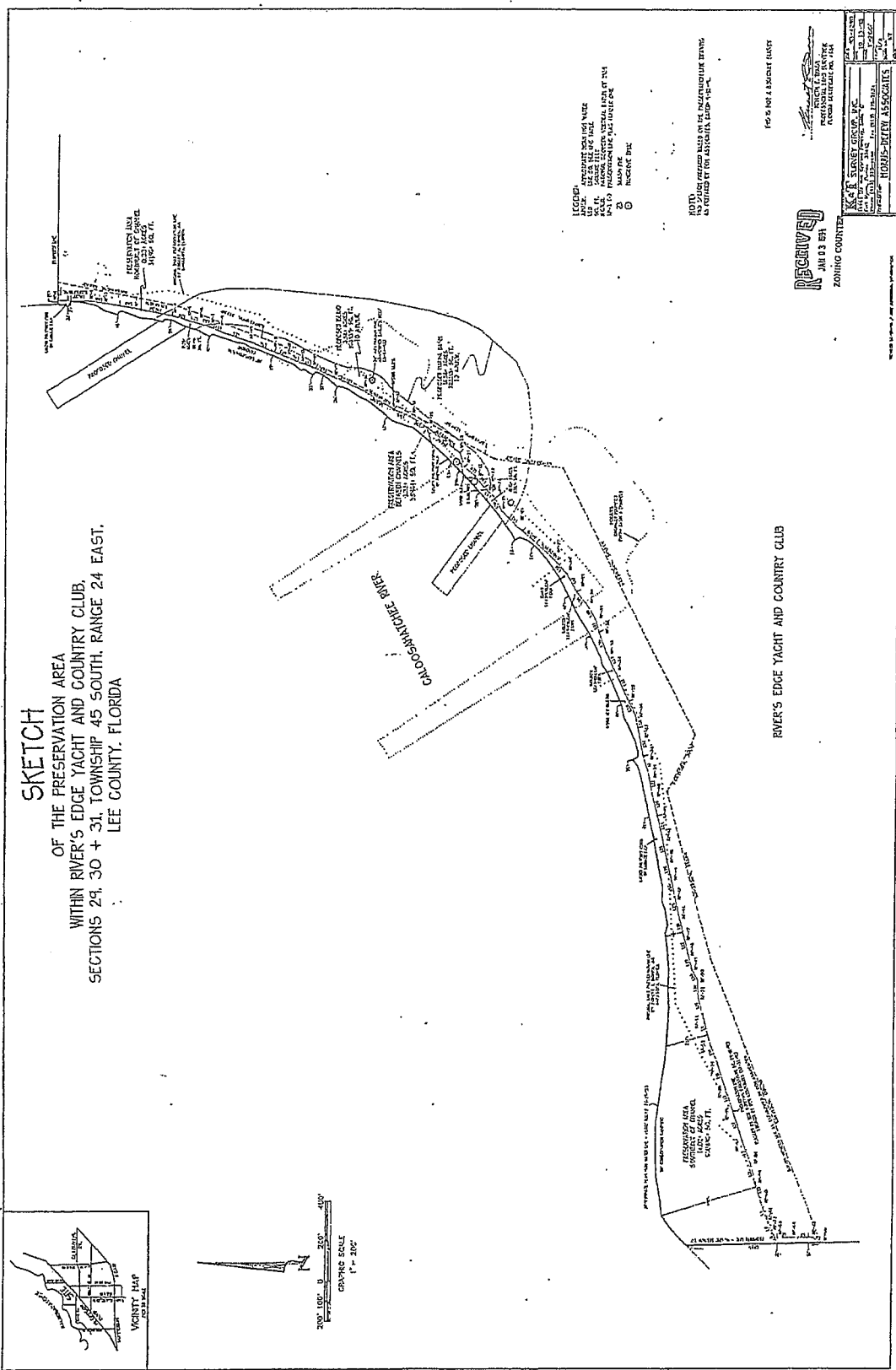
RIVER'S EDGE YACHT AND COUNTRY CLUB DRI
(GULF HARBOUR YACHT AND COUNTRY CLUB)
PROPOSED PHASING PLAN
AMENDED TABLE 12B-1

<u>PHASE</u>	<u>DEVELOPMENT IMPROVEMENTS</u>	<u>YEARS</u>
1	215 Multi-Family Units Golf Course Temporary Clubhouse Temporary Pro Shop Sales/Administrative Offices	1-12
2	155 Single-Family Units 343 Multi-Family Units Marina (190 Berths) Clubhouse Facilities Sales/Administrative Offices Tennis Club (8 Courts)	13-14 1994-1995
3	633 Single Family Units 641 Multi-Family Units	15-27 <u>30</u> 1996- 2008 <u>2011</u>
<p style="text-align: center;">Total Single-Family Units: 788 Total Multi-Family Units: 1199 Total Dwelling Units: 1987 Total Freestanding Commercial: 0 Ancillary to Principal Uses (Private Residential Tennis and Golf Pro Shops, Marina Support Services) Restaurant and Lounge Facilities Contained within Clubhouse No Hotel/Motel Units Proposed</p>		

EXHIBIT C

Exhibit D

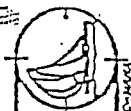
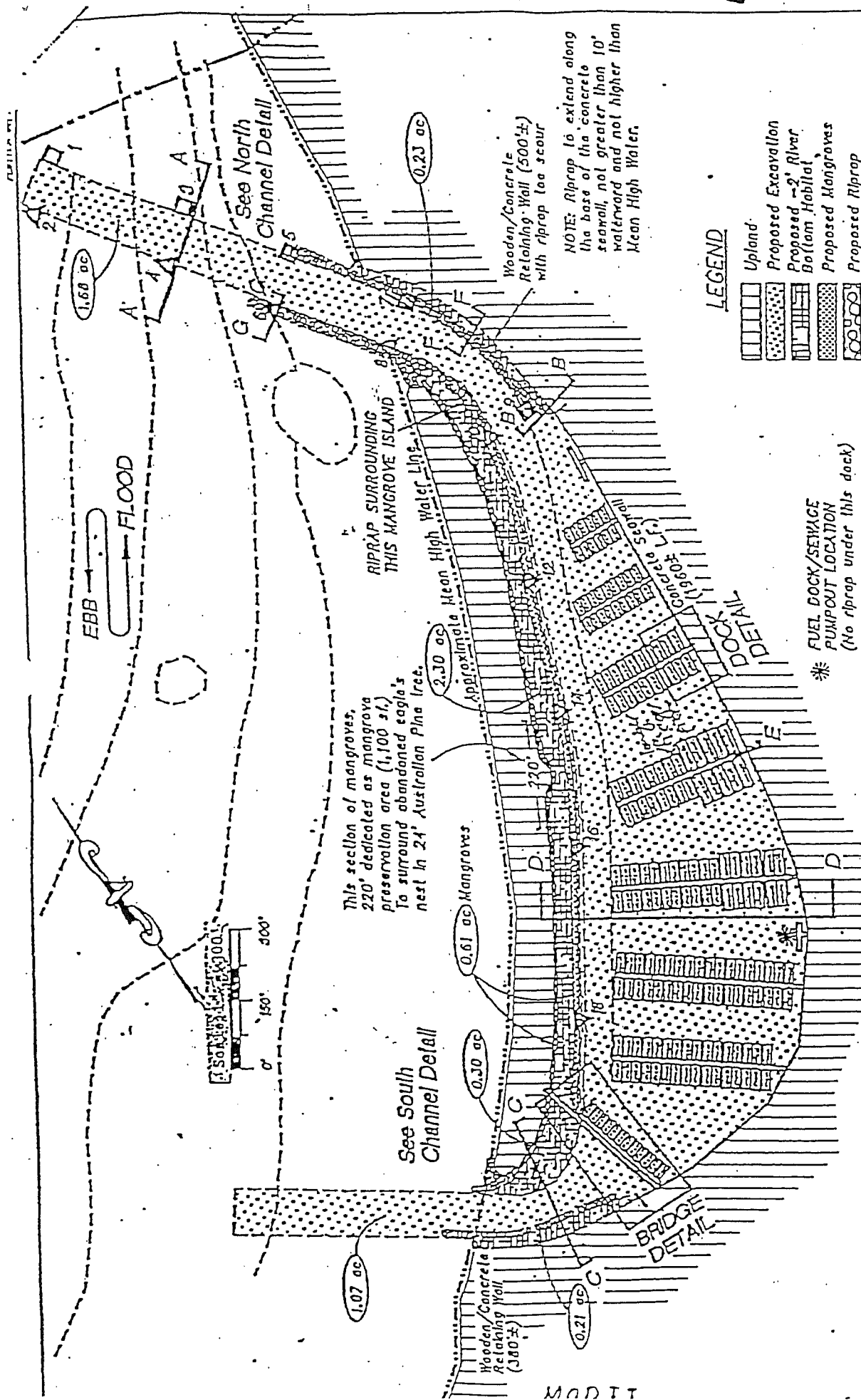
Sketch of the Preservation Area within River's Edge Yacht Club stamped "Received JAN 03 1994"



Substitute DRI 00
EXHIBIT D

Exhibit E

Overall Marina Plan - dated October 5, 1993



W. DEXTER BENDER
AND ASSOCIATES
1616 PENNSYLVANIA ST., SUITE 301
FORT MYERS, FL 33901

DRAWN BY: JMW
REVISION: 9/9/93
9/23/93
10/5/93

PERMIT USE ONLY, NOT FOR CONSTRUCTION

Overall Marina Plan

FLORIDA DESIGN
COMMUNITIES, INC.

DATE: 2/10/93
17

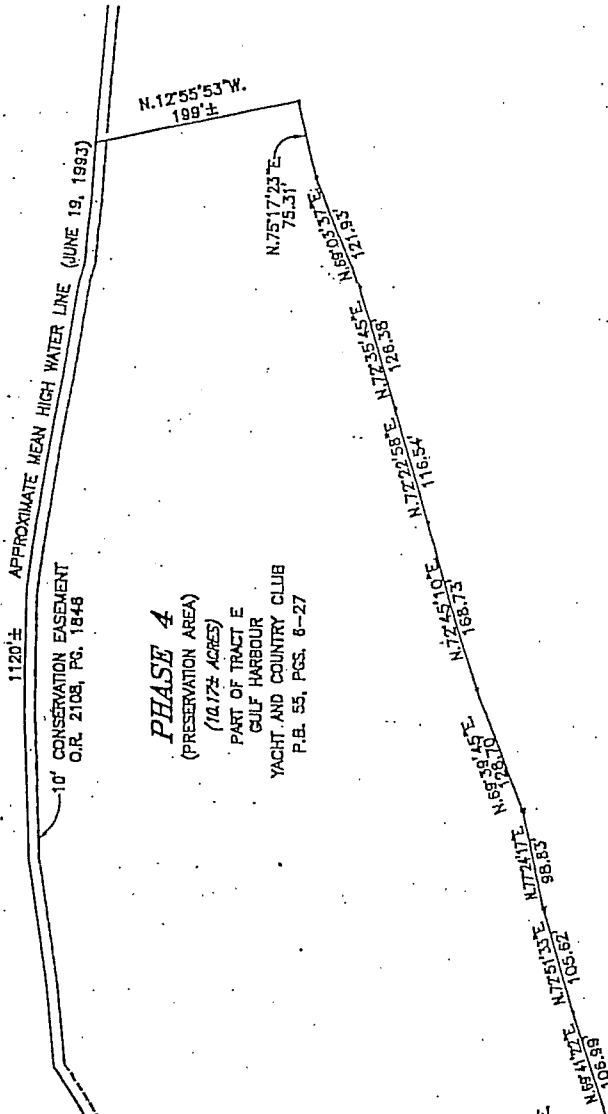
EXHIBIT E

Exhibit F

Sketch of Phase 4 Preservation Area dated 5-1-2002

* SKETCH AND DESCRIPTION *

CALOOSAHATCHEE RIVER



PHASE 4
(PRESERVATION AREA)
(10.17± ACRES)
PART OF TRACT E
GULF HARBOUR
YACHT AND COUNTRY CLUB
P.B. 55, PGS. 6-27

NOTES

THE LEGAL DESCRIPTION AND PARCEL SKETCH DEPICTED HEREON ARE BASED ON INFORMATION ORIGINALLY PREPARED BY K&T SURVEY GROUP AND DEPICTED ON THE CONDOMINIUM PLANS PREPARED FOR PALMAS DEL SOL CONDOMINIUMS, RECORDED IN OFFICIAL RECORDS BOOK 3122 AT PAGE 3693, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

THIS SKETCH WAS PREPARED FOR EXHIBIT PURPOSES ONLY AND DOES NOT REPRESENT A BOUNDARY SURVEY AS SUCH.

SAID PARCEL SUBJECT TO ALL EASEMENTS, RIGHTS OF WAY AND RESTRICTIONS OF RECORD, BEARINGS ARE BASED ON THE WEST LINE OF SAID SECTION 30 BEING N.01°03'43\"/>

NO EFFORT HAS BEEN TAKEN TO VERIFY THE VALIDITY OF THE LEGAL DESCRIPTION DEPICTED HEREON BY EITHER FIELD MEASUREMENTS OR OFFICE CALCULATIONS.

LEGEND

FILE
POINT OF BEGINNING, PHASE TWO
OFFICIAL RECORDS BOOK, LEE COUNTY PUBLIC RECORDS
PAGE BOOK, LEE COUNTY PUBLIC RECORDS
DR. & U.E.
DRAINAGE AND UTILITY EASEMENT
DECEASED SURVEYOR
UNSUBSTANTIATED
LIMITED COMMON ELEMENT
PERMANENT CONTROL POINT

DESCRIPTION
OF PALMAS DEL SOL CONDOMINIUM, PHASE 4
(PRESERVATION AREA)
LYING IN SECTION 30, TOWNSHIP 45 SOUTH, RANGE 24 EAST,
LEE COUNTY, FLORIDA

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 30, TOWNSHIP 45 SOUTH, RANGE 24 EAST, BEING A PART OF TRACT "E", GULF HARBOUR YACHT AND COUNTRY CLUB SUBDIVISION AS RECORDED IN PLAT BOOK 55, PAGES 8 THROUGH 27, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 30 AND THE SOUTHWEST CORNER OF SAID TRACT "N" OF GULF HARBOUR YACHT AND COUNTRY CLUB; THENCE ALONG THE WEST LINE OF SAID SECTION 30 AND SAID TRACT "N", N.01°03'43\"/>

PARCEL CONTAINS 10.17 ACRES, MORE OR LESS;

PREPARED BY:

Scott M. Shore

SCOTT M. SHORE
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. LS# 5743

DATE

5-1-2002

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

* THIS IS NOT A SURVEY *

TITLE: PRESERVATION AREA / PALMAS DEL SOL



MERIDIAN
SURVEYING & MAPPING, LLC

LAND SURVEYORS-PLANNERS

LS# 7071

FILE NAME

2248SK.DWG

FED BOOK#

PROJECT NO.

2248

SHEET

1 OF 1

5248 RAMSEY WAY, SUITE 42
FORT MYERS, FLORIDA 33907
PHONE (844) 273-8575
FAX (844) 273-8457

www.meridian.com

CORNER OF SECTION 30
N. & E.
(LOCATES)

LINE OF SECTION 30

LINE OF SECTION 30-45-24

LINE OF SECTION 30-45-24

LINE OF SECTION 30-45-24

LINE OF SECTION 30-45-24

LINE OF SECTION 30-45-24

LINE OF SECTION 30-45-24

LINE OF SECTION 30-45-24

LINE OF SECTION 30-45-24

LINE OF SECTION 30-45-24

LINE OF SECTION 30-45-24

Exhibit G

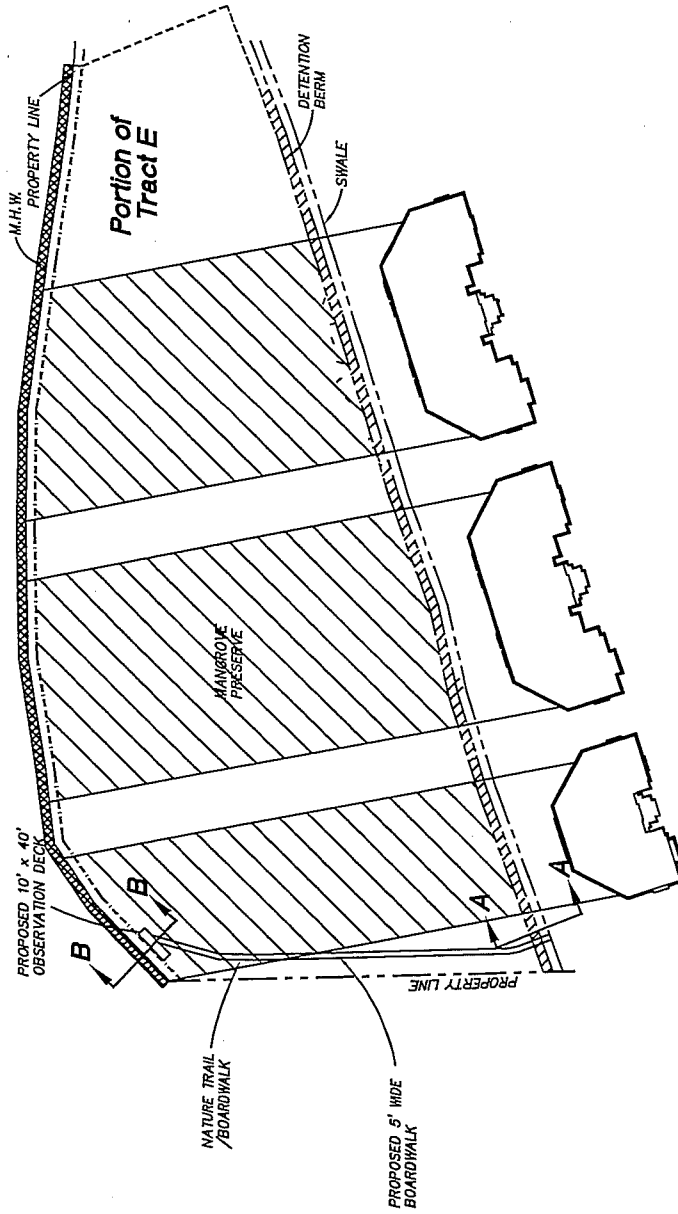
**Boardwalk and Observation Deck/
Mangrove Trimming Plan - 2-page
exhibit prepared by Dexter Bender &
Associated dated 8-27-2014
and 6-19-2002, respectively**



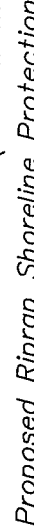
SECTION: 30
TOWNSHIP: 45 S
RANGE: 24 E

Boardwalk and Observation Deck/Mangrove Trimming Plan

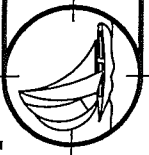
Revised August 2014

Caloosahatchee River



-  Proposed Mangrove Trimming Area
-  Trim Trees to 20' NGVD (18'± from substrate)
-  Proposed Riprap Shoreline Protection

PERMIT USE ONLY,
NOT FOR CONSTRUCTION
August 27, 2014 8:08:06 a.m.
Drawing: PALMA2NOTICE.DWG



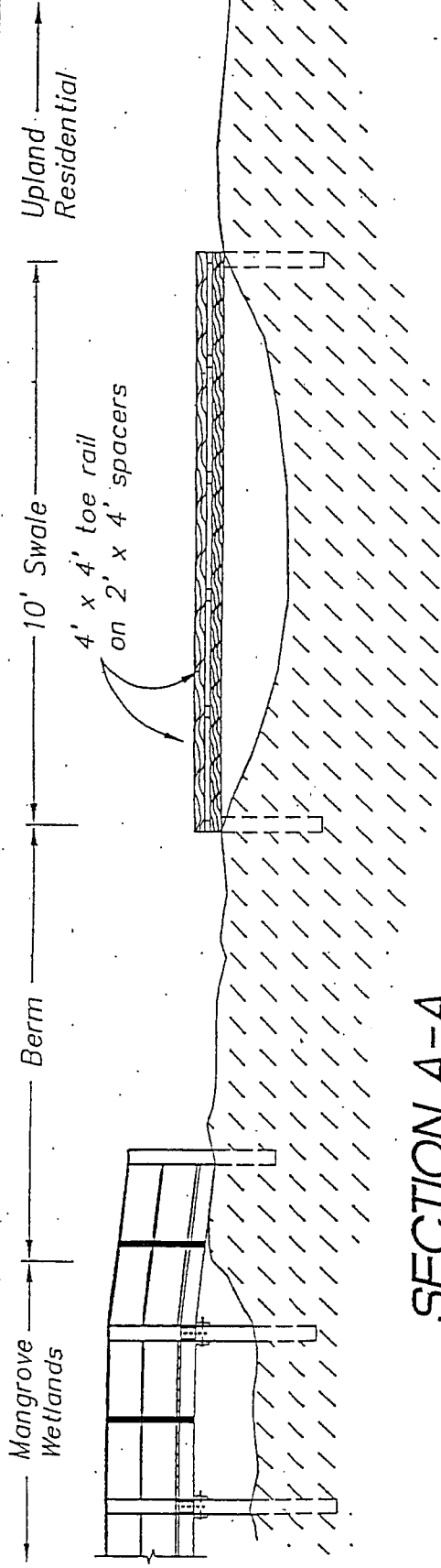
W. DEXTER BENDER
& ASSOCIATES, INC.
ENVIRONMENTAL & MARINE CONSULTING
FORT MYERS, FL (239) 334-3680

REVISED:

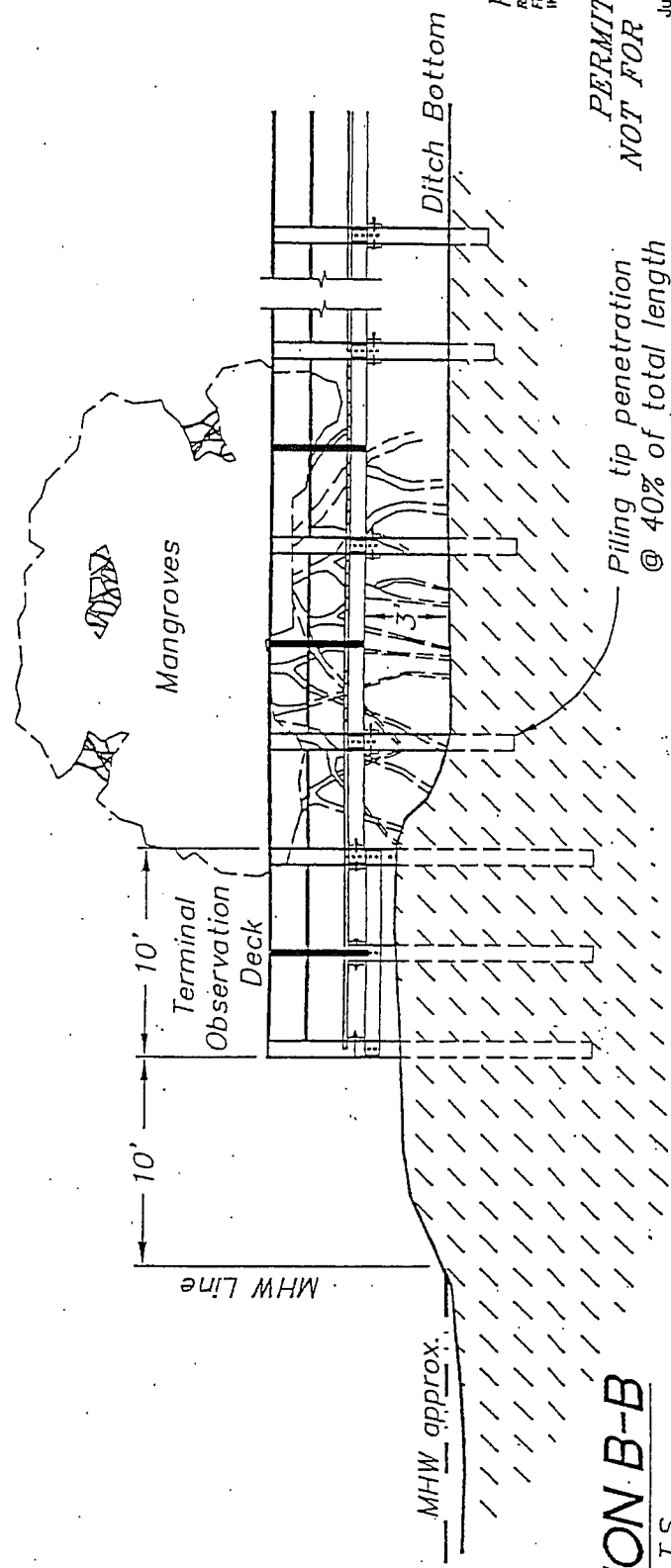
Palmas Del Sol

SHEET

of 2



SECTION A-A
N.T.S.



SECTION B-B
N.T.S.

HANS J.M. WILSON
REGISTERED PROFESSIONAL ENGINEER
FLORIDA REGISTRATION NO. 10680
W. DEXTER BENDER & ASSOC., INC.

**PERMIT USE ONLY,
NOT FOR CONSTRUCTION**
June 19, 2002 11:25:45 AM
Drawing: GROSSIXSA.DWG (100%)

	W. DEXTER BENDER AND ASSOCIATES 2052 VIRGINIA AVENUE FORT MYERS, FL 33901 (813) 334-3680	PALMAS del SOL BOARDWALK and OBSERVATION DECK	SHEET 26
	REVISED:		

Exhibit H

Rip Rap Detail

ION: 30

SHIP: 45 S

YE: 24 E

Rip Rap Detail and Cross-section

Caloosahatchee River

Proposed Riprap Sill

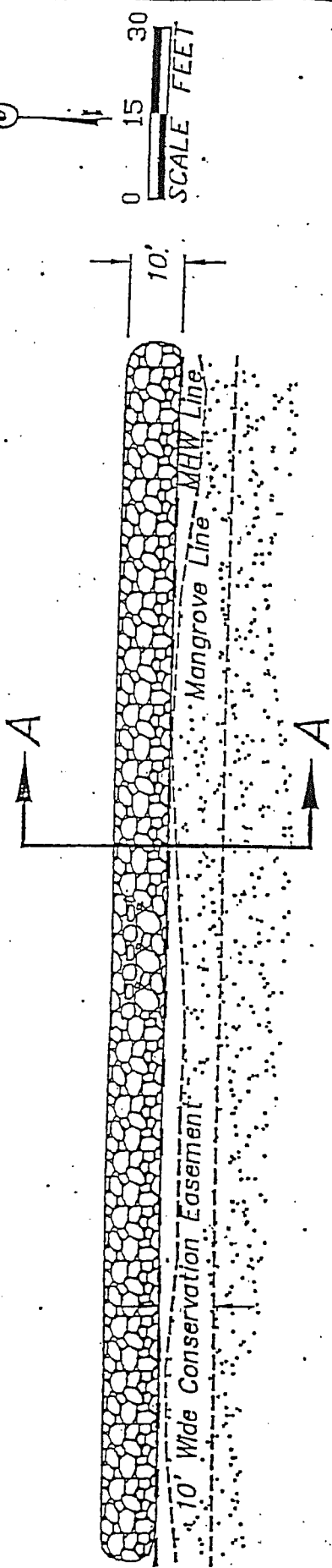
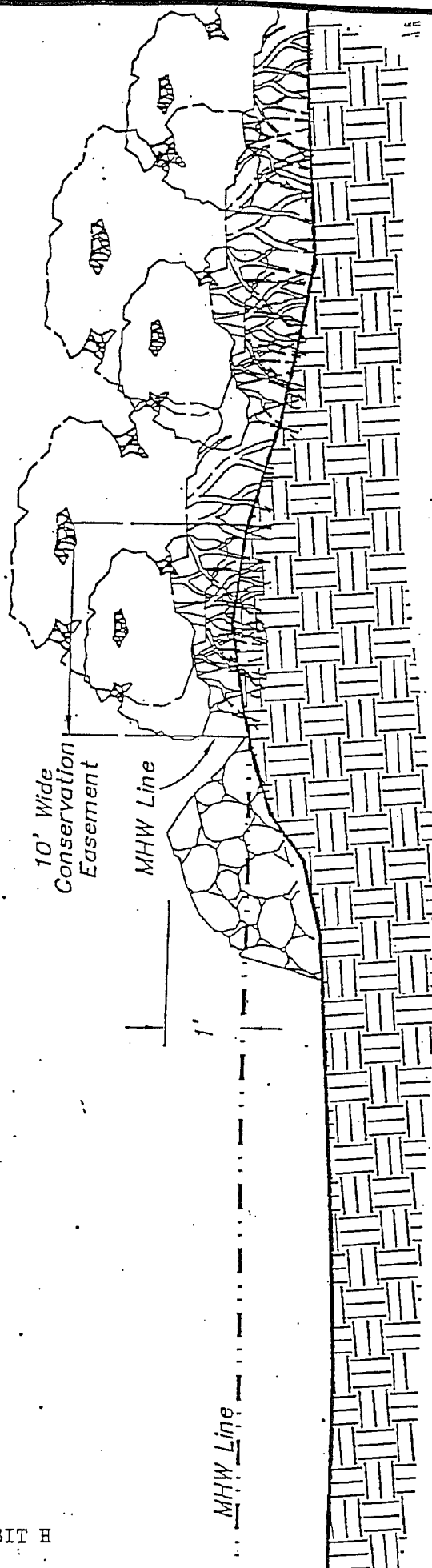


EXHIBIT H



Section A-A

Not to Scale

PERMIT USE ONLY,
NOT FOR CONSTRUCTION

July 10, 2001 8:05:28 a.m.
Drawing: CROSSDET.DWG (DCS)

W. DEXTER BENDER
AND ASSOCIATES
ENVIRONMENTAL & MARINE CONSULTING
FORT MYERS, FL (941) 334-3680

REVISED:

Palmas Del Sol

SHEET

STATE OF FLORIDA

COUNTY OF LEE

I Linda Doggett, Clerk of Circuit Court, Lee County, Florida, and ex-Officio Clerk of the Board of County Commissioners, Lee County, Florida, do hereby certify that the above and foregoing is a true and correct copy of Development Order for River's Edge Yacht and Country Club (A/K/A Gulf Harbour) (Seventh Amendment) State DRI #12-8182-21 Case #81-09-08-DRI(c), adopted by the Board of Lee County Commissioners at their meeting held on the 20th day of August, 2014.

Given under my hand and seal, at Fort Myers, Florida, this 10th day of September, 2014.



LINDA DOGGETT,
Clerk of Circuit Court
Lee County, Florida

By:

Marcia Wilson
Deputy Clerk

Agenda Item

10e

10e

Hendry County – Sugar Hill Sector Plan Amendments – SEPL 14-0001

10e



SUGAR HILL SECTOR PLAN, SEP14-0001 HENDRY COUNTY

The Council staff has reviewed the proposed Sugar Hill Sector Plan (SEP14-0001) in Hendry County using criteria set forth in Florida Statutes. A synopsis of criteria, requirements, and Council responsibilities is provided as Attachment I; comments are provided in Attachment II; site location and other relevant maps are provided in Attachment III; FDOT letter provided as Attachment IV.

Staff review of the proposed Sector Plan was based on whether it is likely to be of regional concern. This was determined through assessment of the following factors:

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

A summary of the results of the review follows:

<u>Amendment</u>	<u>Factors of Regional Significance</u>			<u>Consistency</u>
	<u>Location</u>	<u>Magnitude</u>	<u>Character</u>	
DEO 14-1SP	yes	yes	yes	(1) regionally significant; and (2) unable to determine consistency due to the need for more information.

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

09/2014

LOCAL GOVERNMENT COMMUNITY PLANNING ACT

NOTE: THE BELOW IS A SIMPLIFIED AND/OR ABRIDGED VERSION OF THE LAW, SO THAT THE REVIEWING AGENCIES CAN HAVE SOME ADDITIONAL CONTEXT. REFER TO THE FLORIDA STATUTES (PARTICULARLY CH. 163, FS) FOR CLARIFICATION.

Local Government Comprehensive Plans

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

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

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

All local governments in Southwest Florida have adopted revised plans:

Charlotte County, Punta Gorda
Collier County, Everglades City, Marco Island, Naples
Glades County, Moore Haven
Hendry County, Clewiston, LaBelle
Lee County, Bonita Springs, Cape Coral, Fort Myers, Fort Myers Beach, Sanibel
Sarasota County, Longboat Key, North Port, Sarasota, Venice

Comprehensive Plan Amendments

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

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

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

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

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

Regional Planning Council Review

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

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

Selected 2014 Florida Statutes relating to Sector Planning and/or RPC duties

This is to refresh reviewing agencies regarding processes and responsibilities.

Ch 186.502 - Legislative findings; public purpose. [selected]

- (3) The regional planning council is designated as the primary organization to address problems and plan solutions that are of greater-than-local concern or scope, and the regional planning council shall be recognized by local governments as one of the means to provide input into state policy development.
- (4) The regional planning council is recognized as Florida's only multipurpose regional entity that is in a position to plan for and coordinate intergovernmental solutions to growth-related problems on greater-than-local issues, provide technical assistance to local governments, and meet other needs of the communities in each region. A council shall not act as a permitting or regulatory entity.
- (5) The regional planning council shall have a duty to assist local governments with activities designed to promote and facilitate economic development in the geographic area covered by the council.

Ch 186.505 – Regional planning councils; powers and duties. [selected]

- (10) To act in an advisory capacity to the constituent local governments in regional, metropolitan, county, and municipal planning matters.
- (20) To provide technical assistance to local governments on growth management matters.
- (21) To perform a coordinating function among other regional entities relating to preparation and assurance of regular review of the strategic regional policy plan, with the entities to be coordinated determined by the topics addressed in the strategic regional policy plan.
- (22) To establish and conduct a cross-acceptance¹ negotiation process with local governments intended to resolve inconsistencies between applicable local and regional plans, with participation by local governments being voluntary.
- (23) To coordinate land development and transportation policies in a manner that fosters regionwide transportation systems.
- (24) To review plans of independent transportation authorities and metropolitan planning organizations to identify inconsistencies between those agencies' plans and applicable local government plans.

¹Ch186.503(2) "Cross-acceptance" means a process by which a regional planning council compares plans to identify inconsistencies. Consistency between plans may be achieved through a process of negotiation involving the local governments or regional planning council which prepared the respective plans.

Ch 186.507 – Strategic regional policy plans. [selected]

- (1) A strategic regional policy plan shall contain regional goals and policies that shall address affordable housing, economic development, emergency preparedness, natural resources of regional significance, and regional transportation, and that may address any other subject which relates to the particular needs and circumstances of the comprehensive planning district as determined by the regional planning council. Regional plans shall identify and

address significant regional resources and facilities. Regional plans shall be consistent with the state comprehensive plan.

- (3) In preparing the strategic regional policy plan, the regional planning council shall seek the full cooperation and assistance of local governments to identify key regional resources and facilities and shall document present conditions and trends with respect to the policy areas addressed; forecast future conditions and trends based on expected growth patterns of the region; and analyze the problems, needs, and opportunities associated with growth and development in the region, especially as those problems, needs, and opportunities relate to the subject areas addressed in the strategic regional policy plan.
- (4) The regional goals and policies shall be used to develop a coordinated program of regional actions directed at resolving the identified problems and needs.
- (5) The council shall give consideration to existing state, regional, and local plans in accomplishing the purposes of this section.

163.3245 Sector plans. [abridged]

(1) In recognition of the benefits of long-range planning for specific areas, local governments or combinations of local governments may adopt into their comprehensive plans a sector plan in accordance with this section. This section is intended to promote and encourage long-term planning for conservation, development, and agriculture on a landscape scale; to further support innovative and flexible planning and development strategies, and the purposes of this part and part I of chapter 380; to facilitate protection of regionally significant resources, including, but not limited to, regionally significant water courses and wildlife corridors; and to avoid duplication of effort in terms of the level of data and analysis required for a development of regional impact, while ensuring the adequate mitigation of impacts to applicable regional resources and facilities, including those within the jurisdiction of other local governments, as would otherwise be provided. Sector plans are intended for substantial geographic areas that include at least 15,000 acres of one or more local governmental jurisdictions and are to emphasize urban form and protection of regionally significant resources and public facilities. A sector plan may not be adopted in an area of critical state concern.

(3) Sector planning encompasses two levels: adoption pursuant to s. 163.3184 of a long-term master plan for the entire planning area as part of the comprehensive plan, and adoption by local development order of two or more detailed specific area plans that implement the long-term master plan and within which s. 380.06 is waived.

(a) In addition to the other requirements of this chapter, a long-term master plan pursuant to this section must include maps, illustrations, and text supported by data and analysis...

A long-term master plan adopted pursuant to this section is not required to demonstrate need based upon projected population growth or on any other basis.

(b) In addition to the other requirements of this chapter, the detailed specific area plans shall be consistent with the long-term master plan and must include conditions and commitments...

- (4) Upon the long-term master plan becoming legally effective:
- (a) Any long-range transportation plan developed by a metropolitan planning organization pursuant to s. 339.175(7) must be consistent, to the maximum extent feasible, with the long-term master plan...
 - (b) The water needs, sources and water resource development, and water supply development projects identified in adopted plans pursuant to subparagraphs (3)(a)2. and (b)3. shall be incorporated into the applicable district and regional water supply plans adopted in accordance with ss. 373.036 and 373.709.
- (6) Concurrent with or subsequent to review and adoption of a long-term master plan pursuant to paragraph (3)(a), an applicant may apply for master development approval pursuant to s. 380.06(21) for the entire planning area in order to establish a buildout date until which the approved uses and densities and intensities of use of the master plan are not subject to downzoning, unit density reduction, or intensity reduction, unless the local government can demonstrate that implementation of the master plan is not continuing in good faith based on standards established by plan policy, that substantial changes in the conditions underlying the approval of the master plan have occurred, that the master plan was based on substantially inaccurate information provided by the applicant, or that change is clearly established to be essential to the public health, safety, or welfare. Review of the application for master development approval shall be at a level of detail appropriate for the long-term and conceptual nature of the long-term master plan and, to the maximum extent possible, may only consider information provided in the application for a long-term master plan. Notwithstanding s. 380.06, an increment of development in such an approved master development plan must be approved by a detailed specific area plan pursuant to paragraph (3)(b) and is exempt from review pursuant to s. 380.06.
- (9) The adoption of a long-term master plan or a detailed specific area plan pursuant to this section does not limit the right to continue existing agricultural or silvicultural uses or other natural resource-based operations or to establish similar new uses that are consistent with the plans approved pursuant to this section.

1926 Victoria Avenue | Fort Myers, FL 33901



P: 239.338.2550 | F: 239.338.2560 | www.swfrpc.org

ATTACHMENT II

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

LOCAL GOVERNMENT COMPREHENSIVE PLAN REVIEW

LOCAL GOVERNMENT:

Hendry County

DATE AMENDMENT RECEIVED:

September 2, 2014

DATE AMENDMENT MAILED TO LOCAL GOVERNMENT AND STATE:

October 2, 2014

Pursuant to Section 163.3184, Fla. Stat. (2014), 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, Fla. Stat. (2014), 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:

Sugar Hill Sector Plan (SEP14-0001)

2. DESCRIPTION OF AMENDMENT(S):

Proposed Development Site Description

The applicant has applied for a large scale Comprehensive Plan amendment through the Sector Planning process as allowed by the State of Florida to redesignate approximately 43,313 ± acres (approximately 5.9% of the County) in a variety of separate parcels located in the northeastern portion of Hendry County. All of the property within the sector plan area is owned by one of two property owners and/or their affiliated companies: Hilliard Brothers and U.S. Sugar. The planning area is bounded by the Glades County line to the north, the City of Clewiston and CR 835 to the east. The southern boundary is generally north of the Montura Ranch Estates community and the western boundary extends west of CR 833. The subject area is comprised of several planning areas (see the attached maps).

The Sugar Hill Sector Plan (SHSP), if approved, will allow a Long Term Master Plan Framework Map that designates six (6) Land Use Categories: Employment Center, Mixed-Use Urban, Mixed-Use Suburban, Rural Estates, Long-Term Agriculture and Natural Resource Management. The intent of these land uses and their associated development standards is to encourage significant development. To this end, the sector plan proposes for the development of 18,000 Residential Dwelling Units and 25,000,000 square feet of Non-Residential Uses distributed among all of the Land Use Categories except Long-Term Agriculture and Natural Resource Management areas. The Long-Term Agriculture Land Use Category allows agricultural uses, including silviculture, conservation, mitigation banks, and residential uses, limited to owner/property manager and farm-worker housing. Agricultural uses are permitted and anticipated on Sector Plan areas until the land is developed.

The project has identified a planning horizon of 46 years to the year 2060. At full buildout, the 18,000 dwelling units would accommodate approximately 58,000 residents, at current estimates of 3.24 people per household (based on U.S. Census, 2008-2012 estimates). The current population of Hendry County is 37,808 residents (U.S. Census, 2013 estimate).

The SHSP is located adjacent to significant Florida Department of Transportation (FDOT) facilities identified on the January 2013 Hendry County Freight and Logistics Overview produced by FDOT, Florida Chamber of Commerce, eFlorida, and Workforce Florida, Inc. The report identifies two (2) Strategic Intermodal System (SIS) Highways (US 27 and SR 80), Rail Lines, and the Airglades International Airport.

The Sector Plan property is primarily used for agricultural. Due to this long-term agricultural use, there are few undisturbed natural areas within the sector plan boundary.

It is the stated intent of the SHSP to provide significant job and housing opportunities to Hendry County. Hendry County is located in an economically distressed area of the state and has been designated as a Rural Area of Critical Economic Concern (RACEC). The SHSP is anticipated to complement the future expansion of the Airglades International Airport (AIA), which is outside of the SHSP planning boundary and is pending approval by the Federal Aviation Administration (FAA). The airport is located adjacent to the sector plan boundary, and a future runway extension area is within the sector plan boundary. The Airglades International Airport is currently undergoing the regulatory review process to convert from a publicly-owned airport to a privately-owned airport, with subsequent expansion. The long-term plans for the AIA are to establish the airport as a reliever air cargo shipment center to Miami International Airport.

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 163.3245, Fla. Stat. (2014), 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;
- Facilitating protection of regionally significant resources;
- Ensuring adequate mitigation of impacts to regional resources and facilities, including extra-jurisdictional impacts; and
- Emphasizing urban form in those areas designated for development.

The stated purpose of the Sector Plan is to undertake planning in a regional context in such a manner that the environmental opportunities are enhanced, while economically viable agriculture is supported, and economic development through conversion to newer, more urban oriented land uses are encouraged. It is the intent of a Sector Plan to provide assurances and incentives for the land owners within the proposed development area to develop a long-term, plan to achieve economic benefits that 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 described in the Goals, Objectives, and Policies (GOPs) and as depicted on the Long Term Master Plan (LTMP). The second step provides Detailed Specific Area Plans (DSAPs). The DSAPs, which are undertaken at a later date, require more detailed and updated data and analyses that are intended to address the specific impacts and necessary mitigation required for the DSAP sites and development programs. 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), Fla. Stat. (2014).

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, the application considered herein is requesting approval of the Sector Plan GOPs and the LTMP that establish the general framework for the future DSAPs.

Consistency with the SWFRPC Strategic Regional Policy Plan

The Strategic Regional Policy Plan (SRPP) is the guiding document of the Southwest Florida Regional Planning Council (SWFRPC). It is, in part, the document by which all regional considerations are measured by the SWFRPC.

The SHSP is a regionally significant project in location, magnitude, and character. The Sector Planning process does not involve RPCs review of regional issues during the development of DSAPs. As such, this is the only period during which the SWFRPC can comment on and anticipate regional impacts that may occur from the SHSP. For this reason, the SWFRPC has taken this opportunity to ensure that proper rigor and careful, thorough evaluation is given to this proposed Sector Plan.

Affordable Housing

The consistency of the Sugar Hill Sector Plan (as currently proposed) with the Affordable Housing Element of the SRPP is not able to be determined given the information provided in the application. The SHSP does not explicitly address affordable housing. While the DSAP Transportation Analyses section (Policy 3.3.8) does mention “affordable housing”, it is only in relation to “facilitating development patterns” that support it. Affordable housing is not specifically called out as an objective of the SHSP.

From the general terms with which the SHSP addresses community development, it is unclear if it will be in a village-style format, which would be conducive to creating livable communities, as envisioned in the Affordable Housing Element. The spreading of residential development in rural areas far from existing communities is unlikely to support the SRPP strategy to “protect existing, well-established neighborhoods and communities and revitalize those experiencing deterioration.” The SHSP does potentially envision a mix of housing types, but their location, distribution, and/or mixture is difficult to determine from the submittal package. As currently depicted, the SHSP draws large swaths of land with somewhat uniform uses.

Economic Development

The consistency of the Sugar Hill Sector Plan (as currently proposed) with the Economic Development Element of the SRPP is not able to be determined given the information provided in the application. The SRPP does support the attraction of quality businesses for economic diversity. The development itself is contingent upon the expansion of the Airglades International Airport, which is currently unresolved. There is little to no information regarding schools and education in the SHSP, the impact on education cannot be determined. The Economic Development Element Vision Statement also strives to protect the “natural and cultural environments” of the region. The SHSP does address protection of natural and/or cultural resources, which is also a stated interest of the Economic Development Element Vision Statement.

While the Council may support the undecided expansion of the Airglades International Airport, this is not part of the SHSP. The SHSP does set aside land for a potential expansion from AIA in order to achieve the necessary area required for a 12,000 foot runway. However, the positioning of Mixed Use Suburban lands south of this runway expansion has the potential to create conflicts between future residents and airport users. The SHSP envisions Economic Center uses surrounding Airglades International Airport, but ringing the Economic Center is Mixed Use Suburban. The potential impact on these residential lands from a potential airport expansion is undeterminable from the information provided in the SHSP proposal.

The SRPP supports retention of existing businesses. While agricultural uses are permitted within Sector Plans until such time as particular areas are developed (pursuant to F.S. 163.3245(9)), a potential conflict exists between the proposed SHSP and any residential uses that would be proximate to high-intensity agriculture, in this case, sugar cane operations. As part of regular sugar cane growing and harvesting, plant residuals in the cane fields are burned. This causes ash and smoke, similar to any prescribed or agricultural burning. If DSAPs or other residential development in or near sugar cane operations are developed pursuant to the SHSP while agricultural operations are continuing, the potential exists for conflict. Since the main economic driver in the county is sugar cane, the SHSP as currently proposed has the potential to negatively impact an existing strong economic engine in Hendry County. Likewise, since the

major employer in Clewiston is U.S. Sugar's sugar cane operations, the SHSP could have an impact on their business operations by creating land use conflicts.

Until the expansion of Airglades Airport is approved and/or constructed, it is difficult to determine consistency with the Economic Development Element. The impact on the economy of Hendry County, at this time is undetermined. For instance, if the AIA expansion is not approved, the SHSP may enable sprawling residential development without the accompanying, promised employment centers, for which the County (or other jurisdiction) would be required to provide services (fire, police, EMS, water, solid waste, sewer, etc.). Service provision over large geographic expanses can be very expensive and may disproportionately burden budgets, resulting in reduced service provision elsewhere. If the AIA expansion is approved, the situation may be different. However, with no development phasing currently being planned, it is not possible to determine potential fiscal impacts. After the Airglades expansion is determined, the relationship between SHSP and the SRPP will be more easily drawn.

With regards to educational improvements in Hendry County and the region, the SHSP contains a Public Facilities Analysis (A.9) (p.328 of the Submittal Package) that includes Public Schools. The consultant that developed this section used "a US Census Bureau average of 2.7 people per housing unit". Currently in Hendry County, the average number of persons per household is 3.24 (United States Census Bureau, Quickfacts, 2008-2012 estimate). This difference will significantly increase the estimates from that analysis. Since educational enhancement is a key factor in the Economic Development Element, it is recommended that this analysis be revised. Indeed, correcting this discrepancy will have an impact on all analyses in this section of the Submittal Package, including projected student and school capacity, public park demand, wastewater and solid waste service, and potable water supply analysis.

Emergency Preparedness

The consistency of the Sugar Hill Sector Plan (as currently proposed) with the Emergency Preparedness Element of the SRPP is not able to be determined given the information provided in the application. Emergency preparedness is not discussed in any significant detail in the SHSP. The SHSP does not proactively plan for emergency situations or contingencies.

According to current modeling, the SHSP area would not be threatened by potential storm surge or flooding from Lake Okeechobee by even a Category 5 hurricane. Currently, no accommodation or planning has been made for potential evacuation of the population that is expected to inhabit the SHSP area during a future storm event.

The portion of Hendry County currently proposed for the SHSP is overwhelmingly an industrial agricultural operation. Large-scale agricultural operations often employ large quantities of chemicals (fertilizers, pesticides, fungicides, equipment maintenance fluids and lubricants, fuel

storage tanks, etc.). In addition, some of these chemicals have the potential to accumulate in soil over time, creating legacy or heritage loads of chemicals. Sector Plans are entitled to continue agricultural operations until the time at which they develop the lands upon which they operate. The potential conflicts between siting residential uses (as in the Mixed Use Urban, Mixed Use Suburban, and Rural Estates uses, in particular) on previously industrial agricultural lands that potentially have legacy loads of chemicals or are adjacent to working industrial agricultural chemical storage sites is unaddressed in the SHSP. The safety and health of future residents may be impaired if these issues are not addressed.

Natural Resources

The consistency of the Sugar Hill Sector Plan (as currently proposed) with the Natural Resources Element of the SRPP is not able to be determined given the information provided in the application. As stated in other portions of this document, there are no guarantees and little recognition in the SHSP regarding the protection of regionally-significant resources, despite the presence of major state/federal/regional (Everglades, River of Grass) and state/regional (Caloosahatchee River) adopted restoration plans, and federally listed species. There is little to no consideration in the SHSP of regionally significant lands for conservation, not just in their current use, but for their potential linkage in the larger landscape of the Caloosahatchee and Big Cypress Watersheds, particularly as identified by the plans mentioned above. Consideration of conservation linkages is one of the main thrusts of proper sector planning (§163.3245(3)(a)1, §163.3245(3)(a)5, and §163.3245(3)(b)1, Fla. Stat. (2014), in particular).

Additionally, no substantive consideration of water supply, water quality, wastewater, sewer, or solid waste is given in the SHSP. There is no real consideration given to the provision of adequate infrastructure (and associated costs) for any of these areas. Most notably absent is the lack of viable planning and source identification for potable and irrigation fresh water supply provision. Council staff supports the concerns raised by the South Florida Water Management District.

Regional Transportation

The consistency of the Sugar Hill Sector Plan (as currently proposed) with the Regional Transportation Element of the SRPP is not able to be determined given the information provided in the application. The SHSP does not provide adequate information regarding multimodal or balanced intermodal transportation provision. Similarly, the SHSP provides inadequate information regarding “a network of interconnected roads to provide timely, cost-effective movement of people and goods within, through, and out of the Region” (taken from the SRPP). As currently proposed, no new roads are identified within the SHSP, and as such the

SHSP seems to be inconsistent with providing for the additional transportation needs of the nearly 58,000 new residents (using 18,000 dwelling units times 3.24 people per household (current Census estimates for Hendry County)) that the SHSP proposes to accommodate at buildout.

The SRPP does call for a balanced plan for people and freight that coordinates FDOT with regional airport operators. The SHSP does provide for physical expansion of Airglades, but the placement of Mixed Use Suburban land use south of and under the future flight path of the expanded airport could potentially pose conflicts between the AIA expansion and the residents expected to inhabit this portion of the SHSP.

Council staff is also concerned that development of this magnitude on a major east-west connector SIS highway (SR80) would have major detrimental impacts to regional transportation. These potential impacts have not been appropriately addressed in the SHSP, and the Council supports the comments of FDOT.

Council Analyses and Comments

Council staff has reviewed the proposed Sugar Hill Sector Plan and provides the following comments:

Economic Development

- Council staff agrees with the County that the proposed comprehensive plan amendment (Sugar Hill Sector Plan (SHSP)) may provide for long-term economic opportunities which are consistent with the Hendry County Comprehensive Plan and the Economic Development Element of the SWFRPC Strategic Regional Policy Plan (SRPP). The proposed SHSP will potentially accommodate economic development activities currently promoted in the SRPP. The commercial, warehousing, and industrial land uses identified in the SHSP will provide complementing economic support activities for an improved and expanded Airglades International Airport, should the Airglades expansion be approved by the Federal Aviation Administration (FAA) and then later constructed. In addition, Council staff recognizes the need for additional housing once the airport economic engine is finalized, should that occur. Council staff supports economic activities that will increase the County's tax base and provide additional funding for important and necessary public services to the citizens of the County.
- Every effort and opportunity should be explored to consider environmental justice issues as they are related to potential health impacts associated with air and/or noise pollution and ensure that all land use decisions, including enforcement actions, are

made in an equitable fashion to protect residents, regardless of age, culture, ethnicity, gender, race, or socioeconomic status.

- §163.3245(6), Fla. Stat. (2014) prevents downzoning and/or density and intensity reductions of a Sector Plan once approved unless certain criteria are met. These criteria generally include a lack of progressing in good faith, changes in or misrepresentation of the underlying information that justified the Sector Plan, or other factors. The horizon of the SHSP is 46 years; therefore, the approval of this amendment may impact the County's ability to regulate or manage growth in this area up until the year 2060. The majority of the economic activity envisioned in the SHSP appears to be contingent upon the successful expansion of the Airglades International Airport. If the AIA expansion is not approved, it is possible that the County could use that as leverage to reconsider the fundamental information underlying the SHSP.

Infrastructure

- 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. Specific requirements to address the infrastructure needs including roads, schools, fire protection, law enforcement, emergency medical services, parks, libraries, potable water, and wastewater systems are unclear at this time and will require future reviews. Council staff is concerned that these regional issues/plans will be reviewed by the local government. A regional project needs to be reviewed by agencies with regional perspective and expertise.

Housing/Land Uses

- Constructing housing units in the location proposed on the Long Term Plan places them on existing sugar cane fields that may expose those units to long term environmental pollution from years of fertilizers and insecticides, in addition to potential air quality hazards from operational cane fields and may result in serious health problems. No analyses are provided in the application as to the conditions of the proposed development lands as to whether they are hindered by past agricultural contamination or future agricultural operations.
- The housing located around the proposed Airglades International Airport (AIA), which is planned to become an international cargo facility accommodating the largest cargo planes is located adjacent to the airport. This represents a potential conflict of land uses in that the proposed housing may experience constant noise interruption, particularly

the areas directly south of AIA, which would be directly under the flight path of future cargo jets.

- The proposed housing plan for the project is unclear as to where and how many affordable housing units will be available to future populations in the area. Large estate lots planned for a substantial portion of the subject site are inconsistent with the known demographics of the existing population of the County.
- The residential development pattern must be done in a village pattern in order to ensure the proposed development is not recognized as sprawl. As currently identified, the Long Term Master Plan leaves much to the imagination as to the future configuration and distribution of uses.

Environment/Natural Resources

- Geographic location, environmental conditions and intended purposes will differ for each particular agricultural situation. Thus, USDA and EPA strongly encourage state and local agencies to work with individual producers and conservationists to develop plans that include feasible and effective measures for each site.
- Statements of benefits of measures with respect to water quality, soil health, energy savings, and greenhouse gases should be detailed.
- Options should be explored to establish policies that provide for the location of sensitive sites and sources of air pollution in a manner that seeks to avoid the over-concentration of these facilities near sensitive sites. It is recognized that local governments, to make the best decisions for the benefit of their residents, must weigh and balance multiple issues, demands and concerns, including, but not limited to, the need for housing, existing development and development patterns, environmental responsibilities and more when making land use decisions. This issue is related to environmental concerns as well as affordable housing and environmental justice. A number of strategies that may be employed to address over-concentration of emission sources and the cumulative impacts of the combined emissions include:
 1. Physical separation between the source and the sensitive site;
 2. Design features at the source to minimize air pollution emissions;
 3. Siting, permitting and zoning policies; and
 4. Capping cumulative impacts of various pollution sources.

- Large development proposed in rural and conservation areas should identify potential and existing agricultural, industrial, and/or commercial sources of air pollution and poor air quality within the County in which it is planning to occur.
 1. There are existing areas in rural Southwest Florida where agricultural sources have been identified as a significant contributor to Particulate Matter (PM) in that area. However, for those areas where it is demonstrated that agricultural sources are a significant contributor, proper state or local regulatory review options for managing air emissions from agricultural sources should be employed.
 2. Provide a comprehensive listing of all potential emissions reduction measures for mitigating agriculturally-related air quality impacts.
- To the greatest extent possible, siting issues, with respect to sensitive receptors need to be identified early in the review process, preferably before projects are formally submitted to the public agencies' planning boards. The following three air quality questions related to land use compatibility should be considered for each project in close proximity to sensitive receptors:
 1. Will a sensitive receptor be located downwind from an existing source of dust or odors?
 2. Will a sensitive receptor be located in close proximity to a congested roadway or an existing facility that emits toxic air pollutants?
 3. Is adequate separation provided, or are there established siting criteria to minimize exposure and health risk between sensitive receptors and sources of air and/or noise pollution?
- Waste management planning initiatives should be coordinated and include a standard quality assurance program for any new development and waste management requirements should be addressed regularly throughout any significant large project development periods.
- A Construction Waste Management Plan should ideally recognize project waste as an integral part of an overall comprehensive materials management program. The premise that waste management is a part of materials management, and also the acknowledgment that one project's wastes are materials available for another project facilitates an efficient and effective waste management approach.

- Commercial construction typically generates between 2 to 2.5 pounds of solid waste per square foot, the majority of which can be recycled. Salvaging and recycling C&D waste reduces demand for virgin resources and the associated environmental impacts. Effective construction waste management, including appropriate handling of non-recyclables, can reduce contamination from and extend the life of existing landfills. Whenever feasible, reducing initial waste generation is environmentally preferable to reuse or recycling.
- Council staff is concerned with the proposed SHSP in that it will result in numerous adverse effects on regional resources and insufficient data has been provided so that Council staff cannot adequately assess and suggest specific mitigation for these impacts. Areas of particular concern are as follows:
 1. To the extent possible, it is important that new large-scale development employ source reduction and recycling during the construction phase which utilizes the location of separate containers for metals, plastics, paper products, drywall, vegetation and wood.
- 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 concolorcoryi*) within the east parcel boundary. Given the wetland and upland habitats shown in the application the two sites, West and East have the potential for the occurrence of nineteen (19) other Federal and State listed species including the Florida bonneted bat (*Eumops floridanus*), wood stork (*Mycteria americana*), snail kite (*Rostrhamus sociabilis plumbeus*), red-cockaded woodpecker (*Picoides borealis*), Bachman's warbler (*Vermivora bachmanii*), Big Cypress fox squirrel (*Sciurus nigra vicennia*), southeastern American kestrel (*Falco sparverius paulus*), Florida sandhill crane (*Grus Canadensis pratensis*), crested caracara (*Caracara cheriway*), eastern indigo snake (*Drymarchoncoraiscouperi*), 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*), and American alligator (*Alligator mississippiensis*).

Hazardous Waste & Emergency Preparedness

- Concerns exist relating to location of hazardous waste sites and/or materials relating to industrial agricultural production next to proposed residential.
- Hazardous wastes must be properly managed according to 40 CFR Part 262 until disposed at a permitted treatment, storage, or disposal facility. The hazardous waste

transporter must also have an EPA identification number. Storage, transport, disposal, and handling of these materials should be considered prior to and in conjunction with any potential development of the SHSP.

- 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.
- Facilities qualifying under the Superfund Amendments Reauthorization Act (SARA) Title III of 1986, and the Florida Hazardous Materials Emergency Response and Community Right to Know Act of 1988, shall file hazardous materials reporting applications in accordance with sections 302, 303, 311, 312, or 313. Applications shall be updated annually by each reporting facility.
- Any on-site facilities with commercial pool operations should comply with appropriate codes and statutes including required safety measures such as chemical sensors, internal alarm systems, or emergency shutdown systems.
- To assure the project does not dilute the delivery of service from adjacent areas, the applicant should meet with representatives of the Hendry County Sheriff's Department and Clewiston Police Department to establish programs and incorporate crime prevention measures by assisting the Sheriff's Department with the preparation of a Crime Prevention Through Environmental Design (CPTED) Study.
- Facilities are required by risk management program regulations 40 CFR 68.52 (b) (4) and 40 CFR 68.69(a)(iv) to prepare written emergency shutdown procedures and instructions for operators, emergency responders, and others. At a minimum, these materials should be developed for each of the most likely emergency scenarios (e.g., power failure, fire event). These materials should include the following:
 1. A manual of standard operating instructions,
 2. A system drawing showing the integral parts and their locations,
 3. Emergency shutdown procedures and subsequent start-up procedures,
 4. A table of the ranges of safe operating parameters measured at crucial locations,
 5. Safety procedures to be exercised at various locations, and
 6. An emergency response flow chart.
- Emissions from prescribed burning can be reduced by controlling how the burn is implemented and applying other conservation measures to reduce fuel load to be consumed. Prescribed burning can be conducted to improve combustion efficiency and thus reduce the quantity of trace gases and PM emitted to the atmosphere. Backing

fires (fire spreading, or ignited to spread, into (against) the wind or down slope) ensures that more fuel is consumed in the flaming phase where combustion is cleaner (i.e. fewer trace gases and PM are released) than during the smoldering phase. Burning in clean and dry piles or windrows also results in a fire that generates greater heat and burns more efficiently.

Water Use & Wastewater

- The stormwater management systems required for the proposed development will be required to meet the Hendry County Comprehensive Plan Goals, the Hendry County Land Development Code, and the South Florida Water Management District (SFWMD) permitting criteria. The specifics of the future stormwater management will be addressed through the DSAP process and the permitting process. The Council staff is unable to determine at this time that the future stormwater management planning and efforts are consistent with the SRPP or SFWMD future Everglades (River of Grass, etc.) and Caloosahatchee River restoration plans. Additional information will be needed to assure whether the long term stormwater management plans for the proposed project will be adequate and consistent with the needs of the State and Regional plans for the various resource restoration plans that are now underway.
- Some of the lands identified as part of the development site have been identified as part of the Everglades Restoration Plan and some of these lands have been optioned as part of the South Florida Water Management District purchase option areas (See attachment). Additionally, some of the lands contained in subject site have been identified as part of the Caloosahatchee Restoration Plan. (See attached maps).
- The Sugar Hill Sector Plan appears to be wholly within the Lower West Coast Water Supply Plan (LWCWSP) area. That LWCWSP is principally impactful on Lee and Collier Counties' future population expansions and water supply needs. The LWCWSP did not anticipate the level of population increase and potable water demand that would accompany a project on the scale of Sugar Hill.

On October 12, 2010 the South Florida Water Management District Governing Board closed on a modified land purchase agreement with US Sugar Corporation for land located in the Everglades Agricultural Area (EAA), south, west and east of Lake Okeechobee. The land acquisition proposal has been downsized four times since it was announced in June 2008, due to the economic realities and budget constraints facing the state. This is a critical opportunity to buy back land to restore flow south out of Lake Okeechobee into the Everglades, Florida Bay and Biscayne Bay. Providing an alternative outlet for excess water will reduce damaging discharges that today are dumped out the Caloosahatchee and St Lucie rivers. The revised contract purchased 26,800 acres for

\$197 million with cash on-hand. The proposal preserves the option to acquire an additional 153,200 acres of US Sugar land, when economic and financial conditions improve.

SFWMD Governing Board Chairman Eric Buermann characterized the importance of the purchase on the Everglades and Florida's coastal estuaries as immense, providing an opportunity to restore a unique and treasured ecosystem in ways not previously envisioned.

On November 18, 2010 the Florida Supreme Court affirmed the public purpose of the historic purchase of sugar land for Everglades restoration, and approved the SFWMD's use of bonds to finance 73,000 acres. This decision defeated an effort by the Miccosukee Tribe of Indians and Florida Crystals Corp to stop the project.

In November, 2011 the Army Corps of Engineers announced an expedited planning process, the *Central Everglades Planning Project (CEPP)* that focuses on reestablishing flow south out of Lake Okeechobee. In coordination with an additional 5.5 miles of bridging of the Tamiami Trail, water will once again flow as nature designed into Everglades National Park and Florida Bay.

Highlights of the proposed acquisition terms include:

- Purchase of 26,800 acres for \$197,396,088 with cash on hand;
- 17,900 citrus acres in Hendry County and 8,900 sugarcane acres in Palm Beach County;
- Eliminates the need to issue bonds (Certificates of Participation), eliminates debt service payments;
- Options to acquire remaining 153,200 acres over the next ten years;
- An exclusive 3-year option to additional acreage at a fixed price of \$7,400 per acre;
- A subsequent 2-year, non-exclusive option to purchase 46,800 acres at Fair Market Value;
- A subsequent 7-year, non-exclusive option to purchase the remaining acres at Fair Market Value;
- U.S. Sugar will lease lands from the District at \$150 per acre;
- Annual revenue from the lease on the initial acquisition lands will generate \$1 million;
- Citrus lands available with one year notice; and

- US Sugar will pay all taxes and assessments on leased land, manage exotics and maintain structures.

Transportation

- Vehicle miles will certainly increase during large development and associated activities. As such, efforts must be made to implement new cooperative relationship between existing business entities and new companies to reduce vehicle miles traveled and associated pollution emissions.
- The Sector Plan will presumably be served by a future transportation network that will include future connections to Glades County, Moore Haven, and Clewiston and other counties east of Lake Okeechobee. The project has significant impact to transportation facilities inside and outside of the SHSP area, and there will be significant improvements necessary to support a project of this size. Council staff is concerned that the extent of these improvements are not known at this time and will require the FDOT to rework the transportation network in this area of the State. The main portions of the transportation network will have to be approved by the Florida Department of Transportation (FDOT) based on the future needs of the region. Council staff supports the comments provided by the FDOT in their letter dated May 22, 2014.

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

Council staff finds that the proposed amendments will 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 concerns made by the Council are adequately addressed, the proposed amendments would be consistent with the Strategic Regional Policy Plan and not inconsistent with the Comprehensive Plans of local governments within the region if conditions are provided that mitigate the regional impacts.

5. COUNCIL STAFF RECOMMENDATIONS

Council staff has reviewed the requested land use and textual changes to the County's Comprehensive Plan based on the information stated above and concludes that the proposed Sugar Hill Sector Plan (SHSP) has not adequately addressed the regional issues affecting the

resources and facilities in southwest Florida. Council staff therefore recommends that the proposed amendments be held until the applicant sufficiently addresses the concerns that the Council staff and other reviewing agencies have expressed. Council staff is recommending this action because it is the only opportunity under the Sector Plan review process that comments can be rendered. The applicant should provide additional information and analyses related to the Council staff comments identified above.

Council staff concludes that the development of SHSP as proposed will have the potential to produce significant adverse effects on regional resources and facilities that are identified in the Strategic Regional Policy Plan in the Cities of Moore Haven and Clewiston, and Lee, Collier and Glades Counties, in addition to the jurisdictions located east of Lake Okeechobee. This development will have long term impacts on multiple jurisdictions.

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 in the review process even though developments the size of the SHSP will have significant impacts on multiple jurisdictions. Council staff concerns in this matter could be addressed if the County would add language to the amendments that would require the SWFRPC to provide input at such time as future DSAPs are reviewed. Council staff should be given the time to develop meaningful mitigation to lessen impacts to State and regional resources and facilities. This is particularly relevant during the DSAP review process.

Council requests a copy of the adopted version of the amendment? ☒ Yes ☐ No

APPENDICES

Below are the URL addresses for the various planning documents relating to water-supply planning in the Lower West Coast region of the SFWMD, which includes either in part or in whole the area of the proposed Sugar Hill Sector Plan. This memo lists the chapters of each document and identifies by *document page numbers* information that is considered useful in background or detail. The “findings” within the 2014 Amendment to the 2012 plan (item #3), adopted April 15, 2014, by the governing board, are the most immediately useful. Brief summaries are provided for items #3 and #4.

1. Lower West Coast Water Supply Plan 2012
http://www.sfwmd.gov/portal/page/portal/xrepository/sfwmd_repository_pdf/lwc_planning_doc_2012.pdf
2. Lower West Coast Water Supply Plan 2012 Appendices
http://www.sfwmd.gov/portal/page/portal/xrepository/sfwmd_repository_pdf/lwc_appendices_2012.pdf
3. Final Order on 2014 Amendment to the 2012 Lower West Coast Water Supply Plan Update
http://www.sfwmd.gov/portal/page/portal/ver-STAGE/xrepository/sfwmd_repository_pdf/2014-023-dao-ws_2014_wrca_amendment_2012_lwc_wsp.pdf

This document’s “Findings of Fact” states that “existing sources of water are not adequate to supply water for all existing and future reasonable-beneficial uses and to sustain the water resources and related natural systems for the planning period.” The planning period is the year 2030. The amendment “is intended to be restricted in scope to solely incorporate the designation of the LWC Planning Area as a water resource caution area.”

Exhibit A in this document is a copy of the **DEP guidance letter of November 2013 “relating to Water Resource Caution Area”** signed by Drew Bartlett. If districts rely on a WRCA [Water Resource Caution Area] designation in consumptive use permitting, the WRCA must be explicitly designed in rule; **if district does not use the WRCA designation** in consumptive use permitting the WRCA may be designed in rule or in Regional Water Supply Plan with specific language that affected parties may challenge. It says there is **NO** [emphasis added] formal process for conveying WRCA boundary information to DEP “who use it in the wastewater permitting program.” If the entire District is designated

as a WRCA, the district must notify the DEP Director but “need not provide any further information.”

Exhibit B in this document is a series of passages from the 2012 LWC Water Supply Plan Update, with population projections and water demands, climate change outlook, **changes in gross water demands for region’s public water supply and domestic self-supply: 256.1 mgd, which is a 46 percent increase from 175.2 mgd in 2010...Agricultural demand is projected to remain the LWC Planning Area’s “single largest water user category in 2030” at 696 to 741 mgd in 2030 from 630 mgd in 2010.** It also cites legal authorities and discusses the Restricted Allocation Area established in Oct 2008; **criterion set out in Section 3.2.1 of Basis of Review for Water Use Permit Applications within the South Florida Water Management District; limits withdrawals from Lake Okeechobee** and “all surface water hydraulically connected to the lake...By limiting the availability of surface water for new consumptive use allocations, these criteria protect the rights of existing legal users, as well as the region’s water resources.” It also refers readers to the 2012 Lower East Coast Water Supply Plan Update (SFWMD 2012b) for more information.

Exhibit C is a notice of rights with filing instructions.

4. Reference Document 2011-2014 Lower West Coast Water Supply

http://www.sfwmd.gov/portal/page/portal/xrepository/sfwmd_repository_pdf/2011-2013_water_supply_plan_support_doc.pdf

This document includes a number of tables and sections documenting the basis of water-supply planning, identifies significant changes and outlook since last update (p 7-9), describes existing Natural Systems, including Kissimmee River and floodplain, Lake Okeechobee, and Caloosahatchee River (p. 17) and related initiatives and projects (p. 22- 23), **water use permitting (p 28-29), resource protection standards (p 31-34);** Lake Okeechobee Regulation Schedule (LORS) (p.37-40). **Chapter 5 (pp. 49-81) deals with water source options and conservation, including “demand management”;** Chapter 6 (pp. 83-112) deals with water-quality standards, **treatment technologies (including costs p 92), and groundwater contamination (pp. 111-112);** Chapter 7 is Kissimmee Basin Planning Area; Chapter 8 is Upper East Coast Planning Area; **Chapter 9 [see below] is Lower West Coast Planning area (p. 159-178) including surface water resources (p. 169) and ground water (p. 174) and their relationship (p. 178);** Chapter 10 (179-204) deals with Lower East Coast Planning Area.

Using search tool for “Hendry County” : p. 19 Okaloacoochee Slough (outside boundary of Sugar-Hill); Immokalee Rise (p. 180-outside Sugar-Hill) – southeast Hendry County draining toward Gulf of Mexico, sandy soils; West and East Collier basins including parts of Hendry County (p 187 outside Sugar Hill) ;

Chapter 9 – Lower West Coast Planning Area

Locator MAP-- Figure 16 on p. 160 is a useful Locator map (Sugar-Hill is located in northeastern Hendry County abutting Lake Okeechobee and the Palm Beach County line; **lines shown on EF overlap map demark the L1 and L2 canals** that the Seminoles want to use to move water from Lake Okeechobee to the Big Cypress Reservoir. The map also provides a topographic sense of distance between Sugar Hill and Okaloacoochee Slough, Lake Trafford, Corkscrew, etc.)

Groundwater: Three major aquifers underlie Hendry County: **The Surficial**, recharged by rainfall; **Intermediate**, which is partial recharged from surficial flow; and **Floridan**, which is recharged from outside the Lower West Coast Planning Area. **(P. 169)**

“Lake Trafford and Lake Hicpochee are not considered suitable water supply sources.” Hicpochee is seasonal and based on overflows from Lake Okeechobee. “The dynamic nature of Hicpochee makes it unsuitable as storage. The inflows are not of potable quality and the water would require relatively expensive treatment for use. In addition construction of the C-43 Canal through the Center of Lake Hicpochee has resulted in lower lake water levels the lake does not provide enough storage to be considered a major water supply source.” **(p. 169)**

The Caloosahatchee River is the region’s most important surface water source.



Attachment III

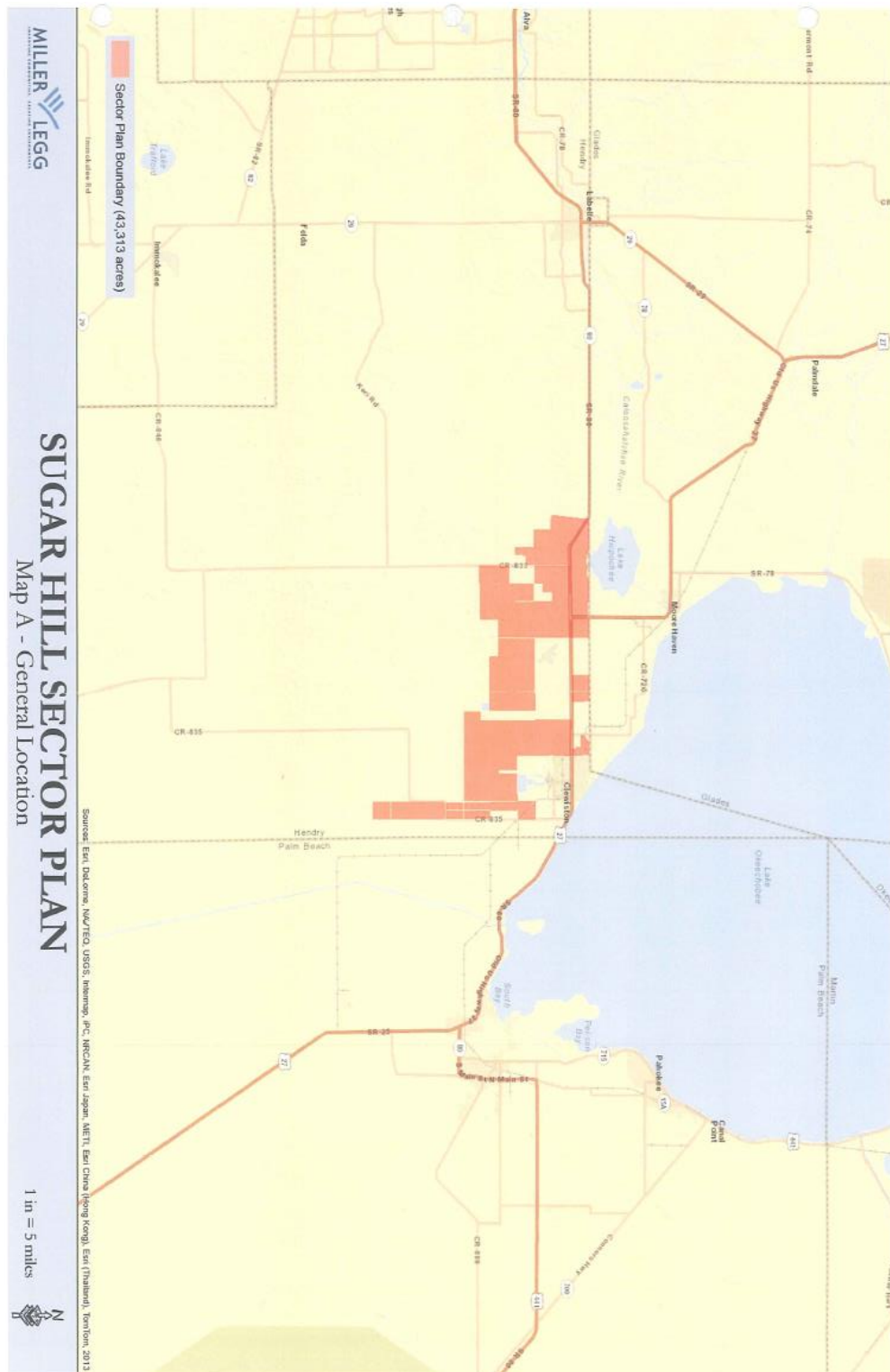
Maps And Graphics

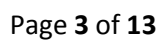
Hendry County

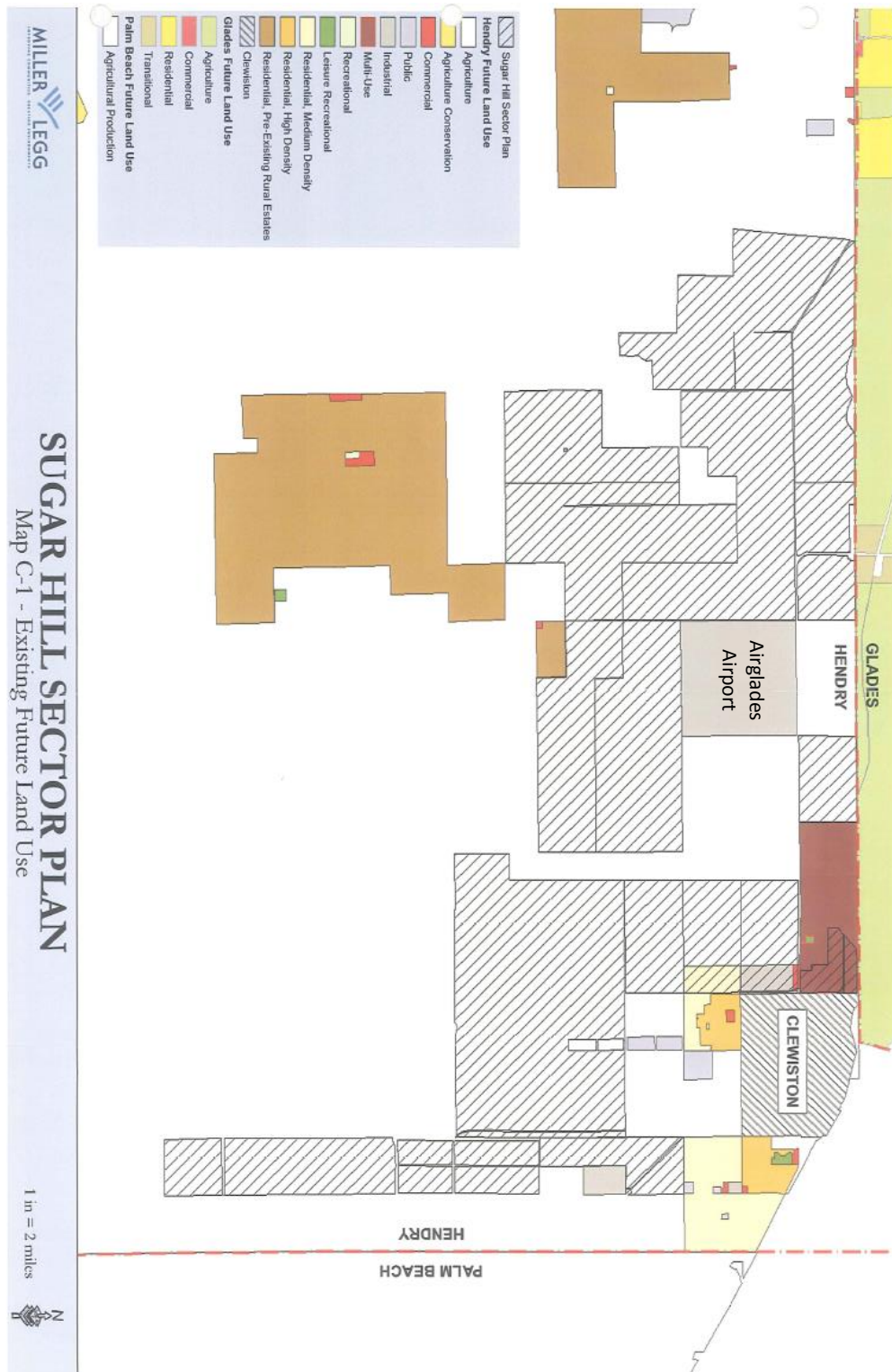
SEP14-0001

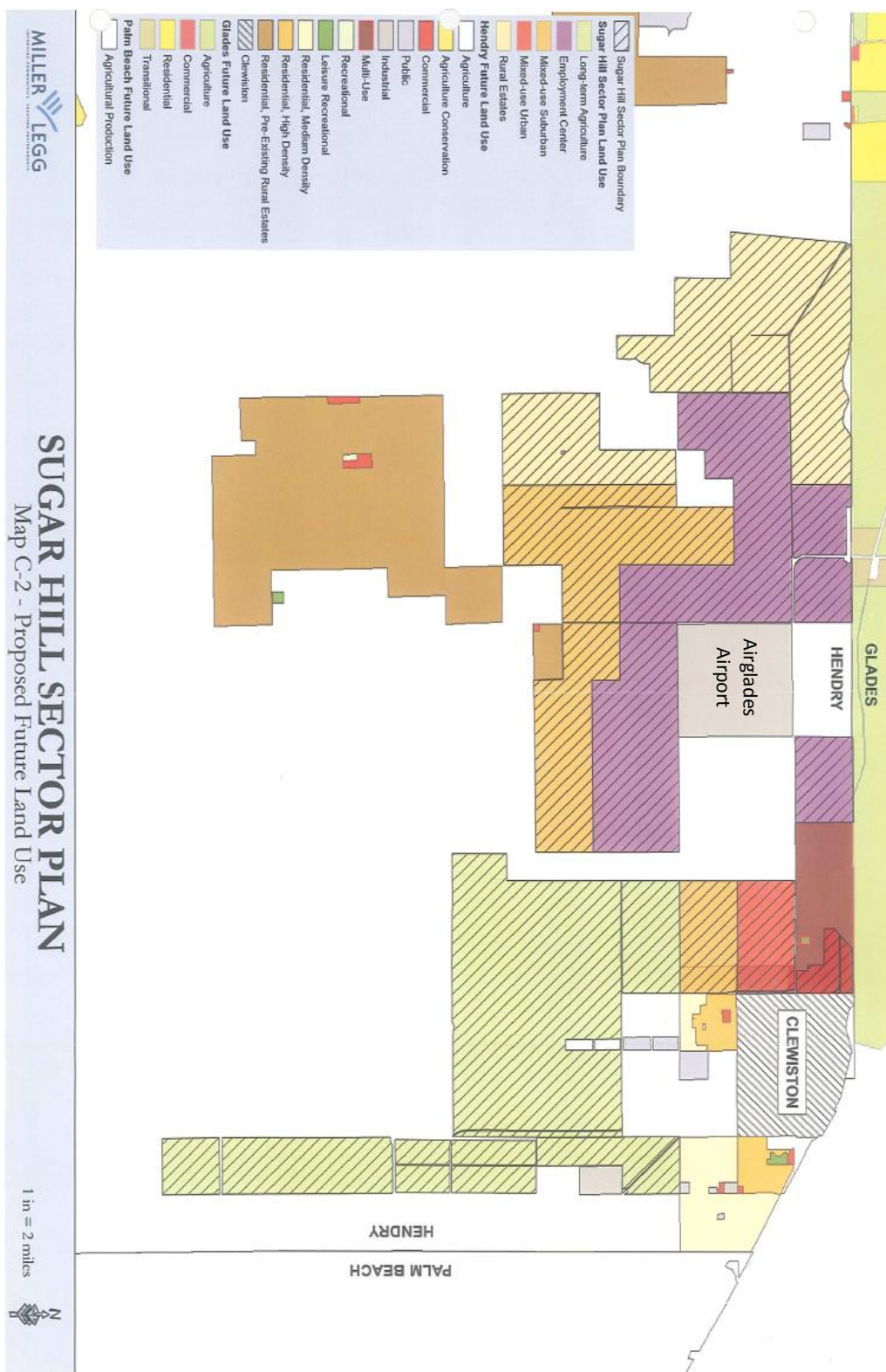
Sugar Hill Sector Plan

Proposed Comprehensive Plan Amendment / Sector Plan

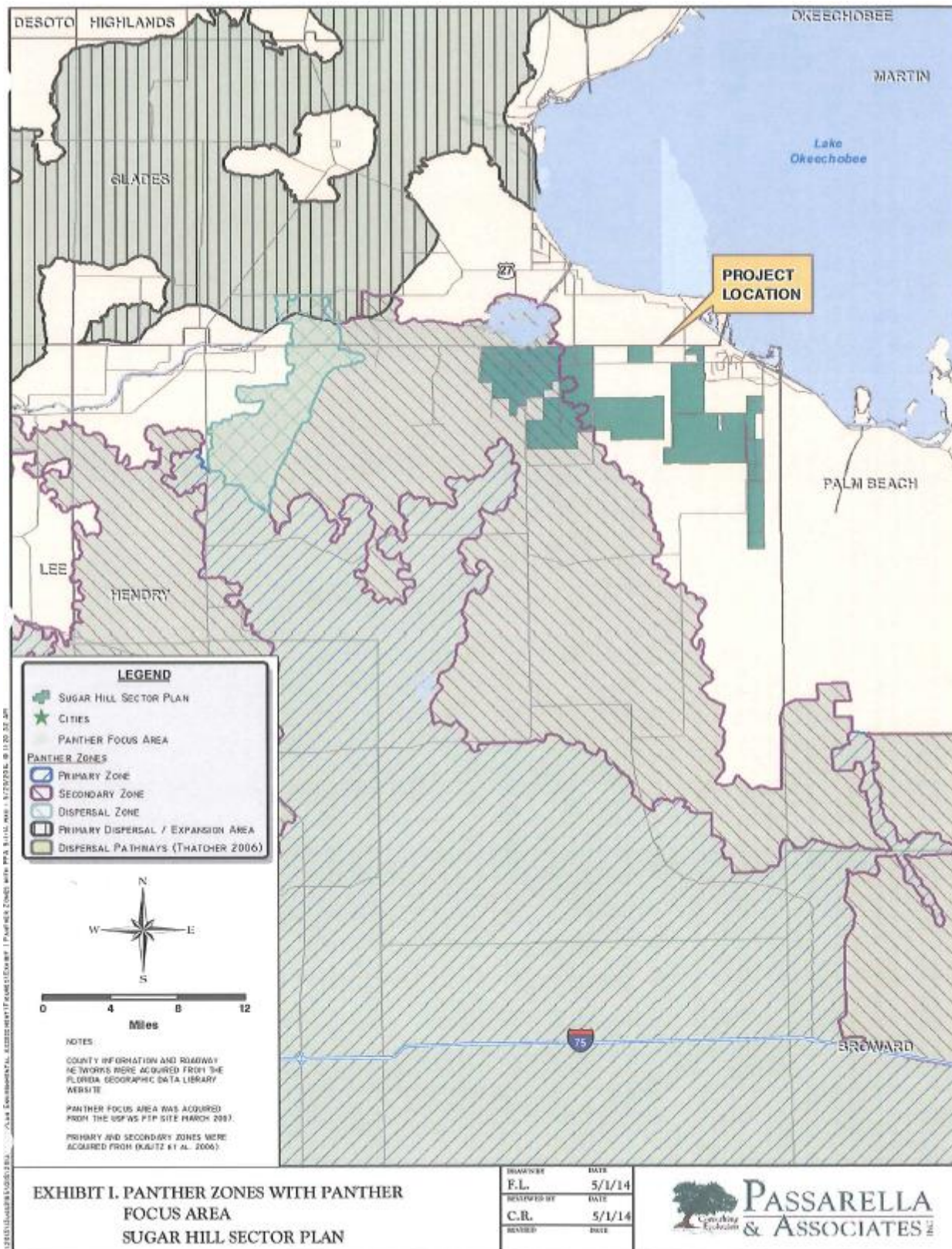












AIRGLADES

A new international airport in Clewiston could become Florida's next big air freight hub

BY ROGER WILLIAMS

rwilliams@floridaweekly.com

HENDRY COUNTY, THE POOREST OF FLORIDA'S 67 counties by some standards, could find its fortunes transformed before the end of this decade — but only if county officials and private investors working in tandem can convince the Federal Aviation Administration to go along with the deal they're pushing.

Is it too good to be true?

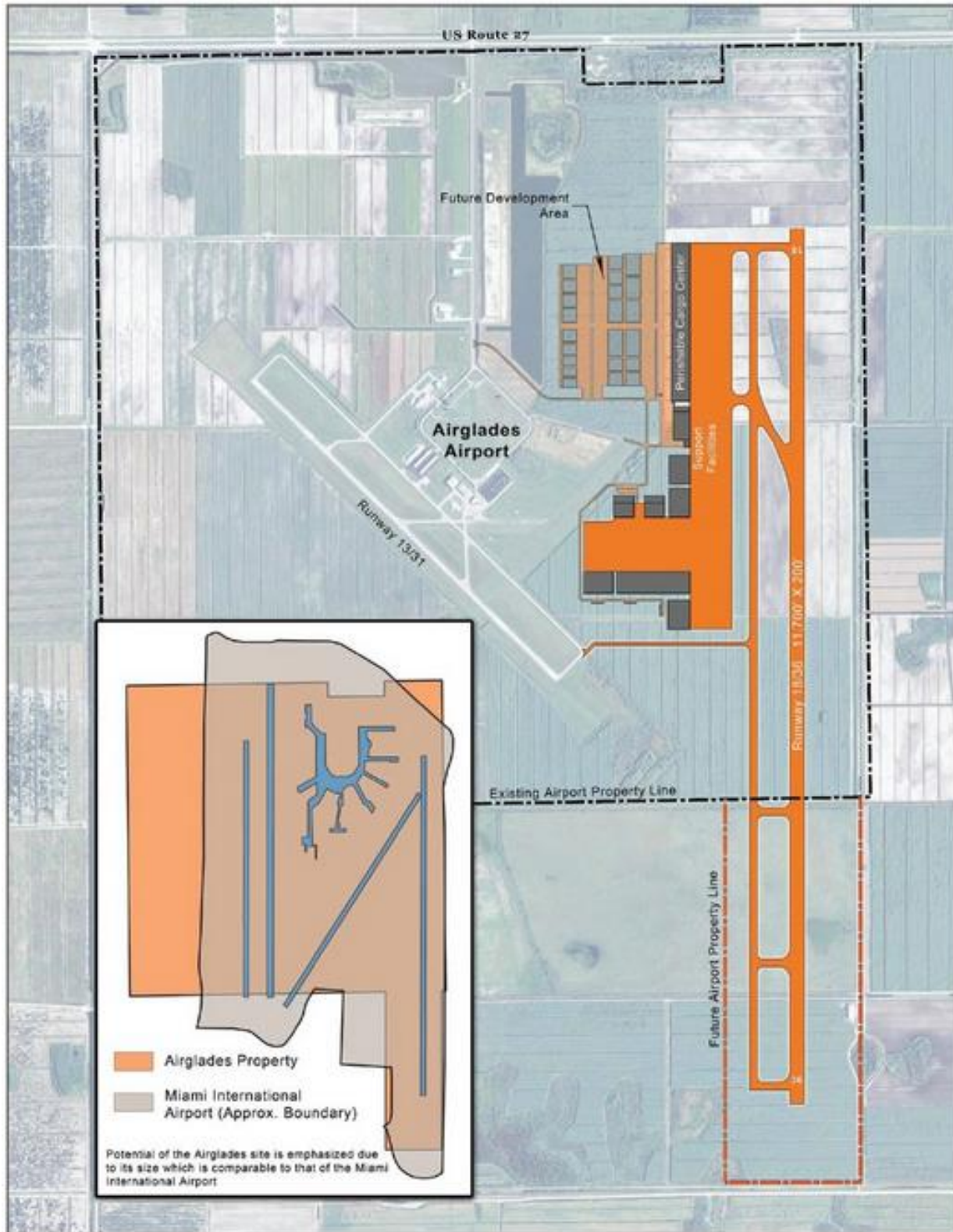
Here, *Florida Weekly* describes the proposed deal, one that could turn a sleepy county-owned airport surrounded by sugar cane northwest of Clewiston into a privately owned international cargo hub, with a brand new 12,000-foot runway costing as much as \$400 million, new water and sewer infrastructure, an

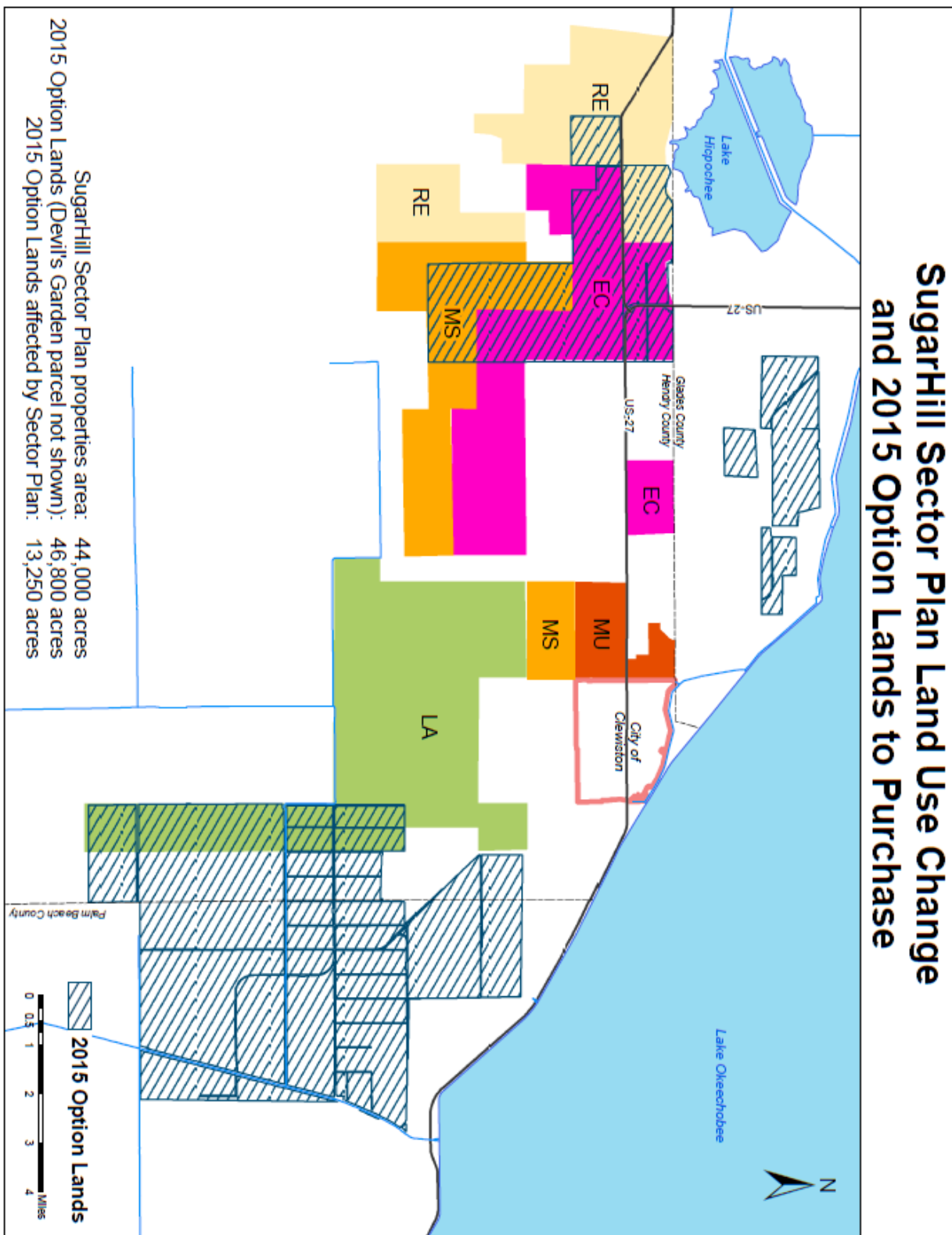
SEE AIRGLADES, A8 ►

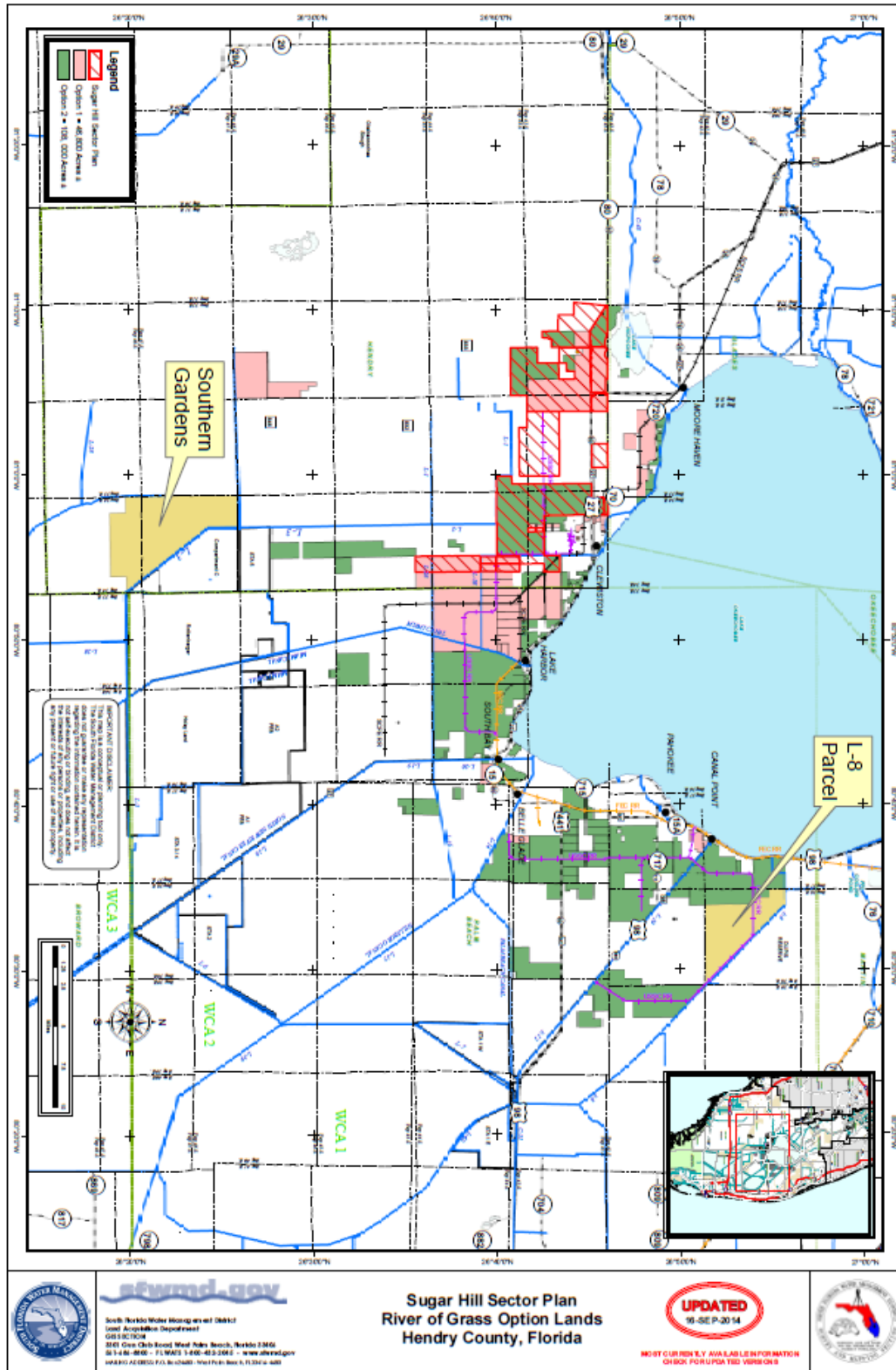
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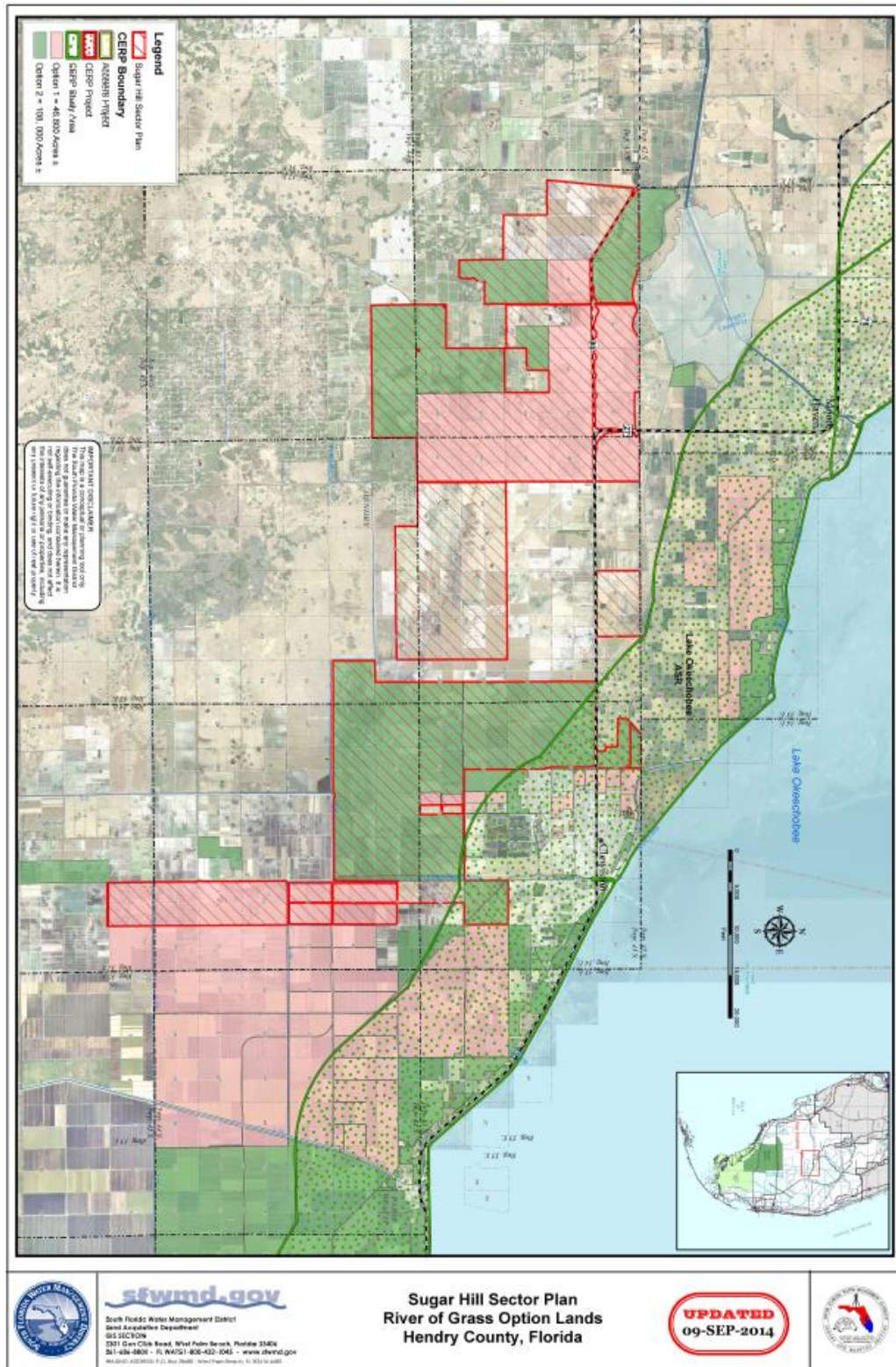
Renderings for the proposed international freight hub.
A9

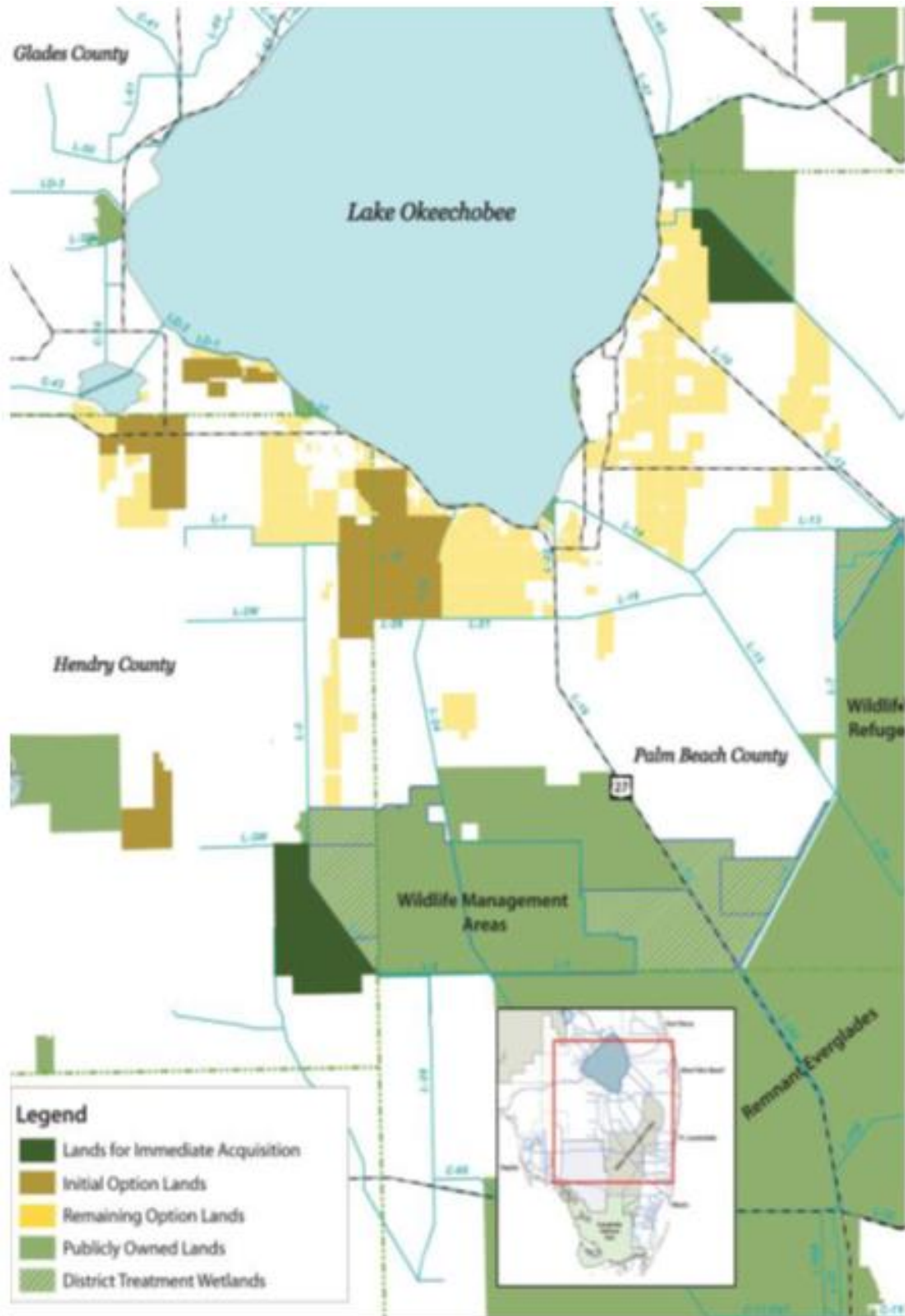
▲ The proposed Airglades airport in Clewiston could put Southwest Florida on the map as a worldwide shipping destination.













Florida Department of Transportation

RICK SCOTT
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0450

ANANTH PRASAD, P.E.
SECRETARY

May 22, 2014

Mr. Shane Parker, PE
Hendry County Public Works Director
P.O. Box 2340
99 East Cowboy Way
LaBelle, FL 33975

**RE: Sugar Hill Sector Plan – Transportation Analysis Methodology (V2.3, dated April 30, 2014) -
FDOT Comments and Recommendations**

Dear Mr. Parker:

The Florida Department of Transportation (FDOT), Districts One and Four (hereafter collectively referred as "FDOT" or "the Department"), offers Hendry County the following comments and recommendations for consideration on the Sugar Hill Sector Plan (SHSP) – Transportation Analysis Methodology dated April 30, 2014, and responses to FDOT's comments on the previous methodology dated March 10, 2014. These comments and recommendations are offered in accordance with the requirements of Florida Statutes (F.S.) Section 163 and Chapter 9J-11 of the Florida Administrative Code (F.A.C.).

FDOT recognizes the intent behind the SHSP is to create economic and other opportunities in a Rural Areas of Critical Economic Concern (RACEC), with distinct challenges and opportunities. In the interests of ensuring access and mobility, our comments and recommendations continue to reflect the importance of having a full understanding of potential transportation impacts from the SHSP and how best to avoid or mitigate potential adverse impacts to the State Highway System.

FDOT District One Comments

1. FDOT recommends that the P.M. Peak Hour trip generation for the multi-family residential land use should be revised to 568 trips (369 enter and 199 exit). The Department further recommends using the average rate to calculate the P.M. Peak Hour trip generation for the Warehouse / Industrial land use, rather than the equation, since the R2 value is less than 0.75. Please also revise the P.M. Peak Hour trip generation for the Warehouse / Industrial land use, rather than the equation, since the R2 value is less than 0.75. Please also revise the P.M. Peak Hour trip generation for Warehouse / Industrial land use to 2,240 trips (560 enter and 1,680 exit).

Applicant Response: The revised methodology reflects the recommended calculations.

Additional FDOT Comment: Response noted. FDOT has no further comments.

2. Since the proposed sector plan located in Hendry County is adjacent to Glades and Palm Beach Counties, FDOT District 1 defers to District 4 and the two Counties to decide

Mr. Shane Parker, PE
 Sugar Hill Sector Plan – Transportation Analysis Methodology (V2.3, dated April 30, 2014) - FDOT Comments
 May 22, 2014
 Page 2 of 7

upon the methodology for determining the transportation study area to measure the impacts of the proposed Sector Plan within their respective jurisdictions. The Department strongly recommends the applicant coordinate with Palm Beach County and the Palm Beach MPO in this regard.

In addition to the roadway facilities listed in the methodology, District 1 recommends the following facilities be included in the study area:

- SR 29 from US 27 to I-75
- SR 78 from SR 29 to US 27
- SR 78 from US 27 to CR 721
- US 27 from SR 29 to I-75 in Palm Beach County
- SR 80 from Lee County Line to CR 700 in Palm Beach County
- US 441 / US 98 from SR 80 to SR 76 in Martin County

Applicant Response: The limits of the study area have been revised and adjusted in response to FDOT comments in coordination with Hendry County. The study area has been expanded to include segments of SR 29 and SR 80. In Palm Beach County and District 4 the study will include US 27 from the County Line to SR 80 / Palm Beach Road. This will provide Palm Beach County and the District sufficient information to plan for any additional travel resulting from the proposed SHSP into the District. Hendry County will send a courtesy copy of the sector plan application including the TIS to Palm Beach, Lee, Collier and Glades Counties.

Additional FDOT Comment: Comment not addressed. The Department recommends having the applicant revise Table 3 – Study Roadways and Study Roadway Characteristics Table in Attachment 2 – Roadway Network Information to include all the study roadways with appropriate study limits identified in the above comment.

3. **Page 3 of the Proposed Transportation Analysis Methodology indicates that “The analysis of projected 2035 conditions will incorporate all programmed and planned transportation improvements within the study area”. The agreed upon objective is to identify those improvements that are anticipated to be needed above and beyond the currently adopted needs assessment roadway network in order to support the proposed Sector Plan traffic at year 2035. The Department recommends that the needs assessment road network, rather than the cost-feasible network, from the 2035 Long Range Transportation Needs Assessment (LRTNA) of all affected rural counties and the 2035 LRTP for Lee and Collier Counties be used in the Lee / Collier / Hendry / Glades (LCHG) model and traffic analysis coincident with the horizon year of 2035. The District can provide assistance in coding the needs road network in the model upon request.**

Applicant Response: The revised methodology reflects the intent to analyze the current LRTP Needs plans. The applicant will coordinate with the District to code the Needs plans in the 2035 model.

Additional FDOT Comment: Response noted. The Department had provided the 2035 Needs Plan from the 2035 Long Range Transportation Needs Assessment (LRTNA) for Hendry and Glades Counties. The 2035 Needs Plan for Lee and Collier counties can be obtained from the individual MPOs. The Department will be able to assist if needed. Please ensure that the 2035 analysis reflects the number of lanes based on the Needs Plan from the respective Counties.

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Please revise Table 3 – Study Roadways and Study Roadway Characteristics Table in Attachment 2 – Roadway Network Information appropriately.

4. **Future planned developments within Hendry County such as the Rodina Sector Plan and South West Hendry County Sector Plan and America's Gateway Logistics Center (AGLC) in Glades County are not currently included in the 2035 LCHG model. The Department recommends the applicant coordinates with Hendry and Glades Counties to establish the appropriate levels of development for the Rodina Sector Plan, the South West Hendry County Sector Plan and AGLC to be included in the model. The District can provide assistance in coding the respective levels of development in the model upon request.**

Applicant Response: The revised methodology reflects requested modifications to the 2035 LCHG model. The applicant will coordinate with Hendry County and District 1, as needed, to incorporate the appropriate level of development in the model.

Additional FDOT Comment: Response noted. FDOT has no further comments

5. **In addition to the hard copies, please list and provide supporting documentation for all changes to the model network(s) and socio economic data (zonedata) and provide digital executable copies of all analyses and model files used to conduct the analysis. Please also provide legible model plots showing the study area roadways for agency review.**

Applicant Response: Comment noted.

Additional FDOT Comment: Response noted. FDOT has no further comments

6. **The Department recommends that FDOT Standard K and D factors be used to convert daily volumes into peak hour peak direction volumes for the purpose of the roadway segment analyses.**

Applicant Response: Comment noted.

Additional FDOT Comment: It is indicated on page 5 of 6 of the SHSP Transportation Analysis Methodology (dated April 30, 2014), that "AADT volumes will be converted to peak hour volumes using FDOT minimum K and D factors." The Department recommends the applicant to modify the methodology language to clearly state that the FDOT Standard K and D factors will be used to convert daily volumes into peak hour peak direction volumes for the purpose of the roadway segment analysis.

FDOT District Four Comments

1. **District Four has a keen interest in the potential impacts to SIS / regionally significant roadways from the SHSP. We, therefore, recommend that the following roadways be included in the transportation study area for the SHSP:**
 - **US 27 from SR 29 to I-75 in Broward County (including the I-75 / US 27 interchange)**
 - **SR 80 from Lee County Line to Conner's Highway (CR 700) in Palm Beach County**
 - **US 441 / SR 98 from SR 80 to SR 76 in Martin County**

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- SR 715 from SR 80 to SR 812
- SR 812 from SR 715 to SR 80 / SR 15 intersection

Development of the 850-acre Florida Crystals Inland Logistics Center, located between the Cities of South Bay and Belle Glade, is expected to impact these roadways. There are potential traffic impacts based on potential interaction between the SHSP site and seaports, airports, and other key origins / destinations within Palm Beach, Broward, and Miami-Dade Counties.

Applicant Response: The limits of the study area have been revised and adjusted in response to FDOT comments in coordination with Hendry County. In Palm Beach County and District 4, the study will include US 27 from the County Line to SR 80 / Palm Beach Road. This will provide the County and the District sufficient information to plan for any additional travel resulting from the proposed SHSP into the District. The Florida Crystals Inland Logistics Center and the other population centers are not included in the LCHG model that will be used for this analysis. The effect of these areas, however, will be captured in the revised traffic projections at the external traffic zones in the LCHG model.

Additional FDOT Comment: Given the location of and the proposed changes in land use and development densities / intensities for the SHSP, the Department continues to recommend that the roadways segments noted above be included in the transportation study area.

2. **As discussed at the March 13, 2014 videoconference, District Four recommends that the transportation methodology include utilizing the FDOT Statewide Model (with the inclusion of SHSP development) to establish 2035 or 2040 projections at the external station links (at the County / District lines) and then assign those projections to the latest Southeast Florida Regional Planning Model to better assess potential impacts to US-27, US-441, and SR 80.**

Applicant Response: The SHSP analysis will be prepared using the Lee / Collier / Hendry / Glades (LCHG) Model prepared by District 1 specifically for this analysis. The LCHG model provided by District 1 will include reasonable modifications to the external stations to reflect reasonable travel projections between District 1 and District 4, which is located on the eastern boundary of the model.

Additional FDOT Comment: Response noted. District One Transportation Modeling Staff has provided the Applicant with an estimate of the percentage of SHSP project trips a percentage of project trips to / from SHSP at the LCGH external stations on the eastern boundary of District One. These percentages were derived by adding the SHSP at a 30% development level to the Florida Statewide Model v. 5124. District One Transportation Modeling Staff are available to assist with model issues, additional data, or subsequent modifications needed to the external stations on the eastern boundary of the LCHG Model. FDOT has no further comments.

3. **District Four recommends that the transportation methodology include an assessment of trips using the rail network. The SHSP should optimize the use of rail for freight to reduce roadway impacts related to trucks / freight and to maximize use of existing and potential future rail connections at seaports, airports, and intermodal centers thereby reducing truck impacts to roadways.**

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Applicant Response: SHSP and adjacent areas are anticipated to include intermodal centers that integrate anticipated freight movements by all available transportation means. The revised methodology reflects recognition of the policies proposed to encourage multimodal freight movements and intermodal transfer points. An associated 2% to 3% reduction in total industrial / warehousing trips to reflect the anticipated movement of freight by alternative modes is proposed in the methodology.

Additional FDOT Comment: The Department considers the proposed 2% to 3% reduction in truck industrial / warehousing trips to be reasonable. The Department recommends that the Applicant provide a truck route map, as well as railway network map, relative to the SHSP for review.

4. **District Four recommends that information be added on anticipated or desired interactions between the SHSP site and Airglades Airport.**

Applicant Response: The Airglades Airport is currently a municipal airport. SHSP's interaction between the Airglades Airport and the surrounding areas will be examined and evaluated by the airport if / when it is appropriate to address the airport's plans.

Additional FDOT Comment: Response noted. FDOT has no further comments.

5. **District Four recommends that the transportation methodology consider the role public transportation can play in serving trip needs generated by and attracted to the SHSP site, particularly for individuals and households in the Glades area without automobiles. There are two existing services - the Clewiston to Belle Glade Community Bus Route and the Belle Glade Express. These services are linked to Palm Tran fixed route bus service.**

Applicant Response: Noted.

Additional FDOT Comment: Response noted. FDOT has no further comments.

6. **District Four concurs that detailed analysis of traffic impacts beyond 2035 is not necessary at this point and that assuming 30% of the total land use allocation is developable within a 20-year study horizon is reasonable. However, the Department recommends that total trip generation for the SHSP beyond 2035 be estimated to get a better understanding of the build-out magnitude. That estimate would not necessarily be for traffic impact analyses or associated mitigation. The Department also recommends that an estimate be provided of the portion of the total trip generation through build-out that is expected to remain internal to the SHSP given its mix of uses. The SHSP should include a grid of minor arterial and collector roadways and local streets to accommodate internal / local trips and reduce impacts to the State Highway System (SHS). A well-designed grid roadway / street network could minimize the addition of side-street or driveway connections to the SHS, thereby optimizing traffic operations by minimizing the number of conflict points. The SHS should be planned to move traffic and freight to and from the SHSP site as viewed from local and regional scales. Another consideration is accounting for variability in impacts depending on how development on the SHSP site is phased / proceeds. The proposed Warehousing / Industrial uses, for example, could impact transportation facilities connecting the SHSP site to Port Miami, Port Everglades, the Port of Palm Beach, Port Manatee, and the Port of Tampa. Such variability should be recognized in establishing**

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study areas for the more detailed traffic analyses that will be part of development of Detailed Specific Area Plans (DSAPs).

Applicant Response: The SHSP analysis will be conducted for the 2035 horizon. Analysis beyond the current planning horizon will be conducted at the appropriate time in the future when the planning horizon is extended or as the SHSP approaches the limits of the development program analyzed. The SHSP will include Goals and Policies with respect to an integrated interconnected transportation network to support the proposed plan through the planning horizon. Detailed specific area plans will undergo the required analysis and review at the appropriate time as required in Florida Statutes.

Additional FDOT Comment: The Department has staff available, and anticipates participation in the review of the SHSP Comprehensive Plan Amendment, and encourages Hendry County to include the FDOT as part of its review team for DSAPs.

7. **A number of these recommendations relate to preparation of the general principles and guidelines for the SHSP long-term master plan that are to be used to establish each modal component intended to optimize mobility, create quality communities of a design that promotes travel by multiple transportation modes, etc.**

Applicant Response: Comment noted.

Additional FDOT Comment: Response noted. This item is addressed in comment #6. FDOT has no further comments.

8. **Despite the lack of an identified role for FDOT in Statutes regarding DSAPs, will Hendry County be engaging District One as DSAPs for the SHSP are developed and reviewed, particularly the part involving detailed identification of the transportation facilities to serve the future land uses? If not, will expectations involving detailed identification of the transportation facilities be set in guidelines in the long-term master plan for the SHSP? Is Hendry County likely to seek District One assistance in monitoring approved DSAPs? District Four is available to assist at the DSAP stage as requested.**

Applicant Response: Hendry County and the applicant(s) will comply with Florida Statutes and Hendry County Code of Ordinances with regard to any DSAPs under the SHSP. If the County deems it necessary to consult FDOT for assistance in monitoring the DSAPs, the County will do so.

Additional FDOT Comment: Response noted. This item is addressed in comment #6. FDOT has no further comments.

Additional Comments – Transportation Analysis Methodology (April 30, 2014)

1. **A single acreage total for the SHSP should be used consistently. It is indicated under the “Introduction” (page 1 of 6) in the SHSP Transportation Analysis Methodology dated April 30, 2014, that the “The planning area encompasses a total of ±43,366 acres.” However, it is indicated in Attachment 1, Sugar Hill Sector Plan Framework Map, that the cumulative development plan is 43,313 acres.**

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2. Transportation Network (Needs Plans): References to the Hendry County Long Range Transportation Plan (LRTP) and Glades County LRTP should be deleted from this section.
3. The Study Roadway Characteristics Table in Attachment 2 indicates that the roadway segment of SR 29 from US 27 to CR 846 is a Non-SIS roadway facility. SR 29 is a SIS roadway facility from US 27 to SR 80, and is an Emerging SIS facility from SR 80 to CR 846.
4. Study Roadway Characteristics Table in Attachment 2: The service volumes need to be reviewed to make sure that they correspond to the 2035 area type. For example, the daily service volume at LOS Standard "D" for SR 80 from Cowboy Way to Birchwood Parkway should be 24,200 instead of 23,100 since the 2035 area type is urbanized. Similarly, the corresponding peak hour peak direction service volume at LOS "D" from Cowboy Way to Birchwood Parkway should be 1,190 instead of 1,200.

If you have any questions or need further clarification, please free to me at (863) 519-2395 or bob.crawley@dot.state.fl.us.

Sincerely,



Bob Crawley
District Transportation Modeling Coordinator
FDOT District One

CC: Scott Rogers, Florida Department of Economic Opportunity
Brenda Winningham, Florida Department of Economic Opportunity
Lawrence Massey, Florida Department of Transportation, District One
Lois Bush, Florida Department of Transportation, District Four

BC-BA-JG-DM

October 3, 2014

Mr. Ray Eubanks, Plans Processing Administrator
Division of Community Development
Department of Economic Opportunity
107 East Madison Street, MSC 160
Tallahassee, FL 32399

**Re: Hendry County 14-3SP Proposed Comprehensive Plan Amendment State
Coordinated Review**

Dear Mr. Eubanks:

The Department of Environmental Protection (Department) has reviewed the above-referenced proposed comprehensive plan amendment in accordance with the provisions of Chapter 163, Florida Statutes (F.S.). The proposed development sits squarely within the Everglades ecosystem, an internationally recognized environmental treasure and the focus of historic restoration efforts by this administration, including the Governor's \$880 million water quality plan. The Department, in partnership with the South Florida Water Management District (SFWMD) and local and federal stakeholders, is expeditiously moving forward with efforts to increase water storage to protect our estuaries and is seeking final approval and funding for the Central Everglades Planning Project to send more water south to Everglades National Park.

As such, the Department's review of the proposed sector plan focused on potential impacts to Everglades restoration efforts, and also included the review of any potential impacts to: air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interests in lands, including state parks, greenways and trails and conservation easements; solid waste; and water and wastewater treatment.

Based on this review, the proposed Hendry County 14-3SP comprehensive plan amendment does not adequately protect against adverse impacts to important state resources, including the Florida Everglades. The proposal does not include adequate information to analyze potential impacts to the surrounding environment. Additionally, the plan amendment, as drafted, impacts the state's option to purchase certain United States Sugar Corporation, SBG Farms Inc. and Southern Gardens Groves Corporation properties. As such, the plan does not meet the requirements of Sections 163.3177 and 163.3245, F.S., and therefore should not be approved.

The Department submits the following, more detailed comments and recommendations to assist your agency in developing the state's response to the proposed amendments.

PROPOSED AMENDMENT

The proposed Sugar Hill Sector Plan (SHSP) consists of 43,313 acres located in northeast Hendry County. The subject properties are adjacent to the Airglades International Airport and the City of Clewiston, and border on the Glades County line. The sector plan proposal includes the following six land use categories: Employment Center (10,522 acres); Mixed-Use Urban (1,688 acres); Mixed-Use Suburban (7,779 acres); Rural Estates (8,506 acres); Natural Resource Management (overlay amount not quantified); and Long-Term Agriculture (14,818 acres). The SHSP proposes a long-term (2060) planning horizon for the development of 18,000 residential units and 25 million square feet of non-residential uses. All of the goals, objectives and policies in the amendment package are provided to guide development within the sector plan.

LACK OF GUIDANCE IN GOALS, OBJECTIVES AND POLICIES

In conformance with Section 163.3245, F.S., the sector plan process must include (1) adoption of a long-term master plan for the entire subject area as part of the comprehensive plan, and (2) the subsequent adoption by local development order of two or more detailed specific area plans (DSAPs) that implement the long-term master plan. Additionally, data and analysis within the sector plan must identify regionally-significant natural resources within the planning area and set forth the procedures for their protection. The Department has reviewed the long-term master plan for the SHSP and determined that the goals, objectives and policies do not provide sufficient guidance or predictable standards for the development of future DSAPs. Therefore, the Department cannot determine whether implementation of the SHSP will result in adverse impacts to the Everglades ecosystem, an important regional and state resource. The Department provides comments on the following proposed SHSP policies (*italicized*).

Policy 3.2.5 Urban Form

DSAPs within the Sugar Hill Sector Plan Area will be designed to include, where appropriate and fiscally efficient, the following:

- A hierarchy of places intended to create compact nodes of activity at appropriate locations, with adequate infrastructure to serve the development, while directing higher intensity development away from environmentally sensitive areas;*
- An efficient land use pattern that encourages internal capture and travel by multiple transportation nodes...;*
- Residential neighborhoods that provide a broad range of housing options...;*
- Parks, schools and other public services located within easy access to housing;*
- Development of balanced communities...;*
- Opportunities for a range of educational facilities...*

Although the Framework Map depicts the general location of the six land uses, it does not meet the requirements of Subsection 163.3245(3)(a)(1), F.S., which requires the sector plan to include

the general framework for development patterns within the different land uses, including graphic illustrations based on a hierarchy of places and functional place-making components. Instead, Policy 3.2.5 requires the development pattern and hierarchy of places to be located where appropriate and fiscally efficient within the DSAP. Neither the policy, nor the framework map, provides sufficient guidance to predict the form or location of urban development within the DSAPs. Undefined terminology within this policy includes “where appropriate and fiscally efficient,” “adequate infrastructure,” “broad range of housing options,” “range of facilities” and “balanced communities.”

Objective 3.5 *Public Facilities and associated Policies 3.5.2, 3.5.3 and 3.5.4.*

Objective 3.5: Ensure the provision of adequate public facilities to address the needs and impacts of the DSAPs within the SHSP.

The County’s associated policies require that DSAP analysis include an inventory of existing facilities to determine whether amendments will be needed in the Capital Improvements and other elements of the Hendry County comprehensive plan to serve development within the DSAP. The policies also require DSAPs to include analysis for appropriate and fiscally efficient delivery of sanitary facilities. The policies do not indicate which land uses, densities, intensities or development types within the sector plan or DSAPs will be required to connect to central sewer and/or central water. Due to the absence of this threshold guidance, the Department cannot analyze what constitutes “appropriate and fiscally efficient” delivery of these facilities.

Policy 3.2.2 *Future Land Use Categories*

The Long-Term Agriculture (LA) Future Land Use Category identifies areas suitable for new and continued long-term agricultural and/or silvicultural activities, mitigation banking for water, wetlands and species, and related supporting uses regardless of intensity. Development within areas designated LA will be limited to agricultural, silviculture, and support uses and will occur in a manner that maintains the subject site’s viability for agricultural use. Residential uses within areas designated LA will be limited to property owner/manager and farm worker housing. Property owner or manager housing may occur at a maximum density of one (1) dwelling unit per 50 acres. Farm worker housing may occur at a maximum density of six (6) units per acre for single-family attached and detached homes/mobile homes/duplexes and ten (10) units per acre for multi-family projects where central potable water and wastewater systems are available...

The policy does not provide sufficient guidance to predict the location and amount of farm worker housing or the intensity of other support uses to be allowed within the Long-Term Agriculture land use category.

Objective 3.8 *Prior to the submittal of a DSAP in the SHSP, a clear and efficient process for the preparation, review and approval of DSAPs will be provided for the County to consider and adopt into the Land Development Code.*

This sector plan's policies should include basic criteria with meaningful and predictable standards for the preparation, review and approval of DSAPs. DSAPs should be designed to implement the general framework laid forth by the SHSP. Guidance for the inclusion of this process in the sector plan can be found in Section 163.3245, F.S. The County can also refer to sector plans it has previously submitted or those submitted by local governments in the region.

LACK OF ANALYSIS OF POTENTIAL IMPACTS TO EVERGLADES RESTORATION INITIATIVES

The Department is committed to successfully restoring Florida's Everglades and maintaining the health and viability of the interconnected waterways and ecosystems that impact this national treasure. By working with federal, state and local partners, the Department has designed a series of projects aimed at reducing pollutants to improve water quality and restoring the hydrology and ecology of south Florida's waterways which extend from the Kissimmee Chain of Lakes, to Lake Okeechobee, through the Everglades and on to the waters of the Florida Bay – covering 18,000 square miles. Restoration plans in the region are complex, balancing the immediate need to reestablish water quality throughout the ecosystem with the competing objectives of flood control as well as water supply critical to south Florida's population centers.

The sector plan impacts Everglades restoration and does not analyze these impacts or provide for mitigation. In 2010, the SFWMD executed the Second Amended and Restated Agreement for Sale and Purchase (Agreement) with the United States Sugar Corporation, SBG Farms, Inc. and Southern Gardens Groves Corporation. The Agreement included options to purchase up to 153,209 acres to be used for Everglades ecosystem restoration. The Agreement provides SFWMD multiple options – including options to purchase various portions of the property – with the last option to purchase the property expiring in 2020. It appears that a substantial portion of this option acreage overlaps with the proposed development area. Questions, therefore, arise regarding the compatibility of the SHSP land uses with potential important conservation and restoration plans on this overlapping acreage. This omission alone, the failure to analyze clearly identified and potentially inconsistent conservation uses of the property, results in the SHSP not meeting the requirements of Subsection 163.3245(3)(a)(5), F.S. Accordingly, approval of the SHSP is premature, without the applicant and the County recognizing the potentially incompatible conservation use, analysis of how the proposal may be changed or altered should SFWMD choose to exercise its option and projected alternative plans given each of those scenarios.

In conclusion, based on the information and analysis submitted, the Department has determined that the proposed Hendry County 14-3SP comprehensive plan amendment does not adequately protect against adverse impacts to Everglades restoration and other important state resources, and

therefore is inconsistent with the requirements of Sections 163.3177 and 163.3245, F.S. As such, based on the above analysis, the Department objects to the proposed Sugar Hill Sector Plan. If you have any questions or need additional information, please contact me at (850) 245-2172.

Sincerely,

A handwritten signature in cursive script, reading "Suzanne E. Ray". The signature is written in dark ink on a light background.

Suzanne E. Ray, AICP, LEED AP
Office of Intergovernmental Programs

cc: Natalie Schneider, South Florida Water Management District

October 3, 2014

Ray Eubanks
Plan Review and Processing Administrator
Florida Department of Economic Opportunity
Bureau of Community Planning
Caldwell Building
Tallahassee, FL 32399-4120
DCPexternalagencycomments@deo.myflorida.com

Re: Hendry County 14-3 SP, Sugar Hill Sector Plan, Hendry County SEPL 14-0001

Dear Mr. Eubanks:

Florida Fish and Wildlife Conservation Commission (FWC) staff has reviewed the above-referenced proposed comprehensive plan amendment for consistency with applicable provisions of Chapter 163, Florida Statutes. The proposed development is within the area of the Everglades ecosystem southwest of Lake Okeechobee. The Everglades ecosystem is internationally recognized for its unique collection of flora and fauna. Some 67 species within the ecosystem are on the federal threatened or endangered species lists, including the Florida Panther that has become a symbol of this unique natural treasure. It is with this in mind that we reviewed the proposed plan and now raise objections to the proposal as submitted.

In summary, the proposed Sugar Hill Sector Plan does not adequately address potential impacts to important state fish and wildlife, including the Florida Panther. The plan does not identify lands for conservation with the specificity needed to analyze the impacts to wildlife or identify areas appropriate for mitigative measures such as wildlife crossings, signage, and speed control measures. Furthermore, the proposal does not include a plan to coordinate with FWC to ensure potential impacts to fish and wildlife resources are avoided, minimized, or mitigated. As such, we object to the approval of the proposed plan without these issues being adequately addressed.

We provide the following additional and more detailed comments for your consideration in accordance with section 163.3184(3)(b), Florida Statutes.

Project Description

The proposed comprehensive plan amendment identifies approximately 43,000 acres known as the Sugar Hill Sector Plan (SHSP) located immediately south of the Glades County line and immediately west of the City of Clewiston and C.R. 835. The western boundary is located along both sides of C.R. 833 and the SHSP is generally bound by the Montura Ranch Estates community on the south. The acreage included as part of the SHSP consists primarily of active agriculture, including approximately 30,000 acres of sugar cane fields and 7,850 acres of active citrus. The remaining acreage consists of other agricultural uses, canals, and isolated wetlands.

The current SHSP proposal includes 14,818 acres of designated as Long-term Agriculture, 10,522 acres designated as an Economic Center, 1,688 acres of Mixed-Use area, 7,779 acres of Mixed Suburban use, and 8,506 acres of Rural Estates. The area designated as an Economic Center is intended to serve the privatization and expansion of the existing Airglades Airport and to relieve cargo from the Miami International Airport. The remaining uses are intended to support the workforce associated with the Economic Center or to remain in some form of agricultural use, including the Rural Estates designation, which will include provisions for agriculture and conservation, and the Natural Resources Management areas, which allow silvicultural practices associated with enhancement.

Potentially Affect Resources

State and federally listed species or their habitats have been identified onsite, including the federally threatened Audubon's crested caracara (*Polyborus plancus audubonii*) and Eastern indigo snake (*Drymarchon corais couperii*), and the federally endangered Florida panther (*Pumas concolor coryi*). The western one-third of the property is located within the secondary zone for the Florida panther and panther usage of the property is evident from radio-telemetry data collected from collared panthers. There have been two instances of panther roadway mortality within one mile of the project area, one on U.S. 27 and one on S.R. 80.

Comments

The SHSP outlines policies and objectives to guide planning and development during the Detailed Specific Area Plan (DSAP) process. Objective 3.4: *Environmental Resources and Open Space* states that the SHSP will "Identify and protect regionally significant natural resources through the creation of an interconnected open space network within the Sugar Hill Sector Plan area where appropriate and fiscally efficient." The subsequent policy provides a commitment to consult FWC databases during preparation of the DSAP application, conduct field surveys, and protect natural resources consistent with state regulations. As stated above, telemetry data and mortality data suggest that portions of the property have the potential to support movement of wildlife species, including the Florida panther. Areas proposed for Rural Estate and forested wetland systems associated with the Natural Resource Management likely support panther usage and movement. The Rural Estate designation includes provisions for some agricultural usage, such as the keeping of livestock, and the Natural Resource Management areas include use by residents for passive recreation, including pedestrian trails and wildlife viewing areas. The combination of the proposed land uses and existing wildlife usage may increase the possibility for negative human-wildlife interactions and property damage. The objective also identifies creation of an interconnected open space network. Because of panther roadkills along U.S. 27 and S.R. 80 and the potential for increased traffic along both S.R. 80 and C.R. 833, the areas identified for the open space network may be appropriate for supporting panther movement through the property.

Because of the above-identified wildlife usage of the property and the potential for human-wildlife interactions, we recommend Policies 3.4.1 and 3.4.2 be revised to account for potential impacts to important state fish and wildlife resources. The policy should include a commitment to coordinate with FWC staff through pre-

application meetings to address potential fish and wildlife resource issues prior to submittal of the DSAP application. The policy should also specify that prior to DSAP adoption, Hendry County will develop a policy outlining the process for coordination with FWC to ensure that potential impacts to fish and wildlife resources are avoided, minimized, or mitigated. Having the ability to identify important natural resource concerns during DSAP planning will allow both FWC and the applicant to develop mutually agreed upon solutions to fish and wildlife resource concerns that cannot be identified at the policy and objective level.

Coordination with FWC staff during DSAP development will be essential in identifying areas of highest wildlife usage, identifying areas appropriate for maintaining habitat and open space connections, ensuring wildlife using the property can continue to move through the property, and ensuring the appropriate mechanisms are in place for educating residents on living with panthers and black bears. Through participation in the DSAP application development, FWC staff can also examine the internal roadway network as well as the existing roadways to identify areas appropriate for mitigative measures such as wildlife crossings, signage, and speed control measures. Appropriate protective measures and appropriate locations for habitat connections and wildlife movement cannot be determined at this time. Including a policy to ensure FWC staff participation in DSAP development will be necessary to adequately protect fish and wildlife resources, to ensure continued wildlife movement through the property, and to reduce the possibility of negative human-wildlife interactions.

In conclusion, we appreciate the opportunity to review the Sugar Hill Sector Plan and participate in this planning process. Again, after thoughtful analysis of the proposal, we object to the approval of the proposed plan based on potential impacts to important state fish and wildlife and cannot fully analyze certain impacts with additional information. If you would like to coordinate further, please do not hesitate to contact Jane Chabre either by phone at (850) 410-5367 or at FWCConservationPlanningServices@MyFWC.com. If you have specific technical questions regarding the content of this letter, please contact Jennifer Goff at (850) 617- 9380 or by email at Jennifer.Goff@MyFWC.com.

Sincerely,



Nick Wiley,
Executive Director

NW/jdg

cc: Darrell Land, Florida Fish and Wildlife Conservation Commission,
Darrell.Land@myfwc.com
Shane Parker, Hendry County Director of Public Works,
SParker@hendryfla.net
Brenda Winningham, Florida Department of Economic Opportunity,
Brenda.Winningham@deo.myflorida.com



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

October 3, 2014

Ray Eubanks, Plan Processing Administrator
 State Land Planning Agency
 Caldwell Building
 107 East Madison, MSC-160
 Tallahassee, Florida 32399

**Subject: Hendry County, DEO #14-3SP
 Comments on Proposed Comprehensive Plan Amendment Package**

Dear Mr. Eubanks:

The South Florida Water Management District (District) has completed its review of the proposed amendment package submitted by Hendry County (County) that includes the proposed Sugar Hill Sector Plan (Sector Plan). The proposal is located near the southwestern border of Lake Okeechobee and within the general area of the Florida Everglades that is the focus of the State's efforts to construct projects to improve water quality and flow for this unique ecosystem. In fact, a portion of the lands within the proposed Sector Plan have been identified as having potential for future Everglades restoration projects. The District has therefore carefully analyzed the proposal for impacts to Governor Rick Scott's historic efforts to restore the Everglades.

Based on this review, the District recommends against approving the proposed Sector Plan as it does not provide sufficient information to show that future Everglades restoration efforts will not be harmed. The following overarching policy issues outline some of the District's areas of concern and additional comments are attached.

Flood Protection

The Sugar Hill Sector Plan anticipates urban development in a region where stormwater and drainage systems have been designed for agriculture. Policies and the associated data and analysis on how the transition in levels of flood protection and drainage is to occur should be included in the Sector Plan's Long-term Master Plan.

The US Army Corps of Engineers is currently conducting a risk analysis of the Herbert Hoover Dike. The Sector Plan Long-term Master Plan should include a discussion of this effort. General policies setting forth procedures to be used to incorporate the outcome of this analysis into development efforts should be included in the Sector Plan Long-term Master Plan.

Pollutant Loading Differences from Changes in Land Uses

Patterns, profiles, and timing of pollutant loading will change as land uses anticipated in the Sector Plan evolve over time. The Sector Plan does not adequately address this and should provide general policies setting forth procedures to be used to mitigate impacts.

Irrigation Sources

Proposed sources of irrigation water for the Recreational/Open Space and Residential lands are reclaimed water supplemented by water from wells, canals, and lakes. The Sector Plan does not indicate expected irrigation needs associated with industrial, office, commercial, or public

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land uses so the impact of irrigating these areas is unknown. The Sector Plan Long-term Master Plan should include a discussion of the constraints on water supply in the Lake Okeechobee Service Area including potential reallocation of terminated base condition water use, if Lake Okeechobee is a proposed source. Please include policies setting forth procedures to be used to mitigate impacts in the Sector Plan's Long-term Master Plan.

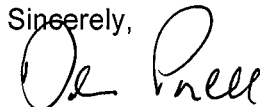
Ecosystem Restoration

The Environmental Analysis section (Supplement A7, pg. 1, August 26, 2014 Submittal Package) states both, "There are no proposed acquisition areas within this portion of Hendry County. This attests to the lack of environmental sensitivity and regional significance of these lands..." and last paragraph on page 5 of this section, "It should be noted that none of the acquisition areas include the portions of Hendry County that are the subject of the Sugar Hill Sector Plan."

- These statements should be revised to reflect the District's two purchase options which include a portion of the lands identified within the Sugar Hill Sector Plan. While no project is currently in the planning stage, it is possible a portion of these properties could be used for restoration. The portion of the Initial Non-Exclusive Option that falls within the boundaries of the Sector Plan is comprised of approximately 13,272 acres and expires October 2015; the portion of the Entire Option Property Non-Exclusive Option is comprised of approximately 19,494 acres and expires October 2020. The Sector Plan language should be revised to reflect these agreements.

In closing, the District has several objections to the proposed Sector Plan, including potential impacts to Everglades restoration efforts. Please find attached more detailed recommendations and technical guidance. The District offers its technical assistance to the County and the Department of Economic Opportunity in developing sound, sustainable solutions to meet the County's future water supply needs and to protect the region's water resources. Please forward a copy of adopted amendments to the District. For assistance or additional information, please contact Natalie Schneider, Supervising Planner, at (561) 682-2545 or nschneid@sfwmd.gov.

Sincerely,



Dean Powell
Water Supply Bureau Chief

DP/ns

c: Blake Guillory, SFWMD
Terrie Bates, SFWMD
Natalie Schneider, SFWMD
Charles Chapman, Hendry County
Kathy Hattaway Bengochea, HCI Planning
Shane Parker, Hendry County
Suzanne E. Ray, DEP
Brenda Winningham, DEO
Margaret Wuerstle, SWFRPC

Attachment: Recommendations and Technical Guidance for Hendry County, DEO #14-3SP

Attachment: Recommendations and Technical Guidance for Hendry County, DEO #14-3SP

Coordination with the District

- Objective 3.7, Intergovernmental Coordination, states Hendry County (County) will coordinate with local, state, and regional governments as required by the appropriate goals, objectives, and policies of the County's Comprehensive Plan for extra-jurisdictional impacts. However, no policies have been included to address how intergovernmental coordination will be facilitated and no specific goals, objectives, and policies in the County's Comprehensive Plan have been identified to address extra-jurisdictional impacts. A policy or policies should be included to identify specific actions or activities to address how intergovernmental coordination will be facilitated for extra-jurisdictional impacts.

Flood Protection and Floodplain Management

- The Sugar Hill Sector Plan (Sector Plan) anticipates urban development in a region where stormwater and drainage systems have been designed for agriculture. Policies and the associated data and analysis on how the transition in levels of flood protection and drainage is to occur should be included in the Sector Plan's Long-term Master Plan.
- The US Army Corps of Engineers is currently conducting a risk analysis of the Herbert Hoover Dike. The Sector Plan Long-term Master Plan should include a discussion of this effort. General policies setting forth procedures to be used to incorporate the outcome of this analysis into development efforts should be included in the Sector Plan Long-term Master Plan.
- Much of the land identified in the Sector Plan Long-term Master Plan is in designated flood zones (A, AE, AH); this condition is not addressed in the text or policies. Definitions of these FEMA Flood Zones should be included with the Flood Hazard Map in the Long-term Master Plan and general policies setting forth procedures to be used to mitigate impacts should be included as well.
- Please include a drainage map showing the stormwater flow patterns and a discussion of anticipated changes in pollutants and pollutant loads that might be associated with stormwater runoff from developed lands versus agricultural lands. General policies setting forth procedures to be used to mitigate impacts should be included in the Sector Plan's Long-term Master Plan.

Wetlands and Other Surface Waters

- Patterns, profiles, and timing of pollutant loading will change as land uses anticipated in the Sector Plan evolve over time. The Sector Plan does not adequately address this and should provide general policies setting forth procedures to be used to mitigate impacts.
- Policy 3.4.1, Conservation of Wetlands and Regionally Significant Natural Resources, states Detailed Specific Area Plan (DSAP) applications will include a delineation of wetlands and natural water bodies within the DSAP area. However, the policy does not specifically state coordination with the District, only that protection of wetlands will generally occur in the Natural Resource Management (NRM) Areas and in a manner consistent with the County's Comprehensive Plan Conservation Element and federal, regional, and state regulations. The policy should be revised to specifically address how coordination activities will be undertaken with the South Florida Water Management District (District) and other applicable agencies.
- Pending amendments to Chapter 40E-61 F.A.C. pertaining to the implementation of BMPs in the Caloosahatchee River watershed, as established by the Northern

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Everglades and Estuaries Protection Program (NEEPP), render it critical that an evaluation of any and all proposed land use changes as they potentially affect pollutant loading in that watershed is included in the Sector Plan Long-term Master Plan.

- Lands currently permitted under Chapters 40E-61 and 40E-63 jurisdictions that lie within the Sector Plan development area will require permit modifications under the Works of the District permitting programs where land use changes will occur as a result of the Sector Plan development.
- Future permit applications for DSAPs located within the jurisdictions of the 40E-61 and 40E-63 rules will require integrated review among the ERP, water use, and Works of the District programs. Specifically, land use changes affecting drainage, hydrology, and pollutant loading will have to be addressed by the Works of the District program. Future scoping meetings with the District should include representatives of the Works of the District permitting programs.
- The NEEPP (Section 373.4595, F.S.) mandates a Pollutant Control Program be implemented that includes regulatory Best Management Programs such as the State's ERP Program. Future proposed DSAPs and/or projects within the Sector Plan should be reviewed through the appropriate BMP Program.

Water Supply

General water supply comments:

- The District's Governing Board approved the Lower West Coast (LWC) Regional Water Supply Plan (RWSP) Update on November 15, 2012. Pursuant to Section 163.3177(6)(c)3, F.S., the County's Water Supply Facilities (Work Plan) should have been adopted and transmitted to the District by May 2014. The Work Plan needs to include updated water demand and population projections for the identified planning period and also identify any water supply projects needed to meet projected demands. The Sector Plan Long-term Master Plan should use more up-to-date information available and rely on the most recent LWC RWSP for population projections and water demand projections. Further information on updating Work Plans is available at: www.sfwmd.gov/work_plan_support.
- For the NRM Areas, revise Map C-2 - Proposed Future Land Use, to depict the areas to be designated as this land use category. Include in the data and analysis for NRM Areas the total acreage amount of the NRM Areas and water projections and needs.
- Under Objective 3.5, please include policies addressing water supply development projects and water conservation measures needed to meet the projected demand of the future land uses.

Potable Water

Potable water demands are being proposed to be met from the Upper Floridan aquifer. Within this region of the County, there are limited available freshwater sources. The water quality of the Upper Floridan aquifer in the Sector Plan area is expected to have chloride concentrations of 1,000 mg/L or greater. As a result, a reverse osmosis treatment process will be required and proper disposal of the brine will be necessary. The Upper Floridan aquifer is the same withdrawal source as used by the Clewiston Water Treatment Plant (Water Use Permit 26-00769-W). The potable water demands for the Sector Plan were estimated based on a population of 48,600 people at 125 gallons per person per day (6.08 MGD) and on non-residential (commercial/industrial) square footage of 25,000,000 at 0.15 gallons per day (3.75 MGD).

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- The potential for degradation of the Upper Floridan aquifer water quality will need to be considered and general policies setting forth procedures to be used to mitigate impacts should be included in the Sector Plan's Long-term Master Plan.
- The overlapping of drawdown contours of the Upper Floridan aquifer existing legal users may be expected and should be considered when designing the wellfield.

Irrigation

The use of reclaimed water is being proposed. It is stated that reclaimed water may provide the majority of irrigation water for the site with supplemental water from wells, canals and lakes. It was estimated that 5,285 acres in the land use categories may have irrigation requirements and a bulk estimate of 25% of this acreage was calculated to require irrigation (1,390 acres).

- Please clarify how the irrigation water demands were derived; the overall estimated irrigated acreage of 1,390 acres maybe a low estimate within the proposed 43,000 acre site.
- Proposed sources of irrigation water for the Recreational/Open Space and Residential lands are reclaimed water supplemented by water from wells, canals, and lakes. The Sector Plan does not indicate expected irrigation needs associated with industrial, office, commercial, or public land uses so the impact of irrigating these areas is unknown. The Sector Plan Long-term Master Plan should include a discussion of the constraints on water supply in the Lake Okeechobee Service Area including potential reallocation of terminated base condition water use, if Lake Okeechobee is a proposed source. Please include policies setting forth procedures to be used to mitigate impacts in the Sector Plan's Long-term Master Plan.
- The District supports the use of reclaimed water to the maximum extent feasible.

In an effort to foster water supply planning coordination, the District suggests the inclusion of two policies into the proposed Sector Plan goals, objectives, and policies. These policies are intended to facilitate coordination among the District, the County, and DSAP applicants:

- Policy: Future DSAP applicants are informed that the South Florida Water Management District (SFWMD) is responsible for reviewing and issuing permits and/or approvals associated with water supply, the Water Supply Facilities Work Plan, and environmental resources. Early coordination between the applicant and the SFWMD will help identify potential issues, facilitate permit review, and may identify cost effective solutions early in the planning process. Hendry County shall encourage DSAP applicants to coordinate as early as possible with the SFWMD to identify issues potentially affecting permit review and the Water Supply Facilities Work Plan.
- Policy: To facilitate increased coordination, Hendry County will provide the South Florida Water Management District with a courtesy copy, or digital access to submitted DSAP applications, for informational purposes.

Permitting Technical Assistance

It appears the site is located within two Diversion and Impoundment Water Use Permits (D&I) [Sugarland Drainage District (WU Permit 26-00138-W) and the Flaghole Drainage District (WU Permit 26-00139-W)]. The individual agricultural projects located within these two D&I permits do not have their own permits and the source of water is from the C-43 Canal which is a restricted source within a "Restricted Allocation Area".

- Modification of these two D&Is (currently serving agricultural drainage and irrigation) will be required in order to include the addition of the new use classes within the site.

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- The D&I permits will need to be modified to terminate the agricultural water use demands as development occurs within the site and there will be a need to determine if this terminated water will be made available for the other use classes within the site.
- There are concerns related with how the systems will be operated and managed. Specifically, a determination of how water levels be maintained in the primary canals and within the internal wetlands currently receiving the benefit of existing surface water elevations.

Ecosystem Restoration

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SWFRPC Committee Reports

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Agenda Item

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Budget & Finance Committee

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Committee

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Management Committee

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Committee

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