

1400 Colonial Blvd., Suite 1
Fort Myers, FL 33907



P: 239.938.1813 | F: 239.938.1817
www.swfrpc.org

COUNCIL MEETING AGENDA

March 17, 2016

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

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

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- g) Quality of Life & Safety Committee – **Mayor Willie Shaw**
- h) Regional Transportation Committee – **Ms. Margaret Wuerstle**
- i) Interlocal Agreement/Future of the SWFRPC Committee –
Councilman Jim Burch
- j) Water Quality and Water Resources Management- **Vice Mayor Mick Denham**
- Presentation- **Mayor Phillip Roland**

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NEXT SWFRPC MEETING DATE: APRIL 21, 2016

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

OFFICERS

Mr. Don McCormick, Chair

Councilman Jim Burch, Vice-Chair

Mr. Thomas Perry, Secretary

Councilman Forrest Banks, Treasurer

CHARLOTTE COUNTY

COLLIER COUNTY

Commissioner Tricia Duffy, Charlotte BCC

Commissioner Tim Nance, Collier BCC

Commissioner Ken Doherty, Charlotte BCC

Commissioner Penny Taylor, Collier BCC

Councilman Gary Wein, City of Punta Gorda

Councilwoman Teresa Heitmann, City of Naples

Mr. Donald McCormick, Governor Appointee

(City of Marco Island Vacancy)

Ms. Suzanne Graham, Governor Appointee

Mr. Robert "Bob" Mulhere, Governor Appointee

Mr. Alan D. Reynolds, Governor Appointee

GLADES COUNTY

HENDRY COUNTY

Commissioner Tim Stanley, Glades BCC

Commissioner Karson Turner, Hendry BCC

Commissioner Weston Pryor, Glades BCC

Commissioner Don Davis, Hendry BCC

Councilwoman Pat Lucas, City of Moore Haven

Commissioner Sherida Ridgill, City of Clewiston

Mr. Thomas Perry, Governor Appointee

Commissioner Julie Wilkins, City of LaBelle

Mr. Mel Karau, Governor Appointee

LEE COUNTY

SARASOTA COUNTY

Commissioner Frank Mann, Lee BCC

Commissioner Carolyn Mason, Sarasota BCC

Commissioner Cecil Pendergrass, Lee BCC

Commissioner Charles Hines, Sarasota BCC

Councilman Jim Burch, City of Cape Coral

Vice-Mayor Rhonda DiFranco, City of North Port

Councilman Forrest Banks, City of Fort Myers

Councilman Fred Fraize, City of Venice

Mayor Anita Cereceda, Town of Fort Myers Beach

Mayor Willie Shaw, City of Sarasota

Vice-Mayor Mick Denham, City of Sanibel

Mr. Felipe Colon, Governor Appointee

(City of Bonita Springs Vacancy)

(Governor Appointee Vacancy)

Ms. Laura Holquist, Governor Appointee

(Governor Appointee Vacancy)

EX-OFFICIO MEMBERS

Jon Iglehart, FDEP

Derek Burr, FDOT

Phil Flood, SFWMD

Melissa Dickens, SFWMD

STAFF

Margaret Wuerstle, Executive Director

Jennifer Pellechio, Deputy Director

Beth Nightingale, Legal Consultant

James Beever

Nichole Gwinnett

Rebekah Harp

Charles Kammerer

Timothy Walker

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL (SWFRPC) ACRONYMS

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

ADA - Application for Development Approval

ADA - Americans with Disabilities Act

AMDA -Application for Master Development Approval

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

BLID - Binding Letter of DRI Status

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

BLIVR -Binding Letter of Vested Rights Status

BPCC -Bicycle/Pedestrian Coordinating Committee

CAC - Citizens Advisory Committee

CAO - City/County Administrator Officers

CDBG - Community Development Block Grant

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

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

CHNEP - Charlotte Harbor National Estuary Program

CTC - Community Transportation Coordinator

CTD - Commission for the Transportation Disadvantaged

CUTR - Center for Urban Transportation Research

DEO - Department of Economic Opportunity

DEP - Department of Environmental Protection

DO - Development Order

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

EDA - Economic Development Administration

EDC - Economic Development Coalition

EDD - Economic Development District

EPA – Environmental Protection Agency

FAC - Florida Association of Counties

FACTS - Florida Association of CTCs

FAR - Florida Administrative Register (formerly Florida Administrative Weekly)

FCTS - Florida Coordinated Transportation System

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

FDEA - Florida Department of Elder Affairs

FDLES - Florida Department of Labor and Employment Security

FDOT - Florida Department of Transportation

FHREDI - Florida Heartland Rural Economic Development Initiative

FIAM – Fiscal Impact Analysis Model

FLC - Florida League of Cities

FQD - Florida Quality Development

FRCA -Florida Regional Planning Councils Association

FTA - Florida Transit Association

IC&R - Intergovernmental Coordination and Review

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

JLCB - Joint Local Coordinating Boards of Glades & Hendry Counties

JPA - Joint Participation Agreement

JSA - Joint Service Area of Glades & Hendry Counties

LCB - Local Coordinating Board for the Transportation Disadvantaged

LEPC - Local Emergency Planning Committee

MOA - Memorandum of Agreement

MPO - Metropolitan Planning Organization

MPOAC - Metropolitan Planning Organization Advisory Council

MPOCAC - Metropolitan Planning Organization Citizens Advisory Committee

MPOTAC - Metropolitan Planning Organization Technical Advisory Committee

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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 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.

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Invocation

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--- Agenda --- Item

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Pledge of Allegiance

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Agenda Item

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Roll Call

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Public Comments

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Agenda Item

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Minutes

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**MINUTES OF THE
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
JANUARY 21, 2016 MEETING**

The meeting of the **Southwest Florida Regional Planning Council** was held on **January 21, 2016** at the new offices of the Southwest Florida Regional Planning Council - 1400 Colonial Boulevard, Suite #1 in Fort Myers, Florida. In the absence of Chair Bob Mulhere, Vice-Chair McCormick called the meeting to order at **9:09 AM. Mr. Perry** then led the invocation and the Pledge of Allegiance. Margaret Wuerstle conducted the roll call and noted that a quorum was present.

MEMBERS PRESENT

Charlotte County: Commissioner Tricia Duffy, Commissioner Ken Doherty, Councilman Gary Wein, Mr. Don McCormick, Ms. Suzanne Graham

Collier County: Commissioner Tim Nance, Commissioner Penny Taylor, Mr. Alan Reynolds

Glades County: Mr. Thomas Perry

Hendry County: Commissioner Karson Turner, Commissioner Don Davis, Commissioner Julie Wilkins, Mr. Mel Karau

Lee County: Commissioner Frank Mann, Commissioner Cecil Pendergrass, Councilman Forrest Banks, Councilman Jim Burch, Vice Mayor Mick Denham

Sarasota County: Commissioner Charles Hines, Commissioner Carolyn Mason, Mayor Rhonda DiFranco, Mayor Willie Shaw, Councilman Fred Fraize

Ex-Officio: Mr. Phil Flood - SFWMD, Mr. Terry Cerullo for Mr. Jon Iglehart -FDEP, Ms. Derek Burr- FDOT

MEMBERS ABSENT

Charlotte County: None

Collier County: Mr. Bob Mulhere, Councilwoman Teresa Heitmann

Glades County: Commissioner Weston Pryor, Councilwoman Pat Lucas, Commissioner Tim Stanley

Hendry County: Commissioner Sherida Ridgill

Lee County: Mayor AnitaCereceda, Ms. Laura Holquist

Sarasota County: Mr. Felipe Colón

Ex-Officio: Ms. Melissa Dickens – SWFWMD

Vice-Chair McCormick introduced the following new members to the Council:

1. Councilman Gary Wein, City of Punta Gorda
2. Councilman Fred Fraize, City of Venice
3. Ms. Derek Burr, FDOT-District One

AGENDA ITEM #6 ELECTION OF 2016 OFFICERS

Mr. Flood gave the Nominations Committee report. He noted that the Nominations Committee recommended the following slate of officers for 2016:

Chair – Don McCormick, Charlotte County Governor Appointee
 Vice-Chair – Councilman Jim Burch, City of Cape Coral
 Secretary – Tommy Perry, Glades County Governor Appointee
 Treasurer – Councilman Forrest Banks, City of Fort Myers

A motion was made by Commissioner Mann to close the nominations and Commissioner Davis seconded the motion. The motion passed unanimously.

A motion was made by Commissioner Mann to accept the Nominations Committee recommendations for the Council's 2016 Officers. The motion was seconded by Mr. Reynolds and passed unanimously.

AGENDA ITEM #7 MINUTES OF THE NOVEMBER 12, 2015 MEETING

A motion was made by Commissioner Nance to approve the minutes of the November 12, 2015 meeting as presented. The motion was seconded by Commissioner Davis and passed unanimously.

AGENDA ITEM #5 AGENDA

The agenda was approved as presented.

AGENDA ITEM #8 DIRECTOR'S REPORT

Ms. Wuerstle presented the Director's Report. She noted that the approximate cost of the move was \$88,000 including staff time. However, without time for staff the cost was approximately \$36,000.

Ms. Wuerstle announced that after the closing of the sale of the building, approximately \$215,000 was placed in the Council's Money Market account. She then announced that there will be a

Budget & Finance Committee scheduled before the next Council meeting. She noted that the Council is in a very strong position with its cash. She stated that additional line items had to be added to the budget for the move. There was already a line item for the building's loan. She explained that now that the building had been sold there will need to be some budget amendments made to reflect the recent changes.

Vice-Mayor Denham asked Ms. Wuerstle for confirmation that no funds are counted towards the budget until the funds are actually deposited within the Council's bank account. Ms. Wuerstle said that was correct.

Councilman Burch stated that approximately \$52,000 was spent on staff time for the move. He wanted to know if it would've been wiser to hire a mover. Ms. Wuerstle explained that a mover was hired, but staff still needed to pack their offices and the files and clean out closets etc. The issue is that when staff was moving the office their time wasn't able to be charged to billable hours. Staff is always very careful about non-billable hours.

Vice-Mayor Denham asked Ms. Wuerstle how long was the lease for the new location. Ms. Wuerstle said that a three year lease was signed.

Ms. Wuerstle explained that staff had done an extraordinary job in bringing everything together and she requested a 3% raise for staff. Mr. Karau asked Ms. Wuerstle what that request would total. Ms. Wuerstle explained that the total amount requested for the raises would be \$14,163.

A motion was made by Councilman Banks to approve a 3% raise for Council staff. The motion was seconded by Councilman Burch.

Councilman Burch explained that he had been to the new office location before everything was done and he was amazed at the difference in the short amount of time that staff had. He thanked staff for all of their efforts.

Commissioner Wilkins thanked staff and said that it is very hard to keep a business moving forward while also having to conduct a move.

Ms. Wuerstle noted that during the move staff had met all of their deliverables and there was approximately \$93,000 out in receivables.

The motion passed unanimously.

Ms. Wuerstle explained that she would like to research other banks and their fees to possibly move the Council's checking and credit card accounts to a different bank. She said that the Council is paying approximately \$400 per month in service fees with Bank of America. The Council's Money Market account is in Iberia Bank and she has requested a proposal from them. She then requested that the Council approve a resolution for the Council's accounts to be switched to Iberia Bank or another bank if proposals come out to be better than Bank of America. She also stated that she needs the Council's approval on giving signature authority to the Council's Executive Committee along with the executive director and deputy director.

A motion was made by Councilman Banks to approve the resolution authorizing the executive director to receive proposals from other banks and if needed move the Council's checking and credit card accounts from Bank of America and also the money market account if needed and also give signature authority to the Council's Executive Committee, the executive director and deputy director. The motion was seconded by Councilman Burch.

It was noted that staff shouldn't have had to go to Bank of America to ask if they could give the Council a better package, it should've been something automatic. Unless Bank of America offers a much better deal or an offer that is at least equal to what another bank offered; the Council should move to a bank that would be much more proactive in their customer support. Discussion ensued on the current bank services.

The motion passed unanimously.

Ms. Wuerstle announced that the Council, in conjunction with the City of Fort Myers and the City of Fort Myers Police Department, is hosting a Counter Terrorism Symposium on February 16 from 1 to 3 p.m. at the Harborside Event Center in Fort Myers.

Councilman Banks explained how everything got started with the symposium. He said that he had been working with the City of Fort Myers Police Chief who has been working with the FBI, FDLE, RSW Airport Police and TSA. He explained that now that a format was established, it could be taken and used in other parts of the region.

Discussion ensued on the purpose of having the symposium.

Ms. Wuerstle announced that FRCA's Policy Board meeting was scheduled for the following week. The Policy Board's by-laws state that there needs to be two elected officials and one governor appointee from each RPC appointed to the Policy Board. She noted that the SWFRPC had three governor appointees, so she requested that the Council appoint Councilman Jim Burch to the Policy Board which would make the SWFRPC in compliance with the bylaws. The Policy Board members from the SWFRPC would be:

1. Councilman Jim Burch
2. Councilman Forrest Banks
3. Mr. Tommy Perry

A motion was made by Commissioner Nance to appoint Councilman Jim Burch to the FRCA Policy Board. Commissioner Doherty seconded the motion and the motion passed unanimously.

Ms. Wuerstle announced that Ms. Pellechio had passed her exams and now holds Economic Development Certificate. She also announced that CREW was having a fundraiser on February 13, 2016 and that she had tickets available for the event.

AGENDA ITEM #9 STAFF SUMMARIES

This item was for information purposes only.

**AGENDA ITEM #10
CONSENT AGENDA**

A motion was made by Commissioner Doherty to approve the consent agenda as presented and then Councilman Burch seconded the motion. The motion passed unanimously.

**AGENDA ITEM #11
REGIONAL IMPACT**

Mr. Trescott presented the following items.

Mr. Reynolds announced that he would be abstaining from Items 11(a), (b) and (c).

**AGENDA ITEM #11(a)
Sarasota County Comprehensive Plan Amendment DEO 15-8ESR**

A motion was made by Mayor Shaw to approve staff's recommendation as presented. The motion was seconded by Mayor DiFranco and passed with Mr. Reynolds abstaining.

**AGENDA ITEM #11(b)
Palmer Ranch Increment IV NOPC**

A motion was made by Mayor Shaw to approve staff's recommendations as presented. The motion was seconded by Mayor DiFranco.

Vice-Mayor Denham asked what the ramifications would be if the Council decided to either not take any action on a DRI item and/or deny the recommended action. Mr. Trescott explained that in the past the Council has denied approximately 10 DRI projects. He said that the Council is still involved with the existing DRIs. If the Council denied a project, staff would work with DEO on the issues.

Mr. Trescott noted that he was just notified by the applicant that Agenda Item #11(a) was done in coordination with Agenda Item #11(b), so there needs to be a vote taken stating that the comprehensive plan amendment is acceptable for the Palmer Ranch IV change from MIC to multi-family/residential. He said that DRIs can do concurrent comprehensive plan amendments with their applications.

A motion was made by Mayor Shaw to approve the Palmer Ranch IV change from MIC to multi-family/residential as being consistent with the Sarasota County Comprehensive Plan Amendment. The motion was seconded by Mayor DiFranco and passed with Mr. Reynolds abstaining.

AGENDA ITEM #11(c)

Palmer Ranch Increment XXV Pre-app Checklist

A motion was made by Mayor Shaw to approve the questionnaire checklist as presented. The motion was seconded by Councilman Fraize and passed with Mr. Reynolds abstaining.

AGENDA ITEM #11(d) SPARC Early Adopters for Solar Ready Florida

Ms. Pellechio presented the item.

Councilman Burch asked Ms. Pellechio if she would give a presentation to the local jurisdictions. Ms. Pellechio replied that she would.

Vice-Mayor Denham noted that John McCabe at Ding Darling has done a tremendous amount of work with solar, with the assistance of RPC staff, and he would like to have John McCabe give a presentation to the Council on his efforts.

AGENDA ITEM #12 COMMITTEE REPORTS

AGENDA ITEM #12(a) Budget & Finance Committee

No report was given by the Committee at this time. The financial were discussed by Margaret Wuerstle under the Executive Director's report.

AGENDA ITEM #12(b) Economic Development Committee

Councilman Banks noted that there had been a turnover in Economic Development Directors throughout the region (Lee, Bonita Springs, Charlotte).

AGENDA ITEM #12(c) Energy & Climate Committee

No report was given at this time.

Commissioner Duffy noted that there is currently a large renewable energy project going on within Charlotte County with Babcock Ranch. Apparently, there are some bills (HB195 and SB172) being proposed within the legislature that would eliminate ad valorem taxes for renewable energy projects. She was notified that Florida Power and Light were opposed to the legislation because it would take revenue away from the counties.

Councilman Burch noted that there was a proposed bill to create a special district out of the Babcock Ranch project which would exempt them from any outside control.

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

Mr. Beever presented the item. He noted that at the ABM's February meeting, the election of officers will be held and also the 2016 Work Plan will be presented for approval. He announced that the next meeting is scheduled for the February 8, 2016.

AGENDA ITEM #12(e)
Executive Committee

No report was given at this time.

AGENDA ITEM #12(f)
Legislative Affairs Committee

Chair McCormick explained that the committee did not meet; however, there were three legislative issues brought before the Council at this time and he would like to open it up for discussion. He noted that Beth Nightingale had performed an analysis on HB191 and SB318 as described within the distributed handouts. The first issue was fracking and he suggested that the Council take a position and send a letter to the local legislative delegation asking them to be aware of the impact on home rule when adopting such proposed legislation.

Commissioner Nance stated that Collier County had very strongly endorsed home rule in regards to fracking. Collier County is one of the areas that is most directly affected and is likely to have a large number of wells in the future. The Collier County BCC strongly encouraged legislation to protect home rule and has been very strong in supporting home rule in Collier County. However, he is hesitant to state that the Collier County BCC is going to oppose the proposed legislation based on this development for the simple reason that they are very anxious to have the best possible legislation rulemaking passed as opposed to doing nothing.

Councilman Banks stated that everyone needs to remember that the overall goal is survival and he doesn't see how the RPC would be surviving by getting itself involved with this issue.

Councilman Burch stated that if the RPC was to address this issue of fracking, it would need to be very careful and to take it up based simply and strictly on home rule and not based on the philosophy that fracking is good or bad. It would be hard to determine how it would be perceived up in Tallahassee.

Commissioner Nance said that he agreed with Councilman Burch's comments because there has been many legislators that want to have the legislature control this issue, even in areas that have absolutely no interest or are not affected by the substance of the legislation.

Councilman Wein announced that the City of Punta Gorda decided that at their next city council meeting they will move forward with voting on one or two resolutions. One resolution will primarily address the home rule issue and the second resolution will address the enhanced oil recovery/fracking issue. He then pointed out, relative to Commissioner Nance's comments, that in Collier County and a couple of areas within Lee County the work of crude oil recovery already

exists and with the lower price of oil there is a question on how fast that would expand. He also noted there was a geological survey conducted by the State of Florida in 2009 which showed that the potential for oil deposits are far more reaching than just a few small crops that are sitting in both Collier and Lee Counties. As a result, as a region, there is a potential for more well fields.

Councilman Burch stated that it is a question on which governmental agencies take up the challenge.

Chair McCormick stated that the second issue, which also has to do with Home Rule, deals with setting election dates for cities. Commissioner Duffy stated that there is a whole list dealing with home rule up in the legislature. She also said that last year there was a whole anti- county and city climate.

Chair McCormick said that he doesn't see anyone wanting to make a motion to take any particular action. He then suggested drafting a letter of concern that is sent to the local legislative delegation stating that when they are moving forward with legislation to keep home rule in mind.

Commissioner Nance said that he would like to make a suggestion that these issues be considered by the Florida Association of Counties and Florida League of Cities that might be the best way for the municipalities and counties to directly engage in the issue. It may not be in the best interest of the Council to take any action on the issue. It would be more appropriate to have the issue go through those organizations instead of the Council.

Ms. Nightingale stated that it was her understanding that both the Florida League of Cities and Florida Association of Counties had taken the position of opposing that particular legislation.

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

Mayor Shaw gave the report. He noted that the committee had met immediately following the Council's November meeting.

Councilman Banks stated that the City of Fort Myers Interim City Manager and the Interim Police Chief had looked into the High Point concept. He noted that he had sent a letter to Mayor Shaw and also a note to Senator Benaquisto. Senator Benaquisto said that if he could come up with something strong that she could endorse and push it forward. He stated that he is now trying to figure out how to make the High Point program a State grant to help fund those cities within Florida that are having those type of issues.

Discussion ensued.

AGENDA ITEM #12(h) Regional Transportation Committee

No report was given at this time.

AGENDA ITEM #12(i)

Interlocal Agreement/Future of the SWFRPC Committee

Councilman Burch gave the report. He noted that while he was up in Tallahassee he went to see Senator Simpson. However, the senator wasn't available at that time so he met with his Director of Staff who said that it was his opinion that Senator Simpson was satisfied with what had been done as far as any weaknesses within the RPCs and that he really didn't have anything more that he was looking to do to the RPCs.

Councilman Burch said he felt the most striking comment the Senator's Director made was that he was still shocked that Ron Book and FRCA had not come up with a document that would allow the RPCs to exist in case someone within the legislature wanted the RPCs dissolved. He also said he thought there was a potential for a house bill to be drawn up to eliminate the RPCs. He then said he didn't know if it would come to fruition, but it is always a possibility, so the RPCs should protect themselves.

Councilman Burch explained that was exactly what he had been trying to get together with staff and the committee, so there would be a structure where it would allow the Council to continue on, even if the legislature eliminates the RPCs.

Vice-Mayor Denham asked Councilman Burch after his conversation with Senator Simpson's aide if he felt that the document that the committee had been working on should be revised in anyway. Councilman Burch said he didn't feel it needed to be revised because it covers everything that the Council does. He felt it would protect the SWFRPC if anything should ever come out of Tallahassee where the RPCs are eliminated. Vice-Mayor Denham suggested an amendment to the document where it listed the Council's funding streams, especially what each of the cities and counties pay. Councilman Burch agreed with Vice-Mayor Denham's suggestion.

Commissioner Nance commended Councilman Burch in his efforts to lead the Council forward. It is clear that we need regionalism because independently we do not have the critical mass that is needed to get things done. If the issues that are objectionable to the legislature are going to be eliminated, he felt that the Council can then have a purpose.

Commissioner Duffy also thanked Councilman Burch for his efforts. She then said that the Charlotte County BCC hasn't had a negative opinion of the Council. She felt that the Council serves an important function. She was unhappy with the outcome from the legislature. She said she believed that DRIs were the Council's main function; especially when at a recent workshop it was noted that there is a big development being proposed in DeSoto County, 3 miles or less from the Charlotte County line and the traffic impacts will be substantial. If DeSoto County was within the SWFRPC she would feel more comfortable.

Commissioner Pendergrass asked Commissioner Duffy if the issue with DeSoto County could be worked out through the MPO. Commissioner Duffy explained that DeSoto County isn't part of the Charlotte County MPO.

Councilman Burch stated that DeSoto County is part of the Central Florida RPC and he then said that the DRI process is going away and we are not going to be able to stop it. However, the Council can still be involved by having a city request that the Council make recommendations. He

suggested Charlotte County get together with both DeSoto County and the SWFRPC to have a brainstorming session and express the concerns on both sides having the Council being the intermediary.

Vice-Mayor Denham said that with the DRI process being eliminated he felt that there is reluctance between the cities and counties to talk with their neighbors and that needs to change and the Council is one way of doing that.

Commissioner Nance said that he felt that there is every reason to continue having discussions. However, if the RPCs are raising the ire of the governor and the leadership within the House and Senate then it is common sense to get away from it. He doesn't want to lose the other ancillary benefits because they are tremendous. He is willing to discuss what the cities and counties within the Council can do together, what we can be productive in, what it is going to take to keep the Council funded, etc. He said that he would like to capitalize on Councilman Burch's initiative and take it back to the Collier County BCC and explain how the Council is going to move forward.

AGENDA ITEM #14 STATE AGENCIES COMMENTS/REPORTS

SFWMD – Mr. Flood referred to Ms. Wuerstle's comments on CREW. He said CREW is a regionally significant watershed located within both Lee and Collier Counties, approximately 60,000 acres, owned by a consortium of public and private entities. At the last governing board meeting they awarded a \$2.9 million construction contract for a piece of property known as Southern CREW located within Bonita Springs at the end of Bonita Beach Road. It involves the hydrologic restoration of the head waters of the Imperial River that flow into Estero Bay. It is a significant project and is part of the Comprehensive Everglades Restoration, originally recommended as part of the Everglades Restoration Plan. It requires removal of roads, canals and also an old residential area that has been acquired over the past 10 years (approximately 4,000 acres). It will provide flood protection, recreational benefits, aquifer recharge, water supply, etc.

FDEP – Mr. Cerullo announced that Dr. Abdual Armadi, professional engineer had retired from DEP. Two years ago he was awarded the Special Engineer of Florida Award, which included both the public and private sector.

FDOT – Ms. Burr announced that she had been with FDOT for approximately two weeks. She was formally the Planning Director at the City of Cape Coral for approximately 7 years and has lived in Southwest Florida since 1993. She was also a former employee of the SWFRPC, so she is familiar with the Council and the region.

AGENDA ITEM #13 NEW BUSINESS

Ms. Wuerstle announced that the Council will be holding an Open House immediately following the meeting. She explained that there are three stations set up throughout the office (large conference room, small conference room and library). At each station there are questions asking for your opinion on the important programs and issues the Council should be doing. She

explained that the elected officials throughout the region have already taken the survey and supplied their comments.

AGENDA ITEM #15 COUNCIL ATTORNEY'S COMMENTS

No comments were made at this time.

AGENDA ITEM #16 COUNCIL MEMBER'S COMMENTS

Commissioner Doherty stated to Ms. Burr that he sits on the Charlotte County-Punta Gorda MPO and there is a meeting coming up soon. He said that he has spoken to FDOT Secretary Hattaway regarding the proposed project in DeSoto County. It appears that FDOT is working with DeSoto County on Kings Highway. However, there were several projects that were approved prior to the recession in DeSoto County. The unfortunate part is that they are under the DRI threshold. He said to Ms. Burr that he would like to have some answers regarding those projects for his upcoming meeting; especially, on how FDOT is coordinating with DeSoto County on those issues.

Councilman Fraize said that he was impressed by the Council meeting and he hoped that it would continue.

Councilman Wein said that he had never been involved with politics before now. He appreciated the opportunity to meet and develop relationships with the other members of the Council to see how the region can move forward.

Mayor Shaw thanked staff for all of their efforts.

Mr. Reynolds announced that the Southwest Florida Economic Development Alliance has scheduled its annual meeting for February 17 at FineMark Bank in Fort Myers. It is an invitation to the Alliance's investors. However, he felt that the invitation should be extended to the Council members as well.

Commissioner Duffy said she liked the new location and thanked the staff for their efforts.

Commissioner Wilkins announced that the newly formed Heartland Regional Transportation Planning Organization (HRTPO) includes DeSoto County and is considering regional impacts.

Commissioner Wilkins then explained that within a single family neighborhood within LaBelle there are several houses who are applying for migrant housing, single family for 80 residents. There is a non-discrimination factor regulation for migrant housing. However, it is general opinion that the city and county are allowed to regulate the location of farmworker housing as long as there is enough sufficient housing that are above the required needs. She explained that it has happened before and it was fought in court and the city was told to back off or the agency would file a federal discrimination lawsuit against the city and the city doesn't have that type of funds available.

Ms. Burr asked if the applicant had to meet certain safety regulations for fire and occupancy. Commissioner Wilkins explained that if there are over 20 people they have to meet fire regulations; but the city has to be very careful because of the discrimination regulations of how it is approached. As long as they meet the safety and square foot standards, along with the requirements for farmworker housing, there is nothing that can be done. The health department conducts bi-annual inspections, but the inspections are conducted during the daytime so all they do is count beds.

Commissioner Pendergrass explained that the City of Fort Myers had a similar issue in the past and they were able to adopt a code where if there were too many people living in a two-bedroom residence that they could be removed. He suggested contacting the City of Fort Myers.

Councilman Burch suggested Commissioner Wilkins contact the local legislative delegation for Hendry County and ask if they could contact INS and also contact your congressman.

Commissioner Wilkins explained that all of the houses are owned by one entrepreneur.

Commissioner Pendergrass apologized for being late to the meeting. He then stated that Lee County had made some comp plan changes in zoning that eliminated 56 pending lawsuits.

Mr. Karau said that he liked the new location of the RPC.

Commissioner Nance said that he liked the new location. He then announced that the ribbon cutting ceremony for the expansion of the Southwest Florida Research and Education Center was very well attended.

Councilman Banks said that he always thought that there needed to be a regional transportation plan and with the current issue that Charlotte County is facing with a proposed development in DeSoto County, it has become evident that a regional transportation plan is needed. He then announced that for the Counter Terrorism Symposium on February 16 at the Harborside Event Center, the meters on Edwards Drive will have bags over them specifically for law enforcement.

Councilman Burch stated that he recently attended the Everglades Annual Conference and he felt that there was cautious optimism there because of funding. The funding is currently much better and he felt that Southwest Florida was well represented.

AGENDA ITEM #4 PUBLIC COMMENTS

Mr. Peter Quasius emphasized Councilman Burch's comments regarding the Everglades Annual Conference and the participation from Southwest Florida. He said 20 years and \$20 billion will probably make some progress.

Ms. Margaret Emblidge, Hendry County Planning & Community Development Director, said that she served as a member of the Council from 1999 to 2007. She then said that she wanted to comment on the intergovernmental coordination, which many of the members' topics have been centered upon. She said that within the comprehensive plans, based on Florida Statute

requirements, cities and counties are required to engage in intergovernmental coordination which includes all of the adjacent and internal jurisdictions. Local jurisdictions are encouraged to enter into Memorandums of Understanding (MOU).

Commissioner Pendergrass announced currently the Lee County Commission Charter Review is currently going through their six month process of holding public meetings. The first public meeting is scheduled for January 28, 2016 at 6:00 p.m. Two things moving forward that he felt was very critical was going to the hybrid county commission where there are five members from each district with two at large members and the second issue is the Ethics Commission where elected officials in Lee County will have subpoena power. He expressed his concerns as a citizen with those two issues.

**AGENDA ITEM #17
ADJOURNMENT**

The meeting adjourned at 10:50 a.m.

Mr. Tommy Perry, Secretary

The meeting was duly advertised in the January 4, 2016 issue of the **FLORIDA ADMINISTRATIVE REGISTER**, Volume 42, Number01.

**MINUTES OF THE
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
FEBRUARY 18, 2016 MEETING**

The meeting of the **Southwest Florida Regional Planning Council** was held on **February 18, 2016** at the new offices of the Southwest Florida Regional Planning Council - 1400 Colonial Boulevard, Suite #1 in Fort Myers, Florida. Chair McCormick called the meeting to order at **9:02 AM**.

Commissioner Mann then led an invocation and the Pledge of Allegiance. Margaret Wuerstle conducted the roll call and noted that a quorum was present.

MEMBERS PRESENT

Charlotte County: Commissioner Ken Doherty, Councilman Gary Wein, Mr. Don McCormick, Ms. Suzanne Graham

Collier County: Commissioner Tim Nance, Commissioner Penny Taylor, Mr. Bob Mulhere, Councilwoman Teresa Heitmann, Mr. Alan Reynolds

Glades County: Mr. Thomas Perry

Hendry County: Commissioner Julie Wilkins

Lee County: Commissioner Frank Mann, Councilman Forrest Banks, Vice Mayor Mick Denham

Sarasota County: Commissioner Charles Hines, Commissioner Carolyn Mason, Commissioner Cheryl Cook for Mayor Rhonda DiFranco, Mayor Willie Shaw, Councilman Fred Fraize

Ex-Officio: Mr. Phil Flood - SFWMD, Mr. Jon Iglehart -FDEP, Mr. Zach Burch for Ms. Derek Burr- FDOT

MEMBERS ABSENT

Charlotte County: Commissioner Tricia Duffy

Collier County: None

Glades County: Commissioner Weston Pryor, Councilwoman Pat Lucas, Commissioner Tim Stanley

Hendry County: Commissioner Karson Turner, Commissioner Don Davis, Commissioner Sherida Ridgill, Mr. Mel Karau

Lee County: Commissioner Cecil Pendergrass, Councilman Jim Burch, Mayor Anita Cereceda, Ms. Laura Holquist

Sarasota County: Mr. Felipe Colón

Ex-Officio: Ms. Melissa Dickens – SWFWMD

**AGENDA ITEM #4
PUBLIC COMMENTS**

No public comment was made at this time.

**AGENDA ITEM #5
AGENDA**

Mr. Mulhere suggested for quorum purposes, amending the agenda to have any action items moved up to the beginning of the agenda.

By general consensus the agenda was approved as amended.

**AGENDA ITEM #6
MINUTES OF THE JANUARY 21, 2016 MEETING**

It was noted that both the meeting minutes of both the January 21, 2016 and February 18, 2016 meetings would be presented at the March meeting for approval.

**AGENDA ITEM #9
CONSENT AGENDA**

A motion was made by Mr. Mulhere to approve the consent agenda as presented. The motion was seconded by Commissioner Doherty and passed unanimously.

**AGENDA ITEM #10
REGIONAL IMPACT**

Mr. Trescott presented the following item.

Mr. Mulhere announced that he would be abstaining from voting on Agenda Item #10(a).

**AGENDA ITEM #10(a)
Bretonne Park NOPC**

A motion was made by Commissioner Nance to approve staff's recommendation as presented. The motion was seconded by Commissioner Mann and passed with Mr. Mulhere abstaining.

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

Ms. Wuerstle presented the Director's Report. She first went briefly over the Council's financial report.

Ms. Wuerstle then gave an update on the status of changing banks. She explained that she had been in contact with both Iberia Bank and FineMark Bank. There was one issue that came up with all three banks where they wanted to have each staff to have a separate credit card and those staff members would be required to give their names, birth dates, addresses, etc.; however, she wasn't comfortable with every staff member having a credit card. She said that she had worked with FineMark and they have been able to overcome that issue, they said that the Council could keep their current credit card process where the cards have the Southwest Florida Regional Planning Council name on the card; staff signs the card out and then sign it back in when they return. She said that Iberia Bank also said that they could do the same. Both Iberia and FineMark bank fees are the same, the difference between the two banks is FineMark Bank requires name, address, driver's license, and social security number from anyone (Mr. Perry, Commissioner Mann, Councilman Banks, and Mr. McCormick) that would be signing checks.

Commissioner Mann asked if he was listed as a check signer because he was local. The answer was yes. Commissioner Mann agreed to continue being a check signer and would give the required information to the bank.

After a brief discussion, the members who would be signing checks agreed to give the required information.

Vice-Mayor Denham asked Ms. Wuerstle for clarification that the Council has a history with Iberia Bank. Ms. Wuerstle explained that the Council's Money Market account is with Iberia Bank. However, her concern was Iberia waited until the last minute to agree to the same rules as FineMark. FineMark was a pleasure to work with and they got all of the needed information to her in a quick timeframe.

Ms. Wuerstle asked the members what their preference was for the new bank. Commissioner Mann said that he leaned towards going with FineMark Bank.

AGENDA ITEM #7(a) **Open House Question Results**

Ms. Wuerstle then gave the summary of the results from the Open House Questionnaire held on January 21, 2016.

Ms. Wuerstle then turned her report over to Councilman Banks who gave an overview of the Counter Terrorism Symposium that was held on February 16 at the Harborside Event Center in Fort Myers.

Councilman Banks explained how impressed he was with the speakers, especially the presentation given on how the hospitals would handle such an event.

Vice-Mayor Denham asked what the turnout at the symposium was. Councilman Banks said there were approximately 85 to 90 attendees.

Commissioner Wilkins noted that she received questions from individuals who she shared the information with about what would be the reason for them to attend, because it seemed geared to law enforcement. She suggested that if there was to be another type of symposium held, that there needs to be some type of description stating why it would be important for people to attend.

Councilman Banks said that Sheriff Scott had stated that law enforcement are not the first responders anymore; but those individuals at the event would be considered the first responders.

Mr. Iglehart said that DEP attended and found the symposium to be very helpful; because basically the agencies defined their roles. DEP took it back to their offices and shared it with their building management on what everyone is supposed to do if such an event occurred.

Ms. Wuerstle asked Mr. Perry to give a brief overview of the latest FRCA Policy Board meeting. Mr. Perry stated he felt there was a very different tone and attitude than what has been felt in the past and that he believed FRCA is starting to come around.

Ms. Wuerstle said she believed there were much more open discussions than what has been in the past and it was apparent there were other members of the Policy Board that agreed with some of the policies that have been brought up at previous meetings. She said she felt it was the most positive meeting that she had attended in her 4 years as being executive director.

Ms. Wuerstle explained that staff had submitted a Promise Zone grant last year for Hendry, Glades and Immokalee. The grant was for a rural designation and there was only going to be one rural designation awarded within the United States. The SWFRPC's application was recognized for its excellence and was designated as a finalist; however, wasn't awarded the designation. She said that staff will be submitting the same type of proposal for this year's round of grants. She then explained the benefits of receiving the designation.

Ms. Wuerstle announced that the Clewiston Revitalization project is underway. The Open House is scheduled to be held on February 25 and 26.

AGENDA ITEM #7(b) Final MLK Meeting Schedule

Ms. Wuerstle gave an overview of the MLK meeting schedule as noted on the distributed flyers.

Ms. Wuerstle announced that the SWFRPC will be conducting a rail study in coordination with the Lee County MPO. Ms. Pellechio gave an overview of the project. She announced that Lee County MPO Director, Don Scott will be giving a presentation on the project to the Council at its March meeting.

AGENDA ITEM #8 STAFF SUMMARIES

This item was for information purposes only.

**AGENDA ITEM #11
COMMITTEE REPORTS**

**AGENDA ITEM #11(a)
Budget & Finance Committee**

No report was given at this time.

**AGENDA ITEM #11(b)
Economic Development Committee**

Councilman Banks announced that all of the region's economic development directors will be attending a "brown bag lunch" meeting on Friday, February 19, 2016 to discuss issues that they are facing within their jurisdictions.

**AGENDA ITEM #11(c)
Energy & Climate Committee**

Ms. Pellechio presented the item.

Mayor Shaw asked Ms. Pellechio where the City of Sarasota fits in. Ms. Pellechio explained that there are two different categories. The SM3 was required to start with implementation, but the City of Sarasota hasn't adopted any implementation processes. She explained that the City of Sarasota was still eligible to apply for SPARC. She stated that we are encouraging some type of implementation to occur.

Commissioner Wilkins applauded SWFRPC staff for their efforts and support because without their assistance the City of LaBelle wouldn't have done any implementation. She explained that the City of LaBelle didn't adopt an ordinance, but they did adopt the guidelines.

**AGENDA ITEM #11(d)
Estero Bay Agency on Bay Management (EBABM) Committee**

Mr. Beaver presented the item.

A motion was made by Commissioner Mann to accept the ABM's recommendations for their 2016 Slate of Officers as presented. The motion was seconded by Councilman Banks and passed unanimously.

A motion was made by Mayor Shaw to accept the ABM's 2016 Work Plan as presented. The motion was seconded by Councilman Wein and passed unanimously.

**AGENDA ITEM #11(e)
Executive Committee**

No report was given at this time.

AGENDA ITEM #11(f)
Legislative Affairs Committee

No report was given at this time.

AGENDA ITEM #11(g)
Quality of Life & Safety Committee

Mayor Shaw gave the report. He thanked Councilman Banks for his continued assistance on the committee. He explained that through the Florida League of Cities he has been able to get more interest in the model for the High Point process.

Councilman Banks explained he had sent Senator Benaquisto a letter earlier explaining the High Point process and the Senator said that she would like to meet with both he and Mayor Shaw after the legislative session to discuss the High Point concept.

AGENDA ITEM #11(h)
Regional Transportation Committee

No report was given at this time.

AGENDA ITEM #11(i)
Interlocal Agreement/Future of the SWFRPC Committee

No report was given at this time.

AGENDA ITEM #12
NEW BUSINESS

Vice-Mayor Denham referred to the recent Mayors meeting held to discuss the current water issues regarding the releases from Lake Okeechobee. He explained that they discussed how to reduce the releases and add storage from Lake Okeechobee and its impacts on the watershed. As a result, there is now more water being moved south to the Everglades.

Vice-Mayor Denham stated that due to the water releases from the lake, the area will lose the spawning season in the estuary. The spawning season runs from January through to April and it has been recognized by the ACOE that there won't be a spawning season this year and that will have long term effects. He explained that he was referring to the "crops" within the Southwest Florida watershed which consists of blue crab, stone crab, grouper, shrimp, etc. It is very important to understand that the devastation on the estuary will continue even after the water releases are stopped and/or decreased.

Vice-Mayor Denham explained that City of Sanibel Mayor Kevin Ruane suggested at the Mayors meeting having a "water discussion" at every city council meeting. He said City of Sanibel has been doing it for years, but it seemed that the other mayors were surprised. Then many of the other mayors made the decision to have a "water discussion" at their city council meetings.

Vice-Mayor Denham said that he didn't want to create a water committee; however, he would like to have a place on the Council's agenda to have a "water discussion" held at every Council meeting. He said that he would volunteer to give the report on water quality and what actions have been taken.

Chair McCormick stated that he had a SFWMD representative attend the Charlotte County Soil and Water Conservation District to give a presentation on water farming. He explained that it is a pilot program and he believed that it would be of interest to the entire region because anyone who has agriculture interests are interested in such a project and also come up to speed on water farming.

Vice-Mayor Denham noted that Sanibel had a number of BMPs and at the recent Mayors meeting it was asked if Sanibel would share some of their BMPs with the other communities including everything from how they manage the golf courses, fertilizer program, along with the vegetation program. He said Sanibel will be sending out a notice to the other local jurisdictions stating that they would be willing to share their BMPs.

Commissioner Nance stated there was nothing more important than water resource management. He would support having a discussion at each Council meeting. He then said that Collier County was within its own unique basin, but he wasn't saying that Collier County wouldn't support the Council on other concerns. Within Collier County there has been a tremendous amount of work done within the last couple of years to have discussions take place between the county and the municipalities within. Collier County also has a lot of land in public ownership for conservation. The current issues with water quality will have drastic effects throughout the region. Not only is there devastation to the natural environment and coastal communities, the agricultural community also has been devastated by the heavy rainfall. He noted that IFAS was one of the experts on water farming using the detention and retention areas throughout the year to moderate and mitigate big instances.

Mr. Flood referred to the distributed handouts that showed the Caloosahatchee estuary inflows from January 1, 2016 to February 16, 2016. There was also a handout that gave the facts on the historic dry season rainfall during 2015-2016.

Commissioner Doherty asked Mr. Flood how much water was going south. He said that he has also occasionally attended the 16 County Ecosystem Summit. He wanted to know if that group had been informed by the Corps regarding the timeframe, because it was his understanding that the watershed was so enormous that what is being released isn't enough. He wanted to know what the expected timeframe was to get the water down to a stage that would be acceptable.

Mr. Flood said that was the big question. As we have more rainfall the water comes into the lake six times faster than what is being released. Water has been released to the south throughout the dry season due to the expectation of rain, but when you have several additional inches of rain on top of it, all of the storage areas, stormwater treatment areas and the conservation areas are at their capacity. There is water being moved south through the estuaries in Palm Beach, Broward and Dade Counties, but they are very small areas.

Commissioner Doherty asked if there was a design underway to release more water to the south. Mr. Flood explained that there are numerous projects in the works to move water to the south. The SFWMD is working with the congressmen to receive authorization for those projects, i.e., Central Everglades Planning project. There are a couple of projects that are currently under construction and the SFWMD just received authorization from the Feds to move more water through the water conservation areas into the Everglades National Park.

Commissioner Doherty suggested inviting the Colonel from the USACOE in Jacksonville to give a presentation to the Council in order to have a better understanding of what could be done. Vice-Mayor Denham stated that the Mayors and Hendry County Commissioner Karson Turner are currently in Washington to work on projects to move the water south.

Mr. Iglehart stated the following amounts:

- 1,200 cfs of water being discharged to the south
- 7,900 cfs of water coming into Lake Okeechobee
- 10,489 cfs total discharge

He said that half of the discharge is going south at this time.

Vice-Mayor Denham explained that the project to put the Kissimmee River back to its natural flow is nearing completion within the next couple of years, which in turn should mean that the water flowing into the lake is much cleaner. He also said that with the project there are additional water storage areas north of the lake.

Discussion ensued.

Mr. Reynolds stated that he fully supported the Council getting engaged and also establishes a protocol for when and how the Council would be making comments to the media on this subject and also other subjects. He noted that there was a recent article published with a headline “Governor Scotts Plan to divert Okeechobee water to the Everglades defended and criticized” and as he read the story the criticism was attributed to Southwest Florida Regional Planning Council. He then suggested that before anyone member or staff speaks to the press about matters such as this there is a very clear protocol on what and who will be discussing the issue, because at this point, the Council is on record as being recognized as criticizing the governor’s plan. He then said he felt that the record needed to be set straight on the issue.

Chair McCormick asked Mr. Reynolds what he had in mind as a corrective measure, a letter from the Chair or a resolution from the Council. Mr. Reynolds said that the article indicated that the SWFRPC hadn’t taken an official position on the issue, but staff was critical and concerned about the water quality going into the Everglades and that was an issue that hasn’t been addressed. He then said that he didn’t have specific recommendation other than the record needed to be set straight that the Council doesn’t oppose the governor’s plan that is being implemented.

Ms. Wuerstle stated that she had just read the article in question this morning and she felt that the headline was worse than the statement that was included within the article. She explained that she

had spoken to the reporter and she was very open in stating the Council had not had the chance to discuss the issue and she anticipated the Council would be discussing the issue at its February meeting, so there is no official statement made by the SWFRPC. Unfortunately, the reporter didn't get everything correct. However, she did review additional information and what was given was fact, but it wasn't portrayed that way in the article.

Councilman Banks stated that this issue needs to be corrected as soon as possible; he then suggested a letter be sent to the governor with a complete explanation of what was said versus what was printed in the article.

Councilwoman Heitmann said if the Council doesn't contact the governor's office to make sure that the Council's statement of priorities are clear and concise, the Council will no longer have the recognition as being a Council for policies that relates to good water quality and being a leader in educating and also taking initiative. That is where the Council needs to be strong because that is what makes the Council relevant. She also said that there is an enormous amount of people in Collier County that don't understand the relationship with Lake Okeechobee or the lack of relationship and she recommended the Council look at having an education forum for the community. We need to make these policy changes as a community and not be adversarial to the governor, but try to have him see our point of view if his policies don't match ours.

Mr. Beever explained that he did speak to the reporter in question and, at the request of our executive director, he provided a large amount of factual information. The handouts that have been distributed are either from DEP or SFWMD and upon that information he based his statements to the reporter. He said that within the article it did state that the Southwest Florida Regional Planning Council hadn't taken a position. However, the headline is rather different from the actual information provided. He also noted that unlike previous reporters from the Fort Myers News Press and the Naples Daily News, he did not receive a copy of the article before it was published.

Vice-Mayor Denham stated that he agreed with Councilman Banks' comments that this issue has to do with politics and it is very important that we are very careful what is said to the media. If we want the governor to support RPCs then it is important that we support his efforts.

A motion was made by Councilman Banks to approve having the Chair send a letter to the governor's office to negate the impact of what was published in the article and also send a copy of the letter to the reporter that wrote the article. The RPC needs to be supportive of what everybody else is doing. The motion was seconded by Commissioner Wilkins.

Chair McCormick stated that the letter should state that there was a newspaper article and the headline of that article conveyed an impression that the SWFRPC had taken a position; however, the SWFRPC is steadfast in their belief that all information that was provided was factual information and hasn't taken any action regarding this issue. The SWFRPC supports the governor's efforts regarding water quality issues.

Commissioner Mann stated that he felt it was critically important the letter include a statement that the SWFRPC supports any efforts from the governor to do whatever is possible now under these

extreme circumstances under which we are forced to act upon. The SWFRPC apologizes for any misinformation that was distributed and the Council thanks the governor for his efforts.

Commissioner Wilkins stated she agreed with Commissioner Mann and that the “thank you” needs to be put first within the letter and then the apology.

Chair McCormick agreed with the members’ comments and said he will have the executive director draft the letter and the draft letter would be distributed to the membership for their review and comments.

Commissioner Wilkins asked if the Council wanted to take a position on the issue or by sending the letter to the governor the Council would be taking a position by supporting the governor’s efforts. Chair McCormick said that the nature of the letter is to clearly support the governor.

Mr. Iglehart noted that there were other articles that branched off the article in question that used some of the quotes in the first article to support a totally different effort about potential hazards to the residents who live south of the lake. He suggested creating an Op-Ed to clarify the Council’s mission. The Council is currently characterized as an environmental agency.

The motion passed unanimously.

AGENDA ITEM #12(a) SanCap Solar Presentation

Ms. Pellechio introduced John McCabe, of the J.N. “Ding” Darling National Wildlife Refuge to give a presentation on SanCap.

Mr. McCabe gave a presentation on the SanCap program in Sanibel. Both Sanibel and Captiva had started an effort to place solar panels on rooftops with the assistance from RPC Staff who in turn assisted with introducing him to a consultant in Boston who has been working with him on the development of the program. To date, there have been approximately 200-250 individual locations that have expressed interest in the program and 35 have signed up. There is another 75 locations that are in the process of moving forward. The remaining locations either did not meet the requirements to be able to have solar at their facility or they decided not to participate.

Mr. McCabe explained the refuge is in the process of installing 401 panels that would produce approximately 110 kilowatts of installed generating capacity. He noted that a large supermarket has signed up for the program and the rest of the applicants are individuals. He announced that the program has been very successful, there has been such a big turnout that the enrollment period has been extended for one month.

Mr. McCabe said that one of the lessons learned was to have a separation between commercial and residential. The consultant had recommended using a \$1.00 per watt installed and then we would come up with an average for the program, which drove the costs down by approximately 25 to 28 percent within that neighborhood. However, it does penalize the larger “players”. Another issue is that it includes the architect of the system with the builder and usually the architect and builder are separate.

Mr. McCabe announced there have been 10 facilities that have been installed and others are in the process.

Vice-Mayor Denham asked Mr. McCabe if he had solar at his residence. Mr. McCabe said he has had solar at his residence for approximately 9-10 years. He generates all of the electricity that he uses, along with being a net metering customer of LCEC. He charges his entire house (3,000 square feet) and the electricity needed to charge his two electric cars from the panels on his roof.

Commissioner Wilkins asked Mr. McCabe for clarification on the percentage saved on installation costs for residential. Mr. McCabe said that it is approximately 28 percent cost savings.

Commissioner Wilkins then asked if there was a benefit in purchasing the materials in bulk. Mr. McCabe said yes and explained that an advisory committee had been formed. The members included a builder, a large customer, FGCU Professor Joseph Simmons who has a lot of experience in solar, along with a few individuals from the refuge. The next step was to put out bids and there were four serious contenders. The committee went through the process, cost was a big issue and what equipment was being offered and then a single vendor was selected. The vendor has provided all of the equipment for everyone. He said the benefits are cutting costs for the community and also the vendor's marketing costs were down because the community effort is doing it for them. He then explained the public hearing process.

Mr. McCabe directed the members to the website of www.SanCapSolarConnect.org

AGENDA ITEM #13 STATE AGENCIES COMMENTS/REPORTS

FDOT - Mr. Zachery Burch introduced himself.

AGENDA ITEM #14 COUNCIL ATTORNEY'S COMMENTS

No comments were made at this time.

AGENDA ITEM #15 COUNCIL MEMBER'S COMMENTS

Councilman Fraize stated that it was frightening about the spawning season. He said that it was his second meeting at the Council and the knowledge that is obtained from the both staff and members is immense. It needs to be shared with our local jurisdictions.

Councilman Wein said that he agrees with Councilman Fraize.

Commissioner Wilkins announced the 50th Annual Swamp Cabbage Festival will be held February 27-28.

**AGENDA ITEM #16
ADJOURNMENT**

The meeting adjourned at 10:45 a.m.

Mr. Tommy Perry, Secretary

The meeting was duly advertised in the February 3, 2016 issue of the **FLORIDA ADMINISTRATIVE REGISTER**, Volume 42, Number 22.

Agenda Item

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Director's Report

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EXECUTIVE DIRECTOR'S REPORT: February 18, 2016

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. Management / Operations

- a. Budget
 - Budget Update
 - Auditor have completed their review and are preparing the audit report
 - New Revenues: \$388,934
- b. Budget amendments will be presented at the April meeting to reflect new revenues received
- c. Staff is working with FineMark National Bank to set up the accounts
- d. 2016 Contract for the Executive Director

2. Resource Development and Capacity Building

- a. An educational forum on the water issues associated with Lake Okeechobee is tentatively planned for March 24, 2016 in Naples
- b. An application has been submitted for a Promise Zone designation in Glades County, Hendry County and Immokalee. Only one rural Promise Zone will be awarded. Eleven rural applications were submitted nationwide.
- c. Update on Rail Study DEO grant - Don Scott, Executive Director of the Lee County MPO

3. Second Quarter FY 2015- 2016 (January - March)

- Grants Awarded:
 - ✓ DEO Clewiston Revitalization Plan: final contract signed and project has commenced
 - ✓ DEO Lee County Rail Study: Final contract signed and project has commenced
 - ✓ DEO Ft. Myers MLK Equitable Economy Plan: Final contract signed and project has commenced
 - ✓ EPA Wetland Protection Development Grant

1926 Victoria Avenue | Fort Myers, FL 33901239.338.2550 | F: 239.338.2560 | www.swfrpc.org

- Grants Under Development
 - ✓ FHREDI -Regional Rural Development Grant - On Hold
 - ✓ Re-Entry Community Linkages (RE-LINK) for the SWFL Enterprise Center
- Grants Pending:
 - ✓ Shirley Conroy Grant for Goodwheels \$245,799
 - ✓ Brownfields Grant \$280,000
 - ✓ The Promise Zone application was submitted for Hendry County, Glades County and Immokalee.
 - ✓ Art Place America National Creative Placemaking Fund for *Painting with Sunlight project*. Participants include the City of Clewiston, the City of Ft. Myers, the City of North Port and the Von Liebig Art Center in Naples. \$450,000
- Pending Grants: approximately \$754,799

--- Agenda --- Item

7a

Strategic Regional Transportation
Corridor

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7a

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 March 4, 2016

| Awarded and Ongoing Projects | | | | Pending Grant Submittals | | | To Be Submitted | | | | | Completed Projects | | | | Rejected Grant Submittals | | |
|------------------------------|--------|-------|---------|--|------------------|---|-----------------|--------------------|--------------|----------------|---------------------|----------------------|---------------|--------------|------------|---------------------------|---|---------------------|
| # | Agency | Type | Awarded | Funding Agency | Project Mgr. | Project Name | LOI Due Date | LOI Date Submitted | App Due Date | Date Submitted | Date Awarded/Denied | Date Contract Signed | Project Total | RPC Amt | Start Date | End Date | Deliverables | Total Match Amt-RPC |
| 1 | SWFRPC | Grant | Yes | CTD - FL Commission for the Transportation Disadvantaged | Nichole Gwinnett | FY15-16 Glades-Hendry TD Agreement | | | | | 7/1/2015 | | \$38,573.00 | \$38,573.00 | | | Update of TDSP, CTC Evaluation, Staff Support, LCB Quarterly Meetings, Committee Meetings, Update By-Laws and Grievance Procedures. | \$0.00 |
| 2 | SWFRPC | Grant | Yes | DEM - FL Div. of Emergency Management | Nichole Gwinnett | FY15-16 HMEP Planning and Training Grant | | | | | | 9/28/2015 | \$73,922.00 | \$73,922.00 | 10/1/2015 | 9/30/2016 | HMEP related projects and trainings | \$0.00 |
| 3 | SWFRPC | Grant | Yes | EPA- Environmental Protection Agency | Jim Beever | Developing a Method to Use Ecosystem Services to Quantify Wetland Restoration Successes | 1/30/2015 | 1/30/2015 | 3/17/2015 | 3/17/2015 | 8/5/2015 | 9/15/2015 | \$234,071.00 | \$174,071.00 | 10/1/2015 | 9/30/2016 | Products of the study will include updated valuations of the ecosystem services provided by existing conservation lands in the CHNEP; an updated conservation lands mapping of the project study area; a documentation and quantification of the ecosystem services provided by each habitat type, etc. | \$60,000.00 |
| 4 | SWFRPC | Grant | Yes | DEM - FL Div. of Emergency Management | Nichole Gwinnett | FY15-16 LEPC Agreement | | | 6/30/2015 | 5/15/2015 | 6/11/2015 | 6/11/2015 | \$48,000.00 | \$48,000.00 | 7/1/2015 | 6/20/2016 | Staff support to the LEPC, Plan Development and Exercise, Technical Assistance and Training Coordination/Planning. | \$0.00 |

| # | Agency | Type | Awarded | Funding Agency | Project Mgr. | Project Name | LOI Due Date | LOI Date Submitted | App Due Date | Date Submitted | Date Awarded/Denied | Date Contract Signed | Project Total | RPC Amt | Start Date | End Date | Deliverables | Total Match Amt-RPC |
|----|--------|----------|---------|---|--------------------|---|--------------|--------------------|--------------|----------------|---------------------|----------------------|---------------|--------------|------------|------------|--|---------------------|
| 5 | SWFRPC | Contract | Yes | Glades County | Tim Walker | Glades County Small Quantity Generators (SQG) | | | | | | 5/17/2012 | \$3,900.00 | \$3,900.00 | 5/17/2012 | 5/16/2017 | The goal of the assessment, notification, and verification program is to inform Small Quantity Generators (SQGs) of their legal responsibilities, limit the illegal disposal of hazardous waste, and identify the location of waste operators for an update to State officials. Also, local knowledge of hazardous waste is useful for land development planning, emergency protective services, health care and water quality management. | \$0.00 |
| 6 | SWFRPC | Contract | Yes | DOE - US Dept. 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 |
| 7 | SWFRPC | Grant | Yes | EDA - US Economic Development Administration | Jennifer Pellechio | EDA Planning Grant | | | 1/22/2013 | 12/18/2013 | 4/18/2014 | 4/21/14 | \$270,000.00 | \$189,000.00 | 1/1/2014 | 12/31/2016 | CEDS Plan, Annual Reports, CEDS Working Committee | \$81,000.00 |
| 8 | SWFRPC | Grant | Yes | Visit Florida | Jennifer Pellechio | OUR CREATIVE ECONOMY Marketing | | | 2/9/2015 | 2/9/2015 | 6/25/2015 | 6/26/2015 | \$5,000.00 | \$2,500.00 | 7/1/2015 | 6/15/2016 | TBD | \$2,500.00 |
| 9 | SWFRPC | Contract | Yes | EPA/CHNEP - Charlotte Harbor National Estuary Program | Jim Beever | Mangrove Loss Project | | | 4/4/2014 | 4/4/2014 | 12/19/2014 | | \$243,324.00 | \$60,000.00 | Oct 2014 | Sept 2016 | Report, transect information, presentations, articles | \$63,800.00 |
| 10 | SWFRPC | Grant | Yes | City of Bonita Springs | Jim Beever | Spring Creek Restoration Plan | | | | | | | \$50,000.00 | \$50,000.00 | Jan 2015 | Feb 2016 | The Spring Creek Vulnerability Assessment and The Spring Creek Restoration Plan | \$0.00 |

| # | Agency | Type | Awarded | Funding Agency | Project Mgr. | Project Name | LOI Due Date | LOI Date Submitted | App Due Date | Date Submitted | Date Awarded/Denied | Date Contract Signed | Project Total | RPC Amt | Start Date | End Date | Deliverables | Total Match Amt-RPC |
|----|--------|-------|---------|--|--------------------|--|--------------|--------------------|--------------|----------------|---------------------|----------------------|---------------|--------------|------------|-----------|---|---------------------|
| 11 | SWFRPC | Grant | Yes | DEO - FL Dept. of Economic Opportunity | Jennifer Pellechio | Southwest Florida Rail Corridor Preservation Plan | | | | 6/16/2015 | 8/3/2015 | | \$39,000.00 | | | | Comprehensive Plan language, GIS maps of the rail corridor, Stakeholder meetings and public involvement activities | |
| 12 | SWFRPC | Grant | Yes | DEO - FL Dept. of Economic Opportunity | Jennifer Pellechio | Clewiston Main Street Revitalization Plan | | | | 6/16/2015 | 8/3/2015 | | \$25,000.00 | | | | Outreach materials, Public meetings, Develop community vision, Identify low cost strategies for improvement, Final report | |
| 13 | SWFRPC | Grant | Yes | DEO - FL Dept. of Economic Opportunity | Jennifer Pellechio | Community Planning Technical Assistance Grants- City of Fort Myers | | | | 6/15/2015 | | | \$30,000.00 | | 10/1/2015 | 5/31/2016 | Educational Program Curriculum, Community Preference Analysis and Visual Preference Assessment, Report results | |
| 14 | SWFRPC | PO | Yes | SFRPC- South Florida Regional Planning Council | Rebekah Harp | Train the Trainers Grant | | | | | | 1/25/2016 | \$10,000.00 | \$10,000.00 | 1/1/2016 | 3/31/2017 | Trainers and Tools: Building Coastal Flood Hazard Resiliency in Florida's Regional Planning Council Communities. | \$0.00 |
| 15 | SWFRPC | PO | Yes | TBRPC - Tampa Bay Regional Planning Council | Rebekah Harp | 2016 Disaster Planning Guide | | | | | 1/28/2016 | | \$4,000.00 | \$4,000.00 | 2/5/2015 | 3/1/2015 | 2015 Disaster Planning Guide for 8 counties English and Spanish | \$0.00 |
| 16 | SWFRPC | Grant | Yes | DEM - FL Div. of Emergency Management | Tim Walker | Collier Hazard Analysis FY15-16 | | | | | | 7/1/2015 | \$9,693.00 | \$9,693.00 | 8/16/2015 | 6/30/2016 | | |
| 17 | SWFRPC | Grant | Pending | EPA- Environmental Protection Agency | Jennifer Pellechio | Brownfields 2016 | | | 12/18/2015 | 12/18/2015 | | | \$280,000.00 | \$280,000.00 | | | 10 ASTM-AAI compliant Phase I ESAs, 1 Generic Quality Assurance Project Plan, 4 SQAPPs, 4 Phase II ESAs, 4 ABCAs | |

| # | Agency | Type | Awarded | Funding Agency | Project Mgr. | Project Name | LOI Due Date | LOI Date Submitted | App Due Date | Date Submitted | Date Awarded/Denied | Date Contract Signed | Project Total | RPC Amt | Start Date | End Date | Deliverables | Total Match Amt-RPC |
|----|--------|-------|----------|--|-------------------|---|--------------|--------------------|--------------|----------------|---------------------|----------------------|---------------|-------------|------------|-----------|---|---------------------|
| 25 | SWFRPC | PO | Complete | TBRPC - Tampa Bay Regional Planning Council | Rebekah Harp | Tampa Bay RPC Graphics and Publications | | | | | 10/21/2014 | 10/21/2014 | | | 10/21/2014 | 5/29/2015 | As needed publication and graphic design, including FOR (Future of the Regions) award materials and annual report. | \$0.00 |
| 26 | SWFRPC | PO | Complete | TBRPC - Tampa Bay Regional Planning Council | Rebekah Harp | 2015 Disaster Planning Guide | | | | | 1/28/2015 | | \$4,000.00 | \$4,000.00 | 2/5/2015 | 3/1/2015 | 2015 Disaster Planning Guide for eight counties in English and Spanish. | \$0.00 |
| 27 | SWFRPC | Grant | Complete | DEM - FL Div. of Emergency Management | Tim Walker | Collier Hazard Analysis | | | | | 12/5/2014 | | \$8,042.00 | \$8,042.00 | 12/23/2014 | 6/15/2015 | There are 4 deliverables stipulated with the contractual agreement. | \$0.00 |
| 28 | SWFRPC | Grant | Complete | Visit Florida | Margaret Wuerstle | Our Creative Economy: Video - Southwest Florida Regional Strategy for Public Art | | | 2/18/2014 | 2/18/2014 | 5/14/2014 | 7/17/14 | \$10,000.00 | \$5,000.00 | 7/1/2014 | 5/31/2015 | | \$5,000.00 |
| 29 | SWFRPC | Grant | Complete | DEO - FL Dept. of Economic Opportunity | Margaret Wuerstle | 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 | \$20,000.00 | 12/1/2014 | 5/31/2015 | City of LaBelle Agriculture Tour Plan | \$0.00 |
| 30 | SWFRPC | Grant | Complete | CTD - FL Commission for the Transportation Disadvantaged | 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 |

| # | Agency | Type | Awarded | Funding Agency | Project Mgr. | Project Name | LOI Due Date | LOI Date Submitted | App Due Date | Date Submitted | Date Awarded/Denied | Date Contract Signed | Project Total | RPC Amt | Start Date | End Date | Deliverables | Total Match Amt-RPC |
|----|--------|----------|----------|--|--------------------|--|--------------|--------------------|--------------|----------------|---------------------|----------------------|---------------|-------------|------------|-----------|--|---------------------|
| 31 | SWFRPC | Contract | Complete | DEM - FL Div. of Emergency Management | Nichole Gwinnett | Title III (LEPC) FY14-15 | | | | | 7/1/2014 | 9/24/2014 | \$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 |
| 32 | SWFRPC | Grant | No | USDA - US Dept. of Agriculture | Margaret Wuerstle | Farm to School | | | 5/20/2015 | 5/20/2015 | 11/19/2015 | | | | | | | |
| 33 | SWFRPC | Grant | No | DEO - FL Dept. of Economic Opportunity | Jennifer Pellechio | Growing Markets for Small Farmers | | | | 6/17/2015 | | | | \$25,000 | | | Identify needs of local farmers, identify sellers for the market, Prudce a map and marketing materials, Implement action plan | |
| 34 | SWFRPC | Grant | No | WalMart | C.J. Kammerer | GoodWheels | | | 7/17/2015 | 7/16/2015 | 9/10/2015 | | | \$50,000 | | | Run transporation routes between Clewsiton and Belle Glade | |
| 35 | SWFRPC | Grant | No | DEO - FL Dept. of Economic Opportunity | Jennifer Pellechio | SWF "Know Your Zone" Public Education Campaign | | | | 6/17/2015 | 8/7/2015 | | | \$30,000 | | | Design a logo, Prepare education program and curriculum, introduce campaign and schedules, Create Diaster Planning Guide, Present to schools | |

| # | Agency | Type | Awarded | Funding Agency | Project Mgr. | Project Name | LOI Due Date | LOI Date Submitted | App Due Date | Date Submitted | Date Awarded/Denied | Date Contract Signed | Project Total | RPC Amt | Start Date | End Date | Deliverables | Total Match Amt-RPC |
|----|--------|-------|---------|--|--------------------|---|--------------|--------------------|--------------|----------------|---------------------|----------------------|---------------|--------------|------------|----------|---|---------------------|
| 36 | SWFRPC | Grant | No | DEO - FL Dept. of Economic Opportunity | Jennifer Pellechio | Strategic Opportunity Plan for Immokalee | | | | 5/26/2015 | 8/7/2015 | | | \$25,000 | | | Task 1: Demographics & Economic Study; Task 2: Community Vision & Stakeholder Engagement ; Task 3: Goal Development (with Steering Committee) ; Task 4: Implementation Guide and Strategic Action Plan (3 – 5 years) | |
| 37 | SWFRPC | Grant | No | DEO - FL Dept. of Economic Opportunity | Jennifer Pellechio | Hendry County Regional Laborshed/Workforce Assessment | | | | 6/17/2015 | 8/7/2015 | | | \$25,000 | | | Hire consultant, Meeting with Hendry County, Draft Material for Hendry presentation, Final assessment and recommendations | |
| 38 | SWFRPC | Grant | No | EDA - US Economic Development Administration | Jennifer Pellechio | EDA- North Port | | | 6/12/2015 | 6/12/2015 | 8/3/2015 | | | | | | | |
| 39 | SWFRPC | Grant | No | NOAA - National Oceanic and Atmospheric Administration | Jim Beever | Measuring and Forecasting Future Ecosystem Services in the CHNEP Study Area | 1/30/2015 | 1/30/2015 | 3/17/2015 | 3/17/2015 | | | \$400,000.00 | | | | Products of the study will include updated valuations of the ecosystem services provided by existing conservation lands in the CHNEP; an updated conservation lands mapping of the project study area; a documentation and quantification of the ecosystem services provided by each habitat type, etc. | |
| 40 | SWFRPC | Grant | No | Florida Humanities Council | Jennifer Pellechio | Public Art Field Guide and Map Viewer for Lee County | 01/15/2015 | 01/15/2015 | 3/11/2015 | 3/5/2015 | 5/11/2015 | | \$15,000.00 | \$15,000.00 | | | TBD | \$0.00 |
| 41 | SWFRPC | Grant | No | Artplace America | Margaret Wuerstle | ArtPlace - "OUR CREATIVE ECONOMY" | | | 3/12/2015 | 3/11/2015 | | | \$3,000,000 | \$3,000,000 | | | TBD | \$0.00 |
| 42 | SWFRPC | Grant | No | EPA - US Environmental Protection Agency | John Gibbons | Environmental Workforce Development Job Training | | | 2/3/2015 | 2/3/2015 | | | \$200,000.00 | \$200,000.00 | | | OSHA 29 CFR 1910.120 40-Hour HAZWOPER and other training. | \$0.00 |

Agenda Item

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Consent Agenda

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Consent Agenda Summary

Agenda Item #10(a) - Intergovernmental Coordination and 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 February 1, 2016 and ending February 29, 2016.

RECOMMENDED ACTION: Approval and administration on Clearinghouse Review

Agenda Item #10(b) – Glades-Hendry LCB Membership

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

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

RECOMMENDED ACTIONS:

- 1) Appoint and Rescind the following:
 - a) Appoint **Jim Brickel** as the member agency representative representing the Public Education Community.
 - b) Rescind **Gordon Bryant** from representing the local Veterans Service Office.
 - c) Reappoint **Ron Stevens** as a Citizen Advocate for another 3-year term.
 - d) Appoint **Beth Severo** as representing the Florida Department of Elder Affairs.
 - e) Rescind **Angela Wood** as representing the Florida Department of Elder Affairs.
 - f) Reappoint **Mary Bartoshuk** representing the Local Medical Community for another 3-year term.
 - g) Make additional appointments that may be announced.
- 2) Authorize the Chairman to endorse the LCB certification form for the LCB provided in Attachment A.

Agenda Item #10(c) – City of Sarasota Comp Plan Amendment (DEO 16-1 ESR)

City of Sarasota DEO 16-1ESR removes limitation for a 0.48 acre property that restricts residential uses to a maximum of 12 attainable housing and non-residential uses to a maximum of 23,500 sq. ft. of office space. The amendment would change the use of this parcel to residential only. Rather than build attainable housing on the site, the applicant has decided to make a monetary contribution in the total amount of \$250,000 to the City's Affordable Housing Trust Fund. The parcel has an Urban Edge FLUC and is adjacent to Mixed Residential and Urban Edge FLUCs.

The amendment also proposes to eliminate a requirement for attainable housing to be functionally equivalent to market rate units in size (sq. feet) and appearance (fixtures and finishes).

RECOMMENDED ACTION: Staff recommends that this proposal be found not regionally significant.

--- Agenda --- Item

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Intergovernmental Coordination and
Review

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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 February 1, 2016 and ending February 29, 2016.

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.

3/2016

ICR Council - FY15-16

| SWFRPC # | Name1 | Name2 | Location | Project Description | Funding Agent | Funding Amount | Council Comments |
|----------|----------------------|------------------------------|------------------|---|---------------|----------------|---------------------------------------|
| 2016-01 | Rocky Burke | Sarasota County Area Transit | Sarasota County | Sarasota County Area Transit - Section 5310 Formula Grant for the Enhanced Mobility of Seniors and Individuals with Disabilities. | FTA-FDOT | \$470,000.00 | Regionally Significant and Consistent |
| 2016-03 | Mr. Richard Kolar | Charlotte County Transit | Charlotte County | Charlotte County Transit - 49 USC Section 5311 Rural Grant Application | FTA - FDOT | \$165,710.00 | Regionally Significant and Consistent |
| 2016-04 | Mr. Richard Kolar | Charlotte County Transit | Charlotte County | Charlotte County Transit - 49 USC Section 5311 Rural Grant Application | FTA - FDOT | \$125,000.00 | Regionally Significant and Consistent |
| 2016-05 | Mr. Richard Kolar | Charlotte County Transit | Charlotte County | Charlotte County Transit - 49 USC Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities | FTA - FDOT | \$131,324.00 | Regionally Significant and Consistent |
| 2016-06 | Mr. Richard Kolar | Charlotte County Transit | Charlotte County | Charlotte County Transit - 49 USC Section 5339 Rural Areas and Capital Assistance | FTA - FDOT | \$293,750.00 | Regionally Significant and Consistent |
| 2016-07 | Mr. Richard Kolar | Charlotte County Transit | Charlotte County | Charlotte County Transit - 49 USC Section 5310 New Freedom Program for Seniors and Disabled | FTA - FDOT | \$105,000.00 | Regionally Significant and Consistent |
| 2016-08 | Mr. J. Corbett Alday | Guardian Community Resource | Charlotte County | Charlotte County Government - Charlotte County Neighborhood Revitalization Project CDBG Grant #16DB-OF-09-18-01-N20 | | | Regionally Significant and Consistent |

| SWFRPC # | Name1 | Name2 | Location | Project Description | Funding Agent | Funding Amount | Council Comments |
|----------|--------------------------|------------------------------------|----------------------------|--|---------------|----------------|---------------------------------------|
| 2016-09 | Mr. Alan Mandel | Good Wheels, Inc. | Glades and Hendry Counties | Good Wheels, Inc. - Section 5310 - Driver training for new hires and required continuing education; rural area funding within an urban area to transport dialysis patients; grant management; and web improvements including ADA features. | FTA - FDOT | \$395,600.00 | Regionally Significant and Consistent |
| 2016-10 | Mr. Alan Mandel | Good Wheels, Inc. | Glades and Hendry Counties | Good Wheels, Inc. - Section 5311 - Bus service for Food Desert; grant management; and web improvements including ADA features; and management costs. | FTA - FDOT | \$282,040.00 | Regionally Significant and Consistent |
| 2016-11 | Mr. Alan Mandel | Good Wheels, Inc. | | Good Wheels, Inc. - Section 5310 - Replacement vehicles, expansion of vehicles, IT equipment, and replacement parts for existing vehicles. | FTA - FDOT | \$902,042.58 | Regionally Significant and Consistent |
| 2016-12 | Mr. Alan Mandel | Good Wheels, Inc. | Glades and Hendry Counties | Good Wheels, Inc. - Section 5311 - Replacement vehicles | FTA - FDOT | \$143,892.00 | Regionally Significant and Consistent |
| 2016-13 | Chris Stahl, Coordinator | FDEP - Florida State Clearinghouse | Region | Gulf Coast Ecosystem Restoration Council - Gulf Coast Conservation Reserve Program (: MS_Restore_001_007_Cat1) Florida | | | No Comment |
| 2016-14 | Chris Stahl, Coordinator | FDEP - Florida State Clearinghouse | Region | Gulf Coast Ecosystem Restoration Council - Baseline Flow, Gage Analysis & On-Line Tool To Support Restoration (Epa_Restore_004_000_Cat1), Florida | | | No Comment |

| SWFRPC # | Name1 | Name2 | Location | Project Description | Funding Agent | Funding Amount | Council Comments |
|----------|-----------------------|----------------------------------|----------|--|---------------|----------------|--|
| 2016-15 | Jeffrey Coon, LCDR | USGC - Civil Engineering Unit | Region | USGC - Issuance of a new License Agreement to a qualified applicant for operation and maintenance of the Lighthouse and grounds for historical, educational, environmental programs and projects for nonprofit purposes at Gasparilla RRL aka Boca Grande RRL. | | | 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> |
|-----------------|-------------------|------------------|-----------------|---|----------------------|-----------------------|-------------------------|
| 2015-05 | | | Lee County | Lee County Transit - Section 5311 Non-Urbanized Program Grant - Rural Operating Assistance for Lee County. | FTA | \$184,582.00 | Review in Progress |
| 2015-13 | | | Sarasota County | FDEP - Joint Coastal Permit (File No. 0333315-001-JC) - City of Sarasota and the USACOE - The proposed project is to nourish 1.6 miles of shoreline on Lido Key from Department Reference Monuments R-34.5 to R-44. | | | Review in Progress |
| 2016-02 | | | Region | USACOE, Jacksonville District - Draft Environmental Impact Statement for the Herbert Hoover Dike Dam Safety Modification Study in Florida. | | | Review in Progress |
| 2016-16 | | | Sarasota County | UCP - United Cerebral Palsy - FTA Section 5310 Program Grant - Purchase two 22' Ford Buses E-250 and one Ford E-150 Van. | FTA/FDOT | \$199,948.00 | Review in Progress |

Agenda Item

9b

Glades-Hendry LCB Membership
Certificate

9b

9b

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

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

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

Nominations and applications

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

About the Local Coordinating Board

The Glades-Hendry Joint Local Coordinating Board typically meets quarterly to guide the functioning of the CTC, Good Wheels, Inc. The next LCB meeting will be held on **May 4, 2016 at 10:30 a.m.** at Glades County Department of Health in Moore Haven.

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

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

RECOMMENDED ACTIONS:

1. Appoint and Rescind the following:
 - A. Appoint **Jim Brickel** as the member agency representative representing the Public Education Community.
 - B. Rescind **Gordon Bryant** from representing the local Veterans Service Office.
 - C. Reappoint **Ron Stevens** as a Citizen Advocate for another 3-year term.
 - D. Appoint **Beth Severo** as representing the Florida Department of Elder Affairs.
 - E. Rescind **Angela Wood** as representing the Florida Department of Elder Affairs.
 - F. Reappoint **Mary Bartoshuk** representing the Local Medical Community for another 3-year term.
 - G. Make additional appointments that may be announced.
2. Authorize the Chairman to endorse the LCB certification form for the LCB provided in Attachment A.

GLADES-HENDRY COUNTY JOINT LOCAL COORDINATING BOARD MEMBERSHIP CERTIFICATION

Planning Agency Name: Southwest Florida Regional Planning Council; 1926 Victoria Ave.; Ft. Myers, FL 33901

Southwest Florida Regional Planning Council named above hereby certifies to the following:

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

Signature: _____ Date: March 17, 2016

SWFRPC Chairperson

| | The Glades-Hendry LCB has a Representative of: | Voting Member | Term Expires | Alternate Member | Term Expires |
|---|---|-----------------------------------|---------------|--|---------------------------------|
| 1 | The MPO or DOPA shall appoint one elected official to serve as the official Chairperson for all Coordinating Board meetings. | Donna Storter-Long (Vice - Chair) | December 2014 | Janet Taylor (Chair) Darrell Harris (Alternate to Vice-Chair) | December 2016 March 2013 |
| 2 | A. A local representative of the Florida Department of Transportation (DOT) | Debi Stephens | Agency | Richard Shine | Agency |
| 3 | B. A local representative of the Florida Department of Children and Families (DCF) | Aaron Stitt | Agency | (Vacant) | Agency |
| 4 | C. A local representative of the Public Education Community which could include, but not be limited to, a representative of the District School Board, School Board Transportation Office, or Headstart Program in areas where the School District is responsible | Jim Brickel | Agency | Garry Ensor | Agency |
| 5 | D. In areas where they exist, a local representative of the Division of Vocational Rehabilitation Services or the Division of Blind Services, representing the Department of Education | Victoria Aguilar | Agency | (Vacant) | Agency |
| 6 | E. A person recommended by the local Veterans Service Office, representing Veterans of the county | Gordon E. Bryant | Agency | (Vacant) | Agency |

| | The Glades-Hendry LCB has a Representative of: | Voting Member | Term Expires | Alternate Member | Term Expires |
|----|---|-----------------------|---------------------|-------------------------|---------------------|
| 7 | F. A person recognized by the Florida Association for Community Action representing the economically disadvantaged | Fred Richards | Agency | (Vacant) | Agency |
| 8 | G. A person over age 60 representing the Elderly in the county | Kristina Rodriquez | Agency | Bill Iffland | Agency |
| 9 | H. A person with a disability representing the disabled in the county | (Vacant) | | (Vacant) | |
| 10 | I--1.[One of Two] Citizen Advocates in the County | Ron Stevens | May 2018 | (Vacant) | Agency |
| 11 | I--2. [One of two] Citizen Advocates this one must be a person who uses the transportation service(s) of the system as their primary means of transportation. | (Vacant) | | (Vacant) | |
| 12 | J. A local representative for children at risk | Vanessa Fischel | Agency | Sherry Shupp | Agency |
| 13 | K. In areas where they exist, the Chairperson or designee of the local Mass Transit or Public Transit System's Board, except in cases where they are also the Community Transportation Coordinator. | N/A | | N/A | |
| 14 | L. A local representative of the Florida Department of Elder Affairs | Beth Severo | Agency | Angela Wood | Agency |
| 15 | M. An experienced representative of the local private for profit transportation industry. In areas where such representative is not available, a local private non-profit representative will be appointed, except where said representative is also the Community Transportation Coordinator | (Vacant) | | (Vacant) | |
| 16 | N. A local representative of the Florida Agency for Health Care Administration | Joe Martinez | Agency | Patricia Brooks | Agency |
| 17 | O. A representative of the Regional Workforce Development Board established in Chapter 445, <i>Florida Statutes</i> | Rebecca Meeler | Agency | Thais Kuoman | Agency |
| 18 | P. A representative of the local medical community, which may include, but not be limited to, kidney dialysis centers, long term care facilities, hospitals, local health department or other home and community based services, etc. | Mary Bartoshuk | March 2019 | Nancy Acevedo | December 2016 |

9c

City of Sarasota DEO 16-1ESR

9c

9c

1400 Colonial Blvd., Suite 1
Fort Myers, FL 33907



P: 239.938.1813 | F: 239.938.1817
www.swfRPC.org

LOCAL GOVERNMENT COMPREHENSIVE PLAN AMENDMENTS CITY OF SARASOTA

The Council staff has reviewed the proposed evaluation and appraisal based amendments to the City of Sarasota Comprehensive Plan (DEO 16-1ESR). 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:

| Factors of Regional Significance | | | | |
|-------------------------------------|-----------------|------------------|------------------|--|
| <u>Proposed</u> <u>Amendment</u> | <u>Location</u> | <u>Magnitude</u> | <u>Character</u> | <u>Consistent</u> |
| DEO 16-1ESR | No | No | No | (1) Not Regionally Significant (2) Consistent with SRPP |

RECOMMENDED ACTION:

Approve staff comments. Authorize staff to forward comments to the Department of Economic Opportunity and the City of Sarasota

02/2016

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.

CITY OF SARASOTA COMPREHENSIVE PLAN AMENDMENT (DEO 16-1ESR)

RECEIVED: JANUARY 29, 2016

Summary of Proposed Amendment

The City of Sarasota Comp Plan Amendment DEO 16-1ESR proposes to revise the text of Future Land Use Chapter of the Sarasota City Plan (2030). The proposal is to remove a site specific limitation for a 0.48 acre property located at 1938 Laurel Street and with PID 2027-09-0100 which limits residential uses to a maximum of 12 attainable housing units that would be developed and managed by the Community Housing Trust of Sarasota County and non-residential uses to a maximum of 23,500 sq. ft. of office space. The amendment would change the use of this parcel to residential only. Rather than build attainable housing on the site, the applicant has decided to make a monetary contribution in the total amount of \$250,000 to the City's Affordable Housing Trust Fund. The parcel has an Urban Edge FLUC and is adjacent to Mixed Residential and Urban Edge FLUCs.

The amendment also proposes to eliminate a requirement for attainable housing to be functionally equivalent to market rate units in size (sq. feet) and appearance (fixtures and finishes). The plan still requires the exterior appearance of attainable housing to be compatible in style and quality to market rate units in the area. The minimum allowable size must match the requirements set by the Florida Building Code.

Regional Impacts

Council staff has reviewed the requested changes and finds that the requested Comprehensive Plan amendments do not directly produce any significant regional impacts that would be inconsistent with the Comprehensive Plan of any other local government within the region.

Extra-Jurisdictional Impacts

Council staff has reviewed the requested changes and finds that the requested Comprehensive Plan amendments do not directly produce any significant extra-jurisdictional impacts that would be inconsistent with the Comprehensive Plan of any other local government within the region.

Conclusion

No adverse effects on regional resources or facilities and no extra-jurisdictional impacts have been identified. Staff finds that this project is not regionally significant.

Recommended Action

Approve staff comments. Authorize staff to forward comments to the Department of Economic Opportunity and the City of Sarasota.

MAPS

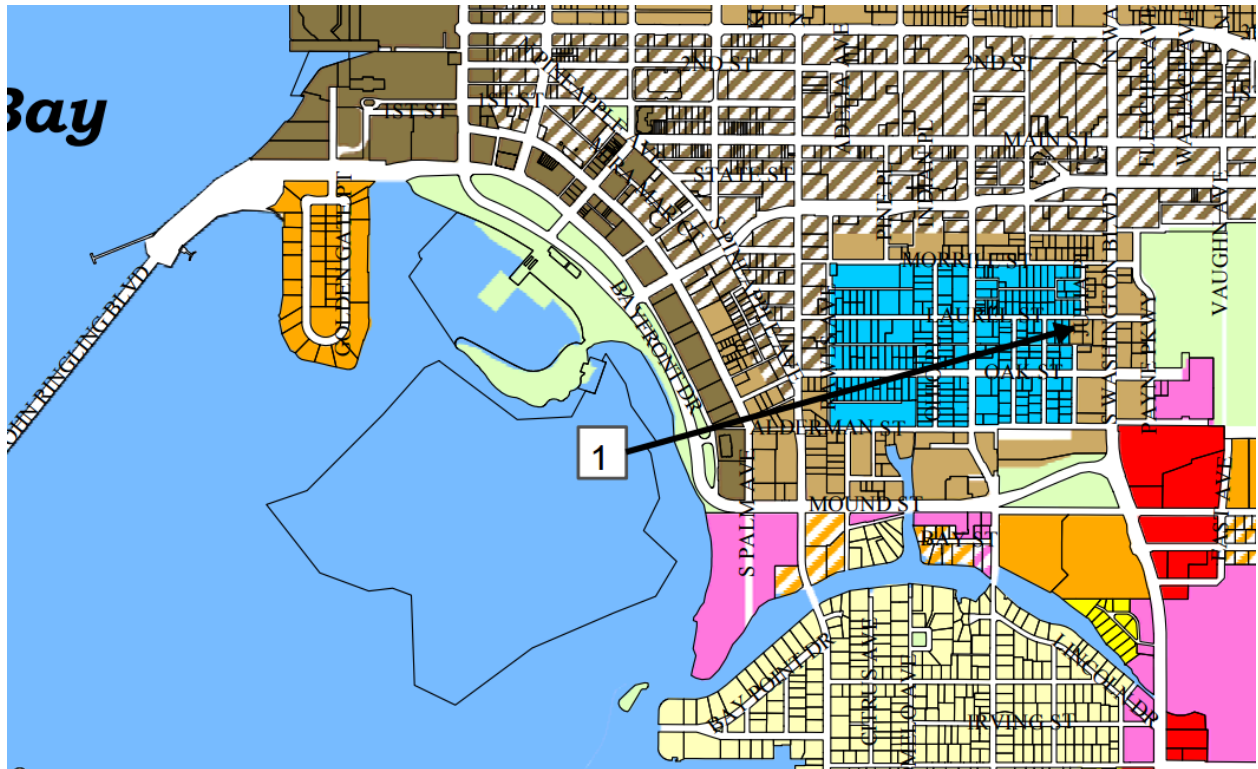
City of Sarasota

DEO 16-1ESR

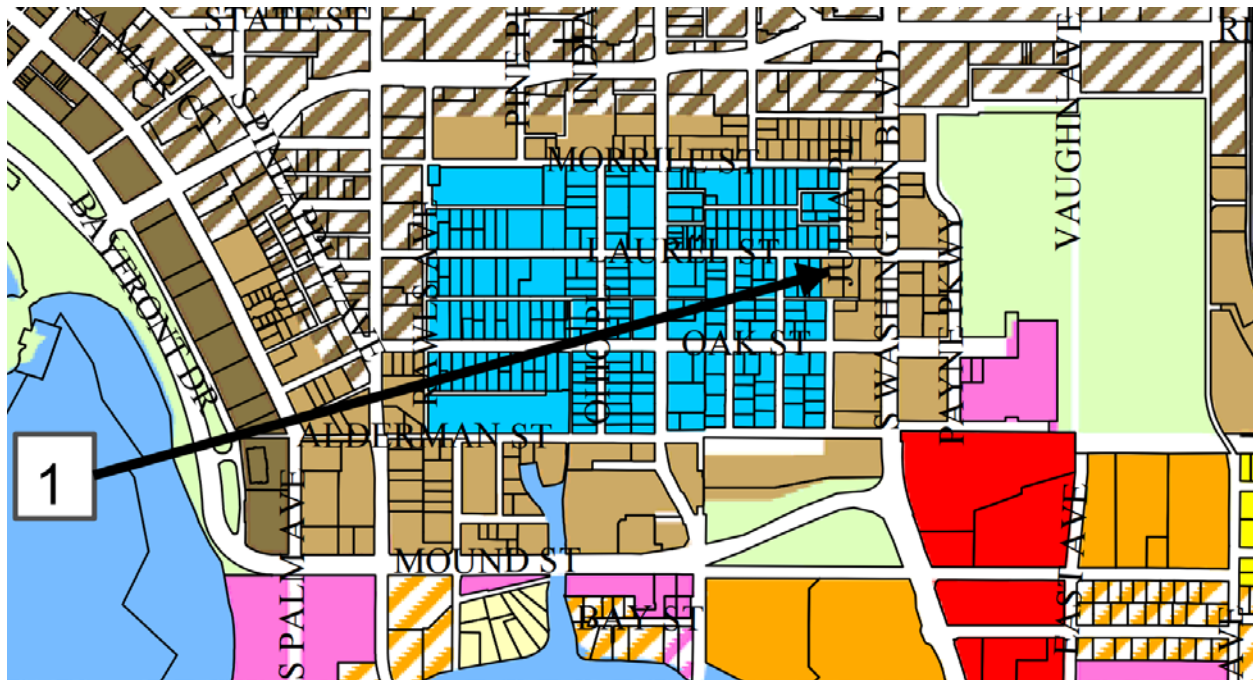
Growth Management Plan

Comprehensive Plan Amendment

City of Sarasota DEO 16-1ESR Locational Map



City of Sarasota DEO 16-1ESR FLU Map



Future Land Use Map Classifications

| | | | |
|--|------------------------------------|--|---|
| | Single Family (Very Low Density) | | Neighborhood Office |
| | Single Family (Low Density) | | Community Office / Institutional |
| | Multiple Family (Moderate Density) | | Neighborhood Commercial |
| | Multiple Family (Medium Density) | | Community Commercial |
| | Mixed Residential | | Production Intensive Commercial |
| | Urban Neighborhood | | Resort Residential |
| | Downtown Core | | Metropolitan / Regional |
| | Downtown Bayfront | | Open Space-Recreational-Conservation (<i>uplands</i>) |
| | Urban Edge | | Open Space-Recreational-Conservation (<i>waterbodies</i>) |

(See Future Land Use Action Strategy 1.9 for policy regarding privately owned submerged lands)

City Limits Railroads Parcels

--- Agenda --- Item

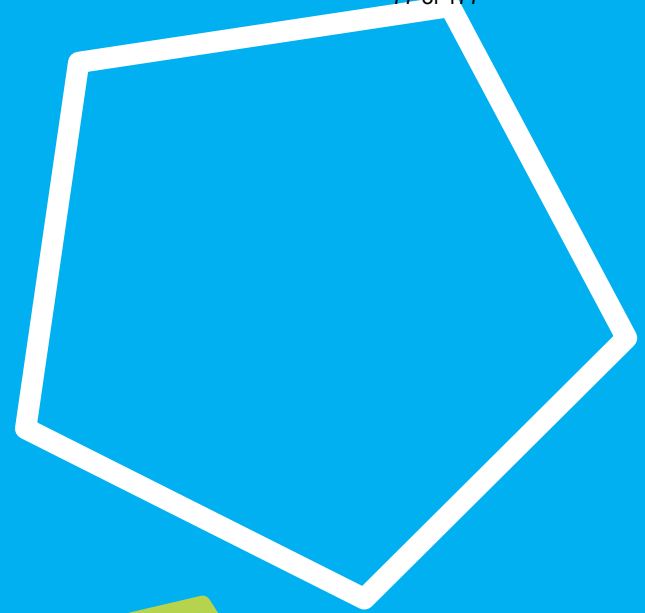
10

Regional Impact

10

10

GROWTH MANAGEMENT PROGRAM



GROWTH MANAGEMENT PLANNING

78 of 177



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



COMP PLAN AMENDMENTS



Lee County

DEO 16-1ESR

Pine Island Update

Description:

Lee County DEO 16-1ESR incorporates changes to the Pines Island Community Plan into the Lee Plan. These changes include incorporating a Transfer of Development Units (TDU) program, increasing density in the Coastal Rural FLUC from 1 unit/10 acres to 1 unit/2.7 acres, and increasing maximum hurricane evacuation time from 16 to 18 hours.

Before 2003, maximum density in the Coastal Rural FLUC was 1 unit/acre. After the density was lowered to 1 unit/10 acres, landowners sued Lee County under the Bert Harris Act. The density increase to 1 unit/2.7 acres is requested to limit further damages.

Lee County

DEO 16-1ESR

Pine Island Update

Recommendation:

Council staff recommends that this proposal be found regionally significant in regards to location and consistent with the SRPP.

Greater Pines Island is a community with a unique rural character and great care must be taken to make sure it stays that way. It is also a community with limited transportation routes and FDOT expressed concerns regarding traffic. Staff recommends that the County work with FDOT address these concerns.

Lee County DEO 16-1ESR



Hendry County

DEO 16-1ESR

Description:

Hendry County DEO 16-1ESR amends the Hendry County Comprehensive Plan Future FLUM to change the future land use designation for the subject properties from Agriculture (AG) FLUC to Multi-Use Development (MUD) FLUC. The subject properties are located on US 27 and consist of 629+/- acres. The proposed MUD FLUC allows existing agricultural uses to continue, recreational facilities, residential, commercial, and industrial uses.

This parcel is located within an emerging growth center. It is adjacent to the Airglades Airport and the Airport Industrial Planned Development property. Two and half miles to the east are 1900 acres of property already designated MUD.

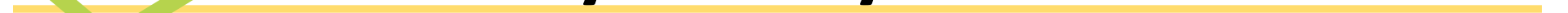
Hendry County

DEO 16-1ESR

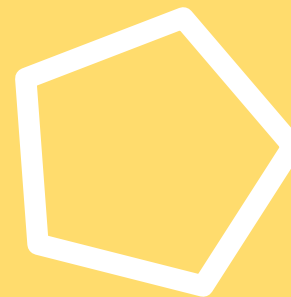
Recommendation:

Council staff recommends that this proposal be found regionally significant in regards to magnitude and location and consistent with the SRPP.

Dwelling units in this site will likely be over 500, which is the lower limit that staff uses to determine regional significance in Hendry County. The site is also adjacent to Glades County, the Airglades Airport, and SIS transportation facilities (SR 80/SR 25/US 27).



SCIBC NOPC
















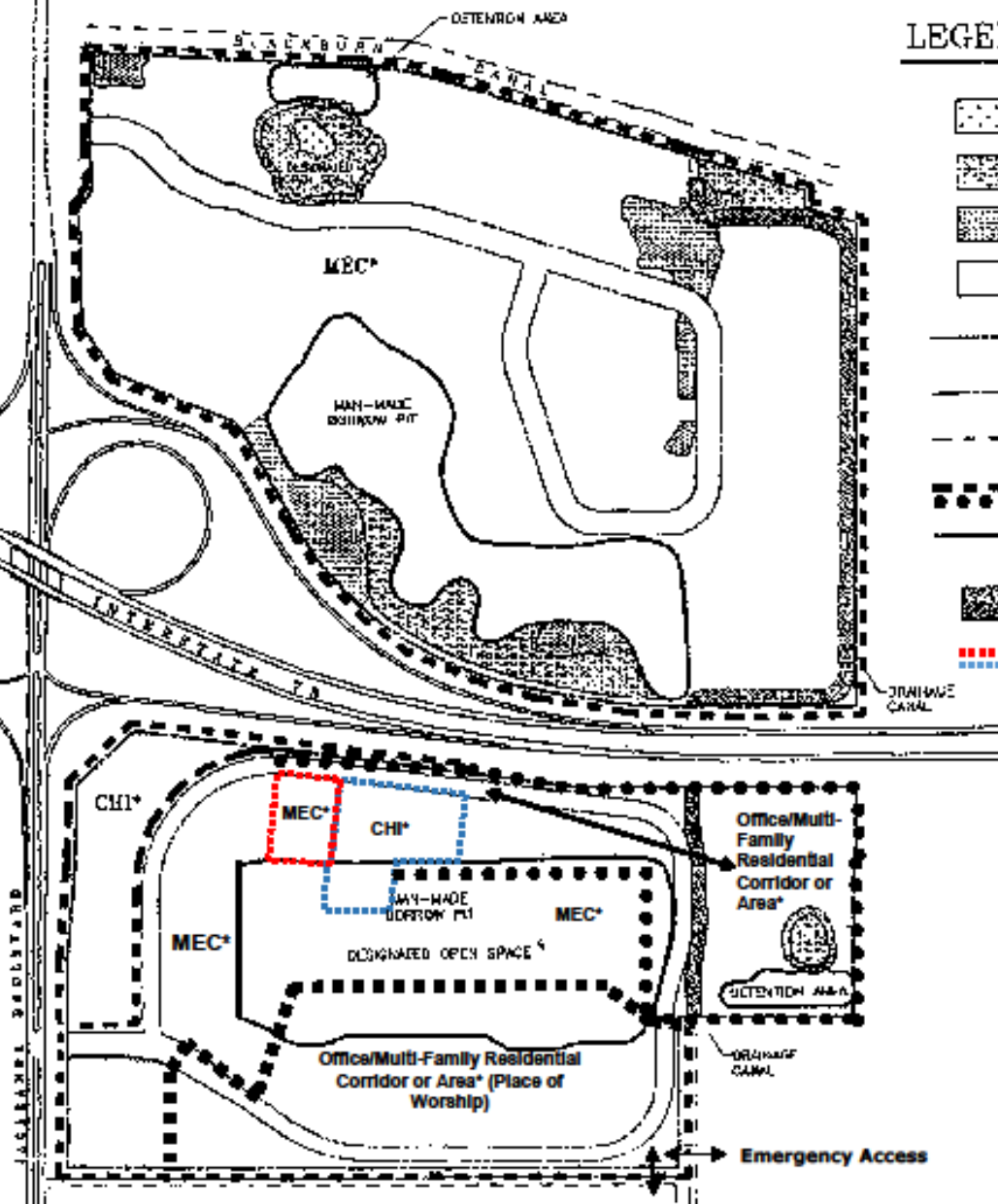
SARASOTA COUNTY INTERSTATE BUSINESS CENTER

DRI NOTICE OF PROPOSED CHANGE

- In late November 2015 the applicant SCIBC DRI Master Association, Inc. submitted a Notice of Proposed Change (NOPC) to extend the buildout of the project from 2015 to December 31, 2024, add 130 motel rooms and reduce office from 360,000 square feet to 165,000 square feet.
- Because these changes reduce the traffic generation of the project a change to the “Facility Reservation Period” is proposed. The DO amendment language states “at such time as the amount of SCIBC development, for which Final Development Orders have been issued, generates the equivalent of ~~1,666~~ 1,370 net, new p.m. peak hour external vehicle trips or the equivalent of ~~2,684~~ 2,418 gross p.m. peak-hour trip ends”.
- Other changes are proposed regarding the specific PM Peak Capacity Reserved by Roadway Segment, when improvements are required based on Biennial Traffic Monitoring Reports and amend the Biennial Traffic Monitoring Program Methodology to clarify when the need for and construction of, if necessary, for a second southbound left-turn lane at the Jacaranda Boulevard & Executive Drive intersection.
- The applicant has provided a revised traffic reanalysis, which provided a basis for revised commitments and the county’s “Facility Reservation Period” for impacted roads in the proposed revised development order conditions to rebut this presumption through the new buildout period. Furthermore, the changes resulted in a 17.7% reduction in p.m. peak hour external trips.
- **RECOMMENDED ACTION:** No objection to the NOPC change which is not a substantial deviation and does not create additional regional impacts not previously reviewed by the regional planning council.

LEGEND

-  PRESERVED WILLOW HEAD
-  PRESERVED WETLANDS
-  PRESERVED UPLANDS
-  DEVELOPED AREA
-  PROPERTY LINE
-  PROPOSED ROAD R.O.W.
-  EXISTING DITCH
-  EXISTING LAND-USE DESIGNATION
-  PROPOSED WATER BODY/LITORAL AREA
-  MAN-MADE CANAL
-  PROPOSED LAND-USE DESIGNATION



Map H
Page 1 of 2



Revised November 1, 2015

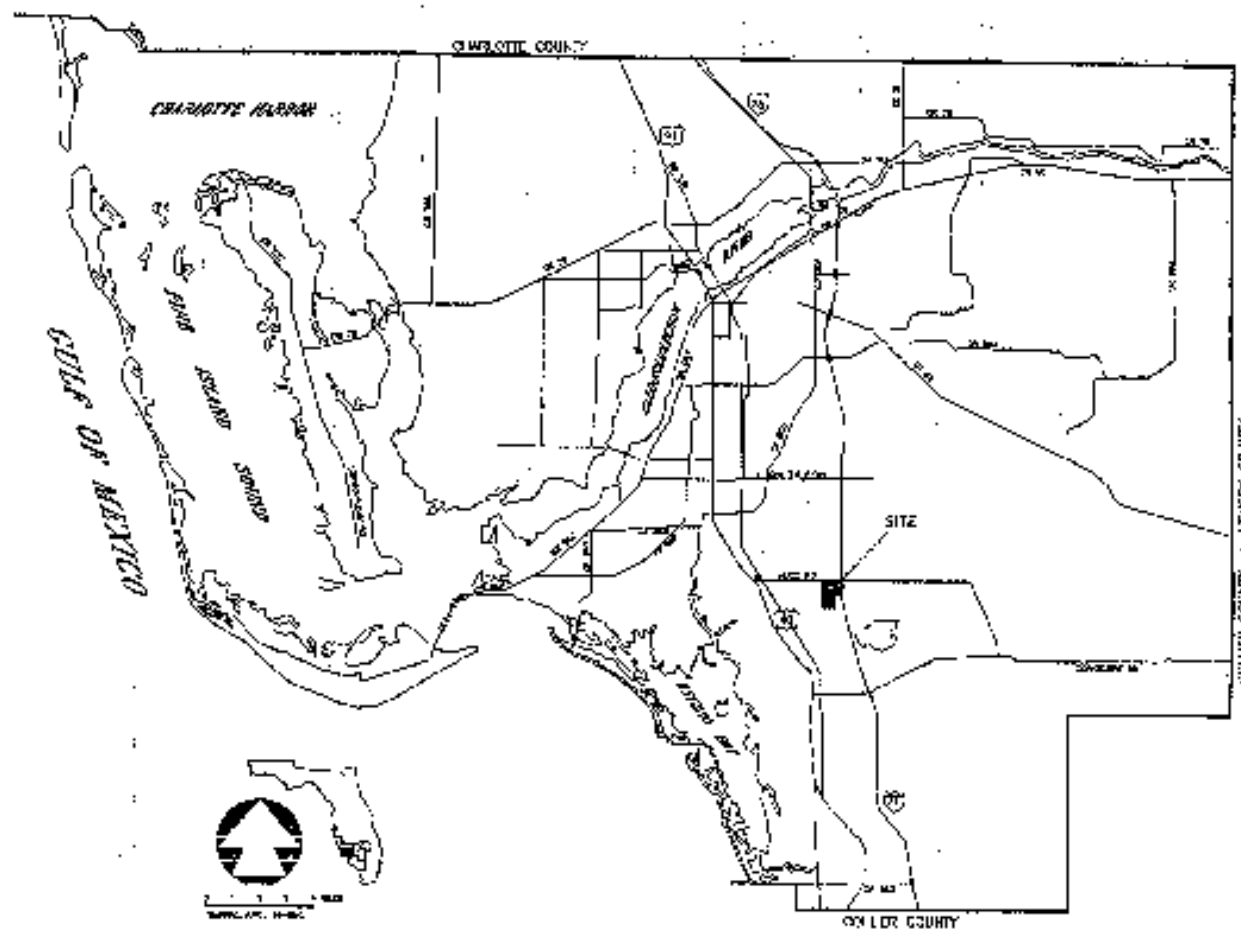
Alico Interchange Park of Commerce NOPC



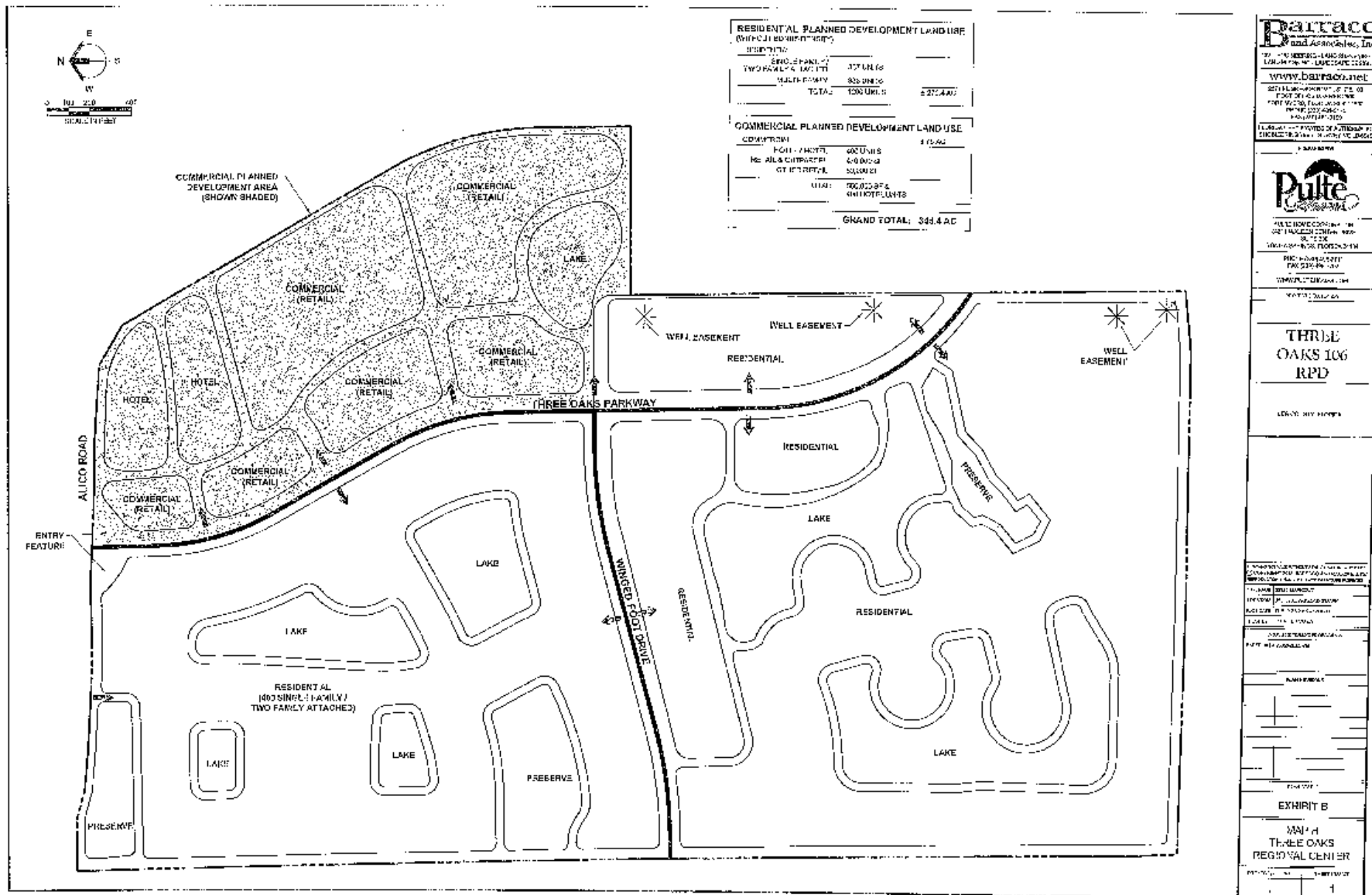


NOTICE OF PROPOSED CHANGE IN LEE COUNTY

- In September 2015, a Notice of Proposed Change (NOPC) was submitted to convert a 105-acre (+/-) parcel located at the southwest corner of Alico Road and Three Oaks Parkway from commercial/office development to residential development (see slide 2)
- Change is to eliminate 1,346,000 square feet of retail and office uses and allow a maximum of 400 single and two-family residential dwelling units to be constructed on this parcel. The DRI is now proposed to have a total of 1,200 units, 550,000 square feet of retail and 400 hotel/motel rooms.
- Since there would be a 59% reduction in external trips, DO language is proposed “At Developer’s option, Developer may request and the County will issue roads impact fee credits in the amount of to reimburse Developer for the excess proportionate share obligation”.
- Other changes are to extend the buildout by an additional 3 years and 8 months until April 20, 2022, eliminate the affordable housing payment if the project constructs in excess of the original 750,000 square feet of office and 146,000 square feet of retail, and eliminate the requirement to provide a 7.8± acre gopher tortoise recipient area along the western property boundary.
- An additional condition to address the onsite gopher tortoise relocation is necessary as follows and is consistent with Lee County requirements. The condition to be included shall state “prior to insurance of vegetation removal permit a Florida Fish and Wildlife Conservation Commission permit must be submitted to Lee County Environmental Sciences staff”.
- **RECOMMENDED ACTION:** No objection to the NOPC change which is not a substantial deviation and does not create additional regional impacts not previously reviewed by the regional planning council. Include the recommend condition regarding gopher tortoise permitting.



ATTACHMENT I
DR: LOCATION MAP
ALICO INTERCHANGE PARK



Agenda Item

10a

Lee County DEO 16-1ESR

10a

10a

1400 Colonial Blvd., Suite 1
Fort Myers, FL 33907



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www.swfipc.org

LOCAL GOVERNMENT COMPREHENSIVE PLAN AMENDMENTS LEE COUNTY

The Council staff has reviewed the proposed evaluation and appraisal based amendments to the Lee County Comprehensive Plan (DEO 16-1ESR). 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:

| Factors of Regional Significance | | | | |
|-------------------------------------|-----------------|------------------|------------------|--|
| <u>Proposed</u> <u>Amendment</u> | <u>Location</u> | <u>Magnitude</u> | <u>Character</u> | <u>Consistent</u> |
| DEO 16-1ESR | Yes | No | No | (1) Regionally significant (2) Consistent with SRPP |

RECOMMENDED ACTION:

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

02/2016

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
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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.

LEE COUNTY COMPREHENSIVE PLAN AMENDMENT (DEO 16-1ESR)

RECEIVED: JANUARY 29, 2016

Summary of Proposed Amendment

Lee County DEO 16-1ESR is a proposed amendment to the Lee Plan, which incorporates updates to the Pine Island Community Plan. The proposed text amendments include changes to the Future Land Use, Transportation, Capital Improvement, Conservation and Coastal Management Elements of the Lee Plan, as well as updates to Glossary and Tables 1(a), 2(a), and 2(b). The updates are generally based on the following:

Residential Land Use/Density: This includes amendments to residential land use/densities based on the Transfer of Development Rights (TDR) program for Greater Pine Island.

Hurricane Evacuation and Transportation Issues: This includes amendments to hurricane evacuation times and mitigation requirements for constrained roadways on Greater Pine Island.

The proposed FLUE amendments address Lee County's Future Urban Area land use categories (Intensive Development, Central Urban, and Urban Community) and Suburban land use categories. The proposed amendments allow densities to be increased above the maximum total density if using Transferable Development Units (TDUs) on lands within the Greater Pine Island Planning Community. The following table summarizes the proposed density increases for the TDR program.

| FLU Category | FLU Policy | Adopted Density | Proposed Density with Greater Pine Island TDU |
|-----------------------|------------|------------------|---|
| Intensive Development | 1.1.2 | up to 22 du/acre | up to 30 du/acre |
| Central Urban | 1.1.3 | up to 15 du/acre | up to 20 du/acre |
| Urban Community* | 1.1.4 | up to 10 du/acre | up to 15 du/acre |
| Suburban* | 1.1.5 | up to 6 du/acre | up to 8 du/acre |

* Land uses that occur on Greater Pine Island

The proposed amendments also increase the standard maximum density in the Coastal Rural FLUC on Greater Pine Island from 1 dwelling unit (du)/10 acres to allowing 1 du/2.7 acres. In 2003, maximum density in the Coastal Rural FLUC was reduced from 1 du/acre to 1 du/10 acres. As a result 51+ property owners filed Bert Harris notices. Eight Bert Harris cases were files with claims approximating \$10 million. This proposed density increase has been requested to limit further damages. Greater Pine Island will remain one of the lowest density Planning Communities in Lee County from a land use standpoint and will have the highest level of community specific design standards.

The amendment package also updates hurricane evacuation and mitigation requirements and increase maximum hurricane evacuation clearance times from 16 to 18 hours for Greater Pine Island. When evacuation clearance times reach 16 hours, Lee County will develop mitigation

regulations and when evacuation clearance times exceed 18 hours, the County will impose the additional mitigation measures.

The amendment establishes that development increasing density within the Coastal High Hazard Area (CHHA) in Greater Pine Island requires that the maximum 16-hour out of the county evacuation time or 12-hour evacuation time to shelter be met for a Category 5 storm event. If development initiatives cannot meet these criteria, a mitigation plan for providing appropriate mitigation to satisfy these provisions including, without limitation, the payment of money, contribution of land, or construction of hurricane shelters and transportation facilities must be memorialized through a binding agreement prior to adoption of the plan amendment.

Regional Impacts

Council staff finds that the project is regionally significant in regards to location. Greater Pines Island is a community with a unique rural character and limited transportation. This amendment will increase the maximum allowable density in the Coastal Rural land use from 1 unit/10 acres to 1 unit/2.7 acres. However, staff does not believe that the amendments will produce any impacts that would be inconsistent with the SRPP.

FDOT reviewed the amendment package and their comments are attached. They commented that with the density increase, SR 78 from Chiquita Blvd. to Santa Barbara Blvd. will fail by 2035. FDOT has determined that the proposed amendments will have adverse impacts on Pine Island Rd/SR 78, which is a hurricane evacuation route and a transportation resource and facility of State importance. FDOT recommended several strategies to eliminate or mitigate these impacts and council staff recommends that the County work with FDOT address these concerns.

Extra-Jurisdictional Impacts

Council staff has reviewed the requested changes and finds that the requested Comprehensive Plan Amendments do not directly produce any significant extra-jurisdictional impacts to regional counties and cities that would be inconsistent with the Comprehensive Plan of any other local government within the region.

Conclusion

Staff finds that this project is regionally significant in regards to location and consistent with the SRPP. It is recommended that Lee County work with FDOT to address traffic concerns.

Recommended Action

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



Florida Department of Transportation

RICK SCOTT
GOVERNOR

10041 Daniels Parkway
Fort Myers, FL 33913

JIM BOXOLD
SECRETARY

February 23, 2016

Mr. Brandon Dunn
Principal Planner
Lee County Planning Division
P.O. Box 398
Fort Myers, Florida 33902-0398

RE: Lee County 16-1ESR Proposed Comprehensive Plan Amendment (Expedited State Review Process) – FDOT Comments and Recommendations

Dear Mr. Dunn:

The Florida Department of Transportation (FDOT), District One, has reviewed the Lee County 16-1ESR, Proposed Comprehensive Plan Amendment (CPA), known locally as CPA2015-00013 (Pine Island Community Plan Update). This CPA was transmitted under the Expedited State Review process by the Board of County Commissioners, in accordance with the requirements of Florida Statutes (F.S.) Chapter 163. The Department offers Lee County the following comments and recommendations regarding the proposed amendments.

CPA2015-00013, Pine Island Community Plan Update (Text Amendment):

CPA2015-00013 is a proposed amendment to the Lee Plan, which incorporates updates to the Pine Island Community Plan. The proposed text amendments include changes to the Future Land Use, Transportation, Capital Improvement, Conservation and Coastal Management Elements of the Lee Plan, as well as updates to Glossary and Tables 1(a), 2(a), and 2(b). The updates are generally based on the following:

- **Residential Land Use/Density:** This includes amendments to residential land use/densities based on the Transfer of Development Rights (TDR) program for Greater Pine Island.
- **Hurricane Evacuation and Transportation Issues:** This includes amendments to hurricane evacuation times and mitigation requirements for constrained roadways on Greater Pine Island.

Following is a summary of the objectives and policies as proposed in this CPA.

- The proposed FLUE amendments to Policies 1.1.2, 1.1.3, 1.1.4 and 1.1.5, address Lee County's Future Urban Area land use categories (Intensive Development, Central Urban, and Urban Community) and Suburban land use categories. The proposed amendments

allow densities to be increased above the maximum total density if using Transferable Development Units (TDUs) on lands within the Greater Pine Island Planning Community. The following table summarizes the proposed density increases for the TDR program.

| FLU Category | FLU Policy | Adopted Density | Proposed Density with Greater Pine Island TDU |
|------------------------------|------------|------------------|---|
| Intensive Development | 1.1.2 | up to 22 du/acre | up to 30 du/acre |
| Central Urban | 1.1.3 | up to 15 du/acre | up to 20 du/acre |
| Urban Community ¹ | 1.1.4 | up to 10 du/acre | up to 15 du/acre |
| Suburban ¹ | 1.1.5 | up to 6 du/acre | up to 8 du/acre |

1. Land uses that occur on Greater Pine Island.

- Outside of the TDR program, the proposed amendments to Policy 1.4.7 7 increase the standard maximum density in the Coastal Rural land use category on Greater Pine Island from 1 dwelling unit (DU) per 10 acres to allowing 1 DU per 2.7 acres.
- The proposed amendments to Objectives 14.2 and 14.8, and Policies 14.2.1-14.2.6, 14.8.1-14.8.9 and Policy 109.1.1 update hurricane evacuation and mitigation requirements and increase maximum hurricane evacuation clearance times from 16 to 18 hours for Greater Pine Island. The 18 hour clearance time is based on analyses by Lee County Staff, which included consultation with the Department of Community Development, Lee County Department of Transportation, Department of Public Safety, traffic consultants and an expert in hurricane evacuation and preparedness, to determine evacuation times using current capacity calculations and different land use scenarios to assure that maximum evacuation times in the event of a hurricane would be maintained. Policy 14.2.2 states that when evacuation clearance times reach 16 hours, Lee County will develop mitigation regulations and when evacuation clearance times exceed 18 hours, the County will impose the additional mitigation measures.
- The proposed amendments to Policies 14.3.1, 14.3.3, 14.3.4, 14.6.1 and 14.6.2 establish standards for residential land uses within Greater Pine Island in order to maintain the rural character, the coastal environment, and the island's unique natural resources.
- The proposed amendments to Objective 37.1 and Policy 37.1.1 modifies the minimum acceptable level-of-service (LOS) standards on County-maintained transportation facilities. The County's adopted LOS standards on State transportation facilities remain unchanged.
- The proposed amendment to Policy 109.1.5 establishes that development increasing density within the Coastal High Hazard Area (CHHA) in Greater Pine Island requires that the maximum 16-hour out of the county evacuation time or 12-hour evacuation time to shelter be met for a Category 5 storm event. If development initiatives cannot meet these criteria, a mitigation plan for providing appropriate mitigation to satisfy these provisions including, without limitation, the payment of money, contribution of land, or construction of hurricane shelters and transportation facilities must be memorialized through a binding agreement prior to adoption of the plan amendment.

- The proposed amendment to Policy 4.2.4 allows bonus densities within the CHHA through the County's affordable housing program.
- The proposed amendments to the Glossary and Tables are made for consistency with proposed Policy changes.
- Policy 6.1.2 provides for commercial development in non-urban future land use categories to locate within 330 feet of adjoining rights of way of intersecting arterial and collector roadways or two collector roadways with direct access to both.

F.S. 163.3184(3)(b)2 states State agencies shall only comment on important state resources and facilities that will be adversely impacted by the amendment if adopted. In accordance with F.S. 163.3184(3)(c), the Department of Transportation offers the following comments limited to issues within the agency's jurisdiction as it relates to transportation resources and facilities of state importance.

FDOT Comment #1:

The proposed amendment to Policy 1.4.7 includes an increase in the standard maximum density from one dwelling unit (DU) per 10 acres to one DU per 2.7 acres for the Coastal Rural land use category established for the Greater Pine Island Planning Community. In addition to Policy 1.4.7, Policies 4.2.4 and 14.3.4 further support other increased residential densities on Greater Pine Island.

Greater Pine Island is a barrier island which currently has a transportation network that is limited to only one point of access to and from the mainland via Pine Island Road. While the segment of Pine Island Road from Stringfellow Road to Burnt Store Road is a County facility (CR 78), and the segment east of Burnt Store Road is a State facility (SR 78), the County facility directly impacts the safety and operation of the State's portion of Pine Island Road. Following is a planning-level analysis of the roadway operations for Pine Island Road.

YEAR 2014/2015 ROADWAY CONDITIONS

| Roadway | From | To | SIS? | LOS Std. | Existing Conditions | | | | |
|--------------------|------------------|---------------------|------|----------|---------------------|-----------------------------|-----------------|-----|-------------|
| | | | | | No. of Lanes | Service ¹ Volume | Peak-Hour 2-Way | LOS | Acceptable? |
| CR 78 ² | Stringfellow Rd. | Burnt Store Rd. | N | E | 2 | 1,830 | 1,083 | E | Yes |
| SR 78 ² | Burnt Store Rd. | Chiquita Blvd. | N | D | 4 | 3,760 | 1,197 | C | Yes |
| SR 78 | Chiquita Blvd. | Santa Barbara Blvd. | N | D | 4 | 3,760 | 2,925 | C | Yes |

1. Service Volume at the Lee County Adopted LOS Standard.
2. Based on 2015 traffic count data.

YEAR 2035 LONG-TERM HORIZON ROADWAY CONDITIONS

| Roadway | From | To | SIS? | LOS Std. | 2035 Conditions | | | | |
|---------|------------------|---------------------|------|----------|-----------------|-----------------------------|-------------------|-----|-------------|
| | | | | | No. of Lanes | Service ¹ Volume | AADT ² | LOS | Acceptable? |
| CR 78 | Stringfellow Rd. | Burnt Store Rd. | N | E | 2 | 1,830 | 1,948 | F | No |
| SR 78 | Burnt Store Rd. | Chiquita Blvd. | N | D | 4 | 3,760 | 3,294 | C | Yes |
| SR 78 | Chiquita Blvd. | Santa Barbara Blvd. | N | D | 4 | 3,760 | 4,536 | F | No |

1. Service Volume at the Lee County Adopted LOS Standard.
2. The long term planning horizon year 2035 volume was obtained based on interpolation between existing and latest 2040 model volumes (based on District 1 Districtwide Regional Planning Model)

Based on preliminary analysis, the roadway segments of Pine Island Road from Stringfellow Road to Burnt Store Road and from Chiquita Boulevard to Santa Barbara Boulevard are expected to fail to meet the County and FDOT LOS standards respectively by year 2035. The Lee County MPO 2040 Long Range Transportation Plan identifies the segment of Pine Island Road from Chiquita Boulevard to Santa Barbara Boulevard as a needed widening improvement project (widening from 4 lanes to 6 lanes).

FDOT is concerned that the proposed text amendments, which increase residential densities on the Island, is anticipated to adversely impact the segment of Pine Island Road/SR 78 from Chiquita Boulevard to Santa Barbara Boulevard.

FDOT Comment #2:

The proposed amendments to TDR program Policies 1.1.2 thru 1.1.5 and 4.3.8 allow DU densities to be increased above the existing maximum total density for TDUs created on lands within the Greater Pine Island Planning Community. The program is intended to transfer density out of the Greater Pine Island Community into more urbanized areas of the County, thereby preserving lands within Pine Island. FDOT notes that until a Greater Pine Island TDR project is proposed, the impact of the proposed changes to the TDR program on the roadway network within Lee County cannot be determined.

FDOT Comment #3:

Based on the proposed text amendments in Policies 14.3.1, 14.3.4 and 14.3.5, it is unclear what densities can and/or cannot be transferred onto Greater Pine Island.

Policy 14.3.1 states that only Greater Pine Island TDUs are permitted in Greater Pine Island consistent with Table 1(a), Note 4, and that only the portion of Greater Pine Island defined as Pine Island Center is eligible to receive Greater Pine Island TDUs. However, Table 1(a) states that within the Future Urban Areas of Pine Island Center, rezonings allowing more than 3 dwelling units per gross acre must “acquire” the additional density utilizing TDUs that were created from Greater Pine Island in accordance with Policy 14.3.4, or transfer dwelling units in accordance with Policy 14.3.5.

FDOT Comment #4:

Based on the information provided by the Applicant, there appears to be an inconsistency between the existing Lee County Plan policies for hurricane evacuation times, the proposed policy amendments, and F.S. 163.3178(8)(a).

Policy 109.1.5 states that a proposed comprehensive plan amendments that increase density within a CHHA will not exceed a 16-hour evacuation time out of the County for a Category 5 storm event, or that the 12-hour evacuation time to shelter will be maintained. However, proposed policies 14.2.2 and 14.8.3 establish a hurricane evacuation clearance time of 18 hours for Greater Pine Island. F.S. 163.3178(8)(a) states that a proposed comprehensive plan amendment shall be found in compliance with state coastal high hazard provisions if it will not exceed a 16-hour evacuation time out of the County or the 12-hour evacuation time to shelter is maintained for a Category 5 storm event, therefore this proposed amendment appears to be in conflict with F.S. 163.3178(8)(a).

The proposed amendment data and analysis indicates current hurricane evacuation clearance times for the Pine Island area to be 6.2 hours. However, it is unclear if the data and analysis establishing the existing condition included all existing platted and buildable vacant lands on the Island. FDOT notes that an adequate analysis of clearance times based on potential increase of densities associated with this amendment to justify increasing clearance times to 18 hours has not been provided.

FDOT Comment #5:

Policy 109.1.5 states that proposed comprehensive plan amendments that increase density within a CHHA will not exceed a 16-hour evacuation time out of the County for a Category 5 storm event, or that the 12-hour evacuation time to shelter will be maintained. FDOT is concerned that the proposed text amendment only applies to the CHHA and does not apply to areas on Greater Pine Island outside of the CHHA. This Policy appears to be inconsistent with F.S. 163.3178(8)(a). Further, since all residents of Greater Pine Island, including the CHHA, must evacuate through the same constrained corridor, the most restrictive hurricane evacuation time should be applied to all.

FDOT Comment #6:

Policy 109.1.4 restricts the ability to mitigate potential traffic impacts by discouraging a new bridge to/from the island. Policy 14.2.3 places the burden on Lee County and FDOT to identify potential improvements to mitigate impacts associated with increased density. In addition, Table 2(a) identifies Pine Island Road (Matlacha) as a constrained roadway facility. Table 2(b) identifies recommended operational improvements on constrained roads, which includes constructing left turn lanes at intersections with local roads, where feasible.

FDOT is concerned that no data and analysis was provided indicating a maximum development scenario resulting from the proposed amendments. Additionally, no capacity improvements (especially along SR 78) are identified in support of the maximum development scenario to maintain evacuation clearance time standards for Greater Pine Island.

FDOT Comment #7:

The proposed amendment to Policy 4.2.4 allows bonus densities within the CHHA through the County's affordable housing program; however, it is unclear as to how much additional density would be permitted under this program. The apparent lack of restrictions on maximum density associated with affordable housing may create adverse impacts on Pine Island Road/SR 78 (a hurricane evacuation route and a transportation resource and facility of State importance).

FDOT Comment #8:

The proposed amendment package includes Data and Analysis for hurricane evacuation times from Greater Pine Island. The Department is concerned that FDOT was not included as a reviewing agency on the methodology to evaluate hurricane evacuation. Other concerns include peak period occupancy rates derived from surveys conducted during an off-peak period in October, and no analysis was provided regarding the future development of vacant lands on the Island based on existing and proposed comp plan amendments.

FDOT Comment #9:

Policy 6.1.2 provides for commercial development in non-urban future land use categories within Lee County to locate within 330 feet of adjoining rights of way of the interesting arterial and collector or two collector roads with direct access to both. FDOT notes that access to State transportation facilities must meet FDOT access management standards per Access Management Rule 14-96 and 14-97, Florida Administrative Code.

FDOT Comment #10:

Policy 109.1.5 references F.S. 163.3178(9). Please revise to the correct reference of F.S. 163.3178(8).

Strategies to Eliminate, Reduce or Mitigate Adverse Impacts:

Based upon FDOT comments herein, the proposed text amendments associated with the Lee County 16-1ESR is anticipated to have adverse impacts on Pine Island Road/SR 78 (a hurricane evacuation route and a transportation resource and facility of State importance). As a result, FDOT recommends the following strategies to eliminate, reduce or mitigate these impacts.

- a. As a result of potential future development/redevelopment on Greater Pine Island based on the proposed amendments, FDOT recommends the County include a policy stating that Lee County will develop transportation mitigation strategies in collaboration with FDOT and mitigate impacts to SR 78 resulting from said development/redevelopment.
- b. FDOT recommends Lee County include a policy to coordinate with the Department in the review of any TDU-related projects, to assess potential impacts of density increases on State transportation facilities in areas where density is being transferred to (Receiving Areas).
- c. FDOT recommends a policy be included that restricts TDUs from other areas outside of Greater Pine Island to be transferred onto Greater Pine Island as Receiving Areas.

- d. FDOT recommends evacuation times identified in Policies 14.2.2 and 14.8.3 be revised be to reflect F.S. 163.3178(8)(a) to limit evacuation times from Greater Pine Island to shelter to 12 hours or out of the County to 16 hours for a Category 5 storm.
- e. FDOT recommends evacuation times identified in Policy 109.1.5 be revised be to be consistent with F.S. 163.3178(8)(a) for shelter evacuation times, and apply to all proposed comprehensive plan amendments on Greater Pine Island within the hurricane evacuation zone for a Category 5 storm, and not just within the CHHA.
- f. FDOT recommends the County conduct an analysis to determine the impact of future development scenarios on evacuation clearance time standards for Greater Pine Island per F.S. 163.3178(8)(a), and to identify needed improvements on SR 78 which may include safety and operational improvements. Additionally, the Department requests to be included as a reviewing agency for future methodologies on the analysis of hurricane evacuation clearance times in Lee County and any event based operational mitigation strategies related to State facilities.
- g. FDOT recommends Policy 4.2.4 be revised to not allow bonus densities that would increase density on Greater Pine Island in the CHHA. If affordable housing is constructed on Greater Pine Island outside of the CHHA, the policy should be limited to the sending of TDUs from Greater Pine Island.
- h. FDOT recommends Policy 6.1.2 be amended to state that when seeking access to State transportation facilities, FDOT must be consulted in accordance with Access Management Rules 14-96 and 14-97, Florida Administrative Code.

Thank you for providing FDOT with the opportunity to review and comment on the amendment proposals. The Department is available to discuss the above comments and recommendations at your earliest convenience. Please free to contact me at (239) 225-1981 or sarah.catala@dot.state.fl.us.

Sincerely,



Sarah Catala
SIS/Growth Management Coordinator
FDOT District One

CC: Mr. Ray Eubanks, Florida Department of Economic Opportunity
Ms. Ana Richmond, Florida Department of Economic Opportunity
Ms. Brenda Winningham, Florida Department of Economic Opportunity
Ms. Carmen Monroy, Florida Department of Transportation
Mr. Lawrence Massey, Florida Department of Transportation

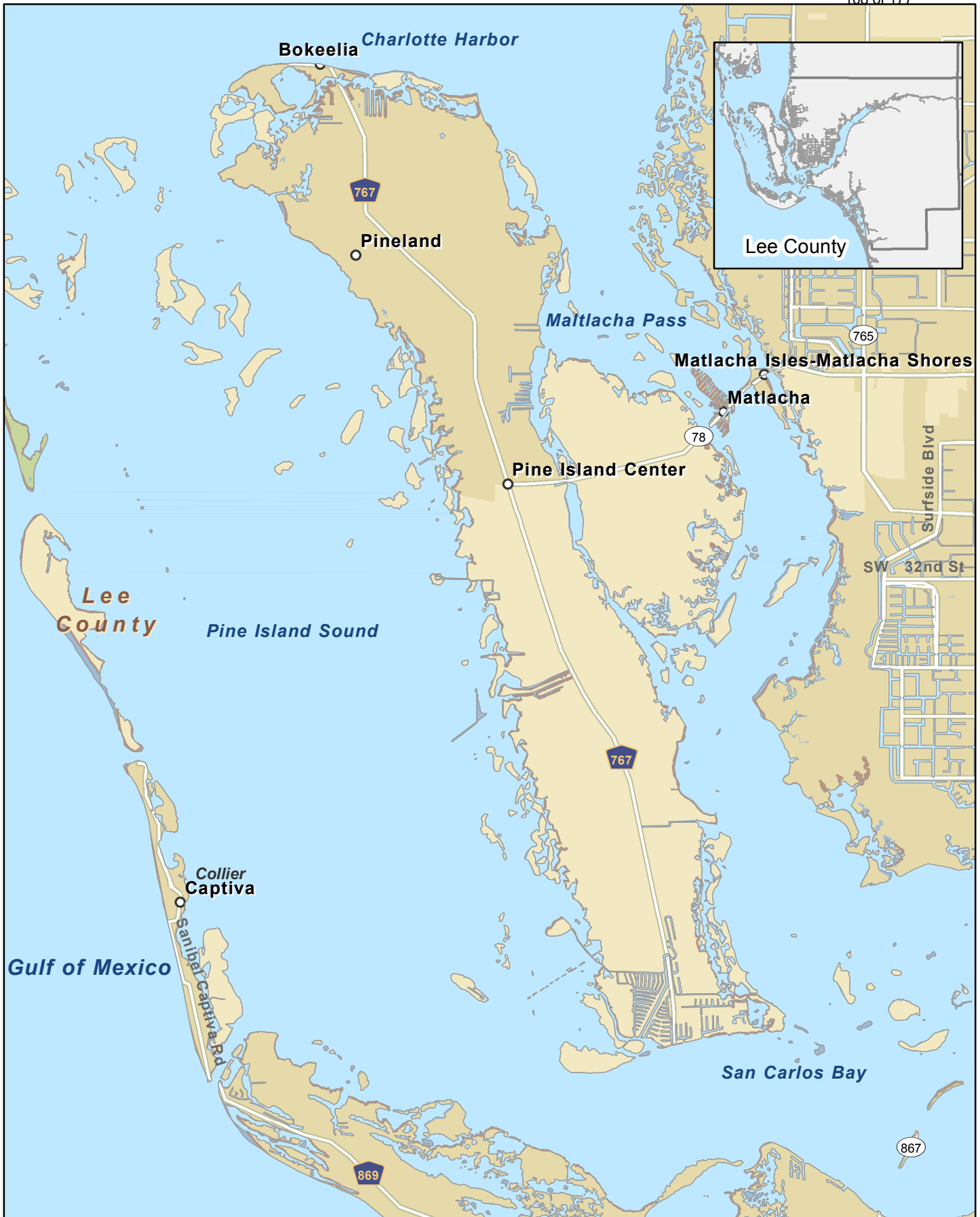
MAPS

Lee County

DEO 16-1ESR

Growth Management Plan

Comprehensive Plan Amendment



Pine Island

0 0.30.6 1.2 1.8
Miles



Southwest Florida
Regional Planning
Council

www.swfrpc.org

(Name: Pine Island) Last updated by: ckammerer on 2/25/2016

Agenda Item

10b

Hendry DEO 16-1ESR

10b

10b

1400 Colonial Blvd., Suite 1
Fort Myers, FL 33907



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LOCAL GOVERNMENT COMPREHENSIVE PLAN AMENDMENTS HENDRY COUNTY

The Council staff has reviewed the proposed evaluation and appraisal based amendments to the Hendry County Comprehensive Plan (DEO 16-1ESR). 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:

| Factors of Regional Significance | | | | |
|-------------------------------------|-----------------|------------------|------------------|--|
| <u>Proposed</u> <u>Amendment</u> | <u>Location</u> | <u>Magnitude</u> | <u>Character</u> | <u>Consistent</u> |
| DEO 16-1ESR | Yes | Yes | No | (1) Regionally Significant (2) Consistent with SRPP |

RECOMMENDED ACTION:

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

02/2016

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.

HENDRY COUNTY COMPREHENSIVE PLAN AMENDMENT (DEO 16-1ESR)

DATE RECEIVED: JANUARY 29, 2016

Summary of Proposed Amendment

Hendry County Comp Plan Amendment DEO 16-1 ESR amends the Hendry County Comprehensive Plan Future Land Use Map (FLUM) to change the future land use designation for the subject properties from Agriculture (AG) Future Land Use Category (FLUC) to Multi-Use Development (MUD) FLUC. The subject properties are located on US 27 and consist of 629+/- acres. The current uses are primarily agriculture with two single family homes and one mobile home on the properties. The proposed MUD FLUC allows existing agricultural uses to continue, recreational facilities, residential, commercial, and industrial uses.

This parcel is located within an emerging growth center. It is adjacent to the Airglades Airport and the Airport Industrial Planned Development property. Two and half miles to the east are 1900 acres of property already designated MUD.

Regional Impacts

The amendment is regionally significant in regard magnitude. Residential/urban use properties in Hendry County are limited to 4 dwelling units per acre (up from one unit per 5 acres for agricultural uses). Parts of this 629 acre parcel will be designated as Residential (no specific mix has been approved). Anything above 500 dwelling units in Hendry County is considered regionally significant. It is likely that this parcel will be approved for over 500 total dwelling units. The amendment is also regionally significant in regards to location. The parcel is on the border of Glades County and is directly adjacent to SIS transportation facilities (SR 80/SR 25/US 27).

FDOT has reviewed the amendment and their report is attached. Their first comment states that the segment of SR 80/US 27 from CR 720 to SR 80 is anticipated to fail by 2040 with the proposed amendment. FDOT offers the County its services as a review agency to address these issues.

An engineer who worked on the amendment packet responded to the FDOT review by explaining that the Multi-Use Development FLUC provides that development must be accomplished through the filing of a Planned Use Development (PUD) rezoning. The County's PUD application must be accompanied by a certified Traffic Impact Statement analyzing the impact of the proposed PUD on area roadways.

Council staff has reviewed the requested changes and finds that the requested Comprehensive Plan amendments do not directly produce any significant regional impacts that would be inconsistent with the Comprehensive Plan of any other local government within the region.

Extra-Jurisdictional Impacts

Council staff has reviewed the requested changes and finds that the requested Comprehensive Plan Amendments do not directly produce any significant extra-jurisdictional impacts to regional counties and cities that would be inconsistent with the Comprehensive Plan of any other local government within the region. The affected parcel is on the border of Glades County.

Conclusion

No significant adverse effects on regional resources or facilities and no extra-jurisdictional impacts have been identified. Staff finds that this project is regionally significant in regard to magnitude and location.

Recommended Action

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



Florida Department of Transportation

RICK SCOTT
GOVERNOR

10041 Daniels Parkway
Fort Myers, FL 33913

JIM BOXOLD
SECRETARY

February 23, 2016

Ms. Margaret Emblidge, AICP
Planning & Community Development Director
Hendry County Planning and Zoning Department
640 S Main Street
LaBelle, Florida 33935

RE: Hendry County 16-1ESR Proposed Comprehensive Plan Amendment (Expedited State Review Process) – FDOT Comments and Recommendations

Dear Ms. Emblidge:

The Florida Department of Transportation (FDOT), District One, has reviewed the Hendry County 16-1ESR, Proposed Comprehensive Plan Amendment (CPA), locally known as CPA15-004. This CPA was transmitted under the Expedited State Review process by the Board of County Commissioners, in accordance with the requirements of Florida Statutes (F.S.) Chapter 163. The Department offers Hendry County the following comments and recommendations for your consideration regarding the proposed amendment.

CPA15-0004 proposes to amend the Hendry County Future Land Use (FLU) Map by changing the FLU designation from Agriculture (AG) to Multi-Use Development (MUD) on an approximately 629-acre site located on US 27 in Hendry County, Florida. The site is west of the City of Clewiston, south of Glades County and north of Airglades Airport.

The property's current FLU category of AG allows for 125 residential dwelling units (one unit/five acres), which would result in approximately **1,290 daily trips or 128 p.m. peak hour trips**.

As part of the amendment package, the applicant has submitted an example development program for the site, which includes a mix of uses including residential, industrial and commercial. The development program is phased over a 40-year period, including a 10-year and 30-year program. The **proposed** development projected to occur by year 2040 could result in approximately **20,909 daily trips or 1,976 p.m. peak hour trips**, resulting in a **net increase of 19,619 daily trips or 1,848 p.m. peak hour trips**.

TRIP GENERATION AS PROPOSED IN CPA15-0004

| Scenario | Land Use Designation | Maximum Allowed Density / Intensity | ITE Land Use Code | Size of Development | | Daily Trips ² | PM Peak Trips ² |
|----------|---------------------------|-------------------------------------|-------------------|---------------------|----------------------------------|--------------------------|----------------------------|
| | | | | Acres | Allowed Development ¹ | | |
| Approved | AG | 1 DU/5 acres | 210 | 629 | 125 DU | 1,290 | 128 |
| Proposed | Industrial | 0.75 FAR | 110 | 148 | 250,000 | 1,766 | 200 |
| | Industrial Park | 0.75 FAR | 130 | 158 | 250,000 | 1,926 | 225 |
| | Residential Single-Family | 4 DU/1 Acre | 210 | 182 | 200 DU ² | 1,987 | 196 |
| | Residential Multi-Family | 4 DU/1 Acre | 230 | | 240 DU ² | 1,378 | 123 |
| | Hotel | 0.25 FAR | 310 | 141 | 100 Rooms | 522 | 60 |
| | Nursey – Garden Center | 0.25 FAR | 817 | | 10 AC. | 681 | 69 |
| | Shopping Center | 0.25 FAR | 820 | | 175,000 SF | 9,770 | 872 |
| | Truck Stop | 0.25 FAR | 950 | | 15,000 SF | 2,556 | 204 |
| | New Car Sales | 0.25 FAR | 841 | | 10,000 SF | 323 | 26 |
| | Total Change in Trips | | | | | | +19,619 |

1. 30-year example development program as defined in the Swindle-Woodward Comp Plan Map Amendment Traffic Impact Statement.
2. Trip generation based on the rates and equations obtained in the ITE Trip Generation Manual (9th Edition).

As seen in the following tables, a planning level analysis was prepared to establish whether State roadways in the vicinity of the project will operate at their adopted level of service (LOS) standards, as identified within the Hendry County's Comprehensive Plan during the existing (2014), short-term (2020), and long term (2040) horizon year conditions. For this planning level analysis, internal capture/pass-by trips was not analyzed.

YEAR 2014 EXISTING ROADWAY CONDITIONS

| Roadway | From | To | SIS? | LOS Std. | 2014 Conditions | | | | |
|------------------------------------|-----------------------|--------------------|------|----------|-----------------|-----------------------------|--------|-----|-------------|
| | | | | | No. of Lanes | Service ¹ Volume | AADT | LOS | Acceptable? |
| SR 80/US 27 | CR 720 | SR 80 | Y | C | 4 | 40,700 | 13,953 | B | Yes |
| SR 80/US 27 | SR 80 | Glades County Line | Y | C | 4 | 40,700 | 9,200 | B | Yes |
| SR 80 | 1.0 mile E. of CR 833 | US 27/SR 25 | Y | C | 4 | 40,700 | 6,100 | B | Yes |
| US 27/SR 25 (within Glades County) | Hendry County Line | SR 78 (East) | Y | C | 4 | 40,700 | 9,500 | B | Yes |

1. Service Volume at the Hendry County Adopted LOS Standard

YEAR 2020 SHORT-TERM HORIZON ROADWAY CONDITIONS

| Roadway | From | To | SIS? | LOS Std. | 2020 Conditions | | | | | | |
|------------------------------------|-----------------------|--------------------|------|----------|-----------------|-----------------------------|---------------------------------|-------------------------------------|------------|-----|-------------|
| | | | | | No. of Lanes | Service Volume ¹ | Background Traffic ² | Project Dist./ Traffic ³ | Total AADT | LOS | Acceptable? |
| SR 80/US 27 | CR 720 | SR 80 | Y | C | 4 | 40,700 | 15,600 | 50% / 9,809 | 25,409 | B | Yes |
| SR 80/US 27 | SR 80 | Glades County Line | Y | C | 4 | 40,700 | 10,300 | 40% / 7,847 | 18,147 | B | Yes |
| SR 80 | 1.0 mile E. of CR 833 | US 27/SR 25 | Y | C | 4 | 40,700 | 6,800 | 20% / 3,924 | 10,724 | B | Yes |
| US 27/SR 25 (within Glades County) | Hendry County Line | SR 78 (East) | Y | C | 4 | 40,700 | 10,600 | 20% / 3,924 | 14,524 | B | Yes |

1. Service Volume at the Hendry County Adopted LOS Standard.
2. The short term planning horizon year 2020 background volume was obtained using annual growth rate resulting from Trends Analysis.
3. Based on CPA15-0004 Traffic Study approximate distributions applied to Trip Generation results. Project traffic based on 30-year buildout.

YEAR 2040 LONG-TERM HORIZON ROADWAY CONDITIONS

| Roadway | From | To | SIS? | LOS Std. | 2040 Conditions | | | | | | |
|------------------------------------|-----------------------|--------------------|------|----------|-----------------|-----------------------------|---------------------------------|------------------------------|------------|-----|-------------|
| | | | | | No. of Lanes | Service Volume ¹ | Background Traffic ² | Project Traffic ³ | Total AADT | LOS | Acceptable? |
| SR 80/US 27 | CR 720 | SR 80 | Y | C | 4 | 40,700 | 39,563 | 50% / 9,809 | 49,372 | D | No |
| SR 80/US 27 | SR 80 | Glades County Line | Y | C | 4 | 40,700 | 13,420 | 40% / 7,847 | 21,267 | B | Yes |
| SR 80 | 1.0 mile E. of CR 833 | US 27/SR 25 | Y | C | 4 | 40,700 | 29,373 | 20% / 3,924 | 33,297 | C | Yes |
| US 27/SR 25 (within Glades County) | Hendry County Line | SR 78 (East) | Y | C | 4 | 40,700 | 13,419 | 20% / 3,924 | 17,343 | B | Yes |

1. Service Volume at the Hendry County Adopted LOS Standard.
2. The long term planning horizon year 2040 volume was obtained based on latest 2040 model volumes (based on District 1 Districtwide Regional Planning Model)
3. Based on CPA15-0004 Traffic Study approximate distributions applied to Trip Generation results. Project traffic based on 30-year buildout.

Based on the planning level analysis, the roadway segment of SR 80/US 27 (a Strategic Intermodal System (SIS) facility) from CR 720 to SR 80 is anticipated to fail by year 2040 with the proposed amendment. The Hendry County Comprehensive Plan (Policy 8.2.2) has identified the need for additional east-west capacity in this part of the County through year 2040, and includes a US 27 By-Pass that would be aligned south of the City of Clewiston to CR 833, identified in the Comprehensive Plan as Alternative #1. The Comprehensive Plan also identifies the need for widening US 27 from SR 80 to CR 720 as Alternative #2. The cost and feasibility of the alternatives has not been analyzed to date, and will be assessed by the County as a future transportation improvement. All other SIS transportation facilities within three-miles of the proposed FLU map amendment site operate at acceptable conditions during the existing

conditions, and are anticipated to operate at acceptable conditions with the proposed amendment during the year 2020 short-term and 2040 long-term planning horizons.

FDOT Comment #1:

As a result of the planning level analysis, the roadway segment of SR 80/US 27 from CR 720 to SR 80 is anticipated to fail by year 2040 with the proposed amendment. The County has identified the need for additional east-west capacity in this portion of the County; however, there is no mention of how and when the County would implement those improvements to alleviate any future transportation deficiency.

As a result, the Department offers its services as a review agency for any traffic study submitted during the various phases of development associated with this CPA, to assess the impacts on State transportation facilities (SR 80 and US 27). In addition, the Department recommends that the improvements to mitigate impact on SR 80/US 27 from CR 720 to SR 80 must be reflected in the Heartland Regional Transportation Planning Organization (TPO) Long Range Transportation Plan (LRTP).

FDOT Comment #2:

The subject property is adjacent to the County-owned Airglades Airport. The Hendry County Comprehensive Plan, Transportation Systems Element, Aviation Sub-Element includes policies that ensure airport land use compatibility for development proposals located within a vicinity of the existing and proposed aviation facilities, including the following:

- Policy 8.A.1.4 which ensures that the LaBelle and Airglades Airports are protected from the establishment of airport hazards as defined in s. 333.01, F.S., and incompatible land uses with airport facilities and operations, as outlined in s. 333.03(2) and (3), F.S.
- Objective 8.A.2 which states that the County will evaluate development proposals for property located within the vicinity of existing and proposed aviation facilities to ensure airport land use compatibility, to prevent establishment of airport hazards, and to protect existing and planned airport facilities from encroachment.

In addition, the County's Land Development Code imposes use restrictions within designated Airglades Airport operating zones.

The Department recommends that the proposed development program which includes a mix of uses including residential, industrial and commercial be compared against the policies outlined in the County's Comprehensive Plan and Land Development Code to ensure airport land use compatibility, to prevent establishment of airport hazards, and to protect existing and planned airport facilities from encroachment.

FDOT Comment #3:

The subject property abuts US 27 and will have direct access onto US 27. Any access to US 27 will be subject to FDOT permitting process as described in Rules 14-96 and 14-97 FAC. FDOT may require that the applicant provide mitigation for any such impacts as a condition of a permit. The FDOT Access Management standard for US 27 is access class 3 from San Luiz Avenue (M.P. 4.192) to the Glades County Line (M.P. 13.258). The FDOT standards for access class 3 require

Ms. Margaret Emblidge, AICP
Hendry County 16-1ESR – FDOT Comments and Recommendations
February 23, 2016
Page 5 of 5

a minimum spacing of 2,640 feet (one half of a mile) for signals and full median openings, 1,320 feet (one quarter of a mile) for directional median openings, and 1,320 feet (one quarter of a mile) between access points for any single parcel, at posted speed limits greater than 45 MPH.

FDOT Technical Assistance Comment #1:

The proposed amendment site is directly adjacent to SIS transportation facilities (SR 80/SR 25/US 27) and the Airglades Airport. With the Airglades Airport, these corridors are important freight and multimodal transportation corridors, supporting internal local trips and longer-distance trips connecting to other regions. In order to minimize the transportation impacts on the SIS transportation facilities, the Department encourages the County to implement industry best practices of context sensitive design, by integrating transportation and land use planning into the decision-making process. Contextual sensitive design may include consideration of a development pattern in this area which supports and enhances aviation, industrial, and agricultural uses. Another consideration is to design a mix of uses which ensures internal trip capture for automobiles, provides safe school bus stops, and maximizes the use of multimodal facilities, thereby preserving the freight corridor. FDOT appreciates any opportunity to work with Hendry County to understand the transportation impacts on State and SIS facilities from the proposed mixed-use project.

Thank you for providing FDOT with the opportunity to review and comment on the proposed amendment. If you have any questions please free to contact me at (239) 225-1981 or sarah.catala@dot.state.fl.us.

Sincerely,



Sarah Catala
SIS/Growth Management Coordinator
FDOT District One

CC: *Mr. Ray Eubanks, Florida Department of Economic Opportunity*

MAPS

Hendry County

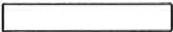
DEO 16-1ESR

Growth Management Plan

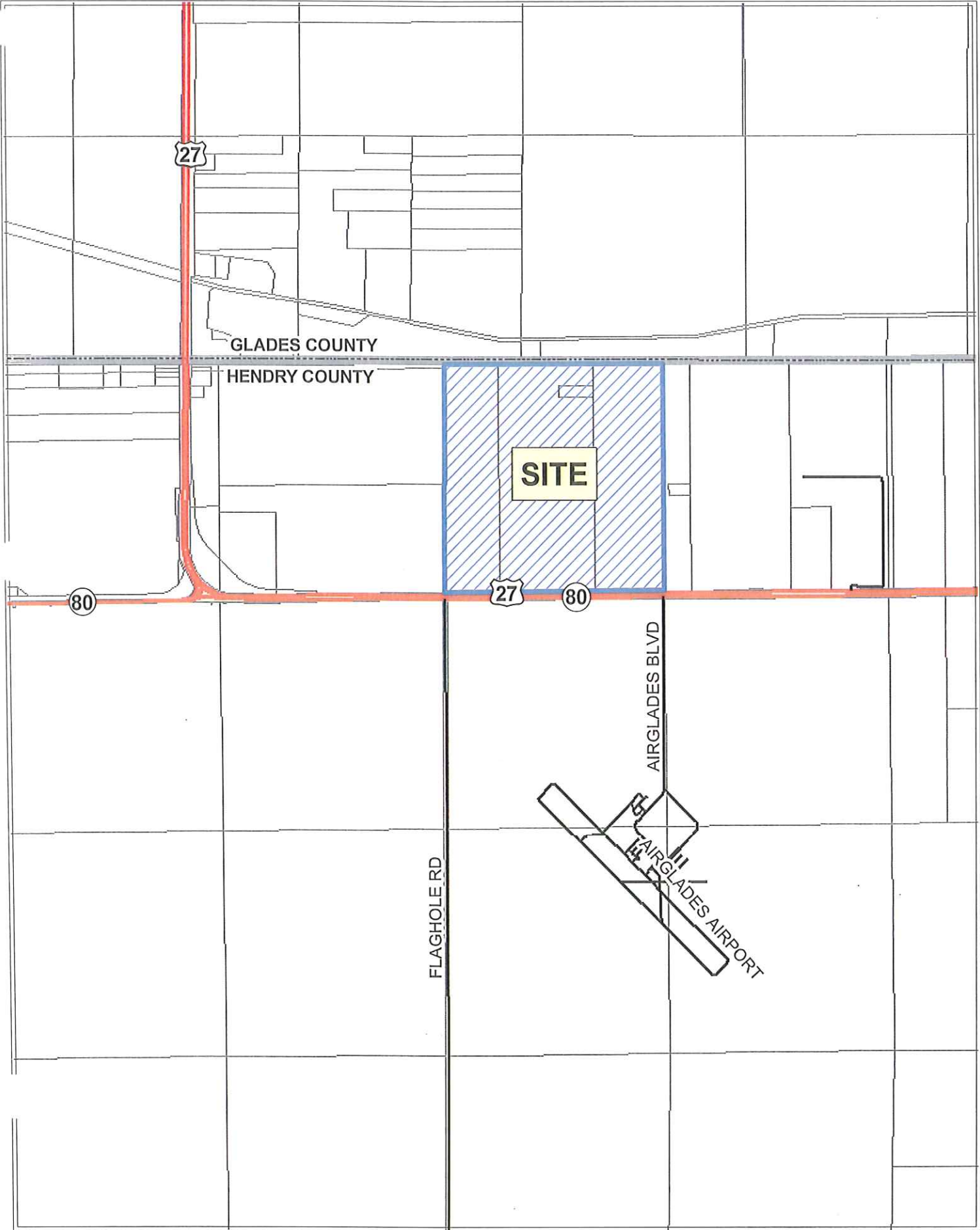
Comprehensive Plan Amendment



LOCATION MAP



Mile



Agenda Item

10c

SCIBC NOPC

10c

10c

SARASOTA COUNTY INTERSTATE BUSINESS CENTER DRI NOTICE OF PROPOSED CHANGE

Background

The Sarasota County Board of County Commissioners approved the Sarasota County Interstate Business Center (SCIBC) on February 22, 1994. The project is located on two separate parcels on the northeast and southeast corners of the Interstate 75/Jacaranda Boulevard interchange, east of the City of Venice in south Sarasota County. Attachment I is a location map of the DRI. The SCIBC DRI originally was approved for industrial park/warehousing, office and commercial. The north parcel consists of 143.8 acres of Major Employment Center (MEC) land uses which included: 1,080,000 square feet of industrial park/warehousing and 32,000 square feet of retail service facilities. Total development on the north parcel will be on 100.4 acres with the remaining 43.4 acres to be retained as open space.

The south parcel consists of the following development: Ten acres of Commercial Highway Interchange (CHI) uses including a total of 20,000 square feet of retail and services uses and a 120 room hotel. The south parcel will also include 64.4 acres of Major Employment Center/Interstate Regional Office Park (MEC/IROP) land uses. This includes 700,000 square feet of office and industrial park/warehousing and 15,500 total square feet of various internal commercial and service facilities. The total area to be developed on the south parcel will be 74.4 acres with the remaining 33.4 acres to be retained as open space.

Based on previous changes the DRI is currently approved on the north parcel for 1,010,000 square feet of industrial and the south parcel for 54,100 square feet commercial, 120 motel rooms, 360,000 square feet of office, 250 units/90,300 square feet of multi-family residential/Place of Worship, 326 multi-family residential units and 105,000 square feet of self-storage. According to the most recent annual monitoring report, the DRI currently contains 513,221 square feet of light industrial development, 103 room motel and 3,040 square feet of retail.

Previous Changes

There have been eight previous changes to the DRI development order for the SCIBC.

On November 28, 1995, the Sarasota County Board of County Commissioners approved Ordinance #95-096, which amended the SCIBC Development Order to revise the Conceptual Master Development Plan Map, to attach a previously required Wildlife Habitat Management Plan to the D.O., and to change the phasing of 15,000 square feet of office space.

On June 25, 1996, the Commissioners approved Ordinance #96-049, which amended the development order to revise the access road alignment for the north parcel. This amendment also involved revisions to the Conceptual Master Development Plan Map.

On March 9, 1999, the Commissioners approved Ordinance #99-012, which amended the development order to modify the Conceptual Master Development Plan Map, and to downscale

Phase II land uses for the southern parcel (and for the DRI as a whole). Additionally, 25,000 square feet of retail space was added to South Parcel, Phase II uses.

On May 24, 2000, the Commissioners approved Ordinance #99-077, which amended a number of changes to the various land use totals for both parcels, combined two phases into one with a revised buildout date of 2004 and to establish the capacity reservation of 1,814 new p.m. peak hour external vehicle trips.

On October 21, 2003, the Commissioners approved Ordinance #2003-083 to revise the master concept plan to change lands use for ± 20 acres from office to multifamily use for 250 units with offsetting changes in other land uses, and extend the build out date from December 30, 2004 to December 31, 2010, by six years and one day.

On November 8, 2011 the Commissioners approved Ordinance #2011-064 Amended and Restated to extend build out from December 31, 2010 to December 31, 2017, by seven years. Delete 32,000 S.F. retail use from North Parcel resulting in 1,010,000 S.F. industrial use.

On March 13, 2012, the Commissioners approved Ordinance #2012-002 to allow a Place of Worship to be a permitted use.

On March 4, 2014, the Commissioners approved Ordinance #2014-011 to locate 250 multifamily units on a different parcel within DRI.

Proposed Changes

In late November 2015 the applicant SCIBC DRI Master Association, Inc. submitted a Notice of Proposed Change (NOPC) to extend the buildout of the project from 2015 to December 31, 2024, add 130 motel rooms and reduce office from 360,000 square feet to 165,000 square feet. All other uses remain the same. Also, because these changes reduce the traffic generation of the project a change to the "Facility Reservation Period" is proposed. The DO amendment language states "at such time as the amount of SCIBC development, for which Final Development Orders have been issued, generates the equivalent of ~~1,666~~1,370 net, new p.m. peak hour external vehicle trips or the equivalent of ~~2,684~~2,418 gross p.m. peak-hour trip ends". Other changes are proposed regarding the specific PM Peak Capacity Reserved by Roadway Segment, when improvements are required based on Biennial Traffic Monitoring Reports and amend the Biennial Traffic Monitoring Program Methodology to clarify when the need for and construction of, if necessary, for a second southbound left-turn lane at the Jacaranda Boulevard & Executive Drive intersection.

Staff Analysis

The change to add the 130 motel room and reduce the office by 195,000 square feet fall under Chapter 380.06(19)(e)5.b., which read as follows: "5. The following changes to an approved development of regional impact shall be presumed to create a substantial deviation. Such presumption may be rebutted by clear and convincing evidence. b. Notwithstanding any provision of paragraph (b) to the contrary, a proposed change consisting of simultaneous increases and

decreases of at least two of the uses within an authorized multiuse development of regional impact which was originally approved with three or more uses specified in s. 380.0651(3)(c) and (d) and residential use”.

The change to extend the buildout by 9 years is addressed in Chapter 380.06(19)(c), which read as follow; “(c) An extension of the date of buildout of a development, or any phase thereof, by more than 7 years is presumed to create a substantial deviation subject to further development-of-regional-impact review”.

The applicant has provided a revised traffic reanalysis, which provided a basis for revised commitments and the county’s “Facility Reservation Period” for impacted roads in the proposed revised development order conditions to rebut this presumption through the new buildout period. Furthermore, the changes resulted in a 17.7% reduction in p.m. peak hour external trips.

Character, Magnitude, Location

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

Impact on Regional Resources and Facilities

The changes will reduce the original impacts anticipated to the regional and local transportation facilities and resources.

Multi-jurisdictional Issues

The proposed change will not have multi-jurisdictional impacts.

Need For Reassessment of the DRI

The applicant for these changes performed a reassessment of the transportation impacts and proposed revised development order conditions to rebut the presumption of substantial deviation through the new buildout period. Furthermore, the changes resulted in a 17.7% reduction in p.m. peak hour external trips.

Acceptance of Proposed D.O. Language

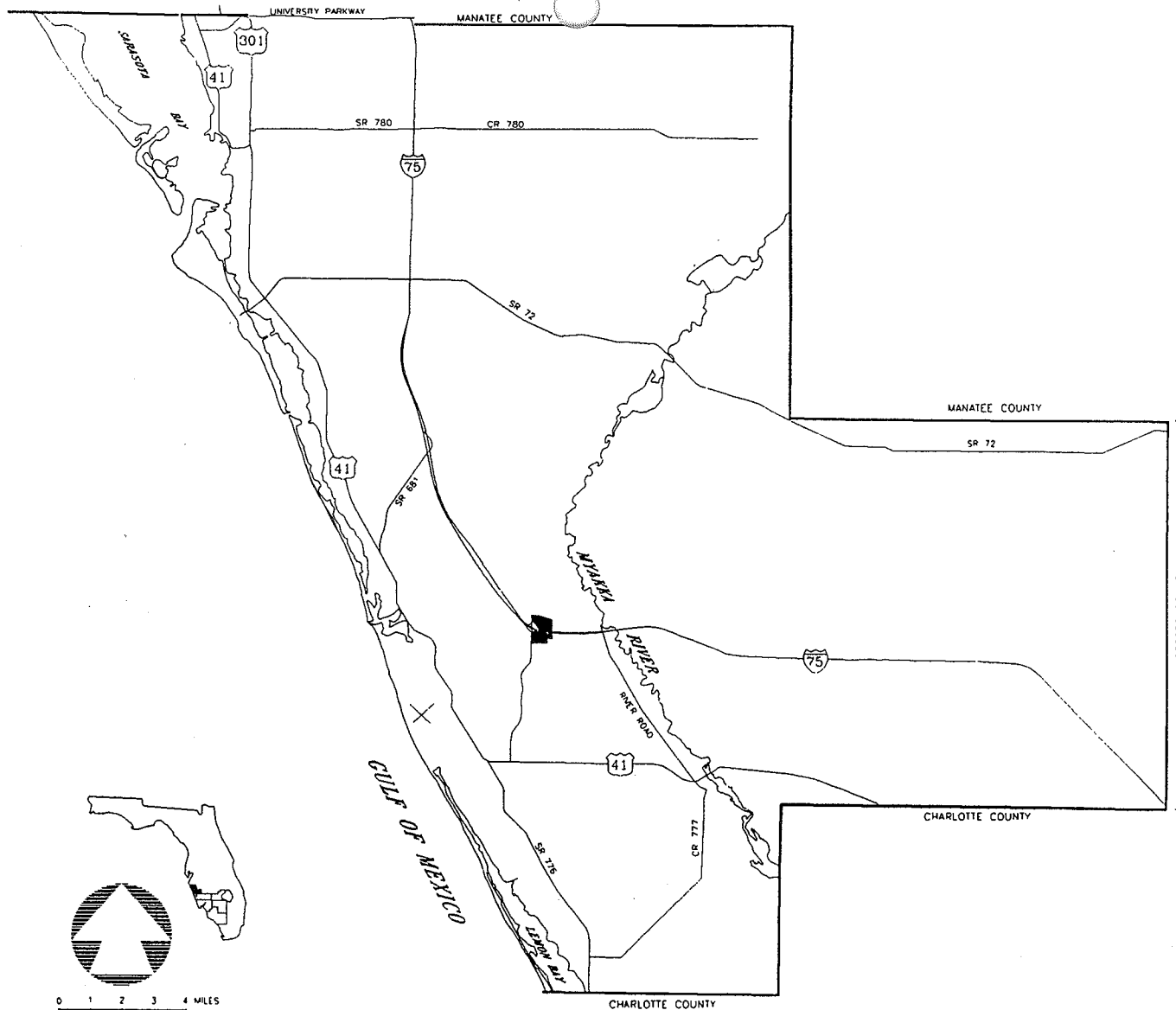
The NOPC included the sections of the development order that require language changes to address the changes proposed. The proposed language changes are acceptable to staff.

RECOMMENDED ACTIONS:

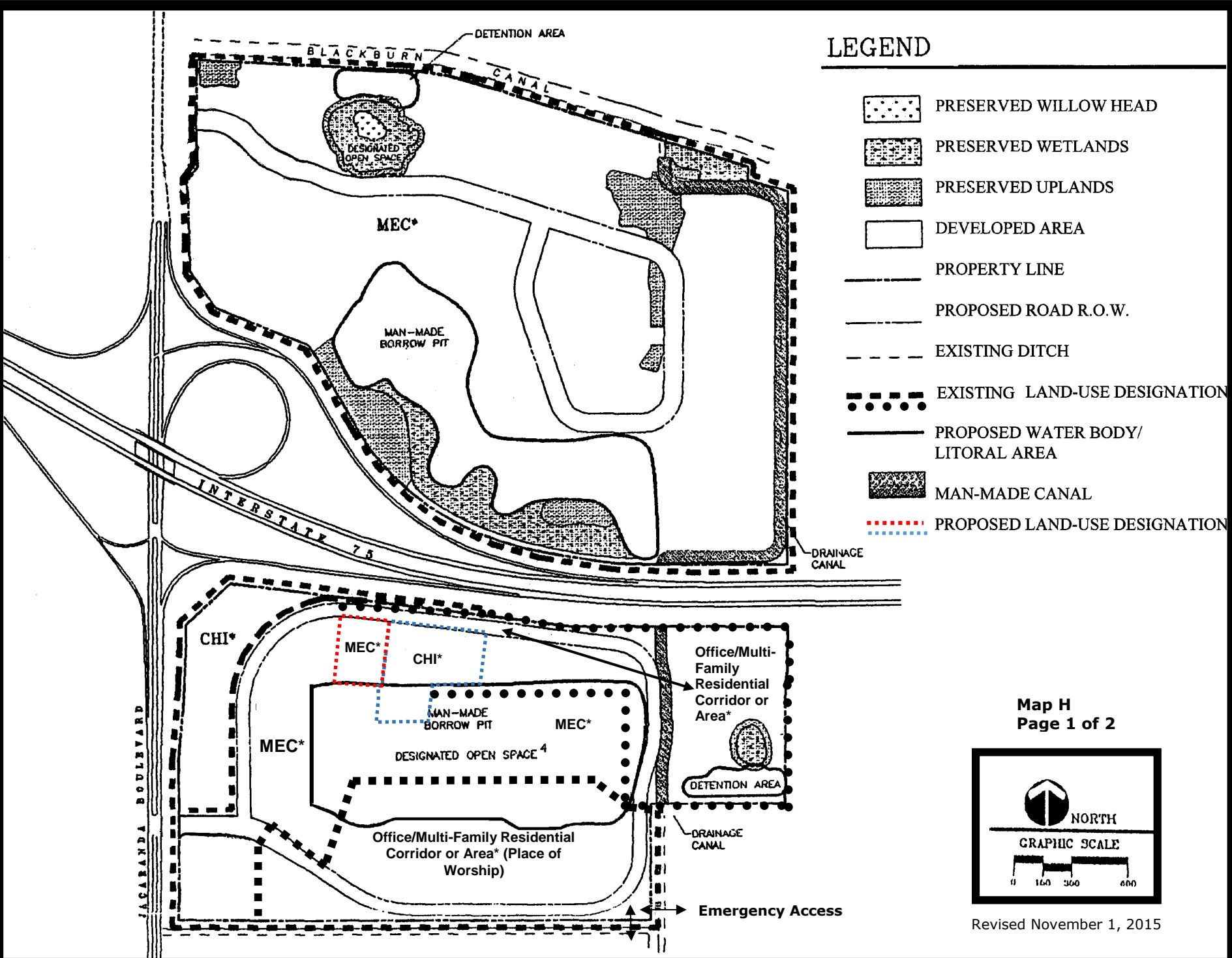
1. Notify Sarasota County, the Florida Department of Economic Opportunity, and the applicant the proposed changes are not a substantial deviation and do not create additional regional impacts not previously reviewed by the regional planning council.

2. Request that Sarasota County provide staff with copies of any development orders, or development order amendments, related to the proposed changes.

03/2016



ATTACHMENT I **SARASOTA COUNTY** **INTERSTATE BUSINESS CENTER**



Agenda Item

10d

Alico Interchange Park of Commerce
NOPC

10d

10d

ALICO INTERCHANGE PARK DRI NOTICE OF PROPOSED CHANGE IN LEE COUNTY

Background

The Alico Interchange Park Development of Regional Impact (DRI) was approved by the Lee County Board of County Commissioners on November 10, 1986. As originally approved, the project is a mixed use development approved for a total of 1,124 dwelling units (481 single-family, 643 multiple-family); 400 hotel units; 326,000 square feet of office and professional non-retail commercial; 1,155,000 square feet of retail commercial (250,000 square feet retail service; 720,000 square feet regional mall; 185,000 square feet miscellaneous retail associated with mall); and parks, lakes and road right-of-way on 345 acres. This DRI is located in the southwest quadrant of I-75 with Alico Road (see Attachment I). Based on previous amendments, the DRI is currently approved for a maximum of 1,896,000 square feet of combined total office/retail square footage, provided that the retail square footage could not exceed a maximum of 696,000 square feet, 400 hotel rooms, 800 residential dwelling units. The buildout date for the project is September 2, 2018.

Previous Changes

Seven previous changes to the original DO have occurred.

1. The original Development Order (DO) was appealed by the Florida Department of Community Affairs (DCA) to address the mitigation of potential transportation impacts. The issue was resolved on April 21, 1987, without a development order amendment, by the Florida Land and Water Adjudicatory Commission (FLWAC).
2. On February 17, 1992, the first DO amendment: reduced the number of dwelling units from 1,124 to 992; reduced motel acreage from 19 to 11; increased mixed commercial square footage from 720,000 to 965,000 for the regional mall by reducing other retail area to maintain the 1,155,000 square foot total; transferred a 15 acre park site and a 10 acre school site to Village of San Carlos DRI, which is adjacent to Alico Interchange Park; revised the Sheriff/Fire site to a 2.7 acre emergency service site with the transfer of obligation from Villages of San Carlos DRI; realigned Winged Foot Drive extension; extended buildout of all phases and final completion by three years less one day starting from the effective date of the DO; and established procedures for impact fee credits.
3. On August 21, 2000, the second DO amendment: reduce the number of dwelling units from 992 to 800; reduce the mixed commercial square footage from 1,155,000 to 1,120,000, by reducing 165,000 retail service uses to 130,000 square feet and increasing the regional mall square footage from 965,000 to 990,000 square feet; clarified the impact fee/proportional share calculations to provide for various options for paying for the mitigation of road impacts; established a buildout date of November 10, 2005 and a termination date of November 10, 2011; and clarified the relocation of the day care center site to Village of San Carlos DRI.
4. On November 15, 2005, the third DO amendment: extended the build out date to April 20, 2011; eliminated reference to the regional mall land use, and amended Map H to conform to the administrative zoning changes approved by Lee County in October 2005 that provided for a maximum of 1,446,000 square feet of combined total office/retail square footage (includes up to 750,000 square feet planned for corporate headquarters/office use), provided the retail square footage does not exceed a maximum of 1,120,000 square feet; 400 hotel rooms; and 800

residential dwelling units (5.0 dwelling units per gross residential acre). The traffic generated by the project was limited to a maximum of 4,489 peak hour external trips, otherwise further DRI review and approvals will be required.

5. On May 5, 2008, the fourth DO amendment revised the Master Development Plan (Map H) to include an additional driveway connection to Winged Foot Drive.
6. On April 19, 2010, the fifth DO amendment added a total of 450,000 square feet of office use for a maximum of 1,896,000 square feet of combined total office/retail square footage, provided that the retail square footage could not exceed a maximum of 696,000 square feet, 400 hotel rooms, 800 residential dwelling units (5.0 dwelling units per gross residential acre) and a maximum building height of 95 feet and extended the DRI build out date until April 20, 2013.
7. On October 11, 2011, the sixth DO extended the buildout date for the project to April 20, 2017, pursuant to House Bill 7207, Chapter 2011-139, Laws of Florida.
8. A further extension to the buildout date to September 2, 2018, was authorized in 2013 pursuant to Section 252.363, Florida Statutes, for the states of emergency authorized by the Governor for Tropical Storms Debby and Isaac. This NOPC included DO amendment language for this extension.

Proposed Changes

In September 2015, a Notice of Proposed Change (NOPC) was submitted to convert a 105-acre (+/-) parcel located at the southwest corner of Alico Road and Three Oaks Parkway from commercial/office development to residential development (see attachment II revised Map H, Master Development Plan). Specifically, the NOPC proposes to eliminate 1,346,000 square feet of retail and office uses and allow a maximum of 400 single and two-family residential dwelling units to be constructed on this parcel. The DRI is now proposed to have a total of 1,200 units, 550,000 square feet of retail and 400 hotel/motel rooms.

This change to the land uses had resulted in a projected net decrease of traffic generated by the DRI by 59%, which has resulted in an overpayment of Developer's proportionate share. Therefore, DO amendment language was proposed to include "At Developer's option, Developer may request and the County will issue roads impact fee credits in the amount of to reimburse Developer for the excess proportionate share obligation". Other changes are to extend the buildout by an additional 3 years and 8 months until April 20, 2022, eliminate the affordable housing payment if the project constructs in excess of the original 750,000 square feet of office and 146,000 square feet of retail, and eliminate the requirement to provide a 7.8± acre gopher tortoise recipient area along the western property boundary.

Staff Review

The proposed changes to the land use parameters for this DRI significantly reduce the percentage of applicable DRI thresholds for this development. Further, as demonstrated in the traffic impact statement submitted with this NOPC, the proposed changes to the land use parameters will significantly reduce traffic impacts associated with the development by 59% or 2,628 PM peak hour external trips. Regarding affordable housing payment elimination the conversion of the Three Oaks Regional Center to residential by this amendment has rendered this condition inapplicable since only 550,000 square feet of retail remains approved. The area previously identified as a gopher tortoise recipient area has been determined to be unnecessary since current rules on gopher tortoise relocation do not allow onsite relocation but rather relocation to an approved off site location.

The extension of buildout by 3 years and 8 months until April 20, 2022 is a change under Florida Statutes Chapter 380.06(19)(c), which states: “An extension of the date of buildout of a development, or any phase thereof, by more than 7 years is presumed to create a substantial deviation subject to further development-of-regional-impact review”. A previous extension was granted for 3 years less one day. The extension proposed by this NOPC would appear to cumulatively extend the buildout date for the DRI by eight (8) years less one day. Two extensions were approved pursuant to the various statutory extensions authorized by the Legislature pursuant to SB360 (2009) and HB7207 (2011). The 2009 extension was codified in the 5th Amended DO on 4/19/2010 and extended the buildout date to April 2013. The 2011 extension was codified in the 7th Amended DO on 10/11/2011 and extended the buildout out date to 2017. Florida Statutes Chapter 380.06(19)(c)2. provides that these extensions "may not be considered when determining whether a subsequent extension is a substantial deviation under this subsection." An additional statutory extension totaling one year and 151 days were granted in 2013 for the States of Emergency issued for Tropical Storms Debby and Isaac pursuant to Section 252.363, Fla. Stat., extending the buildout date to September 2, 2018. Accordingly, the current extension request to April 20, 2022, is for approximately an additional 3 years and 8 months which, cumulatively with the prior 3-year extension, totals less than 7 years and is presumed not to be a substantial deviation. In addition, an extension under Florida Statutes Chapter 252.363 is being requested for the State of Emergency issued in 2015 for Tropical Storm Erika for a period of 8 months. The applicant has revised the draft DO amendment to more specifically reflect the extension history. Therefore, based on this information, the project is not seeking a build-out extension beyond the timeframe that would presume the change to be a substantial deviation.

No other significant regional impacts will occur as a result of the proposed changes. Accordingly, it is the applicant's position which staff agrees, the proposed changes to this DRI are not a substantial deviation requiring further DRI review as the changes authorize a simultaneous increase and decrease of at least two uses originally approved in this DRI that included three or more uses specified in Florida Statutes Chapter 380.0651(3)(c) and (d) and residential use (Section 380.06(19)(e)5.b., Florida Statutes).

Character, Magnitude, Location

The location of the DRI is not changing. The proposed changes to eliminate 1,346,000 square feet of retail and office uses and allow a maximum of 400 single and two-family residential dwelling units will affect the character and magnitude of the DRI. However, the magnitude of transportation impacts will be significantly reduced by the change. The change in character is not considered an issue since retail development will remain in the DRI at a lower level of 550,000 square feet.

Impact on Regional Resources and Facilities

The changes will reduce the original impacts anticipated to the regional transportation facilities and resources.

Multi-jurisdictional Issues

The proposed change will not have multi-jurisdictional impacts.

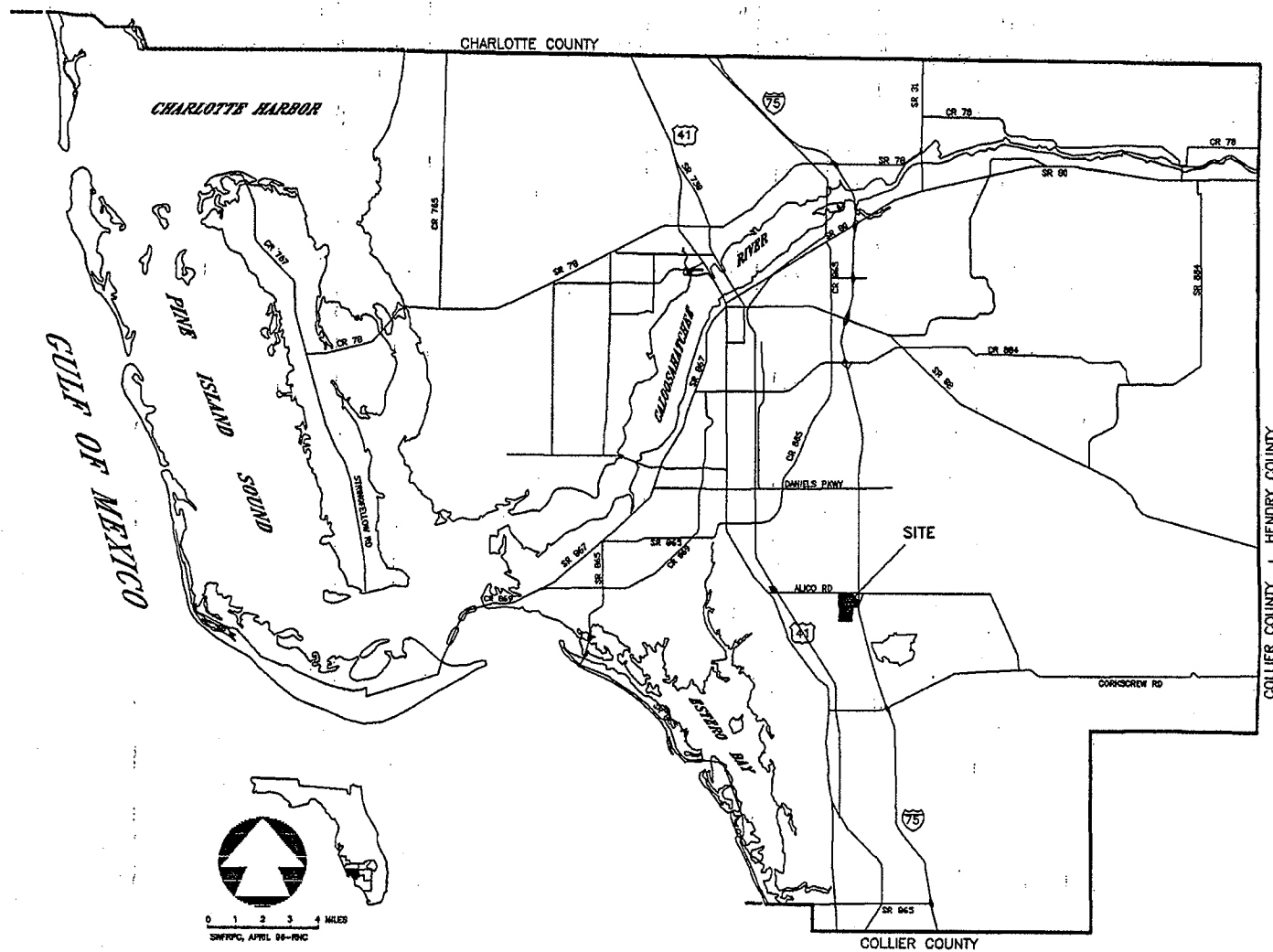
Need For Reassessment of the DRI

Since the traffic impacts are significantly less than previously analyzed with the proposed change there is no need for a full reassessment of the DRI.

Acceptance of Proposed DO Language

The NOPC included the sections of the development order that require language changes to address the change proposed. The proposed language changes are acceptable to regional staff. An additional condition to address the onsite gopher tortoise relocation is necessary as follows and is consistent with Lee County requirements. The condition to be included shall state “prior to insurance of vegetation removal permit a Florida Fish and Wildlife Conservation Commission permit must be submitted to Lee County Environmental Sciences staff”.

- RECOMMENDATIONS:**
1. Notify Lee County, the Florida Department of Economic Development and the applicant the proposed changes are not a substantial deviation and do not create additional regional impacts not previously reviewed by the regional planning council.
 2. Include the recommended condition regarding gopher tortoise permitting.
 3. Request Lee County staffs provide SWFRPC staff with copies of any development orders, or development order amendments, related to the proposed changes.



ATTACHMENT I
DRI LOCATION MAP
ALICO INTERCHANGE PARK

Barraco
and Associates, Inc.

CIVIL ENGINEERING - LAND SURVEYING
LAND PLANNING - LANDSCAPE DESIGN

www.barraco.net

2271 MCGREGOR BLVD., SUITE 100
POST OFFICE DRAWER 2800
FORT MYERS, FLORIDA 33902-2800
PHONE (239) 461-3170
FAX (239) 461-3169

FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7995 - SURVEYING LB-6940

PREPARED FOR



PULTE HOME CORPORATION
24311 WALDEN CENTER DRIVE
SUITE 300
BONITA SPRINGS, FLORIDA 34134

PHONE (239) 498-7711
FAX (239) 498-7707

WWW.PULTEHOMES.COM

PROJECT DESCRIPTION

**THREE
OAKS 106
RPD**

LEE COUNTY, FLORIDA

DRAWING NOT VALID WITHOUT SEAL, SIGNATURE AND DATE
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| PLOT BY | JENNIFER SAPEN |
| CROSS REFERENCED DRAWINGS | |
| BASEPLAN = | 23329-200.DWG |

PLAN REVISIONS

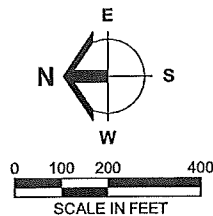
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PLAN STATUS

EXHIBIT B

**MAP H
THREE OAKS
REGIONAL CENTER**

| | |
|--------------------|--------------|
| PROJECT / FILE NO. | SHEET NUMBER |
| . | 1 |



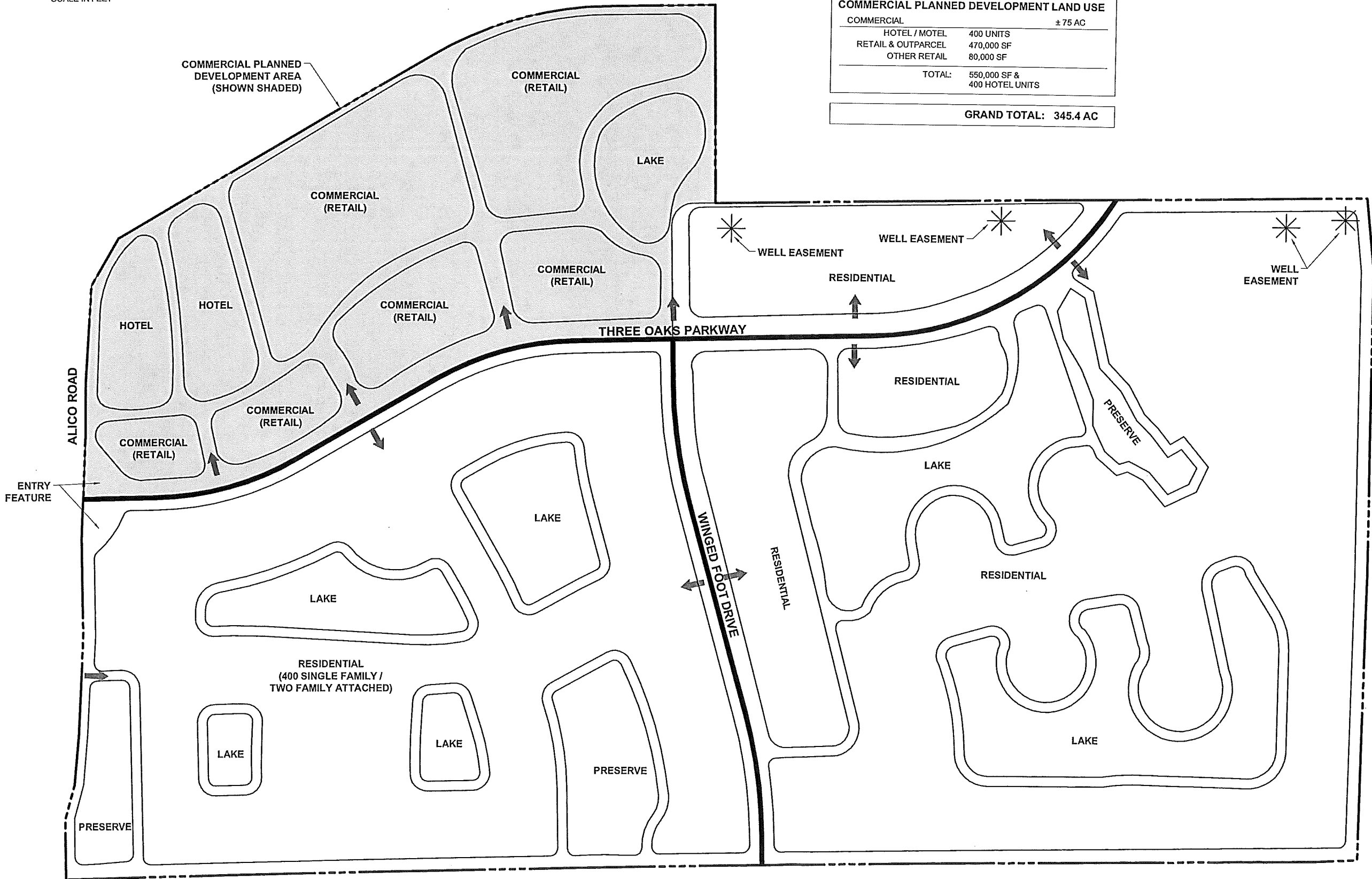
**RESIDENTIAL PLANNED DEVELOPMENT LAND USE
(WITHOUT BONUS DENSITY)**

| | | |
|-------------------------------------|------------|------------|
| RESIDENTIAL | | |
| SINGLE FAMILY / TWO FAMILY ATTACHED | 867 UNITS | |
| MULTI- FAMILY | 333 UNITS | |
| TOTAL: | 1200 UNITS | ± 270.4 AC |

COMMERCIAL PLANNED DEVELOPMENT LAND USE

| | | |
|--------------------|------------------------------|---------|
| COMMERCIAL | | ± 75 AC |
| HOTEL / MOTEL | 400 UNITS | |
| RETAIL & OUTPARCEL | 470,000 SF | |
| OTHER RETAIL | 80,000 SF | |
| TOTAL: | 550,000 SF & 400 HOTEL UNITS | |

GRAND TOTAL: 345.4 AC



--- Agenda --- Item

11

SWFRPC Committee Reports

11

11

Agenda Item

11a

11a

Budget & Finance Committee

11a

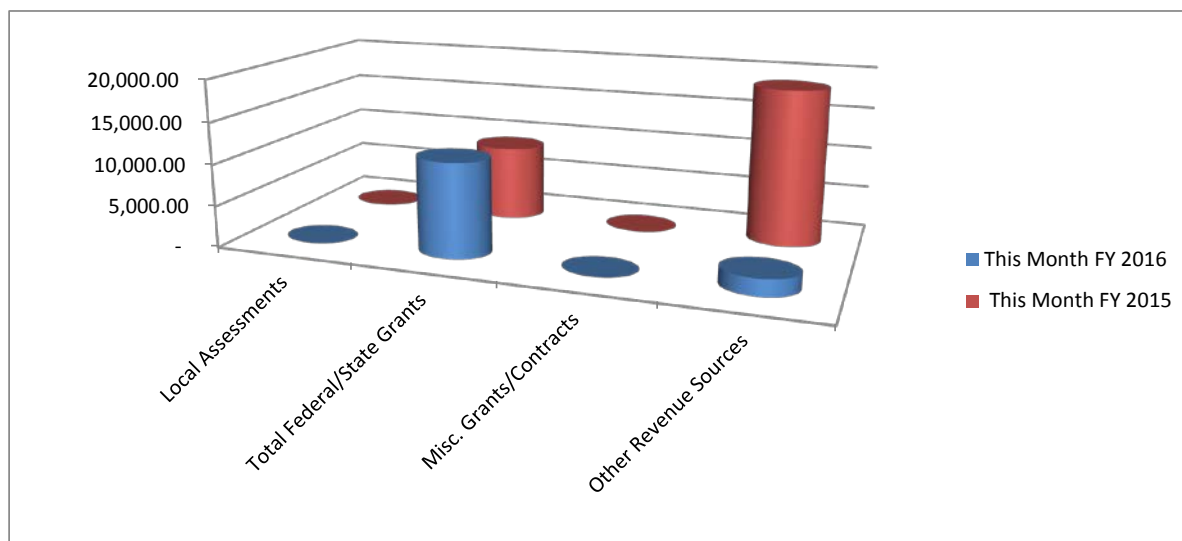
2015 - 2016 Workplan & Budget Financial Snapshot

Feb-16

Revenues

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

Monthly Revenues



Notes: Local Assessments billed at the beginning of each quarter: October, January, April and July

Federal Grants (EPA) billed monthly: EPA: Ecosystems Services

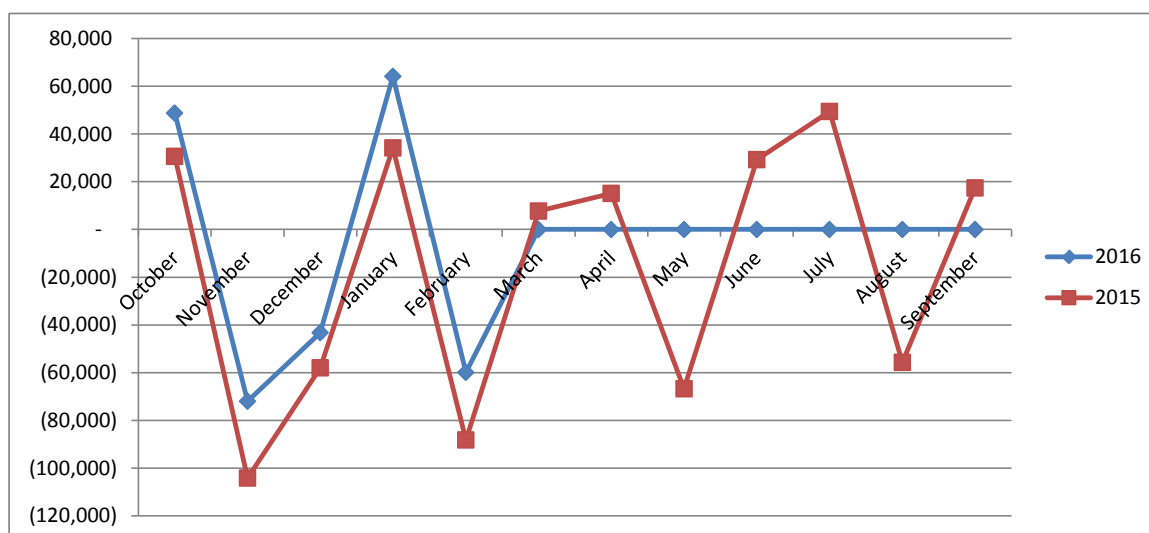
State/Federal Grants billed quarterly: LEPC, HMEP, TD, and ED

Misc. Grants/Contracts billed quarterly: MARC Solar Ready

Misc. Grants/Contracts billed by deliverable: SQG, Interagency PO'S

Other(DRI) billed /recorded monthly as cost reimbursement

Monthly Net Income (Loss)



YTD: Net Income \$(62,159) Unaudited

SWFRPC

Detail of Reserve

As of FEBRUARY 29, 2016

Cash and Cash Equivalents:

| | |
|---|-------------------|
| Petty Cash | \$ 200 |
| Bank of America Operating Funds | 101,406 |
| <i>Total Cash and Cash Equivalents</i> | \$ 101,606 |

Investments:

| | |
|--|-------------------|
| Iberia Bank MM | \$ 534,376 |
| Local government Surplus Trust Fund Investment Pool (Fund A) | 135,722 |
| Local government Surplus Trust Fund (Fund B) | - |
| <i>Total Investments</i> | \$ 670,098 |
| Total Reserves | \$ 771,704 |

**SWFRPC INCOME STATEMENT
COMPARED WITH BUDGET
FOR THE ONE MONTH ENDING FEBRUARY 29, 2016**

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| | Current Month | Year to Date A | FY 2015-2016 Approved Budget B | % Of Budget Year to Date | Budget Remaining | |
|---------------------------------------|------------------|-------------------|--------------------------------------|-----------------------------|---------------------|------------|
| REVENUES | | | | | | |
| LOCAL ASSESSMENTS | | | | | | |
| CHARLOTTE COUNTY | \$ | - | \$ 24,670 | \$ 49,340 | 50.00% | \$ 49,340 |
| COLLIER COUNTY | | - | 50,518 | 101,035 | 50.00% | 101,035 |
| GLADES COUNTY | | - | 1,928 | 3,856 | 50.01% | 3,856 |
| HENDRY COUNTY | | - | 5,684 | 11,369 | 50.00% | 11,369 |
| LEE COUNTY | | - | 76,565 | 157,647 | 48.57% | 157,647 |
| CITY OF FORT MYERS | | - | 10,416 | 20,831 | 50.00% | 20,831 |
| TOWN OF FORT MYERS BEACH INC | | - | 938 | 1,875 | 50.03% | 1,875 |
| BONITA SPRINGS | | - | 6,872 | 13,746 | 49.99% | 1,947 |
| CITY OF SANIBEL | | - | 974 | 1,947 | 50.03% | 116,142 |
| SARASOTA COUNTY | | - | 58,072 | 116,142 | 50.00% | 13,746 |
| TOTAL LOCAL ASSESSMENTS | \$ | - | \$ 236,637 | \$ 477,787 | 49.53% | \$ 477,787 |
| FEDERAL / STATE GRANTS | | | | | | |
| DEM -Title III - LEPC 15/16 | \$ | - | \$ 10,873 | \$ 48,000 | 22.65% | \$ 37,127 |
| DEM-HMEP Planning & Training 15/16 | | - | 2,916 | \$ 22,000 | 13.25% | 19,085 |
| FL CTD - Glades/Hendry TD 15/16 | | - | 8,554 | 38,573 | 22.18% | 30,019 |
| MARC - SOLAR READY | | - | 3,328 | 6,000 | 55.47% | 2,672 |
| DEM - Collier Hazards | | - | 4,362 | 9,693 | 45.00% | 5,331 |
| Economic Development Planning | | - | 15,750 | 63,000 | 25.00% | 47,250 |
| TOTAL FEDERAL / STATE GRANTS | \$ | - | \$ 45,782 | \$ 187,266 | 1.26% | \$ 141,484 |
| MISC. GRANTS / CONTRACTS/CONTRACTUAL | | | | | | |
| City of Bonita Springs - Spring Creek | \$ | - | \$ - | \$ 30,000 | 0.00% | 30,000 |
| VISIT FLORIDA - MARKETING | | - | - | 4,000 | 0.00% | 4,000 |
| GLADES SQG | | - | - | 3,900 | 0.00% | \$ 3,900 |
| City of Punta Gorda - Mangrove Loss | | - | 12,125 | 32,250 | 37.60% | 20,125 |
| TOTAL MISC. GRANTS/CONTRACTS | \$ | - | \$ 12,125 | \$ 70,150 | 17.28% | \$ 34,650 |
| DRIS/NOPCS/MONITORING | | | | | | |
| DRI MONITORING FEES | \$ | - | \$ 1,000 | \$ - | | \$ (1,000) |
| DRIS/NOPCS INCOME | | 2,000 | 16,421 | 35,000 | 46.92% | 18,579 |
| TOTAL | \$ | 2,000 | \$ 17,421 | \$ 35,000 | 49.77% | \$ 17,579 |

| | Current Month | Year to Date A | FY 2015-2016 Approved Budget B | % Of Budget Year to Date | Budget Remaining |
|--|------------------|-------------------|--------------------------------------|-----------------------------|---------------------|
| Program Development (Unsecured Grants/Contract) | | | | | |
| *Program Development (Unsecured Grants/Contract) | | | 100,000 | | |
| Goodwheels Tech Assistance | \$ - | \$ 2,250 | \$ - | N/A | N/A |
| FED - MARC - Travel SRII | 68 | 380 | - | N/A | N/A |
| FED - EPA - Ecosystem Services | 6,803 | 14,716 | - | N/A | N/A |
| STATE- DEM HMEP TRAINING MOD 14/15 | - | 48,266 | - | N/A | N/A |
| STATE -DEO Transportation MPO Rail | 4,500 | 20,000 | - | N/A | N/A |
| Collier County EDC - Data Research | - | 1,200 | - | N/A | N/A |
| STATE-DEO MLK Revitalization | - | 5,000 | - | N/A | N/A |
| TOTAL PROGRAM DEVELOPMENT | \$ 11,372 | \$ 91,811 | \$ 100,000 | 91.81% | N/A |
| OTHER REVENUE SOURCES | | | | | |
| ABM SPONSORSHIPS | \$ - | \$ - | \$ - | N/A | - |
| INTEREST INCOME | - | 131 | 1,500 | 8.72% | 1,369 |
| Fund A Investment Income | | 101 | | N/A | (101) |
| TOTAL OTHER REVENUE SOURCES | \$ - | \$ 232 | \$ 1,500 | 15.47% | \$ 1,268 |
| <i>Fund Balance</i> | <i>\$ -</i> | <i>\$ -</i> | <i>\$ 640,816</i> | | |
| TOTAL REVENUES | \$ 13,372 | \$ 404,008 | \$ 1,512,519 | | \$ 736,203 |
| EXPENSES | | | | | |
| PERSONNEL EXPENSES | | | | | |
| SALARIES EXPENSE | \$ 37,453 | \$ 181,957 | \$ 487,098 | 37% | 305,141 |
| FICA EXPENSE | 2,812 | 13,658 | 37,263 | 37% | 23,605 |
| RETIREMENT EXPENSE | 4,591 | 24,558 | 35,084 | 70% | 10,526 |
| HEALTH INSURANCE EXPENSE | 2,335 | 24,563 | 79,799 | 31% | 55,236 |
| WORKERS COMP. EXPENSE | 111 | 686 | 3,687 | 19% | 3,001 |
| UNEMPLOYMENT COMP. EXPENSE | - | - | - | N/A | 0 |
| TOTAL PERSONNEL EXPENSES | \$ 47,303 | \$ 245,422 | \$ 642,931 | 38% | 397,509 |
| OPERATIONAL EXPENSES | | | | | |
| CONSULTANTS | \$ 7,050 | \$ 27,850 | \$ 33,100 | 84% | 5,250 |
| GRANT/CONSULTING EXPENSE | 1,000 | 48,155 | 18,100 | 266% | (30,055) |
| AUDIT SERVICES EXPENSE | - | - | 32,000 | 0% | 32,000 |
| TRAVEL EXPENSE | 7,845 | 17,068 | 12,960 | 132% | (4,108) |
| TELEPHONE EXPENSE | 423 | 1,934 | 5,100 | 38% | 3,166 |
| POSTAGE / SHIPPING EXPENSE | 229 | 524 | 2,075 | 25% | 1,551 |
| EQUIPMENT RENTAL EXPENSE | 441 | 2,590 | 7,335 | 35% | 4,745 |
| INSURANCE EXPENSE | 505 | 11,847 | 23,207 | 51% | 11,360 |
| REPAIR/MAINT. EXPENSE | - | 2,838 | 5,000 | 57% | 2,162 |

| | Current Month | Year to Date A | FY 2015-2016 Approved Budget B | % Of Budget Year to Date | Budget Remaining |
|--|--------------------|---------------------|--------------------------------------|-----------------------------|---------------------|
| PRINTING/REPRODUCTION EXPENSE | 241 | 1,481 | 2,580 | 57% | 1,099 |
| UTILITIES (ELEC, INTERNET, WATER, GAR) | 1,627 | 8,144 | 21,500 | 38% | 13,356 |
| ADVERTISING/LEGAL NOTICES EXP | 57 | 243 | 2,750 | 9% | 2,507 |
| OTHER MISC. EXPENSE | 42 | 42 | 2,150 | 2% | 2,108 |
| BANK SERVICE CHARGES | 389 | 1,794 | 2,700 | 66% | 906 |
| OFFICE SUPPLIES EXPENSE | 1,106 | 1,647 | 4,000 | 41% | 2,353 |
| COMPUTER RELATED EXPENSE | 284 | 11,554 | 22,969 | 50% | 11,415 |
| DUES AND MEMBERSHIP | - | 6,385 | 25,510 | 25% | 19,125 |
| PUBLICATION EXPENSE | - | - | 200 | 0% | 200 |
| PROF. DEVELOP. | 590 | 765 | 3,000 | 26% | 2,235 |
| MEETINGS/EVENTS EXPENSE | - | 655 | 1,250 | 52% | 595 |
| MOVING EXPENSE | 2,413 | 41,673 | - | N/A | (41,673) |
| CAPITAL OUTLAY EXPENSE | 1,763 | 1,763 | 5,000 | 35% | 3,237 |
| CAPITAL OUTLAY - BUILDING | - | - | 4,000 | 0% | 4,000 |
| LONG TERM DEBT | - | 21,292 | 128,000 | 17% | 106,708 |
| LEASE LONG TERM | - | 10,500 | - | N/A | (10,500) |
| UNCOLLECTABLE RECEIVABLES | - | - | - | N/A | - |
| FUND BALANCE | | | \$ 640,816 | 0% | |
| OPERATIONAL EXP. | \$ 26,005 | \$ 220,745 | \$ 1,005,302 | 22% | 143,741 |
| ALLOCATION FOR FRINGE/INDIRECT (CAPTURED BY GRANTS) | | | \$ - | | |
| UTILIZED RESERVE | | | \$ (135,714) | | |
| TOTAL OPERATIONAL EXP. | | | \$ 869,588 | | |
| TOTAL CASH OUTLAY | \$ 73,307 | \$ 466,166 | \$ 1,512,519 | | |
| NET INCOME (LOSS) BEFORE OTHER INCOME/(EXPENSE) | \$ (59,936) | \$ (62,159) | | | |
| OTHER INCOME/(EXPENSE) | | | | | |
| Depreciation Expense | \$ - | \$ (4,099) | | | |
| Gain/Loss on Disposition | \$ - | \$ (287,272) | | | |
| NET INCOME (LOSS) AFTER OTHER INCOME/(EXPENSE) | \$ (59,936) | \$ (353,529) | | | |

SWFRPC
Balance Sheet
February 29, 2016

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ASSETS

| | | |
|--------------------------------|----|--------------|
| Current Assets | | |
| Cash - Bank of America Oper. | \$ | 101,405.77 |
| Cash - Iberia MM | | 534,376.08 |
| Cash - FL Local Gov't Pool | | 135,722.34 |
| Petty Cash | | 200.00 |
| Accounts Receivable | | 77,921.84 |
| | | <hr/> |
| Total Current Assets | | 849,626.03 |
| Property and Equipment | | |
| Property, Furniture & Equip | | 207,603.57 |
| Accumulated Depreciation | | (190,530.93) |
| | | <hr/> |
| Total Property and Equipment | | 17,072.64 |
| Other Assets | | |
| Amount t.b.p. for L.T.L.-Leave | | 45,923.44 |
| FSA Deposit | | 405.60 |
| Amt t.b.p. for L.T.Debt-OPEP | | 61,797.00 |
| Amount t.b.p. for L.T.Debt | | (410.03) |
| | | <hr/> |
| Total Other Assets | | 107,716.01 |
| | | <hr/> |
| Total Assets | \$ | 974,414.68 |
| | | <hr/> <hr/> |

LIABILITIES AND CAPITAL

| | | |
|--------------------------------|----|------------|
| Current Liabilities | | |
| Accounts Payable | \$ | (4,800.00) |
| Deferred Income - EPA_3675 | | 79,123.15 |
| Deferred Palmer XXIV_4097 | | 26,578.98 |
| Deferred NorthPoint NOPC_5328 | | 662.23 |
| Deferred Pelican Marsh_5329 | | 463.85 |
| Deferred Palmer Ranch MDO_NOPC | | 1,500.00 |
| Deferred Palmer Ranch IV 8-9 | | 2,500.00 |
| Deferred Palmer Ranch IV - 12 | | 1,500.00 |
| Deferred Alico-3 Oaks_5334 | | 2,000.00 |
| Deferred Venice NOPC_5335 | | 2,000.00 |
| Deferred Commons NOPC_5337 | | 2,000.00 |
| FICA Taxes Payable | | 171.92 |
| Retirement Fund Payable | | 6,176.29 |
| Federal W/H Tax Payable | | 122.19 |
| United way Payable | | 942.00 |
| Deferred Compensation Payable | | (175.00) |
| FSA Payable | | (320.00) |
| Due To Employee | | (200.00) |
| LEPC Contingency Fund | | 305.25 |
| | | <hr/> |
| Total Current Liabilities | | 120,550.86 |
| Long-Term Liabilities | | |
| Accrued Annual Leave | | 45,923.44 |
| Long Term Debt - OPEB | | 61,797.00 |
| | | <hr/> |
| Total Long-Term Liabilities | | 107,720.44 |
| | | <hr/> |
| Total Liabilities | | 228,271.30 |
| Capital | | |

Unaudited - For Management Purposes Only

SWFRPC
Balance Sheet
February 29, 2016

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| | | |
|-------------------------------|---------------------|--------------------------|
| Fund Balance-Unassigned | 325,110.37 | |
| Fund Balance-Assigned | 514,000.00 | |
| FB-Non-Spendable/Fixed Assets | 260,562.50 | |
| Net Income | <u>(353,529.49)</u> | |
| Total Capital | | <u>746,143.38</u> |
| Total Liabilities & Capital | \$ | <u><u>974,414.68</u></u> |

Agenda Item

11b

11b

Economic Development
Committee

11b

Agenda Item

11c

11c

Energy & Climate Committee

11c

Agenda Item

11d

11d

Estero Bay Agency on Bay Management Committee

11d

Estero Bay Agency on Bay Management

The regular meeting of the Estero Bay Agency on Bay Management will be held on Monday, March 14, 2016 at the 9:30 AM at the SWFRPC offices.

Items for the meeting are attached.

Recommended Action: Information only.



DRAFT AGENDA
ESTERO BAY AGENCY ON BAY MANAGEMENT

Monday, March 14, 2016 – 9:30 a.m.
SWFRPC
1400 Colonial Boulevard, Suite 1
Fort Myers, Florida 33907

- 1) Call to Order
- 2) Attendance
- 3) Minutes of the February 8, 2016 meeting
- 4) Lake Okeechobee Discharges - Ms. Jennifer Hecker
- 5) Current Status of the Proposed Fracking Bill in the Florida Legislature - Ms. Jennifer Hecker
- 6) Conservation 2020 Referendum- Ms. Marisa Carrozzo
- 7) Cela Tega Planning - Dr. Nora Demers
- 8) Old Business: Inactive EBABM memberships.
- 9) Emerging Issues
- 10) Announcements
- 11) Public Comments on Items Not on the Agenda
- 12) Set Date for Next EBABM: Monday, April 11, 2015 – 9:30 a. m.
- 13) Set Date for Next IAS and Principles Subcommittee Meeting: in Monday, March 28, 2016
- 14) Adjournment



PIECES OF THE PUZZLE NEEDED TO SAVE THE CALOOSAATCHEE AND THE EVERGLADES

NEEDED STATE POLICY ACTIONS

1. Build the C-43 Reservoir, as well as add on filtration project on adjacent state lands
2. Update state stormwater requirements for new development to ensure they capture at least 80% of nitrogen and phosphorus pollution they generate
3. Require monitoring of agricultural Best Management Practices to ensure they are properly implemented, and water quality testing of agricultural runoff to see if they are effective – adjusting if not
4. Create a Nitrogen Total Maximum Daily Load pollution limit for Lake Okeechobee to control nitrogen pollution upstream
5. Stop opposing the US Waters of the US Rule and instead support this EPA proposed rule to restore Clean Water Act water quality protection to upstream wetlands and tributaries
6. Buy US Sugar Lands and other lands in the Everglades Agricultural Area (EAA) to provide at least 1 million acre feet of additional storage in the EAA, as well as additional water quality treatment and conveyance
7. Implement the “Lake Okeechobee Watershed Plan” to store and treat more water north of Lake O, focusing on permanent acquisitions for building projects that increase rate of retention and filtration.
8. Pass Legacy Florida Act to have dedicated sufficient funding for Comprehensive Everglades Restoration projects
9. Control pollution at its source by setting numeric water quality standards for all flowing waters and upstream waterbodies
10. Implement more stringent wetland protection regulations to stop the loss of wetlands that naturally store and cleanse freshwater
11. Restore full funding to Florida Forever state land acquisition fund to not only buy easements, but to purchase lands for permanent land and water resource protection
12. Assist counties and cities in building more freshwater storage and filtration projects in the Caloosahatchee watershed to lessen pollution and excess runoff from the watershed
13. Develop Total Maximum Daily Load pollutant limits for all waters not meeting state water quality standards within the next 5 years, and Basin Management Action Plans to restore them within the following 5 years.

NEEDED FEDERAL POLICY ACTIONS

1. Implement the EPA Waters of the US Rule to protect upstream wetlands and tributaries
2. Provide consistent authorization of Everglades projects by passing a Water Resources Development Act (WRDA) every two years – including passing one this year to authorize the Central Everglades Project.
3. Provide sufficient funding to fully fund all authorized Comprehensive Everglades Restoration Projects
4. Require state to set numeric pollution standards for all artificial and natural flowing waters to prompt pollution to be controlled at its source
5. Revise the Lake Okeechobee Regulation Schedule to ensure appropriate Lake Okeechobee flows to the Caloosahatchee for supporting safe water quality and protection of endangered species.
6. In federal wetlands permitting, revise methodology to require proper avoidance of wetlands impacts and acre for acre replacement if wetlands are impacted.
7. Provide remaining federal funding for C-43 Reservoir and assist with its timely construction, as well as design and help construct add on filtration project.
8. Finish construction of Herbert Hoover Dike improvements, while ensuring lake levels are not raised to levels that would compromise Lake Okeechobee's ecology (levels over 16').
9. Update and revise the Comprehensive Everglades Restoration Plan to address new technical information and engineering constraints, addressing how and where storage will be replaced from projects deemed infeasible or where storage has been reduced.
10. Work with state to identify and acquire lands in the Everglades Agricultural Area to provide the necessary conveyance, 1 million acre feet of storage and additional treatment to divert high discharges currently going to estuaries.
11. Fully fund and complete the Everglades Headwaters Refuge, as well as the Fisheating Creek Headwaters Refuge projects to conserve lands providing natural storage and filtration.
12. Require state to develop and implement Total Maximum Daily Limits for waters not meeting state water quality standards within the next 5 years.
13. Pass the Everglades for the Next Generation Act to expedite the authorizations and funding of CERP projects so not dependent on WRDA bills, which can hold up timely progress if not passing every two years.



DRAFT MINUTES ESTERO BAY AGENCY ON BAY MANAGEMENT

Monday, February 8, 2015 – 9:30 AM.

SWFRPC Offices
1926 Victoria Avenue
Fort Myers, Florida

1. Call to Order – Mr. Daltry called the meeting to order at 9:30 AM.
2. Attendance- As usual attendance was taken from the sign in sheet:

| NAME | ORGANIZATION |
|------------------|--|
| Tom Babcock | Friends of Matanzas Pass Preserve |
| Lisa Beever | CHNEP |
| Rae Blake | Town of Fort Myers Beach |
| Brenda Brooks | CREW |
| Peter Cangialosi | ECCL |
| Dave Ceilley | Scientist |
| Marissa Carrosso | Conservancy of Southwest Florida |
| Brad Cornell | Audubon Florida |
| John Curtis | Johnson Engineering |
| Wayne Daltry | RGMC |
| Nora Demers | Happehatchee Center |
| KATY Erington | Village of Estero |
| Win Everham | FGCU |
| Rebecca Flynn | EBAP |
| Larry Kiker | Lee County Board of County Commissioners |
| Laura Miller | LWV |
| Russ Miller | FDOT |
| Pete Quasius | Audubon of SW FL |
| Patty Whitehead | Bonita Lion's Club Green Team |

Staff in Attendance: Jim Beever

3. Minutes of the November 9, 2015 and December 14, 2015 meetings were edited and then approved as edited. Motion by Ms. Brooks, Second by Dr. Everham
4. An election of officers was held with the current officers nominated for Chair: Wayne Daltry, Vice Chair: Patty Whitehead, and Secretary: Nora Demers. The slate of officers was approved with abstentions form FDOT and EBAP. Motion by Dr. Beever, second by Commissioner Kiker.
5. Membership in the EBABM for the Beach Area Civic Association was discussed and approved with abstentions form FDOT and EBAP. Motion by Mr. Babcock, second by Ms. Brooks.

6. The proposed EBABM Workplan for 2016 was discussed and modified to a format that was approved with abstentions from FDOT and EBAP. Motion by Dr. Everham, second by Mr. Cornell. A copy is attached.
7. Cela Tega Planning was discussed and a planning team composed of Dr. Demers, Ms. Miller, and Mr. Beever was formed. Other EBABM members will be seeking funding for the conference on **"Sea Level Rise Adaptation and Resiliency Planning in the Estero Bay Region."**
8. In Old Business the letters on inactive EBABM members was discussed. So far there has been no response to the EBABM form the notified organizations indicating that they want to continue to be members.
9. Emerging Issues included the Caloosahatchee Watershed Assessment and TMDL planning, the setting of CHNEP Restoration Targets for Estero Bay, the proposed Clean & Snag project for the Estero River, and the Caloosahatchee River water releases from Lake Okeechobee,
10. Announcements include:

A proposal for a referendum on C2020 in the Fall election vote is likely to be considered at the February 16th Lee BOCC meeting.

Dr. Everham announced four presentations associated with FGCU: Artist in Residence Michael Massaro: The Vanishing– Seagrass Ecology February 11 • Artist Talk at 5:00 pm , ArtLab Gallery reception follows, until 7:00 pm,

http://artgallery.fgcu.edu/Michael_Massaro_The_Vanishing.html

Moonlight on the Marsh; Dr. Evelyn E. Gaiser on EXPECTING THE UNEXPECTED: PANDORA'S BOX OF PARADOX IN AN UPSIDE-DOWN ESTUARY THURSDAY, February 11, 2016, 7 PM, <http://www.fgcu.edu/swamp/moonlight.html>

20th Annual Southwest Florida Invasive Species Workshop, Wednesday, February 24, 2016, <http://www.floridainvasives.org/southwest/>

and the 2016 Rachel Carson Distinguished Lecture, Featuring, Alison Hawthorne Deming, Creating the Future: New Relationships between Art and Science in the Era of Climate Change, Thursday, February 25, 2016 at FGCU., <http://www.fgcu.edu/cese/>

The Charlotte Harbor National Estuary Program (CHNEP) invites you to the **Climate Adaptation for Coastal Communities Workshop on Feb. 23-25, 2016**, at Lemon Bay Park (570 Bay Park Blvd, Englewood, 941/861-5000).

The Cypress Cove Conservancy's Planet Earth Art and Music Festival Co-hosted by the Responsible Growth Management Coalition, 15 th Annual Festival, Saturday April 2nd, Koreshan State Park, Free festival to the general public (5.00 Koreshan parking fee applies) Opening ceremony 1:00 pm.

11. There was no public comments on items not on the agenda
12. Next Meeting Time and Place, for EBABM is Monday, March 14, 2016 – 9:30 a. m.

13. Next IAS Subcommittee Meeting: in Monday- 1:30 PM, February 29, 2016
14. Adjournment was at 11:25 AM

Agenda Item

11e

11e

Executive Committee

11e

Agenda Item

11f

11f

Legislative Affairs Committee

11f

Agenda Item

11g

11g

Quality of Life & Safety
Committee

11g

Agenda Item

11h

11h

Regional Transportation
Committee

11h

--- Agenda --- Item

11i

11i

Interlocal Agreement/Future
of the SWFRPC Committee

11i

Agenda Item

11j

11j

Water Quality and Water
Resources Management

11j

Agenda Item

12

12

New Business

12

12

Agenda Item

12a

Fracking

12a

12a

In the April 2015 edition of Gulfshore Life, Jennier Reed writes, The Truth About Our Oil

The following are excerpts from her article which I am including since her article is centered around Collier Resources, in Collier Florida.

The landowner leased the property's mineral rights to a Texas company in 2013. Around the same time, another drill site, the Collier-Hogan well, south of Lake Trafford, was hydraulic fractured by Dan A. Hughes Company in an effort to force oil out of a reservoir about two miles underground.

Drilling has been going on in Florida since oil was discovered near Immokalee in 1943. Much of it occurs out of sight, in Big Cypress National Preserve where the federal government and its many environmental regulators signed off on a deal years ago shielding the 729,000 acres from development but allowing native tribes, property owners and mineral rights holders to continue their pursuits—including energy extraction.

“This is nothing new,” says Collier Commissioner Tim Nance.

Maybe not. But the context—and the implications—of drilling have changed considerably.

American energy production, on the decline for decades, is booming. A resurgence, born in the shale formations in the North and West, is winding its way south. Techniques such as horizontal drilling and hydraulic fracturing have allowed energy producers to unlock billions of barrels of oil and natural gas previously trapped in rock.

The energy rush has propelled the U.S. to the top of the world's oil producers—and boosted domestic production to 60 percent of the nation's oil needs and 100 percent of its natural gas ones. Florida doesn't have shale, but new techniques may allow drillers to extract more from the Upper Sunniland Trend and tap into the lower, deeper one. The Sunniland is an oil reservoir that runs from Fort Myers to Miami.

New seismic surveying technology, moreover, enables oil prospectors to more accurately pinpoint potential reservoirs. That's the next step in Collier: About 200 square miles in Big Cypress and near Immokalee are slated to be surveyed, pending approval of the applications. The findings will determine the industry's next steps.

Jennifer Hecker, a natural resource policy director at the Conservancy of Southwest Florida, states;

“The bottom line is Florida is completely different geologically and hydrologically from other parts of the U.S. where this is being done. So even if this technique is ‘proven’ in North Dakota, it is not proven in Florida limestone and interconnected aquifers,” Hecker says. Her organization is calling for a moratorium on new extraction techniques until its experts see more evidence validating their safety

Does the state regulate hydraulic fracturing and related procedures?

Minimally—and this is perhaps the greatest area of concern to residents and others worried about new drilling techniques.

Companies wishing to frack or use related well-stimulation techniques don’t need a permit to do so; rather, they inform the Department of Environmental Protection that they plan to do a “workover.” The department can ask them to hold off—that’s what happened when DEP officials filed a “cease and desist” order at Collier-Hogan well—but the penalties for disregarding the DEP are minimal and the current statute lacks teeth, according to environmental advocates.

What kinds of toxic waste result from drilling?

In the case of hydraulic fracturing, some 98 percent of the drilling solution is made up of water and sand. Two percent is chemicals.

Some of the substances, like hydrochloric acid, are fairly ubiquitous in industrial applications. Mixed with Florida’s limestone base, the acid and the base convert into salt and are absorbed into the soil over time. “It’s first-year chemistry,” Lewis says.

But environmental and resident groups say there are more insidious chemicals in the hydraulic fracturing wastewater, known as “flowback”—even in small amounts. They include benzene, toluene, ethyl benzene and xylenes—compounds that can damage organs and the nervous system.

Also posing a risk is “produced water” or “brine”—water that mixes with oil deep underground and is brought to the surface during extraction. For every barrel of oil that’s extracted, six to 10 barrels of produced water comes up with it, according to the EPA.

These energy-related wastewaters are exempt from the Safe Drinking Water Act, a provision written to the law during the Bush administration and dubbed the “Halliburton loophole,” referring to the energy giant once led by former Vice President Dick Cheney. The state can write its own more stringent water safety regulations, a matter that some residents and environmental groups say must be considered. Preserve Our Paradise is pushing to make the Floridan Aquifer, a drinking water source for Florida and parts of four other states, a so-called “sole-source aquifer,” a designation that would allow further safeguards against pollution.

Meanwhile, state Rep. Ray Rodrigues, R-Estero, is filing—for the third time—a chemical disclosure bill. “Our bill would be the most strict disclosure requirement in the county,” he says.

Can toxic water and oil infiltrate the aquifers?

Yes. Experts say there are three primary scenarios: through old abandoned wells, surface spills and engineering failures. With precautions, though, the threats can be minimized.

Boreholes

Southwest Florida is littered with boreholes—old wells from the 1940s and '50s. They were sealed off to the requirements of the day, lenient by today's standards, and some of the plugs that protect aquifers from oil and brine are missing or corroded.

“The concern is they could potentially act as straws, allowing for the upward migration of these fluids into the drinking water,” says Hecker of the Conservancy.

The Collier-Hogan well was sunk within a mile of two old wells. In that particular case, three consultants say contamination from them was “highly improbable” if not impossible. But two of the firms advised further investigation of the region's abandoned wells.

Mark Stewart, professor emeritus in the University of South Florida's geosciences department, did a water study a few years ago along County Road 951 where his team ran across an area of high electric conductivity near the surface—an unusual occurrence that he later theorized was electrically charged

brine rising to the surface via old wells. Fracking could further trigger such fluid migration, he says.

“Unless we know where all the wells are and if they’re properly abandoned, that’s a potential pathway for contamination of a shallow aquifer,” Stewart says.

The Conservancy is asking the state to enforce a perimeter around the boreholes or require drillers to re-plug them to today’s standards.

Spills

Statewide since 1972, 1,281 barrels of crude oil and 16,636 barrels of brine have been spilled in Florida, according to a report from the consulting firm AECOM. There apparently was some sort of ground-level “release” at the Collier-Hogan well, according to another firm, ALL Consulting, which could be worrisome since chemicals were used there. (There was not enough information to know whether the spillage affected water-table aquifers; state monitoring continues.)

In fairness, there’s an asterisk: The total quantity spilled amounts to 0.0002 percent of all oil ever produced here. A spill isn’t expected to move much, according to Lewis, the CRA engineer. His modeling suggests that, under worst-case scenarios, it might creep 1,500 feet in 10 years.

Nevertheless, the fragility of Southwest Florida’s ecosystem—and the fact that Collier’s aquifers lie close to the surface—makes this an important matter to monitor. That’s why there’s a push for more DEP oversight authority—right now, state inspectors must get the permission of the energy companies and the property owners before they can enter a well field.

Well failures

Engineering failures to the well casings—protective sheaths around the wellbores—are the third big risk.

One study of the Marcellus Shale in the eastern U.S. found 83 examples of cement casing failures in 573 wells. State records from 2010-13 show Pennsylvania wells failed at rates of 3 to 6 percent in their first three years of life, according to recent report *The Environmental Costs and Benefits of Fracking* conducted by seven government and university environmental scientists.

But the industry can do it right, Stewart says, citing an Environmental Defense Fund study showing that well-constructed casings fail 1 to 2 percent of the time. “A 1 to 2 percent failure rate is not bad,” he says. “That’s what the industry is capable of, but at the moment, there’s no economic or regulatory incentive for them to try to achieve that.”

What happens to wastewater?

Oil and gas wastewater—along with household and industrial wastewater, septic sludge, motor vehicle waste and other liquid cast-offs—is being disposed of underground in injection wells, holding pens for toxic byproducts. Florida had more than 13,000 injection wells as of 2011, according to the EPA.

Like it or not, the entire water system from Lake Okeechobee south is entirely human-managed today, Nance says, expressing confidence in injection wells as a waste management tool; Collier County is even using them to store excess water collected during the rainy season, he says.

There is a big difference, however—the aforementioned exemption that the oil and gas industry enjoys.

The state Underground Injection Code regulating for non-energy waste, such as municipal wastewater, runs 33,400 words long; the Class II well regulations for oil and gas waste are not quite 900.

In other parts of the country, scientists believe the pressure of injecting oil and gas waste provokes earthquakes. That doesn’t appear to be a risk here because wells are installed in the Boulder Zone, whose structure allows materials to shift, dissipating pressure.

The Boulder Zone is well-separated from the aquifers, and reports of leakage are few. That doesn’t mean it hasn’t happened. ProPublica reported in 2012 that 20 South Florida wells failed in the early 1990s, releasing partially treated sewage into aquifers that Miami may someday have to use for drinking water. If more drilling means more potential waste, the regulatory conversation should include further review of injection wells.

Florida has a number of options. It could provide further safeguards for residents in rural areas; the Durans initially proposed keeping wells a mile away from the nearest existing homes. It could go the way of New York State and ban fracking all together.

But we should acknowledge: A permanent ban does not take into account the rights of mineral owners, the industry's six-decade track record or its contribution to domestic energy production, even if Florida is no North Dakota.

The answer lies somewhere in between in carefully balanced regulation based on hard data—or moratoriums on procedures whose implications are not fully understood in the context of Florida's distinct geology and ecosystems.

In addition to Rodrigues' disclosure legislation and Bullard's fracturing prohibition, the DEP, the Conservancy and Collier County's consultant, AECOM, have proposed numerous changes, including: increased fines; independent monitoring protocols; closer oversight of well construction and surface management; and change of the permitting process so drillers must expressly receive permission before embarking on well stimulation procedures

The Barnett Shale, Texas.

I experienced Fracking first hand when I lived for four years in Robson Ranch, Denton, Texas. We discovered, after building our home, that we had built on the Barnett Shale and Horizontal Fracking had just been invented. In 2011, Texas had about 93,000 natural-gas wells, up from approximately 58,000 in 2000.

Gas wells were drilled 250 feet from homes, schools, and other public sites, with little regulation.

In Dish, Texas, five miles to the west of our home, 11 natural gas compression stations were created. Residents complained about odor, noise and health problems which included headaches and blackouts as well as neurological defects and blindness in their horses. A private hired environmental consultant found that air samples contained high levels of neurotoxins and carcinogens in 2009.

Infrared videos taken in October 2014 in Denton, Texas showed oil and gas air pollution despite assurances of safety by the gas industry. A Texas jury on April 2014 awarded \$2.9 million to Bob and Lisa Parr from Aruba Petroleum Inc., for health problems for their family, pets and livestock because of wells drilled and fracked in the Barnett Shale.

The Texas Commission on Environmental Quality reported that storage tanks used in the exploration and production of natural gas and oil are the largest source of VOCs in the Barnett Shale.

The Houston Advanced Research Center estimated that emissions from natural gas compressor stations and flares contributed significant amounts of ground-level ozone and formaldehyde in the Dallas-Fort Worth area.

The 2009 Environmental Defense Fund report stated that the natural gas and oil industry in the Barnett Shale area produced more smog-forming emissions during the summer of 2009 than were produced by all motor vehicles in the Dallas Fort Worth metropolitan area.

In July 2012 nearly 80% of all air samples taken by the National Institute of Occupational Safety and Health showed exposure rates to silica above federal recommendations. High exposure to silica can lead to silicosis, a potentially fatal lung disease linked to cancer. Silica is a key component used in fracking

The Texas Commission on Environmental Quality found airborne benzene near Barnett Shale wells at levels of up to five times higher than allowable limits.

The Environmental Defense Fund reported that natural gas wells in the Barnett Shale were emitting up to 60,000 kilograms of methane an hour. After completing their statistical analysis in December 2015, the organization reported that fracking in the Barnett Shale region was releasing at least 90 percent more methane from drilling operations than the EPA had estimated.

The Eagle Ford Shale development in South Texas consumed nearly a quarter of overall water consumption in 2011 and was estimated to grow to a third within a few years.

A 2013 study of 100 private water wells in and near the Barnett Shale showed elevated levels of contaminants such as arsenic and selenium closest to natural gas extraction sites.

EPA in 2010 determined that natural gas drilling by Range Resources contributed to the contamination of residential drinking water wells with extremely high levels of methane as well as benzene.

The National Academy of Sciences analyzed 67 earthquakes recorded between November 2009 and September 2011 in a grid covering northern Texas Barnett Shale formation. The study found that all 24 of the earthquakes with the most reliably located epicenters originated within 2 miles of one or more injection wells for wastewater disposal.

From 2010 to July 2014 drillers in the state of Texas reported using 21.96 gallons of diesel injected into 25 wells. The Environmental Integrity Project extensively researched diesel in fracking. The environmental research organization argues that diesel use in fracking is widely under reported.

The Environmental Integrity Project 2014 study “Fracking Beyond the Law, Despite Industry Denials Investigaton Reveals Continued Use of Diesel Fuels in Hydraulic Fracturing.” found that hydraulic fracturing with diesel fuel can pose a risk to drinking water and human health because diesel contains benezene, toluene, xylene, and other chemicals that have been linked to cancer and other health problems. The Environmental Integrity Project identified numerous fracking fluids with high amounts of diesel, including additives, friction reducers, emulsifiers, solvents sold by Halliburton

Due to the Halliburton loophole, the Safe Drinking Act regulates benzene containing diesel-based fluids but no other petroleum products with much higher levels of benzene.

Fracking Pollution

The 2012 report by the Environmental Integrity Project, “Nearly 93,000 Tons of Pollution Released From Upsets and Emission Events at Natural Gas and Petrochemical Plants iin Texas” found that flares, leaking pipelines, and tanks emitted 92,000 tons of toxic chemicals into the air during accidents, break-downs, and maintenance at Texas oil and gas facilities, refineries, and petrochemical plants from 2009 to 2011. The data was collected from the Texas Commission on Environmental Quality and shows that, in addition to the emissions from normal operations, more than 42,000 tons of sulfur dioxide and just over 50,000 tons of smog-forming volatile organic compounds were released from 2009 through 2011. Natural gas operations, including well heads, pipelines, compressors, boosters, and storage systems, accounted for more than 85 percent of total sulfur dioxide and nearly 80 percent of the VOCs released during these emission events. The report shows a "pattern of neglect" as the pollution from these events drags on for weeks or months.

http://www.sourcewatch.org/index.php/Texas_and_fracking

Fracking in Florida

ballotpedia.org

Major issues

House Bill 191

The Florida House of Representatives passed a bill (HB 191) updating state fracking regulations on January 27, 2016. Provisions in the bill would prohibit local governments from banning fracking in their jurisdictions and require the state Department of Environmental Protection to write a study reviewing the potential costs and benefits of the oil and gas extraction technique. Upon completion of the study, the Department of Environmental Protection would create new rules for fracking that would have to be approved by the state legislature. The bill was passed 73-45, with mostly Republicans supporting the measure. The Florida State Senate received the measure on February 9, 2016.

Acidification

Although fracking does not occur in Florida, acidification (also known as "acid fracking") has occurred in the state. Acidification is an oil drilling process whereby acid is injected under high pressure into the ground. According to a report by National Public Radio, an oil company (Dan A. Hughes, Co.) utilized the practice in Florida for the first time in December 2013, near a town on the western edge of the Everglades. This resulted in outcry from local officials and environmental advocates, who argued that state officials were "lax in their oversight of the drilling, jeopardizing public health and the environment."

The state issued a cease and desist order to the company upon discovering that acidification was taking place, but the company did not stop operations. The company ultimately paid a \$25,000 fine and agreed to install groundwater monitors. The state Department of Environmental Resources also installed groundwater monitors and maintained that early evidence showed no evidence of water contamination.

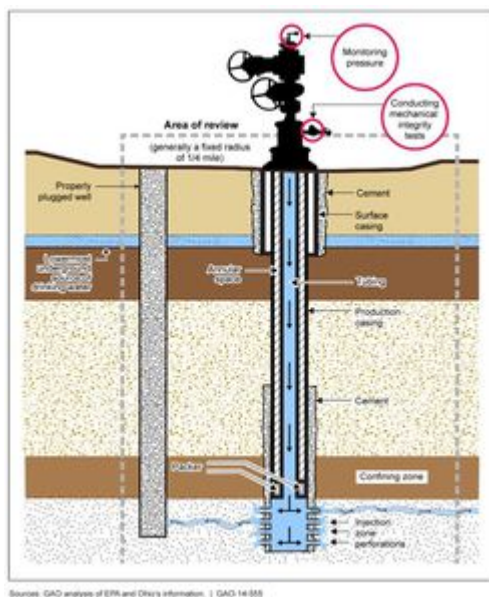
Fracking background

Hydraulic fracturing, or fracking is the process of injecting fluid—mostly water and sand, but with additional chemicals—into the ground at a high pressure to fracture shale rocks and release the crude oil ¹ and natural gas inside.

Recent technological advances in oil and gas drilling—horizontal drilling and hydraulic fracturing—have created both opportunities and challenges for states with fossil fuel reserves that can be accessed through the combination of these two technologies. The increased use of fracking has been an economic boon for many states, not only those with fracking but also those with supporting industries such as frac sand mining or associated machinery manufacturing. As with any type of energy extraction, there are risks involved.

Opponents of fracking argue that the potential negative environmental and human health impacts could be significant. Although wells have been fracked for over 65 years in the United States, concerns have been raised about whether federal, state and local regulatory agencies can keep up with the recent rapid increase in fracking activity and adequately protect the environment and human health. As with any type of energy extraction, either traditional or renewable, there are economic, environmental and political trade-offs.

Injection wells

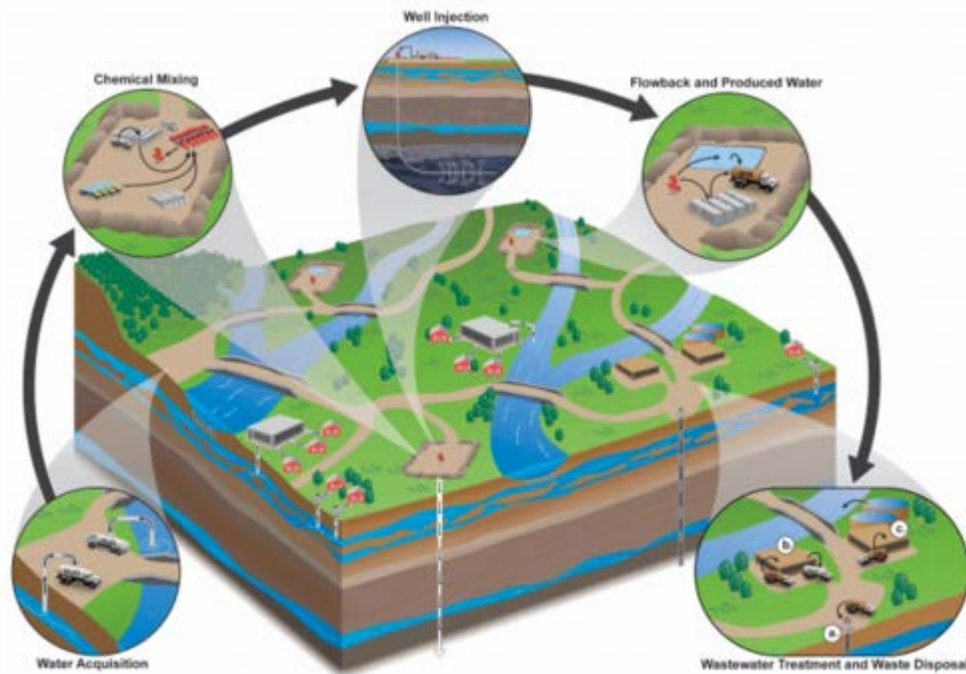


An example of a Class II injection well

Injection wells are used to store fluid or other substances such as carbon dioxide (CO₂) under the earth. There are a variety of injection wells, some of which are shallow and are used to store water and non-hazardous liquids. One type of these wells are Class II wells that are used to store salt water and other fluids produced during the oil and gas extraction process. The map in this section shows the distribution of injection wells in each state that has Class II injection wells. In 2011, 32 states had Class II injection wells. According to the U.S. Environmental Protection Agency (EPA), **Florida had 56 Class II injection wells in 2011, which accounted for 0.03 percent of all of these injection wells nationwide.** The table below contains data on injection wells in Florida and its adjacent neighboring states. The map in this section shows the distribution of injection wells in each state that has Class II injection wells. Florida had fewer Class II injection wells than any of its neighboring states except Georgia, which did not have any such wells.

Water impacts

When considering the effects of fracking on water supply and safety, there are four main areas of risk: the depletion of fresh water sources, spills and leaks of fracking fluid into water, mismanaged produced water and flowback, and stormwater pollution. Stormwater, flowback, produced water and wastewater can be harmful because they contain total dissolved solids and naturally occurring radioactive materials. Because of the recent rapid growth in fracking, there are still many uncertainties about the effects of fracking on water. There are studies that link fracking to groundwater contamination, but they remain controversial.



The stages of the hydraulic fracturing water cycle.

On June 4, 2015, the U.S. Environmental Protection Agency (EPA) released an assessment, a "synthesis of available scientific literature and data," of fracking on drinking water sources.

The report found that in the United States between 2011 and 2014,

Between 25,000 new wells to 30,000 new wells were hydraulically fractured (fracked) annually.

In total, 9.4 million people lived within one mile of a well that was fracked.

There were 6,800 drinking water sources located within one mile of a well that had been fracked.

On average, 1.5 million gallons of water were required to frack a well. This figure varied depending on the state.

Land impacts



Aerial view of an hydraulic fracturing site

When oil and gas companies are preparing the area around a future well for drilling, roads must first be constructed. Then the surrounding area must be flattened and covered with crushed stone and plastic liners to protect the ground. Once operations cease, reclamation can begin. Reclamation includes closing the well, removing all storage tanks, vehicles and other equipment, returning the land to its previous form by shaping it, and planting seeds.

Oil spills on land can occur in a variety of ways, including pipeline leaks, railroad accidents, poor oil storage, natural seeping into land or soil, poor working practices, drilling accidents and more. Inland oil spills can prevent water from being absorbed by the soil. Spills near agricultural operations or grassland can harm plant life and ecosystems. Cleaning up inland spills depends on the kind of soil affected, the geology of the area, the presence and depth of ground water sources and access to the areas affected by the spill. A typical response to a spill involves preventing the oil from contaminating ground water sources or running off into surface waters like rivers and streams

Emissions

Natural gas is usually considered a cleaner fossil fuel [1](#) because it contains fewer impurities than petroleum or crude oil.. For example, natural gas releases significantly fewer sulfur dioxide and nitrogen oxide emissions compared to oil. According to a 2014 study by the National Oceanic and Atmospheric Administration, "as a result of the increased use of natural gas, CO₂ emissions from U.S. fossil-fuel power plants were 23% lower in 2012 than they would have been" without the increase in natural gas use. Natural gas does contain methane, and methane traps 20 times more carbon dioxide than other greenhouse gases.

The U.S, Environmental Protection Agency (EPA) estimated that, on average, 1,672 pounds of carbon dioxide, , 12 pounds of sulfur dioxide and four pounds of nitrogen oxide are emitted per megawatt hour (MWh) of electricity produced from burning oil. Natural gas-fired energy generation emits 1,135 pounds of carbon dioxide per(MWh) of electricity, 0.1 pounds of sulfur dioxide per (MWh) and 1.7

pounds of nitrogen oxide per(MWh). The table below contains estimates of the percentage of methane that is emitted as oil and natural gas are produced and processed. This data was provided by companies in the natural gas and oil industries in 2012.

Methane emissions from the oil and gas industries (2012)

| Source | Percentage of emissions |
|--------------------------|-------------------------|
| Production | 45% |
| Transmission and storage | 27% |
| Distribution | 16% |
| Processing | 12% |

Source: U.S. Environmental Protection Agency, "Methane Emissions from 2012

What are the differences among wastewater, produced water and flowback?

The terms wastewater, produced water and flowback are used interchangeably, but all three refer to different types of water. The contaminated water that is stored in injection wells is called **wastewater**; it includes both produced water and flowback. **Produced water** is the salt water that has been under the earth for millions of years and is released when extracting oil or natural gas. **Flowback** is the fluid that was used when extracting oil or natural gas. This fluid returns to the earth's surface along with the oil or natural gas that is extracted.

According to *Energy in Depth*, an outreach campaign associated with the Independent Petroleum Association of America, most of the wastewater that is produced during the fracking process is produced water.

Earthquakes

States across the central and eastern United States have been experiencing an increased number of earthquakes over the last few years, according to the U.S. Geological Survey(USGS), the government agency responsible for such data. Studies from the USGS have not found fracking directly responsible for this increase in felt earthquakes; however, the USGS is looking into regulations that would use seismic data to determine thresholds dictating when and where fracking can occur.

There is a growing body of evidence suggesting that this growth in the number of earthquakes has been caused by the increased use of injection wells, also known as Class II injection wells, to dispose of fracking wastewater. Once a well has been fracked, water returns to the earth's surface; this water contains large amounts of salt and other contaminants. Some of this water can be recycled, but the water that can't be recycled is often stored in injection wells. These injection wells are generally considered the safest and most cost-effective place for wastewater to be stored. Injection wells are located thousands of feet underground and are encased in cement. Multiple oil and gas wells often rely on one disposal well for wastewater storage. The U.S. Environmental Protection Agency (EPA) estimates there are 144,000 of these wells across the United States receiving 2 billion gallons of frack fluid per day. According to the EPA, Florida had 56 injection well(s) in 2011, 0.03 percent of all such wells across the country.

There is a scientific link between injection wells and induced seismology, or man-made earthquakes. These earthquakes have been around for decades and can be caused by mining, damming rivers and injection wells. Earthquakes are caused by injection wells when water pumped into underground wells causes the faults under the earth to slip. Even though scientists at the USGS have been able to cause earthquakes intentionally by carefully injecting liquid into the earth, the link between injection wells and earthquakes is not fully understood. One of the largest concerns for scientists and regulators is that they do not have the tools to predict whether wastewater will cause seismic activity. These concerns are compounded by the lack of knowledge about where faults are located across the central and eastern United States. The USGS is just beginning to map these areas in more detail in order to understand the seismic risks. As of August 2015, these earthquakes had typically been small, 2.0 or 3.0 in magnitude on the Richter scale, but at least one scientist has raised concerns that earthquakes could grow in intensity if old injection wells continue to be used for storage. Some states, including Colorado, Kansas, Ohio, Oklahoma and Texas, have set up seismic monitoring stations and updated injection well regulations, among other activities, to deal with increased seismic activity.¹

Fracking Legislation in Florida

FL H0589- Environmental Control

Revises eligibility requirements for taking water well contractor licensure examinations, provides conditions under which certain constructed clay settling areas are exempt from reclamation rate and financial responsibility requirements; authorizes use of land set-asides

and land use modifications in water quality credit trading; provides applicability of prohibited variances concerning certain discharges and hazardous waste management; revises conditions under which DEP may use specified funds to contract with third parties for closing and long-term care of solid waste management facilities; abrogates scheduled expiration of such authorization; requires Florida registered professionals to certify that certain stormwater management systems will meet general permit requirements; requires that such certification be submitted to DEP or water management district before construction of such systems begins; provides appropriation

Placed on Calendar 2/25/2016

Sponsors: Edwin Cary Pigman; Lawrence T. Ahern

FL S1400 Water Oversight and Planning

Establishes the Water Oversight and Planning Board to address water issues in the state; requiring the Department of Environmental Protection to provide staff to the board; requiring the board to submit the long-range plans to the department, each water management district, the Governor, and the Legislature, etc.

Bill is introduced 1/14/2016

Sponsors Audrey Gibson

FL H1159- Water Oversight and Planning

Establishes Water Oversight and Planning Board to address state water issues; provides membership for board; provides duties of board; requires board to submit long-range plans to DEP, water management districts, Governor and Legislature; requires board to provide findings and recommendations to Governor and Legislature

Referred to Agriculture and Natural Resources Subcommittee, Agriculture and Natural Resources Appropriations Subcommittee, State Affairs Committee 1/13/2016

Sponsors

Bruce Antone