

P.O. Box 60933  
Fort Myers, FL 33906



P: 844.988.8244  
www.swfrpc.org

# VIRTUAL EXECUTIVE BOARD MEETING AGENDA

**August 19, 2021**

**9:00am – 10:00am**

## ***Join Zoom Meeting:***

<https://us06web.zoom.us/j/91588729954?pwd=OVerTVNQVVpRZiQrY1Jab1dpMDBPUT09>

### ***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.*

<b>1</b>	<b>AGENDA</b>	Page 1
<b>2</b>	<b>MINUTES OF THE JUNE 24, 2021, MEETING</b>	Page 3
<b>3</b>	<b>FINANCIALS</b>	
	a) May – July 2021	Page 10
<b>4</b>	<b>UPDATES</b>	
	a) Babcock Ranch Master Development Order Amendment Review- <b>Mr. Daniel Trescott</b>	Page 33
	b) Babcock Ranch Increment II Development Order Review- <b>Mr. Daniel Trescott</b>	Page 273
<b>5</b>	<b>MEETING SCHEDULE DISCUSSION</b>	
<b>6</b>	<b>NEW BUSINESS</b>	
<b>7</b>	<b>ADJOURN</b>	

**NEXT SWFRPC EXECUTIVE  
BOARD MEETING DATE:  
SEPTEMBER 16, 2021**

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 (844) 988-8244; if you are hearing or speech impaired call (800) 955-8770 Voice/(800) 955-8771 TDD.

Agenda

Item

2

2

Minutes

2

**MINUTES OF THE  
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL  
EXECUTIVE BOARD  
JUNE 24, 2021, MEETING**

The meeting of the Southwest Florida Regional Planning Council Executive Board was held on June 24, 2021, virtually via Zoom. Governor Appointee and Council Chair, Mr. Don McCormick called the meeting to order at 9:00AM.

**MEMBERS PRESENT**

Councilman Jaha Cummings  
Mr. Don McCormick  
Mr. Tommy Perry

**MEMBERS NOT PRESENT**

Councilman Fred Burson

**OTHERS PRESENT**

Ms. Margaret Wuerstle  
Ms. Rebekah Harp  
Mr. Daniel Trescott

**AGENDA ITEM #1  
AGENDA**

For consideration of the presenter's time, agenda item #4 Updates, will be discussed first.

**AGENDA ITEM #4  
UPDATES**

**AGENDA ITEM #4(a)  
BABCOCK RANCH COMMUNITY MASTER TRANSPORTATION STUDY UPDATE NOTICE OF  
PROPOSED CHANGE TO MASTER DEVELOPMENT ORDER**

Mr. Daniel Trescott explained this Babcock Ranch project is impacting both Lee and Charlotte Counties and gave a recap of the Master Development Plan that was previously approved. The Master Transportation Study Update is an analysis of a traffic study done in 2020 with traffic assessment at horizon year 2040 of upcoming transportation needs and planning of the area. Mr. Trescott presented a PowerPoint showing details of the projects and the projected changes to come. He stated that Babcock Ranch will continue its collaborative efforts with FDOT, Charlotte County and Lee County pipeline mitigation monies towards the improvements of SR 31.

Mr. Trescott went on to share the recommended actions of 1. Notifying Charlotte County and the applicant that the proposed changes to the MDO are acceptable to address regional impacts and 2. Request that Charlotte County provide SWFRPC staff with copies of the final MDO amendments related to the proposed changes.

**Mr. Tommy Perry offered a motion to accept the proposed recommendations, Councilmember Cummings seconded the motion to accept these recommendations. The action was approved unanimously.**

**AGENDA ITEM #4(b)**  
**APPLICATION FOR INCREMENTAL DEVELOPMENT APPROVAL FOR BABCOCK RANCH**  
**COMMUNITY INCREMENT II**

Mr. Trescott explained that this project has been very successful and comprehensive covering all issues on development and is in accordance with all federal and state agencies. Increment 2 contains over 4,000 acres and will include extensive open space and preserve and enhance critical environmental areas including extended contiguous wetland corridors that contribute to the natural beauty of the area and will positively improve quality of life for the residents. Increment 2 will include 4,434 single-family residential units; 2,023 multi-family units; and 1,275,000 square feet of non-residential development. Construction is anticipated to being in 2021 and buildout through 2033.

Mr. Don McCormick commented that State Road 31 is notorious for flooding and asked if these road improvements will help this issue. Mr. Trescott stated that this problem will be assessed by DOT including a drainage analysis and he is sure that this will improve the issue.

**Mr. Tommy Perry offered a motion to approve the plan as presented, Councilmember Cummings seconded the motion to accept this plan. The action was approved unanimously.**

**AGENDA ITEM #2**  
**MINUTES OF THE JANUARY 21, 2021, MEETING**

**Mr. Tommy Perry offered a motion to approve the minutes of the January 21, 2021, council meeting as presented. Councilmember Cummings seconded the motion to accept the minutes. The action was approved unanimously.**

**AGENDA ITEM #3**  
**FINANCIALS**

**AGENDA ITEM #3(a)**  
**JANUARY-APRIL 2021 FINANCIALS**



Ms. Wuerstle explained that the RPC started off the year with a financial deficit, as the year move forward the deficit was cut in half and the financial reserves were built back up. Therefore, the situation has gotten better, it was predicted that FY20-21 would end with \$22,000 in the reserves however the year will be ending better than that with the reserves in place.

Mr. McCormick commented on the great work of Ms. Wuerstle and the RPC staff to get the financials under control.

**Councilmember Cummings offered a motion to approve the January-April 2021 financials. Mr. Tommy Perry seconded the motion for approval of the January- April 2021 financials. The action was approved unanimously.**

### **AGENDA ITEM #3(b) AUDIT REPORT FY 2020-2021**

Ms. Wuerstle shared that the auditors had no findings and operations are running as they should. The only comment made by auditors is the same one mentioned the last several years, that without the revenue being brought in from the counties paying their assessments it is uncertain how long the SWFRPC will be able to continue. She then mentioned that last year the auditors predicted that the RPC would only make it through September 2021, however this year the audits say that the RPC will make it until September 2022 due to the amount of grants and funding brought in by RPC.

**Mr. Tommy Perry offered a motion to approve the audit report. Councilmember Cummings seconded the motion for approval of the audit report. The action was approved unanimously.**

### **AGENDA ITEM #3(C) PROPOSED BUDGET FY 2021-2022**

Ms. Wuerstle presented the proposed budget for the upcoming fiscal year. She stated that the RPC was able to secure grants that will allow the RPC to move forward for another year. She also pointed out that this is the first budget in 10 years that the RPC does not have unsecured program development. This proposed budget is closed with secured grants and contracts, and it is anticipated that the RPC should be able to get through FY 2021-2022 with a little over \$45,000 and \$276,000 left in reserves. She went on to say that the RPC will continue to work very hard to find and secure additional grants and funding to help the counties, cities, and nonprofits in the region with their projects.

Mr. Tommy Perry asked how the RPC is working with the counties to determine what their needs are when applying for grants. Ms. Wuerstle responded that not all counties are working with the RPC, but with the CEDS committee all counties are reached out to, to see if they need assistance with priority projects. She went on to say that the RPC has worked on several

infrastructure projects with Clewiston and the RPC continually reaches out to a distribution list of over 700 whenever there is funding available.

Mr. Don McCormick asked if the RPC could send notice to the large distribution list that the support of the RPC efforts would be appreciated and if they could reach out to their county commissioners that they see value added to their department through the existence of the SWFRPC. Ms. Wuerstle stated that she will put a notice together and she will send it to Chair McCormick for approval before sending it to the distribution list.

Mr. Perry stated that he thinks it would be beneficial to meet in person with county officials to communicate the importance of the RPC and their efforts.

**Mr. Tommy Perry made a motion to approve the proposed budget for FY 2021-2022. Councilmember Cummings seconded the motion to approve the proposed budget. The motion passed unanimously.**

Mr. Perry asked who was still paying assessments to the RPC. Ms. Wuerstle stated that the City of Fort Myers, Glades County, The City of Bonita Springs, and The Town of Fort Myers Beach are all paying.

#### **AGENDA ITEM #5 MEETING ATTENDANCE PROCEDURE DISCUSSION**

Ms. Wuerstle explained that at the last council meeting it was recommended that a letter be sent to those who have not been attendance at the meetings requesting their presence, she asked Chair McCormick if he would like a letter sent or a phone call made to those members of the council. Mr. Tommy Perry stated that he believes a phone call would be much more productive in getting members in attendance. Chair McCormick agreed that a phone call would be best. Ms. Wuerstle stated that she would set this up. Mr. Tommy Perry suggested that Ms. Wuerstle responded her success with this back to those who were concerned at the last council meeting.

Mr. McCormick stated that he could not be in attendance at the July 15, 2021, Executive Board Meeting. Members decided to cancel the July 15<sup>th</sup> meeting and reschedule for August. Ms. Wuerstle stated that the September meeting of the SWFRPC will be in person, location TBD, and there will also be a speaker at this meeting.

Ms. Wuerstle brought to attention that the Secretary position is not filled and that suggestions to fill this position please be emailed to her.

Mr. Tommy Perry stated that the budget has been approved however this next year some time should be spent on seriously looking at what happens if the SWFRPC shuts down and what the scenarios are for what will happen when the RPC is not what it is today.

**AGENDA ITEM #6  
NEW BUSINESS**

There was no new business.

**AGENDA ITEM #7  
ADJOURN**

The next meeting of the Executive Committee will be on August 19, 2021. The meeting adjourned at 9:40 a.m.

---

Don McCormick, Chairman

**The meeting was duly advertised in the June 18, 2021, issue of the FLORIDA ADMINISTRATIVE REGISTER, Volume 47, Number 118.**

Agenda

Item

3

3

Financials

3

# Agenda Item

3a

May- July 2021 Financials

3a

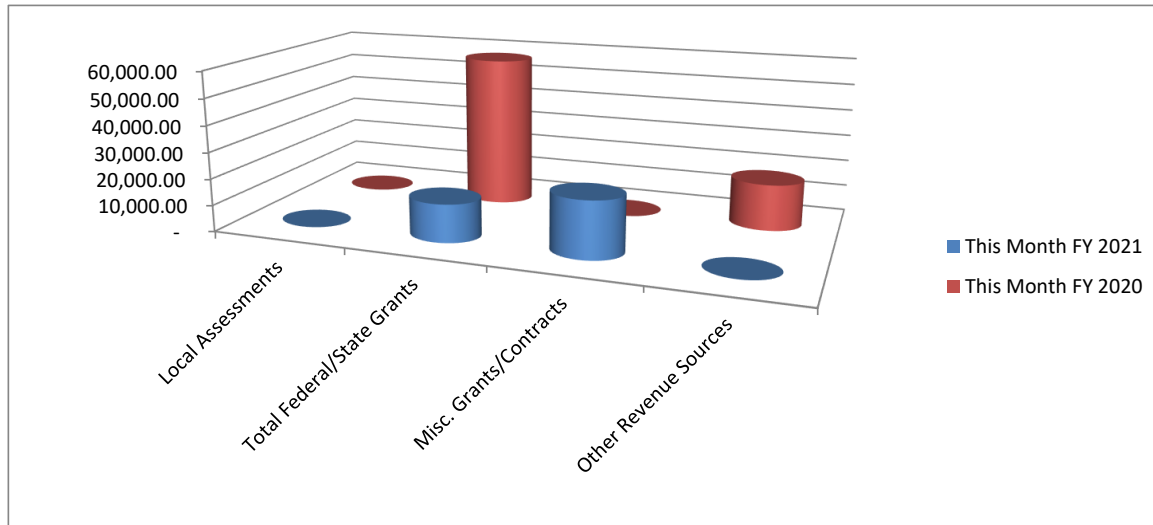
3a

## 2020 - 2021 Workplan & Budget Financial Snapshot May-21

### Revenues

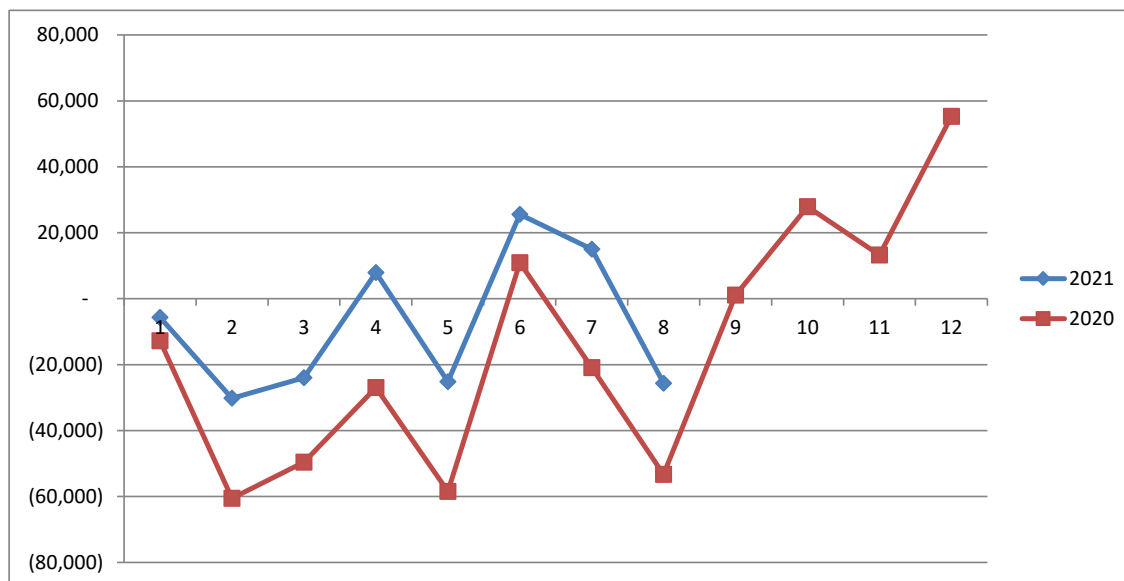
Local Assessments  
Total Federal/State Grants  
Misc. Grants/Contracts  
Other Revenue Sources

**Monthly Revenues**



Notes: Local Assessments billed at the beginning of each quarter: October, January, April and July  
State/Federal Grants billed quarterly: LEPC, HMEP  
Federal Grants billed Semi Annually: Economic Development  
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 (\$62,219) Unaudited**

# SWFRPC

## Detail of Reserve

### As of May 31, 2021

***Cash and Cash Equivalents:***

Petty Cash	\$ 200
FineMark Operating Funds	<u>109,129</u>
<b><i>Total Cash and Cash Equivalents</i></b>	<b>\$ 109,329</b>

***Investments:***

FineMark Money Market	\$ 130,776
Local government Surplus Trust Fund Investment Pool (Fund A)	<u>145,885</u>
<b><i>Total Investments</i></b>	<b>\$ 276,661</b>

Total Reserves	<u><u>\$ 385,990</u></u>
----------------	--------------------------

**SWFRPC INCOME STATEMENT  
COMPARED WITH BUDGET**

12 of 395

**FOR THE ONE MONTH ENDING May 31, 2021**

	Current Month	Year to Date A	FY 20-21 Approved Budget B	% Of Budget Year to Date	Budget Remaining
<b>REVENUES</b>					
<b>LOCAL ASSESSMENTS</b>					
GLADES COUNTY	-	2,952	3,936	75%	\$ 984
HENDRY COUNTY	-	3,009	3,009	100%	\$ -
CITY OF FORT MYERS	-	19,771	26,361	75%	\$ 6,590
TOWN OF FORT MYERS BEACH INC	-	1,467	1,956	75%	\$ 489
BONITA SPRINGS	-	12,248	16,331	75%	\$ 4,083
<b>TOTAL LOCAL ASSESSMENTS</b>	<b>\$ -</b>	<b>\$ 39,447</b>	<b>\$ 51,593</b>	<b>76%</b>	<b>\$ 12,146</b>
<b>FEDERAL / STATE GRANTS</b>					
DEM - LEPC 19/20	-	-	-	0%	\$ -
DEM - LEPC 20/21	-	37,000	80,000	46%	\$ 43,000
DEM - HMEP 20/21	9,039	9,039	61,006	15%	\$ 51,967
DEM - Collier Hazard Analysis 20/21	-	15,502	19,251	81%	\$ 3,749
Promise Zone	-	-	-	N/A	\$ -
REDI Technical Assistance	-	-	-	N/A	\$ -
Economic Development Planning 20/22	-	35,000	70,000	50%	\$ 35,000
EDA CARES Act COVID	-	76,007	-	N/A	\$ (76,007)
Food Policy Coordinator	2,974	33,821	-	N/A	\$ (33,821)
Vista Supervisor	2,370	11,702	15,000	78%	\$ 3,298
Brownfields - EPA	-	96,655	200,000	48%	\$ 103,345
<b>TOTAL FEDERAL / STATE GRANTS</b>	<b>\$ 14,383</b>	<b>\$ 314,726</b>	<b>\$ 445,257</b>	<b>71%</b>	<b>\$ 130,531</b>
<b>MISC. GRANTS / CONTRACTS/CONTRACTUAL</b>					
FHERO 19/20	-	-	6,000	0%	\$ 6,000
Glades SQG	-	4,500	4,500	100%	\$ -
Statewide Regional Evacuation Study	21,466	64,400	-	N/A	\$ (64,400)
<b>TOTAL MISC. GRANTS/CONTRACTS</b>	<b>\$ 21,466</b>	<b>\$ 68,900</b>	<b>\$ 10,500</b>	<b>656%</b>	<b>\$ (58,400)</b>
<b>DRIS/NOPCS/MONITORING</b>					
DRI MONITORING FEES	-	\$ -	\$ -	N/A	\$ -
DRIS/NOPCS INCOME	-	4,878	-	N/A	-
<b>TOTAL</b>	<b>\$ -</b>	<b>\$ 4,878</b>	<b>\$ -</b>		<b>\$ -</b>
<b>Program Development (Unsecured Grants/Contract)</b>					
*Program Development (Unsecured)	-	-	214,625	100%	\$ 214,625
<b>TOTAL PROGRAM DEVELOPMENT</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 214,625</b>	<b>\$ 214,626</b>	<b>\$ 214,625</b>
<b>OTHER REVENUE SOURCES</b>					
Misc. Income	-	825	1,000	83%	\$ 175
INTEREST INCOME - Money Market	22	508	1,000	51%	\$ 492



	Current Month	Year to Date A	FY 20-21 Approved Budget B	% Of Budget Year to Date	Budget Remaining
Fund A Investment Income	14	154	1,000	15%	\$ 846
<b>TOTAL OTHER REVENUE SOURCES</b>	<b>\$ 36</b>	<b>\$ 1,487</b>	<b>\$ 3,000</b>	<b>50%</b>	<b>\$ 1,513</b>
<i>Fund Balance</i>	<i>\$ -</i>	<i>\$ -</i>			
<b>TOTAL REVENUES</b>	<b>\$ 35,885</b>	<b>\$ 429,438</b>	<b>\$ 724,975</b>	<b>59%</b>	<b>\$ 300,415</b>

### EXPENSES

PERSONNEL EXPENSES					
SALARIES EXPENSE	\$ 19,395	\$ 159,041	\$ 261,747	61%	\$ 102,706
FICA EXPENSE	1,473	12,048	20,024	60%	\$ 7,976
RETIREMENT EXPENSE	4,644	34,155	40,396	85%	\$ 6,241
HEALTH INSURANCE EXPENSE	3,374	26,463	39,005	68%	\$ 12,542
WORKERS COMP. EXPENSE	-	784	1,246	63%	\$ 462
UNEMPLOYMENT COMP. EXPENSE	-	1,375	-	N/A	(1,375)
<b>TOTAL PERSONNEL EXPENSES</b>	<b>\$ 28,886</b>	<b>\$ 233,865</b>	<b>\$ 362,418</b>	<b>65%</b>	<b>128,553</b>

OPERATIONAL EXPENSES					
CONSULTANTS	\$ 450	\$ 6,376	\$ 41,000	16%	\$ 34,624
GRANT/CONSULTING EXPENSE	30,880	202,419	220,913	92%	\$ 18,494
AUDIT SERVICES EXPENSE	-	25,000	24,000	104%	\$ (1,000)
TRAVEL EXPENSE	-	93	22,000	0%	\$ 21,907
TELEPHONE EXPENSE	246	1,177	800	147%	\$ (377)
POSTAGE / SHIPPING EXPENSE	-	-	400	0%	\$ 400
EQUIPMENT RENTAL EXPENSE	264	3,375	4,596	73%	\$ 1,221
INSURANCE EXPENSE	82	5,924	5,275	112%	\$ (649)
REPAIR/MAINT. EXPENSE	-	-	-	N/A	\$ -
PRINTING/REPRODUCTION EXPENSE	36	979	1,500	65%	\$ 521
UTILITIES	-	-	2,064	0%	\$ 2,064
ADVERTISING/LEGAL NOTICES EXP	84	(559)	800	-70%	\$ 1,359
OTHER MISC. EXPENSE	-	413	-	N/A	\$ (413)
BANK SERVICE CHARGES	31	117	-	N/A	\$ (117)
OFFICE SUPPLIES EXPENSE	-	461	1,000	46%	\$ 539
COMPUTER RELATED EXPENSE	614	11,587	11,000	105%	\$ (587)
DUES AND MEMBERSHIP	-	259	300	86%	\$ 41
PUBLICATION EXPENSE	-	-	-	N/A	\$ -
PROF. DEVELOP.	-	-	-	N/A	\$ -
MEETINGS/EVENTS EXPENSE	-	170	1,000	17%	\$ 830
CAPITAL OUTLAY - OPERATIONS	-	-	-	N/A	\$ -
MOVING EXPENSE	-	-	-	N/A	\$ -
LEASE LONG TERM	-	-	-	N/A	\$ -
UNCOLLECTABLE RECEIVABLES	-	-	-	N/A	\$ -

	Current Month	Year to Date A	FY 20-21 Approved Budget B	% Of Budget Year to Date	Budget Remaining
FUND BALANCE			\$ 631,414		
OPERATIONAL EXP.	\$ 32,687	\$ 257,792	\$ 968,062	27%	78,856
TOTAL OPERATIONAL EXP.			\$ 968,062		
TOTAL CASH OUTLAY	\$ 61,573	\$ 491,657	\$ 1,330,480		\$ 207,409
NET INCOME (LOSS)	<u>\$ (25,688)</u>	<u>\$ (62,219)</u>			

SWFRPC  
Balance Sheet  
May 31, 2021

15 of 395

ASSETS

Current Assets		
Cash - Florida Prime	\$	145,884.96
Cash - FineMark Oper.		109,128.90
Cash - FineMark MM		130,776.38
Petty Cash		200.00
Accounts Receivable		7,765.35
Accounts Receivable-RC&D		(61.25)
Misc. Cash		(200.00)
		<hr/>
Total Current Assets		393,494.34
Property and Equipment		
Property, Furniture & Equip		43,026.31
Accumulated Depreciation		(42,331.57)
		<hr/>
Total Property and Equipment		694.74
Other Assets		
Amount t.b.p. for L.T.L.-Leave		34,713.44
FSA Deposit		0.29
Amt t.b.p. for L.T.Debt-OPEB		65,074.00
		<hr/>
Total Other Assets		99,787.73
		<hr/>
Total Assets	\$	<u><u>493,976.81</u></u>

LIABILITIES AND CAPITAL

Current Liabilities		
Accounts Payable	\$	614.46
Deferred Food Policy_3340		10,886.75
Deferred PalmerRanch NOPC_5357		997.55
Deferred Babcock Ranch_5358		10,955.46
Deferred PalmerR XIV NOPC_5359		2,083.34
FICA Taxes Payable		1,113.64
Federal W/H Tax Payable		171.80
United way Payable		322.00
Deferred Compensation Payable		75.00
FSA Payable		(1,108.45)
LEPC Contingency Fund		305.25
		<hr/>
Total Current Liabilities		26,416.80
Long-Term Liabilities		
Accrued Annual Leave		34,713.44
Long Term Debt - OPEB		65,074.00
		<hr/>
Total Long-Term Liabilities		99,787.44
		<hr/>
Total Liabilities		126,204.24
Capital		
Fund Balance-Unassigned		(84,737.99)
Fund Balance-Assigned		514,000.00
FB-Non-Spendable/Fixed Assets		693.74
Net Income		(62,183.18)
		<hr/>
Total Capital		<u><u>367,772.57</u></u>

Unaudited - For Management Purposes Only

SWFRPC  
Balance Sheet  
May 31, 2021

16 of 395

Total Liabilities & Capital	\$ <u>493,976.81</u>
-----------------------------	----------------------

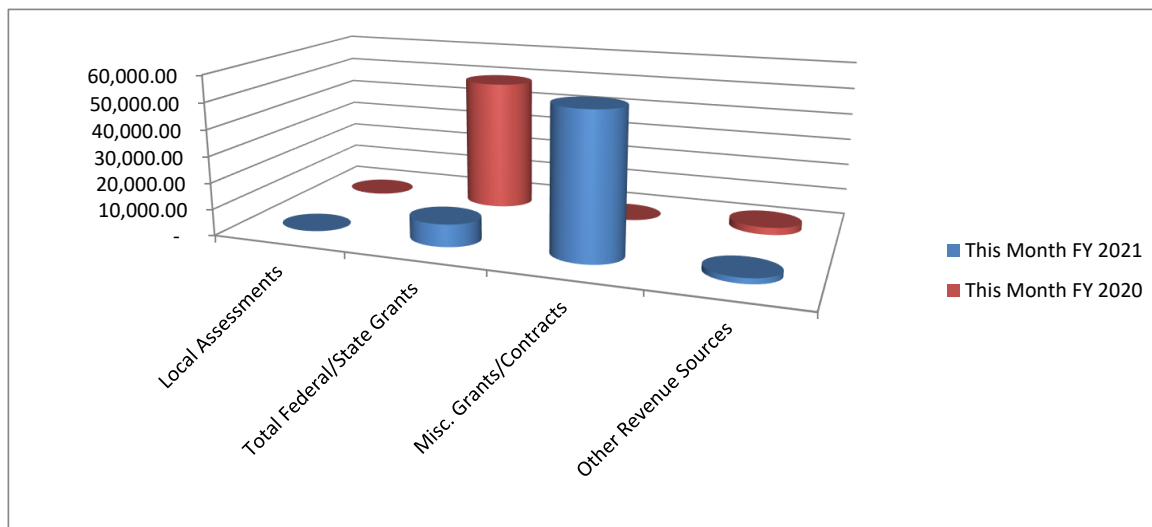
## 2020 - 2021 Workplan & Budget Financial Snapshot

### Jun-21

#### Revenues

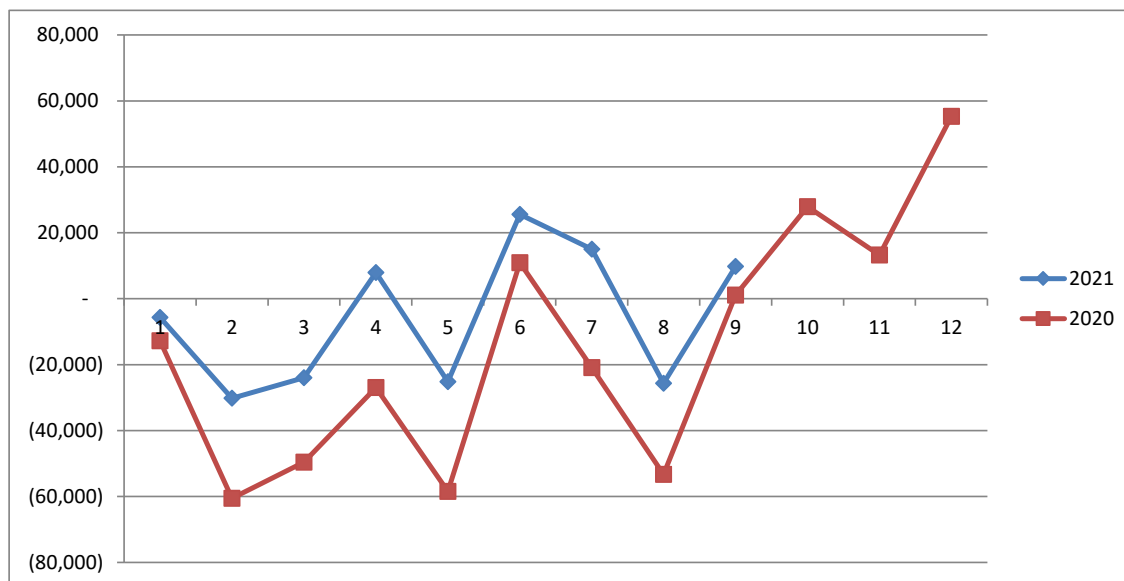
Local Assessments  
Total Federal/State Grants  
Misc. Grants/Contracts  
Other Revenue Sources

**Monthly Revenues**



Notes: Local Assessments billed at the beginning of each quarter: October, January, April and July  
State/Federal Grants billed quarterly: LEPC, HMEP  
Federal Grants billed Semi Annually: Economic Development  
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 (\$52,383) Unaudited**

# SWFRPC

## Detail of Reserve

### As of June 30, 2021

***Cash and Cash Equivalents:***

Petty Cash	\$ 200
FineMark Operating Funds	66,077
	<hr/>
<b><i>Total Cash and Cash Equivalents</i></b>	<b>\$ 66,277</b>

***Investments:***

FineMark Money Market	\$ 130,798
Local government Surplus Trust Fund Investment Pool (Fund A)	145,896
	<hr/>
<b><i>Total Investments</i></b>	<b>\$ 276,694</b>

Total Reserves	<hr/>
	<b>\$ 342,971</b>
	<hr/> <hr/>

**SWFRPC INCOME STATEMENT  
COMPARED WITH BUDGET**

19 of 395

**FOR THE ONE MONTH ENDING June 30, 2021**

	Current Month	Year to Date A	FY 20-21 Approved Budget B	% Of Budget Year to Date	Budget Remaining
<b>REVENUES</b>					
<b>LOCAL ASSESSMENTS</b>					
GLADES COUNTY	-	2,952	3,936	75%	\$ 984
HENDRY COUNTY	-	3,009	3,009	100%	\$ -
CITY OF FORT MYERS	-	19,771	26,361	75%	\$ 6,590
TOWN OF FORT MYERS BEACH INC	-	1,467	1,956	75%	\$ 489
BONITA SPRINGS	-	12,248	16,331	75%	\$ 4,083
<b>TOTAL LOCAL ASSESSMENTS</b>	<b>\$ -</b>	<b>\$ 39,447</b>	<b>\$ 51,593</b>	<b>76%</b>	<b>\$ 12,146</b>
<b>FEDERAL / STATE GRANTS</b>					
DEM - LEPC 19/20	-	-	-	0%	\$ -
DEM - LEPC 20/21	-	37,000	80,000	46%	\$ 43,000
DEM - HMEP 20/21	-	9,039	61,006	15%	\$ 51,967
DEM - Collier Hazard Analysis 20/21	3,875	19,377	19,251	101%	\$ (126)
Promise Zone	-	-	-	N/A	\$ -
REDI Technical Assistance	-	-	-	N/A	\$ -
Economic Development Planning 20/22	-	35,000	70,000	50%	\$ 35,000
EDA CARES Act COVID	-	76,007	-	N/A	\$ (76,007)
Food Policy Coordinator	4,611	38,432	-	N/A	\$ (38,432)
Vista Supervisor	-	11,702	15,000	78%	\$ 3,298
Brownfields - EPA	-	96,655	200,000	48%	\$ 103,345
<b>TOTAL FEDERAL / STATE GRANTS</b>	<b>\$ 8,486</b>	<b>\$ 323,212</b>	<b>\$ 445,257</b>	<b>73%</b>	<b>\$ 122,045</b>
<b>MISC. GRANTS / CONTRACTS/CONTRACTUAL</b>					
FHERO 19/20	-	-	6,000	0%	\$ 6,000
Glades SQG	-	4,500	4,500	100%	\$ -
CHNEP ABM Webpage	3,000	3,000	-	N/A	
Clewiston Lakefront MasterPlan	17,578	17,578	-	N/A	
Statewide Regional Evacuation Study	33,500	97,900	-	N/A	\$ (97,900)
<b>TOTAL MISC. GRANTS/CONTRACTS</b>	<b>\$ 54,078</b>	<b>\$ 122,978</b>	<b>\$ 10,500</b>	<b>1171%</b>	<b>\$ (91,900)</b>
<b>DRIS/NOPCS/MONITORING</b>					
DRI MONITORING FEES	-	\$ -	\$ -	N/A	\$ -
DRIS/NOPCS INCOME	2,043	6,921	-	N/A	-
<b>TOTAL</b>	<b>\$ 2,043</b>	<b>\$ 6,921</b>	<b>\$ -</b>		<b>\$ -</b>
<b>Program Development (Unsecured Grants/Contract)</b>					
*Program Development (Unsecured)	-	-	214,625	100%	\$ 214,625
<b>TOTAL PROGRAM DEVELOPMENT</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 214,625</b>	<b>\$ 214,626</b>	<b>\$ 214,625</b>

**OTHER REVENUE SOURCES**

	Current Month	Year to Date A	FY 20-21 Approved Budget B	% Of Budget Year to Date	Budget Remaining
Misc. Income	-	825	1,000	83%	\$ 175
INTEREST INCOME - Money Market	22	551	1,000	55%	\$ 449
Fund A Investment Income	12	180	1,000	18%	\$ 820
<b>TOTAL OTHER REVENUE SOURCES</b>	<b>\$ 33</b>	<b>\$ 1,556</b>	<b>\$ 3,000</b>	<b>52%</b>	<b>\$ 1,444</b>

*Fund Balance* \$ - \$ -

**TOTAL REVENUES** \$ **64,641** \$ **494,115** \$ **724,975** **68%** \$ **258,360**

## EXPENSES

### PERSONNEL EXPENSES

SALARIES EXPENSE	\$ 24,321	\$ 183,361	\$ 261,747	70%	\$ 78,386
FICA EXPENSE	1,847	13,895	20,024	69%	\$ 6,129
RETIREMENT EXPENSE	4,496	38,651	40,396	96%	\$ 1,745
HEALTH INSURANCE EXPENSE	3,647	30,110	39,005	77%	\$ 8,896
WORKERS COMP. EXPENSE	104	888	1,246	71%	\$ 358
UNEMPLOYMENT COMP. EXPENSE	-	1,375	-	N/A	(1,375)
<b>TOTAL PERSONNEL EXPENSES</b>	<b>\$ 34,415</b>	<b>\$ 268,280</b>	<b>\$ 362,418</b>	<b>74%</b>	<b>\$ 94,138</b>

### OPERATIONAL EXPENSES

CONSULTANTS	\$ 2,410	\$ 8,786	\$ 41,000	21%	\$ 32,214
GRANT/CONSULTING EXPENSE	16,560	218,979	220,913	99%	\$ 1,934
AUDIT SERVICES EXPENSE	-	25,000	24,000	104%	\$ (1,000)
TRAVEL EXPENSE	-	93	22,000	0%	\$ 21,907
TELEPHONE EXPENSE	300	1,477	800	185%	\$ (677)
POSTAGE / SHIPPING EXPENSE	-	-	400	0%	\$ 400
EQUIPMENT RENTAL EXPENSE	264	3,639	4,596	79%	\$ 957
INSURANCE EXPENSE	-	5,924	5,275	112%	\$ (649)
REPAIR/MAINT. EXPENSE	-	-	-	N/A	\$ -
PRINTING/REPRODUCTION EXPENSE	34	1,014	1,500	68%	\$ 486
UTILITIES	-	-	2,064	0%	\$ 2,064
ADVERTISING/LEGAL NOTICES EXP	-	(559)	800	-70%	\$ 1,359
OTHER MISC. EXPENSE	152	565	-	N/A	\$ (565)
BANK SERVICE CHARGES	20	136	-	N/A	\$ (136)
OFFICE SUPPLIES EXPENSE	21	482	1,000	48%	\$ 518
COMPUTER RELATED EXPENSE	666	12,253	11,000	111%	\$ (1,253)
DUES AND MEMBERSHIP	-	259	300	86%	\$ 41
PUBLICATION EXPENSE	-	-	-	N/A	\$ -
PROF. DEVELOP.	-	-	-	N/A	\$ -
MEETINGS/EVENTS EXPENSE	-	170	1,000	17%	\$ 830
CAPITAL OUTLAY - OPERATIONS	-	-	-	N/A	\$ -
MOVING EXPENSE	-	-	-	N/A	\$ -



	Current Month	Year to Date A	FY 20-21 Approved Budget B	% Of Budget Year to Date	Budget Remaining
LEASE LONG TERM	-	-	-	N/A	\$ -
UNCOLLECTABLE RECEIVABLES	-	-	-	N/A	\$ -
FUND BALANCE			\$ 631,414		
<b>OPERATIONAL EXP.</b>	<b>\$ 20,426</b>	<b>\$ 278,218</b>	<b>\$ 968,062</b>	29%	<b>58,430</b>
<b>TOTAL OPERATIONAL EXP.</b>			\$ 968,062		
<b>TOTAL CASH OUTLAY</b>	<b>\$ 54,841</b>	<b>\$ 546,498</b>	<b>\$ 1,330,480</b>		<b>\$ 152,568</b>
<b>NET INCOME (LOSS)</b>	<u>\$ 9,800</u>	<u>\$ (52,383)</u>			

SWFRPC  
Balance Sheet  
June 30, 2021

22 of 395

ASSETS

Current Assets		
Cash - Florida Prime	\$	145,896.49
Cash - FineMark Oper.		66,077.00
Cash - FineMark MM		130,797.88
Petty Cash		200.00
Accounts Receivable		53,603.64
Accounts Receivable-RC&D		(61.25)
Misc. Cash		(200.00)
		<hr/>
Total Current Assets		396,313.76
Property and Equipment		
Property, Furniture & Equip		43,026.31
Accumulated Depreciation		(42,331.57)
		<hr/>
Total Property and Equipment		694.74
Other Assets		
Amount t.b.p. for L.T.L.-Leave		34,713.44
FSA Deposit		0.29
Amt t.b.p. for L.T.Debt-OPEB		65,074.00
		<hr/>
Total Other Assets		99,787.73
		<hr/>
Total Assets	\$	<u><u>496,796.23</u></u>

LIABILITIES AND CAPITAL

Current Liabilities		
Accounts Payable	\$	614.46
Deferred Food Policy_3340		6,275.98
Deferred PalmerRanch NOPC_5357		997.55
Deferred Babcock Ranch_5358		8,912.15
Deferred PalmerR XIV NOPC_5359		2,083.34
FICA Taxes Payable		1,125.43
Federal W/H Tax Payable		184.46
United way Payable		322.00
Deferred Compensation Payable		(25.00)
FSA Payable		(1,359.23)
LEPC Contingency Fund		305.25
		<hr/>
Total Current Liabilities		19,436.39
Long-Term Liabilities		
Accrued Annual Leave		34,713.44
Long Term Debt - OPEB		65,074.00
		<hr/>
Total Long-Term Liabilities		99,787.44
		<hr/>
Total Liabilities		119,223.83
Capital		
Fund Balance-Unassigned		(84,737.99)
Fund Balance-Assigned		514,000.00
FB-Non-Spendable/Fixed Assets		693.74
Net Income		(52,383.35)
		<hr/>
Total Capital		<u><u>377,572.40</u></u>

Unaudited - For Management Purposes Only

SWFRPC  
Balance Sheet  
June 30, 2021

23 of 395

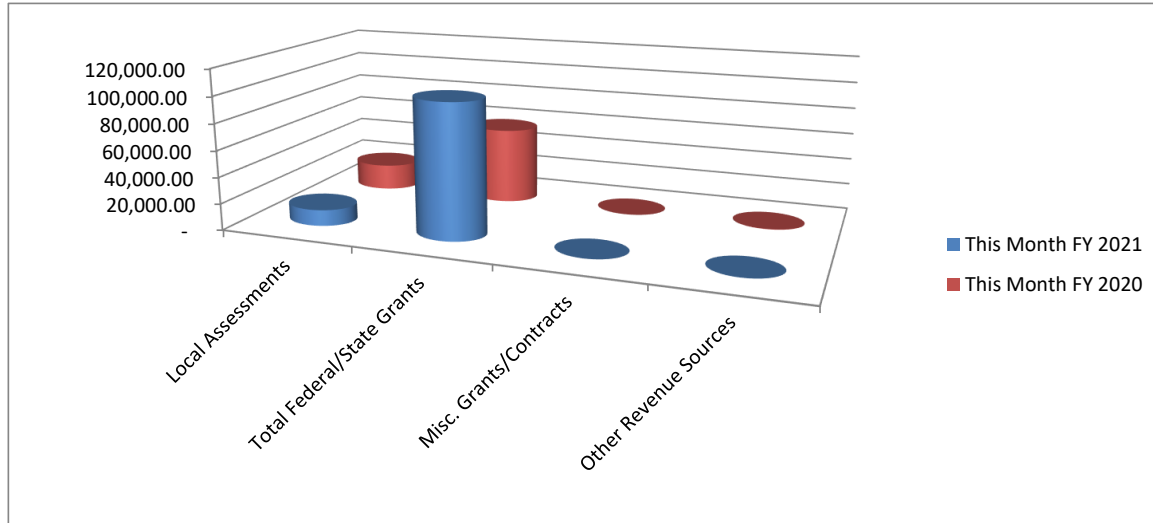
Total Liabilities & Capital	\$ <u>496,796.23</u>
-----------------------------	----------------------

## 2020 - 2021 Workplan & Budget Financial Snapshot Jul-21

### Revenues

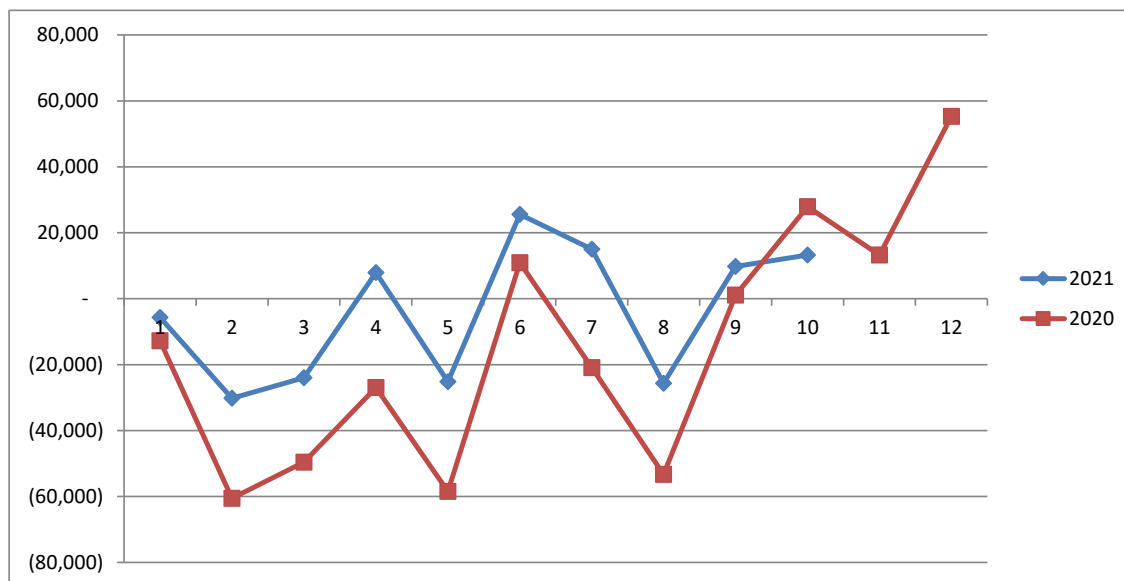
Local Assessments  
Total Federal/State Grants  
Misc. Grants/Contracts  
Other Revenue Sources

**Monthly Revenues**



Notes: Local Assessments billed at the beginning of each quarter: October, January, April and July  
State/Federal Grants billed quarterly: LEPC, HMEP  
Federal Grants billed Semi Annually: Economic Development  
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 (\$39,152) Unaudited**

# SWFRPC

## Detail of Reserve

### As of July 31, 2021

***Cash and Cash Equivalents:***

Petty Cash	\$ 200
FineMark Operating Funds	<u>108,762</u>
<b><i>Total Cash and Cash Equivalents</i></b>	<b><i>\$ 108,962</i></b>

***Investments:***

FineMark Money Market	\$ 130,820
Local government Surplus Trust Fund Investment Pool (Fund A)	<u>145,921</u>
<b><i>Total Investments</i></b>	<b><i>\$ 276,741</i></b>

Total Reserves	<u><u>\$ 385,702</u></u>
----------------	--------------------------

**SWFRPC INCOME STATEMENT  
COMPARED WITH BUDGET  
FOR THE ONE MONTH ENDING Jyly 31, 2021**

26 of 395

	Current Month	Year to Date A	FY 20-21 Approved Budget B	% Of Budget Year to Date	Budget Remaining
<b>REVENUES</b>					
<b>LOCAL ASSESSMENTS</b>					
GLADES COUNTY	984	3,936	3,936	100%	\$ -
HENDRY COUNTY	-	3,009	3,009	100%	\$ -
CITY OF FORT MYERS	6,590	26,361	26,361	100%	\$ -
TOWN OF FORT MYERS BEACH INC	489	1,956	1,956	100%	\$ -
BONITA SPRINGS	4,083	16,331	16,331	100%	\$ -
<b>TOTAL LOCAL ASSESSMENTS</b>	<b>\$ 12,146</b>	<b>\$ 51,593</b>	<b>\$ 51,593</b>	<b>100%</b>	<b>\$ -</b>
<b>FEDERAL / STATE GRANTS</b>					
DEM - LEPC 19/20	-	-	-	0%	\$ -
DEM - LEPC 20/21	14,300	51,300	80,000	64%	\$ 28,700
DEM - HMEP 20/21	24,710	33,749	61,006	55%	\$ 27,257
DEM - Collier Hazard Analysis 20/21	-	19,377	19,251	101%	\$ (126)
Promise Zone	-	-	-	N/A	\$ -
REDI Technical Assistance	-	-	-	N/A	\$ -
Economic Development Planning 20/22	-	35,000	70,000	50%	\$ 35,000
EDA CARES Act COVID	-	76,007	-	N/A	\$ (76,007)
Food Policy Coordinator	3,913	42,345	-	N/A	\$ (42,345)
Vista Supervisor	-	11,702	15,000	78%	\$ 3,298
Brownfields - EPA	58,330	154,986	200,000	77%	\$ 45,014
<b>TOTAL FEDERAL / STATE GRANTS</b>	<b>\$ 101,254</b>	<b>\$ 424,466</b>	<b>\$ 445,257</b>	<b>95%</b>	<b>\$ 20,791</b>
<b>MISC. GRANTS / CONTRACTS/CONTRACTUAL</b>					
FHERO 19/20	-	-	6,000	0%	\$ 6,000
Glades SQG	-	4,500	4,500	100%	\$ -
CHNEP ABM Webpage	-	3,000	-	N/A	
Clewiston Lakefront MasterPlan	-	17,578	-	N/A	
Statewide Regional Evacuation Study	-	97,900	-	N/A	\$ (97,900)
<b>TOTAL MISC. GRANTS/CONTRACTS</b>	<b>\$ -</b>	<b>\$ 122,978</b>	<b>\$ 10,500</b>	<b>1171%</b>	<b>\$ (91,900)</b>
<b>DRIS/NOPCS/MONITORING</b>					
DRI MONITORING FEES	-	\$ -	\$ -	N/A	\$ -
DRIS/NOPCS INCOME	-	6,921	-	N/A	-
<b>TOTAL</b>	<b>\$ -</b>	<b>\$ 6,921</b>	<b>\$ -</b>		<b>\$ -</b>
<b>Program Development (Unsecured Grants/Contract)</b>					
*Program Development (Unsecured)	-	-	214,625	100%	\$ 214,625
<b>TOTAL PROGRAM DEVELOPMENT</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 214,625</b>	<b>\$ 214,626</b>	<b>\$ 214,625</b>
<b>OTHER REVENUE SOURCES</b>					

	Current Month	Year to Date A	FY 20-21 Approved Budget B	% Of Budget Year to Date	Budget Remaining
Misc. Income	-	825	1,000	83%	\$ 175
INTEREST INCOME - Money Market	22	551	1,000	55%	\$ 449
Fund A Investment Income	24	180	1,000	18%	\$ 820
<b>TOTAL OTHER REVENUE SOURCES</b>	<b>\$ 46</b>	<b>\$ 1,556</b>	<b>\$ 3,000</b>	<b>52%</b>	<b>\$ 1,444</b>

*Fund Balance* \$ - \$ -

<b>TOTAL REVENUES</b>	<b>\$ 113,446</b>	<b>\$ 607,514</b>	<b>\$ 724,975</b>	<b>84%</b>	<b>\$ 144,960</b>
-----------------------	-------------------	-------------------	-------------------	------------	-------------------

## EXPENSES

### PERSONNEL EXPENSES

SALARIES EXPENSE	\$ 19,702	\$ 203,064	\$ 261,747	78%	\$ 58,683
FICA EXPENSE	1,497	15,392	20,024	77%	\$ 4,632
RETIREMENT EXPENSE	5,957	44,608	40,396	110%	\$ (4,212)
HEALTH INSURANCE EXPENSE	3,023	33,132	39,005	85%	\$ 5,873
WORKERS COMP. EXPENSE	107	995	1,246	80%	\$ 251
UNEMPLOYMENT COMP. EXPENSE	-	1,375	-	N/A	(1,375)
<b>TOTAL PERSONNEL EXPENSES</b>	<b>\$ 30,286</b>	<b>\$ 298,566</b>	<b>\$ 362,418</b>	<b>82%</b>	<b>\$ 63,852</b>

### OPERATIONAL EXPENSES

CONSULTANTS	\$ 150	\$ 8,936	\$ 41,000	22%	\$ 32,064
GRANT/CONSULTING EXPENSE	62,804	281,782	220,913	128%	\$ (60,869)
AUDIT SERVICES EXPENSE	1,500	26,500	24,000	110%	\$ (2,500)
TRAVEL EXPENSE	-	93	22,000	0%	\$ 21,907
TELEPHONE EXPENSE	782	2,259	800	282%	\$ (1,459)
POSTAGE / SHIPPING EXPENSE	-	-	400	0%	\$ 400
EQUIPMENT RENTAL EXPENSE	625	4,264	4,596	93%	\$ 332
INSURANCE EXPENSE	87	6,011	5,275	114%	\$ (736)
REPAIR/MAINT. EXPENSE	-	-	-	N/A	\$ -
PRINTING/REPRODUCTION EXPENSE	31	1,045	1,500	70%	\$ 455
UTILITIES	-	-	2,064	0%	\$ 2,064
ADVERTISING/LEGAL NOTICES EXP	80	(478)	800	-60%	\$ 1,278
OTHER MISC. EXPENSE	-	565	-	N/A	\$ (565)
BANK SERVICE CHARGES	29	166	-	N/A	\$ (166)
OFFICE SUPPLIES EXPENSE	-	482	1,000	48%	\$ 518
COMPUTER RELATED EXPENSE	3,793	16,046	11,000	146%	\$ (5,046)
DUES AND MEMBERSHIP	-	259	300	86%	\$ 41
PUBLICATION EXPENSE	-	-	-	N/A	\$ -
PROF. DEVELOP.	-	-	-	N/A	\$ -
MEETINGS/EVENTS EXPENSE	-	170	1,000	17%	\$ 830
CAPITAL OUTLAY - OPERATIONS	-	-	-	N/A	\$ -
MOVING EXPENSE	-	-	-	N/A	\$ -

	Current Month	Year to Date A	FY 20-21 Approved Budget B	% Of Budget Year to Date	Budget Remaining
LEASE LONG TERM	-	-	-	N/A	\$ -
UNCOLLECTABLE RECEIVABLES	-	-	-	N/A	\$ -
FUND BALANCE			\$ 631,414		
<b>OPERATIONAL EXP.</b>	<b>\$ 69,882</b>	<b>\$ 348,100</b>	<b>\$ 968,062</b>	<b>36%</b>	<b>(11,452)</b>
<b>TOTAL OPERATIONAL EXP.</b>			<b>\$ 968,062</b>		
<b>TOTAL CASH OUTLAY</b>	<b>\$ 100,168</b>	<b>\$ 646,666</b>	<b>\$ 1,330,480</b>		<b>\$ 52,400</b>
<b>NET INCOME (LOSS)</b>	<b>\$ 13,278</b>	<b>\$ (39,152)</b>			



SWFRPC  
Balance Sheet  
July 31, 2021

29 of 395

ASSETS

Current Assets		
Cash - Florida Prime	\$	145,920.62
Cash - FineMark Oper.		108,761.73
Cash - FineMark MM		130,820.10
Petty Cash		200.00
Accounts Receivable		70,275.73
Accounts Receivable-RC&D		(61.25)
Misc. Cash		(200.00)
		<hr/>
Total Current Assets		455,716.93
Property and Equipment		
Property, Furniture & Equip		43,026.31
Accumulated Depreciation		(42,331.57)
		<hr/>
Total Property and Equipment		694.74
Other Assets		
Amount t.b.p. for L.T.L.-Leave		34,713.44
FSA Deposit		0.29
Amt t.b.p. for L.T.Debt-OPEB		65,074.00
		<hr/>
Total Other Assets		99,787.73
		<hr/>
Total Assets	\$	<u><u>556,199.40</u></u>

LIABILITIES AND CAPITAL

Current Liabilities		
Accounts Payable	\$	614.46
Deferred Food Policy_3340		52,362.72
Deferred PalmerRanch NOPC_5357		997.55
Deferred Babcock Ranch_5358		8,912.15
Deferred PalmerR XIV NOPC_5359		2,083.34
FICA Taxes Payable		1,125.43
Federal W/H Tax Payable		184.46
United way Payable		322.00
Deferred Compensation Payable		(25.00)
FSA Payable		(1,320.75)
LEPC Contingency Fund		305.25
		<hr/>
Total Current Liabilities		65,561.61
Long-Term Liabilities		
Accrued Annual Leave		34,713.44
Long Term Debt - OPEB		65,074.00
		<hr/>
Total Long-Term Liabilities		99,787.44
		<hr/>
Total Liabilities		165,349.05
Capital		
Fund Balance-Unassigned		(84,737.99)
Fund Balance-Assigned		514,000.00
FB-Non-Spendable/Fixed Assets		693.74
Net Income		(39,105.40)
		<hr/>
Total Capital		<u><u>390,850.35</u></u>

Unaudited - For Management Purposes Only

SWFRPC  
Balance Sheet  
July 31, 2021

30 of 395

Total Liabilities & Capital

\$ 556,199.40

# Agenda

## Item

6

6

Wr f cvgu

6

# Agenda Item

4a

4a

# Babcock Ranch Master DO Amendment Review

4a

# BABCOCK RANCH COMMUNITY MASTER DEVELOPMENT ORDER AMENDMENT REVIEW

13 of 89

## Council Recommendations (Attachment I)

On June 17, 2021, the Council recommended conditional approval of the Babcock Ranch Community Master Development Order Amendment. The primary reason for this MDO amendment is to address the BRC DRI MTSU (2020) traffic assessment at horizon year 2040. However, additional changes are proposed to provide minor clarifications to various conditions throughout the MDO. A copy of the Council recommendations can be found as Attachment I.

## Charlotte County Master Development Order Amendment (Attachment II)

On July 27, 2021, the Board of Charlotte County Commissioners approved the Babcock Ranch Master Development Order Amendment (Ordinance 2021-108). A copy of the development order (see Attachment II) was rendered to the SWFRPC on July 30, 2021. Staff review of the attached development orders finds that it is consistent with all regional issues and recommendations identified within the Council's Official Recommendations.

**RECOMMENDED ACTION:** Accept the Master Development Order Amendment as rendered.

# Master DRI Development Order (MDO)

17,870 residential units

1,400,000 SF retail

3,500,000 SF office (general office, medical  
office and civic)

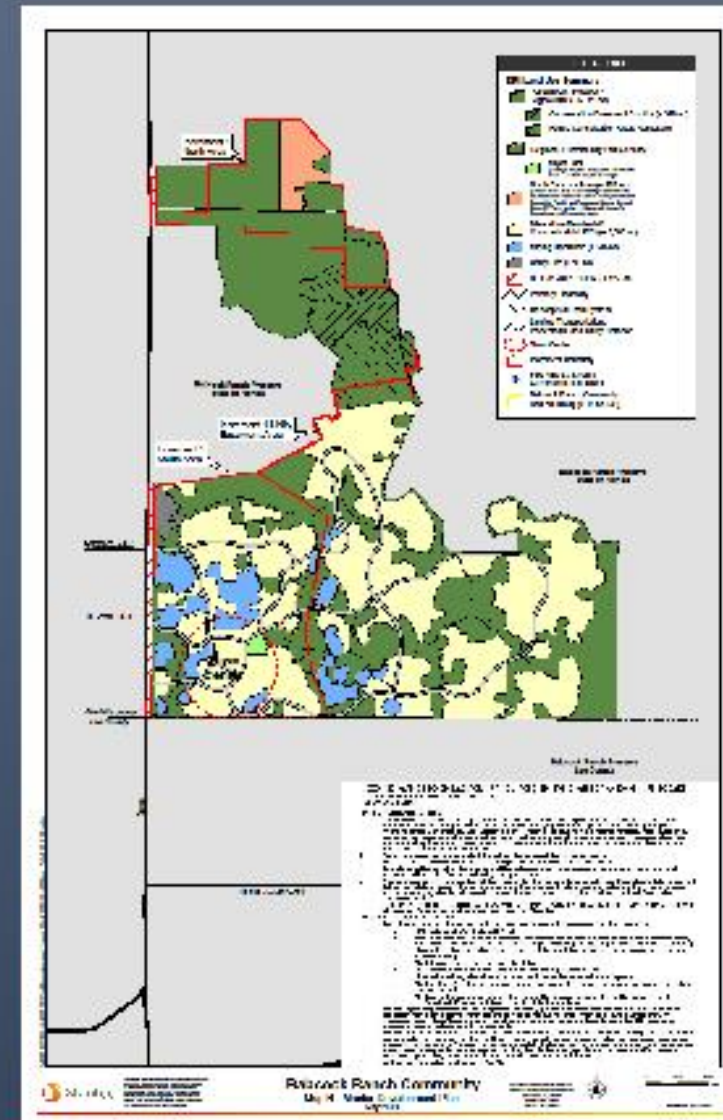
600 hotel rooms

177 hospital beds

418 units of assisted living facilities

54 golf holes

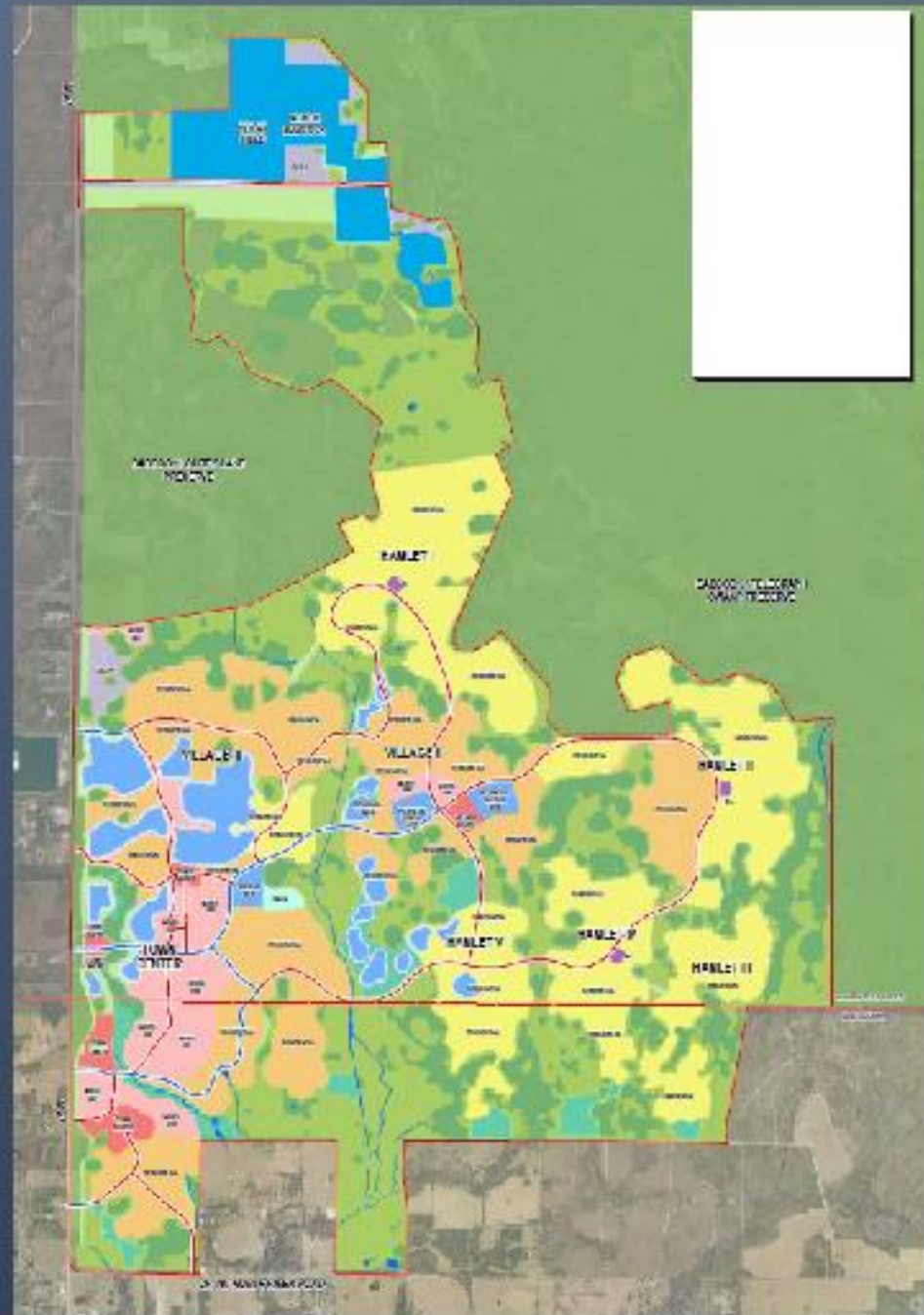
Ancillary facilities

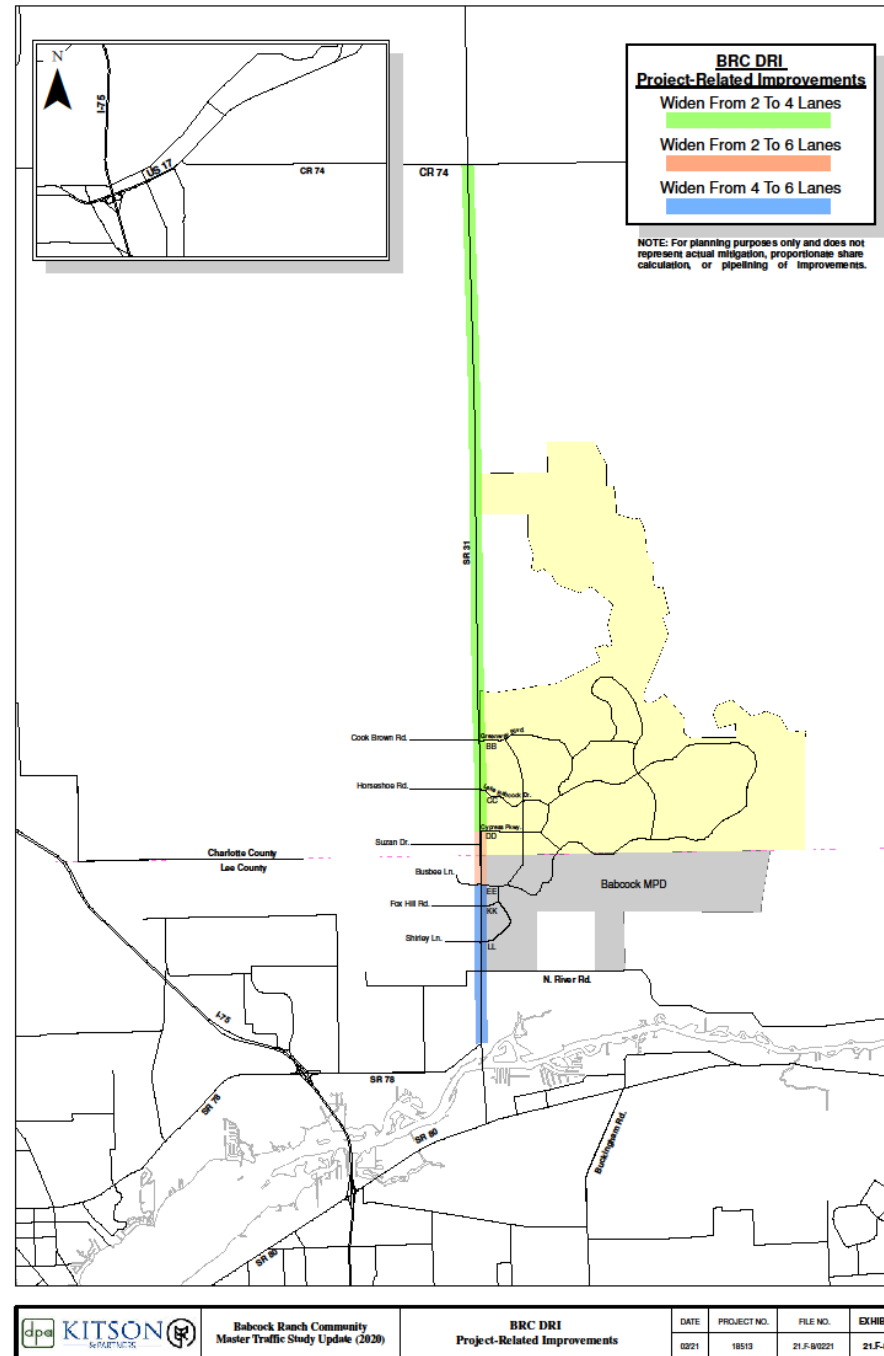


# Total Entitlements

\*Charlotte and Lee Counties

- Residential Dwelling Units – 19,500
- Non-Residential Uses – 6M S.F.
- 54 Golf Holes
- Assisted Living Facilities – 418 Units
- 177 Hospital Beds
- 650,000 SF of Industrial
- 600 Hotel Rooms







## **BABCOCK RANCH COMMUNITY MASTER DEVELOPMENT ORDER AMENDMENT REVIEW**

### Council Recommendations (Attachment I)

On June 17, 2021 the Council recommended conditional approval of the Babcock Ranch Community Master Development Order Amendment. The primary reason for this MDO amendment is to address the BRC DRI MTSU (2020) traffic assessment at horizon year 2040. However, additional changes are proposed to provide minor clarifications to various conditions throughout the MDO. A copy of the Council recommendations can be found as Attachment I.

### Charlotte County Master Development Order Amendment (Attachment II)

On July 27, 2021 the Board of Charlotte County Commissioners approved the Babcock Ranch Master Development Order Amendment (Ordinance 2021-108). A copy of the development order (see Attachment II) was rendered to the SWFRPC on July 30, 2021. Staff review of the attached development orders finds that it is consistent with all regional issues and recommendations identified within the Council's Official Recommendations.

**RECOMMENDED ACTION:** Accept the Master Development Order Amendment as rendered.

August 19, 2021

## **BABCOCK RANCH COMMUNITY MASTER TRANSPORTATION STUDY UPDATE NOTICE OF PROPOSED CHANGE TO MASTER DEVELOPMENT ORDER**

### **BACKGROUND**

The Babcock Ranch Community (BRC) Development of Regional Impact (DRI) is an approved mixed-use development located in southeastern Charlotte County, north of the Lee County Line, south of CR 74, east of SR 31, and contains approximately 13,630 acres (see Attachment I Location Map). The original Master Development Order (MDO) Resolution 2007-196 was approved by the Charlotte County Board of County Commissioners on December 13, 2007. The existing BRC development is approved for 17,870 residential dwelling units; 1.4 million square feet of retail uses; 3.5 million square feet of office uses; 650,000 square feet of industrial uses; 600 hotel rooms; 177 hospital beds; 418 units of assisted living facilities; 54 golf holes; and ancillary facilities such as the educational service center, schools and university research facilities, libraries, places of worship, regional and community park sites, and the necessary utility infrastructure (see Attachment II, Master DRI Development Plan Map).

The Master DRI process requires Increments to be submitted with specific development entitlements approved and conditions for approval. The first Incremental Development Order (IDO) was approved on December 15, 2009. The most recent amendment to BRC Increment 1 was recently approved on May 26, 2020 to include the entitlement of 5,000 residential units, 600 hotel rooms, and over 1.22 million square feet of retail and office uses (see Attachment III, Increment I Development Plan Map).

The portion of Babcock Ranch in Lee County (Babcock MPD) is not part of the Babcock Ranch Community DRI in Charlotte County. The Babcock MPD was approved by Lee County in 2018 with an entitlement of up to 1,630 residential units, 600 hotel rooms, and over 1.17 million square feet of retail and office uses. The approved Babcock MPD is being developed independently and reflected in the master planning of Babcock Ranch. This MTSU includes a cumulative analysis of both the Babcock Master DRI in Charlotte County and the Babcock MPD in Lee (see Attachment IV Development Plan Map). Despite the adoption of the 2018 Florida statutes that repealed the DRI process, BRC intends to continue to be developed under the guidance and framework established by the 3 Party Agreement and the original Master/Incremental DRI Development Orders.

### **MASTER TRANSPORTATION STUDY UPDATE**

The primary reason for this MDO amendment is to address the BRC DRI MTSU (2020) traffic assessment at horizon year 2040. However, additional changes are proposed to provide minor clarifications to various conditions throughout the MDO. In July of 2020, BRC started the process to update the Master Transportation Study (MTSU) with submittal of the Methodology Report. The MTSU (2020) traffic study dated May 13, 2021 was finalized and went through three sufficiency reviews with the public agencies. Florida Department of Transportation, Lee County Transportation staff and Charlotte County staff all participated in the sufficiency

review and final comments.

The BRC MTSU Development Parameters Summary are show below.

<b>Table 21-1</b> <b>BRC MTSU (2020)</b> <b>Babcock Ranch Development Parameters Summary</b>					
Land Use Type	Unit	BRC DRI			Babcock MPD <sup>(2)</sup>
		Master DRI (This Update)	Increment 1 <sup>(6)</sup>	Future Increment(s)	
<b>Total Residential <sup>(1)</sup></b>	<b>d.u.</b>	<b>17,870</b>	<b>5,000</b>	<b>12,870</b>	<b>1,630</b>
Single-Family	d.u.	11,615	3,000	8,615	980
Multifamily	d.u.	6,255	2,000	3,255	650
<b>Total Non-Residential <sup>(1)</sup></b>	<b>sq. ft.</b>	<b>5,910,000</b>	<b>1,630,000</b>	<b>4,280,000</b>	<b>1,530,000</b>
<b>Total Commercial (Retail + Office) <sup>(2)</sup></b>	<b>sq. ft.</b>	<b>4,425,500</b>	<b>1,220,000</b>	<b>3,205,500</b>	<b>1,170,000</b>
Retail <sup>(1,2)</sup>	sq. ft.	1,400,000	870,000	530,000	870,000
Office <sup>(1,2)</sup>	sq. ft.	3,025,500	350,000	2,675,500	300,000
General	sq. ft.	2,338,710	257,000	2,081,710	257,000
Medical	sq. ft.	580,900	43,000	537,900	43,000
Civic	sq. ft.	105,890	50,000	55,890	0
Hotel <sup>(1,3)</sup>	rooms	600	600	0	600
	sq. ft.	360,000	360,000	0	360,000
Industrial <sup>(1)</sup>	sq. ft.	650,000	0	650,000	0
Hospital <sup>(1,4)</sup>	beds	177	0	177	0
	sq. ft.	265,500	0	265,500	0
ALF <sup>(1,5)</sup>	beds	418	100	318	0
	sq. ft.	209,000	50,000	159,000	0
Golf Course	holes	54	18	36	0
Elementary School	students	1,162	536	626	0
Middle School	students	643	330	313	0
High School	students	911	600	311	0
Church	sq. ft.	120,000	0	120,000	0
Library	sq. ft.	24,000	0	24,000	0
Park	acres	256	50	206	48
Recreation Center	sq. ft.	100,000	0	100,000	0

Footnotes:

- (1) Subject to BRC Master DRI Development Order (MDO) – Exhibit B. Development of the subject property shall not exceed: 17,870 dwelling units and 6,000,000 square feet of non-residential uses, including commercial/ office/ retail space, light industrial, government/civic space (not including schools, places of worship, libraries, or parks), assisted living units, hospital beds, and hotel rooms.
- (2) Per Lee County Zoning Resolution Z-17-026, commercial uses permitted in the Babcock MPD in Lee County may not exceed 1,170,000 square feet. When combined with the DRI, commercial uses (retail + office) shall not exceed 4.9 million sq. ft.
- (3) Assumes 600 sq. ft. per hotel room.
- (4) Assumes 1,500 sq. ft. per hospital bed.
- (5) Assumes 500 sq. ft. per ALF bed.
- (6) Approved BRC IDO-1.

The table below shows the final MTSU results for the significant and adverse impacts on roads in Charlotte and Lee County.

<b>Table 21.F-3</b> <b>BRC MTSU (2020)</b> <b>With Master BRC DRI</b> <b>Year 2040 – BRC DRI Significant and Adverse Impact</b> <b>Charlotte County</b>		
<b>Roadway</b>	<b>From</b>	<b>To</b>
SR 31 (Babcock Ranch Rd.)	Lee County Line	Cypress Pkwy.
	Cook Brown Rd.	CR 74
<b>Lee County</b>		
<b>Roadway</b>	<b>From</b>	<b>To</b>
Broadway St.	SR 80	North River Rd.
Buckingham Rd.	Cemetery Rd.	Orange River Blvd.
	Orange River Blvd.	SR 80
Gunnery Rd.	Lee Blvd.	Buckingham Rd.
Joel Blvd.	18th St.	SR 80
Orange River Blvd.	SR 80	Staley Rd.
SR 80 WB (First St.)	SR 739/US 41 Bus (Fowler St.)	SR 80/Seaboard St.
SR 80 (Palm Beach Blvd.)	SR 31 (Babcock Ranch Rd.)	CR 80A/Buckingham Rd/Old Olga Rd.
SR 80 EB (SR 80/Second St.)	SR 739 (Park Ave.)	SR 80 (Palm Beach Blvd.)
SR 78 (Pine Island Rd.)	W. of CR 78A/Pondella Rd.	SR 45/US 41 (Cleveland Ave.)
SR 78 (Bayshore Rd.)	SR 45/US 41 (Cleveland Ave.)	New Post Rd./Hart Rd.
	New Post Rd./Hart Rd.	W. of Willow Stream Ln.
	W. of Willow Stream Ln.	W. of Pritchett Pkwy.
SR 31 (Babcock Ranch Rd.)	SR 80	SR 78
	SR 78	Old Rodeo Dr.
	Old Rodeo Dr.	CR 78/N River Rd./Old Bayshore Rd.
	CR 78/N River Rd./Old Bayshore Rd.	Shirley Ln.
	Shirley Ln.	Fox Hill Rd.
	Fox Hill Rd.	Busbee Ln.
	Busbee Ln.	Charlotte County Line

Attachment V shows the Future 2040 Needed Roadway Improvements With DRI, Attachment VI shows Recommended Improvements for Significantly Impacted Roadways and Attachment VII shows the Project Related Improvements.

### **MTSU Summary**

The BRC Master DRI and the MTSU are not subject to transportation mitigation as all transportation mitigation is assessed at the incremental stages. Therefore, the main objective of the MTSU is to provide a buildout snapshot of potential future transportation needs of the area and to assist with the MPO Long-Range Transportation Plan.

The findings and conclusions of BRC DRI MTSU (2020) transportation assessment are as follows.

1. The Master DRI anticipates future improvement needs on the following road segments that are attributed to the Project coincident with buildout at year 2040.
  - SR 31 from SR 78 to Bermont Road (CR 74)

2. The Incremental DRI will continue to provide the detailed transportation assessment and the necessary proportionate share mitigation to fund the roadway needs as outlined in the Incremental Development Order (IDO).

3. Current and on-going roadway improvement efforts of the MPO LRTP include the following.

- SR 31 PD&E/SEIR (CR 78 to Cook Brown Road)
- SR 31 PD&E Study (SR 78 to CR 78)
- SR 31 PD&E Study (SR 80 to SR 78)
- SR 78 PD&E Study (I-75 to SR 31)

4. BRC will continue its collaborative efforts with FDOT, Charlotte County and Lee County to pipeline mitigation monies towards the improvement of SR 31.

5. BRC will continue to provide for site-related improvements at the Project's planned access points on SR 31.

## **REGIONAL STAFF ANALYSIS**

### **Substantial Deviation Presumption Rebuttal**

Per Condition 5.B.(2)(a) of the MDO, the initial Master Traffic Study Update shall be approved through the NOPC process as a non-substantial deviation, in accordance with Section 5.B.(2)(d), with resulting amendments, if any, to the MDO to be processed as a NOPC. Further, as an NOPC, the originally approved ITE trip generation of the AMDA was compared with the ITE trip generation of this Master Traffic Study Update in order to rebut the DRI substantial deviation presumption.

<b>Table 21.B-3</b> <b>BRC MTSU (2020)</b> <b>Substantial Deviation Rebuttal</b> <b>Trip Generation Comparison</b>				
<b>Trip Type</b>	<b>AMDA <sup>(1)</sup></b>	<b>NOPC <sup>(2)</sup></b>	<b>Trip Diff.</b>	<b>% Diff.</b>
Daily	302,258	240,015	-62,243	-20.6%
PM Peak Hour	29,627	22,393	-7,234	-24.4%

**Footnotes:**

- (1) The Babcock Ranch Community Application for Master Development Approval – Sufficiency Response #2 (2007).
- (2) Master Traffic Study Update (2020),

As shown above, the ITE trip generation in this Master Traffic Study Update is 20.6% and 24.4% lower than that of the originally approved AMDA on a daily and PM peak hour basis, respectively. Therefore, it is concluded that this NOPC has rebutted the DRI substantial deviation presumption.

## **ACCEPTANCE OF THE PROPOSED MDO AMENDMENT**

The county staff report provided an acceptable draft development order to address the

changes resulting from the MTSU and other minor clarifications throughout the MDO (see Attachment VIII). Additionally, a summary of all the changes is provided in Attachment IX.

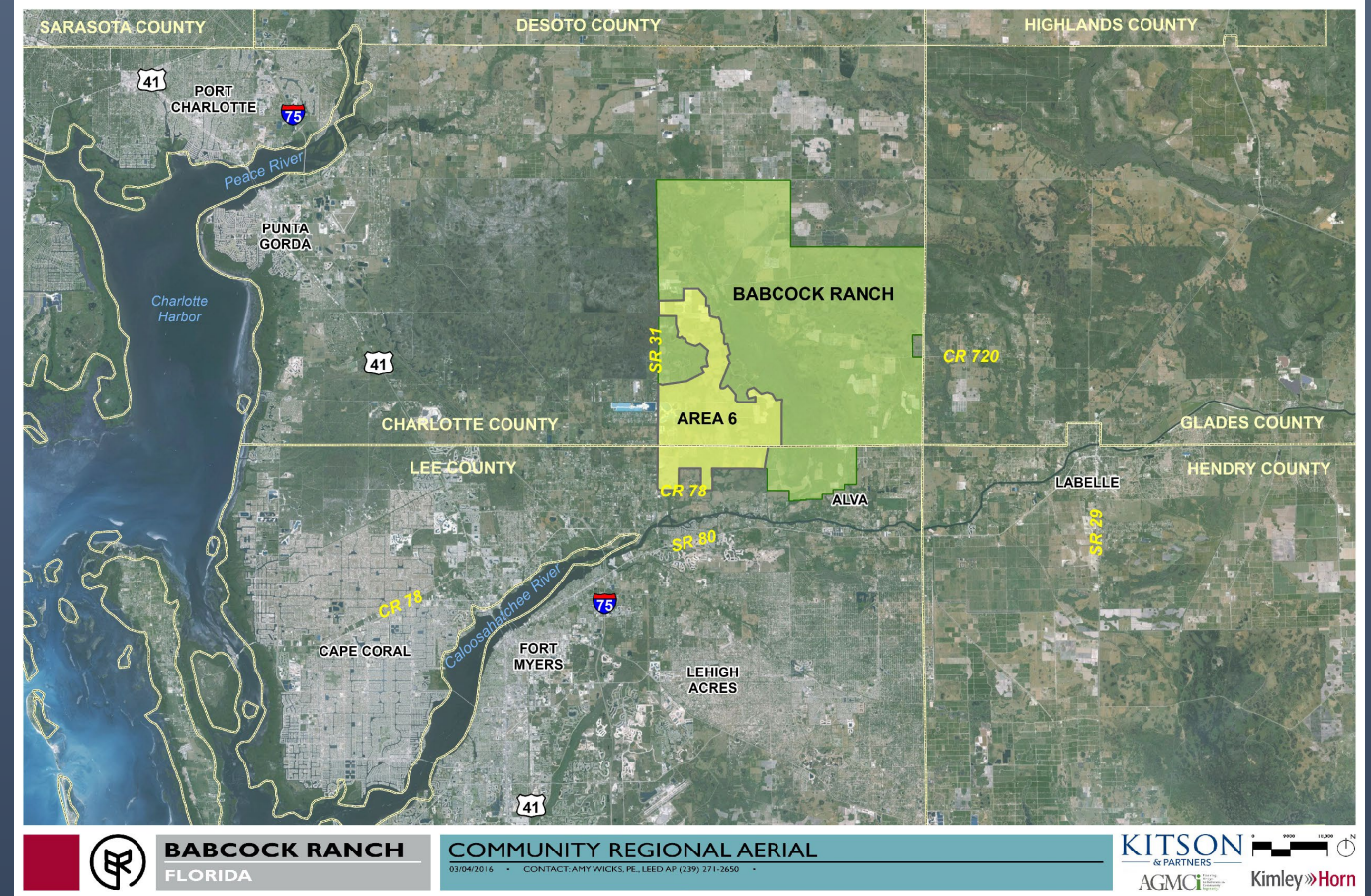
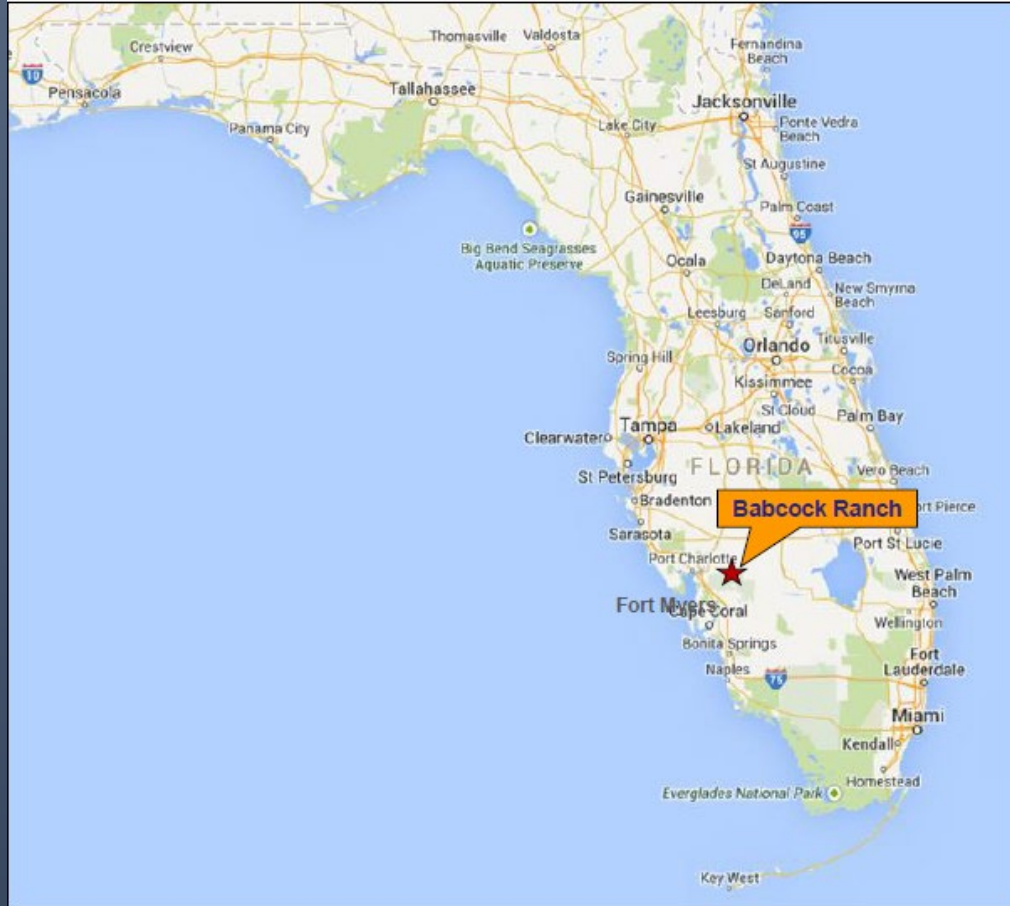
**RECOMMENDED ACTIONS:**

1. Notify Charlotte County and the applicant that the proposed changes to the MDO are acceptable to address regional impacts.
2. Request that Charlotte County provide SWFRPC staff with copies of the final MDO amendments related to the proposed changes.

June 17, 2021



# Overview



# Master DRI Development Order (MDO)

17,870 residential units

1,400,000 SF retail

3,500,000 SF office (general office, medical  
office and civic)

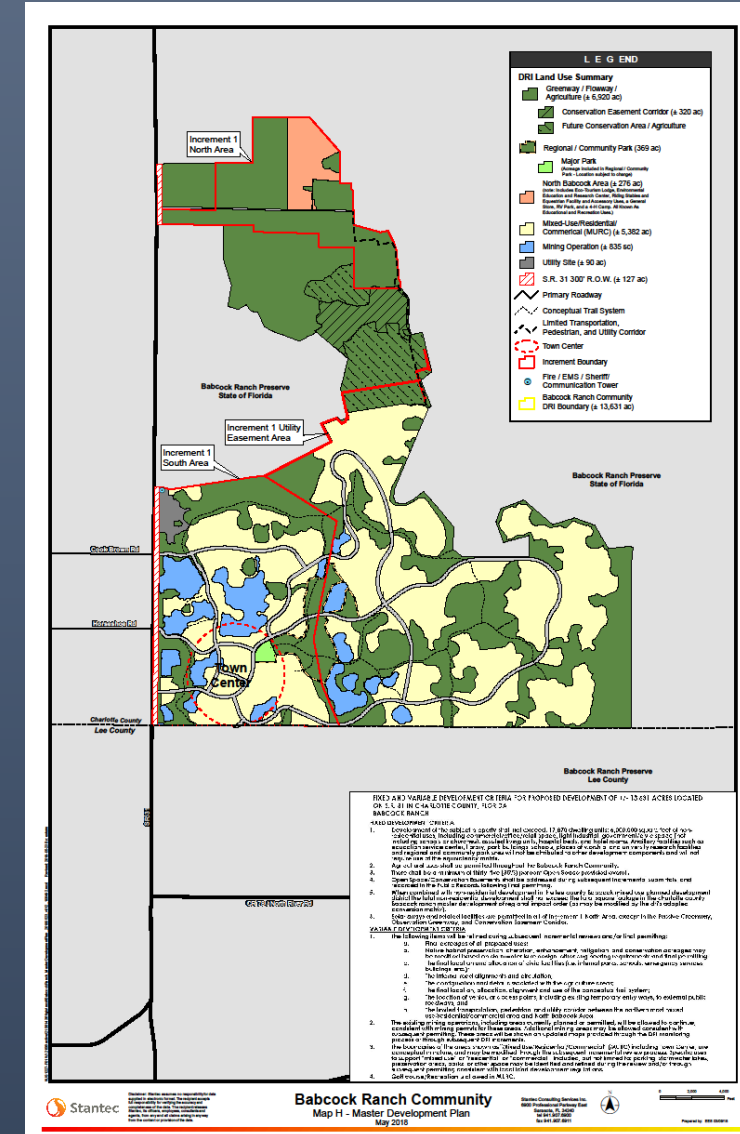
600 hotel rooms

177 hospital beds

418 units of assisted living facilities

54 golf holes

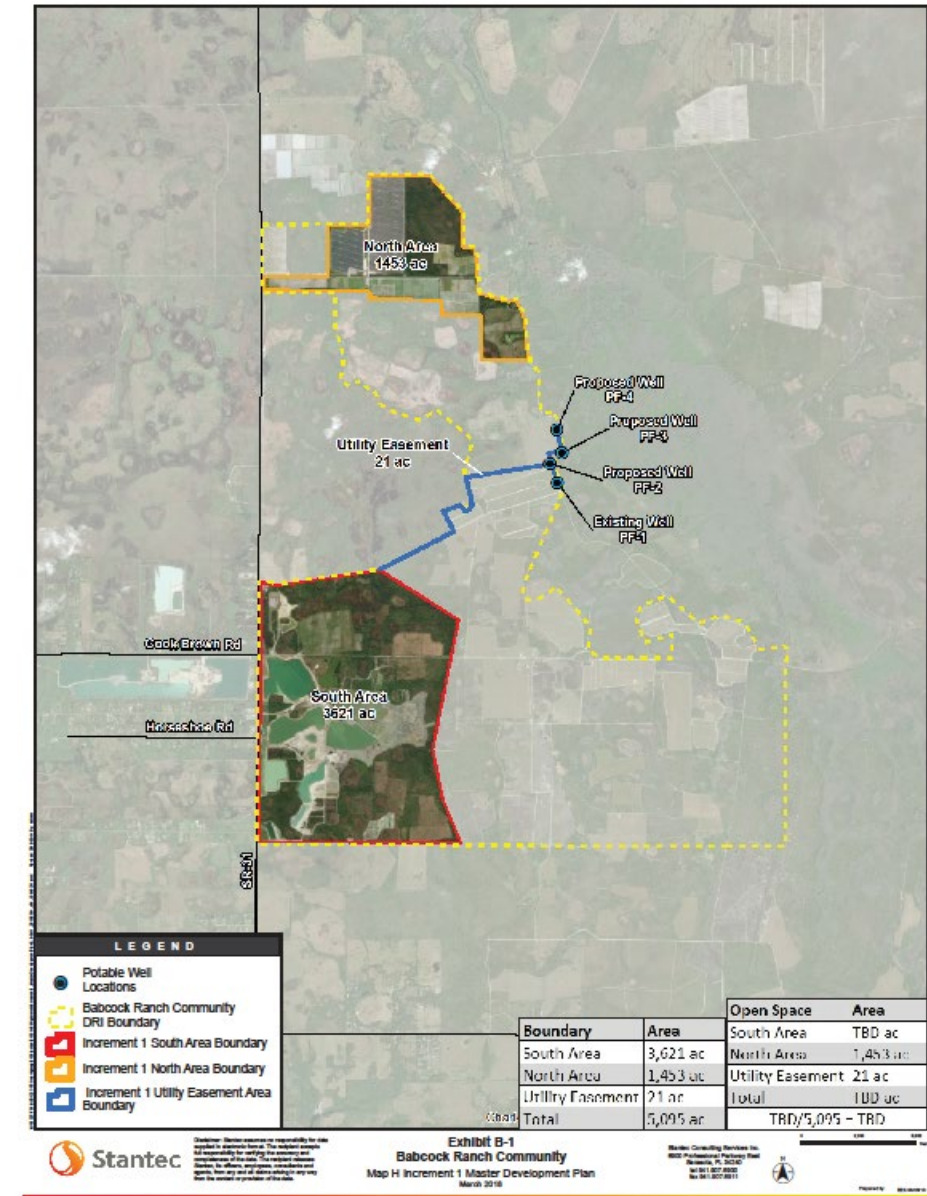
Ancillary facilities





# Increment 1 (IDO-1)

- Originally approved December 15, 2009
- Amended May 26, 2020 as follows:
- Residential Dwelling Units – 5,000 \*
  - 3,000 single family units
  - 2,000 multi-family units
- Non-Residential – 1,220,000 S.F.\*
  - 870,000 SF Retail
  - 350,000 SF Office
- 600 Hotel Rooms\*
- 18 Golf Holes\*
- Assisted Living – 100 Units\*
- Proportionate Share Mitigation - \$45,729,000
  - Includes:
    - Expanding existing 2-Lane SR31 to a 4-Lane divided highway from SR78 to Cypress parkway with infrastructure and grading provided for 6-Lane expansion
    - Expanding existing 2-Lane SR31 to a 4-Lane divided highway from Cypress parkway to Horseshoe Road with sidewalk on one side

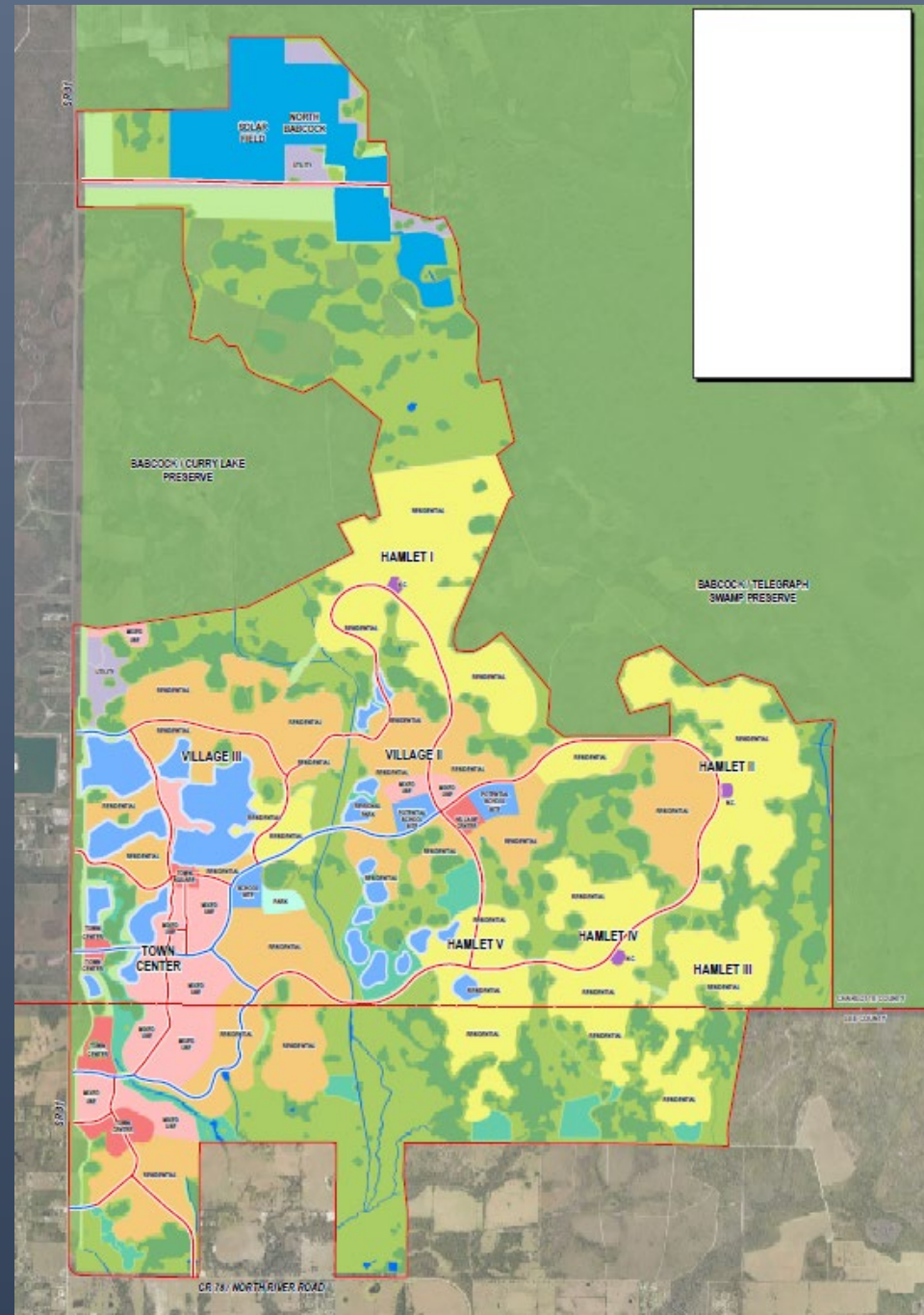


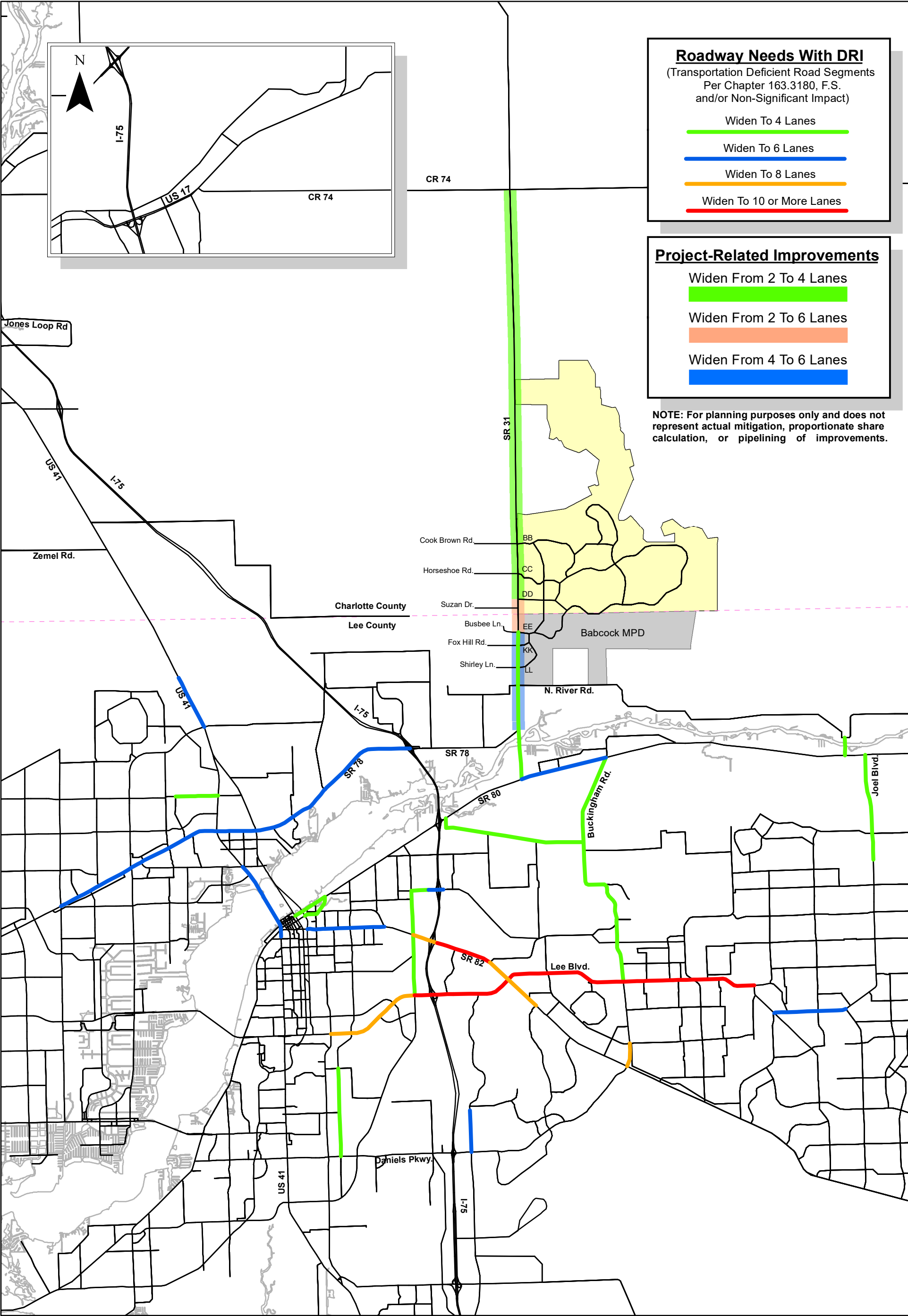
\* Subject to use of equivalency matrix

# Total Entitlements

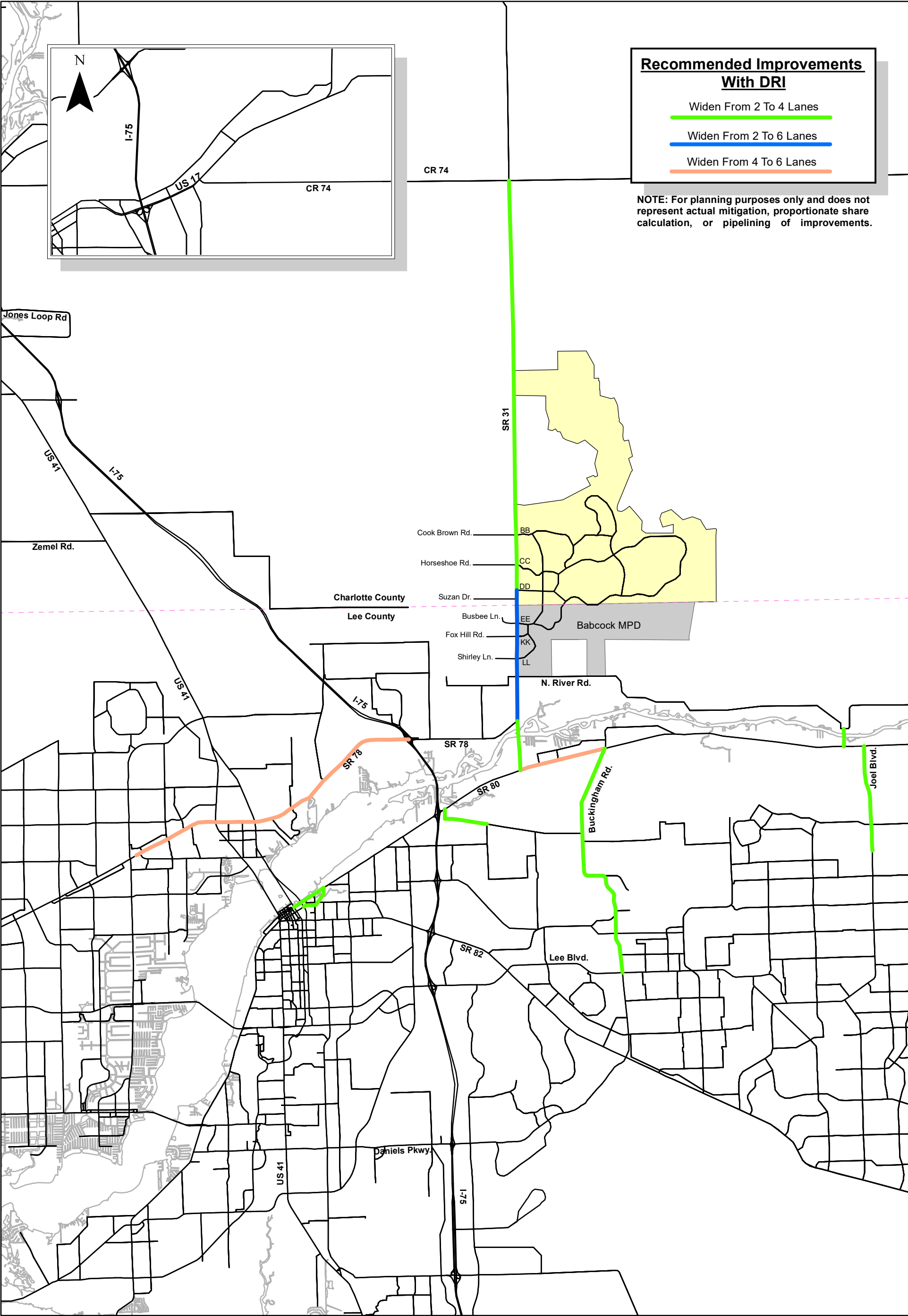
\*Charlotte and Lee Counties

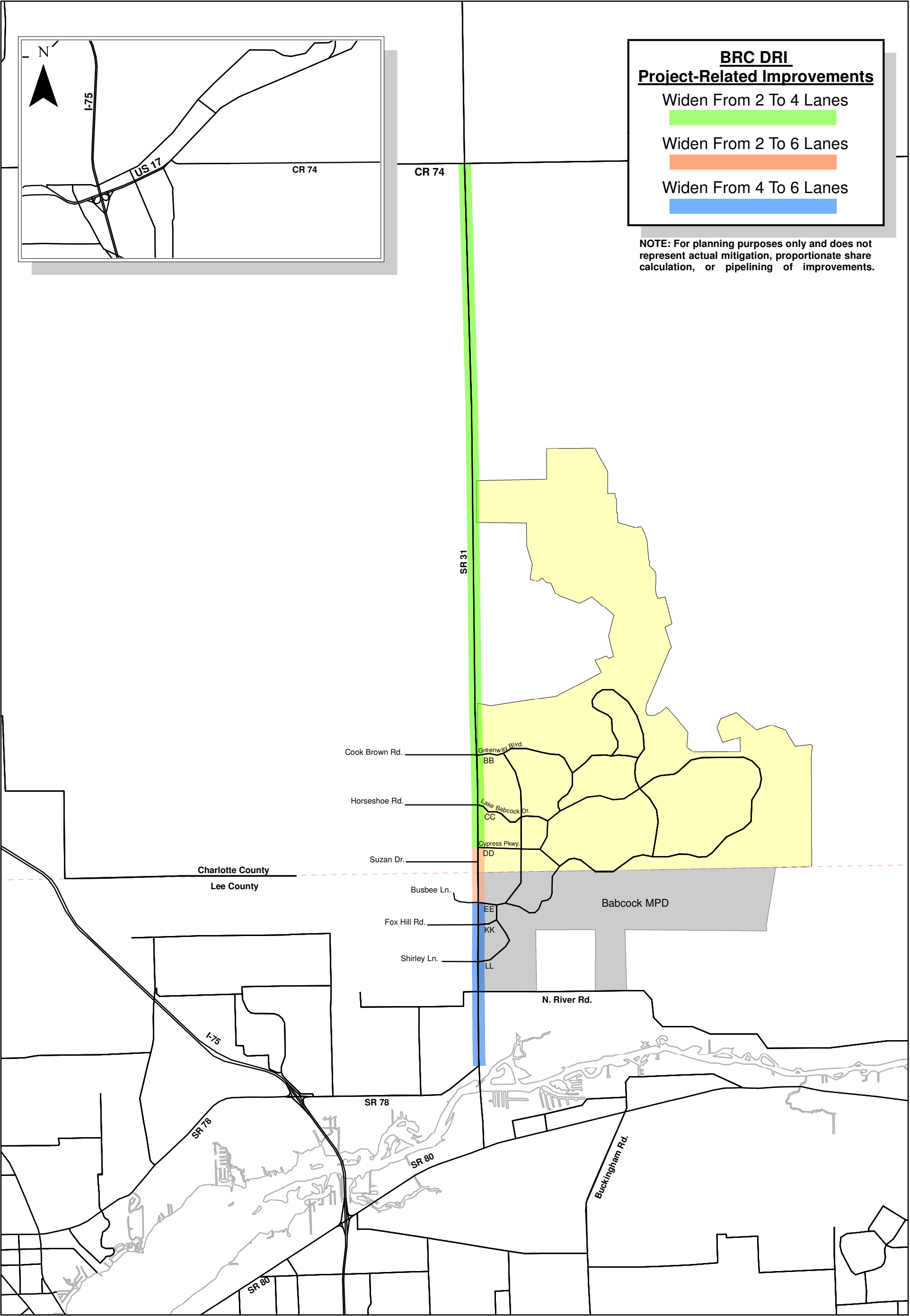
- Residential Dwelling Units – 19,500
- Non-Residential Uses – 6M S.F.
- 54 Golf Holes
- Assisted Living Facilities – 418 Units
- 177 Hospital Beds
- 650,000 SF of Industrial
- 600 Hotel Rooms











# **ATTACHMENT VIII**

## **BABCOCK RANCH COMMUNITY**

### **MASTER DEVELOPMENT OF REGIONAL IMPACT**

#### **MASTER DRI DEVELOPMENT ORDER**

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

**AMENDED \_\_\_\_\_, 2021**

## **TABLE OF CONTENTS**

	<b><u>Page</u></b>
RECITALS .....	2
FINDINGS OF FACT AND CONCLUSIONS OF LAW.....	3
CONDITIONS	
1. APPLICATIONS FOR INCREMENTAL DEVELOPMENT APPROVAL .....	5
2. GROSS RESIDENTIAL DENSITY CONDITION AND DEVELOPMENT PROGRAM.....	5
3. AFFORDABLE HOUSING .....	7
4. STORMWATER MANAGEMENT AND FLOOD PLAINS.....	12
5. TRANSPORTATION .....	22
6. VEGETATION, WILDLIFE, AND WETLANDS.....	46
7. WASTEWATER MANAGEMENT AND WATER SUPPLY .....	59
8. HISTORICAL AND ARCHEOLOGICAL SITES.....	65
9. EDUCATION .....	67
10. POLICE AND FIRE .....	68
11. SOLID/HAZARDOUS/MEDICAL WASTE .....	72
12. AIR .....	75
13. HURRICANE PREPAREDNESS .....	76
14. OPEN SPACE, PARKS, AND LIBRARY.....	77
15. HOSPITALS AND HEALTHCARE .....	83
16. ENERGY .....	84
17. MINING OPERATIONS.....	86
18. CONSISTENCY WITH THE LOCAL COMPREHENSIVE PLAN .....	87
19. BIENNIAL REPORTS .....	87
20. CHANGED CONDITIONS.....	87
21. COMPLIANCE MONITORING .....	87
22. EXEMPTION FROM DOWNZONING AND DENSITY/INTENSITY REDUCTION.....	87
23. COMMENCEMENT OF DEVELOPMENT.....	88
24. PROJECTED BUILDOUT .....	88
25. EXPIRATION DATE.....	88
26. DEVELOPMENT PERMITS .....	88
27. GENERAL PROVISIONS.....	89
EXHIBITS.....	92

**TABLE OF CONTENTS****Page**



1                                   **RESOLUTION NO. 2021-\_\_\_\_\_**

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

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

13           WHEREAS, Developer, County, and the SWFRPC entered into a Master DRI  
14   Agreement on March 13, 2007 (fully executed March 16, 2007), as required by Section  
15   380.06(21)(b), Florida Statutes ("AMDA Agreement"); and

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

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

23           WHEREAS, the MDO was amended on June 17, 2008 under Resolution 2008-063  
24   thereby giving the MDO an effective date of September 1, 2008; and subsequently  
25   amended on December 15, 2009 by Resolution 2009-283; on December 13, 2011 by

1 Resolution 2011-485; on April 24, 2012 by Resolution 2012-024; on June 11, 2013 by  
2 Resolution 2013-033; on January 28, 2014 by Resolution 2014-047; on March 22, 2016  
3 by Resolution 2016-034; on July 25, 2017 by Resolution 2017-187; and on June 12, 2018  
4 by Resolution 2018-077; and

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

11 WHEREAS, the Developer has filed an application to amend the MDO; and

12 WHEREAS, the Charlotte County Planning and Zoning Board has reviewed and  
13 considered the report and recommendations of the SWFRPC and held a public hearing  
14 to consider the amendments to the MDO on \_\_\_\_\_; and WHEREAS, on  
15 \_\_\_\_\_, the Board, at a public hearing in accordance with Section 380.06, Florida  
16 Statutes, considered the application for amendment to the MDO submitted by Developer,  
17 the report and recommendations of the SWFRPC, the documentary and oral evidence  
18 presented at the hearing before the Board, the report and recommendations of the  
19 Charlotte County Planning and Zoning Board, and the recommendations of County staff.

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

22 **RECITALS**

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

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

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

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

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

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

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

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

(ii) RV Parks, per the Land Use Equivalency Matrix;

(iii) 1,400,000 square feet of retail,

(iv) 3,500,000 square feet of office (general office; medical office; and civic),

- 1 (v) 600 hotel rooms (assumes 360,000 square feet of building),
- 2 (vi) 650,000 square feet of industrial,
- 3 (vii) 177 hospital beds,
- 4 (viii) 418 units of assisted living facilities,
- 5 (ix) 54 golf holes,
- 6 (x) Ancillary facilities such as the educational service center, schools,
- 7 university research facilities, libraries, places of worship, regional and
- 8 community park sites, clubhouses and similar neighborhood amenities, and
- 9 the necessary utility infrastructure including, but not limited to, water,
- 10 wastewater and reuse water systems, electric, telephone and cable
- 11 systems will not be attributed to other development components set forth
- 12 above, and will not count towards the maximum thresholds of development
- 13 as established in the Development Order and the BROD policies of the
- 14 Charlotte 2050 Comprehensive Plan.
- 15 (xi) All other ancillary facilities, together with the development components set
- 16 forth above (excluding ix) shall not exceed the maximum thresholds
- 17 established in the Development Order and the BROD policies of the
- 18 Charlotte 2050 Comprehensive Plan.
- 19 (xii) Temporary housing for construction workers and their families will not count
- 20 against the residential dwelling units allowed by subsection (i) above.
- 21 (xiii) The total development within the BROD shall not exceed 17,870 dwelling
- 22 units and 6,000,000 square feet of non-residential uses, not including the
- 23 educational service center, schools, university research facilities, libraries,

places of worship, regional and community park sites, clubhouses and similar neighborhood amenities, which square footage will be additional.

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

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

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

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

## CONDITIONS

### 1. APPLICATIONS FOR INCREMENTAL DEVELOPMENT APPROVAL.

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

### 2. GROSS RESIDENTIAL DENSITY CONDITION AND DEVELOPMENT PROGRAM.

#### A. Representations and Commitments as Conditions.

The gross residential density for the 13,630.6 acres is anticipated to be approximately 1.31 dwelling units per acre. The net density of the development areas is anticipated to be approximately 4.05 dwelling units per acre. The calculation for net

1 density is based on the area of the development pods. The net densities within the  
2 development pods will increase consistent with the planning approach to cluster  
3 development. At buildout, densities will be permitted up to 16 units per acre in Villages  
4 and Hamlets, and up to 24 units per acre in the Town Center.

5 B. Other Conditions.

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

9 C. Incremental Review.

10 (1) The BROD Summary Phasing Plan is subject to adjustment through  
11 the DRI, State and Federal permitting processes. Incremental  
12 Development Orders shall establish the phasing of development within an  
13 increment by determining the amount of residential and non-residential  
14 development within the Mixed Use/Residential/Commercial (MURC)  
15 development areas.

16 **REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY**  
17

1    **3.    AFFORDABLE HOUSING**

2       A.    Representations and Commitments as Conditions.

3           (1)   Provide a diversity of housing types to enable citizens from a wide  
4                   range of economic levels and age groups to live within the BRC. This  
5                   would include the provision of affordable/workforce housing at a level  
6                   of ten percent (10%) of the total number of residential housing units  
7                   built within the BRC. Affordable housing is defined where monthly  
8                   rents or mortgage payments for housing, including taxes, insurance  
9                   and utilities do not exceed thirty (30%) percent of the gross annual  
10                  income of the development's very low, low, and moderate income  
11                  households as defined in Rule 73-C40.048(e), F.A.C. Workforce  
12                  housing is defined as housing affordable to natural persons or  
13                  families whose total annual household income does not exceed 140  
14                  percent of the area median income, adjusted for household size.

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

19          (3)   A "Determination of Adequate Need" for housing in the BRC shall be  
20                  assessed through the completion of a reliable affordable housing  
21                  market analysis which evaluates the housing demand within the BRC  
22                  and researches the available adequate housing supply reasonably  
23                  accessible to the BRC, which is defined as a 10-mile radius or 20-

1 minute drive during peak hour, whichever is less, from the BRC, but  
2 may be adjusted with the agreement of the County.

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

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

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

22 (7) The **Developer**, SWFRPC, and the County must agree upon the  
23 methodology utilized to conduct the Determination of Adequate



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

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

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

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

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

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

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

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

1 maintain incentives and programs specifically targeted at affordable  
2 units within the BRC. Incentives from the County must fully offset all  
3 costs to the developer of its affordable housing contribution, in  
4 accordance with State Statutes.

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

11 B. Other Conditions. – None.

12 C. Incremental Review. – None.

13 **REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY**  
14

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

2       A.   Representations and Commitments as Conditions.

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

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

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

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

1 construction. Copies of any reports required by the NPDES permit  
2 will be maintained at the appropriate construction site.

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

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

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

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

18 (9) The allowable discharge in a 25 year 3-day design event will be  
19 limited to the South Florida Water Management District ("SFWMD")  
20 permit for the site.

21 (10) The development within the FEMA floodplain will have finished floor  
22 elevations in each development pod which exceeds the 100 year 3-  
23 day design event for the adjacent water course as calculated by the

1           backwater profile for the respective conveyance. Compensating  
2           storage will be provided to replace lost storage as part of the SFWMD  
3           permit requirements. The SFWMD standard of head loss in a 25-  
4           year 3-day design event will be met at each water crossing.

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

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

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

- (14) The stormwater treatment will include a backbone system consisting of wet detention areas and dry detention areas. Dry detention areas will not be used as the primary detention/retention component, but may be utilized in combination with wet detention/retention facilities. The stormwater treatment system will be designed in accordance with the then current Southwest Florida Basin Rule Criteria of the SFWMD and will provide 50% more retention/detention water quality treatment above that required by Section 5.2.1(a) of the SFWMD Basis of Review. Best Management Practices will include reduced turf coverage, native landscaping, created wetlands, filter marshes, phyto-zones, extended hydraulic residence times and increased flow paths.
- (15) The low edge of pavement for local roads is to be at or above the peak stage for the 5 year-1 day event. The arterials and collectors will have one lane above the 25 year-3 day event peak stage. Parking lots will be at or above the 5 year-1 day event. Minimum swale grades in urban and suburban areas will have a minimum longitudinal slope of 0.2%. Ditches may have flatter longitudinal slopes. The minimum longitudinal slope on roads with curb and gutter will be 0.3%.
- (16) The perimeter berm elevation will be 0.3 feet above the peak stage for the 25 year-3-day event and the 100 year-1 day event.

- 1 (17) The treatment system will provide equal or greater post development  
2 storage volume for the 100 year-3-day event than provided by  
3 predevelopment conditions.
- 4 (18) There will be no increase in stream stage elevation offsite, except as  
5 permitted by the SFWMD.
- 6 (19) Finished floor elevations will be at least the 100 year-3-day event  
7 peak stage plus 0.5 feet.
- 8 (20) An Urban Water Management Plan will be developed for the site as  
9 part of the construction Environmental Resource Permit ("ERP")  
10 process and will address the handling of waste from equestrian  
11 facilities on the site. Water quality monitoring will be conducted  
12 pursuant to the SFWMD Conceptual ERP.

13 B. Other Conditions.

- 14 (1) All internal stormwater management lakes and ditches, and any on-  
15 site preserved/enhanced wetland areas, shall be set aside as  
16 recorded drainage and/or conservation easements granted to the  
17 SFWMD, or other appropriate governmental entity with a compliance  
18 monitoring staff. Stormwater lakes shall include adequate  
19 maintenance easements around the lakes, with access to a paved  
20 roadway, as required by the appropriate governmental entity.
- 21 (2) Any silt barriers and any anchor soil, as well as accumulated silt,  
22 shall be removed upon completion of construction. Either the  
23 Developer or the entities responsible for the specific construction



activities requiring these measures shall assume responsibility for having them removed upon completion of construction.

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

(4) The District shall conduct annual inspections in accordance with the conditions of the approved SFWMD ERP, of the BRC Master Stormwater Management System and any preserved/enhanced wetland areas on the project site so as to ensure that these areas are maintained in keeping with the final approved designs, and that the water management system is capable of accomplishing the level of stormwater storage and treatment for which it was intended.

(5) The District or a master or neighborhood property owner's association (POA) shall undertake a regularly scheduled vacuum sweeping, as may be required by permit, of all common District or POA owned streets and District or POA owned parking areas within the MURC. The Developer, District and POA shall encourage private

1 parcel owners within the MURC to institute regularly scheduled  
2 vacuum sweeping of their respective streets and parking areas.

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

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

16 (8) Grease baffles shall be inspected and cleaned and/or repaired on a  
17 regular basis. In no instance shall the period between such  
18 inspections exceed eighteen months.

19 (9) Isolated wading bird "pools" shall be constructed to provide aquatic  
20 habitat for mosquito larvae predators, such as *Gambusia affinis*, and  
21 foraging areas for wading bird species, such as wood stork,  
22 consistent with SFWMD, FDEP, and County requirements.

- (10) The open drainage system will be designed to provide additional water quality treatment prior to discharge. Design elements may include rainwater gardens, treatment swales planted with native vegetation, and entrainment systems. These will be reviewed and approved during the ERP approval process.
- (11) Stormwater runoff should be minimized through a variety of techniques that may include rainwater gardens, bottomless planter boxes, green roofs and pervious surfaces, as well as rainwater harvesting techniques that may include cisterns and rain barrels.
- (12) Landscape irrigation will be provided first through the use of reuse water, where reasonably available, and surface water from lakes.
- (13) The master stormwater management system will be maintained by District or a POA established by covenants and restrictions on the Property.
- (14) The SFWMD has issued Permit No. 08-00004-S-05 (Application No. 070330-5) to Developer for a conceptual ERP in accordance with its jurisdiction over such matters and the Property. Developer will follow the authorizations and permit conditions, as may be amended from time to time, which will be a separate and enforceable legal document in accordance with its terms. Compliance with this permit, as it may be amended from time to time, will address mitigation of certain impacts of the BRC development. The permit is issued under the authority of an agency other than County and, therefore, is

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

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

21 (16) As part of any AIDA phase that will discharge to Owl Creek, Trout  
22 Creek, and /or Telegraph Creek, 100-year three-day storm event  
23 calculations will be provided for the setting of finished floor elevation

1 and the determination that the peak volume stored in the pre-  
2 development condition is equal or exceeded by that stored in the post  
3 development condition.

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

9 C. Incremental Review.

- 10 (1) Subsection A and B above in this provision 4 (Stormwater  
11 Management) constitute the "Stormwater Plan" for BRC.
- 12 (2) The Incremental review will address compliance of the Increment  
13 with the Stormwater Plan and any changes to the adopted floodplain  
14 maps.
- 15 (3) The Incremental review will include an assessment of any pertinent  
16 information developed pursuant to a condition of the MDO  
17 development order which has been developed since the MDO  
18 development order was issued in order to determine if that new  
19 information shows that a change in the Stormwater Plan is needed  
20 in order to provide the same level of protection, remediation, or  
21 mitigation that is contemplated in the MDO Development order.

22 **REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY**  
23

1   **5.    TRANSPORTATION**

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

3       B.    Conditions for Development Approval.

4           (1)   Master Traffic Study

5               (a)   The Master Traffic Study is the analysis of the buildout of the  
6                       Development Program and the horizon year traffic conditions  
7                       in year 2040. It is a guide to the roadway network and  
8                       improvements anticipated to be needed to support all area  
9                       development including the BRC Development Program by the  
10                      year 2040 and it is intended for use only with the BRC  
11                      Development Program. As a long range “snapshot” of horizon  
12                      year conditions, it is anticipated that the mobility network and  
13                      area growth will change and be revised as the BRC develops.  
14                      By way of background, the initial Master Traffic Study was  
15                      prepared by the Developer (“Developer’s Initial Master Traffic  
16                      Study”), which was adequate for the “snapshot” purpose of  
17                      the Master Development Order, recognizing that additional  
18                      validation adjustments would be needed for use in  
19                      Incremental Development Orders. At the time of initial  
20                      approval of the Master Development Order, the Florida  
21                      Department of Transportation (“FDOT”) was working on a  
22                      district-wide travel demand model, but it was not yet  
23                      completed. On August 27, 2008, FDOT informed the

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

- (b) The Charlotte County Babcock Ranch Overlay District (the BROD), FLU Policy 6.4.20, recognizes that the BROD is a mixed-use community with a compact urban form that contemplates commercial, office, industrial and institutional uses, and specifies that the community capture rate (“CCR”) for the BRC shall be maximized, with a targeted internalization of between 50% - 70%. The Developer’s Master Traffic Study Update reflects the mixed-use character of the Community and consequently maximizes the “community capture” elements, resulting in a trip capture rate for the buildout of the BRC of 66% on a peak hour basis. The 2040 roadway

1 network and candidate roadway improvements resulting from  
2 the Developer's Master Traffic Study **Update** based on that  
3 trip capture rate for the **development** components are set forth  
4 in Exhibit F attached hereto and made a part hereof by  
5 reference. Exhibit F also identifies, under **2040** conditions  
6 and the **66% CCR**, those regionally and locally significant  
7 road segments that **are** projected to be significantly impacted  
8 by the BRC and for which a service deficiency is also  
9 projected ("Impacted Segments"). The Developer's Master  
10 Traffic Study **Update** also identifies the improvements which  
11 may **be anticipated** by **2040** under the **66% CCR** to the  
12 Impacted Segments **and may be subject to mitigation for**  
13 Babcock's traffic impacts in order to maintain the adopted  
14 level of service (LOS) **targets at the time of an incremental**  
15 **traffic assessment.**

- 16 (c) A supplemental traffic assessment was also prepared for the  
17 Master Development Order by the Developer at the request  
18 of review agencies to identify the potential **2040** roadway  
19 **conditions** and candidate roadway improvements resulting  
20 from the **MDO** Traffic Study **Update** based on the initial  
21 internal capture rate ("**ICR**") of 22%, **as mandated in the initial**  
22 **Master Traffic Study.** The roadway network and candidate  
23 roadway improvements based on that **22% ICR** also are set



1           forth in Exhibit F attached hereto and made a part hereof by  
2           reference. Exhibit F also identifies, under those 2040  
3           conditions, the same information for the 22% ICR scenario as  
4           for the 66% CCR scenario, including those regionally and  
5           locally significant road segments that are projected to be  
6           significantly impacted by the BRC and for which a service  
7           deficiency is also projected (“Impacted Segments”) and the  
8           improvements which may be anticipated by 2040 to the  
9           Impacted Segments under a 22% ICR in order to maintain the  
10          adopted level of service (LOS) targets. The road network  
11          presented in Exhibit F is a 2040 horizon year projection that  
12          will be updated periodically as set forth below in Condition  
13          5.B.(2) to reflect changing conditions in the area. This 22%  
14          ICR is to be applied only for the First Increment and will not  
15          be used with future increments or Master Traffic Study  
16          Updates.

- 17           (d) The significant impacts, roadway network, and roadway  
18           improvements identified in Exhibit F hereto are provided for  
19           comparison purposes between the ICR and CCR scenarios  
20           described above. As specified under Conditions 5.B.(2)(a),  
21           (2)(b), (2)(c), and (2)(d) below, as data from the traffic  
22           monitoring program becomes available, as specified under  
23           Conditions 5.B.(3)(a) and 5.B.(3)(b) below, this data will be

incorporated into the Master Traffic Study Updates as described in Condition 5.B.(2) below. Exhibit F will then be re-evaluated and revised as specified in Condition 5.B.(2) below.

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

(2) Master Traffic Study Updates

- (a) (1) The first update of the Master Traffic Study was approved by Resolution 2011-485 on December 13, 2011 (“Initial Master Traffic Study Update”).

The 2020 Master Traffic Study Update is hereby approved through this Master Development Order Amendment.

- (2) a. Each update of the Master Traffic Study will include a reassessment of the internal capture and external trips consistent with paragraph 5.B.(2)(a)(1) above, Trip Generation, the ITE Trip Generation Handbook, and the FDOT Site Impact Handbook, the FDOT D1 District-wide

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

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

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

21 (i) The total new trips generated by the BRC  
22 development as identified in the Master Traffic  
23 Study Update and based on accepted standard

1 methods of calculation will be reduced as  
2 identified in the sections below.

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

12 (iii) For each non-standard land use (those land  
13 uses not included in the ITE Trip Generation  
14 Handbook methodology) within each tract, the  
15 trip capture for those non-standard land uses  
16 will be discussed at the methodology meeting.

17 (iv) Using the FDOT D1 District-wide Model,  
18 applicable at that time, determine the trip  
19 capture between the individual tracts within the  
20 BRC.

21 (v) Estimate the number of pass-by trips consistent  
22 with the then most recent editions of the ITE Trip  
23 Generation Handbook, and the FDOT Site

Impact Handbook. Only those retail uses which are adjacent to the primary public roadways will be eligible for external pass-by trips. Retail that is not adjacent, whether contained internally or substantially set back without direct access to the major public roadways will be discussed at the methodology meeting.

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

(vii) In the alternative, Developer may use an alternative methodology for estimating community capture rate if reviewed and approved by FDOT, County, Lee County, and SWFRPC.

(b) (1) Due to the long term buildout of the Project (over 20 years) and potentially changing conditions in the study area, periodic updates of the Master Traffic Study are required and will use the most current, validated FDOT D1 District-wide Model in effect at the time of the commencement of the Master Traffic Study Update. After the Initial Master Traffic Study Update specified in Condition 5.B.(2)(a)(1), additional updates

1 shall be conducted and submitted no later than five (5) years  
2 after the effective date of the most recent previous update.  
3 The Developer may update the Master Traffic Study at any  
4 time during that five (5) year period. Each updated Master  
5 Traffic Study will be a complete update similar to the original  
6 Master Traffic Study and will result in a Revised Exhibit F.  
7 The Master Traffic Study Update shall consider the possibility  
8 of a new east-west transportation corridor between SR 31 and  
9 I-75, and may consider related corridor studies and  
10 interchange justification reports, as determined appropriate in  
11 the transportation methodology meeting. A transportation  
12 methodology meeting will be held with County, Lee County,  
13 the SWFRPC and FDOT prior to the conduct of each Master  
14 Traffic Study Update.

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

- 18 (c) Subsequent Increments, including phases, if applicable, will  
19 use the FDOT D1 District-wide Model or the most current,  
20 validated FDOT D1 District-wide Model in effect at the time.  
21 Two different model runs (without DRI and with DRI) will be  
22 used for each Master Traffic Study Update.

1 (d) The methodology for Master Traffic Study Updates will be  
2 coordinated through the SWFRPC and include County, Lee  
3 County and FDOT. Any amendments to the Master  
4 Development Order resulting from a Master Traffic Study  
5 Update shall be processed as an amendment. The Master  
6 Traffic Study Update process will consist of the following  
7 steps and timeframes:

8 (i) Initial informal coordination meeting to discuss and  
9 establish the appropriate methodology, between the  
10 Developer and SWFRPC, County, Lee County and  
11 FDOT.

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

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

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

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

4 (vi) If agreement cannot be reached with all the State and  
5 Regional Review agencies, the SWFRPC will  
6 designate a methodology in writing to be used by the  
7 Developer.

8 (vii) The Developer shall submit for approval the Master  
9 Traffic Study Update and revised MDO Exhibit F to the  
10 SWFRPC through the development order amendment  
11 process, for distribution to County FDOT, and Lee  
12 County.

13 (viii) Public hearings will be conducted in accordance with  
14 the County's procedures for processing development  
15 order amendments in coordination with the SWFRPC.

16 (3) Biennial Monitoring Program

17 On a biennial basis, the Developer shall submit a DRI traffic  
18 monitoring report to the following entities: County, FDOT, Lee  
19 County, and the SWFRPC. The first monitoring report shall be  
20 submitted two (2) years after the recorded date of the approval of the  
21 first AIDA Development Order, unless no buildings have been  
22 physically occupied by a permanent user. Once a building in  
23 Babcock is occupied by a permanent user the biennial traffic



1 monitoring requirement will commence. For the purposes of growth  
2 management the Biennial Monitoring will monitor the external trips  
3 generated by occupied uses in Babcock. The traffic monitoring  
4 program must include the following.

- 5 (a) 2-hour AM peak hour and 4-hour PM peak hour turning  
6 movement counts and 72-hour machine traffic counts at the  
7 BRC's access points onto the external public road network  
8 external to the Property; the 72-hour traffic counts will be  
9 derived from the permanent traffic counters installed at  
10 Babcock's ingress/egress points as described in Condition  
11 5.B.(7) below.
- 12 (b) A comparison of the field-measured Project external trips to  
13 the Project's external trips estimated in the MDO and the  
14 Incremental traffic studies.
- 15 (c) The level of service of all access points between the Project  
16 and the external road network.
- 17 (d) A summary of construction and development activities to date,  
18 using the categories of the Master Development Program.
- 19 (e) An estimate of the level of development expected to be added  
20 by the Project for the forthcoming year.
- 21 (f) The status of the mobility improvements required by any prior  
22 Incremental development program.

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

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

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

17  
18 (5) The Developer shall prepare a transit feasibility study of providing  
19 public transportation to and from Babcock at the request of County.  
20 The transit feasibility study will evaluate, among other things, the  
21 feasibility of providing public transportation, timing of the  
22 implementation of the system, system routing, vehicle type,  
23 headways, funding sources, and capital and operating costs. In an

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

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

#### C. Incremental Review.

##### (1) Incremental Review Analyses.

Development within the BRC, as identified in the AMDA, will undergo a traffic review through an incremental process with traffic studies prepared for each Increment. A transportation methodology meeting will be held with County, Lee County, FDOT, and the SWFRPC prior to initiating this study.

1 This will allow the study to address specific issues that may be related to  
2 any particular Increment. Each Incremental Traffic Study, other than the  
3 traffic studies for the initial Increment 1, will establish the trip capture rate  
4 for that Increment consistent with Condition 5.B.(2) which will determine the  
5 maximum number of PM peak hour trips external to the Property for that  
6 Incremental development program. Professionally accepted techniques  
7 and data, including FDOT's then current Site Impact Handbook (or its  
8 equivalent) and the then current Subdivision Traffic Study Guidelines for  
9 County may be considered in establishing the methodologies for the  
10 Incremental studies. If agreement cannot be reached with all the State and  
11 Regional Review agencies, the SWFRPC will designate a methodology in  
12 writing to be used by the Developer.

13  
14 As a part of this effort, a traffic study will be prepared in support of that  
15 Increment. The Project's trip capture rate, estimated number of external  
16 PM peak hour trips, traffic impacts, proportionate share of needed  
17 improvements, pipelining of the proportionate share, and mitigation will be  
18 established for each Increment. A traffic study will be prepared for each  
19 Incremental level of development. The traffic study in support of each  
20 Increment will estimate the trips external to the Property for that Incremental  
21 development program and will include the following.

- (a) Road segment evaluation of those external road segments significantly impacted by the Incremental development program for the MDO significant impact area per Exhibit "F".
- (b) Intersection evaluations of those external intersections significantly impacted by the Incremental development program.
- (c) Identification of potential roadway improvements needed to support that level of development and all area growth coincident with buildout of that Incremental development program at the BRC for the MDO significant impact area per Exhibit "F".
- (d) Identification of the Project's proportionate share of those needed roadway and intersection improvements. Proportionate share mitigation shall be limited to ensure that if Babcock meets the requirements of Section 163.3180, F.S., it shall not be responsible for the additional cost of reducing or eliminating backlogs. The project's proportionate share shall be directed (i.e. "pipelined") to one or more mobility improvements that benefit a regionally significant transportation facility. The funding of one or more required mobility improvements that will benefit a regionally significant transportation facility consistent with Section 163.3180(12), F.S., satisfies concurrency requirements as mitigation of

Babcock's impact upon the overall transportation system even if there remains a failure of concurrency on other impacted facilities.

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

(f) Each Incremental traffic study will include any previously evaluated Increment as Project traffic. Mitigation provided by any previously evaluated Increment shall be credited to the overall impact of the Project.

(g) An accounting system will be established so that if the field measured external trips at the end of the particular Increment are less than previously estimated for that Increment, the

Developer would be entitled to credits which can be used by the Developer, sold to other parties or carried over to the next Increment. Alternatively, if the actual traffic for that particular Increment is greater than previously estimated, then the Developer will be required to mitigate those additional traffic impacts as part of the then under review Increment.

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

(i) As provided in the MDO Agreement, an Incremental traffic study may consider relevant information from previously approved studies or Increments, but no Incremental review will result in a requirement to revise any element or requirement of a previously approved Increment other than the provision in item 5.C.(g) above. Conditions identified in the most recently approved Incremental Development Order or Amended Development Order will control for the purposes of transportation mitigation, unless otherwise noted in the Development Order.

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

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

- (a) Review the requested approval to verify that the development parameters of the requested approval, when combined with the parameters of any other requested approval already reviewed and approved within the Increment and reflective of any land use conversions, are consistent with the level of development evaluated during the Incremental traffic study.
- (b) Review of the requested approval to verify that the projected external trips of the requested approval, when combined with the estimated external trips of any other requested approval already reviewed and approved within the **Increment and** reflective of any land use conversions, does not exceed the external trips evaluated during the Incremental traffic study.
- (c) Review of the requested approval's access points onto the public roadway network external to the **Property to** determine if: 1) the proposed access points are consistent with the access established in the **MDO**; 2) the access point intersection will operate at acceptable levels of service coincident with the buildout of the requested approval; 3) identify needed improvements, including signalization, at the



1 access point intersections to maintain acceptable levels of  
2 service; and 4) identify the estimated turn lane storage lengths  
3 for the needed turn lanes at the access point intersections.

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

12 (4)

13 (a) The Developer's proportionate share obligation, as  
14 established per each Increment, shall be directed or pipelined,  
15 pursuant to section 163.3180(12), Florida Statutes, to one or  
16 more required mobility improvements which may or may not  
17 be a part of the AMDA roadway network, which benefit a  
18 regionally significant transportation facility and which can be  
19 funded by the Developer's proportionate share. The funding  
20 of one or more required mobility improvements that will benefit  
21 a regionally significant transportation facility consistent with  
22 Section 163.3180(12). F.S. satisfies concurrency  
23 requirements as a mitigation of Babcock's impact upon the

1 overall transportation system even if there remains a failure of  
2 concurrency on other impacted facilities.

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

19 (5) In addition to, or in the alternative to the pipelining described in  
20 provisions 5.C.(1)(d) and 5.C.(4)(a) above, the developer may also  
21 mitigate its traffic impacts pursuant to 73C-40.045, F.A.C.

22 (6) Incremental Biennial Monitoring Controls.

- 1 (a) If the biennial traffic monitoring report for any two year period  
2 reveals that the Project's field measured external trips  
3 generated by occupied land uses is 80% or more of the  
4 maximum number of external PM peak hour trips for the  
5 completed Increment(s) and the approved, but uncompleted,  
6 Increments and the occupied land uses are less than 50% of  
7 the development program approved for approved, but  
8 uncompleted, Increment(s), the Developer shall, within 90  
9 days of the date of the biennial traffic monitoring report, meet  
10 with County Public Works to determine if the most recently  
11 approved Incremental traffic study must be updated. If an  
12 updated traffic study is required, then an updated list of  
13 significantly and adversely impacted road segments and  
14 corresponding adjustments in the Increment's proportionate  
15 share which are needed to complete the most recently  
16 approved Increment will be identified in that updated study.
- 17 (b) If the biennial traffic monitoring report for any two year period  
18 reveals that the Project's field measured external trips  
19 generated by occupied land uses exceed the maximum  
20 number of external PM peak hour trips for the completed  
21 Increment(s) and the approved, but uncompleted,  
22 Increment(s), the most recently approved Incremental traffic  
23 study will be updated within 120 days of the date of the

1 biennial traffic monitoring report. For that most recently  
2 approved Increment, this may result in an updated list of  
3 significantly and adversely impacted road segments and a  
4 corresponding adjustment in the Increment's proportionate  
5 share with the additional proportionate share being directed  
6 to one or more mobility improvements as set forth in Condition  
7 5.C.(4).

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

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

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

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

14 **REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY**  
15

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

2       A.   Representations and Commitments as Conditions.

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

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

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

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

otherwise), shall be the minimum necessary for safe and efficient public accessibility between development pods.

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

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

(7) Site lighting standards will be modeled after the International Dark-Sky Association or similar guidelines. Street lighting will use mechanisms to reduce light pollution such as full shield cut-offs to prohibit light from shining upward, low intensity lighting and other acceptable techniques. Greenways, conservation areas and

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

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

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



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

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

- 22 (14) (a) To the maximum extent reasonably practicable, above-  
23 ground and underground utility lines (e.g., water, sewer,

electric, gas, telephone, cable, electronic, etc.) will be located within or adjacent to roadway corridors on the Property. Where this is not practicable, Developer shall consult with County and the pertinent utility to establish a location which minimizes to the maximum degree reasonably practicable impacts on upland enhancement and preservation areas.

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

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

(15) BRC greenways will be maintained in their natural state and kept free of refuse and debris. Category I exotic pest plants as defined by the Florida Exotic Pest Plant Council (EPPC), in effect at time of permitting, will be controlled to ninety-five percent (95%) occurrence (except for torpedo grass, *Panicum repens*, and cogon grass, *Imperata cylindrica*, that will be controlled to a ninety percent (90%) occurrence) in non-agricultural greenway areas. Category II pest plants, as defined by the Florida Exotic Pest Plant Council (EPPC),

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

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

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

16 B. Other Conditions.

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

environmental impact of pest control. Property and homeowner education will also be an IPM component within the Community.

(2) All USFWS and FWC threatened and endangered species management plans ("T&E Plans") for the documented listed species including Florida panther (*Puma concolor coryi*) (E), Florida bonneted bat (*Eumops floridanus*) (E), wood stork (*Mycteria americana*) (T), beautiful pawpaw (*Deeringothamnus pulchellus*) (E), Florida sandhill crane (*Gruscanadenis pratensis*) (T), Eastern indigo snake (*Drymarchon corais couperi*) (T), little blue heron (*Egretta caerulea*) (T), tricolored heron (*Egretta tricolor*) (T), gopher tortoise (*Gopherus polyphemus*) (T), American alligator (*Aligator mississippiensis*) (T S/A), crested caracara (*Caracara cheriway*) (T), roseate spoonbill (*Platalea ajaja*) (T), and Florida burrowing owl (*Athene cunicularia floridana*) (T) approved at the time of issuance of this Development Order are incorporated by reference herein and made a part hereof. Any additional species which are listed after the issuance of this Development Order and which are documented in an AIDA shall have a T&E Plan developed and approved by USFWS and FWC and said plan shall be incorporated by reference as a condition of the particular incremental development order.

(3) The SFWMD issued Permit Number 08-00119-P on July 6, 2006, which includes certain authorizations and permit conditions, in accordance with its jurisdiction over such matters and the Property.

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

- 12 (4) The **USACOE** issued Permit Number SAJ-1992-264(NW-TWM) on  
13 May 22, 2006, which includes certain authorizations and permit  
14 conditions, in accordance with its jurisdiction over such matters and  
15 the Property. Developer has committed to follow this permit and its  
16 conditions, which is a separate and enforceable legal document in  
17 accordance with its terms. Compliance with this permit, as it may be  
18 amended from time to time, addresses mitigation of certain impacts  
19 of the BRC development. The permit is issued under the authority  
20 of an agency other than County and, therefore, is subject to  
21 enforcement by the issuing agency. County will assist said agency,  
22 if requested, in monitoring Developer's compliance with the  
23 conditions of said permit. Developers' successors-in-interest and

1 assigns are hereby placed on notice of this permit and its application  
2 to development which they may propose to undertake within BRC.

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

17 (6) The SFWMD issued Permit No. 08-00004-S-05 (Application No.  
18 070330-5) to Developer for a conceptual ERP in accordance with its  
19 jurisdiction over such matters and the Property. Developer will follow  
20 the authorizations and permit conditions, which is a separate and  
21 enforceable legal document in accordance with its terms.  
22 Compliance with this permit, as it may be amended from time to time,  
23 addresses mitigation of certain impacts of the BRC development.

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

8           C.    Incremental Review.

9           (1)   The threatened and endangered species management plan ("T&E  
10           Plan") is that plan for threatened and endangered species provided  
11           for in the ERP and **USACOE** Permit ("ACOEP") for Babcock  
12           Charlotte, as may be amended from time to time.

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



- 1           (3)    The incremental review will include an assessment of any pertinent  
2                   information developed pursuant to a condition of the MDO which has  
3                   been developed since the MDO was issued in order to determine if  
4                   that new information shows that a change in the T&E Plan is needed  
5                   in order to provide the same level of protection, remediation, or  
6                   mitigation that is contemplated in the MDO.
- 7           (4)    Each AIDA shall identify the number of acres to be contained in the  
8                   Increment with respect to each of the following Greenway categories  
9                   and the percentage of the total of each and shall include a  
10                  companion map:
- 11                  (a)    Greenway acreage not under conservation easements
- 12                          (i)    agricultural lands
- 13                          (ii)   non-agricultural lands
- 14                  (b)    Greenway acreage under conservation easements
- 15                          (i)    wetland conservation
- 16                          (ii)   wetland enhancement
- 17                          (iii)  upland conservation
- 18                          (iv)  agriculture
- 19           (5)    Each AIDA shall identify any conservation easements over wetlands  
20                   and uplands which have been delivered.
- 21           (6)    Each AIDA shall include a copy of any wildlife survey which has been  
22                   conducted pursuant to an ERP or ACOEP since the last AIDA was  
23                   filed.

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

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

16 **REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY**  
17

## 7. WASTEWATER MANAGEMENT AND WATER SUPPLY

### A. Representations and Commitments as Conditions

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

Toilets: 1.28 gallons per flush

Shower heads: 2.5 gallons per minute

Faucets: 2.0 gallons per minute

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

- (3) Town and Country Utilities Company will distribute literature to households describing water conservation practices.

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

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

- (6) Leak Detection Program: Reports of water leaks will be directed to personnel during business hours. Site tours and routine maintenance personnel trips along water supply and distribution

lines will also be conducted. On a monthly basis, customer metered usage will be compared to the master meter reading.

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

(8) Fertilization Program: Written fertilization guidelines will be developed that establish standards for all common area fertilization and guidelines for individual property owners. The guidelines will comply with SWFRPC Resolution 2007-1 to the extent adopted by County and as it may be modified by County from time to time, except that reuse irrigation water may be applied within 25 feet of a wetland or water body. The program will be based on the results of soil samples, water sources, drainage patterns, and the landscape planned. This program will be designed to provide sufficient nutrition to sustain density and vigor for the landscape plantings intended for the Community that will enhance their resistance to disease, weeds, and insects. Education of residents and landscape maintenance contractors will be included in the program.

The program standards will include an annual schedule for applications of controlled release and slow release fertilizers. The program will also identify appropriate buffer requirements for all

1 areas on the site with respect to wetlands and all natural or created  
2 bodies of water. The above fertilization program does not eliminate  
3 the requirement of compliance with any County fertilizer ordinance.

4 (9) Various types of on-site wastewater treatment systems may be used  
5 permanently at solar generating facilities, the North Babcock Area,  
6 restroom facilities in the project's trail system, and any plant nursery,  
7 sod, or agricultural operations facilities. Pursuant to F.S.  
8 381.0065(4), as may be amended, an operating permit must be  
9 obtained prior to the use of any aerobic treatment unit or if the  
10 establishment generates commercial waste. Buildings or  
11 establishments that use an aerobic treatment unit or generate  
12 commercial waste will be subject to annual inspections by the State  
13 Department of Health to assure compliance with the terms of the  
14 operating permit. Any currently permitted uses of such systems may  
15 continue pursuant to existing, modified, and renewed permits.

16 (10) On-site wastewater treatment systems may be utilized at selected  
17 locations such as construction trailers, sales centers, and other non-  
18 residential facilities where centralized sewer is not currently  
19 available. Each of these non-permanent systems must be licensed  
20 as in paragraph (9) above and may continue to be used for five (5)  
21 years from the date of installation of each system and thereafter must  
22 be abandoned in accordance with state and County regulations.  
23 Notwithstanding the foregoing, models, sales centers and associated

1 construction trailers may be extended on an annual basis as needed  
2 and such consent by County shall not be unreasonably withheld.

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

6 B. Other Conditions.

- 7 (1) The proposed water treatment and distribution and wastewater  
8 collection and treatment systems will be designed consistent with  
9 current industry standards in Southwest Florida.

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

- 14 (3) The lowest quality of water available and acceptable should be  
15 utilized for all non-potable water uses.

- 16 (4) Irrigation systems for new construction will comply with County's  
17 irrigation and landscaping ordinance, as may be amended from time  
18 to time.

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

- 21 (6) SFWMD issued Permit Number 08-00122 W, in October 2007, which  
22 includes certain authorizations and permit conditions, in accordance  
23 with its jurisdiction over such matters and the Property. Developer

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

- 12 (7) Developer may apply for a permit(s) from the SFWMD for non-  
13 potable (landscape irrigation) withdrawals, in accordance with its  
14 jurisdiction over such matters and the Property. Upon issuance,  
15 Developer will follow the authorizations and permit conditions, which  
16 will be a separate and enforceable legal document in accordance  
17 with its terms. Compliance with this permit, as it may be amended  
18 from time to time, will address mitigation of certain impacts of BRC  
19 development. Such permit will be issued under the authority of an  
20 agency other than County and, therefore, shall be subject to  
21 enforcement by the issuing agency. County will assist said agency,  
22 if requested, in monitoring Developer's compliance with the  
23 conditions of said permit. Developers' successors-in-interest and

1 assigns are hereby placed on notice of this permit application and its  
2 potential application to development which they may propose to  
3 undertake within BRC.

4 C. Incremental Review.

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

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

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

11 (4) Each AIDA shall identify the service provider and the type(s) of  
12 wastewater treatment system(s) to be used in the Increment and  
13 their duration(s) of use.

14 (5) Wastewater treatment options in the North Babcock Area may  
15 include decentralized facilities.

16  
17 **REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY**  
18



1   **8.    HISTORICAL AND ARCHEOLOGICAL SITES**

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

3       B.   Other Conditions.

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

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

20          (3)   By the end of the second DRI Increment, Developer will establish a  
21               permanent display of the history of the Babcock Ranch, including but  
22               not limited to the railroad and telegraph facilities.

23       C.   Incremental Review. – None.

1  
2

**REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY**

1   **9.   EDUCATION**

2       A.   Representations and Commitments as Conditions.

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

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

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

18       **REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY**  
19

**10. POLICE AND FIRE [NOTE SUBJECT TO CHANGE based upon Ex D discussions]**

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

- (1) Developer or District shall construct the shells of the law enforcement and fire/rescue buildings. The term “shell” means site preparation, foundations, laying of all utilities, exterior building structural components (including all exterior windows and doors), interior unfinished load-bearing walls and floors, stairs, elevators, and general building MEPF (mechanical, electrical, plumbing, and fire) systems, but not including MEPF systems specific to a floor plan layout. The building shells may be constructed in phases. The building shells shall be completed by Developer or District and turned over to County on the schedule set forth in Exhibit “D” attached hereto. Until the turnover to County, Developer or District shall be responsible for maintenance of the building shells and the associated building landscaping and any costs of operations elected by Developer or District to be incurred prior to said turnover(s). If the Developer or the District elects to operate any such buildings prior to turnover to County, County will consider an operational contract with District. The Developer or District shall be reimbursed from the impact fees, but only up to the amount of the impact fees collected from the Development (not including any interest earned by County), for the design and construction costs of those buildings and the costs

1 of all associated infrastructure; i.e., water, sewer, paving, drainage,  
2 landscaping, lighting, signage, etc. (collectively the "Costs"), but not  
3 for the sites. Developer or District shall be reimbursed by County  
4 from funds other than impact fees collected from the Development  
5 for the Costs of any portion of a building requested by County which  
6 is in excess of that required by County standards to satisfy the  
7 demand for the building created by the Development Program.

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

12 B. Other Conditions.

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

Site acreages are net developable acres exclusive of jurisdictional wetlands and listed species habitat areas. The Sheriff's facility will be co-located within a central fire/rescue building on a 5.75 acre site. Any additional acres requested by County for such operations will be subject to payment by County pursuant to a purchase contract negotiated between Developer and County.

(4) The Developer has provided an interim fully operational double-wide trailer as the first Sheriff's Sub-Station pursuant to the schedule in Exhibit "D".

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

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

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

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

### C. Incremental Review.

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

2           **REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY**

3

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

A. Representations and Commitments as Conditions. – None.

B. Other Conditions.

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

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

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

(4) Any business within the BRC that generates hazardous waste will be responsible for the temporary storage, siting and proper disposal of the hazardous waste generated by such business. However, there will be no siting of hazardous waste storage facilities contrary to the County zoning regulations. There shall be no disposal of hazardous waste within the BRC.



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

1       C.    Incremental Review.

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

7       **REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY**  
8

12. **AIR**

A. Representations and Commitments as Conditions.

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

B. Other Conditions.

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

C. Incremental Review. – None.

**REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY**

1 **13. HURRICANE PREPAREDNESS**

2 A. Representations and Commitments as Conditions.

3 The Developer or District will build the shells of community center civic  
4 buildings and certain portions of public school buildings on the Property that  
5 will be used as shelters to hurricane building standards per local, state,  
6 and/or federal standards, as applicable.

7 B. Other Conditions.

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

15  
16 C. Incremental Review. – None.

17 **REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY**  
18

14. **OPEN SPACE, PARKS, AND LIBRARY [NOTE SUBJECT TO CHANGE based upon Exhibit D discussions]**

A. Representations and Commitments as Conditions.

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

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

1 by the issuance of the 500<sup>th</sup> dwelling unit certificate of occupancy  
2 within each of the neighborhoods.

3 (3) One site totaling 7 acres will be dedicated for a library. Site acreage  
4 is net developable acres exclusive of jurisdictional wetlands and  
5 listed species habitat. Developer or District shall be required to fund  
6 the construction of a 24,000 square foot library shell building. The  
7 County may desire to construct a library facility totaling 40,000  
8 square feet. The County and the Developer or District agree to  
9 cooperate with respect to the design, construction and funding of this  
10 library facility. Developer or District shall fund the library shell  
11 building costs for 24,000 square feet and the County shall fund the  
12 construction of the library shell building costs for 16,000 square feet,  
13 in addition to the construction completion of the library facility herein.  
14 Phase I of the library **is** to be provided by the issuance of the 10,000<sup>th</sup>  
15 dwelling unit certificate of occupancy, and Phase II of the library **is** to  
16 be provided by the issuance of the 15,000<sup>th</sup> dwelling unit certificate  
17 of occupancy as shown on the schedule in Exhibit "D".

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

20 (5) Developer or District shall construct the shells of the public purpose  
21 buildings (including park and library facilities). The term "shell"  
22 means site preparation, foundations, laying of all utilities, exterior  
23 building structural components (including all exterior windows and

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

standards to satisfy the demand for the building created by the Development Program.

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

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

B. Other Conditions.

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

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

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

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

(iv) All plants listed on the Florida Exotic Pest Plant Council's List of Invasive Plant Species Category I and II, are prohibited for use as landscaping material.

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



1 and Standards for Nursery Plants Florida Department of  
2 Agriculture and Consumer Services, Tallahassee, Florida.

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

5 (3) The parks and library buildings shall be completed, staffed, and  
6 opened by County on the schedule shown on Exhibit "D" attached  
7 hereto.

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

12 (5) All parks and library impact fees collected from the Development (not  
13 including any interest earned by County) shall be provided to  
14 Developer or District in the form of reimbursements.

15 (6) The common recreational areas and common open spaces will be  
16 maintained by either a master property owner's association, a  
17 neighborhood association, a condominium association, the District,  
18 or a Chapter 190 Community Development District.

19 (7) Vegetated upland areas within conservation areas will be part of the  
20 extensive recreational open space system of BRC.

1       C.    Incremental Review.

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

5           (2)    Each AIDA shall include an updated Exhibit “D” schedule.

6       **REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY**  
7

1   **15.   HOSPITALS AND HEALTHCARE**

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

3       B.   Other Conditions.

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

6       C.   Incremental Review.

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

10       **REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY**

1   **16.   ENERGY**

2       A.   Representations and Commitments as Conditions.

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

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

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

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

19          (5)   Lighting for streets, parking, recreation and other public areas should  
20              include energy efficient fluorescent/electronic ballasts, photovoltaics,  
21              low voltage lighting, motion sensors and/or timers on lighting and full  
22              cut-off luminaries in fixtures that comply with the International Dark-  
23              Sky Association standards.

(6) Water closets will have a maximum water usage of 1.28 gallons/flush. Showerheads and faucets will have a maximum flow rate of 2.5 gallons/minute at 80 psi water pressure. Faucet aerators will limit flow rates to 0.5 gallons per minute.

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

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

B. Other Conditions.

(1) Commercial and residential buildings shall comply with the Florida Energy Efficiency Code for Building Construction.

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

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

C. Incremental Review. – None.

**REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY**

1 **17. MINING OPERATIONS**

2 A. Representations and Commitments as Conditions.

3 Due to the fact that mining operations have been phased out, mining lakes  
4 will be properly reclaimed pursuant to applicable permits.

5 B. Other Conditions. – None.

6 C. Incremental Review. – None.

7 **REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY**  
8

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

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

4 **19. BIENNIAL REPORTS**

5 The Developer, or its successor(s)-in-title to the undeveloped portions of the  
6 Property, must submit a biennial report to the County. The Developer must inform  
7 successors-in-title to any undeveloped portion of the real property covered by this  
8 development order of this reporting requirement.

9 **20. CHANGED CONDITIONS**

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

15 **21. COMPLIANCE MONITORING**

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

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

21 Pursuant to Subsection 380.06(15)(c)3, Florida Statutes, this project is exempt  
22 from downzoning, intensity reduction, or unit density reduction until May 8, 2043, unless  
23 County can demonstrate that substantial changes in the conditions underlying the

approval of the development order have occurred or the development order was based on substantially inaccurate information provided by the Developer or that the change is clearly established by local government to be essential to the public health, safety, or welfare.

**23. COMMENCEMENT OF DEVELOPMENT**

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

**24. PROJECTED BUILDOUT**

The project is being built in Increments. Buildout of the final Increment is projected to occur on or about **May 24, 2050** ("Buildout Date").

**25. EXPIRATION DATE**

The expiration date for this Development Order is **November 21, 2051**.

**26. DEVELOPMENT PERMITS**

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

A. A substantial deviation from the terms or conditions of this development order, a failure to carry out conditions, commitments or mitigation measures to the extent set forth herein or consistent with the timing schedules specified herein or substantial deviation from the approved development plans which create a reasonable likelihood of



1 additional regional impacts or other types of regional impacts which were not previously  
2 reviewed by the SWFRPC; or

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

4 **27. GENERAL PROVISIONS**

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

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

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

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

19 D. If there is a conflict between a provision in this development order and a  
20 provision in an ERP, a Consumptive Use Permit ("CUP"), a FDEP 404 Permit, or ACOEP,  
21 the provision in the ERP, CUP, FDEP 404 Permit, or ACOEP shall prevail.

22 E. In the event that any portion or section of this development order is  
23 determined to be invalid, illegal, or unconstitutional by a court or agency of competent

1 jurisdiction, such decision shall in no manner, affect the remaining portions of this  
2 development order which shall remain in full force and effect.

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

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

6 H. This Resolution shall be recorded in the Minutes of the Board.

7 **REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY**  
8

1 PASSED AND DULY ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2021  
2  
3

4 BOARD OF COUNTY COMMISSIONERS  
5 OF CHARLOTTE COUNTY, FLORIDA  
6  
7

8 By: \_\_\_\_\_  
9 William G. Truex, Chairman  
10

11 ATTEST:  
12 Roger D. Eaton, Clerk of the Circuit Court  
13 and Ex-Officio Clerk to the  
14 Board of County Commissioners  
15  
16

17 By: \_\_\_\_\_  
18 Deputy Clerk  
19  
20

21 APPROVED AS TO FORM  
22 AND LEGAL SUFFICIENCY:  
23  
24

25 By: \_\_\_\_\_  
26 Janette S. Knowlton, County Attorney  
27  
28

**EXHIBITS**

1		
2	Exhibit A	Legal Description
3	Exhibit B	Master Concept Plan (Map H)
4	Exhibit C	Questions to be addressed in AIDAs
5	Exhibit D	Updated Summary of Land Dedications and Facilities
6		Construction
7	Exhibit E	RESERVED
8	Exhibit F	Master (Buildout 2040) Roadway Network with Initial
9		Internal Capture Rate – 22% and with Developer’s
10		Estimated Community Capture Rate – 71%

**EXHIBIT A****Legal Description****CHARLOTTE COUNTY PARCEL:**

A parcel of land lying within Sections 29, 31 through 33, Township 41 South, Range 26 East, AND, Sections 4 through 10, Sections 15 through 17 and Sections 19 through 36, Township 42 South, Range 26 East, Charlotte County, Florida, being more particularly described as follows:

Commence at the Southwest corner of Section 31, Township 42 South, Range 26 East and run S89°41'45"E, along the South line of said Section 31, a distance of 50.00 feet to a point on the East right-of-way line of State Road No. 31, sold point also being the Point of Beginning of the parcel of land herein described; Thence continue S89°41'45"E a distance of 5,189.75 feet to the Southwest corner of Section 32, Township 42 South, Range 26 East; Thence S89°41'45"E a distance of 5,306.08 feet to the Southeast corner of Section 32, Township 42 South, Range 26 East; Thence S89°37'16"E a distance of 5,289.11 feet to the Southwest corner of Section 34, Township 42 South, Range 26 East; Thence S89°38'44"E a distance of 5,294.60 feet to the Southeast corner of Section 34, Township 42 South, Range 26 East; Thence S89°35'44"E a distance of 5,294.60 feet to the Southwest corner of Section 36, Township 42 South, Range 26 East; Thence S89°35'44"E, along the South line of Section 36, Township 42 South, Range 26 East, a distance of 3,430.56 feet; Thence N00°00'40"W a distance of 10,185.53 feet; Thence N05°46'23"E a distance of 1,058.56 feet; Thence N66°40'38"W a distance of 200.62 feet; Thence S83°12'47"W a distance of 1,373.33 feet; Thence N30°17'33"W a distance of 1,686.63 feet; Thence N70°02'41"W a distance of 1,332.41 feet; Thence S72°42'44"W a distance of 1,430.81 feet; Thence N49°18'31"W a distance of 2,362.25 feet; Thence S69°00'57"W a distance of 1,518.19 feet; Thence S21°08'17"W a distance of 865.44 feet; Thence S20°29'11"E a distance of 1,376.91 feet; Thence N74°38'25"E a distance of 1,635.69 feet; Thence S00°18'50"E a distance of 1,309.92 feet; Thence S89°45'02"W a distance of 4,154.48 feet; Thence N51°39'36"W a distance of 782.53 feet; Thence N04°14'12"E a distance of 1,329.59 feet; Thence N39°20'59"W a distance of 1,779.16 feet; Thence N42°01'35"W a distance of 1,162.94 feet; Thence S52°01'16"W a distance of 818.34 feet; Thence S62°56'46"W a distance of 516.42 feet; Thence S89°59'33"W a distance of 307.20 feet; Thence N80°06'18"W a distance of 334.84 feet; Thence N20°54'51"W a distance of 336.86 feet; Thence N05°03'05"E a distance of 533.35 feet; Thence N22°47'49"E a distance of 5,490.82 feet; Thence N55°42'26"E a distance of 195.73 feet; Thence N21°59'06"W a distance of 1,739.17 feet; Thence N52°37'58"E a distance of 867.75 feet; Thence N13°36'57"W a distance of 2,507.33 feet; Thence S78°50'16"W a distance of 687.85 feet; Thence N19°48'25"W a distance of 366.25 feet; Thence N08°01'21"W a distance of 493.32 feet; Thence N03°43'40"E a distance of 475.20 feet; Thence N00°28'20"E a distance of 674.51 feet; Thence N25°12'33"W a distance of 261.13 feet; Thence N42°54'55"W a distance of 643.19 feet; Thence N07°19'37"W a distance of 171.40 feet; Thence N13°05'30"E a distance of 201.96 feet; Thence N32°40'01"W a distance of 186.12 feet; Thence N05°04'15"W a distance of 1,832.77 feet; Thence N19°47'08"W a distance of 527.20 feet; Thence N26°13'22"W a distance of 802.13 feet; Thence S79°06'55"W a distance of 475.20 feet; Thence N74°19'19"W a distance of 1,689.05 feet; Thence N01°26'06"W a distance of 897.42 feet; Thence N89°51'42"W a distance of 67.91 feet; Thence N00°00'03"W a distance of 1,218.37 feet; Thence N39°50'11"W a distance of 190.86 feet; Thence N00°00'29"W a distance of 324.62 feet; Thence N89°59'52"W a distance of 688.20 feet; Thence N00°00'00"E a distance of 1,967.22 feet; Thence N41°13'25"W a distance of 2,825.17 feet; Thence S89°59'57"W a distance of 3,566.80 feet; Thence S00°00'03"E a distance of 2,799.34 feet; Thence S89°11'17"W a distance of 5,960.98 feet to a point on the East right-of-way line for State Road No. 31; Thence along the East right-of-way line for State Road No. 31, the following courses and distances: S00°48'43"E a distance of 2,976.13 feet and S00°34'01"W a distance of 786.25 feet; Thence S89°25'59"E a distance of 4,104.32 feet; Thence S00°01'22"E a distance of 2,084.04 feet; Thence S16°46'15"E a distance of 1,740.24 feet; Thence S09°11'59"W a distance of 1,325.85 feet; Thence S73°15'18"E a distance of 861.15 feet; Thence N59°20'29"E a distance of 577.75 feet; Thence S38°10'48"E a distance of 551.46 feet; Thence S86°25'58"E a distance of 385.80 feet; Thence S24°01'11"E a distance of 975.12 feet; Thence S57°46'34"E a distance of 530.20 feet; Thence S70°04'12"E a distance of 1,843.47 feet; Thence N63°01'21"E a distance of 1,214.99 feet; Thence S50°03'22"E a distance of 2,565.56 feet; Thence S13°56'09"W a distance of 1,953.90 feet; Thence S12°51'59"E a distance of 1,862.33 feet; Thence S71°59'01"W a distance of 448.53 feet; Thence N45°00'57"W a distance of 266.60 feet; Thence S89°50'23"W a distance of 1,104.27 feet; Thence S28°10'55"E a distance of 1,272.60 feet; Thence S62°45'03"W a distance of 4,638.30 feet; Thence S82°12'01"W a distance of 711.48 feet; Thence S81°38'00"W a distance of 5,167.82 feet; Thence N77°54'41"W a distance of 707.32 feet; Thence N89°28'15"W a distance of 299.98 feet to a point on the East right-of-way line for State Road No. 31; Thence along the East right-of-way line for State Road No. 31, the following courses and distances: S00°31'45"W a distance of 4,197.71 feet, S00°28'10"W a distance of 5,282.33 feet and S00°36'46"W a distance of 5,337.00 feet to the Point of Beginning.

Containing 13,630.60 acres, more or less.

Dimensions and acreage shown are grid values.

Bearings hereinabove mentioned are based on the South line of Section 31, Township 42 South, Range 26 East to bear S89°41'45"E.

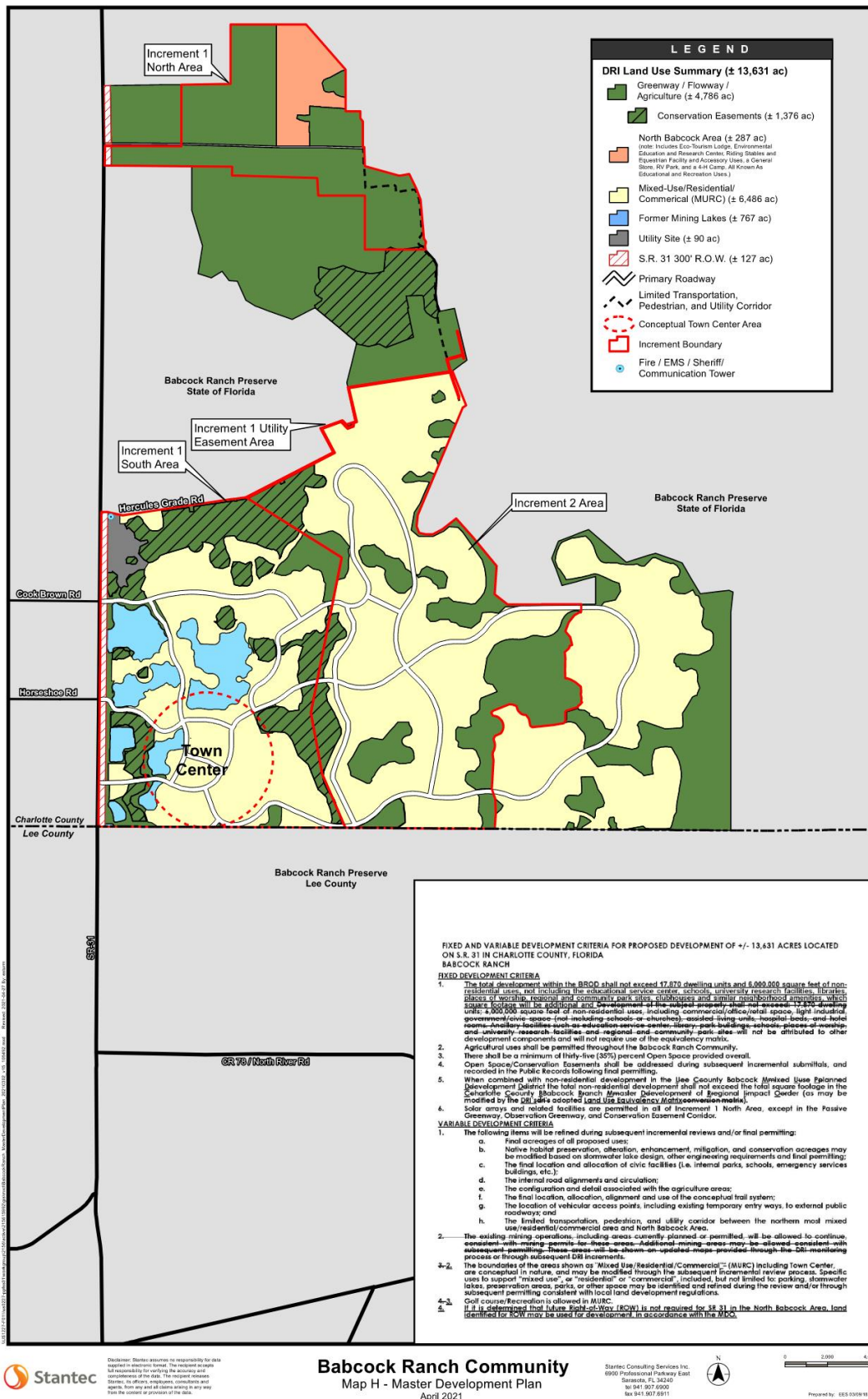
S:\20056201-01\Charlotte-Sketch and Description.dwg (11x14-P (3)) sp Oct 23, 2007 - 7:58am

**JOHNSON**  
ENGINEERING

251 WEST HICKPOCHEE AVENUE  
LABELL, FLORIDA 33935  
PHONE (863) 612-0594  
FAX (863) 612-0341  
E.B. #842 & L.B. #642

Babcock Ranch Community  
Sketch Of Description

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
January 2007	20055693-602	31-42-26	As Shown	3

**EXHIBIT B****(Master Concept Plan – Map H)**

**EXHIBIT B**

**(Expanded Fixed and Variable Criteria depicted on B-1 Master Concept Plan – Map H)**

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

**FIXED DEVELOPMENT CRITERIA**

1. **The total development within the BROD shall not exceed 17,870 dwelling units and 6,000,000 square feet of non-residential uses, not including the educational service center, schools, university research facilities, libraries, places of worship, regional and community park sites, clubhouses and similar neighborhood amenities, which square footage will be additional and will not be attributed to other development components and will not require use of the equivalency matrix.**
2. **Agricultural uses shall be permitted throughout the Babcock Ranch Community.**
3. **There shall be a minimum of thirty-five (35%) percent Open Space provided overall.**
4. **Open Space/Conservation Easements shall be addressed during subsequent incremental submittals, and recorded in the Public Records following final permitting.**
5. **When combined with non-residential development in the Lee County Babcock Mixed Use Planned Development District, the total non-residential development shall not exceed the total square footage in the Charlotte County Babcock Ranch Master Development of Regional Impact Development Order (as may be modified by the DRI's adopted Land Use Equivalency Matrix).**
6. **Solar arrays and related facilities are permitted in all of Increment 1 North Area, except in the Passive Greenway, Observation Greenway, and Conservation Easement Corridor.**

**VARIABLE DEVELOPMENT CRITERIA**

1. **The following items will be refined during subsequent incremental reviews and/or final permitting:**
  - a. **Final acreages of all proposed uses;**
  - b. **Native habitat preservation, alteration, enhancement, mitigation, and conservation acreages may be modified based on stormwater lake design, other engineering requirements and final permitting;**

**EXHIBIT B****(Expanded Fixed and Variable Criteria depicted on B-1 Master Concept Plan – Map H)**

- c. The final location and allocation of civic facilities (i.e. internal parks, schools, emergency services buildings, etc.);
  - d. The internal road alignments and circulation;
  - e. The configuration and detail associated with the agriculture areas;
  - f. The final location, allocation, alignment and use of the conceptual trail system;
  - g. The location of vehicular access points, including existing temporary entry ways, to external public roadways; and
  - h. The limited transportation, pedestrian, and utility corridor between the northern most mixed use/residential/commercial area and North Babcock Area.
2. The boundaries of the areas shown as "Mixed Use/Residential/Commercial" (MURC) including Town Center, are conceptual in nature, and may be modified through the subsequent incremental review process. Specific uses to support "mixed use" "residential" or "commercial", included, but not limited to: parking, stormwater lakes, preservation areas, parks, or other space may be identified and refined during the review and/or through subsequent permitting consistent with local land development regulations.
  3. Golf course/Recreation is allowed in MURC.
  4. If it is determined that future Right-of-Way (ROW) is not required for SR 31 in the North Babcock Area, land identified for ROW may be used for development, in accordance with the MDO.



## **EXHIBIT C**

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

### **AMDA and AIDA Questionnaire Responses**

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

**EXHIBIT C****AMDA and AIDA Questionnaire Responses, (continued)**

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

**EXHIBIT D (UPDATE TO BE PROVIDED DURING SUFFICIENCY  
REVIEW)**

## EXHIBIT F

# Master (Buildout 2040) Roadway Network with Initial Internal Capture Rate – 22% and with Developer's Estimated Community Capture Rate – 71%

EXHIBIT F							
BABCOCK RANCH COMMUNITY MASTER TRAFFIC STUDY UPDATE (2020)							
MASTER (BUILDOUT - 2040) ROADWAY NETWORK							
			Page 1 of 2				
				(1)			
Initial Internal Capture Rate - 22%							
(Transportation Condition B.(1)(c))							
SIGNIFICANTLY IMPACTED ROADWAYS				(2)		(3)	(3)
Roadway	From	To	ADVERSE IMPACTS	TRANSPORTATION DEFICIENT	E+C # OF LANES	RECOMMENDED IMPROVEMENTS # OF LANES	PROJECT-RELATED IMPROVEMENTS # OF LANES
Charlotte County			"Y" = Yes, "-" = No or Not Applicable				
SR 31 (Babcock Ranch Pkwy.)	Lee County Line	Cypress Pkwy.	Y	--	2	Widen From 2L to 10L	Widen From 2L to 10L
	Lake Babcock Dr.	Cook Brown Rd.	Y	--	2	Widen From 2L to 6L	Widen From 2L to 6L
	Cook Brown Rd.	CR 74	Y	--	2	Widen From 2L to 4L	Widen From 2L to 4L
	CR 74	DeSoto County Line	Y	--	2	Widen From 2L to 4L	Widen From 2L to 4L
DeSoto County							
SR 31	Charlotte County Line	CR 763 (Farm Rd.)	Y	--	2	Widen From 2L to 4L	Widen From 2L to 4L
	CR 763 (Farm Rd.)	CR 760 A	Y	--	2	Widen From 2L to 4L	Widen From 2L to 4L
	CR 760 A	N. of CR 760	Y	--	2	Widen From 2L to 4L	Widen From 2L to 4L
	N. of CR 760	SR 70	Y	--	2	Widen From 2L to 4L	Widen From 2L to 4L
Lee County							
Broadway St. (Alva)	SR 80	North River Rd.	Y	Y	2	Widen From 2L to 4L	None
Buckingham Rd.	Gunnery Rd.	Cemetery Rd.	Y	--	2	Widen From 2L to 4L	Widen From 2L to 4L
	Cemetery Rd.	Orange River Blvd.	Y	Y	2	Widen From 2L to 4L	None
	Orange River Blvd.	SR 80	Y	Y	2	Widen From 2L to 4L	None
Gunnery Rd.	Lee Blvd.	Buckingham Rd.	Y	Y	2	Widen From 2L to 4L	None
Joel Blvd.	18th St.	SR 80	Y	Y to 4L	(2L) 2	Widen From 2L to 6L	Widen From 4L to 6L
Littleton Rd.	Corbett Rd.	US 41	Y	Y	2	Widen From 2L to 4L	None
N. River Rd.	SR 31	Franklin Lock Rd.	Y	--	2	Widen From 2L to 4L	Widen From 2L to 4L
	Franklin Lock Rd.	Broadway Rd.	Y	--	2	Widen From 2L to 4L	Widen From 2L to 4L
Orange River Blvd.	SR 80	Staley Rd.	Y	Y	2	Widen From 2L to 4L	None
Ortiz Ave.	Colonial Blvd.	SR 82	Y	Y	2	Widen From 2L to 4L	None
	SR 82	Lockett Rd.	Y	Y	2	Widen From 2L to 4L	None
SR 884 (Colonial Blvd.)	CR 865/Ortiz Ave.	I-75	Y	Y to 10L	(6L) 6	Widen From 6L to 12L	Widen From 10L to 12L
SR 80 WB (First St.)	SR 739/US 41 Bus (Fowler St.)	SR 80/Seaboard St.	Y	Y	2	Widen From 2L to 4L	None
SR 80 (Palm Beach Blvd.)	SR 80/Seaboard St.	Veronica Shoemaker Blvd.	Y	--	4	Widen From 4L to 6L	Widen From 4L to 6L
	Veronica Shoemaker Blvd.	CR 80B (Ortiz Ave.)	Y	--	4	Widen From 4L to 6L	Widen From 4L to 6L
	I-75	SR 31 (Babcock Ranch Rd.)	Y	--	6	Widen From 6L to 8L	Widen From 6L to 8L
	SR 31 (Babcock Ranch Rd.)	CR 80A/Buckingham Rd.	Y	Y	4	Widen From 4L to 6L	None
	Broadway St/CR 78	CR 884 (Joel Blvd.)	Y	--	4	Widen From 4L to 6L	Widen From 4L to 6L
SR 80 EB (SR 80/Second St.)	SR 739 (Fowler St.)	SR 739 (Park Ave.)	Y	--	2	Widen From 2L to 4L	Widen From 2L to 4L
	SR 739 (Park Ave.)	SR 80 (Palm Beach Blvd.)	Y	Y	2	Widen From 2L to 4L	None
SR 78 (Pine Island Rd.)	Del Prado Blvd.	W. of CR 78A/Pondella Rd.	Y	Y	4	Widen From 4L to 6L	None
	W. of CR 78A/Pondella Rd.	SR 45/US 41 (Cleveland Ave.)	Y	Y	4	Widen From 4L to 6L	None
SR 78 (Bayshore Rd.)	SR 45/US 41 (Cleveland Ave.)	NewPost Rd./Hart Rd.	Y	Y to 6L	(4L) 4	Widen From 4L to 8L	Widen From 6L to 8L
	NewPost Rd./Hart Rd.	W. of Willow Stream Ln.	Y	Y to 6L	(4L) 4	Widen From 4L to 8L	Widen From 6L to 8L
	W. of Willow Stream Ln.	W. of Pritchett Pkwy.	Y	Y to 6L	(4L) 4	Widen From 4L to 8L	Widen From 6L to 8L
	W. of Pritchett Pkwy.	Pritchett Pkwy.	Y	--	4	Widen From 4L to 6L	Widen From 4L to 6L
	Pritchett Pkwy.	Old Bayshore Rd.	Y	Y	2	Widen From 2L to 4L	None
	Old Bayshore Rd.	SR 31	Y	--	2	Widen From 2L to 4L	Widen From 2L to 4L
SR 93A-75	SR 884/Colonial Blvd.	SR 82/Immokalee Rd.	Y	--	6	Widen From 6L to 8L	Widen From 6L to 8L
SR 93A-75	SR 82/Immokalee Rd.	Lockett Rd.	Y	--	6	Widen From 6L to 8L	Widen From 6L to 8L
SR 31 (Babcock Ranch Rd.)	SR 80	SR 78	Y	Y to 4L	(2L) 2	Widen From 2L to 8L	Widen From 4L to 8L
	SR 78	Old Rodeo Dr.	Y	Y to 4L	(2L) 2	Widen From 2L to 10L	Widen From 4L to 10L
	Old Rodeo Dr.	CR 78/N. River Rd.	Y	Y to 4L	(2L) 2	Widen From 2L to 10L	Widen From 4L to 10L
	CR 78/N. River Rd.	Shirley Ln.	Y	Y to 4L	(2L) 2	Widen From 2L to 12L	Widen From 4L to 12L
	Shirley Ln.	Fox Hill Rd.	Y	Y to 4L	(2L) 2	Widen From 2L to 12L	Widen From 4L to 12L
	Fox Hill Rd.	Busbee Ln.	Y	Y to 4L	(2L) 2	Widen From 2L to 10L	Widen From 4L to 10L
	Busbee Ln.	Charlotte County Line	Y	--	2	Widen From 2L to 10L	Widen From 2L to 10L

<b>EXHIBIT F (Continued)</b>						
<b>BABCOCK RANCH COMMUNITY MASTER TRAFFIC STUDY UPDATE (2020)</b>						
<b>MASTER (BUILDOUT - 2040) ROADWAY NETWORK</b>						
			Page 2 of 2			
					(4)	
<b>Developer's Estimated Community Capture Rate - 66%</b>						
<b>(Transportation Condition B.(1)(b))</b>						
<b>SIGNIFICANTLY IMPACTED ROADWAYS</b>				(2)	(3)	(3)
			<b>ADVERSE IMPACTS</b>	<b>TRANSPORTATION DEFICIENT</b>	<b>E+C # OF LANES</b>	<b>RECOMMENDED IMPROVEMENTS # OF LANES</b>
<b>Roadway</b>	<b>From</b>	<b>To</b>				<b>PROJECT-RELATED IMPROVEMENTS # OF LANES</b>
<b>Charlotte County</b>			<b>"Y" = Yes, "-" = No or Not Applicable</b>			
SR 31 (Babcock Ranch Pkwy.)	Lee County Line	Cypress Pkwy.	Y	--	2	Widen From 2L to 6L (5)
	Cypress Pkwy.	Lake Babcock Dr.	Y	--	2	Widen From 2L to 4L (5)
	Lake Babcock Dr.	Cook Brown Rd.	Y	--	2	Widen From 2L to 4L (5)
	Cook Brown Rd.	CR 74	Y	--	2	Widen From 2L to 4L
<b>Lee County</b>			<b>"Y" = Yes, "-" = No or Not Applicable</b>			
Broadway St.	SR 80	North River Rd.	Y	Y	2	Widen From 2L to 4L
Buckingham Rd.	Cemetery Rd.	Orange River Blvd.	Y	Y	2	Widen From 2L to 4L
	Orange River Blvd.	SR 80	Y	Y	2	Widen From 2L to 4L
Gunnery Rd.	Lee Blvd.	Buckingham Rd.	Y	Y	2	Widen From 2L to 4L
Joel Blvd.	18th St.	SR 80	Y	Y	2	Widen From 2L to 4L
Orange River Blvd.	SR 80	Staley Rd.	Y	Y	2	Widen From 2L to 4L
SR 80 WB (First St.)	SR 739/US 41 Bus (Fowler St.)	SR 80/Seaboard St.	Y	Y	2	Widen From 2L to 4L
SR 80 (Palm Beach Blvd.)	SR 31 (Babcock Ranch Rd.)	CR 80A/Buckingham Rd.	Y	Y	4	Widen From 4L to 6L
SR 80 EB (Second St.)	SR 739 (Park Ave.)	SR 80 (Palm Beach Blvd.)	Y	Y	2	Widen From 2L to 4L
SR 78 (Pine Island Rd.)	W. of CR 78A/Pondella Rd.	SR 45/US 41 (Cleveland Ave.)	Y	Y	4	Widen From 4L to 6L
SR 78 (Bayshore Rd.)	SR 45/US 41 (Cleveland Ave.)	New Post Rd./Hart Rd.	Y	Y	4	Widen From 4L to 6L
	New Post Rd./Hart Rd.	W. of Willow Stream Ln.	Y	Y	4	Widen From 4L to 6L
	W. of Willow Stream Ln.	W. of Pritchett Pkwy.	Y	Y	4	Widen From 4L to 6L
	Pritchett Pkwy.	Old Bayshore Rd.	Y	Y	2	Widen From 2L to 4L
SR 31 (Babcock Ranch Rd.)	SR 80	SR 78	Y	Y	2	Widen From 2L to 4L
	SR 78	Old Rodeo Dr.	Y	Y	2	Widen From 2L to 4L
	Old Rodeo Dr.	CR 78/N. River Rd.	Y	Y	2	Widen From 2L to 4L
	CR 78/N. River Rd.	Shirley Ln.	Y	Y	2	Widen From 2L to 4L
	Shirley Ln.	Fox Hill Rd.	Y	Y	2	Widen From 2L to 4L
	Fox Hill Rd.	Busbee Ln.	Y	Y	2	Widen From 2L to 4L
	Busbee Ln.	Charlotte County Line	Y	--	2	Widen From 2L to 6L (5)
<b>Footnotes:</b>						
(1) Roadway Network based on initial internal capture rate of 22% as mandated by the review agencies. Subject to adjustment based on Master Traffic Study Updates per Master Development Order. Per AMDA Development Order, initial capture rate of 22% controls for first increment and subsequent increment until such time that Exhibit F is revised and updated.						
(2) Transportation Deficient facilities as defined in Chapter 163.3180, F.S.						
(3) Recommended and Project-Related improvements are presented for information purpose only. Transportation mitigation assessment is not applicable at the Master DRI level. All transportation mitigation are assessed at the Incremental DRI level.						
(4) Roadway Network based on Developer's estimated community capture rate (Daily = 70%, Peak Hour = 66%) of a new town. Subject to adjustment based on Master Traffic Study Updates per Master Development Order.						
(5) Per FDOT SR 31 SEIR/PD&E Study						



## MDO CHANGES:

- In "Whereas" Clauses, update WilsonMiller, Inc. to Stantec Consulting Services Inc.
- In "Whereas" Clauses, remove references to DEO, consistent with revisions to 380.06, F.S..
- In "Whereas" Clauses, Remove references to "Notice of Proposed Change", consistent with revisions to 380.06, F.S..
- In Findings of Fact and Conclusions of Law, update to consistently reference "Map H" as the Babcock Master Concept Plan.
- In Findings of Fact and Conclusions of Law, clarify that clubhouses and similar neighborhood amenities are among the range of ancillary facilities.
- In Findings of Fact and Conclusions of Law, clarify incremental review of non-residential development within the Mixed Use/Residential/Commercial (MURC) development areas, in order to be consistent with Map H.
- Removed all references throughout to DEO, as DEO no longer reviews DRIs.
- Revise Affordable Housing Condition A.1 to be consistent with updates to State Statute (Chapter 420.9071, F.S.)
- Revise Affordable Housing Condition A.7 removing DEO from agreeing on methodology to conduct the Determination of Adequate Housing Need Analysis. Also clarified the parties that may agree to an alternative methodology.
- Revise Stormwater Condition A.4 to clarify where reports required by NPDES permits are to be maintained.
- Revise Stormwater Condition A.20 to reference the SWFWMD Conceptual ERP.
- Revise Stormwater Conditions B.3 and B.4 to identify the District, rather than the Developer, for littoral zone maintenance and annual inspections.
- Revise Stormwater Condition B.5 to clarify who is responsible for regularly scheduled vacuum sweeping of streets and parking areas, and indicating what streets and parking areas will be regularly maintained.
- Revise Transportation Condition 5.B.1.a to update horizon year from 2030 to 2040.
- Revise Transportation Condition 5.B.1.b to reference "community capture rate" and update, consistent with the Master Traffic Study Update (MTSU).
- Revise Transportation Condition 5.B.1.c - e to reflect changes, consistent with the MTSU.
- Revise Transportation Conditions 5.B.2.a to be consistent with the MTSU and remove text that is no longer applicable or has been completed.
- Revise Transportation Conditions 5.B.2.a.2.a - c to be consistent with the MTSU.
- Revise Transportation Conditions 5.B.2.b.1.a - d to be consistent with the MTSU and remove condition language that is no longer applicable.
- Delete Transportation Condition 5.B.5, as the condition has been completed.
- Revise new Transportation 5.B.5 to clarify timing of when an external transit feasibility study will be provided, at the request of the County.
- Revise renumbered Transportation Condition 5.B.6 to indicate locations of permanent traffic count stations installed at specific BRC ingress/egress points.
- Delete Transportation Condition 5.B.8, as it has been completed.
- Revise Transportation Condition C.1.a to clarify significantly impacted external road segments are shown on Exhibit "F".
- Revise Transportation Condition C.1.c to be consistent with the MTSU



- Revise Transportation Condition C.1.f to remove references to State Statutes that no longer exist.
- Revise Transportation Condition C.2.c to specify that access points are established in the MDO.
- Delete Transportation Condition C.6.d, as the State Statute referenced is no longer in effect.
- Delete Transportation Condition C.7 regarding the Lee Road Agreement, as that agreement has been fulfilled and neither party has any further obligation to the other thereunder (refer to Paragraph 3 of the Babcock Ranch Memorandum of Understanding with Lee County dated September 23, 2008).
- Revise Vegetation, Wildlife, and Wetlands Condition 13 to clarify timing of conservation easements for existing agricultural uses outside of development areas and that conservation easements will only be recorded for on-site mitigation and not for off-site (State owned lands) property.
- Update Vegetation, Wildlife, and Wetlands Condition B.2 to reflect currently documented listed species, as noted in the most up-to-date threatened and endangered species management plans.
- Revise Wastewater Management and Water Supply Condition A.1 to reflect low volume plumbing fixture maximum flow volume of 1.28 gallons per flush for toilets.
- Revise Wastewater Management and Water Supply Condition 9 to clarify locations for on-site wastewater treatment systems.
- Revise Police and Fire Condition 10.A.1 to clarify Developer or District responsibility and clarify definition of shell building.
- Revise Police and Fire Condition 10.B.4 and 5 to reflect commitments that have been fulfilled for the Sheriff's Sub-Station and EMS vehicle, pursuant to Exhibit "D".
- Revise Police and Fire Condition 10.B.7 to clarify Developer or District responsibility.
- Revise Hurricane Preparedness Condition 13.A to clarify the Developer or District responsibility and revise language regarding building standards.
- Revise Hurricane Preparedness Condition 13.B.1 to clarify District or POA will develop a hurricane preparation and shelter information program.
- Delete Hurricane Preparedness Condition 13.B.2 because it is required by Florida Building Code.
- Revise Open Space, Parks, and Library Condition 14.A.5 to clarify Developer or District responsibility and clarify definition of shell building.
- Delete Open Space, Parks, and Library Condition 14.B.3 regarding the mining lake, as all mining has now ceased.
- Revise Energy Condition 16.A.2 to clarify Developer or District responsibility regarding internal transit options.
- Revise Energy Condition 16.A.6 regarding water closet water usage limits.
- Delete Energy Condition 16.B.4 and 5 regarding alternative energy or energy efficient features, as builders provide these options.
- Revise Mining Operations Condition 17.A to reflect the completion of mining.
- Delete 27.H - General Provisions, regarding certified copies of the Development Order, as State Statutes have been amended and the referenced Subsection is no longer in effect.
- Update Buildout and Expiration Dates of this Development Order per Governor's Executive Orders



- Other amendments for internal consistency and to reflect updates to Florida Statutes, as applicable.
- Update Exhibit B, Master Concept Plan notes, to be consistent with approved entitlements.
- Update Exhibit D to reflect land dedication and shell building requirements (we are working with County staff to finalize these updates).
- Update Exhibit F to be consistent with the MTSU.

**IDO CHANGES SINCE ORIGINAL REVIEW:**

- Transportation Conditions have been added for your review.
- Police and Fire Condition A.2 was added to clarify how fire protection will be provided.
- Section 21.F of General Provisions - revised to include FDEP 404 Permit, consistent with State Law that is now in effect.



CHG  
Boc

CHARLOTTE COUNTY CLERK OF CIRCUIT COURT  
OR BOOK: 4816 PAGE 855 PAGE: 1 OF 116  
INSTR # 2979838 Doc Type: GOV  
Recorded: 8/2/2021 at 4:23 PM  
Rec. Fee: RECORDING \$987.50  
Cashier By: JOANC

## **BABCOCK RANCH COMMUNITY**

### **MASTER DEVELOPMENT OF REGIONAL IMPACT**

### **MASTER DRI DEVELOPMENT ORDER**

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

**AMENDED July 27, 2021**

MIN

## TABLE OF CONTENTS

	<u>Page</u>
RECITALS .....	3
FINDINGS OF FACT AND CONCLUSIONS OF LAW .....	3
CONDITIONS	
1. APPLICATIONS FOR INCREMENTAL DEVELOPMENT APPROVAL .....	6
2. GROSS RESIDENTIAL DENSITY CONDITION AND DEVELOPMENT PROGRAM .....	6
3. AFFORDABLE HOUSING .....	8
4. STORMWATER MANAGEMENT AND FLOOD PLAINS .....	13
5. TRANSPORTATION .....	24
6. VEGETATION, WILDLIFE, AND WETLANDS .....	53
7. WASTEWATER MANAGEMENT AND WATER SUPPLY .....	67
8. HISTORICAL AND ARCHEOLOGICAL SITES .....	73
9. EDUCATION .....	75
10. POLICE AND FIRE .....	76
11. SOLID/HAZARDOUS/MEDICAL WASTE .....	80
12. AIR .....	83
13. HURRICANE PREPAREDNESS .....	84
14. OPEN SPACE, PARKS, AND LIBRARY .....	85
15. HOSPITALS AND HEALTHCARE .....	91
16. ENERGY .....	92
17. MINING OPERATIONS .....	96
18. CONSISTENCY WITH THE LOCAL COMPREHENSIVE PLAN .....	97
19. BIENNIAL REPORTS .....	97
20. CHANGED CONDITIONS .....	97
21. COMPLIANCE MONITORING .....	97
22. EXEMPTION FROM DOWNZONING AND DENSITY/INTENSITY REDUCTION .....	97
23. COMMENCEMENT OF DEVELOPMENT .....	98
24. PROJECTED BUILDOUT .....	98
25. EXPIRATION DATE .....	98
26. DEVELOPMENT PERMITS .....	98
27. GENERAL PROVISIONS .....	99
EXHIBITS .....	102

July 25, 2017

RESOLUTION NO. 20201- 108**AN AMENDMENT AND RECODIFICATION OF THE MASTER DEVELOPMENT ORDER OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA FOR THE BABCOCK RANCH COMMUNITY (CHARLOTTE COUNTY), A MASTER DEVELOPMENT OF REGIONAL IMPACT.**

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

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

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

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

WHEREAS, the MDO was amended on June 17, 2008 under Resolution 2008-063 thereby giving the MDO an effective date of September 1, 2008; and subsequently amended on December 15, 2009 by Resolution 2009-283; on December 13, 2011 by

July 25, 2017

Resolution 2011-485; on April 24, 2012 by Resolution 2012-024; on June 11, 2013 by Resolution 2013-033; on January 28, 2014 by Resolution 2014-047; and on March 22, 2016 by Resolution 2016-034; on July 25, 2017 by Resolution 2017-187; and on June 12, 2018 by Resolution 2018-077; and

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

WHEREAS, the Developer has filed an Aapplication ~~Notice of Proposed Change~~ (NOPC)-to amend the MDO; and

WHEREAS, the parties expressly acknowledge that recent amendments to the Florida Impact Fee Act, Section 163.31801 F.S., passed by the Florida State Legislature under House Bill 337 and signed into law on June 4, 2021, conflict with provisions within the MDO relating to impact fee reimbursements for dedication of sites for parks, libraries, fire/rescue/law enforcement and other facilities, as well as other agreements of record such as the Impact Fee Credit and Reimbursement Agreement for Babcock Ranch Community dated November 12, 2008 (County AGR 2008-054); and

WHEREAS, the parties have intentionally left unchanged those sections within the MDO related to impact fee reimbursements for sites and agree, prior to any conveyance of a site to be dedicated for library, fire/rescue/law enforcement, extension services, or public facilities described in Exhibit "D," to negotiate and, unless otherwise agreed to by

July 25, 2017

the Parties, within six months but no later than one year of date of recording of the amended MDO, execute any necessary amendments to the MDO or other agreements of record relating to impact fee credits provided by Section 163.31801 F.S.; and

WHEREAS, the Charlotte County Planning and Zoning Board has reviewed and considered the report and recommendations of the SWFRPC and held a public hearing to consider the amendments to the MDO on ~~June 12, 2017~~ July 12, 2021; and

WHEREAS, on July ~~27~~<sup>5</sup>, 20~~21~~<sup>17</sup>, the Board, at a public hearing in accordance with Section 380.06, F.S. ~~Florida Statutes~~, considered the application for amendment to the MDO submitted by Developer, the report and recommendations of the SWFRPC, the documentary and oral evidence presented at the hearing before the Board, the report and recommendations of the Charlotte County Planning and Zoning Board, and the recommendations of County staff.

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

#### **RECITALS**

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

#### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. The real property constituting the BRC in Charlotte County consists of approximately 13,630 ~~acres, and~~ acres and is legally described as set forth in Exhibit "A" attached hereto and made a part hereof ("Property" or "Community").
2. The AMDA is consistent with Subsections 380.06(6) and (21), F.S. ~~Florida Statutes~~.

July 25, 2017

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

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

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

- (i) 17,870 residential dwelling units (recreational vehicle park uses shall count as dwelling units on a one vehicle rental or owner equals one dwelling unit),
- (ii) RV Parks, per the Land Use Equivalency Matrix;
- ~~(ii)~~(iii) 1,400,000 square feet of retail,
- ~~(iii)~~(iv) 3,500,000 square feet of office (general office; medical office; and civic),
- ~~(iv)~~(v) 600 hotel rooms (assumes 360,000 square feet of building),
- ~~(v)~~(vi) 650,000 square feet of industrial,
- ~~(vi)~~(vii) 177 hospital beds,
- ~~(vii)~~(viii) 418 units of assisted living facilities,

July 25, 2017

~~(viii)~~(ix) \_\_\_\_\_ 54 golf holes,

~~(ix)~~(x) Ancillary facilities such as the educational service center, schools, and university research facilities as identified in Exhibit "B", attached hereto, libraries, places of worship, regional and community park sites, clubhouses and similar neighborhood amenities, and the necessary utility infrastructure including, but not limited to, water, wastewater and reuse water systems, electric, telephone and cable systems will not be attributed to other development components set forth above, and will not count towards the maximum thresholds of development as established in the Development Order and the BROD policies of the Charlotte 2050 Comprehensive Plan.

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

~~(xi)~~(xii) Temporary housing for construction workers and their families will not count against the residential dwelling units allowed by subsection (i) above.

~~(xii)~~(xiii) \_\_\_\_\_ The total development within the BROD shall not exceed 17,870 dwelling units and 6,000,000 square feet of non-residential uses, not including the educational service center, schools, and university research facilities, libraries, places of worship, regional and community park sites, clubhouses and similar neighborhood amenities, which square footage will be additional.

July 25, 2017

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

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

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

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

### **CONDITIONS**

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

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

#### **2. GROSS RESIDENTIAL DENSITY CONDITION AND DEVELOPMENT PROGRAM.**

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

The gross residential density for the 13,630.6 acres is anticipated to be approximately 1.31 dwelling units per acre. The net density of the development areas is anticipated to be approximately 4.05 dwelling units per acre. The calculation for net density is based on the area of the development pods. The net densities within the development pods will increase consistent with the planning approach to cluster



July 25, 2017

development. At ~~buildout, densities~~buildout, densities will be permitted up to 16 units per acre in Villages and Hamlets, and up to 24 units per acre in the Town Center.

B. Other Conditions.

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

C. Incremental Review.

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

**REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY**

July 25, 2017

### 3. AFFORDABLE HOUSING

#### A. Representations and Commitments as Conditions.

(1) Provide a diversity of housing types to enable citizens from a wide range of economic levels and age groups to live within the BRC. This would include the provision of affordable/workforce housing at a level of ten percent (10%) of the total number of residential housing units built within the BRC. Affordable housing is defined where monthly rents or mortgage payments for housing, including taxes, insurance and utilities do not exceed thirty (30%) percent of the gross annual income of the development's very low, low, and moderate income households as defined in Rule 73-C40.048(e), F.A.C. Workforce housing is defined as housing affordable to natural persons or families whose total annual household income does not exceed 140 percent of the area median income, adjusted for household size.

(1) in Chapter 420.5095(3)(a), F.S.

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

(3) A "Determination of Adequate Need" for housing in the BRC shall be assessed through the completion of a reliable affordable housing market analysis which evaluates the housing demand within the BRC and researches the available adequate housing supply reasonably

July 25, 2017

accessible to the BRC, which is defined as a ~~40-mile~~10-mile radius or ~~20-minute~~20-minute drive during peak hour, whichever is less, from the BRC, but may be adjusted with the agreement of ~~DEO~~ and the County.

- (4) The Developer commits to undertaking the "Determination of Adequate Housing Need" analysis to assess the demand, supply, and need for affordable rentals and homes based on a market housing analysis at a point in time when the BRC has reached a significant non-residential buildout stage. That threshold is defined as the time when building permits have been issued for the 1.5 millionth square foot of non-residential construction.
- (5) The Developer would be required to initiate the first housing needs analysis within 6 months from the time that the analysis is triggered.
- (6) The housing needs analysis would evaluate the housing demand of the BRC employee households at very low, low, and moderate household income levels, and at the option of the Developer, could evaluate the housing demand for workforce income levels, the available supply of housing that is reasonably accessible for the very low, low, and moderate household income levels and determine if there is a significant need for housing for these defined income levels. ~~At the option of the Developer, the analysis could evaluate the available housing supply for workforce income levels that is reasonably accessible to the BRC.~~

July 25, 2017

- (7) The Developer, SWFRPC, DEO, and the County must agree upon the methodology utilized to conduct the Determination of Adequate Housing Need analysis. The methodology may utilize a private affordable housing market study appraiser approved by the Florida Housing Finance Corporation. The market area assessed would conform to ECFRPC model, or another methodology as ~~approved~~ agreed upon by Developer, the review agencies SWFRPC and the County, which examines whether or not there is a significant housing demand for the very low, low, and moderate income groups and whether there is available adequate housing that is reasonably accessible to the BRC. At the option of the Developer, the analysis could evaluate the available housing demand and supply for workforce income levels that is reasonably accessible to the BRC.
- (8) If the Determination of Adequate Housing Need analysis documents that there is a significant impact, defined as evidence that the BRC's cumulative adequate housing need for the very low, low, and moderate ~~household income~~ household income levels, at the time of the analysis, is projected to exceed five (5%) percent of the County's residential threshold calculation, or 50 units, ~~whichever is larger,~~ then larger, then the Developer shall be required to submit an Notice of Proposed Change amendment ~~to the MDO~~ to incorporate the findings of the analysis and the agreed upon mitigation.

July 25, 2017

- (9) The Developer may choose to mitigate any significant impact identified by the analysis through a variety of options including, but not limited to: 1) incentivizing or building adequate housing onsite, or reasonably accessible to the site; -2) -payment to an affordable housing trust -fund sufficient to meet the cost of rehabilitation ~~existing~~ existing units or construction of new units; or 3) dedicated rent or payment subsidies to the BRC's very low, low, and moderate income employees sufficient to satisfy the adequate housing need identified for each salary range. At the option of the Developer, workforce housing may be included at no more than twenty-five (25%) percent of the required mitigation unless the housing study determines there is not a significant need for the very-low, low and moderate income households.
- (10) The mitigation strategy recommended by the BRC must be approved by the County and must be initiated within 6 months of approval as ~~a Notice of Proposed Change~~ an amendment to the MDO.
- (11) Requirements to undertake further housing needs assessments through methods described above shall occur at each additional 1.5 million sq. feet of permitted non-residential through buildout.
- (12) Developer shall not be required to provide affordable and/or workforce housing mitigation in excess of ten (10%) percent of the total number of residential units constructed within the BRC.

July 25, 2017

- (13) The County commits that affordable housing units shall be eligible for whatever incentives and/or programs that it may establish after the actual date of offering of said unit to the public by the Developer. The County shall use its best efforts to continue to develop and maintain incentives and programs specifically targeted at affordable units within the BRC. In accordance with Section 125.01055, F.S., incentives from the County must fully offset all costs to the developer of its affordable housing contribution.
- (14) The County shall include the needs of the BRC in its annual Local Housing Action Plan and, to the extent available, shall provide impact fee waivers, credits, deferrals, or other regulatory and financial incentives for affordable rental and home ownership programs to all qualified buyers, builders or developers within the BRC that may qualify for such credits or deferrals.

B. Other Conditions. – None.

C. Incremental Review. – None.

**REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY**

July 25, 2017

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

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

- (1) Silt fences or silt screens will be installed prior to land clearing to protect water quality and to identify areas to be protected from clearing activities and maintained for the duration of the project until all soil is stabilized.
- (2) Floating turbidity barriers or other devices will be in place on flowing systems or in open water lake edges prior to initiation of earthwork and maintained for the duration of the project until all soil is stabilized.
- (3) The installation of temporary erosion control barriers will be coordinated with the construction of the permanent erosion control features to the extent necessary to assure effective and continuous control of erosion and water pollution throughout the life of the construction phase.
- (4) Turbidity resulting from construction dewatering will be managed using structural best management practices (BMPs) prior to discharge to receiving waters. Structural BMPs may include, but are not limited to, vegetated systems, detention systems (e.g., sedimentation basins), geotextiles, and other methods. Turbidity and other pollutants from construction dewatering on the Property will be reduced to meet the levels required by applicable State Water Quality Standards and as required by the National Pollutant Discharge Elimination System ("NPDES") general permit for

July 25, 2017

construction. Copies of any reports required by the NPDES permit will be maintained at the appropriate construction site ~~with a copy being sent to the County Administrator or his or her designee.~~

- (5) Clearing and grubbing will be so scheduled and performed such that grading operations can follow thereafter. Grading operations will be so scheduled and performed that permanent erosion control features can follow thereafter if conditions on the project permit, and not beyond the time limits established in the NPDES general construction permit.
- (6) Exposed soils will be stabilized as soon as possible, especially slopes leading to wetlands. Stabilization methods include solid sod, seeding and mulching or hydromulching to provide a temporary or permanent grass cover.
- (7) Energy dissipaters (such as rip rap, gravel beds, hay bales) shall be installed at the discharge point of pipes or swales if scouring is observed.
- (8) Implementation of storm drain inlet protection (such as hay bales or gravel) to limit sedimentation within the stormwater system.
- (9) The allowable discharge in a 25 year 3-day design event will be limited to the South Florida Water Management District ("SFWMD") permit for the site.
- (10) The development within the FEMA floodplain will have finished floor elevations in each development pod which exceeds the 100 year 3-



July 25, 2017

day design event for the adjacent water course as calculated by the backwater profile for the respective conveyance. Compensating storage will be provided to replace lost storage as part of the SFWMD permit requirements. The SFWMD standard of head loss in a 25-year 3-day design event will be met at each water crossing.

- (11) The proposed development will be designed such that the potential for offsite flooding of other private property will be mitigated. This will primarily be accomplished by maintaining the existing conveyances without additional control structures except for restoration efforts. Water management control will be accomplished primarily by structures off-line from these conveyances. Off-site discharges onto the property will be properly routed around and through the property to maintain or lessen off-site flooding.
- (12) Open stormwater ponds will be used for the primary volume attenuation and wet detention of water quality in accordance with Best Management Practices as outlined in the current Southwest Florida Basin Rule criteria of the SFWMD for water quality improvement.
- (13) On-site wetlands within the project may be incorporated into the stormwater management system. Those wetlands outside that system will continue to store and transmit water as they do today except where modifications are made to facilitate hydrologic restoration.

July 25, 2017

- (14) The stormwater treatment will include a backbone system consisting of wet detention areas and dry detention areas. Dry detention areas will not be used as the primary detention/retention component, but may be utilized in combination with wet detention/retention facilities. The stormwater treatment system will be designed in accordance with the then current Southwest Florida Basin Rule Criteria of the SFWMD and will provide 50% more retention/detention water quality treatment above that required by Section 5.2.1(a) of the SFWMD Basis of Review. Best Management Practices will include reduced turf coverage, native landscaping, created wetlands, filter marshes, phyto-zones, extended hydraulic residence times and increased flow paths.
- (15) The low edge of pavement for local roads is to be at or above the peak stage for the 5 year-1 day event. The arterials and collectors will have one lane above the 25 year-~~3 day~~3-day event peak stage. Parking lots will be at or above the 5 year-1 day event. Minimum swale grades in urban and suburban areas will have a minimum longitudinal slope of 0.2%. Ditches may have flatter longitudinal slopes. The minimum longitudinal slope on roads with curb and gutter will be 0.3%.
- (16) The perimeter berm elevation will be 0.3 feet above the peak stage for the 25 year-~~3 day~~3-day event and the 100 year-1 day event.

July 25, 2017

- (17) The treatment system will provide equal or greater post development storage volume for the 100 year-~~3 day~~3-day event than provided by predevelopment conditions.
- (18) There will be no increase in stream stage elevation offsite, except as permitted by the SFWMD.
- (19) Finished floor elevations will be at least the 100 year-~~3 day~~3-day event peak stage plus 0.5 feet.
- (20) An Urban Water Management Plan will be developed for the site as part of the construction Environmental Resource Permit ("ERP") process and will address the handling of waste from equestrian facilities on the site. Water quality monitoring will be conducted pursuant to the SFWMD Conceptual ERP Babcock Ranch Community Development of Regional Impact Environmental Methodology Supplement dated October 31, 2006.

B. Other Conditions.

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

July 25, 2017

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

July 25, 2017

- (5) ~~The Developer~~ District or a master or neighborhood property owner's association (POA) shall undertake a regularly scheduled vacuum sweeping, as may be required by permit, of all common District or POA owned streets and District or POA owned parking areas within the ~~Town Center and the non-residential areas of the VillagesMURCProject~~. The Developer, District and POA shall encourage any private parcel owners within the ~~Town Center and the non-residential areas of the MURC development areasVillagesMURCProject~~ to institute regularly scheduled vacuum sweeping of their respective streets and parking areas.
- (6) Design considerations will be given to ditch and swale slopes, where practicable, so that these facilities provide some additional water quality treatment prior to discharge. Treatment swales shall be planted with vegetation as reviewed and approved during the ERP approval process, and where practicable, landscape islands shall accommodate the detention of runoff. Design consideration will be given to the use of pervious construction materials for the surfaces of trails, walkways, and non-vehicular travel ways.
- (7) Any debris that may accumulate in project lakes, ditches or swales, or which may interfere with the normal flow of water through discharge structures and under drain systems, shall be cleaned from the detention/retention areas on a regular basis. Any erosion to banks shall be repaired.

July 25, 2017

- (8) Grease baffles shall be inspected and cleaned and/or repaired on a regular basis. In no instance shall the period between such inspections exceed eighteen months.
- (9) Isolated wading bird "pools" shall be constructed to provide aquatic habitat for mosquito larvae predators, such as *Gambusia affinis*, and foraging areas for wading bird species, such as wood stork, consistent with SFWMD, FDEP, and County requirements.
- (10) The open drainage system will be ~~designated~~designed to provide additional water quality treatment prior to discharge. Design elements may include rainwater gardens, treatment swales planted with native vegetation, and entrainment systems. These will be reviewed and approved during the ERP approval process.
- (11) Stormwater runoff should be minimized through a variety of techniques that may include rainwater gardens, bottomless planter boxes, green roofs and pervious surfaces, as well as rainwater harvesting techniques that may include cisterns and rain barrels.
- (12) Landscape irrigation will be provided first through the use of reuse water, where reasonably available, and surface water from lakes.
- (13) The master stormwater management system will be maintained by District or a master property owners association~~POA~~ established by covenants and restrictions on the Property.
- (14) The SFWMD has issued Permit No. 08-00004-S-05 (Application No. 070330-5) to Developer for a conceptual ERP in accordance with its

July 25, 2017

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

- (15) The United States Army Corps of Engineers ("USACOE") has issued Permit No. SAJ-2006-6656 (IP-MJD) to Developer in accordance with its jurisdiction over such matters and the Property. Developer will follow the authorizations and permit conditions, as it may be amended from time to time, which is a separate and enforceable legal document in accordance with its terms. Compliance with this permit, as it may be amended from time to time, will address mitigation of certain impacts of the BRC development. The permit is issued under the authority of an agency other than County and, therefore, is subject to enforcement by the issuing agency. County will assist said agency, if requested, in monitoring

July 25, 2017

Developer's compliance with the conditions of said permit. Developers' successors-in-interest and assigns are hereby placed on notice of this permit and its application to development which they may propose to undertake within BRC.

- (16) As part of any AIDA phase that will discharge to Owl Creek, Trout Creek, and /or Telegraph Creek, ~~400-year~~100-year three-day storm event calculations will be provided for ~~two items~~. ~~The two items are:~~ the setting of finished floor elevation and the determination that the peak volume stored in the pre-development condition is equal or exceeded by that stored in the post development condition. ~~This information will be made available to the general public.~~
- (17) The Developer shall reduce the introduction of fill material outside approved development pods into the ~~400-year~~100-year flood plain where practical. Structures outside approved development pods, but built in the ~~400-year~~100-year flood plain, should be built as elevated structures and not as monolithic slabs on fill soil.

C. Incremental Review.

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



July 25, 2017

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

**REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY**

July 25, 2017

## 5. TRANSPORTATION

A. Representations and Commitments as Conditions. – None.

B. Conditions for Development Approval.

(1) Master Traffic Study

- (a) The Master Traffic Study is the analysis of the buildout of the Development Program and the horizon year traffic conditions in year 2040~~30~~. It is a guide to the roadway network and improvements anticipated to be needed to support all area development including the BRC Development Program by the year 2040~~30~~ and it is intended for use only with the BRC Development Program. As a long range “snapshot” of horizon year conditions, it is anticipated that the mobility network and area growth will change and be revised as the BRC develops. By way of background, the initial Master Traffic Study was prepared by the Developer (“Developer’s Initial Master Traffic Study”), which was adequate for the “snapshot” purpose of the Master Development Order, recognizing that additional validation adjustments would be needed for use in Incremental Development Orders. At the time of initial approval of the Master Development Order, the Florida Department of Transportation (“FDOT”) was working on a district-wide travel demand model, but it was not yet completed. On August 27, 2008, FDOT informed the

July 25, 2017

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

- (b) The Charlotte County Babcock Ranch Overlay District (the BROD), FLU Policy 6.4.20, recognizes that the BROD is a ~~mixed-use~~mixed-use community with a compact urban form that contemplates commercial, office—, industrial and institutional uses, and specifies that the "~~community~~internal capture rate (~~"ICR"~~)" ("CCR") for the BRC shall be maximized, with a targeted internalization~~internal capture rate~~ of between 50% - 70%. The Developer's ~~Initial Master Traffic Study Update~~ reflected the mixed-use character of the Community and consequently maximizeds the "~~community~~internal capture" elements, resulting in a trip capture rate for the

July 25, 2017

buildout of the BRC of 6655% on a peak hour basis. The 204030 roadway network and candidate roadway improvements resulting from the Developer's ~~Initial~~ Master Traffic Study Update based on that trip capture rate for the ~~Babcock development~~ components are set forth in Exhibit F attached hereto and made a part hereof by reference. Exhibit F also identifies, under 204030 conditions and the 6655% CICR, those regionally and locally significant road segments that ~~were~~ are projected to be significantly impacted by the BRC and for which a service deficiency is also projected ("Impacted Segments"). The Developer's ~~Initial~~ Master Traffic Study Update also identifies ~~the~~ improvements which may ~~be anticipated~~ need to be made by 20430 under the 6655% CICR to the Impacted Segments and may be subject to mitigation effort to mitigate Babcock's traffic impacts in order to maintain the adopted level of service (LOS) standardstargets at the time of an incremental traffic assessment.

- (c) A supplemental traffic ~~study~~ assessment was also prepared for the Master Development Order by the Developer at the request of review agencies to identify the potential 20430 roadway conditions ~~network~~ and candidate roadway improvements resulting from the ~~Master DR~~ IMDO Traffic

July 25, 2017

Study Update based on the initial internal capture rate ("ICR") of 22%, as mandated in the initial Master Traffic Study ("Supplemental Master Study"). The roadway network and candidate roadway improvements resulting from the Supplemental Master Study based on that 22% ICR trip capture rate Internal Capture Rate (ICR) also are set forth in Exhibit F attached hereto and made a part hereof by reference. Exhibit F also identifies, under those 20430 conditions, the same information for the 22% ICR scenario as for the 65% ICR community capture rate scenario, including those regionally and locally significant road segments that are projected to be significantly impacted by the BRC and for which a service deficiency is also projected ("Impacted Segments") and the improvements which may need to be anticipated made by 20430 to the Impacted Segments under a 22% ICR to mitigate Babcock's traffic impacts in order to maintain the adopted level of service (LOS) standards targets. The road network presented in Exhibit F is a 20430 horizon year projection that will be updated periodically as set forth below in Condition 5.B.(2) to reflect changing conditions in the area. This 22% ICR is to be applied only used for the First Increment, including Phase 4

July 25, 2017

~~and Phase 2 and will not be used with future increments or Master Traffic Study Updates.~~

- (d) The significant impacts, roadway network, and roadway improvements identified in Exhibit F hereto are provided for comparison purposes between the ICR and CCR~~two internal capture rate~~ scenarios described above. As specified under Conditions 5.B.(2)(a), (2)(b), (2)(c), and (2)(d) below, as data from the traffic monitoring program becomes available, as specified under Conditions 5.B.(3)(a) and 5.B.(3)(b) below, this data will be incorporated into the Master Traffic Study Updates as described in Condition 5.B.(2) below. Exhibit F will then be re-evaluated and revised as specified in Condition 5.B.(2) below.
  - (e) For purposes of the First Increment, the 22% ICR portions of Exhibit "F" ~~will controlled~~ the measurement of significant impact for the Incremental DRI traffic studies. Future Increments shall ~~will use the~~ revised Exhibit "F" as re-evaluated either under Condition 5.B.(2)(a) or B.(2)(b), as applicable.
- (2) Master Traffic Study Updates
- (a) (1) The first update of the Master Traffic Study ~~was will be undertaken and submitted to County, FDOT, Department of Economic Opportunity, Division of Community Development~~

July 25, 2017

~~(“DEO”), Lee County and the SWFRPC and approved through the NOPC process and by Resolution 2011-485 on December 13, 2011 prior to the submittal of Increment 1-Phase 2, or any subsequent increment, whichever occurs sooner, but in no event later than December 31, 2014 (“Initial Master Traffic Study Update”). The Initial Master Traffic Study Update shall be approved through the NOPC process as a non-substantial deviation, in accordance with Section 5.B.(2)(d), with resulting amendments, if any, to the Master Development Order to be processed as a NOPC. The Initial Master Traffic Study Update shall utilize the FDOT D1 District-wide Model, which has been accepted by FDOT, DEO, County, Lee County and the SWFRPC for use in the Master Traffic Study Update and subsequent AIDA traffic assessments. The Master Traffic Study Update will result in a Revised Exhibit F, based upon the ICR determined pursuant to paragraph 5.B.(2)(a)(2)a., which will be applied to used for Increment 2 only and subsequent increments (the ICR for initial Increment 1-Phase 2 will be 22%). Coordination meetings as needed and a formal transportation methodology meeting will be held with County, Lee County, SWFRPC, FDOT, and DEO prior to the commencement of the Initial Master Traffic Study Update. The Initial Master Traffic Study Update shall consider the~~

July 25, 2017

~~possibility of a new east-west transportation corridor between SR 31 and I-75, and may consider related corridor studies and interchange justification reports, as determined appropriate in the transportation methodology meeting, outlined in Chapter 4 of the FDOT Project Traffic Forecasting Handbook.~~

~~The initial Master Traffic Study Update was approved through the NOPC process and by Resolution 2011-485 on December 13, 2011.~~

The 2020 Master Traffic Study Update was hereby approved through this Master Development Order Amendment process by Resolution 2021-xxx on Month, Date, 2021.

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



July 25, 2017

and with consideration of the cumulative impacts of previously evaluated increments and monitoring data up to the point of commencement of that particular Master Traffic Study Update.

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

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

(i) The total new trips generated by the BRC development as identified in the Master Traffic Study Update and based on accepted standard methods of calculation will be reduced as identified in the sections below.

(ii) There are standard mixed land uses (residential, office, retail) for the mixed use

July 25, 2017

development concepts of the ITE Trip Generation Handbook "Mixed Use Development". For those standard land uses, and using the tract as a single TAZ, calculate, using the methods of the ITE Trip Generation Handbook "Mixed Use Development", the internal capture within the tract.

- (iii) For each non-standard land use (those land uses not included in the ITE Trip Generation Handbook methodology) within each tract, ~~create a separate TAZ for each non-standard land use. Using the FDOT D1 District-wide Model, applicable at that time, determine the trip capture for those non-standard land uses~~ will be within the subject tract discussed at the time of methodology meeting.
- (iv) Using the FDOT D1 District-wide Model, applicable at that time, determine the trip capture between the individual tracts within the BRC.
- (v) Estimate the number of pass-by trips consistent with the then most recent editions of the ITE Trip Generation Handbook, and the FDOT Site

July 25, 2017

Impact Handbook. Only those retail uses which are adjacent to the primary public roadways will be eligible for external pass-by trips. Retail that is not adjacent, whether contained internally or substantially set back without direct access to the major public roadways will be discussed at the time of methodology meeting. ~~not be eligible for pass-by trips.~~

- (vi) The remaining net new trips are external to the BRC and will be assigned to the regional roadway network by the FDOT D1 District-wide Model, applicable at that time.
  - (vii) In the alternative, Developer may use an alternative methodology for estimating internal community capture rate if reviewed and approved by FDOT, County, Lee County, and ~~SWFRPC and Department of Economic Opportunity.~~
- (b) (1) Due to the long term buildout of the Project (over 20 years) and potentially changing conditions in the study area, a periodic updates of the Master Traffic Study ~~is~~ are required and will use the most current, validated FDOT D1 District-wide Model in effect at the time of the commencement of the Master

July 25, 2017

Traffic Study Update. After the Initial Master Traffic Study Update specified in Condition 5.B.(2)(a)(1), additional updates shall be conducted and submitted no later than five (5) years after the effective date of the most recent previous update. The Developer may update the Master Traffic Study at any time during that five (5) year period. Each updated Master Traffic Study will be a complete update similar to the original Master Traffic Study and will result in a Revised Exhibit F. The Master Traffic Study Update shall consider the possibility of a new east-west transportation corridor between SR 31 and I-75, and may consider related corridor studies and interchange justification reports, as determined appropriate in the transportation methodology meeting. A transportation methodology meeting will be held with County, Lee County, the SWFRPC and, FDOT ~~and DEO~~ prior to the conduct of each Master Traffic Study Update.

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

(c) ~~The First Increment has used the FDOT D1 District-wide Model for Increment 1 Phase 1, prior to an update of the Master Traffic Study. Such use has been accepted by FDOT, County, Lee County, DEO and SWFRPC for use in Increment~~

July 25, 2017

~~1 Phase 1 in accordance with the conditions of the Increment~~  
~~1 Development Order approved by County on December 15,~~  
~~2009.~~ Subsequent Increments, including phases, if  
 applicable, will use the FDOT D1 District-wide Model or the  
 most current, validated FDOT D1 District-wide Model in effect  
 at the time. Two different model runs (without DRI and with  
DRI) will be used for each Master Traffic Study Update.

~~(c)~~

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

- (i) Initial informal coordination meeting to discuss and establish the appropriate methodology, between the Developer and SWFRPC, County, Lee County and, ~~FDOT and DEO.~~

July 25, 2017

- (ii) Submittal of proposed methodology by the Developer to the SWFRPC not less than 14 days in advance of the formal methodology meeting for distribution to the State and Regional review agencies.
- (iii) Formal methodology meeting between the Developer and the State and Regional review agencies coordinated by the SWFRPC.
- (iv) SWFRPC, within 35 days of the conclusion of the formal methodology meeting(s), will document the findings and agreements made by the participants including a summary of all assumptions agreed upon at the meeting.
- (v) SWFRPC shall allow State and Regional review agencies not less than 14 days to agree or disagree in writing with the meeting summary.
- (vi) If agreement cannot be reached with all the State and Regional Review agencies, the SWFRPC will designate a methodology in writing to be used by the Developer.
- (vii) The Developer shall submit for approval the Master Traffic Study Update and revised MDO Exhibit F to the SWFRPC through the NOPC development order amendment process, ~~which shall not be considered a~~

July 25, 2017

~~substantial deviation, for distribution to the County, FDOT, and Lee County Regional Review Agencies.~~

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

(3) Biennial Monitoring Program

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

- (a) 2-hour AM peak hour and 4-hour PM peak hour turning movement counts and 72-hour machine traffic counts at the BRC's access points onto the external public road network external to the Property; the ~~72-hour~~ 72-hour traffic counts will be derived from the permanent traffic counters installed at

July 25, 2017

Babcock's ingress/egress points as described in Condition 5.B.(7) below.

- (b) A comparison of the field-measured Project external trips to the Project's external trips estimated in the MDO AMDA and the Incremental traffic studies.
  - (c) The level of service of all access points between the Project and the external road network.
  - (d) A summary of construction and development activities to date, using the categories of the Master Development Program.
  - (e) An estimate of the level of development expected to be added by the Project for the forthcoming year.
  - (f) The status of the mobility improvements required by any prior Incremental development program.
  - (g) The status of mobility improvements identified as committed in the Master Traffic Study or Incremental traffic studies.
  - (h) An estimate of the construction traffic at the Project's access points onto the public roadway network external to the Property.
- (4) — The Developer shall promote efficient pedestrian and bicycle movement within and between the development's components and to adjacent properties. The Developer shall link the uses and subdivisions, hamlets, town centers and ~~free standing~~ free-standing facilities through a series of sidewalks, bike paths, walking trails and



July 25, 2017

internal roadways of various functional classifications. The Developer shall promote transit service through the inclusion of bus stops or other appropriate transit access points in site design, consistent with the County and Lee County Comprehensive Plans and transit plans, if any. The location of bus stops and transit access points shall be planned and integrated with the BRC bicycle and pedestrian plan.

~~(5)(4) Within twelve (12) months from the date of the original Master DRI Development Order, the Developer shall prepared and submitted to County a transit feasibility study for possible transit service within the BRC. The transit feasibility study shall evaluated the feasibility of an internal tram or trolley system to link the villages, hamlets, and town center and other uses and to provide a linkage to the external road network. The feasibility study will evaluated, among other things, the timing of the implementation of the system, system routing, vehicle type, headways, funding sources, and capital and operating costs. If the study determines that such a system is economically viable, Developer will implement the system. This condition has been completed.~~

~~(6)(5) The Developer shall prepare a transit feasibility study of providing public transportation to and from Babcock at the request of County. The transit feasibility study will evaluate, among other things, the feasibility of providing public transportation, timing of the~~

July 25, 2017

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

~~(7)(6)~~ The Developer shall installed permanent traffic count stations at all the BRC ingress/egress points on the external road network at Greenway Boulevard, Lake Babcock Drive, and Cypress Parkway. Developer will work with FDOT and County to determine the location for relocating the existing FDOT traffic count station located south of the Charlotte/Lee, and at the County lines on SR31 as part of the SR31 widening. The equipment located at Greenway Boulevard, Lake Babcock Drive and Cypress Parkway will be owned and maintained by the Developer or District~~turned over to County and County will own and maintain the permanent count station equipment. The equipment to be re-located south of the Charlotte/Lee County line on SR31 will be turned over to FDOT and FDOT will own and maintain the permanent count station equipment.~~  
The cost of the permanent count stations equipment will be credited

July 25, 2017

against the DRI's traffic mitigation obligation. Data from the count stations shall be made available in a digital format on a periodic schedule agreed to by County and Developer, and without any cost, to Developer.

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

C. Incremental Review.

(1) Incremental Review Analyses.

Development within the BRC, as identified in the AMDA, will undergo a traffic review through an incremental process with traffic studies prepared for each Increment. A transportation methodology meeting will be held with County, Lee County, FDOT, DEQ, and the SWFRPC prior to initiating this study. This will allow the study to address specific issues that may be related to any particular Increment. Each Incremental Traffic Study, other than the traffic studies ~~for~~ for the initial Increment 1, will establish the trip capture rate for that Increment consistent with Condition 5.B.(2) which will determine the maximum number of PM peak hour trips external to the

July 25, 2017

Property for that Incremental development program. Professionally accepted techniques and data, including FDOT's then current Site Impact Handbook (or its equivalent) and the then current Subdivision Traffic Study Guidelines for County may be considered in establishing the methodologies for the Incremental studies. If agreement cannot be reached with all the State and Regional Review agencies, the SWFRPC will designate a methodology in writing to be used by the Developer.

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

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

July 25, 2017

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

July 25, 2017

if there remains a failure of concurrency on other impacted facilities.

- (e) Identification of the Project's traffic mitigation conditions to address its proportionate share of needed mobility improvements and any pipelining of that proportionate share, but not including mitigation for backlogged conditions. Mitigation for impacts to facilities on the State Strategic Intermodal System shall be made after consultation with and with the concurrence of FDOT. Traffic mitigation conditions would include, but not be limited to, commitments to construct or pay for certain mobility improvements, provision of right-of-way, provision of design plans in support of improvements, cash payments to County or applicable maintenance agency and/or combinations of the above, and a mitigation payment schedule.
- (f) Each Incremental traffic study will include any previously evaluated Increment as Project traffic, consistent with ~~Sections 380.06(21)(b) and 380.0651, F.S., and 73C-40.045, F.A.C.~~ Mitigation provided by any previously evaluated Increment shall be credited to the overall impact of the Project.
- (g) An accounting system will be established so that if the field measured external trips at the end of the particular Increment are less than previously estimated for that Increment, the

July 25, 2017

Developer would be entitled to credits which can be used by the Developer, sold to other parties or carried over to the next Increment. Alternatively, if the actual traffic for that particular Increment is greater than previously estimated, then the Developer will be required to mitigate those additional traffic impacts as part of the then under review Increment.

- (h) The development approved in each Increment will be vested for traffic concurrency purposes through the scheduled payment of its mitigation requirements (proportionate share) for mobility improvements. The payment schedule and the details of that payment schedule must be established in an enforceable agreement with County or the applicable maintenance agency.
- (i) As provided in the AMDA-MDO Agreement, an Incremental traffic study may consider relevant information from previously approved studies or Increments, but no Incremental review will result in a requirement to revise any element or requirement of a previously approved Increment other than the provision in item 5.C.(g) above. Conditions identified in the most recently approved Incremental Development Order or Amended Development Order will control for the purposes of transportation mitigation, unless otherwise noted in the Development Order.

July 25, 2017

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

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

- (a) Review the requested approval to verify that the development parameters of the requested approval, when combined with the parameters of any other requested approval already reviewed and approved within the Increment and reflective of any land use conversions, are consistent with the level of development evaluated during the Incremental traffic study.
- (b) Review of the requested approval to verify that the projected external trips of the requested approval, when combined with the estimated external trips of any other requested approval already reviewed and approved within the ~~Increment~~ and Increment and reflective of any land use conversions, does not exceed the external trips evaluated during the Incremental traffic study.
- (c) Review of the requested approval's access points onto the public roadway network external to the ~~Property to Property~~ to determine if: 1) the proposed access points are consistent with the access established in the ~~Master MDOAMDA, AIDA, and/or public access management standards~~; 2) the access point intersection will operate at acceptable levels of service



July 25, 2017

coincident with the buildout of the requested approval; 3) identify needed improvements, including signalization, at the access point intersections to maintain acceptable levels of service; and 4) identify the estimated turn lane storage lengths for the needed turn lanes at the access point intersections.

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

- (4)
- (a) The Developer's proportionate share obligation, as established per each Increment, shall be directed or pipelined, pursuant to section 163.3180(12), ~~Florida Statutes~~ F.S., to one or more required mobility improvements which may or may not be a part of the AMDA roadway network, which benefit a regionally significant transportation facility and which can be funded by the Developer's proportionate share. The funding of one or more required mobility improvements that will benefit

July 25, 2017

a regionally significant transportation facility consistent with Section 163.3180(12), F.S. satisfies concurrency requirements as a mitigation of Babcock's impact upon the overall transportation system even if there remains a failure of concurrency on other impacted facilities.

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

July 25, 2017

- (5) In addition to, or in the alternative to the pipelining described in provisions 5.C.(1)(d) and 5.C.(4)(a) above, the developer may also mitigate its traffic impacts pursuant to 73C-40.045, F.A.C.
- (6) Incremental Biennial Monitoring Controls.
- (a) If the biennial traffic monitoring report for any two year period reveals that the Project's field measured external trips generated by occupied land uses is 80% or more of the maximum number of external PM peak hour trips for the completed Increment(s) and the approved, but uncompleted, Increments and the occupied land uses are less than 50% of the development program approved for approved, but uncompleted, Increment(s), the Developer shall, within 90 days of the date of the biennial traffic monitoring report, meet with County Public Works to determine if the most recently approved Incremental traffic study must be updated. If an updated traffic study is required, then an updated list of significantly and adversely impacted road segments and corresponding adjustments in the Increment's proportionate share which are needed to complete the most recently approved Increment will be identified in that updated study.
- (b) If the biennial traffic monitoring report for any two year period reveals that the Project's field measured external trips generated by occupied land uses exceed the maximum

July 25, 2017

number of external PM peak hour trips for the completed Increment(s) and the approved, but uncompleted, Increment(s), the most recently approved Incremental traffic study will be updated within 120 days of the date of the biennial traffic monitoring report. For that most recently approved Increment, this may result in an updated list of significantly and adversely impacted road segments and a corresponding adjustment in the Increment's proportionate share with the additional proportionate share being directed to one or more mobility improvements as set forth in Condition 5.C.(4).

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

- ~~(d) If the biennial traffic monitoring report reveals that the Project's field measured external trips generated by occupied land uses exceeds the maximum number of trips from the completed Incremental and the approved, but uncompleted,~~

July 25, 2017

~~Incremental development program(s) by the thresholds identified in Section 380.06(19), Florida Statutes, then the provisions regarding substantial deviations will take effect.~~

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

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

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

July 25, 2017

~~(7) — Notice of Lee Road Agreement.~~

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

**REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY**

July 25, 2017

## 6. VEGETATION, WILDLIFE, AND WETLANDS

### A. Representations and Commitments as Conditions.

- (1) The exotic pest plant impacted areas, and native plant communities (approximately 5000 acres) will be managed and incorporated into the final preservation areas and consolidated north-south flow-ways and east-west greenways.
- (2) The upland preserve/conservation areas and the wetland preserves will have management that optimizes the value and function of these areas of native habitat.
- (3) There will be an average 100-foot setback from the State Preserve and an average 50-foot setback adjacent to wetlands.
- (4) Internal roadways will be used to inter-connect separate development pods and will be constructed with wildlife crossings in areas where they cross wildlife corridors. The designs, sizes, and locations of these crossings will be coordinated with County and coordinated and approved by staff from the Florida Fish and Wildlife Conservation Commission (FWC) and the US Fish and Wildlife Service (USFWS). Internal roadways may be constructed across and through primary flow-ways, as long as the hydrological and wildlife corridor functions are maintained through the crossings. The number of such roadways, not including pedestrian boardwalks and bike, electronic cart, hiking, and equestrian trails (paved or

July 25, 2017

otherwise), shall be the minimum necessary for safe and efficient public accessibility between development pods.

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



July 25, 2017

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

- (8) Golf courses will be designed to comply with the goals of the Audubon International Signature Program – Silver Level certification program, with best management practices developed by the Florida Department of Environmental Protection under Section 403.067, F.S. (2005), or with other equivalent certification programs or equivalent best management practices.
- (9) During the construction process, appropriate measures will be taken to minimize impacts to preserved wetlands and to water quality. Wetland and upland buffer areas to be preserved will be clearly marked in the field to avoid damage of and intrusion into protected areas. Appropriate construction Best Management Practices will be employed. Prior to commencement of construction near preserved wetlands, including proposed water control structures, erosion control devices will be installed to control and reduce soil erosion, sediment transport and turbidity. Such devices (e.g., silt fencing, temporary sediment traps, impoundment areas to control excessive discharges, etc.) will remain in place throughout the duration of construction in an area until construction zones and surrounding areas are stabilized.

July 25, 2017

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

July 25, 2017

easements as set forth below. Areas in the Developer's plan identified for mitigation on the Property will be included in the ERP for placement under a conservation easement. Wetland Areas in the Developer's plan which are not impacted by the project will be protected by a conservation easement. Prior to the expiration date of this Development Order, Existing agricultural uses located within the project but which are outside of the development areas shown on Map H will be placed under a conservation easement which will allow for the continuance of agricultural operations. The upland enhancement and preservation areas identified in the Developer's plan on the Property will be placed under conservation easements. Acreages referenced in the Developer's plan are subject to change based on future permitting considerations. All required easements will be granted to the SFWMD or other appropriate governmental entity with a compliance monitoring staff. Easements not required by a condition of an environmental permit may be granted to an appropriate governmental entity or to a non-profit charitable entity that exists for the purpose of holding land for conservation purposes with a compliance monitoring staff. The recording of the conservation easements will be phased concurrent with various AIDA's, construction, and plat approvals.

- (14) (a) To the maximum extent reasonably practicable, above-ground and underground utility lines (e.g., water, sewer,

July 25, 2017

electric, gas, telephone, cable, electronic, etc.) will be located within or adjacent to roadway corridors on the Property. Where this is not practicable, Developer shall consult with County and the pertinent utility to establish a location which minimizes to the maximum degree reasonably practicable impacts on upland enhancement and preservation areas.

- (b) With respect to the location of major utility transmission lines on the Property, Developer will consult with County and the pertinent utility prior to such location in an effort to minimize impacts from such lines on environmental resources located on the Property.
  - (c) Nothing herein shall preclude the location of utility or transmission lines within the north/south "Limited Transportation, Pedestrian and Utility Corridor" shown on Exhibit "B" hereto.
- (15) BRC greenways will be maintained in their natural state and kept free of refuse and debris. Category I exotic pest plants as defined by the Florida Exotic Pest Plant Council (EPPC), in effect at time of permitting, will be controlled to ninety-five percent (95%) occurrence (except for torpedo grass, *Panicum repens*, and cogon grass, *Imperata cylindrica*, that will be controlled to a ninety percent (90%) occurrence) in non-agricultural greenway areas. Category II pest plants, as defined by the Florida Exotic Pest Plant Council (EPPC),

July 25, 2017

in effect at time of permitting, and other plants reaching a problematic, invasive level will also be controlled to reasonable and achievable levels in non-agricultural greenway areas. Maintenance of these preserve areas will be conducted in perpetuity consistent with state, local, and federal government environmental permit approvals.

- (16) The prescribed fire plan for BRC will be a program that mimics the natural fire cycle for the various habitat types identified within the mitigation and preserve areas. Prescribed burning will be planned and carried out by a Certified Prescribed Burn Manager (as licensed by the Florida Division of Forestry) and experienced fire crew.
- (17) The Developer shall dedicate a one (1) acre site and provide a 3,000 square feet, pre-fabricated, shell building to County for mosquito control operations use pursuant to the schedule shown on Exhibit "D" hereto.

B. Other Conditions.

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

July 25, 2017

environmental impact of pest control. Property and homeowner education will also be an IPM component within the Community.

(2) All USFWS and FWC threatened and endangered species management plans ("T&E Plans") for the documented listed species including Florida panther (*Puma concolor coryi*) (E), Florida bonneted bat (*Eumops floridanus*) (E), wood stork (*Mycteria americana*) (T), beautiful pawpaw (*Deeringothamnus pulchellus*) (E), Florida sandhill crane (*Gruscanadenis pratensis*) (T), Eastern indigo snake (*Drymarchon corais couperi*) (T), little blue heron (*Egretta caerulea*) (T), tricolored heron (*Egretta tricolor*) (T), gopher tortoise (*Gopherus polyphemus*) (T), American alligator (*Aligator mississippiensis*) (T S/A), crested caracara (*Caracara cheriway*) (T), roseate spoonbill (*Platalea ajaja*) (T), and Florida burrowing owl (*Athene cunicularia floridana*) (T) approved at the time of issuance of this Development Order are incorporated by reference herein and made a part hereof. Any additional species which are listed after the issuance of this Development Order and which are documented in an AIDA shall have a T&E Plan developed and approved by USFWS and FWC and said plan shall be incorporated by reference as a condition of the particular incremental development order.

~~(2) All USFWS and FWC threatened and endangered species management plans ("T&E Plans") for the documented listed species including Florida panther (*Puma concolor coryi*) (E), wood stork~~

July 25, 2017

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

- (3) The SFWMD issued Permit Number 08-00119-P on July 6, 2006, which includes certain authorizations and permit conditions, in accordance with its jurisdiction over such matters and the Property. Developer has committed to follow this permit and its conditions, which is a separate and enforceable legal document in accordance with its terms. Compliance with this permit, as it may be amended

July 25, 2017

from time to time, addresses mitigation of certain impacts of the BRC development. Such permit is issued under the authority of an agency other than County and, therefore, shall be subject to enforcement by the issuing agency. County will assist said agency, if requested, in monitoring Developer's compliance with the conditions of said permit. Developers' successors-in-interest and assigns are hereby placed on notice of this permit and its potential application to development which they may propose to undertake within BRC.

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



July 25, 2017

- (5) The ~~United States Army Corps of Engineers~~USACOeE issued Permit No. SAJ-2006-6656 (IP-MJD) which includes certain authorizations and permit conditions, in accordance with its jurisdiction over such matters and the Property. Developer has committed to follow this permit and its conditions, which is a separate and enforceable legal document in accordance with its terms. Compliance with this permit, as it may be amended from time to time, addresses mitigation of certain impacts of the BRC development. The permit is issued under the authority of an agency other than County and, therefore, is subject to enforcement by the issuing agency. County will assist said agency, if requested, in monitoring Developer's compliance with the conditions of said permit. Developers' successors-in-interest and assigns are hereby placed on notice of this permit and its application to development which they may propose to undertake within BRC.
- (6) The SFWMD issued Permit No. 08-00004-S-05 (Application No. 070330-5) to Developer for a conceptual ERP in accordance with its jurisdiction over such matters and the Property. Developer will follow the authorizations and permit conditions, which is a separate and enforceable legal document in accordance with its terms. Compliance with this permit, as it may be amended from time to time, addresses mitigation of certain impacts of the BRC development. The permit is issued under the authority of an agency other than

July 25, 2017

County and, therefore, is subject to enforcement by the issuing agency. County will assist said agency, if requested, in monitoring Developer's compliance with the conditions of said permit. Developers' successors-in-interest and assigns are hereby placed on notice of this permit and its application to development which they may propose to undertake within BRC.

C. Incremental Review.

- (1) The threatened and endangered species management plan ("T&E Plan") is that plan for threatened and endangered species provided for in the ERP and ~~United States Army Corps of Engineers~~ USACOE Permit ("ACOEP") for Babcock Charlotte, as may be amended from time to time.
- (2) The incremental review will address compliance of the increment with the T&E Plan. It will also address the detailed plan to protect any wetlands in the increment or to mitigate for proposed impacts on such wetlands. Upland habitats of threatened and endangered species (not including species addressed in the Biological Opinion of the U.S. Fish and Wildlife Service for Babcock Charlotte) which are not addressed by the T&E Plan shall also be addressed in the AIDA to maintain such habitats to the extent practicable with the development planned for those areas, or to relocate affected listed species to other appropriate habitat.

July 25, 2017

- (3) The incremental review will include an assessment of any pertinent information developed pursuant to a condition of the ~~Master DRI development order~~MDO which has been developed since the ~~Master DRI development order~~MDO was issued in order to determine if that new information shows that a change in the T&E Plan is needed in order to provide the same level of protection, remediation, or mitigation that is contemplated in the ~~Master DRI development order~~MDO.
- (4) Each AIDA shall identify the number of acres to be contained in the Increment with respect to each of the following Greenway categories and the percentage of the total of each and shall include a companion map:
  - (a) Greenway acreage not under conservation easements
    - (i) agricultural lands
    - (ii) non-agricultural lands
  - (b) Greenway acreage under conservation easements
    - (i) wetland conservation
    - (ii) wetland enhancement
    - (iii) upland conservation
    - (iv) agriculture
- (5) Each AIDA shall identify any conservation easements over wetlands and uplands which have been delivered.

July 25, 2017

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

**REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY**

July 25, 2017

## 7. WASTEWATER MANAGEMENT AND WATER SUPPLY

### A. Representations and Commitments as Conditions

- (1) Low Flow Fixtures: Low volume plumbing fixtures will be installed in all new homes and businesses. The plumbing fixtures will comply with the following maximum flow volumes at 80 psi:
  - Toilets: 1.286 gallons per flush
  - Shower heads: 2.5 gallons per minute
  - Faucets: 2.0 gallons per minute
- (2) Customer billing by Town and Country Utilities Company will be based on the use of water conservation-based rate structures.
- (3) Town and Country Utilities Company will distribute literature to households describing water conservation practices.
- (4) Drought-Tolerant Landscaping: The use of native landscaping and the Florida Yards and Neighborhoods Program principles will be incorporated throughout the project site.
- (5) Reuse Water: Irrigation water will utilize reclaimed water produced by the water reclamation facility. During times when irrigation demand exceeds reclaimed water supply, irrigation water will be derived from the on-site lake system. The lake system will be replenished with ground water.
- (6) Leak Detection Program: Reports of water leaks will be directed to personnel during business hours. Site tours and routine

July 25, 2017

maintenance personnel trips along water supply and distribution lines will also be conducted. On a monthly basis, customer metered usage will be compared to the master meter reading.

- (7) Irrigation System Design: Rain sensors and/or soil moisture sensors are required for irrigation systems within the project site in order to preclude irrigation during rainfall events. The project will install low flow irrigation systems for common areas where reasonably practicable.
- (8) Fertilization Program: Written fertilization guidelines will be developed that establish standards for all common area fertilization and guidelines for individual property owners. The guidelines will comply with SWFRPC Resolution 2007-1 to the extent adopted by County and as it may be modified by County from time to time, except that reuse irrigation water may be applied within 25 feet of a wetland or water body. The program will be based on the results of soil samples, water sources, drainage patterns, and the landscape planned. This program will be designed to provide sufficient nutrition to sustain density and vigor for the landscape plantings intended for the Community that will enhance their resistance to disease, weeds, and insects. Education of residents and landscape maintenance contractors will be included in the program.

The program standards will include an annual schedule for applications of controlled release and slow release fertilizers. The

July 25, 2017

program will also identify appropriate buffer requirements for all areas on the site with respect to wetlands and all natural or created bodies of water. The above fertilization program does not eliminate the requirement of compliance with any County fertilizer ordinance.

- (9) Various types of on-site wastewater treatment systems may be used permanently at ~~the plant nursery,~~ solar generating facilities, the North Babcock Area, restroom facilities in the project's trail system, and ~~the mining and any plant nursery, sod, or agricultural operations facilities~~office. Pursuant to F.S. 381.0065(4), as may be amended, an operating permit must be obtained prior to the use of any aerobic treatment unit or if the establishment generates commercial waste. Buildings or establishments that use an aerobic treatment unit or generate commercial waste will be subject to annual inspections by the State Department of Health to assure compliance with the terms of the operating permit. Any currently permitted uses of such systems may continue pursuant to existing, modified, and renewed permits.
- (10) On-site wastewater treatment systems may be utilized at selected locations such as construction trailers, sales centers, and other non-residential facilities where centralized sewer is not currently available. Each of these non-permanent systems must be licensed as in paragraph (9) above and may continue to be used for five (5) years from the date of installation of each system and thereafter must

July 25, 2017

be abandoned in accordance with state and County regulations. Notwithstanding the foregoing, models, sales centers and associated construction trailers may be extended on an annual basis as needed and such consent by County shall not be unreasonably withheld.

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

B. Other Conditions.

- (1) The proposed water treatment and distribution and wastewater collection and treatment systems will be designed consistent with current industry standards in Southwest Florida.
- (2) All potable water facilities, including any possible on-site potable water treatment plants, will be properly sized to supply average and peak day domestic demand, in addition to fire flow demand, at a flow rate approved by the County Fire Department.
- (3) The lowest quality of water available and acceptable should be utilized for all non-potable water uses.
- (4) Irrigation systems for new construction will comply with County's irrigation and landscaping ordinance, as may be amended from time to time.
- (5) Town and Country Utilities Company or its successor or assigns will provide water, wastewater, and reclaimed water to BRC.



July 25, 2017

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

July 25, 2017

enforcement by the issuing agency. County will assist said agency, if requested, in monitoring Developer's compliance with the conditions of said permit. Developers' successors-in-interest and assigns are hereby placed on notice of this permit application and its potential application to development which they may propose to undertake within BRC.

C. Incremental Review.

- (1) The AIDA which includes the North Babcock Area shall identify the water and wastewater treatment option(s) which will be employed in the North Babcock Area.
- (2) Each AIDA shall include an updated Primary Utility Corridor map.
- (3) Each AIDA shall identify the source of water for the Increment and the service provider.
- (4) Each AIDA shall identify the service provider and the type(s) of wastewater treatment system(s) to be used in the Increment and their duration(s) of use.
- (5) Wastewater treatment options in the North Babcock Area may include decentralized facilities.

**REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY**

July 25, 2017

**8. HISTORICAL AND ARCHEOLOGICAL SITES**

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

B. Other Conditions.

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

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

(3) By the end of the second DRI Increment, Developer will establish a permanent display of the history of the Babcock Ranch, including but not limited to the railroad and telegraph facilities.

C. Incremental Review. – None.

July 25, 2017

~~REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY~~

July 25, 2017

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

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

**B. Other Conditions.** Public facilities such as parks, libraries, and community centers shall be co-located with schools to the extent reasonably practicable. Elementary schools shall be encouraged as focal points for neighborhoods.**C. Incremental Review.** Developer shall provide anticipated student generation numbers as part of an AIDA using student generation rates contained in the Student Impact Analysis form.

**REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY**

July 25, 2017

## 10. POLICE AND FIRE

### A. Representations and Commitments as Conditions.

- (1) Developer or District shall construct the shells of the law enforcement and fire/rescue buildings. The term “shell” means site preparation, foundations, laying of all utilities, exterior building structural components (including all exterior windows and doors), interior unfinished load-bearing walls and floors, stairs, elevators, and general building ~~MEPF~~ (mechanical, electrical, plumbing, and fire ~~(MEPF)~~ systems, but not including ~~MEPF~~ systems specific to a floor plan layout) landscaping and exterior finishes to satisfy the Developer’s architectural design standards. The building shells may be constructed in phases. The building shells shall be completed by Developer or District and turned over to County on the schedule set forth in Exhibit “D” attached hereto. Until the turnover to County, Developer or District shall be responsible for maintenance of the building shells and the associated building landscaping and any costs of operations elected by Developer or District to be incurred prior to said turnover(s). If the Developer or the District elects to operate any such buildings prior to turnover to County, County will consider an operational contract with District. The Developer or District shall be reimbursed from the impact fees, but only up to the amount of the impact fees collected from the Development (not including any interest earned by County), for the design and

July 25, 2017

construction costs of those buildings and the costs of all associated infrastructure; i.e., water, sewer, paving, drainage, landscaping, lighting, signage, etc. (collectively the "Costs"), but not for the sites. Developer or District shall be reimbursed by County from funds other than impact fees collected from the Development for the Costs of any portion of a building requested by County which is in excess of that required by County standards to satisfy the demand for the building created by the Development Program Exhibit "D".

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

B. Other Conditions.

- (1) The fire flows required for the BRC will be provided. Adequate system storage and pumping capacity will be installed to provide the required flows. Distribution system pipes will be sized to deliver the fire flows to the buildings to meet the requirements of the National Fire Protection Association.
- (2) As the development of the project progresses, the Developer will coordinate with the Sheriff's Office prior to or during site plan review regarding security measures and features that will likely deter criminal activity in the BRC.

July 25, 2017

- (3) ~~Four~~ Six sites totaling approximately ~~10.25~~ 7.8+ acres will be dedicated for police and/or fire rescue operations and for a communications tower. Site acreages are net developable acres exclusive of jurisdictional wetlands and listed species habitat areas. ~~The Sheriff's facility will be co-located within a central fire/rescue building on a 5.75 acre site.~~ Any additional acres requested by County for such operations will be subject to payment by County pursuant to a purchase contract negotiated between Developer and County.
- (4) The Developer or the District shall provide funding to the County in the amount of one million two hundred thousand dollars (\$1,200,000) for a ladder truck pursuant to the schedule in Exhibit "D". The housing of that vehicle will be the responsibility of County.
- ~~(4)(5)~~ The Developer District has ~~shall~~ provided an interim fully operational double-wide trailer ~~at least 24 feet in width and 60 feet in overall length~~ as the first Sheriff's Sub-Station pursuant to the schedule in Exhibit "D" hereto.
- ~~(5)(6)~~ The Developer or the District shall provide funding to the County for ~~a~~ An EMS vehicle ~~will be provided by Developer pursuant to the schedule in Exhibit "D" hereto.~~ The housing of that vehicle will be the responsibility of County.



July 25, 2017

~~(6)~~(7) The public purpose buildings and sites shall be subject to the land development regulations and architectural guidelines established for the Property.

~~(7)~~(8) All law enforcement, fire, and EMS impact fees collected from the Development (not including any interest earned by County) shall be provided to Developer or District in the form of reimbursements.

~~(8)~~(9) Babcock is intended to be a "Firewise" community and will employ "Firewise" principles where appropriate. The County's Office of Emergency Management will cooperate with and assist the District in this endeavor.

C. Incremental Review.

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

**REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY**

July 25, 2017

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

A. Representations and Commitments as Conditions. – None.

B. Other Conditions.

- (1) The project shall be bound by all applicable recycling requirements in effect in the County at the time of the development, and all solid waste shall be disposed of by a waste hauler licensed by the State of Florida.
- (2) Any buildings where hazardous materials, or waste, is to be used, displayed, handled, generated or stored shall be constructed with impervious floors with adequate floor drains leading to separate impervious holding facilities that are adequate to contain and safely facilitate cleanups of any spill, leakage, or contaminated water.
- (3) Discharge of hazardous waste effluent into the sewage system shall be prohibited unless approved by a permit issued by FDEP. There shall be no discharge of hazardous waste or of medical wastes from medical facilities into septic tanks.
- (4) Any business within the BRC that generates hazardous waste will be responsible for the temporary storage, siting and proper disposal of the hazardous waste generated by such business. However, there will be no siting of hazardous waste storage facilities contrary to the County zoning regulations. There shall be no disposal of hazardous waste within the BRC.

July 25, 2017

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

July 25, 2017

applicable effluent quality requirements. The captured grease will be hauled off by a licensed hauler.

C. Incremental Review.

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

**REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY**

July 25, 2017

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

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

**B. Other Conditions.**

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

**C. Incremental Review. – None.**

**REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY**

July 25, 2017

### 13. HURRICANE PREPAREDNESS

#### A. Representations and Commitments as Conditions.

The Developer or District will build the shells of community center civic buildings and certain portions of public school buildings on the Property that will be used as shelters, to hurricane building standards per local, state, and/or federal standards, as applicable, and American Red Cross publication #4496, and said buildings will be equipped with emergency generators.

#### B. Other Conditions.

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

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

#### C. Incremental Review. – None.

**REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY**

July 25, 2017

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

##### A. Representations and Commitments as Conditions.

- (1) Developer agrees to provide a minimum of thirty-five (35%) percent of the gross acreage of the BRC as open space. "Open Space" shall consist of the Primary Greenway Plan, non-residential vegetated green space (including, but not limited to, community supported agriculture and community gardening), lakes and ponds not engineered for stormwater, lakes and ponds engineered for stormwater with general public access, hiking trails, greenways, bike paths, upland and wetland areas. Active uses such as ball fields, golf courses and other related recreation uses can be counted toward Open Space, but only 50% of the area can be utilized for calculation purposes.
- (2) BRC will provide 200 acres of parks with a park points value of 715 points. Park points will be calculated in accordance with the County's Parks & Recreation Master Plan Update 2015-2050 or as otherwise agreed upon by the County and Developer as part of bi-annual meetings. ~~19.5 acres of mini parks, 58.4 acres of neighborhood parks, and 177.9 acres of community/regional parks, totaling 255.8 acres, as well as other open space areas within neighborhoods, which will exceed the expected demand created by BRC. As set forth on Exhibit "D" attached hereto, the community and regional park buildings and parks site improvements are required by the issuance~~

July 25, 2017

~~of the 5,900<sup>th</sup> dwelling unit certificate of occupancy. Each neighborhood park with pavilion and restrooms will be required by the issuance of the 500<sup>th</sup> dwelling unit certificate of occupancy within each of the neighborhoods.~~

(3) One site totaling 7.4 acres will be dedicated for a library pursuant to the schedule in Exhibit "D". Site acreage is net developable acres exclusive of jurisdictional wetlands and listed species habitat. Developer or District shall be required to fund the construction of a 2412,000 square foot library shell building. The County may desire to construct a library facility totaling 4020,000 square feet. The County and the Developer or District agree to cooperate with respect to the design, construction and funding of this library facility. Developer or District shall fund the library shell building costs for 2412,000 square feet and, if the County decides to construct the additional 8,000 square feet, the County shall fund the construction of the library shell building costs for 168,000 square feet, in addition to the construction completion of the library facility herein. Phase I of the library to be provided by the issuance of the 10,000<sup>th</sup> dwelling unit certificate of occupancy, and Phase II of the library to be provided by the issuance of the 15,000<sup>th</sup> dwelling unit certificate of occupancy as shown on the schedule in Exhibit "D".

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



July 25, 2017

~~(5)~~(4) Developer or District shall construct the shells of the public purpose buildings ~~(including park and library facilities)~~. The term "shell" means site preparation, foundations, laying of all utilities, exterior building structural components (including all exterior windows and doors), interior unfinished load-bearing walls and floors, stairs, elevators, and general building ~~MEPF~~ (mechanical, electrical, plumbing, and fire ~~(MEPF)~~ systems, landscaping and exterior finishes to satisfy the Developer's architectural design standards, but not including ~~MEPF systems specific to a floor plan layout~~. The building shells shall be completed by Developer or District and turned over to County on the schedule shown on Exhibit "D" attached hereto. Until the turnover to County, Developer or District shall be responsible for maintenance of the building shells and the associated building landscaping and any costs of operations elected by Developer or District to be incurred prior to said turnover(s). If the Developer or the District elects to operate any such buildings prior to turnover to County, County will consider an operational contract with Developer or District. The Developer or District shall be reimbursed for the park and library facilities from the impact fees, but only up to the amount of the impact fees collected from the Development (not including any interest earned by County), for the design, construction, and permitting costs of those buildings and the costs of all associated infrastructure; i.e., water, sewer, paving, drainage,

July 25, 2017

landscaping, lighting, signage, etc. (collectively the "Costs"), but not for the sites. Developer or District shall be reimbursed by County from funds other than impact fees collected from the Development for the Costs of any portion of a building requested by County which is in excess of that required by ~~County standards to satisfy the demand for the building created by the Development Program~~Exhibit "D".

~~(6)~~(5) District or Developer shall prepare the master plans for the park sites in consultation with County and at no cost to the County.

~~(7)~~(6) The ~~parks and~~ library buildings and sites shall be subject to the land development regulations and architectural guidelines established for the Property.

B. Other Conditions.

- (1) All landscaped open space areas shall be replanted with native vegetation after construction.
  - (i) Ninety percent (90%) of the trees and ninety percent (90%) of the shrubs installed in public areas will be native plants.
  - (ii) Seventy-five percent (75%) of the total number of required trees and seventy-five percent (75%) of the shrubs installed in privately owned areas will be native plants.
  - (iii) One hundred percent (100%) of the trees and shrubs installed in primary greenways will be native plants.

July 25, 2017

- (iv) All plants listed on the Florida Exotic Pest Plant Council's -List of Invasive Plant Species Category I and II, are prohibited for use as landscaping material.
- (v) Plant material used for landscaping must conform to the standards for Florida Number 1, or better as given in Grades and Standards for Nursery Plants (1998 or latest), and Grades and Standards for Nursery Plants Florida Department of Agriculture and Consumer Services, Tallahassee, Florida.
- (2) General agricultural operations may be conducted in accordance with the Land Development Code.
- ~~(3) The mining lake located immediately west of the northernmost Major Park shown on Map H will be reclaimed in accordance with the approved Reclamation Plan and the County permit upon the cessation of mining in the lake and will be incorporated into the plan for said park (although remaining in District ownership) for park uses, subject to restrictions and requirements of SFWMD and/or other governing agencies, and will be connected to the Greenway.~~
- ~~(4)~~(3) The parks and library buildings shall be completed, staffed, and opened by County on the schedule shown on Exhibit "D" attached hereto.
- ~~(5)~~(4) Public facilities such as parks, libraries and community centers will be co-located with schools to the extent reasonably

July 25, 2017

practicable. Elementary schools will be encouraged as focal points for neighborhoods.

~~(6)~~(5) All parks and library impact fees collected from the Development (not including any interest earned by County) shall be provided to Developer or District in the form of reimbursements.

~~(7)~~(6) The parks, common recreational areas and common open spaces will be owned, operated, and maintained by either a master property owner's association, a neighborhood association, a condominium association, the District, or a Chapter 190 Community Development District.

~~(8)~~(7) Vegetated upland areas within conservation areas will be part of the extensive recreational open space system of BRC.

C. Incremental Review.

- (1) Each AIDA shall provide the number of acres of Open Space to be provided in the Increment and the cumulative number with other approved Increments.
- (2) Each AIDA shall include an updated Exhibit "D" schedule.

**REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY**

July 25, 2017

**15. HOSPITALS AND HEALTHCARE**

A. Representations and Commitments as Conditions. – None.

B. Other Conditions.

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

C. Incremental Review.

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

**REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY**

July 25, 2017

## 16. **ENERGY**

### A. Representations and Commitments as Conditions.

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

July 25, 2017

- (6) Water closets will have a maximum water usage of 1.628 gallons/flush. Showerheads and faucets will have a maximum flow rate of 2.5 gallons/minute at 80 psi water pressure. Faucet aerators will limit flow rates to 0.5 gallons per minute.
- (7) A primarily native plant pallet to reduce water consumption throughout the community will be used as referenced in Section 14, Open Space, Parks and Library, above. Additionally, Developer will strive to use innovative irrigation technology, such as drip irrigation, moisture sensors, and micro spray heads to reduce irrigation water use.
- (8) All recreational areas as well as the integrated sidewalks, trails, and paths shall include shade trees where design allows.

B. Other Conditions.

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

July 25, 2017

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

C. Incremental Review. – None.



July 25, 2017

**REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY**

July 25, 2017

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

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

**B. Other Conditions. – None.****C. Incremental Review. – None.****REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY**

July 25, 2017

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

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

**19. BIENNIAL REPORTS**

The Developer, or its successor(s)-in-title to the undeveloped portions of the Property, must submit a biennial report to the County. The Developer must inform successors-in-title to any undeveloped portion of the real property covered by this development order of this reporting requirement.

**20. CHANGED CONDITIONS**

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

**21. COMPLIANCE MONITORING**

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

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

Pursuant to Subsection 380.06(15)(c)3, F.S. Florida Statutes, this project is exempt from downzoning, intensity reduction, or unit density reduction until May 8, 2043, unless

July 25, 2017

County can demonstrate that substantial changes in the conditions underlying the approval of the development order have occurred or the development order was based on substantially inaccurate information provided by the Developer or that the change is clearly established by local government to be essential to the public health, safety, or welfare.

**23. COMMENCEMENT OF DEVELOPMENT**

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

**24. PROJECTED BUILDOUT**

The project is being built in Increments. Buildout of the final Increment is projected to occur on or about ~~May 8, 2043~~ May 24, 2050 ("Buildout Date").

**25. EXPIRATION DATE**

The expiration date for this Development Order is ~~November 2, 2044~~ November 21, 2051.

**26. DEVELOPMENT PERMITS**

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

A. A substantial deviation from the terms or conditions of this development order, a failure to carry out conditions, commitments or mitigation measures to the extent

July 25, 2017

set forth herein or consistent with the timing schedules specified herein or substantial deviation from the approved development plans which create a reasonable likelihood of additional regional impacts or other types of regional impacts which were not previously reviewed by the SWFRPC; or

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

## 27. **GENERAL PROVISIONS**

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

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

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

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

D. If there is a conflict between a provision in this development order and a provision in an ERP, a Consumptive Use Permit ("CUP"), a FDEP 404 Permit, or ACOEP, the provision in the ERP, CUP, FDEP 404 Permit, or ACOEP shall prevail.

July 25, 2017

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

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

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

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

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

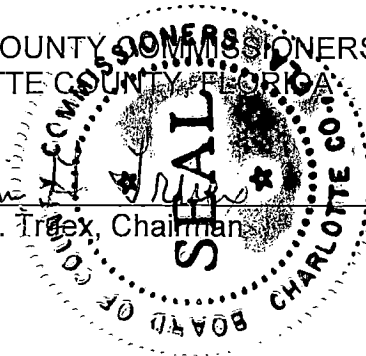
**REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY**

PASSED AND DULY ADOPTED this 27th day of July, 2021.

BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY, FLORIDA

By: William G. Trex

William G. Trex, Chairman



ATTEST:

Roger D. Eaton, Clerk of the Circuit Court  
and Ex-Officio Clerk to the  
Board of County Commissioners

By: Stacy Wear

Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

By: Janette S. Knowlton

Janette S. Knowlton, County Attorney

LR 20-0822

**EXHIBITS**

Exhibit A	Legal Description
Exhibit B	Master Concept Plan (Map H)
Exhibit C	Questions to be addressed in AIDAs
Exhibit D	Updated Summary of Land Dedications and Facilities Construction
Exhibit E	RESERVED
Exhibit F	Master (Buildout 2040) Roadway Network with Initial Internal Capture Rate – 22% and with Developer's Estimated Community Capture Rate – 71%



**EXHIBIT A****Legal Description****CHARLOTTE COUNTY PARCEL:**

A parcel of land lying within Sections 29, 31 through 33, Township 41 South, Range 26 East, AND, Sections 4 through 10, Sections 15 through 17 and Sections 19 through 36, Township 42 South, Range 26 East, Charlotte County, Florida, being more particularly described as follows:

Commence at the Southwest corner of Section 31, Township 42 South, Range 26 East and run S89°41'45"E, along the South line of said Section 31, a distance of 50.00 feet to a point on the East right-of-way line of State Road No. 31, said point also being the Point of Beginning of the parcel of land herein described; Thence continue S89°41'45"E a distance of 5,189.75 feet to the Southwest corner of Section 32, Township 42 South, Range 26 East; Thence S89°41'45"E a distance of 5,308.08 feet to the Southeast corner of Section 32, Township 42 South, Range 26 East; Thence S89°37'16"E a distance of 5,289.11 feet to the Southwest corner of Section 34, Township 42 South, Range 26 East; Thence S89°35'44"E a distance of 5,294.60 feet to the Southeast corner of Section 34, Township 42 South, Range 26 East; Thence S89°35'44"E a distance of 5,294.60 feet to the Southwest corner of Section 36, Township 42 South, Range 26 East; Thence S89°35'44"E, along the South line of Section 36, Township 42 South, Range 26 East, a distance of 3,430.66 feet; Thence N00°00'40"W a distance of 10,185.53 feet; Thence N05°46'23"E a distance of 1,058.56 feet; Thence N66°40'38"W a distance of 200.62 feet; Thence S63°12'47"W a distance of 1,373.33 feet; Thence N30°17'33"W a distance of 1,686.63 feet; Thence N70°02'41"W a distance of 1,332.41 feet; Thence S72°42'44"W a distance of 1,430.81 feet; Thence N48°18'31"W a distance of 2,362.25 feet; Thence S69°00'57"W a distance of 1,518.19 feet; Thence S21°08'17"W a distance of 865.44 feet; Thence S20°29'11"E a distance of 1,376.81 feet; Thence N74°38'25"E a distance of 1,635.69 feet; Thence S00°18'50"E a distance of 1,309.92 feet; Thence S89°45'02"W a distance of 4,154.48 feet; Thence N51°39'35"W a distance of 782.53 feet; Thence N04°14'12"E a distance of 1,329.59 feet; Thence N39°20'59"W a distance of 1,779.16 feet; Thence N42°01'35"W a distance of 1,162.94 feet; Thence S52°01'16"W a distance of 818.34 feet; Thence S62°56'46"W a distance of 516.42 feet; Thence S89°59'33"W a distance of 307.20 feet; Thence N80°06'18"W a distance of 334.84 feet; Thence N20°54'51"W a distance of 336.86 feet; Thence N05°03'05"E a distance of 533.35 feet; Thence N22°47'49"E a distance of 5,489.82 feet; Thence N55°42'26"E a distance of 195.73 feet; Thence N21°59'06"W a distance of 1,739.17 feet; Thence N52°37'55"E a distance of 867.75 feet; Thence N13°36'57"W a distance of 2,507.33 feet; Thence S78°50'16"W a distance of 687.95 feet; Thence N19°48'25"W a distance of 366.25 feet; Thence N06°01'21"W a distance of 493.32 feet; Thence N03°43'40"E a distance of 687.22 feet; Thence N00°28'20"E a distance of 674.51 feet; Thence N25°12'33"W a distance of 261.13 feet; Thence N42°54'55"W a distance of 643.19 feet; Thence N07°19'37"W a distance of 171.40 feet; Thence N13°05'30"E a distance of 201.96 feet; Thence N32°40'01"W a distance of 186.12 feet; Thence N05°04'15"W a distance of 1,632.77 feet; Thence N19°47'08"W a distance of 527.20 feet; Thence N26°13'22"W a distance of 802.13 feet; Thence S79°06'55"W a distance of 475.20 feet; Thence N74°19'19"W a distance of 1,689.05 feet; Thence N01°26'06"W a distance of 897.42 feet; Thence N89°51'42"W a distance of 67.81 feet; Thence N00°00'03"W a distance of 1,218.37 feet; Thence N39°50'11"W a distance of 190.86 feet; Thence N00°00'29"W a distance of 324.62 feet; Thence N89°59'52"W a distance of 688.20 feet; Thence N00°00'00"E a distance of 1,967.22 feet; Thence N41°13'25"W a distance of 2,825.17 feet; Thence S89°59'57"W a distance of 3,568.80 feet; Thence S00°00'03"E a distance of 2,799.34 feet; Thence S89°11'17"W a distance of 5,960.98 feet to a point on the East right-of-way line for State Road No. 31; Thence along the East right-of-way line for State Road No. 31, the following courses and distances: S00°48'43"E a distance of 2,976.13 feet and S00°34'01"W a distance of 785.25 feet; Thence S89°25'59"E a distance of 4,104.32 feet; Thence S00°01'22"E a distance of 2,084.04 feet; Thence S16°46'19"E a distance of 1,740.24 feet; Thence S09°11'59"W a distance of 1,325.85 feet; Thence S73°15'18"E a distance of 681.15 feet; Thence N59°20'29"E a distance of 577.75 feet; Thence S38°10'48"E a distance of 551.46 feet; Thence S86°25'38"E a distance of 385.60 feet; Thence S24°01'11"E a distance of 975.12 feet; Thence S57°46'34"E a distance of 530.20 feet; Thence S70°04'12"E a distance of 1,843.47 feet; Thence N63°01'21"E a distance of 1,214.89 feet; Thence S50°03'22"E a distance of 2,565.56 feet; Thence S13°56'09"W a distance of 1,953.90 feet; Thence S12°51'59"E a distance of 1,862.33 feet; Thence S71°59'01"W a distance of 448.53 feet; Thence N45°00'57"W a distance of 266.60 feet; Thence S69°50'23"W a distance of 1,104.27 feet; Thence S28°10'55"E a distance of 1,272.60 feet; Thence S62°45'03"W a distance of 4,638.30 feet; Thence S82°12'01"W a distance of 711.48 feet; Thence S81°38'00"W a distance of 5,167.82 feet; Thence N77°54'41"W a distance of 707.32 feet; Thence N89°28'15"W a distance of 299.98 feet to a point on the East right-of-way line for State Road No. 31; Thence along the East right-of-way line for State Road No. 31, the following courses and distances: S00°31'45"W a distance of 4,197.71 feet, S00°26'10"W a distance of 5,282.33 feet and S00°36'46"W a distance of 5,337.00 feet to the Point of Beginning. Containing 13,630.60 acres, more or less. Dimensions and acreage shown are grid values. Bearings hereinabove mentioned are based on the South line of Section 31, Township 42 South, Range 26 East to bear S89°41'45"E.

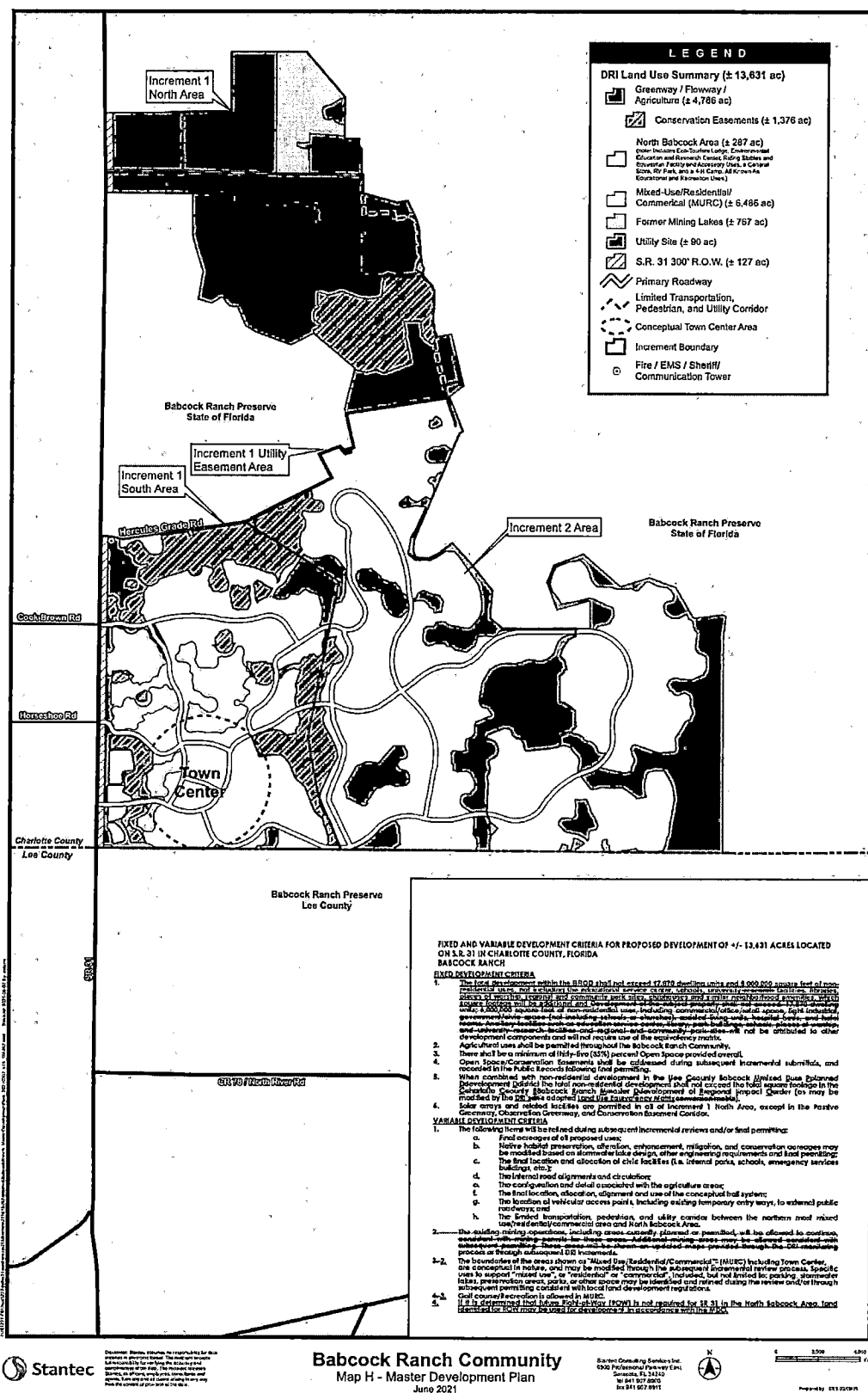
S:\2005\8201-01\Charlotte-Sketch and Description.dwg (1x14-P (3)) of Oct 23, 2007 7:58am

**JOHNSON**  
ENGINEERING

251 WEST HICKPOCHEE AVENUE,  
LABELLE, FLORIDA 33935  
PHONE (863) 612-0394  
FAX (863) 612-0341  
E.B. #642 & L.B. #642

Babcock Ranch Community  
Sketch Of Description

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
January 2007	20055693-602	31-42-26	As Shown	3

**EXHIBIT B****(Master Concept Plan – Map H)**

## EXHIBIT B

(Expanded Fixed and Variable Criteria depicted on B-1 Master Concept Plan – Map H)

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

#### FIXED DEVELOPMENT CRITERIA

1. ~~Development of the subject property shall not exceed: 17,870 dwelling units; 6,000,000 square feet of non-residential uses, including commercial/office/retail space, light industrial, government/civic space (not including schools or churches), assisted living units, hospital beds, and hotel rooms. Ancillary facilities such as education service center, library, park buildings, schools, places of worship, and university research facilities and regional and community park sites. The total development within the BROD shall not exceed 17,870 dwelling units and 6,000,000 square feet of non-residential uses, not including the educational service center, schools, university facilities, libraries, places of worship, regional and community park sites, clubhouses and similar neighborhood amenities, which square footage will be additional and will not be attributed to other development components and will not require use of the equivalency matrix.~~
2. ~~Agricultural uses shall be permitted throughout the Babcock Ranch Community.~~
1. ~~There shall be a minimum of thirty-five (35%) percent Open Space provided overall.~~
3.
2. ~~Open Space/Conservation Easements shall be addressed during subsequent incremental submittals, and recorded in the Public Records following final permitting.~~
4.
3. ~~5. When combined with non-residential development in the Lee County Babcock Mixed Use Planned Development District, the total non-residential development shall not exceed the total square footage in the Charlotte County Babcock Ranch Master Development of Regional Impact Development Order (as may be modified by the DRI's adopted Land Use Equivalency Matrix conversion matrix).~~
5.
6. ~~6. Solar arrays and related facilities are permitted in all of Increment 1 North Area, except in the Passive Greenway, Observation Greenway, and Conservation Easement Corridor.~~

#### VARIABLE DEVELOPMENT CRITERIA

1. The following items will be refined during subsequent incremental reviews and/or final permitting:
  - a. Final acreages of all proposed uses;
  - b. Native habitat preservation, alteration, enhancement, mitigation, and conservation acreages may be modified based on stormwater lake design, other engineering requirements and final permitting;
  - c. The final location and allocation of civic facilities (i.e. internal parks, schools, emergency services buildings, etc.);
  - d. The internal road alignments and circulation;
  - e. The configuration and detail associated with the agriculture areas;
  - f. The final location, allocation, alignment and use of the conceptual trail system;
  - g. The location of vehicular access points, including existing temporary entry ways, to external public roadways; and
  - h. The limited transportation, pedestrian, and utility corridor between the northern most mixed use/residential/commercial area and North Babcock Area.
2. ~~The existing mining operations, including areas currently planned or permitted, will be allowed to continue, consistent with mining permits for these areas. Additional mining areas may be allowed consistent with subsequent permitting. These areas will be shown on~~

## EXHIBIT B

### (Expanded Fixed and Variable Criteria depicted on B-1 Master Concept Plan – Map H)

- ~~updated maps provided through the DRI monitoring process or through subsequent DRI increments.~~
23. The boundaries of the areas shown as "Mixed Use/Residential/Commercial"<sup>u</sup> (MURC) including Town Center, are conceptual in nature, and may be modified through the subsequent incremental review process. Specific uses to support "mixed use"—or "residential" or "commercial", included, but not limited to: parking, stormwater lakes, preservation areas, parks, or other space may be identified and refined during the review and/or through subsequent permitting consistent with local land development regulations.
34. Golf course/Recreation is allowed in MURC.
4. If it is determined that future Right-of-Way (ROW) is not required for SR 31 in the North Babcock Area, land identified for ROW may be used for development, in accordance with the MDO.

### EXHIBIT C

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

#### AMDA and AIDA Questionnaire Responses

Question	1, Statement of Intent_.....	Master, Increment
Questions	2, 3 Applicant Information_.....	Master, Increment
Question	4, Notarized Authorization_.....	Master, Increment
Question	5, Legal Description_.....	Master, Increment
Question	6, Binding Letter Status_.....	Master
Question	7, Local Government Jurisdiction_.....	Master
Question	8, Permitting Status_.....	Master, Increment
Question	9, Maps (All).....	Master
Question	9, Maps B, F, G, H, I, J_.....	Increment
Question	10, Part 1, Project Description_.....	Master, Increment <u>(Only Part 1A)</u>
Question	10, Part 2, Comprehensive Plan_.....	Master
Question	10, Part 3, Demographics_.....	Master
Question	10, Part 4, Impact Summary_.....	Master
Question	11, Revenue Generation_.....	Master
Question	12, Vegetation and Wildlife_.....	Master, Increment
	(MDO Condition 6)	
Question	13, Wetlands_.....	Master, Increment
	(MDO Condition 6)	
Question	14, Water_.....	Master, Increment
	(MDO Condition 4)	
Question	15, Soils_.....	Master
Question	16, Floodplains_.....	Master, See Stormwater Management
	(MDO Condition 4)	
Question	17, Water Supply_.....	Master, Increment
	(MDO Condition 7)	
Question	18, Wastewater Management_.....	Master, Documentation
	(MDO Condition 7)	
Question	19, Stormwater Management_.....	Master, Increment
	(MDO Condition 4)	
Question	20, Solid Waste_.....	Master, Documentation
	(MDO Condition 11)	
Question	20, Hazardous Waste_.....	Master, Documentation
	(MDO Condition 11)	
Question	21, Transportation_.....	Master, Increment
	(MDO Condition 5)	
Question	22, Air_.....	Master
	(MDO Condition 12)	

**EXHIBIT C****AMDA and AIDA Questionnaire Responses, (continued)**

Question	23, Hurricane Preparedness_.....	Master, Documentation ( <b>MDO Condition 13</b> )
Question	24, Housing_.....	Master ( <b>MDO Condition 3</b> )
Question	25, Police and Fire Protection_.....	Master, Documentation ( <b>MDO Condition 10</b> )
Question	26, Recreation/Open Space_.....	Master, Documentation ( <b>MDO Condition 14</b> )
Question	27, Education_.....	Master ( <b>MDO Condition 9</b> )
Question	28, Health Care_.....	Master, Documentation ( <b>MDO Condition 15</b> )
Question	29, Energy_.....	Master, Documentation ( <b>MDO Condition 16</b> )
Question	30, Historical/Archaeological_.....	Master, Documentation ( <b>MDO Condition 8</b> )
Question	33, Hospitals .....	Master, Documentation ( <b>MDO Condition 15</b> )
Question	35, Mining Operations .....	Master, Documentation ( <b>MDO Condition 17</b> )

### SITE & BUILDING DEDICATION/CONSTRUCTION TIME LINE

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

Public Facilities Required	Aggregate Site Dedication (acre)	Number of Sites (#)	Shell Building Required (sqr)	Commencement of Operations (s.t)	The criteria for determining public facility shell completion and/or land dedication shall be by certificate of occupancy (C/O) referenced below.
<b>Community Services</b>					
Community Park/Regional Park	77.9	4	6500 ±1	5,900th C/O	Community Park Building and park site improvements by the 5,900th du/C/O.
Neighborhood Parks (Village Parks)	58.4	7	2500 ±2	500th C/O ±5	2. Neighborhood Park #425 w/pav. & restrooms (500th C/O within Neighborhood); 2. Neighborhood Park #425 w/pav. & restrooms (500th C/O within Neighborhood); As Neighborhoods develop by the 16,000th C/O
Mini Parks -18	49.5	44			
Library Component	7.0	4	24,000 ±3-16,000 (County participation)	10,000th C/O	As Neighborhoods develop by the 10,000th du/C/O.
Regional park and community park to be centrally located	400.0	4	6,500 ±4	5,900th C/O	Regional Park Building and park site improvements by the 5,900th du/C/O.
<b>Extension Services</b>					
Site #1	24.0	4	n/a	Within 180 days of written Request by County #12	
Mosquito Control-pre-fab building (shell only)	4.0	4	3000 ±2	Prior to the issuance of the 5,000th C/O	Prior to the issuance of the 5,000th C/O
Site #2	4.0	4	n/a	Prior to the issuance of the 5,000th C/O	
<b>Fire/Rescue/Law Enforcement</b>					
Site #1	5.5	4	47,300 (9,300 sq ft for Sheriff; 8,000 sq ft for Fire)	One (1) EMS vehicle by the 500th C/O. 8,000 of Fire Station and 9,300 of Sheriff facility by the 5,000th C/O.	One (1) EMS vehicle by the 500th C/O. 8,000 of Fire Station and 9,300 of Sheriff facility by the 5,000th C/O.
Site #2	4.5	4	6,500	2nd Fire Station —10,000th C/O	6,500 of Fire Station by the 10,000th C/O
Site #3	4.5	4	6,500	3rd Fire Station —15,000th C/O	
Site #4	4.5	4	6,500	4th Fire Station 47,000th C/O	
Fire & Police Communications Tower Site #11	0.25 ±	4		Site identification and dedication by 1,500th C/O	6,500 of Fire Station by the 47,000th C/O
<b>Interim Sheriff's Sub-station Office Trailer #10</b>			24'x44'-60' overall	The later of the issuance of the 100th residential C/O or upon receipt of request of Sheriff's Dept. #10	
<b>Public Facilities</b>					
County Annex —"County Hall"			20,000	By the issuance of the 7,000th C/O ±41	By the issuance of the 7,000th C/O
<b>Solid Waste</b>					
Site #1	6.0	4	n/a	Prior to the issuance of the 10,000th C/O	
<b>Total page -1</b>					<b>305.05</b>

**EXHIBIT D****SUMMARY OF LAND DEDICATION & FACILITIES CONSTRUCTION**

Public Facilities Required	Aggregate Site Dedication (acre)	Number of Sites (#)	Shell Building Required (s.f.)	Commencement of Operations
<b>Schools--*6</b>				School Board criteria for land dedication per the School Site Dedication Agreement.
Elementary Schools	Up to 60 (20 per school)	3	n/a	*6
Middle Schools	Up to 30.0	4	n/a	
High Schools	Up to 50.0	4	n/a	
Educational Service Center	25.0	4	n/a	
sub-total page 2	166.0			
Grand-total pages 1 & 2	470.05			

**SITE & BUILDING DEDICATION TIME LINE**

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

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

**Notes to Exhibit 'D'**

- \*1—Community park building improvements to include community center, plus pavilion and restrooms.
- \*2—Neighborhood parks (village park) to include pavilion and restrooms.
- \*3—Phased Library option. The developer shall be required to fund the construction of a 24,000-sf library shell building. The County may desire to construct a library facility totaling 40,000-sf. The County and the developer agree to cooperate, with respect to the design, construction, and funding of this library facility. The developer shall fund the library shell building costs for 24,000-sf and the County shall fund the construction of the library shell building costs for 16,000-sf, in addition to the construction completion of the library facility described herein.
- \*4—RESERVED.
- \*5—Must be completed and turned over prior to the 500th C/O for the village within which it is located.
- \*6—First school may be developed as an interim school within a commercial building, located within the Town Center or in some other facility, agreed to between the School Board and the District. The school board and the District shall determine the timing of the dedication of the required school sites and the educational service center, required above, during the DRI review process. During the DRI process the School Board and the District will negotiate an agreement for the bonded construction, leaseback, and sale of the buildings pursuant to the issuance of bonds by the District for said construction. School sites may be dedicated to a charter school(s), in accordance with the First Amendment to the Babcock Ranch School Site Dedication Agreement dated July 22, 2016.
- \*7—Pre-fab building to include two offices, two bays for vehicle and equipment, and chemical storage. This facility shall be ADA compliant and shall include all required utilities, parking, and landscaping.
- \*8—Mini parks required herein shall be designed, developed, and maintained by the Developer, the District, or the master property owner's association. The mini parks shall not be dedicated to the County.
- \*9—RESERVED.
- \*10—An interim sheriff's sub-station office trailer (24'W x 60' overall length) will be fully operational the later of the issuance of the 100th residential C/O or upon written request of Sheriff's Department and will be terminated upon the opening of the Sheriff's facility.
- \*11—A County Annex building will be constructed. This facility will be designed as a gathering place for community residents, and as County Commission and key staff satellite offices. Appropriate operations shall be served from this facility. The District may choose to construct the shell building earlier than the 7,000th C/O, following which the District will be responsible to maintain the exterior of the building and all site improvements constructed to support the County Annex building until the building is completed and occupied by the County (7,000 C/O). The County, at its option, may increase the size of the County Annex and fund said expansion.
- \*12—Primitive camp site development may occur on Site #1 without Site #1 being included in an increment.

**General Notes:**

- 1) All dedications and construction, required under this schedule, shall be completed and turned over based on a dwelling unit certificate of occupancy use threshold required above.
- 2) The shell building construction required above shall be completed by the Developer one (1) year prior to the issuance of the C/O referenced in the column entitled "Commencement of Operations".



## EXHIBIT D

## Exhibit D

## SUMMARY OF LAND DEDICATION &amp; FACILITIES CONSTRUCTION

SITE & BUILDING DEDICATION/CONSTRUCTION  
TIME LINE

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

<u>Public Facilities Required</u>	<u>Aggregate Site Dedication (acre)</u>	<u>Number of Sites (#)</u>	<u>Shell Building Required (s.f.)</u>	<u>Commencement of Operations</u>		
<b><u>Community Services</u></b>						
<u>Parks</u>	<u>200 acres containing total park points of 715</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>		
<u>Library Component</u>	<u>*1</u> <u>4</u>	<u>1</u>	<u>12,000 *2</u> <u>(8,000 optional County participation)</u>	<u>12,000 SF- prior to reaching 17,500 persons</u> <u>8,000 SF optional County participation- prior to reaching 20,000 persons</u>	<u>12,000</u> <u>00</u> <u>SF</u> <u>*10</u>	<u>8,000 SF optional County participation *10</u>
<b><u>Extension Services</u></b>						
<u>Mosquito Control pre-fab building (shell only)</u>	<u>1</u>	<u>1</u>	<u>3000 *3</u>	<u>Prior to reaching 12,500 persons</u>	<u>*10</u>	
<b><u>Fire/Rescue/Law Enforcement</u></b>						
<u>Site #1 Sheriff</u>	<u>1.8</u>	<u>1</u>	<u>12,500</u>	<u>October 1, 2024</u>	<u>*10</u>	
<u>Site #1 Fire</u>	<u>1.5</u>	<u>1</u>	<u>12,160</u>	<u>October 1, 2024</u>	<u>*10</u>	
<u>One Ladder Truck *4</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>	<u>October 1, 2024</u>		
<u>One EMS Vehicle</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>	<u>500th C/O</u>		
<u>One permanent helicopter landing site*5</u>	<u>0.25</u>	<u>1</u>	<u>n/a</u>	<u>October 1, 2024</u>	<u>*10</u>	
<u>Site #2 Fire</u>	<u>2</u>	<u>1</u>	<u>8,500</u>	<u>2nd Fire Station by 12,500 persons or 400,000 square feet of non-residential within Increment 2, whichever will be achieved first.</u>	<u>*10</u>	
<u>Site #3 Fire</u>	<u>2</u>	<u>1</u>	<u>8,500</u>	<u>3rd Fire Station by 12,500 persons or 400,000 square feet of non-residential within Increment 3, whichever will be achieved first.</u>	<u>*10</u>	
<u>Fire &amp; Police Communications Tower Site</u>	<u>0.25+</u>	<u>1</u>	<u>n/a</u>	<u>Site identification and dedication by 1,500th C/O</u>	<u>COMPLETE</u>	
<u>Interim Sheriff's Sub-station Office Trailer and Site *6</u>	<u>n/a</u>	<u>1</u>	<u>24'W x 60' overall</u>	<u>The later of the issuance of the 100th residential C/O or upon written request of Sheriff's Dept.</u>	<u>COMPLETE</u>	
<u>Interim EMS Sub-Station Site *7</u>	<u>n/a</u>	<u>1</u>	<u>n/a</u>		<u>COMPLETE</u>	
<b><u>Public Facilities</u></b>						
<u>County Annex - "County Hall"</u>	<u>n/a</u>	<u>n/a</u>	<u>20,000</u>	<u>By 17,500 persons*8</u>	<u>*10</u>	

## EXHIBIT D

## SUMMARY OF LAND DEDICATION &amp; FACILITIES CONSTRUCTION

<u>Public Facilities Required</u>	<u>Aggregate Site Dedication (acre)</u>	<u>Number of Sites (#)</u>	<u>Shell Building Required (s.f.)</u>	<u>Commencement of Operations</u>
<b>Schools *9</b>				
Elementary Schools	Up to 60 (20 per school)	3	n/a *9	
Middle Schools	Up to 30.0	1	n/a	
High Schools	Up to 50.0	1	n/a	
Educational Service Center	25	1	n/a	

**Notes to Exhibit 'D'**

**\*1** Parks to be dedicated to ISD or a POA. Park acreage is not required to be allocated equally among the various increment boundaries or identified in a specific increment. Park points will be calculated in accordance with the Charlotte County Parks & Recreation Master Plan Update 2015-2050 or as otherwise agreed upon by the County and Developer as part of the bi-annual meetings referenced in Footnote 10 below.

**\*2** Phased Library option. The County and the Developer and/or District agree to cooperate with respect to the design, construction, and funding of this library facility. The Developer shall be required to fund the construction of a 12,000 SF library shell building. The County may desire to construct a library facility totaling 20,000 SF. If so, the Developer shall fund the library shell building costs for 12,000 SF and the County shall fund the construction of the library shell building costs for 8,000 SF in addition to the construction completion of the library facility described herein.

**\*3** Pre-fab building to include two offices, two bays for vehicle and equipment, and chemical storage. This facility shall be ADA compliant and shall include all required utilities, parking, and landscaping.

**\*4** Developer and/or District will provide funding up to one million two hundred thousand dollars (\$1,200,000) towards the purchase of a ladder truck and County will be responsible for funding any remaining cost of the ladder truck.

**\*5** Helicopter landing site may also be used by mosquito control.

**\*6** An interim sheriff's sub-station office trailer (24'W x 60' overall length) will be fully operational the later of the issuance of the 100th residential C/O or upon written request of Sheriff's Department and will be terminated upon the opening of the Sheriff's facility. COMPLETE

**\*7** Provide site work and utility connections for interim EMS station 9 expansion

**\*8** A County Annex building will be constructed on County owned land. This facility will be designed as a gathering place for community residents, and as County Commission and key staff satellite offices. Appropriate operations shall be served from this facility. The County, at its option, may increase the size of the County Annex and fund said expansion.

**\*9** School sites may be dedicated to a charter school(s), in accordance with the First Amendment to the Babcock Ranch School Site Dedication Agreement dated July 22, 2016. School sites will be located, based on appropriateness of site and anticipated demographic makeup of each increment. School site locations will be provided for the DRI, but are not allocated to a specific increment.

**\*10** County and Developer shall meet bi-annually to discuss the next five (5) years of development projections, such projections shall include the projected population and square footage for non-residential development, including but not limited to retail, office, industrial, ancillary facilities, etc. The population projection shall be based on 2.5 persons per unit. The development projections shall also be coordinated with the emergency response zones to meet the service requirements. The site and building dedication/construction timing for each public facility will be agreed upon in writing as part of the bi-annual meetings.

## SITE &amp; BUILDING DEDICATION TIME LINE

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

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

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

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

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

**General Notes:**

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

2) The shell building construction required above shall be completed by the Developer one (1) year prior to the trigger referenced in the column entitled 'Commencement of Operations'.

## EXHIBIT F

# Master (Buildout 204035) Roadway Network with Initial Internal Capture Rate – 22% and with Developer's Estimated Community Capture Rate – 7160%

## EXHIBIT F BARCOCK RANCH COMMUNITY MASTER TRAFFIC STUDY UPDATE (2020) MASTER (BUILDOUT - 2040) ROADWAY NETWORK Page 1 of 2

Initial Internal Capture Rate = 22%  
(Transportation Condition B/Dien)<sup>(1)</sup>

SIGNIFICANTLY AND ADVERSELY IMPACTED ROADWAYS			E+ C # OF LANES	NEEDED IMPROVEMENTS FOR TRANSPORTATION DEFICIENCY WITHOUT BRC DRI <sup>(2)</sup>	RECOMMENDED IMPROVEMENTS WITH BRC DRI <sup>(3)</sup>	PROJECT-RELATED IMPROVEMENTS <sup>(4)</sup>	
Roadway	From	To					
Charlotte County							
SR 31 (Babcock Ranch Rd.)	Lee County Line	Cypress Pkwy.	2	None	Widen From 2L to 10L	Widen From 2L to 10L	
	Lake Babcock Dr./Horseshoe Rd.	Greenway Blvd./Cook Brown Rd.	2	None	Widen From 2L to 4L	Widen From 2L to 4L	
	Greenway Blvd./Cook Brown Rd.	CR 74	2	None	Widen From 2L to 6L	Widen From 2L to 6L	
	CR 74	DeSoto County Line	2	None	Widen From 2L to 4L	Widen From 2L to 4L	
DeSoto County							
SR 31 (Babcock Ranch Rd.)	Charlotte County Line	CR 763 (Farm Rd.)	2	None	Widen From 2L to 4L	Widen From 2L to 4L	
	CR 763 (Farm Rd.)	CR 760 A	2	None	Widen From 2L to 4L	Widen From 2L to 4L	
	CR 760 A	N. of CR 760	2	None	Widen From 2L to 4L	Widen From 2L to 4L	
	N. of CR 760	SR 70	2	None	Widen From 2L to 4L	Widen From 2L to 4L	
Lee County							
Broadway St. (Alva)	SR 80	North River Rd.	2	Widen From 2L to 4L	Widen From 2L to 4L	None	
	Buckingham Rd.	Gunnery Rd.	2	None	Widen From 2L to 4L	Widen From 2L to 4L	
Gunnery Rd.	Cemetery Rd.	Orange River Blvd.	2	None	Widen From 2L to 4L	None	
	Orange River Blvd.	SR 80	2	None	Widen From 2L to 4L	None	
	Lee Blvd.	Buckingham Rd.	2	Widen From 2L to 4L	Widen From 2L to 4L	None	
	Joel Blvd.	18th St.	SR 80	2	Widen From 2L to 4L	Widen From 2L to 6L	Widen From 4L to 6L
	Linton Rd.	Covert Rd.	US 41	2	Widen From 2L to 4L	Widen From 2L to 4L	None
	N. River Rd.	SR 31	Franklin Lock Rd.	2	None	Widen From 2L to 4L	Widen From 2L to 4L
		Franklin Lock Rd.	Broadway Rd.	2	None	Widen From 2L to 4L	Widen From 2L to 4L
	Orange River Blvd.	SR 80	Staley Rd.	2	Widen From 2L to 4L	Widen From 2L to 4L	None
	Omiz Ave.	Colonial Blvd.	SR 82	2	Widen From 2L to 4L	Widen From 2L to 4L	None
		SR 82	Lockett Rd.	2	Widen From 2L to 4L	Widen From 2L to 4L	None
SR 884 (Colonial Blvd.)	CR 65/Omiz Ave.	I-25	6	Widen From 6L to 10L	Widen From 6L to 12L	Widen From 10L to 12L	
SR 89 WB (First St.)	SR 739/US 41 Bus (Fowler St.)	SR 80/Seaboard St.	2	Widen From 2L to 4L	Widen From 2L to 4L	None	
SR 80 (Palm Beach Blvd.)	SR 80/Seaboard St.	Veronica Shoemaker Blvd.	4	None	Widen From 4L to 6L	Widen From 4L to 6L	
	Veronica Shoemaker Blvd.	CR 808 (Omiz Ave.)	4	None	Widen From 4L to 6L	Widen From 4L to 6L	
	I-75	SR 31 (Babcock Ranch Rd.)	6	None	Widen From 6L to 8L	Widen From 6L to 8L	
	SR 31 (Babcock Ranch Rd.)	CR 80A/Buckingham Rd.	4	Widen From 4L to 6L	Widen From 4L to 6L	None	
	Imadaway St/CR 78	CR 834 (Joel Blvd.)	4	None	Widen From 4L to 6L	Widen From 4L to 6L	
SR 80 EB (Second St.)	SR 739 (Fowler St.)	SR 739 (Park Ave.)	2	None	Widen From 2L to 4L	Widen From 2L to 4L	
	SR 739 (Park Ave.)	SR 80 (Palm Beach Blvd.)	2	Widen From 2L to 4L	Widen From 2L to 4L	None	
SR 78 (Pine Island Rd.)	Del Prado Blvd.	W. of CR 78A/Pondella Rd.	4	Widen From 4L to 6L	Widen From 4L to 6L	None	
	W. of CR 78A/Pondella Rd.	SR 45/US 41 (Cleveland Ave.)	4	Widen From 4L to 6L	Widen From 4L to 6L	None	
SR 78 (Bayshore Rd.)	SR 45/US 41 (Cleveland Ave.)	New Post Rd./Hart Rd.	4	Widen From 4L to 6L	Widen From 4L to 8L	Widen From 6L to 8L	
	New Post Rd./Hart Rd.	W. of Willow Stream Ln.	4	Widen From 4L to 6L	Widen From 4L to 8L	Widen From 6L to 8L	
	W. of Willow Stream Ln.	W. of Pritchett Pkwy.	4	Widen From 4L to 6L	Widen From 4L to 8L	Widen From 6L to 8L	
	W. of Pritchett Pkwy.	Pritchett Pkwy.	4	None	Widen From 4L to 6L	Widen From 4L to 6L	
	Pritchett Pkwy.	Old Bayshore Rd.	2	None	Widen From 2L to 4L	Widen From 2L to 4L	
	Old Bayshore Rd.	SR 31	2	None	Widen From 2L to 4L	Widen From 2L to 4L	
SR 93/75	SR 884/Colonial Blvd.	SR 82/Imadaway Rd.	6	None	Widen From 6L to 8L	Widen From 6L to 8L	
	SR 82/Imadaway Rd.	Lockett Rd.	6	None	Widen From 6L to 8L	Widen From 6L to 8L	
SR 31 (Babcock Ranch Rd.)	SR 80	SR 78	2	Widen From 2L to 4L	Widen From 2L to 10L	Widen From 4L to 10L	
	SR 78	Old Rodeo Dr.	2	Widen From 2L to 4L	Widen From 2L to 10L	Widen From 4L to 10L	
	Old Rodeo Dr.	CR 78/N. River Rd.	2	Widen From 2L to 4L	Widen From 2L to 10L	Widen From 4L to 10L	
	CR 78/N. River Rd.	Shirley Ln.	2	Widen From 2L to 4L	Widen From 2L to 12L	Widen From 4L to 12L	
	Shirley Ln.	Fox Hill Rd.	2	Widen From 2L to 4L	Widen From 2L to 12L	Widen From 4L to 12L	
	Fox Hill Rd.	Busbee Ln.	2	Widen From 2L to 4L	Widen From 2L to 10L	Widen From 4L to 10L	
	Busbee Ln.	Charlotte County Line	2	None	Widen From 2L to 10L	Widen From 2L to 10L	

## Footnotes:

- (1) Roadway Network based on initial internal capture rate of 22% as mandated by the review agencies.  
Subject to adjustment based on Master Traffic Study Updates per Master Development Order.  
Per AMDA Development Order, initial capture rate of 22% controls for first increment and subsequent increment until such time that Exhibit F is revised and updated.
- (2) Transportation Deficient Facility as defined in Chapter 163.3180, F.S.
- (3) Recommended and Project-Related improvements are presented for information purpose only.  
Transportation mitigation assessment is not applicable at the Master DRI level. All transportation mitigation are assessed at the incremental DRI level.
- (4) Roadway Network based on Developer's estimated community capture rate (Daily = 70%, Peak Hour = 66%) of a new town.  
Subject to adjustment based on Master Traffic Study Updates per Master Development Order.
- (5) Per FDOT SR 31 SEIR/PM&E Study.



## EXHIBIT F

# Master (Buildout 204035) Roadway Network with Initial Internal Capture Rate – 22% and with Developer's Estimated Community Capture Rate – 7160%

EXHIBIT F (Continued)						
BARCOCK RANCH COMMUNITY MASTER TRAFFIC STUDY UPDATE (2020)						
MASTER (BUILDOUT - 2040) ROADWAY NETWORK						
Page 2 of 2						

Developer's Estimated Community Capture Rate - 66%  
(Transportation Condition B.1(kh))<sup>(1)</sup>

SIGNIFICANTLY AND ADVERSELY IMPACTED ROADWAYS			E+C # OF LANES	NEEDED IMPROVEMENTS FOR TRANSPORTATION DEFICIENCY WITHOUT BRC DRI <sup>(2)</sup>	RECOMMENDED IMPROVEMENTS WITH BRC DRI <sup>(3)</sup>	PROJECT-RELATED IMPROVEMENTS <sup>(5)</sup>
Roadway	From	To				
Charlotte County						
SR 31 (Babcock Ranch Rd.)	Lee County Line	Cypress Pkwy.	2	None	Widen From 2L to 6L <sup>(4)</sup>	Widen From 2L to 6L
	Cypress Pkwy.	Lake Babcock Dr./Horseshoe Rd.	2	None	Widen From 2L to 4L <sup>(4)</sup>	Widen From 2L to 4L
	Lake Babcock Dr./Horseshoe Rd.	Greenway Blvd./Cook Brown Rd.	2	None	Widen From 2L to 4L <sup>(4)</sup>	Widen From 2L to 4L
	Greenway Blvd./Cook Brown Rd.	CR 74	2	None	Widen From 2L to 4L	Widen From 2L to 4L
Lee County						
Broadway St.	SR 80	North River Rd.	2	Widen From 2L to 4L	Widen From 2L to 4L	None
Buckingham Rd.	Cemetery Rd.	Orange River Blvd.	2	Widen From 2L to 4L	Widen From 2L to 4L	None
	Orange River Blvd.	SR 80	2	Widen From 2L to 4L	Widen From 2L to 4L	None
Gunnery Rd.	Lee Blvd.	Buckingham Rd.	2	Widen From 2L to 4L	Widen From 2L to 4L	None
Joel Blvd.	18th St.	SR 80	2	Widen From 2L to 4L	Widen From 2L to 4L	None
Orange River Blvd.	SR 80	Staley Rd.	2	Widen From 2L to 4L	Widen From 2L to 4L	None
SR 80 WB (First St.)	SR 739/US 41 Bus (Fowler St.)	SR 80/Seaboard St.	2	Widen From 2L to 4L	Widen From 2L to 4L	None
SR 80 (Palm Beach Blvd.)	SR 31 (Babcock Ranch Rd.)	CR 80A/Buckingham Rd.	4	Widen From 4L to 6L	Widen From 4L to 6L	None
SR 80 EB (Second St.)	SR 739 (Park Ave.)	SR 80 (Palm Beach Blvd.)	2	Widen From 2L to 4L	Widen From 2L to 4L	None
SR 78 (Pine Island Rd.)	W. of CR 78A/Pondella Rd.	SR 45/US 41 (Cleveland Ave.)	4	Widen From 4L to 6L	Widen From 4L to 6L	None
SR 78 (Bayshore Rd.)	SR 45/US 41 (Cleveland Ave.)	New Post Rd./Hart Rd.	4	Widen From 4L to 6L	Widen From 4L to 6L	None
	New Post Rd./Hart Rd.	W. of Willow Stream Ln.	4	Widen From 4L to 6L	Widen From 4L to 6L	None
	W. of Willow Stream Ln.	W. of Pritchett Pkwy.	4	Widen From 4L to 6L	Widen From 4L to 6L	None
SR 31 (Babcock Ranch Rd.)	SR 80	SR 78	2	Widen From 2L to 4L	Widen From 2L to 4L	None
	SR 78	Old Rodeo Dr.	2	Widen From 2L to 4L	Widen From 2L to 6L <sup>(4)</sup>	Widen From 4L to 6L
	Old Rodeo Dr.	CR 78N/River Rd.	2	Widen From 2L to 4L	Widen From 2L to 6L <sup>(4)</sup>	Widen From 4L to 6L
	CR 78N/River Rd.	Shirley Ln.	2	Widen From 2L to 4L	Widen From 2L to 6L <sup>(4)</sup>	Widen From 4L to 6L
	Shirley Ln.	Fox Hill Rd.	2	Widen From 2L to 4L	Widen From 2L to 6L <sup>(4)</sup>	Widen From 4L to 6L
	Fox Hill Rd.	Busbee Ln.	2	Widen From 2L to 4L	Widen From 2L to 6L <sup>(4)</sup>	Widen From 4L to 6L
	Busbee Ln.	Charlotte County Line	2	None	Widen From 2L to 6L <sup>(4)</sup>	Widen From 2L to 6L

## Footnotes:

- (1) Roadway Network based on initial internal capture rate of 22% as mandated by the review agencies. Subject to adjustment based on Master Traffic Study Updates per Master Development Order. Per AMDA Development Order, initial capture rate of 22% controls for first Increment and subsequent Increment until such time that Exhibit F is revised and updated.
- (2) Transportation Deficient facility as defined in Chapter 163.3180, F.S.
- (3) Recommended and Project-Related Improvements are presented for information purpose only. Transportation mitigation assessment is not applicable at the Master DRI level. All transportation mitigation are assessed at the Incremental DRI level.
- (4) Roadway Network based on Developer's estimated community capture rate (Daily = 70%, Peak Hour = 66%) of a new town. Subject to adjustment based on Master Traffic Study Updates per Master Development Order.
- (5) Per FDOT SR 31 SEIR/PD&E Study.



# Agenda Item

4b

4b

Babcock Ranch Increment II  
DO Review

4b

# BABCOCK RANCH COMMUNITY INCREMENT II CHARLOTTE COUNTY INCREMENTAL DEVELOPMENT ORDER REVIEW

274 of 395

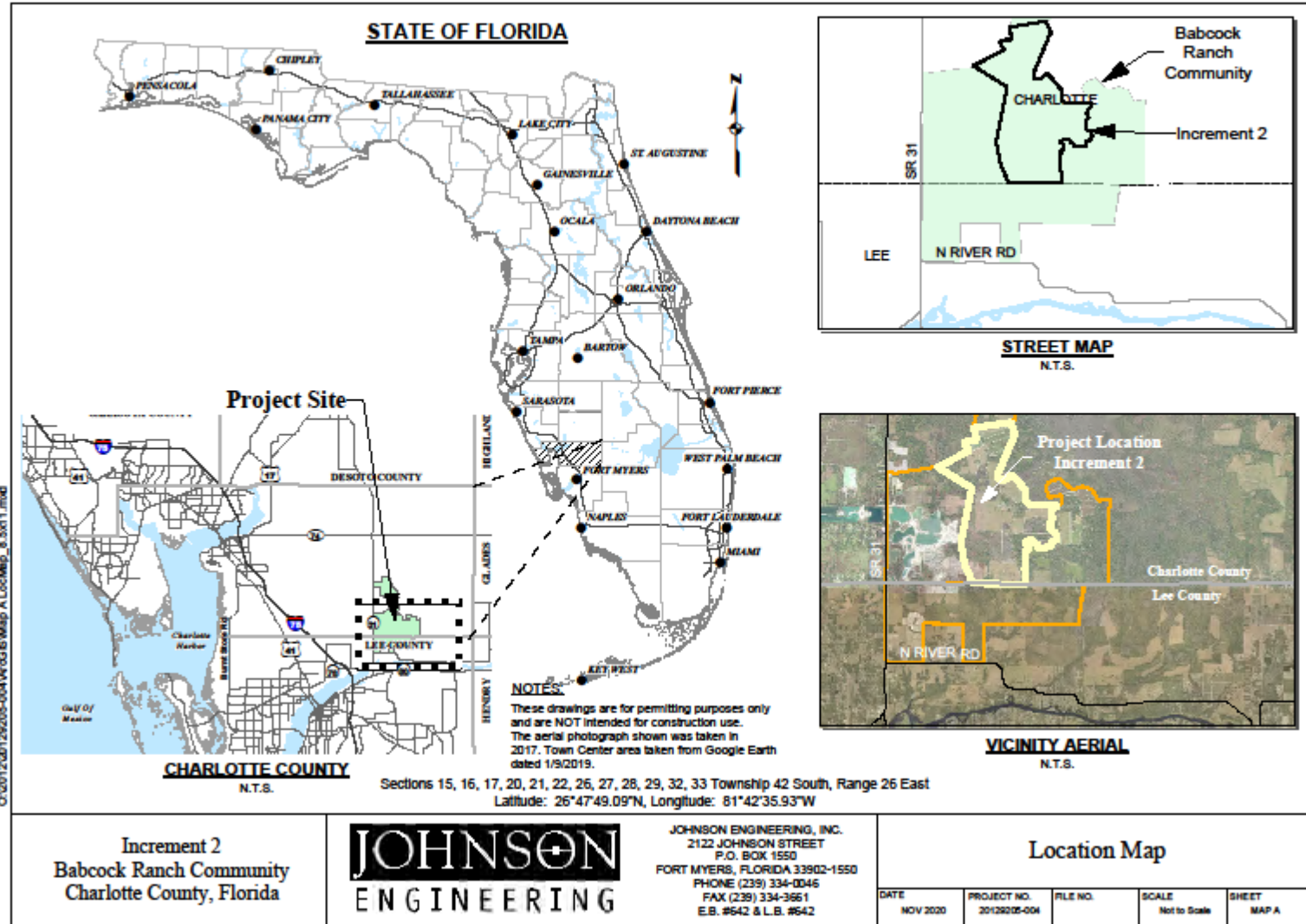
## Council Recommendations (Attachment I)

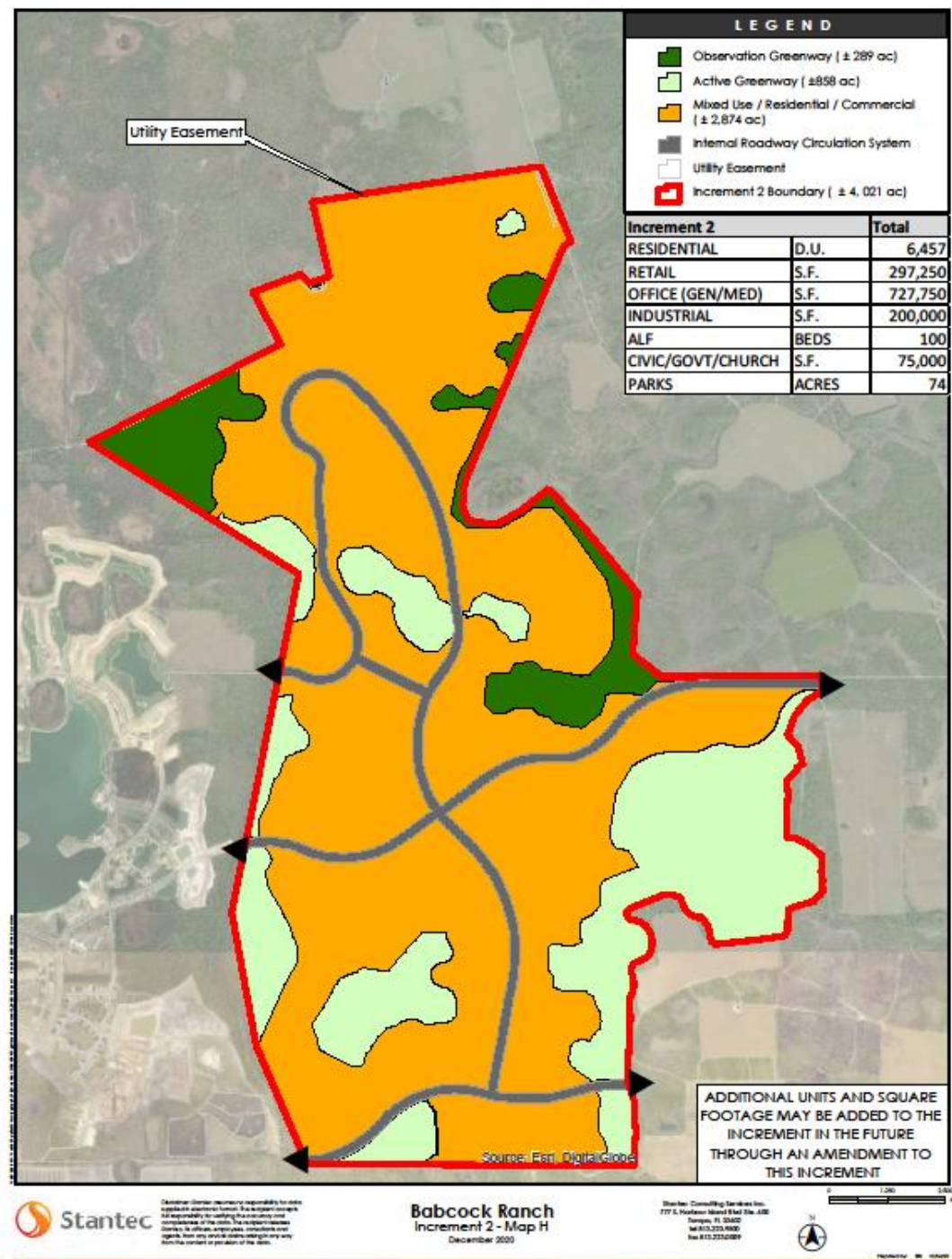
On June 17, 2021, the Council recommended conditional approval of the Babcock Ranch Community Increment II Assessment Report. The regional issues are wildlife mitigation, wetland impact mitigation, stormwater management and floodplains and transportation mitigation. A copy of the Council recommendations can be found as Attachment I.

## Charlotte County Development Order Amendment (Attachment II)

On July 27, 2021, the Board of Charlotte County Commissioners approved the Babcock Ranch Increment II Development Order (Resolution #2021-109). A copy of the development orders (see Attachment II) was rendered to the SWFRPC on July 30, 2021. Staff review of the attached development orders finds that it is consistent with all regional issues and recommendations identified within the Council's Official Recommendations.

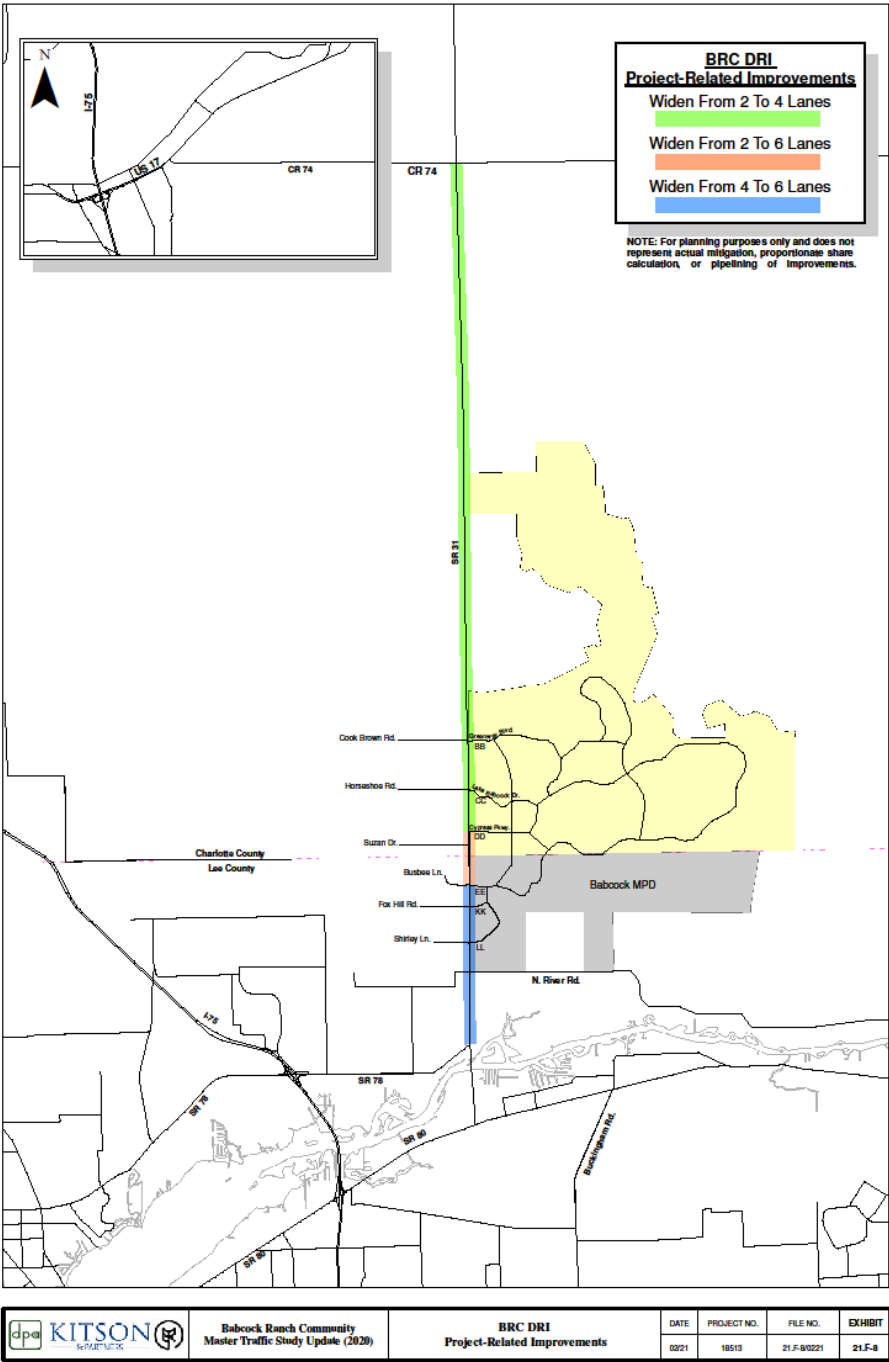
**RECOMMENDED ACTION:** Accept the Incremental Development Order as rendered.







Development Parameters	Increment 2
<b>Residential</b>	<b>6,457</b>
Single-Family (d.u.)	4,434
Multifamily (d.u.)	2,023
<b>Total Commercial - Retail + Office (sq. ft.)</b>	<b>1,025,000</b>
Retail (sq. ft.)	297,250
Office (sq. ft.)	727,750
General Office (sq. ft.)	562,550
Medical Office (sq. ft.)	139,730
Civic Office (sq. ft.)	25,470
Industrial (sq. ft.)	200,000
ALF Units (Beds)	100
Golf Course (holes)	18
<b>Ancillary/Community</b>	
Church (sq. ft.)	60,000
Parks (acres)	74
Recreation Center (sq. ft.)	15,000



**BABCOCK RANCH COMMUNITY INCREMENT 2 CHARLOTTE COUNTY  
INCREMENTAL DEVELOPMENT ORDER REVIEW**

Council Recommendations (Attachment I)

On June 17, 2021 the Council recommended conditional approval of the Babcock Ranch Community Increment 2 Assessment Report. The regional issues are wildlife mitigation, wetland impact mitigation, stormwater management and floodplains and transportation mitigation. A copy of the Council recommendations can be found as Attachment I.

Charlotte County Development Order Amendment (Attachment II)

On July 27, 2021 the Board of Charlotte County Commissioners approved the Babcock Ranch Increment 2 Development Order (Resolution #2021-109). A copy of the development order (see Attachment II) was rendered to the SWFRPC on July 30, 2021. Staff review of the attached development orders finds that it is consistent with all regional issues and recommendations identified within the Council's Official Recommendations.

**RECOMMENDED ACTION:**      Accept the Incremental Development Order as rendered.

August 19, 2021

## **DEVELOPMENT OF REGIONAL IMPACT ASSESSMENT FOR BABCOCK RANCH INCREMENT 2**

### **BACKGROUND**

The Babcock Ranch Increment 2 Development of Regional Impact (DRI) is the second increment of the Babcock Ranch Community Master Development Plan. The Babcock Ranch Community Master (BRC) DRI is an approved mixed-use development located in southeastern Charlotte County, north of the Lee County Line, south of CR 74, east of SR 31, and contains approximately 13,630 acres (see Attachment I Location Map). The Babcock Ranch Community is envisioned for a sustainable, environmentally friendly self-sustained new town community that provides diverse natural and recreational experiences for its residents. The community will encourage a high-tech, energy efficient and environmentally friendly mix of residential, retail and office commercial, light industrial, civic and educational facilities, open space, parks and recreational, and institutional uses. Regulations and development standards for the Babcock Ranch Community have been established with the goal of creating an integrated community that fosters civic life, walkability, human interaction, economic health, sustainability, and preservation of the natural environment.

The original Master Development Order (MDO) Resolution 2007-196 was approved by the Charlotte County Board of County Commissioners on December 13, 2007. The existing BRC development is approved for 17,870 residential dwelling units; 1.4 million square feet of retail uses; 3.5 million square feet of office uses; 650,000 square feet of industrial uses; 600 hotel rooms; 177 hospital beds; 418 units of assisted living facilities; 54 golf holes; and ancillary facilities such as the educational service center, schools and university research facilities, libraries, places of worship, regional and community park sites, and the necessary utility infrastructure (see Attachment II, Master DRI Development Plan Map). The portion of Babcock Ranch in Lee County (Babcock MPD) is not part of the BRC DRI in Charlotte County. The approved Babcock MPD is being developed independently and is reflected in the master planning of Babcock Ranch.

The Master DRI process requires Increments to be submitted with specific development entitlements approved and conditions for approval. The first Incremental Development Order (IDO) was approved on December 15, 2009. The most recent amendment to BRC Increment 1 was recently approved on May 26, 2020 to include the entitlement of 5,000 residential units, 600 hotel rooms, and over 1.22 million square feet of retail and office uses. Increment 1 has determined a proportionate share for transportation mitigation of \$45,729,000. Buildout of Increment 1 is 2033 with an expiration date of 2040.

## **INCREMENT 2 APPLICATION FOR INCREMENTAL DEVELOPMENT APPROVAL (AIDA)**

### **Project Description**

Increment 2 contains approximately 4,021 acres and will include extensive open space, will preserve and enhance critical environmental areas including extended contiguous wetland corridors that contribute to the natural beauty of this area, and will positively improve the quality of life for the residents (see Attachment III, Increment 2 Location Map). Increment 2 will include 4,434 single-family residential units; 2,023 multi-family units; and 1,275,000 square feet of non-residential development (see Attachment IV, Increment 2 Development Plan). The specific land uses are shown in the table below. Construction is anticipated to begin in 2021. The anticipated buildout is 2033.

<b>Development Parameters</b>	<b>Increment 2</b>
<b>Residential</b>	<b>6,457</b>
Single-Family (d.u.)	4,434
Multifamily (d.u.)	2,023
<b>Total Commercial - Retail + Office (sq. ft.)</b>	<b>1,025,000</b>
Retail (sq. ft.)	297,250
Office (sq. ft.)	727,750
General Office (sq. ft.)	562,550
Medical Office (sq. ft.)	139,730
Civic Office (sq. ft.)	25,470
Industrial (sq. ft.)	200,000
ALF Units (Beds)	100
Golf Course (holes)	18
<b>Ancillary/Community</b>	
Church (sq. ft.)	60,000
Parks (acres)	74
Recreation Center (sq. ft.)	15,000

This AIDA is supported by an Equivalency Matrix, which proposes a set of alternate land uses, density and intensity levels for Increment 2. The methodology for the BRC Increment 2 Equivalency Matrix is consistent with the methodology used for the Increment 1 Equivalency Matrix. The purpose of the BRC Increment 2 Equivalency Matrix is to provide a framework for simultaneously increasing/decreasing development levels to meet market demand. The Equivalency Matrix provides for an exchange between these uses, densities and intensities while ensuring that the level of service (LOS) standards for traffic, potable water, wastewater and solid waste are not exceeded. The exchange rate is based on the ITE peak PM two-way traffic count for each of the proposed land uses. The traffic counts are used to construct threshold limits for the LOS standards of the other infrastructure elements.

## **REGIONAL STAFF ANALYSIS**

On November 19, 2020 the SWFRPC approved the AIDA questionnaire checklist for Increment 2 which is consistent with Exhibit “C” of the MDO that dictates the questions to be addressed in the AIDA. The SWFRPC staff submitted the AIDA for sufficiency review to the South Florida Water Management District (SFWMD), Florida Department of Environmental Regulation (FDEP), Florida Department of Transportation (FDOT), Florida Fish and Wildlife Conservation Commission (FWC), United State Fish and Wildlife Service (FWS) and the Army Corps of Engineers (ACOE). Charlotte County development review staff reviewed all information provided in the review process. Final comments were received from review agencies and their concerns were addressed adequately during the sufficiency review rounds. The Council staff assessment only addresses the following regional issues and is based on information provided in the AIDA. The local issues will be addressed by Charlotte County.

### **Wildlife Management**

The Threatened and Endangered Species Management Plan (T&E) for the Babcock Ranch Community (BRC) was originally approved with SFWMD Environmental Resource Permit (ERP) issued in 2010. As part of ongoing modifications to the referenced permits (2020 Babcock Modification), the T&E plans are being modified to (i) address changes in the listing status of several wading bird species, (ii) include the Florida bonneted bat (FBB) which was listed as federally endangered in November 2013, (iii) address the presence of nesting caracara within approved development pods that were not present at time of original review, and (iv) include a component to address human-wildlife coexistence (see Attachment V, Wildlife and Plant Map for Increment 2).

Within Increment 2 there are six (6) roadway crossings of a potential wildlife corridor. Three (3) are located on the western side of Increment 2, where proposed spine roads will pass from the eastern side of Increment 1 into Increment 2. The speed limit within the wildlife corridors within Increment 2 during the night time hours (sunset to sunrise) will be decreased by 10 miles per hour below the posted speed limit, but in no event will the nighttime speed limit be less than 25 miles per hour.

The September 2020 Listed Species Management Plans & Human-Wildlife Coexistence Plan (“September 2020 T&E Plan”) was included as Appendix 12-1 of the AIDA. This plan addresses the following listed species and management issues: American Alligator, Gopher Tortoise, Eastern Indigo Snake, Sandhill Crane, colonial nesting wading birds, Burrowing Owl, Crested Caracara, Florida Scrub Jay, Red-cockaded Woodpecker, Florida Bonneted Bat, Florida Black Bear, Florida Panther, Beautiful Pawpaw, prescribed fire, wildlife crossings and fencing, human-wildlife coexistence plan, community signage and education plan.

Increment 2 will comply with the September 2020 T&E Plan, as may be modified as part of the 2020 Babcock Modification approval. This T&E Plan is under review by the FWC and the FWS as part of the 2020 Babcock Modification process ongoing with the SFWMD and FDEP. The T&E Plan approved as part of the 2020 Babcock Modification will be provided as part of the applicable

Biennial Report for the IDO. Increment 2 will comply with the T&E Plan approved as part of the 2020 Babcock Modification.

### **Wetlands Impact Mitigation**

The BRC Mitigation Plan approved with the 2010 ERP and ACOE permit was previously determined to protect on-site wetlands and compensate for unavoidable wetland impacts associated with the development of the BRC. The 2010 Mitigation Plan consisted of 12,700± acres comprising a combination of off-site and on-site mitigation and included wetland creation, wetland enhancement and preservation, and upland enhancement, restoration, and preservation. The 2010 Mitigation Plan has been modified to address changes in development/preserve layouts that are occurring with the 2020 Babcock Modification, which includes the Increment 2 area.

With the site plan modifications occurring with the 2020 Babcock Modification, the entire BRC will necessitate approximately 530 acres of direct wetland impacts (±19%) and approximately 17 acres (±18%) of direct surface water impacts. The ±530 acres of direct wetland impacts associated with the updated BRC site design necessitate ±334 UMAM (Uniform Mitigation Assessment Method) functional units of mitigation (100 forested credits and 234 herbaceous credits). Of these impacts, approximately 204 acres of direct wetland impacts (±143 UMAM functional loss) have already been implemented/mitigated with a specific SFWMD construct/operate permit associated with Increment 1. There have been no wetland impacts within the Increment 2 boundary to date. The Increment 2 boundary contains a total of 546.48 acres of wetlands, of which 120.18 acres are proposed for impact and 426.30 acres are part of the BRC mitigation plan which will be placed under conservation easement (see Attachment VI, Increment 2 Vegetation Map and Attachment VII, Greenways & Trails Maps).

The September 2020 BRC Mitigation Plan includes approximately 12,913 acres, with ±7,073 acres located in the on-site mitigation areas and ±5,840 acres located in the off-site mitigation lands. Table 12-1 provides an overview of acreage changes between the 2010 and 2020 BRC Mitigation Plans, with details of the current proposal contained within the September 2020 BRC Mitigation Plan and associated September 2020 Mitigation Plan Set included as Appendix 12-3 of the AIDA. The UMAM analysis contained within the September 2020 BRC Mitigation Plan demonstrates that the ±12,913 acres of mitigation generates ±3,214 UMAM functional units upon meeting full mitigation success (2,392 forested credits and 822 herbaceous credits), which far exceeds wetland mitigation needs. The September 2020 BRC Mitigation Plan is under review by the SFWMD and FDEP as part of the 2020 Babcock Modification process. The BRC Mitigation Plan approved as part of the 2020 Babcock Modification will be provided as part of the applicable Biennial Report for the IDO.

**Table 12-1. Overview of Acreage Changes between the 2010 and 2020 BRC Mitigation Plans**

<b>Mitigation Area</b>	<b>2010 Acreage</b>	<b>2020 Acreage</b>	<b>Acreage Difference</b>
A	879.38	848.16	-31.22
B	1,783.45	1,783.45	0.00
C	2,808.30	2,807.96	-0.34*
D	1,248.38	1,248.38	0.00
E	1,346.18	1,618.47	+272.29
F	1,065.35	982.77	-82.58
G	906.79	671.98	-234.81
H	410.13	442.48	+32.35
I	240.32	212.40	-27.92
J	1,202.14	1,196.31	-5.83
K	814.27	1,100.77	+286.50
<b>Total</b>	<b>12,704.69</b>	<b>12,913.13</b>	<b>+208.44</b>

\* Represents the acreage of the FWC hunt camp in Mitigation Area C (Curry Preserve) that is being removed with the September 2020 BRC Mitigation Plan.

### **Stormwater Management and Floodplains**

The design of the Increment 2 surface water management system will comply with the “Stormwater Plan” outlined in Subsection A and B in Condition 4 of the MDO (see Attachment VIII, Increment 2 Master Drainage Plan). The FEMA floodplain maps for Babcock Ranch, which include lands within the area of Increment 2, have been previously modified and accepted by FEMA. No floodplain map amendments are proposed with this AIDA at this time. Development areas within Increment 2 are within the existing 100-year floodplain, however, an approved CLOMR (Conditional Letter of Map Revision) shows the proposed area to be removed after fill for development has been placed. After fill is placed for development of the area within the Increment, a LOMR (Letter of Map Revision) will be filed with the Federal Emergency Management Agency to remove the area from the 100-year floodplain. Should future floodplain map amendments be proposed, updated FEMA maps will be provided to the County with the applicable biennial report to the MDO.

### **Transportation Mitigation**

A comparison summary of the Master and Incremental (to-date) DRI development parameters, as well as the Lee County Babcock MPD parameters, is presented below in Table 21-1. A draft development order for the transportation section of Increment 2 has been provided and it indicates that the cumulative (with Increment 1 and 2) proportionate share of the improvements, as shown on Exhibit K, has been calculated consistent with F.S. 163.3180. The proportionate share calculation was based on 5,117 pm peak hour two-way external trips and 5,087 pm peak hour two-way net new trips assigned to the external road network established by the AIDA traffic analysis. The calculated cumulative proportionate share for the Incremental DRI with both Increments 1 and 2 is \$50,761,263 based upon the proportionate share percentages as calculated per mile for each improvement as shown on Exhibit K. The proportionate share percentages have been accepted by Charlotte County and FDOT for Increments 1 and 2, recognizing that the actual costs may increase, or decrease based upon the final actual costs of the agreed upon improvements.



Table 21-1 BRC Increment 2 (2020) Babcock Ranch Development Parameters Summary						
Land Use Type	Unit	BRC DRI				Babcock MPD <sup>(2)</sup>
		Master DRI <sup>(6)</sup>	Incremental DRI			
			Increment 1 (Approved) <sup>(7)</sup>	Increment 2 (Proposed) <sup>(8)</sup>	Cumulative Increments <sup>(9)</sup>	
Total Residential <sup>(1)</sup>	d.u.	17,870	5,000	6,457	11,457	1,630
Single-Family	d.u.	11,615	3,000	4,434	7,434	980
Multifamily	d.u.	6,255	2,000	2,023	4,023	650
Total Non-Residential <sup>(1)</sup>	sq. ft.	5,910,000	1,630,000	1,275,000	2,905,000	1,530,000
Total Commercial (Retail + Office) <sup>(2)</sup>	sq. ft.	4,425,500	1,220,000	1,025,000	2,245,000	1,170,000
Retail <sup>(1,2)</sup>	sq. ft.	1,400,000	870,000	297,250	1,167,250	870,000
Office <sup>(1,2)</sup>	sq. ft.	3,025,500	350,000	727,750	1,077,750	300,000
General	sq. ft.	2,338,710	257,000	562,550	819,550	257,000
Medical	sq. ft.	580,900	43,000	139,730	182,730	43,000
Civic	sq. ft.	105,890	50,000	25,470	75,470	0
Hotel <sup>(1,3)</sup>	rooms	600	600	0	600	600
	sq. ft.	360,000	360,000	0	360,000	360,000
Industrial <sup>(1)</sup>	sq. ft.	650,000	0	200,000	200,000	0
Hospital <sup>(1,4)</sup>	beds	177	0	0	0	0
	sq. ft.	265,500	0	0	0	0
ALF <sup>(1,5)</sup>	beds	418	100	100	200	0
	sq. ft.	209,000	50,000	50,000	100,000	0
Golf Course	holes	54	18	18	36	0
Elementary School	students	1,162	536	562	1,098	0
Middle School	students	643	330	0	330	0
High School	students	911	600	0	600	0
Church	sq. ft.	120,000	0	60,000	60,000	0
Library	sq. ft.	24,000	0	0	0	0
Park	acres	256	50	74	124	48
Recreation Center	sq. ft.	100,000	0	15,000	15,000	0

Footnotes:

- (1) Subject to BRC Master DRI Development Order (MDO) – Exhibit B. Development of the subject property shall not exceed: 17,870 dwelling units and 6,000,000 square feet of non-residential uses, including commercial/ office/ retail space, light industrial, government/civic space (not including schools, places of worship, libraries, or parks), assisted living units, hospital beds, and hotel rooms.
- (2) Per Lee County Zoning Resolution Z-17-026, commercial uses permitted in the Babcock MPD in Lee County may not exceed 1,170,000 square feet. When combined with the DRI, commercial uses (retail + office) shall not exceed 4.9 million sq. ft.
- (3) Assumes 600 sq. ft. per hotel room.
- (4) Assumes 1,500 sq. ft. per hospital bed.
- (5) Assumes 500 sq. ft. per ALF bed.
- (6) Development parameters reflected in the Babcock Ranch Community DRI Master Traffic Study Update (2020) dated November 30, 2020.
- (7) Approved BRC IDO-1.
- (8) Proposed Increment 2.
- (9) Includes approved Increment 1 and proposed Increment 2.

The findings and conclusions of Increment 2 (2020) AIDA transportation assessment are as follows.

1. BRC Increment 2 includes a total of 6,457 residential units and 1.275 million square feet of non-residential uses with buildout anticipated in year 2033. Combined with Increment 1, the cumulative development totals 11,457 residential units and 2.905 million square feet of non-residential uses.
2. The anticipated improvements attributed to the cumulative Increments (approved Increment 1 and proposed Increment 2) coincident with buildout at year 2033 include the following road segments.

- SR 31 from SR 78 to Lake Babcock Drive
3. Current and on-going roadway improvement efforts of the MPO LRTP and the FDOT include the following.
    - SR 31 PD&E Study (SR 78 to CR 78)
    - SR 31 SEIR (CR 78 to Cook Brown Road)
    - SR 78 PD&E Study (I-75 to SR 31)
    - SR 31 PD&E Study (SR 80 to SR 78)
  4. BRC will continue to mitigate its off-site impacts through the payment of proportionate share as outlined in the DRI Master Development Order (MDO) and Incremental Development Order (IDO). Increment 2's cumulative (inclusive of approved Increment 1) proportionate share for impacted roadways and intersections is estimated at \$50.76 million. The BRC proportionate share dollars will be pipelined towards the planned widening of SR 31 from SR 78 to Horseshoe Road/Lake Babcock Drive.
  5. Babcock Ranch will continue to work with FDOT, Charlotte County and Lee County to pipeline mitigation monies towards the improvement of SR 31.
  6. BRC will continue to provide for site-related improvements at the Project's planned access points on SR 31.

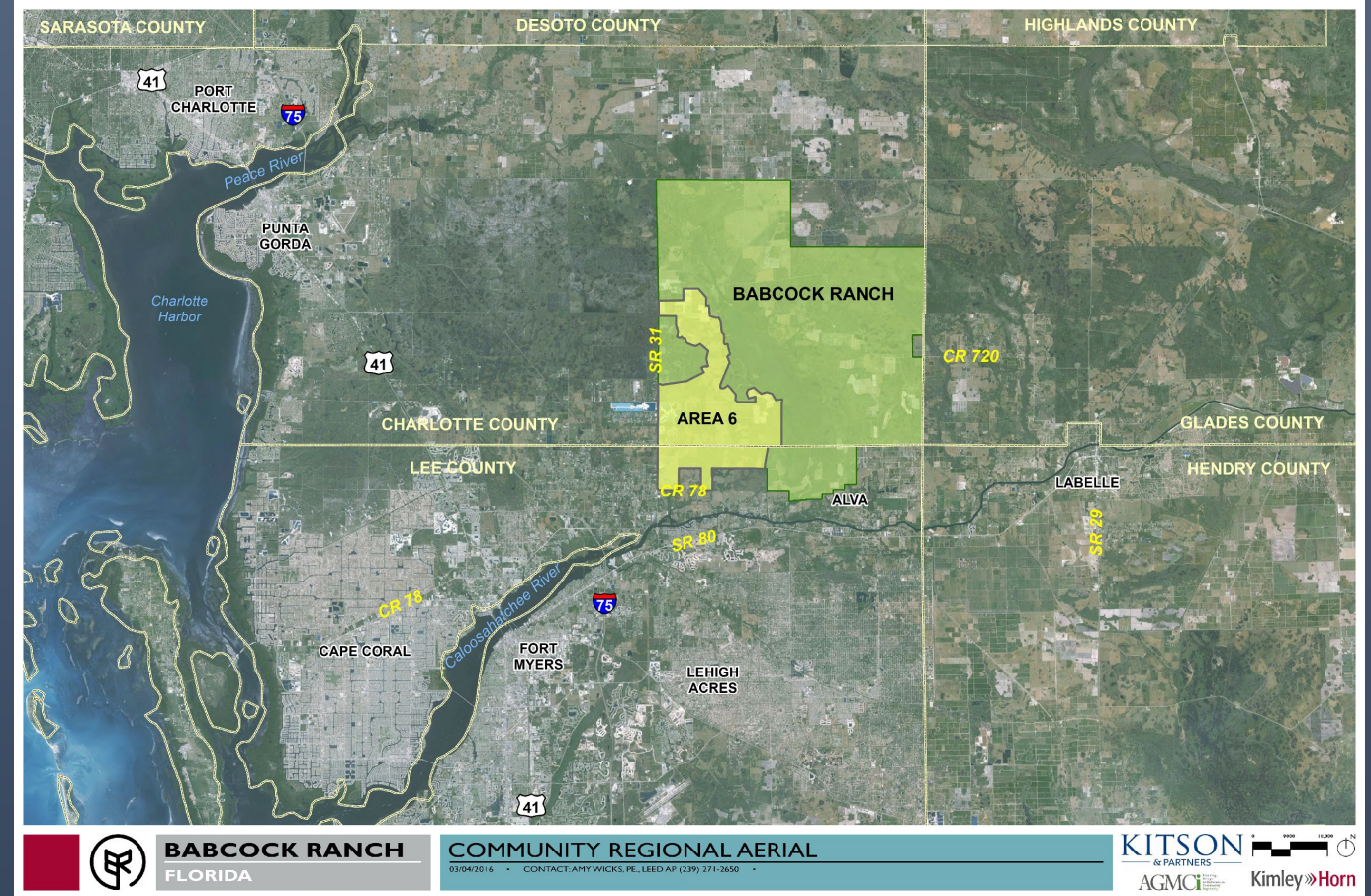
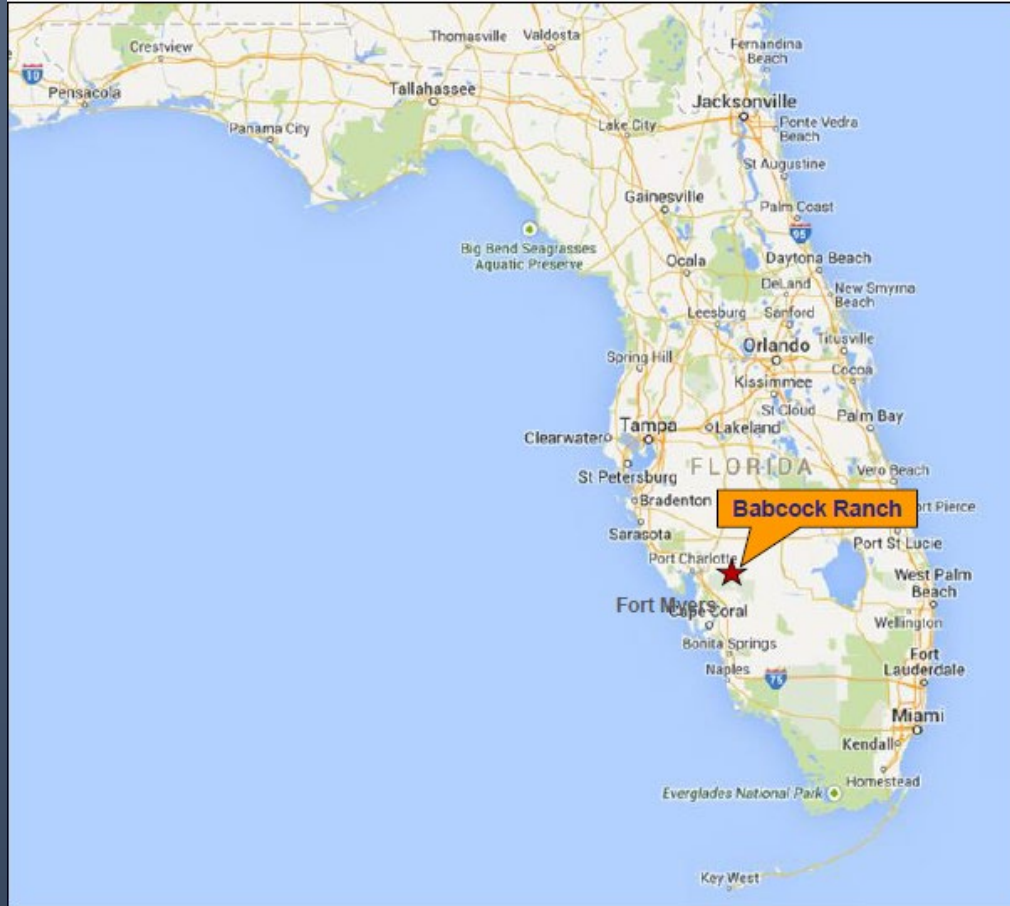
### **ACCEPTANCE OF THE PROPOSED INCREMENT 2 DEVELOPMENT ORDER**

The applicant has provided an acceptable draft incremental development order (IDO) to address the proposed Increment 2 development impact on regional resources and facilities consistent with the requirements of the MDO (see Attachment IX).

- RECOMMENDED ACTIONS:**
1. Notify Charlotte County and the applicant that the proposed Increment 2 IDO is acceptable to address impacts on regional resources and facilities.
  2. Request that Charlotte County provide SWFRPC staff with copies of the final Increment 2 IDO.

June 17, 2021

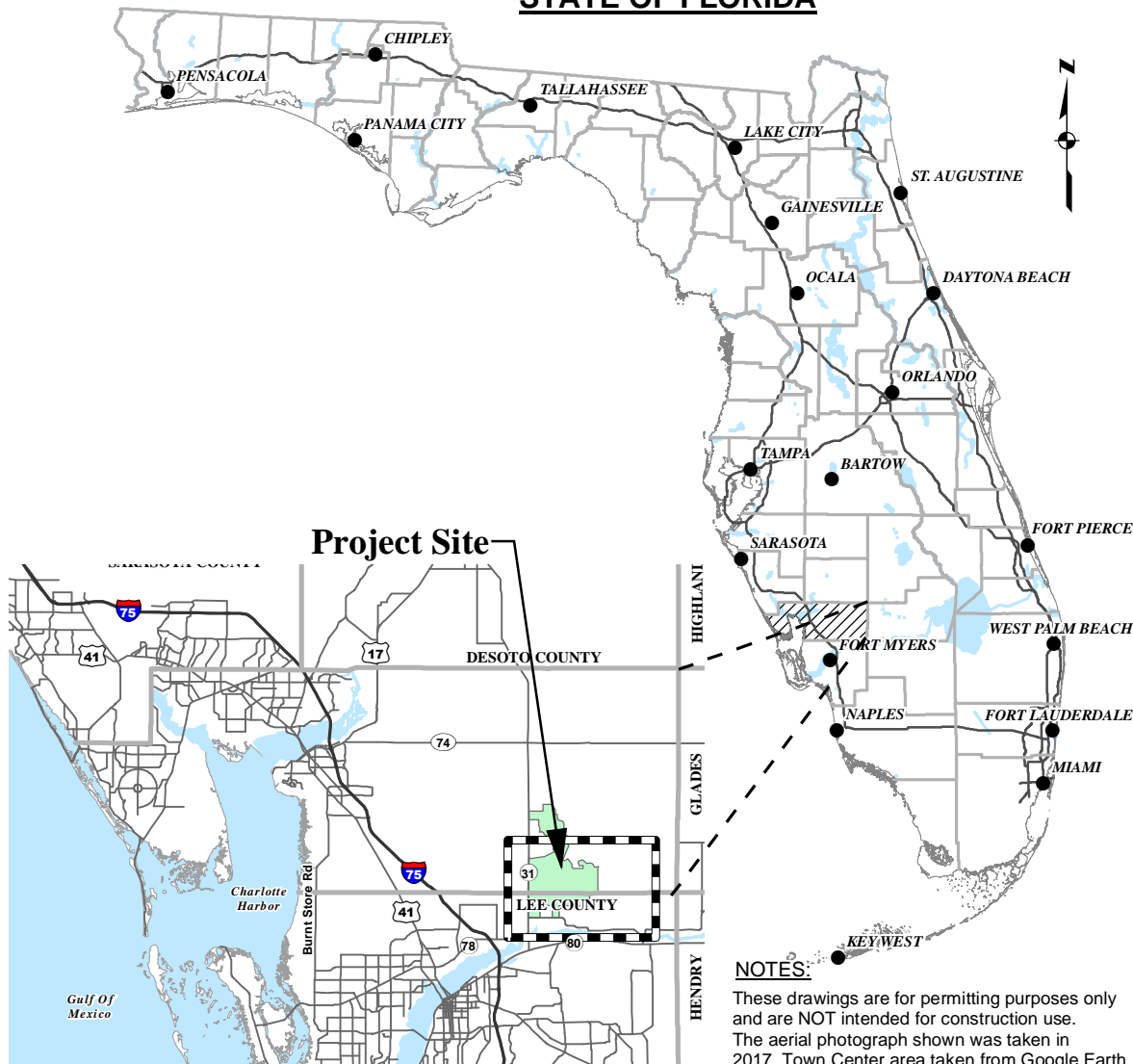
# Overview







## STATE OF FLORIDA



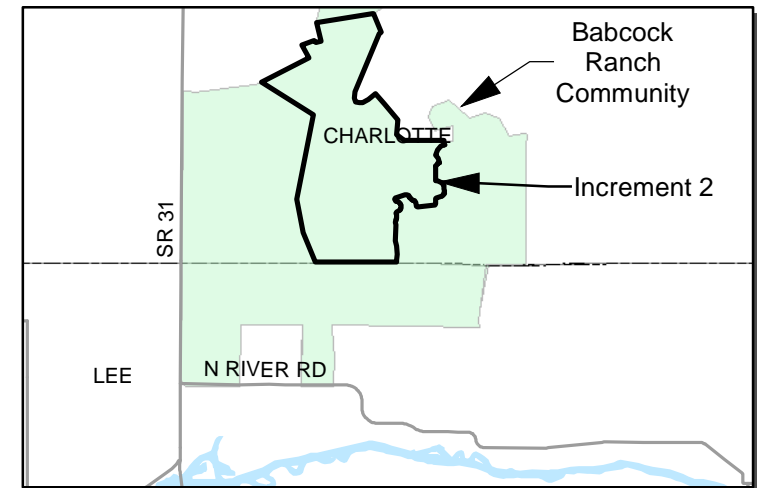
### CHARLOTTE COUNTY

N.T.S.

Sections 15, 16, 17, 20, 21, 22, 26, 27, 28, 29, 32, 33 Township 42 South, Range 26 East  
Latitude: 26°47'49.09"N, Longitude: 81°42'35.93"W

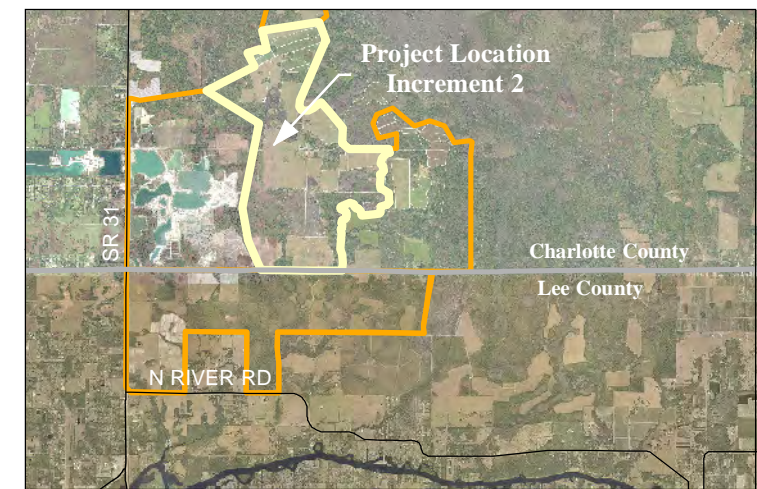
### NOTES:

These drawings are for permitting purposes only and are NOT intended for construction use. The aerial photograph shown was taken in 2017. Town Center area taken from Google Earth dated 1/9/2019.



### STREET MAP

N.T.S.



### VICINITY AERIAL

N.T.S.

Increment 2  
Babcock Ranch Community  
Charlotte County, Florida

**JOHNSON**  
ENGINEERING

JOHNSON ENGINEERING, INC.  
2122 JOHNSON STREET  
P.O. BOX 1550  
FORT MYERS, FLORIDA 33902-1550  
PHONE (239) 334-0046  
FAX (239) 334-3661  
E.B. #642 & L.B. #642







### Location Map

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
NOV 2020	20129205-004		Not to Scale	MAP A

# ATTACHMENT IV

290 of 395

## LEGEND

-  Observation Greenway ( ± 289 ac)
-  Active Greenway ( ± 858 ac)
-  Mixed Use / Residential / Commercial ( ± 2,874 ac)
-  Internal Roadway Circulation System
-  Utility Easement
-  Increment 2 Boundary ( ± 4, 021 ac)

Increment 2		Total
RESIDENTIAL	D.U.	6,457
RETAIL	S.F.	297,250
OFFICE (GEN/MED)	S.F.	727,750
INDUSTRIAL	S.F.	200,000
ALF	BEDS	100
CIVIC/GOVT/CHURCH	S.F.	75,000
PARKS	ACRES	74

Utility Easement

Source: Esri, DigitalGlobe

ADDITIONAL UNITS AND SQUARE  
FOOTAGE MAY BE ADDED TO THE  
INCREMENT IN THE FUTURE  
THROUGH AN AMENDMENT TO  
THIS INCREMENT



Disclaimer: Stantec assumes no responsibility for data supplied in electronic format. The recipient accepts full responsibility for verifying the accuracy and completeness of the data. The recipient releases Stantec, its officers, employees, consultants and agents, from any and all claims arising in any way from the content or provision of the data.

Babcock Ranch  
Increment 2 - Map H  
December 2020

Stantec Consulting Services Inc.  
777 S. Harbour Island Blvd Ste. 600  
Tampa, FL 33602  
tel 813.223.9500  
fax 813.223.0009



0 1,250 2,500 Feet

Prepared by: EES 12/04/20



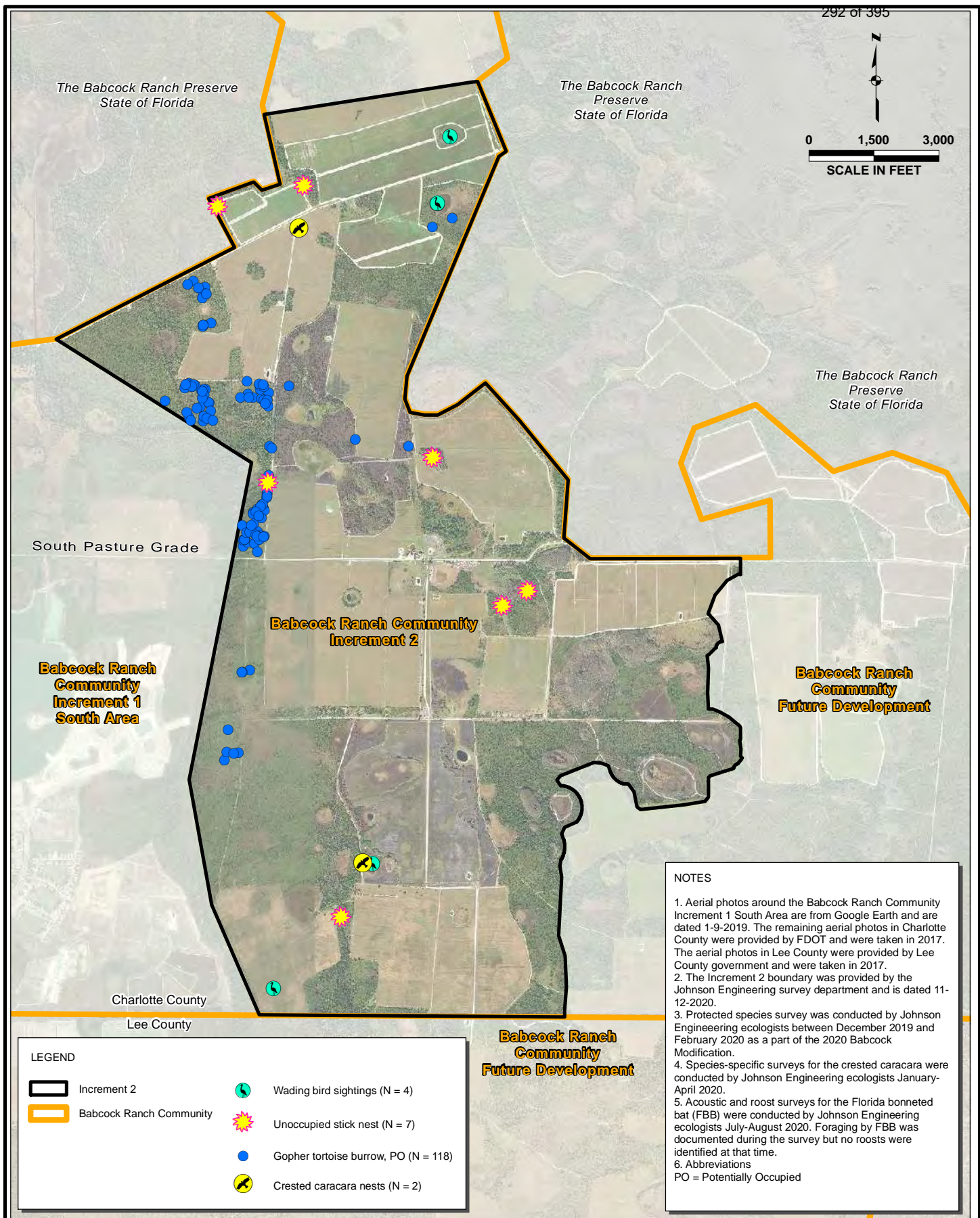
## FIXED AND VARIABLE DEVELOPMENT CRITERIA FOR BABCOCK RANCH COMMUNITY INCREMENT 2

### FIXED DEVELOPMENT CRITERIA

1. THE ALLOCATION OF DWELLING UNITS AND SQUARE FOOTAGE IDENTIFIED ON THE LAND USE TABLE ON MAP H MAY BE MODIFIED CONSISTENT WITH THE EQUIVALENCY MATRIX. ANCILLARY FACILITIES INCLUDED IN INCREMENT 2 SUCH AS EDUCATIONAL SERVICE CENTERS, SCHOOLS, UNIVERSITY RESEARCH FACILITIES, LIBRARIES, PLACES OF WORSHIP, FIRE, EMS, SHERIFF FACILITIES, REGIONAL AND COMMUNITY PARK FACILITIES, AND CLUBHOUSES WILL NOT BE ATTRIBUTED TO OTHER DEVELOPMENT COMPONENTS AND WILL NOT REQUIRE USE OF THE EQUIVALENCY MATRIX.
2. AGRICULTURAL USES, UTILITY INFRASTRUCTURE, RENEWABLE ENERGY SYSTEMS AND FACILITIES SHALL BE PERMITTED THROUGHOUT INCREMENT 2 AND WILL NOT BE ATTRIBUTED TO OTHER DEVELOPMENT PROGRAMS AND WILL NOT BE SUBJECT TO THE EQUIVALENCY MATRIX.
3. ALL DEVELOPMENT OF THE SUBJECT PROPERTY, AS IT RELATES TO THE DEFINED DEVELOPMENT FORMS, DESIGN STANDARDS AND PROVISIONS AND USES COMMON TO THE DISTRICT, SHALL BE IN CONFORMANCE WITH THE BABCOCK RANCH OVERLAY ZONING DISTRICT (ORDINANCE NO. 2014-077), AS MAY BE AMENDED.
4. OPEN SPACE SHALL BE TABULATED AND UPDATED AS A RESULT OF FINAL PERMITTING FOR THE PURPOSE OF MONITORING THE MINIMUM OF 35% OPEN SPACE REQUIRED OVERALL FOR THE BABCOCK RANCH COMMUNITY. OPEN SPACE/GREENWAY AREAS SUBJECT TO CONSERVATION EASEMENTS IDENTIFIED IN THIS INCREMENT SHALL BE RECORDED IN THE PUBLIC RECORDS FOLLOWING FINAL PERMITTING.

### VARIABLE DEVELOPMENT CRITERIA

1. THE FOLLOWING ITEMS WILL BE DEFINED DURING DETAILED SITE PLANNING AND PERMITTING:
  - a. FINAL CONFIGURATIONS OF OPEN SPACE, GREENWAYS, DEVELOPMENT PODS, AND UTILITY CORRIDORS, INCLUDING POTENTIAL RELOCATION AND RECONFIGURATION OF OPEN SPACE, GREENWAYS, UTILITY CORRIDORS AND NEIGHBORHOOD MIXED USE/RESIDENTIAL/COMMERCIAL (MURC).
  - b. FINAL ACREAGES OF ALL PROPOSED USES.
  - c. NATIVE HABITAT PRESERVATION, ALTERATION, ENHANCEMENT, MITIGATION AND CONSERVATION ACREAGES MAY BE MODIFIED BASED ON FINAL LAND PLANNING, STORMWATER LAKE DESIGN, OTHER ENGINEERING REQUIREMENTS AND FINAL PERMITTING. MITIGATION MAY OCCUR OUTSIDE THE BOUNDARIES OF THE INCREMENT SUBJECT TO FINAL PERMITTING APPROVALS.
  - d. STORMWATER MANAGEMENT FACILITIES MAY OCCUR OUTSIDE THE BOUNDARIES OF THE INCREMENT SUBJECT TO FINAL ENGINEERING AND PERMITTING.
  - e. THE FINAL LOCATION, SIZE AND ALLOCATION OF CIVIC FACILITIES (I.E. INTERNAL PARKS, SCHOOLS, CHURCHES, EMERGENCY SERVICES BUILDINGS, ETC.).
  - f. THE INTERNAL ROAD ALIGNMENTS AND CIRCULATION (LOCAL ROADS WITHIN DEVELOPMENT PODS WILL BE PROVIDED AS PART OF FINAL SITE PLANNING AND PERMITTING).
  - g. THE CONFIGURATION AND DETAIL ASSOCIATED WITH THE AGRICULTURE AREAS.
  - h. THE FINAL LOCATION, ALLOCATION, ALIGNMENT AND USE OF THE MULTI-MODAL TRAIL SYSTEM AND THE EXACT LOCATIONS AND FUTURE INTERCONNECTIONS OF THE MULTI-MODAL TRAIL SYSTEM WITH THE NEIGHBORHOOD TRAIL/PATH/SIDEWALK SYSTEM.
  - i. THE LOCATION OF VEHICULAR ACCESS POINTS, INCLUDING EXISTING TEMPORARY ENTRYWAYS, TO EXTERNAL PUBLIC ROADWAYS.
2. FURTHER ADJUSTMENTS TO THE BOUNDARIES OF DEVELOPMENT PODS FOR SPECIFIC LAND USE CLASSIFICATIONS MAY OCCUR AS A RESULT OF FINAL LAND PLANNING AND PERMITTING. SPECIFIC USES TO SUPPORT DEVELOPMENT SUCH AS PARKING, STORMWATER LAKES, PARKS OR OTHER SPACES MAY BE IDENTIFIED AND REFINED THROUGH SUBSEQUENT PERMITTING CONSISTENT WITH LOCAL LAND DEVELOPMENT REGULATIONS.
3. ADDITIONAL UNITS AND SQUARE FOOTAGE MAY BE ADDED TO THE INCREMENT IN THE FUTURE THROUGH AN AMENDMENT TO THIS INCREMENT.
4. GOLF COURSE/RECREATION IS ALLOWED IN MIXED USE RESIDENTIAL COMMERCIAL (MURC).



JOHNSON ENGINEERING, INC.  
2122 JOHNSON STREET  
P.O. BOX 1550  
FORT MYERS, FLORIDA 33902-1550  
PHONE (239) 334-0046  
FAX (239) 334-3661  
E.B. #642 & L.B. #642

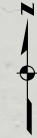
## Increment 2 - Babcock Ranch Community Wildlife & Plant Resources

DATE	PROJECT	FILE NO.	SCALE	SHEET
Nov. 2020	20129205-004	--	As Shown	MAP G



# ATTACHMENT VI

293 of 395



0 1,500 3,000  
SCALE IN FEET

The Babcock Ranch Preserve  
State of Florida

The Babcock Ranch  
Preserve  
State of Florida

## NOTES

1. Aerial photos around the Babcock Ranch Community Increment 1 South Area are from Google Earth and are dated 1-9-2019. The remaining aerial photos in Charlotte County were provided by FDOT and were taken in 2017. The aerial photos in Lee County were provided by Lee County government and were taken in 2017.

2. The Increment 2 boundary was provided by the Johnson Engineering survey department and is dated 11-12-2020.

3. Some polygons are too small to properly depict at this map's scale but code numbers are displayed.

The Babcock Ranch  
Preserve  
State of Florida

South Pasture Grade

Babcock Ranch  
Community  
Increment 1  
South Area

Babcock Ranch Community  
Increment 2

Babcock Ranch Community  
Future Development

Charlotte County

Lee County

Babcock Ranch Community  
Future Development

## LEGEND

- Increment 2
- Babcock Ranch Community
- Babcock Ranch Preserve
- Vegetation Lines & Codes
- Wetlands
- OSWs
- Wetland / OSW Extents & ID

FLUCFCS code	Description	Status	Area in acres
211	Improved pasture	N	1819.70
211H	Improved pasture, hydric	W	4.28
215	Field crops	N	118.37
310	Herbaceous (dry prairie)	N	1.49
321	Palmetto prairie	N	98.37
329	Other shrubs and brush	N	110.91
330	Mixed range land	N	116.00
411	Pine flatwoods	N	1175.30
414	Pine, oak, cabbage palm	N	11.34
510	Streams and waterways	OSW	1.07
525	Cow pond	OSW	4.12
621	Cypress	W	106.11
6219	Cypress, disturbed	W	3.38
624	Cypress, pine, cabbage palm	W	6.22
625	Hydric pine	W	41.71
630	Wetland forested mix	W	4.05
631	Wetland shrubs	W	28.28
641	Freshwater marsh	W	145.51
6419	Freshwater marsh, disturbed	W	3.66
643	Wet prairie	W	181.22
6439	Wet prairie, disturbed	W	22.06
6439E4	Wet prairie (76 to 100% exotics)	W	< 0.01
814	Roads	N	18.30
Total OSW			5.19
Total Wetlands			546.48
Increment 2 Total			4021.45

\\ftms01\drawings\2012\20129205-004\Environmental\ArcGIS\Map F Vegetation 8x11.mxd

**JOHNSON**  
ENGINEERING

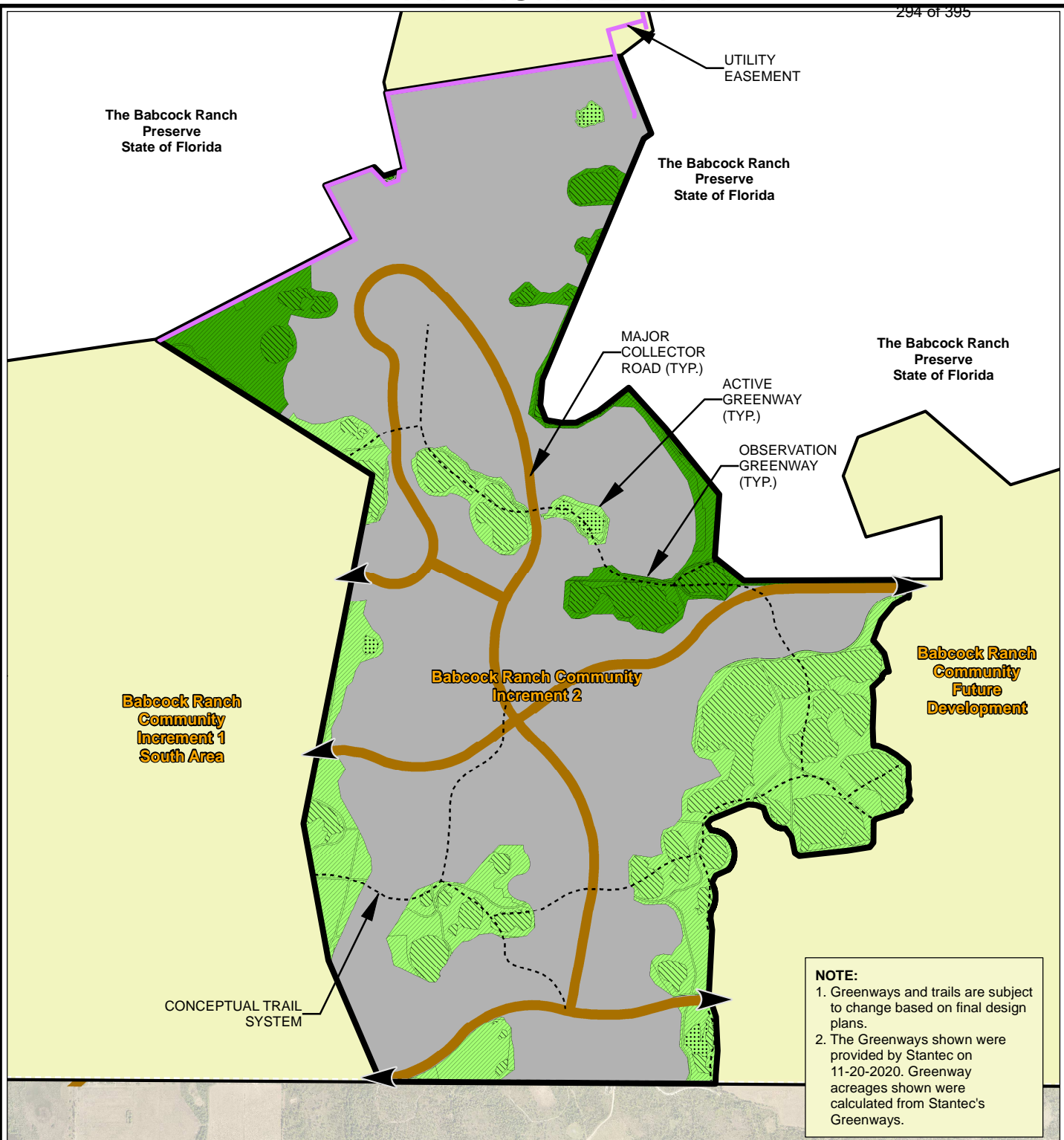
JOHNSON ENGINEERING, INC.  
2122 JOHNSON STREET  
P.O. BOX 1550  
FORT MYERS, FLORIDA 33902-1550  
PHONE (239) 334-0046  
FAX (239) 334-3661  
E.B. #642 & L.B. #642

## Increment 2 - Babcock Ranch Community Vegetation Map

DATE	PROJECT	FILE NO.	SCALE	SHEET
Nov. 2020	20129205-004	--	As Shown	MAP F

# ATTACHMENT VII

294 of 395



## LEGEND



Babcock Ranch Community



Conceptual Trail System



Observation Greenway  
289.01 ac.



Active Greenway  
858.44 ac.



Upland Preservation  
and Enhancement  
668.55 ac.



Wetland Enhancement  
18.42 ac.



Wetland Preservation  
407.88 ac.



Wetland Creation  
(none)



Utility Easement



Major Collector  
Roads

**Babcock Ranch  
Community  
Future  
Development**

**JOHNSON**  
ENGINEERING

JOHNSON ENGINEERING, INC.  
2122 JOHNSON STREET  
P.O. BOX 1550  
FORT MYERS, FLORIDA 33902-1550  
PHONE (239) 334-0046  
FAX (239) 334-3661  
E.B. #642 & L.B. #642

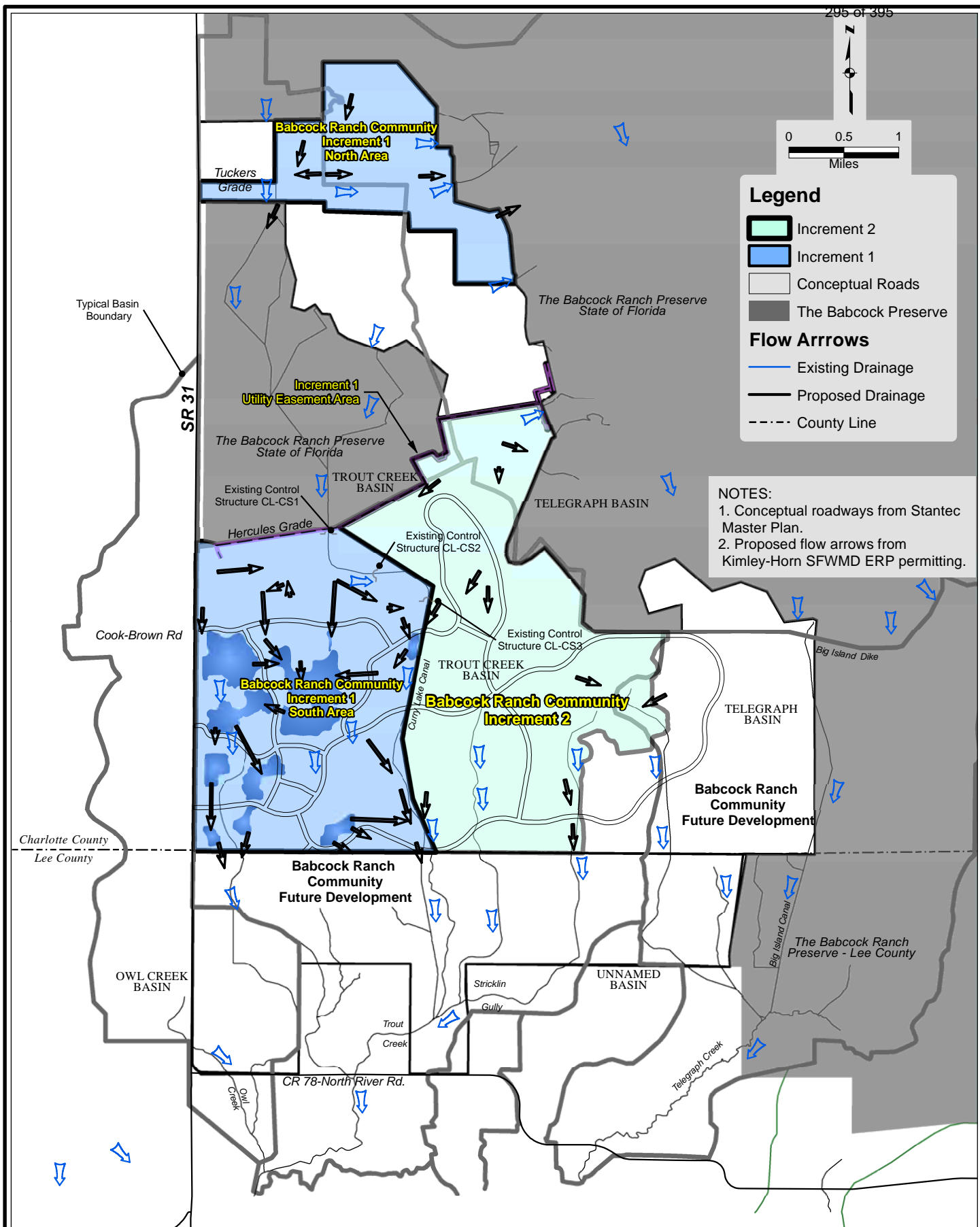
## Increment 2 - Babcock Ranch Community Greenways & Trails

DATE	PROJECT	FILE NO.	SCALE	SHEET
Nov. 2020	20129205-004	--	As Shown	EXH. 12-1

\\fms01\drawings\2012\20129205-004\Environmental\ArcGIS\Map H GreenwaysAndTrails\_8.5x11.mxd



# ATTACHMENT VIII



JOHNSON ENGINEERING, INC.  
 2122 JOHNSON STREET  
 P.O. BOX 1550  
 FORT MYERS, FLORIDA 33902-1550  
 PHONE (239) 334-0046  
 FAX (239) 334-3661  
 E.B. #642 & L.B. #642

## Increment 2 - Babcock Ranch Community Master Drainage Plan

DATE	PROJECT	FILE NO.	SCALE	SHEET
NOV 2020	20129205-004	00-00-00	AS SHOWN	MAP 1

**BABCOCK RANCH COMMUNITY  
INCREMENT 2**

**DRI INCREMENTAL DEVELOPMENT ORDER**

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

**ADOPTED \_\_\_\_\_, 2021**

## TABLE OF CONTENTS

	Page
<b>RECITALS .....</b>	<b>5</b>
<b>FINDINGS OF FACT AND CONCLUSIONS OF LAW .....</b>	<b>6</b>
<b>CONDITIONS .....</b>	<b>8</b>
<b>1. GROSS RESIDENTIAL DENSITY CONDITION AND DEVELOPMENT PROGRAM.....</b>	<b>8</b>
<b>2. AFFORDABLE HOUSING .....</b>	<b>10</b>
<b>3. STORMWATER MANAGEMENT AND FLOOD PLAINS .....</b>	<b>11</b>
<b>4. TRANSPORTATION .....</b>	<b>12</b>
<b>5. VEGETATION, WILDLIFE, AND WETLANDS .....</b>	<b>8</b>
<b>6. WASTEWATER MANAGEMENT AND WATER SUPPLY .....</b>	<b>9</b>
<b>7. EDUCATION .....</b>	<b>10</b>
<b>8. POLICE AND FIRE .....</b>	<b>11</b>
<b>9. SOLID/HAZARDOUS/MEDICAL WASTE.....</b>	<b>12</b>
<b>10. OPEN SPACE AND PARKS.....</b>	<b>13</b>
<b>11. ENERGY .....</b>	<b>14</b>
<b>12. MINING OPERATIONS .....</b>	<b>15</b>
<b>13. CONSISTENCY WITH THE LOCAL COMPREHENSIVE PLAN .....</b>	<b>16</b>
<b>14. BIENNIAL REPORTS .....</b>	<b>16</b>
<b>15. COMPLIANCE MONITORING .....</b>	<b>16</b>
<b>16. EXEMPTION FROM DOWNZONING AND DENSITY/INTENSITY REDUCTION .....</b>	<b>16</b>
<b>17. COMMENCEMENT OF DEVELOPMENT .....</b>	<b>16</b>
<b>18. PROJECTED BUILDOUT .....</b>	<b>16</b>
<b>19. EXPIRATION DATE.....</b>	<b>17</b>
<b>20. DEVELOPMENT PERMITS .....</b>	<b>17</b>
<b>21. GENERAL PROVISIONS.....</b>	<b>17</b>
<b>22. EXHIBITS.....</b>	<b>21</b>

**RESOLUTION NO. 2021-\_\_\_\_\_**

**AN INCREMENTAL DEVELOPMENT ORDER OF THE BOARD OF COUNTY  
COMMISSIONERS OF CHARLOTTE COUNTY FLORIDA FOR INCREMENT 2 OF  
THE BABCOCK RANCH COMMUNITY (CHARLOTTE COUNTY), A MASTER  
DEVELOPMENT OF REGIONAL IMPACT**

WHEREAS, on December 7, 2020 Babcock Property Holdings, LLC (“Developer”), in accordance with Subsections 380.06(6) and (21), Florida Statutes, filed an Application for Incremental Development Approval (“AIDA”) known as the Babcock Ranch Community, Increment 2 (hereinafter “BRC Increment 2” “Increment 2” or “Project”) with Charlotte County, Florida (“County”) and the Southwest Florida Regional Planning Council (“SWFRPC”); and

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

WHEREAS, in February, 2007, Developer, in accordance with Subsection 380.06(6) and (21), Florida Statutes, filed an Application for Master Development Approval (“AMDA”) of a Development of Regional Impact known as the Babcock Ranch Community (“Babcock Charlotte”) with Charlotte County and SWFRPC; and

WHEREAS, on December 13, 2007, the Board approved and adopted the Babcock Ranch Community Master Development of Regional Impact Master DRI Development Order under Resolution 2007-196, as subsequently amended on June 17, 2008 by Resolution 2008-063; on December 15, 2009 by Resolution 2009-283; on December 13, 2011 by Resolution 2011-485; on April 24, 2012 by Resolution 2012-024; on July 25, 2017 by Resolution 2017-187; and on June 12, 2018 by Resolution 2018-077 (“MDO”); and

1           WHEREAS, in accordance with Condition 22 of the MDO, the Board of County  
2 Commissioners of Charlotte County, Florida and the Babcock Ranch Community  
3 Independent Special District (the "District") entered into the "Babcock Ranch Community  
4 Fiscal Stabilization Agreement between Board of County Commissioners of Charlotte  
5 County, Florida, and the Babcock Ranch Community Independent Special District" on  
6 September 23, 2008, ("Fiscal Stabilization Agreement"); and as recorded in Official  
7 Records Book 3326, Pages 1412-1439, of the Public Records of Charlotte County,  
8 Florida; and said agreement satisfies the MDO requirements; and

9           WHEREAS, in accordance with Condition 21 of the MDO, the Board of County  
10 Commissioners of Charlotte County, Florida, Developer, and the District entered into the  
11 "Impact Fee Credit and Reimbursement Agreement for Babcock Ranch Community" on  
12 November 12, 2008, ("Impact Fee Agreement"); and as recorded in Official Records Book  
13 3337, Pages 1813-1823, of the Public Records of Charlotte County, Florida; and said  
14 agreement satisfies the MDO requirements; and

15           WHEREAS, all of the agreements, studies, reports and other documents  
16 referenced in this Babcock Ranch Community Increment 2 Incremental Development  
17 Order ("IDO") shall be kept on file with Charlotte County; and

18           WHEREAS, the Board, as the governing body of the unincorporated area of  
19 Charlotte County having jurisdiction pursuant to Section 380.06, Florida Statutes, is  
20 authorized and empowered to consider the requested AIDA for the Babcock Charlotte  
21 Increment 2; and

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

4 WHEREAS, the Charlotte County Planning and Zoning Board has reviewed and  
5 considered the County's staff report and held a public hearing to consider the AIDA on  
6 [REDACTED]; and

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

10 WHEREAS, on [REDACTED], the Board, at a public hearing in  
11 accordance with Section 380.06, Florida Statutes, having considered the AIDA submitted  
12 by Developer, the AIDA sufficiency questions from reviewing agencies and Developer's  
13 responses thereto, the documentary and oral evidence presented at the hearing before  
14 the Board, the report and recommendations of the Charlotte County Planning and Zoning  
15 Board, and the recommendations of County staff, makes the Findings of Fact and  
16 Conclusions of Law set forth below.

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

19 **RECITALS**

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



## FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The real property constituting Increment 2 which is the subject of the AIDA, consists of approximately 4,021.45 acres, and is legally described as set forth in Exhibit A attached hereto and made a part hereof ("Property" or "Community").

2. The AIDA is consistent with Section 380.06, Florida Statutes.

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

4. The Developer submitted to the County an AIDA on December 7, 2020. The representations and commitments of Developer made in the AIDA which are made conditions of this IDO are identified and set forth herein.

5. The Developer proposes to develop Increment 2 in accordance with the Babcock Master Concept Plan (Map H) attached hereto as Exhibit B and made a part hereof. Map H constitutes a portion of the revised Master Plan for the Babcock Ranch Overlay District in the Charlotte 2050 Comprehensive Plan ("Comprehensive Plan"). The development program for Increment 2 authorized by this IDO, consisting of one phase, is as follows ("Development Program"), subject to the limitations contained herein:

- (i) 6,457 residential dwelling units (4,434 single family units and 2,023 multi-family units),
- (ii) 297,250 square feet of retail,
- (iii) 727,750 square feet of office,
- (iv) 200,000 square feet of industrial,
- (v) 100 assisted living facility (ALF) beds,
- (vi) 75,000 square feet of ancillary community uses,
- (vii) 74 acres of parks, and

1 (viii) 18-hole golf course and related facilities, including but not limited to  
2 maintenance facilities and cart barn.

3 (ix) Supporting community facilities such as the educational service center,  
4 schools, university research facilities, libraries, places of worship, fire, EMS  
5 and sheriff facilities, regional and community park facilities, clubhouses and  
6 similar neighborhood amenities, and the necessary utility infrastructure  
7 including, but not limited to, water, wastewater and reuse water systems,  
8 electric, telephone and cable systems, will not be attributed to the  
9 development components set forth above, and will not count towards the  
10 maximum thresholds of development as established in this IDO.

11 (x) All other facilities, together with the development components set forth  
12 above [excluding (ix)] shall not exceed the maximum thresholds established  
13 in this IDO, subject to the use of the Equivalency Matrix contained in Exhibit  
14 C.

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

17  
18 6. The Increment 2 development is not in an area designated as an Area of Critical  
19 State Concern pursuant to the Provisions of Section 380.05, Florida Statutes, as  
20 amended.

21 7. The Increment 2 development is consistent with the current land development  
22 regulations and the Charlotte 2050 Comprehensive Plan, adopted pursuant to Chapter  
23 163, Part II, Florida Statutes. Further, it is orderly, maximizes efficiency of infrastructure,

and provides for specific infrastructure improvements needed to meet prescribed levels of service.

8. Increment 2 development as approved herein is consistent with the State Comprehensive Plan.

9. The mitigation provided for Increment 2 development is consistent with the requirements of Section 163.3180(5), F.S.

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

### CONDITIONS

#### **1. GROSS RESIDENTIAL DENSITY CONDITION AND DEVELOPMENT PROGRAM**

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

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

(2) The Updated Summary of Land Dedication & Facilities Construction for Increment 2 is attached hereto as Exhibit D and updates a portion of Exhibit D of the MDO.

(3) The minimum amount of non-residential development which may be constructed by the end of Increment 2 relative to the cumulative number of residential units which have been, or are projected to be, developed in Increment 2 shall be 50,000 square feet. The intent is that non-residential uses be allowed to serve the occupancy of dwelling units.

(4) Development within Increment 2 shall be in accordance with Exhibit E.

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

6                   **REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY**  
7

1    **2.    AFFORDABLE HOUSING**

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

3                    **REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY**

4

Working Draft - not for sufficiency review

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

2             A. Representations and Commitments as Conditions.

3             (1) The Master Drainage Plan for Increment 2 is attached hereto as Exhibit F.

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

7             (3) Development of Increment 2 includes conveyance features located outside  
8 the Increment 2 boundaries that convey stormwater runoff. Examples of conveyance  
9 features include, but are not limited to, swales, ditches, canals and overland flow. Some  
10 improvements to these conveyance features will be made as part of Increment 2.

11            (4) The stormwater management system shall be that system as permitted by  
12 the South Florida Water Management District ("SFWMD") Individual Environmental  
13 Resource Permit No. 08-00004-S-05, as may be amended ("ERP").

14                   **REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY**  
15

#### 4. TRANSPORTATION

##### A. Representations and Commitments as Conditions.

##### (1) Increment 2

In accordance with the MDO, each Incremental traffic study will include any previously evaluated Increment as Project traffic. Mitigation provided by any previously evaluated Increment shall be credited to the overall impact of the Project.

a. Developer shall be fully responsible for the required site-related roadway and intersection improvements associated with Increment 2 as set forth herein. Site-related improvements include, but are not limited to, the following: site driveways and roads; median cuts made necessary by those driveways or roads; right-turn, left-turn, and deceleration or acceleration lanes leading to or from those driveways or roads; traffic control measures for those driveways or roads; and roads or intersection improvements whose primary purpose at the time of construction is to provide access to the development. The specific site-related improvements shall be subject to review and approval under the Site Plan Review process as provided in Section 3-9-7.1 of the Code of Laws and Ordinances of Charlotte County, Florida ("Code"), and coordination with FDOT. The cumulative site-related improvements for Increments 1 and 2 are as follows:

- a. SR 31 / Cypress Parkway (D-D)
  - Add NB Right-Turn Lane

- Add SB Left-Turn Lane
- Add WB Dual Left-Turn Lanes
- Add WB Thru/Right-Turn Lane
- Signal, If and When Warranted

b. SR 31 / Horseshoe Road / Lake Babcock Drive (C-C)

- Add NB Right-Turn Lane
- Add SB Left-Turn Lane
- Add WB Dual Left-Turn Lanes
- Add WB Thru/Right-Turn Lane
- Signal, If and When Warranted

c. SR 31 / Cook Brown Road/Greenway Boulevard (B-B)

- Add NB Right-Turn Lane
- Add SB Left-Turn Lane
- Add WB Left-Turn Lane
- Add WB Thru/Right-Turn Lane
- Signal, If and When Warranted

d. SR 31 / Increment 1 North Project Entrance/Hercules

Grade

- Add NB Right-Turn Lane
- Add SB Left-Turn Lane
- Add WB Left-Turn/Right-Turn Lane

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



1 b. The cumulative off-site traffic impacts of Increments 1 and 2, through  
2 2033, as estimated by the AIDA traffic analysis are identified in Exhibit  
3 J, which is attached hereto and incorporated herein by reference. These  
4 off-site traffic impacts have been accepted by FDOT, Charlotte County,  
5 Lee County, and the SWFRPC, as the cumulative impacts resulting from  
6 Increments 1 and 2.

7 1. The mutually agreed upon significantly and adversely impacted  
8 roadways for Increments 1 and 2, that are not transportation  
9 deficient, and the identified improvements for Increments 1 and 2  
10 are:

11 a. SR 31 from SR 78 to Old Rodeo Drive

- 12 • Widen from 4 to 6 Lanes

13 b. SR 31 from Old Rodeo Drive to North River Road

- 14 • Widen from 4 to 6 Lanes

15 c. SR 31 from North River Road to Shirley Lane

- 16 • Widen from 4 to 6 Lanes

17 d. SR 31 from Shirley Lane to Fox Hill Road

- 18 • Widen from 4 to 6 Lanes

19 e. SR 31 from Fox Hill Road to Busbee Lane

- 20 • Widen from 4 to 6 Lanes

21 f. SR 31 from Busbee Lane to Charlotte/Lee County Line

- 22 • Widen from 2 to 6 Lanes

g. SR 31 from Charlotte/Lee County Line to Cypress  
Parkway

- Widen from 2 to 6 Lanes

h. SR 31 from Cypress Parkway to Lake Babcock Drive

- Widen from 2 to 4 Lanes

2. The mutually agreed upon significantly and adversely impacted  
intersections, that are not transportation deficient, and the  
identified improvements for Increments 1 and 2 are:

a. SR 78 / Hart Road

- Add SB Right-Turn Lane

b. SR 80 / Orange River Boulevard

- Add NB Left-Turn Lane

- Add WB Left-Turn Lane

c. SR 80 / SR 31

- Add NB Left-Turn Lane

- Add WB Thru Lane

d. SR 31 / SR 78

- Add EB Left-Turn Lane

e. SR 31 / North River Road

- Add WB Left-Turn Lane

f. SR 78 / Old Bayshore Road

- Add EB Left-Turn Lane

1 The Cumulative (with Increment 1 and 2) proportionate share of  
2 the improvements, as shown on Exhibit K, has been calculated  
3 consistent with F.S. 163.3180. The proportionate share  
4 calculation was based on 5,117 pm peak hour two-way external  
5 trips and 5,087 pm peak hour two-way net new trips assigned to  
6 the external road network established by the AIDA traffic  
7 analysis. The calculated cumulative proportionate share for the  
8 Incremental DRI with both Increments 1 and 2 is \$50,761,263  
9 based upon the proportionate share percentages as calculated  
10 per lane mile for each improvement as shown on Exhibit K. The  
11 proportionate share percentages have been accepted by  
12 Charlotte County and FDOT for Increments 1 and 2, recognizing  
13 that the actual costs may increase or decrease based upon the  
14 final actual costs of the agreed upon improvements.

15 3. The agreed upon mitigation of the significantly and adversely  
16 impacted roadways and intersection improvements identified in  
17 Condition 4(A) (1).b.1. and 2., accepted by Charlotte County and  
18 FDOT shall be the following schedule of listed improvements and  
19 date certain payment provisions:

1

Reference #	Item <sup>(1)</sup>	Total Costs Subject to Proportionate Share Assessment <sup>(7)</sup>	Proportionate Share Estimate	Mitigation Commitments <sup>(8)</sup>	Mitigation Paid	Anticipated Start Date <sup>(2)</sup>
1.1	Off-Site Road Segments					
	SR 31					
	a. SR 78 to CR 78 -Widen from 2 to 4 lanes -With infrastructure and grading provided for 6-lane expansion	\$11,434,523	\$11,434,523	\$20,960,000	\$0	SR 31 PD&E Study <sup>(6)</sup>
	b. CR 78 to Cypress Parkway -Widen from 2 to 4 lanes -With infrastructure and grading provided for 6-lane expansion	\$34,702,126	\$31,253,395	\$47,170,000	\$0	SR 31 PD&E Study <sup>(6)</sup>
	c. Cypress Parkway to Horseshoe Road -Widen from 2 to 4 lanes -Sidewalk one side	\$7,730,259	\$7,730,259	\$7,730,000	\$0	SR 31 PD&E Study <sup>(6)</sup>
	Subtotal	\$53,866,908	\$50,418,177	\$75,860,000		
	d. Prior Project Contributions					
	(1) SEIR/PD&E Contribution	\$0	\$0	\$1,350,000	\$1,350,000	Completed <sup>(5)</sup>
	(2) Previously completed design, permitting, and survey associated with SR 31 widening	\$0	\$0	\$2,342,000	\$2,342,000	Completed <sup>(5)</sup>
	(3) Previously constructed chain of lakes	\$0	\$0	\$2,500,000	\$2,500,000	Completed <sup>(5)</sup>
	SR 31 Subtotal	\$53,866,908	\$50,418,177	\$82,052,000	\$6,192,000	
1.2	Off-site Intersections					
	a. SR 78 and Hart Road -Add SB Right-Turn Lane	\$283,996	\$0	\$0	\$0	Mitigation Satisfied <sup>(9)</sup>
	b. SR 80 and Orange Rover Boulevard -Add NB Left -Turn Lane -Add WB Left-Turn Lane	\$270,836	\$72,223	\$0	\$0	Mitigation Satisfied <sup>(9)</sup>
	c. SR 80 and SR 31 -Add NB Left-Turn Lane -Add WB Thru Lane	\$730,433	\$0	\$0	\$0	Mitigation Satisfied <sup>(9)</sup>
	d. SR 31 and SR 78 -Add EB Left-Turn Lane	\$135,418	\$135,418	\$0	\$0	Mitigation Satisfied <sup>(9)</sup>
	e. SR 31 and North River Road -Add WB Left-Turn Lane	\$135,418	\$0	\$0	\$0	Mitigation Satisfied <sup>(9)</sup>
	f. SR 78 and Old Bayshore Road Add EB Left-Turn Lane	\$135,418	\$135,418	\$0	\$0	Mitigation Satisfied <sup>(9)</sup>
	Off-site Intersections Subtotal	\$1,691,519	\$343,059	\$0	\$0	Mitigation Satisfied <sup>(9)</sup>
2	SR 31 Traffic Count Stations <sup>(3)</sup>	\$0	\$0	\$200,000	\$200,000	Installed at Cypress Parkway, Lake Babcock Drive, and Greenway Boulevard <sup>(4)</sup>
	Grand Total	\$55,558,427	\$50,761,236	\$82,252,000	\$6,392,000	

**Footnotes:**

(1) Subject to agreement between FDOT and the Developer, the scope of the schedule of improvements may be increased with credit for any increased cost funded by the Developer reimbursed consistent with Condition 4.(A).1.b.6.

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

(3) The cost of the permanent count station equipment will be credited against the DRI's traffic mitigation obligation per MDO Condition 5.B.(7).

(4) Traffic Count Stations to be installed at Project Entrances, as the Project Entrances are built.

(5) These tasks have been mitigated by Developer to facilitate completion of required improvements. The paid mitigation is creditable towards future assessments consistent with Condition 4.(A).1.b.6.

(6) FDOT SR 31 PD&E Study from Cook Brown Road to SR 78 is currently ongoing.

(7) Total estimated costs for improvements of the significantly and adversely impacted roadways and intersection improvements identified in Condition 4(A)(1).b.1. and 2 which are subject to proportionate share assessment.

(8) Includes FDOT State Infrastructure Bank Loan Improvement Cost Estimate of \$75,860,197.

(9) Proportionate share obligations for the off-site intersection improvements are considered to be pipelined towards SR 31 roadway improvements; mitigation paid to-date is in excess of proportionate share obligations for the off-site intersection improvements.

1 4. These conditions and satisfaction of mitigation supersede  
2 Transportation Conditions of Increment 1 IDO (Resolution 2020-  
3 070, as may be amended from time to time), as transportation  
4 analyses are cumulative. After the effective date of this IDO, the  
5 Developer shall (or indicate completion of):

6 a. Initiate the below improvements of SR 31 to eventually  
7 (during the full development of Babcock Ranch) result in  
8 the four-laning of SR 31 from SR 78 to Horseshoe  
9 Road/Lake Babcock Drive (Reference #2 above and i-ii  
10 below). The improvements will consist of the following:

- 11 • Funding in the amount of \$1,000,000 has been  
12 provided to the FDOT to facilitate the preparation of  
13 the Project Development and, Environment Study  
14 (PD&E) and/or State Environmental Impact Report  
15 (SEIR) for SR31 from SR 78 to North River Road.  
16 This funding is being used by the FDOT to prepare  
17 a complete PD&E Study or SEIR Study of SR 31  
18 from SR 78 to North River Road.
- 19 • Coordinating with FDOT to fund, continue and  
20 complete the Project Development and  
21 Environment Study (PD&E) or State Environmental  
22 Impact Report (SEIR) for SR 31 from North River  
23 Road to Cook Brown Road.

1 b. Permanent traffic count stations were installed at  
2 Greenway Boulevard, Lake Babcock Drive, and Cypress  
3 Parkway.

4 5. FDOT has maintenance authority for SR 31 and the intersection  
5 improvements set forth above. Developer shall be responsible for  
6 the guaranteed construction of the above improvements, in  
7 accordance with the above schedule, and in accordance with the  
8 binding and enforceable commitment by the Developer in this  
9 IDO, to assure construction or improvement of these facilities.

10 6. If the cost of the mitigation provided by the Developer for  
11 Increments 1 and 2 exceeds the proportionate share of the  
12 impacts resulting from mitigation by Increments 1 and 2 of  
13 \$50,761,263 (as adjusted up or down in accordance with actual  
14 costs and based upon the accepted proportionate share  
15 percentages shown on Exhibit K), the Developer shall be entitled  
16 to a credit toward the overall impact of the Project for the cost of  
17 improvements beyond the proportionate share amount and  
18 receive mitigation credit for subsequent increments or phases, as  
19 provided in the MDO and applicable law. Developer and County  
20 may enter into a Transportation Credit Agreement to further  
21 delineate the terms and procedures for implementing credits for  
22 identified improvements set forth above in excess of the  
23 proportionate share of Increments 1 and 2. Credit for the cost of

1 additional improvements as set forth above shall be analyzed as  
2 part of transportation analysis for future increments and be  
3 included in subsequent incremental development orders.

4 c. Satisfaction of the required mitigation in the timeframes as outlined and  
5 compliance with the transportation related provisions of this IDO for  
6 Increment 2 shall satisfy the road or traffic concurrency requirements of  
7 the Charlotte 2050 Comprehensive Plan, LOR, and the Charlotte County  
8 Concurrency Management System, through November 21, 2033 (the  
9 buildout date of Increment 2). If the Developer proposes to extend the  
10 buildout date of Increment 2 beyond November 21, 2033, the Developer  
11 and the County, during the development order amendment process  
12 pursuant to Section 380.06(7), Florida Statutes, shall re-evaluate the  
13 future traffic impact of Increment 2 in a manner consistent with the MDO,  
14 and shall re-evaluate the concurrency status of Increment 2 on all  
15 roadway segments and intersections listed in Conditions 4(A)(1)b.1. and  
16 2., above.

17 d. DEO has determined that SR 31 is a Regionally Significant Roadway.

18 e. County, by approving this IDO, has exercised its discretion to accept this  
19 mitigation for Increment 2.

20 f. Improvements to the facilities outlined above shall be mitigated at the  
21 time that a road segment or intersection is expected to operate below  
22 the level of service standard adopted in County's Comprehensive Plan.  
23 If the road or the intersection operates below the adopted level of

1 service, no building permits for residential and non-residential  
2 development shown on Exhibit E for Increment 2 shall be issued unless  
3 the improvements are: a) complete, b) under construction, c) the subject  
4 of a clearly identified, executed and recorded local government  
5 development agreement consistent with Sec. 163.3220 through  
6 163.3423, F.S., ensuring completion concurrent with impacts; d) the  
7 subject of a binding commitment ensuring completion concurrent with  
8 impacts or e) the DRI's proportionate share mitigation may be pipelined  
9 into specific improvements as deemed necessary and mutually agreed  
10 upon between FDOT and the developer.

11 (2) The Master Internal Circulation Plan for Increment 2 is attached hereto as

12 Exhibit J.

13 **REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY**  
14



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

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

3             (1) Additional species have been documented within Increment 2 over those  
4 identified in the MDO. An updated Biological Opinion for the Babcock Ranch Community  
5 will be provided to the County with the first biennial report for Increment 2.

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

10            (3) Development within Increment 2 shall comply with the mitigation  
11 requirements provided for in the ERP and ACOEP, as may be modified.

12            (4) Mitigation for wetlands and listed species within the Increment 2 boundary  
13 may occur outside the Increment 2 boundary in accordance with the MDO, and the  
14 approved T&E Plan and Mitigation Plan referenced in the MDO, and included in the state  
15 and federal permits.

16            (5) Any amendments to the T&E Plan and Mitigation Plan will be provided as  
17 part of the applicable Biennial Report for Increment 2 to the County.

18            (6) Copies of any conservation easements that have been recorded relative to  
19 Increment 2 that were not provided in a previously submitted Biennial Report will be  
20 provided as part of the applicable Biennial Report for Increment 2 to the County.

21            (7) A Greenway Map for Increment 2 is attached hereto as Exhibit H.

22                   **REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY**  
23

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

2             A. Representations and Commitments as Conditions.

3             (1) The Primary Utility Corridor map for Increment 2 is attached hereto as  
4 Exhibit I.

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

8             (3) MSKP Town and Country Utility, LLC or its successors and assigns will  
9 provide wastewater service for Increment 2.

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

16            (5) Babcock Ranch Irrigation, LLC, or its successors and assigns, will provide  
17 reclaimed water service for Increment 2.

18            **REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY**  
19

1     **7.     EDUCATION**

2             A. Representations and Commitments as Conditions.

3             (1) The Developer shall comply with the School Site Dedication Agreement.  
4     Delivery of the school site(s) as set forth on the schedule in Exhibit “D” may be revised  
5     by agreement of Developer and the Charlotte County School Board.

6             (2) The Developer, District, Charlotte County and The School Board of  
7     Charlotte County entered into an Addendum to the Babcock Ranch School Site  
8     Dedication Agreement on January 8, 2018 (“Agreement”) addressing school concurrency  
9     for development. Should the Agreement not be utilized to address school concurrency in  
10    the future, the Developer shall either amend the Agreement, enter into a new agreement  
11    to address school concurrency or comply with the updated Interlocal Agreement for  
12    Coordinated Planning and School Concurrency dated May 2018.

13            (3) Age-restricted communities will not be subject to school concurrency  
14    requirements.

15                   **REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY**  
16

1     **8.     POLICE AND FIRE**

2             A. Representations and Commitments as Conditions.

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

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

8             **REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY**

1 **9. SOLID/HAZARDOUS/MEDICAL WASTE**

2 A. Representations and Commitments as Conditions.

3 (1) Solid waste in Increment 2 will be collected by the District. Increment 2 is  
4 not intended to be part of the County's Sanitation District; however, solid waste will be  
5 sent to the Charlotte County Landfill.

6 **REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY**

Working Draft - not for sufficiency review

## **10. OPEN SPACE AND PARKS**

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

(1) Renewable energy and energy storage resource facilities and systems shall be allowed throughout Increment 2. If constructed within Active Greenways, such facilities shall not count as open space.

(2) Park sites shall be conveyed to the District or a property owner's association (POA) with exotic plants removed and infrastructure provided.

(3) District or Developer shall prepare the master plan(s) for the permanent park site(s) required within Increment 2. The Developer, District or POA shall develop and operate the parks within Increment 2.

(4) General agricultural operations may be conducted throughout Increment 2 in accordance with the Charlotte 2050 Comprehensive Plan and the LDR.

(5) All parks and library impact fees collected from the Development within Increment 2 shall be provided to the Developer or District in accordance with the Impact Fee Agreement.

(6) Common recreational areas and common open spaces within Increment 2, if any, will be maintained by a POA or the District.

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

**REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY**

1 **11. ENERGY**

2 A. Representations and Commitments as Conditions - None.

3  
4 **REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY**  
5  
6

Working Draft - not for sufficiency review

1 **12. MINING OPERATIONS**

2 A. Representations and Commitments as Conditions – None.

3 **REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY**

4

Working Draft - not for sufficiency review



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

2           County has determined that the Increment 2 project is consistent with its Charlotte  
3   2050 Comprehensive Plan.

4   **14.   BIENNIAL REPORTS**

5           The Developer of Increment 2, or its successor(s)-in-title to the undeveloped  
6   portions of Increment 2, must submit a biennial report to the County. The Developer of  
7   Increment 2 must inform successors-in-title to any undeveloped portion of the real  
8   property covered by this IDO of this reporting requirement.

9   **15.   COMPLIANCE MONITORING**

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

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

14          Pursuant to Subsection 380.06(4)(a), Florida Statutes, this Increment 2 project is  
15   exempt from down zoning, intensity reduction, or unit density reduction until May 8, 2043,  
16   unless County can demonstrate that substantial changes in the conditions underlying the  
17   approval of this IDO have occurred or this IDO was based on substantially inaccurate  
18   information provided by the Developer or that the change is clearly established by local  
19   government to be essential to the public health, safety, or welfare.

20   **17.   COMMENCEMENT OF DEVELOPMENT**

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

23   **18.   PROJECTED BUILDOUT**

Buildout of Increment 2 is projected to occur on or about December 31, 2033 (“Buildout Date”).

**19. EXPIRATION DATE**

The expiration date for this IDO is December 31, 2040.

**20. DEVELOPMENT PERMITS**

Subsequent requests for development permits within Increment 2 shall not require further review pursuant to Section 380.06, Florida Statutes. Amendments to this IDO shall be processed in accordance with Charlotte County Code 3-9-10.1, as may be amended.

**21. GENERAL PROVISIONS**

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

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

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

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

1           D.     If there is a conflict between a provision in this IDO and a provision in the  
2 MDO, the provision in this IDO shall prevail for Increment 2. Exhibit D, attached hereto  
3 and made a part hereof by reference, is an updated version of Exhibit D to the MDO  
4 entitled "Summary of Land Dedication and Facilities Construction" as to the Increment 2  
5 property. Said updated Exhibit D amends Exhibit D to the MDO as to the Increment 2  
6 property.

7           E.     If the Developer is required by this IDO to provide, pay for, or otherwise  
8 cause to be provided, infrastructure, projects, systems, or facilities, then the District may  
9 independently satisfy such obligations. To the extent that any such obligation under this  
10 IDO is met or performed by the District, then such obligation shall be deemed satisfied  
11 and the Developer shall no longer be subject to such obligation.

12          F.     If there is a conflict between a provision in this IDO and a provision in an  
13 ERP, a Consumptive Use Permit ("CUP"), Florida Department of Environmental  
14 Permitting ("FDEP") 404 Permit or ACOEP, the provision in the ERP, CUP, FDEP 404  
15 Permit or ACOEP shall prevail.

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

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

22          I.     This IDO shall become effective as provided by law.

1 J. The County may provide certified copies of this IDO to DEO and the  
2 SWFRPC.

3 K. This Resolution shall be recorded in the Public Records of Charlotte County,  
4 Florida. Notice of the adoption of this IDO shall be recorded by the Developer, in  
5 accordance with F.S. 28.222 with the Clerk of the Circuit Court for Charlotte County.  
6

Working Draft - not for sufficiency review

PASSED AND DULY ADOPTED this \_\_\_\_ day of \_\_\_\_\_,  
2021.

BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY, FLORIDA

By: \_\_\_\_\_  
William G. Truex, Chairman

ATTEST:  
Roger D. Eaton, Clerk of the Circuit Court  
and Ex-Officio Clerk to the  
Board of County Commissioners

By: \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

By: \_\_\_\_\_  
Janette S. Knowlton, County Attorney

LR2019-

## **EXHIBITS**

Exhibit A	Increment 2 Babcock Ranch Community Legal Description
Exhibit B	Babcock Ranch Community Map H Increment 2 Master Development Plan and Fixed and Variable Development Criteria
Exhibit C	Babcock Ranch Community Increment 2 Equivalency Matrix [to be provided during review]
Exhibit D	Updated Summary of Land Dedications and Facilities Construction [to be provided during review]
Exhibit E	Babcock Ranch Community Increment 2 Parameters
Exhibit F	Increment 2 Master Drainage Plan
Exhibit G	Increment 2 Master Internal Circulation Plan
Exhibit H	Increment 2 Primary Greenway Map and Trails Plan
Exhibit I	Increment 2 Primary Utility Corridor Map
Exhibit J	Increment 2, Future (2033) Traffic Conditions with Project Directional Peak Hour Peak Season [to be provided during review]
Exhibit K	Increment 2, Future (2033) Traffic Conditions with Project Proportionate Share Calculation [to be provided during review]

CHG  
BCC

ATTACHMENT II

331 of 395

CHARLOTTE COUNTY CLERK OF CIRCUIT COURT  
OR BOOK: 4814 PAGE 1768 PAGE: 1 OF 62  
INSTR # 2978874 Doc Type: GOV  
Recorded: 7/30/2021 at 1:21 PM  
Rec. Fee: RECORDING \$528.50  
Cashier By: JOANC

## **BABCOCK RANCH COMMUNITY**

### **INCREMENT 2**

### **DRI INCREMENTAL DEVELOPMENT ORDER**

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

**ADOPTED JULY 27, 2021**

MIN

July 27, 2021

**TABLE OF CONTENTS**

	Page
RECITALS .....	3
FINDINGS OF FACT AND CONCLUSIONS OF LAW .....	4
CONDITIONS .....	6
1. GROSS RESIDENTIAL DENSITY CONDITION AND DEVELOPMENT PROGRAM .....	6
2. AFFORDABLE HOUSING .....	8
3. STORMWATER MANAGEMENT, WATER QUALITY, AND FLOOD PLAINS .....	9
4. TRANSPORTATION .....	10
5. VEGETATION, WILDLIFE, AND WETLANDS .....	20
6. WASTEWATER MANAGEMENT AND WATER SUPPLY .....	21
7. EDUCATION.....	22
8. POLICE AND FIRE.....	23
9. SOLID/HAZARDOUS/MEDICAL WASTE.....	24
10. OPEN SPACE AND PARKS .....	25
11. ENERGY .....	26
12. MINING OPERATIONS .....	27
13. CONSISTENCY WITH THE LOCAL COMPREHENSIVE PLAN.....	28
14. BIENNIAL REPORTS.....	28
15. COMPLIANCE MONITORING .....	28
16. EXEMPTION FROM DOWNZONING AND DENSITY/INTENSITY REDUCTION.....	28
17. COMMENCEMENT OF DEVELOPMENT .....	29
18. PROJECTED BUILDOUT .....	29
19. EXPIRATION DATE .....	29
20. DEVELOPMENT PERMITS.....	29
21. GENERAL PROVISIONS .....	29
22. EXHIBITS .....	32



RESOLUTION NO. 2021- 109

**AN INCREMENTAL DEVELOPMENT ORDER OF THE BOARD OF COUNTY  
COMMISSIONERS OF CHARLOTTE COUNTY FLORIDA FOR INCREMENT 2 OF  
THE BABCOCK RANCH COMMUNITY (CHARLOTTE COUNTY), A MASTER  
DEVELOPMENT OF REGIONAL IMPACT**

WHEREAS, on December 7, 2020 Babcock Property Holdings, LLC ("Developer"), in accordance with Subsections 380.06(6) and (21), Florida Statutes, filed an Application for Incremental Development Approval ("AIDA") known as the Babcock Ranch Community, Increment 2 (hereinafter "BRC Increment 2" "Increment 2" or "Project") with Charlotte County, Florida ("County") and the Southwest Florida Regional Planning Council ("SWFRPC"); and

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

WHEREAS, in February, 2007, Developer, in accordance with Subsection 380.06(6) and (21), Florida Statutes, filed an Application for Master Development Approval ("AMDA") of a Development of Regional Impact known as the Babcock Ranch Community ("Babcock Charlotte") with Charlotte County and SWFRPC; and

WHEREAS, on December 13, 2007, the Board approved and adopted the Babcock Ranch Community Master Development of Regional Impact Master DRI Development Order under Resolution 2007-196, as subsequently amended on June 17, 2008 by Resolution 2008-063; on December 15, 2009 by Resolution 2009-283; on December 13, 2011 by Resolution 2011-485; on April 24, 2012 by Resolution 2012-024; on July 25, 2017 by Resolution 2017-187; on June 12, 2018 by Resolution 2018-077; and on July 27, 2021 by Resolution 2021-~~108~~<sup>109</sup> ("MDO"); and

WHEREAS, in accordance with Condition 22 of the 2007 MDO, the Board of County Commissioners of Charlotte County, Florida and the Babcock Ranch Community Independent Special District (the "District") entered into the "Babcock Ranch Community Fiscal Stabilization Agreement between Board of County Commissioners of Charlotte County, Florida, and the Babcock Ranch Community Independent Special District" on September 23, 2008, ("Fiscal Stabilization Agreement"); and as recorded in Official Records Book 3326, Pages 1412-1439, of the Public Records of Charlotte County, Florida; and said agreement satisfies the MDO requirements; and

WHEREAS, in accordance with Condition 21 of the 2007 MDO, the Board of County Commissioners of Charlotte County, Florida, Developer, and the District entered into the "Impact Fee Credit and Reimbursement Agreement for Babcock Ranch Community" on November 12, 2008, ("Impact Fee Agreement"); and as recorded in Official Records Book 3337, Pages 1813-1823, of the Public Records of Charlotte County, Florida; and said agreement satisfies the MDO requirements; and

WHEREAS, all of the agreements, studies, reports and other documents referenced in this Babcock Ranch Community Increment 2 Incremental Development Order ("IDO") shall be kept on file with Charlotte County; and

WHEREAS, the Board, as the governing body of the unincorporated area of Charlotte County having jurisdiction pursuant to Section 380.06, Florida Statutes, is authorized and empowered to consider the requested AIDA for the Babcock Charlotte Increment 2; and

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

WHEREAS, the Charlotte County Planning and Zoning Board has reviewed and considered the County's staff report and held a public hearing to consider the AIDA on July 12, 2021; and

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

WHEREAS, on July 27, 2021, the Board, at a public hearing in accordance with Section 380.06, Florida Statutes, having considered the AIDA submitted by Developer, the AIDA sufficiency questions from reviewing agencies and Developer's responses thereto, the documentary and oral evidence presented at the hearing before the Board, the report and recommendations of the Charlotte County Planning and Zoning Board, and the recommendations of County staff, makes the Findings of Fact and Conclusions of Law set forth below.

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

**RECITALS**

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

### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. The real property constituting Increment 2 which is the subject of the AIDA, consists of approximately 4,021.45 acres, and is legally described as set forth in Exhibit A attached hereto and made a part hereof ("Property" or "Community").
2. The AIDA is consistent with Section 380.06, Florida Statutes.
3. The AIDA is consistent with the MDO, which is incorporated herein by reference.
4. The Developer submitted to the County an AIDA on December 7, 2020. The representations and commitments of Developer made in the AIDA which are made conditions of this IDO are identified and set forth herein.
5. The Developer proposes to develop Increment 2 in accordance with the Babcock Master Concept Plan (Map H) attached hereto as Exhibit B and made a part hereof. Map H constitutes a portion of the revised Master Plan for the Babcock Ranch Overlay District in the Charlotte 2050 Comprehensive Plan ("Comprehensive Plan"). The development program for Increment 2 authorized by this IDO, consisting of one phase, is as follows ("Development Program"), subject to the limitations contained herein:
  - (i) 6,457 residential dwelling units (4,434 single family units and 2,023 multi-family units),
  - (ii) 297,250 square feet of retail,
  - (iii) 727,750 square feet of office,
  - (iv) 200,000 square feet of industrial,
  - (v) 100 assisted living facility (ALF) beds,
  - (vi) 75,000 square feet of ancillary community uses, and
  - (vii) 18-hole golf course and related facilities, including but not limited to maintenance facilities and cart barn.

- (viii) Supporting community facilities such as the educational service center, schools, university facilities, libraries, places of worship, fire, EMS and sheriff facilities, regional and community park facilities, clubhouses and similar neighborhood amenities, and the necessary utility infrastructure including, but not limited to, water, wastewater and reuse water systems, electric, telephone and cable systems, will not be attributed to the development components set forth above, and will not count towards the maximum thresholds of development as established in this IDO.
- (ix) All other facilities, together with the development components set forth above [excluding (viii)] shall not exceed the maximum thresholds established in this IDO, subject to the use of the Equivalency Matrix contained in Exhibit C.
- (x) Temporary housing for construction workers and their families will not count against the residential dwelling units allowed herein.

6. The Increment 2 development is not in an area designated as an Area of Critical State Concern pursuant to the Provisions of Section 380.05, Florida Statutes, as amended.

7. The Increment 2 development is consistent with the current land development regulations and the Charlotte 2050 Comprehensive Plan, adopted pursuant to Chapter 163, Part II, Florida Statutes. Further, it is orderly, maximizes efficiency of infrastructure, and provides for specific infrastructure improvements needed to meet prescribed levels of service.

8. Increment 2 development as approved herein is consistent with the State Comprehensive Plan.

9. The mitigation provided for Increment 2 development is consistent with the requirements of Section 163.3180(5), F.S.

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

### CONDITIONS

#### 1. GROSS RESIDENTIAL DENSITY CONDITION AND DEVELOPMENT PROGRAM

##### A. Representations and Commitments as Conditions.

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

(2) The Updated Summary of Land Dedication & Facilities Construction for Increment 2 is attached hereto as Exhibit D and updates a portion of Exhibit D of the MDO.

(3) The minimum amount of non-residential development which may be constructed by the end of Increment 2 relative to the cumulative number of residential units which have been, or are projected to be, developed in Increment 2 shall be 50,000 square feet. The intent is that non-residential uses be allowed to serve the occupancy of dwelling units.

(4) Development within Increment 2 shall be in accordance with Exhibit E.

(5) Current uses within Increment 2 may continue to operate until such time said use is permanently replaced with a use approved herein. Current uses within

Increment 2 include, but are not limited to, cattle grazing, agricultural uses, and ecotourism uses. Permits for existing uses can be renewed or modified as an allowed use until said use is permanently replaced by a use approved herein.

**REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY**

2. **AFFORDABLE HOUSING**

A. Representations and Commitments as Conditions. – None.

**REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY**



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

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

(1) The Master Drainage Plan for Increment 2 is attached hereto as Exhibit F.

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

(3) Development of Increment 2 includes conveyance features located outside the Increment 2 boundaries that convey stormwater runoff. Examples of conveyance features include, but are not limited to, swales, ditches, canals and overland flow. Some improvements to these conveyance features will be made as part of Increment 2.

(4) The stormwater management system shall be that system as permitted by the South Florida Water Management District ("SFWMD") Individual Environmental Resource Permit No. 08-00004-S-05, as may be amended ("ERP").

**REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY**

#### 4. TRANSPORTATION

##### A. Representations and Commitments as Conditions.

##### (1) Increment 2

In accordance with the MDO, each Incremental traffic study will include any previously evaluated Increment as Project traffic. Mitigation provided by any previously evaluated Increment shall be credited to the overall impact of the Project.

- a. Developer shall be fully responsible for the required site-related roadway and intersection improvements associated with Increment 2 as set forth herein. Site-related improvements include, but are not limited to, the following: site driveways and roads; median cuts made necessary by those driveways or roads; right-turn, left-turn, and deceleration or acceleration lanes leading to or from those driveways or roads; traffic control measures for those driveways or roads; and roads or intersection improvements whose primary purpose at the time of construction is to provide access to the development. The specific site-related improvements shall be subject to review and approval under the Site Plan Review process as provided in Section 3-9-7.1 of the Code of Laws and Ordinances of Charlotte County, Florida ("Code"), and coordination with FDOT. The cumulative site-related improvements for Increments 1 and 2 are as follows:

- a. SR 31 / Cypress Parkway (D-D)
  - Add NB Right-Turn Lane

- Add SB Left-Turn Lane
  - Add WB Dual Left-Turn Lanes
  - Add WB Thru/Right-Turn Lane
  - Signal, If and When Warranted
- b. SR 31 / Horseshoe Road / Lake Babcock Drive (C-C)
- Add NB Right-Turn Lane
  - Add SB Left-Turn Lane
  - Add WB Dual Left-Turn Lanes
  - Add WB Thru/Right-Turn Lane
  - Signal, If and When Warranted
- c. SR 31 / Cook Brown Road/Greenway Boulevard (B-B)
- Add NB Right-Turn Lane
  - Add SB Left-Turn Lane
  - Add WB Left-Turn Lane
  - Add WB Thru/Right-Turn Lane
  - Signal, If and When Warranted
- d. SR 31 / Increment 1 North Project Entrance/Hercules  
Grade
- Add NB Right-Turn Lane
  - Add SB Left-Turn Lane
  - Add WB Left-Turn/Right-Turn Lane

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

b. The cumulative off-site traffic impacts of Increments 1 and 2, through 2033, as estimated by the AIDA traffic analysis are identified in Exhibit J, which is attached hereto and incorporated herein by reference. These off-site traffic impacts have been accepted by FDOT, Charlotte County, Lee County, and the SWFRPC, as the cumulative impacts resulting from Increments 1 and 2.

1. The mutually agreed upon significantly and adversely impacted roadways for Increments 1 and 2, that are not transportation deficient, and the identified improvements for Increments 1 and 2 are:

- a. SR 31 from SR 78 to Old Rodeo Drive
  - Widen from 4 to 6 Lanes
- b. SR 31 from Old Rodeo Drive to North River Road
  - Widen from 4 to 6 Lanes
- c. SR 31 from North River Road to Shirley Lane
  - Widen from 4 to 6 Lanes
- d. SR 31 from Shirley Lane to Fox Hill Road
  - Widen from 4 to 6 Lanes
- e. SR 31 from Fox Hill Road to Busbee Lane
  - Widen from 4 to 6 Lanes
- f. SR 31 from Busbee Lane to Charlotte/Lee County Line
  - Widen from 2 to 6 Lanes

- g. SR 31 from Charlotte/Lee County Line to Cypress Parkway
    - Widen from 2 to 6 Lanes
  - h. SR 31 from Cypress Parkway to Lake Babcock Drive
    - Widen from 2 to 4 Lanes
2. The mutually agreed upon significantly and adversely impacted intersections, that are not transportation deficient, and the identified improvements for Increments 1 and 2 are:
- a. SR 78 / Hart Road
    - Add SB Right-Turn Lane
  - b. SR 80 / Orange River Boulevard
    - Add NB Left-Turn Lane
    - Add WB Left-Turn Lane
  - c. SR 80 / SR 31
    - Add NB Left-Turn Lane
    - Add WB Thru Lane
  - d. SR 31 / SR 78
    - Add EB Left-Turn Lane
  - e. SR 31 / North River Road
    - Add WB Left-Turn Lane
  - f. SR 78 / Old Bayshore Road
    - Add EB Left-Turn Lane

The Cumulative (with Increment 1 and 2) proportionate share of the improvements, as shown on Exhibit K, has been calculated consistent with F.S. 163.3180. The proportionate share calculation was based on 5,117 pm peak hour two-way external trips and 5,087 pm peak hour two-way net new trips assigned to the external road network established by the AIDA traffic analysis. The calculated cumulative proportionate share for the Incremental DRI with both Increments 1 and 2 is \$50,761,263 based upon the proportionate share percentages as calculated per lane mile for each improvement as shown on Exhibit K. The proportionate share percentages have been accepted by Charlotte County and FDOT for Increments 1 and 2, recognizing that the actual costs may increase or decrease based upon the final actual costs of the agreed upon improvements.

3. The agreed upon mitigation of the significantly and adversely impacted roadways and intersection improvements identified in Condition 4(A) (1).b.1. and 2., accepted by Charlotte County and FDOT shall be the following schedule of listed improvements and date certain payment provisions:

Reference #	Item <sup>(1)</sup>	Total Costs Subject to Prop Share Assessment <sup>(7)</sup>	Proportionate Share Estimate	Mitigation Commitments <sup>(8)</sup>	Mitigation Paid	Anticipated Start Date <sup>(2)</sup>
1.1	Off-Site Road Segments					
	SR 31					
	a. SR 78 to CR 78 -Widen from 2 to 4 lanes -With infrastructure and grading provided for 6-lane expansion	\$11,434,523	\$11,434,523	\$20,960,000	\$0	SR 31 PD&E Study <sup>(6)</sup>
	b. CR 78 to Cypress Parkway -Widen from 2 to 4 lanes -With infrastructure and grading provided for 6-lane expansion	\$34,702,126	\$31,253,395	\$47,170,000	\$0	SR 31 PD&E Study <sup>(6)</sup>
	c. Cypress Parkway to Horseshoe Road -Widen from 2 to 4 lanes -Sidewalk one side	\$7,730,259	\$7,730,259	\$7,730,000	\$0	SR 31 PD&E Study <sup>(6)</sup>
	Subtotal	\$53,866,908	\$50,418,177	\$75,860,000		
	d. Prior Project Contributions					
	(1) SEIR/PD&E Contribution	\$0	\$0	\$1,350,000	\$1,350,000	Completed <sup>(9)</sup>
	(2) Previously completed design, permitting, and survey associated with SR 31 widening	\$0	\$0	\$2,342,000	\$2,342,000	Completed <sup>(9)</sup>
	(3) Previously constructed chain of lakes	\$0	\$0	\$2,500,000	\$2,500,000	Completed <sup>(9)</sup>
	SR 31 Subtotal	\$53,866,908	\$50,418,177	\$82,052,000	\$6,192,000	
1.2	Off-site Intersections					
	a. SR 78 and Hart Road -Add SB Right-Turn Lane	\$283,996	\$0	\$0	\$0	Mitigation Satisfied <sup>(9)</sup>
	b. SR 80 and Orange Rover Boulevard -Add NB Left-Turn Lane -Add WB Left-Turn Lane	\$270,836	\$72,223	\$0	\$0	Mitigation Satisfied <sup>(9)</sup>
	c. SR 80 and SR 31 -Add NB Left-Turn Lane -Add WB Thru Lane	\$730,433	\$0	\$0	\$0	Mitigation Satisfied <sup>(9)</sup>
	d. SR 31 and SR 78 -Add EB Left-Turn Lane	\$135,418	\$135,418	\$0	\$0	Mitigation Satisfied <sup>(9)</sup>
	e. SR 31 and North River Road -Add WB Left-Turn Lane	\$135,418	\$0	\$0	\$0	Mitigation Satisfied <sup>(9)</sup>
	f. SR 78 and Old Bayshore Road -Add EB Left-Turn Lane	\$135,418	\$135,418	\$0	\$0	Mitigation Satisfied <sup>(9)</sup>
	Off-site Intersections Subtotal	\$1,691,519	\$343,059	\$0	\$0	Mitigation Satisfied <sup>(9)</sup>
2	SR 31 Traffic Count Stations <sup>(3)</sup>	\$0	\$0	\$200,000	\$200,000	Installed at Cypress Parkway, Lake Babcock Drive, and Greenway Boulevard <sup>(4)</sup>
	Grand Total	\$55,558,427	\$50,761,236	\$82,252,000	\$6,392,000	

**Footnotes:**

- (1) Subject to agreement between FDOT and the Developer, the scope of the schedule of improvements may be increased with credit for any increased cost funded by the Developer reimbursed consistent with Condition 4.(A).1.b.6.
- (2) Dates are anticipated and subject to adjustment by Developer and FDOT without a need to amend this IDO. Start dates, as well as the associated mitigation requirements, contained within the IDO are subject to extension under Section 252.363, Florida Statutes.
- (3) The cost of the permanent count station equipment will be credited against the DRI's traffic mitigation obligation per MDO Condition 5.B.(7).
- (4) Traffic Count Stations to be installed at Project Entrances, as the Project Entrances are built.
- (5) These tasks have been mitigated by Developer to facilitate completion of required improvements. The paid mitigation is creditable towards future assessments consistent with Condition 4.(A).1.b.6.
- (6) FDOT SR 31 PD&E Study from Cook Brown Road to SR 78 is currently ongoing.
- (7) Total estimated costs for improvements of the significantly and adversely impacted roadways and intersection improvements identified in Condition 4(A)(1).b.1. and 2 which are subject to proportionate share assessment.
- (8) Includes FDOT State Infrastructure Bank Loan Improvement Cost Estimate of \$75,860,197.
- (9) Proportionate share obligations for the off-site intersection improvements are considered to be pipelined towards SR 31 roadway improvements; mitigation paid to-date is in excess of proportionate share obligations for the off-site intersection improvements.

4. These conditions and satisfaction of mitigation supersede Transportation Conditions of Increment 1 IDO (Resolution 2020-070, as may be amended from time to time), as transportation analyses are cumulative. After the effective date of this IDO, the Developer shall (or indicate completion of):

a. Initiate the below improvements of SR 31 to eventually (during the full development of Babcock Ranch) result in the four-laning of SR 31 from SR 78 to Horseshoe Road/Lake Babcock Drive (Reference #2 above and i-ii below). The improvements will consist of the following:

- Funding in the amount of \$1,000,000 has been provided to the FDOT to facilitate the preparation of the Project Development and Environment Study (PD&E) and/or State Environmental Impact Report (SEIR) for SR31 from SR 78 to North River Road. This funding is being used by the FDOT to prepare a complete PD&E Study or SEIR Study of SR 31 from SR 78 to North River Road.
- Coordinating with FDOT to fund, continue and complete the Project Development and Environment Study (PD&E) or State Environmental Impact Report (SEIR) for SR 31 from North River Road to Cook Brown Road.



- b. Permanent traffic count stations were installed at Greenway Boulevard, Lake Babcock Drive, and Cypress Parkway.
5. FDOT has maintenance authority for SR 31 and the intersection improvements set forth above. Developer shall be responsible for the guaranteed construction of the above improvements, in accordance with the above schedule, and in accordance with the binding and enforceable commitment by the Developer in this IDO, to assure construction or improvement of these facilities.
6. If the cost of the mitigation provided by the Developer for Increments 1 and 2 exceeds the proportionate share of the impacts resulting from mitigation by Increments 1 and 2 of \$50,761,263 (as adjusted up or down in accordance with actual costs and based upon the accepted proportionate share percentages shown on Exhibit K), the Developer shall be entitled to a credit toward the overall impact of the Project for the cost of improvements beyond the proportionate share amount and receive mitigation credit for subsequent increments or phases, as provided in the MDO and applicable law. Developer, FDOT, and/or County may enter into a Transportation Credit Agreement to further delineate the terms and procedures for implementing credits for identified improvements set forth above in excess of the proportionate share of Increments 1 and 2. Credit for the cost

of additional improvements as set forth above shall be analyzed as part of the transportation analysis for future increments and be included in subsequent incremental development orders.

- c. Satisfaction of the required mitigation in the timeframes as outlined and compliance with the transportation related provisions of this IDO for Increment 2 shall satisfy the road or traffic concurrency requirements of the Charlotte 2050 Comprehensive Plan, LDR, and the Charlotte County Concurrency Management System, through December 31, 2033 (the buildout date of Increment 2). If the Developer proposes to extend the buildout date of Increment 2 beyond December 31, 2033, the Developer and the County, during the development order amendment process pursuant to Section 380.06(7), Florida Statutes, shall re-evaluate the future traffic impact of Increment 2 in a manner consistent with the MDO, and shall re-evaluate the concurrency status of Increment 2 on all roadway segments and intersections listed in Conditions 4(A)(1)b.1. and 2., above.
- d. DEO has determined that SR 31 is a Regionally Significant Roadway.
- e. County, by approving this IDO, has exercised its discretion to accept this mitigation for Increment 2.
- f. Improvements to the facilities outlined above shall be mitigated at the time that a road segment or intersection is expected to operate below the level of service standard adopted in County's Comprehensive Plan. If the road or the intersection operates below the adopted level of

service, no building permits for residential and non-residential development shown on Exhibit E for Increment 2 shall be issued unless the improvements are: a) complete, b) under construction, c) the subject of a clearly identified, executed and recorded local government development agreement consistent with Sec. 163.3220 through 163.3423, F.S., ensuring completion concurrent with impacts; d) the subject of a binding commitment ensuring completion concurrent with impacts or e) the DRI's proportionate share mitigation may be pipelined into specific improvements as deemed necessary and mutually agreed upon between FDOT and the developer.

- (2) The Master Internal Circulation Plan for Increment 2 is attached hereto as Exhibit G

**REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY**

## 5. VEGETATION, WILDLIFE, AND WETLANDS

### A. Representations and Commitments as Conditions.

(1) Additional species have been documented within Increment 2 over those identified in the MDO. An updated Biological Opinion for the Babcock Ranch Community will be provided to the County with the first biennial report for Increment 2.

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

(3) Development within Increment 2 shall comply with the mitigation requirements provided for in the ERP and ACOEP, as may be modified.

(4) Mitigation for wetlands and listed species within the Increment 2 boundary may occur outside the Increment 2 boundary in accordance with the MDO, and the approved T&E Plan and Mitigation Plan referenced in the MDO, and included in the state and federal permits.

(5) Any amendments to the T&E Plan and Mitigation Plan will be provided as part of the applicable Biennial Report for Increment 2 to the County.

(6) Copies of any conservation easements that have been recorded relative to Increment 2 that were not provided in a previously submitted Biennial Report will be provided as part of the applicable Biennial Report for Increment 2 to the County.

(7) A Greenway Map for Increment 2 is attached hereto as Exhibit H.

**REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY**

**6. WASTEWATER MANAGEMENT AND WATER SUPPLY**

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

(1) The Primary Utility Corridor map for Increment 2 is attached hereto as Exhibit I.

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

(3) MSKP Town and Country Utility, LLC or its successors and assigns will provide wastewater service for Increment 2.

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

(5) Babcock Ranch Irrigation, LLC, or its successors and assigns, will provide reclaimed water service for Increment 2.

**REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY**

## **7. EDUCATION**

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

(1) The Developer shall comply with the School Site Dedication Agreement. Delivery of the school site(s) as set forth on the schedule in Exhibit "D" may be revised by agreement of Developer and the Charlotte County School Board.

(2) The Developer, District, Charlotte County and The School Board of Charlotte County entered into an Addendum to the Babcock Ranch School Site Dedication Agreement on January 8, 2018 ("Agreement") addressing school concurrency for development. Should the Agreement not be utilized to address school concurrency in the future, the Developer shall either amend the Agreement, enter into a new agreement to address school concurrency or comply with the updated Interlocal Agreement for Coordinated Planning and School Concurrency dated May 2018.

(3) Age-restricted communities will not be subject to school concurrency requirements.

**REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY**

**8. POLICE AND FIRE**

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

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

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

**REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY**

**9. SOLID/HAZARDOUS/MEDICAL WASTE**

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

(1) Solid waste in Increment 2 will be collected by the District. Increment 2 is not intended to be part of the County's Sanitation District; however, solid waste will be sent to the Charlotte County Landfill.

**REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY**



## **10. OPEN SPACE AND PARKS**

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

(1) Renewable energy and energy storage resource facilities and systems shall be allowed throughout Increment 2. If constructed within Active Greenways, such facilities shall not count as open space.

(2) Park sites shall be conveyed to the District or a property owner's association (POA) with exotic plants removed and infrastructure provided.

(3) District or Developer shall prepare the master plan(s) for the permanent park site(s) required within Increment 2. The Developer, District or POA shall develop and operate the parks within Increment 2.

(4) General agricultural operations may be conducted throughout Increment 2 in accordance with the Charlotte 2050 Comprehensive Plan and the LDR.

(5) All parks and library impact fees collected from the Development within Increment 2 shall be provided to the Developer or District in accordance with the Impact Fee Agreement.

(6) Common recreational areas and common open spaces within Increment 2, if any, will be maintained by a POA or the District.

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

**REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY**

**11. ENERGY**

A. Representations and Commitments as Conditions - None.

**REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY**

**12. MINING OPERATIONS**

A. Representations and Commitments as Conditions – None.

**REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY**

### **CONSISTENCY WITH THE LOCAL COMPREHENSIVE PLAN**

County has determined that the Increment 2 project is consistent with its Charlotte 2050 Comprehensive Plan.

### **BIENNIAL REPORTS**

The Developer of Increment 2, or its successor(s)-in-title to the undeveloped portions of Increment 2, must submit a biennial report to the County. The Developer of Increment 2 must inform successors-in-title to any undeveloped portion of the real property covered by this IDO of this reporting requirement.

### **COMPLIANCE MONITORING**

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

### **EXEMPTION FROM DOWNZONING AND DENSITY/INTENSITY REDUCTION**

Pursuant to Subsection 380.06(4)(a), Florida Statutes, this Increment 2 project is exempt from down zoning, intensity reduction, or unit density reduction until May 8, 2043, unless County can demonstrate that substantial changes in the conditions underlying the approval of this IDO have occurred or this IDO was based on substantially inaccurate information provided by the Developer or that the change is clearly established by local government to be essential to the public health, safety, or welfare.

### **COMMENCEMENT OF DEVELOPMENT**

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

### **PROJECTED BUILDOUT**

Buildout of Increment 2 is projected to occur on or about December 31, 2033 ("Buildout Date").

#### **EXPIRATION DATE**

The expiration date for this IDO is December 31, 2040.

#### **DEVELOPMENT PERMITS**

Subsequent requests for development permits within Increment 2 shall not require further review pursuant to Section 380.06, Florida Statutes. Amendments to this IDO shall be processed in accordance with Charlotte County Code 3-9-10.1, as may be amended.

#### **GENERAL PROVISIONS**

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

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

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

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

D. If there is a conflict between a provision in this IDO and a provision in the MDO, the provision in this IDO shall prevail for Increment 2. Exhibit D, attached hereto and made a part hereof by reference, is an updated version of Exhibit D to the MDO entitled "Summary of Land Dedication and Facilities Construction" as to the Increment 2 property. Said updated Exhibit D amends Exhibit D to the MDO as to the Increment 2 property.

E. If the Developer is required by this IDO to provide, pay for, or otherwise cause to be provided, infrastructure, projects, systems, or facilities, then the District may independently satisfy such obligations. To the extent that any such obligation under this IDO is met or performed by the District, then such obligation shall be deemed satisfied and the Developer shall no longer be subject to such obligation.

F. If there is a conflict between a provision in this IDO and a provision in an ERP, a Consumptive Use Permit ("CUP"), Florida Department of Environmental Permitting ("FDEP") 404 Permit or ACOEP, the provision in the ERP, CUP, FDEP 404 Permit or ACOEP shall prevail.

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

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

I. This IDO shall become effective as provided by law.

J. The County may provide certified copies of this IDO to DEO and the SWFRPC.

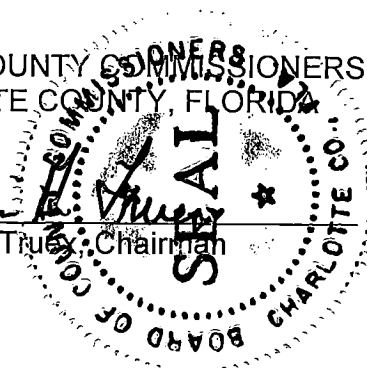
K. This Resolution shall be recorded in the Public Records of Charlotte County, Florida. Notice of the adoption of this IDO shall be recorded by the Developer, in accordance with F.S. 28.222 with the Clerk of the Circuit Court for Charlotte County.

PASSED AND DULY ADOPTED this 27<sup>th</sup> day of July 2021.

BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY, FLORIDA

By: 

William G. True, Chairman

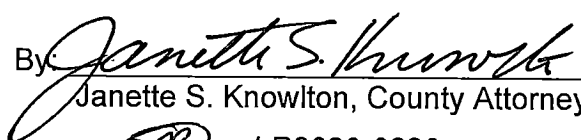


ATTEST:

Roger D. Eaton, Clerk of the Circuit Court  
and Ex-Officio Clerk to the  
Board of County Commissioners

By:   
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

By:   
Janette S. Knowlton, County Attorney



LR2020-0820

**EXHIBITS**

Exhibit A	Increment 2 Babcock Ranch Community Legal Description
Exhibit B	Babcock Ranch Community Map H Increment 2 Master Development Plan and Fixed and Variable Development Criteria
Exhibit C	Babcock Ranch Community Increment 2 Equivalency Matrix
Exhibit D	Updated Summary of Land Dedications and Facilities Construction
Exhibit E	Babcock Ranch Community Increment 2 Parameters
Exhibit F	Increment 2 Master Drainage Plan
Exhibit G	Increment 2 Master Internal Circulation Plan
Exhibit H	Increment 2 Primary Greenway Map and Trails Plan
Exhibit I	Increment 2 Primary Utility Corridor Map
Exhibit J	Increment 2, Future (2033) Traffic Conditions with Project Directional Peak Hour Peak Season
Exhibit K	Increment 2, Future (2033) Traffic Conditions with Project Proportionate Share Calculation



**EXHIBIT A**  
**Increment 2 Babcock Ranch Community Legal**  
**Description**



### DESCRIPTION

BABCOCK RANCH COMMUNITY  
INCREMENT 2  
LYING IN

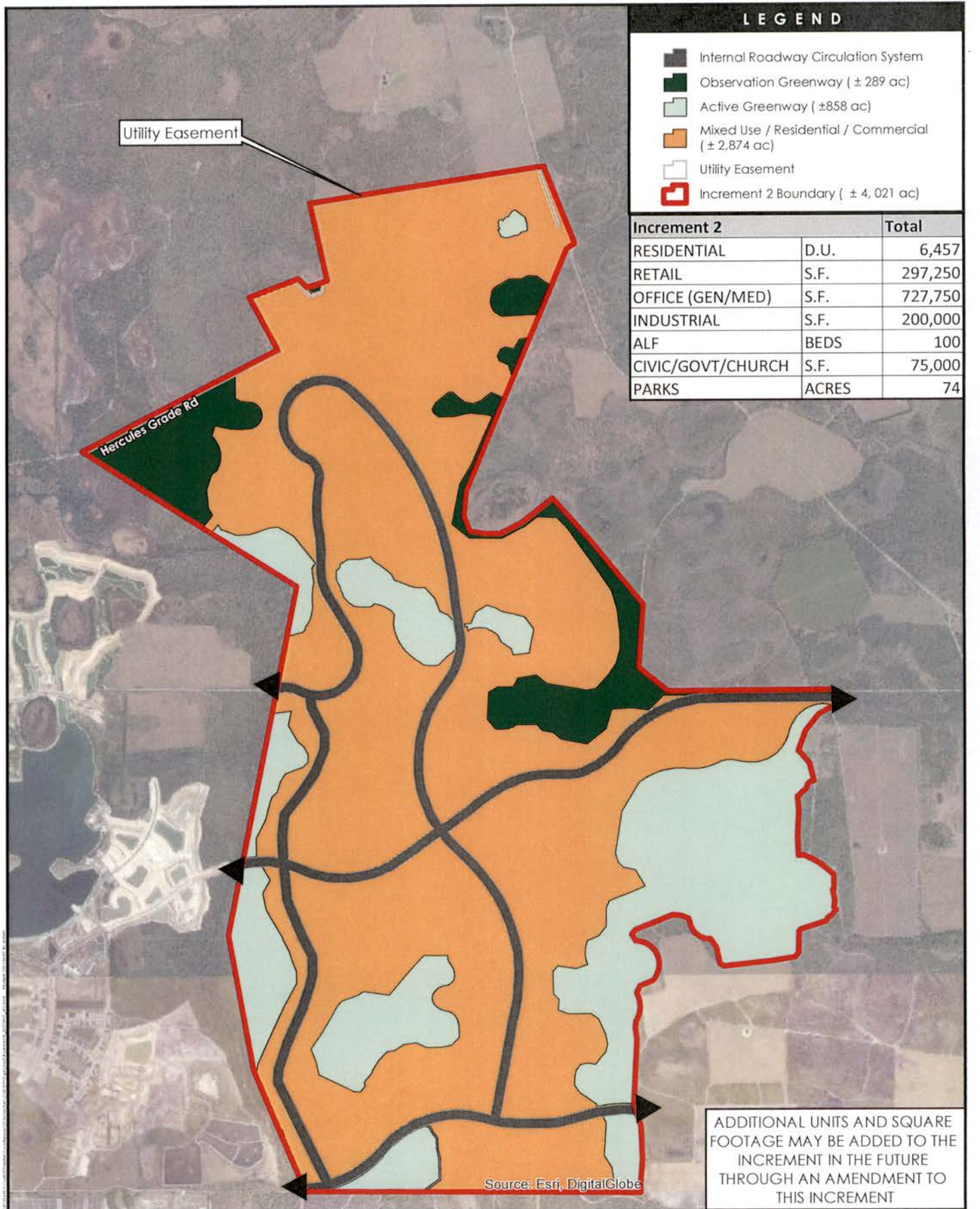
SECTIONS 15, 16, 17, 20, 21, 22, 26, 27, 28, 29, 32, 33,  
TOWNSHIP 42 SOUTH, RANGE 26 EAST  
CHARLOTTE COUNTY, FLORIDA

COMMENCING AT A POINT OF INTERSECTION WITH THE NORTHWESTERLY CORNER OF PARCEL 1 (AREA 6) AND THE EAST LINE OF PARCEL 2 (300' STRIP), AS RECORDED IN OFFICIAL RECORDS BOOK 3010, PAGE 105, PUBLIC RECORDS, CHARLOTTE COUNTY, FLORIDA; THENCE ON THE NORTHERLY LINE OF SAID PARCEL 1, FOR THE FOLLOWING THREE (3) COURSES; (1) S.77°54'41"E., FOR 707.32 FEET; (2) N.81°38'00"E., FOR 5,167.82 FEET; (3) N.82°12'01"E., FOR 711.48 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ON SAID NORTHERLY LINE FOR THE FOLLOWING SIX (6) COURSES; (1) N.62°45'03"E., FOR 4,638.30 FEET; (2) N.28°10'55"W., FOR 1,272.60 FEET; (3) N.69°50'23"E., FOR 1,104.27 FEET; (4) S.45°00'57"E., FOR 266.60 FEET; (5) N.71°59'01"E., FOR 448.53 FEET; (6) N.12°51'59"W., FOR 1,654.85 FEET; THENCE N.81°12'25"E., DEPARTING SAID LINE, FOR 4,859.91 FEET; THENCE N.85°04'00"E., FOR 129.81 FEET TO A POINT OF INTERSECTION WITH THE EASTERLY LINE OF SAID PARCEL 1; THENCE ON SAID EASTERLY LINE FOR THE FOLLOWING FOURTEEN (14) COURSES: (1) S.21°59'06"E., FOR 1,739.17 FEET; (2) S.55°42'26"W., FOR 195.73 FEET; (3) S.22°47'49"W., FOR 5,490.82 FEET; (4) S.05°03'05"W., FOR 533.35 FEET; (5) S.20°54'51"E., FOR 336.86 FEET; (6) S.80°06'18"E., FOR 334.84 FEET; (7) N.89°59'33"E., FOR 307.20 FEET; (8) N.62°56'46"E., FOR 516.42 FEET; (9) N.52°01'16"E., FOR 818.34 FEET; (10) S.42°01'35"E., FOR 1,162.94 FEET; (11) S.39°20'59"E., FOR 1,779.16 FEET; (12) S.04°14'12"W., FOR 1,329.59 FEET; (13) S.51°39'36"E., FOR 782.53 FEET; (14) N.89°45'02"E., FOR 3,471.81 FEET; THENCE S.00°00'00"E., DEPARTING SAID EASTERLY LINE, FOR 346.72 FEET; THENCE S.29°19'24"W., FOR 26.86 FEET; THENCE S.04°37'49"W., FOR 7.78 FEET; THENCE ON THE ARC OF A NON TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 661.19 FEET, (DELTA 03°10'41") (CHORD BEARING N.71°49'45"W.), (CHORD 36.67 FEET) FOR 36.68 FEET; THENCE S.61°23'22"W., FOR 308.04 FEET; THENCE S.38°34'17"W., FOR 438.56 FEET; THENCE S.20°30'08"W., FOR 454.57 FEET; THENCE N.85°45'27"E., FOR 6.50 FEET; THENCE S.41°20'52"E., FOR 344.79 FEET; THENCE S.13°34'11"E., FOR 393.26 FEET; THENCE ON THE ARC OF A NON TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 134.61 FEET, (DELTA 95°45'46") (CHORD BEARING S.45°42'26"W.), (CHORD 199.70 FEET) FOR 224.98 FEET; THENCE ON THE ARC OF A NON TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 9,808.43 FEET, (DELTA 01°37'53") (CHORD BEARING S.46°35'13"W.), (CHORD 279.26 FEET) FOR 279.26 FEET; THENCE S.05°18'09"E., FOR 283.91 FEET; THENCE S.01°55'28"W., FOR 574.50 FEET; THENCE S.02°15'23"E., FOR 376.41 FEET; THENCE N.87°56'27"E., FOR 102.23 FEET; THENCE S.68°32'26"E., FOR 184.58 FEET; THENCE S.59°33'15"E., FOR 245.11 FEET; THENCE S.50°54'05"E., FOR 309.70 FEET; THENCE S.18°36'38"E., FOR 49.44 FEET; THENCE S.01°22'46"E., FOR 266.68 FEET; THENCE S.56°14'45"W., FOR 32.59 FEET; THENCE S.10°10'32"E., FOR 217.99 FEET; THENCE S.04°12'55"W., FOR 154.81 FEET; THENCE S.39°06'34"E., FOR 58.79 FEET; THENCE S.39°30'30"W., FOR 164.97 FEET; THENCE ON THE ARC OF A NON TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 124.06 FEET, (DELTA 69°32'40") (CHORD BEARING S.40°13'32"W.), (CHORD 141.51 FEET) FOR 150.59 FEET; THENCE S.72°40'47"W., FOR 567.54 FEET; THENCE S.42°10'27"W., FOR 62.63 FEET; THENCE S.00°28'50"W., FOR 448.95 FEET; THENCE S.38°02'18"W., FOR 118.40 FEET; THENCE S.80°58'57"W., FOR 481.97 FEET; THENCE S.83°40'09"W., FOR 1,019.45 FEET; THENCE N.54°07'16"W., FOR 108.20

FEET; THENCE N.11°38'08"W., FOR 344.38 FEET; THENCE N.36°31'29"W., FOR 221.80 FEET; THENCE N.87°23'51"W., FOR 91.28 FEET; THENCE ON THE ARC OF A NON TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 443.18 FEET, (DELTA 58°51'33") (CHORD BEARING N.48°10'08"W.), (CHORD 435.51 FEET) FOR 455.27 FEET; THENCE N.18°03'07"W., FOR 140.72 FEET; THENCE N.69°29'26"W., FOR 172.06 FEET; THENCE N.85°07'59"W., FOR 168.82 FEET; THENCE S.68°18'22"W., FOR 836.36 FEET; THENCE S.39°51'17"W., FOR 125.06 FEET; THENCE S.32°37'17"E., FOR 161.39 FEET; THENCE ON THE ARC OF A NON TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 497.26 FEET, (DELTA 131°11'40") (CHORD BEARING S.23°32'53"E.), (CHORD 905.67 FEET) FOR 1,138.61 FEET; THENCE S.65°57'47"W., FOR 294.69 FEET; THENCE S.26°55'45"W., FOR 161.56 FEET; THENCE S.19°22'16"E., FOR 128.56 FEET; THENCE ON THE ARC OF A NON TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 623.05 FEET, (DELTA 45°12'57") (CHORD BEARING S.06°00'15"W.), (CHORD 479.03 FEET) FOR 491.69 FEET; THENCE S.61°08'43"W., FOR 12.30 FEET; THENCE S.05°47'00"W., FOR 153.29 FEET; THENCE S.08°22'36"E., FOR 246.42 FEET; THENCE S.03°02'02"W., FOR 1,355.26 FEET; THENCE S.17°58'48"E., FOR 5.20 FEET; THENCE S.17°58'42"E., FOR 485.85 FEET; THENCE S.02°35'12"E., FOR 717.60 FEET; THENCE S.04°41'29"W., FOR 513.66 FEET; THENCE S.00°11'48"W., FOR 182.44 FEET; TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF SECTION 34, THENCE N.89°35'44"W., ON SAID SOUTH LINE, FOR 2,902.61 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 34; THENCE N.89°37'16"W., ALONG THE SOUTH LINE OF SECTION 33, FOR 4,151.59 FEET; THENCE N.23°14'51"W., DEPARTING SAID SOUTH LINE, FOR 2,768.33 FEET; THENCE N.10°23'41"W., FOR 2,923.88 FEET; THENCE N.11°12'07"E., FOR 7,458.70 FEET; THENCE N.57°49'39"W., FOR 5,335.90 FEET TO THE POINT OF BEGINNING.

## **EXHIBIT B**

# **Babcock Ranch Community Map H Increment 2 Master Development Plan and Fixed and Variable Development Criteria**



Disclaimer: Stantec assumes no responsibility for data supplied in electronic format. The recipient accepts full responsibility for verifying the accuracy and completeness of the data. The recipient releases Stantec, its officers, employees, consultants and agents, from any and all claims arising in any way from the content or provision of this data.

**Babcock Ranch**  
Increment 2 - Map H  
June 2021

Stantec Consulting Services Inc.  
777 S. Harbour Island Blvd Ste. 600  
Tampa, FL 33602  
tel 813.223.9500  
fax 813.223.0009



Prepared by: BSI - 06/07/21

## **FIXED AND VARIABLE DEVELOPMENT CRITERIA FOR BABCOCK RANCH COMMUNITY INCREMENT 2**

### **FIXED DEVELOPMENT CRITERIA**

1. THE ALLOCATION OF DWELLING UNITS AND SQUARE FOOTAGE IDENTIFIED ON THE LAND USE TABLE ON MAP H MAY BE MODIFIED CONSISTENT WITH THE EQUIVALENCY MATRIX. ANCILLARY FACILITIES INCLUDED IN INCREMENT 2 SUCH AS EDUCATIONAL SERVICE CENTERS, SCHOOLS, UNIVERSITY FACILITIES, LIBRARIES, PLACES OF WORSHIP, FIRE, EMS, SHERIFF FACILITIES, REGIONAL AND COMMUNITY PARK FACILITIES, AND CLUBHOUSES WILL NOT BE ATTRIBUTED TO OTHER DEVELOPMENT COMPONENTS AND WILL NOT REQUIRE USE OF THE EQUIVALENCY MATRIX.
2. AGRICULTURAL USES, UTILITY INFRASTRUCTURE, RENEWABLE ENERGY SYSTEMS AND FACILITIES SHALL BE PERMITTED THROUGHOUT INCREMENT 2 AND WILL NOT BE ATTRIBUTED TO OTHER DEVELOPMENT PROGRAMS AND WILL NOT BE SUBJECT TO THE EQUIVALENCY MATRIX.
3. ALL DEVELOPMENT OF THE SUBJECT PROPERTY, AS IT RELATES TO THE DEFINED DEVELOPMENT FORMS, DESIGN STANDARDS AND PROVISIONS AND USES COMMON TO THE DISTRICT, SHALL BE IN CONFORMANCE WITH THE BABCOCK RANCH OVERLAY ZONING DISTRICT (ORDINANCE NO. 2014-077), AS MAY BE AMENDED.
4. OPEN SPACE SHALL BE TABULATED AND UPDATED AS A RESULT OF FINAL PERMITTING FOR THE PURPOSE OF MONITORING THE MINIMUM OF 35% OPEN SPACE REQUIRED OVERALL FOR THE BABCOCK RANCH COMMUNITY. OPEN SPACE/GREENWAY AREAS SUBJECT TO CONSERVATION EASEMENTS IDENTIFIED IN THIS INCREMENT SHALL BE RECORDED IN THE PUBLIC RECORDS FOLLOWING FINAL PERMITTING.

### **VARIABLE DEVELOPMENT CRITERIA**

1. THE FOLLOWING ITEMS WILL BE DEFINED DURING DETAILED SITE PLANNING AND PERMITTING:
  - a. FINAL CONFIGURATIONS OF OPEN SPACE, GREENWAYS, DEVELOPMENT PODS, AND UTILITY CORRIDORS, INCLUDING POTENTIAL RELOCATION AND RECONFIGURATION OF OPEN SPACE, GREENWAYS, UTILITY CORRIDORS AND NEIGHBORHOOD MIXED USE/RESIDENTIAL/COMMERCIAL (MURC).
  - b. FINAL ACREAGES OF ALL PROPOSED USES.
  - c. NATIVE HABITAT PRESERVATION, ALTERATION, ENHANCEMENT, MITIGATION AND CONSERVATION ACREAGES MAY BE MODIFIED BASED ON FINAL LAND PLANNING, STORMWATER LAKE DESIGN, OTHER ENGINEERING REQUIREMENTS AND FINAL PERMITTING. MITIGATION

MAY OCCUR OUTSIDE THE BOUNDARIES OF THE INCREMENT SUBJECT TO FINAL PERMITTING APPROVALS.

- d. STORMWATER MANAGEMENT FACILITIES MAY OCCUR OUTSIDE THE BOUNDARIES OF THE INCREMENT SUBJECT TO FINAL ENGINEERING AND PERMITTING.
  - e. THE FINAL LOCATION, SIZE AND ALLOCATION OF CIVIC FACILITIES (I.E. INTERNAL PARKS, SCHOOLS, CHURCHES, EMERGENCY SERVICES BUILDINGS, ETC.).
  - f. THE INTERNAL ROAD ALIGNMENTS AND CIRCULATION (LOCAL ROADS WITHIN DEVELOPMENT PODS WILL BE PROVIDED AS PART OF FINAL SITE PLANNING AND PERMITTING).
  - g. THE CONFIGURATION AND DETAIL ASSOCIATED WITH THE AGRICULTURE AREAS.
  - h. THE FINAL LOCATION, ALLOCATION, ALIGNMENT AND USE OF THE MULTI-MODAL TRAIL SYSTEM AND THE EXACT LOCATIONS AND FUTURE INTERCONNECTIONS OF THE MULTI-MODAL TRAIL SYSTEM WITH THE NEIGHBORHOOD TRAIL/PATH/SIDEWALK SYSTEM.
  - i. THE LOCATION OF VEHICULAR ACCESS POINTS, INCLUDING EXISTING TEMPORARY ENTRYWAYS, TO EXTERNAL PUBLIC ROADWAYS.
2. FURTHER ADJUSTMENTS TO THE BOUNDARIES OF DEVELOPMENT PODS FOR SPECIFIC LAND USE CLASSIFICATIONS MAY OCCUR AS A RESULT OF FINAL LAND PLANNING AND PERMITTING. SPECIFIC USES TO SUPPORT DEVELOPMENT SUCH AS PARKING, STORMWATER LAKES, PARKS OR OTHER SPACES MAY BE IDENTIFIED AND REFINED THROUGH SUBSEQUENT PERMITTING CONSISTENT WITH LOCAL LAND DEVELOPMENT REGULATIONS.
  3. ADDITIONAL UNITS AND SQUARE FOOTAGE MAY BE ADDED TO THE INCREMENT IN THE FUTURE THROUGH AN AMENDMENT TO THIS INCREMENT.
  4. GOLF COURSE/RECREATION IS ALLOWED IN MIXED USE RESIDENTIAL COMMERCIAL (MURC).

**EXHIBIT C**  
**Babcock Ranch Community Increment 2 Equivalency**  
**Matrix**



## EXHIBIT C

Table EM-1: Babcock Ranch Community - Increment 2 (Cumulative DRI) Equivalency Matrix

Land Use	Unit	Single-Family (1 d.u.)	Multifamily (1 d.u.)	Age- Restricted Residential (1 d.u.)	Assisted Living Facility (1 bed)	Retail (1,000 sq. ft.)	General Office (1,000 sq. ft.)	Medical Office (1,000 sq. ft.)	Industrial - General Light (1,000 sq. ft.)	Industrial <sup>2</sup> (1,000 sq. ft.)	Hotel / Motel (1 room)	RV Park <sup>3</sup> (1 site)	Civic/ Government (1,000 sq. ft.)
Equivalent To													
Single-Family	d.u.	NA	0.46	0.35	0.30	3.35	1.20	3.57	0.34	0.47	0.83	0.32	2.00
Multifamily	d.u.	2.17	NA	0.76	0.66	7.29	2.60	8.64	0.75	1.02	1.80	0.69	4.34
Age-Restricted Residential <sup>1</sup>	d.u.	2.85	1.31	NA	0.87	9.56	3.42	11.33	0.98	1.33	2.36	0.90	5.70
Assisted Living Facility	bed	3.29	1.51	1.15	NA	11.03	3.94	13.07	1.13	1.54	2.72	1.04	6.57
Retail	sq. ft.	300	140	100	90	NA	360	1,180	100	140	250	90	600
General Office	sq. ft.	880	380	290	250	2,800	NA	3,320	290	390	690	260	1,670
Medical Office	sq. ft.	250	120	90	80	840	300	NA	90	120	210	80	500
Industrial - General Light	sq. ft.	2,900	1,330	1,020	880	9,720	3,470	11,520	NA	1,360	2,400	920	5,790
Industrial <sup>2</sup>	sq. ft.	2,140	980	750	650	7,170	2,560	8,500	740	NA	1,770	680	4,270
Hotel / Motel	room	1.21	0.56	0.42	0.37	4.06	1.45	4.81	0.42	0.57	NA	0.38	2.42
RV Park <sup>3</sup>	site	3.17	1.46	1.11	0.96	10.62	3.60	12.59	1.09	1.48	2.62	NA	6.33
Civic / Government	sq. ft.	500	230	180	150	1,680	600	1,990	170	230	430	160	NA

Table EM-2: BRC - Increment 2 (Cumulative DRI) Trip Generation

Land Use	ITE Land-Use Code	BRC increment 2 <sup>4</sup> (Cumulative DRI)		Increment 2 (Cumulative DRI) Trip Generation Estimate <sup>5</sup> Effective Trip Rate (PM Peak Hour, Two-Way)
		Trip Generation (PM Peak, Two-way)	Size	
Residential				
Single-Family	210	6,957	7,434	0.86 trips/d.u.
Multifamily	220	1,583	4,023	0.39 trips/d.u.
Age-Restricted Residential <sup>1</sup>	251	n/a	n/a	0.30 trips/d.u.
Assisted Living Facility	254	52	200	0.26 trips/bed
Non-Residential				
Retail	820	3,348	1,167,250	2.87 trips/1,000 sq. ft.
General Office	710	840	819,550	1.02 trips/1,000 sq. ft.
Medical Office	720	621	182,730	3.40 trips/1,000 sq. ft.
Industrial - General Light	110	59	200,000	0.30 trips/1,000 sq. ft.
Industrial <sup>2</sup>	130	n/a	n/a	0.40 trips/1,000 sq. ft.
Hotel / Motel	310	424	600	0.71 trips/room
RV Park <sup>3</sup>	416	n/a	n/a	0.27 site
Civic / Government	730	129	75,470	1.71 trips/1,000 sq. ft.

Source: Institute of Transportation Engineers (ITE), *Trip Generation*, 10th Edition.**Notes:**<sup>1</sup> Includes Senior Adult Housing, Active Adult Residential and Retirement Community - Master DRI.<sup>2</sup> Includes Industrial Park and Research & Development Park.<sup>3</sup> Recreational Vehicle Park - MDO.<sup>4</sup> Refer to Appendix 21-1 (Page I-9), Trip Generation - With BRC DRI, Babcock Ranch Community DRI - Increment 2 (2020), May 12, 2021.<sup>5</sup> The effective trip rate based on the ITE trip generation equation (fitted curve), where applicable. Otherwise, standard ITE average rate assumed.

**EXHIBIT D**  
**Updated Summary of Land Dedications and Facilities**  
**Construction**

SUMMARY OF LAND DEDICATION & FACILITIES CONSTRUCTION					SITE & BUILDING DEDICATION/CONSTRUCTION TIME LINE	
Public Facilities Required	Aggregate Site Dedication (acre)	Number of Sites (#)	Shell Building Required (s.f.)	Commencement of Operations	The criteria for determining public facility shell completion and/or land dedication shall be by population or residential certificate of occupancy ("C/O") referenced below.	
Community Services Library Component	4	1	12,000 *1 (8,000 optional County participation)	12,000 SF- prior to reaching 17,500 persons 8,000 SF optional County participation- prior to reaching 20,000 persons	12,000 SF *3	8,000 SF optional County participation *3
Fire/Rescue/Law Enforcement Site #2 Fire	2	1	8,500	2nd Fire Station by 12,500 persons or 400,000 square feet of non-residential within Increment 2, whichever will be achieved first.	*3	
Public Facilities County Annex - "County Hall"	n/a	n/a	20,000	By 17,500 persons*2	*3	

## Notes to Exhibit 'D'

\*1 Phased Library option. The County and the Developer and/or District agree to cooperate with respect to the design, construction, and funding of this library facility. The Developer shall be required to fund the construction of a 12,000 SF library shell building. The County may desire to construct a library facility totaling 20,000 SF. If so, the Developer shall fund the library shell building costs for 12,000 SF and the County shall fund the construction of the library shell building costs for 8,000 SF in addition to the construction completion of the library facility described herein.

\*2 A County Annex building will be constructed on County owned land. This facility will be designed as a gathering place for community residents, and as County Commission and key staff satellite offices. Appropriate operations shall be served from this facility. The County, at its option, may increase the size of the County Annex and fund said expansion.

\*3 County and Developer shall meet bi-annually to discuss the next five (5) years of development projections, such projections shall include the projected population and square footage for non-residential development, including but not limited to retail, office, industrial, ancillary facilities, etc. The population projection shall be based on 2.5 persons per unit. The development projections shall also be coordinated with the emergency response zones to meet the service requirements. The site and building dedication/construction timing for each public facility will be agreed upon in writing as part of the bi-annual meetings.

## General Notes:

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

2) The shell building construction required above shall be completed by the Developer one (1) year prior to the trigger referenced in the column entitled 'Commencement of Operations'.

## **EXHIBIT E**

### **Babcock Ranch Community Increment 2 Parameters**

**EXHIBIT E****Table 1. INCREMENT 2 PARAMETERS**

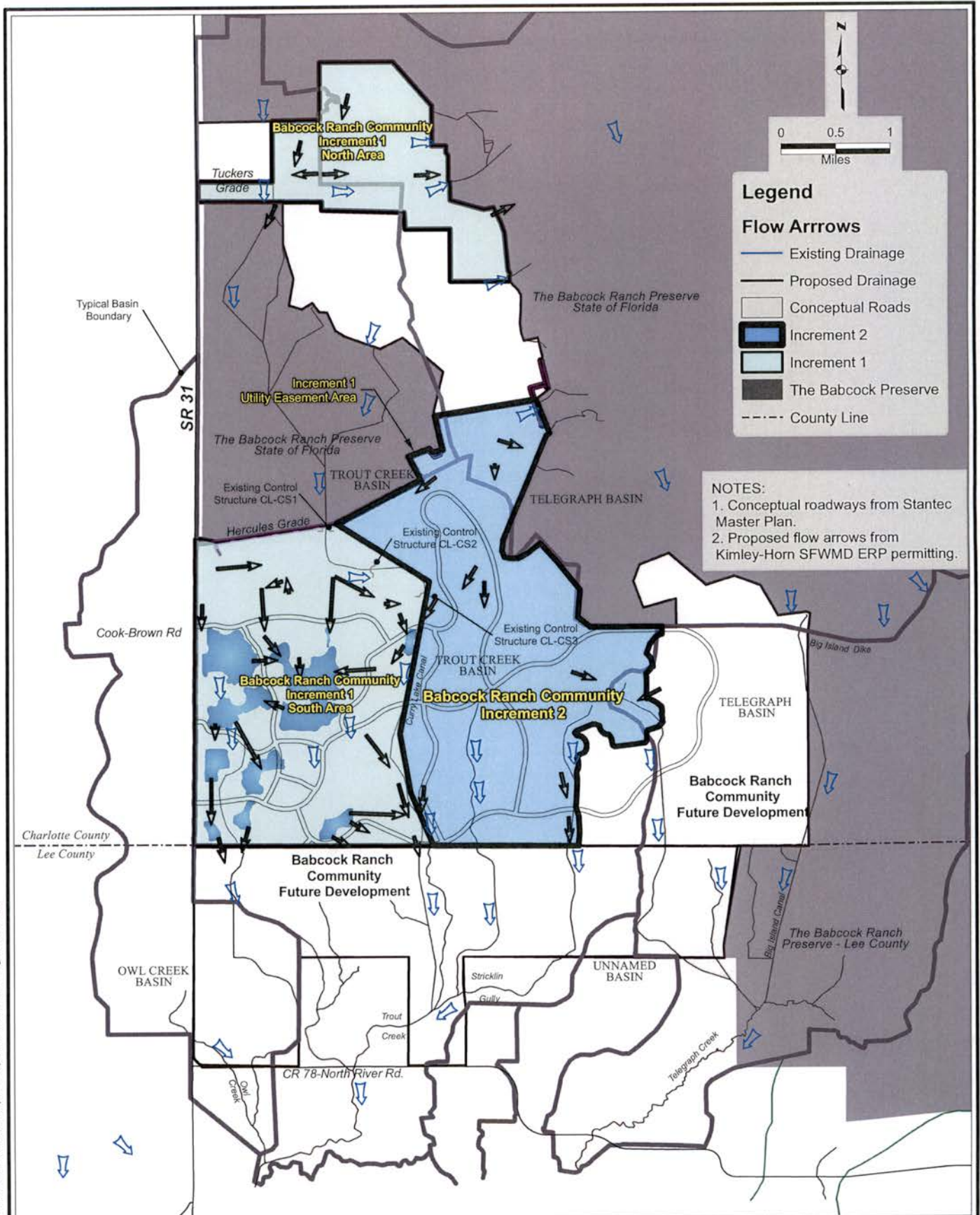
<b>Increment 2</b>		<b>Total</b>
RESIDENTIAL	D.U.	6,457
RETAIL	S.F.	297,250
OFFICE (GEN/MED)	S.F.	727,750
INDUSTRIAL	S.F.	200,000
ALF	BEDS	100
CIVIC/GOVT/CHURCH	S.F.	75,000

Note:

- 1) Utilities, agriculture, and ecotourism are permitted throughout Increment 2.
- 2) Table 1 can be adjusted and interchanged in accordance with the equivalency matrix set forth in Exhibit C hereto, subject to the external vehicle trip limitations set forth in Section 4 of this IDO.
- 3) Supporting community and other facilities are subject to Findings of Fact and Conclusions of Law Sections 5 (ix) and (x).

# **EXHIBIT F**

## **Increment 2 Master Drainage Plan**



**JOHNSON**  
ENGINEERING

JOHNSON ENGINEERING, INC.  
2122 JOHNSON STREET  
P.O. BOX 1550  
FORT MYERS, FLORIDA 33902-1550  
PHONE (239) 334-0046  
FAX (239) 334-3661  
E.B. #642 & L.B. #642

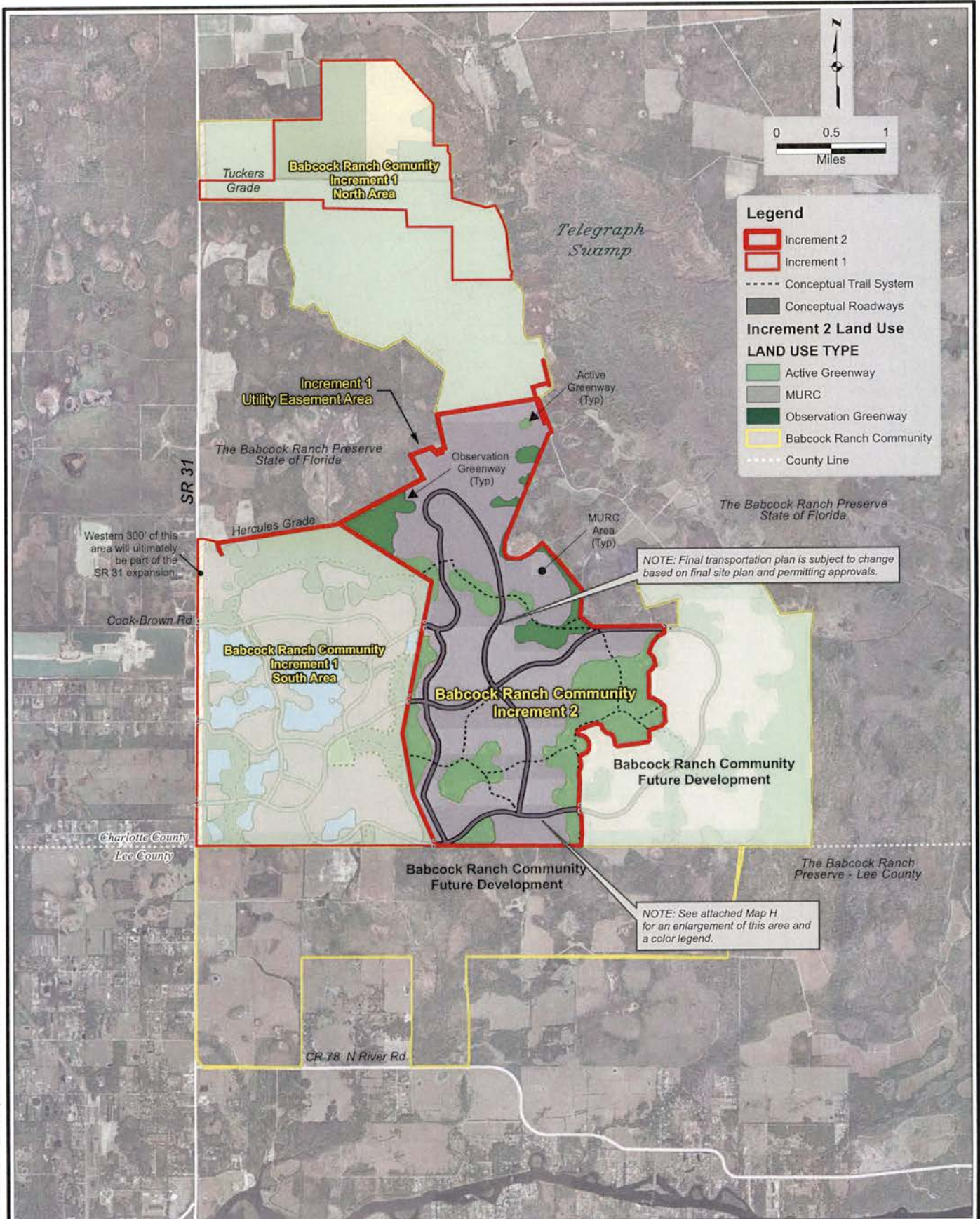
## Increment 2 - Babcock Ranch Community Master Drainage Plan

DATE	PROJECT	FILE NO.	SCALE	SHEET
JUNE 2021	20129205-004	00-00-00	AS SHOWN	MAP 1

# **EXHIBIT G**

## **Increment 2 Master Internal Circulation Plan**





**JOHNSON**  
ENGINEERING

JOHNSON ENGINEERING, INC.  
2122 JOHNSON STREET  
P.O. BOX 1550  
FORT MYERS, FLORIDA 33902-1550  
PHONE (239) 334-0046  
FAX (239) 334-3661  
E.B. #642 & L.B. #642

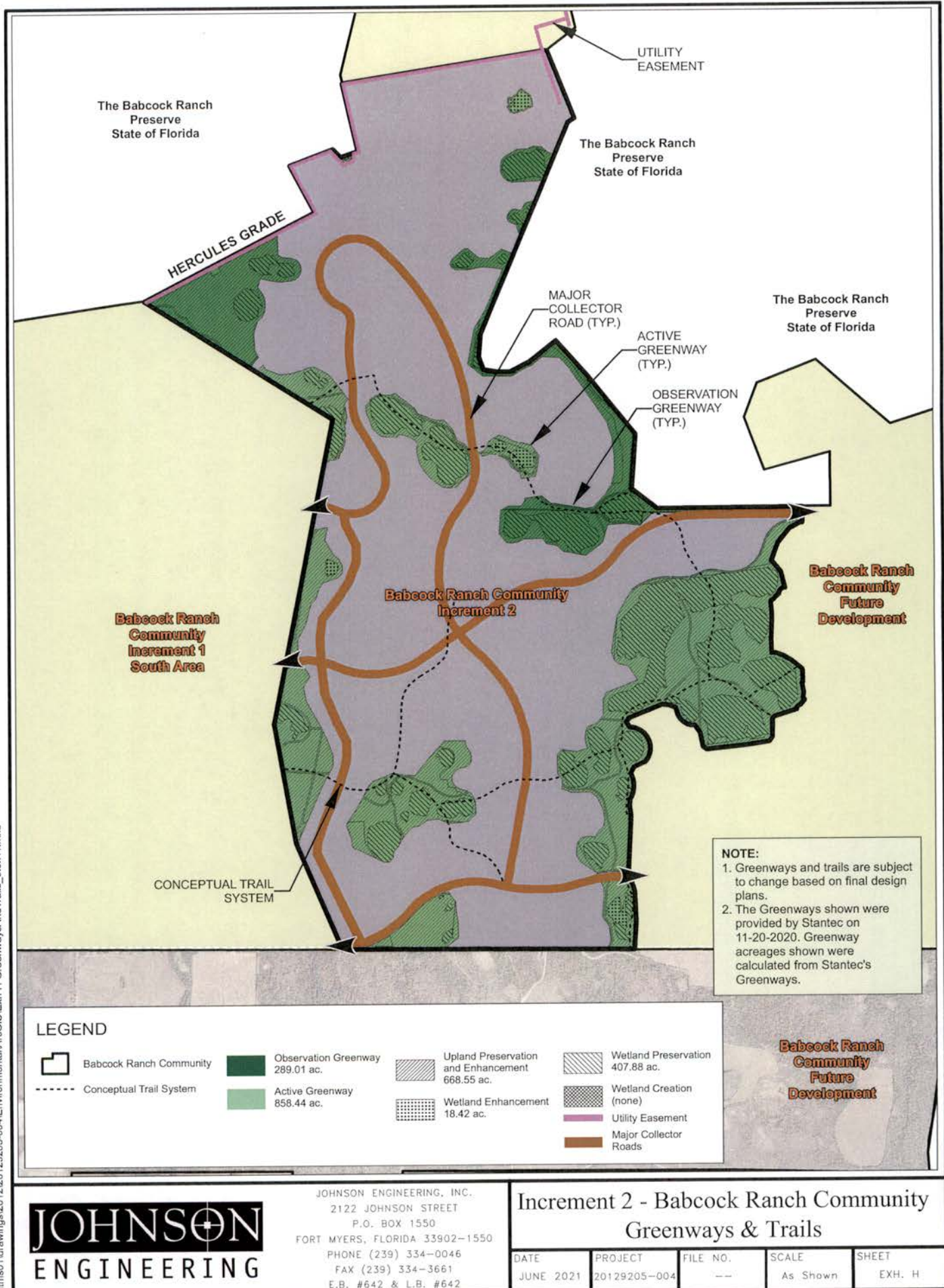
## Increment 2 - Babcock Ranch Community Master Internal Circulation Plan

DATE	PROJECT	FILE NO.	SCALE	SHEET
JUNE 2021	20129205-004	00-00-00	AS SHOWN	MAP J

## **EXHIBIT H**

### **Increment 2 Primary Greenway Map and Trails Plan**

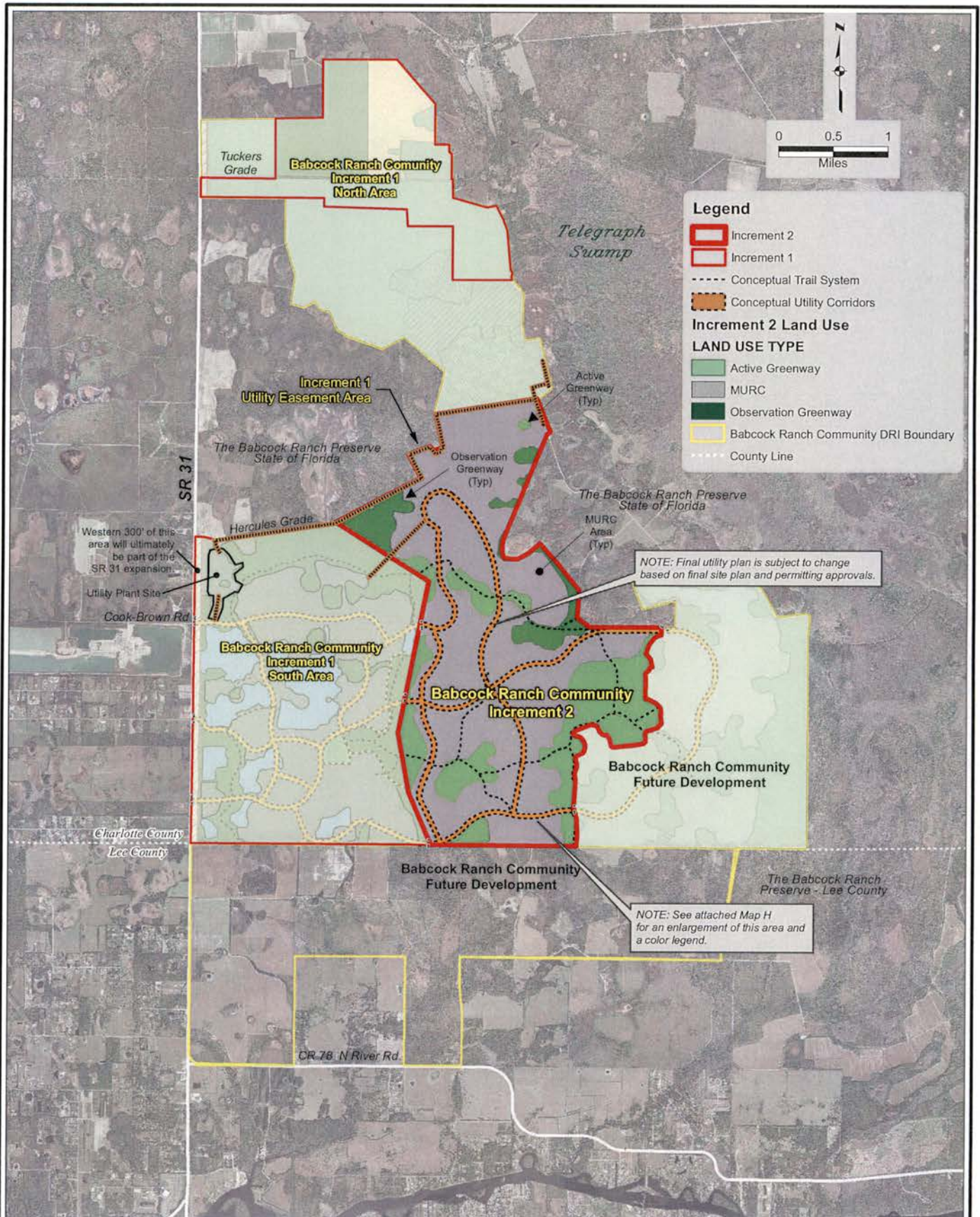




# **EXHIBIT I**

## **Increment 2 Primary Utility Corridor Map**





**JOHNSON**  
ENGINEERING

JOHNSON ENGINEERING, INC.  
2122 JOHNSON STREET  
P.O. BOX 1550  
FORT MYERS, FLORIDA 33902-1550  
PHONE (239) 334-0046  
FAX (239) 334-3661  
E.B. #642 & L.B. #642

## Increment 2 - Babcock Ranch Community Primary Utility Corridor Plan

DATE	PROJECT	FILE NO.	SCALE	SHEET
JUNE 2021	20129205-004	00-00-00	AS SHOWN	EXH 17-1

## **EXHIBIT J**

### **Increment 2, Future (2033) Traffic Conditions with Project Directional Peak Hour Peak Season**





BABCOCK RANCH COMMUNITY  
INCREMENT 2 (2024)  
FUTURE 2033 TRAFFIC CONDITIONS WITH DRCD - ROADWAY SEGMENT ANALYSIS[illegible]





## **EXHIBIT K**

### **Increment 2, Future (2033) Traffic Conditions with Project Proportionate Share Calculation**

BABCOCK RANCH COMMUNITY DRI - INCREMENT 2 (2020)

Cumulative Increment 1 + Increment 2 Proportional Share Cost Estimates for Significant and Adverse Intersections

Intersection		Proportional Share Calculation									
2) SR 78 at Hill Rd.		Improvement	Construction Cost	Contingency (15%)	Total Construction Cost <sup>(1)</sup>	Engineering (15%)	CEE (15%)	Total Project Cost <sup>(2)</sup>	Project Traffic	Total Traffic	Proportional Share Cost <sup>(4)</sup>
NB	LT	No Project related improvement	\$0	\$0	\$0	\$0	\$0	\$0			\$0
	Thru	No Project related improvement	\$0	\$0	\$0	\$0	\$0	\$0			\$0
	RT	No Project related improvement	\$0	\$0	\$0	\$0	\$0	\$0			\$0
SB	LT	No Project related improvement	\$0	\$0	\$0	\$0	\$0	\$0			\$0
	Thru	No Project related improvement	\$0	\$0	\$0	\$0	\$0	\$0			\$0
	RT	No Project related improvement	\$0	\$0	\$0	\$0	\$0	\$0			\$0
EB	LT	No Project related improvement	\$0	\$0	\$0	\$0	\$0	\$0			\$0
	Thru	No Project related improvement	\$0	\$0	\$0	\$0	\$0	\$0			\$0
	RT	No Project related improvement	\$0	\$0	\$0	\$0	\$0	\$0			\$0
WB	LT	No Project related improvement	\$0	\$0	\$0	\$0	\$0	\$0			\$0
	Thru	No Project related improvement	\$0	\$0	\$0	\$0	\$0	\$0			\$0
	RT	No Project related improvement	\$0	\$0	\$0	\$0	\$0	\$0			\$0
Traffic Control		No Project related improvement	\$0	\$0	\$0	\$0	\$0	\$0			\$0
Subtotal			\$174,767	\$26,215	\$200,982	\$30,147	\$30,147	\$231,129	199	N/A	\$0
Intersection		Proportional Share Calculation									
1) SR 80 at Orange River Blvd.		Improvement	Construction Cost	Contingency (15%)	Total Construction Cost <sup>(1)</sup>	Engineering (15%)	CEE (15%)	Total Project Cost <sup>(2)</sup>	Project Traffic	Total Traffic	Proportional Share Cost <sup>(4)</sup>
NB	LT	Add NB Left-Turn Lane	\$81,334	\$12,200	\$93,534	\$13,930	\$13,930	\$107,464	0	729	\$0
	Thru	No Project related improvement	\$0	\$0	\$0	\$0	\$0	\$0			\$0
	RT	No Project related improvement	\$0	\$0	\$0	\$0	\$0	\$0			\$0
SB	LT	No Project related improvement	\$0	\$0	\$0	\$0	\$0	\$0			\$0
	Thru	No Project related improvement	\$0	\$0	\$0	\$0	\$0	\$0			\$0
	RT	No Project related improvement	\$0	\$0	\$0	\$0	\$0	\$0			\$0
EB	LT	No Project related improvement	\$0	\$0	\$0	\$0	\$0	\$0			\$0
	Thru	No Project related improvement	\$0	\$0	\$0	\$0	\$0	\$0			\$0
	RT	No Project related improvement	\$0	\$0	\$0	\$0	\$0	\$0			\$0
WB	LT	No Project related improvement	\$0	\$0	\$0	\$0	\$0	\$0			\$0
	Thru	No Project related improvement	\$0	\$0	\$0	\$0	\$0	\$0			\$0
	RT	No Project related improvement	\$0	\$0	\$0	\$0	\$0	\$0			\$0
Traffic Control		No Project related improvement	\$0	\$0	\$0	\$0	\$0	\$0			\$0
Subtotal			\$81,334	\$12,200	\$93,534	\$13,930	\$13,930	\$107,464	0	729	\$0
Intersection		Proportional Share Calculation									
2) SR 80 at SR 31		Improvement	Construction Cost	Contingency (15%)	Total Construction Cost <sup>(1)</sup>	Engineering (15%)	CEE (15%)	Total Project Cost <sup>(2)</sup>	Project Traffic	Total Traffic	Proportional Share Cost <sup>(4)</sup>
NB	LT	Add NB Left-Turn Lane	\$81,334	\$12,200	\$93,534	\$13,930	\$13,930	\$107,464	0	109	\$0
	Thru	No Project related improvement	\$0	\$0	\$0	\$0	\$0	\$0			\$0
	RT	No Project related improvement	\$0	\$0	\$0	\$0	\$0	\$0			\$0
SB	LT	No Project related improvement	\$0	\$0	\$0	\$0	\$0	\$0			\$0
	Thru	No Project related improvement	\$0	\$0	\$0	\$0	\$0	\$0			\$0
	RT	No Project related improvement	\$0	\$0	\$0	\$0	\$0	\$0			\$0
EB	LT	No Project related improvement	\$0	\$0	\$0	\$0	\$0	\$0			\$0
	Thru	No Project related improvement	\$0	\$0	\$0	\$0	\$0	\$0			\$0
	RT	No Project related improvement	\$0	\$0	\$0	\$0	\$0	\$0			\$0
WB	LT	No Project related improvement	\$0	\$0	\$0	\$0	\$0	\$0			\$0
	Thru	No Project related improvement	\$0	\$0	\$0	\$0	\$0	\$0			\$0
	RT	No Project related improvement	\$0	\$0	\$0	\$0	\$0	\$0			\$0
Traffic Control		No Project related improvement	\$0	\$0	\$0	\$0	\$0	\$0			\$0
Subtotal			\$81,334	\$12,200	\$93,534	\$13,930	\$13,930	\$107,464	0	109	\$0
Intersection		Proportional Share Calculation									
3) SR 31 at SR 78		Improvement	Construction Cost	Contingency (15%)	Total Construction Cost <sup>(1)</sup>	Engineering (15%)	CEE (15%)	Total Project Cost <sup>(2)</sup>	Project Traffic	Total Traffic	Proportional Share Cost <sup>(4)</sup>
NB	LT	No Project related improvement	\$0	\$0	\$0	\$0	\$0	\$0			\$0
	Thru	No Project related improvement	\$0	\$0	\$0	\$0	\$0	\$0			\$0
	RT	No Project related improvement	\$0	\$0	\$0	\$0	\$0	\$0			\$0
SB	LT	No Project related improvement	\$0	\$0	\$0	\$0	\$0	\$0			\$0
	Thru	No Project related improvement	\$0	\$0	\$0	\$0	\$0	\$0			\$0
	RT	No Project related improvement	\$0	\$0	\$0	\$0	\$0	\$0			\$0
EB	LT	No Project related improvement	\$0	\$0	\$0	\$0	\$0	\$0			\$0
	Thru	No Project related improvement	\$0	\$0	\$0	\$0	\$0	\$0			\$0
	RT	No Project related improvement	\$0	\$0	\$0	\$0	\$0	\$0			\$0
WB	LT	No Project related improvement	\$0	\$0	\$0	\$0	\$0	\$0			\$0
	Thru	No Project related improvement	\$0	\$0	\$0	\$0	\$0	\$0			\$0
	RT	No Project related improvement	\$0	\$0	\$0	\$0	\$0	\$0			\$0
Traffic Control		No Project related improvement	\$0	\$0	\$0	\$0	\$0	\$0			\$0
Subtotal			\$0	\$0	\$0	\$0	\$0	\$0			\$0
Intersection		Proportional Share Calculation									
4) SR 31 at North River Rd.		Improvement	Construction Cost	Contingency (15%)	Total Construction Cost <sup>(1)</sup>	Engineering (15%)	CEE (15%)	Total Project Cost <sup>(2)</sup>	Project Traffic	Total Traffic	Proportional Share Cost <sup>(4)</sup>
NB	LT	No Project related improvement	\$0	\$0	\$0	\$0	\$0	\$0			\$0
	Thru	No Project related improvement	\$0	\$0	\$0	\$0	\$0	\$0			\$0
	RT	No Project related improvement	\$0	\$0	\$0	\$0	\$0	\$0			\$0
SB	LT	No Project related improvement	\$0	\$0	\$0	\$0	\$0	\$0			\$0
	Thru	No Project related improvement	\$0	\$0	\$0	\$0	\$0	\$0			\$0
	RT	No Project related improvement	\$0	\$0	\$0	\$0	\$0	\$0			\$0
EB	LT	No Project related improvement	\$0	\$0	\$0	\$0	\$0	\$0			\$0
	Thru	No Project related improvement	\$0	\$0	\$0	\$0	\$0	\$0			\$0
	RT	No Project related improvement	\$0	\$0	\$0	\$0	\$0	\$0			\$0
WB	LT	No Project related improvement	\$0	\$0	\$0	\$0	\$0	\$0			\$0
	Thru	No Project related improvement	\$0	\$0	\$0	\$0	\$0	\$0			\$0
	RT	No Project related improvement	\$0	\$0	\$0	\$0	\$0	\$0			\$0
Traffic Control		No Project related improvement	\$0	\$0	\$0	\$0	\$0	\$0			\$0
Subtotal			\$0	\$0	\$0	\$0	\$0	\$0			\$0
Intersection		Proportional Share Calculation									
5) SR 78 at Old Bayshore Rd.		Improvement	Construction Cost	Contingency (15%)	Total Construction Cost <sup>(1)</sup>	Engineering (15%)	CEE (15%)	Total Project Cost <sup>(2)</sup>	Project Traffic	Total Traffic	Proportional Share Cost <sup>(4)</sup>
NB	LT	No Project related improvement	\$0	\$0	\$0	\$0	\$0	\$0			\$0
	Thru	No Project related improvement	\$0	\$0	\$0	\$0	\$0	\$0			\$0
	RT	No Project related improvement	\$0	\$0	\$0	\$0	\$0	\$0			\$0
SB	LT	No Project related improvement	\$0	\$0	\$0	\$0	\$0	\$0			\$0
	Thru	No Project related improvement	\$0	\$0	\$0	\$0	\$0	\$0			\$0
	RT	No Project related improvement	\$0	\$0	\$0	\$0	\$0	\$0			\$0
EB	LT	No Project related improvement	\$0	\$0	\$0	\$0	\$0	\$0			\$0
	Thru	No Project related improvement	\$0	\$0	\$0	\$0	\$0	\$0			\$0
	RT	No Project related improvement	\$0	\$0	\$0	\$0	\$0	\$0			\$0
WB	LT	No Project related improvement	\$0	\$0	\$0	\$0	\$0	\$0			\$0
	Thru	No Project related improvement	\$0	\$0	\$0	\$0	\$0	\$0			\$0
	RT	No Project related improvement	\$0	\$0	\$0	\$0	\$0	\$0			\$0
Traffic Control		No Project related improvement	\$0	\$0	\$0	\$0	\$0	\$0			\$0
Subtotal			\$0	\$0	\$0	\$0	\$0	\$0			\$0
Grand Total			\$174,767	\$26,215	\$200,982	\$30,147	\$30,147	\$231,129	199	N/A	\$0

1. Total Construction Cost includes add-on of 25% for Special Use Agency for the Construction Cost.  
2. Total Project Cost includes add-on of 15% for Preliminary Engineering and 15% for CEE to the Total Construction Cost. This does not include Right-of-Way Cost.  
3. Proportional Share Cost = (Project Traffic / Total Traffic) \* (Total Project Cost / Total Traffic). For signalized intersections, Proportional Share Cost = (Project Traffic / Total Traffic) \* (Total Project Cost / Total Traffic).  
4. Proportional Share Cost = (Project Traffic / Total Traffic) \* Total Project Cost.  
5. Approach lane based on 100 ft. length. Cost per foot: \$1,929.30.

**BABCOCK RANCH COMMUNITY DRI - INCREMENT 2 (2020)**

*Cumulative (Increment 1 + Increment 2) Proportionate Share Cost Estimates for Significant and Adverse Segments*

Segment	Improvement	Total Project Cost <sup>(1)</sup>	Proportionate Share Calculation							
			Project Traffic	Capacity (with background improvements)	Capacity (with background and project improvements)	Capacity Added	Proportionate Share (%) <sup>(2)</sup>	Proportionate Share Cost for Total Miles <sup>(3)</sup>		
SR 31										
From SR 78 to Old Rodeo Drive	Widen from four to six lanes	Cost Per Mile	1.00	\$8,795,787	1,824	2,100	3,171	1,071	100%	\$2,638,736
		Cost for Total Miles	0.30	\$2,638,736						
From Old Rodeo Drive to North River Road	Widen from four to six lanes	Cost Per Mile	1.00	\$8,795,787	1,850	2,100	3,171	1,071	100%	\$8,795,787
		Cost for Total Miles	1.00	\$8,795,787						
From North River Road to Shirley Lane	Widen from four to six lanes	Cost Per Mile	1.00	\$10,515,796	2,270	2,100	3,171	1,071	100%	\$5,257,898
		Cost for Total Miles	0.50	\$5,257,898						
From Shirley Lane to Fox Hill Road	Widen from four to six lanes	Cost Per Mile	1.00	\$10,515,796	2,088	2,100	3,171	1,071	100%	\$6,730,109
		Cost for Total Miles	0.64	\$6,730,109						
From Fox Hill Road to Busbee Lane	Widen from four to six lanes	Cost Per Mile	1.00	\$10,515,796	2,060	2,100	3,171	1,071	100%	\$3,996,002
		Cost for Total Miles	0.38	\$3,996,002						
From Busbee Lane to Charlotte Co. Line	Widen from two to six lanes	Cost Per Mile	1.00	\$21,031,592	1,833	924	3,171	2,247	82%	\$8,578,306
		Cost for Total Miles	0.50	\$10,515,796						
From Lee Co. Line to Cypress Parkway	Widen from two to six lanes	Cost Per Mile	1.00	\$21,031,592	1,833	924	3,171	2,247	82%	\$6,691,079
		Cost for Total Miles	0.39	\$8,202,321						
From Cypress Parkway to Lake Babcock Drive	Widen from two to four lanes	Cost Per Mile	1.00	\$10,307,012	1,220	924	2,100	1,176	100%	\$7,730,259
		Cost for Total Miles	0.75	\$7,730,259						
Subtotal	Cost for Total Miles	4.46	\$53,866,909							\$50,418,177

1. Based on SR 31 Preliminary Project Estimates (October 2019) provided by JEI. Total Construction Cost includes addition of 10% for Scope Contingency to the Construction Cost.
2. Proportionate Share % = (Project Trips) / [(Lane Group Capacities after project improvements) - (Lane Group Capacities before project improvements)].
3. Proportionate Share Cost = Proportionate Share % \* Total Project Cost.

# Agenda Item

5

5

## Meeting Schedule Discussion

5

# --- Agenda --- Item

8

8

New Business

8

# Agenda Item

9

9

Adjourn

9