SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

Thursday, May 15, 2008 at 9:00 am
1st Floor Conference Room
1926 Victoria Avenue, Fort Myers, FL 33901

AGENDA

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.

DAVID Y. BURR DEDICATION (8:45 AM)
INVOCATION
PLEDGE OF ALLEGIANCE
ROLL CALL – Ms. Nichole Gwinnett

1. AGENDA
2. MINUTES OF APRIL 17, 2008

3. CONSENT AGENDA
- (a) Intergovernmental Coordination and Review
- (b) Financial Statement for April 30, 2008
- (c) Selection of a Community Transportation Coordinator for the Glades-Hendry Joint Service Area
- (d) Premier Airport Park – Preapplication Questionnaire Checklist
- (e) North Port Gardens DRI – 2nd Sufficiency Response Extension Request
- (f) Collier County Comprehensive Plan Amendments (DCA 08-RAEC1)
- (g) Approval of the FY 2008-09 Transportation Disadvantaged Planning Grant Application

4. SOUTH LABELLE VILLAGE DRI – STAFF ASSESSMENT – Mr. Jason Utley

5. ADMINISTRATIVE AGENDA
- (a) Memorandum of Understanding Between the RPCs that Comprise the FRCA regarding the Provision of Technical Assistance – **Mr. Ken Heatherington**
- (b) Appointing a Council Representative to the Estero Bay Agency for Bay Management – **Mr. Jim Beever**
- (c) 2008 July Retreat – **Mr. Ken Heatherington**
- (d) Glades County Comprehensive Plan Amendments (DCA 08-1) – **Mr. David Crawford**

6. REGIONAL ISSUES
- (a) Lower West Coast Watersheds Subcommittee Report – **Mayor Mick Denham**
- (b) Legislative Update – **Mr. Ken Heatherington**
- (c) Other Emerging Regional Issues

7. PUBLIC COMMENTS
8. DIRECTOR'S COMMENTS
9. STATE AGENCIES COMMENTS/REPORTS
10. COUNCIL ATTORNEY'S COMMENTS
11. COUNCIL MEMBERS' COMMENTS
12. ADJOURN

NEXT MEETING DATE
June 19, 2008

NOTES:

- **The Council's Lower West Coast Watersheds Subcommittee will be meeting immediately following the Council meeting in the conference room.**

In accordance with the Americans with Disabilities Act (ADA), any person requiring special accommodations to participate in this meting should contact Ms. Deborah Kooi at the Southwest Florida Regional Planning Council 48 hours prior to the meeting by calling (239) 338-2550 ext. #210; if you are hearing or speech impaired call (800) 955-8770 Voice/(800) 955-8771 TDD. Or email dkooi@swfrpc.org.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL (SWFRPC) ACRONYMS

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

ADA - Application for Development Approval

ADA - Americans with Disabilities Act

AMDA -Application for Master Development Approval

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

BLID - Binding Letter of DRI Status

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

BLIVR -Binding Letter of Vested Rights Status

BPCC -Bicycle/Pedestrian Coordinating Committee

CAC - Citizens Advisory Committee

CAO - City/County Administrator Officers

CDBG - Community Development Block Grant

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

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

CHNEP - Charlotte Harbor National Estuary Program

CTC - Community Transportation Coordinator

CTD - Commission for the Transportation Disadvantaged

CUTR - Center for Urban Transportation Research

DCA - Department of Community Affairs

DEP - Department of Environmental Protection

DO - Development Order

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

EDA - Economic Development Administration

EDC - Economic Development Coalition

EDD - Economic Development District

EPA – Environmental Protection Agency

FAC - Florida Association of Counties

FACTS - Florida Association of CTCs

FAW - Florida Administrative Weekly

FCTS - Florida Coordinated Transportation System

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

FDEA - Florida Department of Elder Affairs

FDLES - Florida Department of Labor and Employment Security

FDOT - Florida Department of Transportation

FHREDI - Florida Heartland Rural Economic Development Initiative

FIAM – Fiscal Impact Analysis Model

FLC - Florida League of Cities

FQD - Florida Quality Development

FRCA -Florida Regional Planning Councils Association

FTA - Florida Transit Association

IC&R - Intergovernmental Coordination and Review

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

JLCB - Joint Local Coordinating Boards of Glades & Hendry Counties

JPA - Joint Participation Agreement

JSA - Joint Service Area of Glades & Hendry Counties

LCB - Local Coordinating Board for the Transportation Disadvantaged

LEPC - Local Emergency Planning Committee

MOA - Memorandum of Agreement

MPO - Metropolitan Planning Organization

MPOAC - Metropolitan Planning Organization Advisory Council

MPOCAC - Metropolitan Planning Organization Citizens Advisory Committee

MPOTAC - Metropolitan Planning Organization Technical Advisory Committee

NARC -National Association of Regional Councils

NOPC -Notice of Proposed Change

OEDP - Overall Economic Development Program

PDA - Preliminary Development Agreement

REMI – Regional Economic Modeling Incorporated

RFB - Request for Bids

RFP - Request for Proposals

RPC - Regional Planning Council

SHIP -State Housing Initiatives Partnership

SRPP – Strategic Regional Policy Plan

TAC - Technical Advisory Committee

TDC - Transportation Disadvantaged Commission (a.k.a. CTD)

TDPN - Transportation Disadvantaged Planners Network

TDSP - Transportation Disadvantaged Service Plans

USDA - US Department of Agriculture

WMD - Water Management District (SFWMD and SWFWMD)

Agenda Item

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Minutes 2

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MINUTES OF THE
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
APRIL 17, 2008

The regular meeting of the **Southwest Florida Regional Planning Council** was held on **April 17, 2008** at the Southwest Florida Regional Planning Council at 1926 Victoria Avenue in Fort Myers, Florida. The meeting was called to order at **9:05 am** by **Chairman Andrea Messina**. **Commissioner Kenneth Jones** led the Prayer and the Pledge of Allegiance. Administrative Services Specialist Nichole Gwinnett conducted the roll call.

MEMBERS PRESENT

Charlotte County: Commissioner Adam Cummings, Councilmember Marilyn Smith-Mooney, Ms. Andrea Messina, Mr. Alan LeBeau

Collier County: Commissioner Jim Coletta, Commissioner Frank Halas, Councilman Charles Kiester, Councilwoman Teresa Heitmann, Ms. Laura Holquist

Glades County: Commissioner Kenneth "Butch" Jones, Commissioner Paul Beck, Dr. Edward Elkowitz

Hendry County: Mayor Paul Puletti, Mr. Melvin Karau

Lee County: Commissioner Bob Janes, Councilman Tom Babcock, Mayor Mick Denham, Mayor Jim Humphrey, Mayor Eric Feichthaler

Sarasota County: Commissioner Shannon Staub, Commissioner Paul Mercier, Commissioner Jim Blucher, Mr. David Farley

Ex-Officio Members: Mr. Johnny Limbaugh – FDOT, Mr. Jon Iglehart – FDEP, Ms. Dianne Davies - SWFWMD, Mr. Phil Flood – SFWMD

MEMBERS ABSENT

Charlotte County: Commissioner Tom Moore

Collier County: Ms. Patricia Carroll

Glades County: Councilman Michael Brantley

Hendry County: Commissioner Janet Taylor, Commissioner Bill Maddox, Mayor Mali Chamness

Lee County: Commissioner Brian Bigelow

Sarasota County: Councilman Ernie Zavodnyik, Mr. George Mazzarantani

Ex-Officio Membership: Ms. Janet Watermeier – Watermeier Consulting & Property Services

INTRODUCTION OF NEW MEMBERS

Chairman Messina introduced the following new members:

- Councilman Tom Babcock, Town of Fort Myers Beach
- Councilwoman Teresa Heitmann, City of Naples
- Mayor Ben Nelson, City of Bonita Springs

AGENDA ITEM #3 CONSENT AGENDA

Commissioner Coletta pulled Consent Agenda Items #3 (c), (e) and (f) for discussion purposes.

Mr. LeBeau moved and Councilmember Smith-Mooney seconded to approve the consent agenda as amended: Agenda Item #3(a) Intergovernmental Coordination and Review; Agenda Item #3(b) Financial Statement for March 31, 2008; Agenda Item #3(d) Harborview DRI – 28 Day Sufficiency Response Extension Request; and Agenda Item #3(g) Toll-Rattlesnake DRI – 90 Day Sufficiency Response Extension Request The motion carried unanimously.

AGENDA ITEMS #3(c), (e) AND (f) City of Marco Island/City of Punta Gorda/City of Cape Coral Comprehensive Plan Amendments

Commissioner Coletta explained that the reason that he pulled the items was the concern he had for affordable housing.

Mr. Crawford of staff explained that Commissioner Coletta is correct in his assessment on affordable housing. He then briefly reviewed each of the items as presented.

Commissioner Coletta recommended a statement be added for affordable housing to each future comprehensive plan amendment review. Mr. Crawford stated that it can be done if the Council directs staff to do so.

Commissioner Coletta moved and Mr. LeBeau seconded to recommend approval of staff recommendations for Consent Agenda Items #3 (c), (e) and (f) with the additional statement added to each future staff report for affordable housing.

Mr. Crawford suggested also adding an additional statement to staff's report for water quality.

Councilmember Smith-Mooney stated that the City of Punta Gorda would be in concurrence with the Council's motion.

Mayor Denham stated that he would support Mr. Crawford's suggestion in amending the motion to include a statement on water quality.

Chairman Messina asked Commissioner Coletta and Mr. LeBeau if they would amend their motion to include the statement for water quality. They both agreed to amend their original motion.

> **Commissioner Coletta moved and Mr. LeBeau seconded to recommend approval of staff recommendations for Consent Agenda Items #3 (c), (e) and (f) with the additional statements added to each future staff report for affordable housing and water quality.**

Mayor Feichthaler referred to page 6 of Consent Agenda Item #3(f) City of Cape Coral Comprehensive Plan Amendments and noted that the Land Use Subject Site 07-15024 refers to the site being off of Santa Barbara Boulevard when it is really located off of Del Prado Boulevard in the first paragraph.

> **The motion carried unanimously.**

AGENDA ITEM #4
THE LOOP DRI – STAFF ASSESSMENT – Mr. Jason Utley

Mr. Utley of staff gave a PowerPoint presentation on The Loop DRI Staff Assessment.

Commissioner Halas asked how long are the affordable housing units going to stay within the inventory. Mr. Utley replied that it has been left up to the local jurisdiction.

Commissioner Staub asked if the green buildings will be certified either through LEEDs or Florida's Green Building Coalition. Mr. Utley replied yes.

Mr. Blucher referred to the platted lot section and stated that there was no local government intervention as the developers assembled that section. Mr. Brown, the applicant's representative, explained that it was all private ownership.

Commissioner Halas suggested requesting the developer install a pedestrian bridge over Jones Loop Road for the residents to be able to reach the commercial side of the development. Mr. Utley explained that staff had discussed the issue with the applicant and it was decided that it was a cost prohibited measure. However, the applicant is proposing to have some form of a crosswalk with a refuge in the center in the event the pedestrians are unable to cross over the right-of-way. Mr. LeBeau asked what the proposed speed limit is. Mr. Utley replied 45 mph.

Commissioner Halas asked if the City of Punta Gorda utilities will supply the development reclaimed water. Mr. Utley replied that he doesn't believe that the utilities currently has the capacity to supply reclaimed water; however, staff recommended putting in the infrastructure and when reuse water becomes available the infrastructure will be in place.

Mr. LeBeau asked if another fire station is being proposed. Mr. John Gibbons of staff explained that there is a mutual aid agreement between the City of Punta Gorda and Charlotte County fire departments and the response time to the site has been estimated to be between 3-5 minutes, so at this time there is no need for another fire station.

Mr. LeBeau asked if any improvements are being proposed for Taylor Road. Mr. Heatherington stated the applicant will be able to address that issue.

Dr. Elkowitz asked who is going to be responsible for the safety and traffic lights for the pedestrian crossings. Mr. Utley stated that he would have the applicant address Dr. Elkowitz's concerns.

Mayor Denham referred to page 31 regarding wastewater collection and transmission. He asked if the facility will be an advanced wastewater treatment facility and will it eliminate nitrogen from the wastewater as per the recommendation of the Council's Resolution 2007-02. Mr. Beever explained that he doesn't believe that the facility at this time is AWT, but when the facility's system is retrofitted it will be brought up to the higher treatment standard.

Commissioner Halas stated that he believes that the developer should be held accountable for providing a pedestrian bridge, especially when there are children involved in a residential area crossing a six-lane roadway. He doesn't believe providing a crosswalk is a sufficient alternative.

AGENDA ITEM #6(a)
Connecting With Nature Presentation (9:45 am)

Mr. Jim McLaughlin, WGCU TV

Mr. Heatherington introduced Mr. McLaughlin who was also the host of the Council's 30th Anniversary celebration.

Mr. McLaughlin gave a verbal presentation on his new program "The Connect" and invited everyone to tune into WGCU TV on Friday nights at 8:30 pm; Saturday nights at 6:30 pm; and Sunday nights at 11:00 pm.

Dr. Bill Hammond, FGCU

Dr. Hammond gave a PowerPoint presentation on "Children and Nature."

Mr. Heatherington announced that staff has been working with the City of Fort Myers in researching the possibility of painting an environmental mural on the exterior eastside wall of the building. Staff has been working with Ms. Denise Demper with respect to the City's regulations and he will keep the Council up-to-date on the mural's status.

AGENDA ITEMS #1 & 2
AGENDA & MINUTES OF MARCH 20, 2008

Commissioner Coletta moved and Commissioner Halas seconded to approve the agenda and minutes of March 20, 2008. The motion carried unanimously.

AGENDA ITEM #4 (Cont'd)
THE LOOP DRI – STAFF ASSESSMENT – Mr. Jason Utley

Transportation Element

Chairman Messina requested that the applicant's representative address Mr. LeBeau's and Dr. Elkowitz's concerns.

Mr. Ted Brown, Attorney with Baker Hostetler in Orlando gave a background overview of the project and overall design of the project.

Ms. Holquist noted that the project was found to be insufficient in 2007 and asked Mr. Brown what was the reason for it being declared insufficient. Mr. Brown explained that transportation has been the issue. Ms. Holquist asked what the total proportionate fair share amount was. Mr. Brown replied $11.7 million.

Commissioner Halas asked Mr. Brown if he felt that the northern residential portion of the project will evolve. Mr. Brown replied yes, the applicant would prefer a "for sale" product. Right now a "for sale" product means a condominium, and in the current density is very difficult to finance; however, we remain optimistic that when the time comes to move forward that the market will have returned and it will allow it to occur. If the market does not turn around then there is the potential for a rental product, but there will be residential product within the facility.

Mr. LeBeau stated to Mr. Brown that he was very careful in stating the six laning of North Jones Loop Road from Taylor Road to just east of the railroad tracks. Currently, there are four lane roads that merge into two lanes to go over the railroad tracks and that it concerns him that the intersection is not being improved. Mr. Brown explained that the county will be improving the intersection. Mr. LeBeau asked who is going to be paying for those improvements. Mr. Limbaugh explained that FDOT is currently working with Charlotte County where they have a design underway for Burnt Store Road in that area, including the intersection of US41. FDOT has recently placed new mast arms in the ultimate locations for the intersections when they get built out. There are Transportation Regional Incentive Program funds assisting Charlotte County in building that intersection out and it is going to happen before this project has broken ground.

Mr. LeBeau stated that going from Taylor Road to North Jones Loop Road south, which is a two lane road, are there any traffic counts and if so, are they at an acceptable level. Mr. Brown replied that he is sure that there are traffic counts for that segment but he is not sure if there is an acceptable level or not. He explained that it is the county's choice of what they want to do with the money. They can either use the money and make the improvements to roadways, or they can place the money into a "pool" and wait for another development to add to the pool until there is adequate resources to address particular road deficiencies, or alternatively they can elect to "pipeline" and get one large discrete development done that has good public visibility and good acceptance.

Councilmember Smith-Mooney stated that the City of Punta Gorda has put in place covenants on affordable housing within certain areas. The covenant is only in effect for a certain number of years from the time that the unit is first occupied. During that time, any resale has to be within a certain perimeter that is governed by the prevailing market rate, as opposed to the original amount invested and the original sales price, so that it changes at a fair amount but it doesn't jump up into the higher cost of housing. Mr. Brown explained that the approach that has been taken, with the concurrence of Charlotte County, is to sell units at a substantial discount to the Peace River Community Trust and they in turn will own and manage the units for their clientele.

Commissioner Janes moved staff recommendation and Councilmember Smith-Mooney seconded to recommend Conditional Approval of The Loop DRI to be further conditioned on a finding of consistency with the local government comprehensive plan by the Charlotte County Board of County Commissioners. The motion carried with Mr. LeBeau and Dr. Elkowitz opposed.

Note: Dr. Elkowitz has requested that the following be recorded in the minutes.

Dr. Elkowitz was opposed to approving The Loop DRI because he felt that the developer did not commit to the following:

- A crosswalk for pedestrians to use from the residential to the commercial;
- No traffic signals on a six lane boulevard;
- Affordable housing;
- Wastewater recycling; and
- Parks or open areas for residents.

AGENDA ITEM #5(a)
Memorandum of Understanding Between the RPCs the Comprise the FRCA regarding the Provision of Technical Assistance – Mr. Ken Heatherington

Chairman Messina announced that at the request of the Council's Legal Counsel, Ms. Donley, this item will be deferred until the Council's May meeting.

AGENDA ITEM #5(b)
SWFRPC Annual Audit for FY 07 – Mr. Jeff Tuscan, CPA of Tuscan & Company, PA

Mr. Tuscan reviewed the item as presented in the agenda packet and distributed handout.

Mr. Limbaugh referred to the bottom of page 10 and top of page 11, where it refers to how the MPO interacts with the Council. He noted that within the Auditor's report it noted that neither the MPO or the NEP are considered separate entities from the Council and he doesn't believe that is consistent with the Florida Statute on how the autonomy of the MPOs are supposed to be handled. Mr. Tuscan explained that both the NEP and MPO operate independently, but as for a government entity, they are not a separate entity at least through the end of the audit. Their activity gets incorporated through the Council.

Mr. Limbaugh stated the reason that he is bringing up the issue is being a state agency, FDOT is working with all of the MPOs to have independent staff services agreements with all of their host agencies, which state that they are independent and function independently. Mr. Tuscan explained that the difference is the accounting independence and the functional/legal independence. As far as an entity, the MPO does function independently, but in the formation of an accounting reporting entity, the activity is still reported as part of the Council, because the MPO is not an independent government themselves as far as a functioning accounting entity.

Mr. Tuscan asked that the Council approve the 2007 Audit Report so that it can be forwarded to Auditor General and other reporting entities.

Mayor Humphrey moved and Mr. LeBeau seconded to approve the 2007 Audit Report. The motion carried unanimously.

AGENDA ITEM #5(c)
SWFRPC Annual Budget – Ms. Janice Yell

Chairman Messina gave an overview of the Executive Committee meeting which was held prior to the Council meeting to discuss the annual budget. She noted that the Executive Committee did recommend approval of the annual budget.

Ms. Yell reviewed the item as presented. She noted that there was a decrease in DCA's revenue to the Council.

Mr. Karau moved and Councilmember Smith-Mooney seconded to approve the Council's Annual Budget FY 08/09 as presented. Motion carried unanimously.

AGENDA ITEM #6(b)
Lower West Coast Watersheds Subcommittee Report – Mayor Mick Denham

Mayor Denham gave a brief status report on the subcommittee's efforts.

Ms. Corbett gave a PowerPoint presentation on onsite sewage treatment and disposal systems as contained within the agenda packet.

Mayor Denham requested that the members review draft Resolution #2008-02 as presented in the agenda packet and submit comments if necessary. He indicated that he would like to have a final draft brought to the Council for consideration for adoption at the May meeting.

Mayor Feichthaler thanked the subcommittee for bringing the issue of septic tanks forward, especially since the City of Cape Coral has embarked on approximately 100 square miles (150,000 pre-platted residential lots) of conversion from septic tanks to central sewer. He explained that the Cape Coral City Council are facing two issues: First, some of the city council members believe that septic tanks are not a problem; and secondly, the money, the starting price for a single-family home in Cape Coral, between the impact fee and the assessment, is $21,000 and that is not inclusive of all fees. He feels that there needs to be some kind of alternatives, because in some areas the conversions may not happen so that the costs will not affect the residents in those areas.

Mayor Denham explained that one alternative that the subcommittee is reviewing is compiling a management plan which protects the environment.

Mr. LeBeau stated he has spent a lot of time researching various studies on sewage treatment (septic, aerobic, central, etc.) and finds it offensive to the point where he can find a study whichever way he chooses. Also, he doesn't approve of Charlotte County using it as a growth management tool. He noted that according to one study, central sewers lose 10% of the effluent between the collection point and the plant, so what does a septic tank lose. According to the health department, the aerobic systems in Charlotte County are at an 80% failure rate. He stated that he feels that there needs to be an educational program for the public, because if you educate the public of what not to put into the system(s) then you will have less system failures and less usage of water.

Commissioner Cummings stated that the effluent does end up in the estuary. Also, state law states that septic tanks are sustainable at four units per acre; however, Charlotte County was taken to court on that point and lost. It appears that the state law states that it is okay at four units per acre, but when Charlotte County was not dealing with its growth management and they were looking at putting in 200,000 septic tanks the state said it wasn't okay and took the county to court.

AGENDA ITEM #6(c)
Legislative Subcommittee Report – Commissioner Jim Coletta

Commissioner Coletta gave the Legislative Subcommittee report.

AGENDA ITEM #6(d)
Legislative Update – Mr. Ken Heatherington

Mr. Heatherington reviewed the item as presented.

AGENDA ITEM #6(e)
Other Emerging Regional Issues

Mr. Heatherington reviewed the item as presented.

AGENDA ITEM #7
PUBLIC COMMENTS

No public comments were made at this time.

AGENDA ITEM #8
DIRECTOR'S COMMENTS

Mr. Heatherington had no comments at this time.

AGENDA ITEM #9
STATE AGENCIES COMMENTS/REPORTS

FDOT – Mr. Limbaugh announced that FDOT is considering leasing Alligator Alley as a long-term 50-75 year lease. There is an industry forum being held in Orlando on April 24th to gauge financial interests. He explained that FDOT would receive a lump sum, cash up front payment of some level that would be able to be used on other facilities and there would be a concessionaire that would handle the Alley's maintenance up-keep and toll structure. This would be the first one within the State of Florida; other states have tried it with varying degrees of success.

Commissioner Halas explained that FDOT is basically taking the assets from Alligator Alley and turning it over to a private enterprise and basically instead of paying $2.50 for the toll it will probably be raised to $15.00 per vehicle.

Mr. Limbaugh explained that there will probably be an increase in the cost of the toll per vehicle because at its current price it is just generating barely enough to cover the resurfacing and maintenance up-keep expenses. It is not a profit generating facility. Commissioner Halas stated yes, it is because some of its revenue goes to the conservation groups. Mr. Limbaugh replied that FDOT has an obligation to pay a certain percentage of the Alley's revenue towards the Everglades Restoration Program. Commissioner Halas stated that it is not supposed to be a profit making facility.

Chairman Messina suggested to Commissioner Halas that he recommend that the Council take a position on the issue. Commissioner Halas agreed.

Commissioner Cummings stated that government entities are not supposed to be making a profit.

SFWMD – Mr. Flood announced that the SFWMD have reduced their water restrictions.

SWFWMD – Ms. Davies announced that the SWFWMD have not reduced their water restrictions.

FDEP – Mr. Iglehart had no comments at this time.

AGENDA ITEM #10
COUNCIL ATTORNEY'S COMMENTS

Counsel Donley had no comments at this time.

AGENDA ITEM #11
COUNCILMEMBERS' COMMENTS

Commissioner Beck thanked the Council for adopting SWFRPC Resolution #2008-01 and that he brought it to Tallahassee along with a resolution from FRHEDI.

Mr. LeBeau thanked Mayor Denham for his efforts and the Lower West Coast Watersheds Subcommittee.

Commissioner Coletta suggested having Mr. Heatherington conduct a feasibility study and invite a representative from both the Seminole and Miccosukee Tribes to become members of the Council.

Mr. Heatherington thanked Councilmember Smith-Mooney for her donation to Howard T. Odum Wetlands Center in honor of David Burr. He then presented the plaque honoring Dave Burr which will be placed on the building as a memorial and announced a dedication will be held at the May 15th meeting.

AGENDA ITEM #12
ADJOURN

The meeting adjourned at 12:00 pm.

_____
Commissioner Paul Beck, Secretary

The meeting was duly advertised in the April 4, 2008 issue of the FLORIDA ADMINISTRATIVE WEEKLY, Volume 34, Number 14.

Agenda Item

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Consent Agenda

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Agenda Item #3

CONSENT AGENDA

Agenda Item #3(a) – Intergovernmental Coordination and Review

Approval of the administrative action clearinghouse review items.

Agenda Item #3(b) – Financial Statement for April 30, 2008

Approve the financial statement for April 30, 2008 as presented.

Agenda Item #3(c) – Selection of a Community Transportation Coordinator for the Glades-Hendry Joint Service Area

Approve the recommendation of the SWFRPC's Competitive Procurement Proposal Review Team and authorize the Chairman to execute Resolution 08-03.

Agenda Item #3(d) – Premier Airport Park – Preapplication Questionnaire Checklist

Approve the questionnaire checklist as presented.

Agenda Item #3(e) – North Port Gardens DRI – 2nd Sufficiency Response Extension Request

Approve the applicant's request for an extension.

Agenda Item #3(f) – Collier County Comprehensive Plan Amendments (DCA 08-1)

Approve staff comments. Authorize staff to forward comments to the Department of Community Affairs and Collier County.

Agenda Item #3(g) – Approval of the FY 08/09 Transportation Disadvantaged Planning Grant Application

Review and approve the planning grant application for Fiscal Year 2008-09 for Glades and Hendry Counties and authorize the Chairman to execute Resolution 2008-04.

RECOMMENDED ACTION: Approve consent agenda as presented.

05/2008

Agenda Item

3a

Intergovernmental Coordination & Review

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Project Review and Coordination Regional Clearinghouse Review

The attached report summarizes the project notifications received from various governmental and non-governmental agencies seeking federal assistance or permits for the period beginning April 1, 2008 and ending April 30, 2008.

The staff of the Southwest Florida Regional Planning Council reviews various proposals, Notifications of Intent, Preapplications, permit applications, and Environmental Impact Statements for compliance with regional goals, objectives, and policies of the Regional Comprehensive Policy Plan. The staff reviews such items in accordance with the Florida Intergovernmental Coordination and Review Process (Chapter 29I-5, F.A.C.) and adopted regional clearinghouse procedures.

Council staff reviews projects under the following four designations:

> Less Than Regionally Significant and Consistent - no further review of the project can be expected from Council.
>
> Less Than Regionally Significant and Inconsistent - Council does not find the project to be of regional importance, but notes certain concerns as part of its continued monitoring for cumulative impacts within the noted goal areas.
>
> Regionally Significant and Consistent - Project is of regional importance and appears to be consistent with Regional goals, objectives and policies.
>
> Regionally Significant and Inconsistent - Project is of regional importance and appears not to be consistent with Regional goals, objectives, and policies. Council will oppose the project as submitted, but is willing to participate in any efforts to modify the project to mitigate the concerns.

The report includes the SWFRPC number, the applicant name, project description, location, funding or permitting agency, and the amount of federal funding, when applicable. It also includes the comments provided by staff to the applicant and to the State Clearinghouse (Office of Planning and Budgeting) in Tallahassee.

RECOMMENDED ACTION: Approval of the administrative action on Clearinghouse Review items.

ICR Council - 2000/08

SWFRPC #	Name1	Name2	Location	Project Description	Funding Agent	Funding Amount	Council Comments
2008-005	Mr. Richard Weingarten	Charlotte Count Human Services	Charlotte County	Charlotte County Transit Department - 49 USC Section 5307 Grant Application for FY 2008.			Regionally Significant and Consistent
2008-006	Ms. Barbara Gaiser	School District of Lee County	Lee County	School District of Lee County - Lee Links Language to Literacy.			Regionally Significant and Consistent
2008-007	Ms. Carmen Monroy	Lee County Transit	Lee County	Lee County Transit - FL-37-X027 FY 2006 JARC Grant Application USC 5316 Job Access Reverse Commute.	FTA	$47,145.00	Regionally Significant and Consistent
2008-008	Ms. Carmen Monroy	Lee County Transit	Lee County	Lee County Transit - FL-57-X005 FY 2006 Grant Application USC 5317 New Freedom.	FTA	$34,795.00	Regionally Significant and Consistent
2008-009	Ms. Amity Chandler	Charlotte County Public Schools	Charlotte County	Charlotte County Public Schools - Reduce Alcohol Abuse			Regionally Significant and Consistent
2008-010	Ms. Theresa M. Cook, Executive Director	Collier County Airport Authority	Collier County	Collier County Airport Authority - To contruct a machine and steel manufacturing facility 20,000 square foot building at the Immokalee Regional Airport in Collier County, Florida.	USDA	$1,495,000.00	Regionally Significant and Consistent
2008-011	Mr. Mark A. Schulz, Env. Admin.	FDOT	Region	FDOT - Advance Notification - SR 29 PD&E Study from North of SR 82 to south of CR 80A, FPID NO. 417878-2-22-01 in Hendry and Collier Counties, Florida (Previous ETDM No. 8668)			Regionally Significant and Consistent

SWFRPC #	Name1	Name2	Location	Project Description	Funding Agent	Funding Amount	Council Comments
2008-012	Dr. Carl Brunick	School District of Lee County	Lee County	School District of Lee County - Myth Busting.	US Dept. of Education	$704,189.00	Regionally Significant and Consistent
2008-013	Mr. Patrick Hayhurst	School District of Lee County	Lee County	School District of Lee County - Securing Our Schools	US Department of Education	$400,729.00	Regionally Significant and Consistent
2008-014	Ms. Jana Hambruch	School District of Lee County	Lee County	School District of Lee County - Starting an Academic Epidemic Grant.	US Department of Education	$2,746,772.00	Regionally Significant and Consistent
2008-015	Ms. Carmen Monroy, Grants Analyst	Lee County Transit	Lee County	Lee County Transit - FL-90-X647 FY 2008 Urbanized Area Formula Grant FTA Section 5307 Grant Funds	FTA	$4,386,928.00	Regionally Significant and Consistent

Review in Progress

SWFRPC #	First Name	Last Name	Location	Project Description	Funding Agent	Funding Amount	Council Comments
2007-006			Lee County	Lee County Transit - Rural operating assistance for Lee County, Florida under USC Section 5311 Non-Urbanized Area Forumula Program.	Federal Transit Administration	$258,300.00	Review in Progress
2007-048			Lee County	FDEP JCP File #: 0262704-001-JC - South Bank Properties, LLC - North Capitva Island Beach Restoration Project in Lee County, Florida.			Review in Progress
2008-002			Collier County	FDEP - Bureau of Beaches & Coastal Systems - Doctor's Pass North Jetty Rehabilitation in Collier County, Florida.			Review in Progress
2008-003			Collier County	FDEP - Bureau of Beaches & Coastal Systems - Hideaway Beach Groins and Beach Fill Modification in Collier County, Florida.			Review in Progress
2008-016			Lee County	FDOT - Federal Transit Capital Investment Grants - New LeeTran Administration and Maintenance Facility, Site Acquisition - Fort Myers, Lee County, Florida.			Review in Progress
2008-017			Region	Empowerment Alliance of Southwest Florida - USDA - Housing preservation program for Immokalee, Florida and Eastern Hendry County, Florida.	USDA	$125,000.00	Review in Progress

SWFRPC #	First Name	Last Name	Location	Project Description	Funding Agent	Funding Amount	Council Comments
2008-018			Region	Centro Campesino Farmworker Center - HPG Rehabilitation project to preserve 38 owner occupied, very low income homes in eight (8) rural Florida Counties.	USDA - Rural Development	$258,683.00	Review in Progress

Agenda Item

3b

Financial Statement

For April 30, 2008

3b

Agenda Item #

MONTHLY FINANCIAL CONTENTS
For the month ending April 30, 2008

	Pages
Financial Reports:	
Balance Sheet - Governmental Types and Account Groups	1
Balance Sheet - Assets, Liabilities and Capital	2
Income Statement - Combined	3
This page is a comparsion of the budget and actual for the current month as well as the year to date figures. It also includes the net income for both the month and the year to date. The last column of the report reflects the percentage spent of the budget in each expense line as well as the overall total.	
Explanation of Council's Financial at current month end including:	4
- Percentage of Budget Spent for RPC, MPO, and NEP and any predicted expenses as to percentages not within acceptable range. There may be further comments on the breakdown of actual expenses.	
- Net income at current month end	
- Graphs showing the distribution of revenues and expenses	
- Any other notes felt needed at this time	
Amendments	5
As requested, amendments will be made as needed thoughout the year rather then at year end as previously accepted.	
Breakdown of actual expenses for the RPC, MPO, NEP including	
- percentages and any amendments requested.	
- Please note that the Budget on the Income Statement on page 3 will not reflect any amendments, if needed, until they are actually approved.	
Combined RPC/MPO/NEP	6
NEP	7
MPO	8
RPC Total	9
RPC by Project	10
Income statement - Comparsion of current year vs. prior year	11
This page is a comparsion of the actual figures for the current month and year to date to the previous year's figures. It also includes the net income for both years.	

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
COMBINED BALANCE SHEET -
GOVERNMENTAL FUND TYPES AND ACCOUNT GROUPS
April-08

	Governmental Fund Types		Account Groups		Totals
	General Fund	Special Revenue Fund	General Fixed Assets	General Long-Term Debt	(Memorandum Only)
ASSETS AND OTHER DEBIT					
Cash and cash equivalents	$ 500,867	$ -	$ -	$ -	$ 500,867
Investments	509,017	-	-	-	509,017
Receivables - grants and contracts	-	424,073	-	-	424,073
Receivables - other	-	-	-	-	-
Due from other funds	-	270,770	-	-	270,770
Other assets	1,006	-	-	-	1,006
Property and equipment, net	-	-	1,694,060	-	1,694,060
Amount to be provided for retirement of general long-term debt	-	-	-	1,423,471	1,423,471
TOTAL ASSETS AND OTHER DEBIT	$ 1,010,891	$ 694,844	$ 1,694,060	$ 1,423,471	$ 4,823,265
LIABILITIES, FUND EQUITY AND OTHER CREDIT					
LIABILITIES					
Accounts payable and accrued expenses	$ 3,240	$ -	$ -	$ -	$ 3,240
Retainage payable	28,210	-	-	-	28,210
Due to other governments	-	-	-	-	-
Due to other funds	270,770	-	-	-	270,770
Deferred revenue - grants and contracts	-	694,844	-	-	694,844
Accrued compensated absences	-	-	-	74,159	74,159
Notes payable	-	-	-	1,349,312	1,349,312
TOTAL LIABILITIES	302,221	694,844	-	1,423,471	2,420,535
FUND EQUITY AND OTHER CREDIT					
Investment in general fixed assets	-	-	1,694,060	-	1,694,060
Fund balance					
Reserved, designated	471,600	-	-	-	471,600
Unreserved, undesignated	237,070	-	-	-	237,070
TOTAL FUND EQUITY AND OTHER CREDIT	708,670	-	1,694,060	-	2,402,730
TOTAL LIABILITIES, FUND EQUITY AND OTHER CREDIT	$ 1,010,891	$ 694,844	$ 1,694,060	$ 1,423,471	$ 4,823,265

SWFRPC
Balance Sheet
April 30, 2008

ASSETS

Current Assets			
Cash - Bank of America Oper.	$ 77,731.16		
Cash - Bank of America Max.	422,936.31		
Cash - FL Local Gov't Pool	464,696.15		
Cash - FL Gov't Pool-Fund B	44,321.11		
Petty Cash	200.00		
Accounts Receivable	275,990.82		
Accounts Receivable-Assessment	48,933.15		
Accounts Receivable-MPO	99,149.35		
Bulk Mail Prepaid Postage	1,006.03		
Amount t.b.p. for L.T.L.-Leave	74,159.14		
Amount t.b.p. for L.T.Debt	1,349,311.79		
Total Current Assets			2,858,435.01
Property and Equipment			
Property, Furniture & Equip	1,989,951.25		
Accumulated Depreciation	(295,891.67)		
Total Property and Equipment			1,694,059.58
Total Assets		$	4,552,494.59

LIABILITIES AND CAPITAL

Current Liabilities			
Accounts Payable	$ 2,576.67		
Retainage Payable	28,209.97		
Deferred Income	694,843.78		
United way Payable	413.00		
Accrued Annual Leave	74,159.14		
Long Term Debt - Bank of Am.	1,349,311.79		
LEPC Contintency Fund	250.59		
Total Current Liabilities			2,149,764.94
Total Liabilities			2,149,764.94
Capital			
Fund Balance-Unrestricted	94,245.52		
Fund Balance-Restricted	471,600.00		
Fund Balance-Fixed Assests	1,694,059.58		
Net Income	142,824.55		
Total Capital			2,402,729.65
Total Liabilities & Capital		$	4,552,494.59

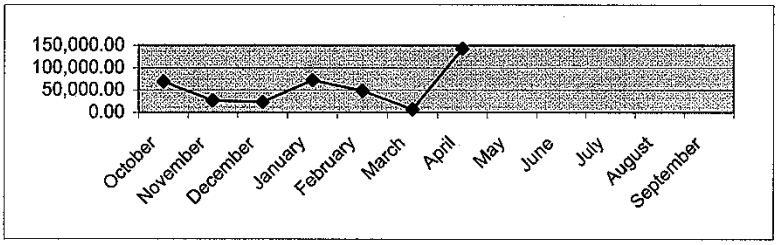
SWFRPC
Income Statement
Compared with Budget
For the Seven Months Ending April 30, 2008

	Current Month Actual	Current Month Budget	Year to Date Actual	Year to Date Budget	% Spent
Revenues					
Total Revenues	444,617.77	354,834.33	2,027,345.26	4,258,012.00	47.61
Expenses					
Salaries Expense	155,459.75	144,368.25	879,904.47	1,732,419.00	50.79
FICA Expense	11,738.10	10,416.67	70,256.94	125,000.00	56.21
Retirement Expense	12,253.84	14,166.67	80,020.92	170,000.00	47.07
Health Insurance Expense	13,068.05	19,166.67	116,431.32	230,000.00	50.62
Workers Comp. Expense	590.00	1,250.00	4,130.00	15,000.00	27.53
Legal Fees Expense	0.00	833.33	0.00	10,000.00	0.00
Grant/Consulting Expense	8,960.00	3,333.33	10,869.04	40,000.00	27.17
NEP-Contractual	30,373.79	22,691.67	256,199.06	272,300.00	94.09
MPO-Contractual	3,166.60	19,012.50	25,173.27	228,150.00	11.03
Audit Services Expense	0.00	4,083.33	48,617.00	49,000.00	99.22
Travel Expense	3,351.02	5,041.67	23,491.28	60,500.00	38.83
Telephone Expense	1,332.64	1,666.67	6,149.86	20,000.00	30.75
Postage / Shipping Expense	655.46	3,333.33	10,552.64	40,000.00	26.38
Storage Unit Rental	254.22	258.33	1,370.22	3,100.00	44.20
Equipment Rental Expense	4,107.89	3,916.67	23,194.23	47,000.00	49.35
Insurance Expense	0.00	2,833.33	27,455.93	34,000.00	80.75
Repair/Maint. Expense	4,665.83	3,333.33	15,729.00	40,000.00	39.32
Printing/Reproduction Expense	34,326.10	8,583.33	63,914.61	103,000.00	62.05
Utilities (Elec, Water, Gar)	1,591.75	2,666.67	12,300.87	32,000.00	38.44
Advertising Expense	1,303.39	795.83	7,704.55	9,550.00	80.68
Other Misc. Expense	556.00	437.50	1,384.39	5,250.00	26.37
Office Supplies Expense	2,893.20	2,375.00	17,373.72	28,500.00	60.96
Computer Related Expense	716.46	4,583.33	25,933.14	55,000.00	47.15
Publication Expense	63.90	883.33	1,154.40	10,600.00	10.89
Prof. Develop./Dues Expense	1,091.31	3,416.67	33,192.26	41,000.00	80.96
Meetings/Events Expense	6,678.44	5,733.33	37,449.35	68,800.00	54.43
Capitol Outlay Expense	0.00	3,666.67	2,596.80	44,000.00	5.90
Capitol Outlay - Building	0.00	4,166.67	7,450.00	50,000.00	14.90
Long Term Debt	10,645.92	10,666.67	74,521.44	128,000.00	58.22
Reserve for Operations Expense	0.00	47,153.58	0.00	565,843.00	0.00
Total Expenses	309,843.66	354,834.33	1,884,520.71	4,258,012.00	44.26
Net Income	$ 134,774.11	0.00	$ 142,824.55	$ 0.00	0.00

The next few pages are a breakdown of actual expenses for each project in Special Revenues as well as in general operations. Included in these pages, as requested, are percentages for each line item and an overall percentage spent by the RPC, NEP, and MPO.

The overall percentage of the Budget spent is	44.26%
The percentage of the RPC Budget spent is	34.82%
The percentage of the MPO Budget spent is	28.84%
The percentage of the NEP Budget spent is	64.55%

For the month ending April 30, 2008 $142,824 is our net income.

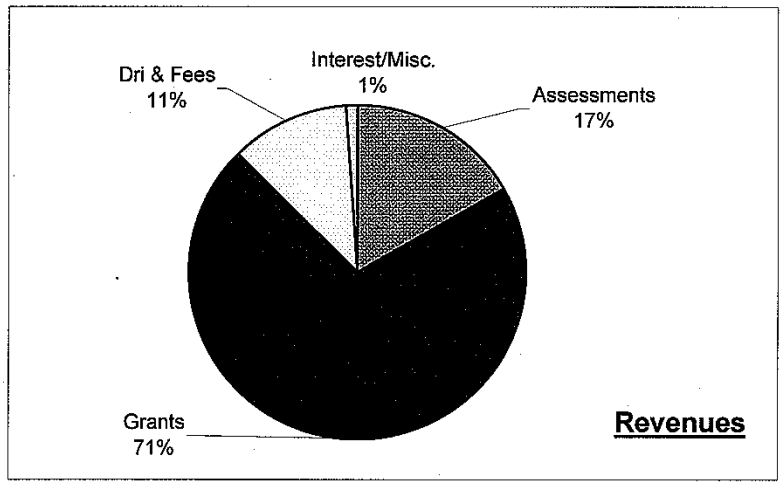


Net Income (unaudited)

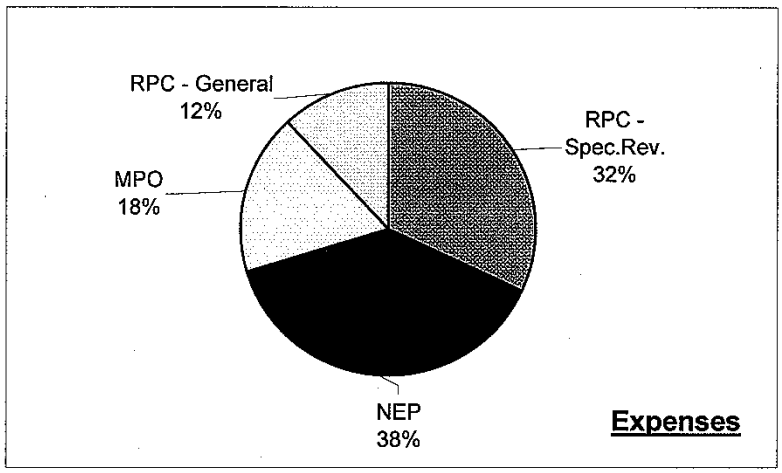
As can be seen in this graph, the net income moves in quarterly cycles.

For the month ending April 30, 2008

Total Revenues	2,027,345
Total Expenses	1,884,521
Net Income	142,824



Revenues	
Assessments	337,824
Grants	1,434,662
Dri & Fees	232,479
Interest/Misc.	22,380
	2,027,345



Expenses	
RPC - Spec.Rev.	603,502
NEP	718,644
MPO	335,088
RPC - General	227,287
	1,884,521

As requested, are any amendments needed at this time. These amendments are explained below:

Capital Outlay - Operations in both NEP and MPO have been reduced to cover Line Items:
MPO Advertising
NEP Office Supplies

MPO:

Capital Outlay-Op	-1,000
Advertising	1,000

NEP:

Capital Outlay-Op	-3,000
Office Supplies	3,000

RPC-MPO-NEP Combined
Budget vs. Actual
For the month ending April 30, 2008

	Combined Actual	Combined Adopted Budget	Combined Amended Budget	Combined Total Amendments	Combined Amended Budget	Combined VARIABLE	58.33%	Combined Comments
Revenues								
Membership Dues	337,824	450,432	450,432	0	450,432	112,608	75.00%	
Federal/State/Local Grants	1,434,662	3,675,065	2,961,737	0	2,961,737	1,527,075	48.44%	
Dri/Monitoring Fees	232,479	250,000	250,000	0	250,000	17,521	92.99%	
Interest And Miscellaneous	22,380	30,000	30,000	0	30,000	7,620	74.60%	
NEP/MPO Fringe/Indirect Support								
Carry Over Fund Balance		0	565,843	0	565,843			
Total Income	2,027,345	4,405,497	4,258,012	0	4,258,012	1,664,824		
Expenditures								
Direct:								
Salaries	879,905	1,732,419	1,732,419	0	1,732,419	852,514	50.79%	
FICA	70,257	125,000	125,000	0	125,000	54,743	56.21%	
Retirement	80,021	170,000	170,000	0	170,000	89,979	47.07%	
Health Insurance	116,431	230,000	230,000	0	230,000	113,569	50.62%	
Workers Compensation	4,130	15,000	15,000	0	15,000	10,870	27.53%	
Legal Fees	0	10,000	10,000	0	10,000	10,000	0.00%	
Consultant Fees	10,869	158,000	40,000	0	40,000	29,131	27.17%	
NEP Contractual	256,199	272,300	272,300	0	272,300	16,101	94.09%	
MPO Contractual	25,173	710,150	228,150	0	228,150	202,977	11.03%	
Audit Fees	48,617	47,000	49,000	0	49,000	383	99.22%	
Travel	23,491	60,500	60,500	0	60,500	37,009	38.83%	
Telephone	6,150	20,000	20,000	0	20,000	13,850	30.75%	
Postage	10,553	40,000	40,000	0	40,000	29,447	26.38%	
Storage Space Rental	1,370	4,100	3,100	0	3,100	1,730	44.20%	
Equipment Rental	23,194	47,000	47,000	0	47,000	23,806	49.35%	
Insurance	27,456	34,000	34,000	0	34,000	6,544	80.75%	
Repair/Maintenance	15,729	40,000	40,000	0	40,000	24,271	39.32%	
Printing/Reproduction	63,915	103,000	103,000	0	103,000	39,085	62.05%	
Utilities (Elec, Gas, Water)	12,301	32,000	32,000	0	32,000	19,699	38.44%	
Advertising	7,705	9,550	9,550	1,000	10,550	2,845	73.03%	
Other Miscelleanous	1,384	7,250	5,250	0	5,250	3,866	26.37%	
Office Supplies	17,374	28,500	28,500	3,000	31,500	14,126	55.15%	
Computer Related Expenses	25,933	55,000	55,000	0	55,000	29,067	47.15%	
Publications	1,154	10,600	10,600	0	10,600	9,446	10.89%	
Professional Development	33,192	40,000	41,000	0	41,000	7,808	80.96%	
Meetings/Events	37,449	68,800	68,800	0	68,800	31,351	54.43%	
Capital Outlay-Operations	2,597	44,000	44,000	-4,000	40,000	37,403	6.49%	
Capital Outlay-Building	7,450	150,000	50,000	0	50,000	42,550	14.90%	
Long Term Debt	74,521	128,000	128,000	0	128,000	53,479	58.22%	
Allocation of Fringe/Indirect			0	0	0	0		
Reserve for Operation Expense			565,843	0	565,843	565,843		
Total Cash Outlays	1,884,521	4,392,169	4,258,012	0	4,258,012	2,373,491	44.26%	
Net Income/(Loss)	142,824	13,328	0	0	0			

NEP
Budget vs. Actual
For the month ending April 30, 2008

	CHNEP Actual	CHNEP Adopted Budget	NEP Amended Budget	CHNEP Requested Amendments	CHNEP Amended Budget	CHNEP VARIABLE	58.33%	CHENP Comments
Revenues								
Membership Dues		0	0		0	0		
Federal/State/Local Grants	718,644	1,113,316	1,113,316		1,113,316	394,672	64.55%	
Dri/Monitoring Fees		0	0		0	0		
Interest And Miscellaneous		0	0		0	0		
NEP/MPO Fringe/Indirect Support								
Carry Over Fund Balance		0	0		0	0		
Total Income	718,644	1,113,316	1,113,316	0	1,113,316	394,672		
Expenditures								
Direct:								
Salaries	148,787	291,416	291,416		291,416	142,629	51.06%	
FICA	0				0	0		
Retirement	0				0	0		
Health Insurance	0				0	0		
Workers Compensation	0				0	0		
Legal Fees	0				0	0		
Consultant Fees	0				0	0		
NEP Contractual	256,199	272,300	272,300		272,300	16,101	94.09%	
MPO Contractual	0				0	0		
Audit Fees	0				0	0		
Travel	8,802	21,500	21,500		21,500	12,698	40.94%	
Telephone	331	1,500	1,500		1,500	1,169	22.08%	
Postage	8,413	10,000	10,000		10,000	1,587	84.13%	
Storage Space Rental	478	1,000	1,000		1,000	522	47.80%	
Equipment Rental	0				0	0		
Insurance	0				0	0		
Repair/Maintenance	0				0	0		
Printing/Reproduction	61,981	83,000	83,000		83,000	21,019	74.68%	
Utilities (Elec, Gas, Water)	0				0	0		
Advertising	521	550	550		550	29	94.78%	
Other Miscelleanous	3	750	750		750	747	0.42%	
Office Supplies	3,913	1,500	1,500	3,000	4,500	587	86.95%	
Computer Related Expenses	1,684	3,000	3,000		3,000	1,316	56.15%	
Publications	425	500	500		500	75	85.00%	
Professional Development	5,508	8,500	8,500		8,500	2,992	64.80%	
Meetings/Events	26,610	33,800	33,800		33,800	7,190	78.73%	
Capital Outlay-Operations	0	6,000	6,000	-3,000	3,000	3,000	0.00%	
Capital Outlay-Building	0		0		0	0		
Long Term Debt					0	0		
Allocation of Fringe/Indirect	194,987		378,000		378,000	183,013		
Reserve for Operation Expense								
Total Cash Outlays	718,644	735,316	1,113,316	0	1,113,316	394,672	64.55%	
Net Income/(Loss)								

MPO
Budget vs. Actual
For the month ending April 30, 2008

	MPO Actual	MPO Adopted Budget	MPO Amended Budget	MPO Requested Amendments	MPO Amended Budget	MPO VARIABLE	58.33%	MPO Comments
Revenues								
Membership Dues		0	0		0	0		
Federal/State/Local Grants	335,088	1,761,749	1,161,749		1,161,749	826,661	28.84%	
Dri/Monitoring Fees		0	0		0	0		
Interest And Miscellaneous		0	0		0	0		
NEP/MPO Fringe/Indirect Support								
Carry Over Fund Balance		0	0		0	0		
Total Income	335,088	1,761,749	1,161,749	0	1,161,749	826,661		
Expenditures								
Direct:								
Salaries	129,147	388,839	388,839		388,839	259,692	33.21%	
FICA	0		0		0	0		
Retirement	0		0		0	0		
Health Insurance	0		0		0	0		
Workers Compensation	0		0		0	0		
Legal Fees	0		0		0	0		
Consultant Fees	0	118,000	0		0	0		
NEP Contractual	0		0		0	0		
MPO Contractual	25,173	710,150	228,150		228,150	202,977	11.03%	
Audit Fees	0		0		0	0		
Travel	1,317	9,000	9,000		9,000	7,683	14.63%	
Telephone	558	3,500	3,500		3,500	2,942	15.96%	
Postage	918	8,000	8,000		8,000	7,082	11.47%	
Storage Space Rental	0		0		0	0		
Equipment Rental	0		0		0	0		
Insurance	0		0		0	0		
Repair/Maintenance	0		0		0	0		
Printing/Reproduction	306	5,000	5,000		5,000	4,694	6.12%	
Utilities (Elec, Gas, Water)	0		0		0	0		
Advertising	6,374	6,000	6,000	1,000	7,000	626	91.06%	
Other Miscelleanous	166	500	500		500	334	33.20%	
Office Supplies	2,282	5,000	5,000		5,000	2,718	45.65%	
Computer Related Expenses	516	2,000	2,000		2,000	1,484	25.82%	
Publications	0	600	600		600	600	0.00%	
Professional Development	477	1,500	1,500		1,500	1,023	31.80%	
Meetings/Events	73	5,000	5,000		5,000	4,927	1.46%	
Capital Outlay-Operations	0	8,000	8,000	-1,000	7,000	7,000	0.00%	
Capital Outlay-Building	0		0		0	0		
Long Term Debt	0		0		0	0		
Allocation of Fringe/Indirect	167,780		490,660		490,660	322,880		
Reserve for Operation Expense								
Total Cash Outlays	335,088	1,271,089	1,161,749	0	1,161,749	826,661	28.84%	
Net Income/(Loss)								

Regional Planning Council
Budget vs. Actual
For the month ending April 30, 2008

	Total RPC Actual	RPC Adopted Budget	RPC Amended Budget	RPC Requested Amendments	RPC Amended Budget	RPC VARIABLE	58.33%	RPC Comments
Revenues								
Membership Dues	337,824	450,432	450,432		450,432	112,608	75.00%	
Federal/State/Local Grants	380,930	800,000	686,672		686,672	419,070	55.47%	
Dri/Monitoring Fees	232,479	250,000	250,000		250,000	17,521	92.99%	
Interest And Miscellaneous	22,380	30,000	30,000		30,000	7,620	74.60%	
NEP/MPO Fringe/Indirect Support		868,660	0		0			
Carry Over Fund Balance			565,843		565,843	0	0.00%	
Total Income	973,613	2,399,092	1,982,947	0	1,982,947	556,819		
Expenditures								
Direct:								
Salaries	601,971	1,052,164	1,052,164		1,052,164	450,193	57.21%	
FICA	70,257	125,000	125,000		125,000	54,743	56.21%	
Retirement	80,021	170,000	170,000		170,000	89,979	47.07%	
Health Insurance	116,431	230,000	230,000		230,000	113,569	50.62%	
Workers Compensation	4,130	15,000	15,000		15,000	10,870	27.53%	
Legal Fees	0	10,000	10,000		10,000	10,000	0.00%	
Consultant Fees	10,869	40,000	40,000		40,000	29,131	27.17%	
NEP Contractual	0							
MPO Contractual	0							
Audit Fees	48,617	47,000	49,000		49,000	383	99.22%	
Travel	13,373	30,000	30,000		30,000	16,627	44.58%	
Telephone	5,260	15,000	15,000		15,000	9,740	35.07%	
Postage	1,222	22,000	22,000		22,000	20,778	5.55%	
Storage Space Rental	892	3,100	2,100		2,100	1,208	42.49%	
Equipment Rental	23,194	47,000	47,000		47,000	23,806	49.35%	
Insurance	27,456	34,000	34,000		34,000	6,544	80.75%	
Repair/Maintenance	15,729	40,000	40,000		40,000	24,271	39.32%	
Printing/Reproduction	1,627	15,000	15,000		15,000	13,373	10.85%	
Utilities (Elec, Gas, Water)	12,301	32,000	32,000		32,000	19,699	38.44%	
Advertising	809	3,000	3,000		3,000	2,191	26.98%	
Other Miscelleanous	1,215	6,000	4,000		4,000	2,785	30.38%	
Office Supplies	11,179	22,000	22,000		22,000	10,821	50.81%	
Computer Related Expenses	23,732	50,000	50,000		50,000	26,268	47.46%	
Publications	729	9,500	9,500		9,500	8,771	7.68%	
Professional Development	27,207	30,000	31,000		31,000	3,793	87.77%	
Meetings/Events	10,766	30,000	30,000		30,000	19,234	35.89%	
Capital Outlay-Operations	2,597	30,000	30,000		30,000	27,403	8.66%	
Capital Outlay-Building	7,450	150,000	50,000		50,000	42,550	14.90%	
Long Term Debt	74,521	128,000	128,000		128,000	53,479	58.22%	
Allocation of Fringe/Indirect	-362,768		-868,660		-868,660	-505,892	41.76%	
Reserve for Operation Expense			565,843	0	565,843	565,843		
Total Cash Outlays	830,789	2,385,764	1,982,947	0	1,982,947	1,152,158	34.82%	
Net Income/(Loss)	142,824	13,328	0	0	0			

Regional Planning Council
Budget vs. Actual
For the month ending April 30, 2008

	DCA	HMEP/SQG/ EMERG	Economic Developmt.	Huricane Evac/Sea Level Rise	TDs	DRIs/ NOPCs	Other Contracts	Total RPC Special Rev.	General	Empl.Bene.	Total RPC General	Total RPC Actual
Revenues												
Membership Dues								0	337,824		337,824	337,824
Federal/State/Local Grants	221,153	40,352	17,664	44,405	37,225		20,131	380,930			0	380,930
Dri/Monitoring Fees						232,479		232,479			0	232,479
Interest And Miscellaneous								0	22,380		22,380	22,380
NEP/MPO Fringe/Indirect Support												
Carry Over Fund Balance								0			0	0
Total Income	221,153	40,352	17,664	44,405	37,225	232,479	20,131	613,409	360,204	0	360,204	973,613
Expenditures												
Direct:												
Salaries	99,924	4,145	16,317	18,880	11,361	90,319	8,644	249,589	210,014	142,367	352,381	601,971
FICA	0	0	0	0	0	0	0	0	0	70,257	70,257	70,257
Retirement	0	0	0	0	0	0	0	0	0	80,021	80,021	80,021
Health Insurance	0	0	0	0	0	0	0	0	0	116,431	116,431	116,431
Workers Compensation	0	0	0	0	0	0	0	0	0	4,130	4,130	4,130
Legal Fees	0	0	0	0	0	0	0	0	0	0	0	0
Consultant Fees	-5,961	1,300	0	0	0	13,580	0	8,919	1,950	0	1,950	10,869
NEP Contractual	0	0	0	0	0	0	0	0	0	0	0	0
MPO Contractual	0	0	0	0	0	0	0	0	0	0	0	0
Audit Fees	0	0	0	0	0	0	0	0	48,617	0	48,617	48,617
Travel	3,666	743	118	667	15	499	0	5,708	7,664	0	7,664	13,373
Telephone	0	0	309	305	0	154	0	767	4,493	0	4,493	5,260
Postage	14	0	226	0	0	22	0	262	960	0	960	1,222
Storage Space Rental	0	0	0	0	0	0	0	0	892	0	892	892
Equipment Rental	0	0	0	0	0	0	0	0	23,194	0	23,194	23,194
Insurance	0	0	0	0	0	0	0	0	27,456	0	27,456	27,456
Repair/Maintenance	0	0	0	0	0	0	0	0	15,729	0	15,729	15,729
Printing/Reproduction	0	0	0	0	0	0	0	0	1,627	0	1,627	1,627
Utilities (Elec, Gas, Water)	0	0	0	0	0	0	0	0	12,301	0	12,301	12,301
Advertising	0	0	50	0	84	0	0	135	675	0	675	809
Other Miscelleanous	0	0	0	0	0	0	0	0	1,215	0	1,215	1,215
Office Supplies	0	0	0	0	0	0	0	0	11,179	0	11,179	11,179
Computer Related Expenses	0	0	0	0	0	0	0	0	23,732	0	23,732	23,732
Publications	0	0	0	0	0	0	0	0	729	0	729	729
Professional Development	255	0	0	0	0	0	0	255	26,952	0	26,952	27,207
Meetings/Events	0	10,558	11	0	0	0	0	10,569	197	0	197	10,766
Capital Outlay-Operations	0	0	0	0	0	0	0	0	2,597	0	2,597	2,597
Capital Outlay-Building	0	0	0	0	0	0	0	0	7,450	0	7,450	7,450
Long Term Debt									74,521	0	74,521	74,521
Allocation of Fringe/Indirect	131,504	5,432	21,151	24,554	15,072	118,096	11,487	327,297	-690,065		-690,065	-362,768
Reserve for Operation Expense												
Total Cash Outlays	229,402	22,178	38,183	44,405	26,533	222,670	20,131	603,502	-185,919	413,206	227,287	830,789
Net Income/(Loss)												142,824

SWFRPC
Income Statement - Two Years
For the Seven Months Ending April 30, 2008

	Current Month This Year	Current Month Last Year	Year to Date This Year	Year to Date Last Year
Revenues				
Total Revenues	444,617.77	341,659.11	2,027,345.26	1,866,702.45
Expenses				
Salaries Expense	155,459.75	114,442.35	879,904.47	828,347.03
FICA Expense	11,738.10	8,638.71	70,256.94	64,186.76
Retirement Expense	12,253.84	11,784.62	80,020.92	79,040.60
Health Insurance Expense	13,068.05	13,901.02	116,431.32	110,553.80
Workers Comp. Expense	590.00	680.00	4,130.00	4,648.00
Grant/Consulting Expense	8,960.00	6,260.00	10,869.04	10,595.00
NEP-Contractual	30,373.79	42,684.82	256,199.06	200,194.53
MPO-Contractual	3,166.60	0.00	25,173.27	19,601.38
Audit Services Expense	0.00	0.00	48,617.00	39,000.00
Travel Expense	3,351.02	7,589.83	23,491.28	33,277.55
Telephone Expense	1,332.64	772.54	6,149.86	7,123.04
Postage / Shipping Expense	655.46	424.13	10,552.64	15,296.96
Storage Unit Rental	254.22	186.00	1,370.22	1,302.00
Equipment Rental Expense	4,107.89	3,137.75	23,194.23	22,437.53
Insurance Expense	0.00	0.00	27,455.93	29,877.52
Repair/Maint. Expense	4,665.83	1,299.99	15,729.00	9,030.89
Printing/Reproduction Expen	34,326.10	3,075.04	63,914.61	31,825.88
Utilities (Elec, Water, Gar)	1,591.75	1,873.86	12,300.87	13,044.72
Advertising Expense	1,303.39	718.41	7,704.55	4,181.76
Other Misc. Expense	556.00	40.00	1,384.39	524.65
Office Supplies Expense	2,893.20	1,787.17	17,373.72	12,247.48
Computer Related Expense	716.46	1,114.04	25,933.14	22,947.87
Publication Expense	63.90	266.31	1,154.40	695.09
Prof. Develop./Dues Expens	1,091.31	749.00	33,192.26	27,358.86
Meetings/Events Expense	6,678.44	283.61	37,449.35	19,595.18
Capitol Outlay Expense	0.00	5,088.38	2,596.80	21,216.96
Capitol Outlay - Building	0.00	0.00	7,450.00	0.00
Long Term Debt	10,645.92	10,645.92	74,521.44	74,521.44
Total Expenses	309,843.66	237,443.50	1,884,520.71	1,702,672.48
Net Income	$ 134,774.11	$ 104,215.61	$ 142,824.55	$ 164,029.97

Agenda Item

3c

Selection of a Community Transportation Coordinator For the Glades-Hendry Joint Service Area

3c

SELECTION OF A COMMUNITY TRANSPORTATION COORDINATOR FOR THE GLADES-HENDRY JOINT SERVICE AREA

RECOMMENDED ACTION: 1. Approve the recommendation of the SWFRPC's Competitive Procurement Proposal Review Team and authorize the Chairman to execute Resolution 08-03 attached.

Status of the Procurement Process

The Competitive Procurement Process was conducted for the Southwest Florida Regional Planning Council with the assistance of the staff of the Southwest Florida Regional Planning Council. A request for proposals (RFP) was published on March 7, 2008 and April 11, 2008 in the *Florida Administrative Weekly*, and on the Commission for the Transportation Disadvantaged's Web page. The RFP document (Number 08-2) became available March 24, 2008. A pre-proposal meeting was held on April 16, 2008. Only one company, Good Wheels, Inc., attended this meeting. Only one proposal was received from Good Wheels, Inc. who submitted their proposal by the deadline of April 24th.

• **Good Wheels, Inc.** This is the company that is presently serving as the Community Transportation Coordinator for the transportation disadvantaged program in Lee County under an existing contract with the Commission for the Transportation Disadvantaged. Good Wheels, Inc. is proposing to function as a partial brokerage[1].

Staff distributed copies of the RFP, the proposal received from Good Wheels, Inc., and a Scoring Criterion sheet to each member of the RFP review committee. The RFP Review Committee met on April 28, 2008 at 10:30 a.m. The Committee members were asked to review each proposal and make any notes on their respective Scoring Criterion sheet.

Evaluating the Proposals

According to the Request For Proposal, each proposal received was to be evaluated based upon a set of seven criteria. These seven criteria and the total possible points for each area were identified in the RFP:

[1]In a complete brokerage, the community transportation coordinator handles the administration of the program and subcontracts out all of the trips to qualified operators. In a partial brokerage, the community transportation coordinator handles the administration of the program and provides some of the trips itself, contracting out the remainder.

Criterion	Possible Points	Average Score of Applicant
1 – Demonstration of Experience and Ability of Transportation for Disadvantaged Persons	30	28
2 – Management Resources	20	19.33
3 – Established Coordinator Programs for Transportation Operators	20	19.33
4 - Financial Capacity to Undertake Project	25	7.33
5 - Proposers' cost proposal	7.5	6.67
6 – Minority Business Enterprise (MBE), Disadvantaged	5	0
7 – Responsiveness of Proposal to the RFP	10	9.5
TOTAL	**100**	**90.16**

A Competitive Procurement Review Committee was formed with the guidance of Mr. Heatherington, Executive Director, to review the proposals received. The members of the RFP Committee were: Liz Donley, SWFRPC Attorney, David Hutchison, SWFRPC Planning Director, and Deborah Kooi, SWFRPC Administrative Service Manager. In addition to these members, Lee County Local Coordinating Board member Fran Theberge volunteered to serve as an adviser to the Committee, due to her interest in transit and paratransit systems.

The Competitive Procurement Committee met on April 28, 2008. The Proposer had been invited to the meeting. The committee reviewed the qualifications section of the proposal received and scored and ranked them. After the qualifications sections in each of the proposals had been reviewed and ranked, the cost proposal was opened, reviewed and ranked by the Competitive Procurement Committee.

RESOLUTION 2008-03

A RESOLUTION OF THE SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL RECOMMENDING A COMMUNITY TRANSPORTATION COORDINATOR FOR THE GLADES & HENDRY JOINT SERVICE AREA IN FLORIDA TO THE COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

Whereas, the Southwest Florida Regional Planning Council is made up of elected officials representing the citizens of the aforementioned Counties; and

Whereas, according to Section 427.015 (2), F. S., the Southwest Florida Regional Planning Council, as the designated official planning agency is the organization that "shall recommend to the commission a single community transportation coordinator"; and

Whereas, the Southwest Florida Regional Planning Council sought a coordinator through a competitive procurement process; and

Whereas, the Southwest Florida Regional Planning Council has reviewed the proposals for coordinator and operator(s) for quality and cost of service; and

Whereas, based on that review, the Southwest Florida Regional Planning Council recommends the designation of Good Wheels, Inc., as community transportation coordinator for the Glades and Hendry joint service area;

NOW, THEREFORE, BE IT RESOLVED by the Southwest Florida Regional Planning Council the following:

1. The **SWFRPC** recommends to the Commission for the Transportation Disadvantaged Good Wheels, Inc. as the community transportation coordinator for the Glades and Hendry joint service area;

2. The **SWFRPC** directs its staff to present this recommendation to the Florida Commission for the Transportation Disadvantaged at its regular meeting on June 20, 2008.

3. The **SWFRPC** requests its staff to report to them the actions of the Commission at the SWFRPC's next regularly scheduled meeting.

DULY PASSED AND ADOPTED THIS 15th DAY OF MAY, 2008.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

BY:_____
Andrea Messina, Chairman

ATTEST:_____
Ken Heatherington, Executive Director

Agenda Item

3d

Premier Airport Park –

Preapplication Questionnaire

Checklist

3d

3d

AGENDA ITEM #3(d)

PREMIER AIRPORT PARK PREAPPLICATION QUESTIONNAIRE CHECKLIST FOR DRI ADA SUBMISSION

Background

On April 9, 2008, a preapplication meeting was held for the proposed Premier Airport Park Development of Regional Impact (DRI). The 225.7 ±-acre master-planned mixed use business park is located east of Treeline Avenue, north of Alice Road, immediately west of Airport Haul Road, and immediately south of the Southwest Florida International Airport (See attached Location Map). The project appears to be consistent with the Lee County Comprehensive Plan because it is in the Lee County Tradeport Future Land Use category. Attending the pre-application meeting were the applicant Andy Pribyl, consultants for the project, Lee County staff, FDOT, SFWMD, and SWFRPC staff. Other review agencies were unable to attend; however, they have received background information on the project and will be providing input throughout the review process.

Project Description

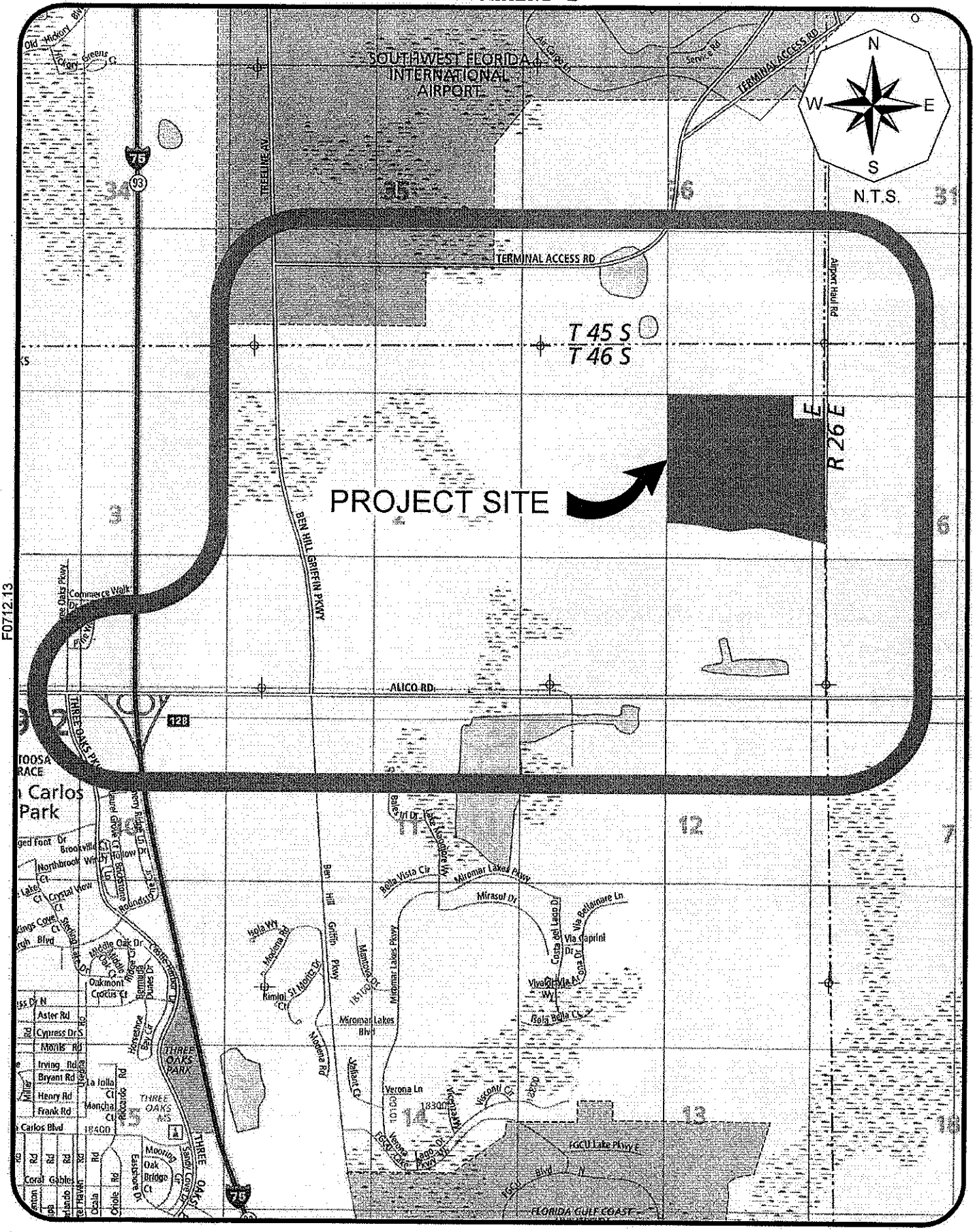
The project consists primarily of office/service industrial/warehouse buildings and office uses, and proposed ancillary retail uses to support the development. The development plan will include 1,852,500 square feet of industrial buildings, 160,000 square feet of office, and 30,000 square feet of ancillary retail. The project will have 46 acres of preserve area and approximately 28 acres of lakes. A conceptual master plan is attached (see Attachment II). The proposed buildout is to be completed in two phases. Phase I is proposed to commence in 2008 and Phase II is proposed to conclude in 2016 with a termination date of 2018.

Questionnaire Checklist (Attachment III)

Based on a review of the submitted preapplication information, all parties agreed to require the applicant to answer all applicable regional and local information requirements (see Attachment III).

RECOMMENDED ACTION: Approve the questionnaire checklist.

ATTACHMENT I


SOUTHWEST FLORIDA INTERNATIONAL AIRPORT
N
W
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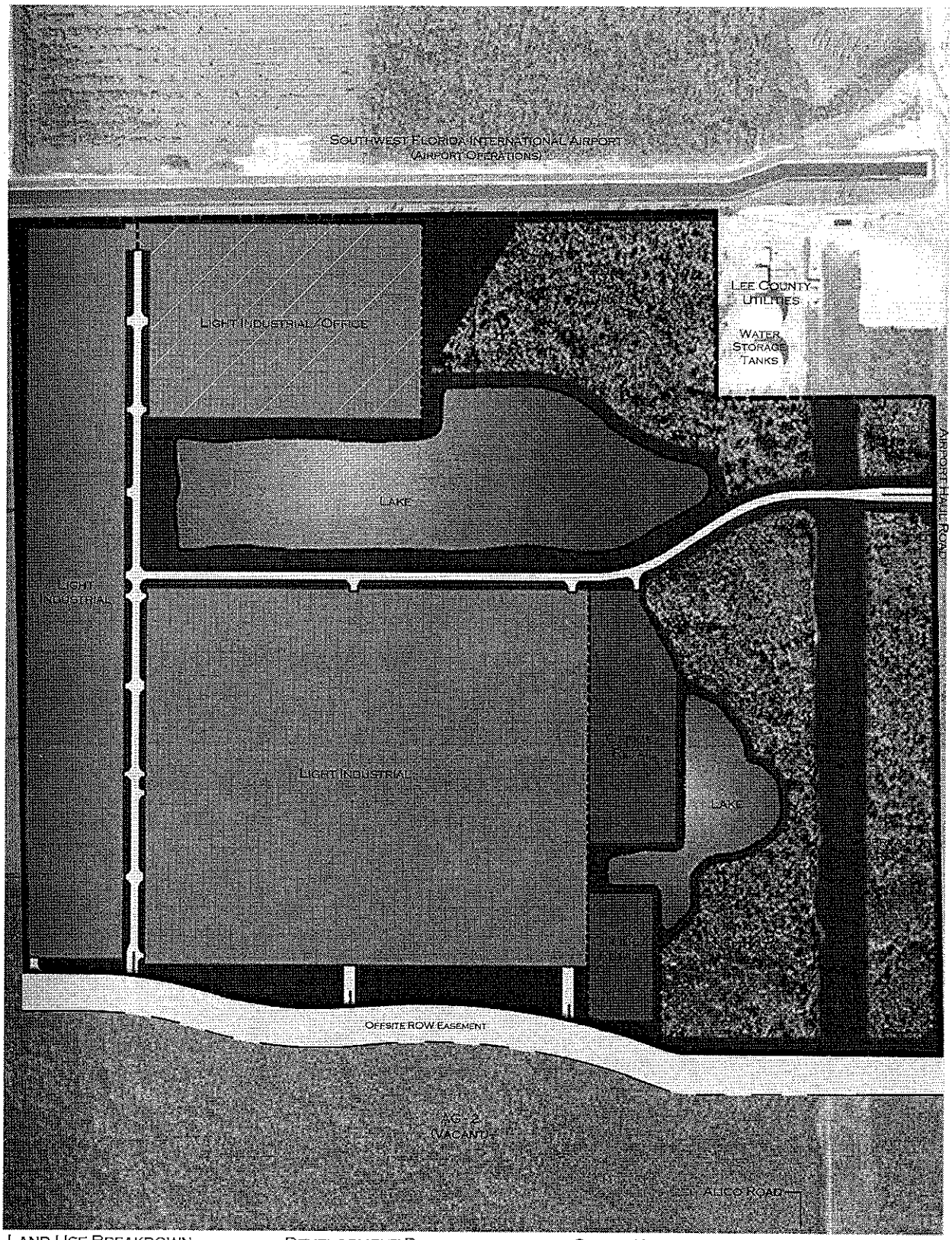
N.T.S.
TERMINAL ACCESS RD
TREELINE AV
T 45 S
T 46 S
R 26 E
PROJECT SITE
BEN HILL GRIFFIN PKWY
ALICO RD
THREE OAKS PKWY
Airport Haul Rd
Commerce Oaks Pkwy
Commerce Walk Dr
Miromar Lakes Pkwy
Bella Vista Cir
Mirasol Dr
Via Gaprini
Isola Wy
Modena Rd
Miromar Lakes Blvd
Verona Ln
Vallant Cir
FGCU Lake Pkwy E
FGCU Blvd
FLORIDA GULF COAST
THREE OAKS PARK
Aster Rd
Cypress Dr S
Morris Rd
Irving Rd
Bryant Rd
Henry Rd
Frank Rd
Carlos Blvd
Coral Gables
Oriole Rd
Oakmont Crocus Ct
Northbrook Wy
Crystal View Ct
Kings Cove Ct
Middle Oak Dr
Mooring Oak Bridge Ct
Eastshore Dr
Three Oaks Pkwy
Ben Hill Griffin Pkwy
Bella Vista Cir
Via Gaprini
Costa del Lago Dr
Via Bellamare Ln
Viva Gaprini Wy
Isola Bella Cs
Verona Lago Dr
Verona Lake Pkwy
Visconti Ct
Valiant Cir
Modena Rd
Rimini St Monte Dr
Mantova Dr
Miromar Lakes Pkwy
Bailey Hill Dr
Lake Lugano Wy
Brookville Dr
Hollow Dr
Brookstone Dr
Rolling Green Ln
Pebble Creek Ln
Pebble Creek Ct
Pebble Creek Dr



LAND USE BREAKDOWN	
LIGHT INDUSTRIAL	88.1 AC +\-
OFFICE	8.0 AC +\-
RETAIL	3.4 AC +\-
PRESERVE	28.3 AC +\-
LAKES	45.8 AC +\-
ROADWAYS	18.5 AC +\-
OPEN SPACE	33.6 AC +\-
	225.7 AC +\-

DEVELOPMENT PARAMETERS	
LIGHT INDUSTRIAL	1,852,500 SF
OFFICE	160,000 SF
RETAIL	30,000 SF
	2,042,500 SF

COLOR KEY

- LIGHT INDUSTRIAL
- COMMERCIAL
- CONSERVATION AREA
- OPEN SPACE
- LAKES

200 0 100 200
SCALE (1"=200')

PREMIER AIRPORT PARK

MASTER DEVELOPMENT PLAN

(PROPOSED MAP H)

PREPARED FOR:
PREMIER AIRPORT PARK

PREPARED BY:
MORRIS DEPEW
ENGINEERS • PLANNERS • SURVEYORS
LANDSCAPE ARCHITECTS

ATTACHMENT III

PREMIER AIRPORT PARK DRI
Questionnaire Checklist for DRI-ADA Submission

Question #	Subject	Regionally Significant Y/N	Answer Required Y/N	Special Notes
PART I Q. 1- 8	**APPLICANT INFORMATION**	N/A	Y	
PART II Q. 9	**MAPS**	N/A	Y	Will complete all maps in 11" x 17" format with a CD provided in each ADA. One set of Maps at 1" = 500' scale will be provided to agencies
	A. Site Location			
	B. Aerials			
	C. Topography			5' Contours
	D. Existing Land Use			
	E. Soils			
	F. Vegetation			1" = 200' to environmental agencies
	G. Transects			1" = 200' to environmental agencies
	H. Master Development Plan			
	I. Master Drainage Plan			
	J. Transportation			
10	**GENERAL PROJECT DESCRIPTION**	N/A	Y	
Part 1, A-E	Specific Project Description		Y	
Part 2, A-C	Consistency w/ LeePlan	Y	Y	
Part 3, A	Demographic & Employment	Y	Y	
Part 4, A-B	Impact Summary	Y	Y	
11. A.	Revenue Generation Summary	Y	Y	
Part III	**ENVIRONMENTAL RESOURCE IMPACTS**			

Question #	Subject	Regionally Significant Y/N	Answer Required Y/N	Special Notes
12. A-E	Vegetation and Wildlife	Y	Y	See Methodology
13. A-B SWFRPC 13.B.1	Wetlands	Y	Y	
14. A-C	Water	Y	Y	
15. A-D	Soils	N	N	
16. A-D	Flood Plains	Y	Y	
17. A-H	Water Supply	N	Y	
18. A-E	Wastewater Management	N	Y	
19. A-E	Stormwater Management	Y	Y	
20. A-C	Solid Waste/Haz. Materials	Y	Y	Agree to standard conditions
Part IV	**TRANSPORTATION RESOURCE IMPACTS**			
21. A-I SWFRPC A-I	Transportation	Y	Y	See Methodology
22. A-E SWFRPC Supp. Quest.	Air		Y	Answer SWFRPC Supp. Question
23. A-C SWFRPC 1-5	Hurricane Preparedness	N/A	N/A	
PART V	**HUMAN RESOURCE IMPACTS**			
24. A-C	Housing	Y	Y	Comment to one of three SWFRPC standard conditions
25. A-B	Police and Fire	N	Y	
26. A-E	Recreation & Open Space	N	N	
27. A-C	Education	N	N	
28.A	Health Care	N	N	
29. A-D	Energy	Y	Y	Agree to standard conditions
30. A-B	Historical & Archaeological	N	Y	
PART VI	**SPECIFIC DRI INFORMATION**			
31. A-F	Airports	N/A		

Question #	Subject	Regionally Significant Y/N	Answer Required Y/N	Special Notes
32. A-C	Attractions & Recreational Facilities	N/A		
33. A-C	Hospitals	N/A		
34. A-D	Industrial Plants & Parks	Y	Y	
36. A-D	Petroleum Storage Facilities	N/A		
37. A-H	Port and Marina Facilities	N/A		
38. A-C	Schools	N/A		

Agenda Item

3e

North Port Gardens DRI 2nd Sufficiency Response Extension Request

3e

3e

NORTH PORT GARDENS REQUEST FOR SUFFICIENCY RESPONSE EXTENSION

The applicant's agent for the North Port Gardens Development of Regional Impact Application for Development Approval (ADA) has requested a 90 day extension to the deadline for responding to the ADA's sufficiency questions. The Florida Administrative Code's DRI Rule 29I-4.001(5) allows the Executive Director of the Regional Planning Council to administratively grant an initial 45-day time extension to any sufficiency response period. The Executive Director granted a 45-day extension to the sufficiency response period on March 28, 2008 (please see Attachment I). The 45-day extension set the new deadline for sufficiency responses to May 19, 2008. The current deadline for sufficiency responses is May 19, 2008. The applicant has submitted a letter requesting a 90-day extension to the sufficiency response period (please see Attachment II). The new proposed deadline for sufficiency responses would be August 17, 2008. The Florida Administrative Code's DRI Rule 29I-4.001(5) states "Any further time extension, beyond the discretionary 45 day time extension, must be formally requested by the applicant and approved by the SWFRPC board at its regular monthly meeting, prior to expiration of the discretionary 45 day extension." The applicant's agent states this extension request is made "due to the current change in the applicant's partnership with Duke Construction LP and Jeffrey R. Anderson Real Estate and the desire to effectively represent and present this project to the agencies within the Region as well as the Florida Department of Community Affairs."

Staff recommends approval of this extension.

ATTACHMENT I

Southwest Florida Regional Planning Council

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

March 28, 2008

Mr. Peter Van Buskirk
Kimley-Horn and Associates, Inc.
2700 Bobcat Village Center Road, Suite 100
North Port, FL 34232

RE: Request for 45 day time extension for the North Port Gardens sufficiency responses

Dear Mr. Van Buskirk:

The Florida Administrative Code's DRI Rule 29I-4.001(5) allows the Executive Director to administratively grant an initial 45-day time extension to any sufficiency response period. FAC Rule 29I-4.001(5) reads in part, "The SWFRPC Executive Director, at his discretion, may grant an additional 45 day extension, upon formal written request for an extension by the applicant. Any further time extension, beyond the discretionary 45 day time extension, must be formally requested by the applicant and approved by the SWFRPC board at its regular monthly meeting, prior to expiration of the discretionary 45 day extension." We will approve your request for a 45 day extension. Initially, your sufficiency responses were due by April 04, 2008. Your new deadline for sufficiency responses is now May 19, 2008. **If you would like to extend the deadline further, please send a written request on or before May 5, 2008 so we can schedule your item to be heard before the Council**. If you have any questions or need additional information, please let me know.

Sincerely,

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

Ken Heatherington
Executive Director

KH/ju

Enclosure

cc: Applicant, City of North Port, Reviewing Agencies

ATTACHMENT II

RAILEY & HARDING, PA
ATTORNEYS AT LAW

HOWARD M. ALLEN
ALSO ADMITTED IN COLORADO
PATRICK R. DELANEY
ALSO ADMITTED IN NEW JERSEY & PENNSYLVANIA
ROBERT L. HARDING
DAVID J. LABOVITZ
ALSO ADMITTED IN ILLINOIS
LILBURN R. RAILEY, III
MARK S. REISINGER
ALSO ADMITTED IN VIRGINIA

20 NORTH EOLA DRIVE
ORLANDO, FLORIDA 32801
PHONE (407) 648-9119
FAX (407) 648-8049

www.raileyharding com

May 7, 2008

Mr. Jason Utley, Assistant DRI-Coordinator
Southwest Florida Regional Planning Council

Re: North Port Gardens Development of Regional Impact, Application for Development Approval

Dear Mr Utley:

In response to your letter of March 28, 2008 noting the Second Sufficiency Response for the North Port Gardens Development of Regional Impact and the deadline to resubmit this Response by May 19, 2008, my client, Mr Michael D. Dinkel representing North Port Investments #1 - #4, an applicant and authorized agent for the North Port Gardens DRI, requests an extension in the filing of the Second Sufficiency Response. Per a subsequent email response, one extension can be/was approved administratively by Mr. Ken Heatherington and any subsequent extension(s) would need to be reviewed and approved by the SWFRPC Board. Mr Dinkel formally requests a 90 day extension due to the current change in the applicant's partnership with Duke Construction LP and Jeffrey R. Anderson Real Estate and the desire to effectively represent and present this project to the agencies within the Region as well as the Florida Department of Community Affairs It is our intent to complete the necessary review and analysis requested in the Second Sufficiency Response and provide the necessary information for the project to continue within an acceptable time period

We appreciate your assistance with this request and ask that you forward this to your Board for their consideration. We can be available to present this request as needed

Sincerely,

Robert L. Harding

RLH/cwc

Agenda Item

3f

Collier County Comprehensive Plan Amendments (DCA 08-1)

3f

3f

LOCAL GOVERNMENT COMPREHENSIVE PLAN AMENDMENTS
COLLIER COUNTY

The Council staff has reviewed proposed amendments to the Collier County Comprehensive Plan (DCA 08-RAEC1). These amendments were developed under the Local Government Comprehensive Planning and Land Development Regulation Act. A synopsis of the requirements of the Act and Council responsibilities is provided as Attachment I. Comments are provided in Attachment II. Site location maps can be reviewed in Attachment III.

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

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

A summary of the results of the review follows:

Proposed Amendment	Factors of Regional Significance			
	Location	Magnitude	Character	Consistent
CP-2006-1 (Immokalee Area Master Plan)	yes	no	yes	(1) regionally significant; (2) consistent with SRPP

RECOMMENDED ACTION: Approve staff comments. Authorize staff to forward comments to the Department of Community Affairs and Collier County.

Attachment I

Comprehensive Plan Amendments

A local government may amend its plan twice a year. (Amendments related to developments of regional impact, certain small developments, compliance agreements, and the Job Siting Act are not restricted by this limitation.) Six copies of the amendment are sent to the Department of Community Affairs for review. A copy is also sent to the regional planning council, the water management district, the Florida Department of Transportation, and the Florida Department of Environmental Protection.
[s. 163.3184(3)(a)]

The proposed amendment will be reviewed by DCA in two situations. In the first, there must be a written request to DCA. The request for review must be received within forty-five days after transmittal of the proposed amendment. [s. 163.3184(6)(a)] Review can be requested by one of the following:

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

In the second situation, DCA can decide to review the proposed amendment without a request. In that case, DCA must give notice within thirty days of transmittal.
[(s. 163.3184(6)(b)]

Within five working days after deciding to conduct a review, DCA must forward copies to various reviewing agencies, including the regional planning council. [s. 163.3184(4)]

Regional Planning Council Review

The regional planning council must submit its comments in writing within thirty days of receipt of the proposed amendment from DCA. It must specify any objections and may make recommendations for changes. The review of the proposed amendment by the regional planning council must be limited to "effects on regional resources or facilities identified in the strategic regional policy plan and extra-jurisdictional impacts which would be inconsistent with the comprehensive plan of the affected local government."
[s. 163.3184(5)]

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

NOTE: THE ABOVE IS A SIMPLIFIED VERSION OF THE LAW. REFER TO THE STATUTE (CH. 163, FS) AND THE RULE (9J-11, FAC) FOR DETAILS.

Attachment II

SWFRPC COMMENTS
Collier County Comprehensive Plan Amendments

Petition CP-2005-2 (Immokalee Area Master Plan)

This request is to amend the Immokalee Area Master Plan (IAMP) on a parcel of land containing 164.87± acres. The property is located in the southern portion of Immokalee, on east side of Immokalee Road (CR 846), approximately one-quarter mile south of Stockade Road. The subject site is currently zoned A-MHO, Rural Agricultural with a Mobile Home Overlay. The existing Comprehensive Plan land use designation is Urban (Mixed Use , Low Residential Subdistrict) on the IAMP Future Land Use Map (FLUM). The subject site is located within the Rural Area of Critical Economic Concern (RACEC) Designation and a Community Redevelopment Area (CRA).

The petitioner is requesting approval for a new subdistrict, consisting of a maximum of 1,000,000 square feet of leaseable floor area for various Business Park zoning district, Industrial uses, select Agricultural uses, select uses allowed within the General Office (C-1), Commercial Convenience (C-2), and Commercial Intermediate (C-3) zoning districts as identified in the Collier County Land Development Code.

Regional Significance

The Immokalee area has been defined by the State as a location where special conditions are present and unique economic incentives are needed to address the issue. The Immokalee area has been identified as a Rural Area of Critical Economic Concern (RACEC). Florida statues define a RACEC as a region composed of rural communities adversely affected by extraordinary economic events. Immokalee along with the Counties of Desoto, Glades, Hardee, Hendry, Highlands, Okeechobee, and the Cities of Belle Glade, Pahokee, and South Bay (in Palm Beach) were re-designated as the South Central Florida Rural area of Critical Economic Concern in 2006.

Designated communities receive priority assistance from the State and Regional agencies through the Rural Economic Development Initiative (REDI) to further their economic goals – retain job and create jobs, enhance the community, and facilitate long-term private capital investment.

In addition to REDI assistance, the RACEC designation allows for the submittal of Growth Management Plan amendments without regard to the statutory limits on the frequency of adoption of amendments to the comprehensive plan, provided the proposed amendment meets the State's economic development objectives. The proposed development has been submitted under the RACEC designation.

Attachment II

In order to assess the proposed project's potential economic impacts on the community, County staff reviewed the FIAM model run for the project and has stated that the following conclusions based on the applicant's submission:

1. An average of 2,101 jobs annually is forecasted through permanent and construction related impacts during the build-out period;
2. Direct and indirect total output or sales within the area is expected to average $183.1 million each year during build-out;
3. The project is expected to produce 3,212 permanent and construction jobs annually after project completion;
4. Approximately $275.5 million in output/total sales and approximately $95.2 million in earnings is expected after project buildout;
5. Estimates of approximately 40 percent or 1,300+ jobs are expected to be within the high wage category, as defined by the Economic Development council of Collier County ($43,339+ annually); and
6. A significant number of employees for the jobs generated by the project will come from the Immokalee area.

County staff has stated and Council Staff agrees that:

1. The subject request will add 1,000,000 square feet of light industrial and commercial uses at the subject location. The IAMP Land Use Designation Description Section clearly identifies the Commerce Center – Mixed Use Subdistrict and Industrial District as the intended employment centers for the local and regional population.
2. Goals contained in both the IAMP and the Redevelopment Plan target these specific areas for economic growth. Conversely, the Low Residential Subdistrict does not allow intensive commercial and industrial development, but rather low density residential development intended to serve as a transition between urban and rural lands.
3. The IAMP and the Redevelopment Plan contain goals and related objectives that can be construed to encourage or promote economic development throughout the Urban Area – Goal 1 and Objective 6.1 of the IAMP and the Economic goal and Objectives of the Redevelopment Plan.
4. Based on the industrial analysis prepared by the applicant and the analysis prepared by FGCU, business park acreage is needed currently and in the future to support countywide employment growth.
5. Business Park uses may be deemed appropriate on the subject site, if the project is found consistent with the Transportation Element, and the applicant agrees to provide buffer and land use transitions as part of the project's overall design and development.
6. Based on the County staff's analysis of the existing and future commercial acreage allowed by the IAMP and the proposed commercial development approved and allowed within the RLSA, there is sufficient commercial acreage available to serve the community and regional markets.
7. Based on the FIAM, high wage jobs will be created and TIF revenues generated (which furthers the goals of the CRA Plan and RACEC Designation).

Attachment II

Based on the County staff analysis, it was found that the transportation impacts associated with the proposed development can not be considered consistent with Policy 5.1 of the County's Comprehensive Plan Transportation Element, unless specific mitigation stipulations are also approved.

The County staff report states that the proposed amendment would permit the submission of a future rezone application and subsequent development order that would create approximately 543 PM peak hour, peak direction trips on the immediately adjacent link (Immokalee Road). Immokalee Road is a two lane undivided facility and has a current service volume of 860 trips, with a remaining capacity of approximately 445 trips between Oil Well Road and SR 29; and currently at LOS "B" as shown in the 2007 AUIR. The TIS assumes improvements that are consistent with the Long Range Transportation Plan, but not consistent with projects identified in the current five year Capital Improvement Element (CIE). It should also be noted that without improvements, several intersections will not operate at an acceptable level of service. The project will require extensive improvements to the adjacent roadway and at the project access points.

County staff recommended that the project provide mitigation that would be further defined at the rezoning stage of the development's review and approval. These mitigation strategies could include one or more of the following:

1. Inclusion of an on-site transit center to serve the development.
2. Dedication of land for a future road maintenance facility within the development or off-site.
3. Subsidized transit service for employees.
4. Dedicated transit service to Immokalee center or other appropriate locations.
5. Proportionate share payments and intersection improvements that will be identified at the time of rezoning.
6. Developer initiated roadway widening adjacent to the project and intersection improvements to Camp Keais Road / Immokalee Road and at Immokalee Road and SR 29.
7. Dedicated right-of-way for the above mentioned improvements and roadway stormwater management.

County staff in their analysis also stated that it should be noted that the facilities identified as failing in the review are not identified in the Long Range Transportation 2015 financially Feasible Plan. Changes currently being considered by the DCA that alter the ability of the County to collect impact fees, regulate growth and maintain concurrency would significantly hinder the County's authority to require improvements at a later stage of approval consistent with maintaining a satisfactory level of service. County staff recommended to the BoCC that it would be consistent to transmit this project with the stipulations previously mention above, but prior to adoption, the County will reevaluate the project for consistency with the current rules and assess financial feasibility to construct the necessary improvements that would be required to maintain the current level of service standards.

Attachment II

Based on the applicant's environmental submittal, environmentally the proposed project's environmental situation is as follows:

1. The subject site is primarily composed of active citrus grove, with some spoil areas. There are several isolated and degraded wetland areas and farm ditches. The site has three wetland areas totaling 8.5± acres. These wetlands are of low quality and contain exotic and nuisance vegetation. The largest wetland (4.2± acres) on the site and the majority of the northern wetland (2.7± acres) will be preserved.
2. Five (5) soil units were mapped on the site: Pomello fine sand (non-hydric), Oldsmar fine sand (non-hydric), Chobee, Winder, Gator Soils Depressional (non-hydric), Holopaw fine sand (hydric), and Wabasso fine sand (non-hydric).
3. The listed species observed on site include the American alligator and a little blue heron within the northwestern isolate wetland and an Audubon's crested caracara adjacent to the westernmost preserved wetland.

The County's environmental specialists reviewed the applicant's environmental report and provided the following comments:

1. No special environmental concerns are associated with the establishment of the proposed subdistrict on the proposed project site.

Region Issues of Interest

Affordable Housing
While affordable housing is available in Immokalee, the amount of low and moderate income housing will be substantially impacted by the future development of this project. Collier County will provide for the mitigation requirements of this project.

Water Quality
This project given its future commercial and industrial uses has the potential to substantially impact water quality of the region in so much that the runoff from the site. SFWMD standards will utilized to maintain runoff on the site and treatment will be require before any stormwater is released into the areas natural flowways.

Regional Consistency

Based on the application's information and the County staff comments, Council staff reviewed the proposed project to assess the DRI status and the related regional impacts. Council staff recognizes the proposed development is located in an area identified by the State as a Rural Area of Critical Economic Concern. By being located in this area, the project is allowed to develop at two and one half the current DRI thresholds found in the State statutes. While this project would under normal circumstances be a DRI, its special location exempts that finding. Council staff therefore finds that the project is not a DRI. Final determination of this status will be made by

Attachment II

the DCA. However, due to its location and character, Council staff believes that the project will have significantly impact regional environmental and transportation resources. Therefore the Council staff finds that this request is regionally significant. Council staff also finds that the need for commercial, office and industrial uses and job opportunity creation in the region and the mixed use plan of the development as proposed is found by Council staff to be consistent with the following Goal, Strategy and Action of the Strategic Regional Policy Plan, July 4, 2002:

Economic Infrastructure

Goal 1: A well-maintained social, health, and educational infrastructure to support business and industry.

Strategy: Continually improve the educational system to produce an educated and trained work force.

Action 1: Use the economic advisory committees to assist in the exchange of information between the educational system and the business community about business needs.

Action 2: Use the economic advisory committees to advise educational institutions to increase upper division and graduate level studies through programs appropriate to regional needs.

Action 3: Review proposed development impacts on and opportunities to provide needed educational facilities and services.

Strategy: Ensure a health care system that addresses the needs of both business and the work force

Action 1: Participate in the study of health insurance options for employers and employees.

Action 2: Review proposed development for impacts on and opportunities to provide needed health care facilities and services.

Strategy: Maintain the physical infrastructure to meet growth demands.

Action 1: Review plan amendments, development proposal, and clearinghouse items for public facility deficits and encourage mitigation of those deficits.

Action 2: Assist local governments and state agencies in planning for future support service facilities, before the need arises.

Action 3: Review proposed public facilities to ensure their location in urban areas that have in place, or are covered by binding agreements to provide, the resources and facilities for desired growth in an environmentally acceptable manner.

Action 5: Review proposed public facilities and services to ensure that costs are allocated on the basis of benefits received by existing and future residents.

Action 6: Review proposed development to require the developer to install or finance the necessary infrastructure and to provide land for the needed support services.

Action 7: Assist local governments to obtain funding to maintain, improve, or expand their infrastructure.

Attachment II

Strategy: Ensure the adequacy of lands for commercial and industrial centers, with suitable services provided.

Action 1: Map or assist in mapping the appropriate distribution of urban uses for growth.

Action 2: Identify existing urban lands and transportation corridors for development or redevelopment, and ensure adequate access and services are provided.

Action 3: Include in planning efforts the recognition of lands with natural capacity, accessibility, previous preparation for urban purposes, and adequate public facilities.

Action 4: Participate, coordinate, or promote intergovernmental coordination for siting unpopular land uses.

Action 5: Review proposed development for increased densities and infill in suitable urban areas.

Strategy: Ensure the availability of the infrastructure needed for advanced telecommunication and high-technology.

Action 1: Inventory existing high-technology infrastructure and promote efforts to eliminate impediments.

Action 2: Promote public and private efforts to monitor and anticipate the need for high-technology infrastructure and to evaluate funding sources to meet those demands.

Action 3: Participate with public and private entities to address potential conflicts due to the placement of communication towers and similar high-technology infrastructure.

Strategy: Ensure adequate infrastructure for rural areas.

Action 1: Advocate the prioritization of public discretionary technical assistance and infrastructure grants for rural areas with inadequate infrastructure.

Action 2: Evaluate locally undesirable land uses as part of rural economic development.

Action 3: Assist rural local governments to develop grant applications.

Conclusion

The proposed amendment requested in this petition is found by Council staff to be regionally significant and consistent with the SRPP.

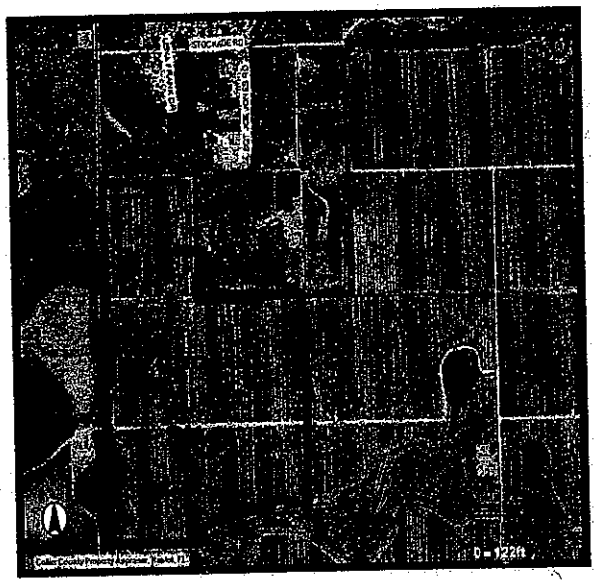
Attachment III

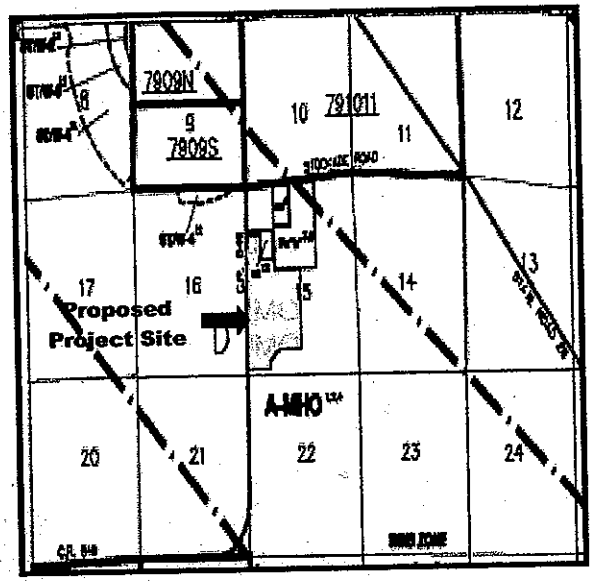
Maps

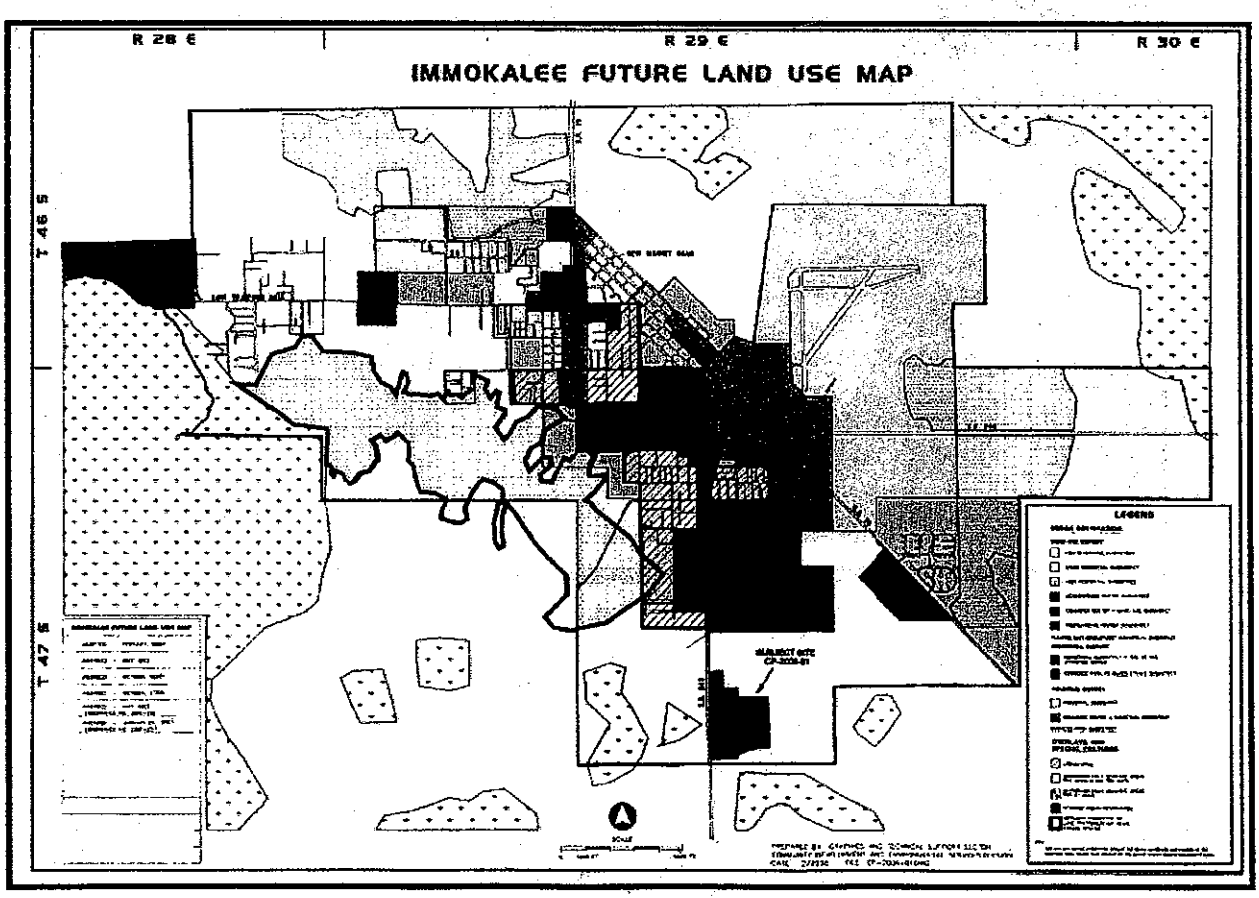
Collier County
DCA 08-RAEC1

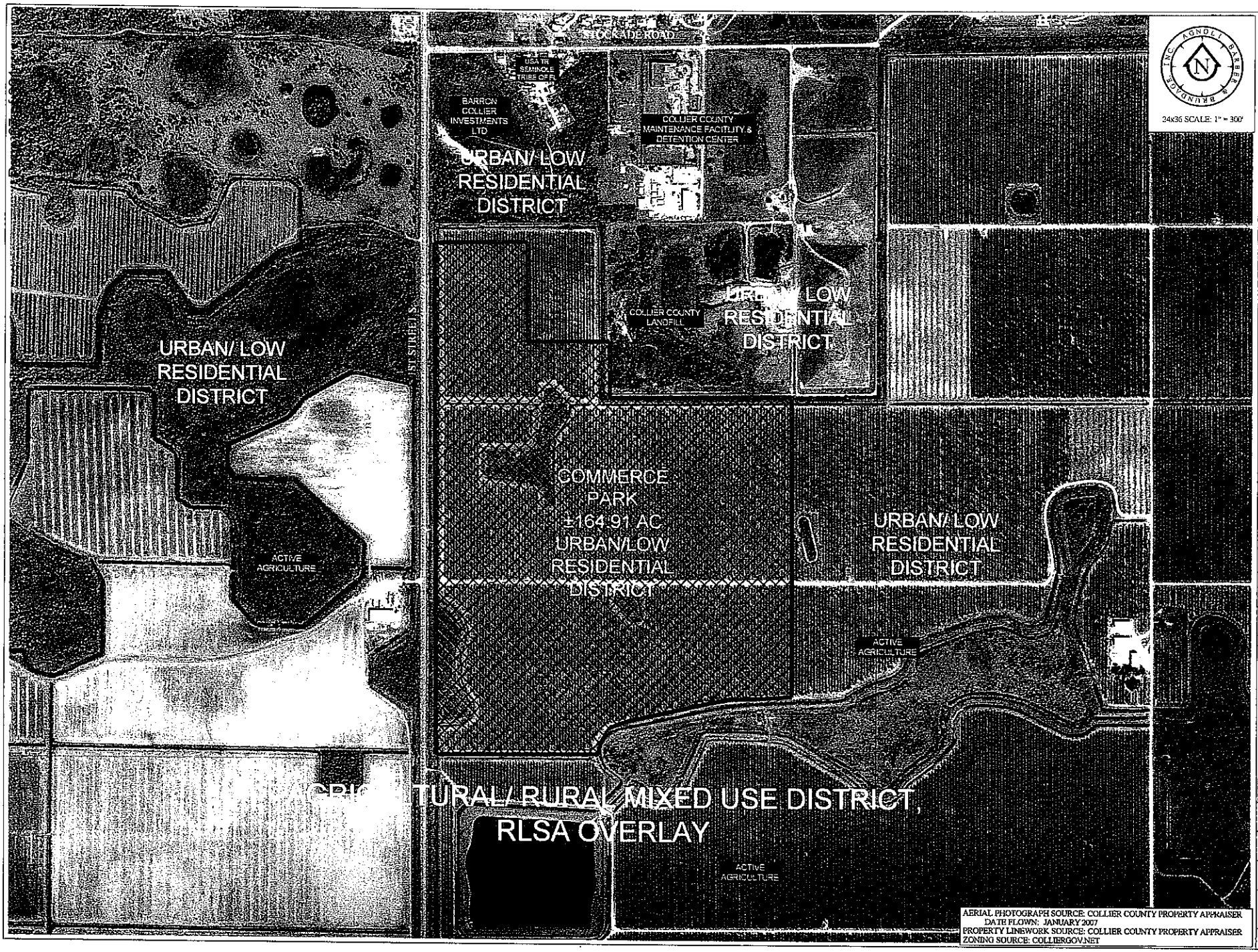
Proposed Comprehensive Plan Amendments
Site Locations

SITE LOCATION MAPS









AGNOLI BARBER & BRUNDAGE, INC.
Professional engineers, planners, & land surveyors
Certificate of Authorization No. LB 3661 and EB 3661

Collier Group
7140 Terminal Trail, North, Suite 204
Naples, FL 34109
Phone: (239)597-1311
Fax: (239)597-3665

Lee County:
4980 Colonial Rd., Suite 140
Fort Myers, FL 33905
Phone: (239)939-1020

CLIENT NAME: SILVER STRAND III PARTNERSHIP
2600 GOLDEN GATE PARKWAY
NAPLES, FL 34105

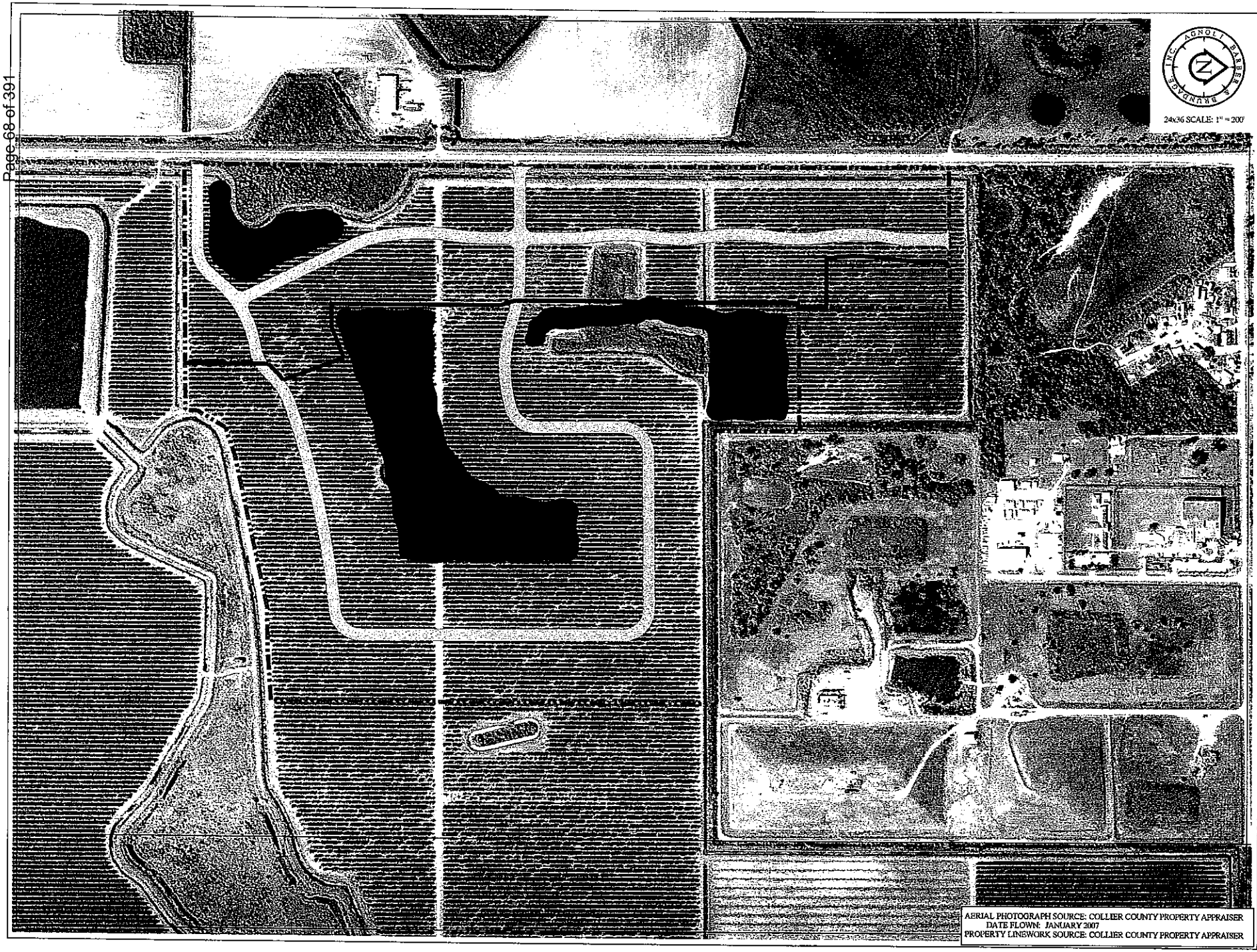
PROJECT NAME: COMMERCE PARK @ SILVER STRAND SUBDISTRICT

DRAWING TITLE: *FUTURE LAND USE MAP*
EXHIBIT V.A2 & V. B

DESIGNED BY: DJA
DRAWN BY: RAF
CHECKED BY: DJA
REVIEWED BY: FJR
HORIZ. SCALE: 1" = 500'
VERT. SCALE:
DATE: JANUARY 2008

REVISIONS:

ACAD FILE NAME: 9223-Land Use Map
AGB PROJECT #: 05-0125
PLOT VIEW \ LAYOUT: exhibit
SHEET 1 OF 1
Acad File #: 9223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AGNOLI BARBER & BRUNDAGE, INC.
Professional engineers, planners & land surveyors
SILVER STRAND III PARTNERSHIP
2600 GOLDEN GATE PARKWAY
NAPLES, FL 34105
COMMERCE PARK @
SILVER STRAND SUBDISTRICT
CONCEPTUAL LAYOUT
DESIGNED BY: DJA
DRAWN BY: DLL
CHECKED BY: DJA
REVIEWED BY: PJR
HORIZ. SCALE: 1" = 200'
VERT. SCALE:
DATE: APRIL 2006
ACAD FILE NAME:
9223bubble plan.dwg
ABB PROJECT #
05-0125
PLOT VIEW \ LAYOUT
exhibit
SHEET 1
OF 1
9223
AERIAL PHOTOGRAPH SOURCE: COLLIER COUNTY PROPERTY APPRAISER
DATE FLOWN: JANUARY 2007
PROPERTY LINEWORK SOURCE: COLLIER COUNTY PROPERTY APPRAISER

Agenda Item

3g

Approval of the FY 2008/09

TD Planning Grant Applications

3g

3g

APPROVAL OF THE 2008-2009 TRANSPORTATION DISADVANTAGED PLANNING GRANT APPLICATIONS

Rule 41-2.014 (2)(b) *Florida Administrative Code* describes planning related grant funds as those that may be used by the Designated Official Planning Agency, which for the Glades and Hendry Counties is the Council, to assist in their responsibilities under Chapter 427, *Florida Statutes*. This includes support to the Local Coordinating Board, (LCB) with emphasis on implementing services for the non-sponsored transportation disadvantaged in the area. The money comes from the Transportation Disadvantaged Trust Fund, which was set up to provide a dedicated funding source for the operational and planning expenses of the Commission for the Transportation Disadvantaged (CTD) in carrying out its legislative responsibilities. The Planning funds are separate from the funds provided for the non-sponsored trips, which are also drawn from the Trust Fund.

For the 2008-2009 fiscal year, which runs from July 1, 2008 to June 30, 2009, the planning grant allocations for the counties are:

County	**Allocation**
Glades & Hendry Joint Service Area	$35,098

The grant application, which contains Resolution 2008-04 which authorizes the Southwest Florida Regional Planning Council (SWFRPC) to file the grant, is provided as an Attachment.

RECOMMENDED ACTION:

1. Review and approve the Planning Grant application for fiscal year 2008-2009, for Glades and Hendry County and authorize the Chairman to execute Resolution 2008-04.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
RESOLUTION #08-04

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL (APPLICANT), HEREINAFTER BOARD, HEREBY AUTHORIZING THE EXECUTIVE DIRECTOR OF THE SOUTHWEST REGIONAL PLANNING COUNCIL TO FILE A TRANSPORTATION DISADVANTAGED TRUST FUND GRANT APPLICATION WITH THE FLORIDA COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

WHEREAS, this BOARD has the authority to file a Transportation Disadvantaged Trust Fund Grant Application and to undertake a transportation disadvantaged service project as authorized by Section 427.0159, Florida Statutes, and Rule 41-2, Florida Administrative Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD THAT:

1. The BOARD has the authority to file this grant application.

2. The BOARD authorizes Ken Heatherington to file and execute the application on behalf of the BOARD with the Florida Commission for the Transportation Disadvantaged.

3. The BOARD'S Registered Agent in Florida is Liz Donley. The Registered Agent's address is 1926 Victoria Avenue, Fort Myers, FL 33901.

4. The BOARD authorizes Ken Heatherington to sign any and all agreements or contracts which are required in connection with the application.

5. The BOARD authorizes Ken Heatherington to sign any and all assurances, reimbursement invoices, warranties, certifications and any other documents which may be required in connection with the application or subsequent agreements.

DULY PASSED AND ADOPTED THIS 15th DAY OF MAY, 2008.

BOARD OF SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

_____
Andrea Messina, Chairman
Southwest Florida Regional Planning Council

_____
Ken Heatherington, Executive Director
Southwest Florida Regional Planning Council

ATTEST:

_____
Signature

Agenda Item

4

SOUTH LABELLE VILLAGE STAFF ASSESSMENT

4

4

STAFF RECOMMENDATIONS

Agenda Item #4

DEVELOPMENT OF REGIONAL IMPACT ASSESSMENT FOR "SOUTH LABELLE VILLAGE"

DRI # 11-0607-176

The South LaBelle DRI is a master planned community located in the incorporated City of LaBelle, Hendry County, Florida, south of State Road 80, and west of State Road 29. The property includes about 1,018.0 acres. The South LaBelle DRI includes 2,500 residential units, 220,000 square feet of retail uses, 50,000 square feet of office uses, approximately 50,000 square feet of quasi-public uses, such as a YMCA, and civic uses, such as schools, government offices, and other government uses, 273 acres of common and private open space and related accessory uses to serve the development. Parks, clubhouses, and community centers shall be accessory uses and shall not be subtracted from the retail or office square footage. Water and wastewater supply will be provided by the City of LaBelle. The project is estimated to break ground in 2008 to 2010 with buildout in 2014 to 2016.

RECOMMENDED ACTION:

The Southwest Florida Regional Planning Council recommends Conditional Approval of the South LaBelle DRI to be further conditioned on a finding of Consistency with the Local Government Comprehensive Plan by the City of LaBelle City Commissioners.

MAY 15, 2008

Southwest Florida Regional Planning Council
1926 Victoria Ave, Fort Myers, Florida

DEVELOPMENT OF REGIONAL IMPACT ASSESSMENT FOR "SOUTH LABELLE VILLAGE"

DRI # 11-0607-176

MAY 15, 2008

Southwest Florida Regional Planning Council
1926 Victoria Ave, Fort Myers, Florida

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(Governor Appointee Vacancy)

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Mr. Jon Iglehart, FDEP
Ms. Dianne Davies, SWFWMD
Mr. Johnny Limbaugh, FDOT

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DAVID HUTCHINSON...PLANNING DIRECTOR
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Judy Ott
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Brian Raimondo
Angela Tomlinson
Daniel L. Trescott
Gaila Triggs
Jason Utley
Timothy Walker
Janice Yell

PRIMARY STAFF FOR
SOUTH LABELLE VILLAGE DRI REVIEW

Coordinator - Daniel L. Trescott

Consistency with the Strategic Regional Policy Plan - Daniel L. Trescott

Consistency with the Local Comprehensive Plan – David Crawford

Education, Energy, Floodplains, Recreation and Open Space and Transportation – Jason Utley

Historical and Archaeological Sites, Stormwater Management, Vegetation and Wildlife, Wetlands, Water and Water Supply and Wastewater Management – Jim Beever

Police and Fire Protection, Solid, Hazardous and Medical Waste - John Gibbons

Transportation – David Hutchinson

Economy, Revenue Generation and Affordable Housing – Moji Abimbola

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Appendix VIII: South Florida Water Management District Comments VIII-1

INTRODUCTION

The South LaBelle DRI is a master planned community located in the incorporated City of LaBelle, Hendry County, Florida, south of State Road 80, and west of State Road 29. The property includes about 1,018.0 acres. The South LaBelle DRI includes 2,500 residential units, 220,000 square feet of retail uses, 50,000 square feet of office uses, approximately 50,000 square feet of quasi-public uses, such as a YMCA, and civic uses, such as schools, government offices, and other government uses, 273 acres of common and private open space and related accessory uses to serve the development. Parks, clubhouses, and community centers shall be accessory uses and shall not be subtracted from the retail or office square footage. Water and wastewater supply will be provided by the City of LaBelle. The project is estimated to break ground in 2008 to 2010 with buildout in 2014 to 2016.

The impact assessment for the South LaBelle DRI/ADA has been prepared by the Southwest Florida Regional Planning Council as required by Chapter 380.06, Florida Statutes. The DRI assessment is largely based on information supplied in the ADA. Additional information was obtained by contacting local officials, consulting official plans, and by reviewing reports related to specific issues in the impact assessment. The South Florida Water Management District reviewed water-related elements. The Florida Department of Transportation reviewed the transportation element. The Florida Fish and Wildlife Conservation Commission reviewed the vegetation and wildlife elements.

The Council staff assessment is divided into regional and local issues. The regional issues are those that affect more than one jurisdiction. Recommendations made by the staff regarding these issues are formal conditions to be included by the local government in any Development Order that is issued. In contrast, the local issues are those that affect only a particular county. Accordingly, the Council staff's local objective is to highlight the crucial local issues and suggest remedial actions to be incorporated into a Development Order, should the local government decide to approve the project.

The findings of this evaluation and the Southwest Florida Regional Planning Council's recommendations are intended to assist the City LaBelle in reaching its decision regarding the proposed development. The recommendations are not intended to foreclose or abridge the legal responsibility of local government to act pursuant to applicable local laws and ordinances. Copies of any "Development Order" (an order granting, denying, or granting with conditions an Application for Development permit) issued with regard to the proposed development shall be transmitted to the Southwest Florida Regional Planning Council and the Florida Department of Community Affairs.

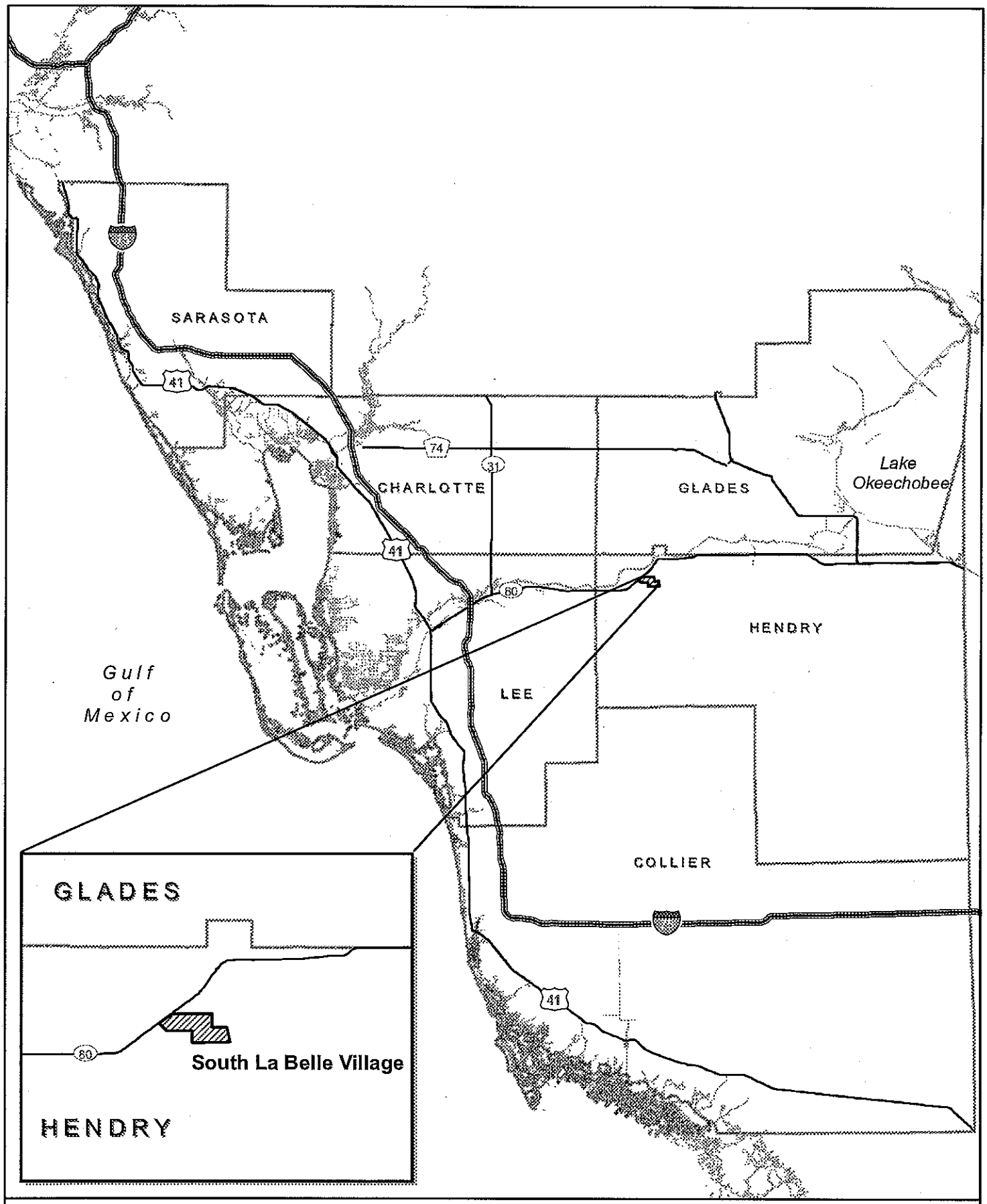
APPLICANT INFORMATION AND DEVELOPMENT SUMMARY

APPLICANT INFORMATION

Project Name	"South LaBelle Village"
Applicant	Resource Conservation Properties, Inc. Attn: Mitch Hutchcraft, Regional Vice President 9990 Coconut Road, Suite 200 Bonita Springs, FL 34135
Date on which DRI/ADA was officially accepted	November 1, 2006
Date on which DRI/ADA was found insufficient	March 13, 2008
City DRI Hearing Date	July 10, 2008
Date City Notified SWFRPC of Public Hearing	March 24, 2008
Type of Development	Residential, Retail and Office
Location of Development	Hendry County in the City of LaBelle
DRI Threshold	1,000 units, 300,000 sq. ft of office and 400,000 sq. ft of retail/service

Development Summary

Residential, Retail and Office	2,500 units (1,375 single family 1,125 multi-family), 220,000 sq.ft. of retail/service and 50,000 sq. ft. of office
Total Acres	1,018 acres
Project Buildout	2016 years (two years extra from ADA)



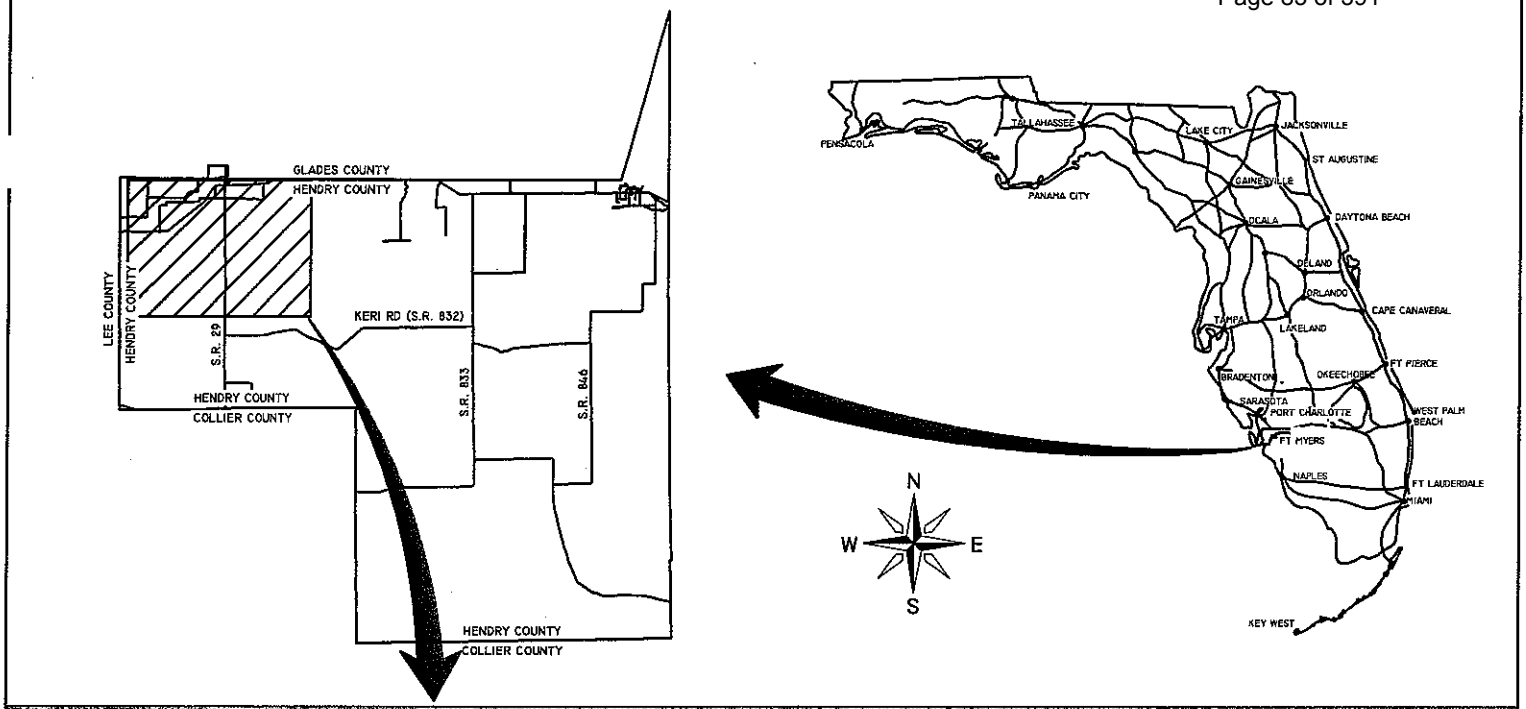
Legend

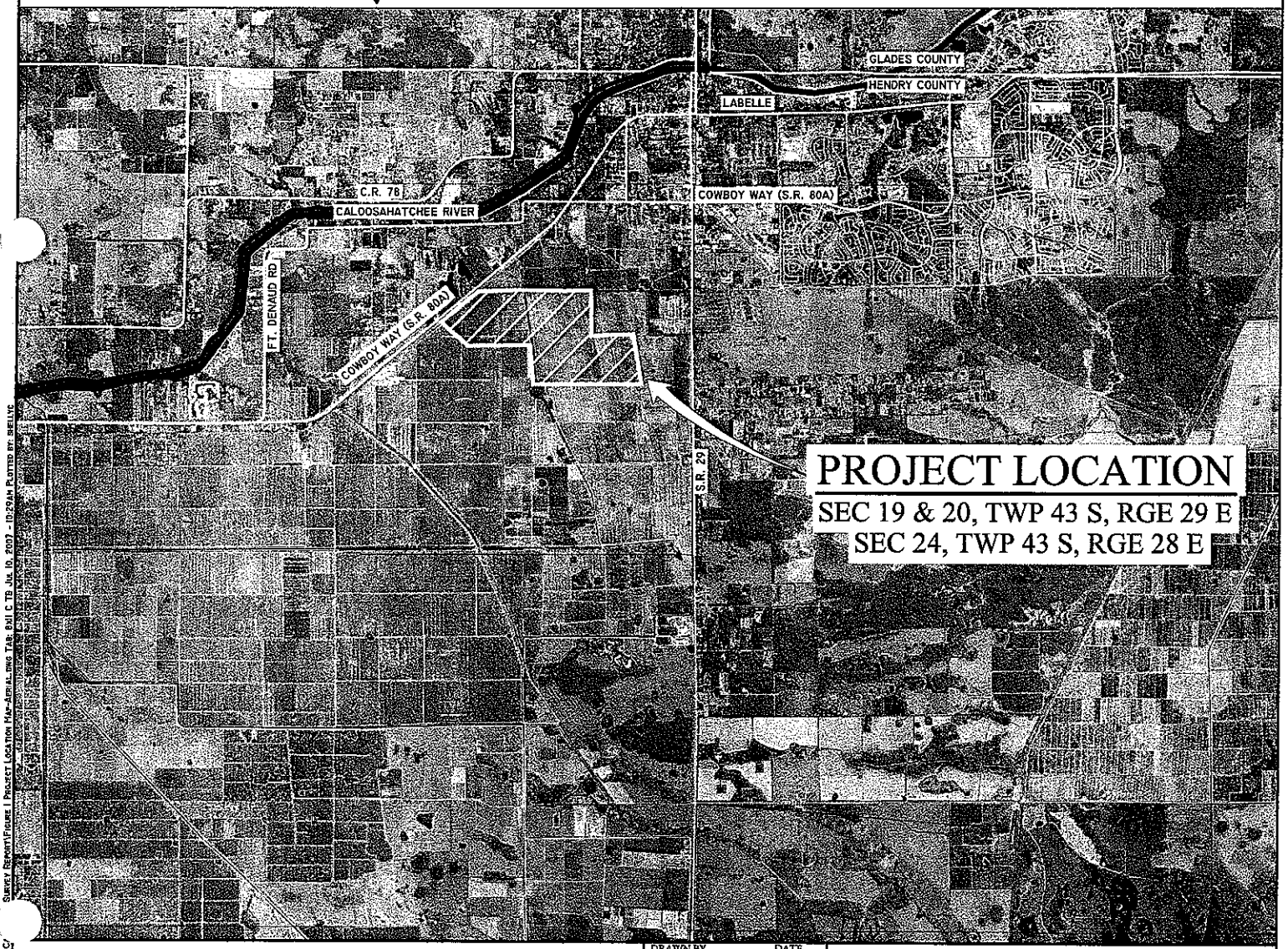
South La Belle Village

Miles

0 5 10 20

South La Belle Village DRI Regional Location Map

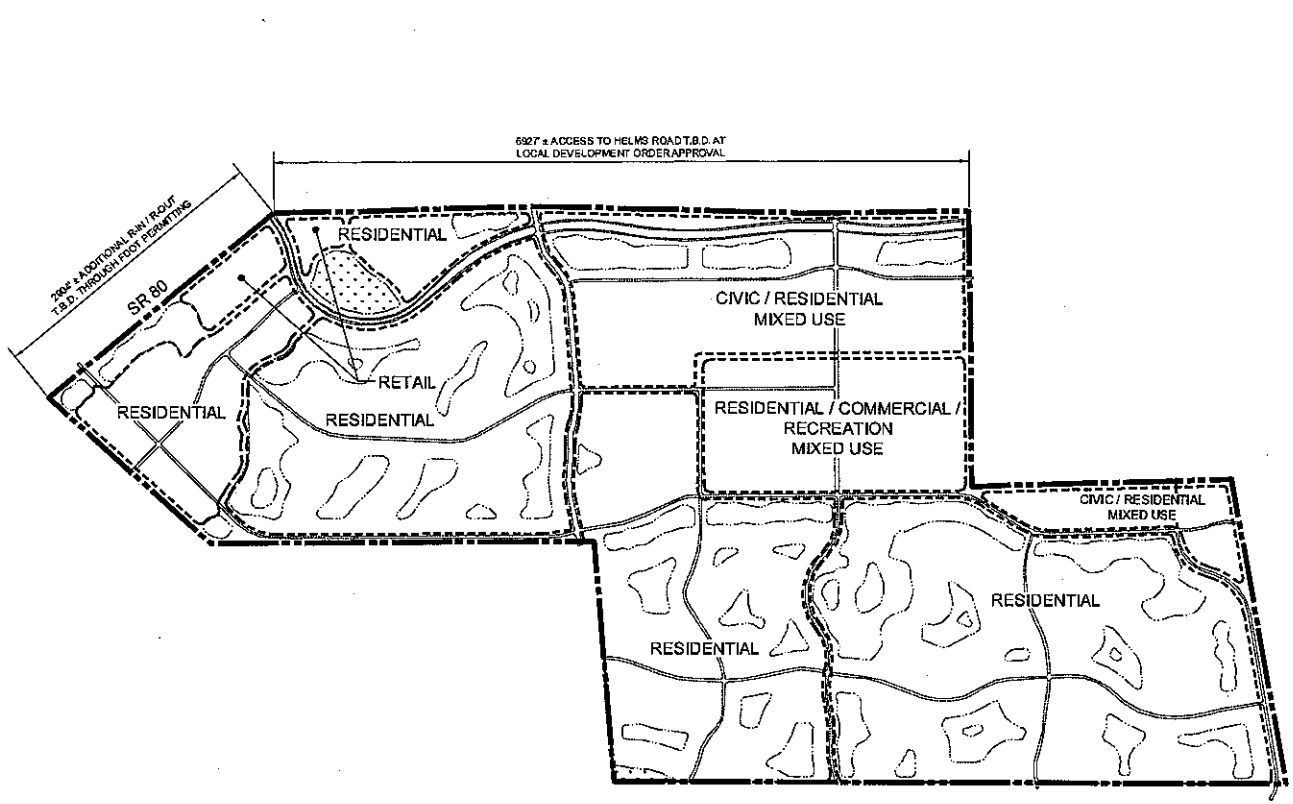


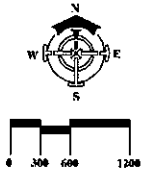


PROJECT LOCATION MAP
SOUTH LABELLE VILLAGE

DRAWN BY	DATE
D.B.	5/29/07
REVIEWED BY	DATE
E.M.H.	5/29/07
REVISED	DATE

PASSARELLA & ASSOCIATES INC
Consulting Ecologists





LEGEND

- PROPERTY BOUNDARY
- LAKE (CONCEPTUAL)
- PARCEL BOUNDARY
- PRESERVE

NOTES:

1. ALL LAKES LOCATIONS AND CONFIGURATIONS ARE CONCEPTUAL IN NATURE ONLY. MAP H SHOWS MAJOR STORM WATER PONDS ANTICIPATED AT THIS TIME. THE CONCEPTUAL NATURE OF THE STORM WATER SYSTEM AT THIS TIME MAY NOT HAVE THE FINAL NUMBER, SIZE, SHAPE AND LOCATION OF THE ULTIMATE STORM WATER PONDS.

2. CIVIC AREAS WILL CONSIST OF A MIX OF CIVIC, RESIDENTIAL AND COMMERCIAL USES. CIVIC USES MAY BE BOTH PUBLIC AND PRIVATE.

LAND USE SUMMARY	
LAND USE	AREA (Ac.)
RESIDENTIAL	755.5 ±
RETAIL	17.1 ±
CIVIC / RESIDENTIAL MIXED USE	129.6 ±
RESIDENTIAL / COMMERCIAL / RECREATION MIXED USE	111.4 ±
PRESERVE	4.4 ±
TOTAL	1018 ±

Use	Intensity
Single Family Residential	Maximum 2,000 units (Maximum total of all units = 2,500)
Multi-Family Residential	Maximum 1,200 units (Maximum total of all units = 2,500)
Retail	220,000 square feet
Office	50,000 square feet
Quasi-public (YMCA type use)*	30,000 square feet (estimate)
Civic*	Public school/Charter school or other education facility, government offices

* In accordance with the LaBelle Plan and the ADA TIS, Quasi Public and Civic uses are not considered to be commercial uses. The construction of Quasi Public and Civic uses will not be deducted from the total allowable commercial area.

Bonita Bay Group®

JOHNSON ENGINEERING

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Consulting Ecologists
8910 College Pointe Court, Fort Myers, Florida 33919

dpa

FISHKIND & ASSOCIATES

PAVESE LAW FIRM

DELISI FITZGERALD, INC.
Planning – Engineering – Project Management
1500 Royal Palm Square Blvd., Suite 101
Fort Myers, FL 33919
239 418 0691 - 239 418 0692 fax

MAP TITLE
MAP H
PROPOSED LAND USE MAP
PROJECT TITLE
SOUTH LABELLE VILLAGE

K:\210\021\MAP H Proposed Land Use.dwg, 1/3/2008 11:11:46 AM, jeff

STAFF RECOMMENDATIONS

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL'S STAFF FINDINGS AND RECOMMENDATIONS

REGIONAL

IT IS THE RECOMMENDATION OF THE SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL THAT THE APPLICATION FOR DEVELOPMENT APPROVAL AS AMENDED BY THE SUFFICIENCY REPORTS DATED APRIL 2007, AUGUST 2007, AND JANUARY 2008 IS APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. **AFFORDABLE HOUSING (Refer to Appendix I, Section A)**

The Developer conducted a study in accordance with Rule 9J-2.048, Florida Administrative Code (FAC), the Adequate Housing Uniform Standard Rule. The Developer conducted an analysis to determine the housing demand and determined that the development would generate a demand for 42 very low, 133 low, and 108 moderate income for-sale units. The analysis determined that there was a for rent demand of 43 very low, 14 low, and 35 moderate income units. The housing supply part of the study determined that there is no regionally significant unmet demand, in fact after meeting the demand generated by the South Labelle Village DRI there will be a surplus of 1,845 for-sale and 623 for-rent affordable housing units within all three income categories. However, the applicant has committed to a payment for address the affordable housing needs of the project.

RECOMMENDATIONS

Any DRI Development Order issued by the City of LaBelle shall contain the following provisions:

a. The Developer will make three annual payments of one hundred and five thousand dollars to the City which shall be placed in a separate account for the purpose of assisting qualified buyers to obtain affordable housing through a mortgage assistance program. The first payment will be due when the first building permit is issued for the project and the second and third payments will be made one year after the prior year's payment.

2. **ENERGY (Refer to Appendix I, Section B)**

The proposed development will consume electricity and will significantly increase the energy demands of the region.

RECOMMENDATIONS

Any DRI Development Order issued by The City of LaBelle shall contain the

following provisions:

a. 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.

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

c. 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.

d. The material choices for streets, parking lots, sidewalks, and the trail system shall be selected to reduce 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.

e. Lighting for streets, parking, recreation and other public areas shall 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.

f. Water closets will have a maximum water usage of 1.6 gallons/flush. Showerheads and faucets will have a maximum flow rate of 2.5 gallons/minute at 80 psi water pressure. Faucet aerators will limit flow rates to 0.5 gallons per minute.

g. A primarily native plant pallet to reduce water consumption throughout the community will be used as referenced in Exhibit "F", included in the Recreation and Open Space section of the Staff Assessment. Additionally, Developer will strive to use innovative irrigation technology, such as drip irrigation, moisture sensors, and micro spray heads to reduce irrigation water use.

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

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

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

k. At least one model Zero Energy Home ("ZEH") model unit shall be constructed.

l. All residential units will be designed to have a maximum Home Energy Rating System (HERS) Index of 85.

m. The developer shall request net metering as allowed by the Energy Policy Act of 2005.

n. The developer shall provide educational information on photovoltaic cells, solar hot water heaters, green roofs, other alternative energy sources, conservation and net metering to each potential home buyer.

o. The developer shall allow potential home buyers to select photovoltaic cells, solar hot water heaters, green roofs and other alternative energy or energy efficient features as an option that is clearly listed in marketing materials for all home buyers.

p. The above conditions shall be reported in the annual monitoring report.

3. <u>FLOODPLAINS</u> (Refer to Appendix I, Section D)

The proposed development may construct improvements within the 100-year floodplain. The addition of fill in the 100-year floodplain will change the character and extent of the 100-year floodplain on site and possibly off site.

<u>RECOMMENDATIONS</u>

Any DRI Development Order issued by The City of LaBelle shall contain the following provisions:

a. The material choices for streets, parking lots, sidewalks, and any trail systems shall be selected to reduce surface runoff. These materials shall be pervious when practical.

b. Green roofs shall be utilized where practical. The developer shall allow potential home buyers to select a green roof as an option that is clearly listed in marketing materials for all home buyers.

c. The developer shall reduce the introduction of fill material into the 100-year floodplain where practical. Structures built in the 100-year floodplain will be built as elevated structures and not monolithic slabs on fill soil where practical. Bridges shall be used instead of culverts where practical.

d. The development within the FEMA floodplain will have finished floor elevations in each development pod which exceeds the 100 year 3-day

design event for the adjacent water course as calculated by the backwater profile for the respective conveyance. Compensating storage will be provided to replace lost storage as part of the South Florida Water Management District permit requirements.

e. 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.

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

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

4. <u>HISTORICAL AND ARCHAEOLOGICAL SITES</u> (Refer to Appendix I, Section E)

Description of Area Resources and Conditions A letter from the Department of State, Division of Historical Resources (DHR) dated October 19, 2006 states that a review of the Florida Master Site File data indicates that some previously recorded historic structures are located in the vicinity of the project area and that the proposed project will affect an area that is environmentally similar when compared to regions within Hendry County that are known to have yielded archeological remains. Their records indicated that no significant resources are recorded within the Project area. However, they recommended that the site be subjected to a professional Phase I cultural survey. According to the archeological survey, there are no historical or archeological sites on the subject property

<u>RECOMMENDATIONS</u>

Any DRI Development Order issued by the City of LaBelle shall contain the following provisions:

a. The South LaBelle Village DRI construction personnel shall be notified by the Developer, through posted advisories or other methods, of the potential for artifact discoveries on the Property and to report suspected findings to the Property's manager. In the event of discovery of artifacts of historical or archaeological significance during construction, the Developer shall stop construction at the site of discovery and notify the County and the Division of Historic Resources of the Florida Department of State. From

the date of notification, construction shall be suspended within a radius of one hundred feet (100') of the site of discovery for a period of up to one hundred twenty (120) days to allow evaluation of the site.

5. SOLID/HAZARDOUS/MEDICAL WASTE (Refer to Appendix I, Section G)

The proposed project will increase the solid waste demands in the Hendry County. The City of LaBelle has a bi-weekly pick up at each residence and at most businesses in the City.

RECOMMENDATIONS

Any DRI Development Order issued by the City of LaBelle should contain the following provisions:

a. Prior to construction, the applicant should provide assurance that medical and hazardous waste transporters have been identified to serve the project.

b. The project shall be bound by all applicable recycling requirements in effect in the County at the time of the development.

c. 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.

d. Discharge of hazardous waste effluent into the sewage system shall be prohibited unless approved by permit issued by the Florida Department of Environmental Protection.

e. Facilities qualifying under the Superfund Amendments Reauthorization Act (SARA) Title III of 1986, and the Florida Hazardous Materials Emergency Response and Community Right to Know Act of 1988, shall file hazardous materials reporting applications in accordance with sections 302, 303, 304, 311, 312, or 313. Applications shall be updated annually by each reporting facility.

f. The applicant should be responsible for providing compensation to the City of LaBelle for Fire, EMS, and Police protection through impact fees that were adopted prior to the impact fee roll back ordinance by the Hendry County Board of Commissioners.

g. On-site enhancement activities should include the removal of exotic and nuisance vegetation from wetland and upland enhancement areas and supplemental plantings where necessary.

h. Prior to construction of any restaurants, the developer should provide assurance that a licensed grease transporter has been identified to serve the restaurants within the project.

i. There is no intention for this project to contain laboratories, storage facilities, and warehouse space where hazardous materials may be generated or utilized. There may be medical waste, which will be disposed of according to DEP regulations, and in accordance with standard DRI condition of solid waste.

6. STORMWATER MANAGEMENT (Refer to Appendix I, Section H)

Existing surface water features on the project site include several isolated wetlands and a network of agricultural canals/ditches. The proposed surface water management system will consist of a network of inlets, culverts, stormwater ponds, control structures, and wetlands. Water quality treatment will be provided within the stormwater ponds and through use of Best Management Practices (BMPs). Off-site discharges will be directed into the C-43 Canal (Caloosahatchee River) via the existing on-site canal system. Issues that need to be resolved prior to issuance of an ERP include potential floodplain impacts, establishment of an appropriate control elevation, passage of off-site flows, the capacity of receiving bodies, and compatibility with the Comprehensive Everglades Restoration Plan. The SFWMD has initiated rule-making to address potential water quantity and quality impacts from new projects that ultimately discharge to sensitive or impaired water bodies in this region. Under the proposed Rules, applicants will be required to demonstrate a reduction in the amount of stormwater and nutrients discharged from the proposed development.

RECOMMENDATIONS

Any DRI Development Order issued by the City of LaBelle shall contain the following provisions:

a. The Developer, the Property Owner's Association, or the Uniform Community Development District will utilize the Best Management Practices for the use of fertilizer, consistent with the soil and climatic conditions. The use of Best Management Practices will stipulate that only controlled release or slow release fertilizers will be used by any Home Owner Association, Property Owner Association, or Uniform Community Development District for common areas unless soil or climatic conditions dictate otherwise. This condition shall not apply to existing or future agricultural areas.

b. No grasses that require mowing shall be allowed within 6 feet of the control elevation, except where needed for erosion control. Littoral zone

plants that do not require mowing or fertilization should be planted in these areas when possible.

c. The Developer must modify the existing agricultural construction and operation permit #26-00082-S to address the construction and operation of the surface water management system for the development approved by this Development Order. The Developer submitted for a conceptual and construction and operation Environmental Resource Permit along with the ADA, and that permit application shall be reviewed and evaluated in accordance with Chapter 40E, FAC, and the South Florida Water Management District (SFWMD) Basis of Review. The SFWMD application number is #070309-25.

d. 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.

e. 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. The fences or screen shall be maintained until the construction is complete and until all soil is stabilized.

f. Floating turbidity barriers or other devices will be in place on any flowing systems or in open water lake edges prior to initiation of earthwork and shall be maintained until all soil is stabilized.

g. The site contractors will manage turbidity from construction dewatering 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. The site will be managed to ensure that turbidity and other pollutants from construction dewatering on the property will be performed in a manner that meets the requirements of the State Water Quality Standards, and any requirements of the National Pollutant Discharge Elimination System ("NPDES") general permit for construction.

h. Exposed soils will be stabilized in accordance with NPDES Construction Activities Permit. Stabilization methods include solid sod, seeding, and mulching or hydro mulching to provide a temporary or permanent grass cover.

i. The Developer shall require contractors to implement storm drain inlet protection (such as hay bales or gravel) to limit sedimentation within the

stormwater system.

j. 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.

k. Any silt barriers and any anchor soil, as well as accumulated silt, shall be removed upon completion of construction, and the stabilization of the soil. The entities responsible for the specific construction activities requiring these measures shall assume responsibility for having them removed upon completion of construction.

l. Any development within the FEMA floodplain will have finished floor elevations that meet or exceed the 100 year three day storm event for the adjacent water course as calculated by the backwater profile for the respective conveyance. Compensating storage will be required to address lost storage through the SFWMD permit process and requirements.

m. A Master Water Management Plan will be developed for the site as part of the Environmental Resource Permit (ERP) construction permit process. The Master Stormwater Management System will be maintained by Developer or their legal designate(s) The Developer will establish one or more legal operating entities, in accordance with the SFWMD Basis of Review, to maintain the internal stormwater management system.

n. Stormwater lakes shall include adequate maintenance easements around the lakes, with adequate access to a trail or roadway, as required by the appropriate governmental entity.

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

p. The Developer shall conduct annual inspections in accordance with the conditions of the approved SFWMD ERP, of the 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.

q. The owner or manager of commercial properties must undertake a regularly scheduled vacuum sweeping of streets and impervious parking areas. The Developer shall institute this requirement through deed restrictions.

r. Grease baffles shall be inspected and cleaned and/or repaired on a regular basis by the owner or manager. The maintenance shall be on an inspection period of at least once every 18 months.

s. 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.

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

u. 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 SWFWMD, 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.

v. 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.

w. 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.

x. Stormwater runoff will be minimized through a variety of rainwater harvesting techniques that may include cisterns, rainwater gardens, bottomless planter boxes, green roofs and pervious surfaces.

y. Landscape irrigation will be provided first through the use of reuse water, where reasonably available, and surface water from lakes. Ground water will be used to replace the surface water withdrawn for irrigation water.

7. TRANSPORTATION (Refer to Appendix I, Section I)

The development contained within the South LaBelle Village Development of Regional Impact, when combined with other growth in the area, will necessitate currently uncommitted improvements to the Existing and Committed regional road network by 2014. The overall Project traffic generation at the Project driveway entrances based on the above development parameters has been estimated by the Applicant to be 1,937 PM peak hour, two-way external trips, including 1,761 net new external trips and 176 pass-by trips.

RECOMMENDATIONS

Any DRI Development Order issued by the City of LaBelle will contain the following provisions:

a. The Applicant or his successor or assigns will be fully responsible for site-related roadway and intersection improvements (including related bicycle and pedestrian facilities) required within the South LaBelle Village DRI, including those along SR 80, SR 29 and Helms Road and any other public roadway or intersection bordering or providing direct access to the DRI. No impact fee credits will be allowed for on-site or site-related transportation improvements.

b. Adequate commitments to provide the necessary transportation improvements, including design and engineering, utility relocation, right of way acquisition, construction, construction contract administration, and construction inspection necessary to maintain the adopted level of service for the following significantly and adversely impacted regional roadways through buildout (2014):

Roadway	From	To
SR 29	Cowboy Way	Helms Road
SR 29 (Bridge)	River Road	Carlton Way

c. Adequate commitments to provide the necessary improvements including, but not limited to, right of way, cost of signalization, turn lanes, and other improvements deemed necessary by the City of LaBelle, Hendry County

and/or the Florida Department of Transportation to maintain the adopted level of service at the following significantly impacted intersections through buildout (2014):

SR 80/Ft. Denaud Rd.(CR 78A)

SR 80/Project Entrance

SR 80/Helms Rd. West

SR 80/Ft. Denaud Rd./Cowboy Way

SR 80/Main St. (SR 29) Northbound and southbound approaches operating below LOS C.

SR 80/Bridge St. (SR 29) Eastbound and westbound approaches operating below LOS D.

Cowboy Way/Main St. (SR 29)

Cowboy Way/Bridge St.

Helms Rd./SR 29

Project Entrance/SR 29

Helms Rd./Ford Rd.

d. Improvements to the facilities outlined in recommendations b and c above will be made at the time that a road segment or intersection is expected to operate below the level of service standard adopted in the City of LaBelle Comprehensive Plan; note that for SR 29 and SR 80, the level of service standard adopted in the local comprehensive plan must be consistent with the standard set by the Florida Department of Transportation for Strategic Intermodal System facilities. No new building permits for this project will be issued unless the improvements are: a) complete, b) under construction, c) the subject of a clearly identified, executed and recorded local government development agreement consistent with Sec. 163.3220 through 163.3423, F.S. incorporated into the D.O. ensuring completion concurrent with impacts; d) the subject of a binding commitment from the City and/or County ensuring completion concurrent with impacts incorporated into the D.O.; e) the subject of a binding commitment by the City and/or County in the current three years of the Capital Improvements Element; or f) the subject of a binding and enforceable commitment by the developer to provide the improvement concurrent with impacts. Any combination of the above is also acceptable, provided the SWFRPC, City of LaBelle, FDOT and FDCA agree that the combination meets the intent of the transportation

uniform standards rule.

As an alternative to this requirement, the applicant may pay a proportionate share contribution, calculated consistent with the formula in Paragraph 9J-2.045(1)(h), F.A.C., to the City of LaBelle for the improvement(s). The City of LaBelle will indicate in the D.O. that the fair share payment will only be applied to the construction of one or more of the significantly impacted improvements under their jurisdiction listed above, or some reasonable alternative which, if constructed, will reduce traffic impact on one or more of the listed segments and adequately mitigate significant and adverse project impacts to SR 29 and SR 80. No additional building permits will be issued unless the proportionate share payment schedule and the City and/or County's commitment to use the proportionate payment for the construction of a needed improvement is incorporated into the D.O. Any delay in payment or change of the proportionate share payment will require a reanalysis to the payment amount in a Notice of Proposed Change.

e. To determine the project impact on regional facilities, a biennial monitoring report will be submitted to the City of LaBelle, Hendry County, Florida Department of Transportation, Florida Department of Community Affairs and SWFRPC for review and approval. The first monitoring report will be submitted two years after the recorded date of the approval of the development order, and successive reports two years thereafter, through buildout construction, and/or for successive changes subsequently updated to project buildout. At a minimum, the report will contain a summary of construction and development activities to date, in the categories of development as recorded in the development order. In addition, the report will contain p.m. peak hour trip generation estimates and turning movements at each of the project's access points and the intersections listed in section c above. The report will also provide a calculation of the existing level of service on the facilities in sections b and c above. The report will also contain an internal trip capture rate for the project. Finally, an estimate of the level of development expected to be added by the project for the forthcoming two years will be provided. An estimated internal capture rate at the end of the forthcoming two years will also be provided. The monitoring report will identify the status of the road improvements assumed to be committed in the DRI development order and address any deviations from the identified schedule.

f. Based upon the transportation impacts expected by the project and adjacent or nearby projects in the impact area, transportation improvements will need to be committed to improve mobility and transportation levels of service throughout the community. Proposed roadway studies could dramatically change the timing, location, or nature of roadways to be included in the City of LaBelle and Hendry County Capital Improvement Elements. The transportation improvements that may be necessary to maintain the adopted

level of service as referenced above may be widening of or improvements to the referenced roadway or intersection or improvements to parallel roadways or other area roadways and intersections. Priority for improvements will be as follows:

1) Widening SR 29 from Cowboy Way to Helms Road from two lanes to four lanes, inclusive of both intersections.

2) Intersection improvements at SR 29/Helms Road

3) Intersection improvements at SR 29/Cowboy Way

Note that improvements to Helms Road, including right-of-way dedication for impact fee credits, are not recommended as acceptable mitigation for the South LaBelle Villages DRI unless the priority improvements to SR 29 listed above are committed from other funding sources and adopted in local Capital Improvement Elements or within the first three years of the FDOT Work Program.

g. The applicant will construct a network of pathways and/or sidewalks to promote efficient pedestrian and bicycle movement within and between the development's components, and to adjacent properties.

h. The applicant will promote transit service through the inclusion of a transit center, bus stops or other appropriate transit access points in site design, consistent with City, County and/or regional transit development plans and to ensure accommodation of future transit services.

i. The applicant will reserve sufficient right-of-way and construct within the South LaBelle Village DRI roadways that provide access with neighboring non-project parcels.

j. Development Order options may be considered by the City and the applicant to the extent that the options provide adequate commitments for improvements indicated above to significantly impacted regional roadways and intersections. Whatever options are exercised, however, will be done with the understanding that the following conditions will be met:

If biennial monitoring reports lead to the conclusion that one or more regional roadways and intersections are operating at below the adopted level of service standard and the project is contributing more than 5% of the adopted level of service capacity, then further building permits and certificates of occupancy will not be granted until the standards of the local government's concurrency management system have been met. The development order will identify how the DRI will be treated in relation to the concurrency management system.

The transportation impacts to the roads and intersections above will be appropriately addressed consistent with Transportation Uniform Standard Rule, SWFRPC policies, and the determination of proportionate share of the regional road improvements necessary in accordance with Section 163.3220, F.S., which requires a Local Government Development Agreement and a commitment by the applicant and/or the local government to insure concurrency on all significantly impacted regional roads.

k. No development will be permitted beyond that approved for buildout (Year 2014) or based on a land use conversion that exceeds substantial deviation thresholds until such time as a Notice of Proposed Change/Substantial Deviation application including a cumulative transportation analysis has been reviewed and approved in accordance with Chapter 380.06(19), Florida Statutes.

l. The development order will include provisions for coordination with and the transfer of funds to the appropriate agency with maintenance and improvement responsibility for those roadways upon which the project has significant and adverse impacts which are not under City of LaBelle's jurisdictional responsibility.

m. The applicant shall provide for internal circulation sufficient to distribute traffic through the area in order to minimize access points to SR 80 and SR 29. The Applicant shall provide a map, no later than the date of submittal of the first biennial monitoring report, which shows the long term roadway improvements for the South LaBelle Village DRI; this should include roadway improvements for the entire South LaBelle Village. The updates should also address how the DRI will help implement the long term transportation network.

n. Biennial updates, and any Notice of Proposed Change, must include an updated map of the transportation network within and outside of the project site, and distribute project trips on this transportation network accordingly.

o. Any impact fee credits or financial considerations for right-of-way donation made by the applicant shall be evaluated based upon the land value as it exists in its pre-entitlement form. Financial considerations for right-of-way donations shall be based on agricultural land values.

p. Financial considerations for right-of-way reservations for the Helms Road Extension shall be outlined concurrently with the issuance of the Development Order.

q. The applicant shall consider providing additional stormwater storage in the master stormwater plan for the project. The additional stormwater storage

shall accommodate, at a minimum, all of the 25-year 3 day event stormwater for SR 29 Expansion from Cowboy Way to Helms Road. The applicant should consider providing additional stormwater storage in the master stormwater plan to fully accommodate all of the 25-year 3 day event stormwater for the Helms Road Extension.

r. All project roads shall be constructed to City and County Standards and shall be dedicated, unencumbered, for full public access to either the City or the County.

s. The proposed East – West internal roadway linking SR 29 to SR 80 shall be constructed within 3 years of the commencement of construction.

t. The timetable for applicant mitigation payments and completion of roadway segment and intersection improvements identified to mitigate the transportation impacts of this project shall be agreed upon by The City of LaBelle, FDOT, FDCA and SWFRPC, and shall be consisted with all applicable statutes and Florida Administrative Code rules, and shall be specified in the D.O. or incorporated in a binding developer agreement.

u. The applicant has indicated that the South LaBelle Village will fully mitigate its traffic impacts through the payment of road impact fees or a proportionate share of needed improvements and the construction of site-related improvements. Based on the impact fee schedule prior to the impact fee rollback, it is estimated that the project would pay approximately $6,428,900 in road impact fees through build out. The City of LaBelle adopted an ordinance on January 09, 2008 which suspended impact fees on new construction for one year. The ordinance will be reevaluated in January of 2009. The preliminary Proportionate Share estimate for mitigating projected impacts under the current LOS standard is presented in Exhibit 2 (see Exhibit 2). Since the proportionate share value is less than the impact fee value, the applicant contends that impact fees are more than sufficient to cover impact fee mitigation. The SWFRPC will accept this as appropriate mitigation if The City of LaBelle, Hendry County, FDOT and FDCA are in agreement with this as a mitigation option.

v. The Developer is fully responsible for its share of the site-related roadway and intersection improvements: all intersection improvements, including signalization, turn lanes, deceleration lanes, and other improvements deemed necessary by the City of LaBelle, Hendry County and FDOT for the Project's access points. Site-related improvements are not eligible for credit against impact fees and are also ineligible for offset against the project's proportionate share obligation.

w. The transportation-monitoring program will be designed in cooperation

with The City of LaBelle, Hendry County, the Florida Department of Transportation (FDOT), the Southwest Florida Regional Planning Council (SWFRPC), and the Florida Department of Community Affairs (FDCA) prior to submittal of the first report. The methodology of the biennial transportation monitoring report may be revised if agreed upon by all parties.

x. The Developer must submit a biennial transportation monitoring report to the following entities for review and approval: The City of LaBelle, Hendry County, FDOT, FDCA, and SWFRPC. The first monitoring report will be submitted two years after the effective date of the DRI Development Order. The Developer must provide written notice to the above review agencies if he concludes that a traffic monitoring report is not required because no traffic impacts have been created. Once a transportation monitoring report has been submitted, a report must be submitted biennially thereafter.

y. At a minimum, the monitoring report will measure the project's actual external roadway impacts and the level of service conditions on the impacted roads and intersections, and determine the timing for needed improvements. The biennial traffic monitoring report must also contain the following information:

1) P.M. peak hour traffic counts with turning movements at the project's access points and on the external road segments and intersections identified in Table 21.D-2 and Table D-3.

2) A comparison of field measured project traffic volumes to the project trip generation assumed in the DRI analysis. The Developer will need to specify in the methodology how the internal interaction will be measured.

3) Estimated existing levels of service and needed improvements for the roads and intersections specified in Table 21.D-2 and Table D-3 above.

4) Estimated future levels of service and needed improvements for the roads and intersections specified in Table 21.D-2 and Table D-3 above, based on a one-year projection of future volumes.

5) A summary of the status of road improvements identified in the DRI to be committed by The City of LaBelle, Hendry County and FDOT.

6) Internal capture rates by land use and a total internal capture rate for the project.

z. If the biennial transportation monitoring report reveals that the project trip generation exceeds the thresholds identified in 380.06(19) (b) 15, Florida Statutes, then the statutory provisions regarding substantial deviations will govern. If the project is deemed to be a substantial deviation, the Developer must then undergo additional DRI review. This review must reanalyze the project impacts on the City, County and State road networks in general, and specifically evaluate the potential project impacts on the roadway segments and intersections identified in Table 21.D-2 and Table D-3 above.

aa. Changes to development parameters or phasing may trigger the need to rebut the statutory presumption of substantial deviation. In some instances, the evidence necessary to rebut the presumption may involve the need for a comparison of project trip distribution and assignment.

8. <u>VEGETATION, WILDLIFE AND WETLANDS</u> (Refer to Appendix I, Section J)

The proposed site plan has been designed to minimize impacts to the listed species that have been identified on the property. The site plan avoids impacts to the existing wetlands on-site. The wetlands will be enhanced through exotic removal and supplemental plantings which will result in preserves that are more suitable as foraging habitats for the listed wading birds observed on the site, as well as providing potential roosting areas. Where feasible, the site plan will be designed to buffer the preserves on the property by locating lower intensity land uses, such as lakes, adjacent to the preserves. The lakes will buffer the preserves from the residential development. Also, the lakes will provide open water that will provide additional wildlife habitat adjacent to the preserves. Emergent wetland acres will be increased through the planting of littoral zones in the lakes created as part of the development. The wetland mitigation plan for the Project includes the enhancement and preservation of 6.66± acres of on-site wetlands.

In general, the isolated wetlands on-site have a high degree of infestation by Brazilian pepper. The site plan was designed to preserve the wetlands. Seasonal water elevations for the preserved wetlands will be maintained by routing surface water flows from the proposed development areas through stormwater management facilities into the wetlands. Control elevations for the stormwater management system were established based on the surface water management system previously used for agriculture on-site. These design features will ensure that surface water levels within the preserved wetlands are maintained. The wetland and upland preserves will be placed in a conservation easement or other equivalent deed restriction with inspection, enforcement, and approval rights granted to the SFWMD.

RECOMMENDATIONS

Any DRI Development Order issued by the City of LaBelle shall contain the following provisions:

a. Development-related activities on the Property shall not result in the harming, pursuit or harassment of wildlife species classified as endangered, threatened, or a species of special concern by either the State or Federal governments in contravention of applicable State or Federal laws. Evaluations as to the impacts proposed as to any listed species shall be undertaken in connection with applicable State or Federal law and implementing regulations and the Developer shall obtain such permits or licenses as are required under the same and develop The Loop DRI in full compliance with all applicable laws and regulations.

b. All USFWS and FWC approved threatened and endangered species management plans ("T&E Plans") for listed species, including the wading bird management plan and the gopher tortoise relocation and management plan, shall be adopted by reference as conditions of the ADA.

c. If other endangered, threatened or species of special concern are encountered on the Property, the Developer shall comply with all protocols and procedures for the administration of the same as required by applicable Federal and/or state law. Any USFWS and FWC approved threatened and endangered species management plans ("T&E Plans") for those documented listed species will be adopted by reference as conditions of the ADA.

d. The Developer will follow the guidelines established by the U.S. Fish and Wildlife Service for the protection of the eastern indigo snake, including but not limited to the provision of educational material and guidelines for construction personnel instructing the same on appropriate procedures to be followed in the event the Eastern indigo snake is encountered during construction.

e. Internal roadways may be constructed across and through primary flow-ways, as long as the hydrological and wildlife corridor functions are maintained through the crossings. The number of such roadways, not including pedestrian boardwalks and bike, electronic cart, hiking, and equestrian trails (paved or otherwise), shall be the minimum necessary for safe and efficient public accessibility between development areas.

f. Roadway layouts in any 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.

g. 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.

h. Site lighting standards will be modeled after the International Dark-Sky Association standards. 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.

i. Areas in the Developer's plan identified for mitigation will be included in the ERP for placement under a conservation easement. Wetland Areas in the Developer's plan which are not impacted by the project will be protected by a conservation easement. All planned easements will be granted to the SFWMD, other appropriate governmental entities with a compliance monitoring staff, or 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 construction, and plat approvals.

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

k. Any easement granted by Developer to a utility will limit, to the extent allowed by law, access to such easement for utility purposes, District purposes, educational purposes, environmental research, emergency services and public safety response purposes, but will prohibit residential, commercial and public vehicular access.

l. On-site conservation areas will be maintained in their restored natural state and kept free of refuse and debris. Category I exotic plant pests as defined by the Florida Exotic Pest Plant Council (EPPC) will be controlled to ninety-five percent (95%) occurrence (except for torpedo grass, *Panicum repens*, that will be controlled to a ninety percent (90%) occurrence). Category II pest plants, and other plants reaching a problematic, invasive level will also be controlled to reasonable and achievable levels in conservation areas. Maintenance of these preserve areas will be conducted

in perpetuity consistent with state, local, and federal government environmental permit approvals.

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

n. 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.

o. 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).

p. The applicant will provide a preconstruction map based upon the revised map H that distinguishes just two categories of land use: Conservation and Areas to Be Developed.

9. <u>WASTEWATER MANAGEMENT</u> (Refer to Appendix I, Section K)

The City of LaBelle's wastewater treatment plant (WWTP) is located approximately 2 miles northeast of the site. The existing WWTP has a design capacity of 0.75 million gallons per day (mgd) and is currently operating at approximately a third of this capacity. The WWTP is a sequencing batch reactor and treats effluent to restricted access quality for disposal on a 99-acre rapid infiltration basin. The WWTP has sufficient excess capacity to accommodate

initial flows from the site; however, the existing collection system does not and a new transmission force main will be necessary. The first capacity upgrade to the WWTP is projected to occur in 2014 and increase the capacity to 2.5 mgd. The WWTP will be upgraded with treatment processes more suitable for the utilization of reuse water on large public access areas.

RECOMMENDATIONS

Any DRI Development Order issued by the City of LaBelle shall contain the following provisions:

a. The proposed water distribution and wastewater collection and transmission systems will be designed consistent with City standards and the wastewater system will comply with SWFRPC Resolution 2007-2 to the extent adopted by the City of LaBelle.

b. Wastewater treatment shall be provided by the City of LaBelle. If the City of LaBelle cannot provide wastewater treatment, then the project will not proceed.

c. The wastewater, and reclaimed water systems will be designed and installed consistent with all applicable regulations of the City of LaBelle, the health department, and all applicable state and federal regulations and the wastewater system will comply with SWFRPC Resolution 2007-2 to the extent adopted by the City of LaBelle.

d. The cost for all off-site sewer facilities to provide suitable transmission capacity, for the project will be the responsibility of the Applicant.

e. The Developer will utilize water conservation devices and methods necessary to meet the criteria established in the water conservation measures in the permit to the City of LaBelle. If the developer obtains potable water from a different provider, then the Developer must conform to the water conservation plan of the alternate water supply provider.

f. The Developer shall install reuse lines, as appropriate, for irrigation of landscaped common areas. When additional reuse is available, reuse lines will be provided to individual users for irrigation.

g. Use of septic systems is limited to those used in conjunction with construction trailers, sales offices, model homes and caretaker housing. Any existing septic systems for the agricultural operations will remain until the agricultural use is replaced with development. Permanent septic systems may be used for recreational rest stations When central wastewater is available all septic system will be replaced by central system hook ups.

h. Landscape irrigation will be provided first through the use of reuse water, where available, and surface water from lakes. Ground water will be used to replace the surface water withdrawn for irrigation water. The Developer, and any other contractors, or site developers who will use groundwater, or surface water for landscape irrigation, and who will include dewatering as part of the construction activity will do so in accordance with any issued permit or must obtain the appropriate permits from the SFWMD.

10. WATER AND WATER SUPPLY (Refer to Appendix I, Section L)

Existing hydrologic conditions on the site are limited to surface water conveyances and three underlying aquifer systems. There are no rivers or lakes on the site. Surface water conveyances exist on the site. The Mercer Canal is located along the eastern boundary of the site and the Crawford Canal bisects the site. These two conveyances ultimately discharge to the Caloosahatchee River to the north. Three primary aquifer systems underlie this site: the Surficial Aquifer System, the Intermediate Aquifer System and the Floridan Aquifer System. Best management practices (BMPs) will be implemented at the site to prevent potential impacts to surface water and groundwater.

Unresolved issues that will need to be addressed during the permit application review process include the project's proposed potable and non-potable (landscape irrigation) water supply potential floodplain impacts, establishment of an appropriate control elevation, passage of off-site flows, the capacity of receiving bodies, and compatibility with the Comprehensive Everglades Restoration Plan.

RECOMMENDATIONS

Any DRI Development Order issued by the City of LaBelle shall contain the following provisions:

a. The City of LaBelle will be supplying potable water service to the proposed development. Amendments to the City of LaBelle comprehensive plan will be necessary to demonstrate that there is an adequate supply of potable water available at the source, adequate potable water treatment and delivery facilities available to meet the needs created by the proposed development, and that the necessary capital facilities are available or have been planned in a financially feasible manner to meet the needs of the proposed development. Improvements needed to maintain the adopted level of service standards within the next five years should be scheduled in a financially feasible five-year schedule of capital improvements. If the developer is going to pay for the improvements, an executed agreement will need to be provided demonstrating financial feasibility and be reflected in the Capital Improvements Element of the

City's comprehensive plan. If potable water is not available form the City of LaBelle the project will not proceed.

b. Adequate provisions shall be made for the water supply-related public facilities needed to accommodate the impacts of the proposed development, pursuant to Section 380.06(15)(e)2, F.S., and Rule 9J-2.044(6), F.A.C.

c. Reuse lines will be installed throughout the project to provide for irrigation of landscaping. Reuse water used for irrigation will be provided by the City of LaBelle. The proposed DRI will have a centralized irrigation system. Single family residences will be supplied irrigation water through the centralized irrigation system. The use of potable water for irrigation by single family residences will be limited to hand watering. Single family domestic wells will not be allowed in the community. 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.

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

e. All landscaped open space areas shall be replanted using plants identified in authorized in the Florida Yards and Neighborhoods Program principles. In all events, however, the plants listed on the Florida Exotic Pest Plant Council's 2007 List of invasive Plant Species attached are prohibited for use as a part of the landscape palette and cannot be used as a part of the landscape material to be installed on the Project site. The Developer will, in cooperation with Hendry County, develop landscape standards for the development of the project and memorialize the agreements relative to the same in the PD to be processed and approved concurrently with this Development Order.

f. Fertilizer application practices will be consistent with the Best Management Plan titled "Florida Green Industries: Best Management Practices for Protection of Water Resources in Florida." and comply with SWFRPC Resolution 2007-1.

g. As part of the management protocols identified above, a designated zone will be developed around or along the shore ways or canals, lakes and waterways except when adjacent to a protective seawall so that in the

application of fertilizers there is a minimum distance of 3 feet from the edge of the water with a spreader deflector and if applied without a deflector shield or like kind apparatus that directs the application, then the designated zone will extend to ten feet.

h. The project shall utilize ultra-low volume water use plumbing fixtures, self-closing and/or metered water faucets, xeriscape landscape techniques, and other water conserving devices and/or methods. These devices and methods shall meet the criteria outlined in the water conservation plan of the public water supply permit issued to the City of LaBelle (or other approved provider) by the South Florida Water Management District.

i. The Developer will distribute literature to households describing water conservation practices.

11. CONSISTENCY WITH THE LOCAL COMPREHENSIVE PLAN (Refer to Appendix I, Section M)

In 2001, the City of LaBelle annexed a 5,774.5± acre tract of land into the City. It was the stated purpose of the City at that time that these annexed lands would provide for additional growth opportunities and future economic enhancement to the City and the central urbanized area of Hendry County in general. In May 2004, an amendment to create a new land use designation for the City of LaBelle's Comprehensive Plan and approved by Council on the subject property. The new land use designation was intended to allow for residential development as a mix of unit types and densities, as well as commercial, industrial, public and recreational uses. According to that amendment request, the applicant stated that the new land use designation would provide for a balanced mixed-use development consistent with new urban centers and permit a diversity of housing types, including low density, characteristic of vibrant cities.

In August of 2005, Hendry County and the DCA approved the South LaBelle Community Land Use Designation for a portion of the original annexed property and an area between the original properties and SR 80. As part of that approval, the FLUM incorporated an area designated as "Urban Reserve." The proposed amendment was intended to remove the Urban Reserve South LaBelle Community and change it to South LaBelle community as the subject site has now been annexed into the City.

Council staff finds that the proposed development adequately addresses the Goals, Strategies and Actions of the SRPP and is therefore consistent with the SRPP. In addition, Council staff finds that the impacts of the project are mitigated as required through the DRI review process and therefore the DRI is consistent with the Strategic Regional Policy Plan (SRPP).

12. GENERAL CONSIDERATIONS

In the "South LaBelle ADA", numerous commitments were made by the applicant to mitigate project impacts. Many, but not all of these commitments are listed in this staff assessment. Additionally, the ADA provided a phasing schedule that provided the timing basis for this review. If this phasing schedule is significantly altered by the applicant, then many of the basic assumptions of this approval could be substantially changed, potentially raising additional regional issues and/or impacts.

RECOMMENDATIONS

Any DRI Development Order issued by City of LaBelle shall contain the following provisions:

a. All commitments and impact mitigating actions provided by the applicant within the Application for Development Approval (and supplementary documents) that are not in conflict with specific conditions for project approval outlined above are officially adopted as conditions for approval.

b. The developer shall submit a biennial report on the development of regional impact to the City of LaBelle, the Southwest Florida Regional Planning Council, the Department of Community Affairs and all affected permit agencies as required in Subsection 380.06(18), Florida Statutes. The report must include an assessment of the Developer's and City's compliance with conditions of approval contained in this Development Order and the commitments which are contained in the Application for Development Approval and which have been identified by the City, the SWFRPC or the Department of Community Affairs as being significant;

c. The development phasing schedule presented within the ADA and as adjusted to date of development order approval shall be incorporated as a condition of approval. If development order conditions and applicant commitments incorporated within the development order, ADA or sufficiency round responses to mitigate regional impacts are not carried out as indicated to the extent or in accord with the timing schedules specified within the development order and this phasing schedule, then this shall be presumed to be a substantial deviation for the affected regional issue.

d. If the local governments, 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.

The monitoring checklist contained in Appendix IV shall be used as a guide by the local government in determining addition substantial regional impacts.

e. Pursuant to Chapter 380.06(16), the applicant may be subject to credit for contributions, construction, expansion, or acquisition of public facilities, if the developer is also subject by local ordinances to impact fees or exactions to meet the same needs. The local government and the developer may enter into a capital contribution front-ending agreement to reimburse the developer for voluntary contributions in excess of the fair share.

f. The local development order shall state the land uses approved in gross square feet, acreages and parking (if applicable) consistent with the statewide guidelines and standards in Chapter 380.0651 Florida Statutes.

g. The date to commence is adjusted in this DRI DO from 2008 to 2010, and the buildout date is adjusted from 2014 to 2016. Section 380.06(19)(c), Florida Statutes, provides, "an extension of 5 years or less is not a substantial deviation." The two year adjustment reflected in this DRI DO will be taken into account in any future Notice of Proposed Change for a time extension in the cumulative analysis.

STAFF RECOMMENDATIONS

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL'S STAFF FINDINGS AND RECOMMENDATIONS

LOCAL

IT IS THE RECOMMENDATION OF THE SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL THAT THE APPLICATION FOR DEVELOPMENT APPROVAL AS AMENDED BY THE SUFFICIENCY REPORTS DATED APRIL 2007, AUGUST 2007, AND JANUARY 2008 IS APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. **EDUCATION (Refer to Appendix II, Section A-1)**

In the Application for Development Approval (ADA), the applicant estimated a total of 1,250 school age children expected to be generated by the South LaBelle Village Development. However, the Hendry County School Board has gone on record estimating the South LaBelle Village Development will generate a total of 1,804 school age children. The School Board's generation rate was based on a public education impact fee study prepared by James C. Nicholas, PhD in 2005. The South Labelle Village would create a demand for additional student stations that the Hendry County School Board does not currently have programmed into their five year plan. The applicant did not address proposed acreages by school type and capacity.

RECOMMENDATIONS

Any DRI Development Order issued by The City of LaBelle shall contain the following provision

a. The Applicant will provide one elementary school site, one vocational school site, and one community college site within the legal boundaries of the DRI.

a. The applicant, at a minimum, shall comply with Hendry County's Level of Service requirements at the time of Development Order issuance.

c. Provide current Level of Service information from the Hendry County School Board showing that school capacity has not been exceeded prior to the issuance of the Development Order and with biennial DRI monitoring reports.

d. The applicant shall illustrate the school sites on the adopted Map H for the project.

e. The applicant shall provide land in the amount requested by the Hendry County School Board for each type of school consistent with the table provided in the second sufficiency response.

f. The applicant shall provide appropriate financial contributions to the Hendry County School Board to offset the creation of any additional student stations required to accommodate project students if the student stations are not included in the Hendry County School Board's five year plan.

g. The applicant shall agree to be subject to any future school impact fees that are in effect at the time of building permit issuance for residential units in this project.

h. Public facilities such as parks, libraries and community centers shall be collocated with schools. Elementary schools shall be encouraged as focal points for neighborhoods.

2. POLICE AND FIRE PROTECTION (Refer to Appendix II, Section B-1)

LaBelle Fire Department has indicated that it has the capacity to serve South LaBelle Village. Public Works Superintendent Michael Boyle has noted that the City intends to work with the applicant to site a substation on the subject property or adjacent property.

RECOMMENDATIONS

Any DRI Development Order issued by the City of LaBelle should contain the following provisions:

a. To assure the project does not dilute the delivery of service from adjacent areas, the applicant should continue to meet with the Hendry County Sheriff's Department to establish programs and incorporate crime prevention measures during the site development process.

b. Fire protection should be provided according to existing standards or fire flow criteria promulgated by the LaBelle Fire Department or recommended guidelines developed by the National Fire Protection Association.

c. The applicant will coordinate with the LaBelle Fire Department to ensure adequate fire flow is available at the time of local development order.

d. The applicant has had preliminary conservations on a location for a sub-station, but has not yet determined an exact location. The application is willing to consider locating an Emergency Response Center for the appropriate impact fee credits.

3. RECREATION AND OPEN SPACE (Refer to Appendix II, Section C)

According to information provided by the applicant, the population of the South LaBelle Village is estimated to reach 5,800 persons at buildout. Based on an estimated population of 5,800, the South LaBelle Village would need to provide The City of LaBelle with a minimum of 1.25 acres of play area/tot lot parks; 10 acres of neighborhood parks; and 10 acres of community park, using the required standard, for a total of 21.25 acres.

RECOMMENDATIONS

Any DRI Development Order issued by The City of LaBelle shall contain the following provisions:

a. The applicant, at a minimum, shall comply with The City of LaBelle's Level Of Service requirements at the time of Development Order issuance. Based on the applicant's projected population of 5,800 at buildout, the South LaBelle Village would need to provide The City of LaBelle with a minimum of 1.25 acres of Play area/tot lot parks; 10 acres of neighborhood parks; and 10 acres of community park, using the required standard, for a total of 21.25 acres.

b. All landscaped open space areas shall be replanted with native vegetation after construction.

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

   (2) 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.

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

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

c. As part of the DRI biennial monitoring process, the Developer shall identify compliance with the requirements listed above.

APPENDICES

STAFF REPORTS AND SUPPORT DATA

The Council staff's assessment of the DRI/ADA identified fourteen issues of regional concern: affordable housing, economy, energy, floodplains, historical and archeological sites, revenue generation, solid/hazard/medical waste, stormwater management, transportation, vegetation, wildlife and wetlands, wastewater management, water and water supply, and consistency with the Local Comprehensive Plan and Strategic Regional Policy Plan. The staff reports of each of these issues are attached as Appendix I. Appendix II identified three issues of local concern: education, police and fire protection and recreation and open space.

Before formulating the recommendations in the previous section, the staff analyzed all of the regional issues. As a part of each analysis, the staff determined the project's impact, any necessary remedial action and the applicant's commitments to a solution. Such determinations were based upon the calculations and estimates of both the applicant and Council staff. Where applicable, support correspondence from local officials is included. A draft development order is found in Appendix III. The Substantial Deviation Monitoring Form is found in Appendix IV. Comments from the Hendry County staff are found in Appendix V. Comments from the State Division of Historical Resources are found in Appendix VI. Comments from the State Department of Transportation are found in Appendix VII. Comments from the South Florida Water Management District are found in Appendix VIII.

APPENDIX I

REGIONAL ISSUES ANALYSIS

A. AFFORDABLE HOUSING

1. Project Impacts

There will be significant employment created directly and indirectly related to the development of this project, according to the economic impact analysis performed by staff.[1] Mixed use developments generate both increase in employment and residential population. It is assumed and encouraged that most of the workers generated by developments of this kind be accommodated within the development as part of the residential population. In the event that this is not feasible, it is the Southwest Florida Regional Planning Council's position that housing be provided off site within a reasonable distance from the development or the applicant may make payment in lieu.

The South LaBelle Village DRI will add an estimated 626 total permanent workers to Hendry County; the majority of which will earn below the County average income. According to the Florida Research and Economic Database (FRED), the 2006 Hendry County average income assuming a 40-hour week worked the year around was $28,028. While this project will bring positive economic impact to the county, it will also create significant affordable housing demand; as 68 percent of the estimated

South LaBelle Village workers will earn no more than $27,499 per year. According to the average wage information provided by the applicant, 76 percent of the workers generated by this project fall in the $12,800 - $29,999 wage range and are classified in the very low to low income range, while 29 percent fall in the $12,800 - $17,499 wage range, which is considered very low income.[2]

2. Remedial Action

None due the applicant's commitments below.

3. Applicant Commitment

a. The Developer will make three annual payments of one hundred and five thousand dollars to the City which shall be placed in a separate account for the purpose of assisting qualified buyers to obtain affordable housing through a mortgage assistance program. The first payment will be due when the first building permit is issued within South LaBelle, and the second and third payments will be made one year after the prior year's payment.[3]

b. The City will adopt a citywide program for linkage fees, mortgage assistance, or some other citywide program to address affordable

housing demands in the City within nine (9) months after the effective date of this DRI development order.[4]

4. References

1 Regional Economic Model Incorporated, Version 9.0.4
2 Third Sufficiency Responses to SWFRPC Question 10
3 Draft Development Order 05/01/08, Page 4 of 24
4 Ibid., Page 4 of 24

B. ECONOMY

1. Economic Impacts

The applicant projects the South Labelle Village project will create approximately 566 permanent jobs in Hendry County.[1] The applicant's job projections and average wage assumptions illustrated in Table 1 and 2, were introduced to the Regional Economic Model Incorporated (REMI) Policy Insight version 9.0.4—a leading economic forecasting and analysis tool—to produce the total annual economic impacts of the development on employment, gross regional product, personal income, real disposable income, value added, etc. for each county in the Southwest Florida Region. The model estimates the total effects associated with the introduced investment; recognizing both the linkages as well as the potential for competition with similar businesses.

Table 1
Total Employment at the South Labelle Village Community

Phase	Retail		Office		Rec Center	
	Sq. Ft.	Emp	Sq. Ft.	Emp	Sq. Ft.	Emp
Phase 1 2008-2014	220,000	368	50,000	143	50,000	56
Total	220,000	368	50,000	143	50,000	56

Source: Draft development order 5-01-08

Table 2
Average Income Hendry County

Wages by NAICS	Mean Wage
Retail by NAICS Code:	$22,555
Office by NAICS Code:	$47,048
Rec Center by NAICS Code	$13,410

Source: ADA

As illustrated in Table 3A, the project is estimated to generate approximately 1,970 additional jobs for a total impact of 2,536 permanent jobs at build out. The total impacts refer to the direct economic effects on expenditure and employment, indirect economic effects on creating additional demand and the induced economic effects created by the income expenditures of workers. Most of the indirect and induced employment will probably be created in neighboring Charlotte County with a fraction in Lee, Collier and Glades Counties as businesses try to accommodate new demand for goods and services from the firms and workers created by this project. It is estimated that the project will induce 60 additional jobs for a total of 626 jobs in Hendry County; after accounting for the direct and indirect employment projected by the applicant.

Table 3

A. Employment by Sector

Sector	Hendry	Charlotte	Lee	Glades	Collier	Total
Forestry, Fishing, Other	-8	-1	0	0	0	-8
Mining	0	0	0	0	0	0
Utilities	0	1	1	0	0	2
Construction	19	169	47	3	12	250
Manufacturing	-2	1	2	0	1	2
Wholesale Trade	0	6	4	0	1	11
Retail Trade	385	341	20	1	4	751
Transp, Warehousing	-2	1	2	0	0	1
Information	0	6	3	0	1	10
Finance, Insurance	0	14	6	0	2	23
Real Estate, Rental, Leasing	1	48	14	0	4	67
Profess, Tech Services	146	195	10	1	4	355
Mngmt of Co, Enter	1	2	1	0	1	4
Admin, Waste Services	5	62	17	0	4	89
Educational Services	0	2	2	0	1	4
Health Care, Social Asst	9	657	7	1	2	676
Arts, Enter, Rec	57	86	5	0	2	150
Accom, Food Services	6	44	16	0	5	72
Other Services (excl Gov)	8	52	11	1	3	75
Total	626	1,687	168	8	46	2,536

B. Gross Regional Product and Personal Income

Economic Indicators	Hendry	Charlotte	Lee	Glades	Collier	Total
Total GRP (Million Fixed 2000$)	168	545	77	1	23	814
Personal Income (Million Nominal $)	122	471	11	10	22	636
Real Disposable Personal Income (Million Fixed 2000$)	75	285	53	6	12	431
Total	365	1,301	141	17	57	1,881

C. Output in Private Sector (in Millions of 2000 fixed dollars)

Sector	Hendry	Charlotte	Lee	Glades	Collier	Total
Forestry, Fishing, Other	0	0	0	0	0	0
Mining	0	1	2	0	0	3
Utilities	3	79	27	1	8	118
Construction	5	2	4	0	1	12
Manufacturing	-1	6	5	0	1	11
Wholesale Trade	0	174	12	0	3	189
Retail Trade	182	0	1	0	0	184
Transportation, Warehousing	0	7	4	0	1	13
Information	1	12	6	0	3	21
Finance, Insurance	1	47	26	0	6	80
Real Estate, Rental, Leasing	3	74	5	0	2	84
Professional, Tech Services	29	3	4	0	2	38
Mgmt of Companies, Enterpr	0	13	6	0	1	21
Administr, Waste Services	1	0	0	0	0	2
Educational Services	0	354	4	0	1	360
Health Care, Social Assistance	3	23	2	0	2	29
Arts, Entertain, Recreation	7	12	5	0	2	27
Accommod, Food Services	2	12	4	0	1	19
Other Services (excl Gov)	2	0	0	0	0	2
Total	237	820	119	1	36	1,213

Note: Table 3 show total impacts: direct, indirect, and induced effects through build out. All impacts are based on employment and average wage figures provided by the applicant as presented in Tables 1 & 2.
Source: Regional Economic Model Incorporated, Southwest Florida 23 Sector Model, version 9.0.4

The project is estimated to generate approximately 168 million in gross regional product, about 75 million in real disposable personal income and 237 million in value added for Hendry County at buildout. See Table 3B and 3C for additional revenue created by this project.

2. Applicant Commitment

No applicant commitment

3. Economic Disparity

According to the Applicant, there is enough demand within the DRI community and regionally to support the commercial component of the project: "The residential component of the South LaBelle Village DRI will generate demand for neighborhood community, and regional serving type retail needs."[2] Mixed-use developments of this nature tend to attract diverse business groups and create employment opportunities, thereby promoting economic development in the area.

4. References

[1] Draft Development Order 05-01-08
[2] ADA., Question 10-2

C. ENERGY

1. Project Impacts

The proposed development will consume electricity and will significantly increase the energy demands of the region.

2. Applicant Commitments

Florida Power will provide electrical power to the South LaBelle Village DRI.

1. The sales and information center will make educational material and displays for energy efficient options available to all buyers, to permit the buyer to consider the options in the design of their residential units.

2. The Developer or a designated builder will provide a model home, certified by the Florida Green Building coalition. Information on energy efficiency and green building options will be displayed in the certified model for educational purposes. Certification by the Florida Green Building Coalition is based on meeting benchmarks within each of eight categories, including energy efficiency, water conservation, indoor environmental health and the use of environmentally friendly materials. The model home shall provide educational information on all of the energy efficiency and green building options.

3. All community recreational facilities, civic facilities, and commercial areas will be required to provide bicycle parking facilities.

4. To enhance internal transit options, the Developer will incorporate the following:

   (a) Pedestrian routes and bikeways that provide a linkage with the street system or other public spaces, avoiding routes through parking lots and other locations separated from the overall system.

   (b) The designs will include a pedestrian circulation system which connects the nonresidential uses with residential uses and areas.

   (c) Traffic calming techniques will be incorporated to maintain a multi-modal transportation system which includes pedestrian, bicycles, and automobile traffic.

(d) Provide access to transit facilities when transit facilities are available. This condition does not require the developer to retrofit existing developed areas.

5. The Developer will create residential Architectural Design standards that will require energy efficient designs such as building orientation, overhangs, shading through landscape or interior shades, porches, free standing walls, fences, louvers, awnings, or shutters to optimize energy efficiency.

6. Lighting for streets, parking, recreation and other public areas will include energy efficient, low voltage lighting, photovoltaic cells, motion sensors and/or timer on lighting. Lighting will be directional and shielded to prevent glare and spillover of light on neighboring properties.

3. Remedial Actions

On July 13, 2007, Florida Governor Charlie Crist signed Executive Order 07-126. In Executive Order 07-126, Governor Crist established greenhouse gas emission reduction targets for state agencies and departments as follows: 10 percent reduction from current emission levels by 2012, a 25 percent reduction from current emission levels by 2017 and a 40 percent reduction from current emission levels by 2025.[1] In keeping with that spirit, the Southwest Florida Regional Planning Council (SWFRPC) staff believes it is essential to establish enhanced requirements for increased energy efficiency for this project. SWFRPC staff recommends the following:

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

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

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

(4) The material choices for streets, parking lots, sidewalks, and any trail systems shall be selected to reduce 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 shall 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.

(6) Water closets will have a maximum water usage of 1.6 gallons/flush. Showerheads and faucets will have a maximum flow rate of 2.5 gallons/minute at 80 psi water pressure. Faucet aerators will limit flow rates to 0.5 gallons per minute.

(7) A primarily native plant pallet to reduce water consumption throughout the community will be used as referenced in Exhibit "F", included in the Recreation and Open Space section of the Staff Assessment. 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 will include shade trees where appropriate and feasible.

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

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

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

(12) All residential units will be designed to have a maximum Home Energy Rating System (HERS) Index of 85.

(13) The developer shall request net metering as allowed by the Energy Policy Act of 2005.[2]

(14) The developer shall provide educational information on photovoltaic cells, solar hot water heaters, green roofs, other alternative energy sources, conservation and net metering to each potential home buyer.

(15) The developer shall allow potential home buyers to select photovoltaic cells, solar hot water heaters, green roofs and other alternative energy or energy efficient features as an option that is clearly listed in marketing materials for all home buyers.

(16) The above conditions shall be reported in the annual monitoring report.

5. References

[1] Executive Order Number 07-126
[2] United States Energy Policy Act of 2005 Sec. 1251

D. FLOODPLAINS

1. Project Impacts

The proposed development may construct improvements within the 100-year floodplain. The addition of fill in the 100-year floodplain will change the character and extent of the 100-year floodplain on site and possibly off site.

2. Applicant Commitments

(1) None

3. Remedial Actions

(1) The material choices for streets, parking lots, sidewalks, and any trail systems shall be selected to reduce surface runoff. These materials shall be pervious when practical.

(2) Green roofs shall be utilized where practical. The developer shall allow potential home buyers to select a green roof as an upgrade option that is clearly listed in marketing materials for all home buyers.

(3) The developer shall reduce the introduction of fill material into the 100-year floodplain where practical. Structures built in the 100-year floodplain will be built as elevated structures and not monolithic slabs on fill soil where practical. Bridges shall be used instead of culverts where practical.

(4) The development within the FEMA floodplain will have finished floor elevations in each development pod which exceeds the 100 year 3-day design event for the adjacent water course as calculated by the backwater profile for the respective conveyance. Compensating storage will be provided to replace lost storage as part of the South Florida Water Management District permit requirements.

(5) 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.

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

conditions.

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

5. References

None.

E. HISTORICAL AND ARCHAEOLOGICAL SITES

Description of Area Resources and Conditions

A letter from the Department of State, Division of Historical Resources (DHR) dated October 19, 2006 states that a review of the Florida Master Site File data indicates that some previously recorded historic structures are located in the vicinity of the project area and that the proposed project will affect an area that is environmentally similar when compared to regions within Hendry County that are known to have yielded archeological remains. Their records indicated that no significant resources are recorded within the Project area. However, they recommended that the site be subjected to a professional Phase I cultural survey. According to the archeological survey, there are no historical or archeological sites on the subject property

Recommended ADA Conditions Relating to Historical and Archaeological Resources

A. The South LaBelle Village DRI construction personnel shall be notified by the Developer, through posted advisories or other methods, of the potential for artifact discoveries on the Property and to report suspected findings to the Property's manager. In the event of discovery of artifacts of historical or archaeological significance during construction, the Developer shall stop construction at the site of discovery and notify the County and the Division of Historic Resources of the Florida Department of State. From the date of notification, construction shall be suspended within a radius of one hundred feet (100') of the site of discovery for a period of up to one hundred twenty (120) days to allow evaluation of the site.

References

Archaeological and Historical Conservancy, Inc. Cultural Resource Assessment Survey South LaBelle Village Parcel, Hendry County, Florida, January 2007.

Department of State, Division of Historical Resources, October 19, 2006.

F. REVENUE GENERATION

1. Fiscal Impact

The Applicant has measured the fiscal impact associated with the South LaBelle Village Development of Regional Impact using FIAM—Fiscal Impact Analysis Model—Version 7.0. FIAM estimates fiscal impacts through a per capita approach, which involves quantifying revenue using the latest available financial reports and the appropriate population divisor (per resident, per worker, per visitor); while estimating other fees and tax revenues directly.

The Applicant estimates the South LaBelle Village project will generate about $6.9 million in operating revenue for the City of Labelle and $5.0 million per annum in ad valorem revenue for the City of LaBelle after build out. [1]

The Applicant estimates the South LaBelle Village development will generate a total of $6.5 million in impact fees and create $10.3 million in impact fee expenditure for the City; bringing the net capital impact of this project to -$3.9 million at buildout.[2]

To summarize, the Applicant suggests that South LaBelle Village project will generate a positive net fiscal impact for the City of LaBelle; that is, the expected expenditures of the City on behalf of the project and its employees is projected to be less than the revenue gains. [3]

2. Applicant Commitment

There are no fiscal commitments or agreements.

3. Remedial Action

No remedial action recommended.

4. References

[1] ADA, Question 11-1
[2] Ibid, Question 11, Table 5
[3] Ibid., Question 11, Page 8 of 11

G. SOLID/HAZARDOUS/MEDICAL WASTE

1. Project Impact

a. Waste Volume

The applicant estimates that at buildout the project will generate approximately 10.15 tons of residential solid waste per day. Florida Recycle is the current franchise hauler in the area.[1] Solid waste generated at the development will be disposed at the Hendry County Landfill.

SOLID WASTE GENERATION *

PHASING	DOMESTIC SOLID WASTE		INDUSTRIAL, HAZARDOUS, MEDICAL, OR SPECIAL WASTES
	CUBIC YARDS/DAY	TONS/DAY	
Existing	N/A	N/A	
Proposed Total Residential	-----	10.15	
Proposed Total Commercial	27.2	-----	

* See table above. The generation rates for residential, commercial and medical waste are determined base on the LOS standard in LaBelle Comprehensive Plan for residential (3.5 lbs. per capita per day), a typical rule of thumb for commercial (3.12 CY/1,000 sq. ft./Month) and a survey of hospital waste conducted by the University of Florida the proposed hospital use (Medical Waste Generation, Treatment and Disposal Practices in the State of Florida, Florida Center for Solid and Hazardous Waste Management, Gainesville, FL, June 1990).[2]

A letter from Mr. Keith Howard included in the application notes that local Hendry County Landfill has been designed to accommodate refuse from Lee and Hendry County, and is estimated to have greater than 20 years available capacity.[3]

2. Remedial Action

a. Prior to construction, the applicant should provide assurance that medical and hazardous waste transporters have been identified to serve the project.

b. The project shall be bound by all applicable recycling requirements in effect in the County at the time of the development.

e. 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.

f. Discharge of hazardous waste effluent into the sewage system shall be prohibited unless approved by permit issued by the Florida Department of Environmental Protection.

g. Facilities qualifying under the Superfund Amendments Reauthorization Act (SARA) Title III of 1986, and the Florida Hazardous Materials Emergency Response and Community Right to Know Act of 1988, shall file hazardous materials reporting applications in accordance with sections 302, 303, 304, 311, 312, or 313. Applications shall be updated annually by each reporting facility.

h. The applicant should be responsible for providing compensation to the City of LaBelle for Fire, EMS, and Police protection through impact fees that were adopted prior to the impact fee roll back ordinance by the Hendry County Board of Commissioners.

3. Applicant Commitment

a. On-site enhancement activities will include the removal of exotic and nuisance vegetation from wetland and upland enhancement areas and supplemental plantings where necessary.[4]

b. Prior to construction of any restaurants, the developer will provide assurance that a licensed grease transporter has been identified to serve the restaurants within the project.[5]

c. There is no intention for this project to contain laboratories, storage facilities, and warehouse space where hazardous materials may be generated or utilized. There may be medical waste, which will be disposed of according to DEP regulations, and in accordance with standard DRI condition of solid waste.[6]

4. References

[1] First Sufficiency, Question 20, page 6

[2] Ibid, page 6
[3] Ibid., page 3
[4] Ibid., page 1
[5] Ibid., page 2
[6] Ibid., page 7

H. STORMWATER

1. Description of Area Resources and Conditions

Existing surface water features on the project site include several isolated wetlands and a network of agricultural canals/ditches. The proposed surface water management system will consist of a network of inlets, culverts, stormwater ponds, control structures, and wetlands. Water quality treatment will be provided within the stormwater ponds and through use of Best Management Practices (BMPs). Off-site discharges will be directed into the C-43 Canal (Caloosahatchee River) via the existing on-site canal system.

Issues that need to be resolved prior to issuance of an ERP include potential floodplain impacts, establishment of an appropriate control elevation, passage of off-site flows, the capacity of receiving bodies, and compatibility with the Comprehensive Everglades Restoration Plan.

The SFWMD has initiated rule-making to address potential water quantity and quality impacts from new projects that ultimately discharge to sensitive or impaired water bodies in this region. Under the proposed Rules, applicants will be required to demonstrate a reduction in the amount of stormwater and nutrients discharged from the proposed development.

Topography

The general topography of this area ranges from a high of approximately 23 feet NGVD 1929 at the southeast corner to just less than elevation 15 feet NGVD along State Road 80 at the northwest edge of the property. The drop in elevation from southeast to northwest is not constant. The southern portion of the community is relatively flat with a slope of about two feet per mile. Land slopes are steeper at the north end with an average of about five feet per mile. The entire area has been hydrologically altered by the ditch system that has been installed. The ditches are used for both irrigation and drainage. They are operated in such a way as to maintain the water levels three to four feet below ground level.

Water for irrigation is primarily from the Caloosahatchee. It is pumped from the Townsend Canal, which receives water from the river. Water pumped from the Townsend is then re-pumped from the Header Canal and then distributed by gravity. There are receivers of water from this system that exist downstream of this community. The continuation of their irrigation water will have to exist following the development of this community. Coordination with South Florida Water Management District (SFWMD) will be required as the water flow route will be altered by the construction of the C-43 Impoundment. Drainage of the site uses the same ditches to convey water to the river. Water levels are now maintained by a series of culverts and risers.

The land is relatively stable with little erosion. Most of the erosion potential exists within the irrigation/drainage ditches. Water erosion is controlled by regulating the water discharged from the grove and by cleaning the ditches on an annual basis. The practice of maintaining the water in the ditches at a near constant level throughout the year aids in the stabilization of the ditch banks.

Water leaves the site in two primary water courses. They are the Mercer Canal and the Crawford Canal. These currently have an interconnection that allows the most efficient use of the channels.

Hydrology

Discharges from this property have been permitted for many years. The rate was established first by the ACOE in a permit that predates the SFWMD entering the permit process. The rate is based on the capacity of the Caloosahatchee. The canals and structures were sized based on this allowable rate. The current rate of runoff from this property by permit is 30 cubic feet per second per square mile (csm) in a 25 year-3 day event. All of the permitting work that will be done for design of the storm water management system will be based on the 30 csm since this is based on the receiving water capacity. This flow rate is an average rate across the site. It can easily be shown that in the area of steep slope at the north end of the community, runoff rates are much higher.

Much of community is above the mapped Federal Emergency Management Agency (FEMA) 100-year floodplain as currently mapped. The primary location of Zone A within the community is along the canals. These areas together total about 344.6 acres. The remainder of the community is in Zone C.

Proposed Facilities

The total area within this community is 1018 acres. The allowable discharge has been established at a rate of 30 csm as discussed above. The total-peak runoff rate from the site would be no more than 78.9 cubic feet per second (cfs). There are offsite areas also contribute flow through the system.

These are primarily the Christmas Ditch drainage from the east side of SR 29 and land to the south of the DRI boundary. The density, intensity and type of development will alter the amount of detention required to meet this allowable discharge limitation, but will not change the allowable discharge. It is estimated on a preliminary basis that about 670 acre-feet of volume would be required to provide the attenuation to meet the above peak rate for the developed areas. This would translate into a combination of lakes and wetlands totaling between 190 acres and 220 acres. The range of area needed is affected by configuration and depth of storage. The values provided anticipate a storage depth of 3 feet to 3.5 feet. The depth of storage is affected by wetland health maintenance, land slope, depth to the wet season water table, fill depths, etc. The land slopes will require intermediate control structures within the water management systems so that the downstream areas do not receive a disproportionate share of the runoff.

The final outfall structures will be placed to deliver water to similar locations as it is delivered to under the existing conditions to maintain flow patterns. The modification to the community to incorporate a modern water management system in place of the culverts and risers will provide an improved control system.

Open storm water ponds will be used for the primary volume attenuation and wet detention for water quality. Onsite wetlands within the development areas will be incorporated into the system or used in the conveyance system. The present wetlands are few and under hydrated. It is anticipated that those wetlands that are incorporated into the water management system will be improved for the present state.

It is not anticipated that pumps will be used for this project to discharge storm water from within the developed areas to a detention area. Although not planned at this time, a pumped system might be considered for wetland restoration if a gravity source of water is deemed not practical. Pumps may still be used for those areas that continue to receive irrigation water from the river after development is complete.

Structures

The water control structures control elevations are based on the existing ground elevations, existing permitting, onsite observations and soils data. It is anticipated that these numbers will be modified as data is obtained from vegetative sources and the maintained water levels that have been established.

Due to several feet of elevation change on the site, there must be multiple water control structures of varying elevation. The water control structures are planned to set water levels in the developed portions of the site. The water courses that convey water through and out of the community are not proposed to have control structures beyond those that exist today. This will allow the conveyances to continue to function as they do today.

Water quality will be addressed primarily through wet detention preceded by BMPs as needed. It is anticipated that a permit modification or a new permit for the land use change will be required. The water quality requirements may include the additional 50 percent of detention volume. The new rules for the lower west coast area are anticipated to be complete within the next year and may be applied to any portion of this project not yet permitted. The new rule would require additional best management practices to be incorporated into the system. All other rules of design would be the same for this community as any other permit for similar types of land uses.

Table 19-1, Drainage Areas provides the drainage area characteristics.

Table 19-1

Onsite Drainage Areas

Description	Impervious Surface (Acres)	Surface Detention (Acres)[1]	Open Space (Acres)	Total (Acres)
Existing	1.0	40.0	1642.1	1683.1
Proposed	925.7	156	601.4	1683.1

[1]Category includes lakes, ponds, storage, areas, etc.

The appropriate water quality volume will be detained and treated as required by Chapter 40E-4. In addition, the rate of discharge under post-development conditions will be attenuated at or below predevelopment rates. The major points of discharge are indicated on Map I-2, Proposed Drainage Patterns. Please see the table in part C above.

Best management practices will be incorporated and utilized throughout the design and construction process. Area disturbed will be stabilized upon completion of final grading.

In general, drainage patterns under pre-development conditions will be followed under post development conditions. Localized sub-basins will be modified to reflect a future detailed site plan, and to minimize erosion potential.

The storm water management system will be operated and maintained by a Community Development District or similar district as established under State of Florida laws.

The lakes/storm water ponds will have side slopes that provide littoral areas equal to or greater than the SFWMD requirements. The soils in the subsurface should allow stable slopes of 2H: 1V below the littoral area as evidenced by the slopes in the major onsite conveyances.

The storm water ponds are planned to be twenty (20) feet deep from the control elevation or until reaching a depth that is within two (2) feet above a confining layer. The confining layer is anticipated to be 25 to 50 feet below land surface. Should the borings on the site determine that the confining layer is shallower; the depth of excavation will be adjusted.

Water levels in the proposed system will be maintained similar to levels now experienced in the grove. Upstream areas of the grove will either be routed through the development or around the system. Determination of this will occur as the site is designed and the conceptual water management plan is completed for submittal to SFWMD for a Conceptual ERP approval. Native vegetation areas will be included in the landscape and incorporated into the system via ditch or pipe system with control structures to maintain appropriate

The native vegetation areas will be provided equal or greater water than they receive now. These systems are now adjusted to the lower water levels. Adjustment of the water levels will need to be carefully considered. The water

management system will be a series of interconnected lakes controlled by weirs to maintain water levels. There is considerable elevation change at this site and will require multiple weirs to maintain the water levels appropriate for the site.

2. Recommended Conditions for Development Approval for Stormwater

a. The Developer, the Property Owner's Association, or the Uniform Community Development District will utilize the Best Management Practices for the use of fertilizer, consistent with the soil and climatic conditions. The use of Best Management Practices will stipulate that only controlled release or slow release fertilizers will be used by any Home Owner Association, Property Owner Association, or Uniform Community Development District for common areas unless soil or climatic conditions dictate otherwise. This condition shall not apply to existing or future agricultural areas.

b. No grasses that require mowing shall be allowed within 6 feet of the control elevation, except where needed for erosion control. Littoral zone plants that do not require mowing or fertilization should be planted in these areas when possible.

c. The Developer must modify the existing agricultural construction and operation permit #26-00082-S to address the construction and operation of the surface water management system for the development approved by this Development Order. The Developer submitted for a conceptual and construction and operation Environmental Resource Permit along with the ADA, and that permit application shall be reviewed and evaluated in accordance with Chapter 40E, FAC, and the South Florida Water Management District (SFWMD) Basis of Review. The SFWMD application number is #070309-25.

d. 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.

e. 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. The fences or screen shall be maintained until the construction is complete and until all soil is stabilized.

f. Floating turbidity barriers or other devices will be in place on any flowing systems or in open water lake edges prior to initiation of earthwork and shall be maintained until all soil is stabilized.

g. The site contractors will manage turbidity from construction dewatering 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. The site will be managed to ensure that turbidity and other pollutants from construction dewatering on the property will be performed in a manner that meets the requirements of the State Water Quality Standards, and any requirements of the National Pollutant Discharge Elimination System ("NPDES") general permit for construction.

h. Exposed soils will be stabilized in accordance with NPDES Construction Activities Permit. Stabilization methods include solid sod, seeding, and mulching or hydro mulching to provide a temporary or permanent grass cover.

i. The Developer shall require contractors to implement storm drain inlet protection (such as hay bales or gravel) to limit sedimentation within the stormwater system.

j. 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.

k. Any silt barriers and any anchor soil, as well as accumulated silt, shall be removed upon completion of construction, and the stabilization of the soil. The entities responsible for the specific construction activities requiring these measures shall assume responsibility for having them removed upon completion of construction.

l. Any development within the FEMA floodplain will have finished floor elevations that meet or exceed the 100 year three day storm event for the adjacent water course as calculated by the backwater profile for the respective conveyance. Compensating storage will be required to address lost storage through the SFWMD permit process and requirements.

m. A Master Water Management Plan will be developed for the site as part of the Environmental Resource Permit (ERP) construction permit process. The Master Stormwater Management System will be maintained by Developer or their legal designate(s) The Developer will establish one or more legal operating entities, in accordance with the SFWMD Basis of Review, to maintain the internal stormwater management system.

n. Stormwater lakes shall include adequate maintenance easements around the lakes, with adequate access to a trail or roadway, as required by the appropriate governmental entity.

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

p. The Developer shall conduct annual inspections in accordance with the conditions of the approved SFWMD ERP, of the 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.

q. The owner or manager of commercial properties must undertake a regularly scheduled vacuum sweeping of streets and impervious parking areas. The Developer shall institute this requirement through deed restrictions.

r. Grease baffles shall be inspected and cleaned and/or repaired on a regular basis by the owner or manager. The maintenance shall be on an inspection period of at least once every 18 months.

s. 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.

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

u. 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 SWFWMD, 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.

v. 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 travelways.

w. 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.

x. Stormwater runoff will be minimized through a variety of rainwater harvesting techniques that may include cisterns, rainwater gardens, bottomless planter boxes, green roofs and pervious surfaces.

y. Landscape irrigation will be provided first through the use of reuse water, where reasonably available, and surface water from lakes. Ground water will be used to replace the surface water withdrawn for irrigation water.

I. TRANSPORTATION

The comments presented below are based on the discussion and analysis undertaken by The City of LaBelle, Hendry County, the Lee County Metropolitan Planning Organization, the Florida Department of Transportation, the Florida Department of Community Affairs and Southwest Florida Regional Planning Council staffs and the applicant's transportation consultant, David Plummer and Associates, Inc. The Application for Development Approval (ADA) for the South LaBelle Village Development of Regional Impact was first submitted November 01, 2006. Following the initial ADA Question 21 submittal and review, the agencies offered a series of transportation sufficiency questions and comments regarding the on-going study.

In April 2007 the applicant submitted a formal Sufficiency Response #1 to address agency comments. These documents were reviewed and found to be insufficient which generated a Second Sufficiency Response dated August 2007. During this time, the City, the County, FDOT, SWFRPC and the applicant continued negotiations to address appropriate road and intersection improvements. However, due in part, to the further questioning by the review agencies, the Third Sufficiency Response was submitted in January 2008. As a result of further analysis additional transportation program improvements are now identified.

During the review period, the applicant has proposed a number of development parameter changes to accommodate a revised plan of development. Although the total number of residential units has remained the same, the mix of the residential has changed. A total of 2,500 residential units consisting of 1,375 single family residential units and 1,125 multi-family residential units, up to 220,000 square feet of retail, 50,000 square feet of office, 50,000 square feet of quasi-public uses, such as a YMCA, and civic uses, such as schools, government offices, and other government uses, and a pool complex will be provided. Parks, clubhouses, and community centers shall be accessory uses and shall not be subtracted from the retail or office square footage. The applicant proposes a single phase commencing in 2008 with buildout anticipated in 2014[1].

One of the concerns during the sufficiency review by the review agencies addressed the ambiguity associated with the development parameters of the project. The original application proposed 2,500 total residential dwelling units with approximately 1,700 single family homes and 800 multi-family homes. Subsequent submittals proposed 2,500 total residential dwelling units with approximately 1,375 single family homes and 1,125 multi-family homes. The applicant's consultant indicated that due to unknown market conditions the exact project breakdown of uses is unknown at this time. The calculation of any land use conversion should be based on generating no additional DRI traffic. It is expected that the DRI substantial deviation criteria will limit the extent of allowable land use conversions.

Project Description

South LaBelle is a master planned community located in the incorporated City of LaBelle, Hendry County, Florida, south of State Road 80, and west of State Road 29. The project is bounded by SR80 on the west and the future Helms Road Extension on the north. The property includes 1,018.0 acres more or less. The South LaBelle DRI includes 2,500 residential units (1,375 single family units and 1,125 multi-family units), 220,000 square feet of retail uses, 50,000 square feet of office uses, approximately 50,000 square feet of quasi-public uses, such as a YMCA, and civic uses, such as schools, government offices, and other government uses, and related accessory uses to serve the development. Parks, clubhouses, and community centers shall be accessory uses and shall not be subtracted from the retail or office square footage.

The site will consist of several distinct land uses integrating roadway, landscape and storm water management features. The applicant intends to develop the residential component to accommodate the housing requirements of the various professional, skilled and unskilled employees whose jobs will be created by the commercial components of the project. The development strategy is intended to minimize job related automobile trips and utilize pedestrian sidewalks for the movement of people among housing units and into and out of the retail components located in proximity to the housing.

1. Project Impact

a. Applicant Development Parameter Estimate

Development parameters indicate that the planned community will include a maximum of 2,500 residential dwelling units (1,375 single-family homes and 1,125 multi-family homes); the project will accommodate up to 220,000 square feet of retail uses, 50,000 square feet of office uses, approximately 50,000 square feet of quasi-public uses, such as a YMCA, and civic uses, such as schools, government offices and other government uses. This project is claiming a minimum internal capture rate of 25 percent, which is considered very high for any mixed-use development[2]. However, the proposed internal capture rate has been accepted by FDOT.

The applicant's original ADA assumed approximately one third of the residential trips would be captured on site by the commercial and social-recreational uses of the proposed project. The applicant proposed this to be a reasonable capture rate due to the unique nature of this development. By "unique nature", the applicant was referring to the mix of uses and the remoteness of the project. The applicant refers to a statement in the Florida DOT Site Impact Handbook "remote projects have more internal capture". The applicant also referred to an article titled "Traditional Development Trip Generation Characteristics". That article was published by the Florida Institute of Transportation Engineers in September of 2005. The authors of the article proposed an increase in internal capture associated with increasing size and diversity of land uses. The authors also stated internal capture rates "....ranging between 25% and 50% should not be

questioned if the land use composition is favorable in size and diversity to supporting the estimated capture rate"[3]. SWFRPC staff maintains that to date the applicant has not presented convincing evidence to support the assertion that this project's "unique nature" would have internal capture above 20%.

The parameters presented below form the basis for the project impacts and mitigation requirements contained herein. The DRI traffic study relied heavily on the professional judgment of the applicant's consultant, David Plummer and Associates. Following three rounds of sufficiency responses, the applicant declined to provide additional information to determine regional roadway impacts utilizing standard methodologies recommended and accepted by the SWFRPC and FDOT. The DRI traffic study considered the following documents: ITE Trip Generation (Seventh Edition); the ITE Trip Generation Handbook; the Florida DOT 2002 Quality/Level of Service Handbook; the Florida DOT Site Impact Handbook; the Southwest Florida Regional Planning Council Transportation Methodology Procedures and contemporary trip generation studies.

The trip generation for the Project was calculated based on the trip rates in ITE Trip Generation (Seventh Edition), with equations used instead of the average rates, whenever possible. Internal capture rates in Table 21.B-1 were not derived from the ITE Trip Generation (Seventh Edition). The ITE Land Uses Codes were given in Table 21.B-1[4]. (see Table 21.B-1)

TABLE 21.B-1

SOUTH LABELLE VILLAGE DRI #05758
ITE TRIP GENERATION ESTIMATES
BUILDOUT (2014)

LAND USE	ITE LUC	SIZE	UNIT	TRIP TYPE	ADJ. FACTOR	PM PEAK IN	PM PEAK OUT	PM PEAK TOTAL	ADJ. FACTOR	DAILY
SINGLE-FAMILY-DETACHED	210	1,700	D.U.	TOTAL		865	508	1,373 (1)		14,091 (1)
				INTERNAL-RECREATION	2.6%	20	16	36	3.6%	502
				INTERNAL-R/NR	30.8%	237	186	422 (2)	30.6%	4,305 (2)
				EXTERNAL		608	306	914		9,283
				PASS-BY		0	0	0		0
				NETNEW		608	306	914		9,283
RESIDENTIAL CONDOMINIUM	230	800	D.U.	TOTAL		222	109	331 (1)		3,759 (1)
				INTERNAL-RECREATION	2.5%	5	3	8	3.6%	134
				INTERNAL-R/NR	30.5%	61	40	101 (2)	30.6%	1,149 (2)
				EXTERNAL		156	65	221		2,476
				PASS-BY		0	0	0		0
				NETNEW		156	65	221		2,476
GENERAL RETAIL	820	150,000	Sq. Ft.	TOTAL		393	425	818 (1)		8,839 (1)
				INTERNAL-RECREATION	0%	0	0	0	0%	0
				INTERNAL-R/NR	50%	197	212	409 (2)	50.0%	4,420 (2)
				EXTERNAL		196	213	409		4,420
				PASS-BY	35%	71	71	142 (3)	31%	1,658 (3)
				NETNEW		125	142	267		2,762
OFFICE	710	50,000	Sq. Ft.	TOTAL		23	112	135 (1)		782 (1)
				INTERNAL-RECREATION	0%	0	0	0	0%	0
				INTERNAL-R/NR	50%	12	56	68 (2)	50.0%	391 (2)
				EXTERNAL		12	56	68		391
				PASS-BY		0	0	0		0
				NETNEW		12	56	68		391
HOSPITAL	610	200	Bed	TOTAL		83	147	230 (1)		3,217 (1)
				INTERNAL-RECREATION	0%	0	0	0	0%	0
				INTERNAL-R/NR	20%	17	29	46 (2)	20%	643 (2)
				EXTERNAL		66	118	184		2,574
				PASS-BY		0	0	0		0
				NETNEW		66	118	184		2,574
GOLF COURSE	430	18	Hole	SUB-TOTAL		22	28	50 (1)		643 (1)
PARK	411	40	Acre	SUB-TOTAL		0	0	0 (1)		64 (1)
RECREATION FACILITIES				TOTAL		22	28	50		707
				INTERNAL-RECREATION	90%	20	25	45	90%	636
				INTERNAL-R/NR	0%	0	0	0 (2)	0%	0 (2)
				EXTERNAL		2	3	5		71
				PASS-BY	0%	0	0	0	0%	0
				NETNEW		2	3	5		71
TOTAL				TOTAL		1,608	1,329	2,937		31,395
				INTERNAL-RECREATION		45	45	90		1,273
				INTERNAL-R/NR		523	524	1,046		10,908
				EXTERNAL		1,041	761	1,802		19,215
				PASS-BY		71	71	142		1,658
				NETNEW		970	690	1,660		17,557
Peak Hour Directional Split/Peak-to-Daily Ratio						58.4%	41.6%	9.45%		

FOOTNOTES:

(1) Based on ITE, Trip Generation (7th Edition).
(2) Internal trips between the residential (R) and nonresidential (NR) uses.
(3) Pass-by trip percentages based on ITE, Trip Generation (7th Edition).

While approved zoning categories may allow a wider range of uses, from a DRI standpoint, the project impacts are based on the above parameters and assumed uses. Any significant change in the assumed uses or mix of uses will require a re-evaluation of the DRI transportation impacts. Local government development agreements have in recent past defined a significant change as one that would increase the external project traffic by 5% or more or that would significantly change the projected distribution and assignment of project traffic, so as to result in significantly and adversely impacted roadway links. Development agreement language will be discussed in conjunction with the Project's Development order.

The Project's Development and Phasing parameters as originally proposed in the ADA and subsequently revised through the review process are as follows:

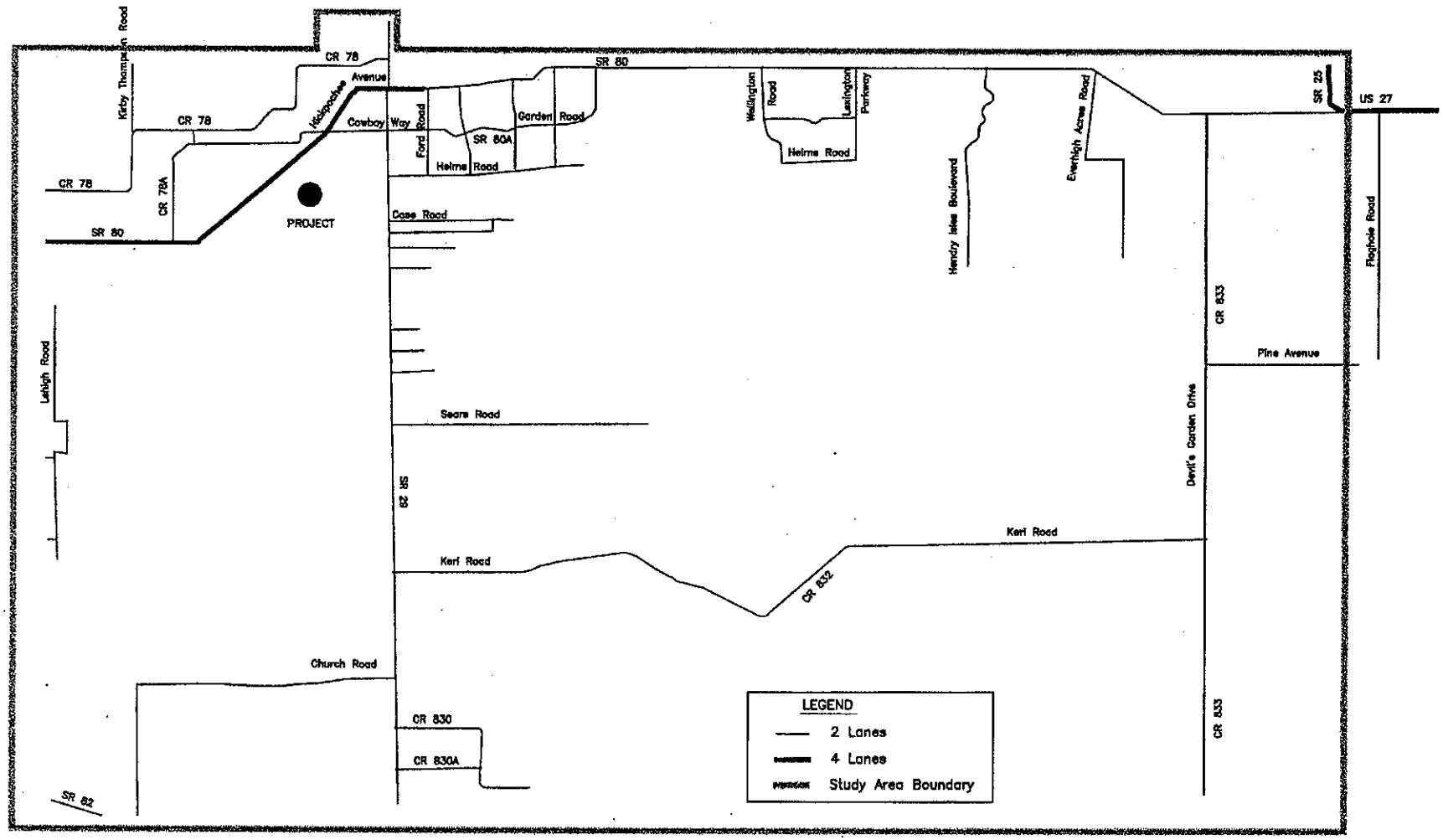
Table D-1

ADA Development Parameters

LAND USE	Phase 1 (2008-2014)	BUILDOUT (2014)
Single Family Residential	1,375	1,375
Multi Family Residential	1,125	1,125
Retail Services	220,000	220,000
General Office	50,000	50,000
Quasi-Public Uses	50,000	50,000

b. Study Area

The study area for South LaBelle Village was contained within an area from the Glades County line to the north, the Collier County line to the south, the Lee County line to the west and US 27 to the east (see attached Study Area, Exhibit 21-2).



dpa

SOUTH LABELLE VILLAGE DRI

STUDY AREA

05758/02A/0806

EXHIBIT 21-2

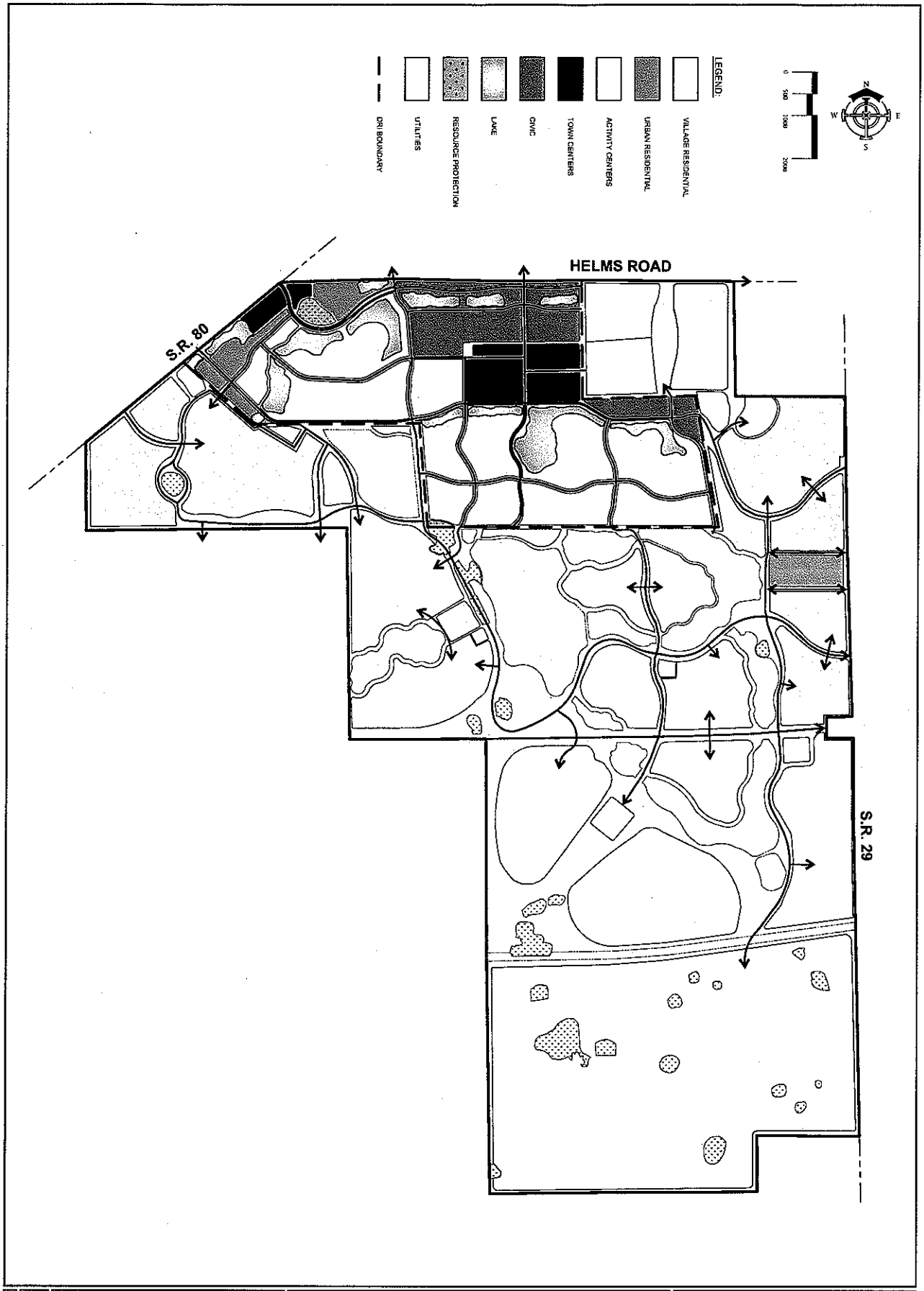
The existing highway network in the vicinity of the project consists of SR 80, SR 29, CR 78, CR 78A, CR 80A (Cowboy Way), CR 80A (Garden Road), Fort Denaud Road, Ford Road/City Ditch Road, Helms Road, Collingswood Parkway, Birchwood Parkway, Cedarwood Parkway, Bridge Street, Martin Luther King Boulevard and Sears Road. The roadway segments that were analyzed are subject to the measurement of the Project's significant impact. Please see below for a list of the roadway segments analyzed in the study.

Roadway Segments Under Study

SR 80	West of CR 78 to US 27
SR 29	Glades County line to Collier County line
CR 78	Kirby Thompson Road to SR 29
CR 78A	CR 78 to Ft. Dnaud Road and to SR 80
CR 80A (Cowboy Way)	SR 80 to Birchwood Parkway
CR 80A (Garden Road)	Birchwood Parkway to SR 80
Ft. Denaud Road	CR 78A to SR 80
Ford Road/City Ditch Road	Helms Road to SR 80
Helms Road	SR 29 to Cedarwood Parkway
Collingswood Parkway	Helms Road to SR 80
Birchwood Parkway	Helms Road to SR 80
Cedarwood Parkway	Helms Road to SR 80
Bridge Street	Cowboy Way to SR 80
Martin Luther King Blvd.	Cowboy Way to SR 80
Sears Road	SR 29 to East

c. Project Access

Based on ADA, the project was originally proposed to have direct access to SR 29 and indirect access to SR 80 and SR 29 via a proposed Helms Street Extension from SR 29 to SR 80. As of May 06, 2008, the applicant proposes to have direct access to SR 29 and indirect access to SR 80 and SR 29 through a proposed internal roadway (see Conceptual Internal Roadway Map). Turning movements for access points have yet to be identified. The access plan should limit the number of access points on SR 80, consistent with SR 80's designation by the Florida DOT as an Access Class 3 facility. As noted by rule, only the existing and committed road network can be considered.



Sheet Number: 01	FOR PERMITTING PURPOSES ONLY NOT FOR CONSTRUCTION	Status:	
	Project Manager: DD	Drawn By: JRF	Checked By: ADF
	Project Number: 21021	Cad File: 21021 MP	Xref:
	Xref:		
	FUTURE LAND USE MAP	PLAN REVISIONS: DATE: DESCRIPTION:	

OWNER/DEVELOPER
BRYAN PAUL

PROJECT:
SOUTH LABELLE VILLAGE DRI

TITLE:
SOUTH LABELLE COMMUNITY FUTURE LAND USE MAPS

DELISI FITZGERALD, INC
Planning - Engineering - Project Management

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Fort Myers, FL 33919
239-418-0691 239-418-0692 fax

d. Significance Test

While analysis of total external trips provides an indication of the potential impact of the project on external roadways, it does not indicate the roadway segments that will be significantly and adversely impacted by the project. Under the Florida Administrative Code Transportation Uniform Standard Rule, a roadway is significantly impacted if the development utilizes five percent or more of the adopted peak hour level of service maximum service volume for that roadway segment. The percentage impact is calculated as the DRI peak hour trips divided by the service volume on a given roadway segment.

e. Adversity Test

A roadway link is considered adversely impacted if total traffic exceeds the adopted peak hour level of service maximum service volume for that link. The Florida Administrative Code Transportation Uniform Standard Rule identifies a regional impacted roadway segment as one that is significantly and projected to be adversely impacted in the analysis year. Based on the Hendry County travel model assignment, the Project will have a significant and adverse impact. Table 21.D-2 summarizes the PM peak hour Project traffic on roadway segments in the study area for Build out in 2014. Also included in this table is Project traffic as a percentage of the roadway service volume at the adopted level of service standard. In addition, roadway segments that are "significantly and adversely impacted" by the Project are identified (see Table 21.D-2)

The list of significantly and adversely affected roadway segments is as follows:

Table D-2

EXHIBIT 21-S3-1 (REVISED)

TABLE 21. D-2

SOUTH LABELLE VILLAGE DRI #05758

FUTURE YEAR (2014) LOS WITH PROJECT

					Background Traffic							Project Traffic							Total Volume													11/9/2007
Roadway Segment	From	To	(1) E+C No. of Lanes	(2) Adopted LOS Std.	(6) AADT	(4) K Factor	(4) D Factor	Peak Two Way Volume	Peak Dir.	Dir. Volume	Dir. Volum	(3) FSUTMS PSWDT	% of Total Project	Two-Way Peak Hr Volume	Project Dir. Split	Project Dir. Split	Dir. Volume	Dir. Volume	Dir. Volume	Dir. Volume	(5) SVC CAP at LOS Std.	V/S Ratio at LOS Std	V/S Ratio at LOS Std	V/C Ratio at LOS "E" Cap.	V/C Ratio at LOS "E" Cap.	Year 2014 LOS	Year 2014 LOS	Project Traffic As % of SV	Project Traffic As % of SV	Signif & Adv Impact @5%	Signif & Adv Impact @5%
										NE	SW		16,872	0.104	NE	SW	NE	SW	NE	SW		NE	SW	NE	SW	NE	SW	NE	SW	NE	SW
State Roads																																
SR 29	Glades County Line	Whidden Rd.	2L	C	8,613	0.096	0.55	769	NB	423	346	292	1.6%	27	0.42	0.58	11	16	434	362	690	0.63	0.52	0.51	0.42	C	C	1.64%	2.30%	NO	NO
SR 29	Whidden Rd.	Nobles Rd.	2L	C	8,063	0.096	0.55	774	NB	426	348	327	1.9%	34	0.42	0.58	14	20	440	368	690	0.64	0.53	0.51	0.43	C	C	2.05%	2.88%	NO	NO
SR 29	Nobles Rd.	River Rd.	2L	C	20,131	0.096	0.55	1,933	NB	1,063	870	585	3.3%	59	0.42	0.58	24	34	1,087	904	690	1.58	1.31	1.26	1.05	F	F	3.54%	4.97%	NO	NO
SR 29 (Bridge)	River Rd.	Carlton Ave.	2L	C	20,157	0.096	0.55	1,935	NB	1,064	871	582	3.4%	60	0.42	0.58	25	35	1,089	906	690	1.58	1.31	1.27	1.05	F	F	3.65%	5.12%	NO	YES
Bridge St./SR 29	Carlton Ave.	SR 80	3L	C	20,148	0.096	0.55	1,934	NB	1,064	870	582	3.4%	60	0.42	0.58	25	35	1,089	905	725	1.50	1.25	1.27	1.05	F	F	3.47%	4.87%	NO	NO
Bridge St.	SR 80	Cowboy Way	3L	C	422	0.096	0.55	41	NB	22	18	0	0.0%	0	0.42	0.58	0	0	22	18	389	0.06	0.05	0.03	0.02	C	C	0.00%	0.00%	NO	NO
Main St.	Carlton Ave.	SR 80	2L	C	195	0.096	0.55	19	SB	8	10	22	0.1%	2	0.42	0.58	1	1	9	12	370	0.03	0.03	0.01	0.02	C	C	0.28%	0.36%	NO	NO
Main St./SR 29	SR 80	Cowboy Way	3L	C	9,740	0.096	0.55	935	SB	421	514	1,500	8.9%	156	0.42	0.58	65	91	486	605	725	0.67	0.84	0.56	0.70	C	C	8.95%	12.56%	NO	NO
SR 29	Cowboy Way	Helms Rd.	2L	C	12,083	0.096	0.55	1,160	NB	638	522	3,114	18.5%	324	0.42	0.58	135	189	773	711	690	1.12	1.03	0.90	0.83	D	D	19.51%	27.38%	YES	YES
SR 29	Helms Rd.	Project Entrance	2L	C	10,010	0.096	0.54	961	NB	523	438	2,825	16.7%	294	0.48	0.52	141	153	664	591	690	0.96	0.86	0.77	0.69	C	C	20.42%	22.12%	NO	NO
SR 29	Project Entrance	E. St.	2L	C	8,216	0.096	0.55	789	NB	434	355	2,474	14.7%	257	0.58	0.42	150	107	584	462	810	0.72	0.57	0.42	0.33	C	C	18.53%	13.20%	NO	NO
SR 29	E. St.	Sears Rd.	2L	C	8,216	0.096	0.55	789	NB	434	355	2,474	14.7%	257	0.58	0.42	150	107	584	462	810	0.72	0.57	0.42	0.33	C	C	18.53%	13.20%	NO	NO
SR 29	Sears Rd.	CR 832/Keri Rd.	2L	C	7,765	0.096	0.55	745	NB	410	335	2,310	13.7%	240	0.58	0.42	140	100	550	435	810	0.68	0.54	0.39	0.31	C	B	17.30%	12.33%	NO	NO
SR 29	CR 832/Keri Rd.	Church Rd.	2L	C	8,250	0.096	0.55	792	NB	436	356	2,159	12.8%	224	0.58	0.42	131	93	566	450	810	0.70	0.56	0.40	0.32	C	B	16.15%	11.50%	NO	NO
SR 29	Church Rd.	Collier County line	2L	C	8,069	0.096	0.55	775	NB	426	349	1,182	7.0%	123	0.58	0.42	72	51	498	400	810	0.61	0.49	0.36	0.29	C	B	8.85%	6.31%	NO	NO
SR 80	Lee County Line	Ft. Denaud Rd. (West)	4LD	B	19,643	0.096	0.55	1,886	EB	1,037	849	1,822	10.8%	189	0.58	0.42	111	78	1,148	927	1,540	0.75	0.60	0.35	0.28	B	B	7.10%	5.11%	NO	NO
SR 80	Ft. Denaud Rd. (West)	Murray Rd.	4LD	B	20,005	0.096	0.55	1,920	EB	1,056	864	3,832	22.7%	398	0.58	0.42	233	166	1,289	1,030	1,540	0.84	0.67	0.39	0.31	B	B	15.10%	10.76%	NO	NO
SR 80	Murray Rd.	Project Entrance	4LD	C	20,031	0.096	0.55	1,923	EB	1,058	865	4,786	28.4%	497	0.58	0.42	291	207	1,348	1,072	1,730	0.78	0.62	0.74	0.59	B	B	16.78%	11.96%	NO	NO
SR 80	Project Entrance	Helms Rd.	4LD	C	17,690	0.096	0.55	1,697	EB	934	764	0	0.0%	0	0.58	0.42	0	0	934	764	1,730	0.54	0.44	0.52	0.42	B	B	0.00%	0.00%	NO	NO
SR 80	Helms Rd.	Fort Denaud Rd. (East)	4LD	C	16,551	0.096	0.55	1,592	EB	876	716	1,588	9.4%	165	0.58	0.42	96	69	972	785	1,730	0.56	0.45	0.54	0.43	B	B	5.56%	3.96%	NO	NO
SR 80	Fort Denaud Rd. (East)	Martin Luther King Blvd.	4LD	C	16,124	0.096	0.55	1,548	EB	851	697	406	2.4%	42	0.58	0.42	25	18	876	714	1,730	0.51	0.41	0.48	0.39	B	B	1.43%	1.02%	NO	NO
SR 80	Martin Luther King Blvd.	Hardee	4LD	C	16,025	0.096	0.55	1,538	EB	846	692	122	0.7%	13	0.58	0.42	7	5	854	698	1,730	0.49	0.40	0.47	0.39	B	B	0.43%	0.30%	NO	NO
SR 80	Hardee	Main St.	4LD	C	23,009	0.096	0.55	2,209	EB	1,215	994	0	0.0%	0	0.58	0.42	0	0	1,215	994	1,730	0.70	0.57	0.67	0.55	B	B	0.00%	0.00%	NO	NO
SR 80	Main St.	Bridge St.	4LD	C	24,316	0.096	0.55	2,334	EB	1,284	1,050	812	4.8%	84	0.58	0.42	49	35	1,333	1,086	1,730	0.77	0.63	0.74	0.60	B	B	2.85%	2.03%	NO	NO
SR 80	Bridge St.	Lee St.	4LD	C	18,282	0.096	0.55	1,755	EB	965	790	148	0.9%	15	0.42	0.58	6	9	972	799	1,730	0.56	0.46	0.54	0.44	B	B	0.37%	0.52%	NO	NO
SR 80	Lee St.	Ft. Thompson	4LD	C	18,489	0.096	0.55	1,775	EB	976	799	0	0.0%	0	0.42	0.58	0	0	976	799	1,730	0.56	0.46	0.54	0.44	B	B	0.00%	0.00%	NO	NO
SR 80	Ft. Thompson	Clark St.	4LD	C	18,688	0.096	0.55	1,794	EB	987	807	0	0.0%	0	0.42	0.58	0	0	987	807	1,730	0.57	0.47	0.55	0.45	B	B	0.00%	0.00%	NO	NO
SR 80	Clark St.	Collingswood Pkwy	4LD	C	14,674	0.096	0.55	1,409	EB	776	634	760	4.5%	79	0.42	0.58	33	46	808	680	1,730	0.47	0.39	0.45	0.38	B	B	1.90%	2.67%	NO	NO
SR 80	Collingswood Pkwy	Birchwood Pkwy.	4LD	C	14,871	0.096	0.55	1,428	EB	785	642	760	4.5%	79	0.42	0.58	33	46	818	689	1,730	0.47	0.40	0.45	0.38	B	B	1.90%	2.67%	NO	NO
SR 80	Birchwood Pkwy.	Cedarwood Pkwy.	2L	C	11,025	0.096	0.55	1,058	EB	582	476	736	4.4%	76	0.42	0.58	32	45	614	521	690	0.89	0.75	0.71	0.61	C	C	4.61%	6.47%	NO	NO
SR 80	Cedarwood Pkwy.	Cowboy Way	2L	C	11,122	0.096	0.55	1,068	EB	587	480	736	4.4%	76	0.42	0.58	32	45	619	525	690	0.90	0.76	0.72	0.61	C	C	4.61%	6.47%	NO	NO
SR 80	Cowboy Way	Wellington Pkwy.	2L	C	11,785	0.096	0.55	1,131	EB	622	509	736	4.4%	76	0.42	0.58	32	45	654	554	810	0.81	0.68	0.47	0.40	C	C	3.63%	5.51%	NO	NO
SR 80	Wellington Pkwy.	Lexington Pkwy.	2L	C	11,280	0.096	0.55	1,083	EB	596	487	692	4.1%	72	0.42	0.58	30	42	626	529	810	0.77	0.65	0.45	0.38	C	C	3.69%	5.18%	NO	NO
SR 80	Lexington Pkwy.	Hendry Isles Blvd.	2L	C	11,869	0.096	0.55	1,139	EB	627	513	684	4.1%	71	0.42	0.58	30	42	656	554	810	0.81	0.68	0.47	0.40	C	C	3.65%	5.12%	NO	NO
SR 80	Hendry Isles Blvd.	Everleigh Acres Rd.	2L	C	12,131	0.096	0.55	1,165	EB	641	524	664	3.9%	69	0.42	0.58	29	40	669	564	810	0.83	0.70	0.48	0.40	C	C	3.54%	4.97%	NO	NO
SR 80	Everleigh Acres Rd.	CR 833	2L	C	12,034	0.096	0.55	1,155	EB	635	520	664	3.9%	69	0.42	0.58	29	40	664	560	810	0.82	0.69	0.47	0.40	C	C	3.54%	4.97%	NO	NO
SR 80	CR 833	US 27	2L	C	13,293	0.096	0.55	1,276	EB	702	574	642	3.8%	67	0.42	0.58	28	39	730	613	810	0.90	0.76	0.52	0.44	C	C	3.43%	4.81%	NO	NO

EXHIBIT 21-S3-1 (REVISED)

TABLE 21. D-2

SOUTH LABELLE VILLAGE DRI #05752

FUTURE YEAR (2014) LOS WITH PROJECT

11/9/2007

					Background Traffic							Project Traffic							Total Volume														
Roadway Segment	From	To	(1) E+C No. of Lanes	(2) Adopted LOS Std.	(6) AADT	(4) K Factor	(4) D Factor	Peak Two Way Volume	Peak Dir.	Dir. Volume	Dir. Volum	(3) FSUTMS PSWDT	% of Total Project	Two-Way Peak Hr Volume	Project Dir. Split	Project Dir. Split	Dir. Volume	Dir. Volume	Dir. Volume	Dir. Volume	(5) SVC CAP at LOS Std.	V/S Ratio at LOS Std	V/S Ratio at LOS Std	V/C Ratio at LOS "E" Cap.	V/C Ratio at LOS "E" Cap.	Year 2014 LOS	Year 2014 LOS	Project Traffic As % of SV	Project Traffic As % of SV	Signif & Adv Impact @6%	Signif & Adv Impact @8%
										NE	SW		16,872	0.104	NE	SW	NE	SW	NE	SW		NE	SW	NE	SW	NE	SW	NE	SW	NE	SW
Other Roadways																																	
CR 78	Bonneville St.	Avalon Ave.	2L	C	5,630	0.096	0.55	531	EB	292	239	35	0.2%	4	0.58	0.42	2	2	294	240	810	0.36	0.30	0.21	0.17	B	B	0.27%	0.19%	NO	NO
CR 79 (New)	Avalon Ave.	SR 29	2L	C	6,962	0.096	0.55	658	EB	368	301	221	1.3%	23	0.58	0.42	13	10	381	310	690	0.55	0.45	0.44	0.36	C	C	1.94%	1.39%	NO	NO
Ft. Denaud Rd. (East)	SR 80	Bridge	2L	C	3,811	0.096	0.55	366	WB	165	201	976	5.8%	101	0.58	0.42	59	42	224	243	810	0.28	0.30	0.16	0.17	B	B	7.31%	5.21%	NO	NO
Ft. Denaud Rd. (West)	Bridge	SR 80	2L	C	3,332	0.096	0.55	320	NB	176	144	272	1.6%	28	0.58	0.42	17	12	192	156	810	0.24	0.19	0.14	0.11	B	B	2.04%	1.45%	NO	NO
Ft. Denaud Bridge Way	CR 78	Ft. Denaud Rd.	2L	C	4,733	0.096	0.55	454	NB	250	204	868	5.1%	90	0.42	0.58	38	53	287	257	810	0.35	0.32	0.21	0.18	B	B	4.63%	6.50%	NO	NO
Cowboy Way	SR 80	Main St.	2L	C	4,664	0.096	0.55	448	EB	246	202	88	0.5%	9	0.42	0.58	4	5	250	207	690	0.36	0.30	0.29	0.24	C	B	0.55%	0.77%	NO	NO
Cowboy Way	Main St.	Ford St.	2L	C	6,996	0.096	0.55	672	EB	369	302	264	1.6%	27	0.42	0.58	11	16	381	318	690	0.55	0.46	0.44	0.37	C	C	1.65%	2.32%	NO	NO
Cowboy Way	Ford St.	Collingswood Pkwy.	2L	C	7,106	0.096	0.55	682	EB	375	307	164	1.0%	17	0.42	0.58	7	10	382	317	690	0.55	0.46	0.44	0.37	C	C	1.03%	1.44%	NO	NO
Cowboy Way	Collingswood Pkwy.	Birchwood Pkwy.	2L	C	4,152	0.096	0.55	399	EB	219	179	206	1.2%	22	0.42	0.58	9	13	228	192	690	0.33	0.28	0.27	0.22	C	B	1.30%	1.83%	NO	NO
Cowboy Way	Birchwood Pkwy.	Cedarwood Pkwy.	2L	C	4,724	0.096	0.55	453	EB	249	204	150	0.9%	16	0.42	0.58	6	9	256	213	690	0.37	0.31	0.30	0.25	C	C	0.94%	1.32%	NO	NO
Cowboy Way	Cedarwood Pkwy.	SR 80	2L	C	988	0.096	0.55	95	EB	52	43	0	0.0%	0	0.42	0.58	0	0	52	43	690	0.08	0.06	0.06	0.05	B	B	0.00%	0.00%	NO	NO
Ford Rd.	East Cowboy Way	Helms Rd.	2L	C	1,636	0.096	0.55	157	SB	71	86	958	5.7%	100	0.42	0.58	41	58	112	145	370	0.30	0.39	0.15	0.19	C	C	11.19%	15.71%	NO	NO
Ford Rd./City Ditch Rd.	SR 80	East Cowboy Way	2L	D	1,926	0.096	0.55	185	SB	83	102	784	4.7%	82	0.42	0.58	34	48	118	150	720	0.16	0.21	0.16	0.19	C	C	4.77%	6.68%	NO	NO
Helms Rd. (West Ext.)	SR 80	Project Entrance	2L	D	1,957	0.096	0.55	188	EB	103	85	2,082	12.3%	218	0.58	0.42	126	90	230	175	820	0.28	0.21	0.27	0.20	C	B	15.41%	10.97%	NO	NO
Helms Rd. (West Ext.)	Project Entrance	SR 29	2L	D	3,926	0.096	0.55	377	EB	207	170	4,826	28.6%	501	0.42	0.58	209	293	416	462	820	0.51	0.56	0.48	0.54	C	C	25.44%	35.71%	NO	NO
Helms Rd.	SR 29	Ford Rd.	2L	C	2,421	0.096	0.55	232	EB	128	105	1,712	10.1%	178	0.42	0.58	74	104	202	208	370	0.55	0.56	0.26	0.27	C	C	20.00%	28.08%	NO	NO
Helms Rd.	Ford Rd.	Collingswood Pkwy	2L	C	1,536	0.096	0.55	147	EB	81	66	764	4.5%	78	0.42	0.58	33	46	114	112	370	0.31	0.30	0.15	0.15	C	C	8.81%	12.37%	NO	NO
Helms Rd.	Collingswood Pkwy.	Birchwood Pkwy.	2L	C	985	0.096	0.55	95	EB	52	43	230	1.4%	24	0.42	0.58	10	14	62	56	370	0.17	0.15	0.08	0.07	C	C	2.69%	3.77%	NO	NO
Helms Rd.	Birchwood Pkwy.	Cedarwood Pkwy.	2L	C	669	0.096	0.55	64	EB	35	29	42	0.2%	4	0.42	0.58	2	3	37	31	370	0.10	0.08	0.05	0.04	C	C	0.49%	0.69%	NO	NO
Martin Luther King Blvd.	SR 80	W Cowboy Way	2L	D	588	0.096	0.55	56	SB	31	25	0	0.0%	0	0.42	0.58	0	0	31	25	720	0.04	0.04	0.04	0.03	C	C	0.00%	0.00%	NO	NO
Sears Rd.	East of SR 29		2L	C	233	0.096	0.55	22	EB	12	10	164	1.0%	17	0.42	0.58	7	10	19	20	810	0.02	0.02	0.01	0.01	B	B	0.88%	1.23%	NO	NO
CR 832/Keri Rd.	East of SR 29		2L	C	763	0.096	0.55	72	EB	40	33	140	0.8%	15	0.42	0.58	6	8	46	41	810	0.06	0.05	0.03	0.03	B	B	0.75%	1.05%	NO	NO

FOOTNOTES

(1) Existing + Committed number of lanes.

(2) Hendry County LOS standard based on Hendry County Comprehensive Plan, amended on 11/09/1999.

(3) Peak season traffic distribution and assignment based on FSUTMS travel model assignment.

(4) Model Output Conversion Factor (MOCF) of 0.92 was used for all the roadways to convert the model volumes to AADT.

K, D factors derived from FDOT permanent count station data.

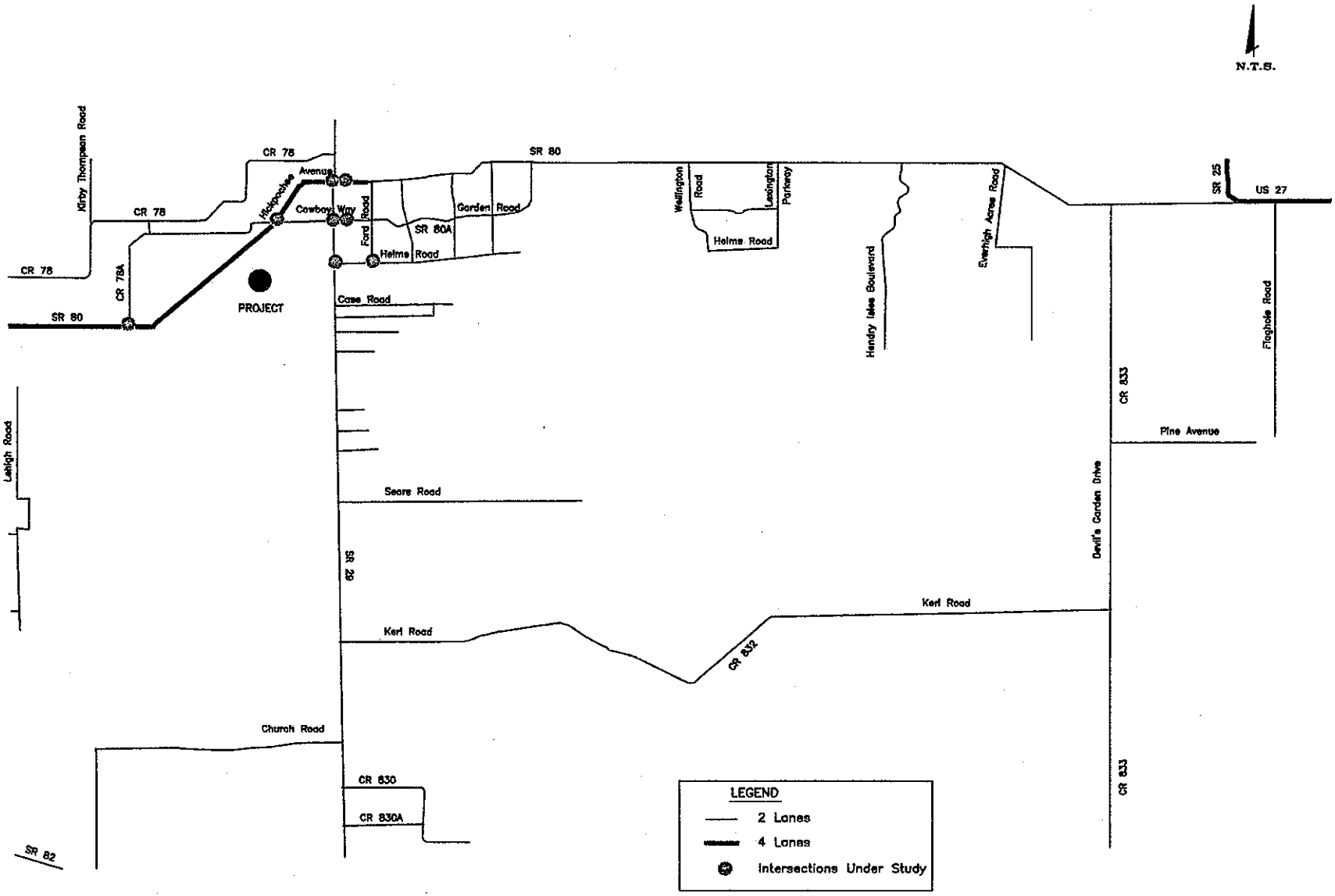
(5) Service volumes from FDOT service volume tables in 2002 Quality/Level of Service Handbook.

(6) Background traffic AADT estimates based on traffic counts and growth trends from model assignment as per Exhibits 21-S2-. Bold indicates actual count data for that road segment.

The following intersections were analyzed to determine if they are impacted by the project: (see Exhibit 21-3)

Table D-3

SR 80 & CR 78A
SR 80 & CR 80A (Cowboy Way) / Ft. Denaud Road
SR 80 & SR 29 South (Main Street)
SR 80 & SR 29 North (Bridge Street)
SR 29 & CR 80A (Cowboy Way)
SR 29 & Helms Road
CR 80A (Cowboy Way) & Bridge Street
Helms Road & Ford Road



dpa

SOUTH LABELLE VILLAGE DRI

INTERSECTIONS UNDER STUDY

05758/03A/0906

EXHIBIT 21-3

f. Project Trip Generation

Trip generation for the South LaBelle Village DRI was based upon ITE Trip Generation (Seventh Edition), the ITE Trip Generation Handbook, and contemporary methodologies. As a mixed-use, residential community, the South LaBelle Village incorporates retail, office, civic and residential uses. As a result, a portion of the trips generated by the project were assumed to be internal trips. According to the applicant, these internal trips capture a portion of the overall residential trips.

As noted above, the project is expected to be constructed in one phase with a 2014 build out. Table D-4 contains the PM Peak Hour trip generation estimates and an internal capture rate both calculated by the applicant. The proposed internal capture rate is considered very high according to the FDOT Site Impact Handbook.

Table D-4

Trip Generation Estimates
Build out (2014)

	PM Peak Hour			
	In	Out	Total	Daily
Total	1,608	1,329	2,937	31,395
Internal	567	568	1,135	12,180
External	1,041	761	1,802	19,215
Pass-by	71	71	142	1,658
Net New External	970	690	1,660	17,557

g. Total External Traffic

The FSUTMS trips were compared against the project trip generation data contained in the ITE Trip Generation Manual, 7th Edition. The ITE land use codes trip rate information was used in calculating peak hour to daily ratios for application in FSUTMS modeling of the site (see Table 21.B-1).

The project includes a single traffic analysis zone (TAZ). Two new TAZs were added to account for new developments near the Project. One was added to reflect the approved industrial and commercial employment at the Berry property on the south side of SR 80 west of the project. Another TAZ was added to reflect the Old Groves residential development between Cowboy Way and the future Helms Road Extension.

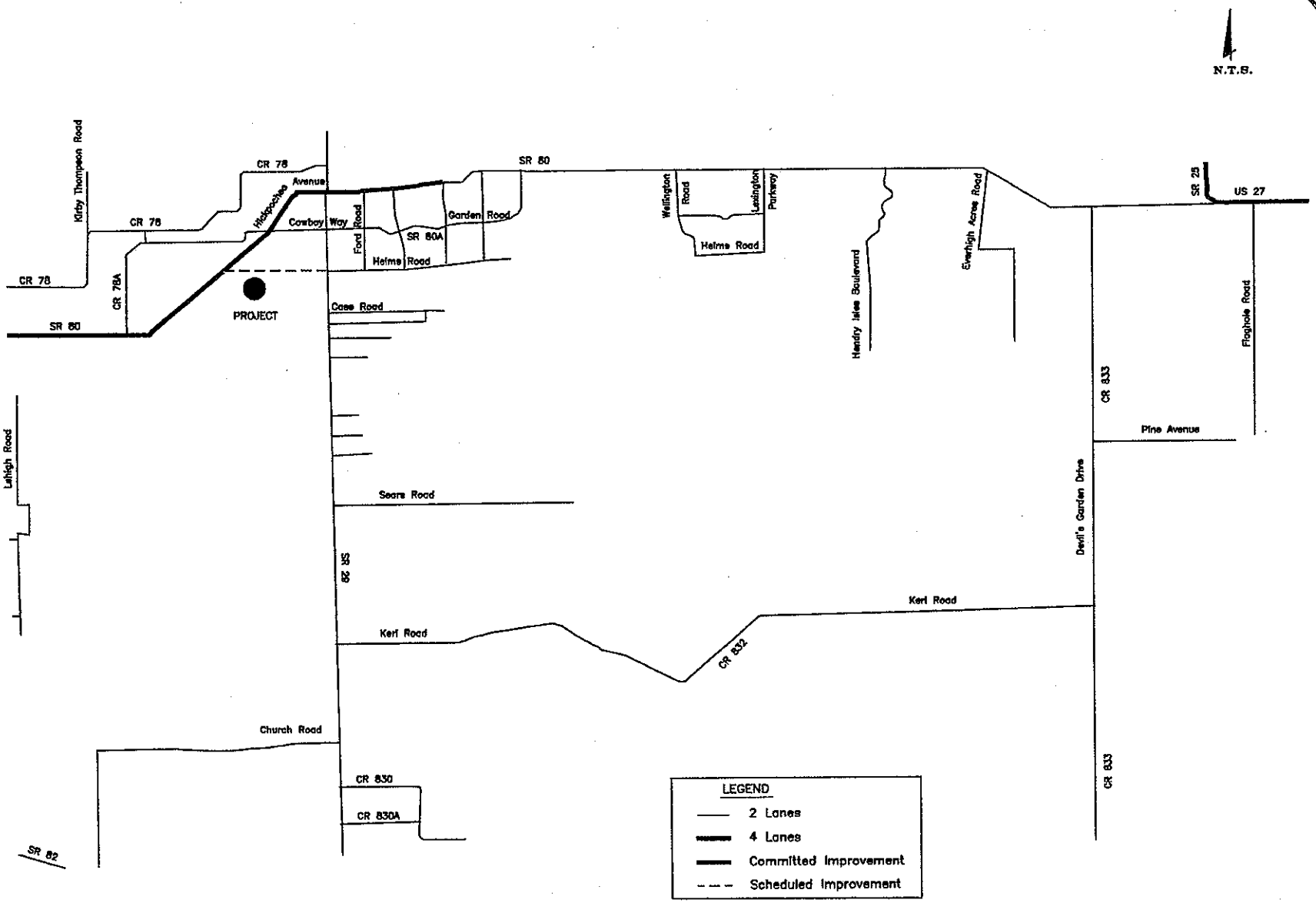
Total trips and project trips are primarily assigned to various areas using FSUTMS. The distributed trips are initially assigned to the most direct routes between the origin and destination. FSUTMS also has an equilibrium function where traffic is assigned away from congested routes.

The distribution and assignment of project trips was accomplished using the FSUTMS travel model on the existing plus committed (E+C) network, based on the Hendry County Capital Improvement Programs and the FDOT Five Year Work Program. The committed improvements assumed in the network are identified in Exhibit 21.A-2 (see Exhibit 21.A-2). Table D-5 depicts the committed roadway improvements.

Table D-5

Committed Roadway Improvements

Roadway	Segment	Improvement
SR 80	Clark Street to Birchwood Parkway	Widen to 4 Lanes



dpa

SOUTH LABELLE VILLAGE DRI

EXISTING PLUS COMMITTED (E+C)
ROAD NETWORK

05758/05A/0906

EXHIBIT
21.A-2

The DRI transportation assessment is performed to identify the project's study area, general area of significant impact, right of way reservation requirements, and recommended roadway improvements to support this and other area developments through buildout. The improvements shown in Exhibit 21-S3-5 (Revised) Table 21.F-1 accommodate both the background and the build out site traffic.

h. Future Conditions With Project

A review of the roadway segment analysis indicates that a number of roadway segments and intersections that are significantly impacted by the Project will eventually need to be improved to accommodate area wide growth through Buildout (2014). The following needed improvements and cost estimates were provided by the applicant: (Exhibit 21-S3-5 (Revised) Table 21.F-1) Please also see the SR 29 Traffic Mitigation Plan PD&E-Level Cost Estimates (pages I-I-22 & I-I-23) and the SR 29 Traffic Mitigation Plan from April 08, 2008 (page I-I-24).

EXHIBIT 21-S3-5 (REVISED)
TABLE 21.F-1

2014 ROADWAY AND INTERSECTION IMPROVEMENTS NEEDED TO SUPPORT ALL GROWTH, INCLUDING PROJECT

Roadway	Roadway Improvements	Preliminary Cost Estimate
SR 29 from CR78 to SR 80	Widen to four lanes #	$38.5 million (from Hendry Co. 2030 LRTP)
SR 29 from Cowboy Way to Helms Road	Widen to four lanes *	$6.4 million (from Hendry Co. 2030 LRTP)
Intersection	**Intersection Improvements**	**Preliminary Cost Estimate**
SR 80/Ft. Denaud Rd.(CR 78A)	Signalize, if warranted	$150,000
SR 80/Project Entrance	Add WB left-turn lane * Add WB right-turn lane * Add NB right-turn lane * Add SB left-turn lane * Signalize, if warranted *	
SR 80/Helms Rd. West	Add WB left-turn lane Add WB right-turn lane Add NB right-turn lane Add SB left-turn lane Signalize, if warranted	$350,000
SR 80/Ft. Denaud Rd./Cowboy Way	Retime signal	$10,000 – Maintenance
SR 80/Main St. (SR 29)	Add WB dual left-turn lane Add EB right-turn lane Add WB right-turn lane Add NB right-turn lane Add SB right-turn lane Retime signal	$700,000
SR 80/Bridge St. (SR 29)	Add EB dual left-turn lane Add EB right-turn lane Add WB right-turn lane Add NB right-turn lane Add SB right-turn lane Retime signal	$700,000
Cowboy Way/Main St. (SR 29)	Add EB right-turn lane Add WB right-turn lane Add NB right-turn lane Add SB right-turn lane Signalize, if warranted	$350,000

Cowboy Way/Bridge St.	None	N/A
Helms Rd./SR 29	Add NB left-turn lane Add SB left-turn lane Add NB right-turn lane Add SB right-turn lane Signalize, if warranted	$350,000
Project Entrance/SR 29	Add EB left-turn lane * Add EB right-turn lane * Add NB left-turn lane * Add SB right-turn lane * Signalize, if warranted *	
Helms Rd./Ford Rd.	None	N/A

* Site – related improvement.

Or construction of parallel facility, as per FDOT PD & E study.

SOUTH LABELLE VILLAGE DRI

SR 29 TRAFFIC MITIGATION PLAN

PD&E-Level Cost Estimates

DPA developed PD&E-level cost estimates for proposed SR 29 improvements based upon an FDOT Suburban Typical Section for a four-lane, divided road within 148 feet of ROW and with a 55 mph design speed. These cost estimates are still planning level costs and should not be used for bidding. Unit prices provided are based on state-wide averages (2007). Percentages were used to estimate the cost of activities where pay items were not available or could not be estimated from drawings.

The Construction Cost estimates account for Erosion Control, Landscaping, Mobilization, Maintenance of Traffic, Embankment and Drainage. In addition, a 25% Contingency Fee was applied. Adjustments were made to the Construction Cost estimates to account for the costs of Design and Construction Engineering Inspection (CEI). The estimated costs for Right-of-Way Acquisition (ROW) were also estimated.

Alternate 1 – Partial 4-Lane (through Cowboy Way and Helms Road intersections only)

4-laning of SR 29	$ 6.1 - $ 6.8 million
Side-street approaches	$ 0.3 - $ 0.4 million
Construction cost	$ 6.4 - $ 7.2 million
Estimated Design Cost (15%)	$ 0.9 - $ 1.1 million
Estimated CEI Cost (15%)	$ 0.9 - $ 1.1 million
Total, Including PE/CEI	$ 8.2 - $ 9.4 million
ROW Cost (@ 4.2 acres)	$ 0.4 - $ 0.6 million
Total, Including ROW	$ 8.6 - $10.0 million

Alternate 2 – Full 4-Lane (from north of Cowboy Way to south of Helms Road)

4-laning of SR 29	$ 6.7 - $ 7.4 million
Side-street approaches	$ 0.3 - $ 0.4 million
Construction cost	$ 7.0 - $ 7.8 million
Estimated Design Cost (15%)	$ 1.0 - $ 1.2 million
Estimated CEI Cost (15%)	$ 1.0 - $ 1.2 million
Total, Including PE/CEI	$ 9.0 - $10.2 million
ROW Cost (@ 5.7 acres)	$ 0.6 - $ 0.8 million
Total, Including ROW	$ 9.6 – 11.0 million

The difference in estimated costs between Alternate 1, widening through both the Cowboy Way and Helms Road intersections (but not between the intersections), and Alternate 2, widening the entire road segment from north of Cowboy Way to south of Helms Road, is only approximately $1 million.

However, there are two possible ways to reduce the costs of Alternate 1.

1. An add/drop lane in each direction must have sufficient length to operate efficiently. If the add/drop lane is too short, motorists won't use the outside lane. On page 51 of the FDOT Q/LOS Handbook, the text indicates that it might be reasonable to consider an additional one-half lane for capacity, if the 4-lane section extends at least one-third mile through the intersection. For planning purposes, DPA used a length of one-third mile as a default value in developing these cost estimates. It is possible that the length of the add/drop lanes through each intersection could be reduced and still provide efficient traffic operations. If so, then the costs for widening to four lanes through each intersection could be reduced.

2. The Suburban Typical Section provided by FDOT assumes a design speed of 55 mph. With a 55 mph design speed, the tapers needed to transition back to two lanes south of Cowboy Way and north of Helms Road almost come together in the middle of the road segment. If a design speed of less than 55 mph is acceptable for this road segment entering the City of LaBelle, then the length of the tapers and the costs for constructing them could be reduced.

SOUTH LABELLE VILLAGE DRI

SR 29 TRAFFIC MITIGATION PLAN
(April 8, 2008)

General Considerations

1. The Applicant is anticipated to pay approximately $6.4 million in road impact fees, based on the current Hendry County fee schedule, for proposed development in South LaBelle Village DRI.
2. The Applicant's overall proportionate share of the cost for improvements needed for significantly and adversely impacted road segments and intersections is approximately $2.7 million.
3. Typically, the Applicant is required to pay the higher of the two, road impact fees or the overall proportionate share of the cost for needed improvements. Therefore, the Applicant's total traffic mitigation obligation is approximately **$6.4 million**.
4. The FDOT SR 29 PD&E Study for SR 29 from SR 82 to Cowboy Way is now underway, with completion scheduled on May 7, 2009.

Contributions	Schedule	Estimated Cost	Vested External Trips
1. Fund design of 4-laning (Helms Rd to Cowboy Way)	Within 90 days of completed PD&E Study (or NLT 10/1/09)	$ 1.5 million (1)	454(6)
2. Fund 4L construction thru Helms Rd intersection	Within 6 months of completed ROW acquisition (or NLT 7/1/11)	$ 2.5 million (1)	757(6)
3. Fund 4L construction thru Cowboy Way intersection	Within 18 months of completed ROW acquisition (or NLT 7/1/12)	$ 2.5 million (1)	757(6)
4. Dedicate ROW for Helms Road Ext.	Within 90 days of written notification of ROW requirements	$ 0.45 million (3)	136(6)
5. Total		**$ 6.95 million**	**1,937(5)**

Footnotes:
(1) DPA planning-level cost estimate, based on FDOT average cost per mile estimate of $5,750,000 for urban cross section.
(2) DPA planning-level cost estimate, assuming $177,000 per acre at Cowboy Way and $65,000 per acre at Helms Road.
(3) BBG cost estimate.
(4) NLT = No later than.
(5) External driveway volumes, including net new external trips and pass-by trips, as per DRI Development Order Condition II.D.1.a.
(6) Vested trips for each DO condition = estimated cost of DO condition / total traffic mitigation obligation ($6.4 million) x total vested external trips (1,937).

Credits

1. All costs are creditable against the Applicant's total mitigation obligation of $6.4 million.
2. Costs incurred beyond $6.4 million will be creditable and transferable to other future development by the Developer.

2. Remedial Action

a. Staff Estimate

Roadway and intersection improvements will be necessary to support the project and general growth in the area through 2014. Table D-6 below lists the recommended roadway improvements at Buildout:

Table D-6

Recommended Roadway Improvements

Roadway	Segment	Improvement
SR 29	CR 78 to SR 80	Widen to 4 Lanes
SR 29	Cowboy Way to Helms Road	Widen to 4 Lanes

Table D-7 below lists the recommended intersection improvements at Buildout:

Table D-7

Recommended Intersection Improvements

Intersection	Improvement	
	Background	Total Traffic
SR 80/Ft. Denaud Rd. (CR 78A)	Signalize, if warranted	
SR 80/Project Entrance	Add WB left-turn lane Add WB right-turn lane Add NB right-turn lane Add SB left-turn lane Signalize, if warranted	
SR 80/Helms Rd. West	Add WB left-turn lane Add WB right-turn lane Add NB right-turn lane Add SB left-turn lane Signalize, if warranted	

SR 80/Ft. Denaud Rd./Cowboy Way	Retime signal
SR 80/Main St. (SR 29)	Add WB dual left-turn lane Add EB right-turn lane Add WB right-turn lane Add NB right-turn lane Add SB right-turn lane Retime signal
SR 80/Bridge St. (SR 29)	Add EB dual left-turn lane Add EB right-turn lane Add WB right-turn lane Add NB right-turn lane Add SB right-turn lane Retime signal
Cowboy Way/Main St. (SR 29)	Add EB right-turn lane Add WB right-turn lane Add NB right-turn lane Add SB right-turn lane Signalize, if warranted
Cowboy Way/Bridge St.	None
Helms Rd./SR 29	Add NB left-turn lane Add SB left-turn lane Add NB right-turn lane Add SB right-turn lane Signalize, if warranted
Project Entrance/SR 29	Add EB left-turn lane Add EB right-turn lane Add NB left-turn lane Add SB right-turn lane Signalize, if warranted
Helms Rd./Ford Rd.	None

The analyses of the projected 2014 conditions indicated that the proposed development is projected to have significant and adverse impacts on roadway segments with the current LOS. Segments of SR 29 are projected to operate below the adopted level of service.

Under the current LOS standard, few of the analyzed segments, were projected to exceed the LOS standard capacities by 2014 due to projected background traffic. All of these roadways with identified regional impacts by the DRI are either FDOT or Hendry County maintained roadways.

b. Costs and Proportionate Share

The determination of actual project costs and proportionate share of all intersection and roadway needs will be a function of the more detailed analyses to be provided by The City of LaBelle, Hendry County and the Florida Department of Transportation in accordance with Development Order requirements.

The SWFRPC staff recommends that the level of detailed information, which is necessary to determine specific intersection improvements through 2014, should be specified by The City of LaBelle, Hendry County and FDOT during subsequent monitoring submittals.

In order to determine the timing for intersection improvements the applicant should be required to participate in traffic monitoring programs. In addition, the applicant should be fully responsible in the future for signalization, turn lanes, and other site-related intersection improvements that may be required at the DRI access intersections within and adjacent to the site. Any development order should ensure that future proposed changes fully identify the provisions made by the applicant to ensure that adopted LOS will be maintained for regionally-significant roadways and intersections.

The applicant should be responsible for identifying Project impacts, and those road and intersection improvements needed over the course of the Project; development should stop at the time the improvement fails to be constructed as planned. If the applicant was responsible for the construction of the improvement, which failed to be completed in a timely manner, the construction of the project should immediately cease.

3. Applicant Commitment

The applicant has indicated that the South LaBelle Village will fully mitigate its traffic impacts through the payment of road impact fees or a proportionate share of needed improvements and the construction of site-related improvements. Based on the impact fee schedule prior to the impact fee rollback, it is estimated that the project would pay approximately $6,428,900 in road impact fees through build out. The City of LaBelle adopted an ordinance on January 09, 2008 which suspended impact fees on new construction for one year. The ordinance will be reevaluated in January of 2009. The preliminary Proportionate Share estimate for mitigating projected impacts under the current LOS standard is presented in Exhibit 2 (see Exhibit 2). Since the proportionate share value is less than the impact fee value, the applicant contends that impact fees are more than sufficient to cover impact fee mitigation. The SWFRPC will accept this as

appropriate mitigation if The City of LaBelle, Hendry County, FDOT and FDCA are in agreement with this as a mitigation option.

EXHIBIT 2

SOUTH LABELLE VILLAGE DRI
SUPPLEMENTAL INFORMATION

PROPORTIONATE SHARE ESTIMATES
FUTURE (2014) TRAFFIC CONDITIONS WITH PROJECT

ROADWAY SEGMENTS

ROADWAY	FROM	TO	Number of Lanes E+C	Number of Lanes Need.	Service Volume At LOS Standard E+C	Service Volume At LOS Standard Need.	Service Volume Added	Project Volume		% Signif.		(1) Prop. Share	Miles	Roadway Improvement Cost per Mile	Roadway Improvement Cost	Estimated Prop Share
SR 29	CR 78	SR 80	2	4	690	1,730	1,040	35	SB	5.07%	**	0.0337	0.6	N/A	$38,500,000	$1,296,000
SR 29	Cowboy Way	Helms Road	2	4	690	1,730	1,040	189	SB	27.39%	**	0.1817	1.0	N/A	$6,400,000	$1,163,000

INTERSECTIONS

INTERSECTION	Total Entering Volume	Project Entering Volume	(2) Prop. Share	Estimated Intersection Improvement Cost	Estimated Prop Share
SR 80/Ft. Denaud Rd. (W)	2,448	219	0.0895	$150,000	$13,000
SR 80/Helms Road	2,443	496	0.2030	$350,000	$71,000
SR 80/Ft. Denaud Rd (E)	2,097	240	0.1144	$10,000	$1,000
SR 80/SR 29 (Main St.)	3,342	84	0.0251	$700,000	$18,000
SR 80/SR 29 (Bridge St.)	3,757	98	0.0261	$700,000	$18,000
SR 29/Cowboy Way	1,826	189	0.1035	$350,000	$36,000
SR 29/Helms Road	2,061	602	0.2921	$350,000	$102,000
TOTAL				**Total**	**$2,718,000**

Footnotes:

(1) Prop share calculation for road segments = Project traffic as percentage of Capacity Added by improvement.
(2) Prop share calculation for intersections = Project traffic as percentage of Total traffic.

Pay Higher of Two { Expected Road Impact Fee Payments (Ex. 21-S1-14) $6,428,000
{ Estimated Proportionate Share Payments $2,718,000

The Developer is fully responsible for its share of the site-related roadway and intersection improvements: all intersection improvements, including signalization, turn lanes, deceleration lanes, and other improvements deemed necessary by the City of LaBelle, Hendry County and FDOT for the Project's access points. Site-related improvements are not eligible for credit against impact fees and are also ineligible for offset against the project's proportionate share obligation.

Transportation Monitoring Report

a. Design of Monitoring Program

The transportation-monitoring program will be designed in cooperation with The City of LaBelle, Hendry County, the Florida Department of Transportation (FDOT), the Southwest Florida Regional Planning Council (SWFRPC), and the Florida Department of Community Affairs (FDCA) prior to submittal of the first report. The methodology of the biennial transportation monitoring report may be revised if agreed upon by all parties.

b. Submittal of Monitoring Report

The Developer must submit a biennial transportation monitoring report to the following entities for review and approval: The City of LaBelle, Hendry County, FDOT, FDCA, and SWFRPC. The first monitoring report will be submitted two years after the effective date of the DRI Development Order. The Developer must provide written notice to the above review agencies if he concludes that a traffic monitoring report is not required because no traffic impacts have been created. Once a transportation monitoring report has been submitted, a report must be submitted biennially thereafter.

c. Minimum Requirements for Report Contents

At a minimum, the monitoring report will measure the project's actual external roadway impacts and the level of service conditions on the impacted roads and intersections, and determine the timing for needed improvements. The biennial traffic monitoring report must also contain the following information:

1) P.M. peak hour traffic counts with turning movements at the project's access points and on the external road segments and intersections identified in Table 21.D-2 and Table D-3.

2) A comparison of field measured project traffic volumes to the project trip generation assumed in the DRI analysis. The Developer will need to specify in the methodology how the internal interaction will be measured.

3) Estimated existing levels of service and needed improvements for the roads and intersections specified in Table 21.D-2 and Table D-3 above.

4) Estimated future levels of service and needed improvements for the roads and intersections specified in Table 21.D-2 and Table D-3 above, based on a one-year projection of future volumes.

5) A summary of the status of road improvements identified in the DRI to be committed by The City of LaBelle, Hendry County and FDOT.

6) Internal capture rates by land use and a total internal capture rate for the project.

d. Implications

1) If the biennial transportation monitoring report reveals that the project trip generation exceeds the thresholds identified in 380.06(19) (b) 15, Florida Statutes, then the statutory provisions regarding substantial deviations will govern. If the project is deemed to be a substantial deviation, the Developer must then undergo additional DRI review. This review must reanalyze the project impacts on the City, County and State road networks in general, and specifically evaluate the potential project impacts on the roadway segments and intersections identified in Table 21.D-2 and Table D-3 above.

2) Changes to development parameters or phasing may trigger the need to rebut the statutory presumption of substantial deviation. In some instances, the evidence necessary to rebut the presumption may involve the need for a comparison of project trip distribution and assignment.

Appendix A

Hendry County
Long Range Transportaion Plan (LRTP) Update
2030 Needs

Roadway Segment	From	To	Improvement	R/U	$/mile	Length (miles)	Constr. Cost (a)	Area	Ave. Indirect Cost (a)	R/W Cost	Needs Plan Total Cost		Fin.Feasible
State Roads													
									10%				
SR 29	Glades County Line	Caloosahatchee River	Widen from 2L to 4LD	U	$5,750,000	0.93	$5,347,500	7	$534,750	$598,087	$6,480,337		
SR 29 (Bridge)	over	Caloosahatchee River	Widen from 2L to 4LD	U	(b)	0.10	$32,000,000	7	$3,200,000	$64,310	$35,264,310		$35,264,310
Bridge St./SR 29	Caloosahatchee River	SR 80	Widen from 2L to 4LD	U	$5,750,000	0.47	$2,702,500	7	$270,250	$302,259	$3,275,009		$3,275,009
SR 29	Cowboy Way	Helms Rd.	Widen from 2L to 4LD	U	$5,750,000	1.00	$5,750,000	4	$575,000	$74,448	$6,399,448		
SR 29	Helms Rd.	Sears Rd.	Widen from 2L to 4LD	R	$3,350,000	5.93	$19,865,500	4	$1,986,550	$441,477	$22,293,527		
SR 29	Sears Rd.	Keri Rd.	Widen from 2L to 4LD	R	$3,350,000	3.45	$11,557,500	4	$1,155,750	$256,846	$12,970,096		
SR 29	Keri Rd.	Church Rd.	Widen from 2L to 4LD	R	$3,350,000	2.60	$8,710,000	4	$871,000	$193,565	$9,774,565		
SR 29	Church Rd.	Collier Co. Line	Widen from 2L to 4LD	R	$3,350,000	3.03	$10,150,500	4	$1,015,050	$225,577	$11,391,127		
SR 80	Lee County Line	Fort Denaud Rd.	Widen from 4LD to 6LD	R	$3,350,000	2.98	$9,983,000	2	$998,300	$193,533	$11,174,833		
SR 80	Fort Denaud Rd.	Murray Rd.	Widen from 4LD to 6LD	R	$3,350,000	1.45	$4,857,500	2	$485,750	$94,169	$5,437,419		
SR 80	Murray Rd.	Helms Road Ext.	Widen from 4LD to 6LD	R	$3,350,000	1.52	$5,092,000	2	$509,200	$98,715	$5,699,915		
SR 80	Helms Road Ext.	Fort Denaud Rd.	Widen from 4LD to 6LD	R	$3,350,000	1.48	$4,958,000	2	$495,800	$96,117	$5,549,917		
SR 80	Fort Denaud Rd.	MLK Blvd.	Widen from 4LD to 6LD	U	$5,750,000	1.13	$6,497,500	6	$649,750	$626,472	$7,773,722		
SR 80	MLK Blvd.	Hardee St.	Widen from 4LD to 6LD	U	$5,750,000	0.31	$1,782,500	6	$178,250	$171,864	$2,132,614		
SR 80	Hardee St.	Main St.	Widen from 4LD to 6LD	U	$5,750,000	0.46	$2,645,000	6	$264,500	$255,024	$3,164,524		
SR 80	Main St.	Bridge St.	Widen from 4LD to 6LD	U	$5,750,000	0.06	$345,000	6	$34,500	$33,264	$412,764		
SR 80	Bridge St.	Lee St.	Widen from 4LD to 6LD	U	$5,750,000	0.08	$460,000	6	$46,000	$44,352	$550,352		
SR 80	Lee	Ft. Thompson	Widen from 4LD to 6LD	U	$5,750,000	0.71	$4,082,500	6	$408,250	$393,624	$4,884,374		
SR 80	Ft. Thompson	Clark St.	Widen from 2L to 4LD	U	$5,750,000	0.07	$402,500	6	$40,250	$38,808	$0	(e)>	$0
SR 80	Clark St.	Collingswood Pkwy	Widen from 2L to 4LD	U	$5,750,000	0.86	$4,945,000	6	$494,500	$476,784	$0	(e)>	$0
SR 80	Collingswood Pkwy	Birchwood Pkwy.	Widen from 2L to 4LD	U	$5,750,000	1.20	$6,900,000	6	$690,000	$665,280	$0	(e)>	$0
SR 80	Birchwood Pkwy.	Wellington Pkwy.	Widen from 2L to 4LD	R	$3,350,000	6.46	$21,641,000	2	$2,164,100	$419,538	$0	(f)>	$0
SR 80	Wellington Pkwy.	Lexington Pkwy.	Widen from 2L to 4LD	R	$3,350,000	1.54	$5,159,000	2	$515,900	$100,014	$0	(f)>	$0
SR 80	Lexington Pkwy.	Hendry Isles Blvd.	Widen from 2L to 4LD	R	$3,350,000	3.06	$10,251,000	2	$1,025,100	$198,729	$0	(f)>	$0
SR 80	Hendry Isles Blvd.	CR 833	Widen from 2L to 4LD	R	$3,350,000	5.62	$18,827,000	2	$1,882,700	$364,985	$0	(f)>	$0
SR 80	CR 833	US 27	Widen from 2L to 6LD	R	$6,700,000	3.00	$20,100,000	2	$2,010,000	$194,832	$0	(f)>	$0
US 27/SR 80	SR 80	Flaghole Rd.	Widen from 4LD to 6LD	U	$3,350,000	0.99	$3,316,500	2	$331,650	$64,295	$3,712,445		
US 27/SR 80	Flaghole Rd.	CR 720	Widen from 4LD to 6LD	U	$3,350,000	5.23	$17,520,500	2	$1,752,050	$339,657	$19,612,207		
US 27/SR 80	CR 720	Lewis Blvd	Widen from 4LD to 6LD	U	$5,750,000	1.11	$6,382,500	6	$638,250	$615,384	$7,636,134		
US 27/SR 80	Lewis Blvd	Olympia St.	Widen from 4LD to 6LD	U	$5,750,000	1.24	$7,130,000	6	$713,000	$687,456	$8,530,456		
US 27/SR 80	Olympia St.	S. Pedro St.	Widen from 4LD to 6LD	U	$5,750,000	0.74	$4,255,000	6	$425,500	$410,256	$5,090,756		
US 27/SR 80	S. Pedro St.	S. Francisco St.	Widen from 4LD to 6LD	U	$5,750,000	0.37	$2,127,500	6	$212,750	$205,128	$2,545,378		
SR 82	Lee Co. Line	Collier Co. Line	Widen from 2L to 4LD	R	$3,350,000	1.30	$4,355,000	4	$435,500	$96,782	$4,887,282		
									$0		$0		
Subtotal							$270,099,000		$27,009,900	$9,041,630	$206,643,510		$38,539,319
Other Roadways													
Helms Rd. East Extension (G)	Lexington Pkwy.	CR 833	New 2L Road	U	$5,600,000	8.16	$45,696,000	5	$4,569,600	$232,858	$50,498,258		
Helms Rd.	SR 29	Ford	Widen from 2L to 4LD	U	$5,750,000	1.01	$5,807,500	5	$580,750	$28,797	$6,417,047		
Helms Rd. West Extension (B)	SR 80	SR 29	New 4LD Road	U	$11,500,000	2.51	$28,865,000	5	$2,886,500	$71,565	$31,823,065		$31,823,065
Church Rd North Extension (J)	Church Rd.	Sears Rd. W. Extension	New 2L Road	R	$2,650,000	3.40	$9,010,000	5	$901,000	$96,941	$10,007,941		$10,007,941
Sears Rd. West Extension (L)	Wheeler Rd.	SR 29	New 2L Road	R	$2,650,000	7.96	$21,094,000	5	$2,109,400	$226,956	$23,430,356		$23,430,356
Wheeler Rd.	Sears Rd. Extension	SR 80	New 2L Road	R	(c)	7.51		5	$0				$0
Kirby Rd. West Ext.(N)	Kirby Thompson Rd.	Lee Co. Line	New 2L Road	R	$2,650,000	2.06	$5,459,000	1	$545,900	$290,411	$6,295,311		
Howard Rd. West Ext. (P/R)	Kirby Thompson Rd.	N. River Rd.	New 2L Road	R	$2,650,000	3.77	$9,990,500	1	$999,050	$531,480	$11,521,030		$11,521,030
Subtotal							$125,922,000		$12,592,200	$1,478,807	$139,993,007		$76,782,391
Total							$396,021,000		$39,602,100	$10,520,437	$346,636,517		$115,321,710

Notes:
(a) Design, PDE and administration costs often funded separately from construction
(b) Average cost of a new 2 lane structure
(c) Funded through a MSBU
(d) Ft. Denaub bridge may need to be replaced as a routine maintenance/replacement project
(e) Has allocated FDOT funding as per current Work Program
(f) Shown as part of current Finacially Feasible SIS Plan

Sources

1. South LaBelle Village First Sufficiency Response, Question 21
2. FDOT Site Impact Handbook, Page 54
3. South LaBelle Village, ADA, Question 21, Page 21-7
4. South LaBelle Village, ADA, Question 21

J. VEGETATION, WILDLIFE and WETLANDS

1. Description of Area Resources and Conditions

The South LaBelle Village Development of Regional Impact project is a proposed 1,018-acre development, including 969.56 acres of uplands and 48.44acres of wetlands and other waters located south of State Road 80, west of adjacent citrus groves, State Road 29 and the City of LaBelle in Sections 19 And 20 of Township 43 South, Range 29 East and Section 24; Township 43 South; Range 28 East, in northern Hendry County. Currently the site is agricultural habitat.

Vegetation mapping for the South LaBelle Village DRI property (Project) was conducted using 2002/2004 Hendry County aerial photographs. Groundtruthing to map the vegetative communities was conducted September 28 and 29, 2004; March 24, 2006; and August 16, 2006 utilizing the Florida Land Use, Cover and Forms Classification System (FLUCFCS) (Florida Department of Transportation 1999). Mapping was based on Level III FLUCFCS with Level IV used to denote hydrologic conditions and disturbance. "E" codes were used to show levels of exotic invasion (i.e., melaleuca (*Melaleuca quinquenervia*)). Autodesk Map 3D 2006 software was used to determine the acreage of each mapping area, produce summaries, and generate the final FLUCFCS map (Map F-1).

A total of nine vegetative associations and land uses (i.e., FLUCFCS codes) were identified on the property. The dominant land use type on the property is Citrus Groves (FLUCFCS Code 221). Active citrus groves occupy approximately 88.4 percent (900.09± acres) of the property. In general, the isolated native habitats on the property are very disturbed and have a high degree of infestation by Brazilian pepper (*Schinus terebinthifolius*). Table 12.A-1 summarizes the FLUCFCS codes and provides an acreage breakdown, while a description of each FLUCFCS code follows.

Table 12.A-1. Existing FLUCFCS Codes and Acreages for South LaBelle Village DRI Property

FLUCFCS Code	Description	Acreage	Percent of Total
221	Citrus Grove	900.09	88.4
4221	Brazilian Pepper, Hydric	5.21	0.5
4289 E1	Cabbage Palm, Disturbed (0-24% Exotics)	1.61	0.2
4349 E1	Hardwood/Conifer, Mixed, Disturbed (0 – 24% Exotics)	0.42	0.0
514	Drainage Ditch	28.18	2.8
6179 E1	Mixed Wetland Hardwoods, Disturbed (0 – 24% Exotics)	0.19	0.0
6179 E2	Mixed Wetland Hardwoods, Disturbed (25 – 49% Exotics)	1.26	0.1
740	Disturbed Land	27.26	2.7
747	Berm	53.78	5.3
Totals		**1,018.00**	**100.0**

The historic hydroperiod on the site has been altered by the citrus groves. The property's water management system is controlled through numerous ditches and pumps associated with the citrus groves. In addition, the construction of State Road 80 and State Road 29 has further altered the historic hydrologic regime of the area. The results of these activities have led to altered water levels of the on-site wetlands. The resulting effect of the altered hydrology has been the infestation of the wetlands by exotic invasive plant species such as Brazilian pepper (*Schinus terebinthifolius*). No biological indicators of the wet season water table were observed in the wetlands on the site.

Passarella and Associates, Inc. (PAI) conducted a listed species survey on the Project site on August 16, 17, 22, 23, 24, and 25, 2006 and September 20, 2006. The August and September 2006 surveys were performed in accordance with the Standardized State-Listed Animal Survey Procedures for Use in the Review of Southwest Florida Regional Planning Council (SWFRPC) Projects (Beever 2006).

Wildlife surveys submitted by the applicant's consultant indicate on-site observations of little blue heron (*Egretta caerulea*) (species of special concern – SSC), snowy egret (*Egretta thula*) (SSC), tricolored heron (*Egretta tricolor*) (SSC), white ibis (*Eudocimus albus) (SSC),* limpkin (*Aramus guarauna*) (SSC),

gopher tortoise (*Gopherus polyphemus*) (SSC), and American alligator (*Alligator mississippiensis*) (SSC).

Based upon site land cover, biogeographic landscape location, and geographic information system review, the additional potential listed species that could occur on-site include the Florida panther (*Puma concolor coryi*), peregrine falcon (*Falco peregrinus*) (E), snail kite (*Rostrahamus sociabilis plumbeus*) (E), Florida black bear (*Ursus americanus floridanus*) (T), least tern (*Sterna antillarum*) (T), crested caracara (*Caracara cheriway*) (T), bald eagle (*Haliaeetus leucocephalus*) (T), eastern indigo snake (*Drymarchon corais couperi*) (T), burrowing owl (*Athene cunicularia floridana*) (SSC), and gopher frog (*Rana capito*) (SSC).

The following non-listed rare animal species of interest have the opportunity to occur on the project site: bobcat (*Felis rufus floridanus),* Florida weasel (*Mustela frenata peninsulae*), river otter (*Lutra canadensis lataxina*), glossy ibis (*Plegardis falcinellus*), great egret (*Casmerodius albus*), least bittern (*Ixobrychus exilis*), Cooper's hawk (*Accipiter cooperii*), mottled duck (*Anas fulvigulas*), merlin (*Falco columbarius*), swallow-tailed kite (*Elanoides forficatus*), wild turkey (*Meleagris gallopavo*), black rail (*Laterallus jamaicensis*), and eastern diamondback rattlesnake (*Crotalus adamanteus*). No listed plant species were identified on the Project site.

2. Project Impact

The proposed site plan has been designed to minimize impacts to the listed species that have been identified on the property. The site plan avoids impacts to the existing wetlands on-site; however, the agricultural ditches will be impacted by the Project. The wetlands will be enhanced through exotic removal and supplemental plantings which will result in preserves that are more suitable as foraging habitats for the listed wading birds observed on the site, as well as providing potential roosting areas. Where feasible, the site plan will be designed to buffer the preserves on the property by locating lower intensity land uses, such as lakes, adjacent to the preserves. The lakes will buffer the preserves from the residential development. Also, the lakes will provide open water that will provide additional wildlife habitat adjacent to the preserves. Emergent wetland acres will be increased through the planting of littoral zones in the lakes created as part of the development.

The wetland mitigation plan for the Project includes the enhancement and preservation of 6.66± acres of on-site wetlands.

It is proposed to preserve and enhance the wetlands on-site; however, the agricultural ditches will be impacted by the Project. In general, the isolated wetlands on-site have a high degree of infestation by Brazilian pepper. The site plan was designed to preserve the wetlands.

Seasonal water elevations for the preserved wetlands will be maintained by routing surface water flows from the proposed development areas through stormwater management facilities into the wetlands. Control elevations for the stormwater management system were established based on the surface water

management system previously used for agriculture on-site. These design features will ensure that surface water levels within the preserved wetlands are maintained.

Enhancement of the wetlands will include the hand removal of exotic and nuisance vegetation such as melaleuca, Brazilian pepper, downy rose-myrtle (*Rhodomyrtus tomentosus*), and cattails (*Typha* sp.). The surface water management system will be designed to maintain appropriate wetland hydroperiods within the enhancement areas. The wetland hydroperiods will be maintained to provide for the natural wet and dry cycles, which provides for foraging for wading birds.

The wetland and upland preserves will be placed in a conservation easement or other equivalent deed restriction with inspection, enforcement, and approval rights granted to the SFWMD.

An application for an Environmental Resource Permit for the Project has been submitted to the SFWMD concurrently with the DRI application.

3. Recommended ADA Conditions Relating to Vegetation and Wildlife

a. Development-related activities on the Property shall not result in the harming, pursuit or harassment of wildlife species classified as endangered, threatened, or a species of special concern by either the State or Federal governments in contravention of applicable State or Federal aws. Evaluations as to the impacts proposed as to any listed species shall be undertaken in connection with applicable State or Federal law and implementing regulations and the Developer shall obtain such permits or licenses as are required under the same and develop The Loop DRI in full compliance with all applicable laws and regulations.

b. All USFWS and FWC approved threatened and endangered species management plans ("T&E Plans") for listed species, including the wading bird management plan and the gopher tortoise relocation and management plan, shall be adopted by reference as conditions of the ADA.

c. If other endangered, threatened or species of special concern are encountered on the Property, the Developer shall comply with all protocols and procedures for the administration of the same as required by applicable Federal and/or state law. Any USFWS and FWC approved threatened and endangered species management plans ("T&E Plans") for those documented listed species will be adopted by reference as conditions of the ADA.

d. The Developer will follow the guidelines established by the U.S. Fish and Wildlife Service for the protection of the eastern indigo snake, including but not limited to the provision of educational material and guidelines for construction personnel instructing the same on appropriate procedures to be followed in the event the Eastern indigo snake is encountered during construction.

e. Internal roadways may be constructed across and through primary flow-ways, as long as the hydrological and wildlife corridor functions are maintained through the crossings. The number of such roadways, not including pedestrian boardwalks and bike, electronic cart, hiking, and equestrian trails (paved or otherwise), shall be the minimum necessary for safe and efficient public accessibility between development areas.

f. Roadway layouts in any 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 undercrossings or overcrossings.

g. 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.

h. Site lighting standards will be modeled after the International Dark-Sky Association standards. 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.

i. Areas in the Developer's plan identified for mitigation will be included in the ERP for placement under a conservation easement. Wetland Areas in the Developer's plan which are not impacted by the project will be protected by a conservation easement. All planned easements will be granted to the SFWMD, other appropriate governmental entities with a compliance monitoring staff, or 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 construction, and plat approvals.

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

k. Any easement granted by Developer to a utility will limit, to the extent allowed by law, access to such easement for utility purposes, District purposes, educational purposes, environmental research, emergency services and public safety response purposes, but will prohibit residential, commercial and public vehicular access.

l. On-site conservation areas will be maintained in their restored natural state and kept free of refuse and debris. Category I exotic plant pests as defined by the Florida Exotic Pest Plant Council (EPPC) will be controlled to ninety-five percent (95%) occurrence (except for torpedo grass, *Panicum repens*, that will be controlled to a ninety percent (90%) occurrence). Category II pest plants, and other plants reaching a problematic, invasive level will also be controlled to reasonable and achievable levels in conservation areas. Maintenance of these preserve areas will be conducted in perpetuity consistent with state, local, and federal government environmental permit approvals.

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

n. 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.

o. 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).

p. The applicant will provide a preconstruction map based upon the revised map H that distinguishes just two categories of land use: Conservation and Areas to Be Developed.

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K. WASTEWATER

1. Description of Area Resources and Conditions

Wastewater Generation and Treatment (Table 18-1) is a projection of wastewater generation based upon the land uses, density and intensities for the site, which will be developed in one phase. The flows shown in Table 18-1, Wastewater Generation and Treatment, were calculated by assuming that 90% of potable water use (see Table 17-1) will return to a new facility or the City of LaBelle wastewater treatment plant (WWTP). This high percentage of return flow is due to planned dual lines that will provide irrigation water (from non-potable sources) to each residence and business.

Table 18-1
Wastewater Generation and Treatment

Phase	Wastewater Generation (mgd)	On-Site Wastewater Treatment (mgd)	Off-Site Wastewater Treatment (mgd)
I	0.71		0.71

The project does not include any industrial uses requiring discharge.

The City of LaBelle's wastewater treatment plant (WWTP) is located approximately 2 miles northeast of the site. The existing WWTP has a design capacity of 0.75 million gallons per day (mgd) and is currently operating at approximately a third of this capacity. The WWTP is a sequencing batch reactor and treats effluent to restricted access quality for disposal on a 99-acre rapid infiltration basin. The WWTP has sufficient excess capacity to accommodate initial flows from the site; however, the existing collection system does not and a new transmission force main will be necessary. The first capacity upgrade to the WWTP is projected to occur in 2014 and increase the capacity to 2.5 mgd. The WWTP will be upgraded with treatment processes more suitable for the utilization of reuse water on large public access areas.

A limited number of septic systems may be used on site for a temporary sales center and recreational facilities. The septic system at the temporary sales center and recreational facilities (e.g., remote golf course restroom) are expected to treat a low volume of waste water.

2. Recommended Conditions for Development Approval

a. The proposed water distribution and wastewater collection and transmission systems will be designed consistent with City standards and the wastewater system will comply with SWFRPC Resolution 2007-2 to the extent adopted by the City of LaBelle.

b. Wastewater treatment shall be provided by the City of LaBelle. If the City of LaBelle cannot provide wastewater treatment, then the project will not proceed.

c. The wastewater, and reclaimed water systems will be designed and installed consistent with all applicable regulations of the City of LaBelle, the health department, and all applicable state and federal regulations and the wastewater system will comply with SWFRPC Resolution 2007-2 to the extent adopted by the City of LaBelle.

d. The cost for all off-site sewer facilities to provide suitable transmission capacity, for the project will be the responsibility of the Applicant.

e. The Developer will utilize water conservation devices and methods necessary to meet the criteria established in the water conservation measures in the permit to the City of LaBelle. If the developer obtains potable water from a different provider, then the Developer must conform to the water conservation plan of the alternate water supply provider.

f. The Developer shall install reuse lines, as appropriate, for irrigation of landscaped common areas. When additional reuse is available, reuse lines will be provided to individual users for irrigation.

g. Use of septic systems is limited to those used in conjunction with construction trailers, sales offices, model homes and caretaker housing. Any existing septic systems for the agricultural operations will remain until the agricultural use is replaced with development. Permanent septic systems may be used for recreational rest stations When central wastewater is available all septic system will be replaced by central system hook ups.

h. Landscape irrigation will be provided first through the use of reuse water, where available, and surface water from lakes. Ground water will be used to replace the surface water withdrawn for irrigation water. The Developer, and any other contractors, or site developers who will use groundwater, or surface water for landscape irrigation, and who will include dewatering as part of the construction activity will do so in accordance with any issued permit or must obtain the appropriate permits from the SFWMD.

L. WATER AND WATER SUPPLY

1. Description of Area Resources and Conditions

Existing hydrologic conditions on the site are limited to surface water conveyances and three underlying aquifer systems. There are no rivers or lakes on the site. Review of regional information available through the Florida Department of Environmental Protection (FDEP) and the South Florida Water Management District (SFWMD) show that no Outstanding Florida Waters (OFWs), Wild and Scenic Rivers, Florida Aquatic Preserves, or Florida Class I and/or II Surface Waters are located on the site, or on abutting properties.

Surface water conveyances exist on the site. The Mercer Canal is located along the eastern boundary of the site and the Crawford Canal bisects the site. These two conveyances ultimately discharge to the Caloosahatchee River to the north. Two internal conveyances (*i.e.*, Carol Jo Canal and Bob Paul Canal) direct surface water to either the Mercer Canal or Crawford Canal or both. A canal located along the west side of State Road 29 conveys offsite surface water, which then commingles water from the Bob Paul Canal and ultimately discharges to the Mercer Canal.

South of the site, a major conveyance called the Header Canal brings irrigation water from the Caloosahatchee River via the Townsend Canal. Surface water is lifted via three lift stations onto an area south of the site. Surface water in the Header Canal is then distributed through internal conveyances including the Carol Jo Canal and Bob Paul Canal. The Header Canal is operated and maintained by the LaBelle Private Drainage District.

Three primary aquifer systems underlie this site: the Surficial Aquifer System, the Intermediate Aquifer System and the Floridan Aquifer System. Freshwater (<250 milligrams per liter [mg/L] chloride) is limited to the Surficial Aquifer System and portions of the Sandstone aquifer located within the upper portion of the Intermediate Aquifer System. A lower aquifer within the Intermediate Aquifer System, known as the mid-Hawthorn Aquifer, and the underlying lower Hawthorn Aquifer within the Floridan Aquifer System are not fresh and exhibit high concentrations of chloride. Regional and local aquifers have been identified by some researchers near the site, however, their identification is subject to differing opinions and discussion in this application is limited to those aquifers widely recognized and utilized locally for water supply.

The elevation of the site ranges between an approximate high of 23 feet referenced to the National Geodetic Vertical Datum (NGVD) of 1929 near the southeast corner of the site to an approximate low of 15 feet NGVD near the northwest corner of the site.

Surficial Aquifer System

The shallow water-table aquifer is the only aquifer located within the Surficial Aquifer System. The lower Tamiami aquifer is not present in the Surficial Aquifer System at the site. According to USGS well HE 620 and LWC Potentiometric Mapping Project, the water-table aquifer is approximately 25 to 50 foot thick and located within undifferentiated deposits consisting mostly of sand and shell. In some locations, limestone may be present close to the land surface. The water-table aquifer is present under unconfined conditions and in direct contact with atmospheric pressure. Recharge to the water-table aquifer originates principally from rainfall, with some secondary recharge from leakage from surface water bodies. Discharge from the water-table is primarily through evapotranspiration, drainage to surface water bodies, downward leakance to deeper aquifers, lateral groundwater flow, and pumping.

Water-table aquifer transmissivities are variable and dependent on the thickness and composition of the formation, with productivity increasing with limestone. According to the LWC Potentiometric Mapping Project, a transmissivity of approximately 25,000 gallons per day per foot (gpd/ft) is interpolated from nearby aquifer performance tests surrounding the site. The altitude of the water-table aquifer is generally a subdued reflection of the topography. As a result, groundwater flow in the water-table aquifer is from the southeast to the northwest (towards the Caloosahatchee River) across the project site. Water levels in the water-table aquifer fluctuate seasonally in response to rainfall and evapotranspiration. No water level data is available at or abutting the site; however, water levels are estimated to fluctuate approximately 4 to 5 feet seasonally. According to the LWC Potentiometric Mapping Project data, water levels at the site are interpolated to fluctuate between a dry season level (May) approximately 15 feet and a wet season (September) level of approximately 20 feet at the site.

Intermediate Aquifer System

The Sandstone aquifer is the uppermost aquifer within the Intermediate Aquifer System, which can be locally separated into an upper clastic zone and lower carbonate zone. The top of the Sandstone aquifer is vertically confined from the water-table aquifer above by approximately 75 to 130 feet of olive green clay. The Sandstone aquifer is located wholly within the Peace River Sandstone formation. The upper clastic zone is located between approximately 100 and 180 feet below land surface (bls) and the carbonate zone is located at an approximate depth of 180 to 230 feet bls at HE 620. Based on lithologic logs completed near the site, little confinement typically exists between the two zones of the Sandstone aquifer. Well completion reports for Sandstone aquifer production wells (SFWMD agricultural irrigation water use permit number 26-00265-W) located on and abutting the site indicate that a mixture of sand, sandstone, shell, and clay extends from 140 to 180 feet bls and limestone then begins

at approximately 170 to 180 feet bls. The lower carbonate zones are more productive and as a result, most production wells on and abutting the site are completed in this zone.

Water level data collected during construction of Sandstone aquifer wells on the site, show that water levels were four to seven feet bls in July and August of 1987. Water level data collected at USGS wells HE-620; open to from 171 to 340 feet bls, show that water levels ranged from within inches of land surface to nine feet below land surface for the period of record from 1984 to 1995. The primary source of water to the Sandstone aquifer is recharge from the overlying water-table aquifer when potentiometric heads in the Sandstone aquifer are lower than those of the water-table, as well as direct rainfall recharge in areas, outside the site and abutting area, where the Sandstone aquifer outcrops at ground surface. Deeper aquifers may also provide recharge via upward leakage if potentiometric head in the deeper aquifer is higher than that of the Sandstone aquifer, however, approximately 100 feet of confining material typically separates the Sandstone aquifer from underlying aquifers. Water in the Sandstone aquifer generally flows from the southeast to the northwest towards the Caloosahatchee River across the project site, although pumping could alter or reverse the flow gradient.

The hydraulic properties of the Sandstone aquifer vary depending on the thickness and composition of the formation and the open-hole interval of the well tested. An aquifer performance test was performed on the site by Johnson Engineering using existing agricultural irrigation production wells: The seven-day test pumped the aquifer at a constant rate of 1.6 million gallons per day (mgd) and used four observation wells, including HE-620, to calculate values for transmissivity, leakance and the storage coefficient. The test results indicate a transmissivity value of 55,000 gallons per day per foot (gpd/ft), a leakance value of $5e^{-5}$/day, and an estimated storage coefficient of $8e^{-4}$. Another aquifer performance test was performed approximately 2.7 miles to the west of the site and a transmissivity of 70,000 gpd/ft and a storage coefficient of $6.05e^{-4}$ were measured. Specific capacity tests performed on two other Sandstone aquifer production wells near the site have reported values of 15.5 and 14.1 gallons per minute per foot (gpm/ft). This results in estimated transmissivity values of 31,000 and 28,200 gpd/ft, respectively.

Floridan Aquifer System

A description of the Floridan Aquifer System is best provided in a SFWMD study entitled, Hydrogeologic Investigation of the Floridan Aquifer System, LaBelle, Hendry County (Tech Pub WS-15). The study indicates that water supply plans developed for the LWC Planning Area have identified the Floridan Aquifer System as a possible water supply alternative. The Floridan Aquifer System consists of a series limestone and dolostone units of the lower Arcadia Formation, Suwannee and Ocala Limestones, Avon Park Formation, and the Oldsmar Formation. The

Floridan Aquifer System consists of three aquifers: upper Floridan aquifer (AKA lower Hawthorn aquifer), middle Floridan aquifer, and lower Floridan aquifer.

Upper Floridan Aquifer (AKA Lower Hawthorn Aquifer)

The upper Floridan aquifer consists of thin, high permeability water-bearing horizons interspersed with thick, low permeability units of sediments, including the basal Arcadia Formation, Suwannee and Ocala Limestones, and the Avon Park Formation. At this site, the top of the Floridan Aquifer System occurs at a depth of 665 feet bls, which coincides with the top of the lower portion of the Arcadia Formation. The first transmissive unit at the SFWMD LaBelle study site occurs from 670 to 850 feet bls and includes the basal Arcadia Formation, the Suwannee Limestone and upper Ocala Limestone. This productive unit is composed of light orange to medium gray, poorly to moderately indurated wackestone to packstone units. Aquifer performance testing of the lower Hawthorn aquifer measured a transmissivity value of 68,630 gpd/ft at the SFWMD LaBelle study site.

Middle Floridan Aquifer

The middle Floridan aquifer is vertically separated from the upper Floridan aquifer by a relatively thick, low permeability, semi-confining carbonate unit that extends from 850 to 1,675 feet bls. The Ocala Limestone forms the upper portion of this inter-aquifer confining unit from 850 to 1,120 feet bls, which consists of poorly indurated, chalky, mudstone, and wackestone units. Permeable intervals were observed at depths of 1,675 to 1,780 feet bls at the SFWMD study area. The permeable intervals consisted of well-indurated crystalline dolostones with only minor stringers of wackestone and packstone with the limestone units showing evidence of varying degrees of porosity development. The interval was also characterized by a cavernous dolostone unit at 1,700 feet bls with the majority of upward flow occurring near the top of the cavernous zone. This productive unit is underlain by low permeability, well-indurated, microcrystalline dolostone, which acts as an inter-aquifer confining unit within the Floridan aquifer system.

Lower Floridan Aquifer

The lower Floridan aquifer is located below the confining unit identified between 1,780 and 2,325 feet bls and is characterized as a moderate to high permeability, fractured, and cavernous dolostone occurring from 2,325 to 2,370 feet bls. The interval from 2,325 to 2,370 feet bls forms the upper dolostone units of the lower Floridan aquifer. Poorly indurated, low permeability carbonates interspersed with thin, moderately indurated dolostones are present from 2,370 feet bls to the total depth of the pilot-hole completed by the SFWMD to a total depth of 2,500 feet bls.

Surface Waters

Three surface water locations were identified in the FDEP STORET GIS system as being located downstream of the site as shown on Figure 14-2. These locations are identified and described as:

Station ID	Station Name	Type	Latitude	Longitude
28020034	UNNAMED CR SR 80 BR 1.9 M SW LAB	River/Stream	26 44 45	81 27 43
28020057	FAST CK SR 80 BR	River/Stream	26 44 16	81 28 18
28020058	FAST CK SR 80A BR	River/Stream	26 44 34	81 28 25

Sample stations 28020057 and 28020058 are located downstream of the Crawford Canal and station 28020034 is located downstream of the Mercer Canal. Surface water at these sample locations includes water commingled from other land areas in addition to surface water from the site. Stations 28020034 and 28020057 include water quality data from four events in 2005, while station 28020058 includes data from several events from 2001 through 2005. In general, surface water is fresh with chloride concentrations less than 250 milligrams per liter (mg/L). Nutrients (*i.e.*, Nitrogen and Phosphorus) appear to be within an acceptable range for upstream agricultural land uses. Metals (*i.e.*, Arsenic, Copper, Lead, and Zinc) are either non-detect or measured at low concentrations, with the exception of iron, which is occurs at high concentrations, probably from the use of well-based irrigation.

The water-table aquifer is similar to surface water with chloride concentrations less than 250 mg/L at the site. A groundwater sample from a water-table aquifer well located on an abutting property to the north of the site was collected on April 10, 2006 and chloride was measured at a concentration of 71 mg/L. The water-table aquifer north of the project site (near Caloosahatchee River and downtown LaBelle) is characterized as having chloride concentrations that exceed 250 mg/L. These elevated concentrations are due to improperly constructed wells that cross connect mineralized groundwater from the Floridan Aquifer System with the water-table aquifer. Similar to surface water, the water-table aquifer is also characterized by high concentrations of iron.

Two Sandstone Aquifer wells (SS141 and SS147) were sampled by Johnson Engineering, Inc. on February 1, 2005 and laboratory analyzed by Benchmark EnviroAnalytical, Inc. for total hardness, pH, total dissolved solids, manganese, barium, strontium, potassium, sodium, magnesium, calcium, total silica, iron, fluoride, sulfate, chloride, ammonia nitrogen, nitrate+nitrite, nitrate nitrogen, bicarbonate alkalinity, carbonate alkalinity, total alkalinity, carbon dioxide, and nitrate nitrogen. SS147 is located on the site and SS141 is located to the south of the site. In general, chloride concentrations in the Sandstone aquifer are higher than the water-table and range between 253 and 389 mg/L. According to a groundwater resource assessment completed by the SFWMD in 1988 (SFWMD Tech Pub 88-12), chlorides and conductivities are generally higher in the upper clastic zones of the Sandstone aquifer than the lower carbonate zone. Additionally, groundwater in the clastic zone tends to have higher percentages of calcium and sodium-potassium and groundwater in the carbonate zone tends to have higher percentages of magnesium and alkalinity. According to SFWMD assessment, despite the minor differences in groundwater quality between the two zones, water likely originated from the same source.

Groundwater quality data from the Floridan Aquifer System is available from the wells on the site and from a tri-zone well completed by the SFWMD north of the site. Groundwater wells completed in the Upper Floridan Aquifer (AKA lower Hawthorn aquifer) are located on the site and permitted by the SFWMD for freeze protection. Johnson Engineering sampled one lower Hawthorn aquifer well (LH 146) on the site and chloride was measured at a concentration of 1,180 mg/L. Four other lower Hawthorn aquifer wells located to the south of the site were sampled by Johnson Engineering and chloride concentrations ranged between 680 and 1595 mg/L. Chloride was measured at concentrations of 700 mg/L for the interval from 670 to 837 feet bls, 500 mg/L from 1,142 to 1,458 feet bls, and 9,900 mg/L from 1,645 to 1,759 feet bls in the SFWMD tri-zone monitor well to the north of the site.

Best Management Practices (BMP)

Best management practices (BMPs) will be implemented at the site to prevent potential impacts to surface water and groundwater. These BMPs will include proper timing and minimum applications of slow release fertilizers, pesticides, and herbicides on landscaped areas of the property. Irrigation of the golf course will be designed to encourage deeper rooting of turf grass to provide more efficient utilization of water and nutrients. In addition, irrigation will be limited to those hours between dusk and dawn to reduce amount of water lost to evaporation.

BMPs will be utilized to mitigate potential impacts from storm water runoff as required by the SFWMD. The BMPs to be employed will include utilization of detention ponds, dry retention areas, and vegetative systems. These features are designed to provide runoff treatment to

improve water quality through attenuation by increasing storage retention and travel time prior to off-site discharge.

Applicable wellhead protection rules and regulations will be followed for any potential public water supply wells that may be installed near the project.

Water Demands

Table 17-1, Potable and Non-Potable Water Demand, is a projection of the average daily potable and non-potable water demands for the project. It is not anticipated that significant seasonal demand variations will occur on the potable water system. Non-potable demands vary seasonally due to climatic conditions with peak demand typically occurring in March April, and May.

Table 17-1

Potable and Non-Potable Water Demands

Phase/Land Use	**Potable Water Demand (mgd)**	**Non-Potable Water Demand (mgd) Irrigation**	**Total Water Demand (mgd)**
Single Family Residential (1700 units)	0.531	0.441	0.972
Multi-Family Residential (800 units)	0.200	0.193	0.393
Retail (150,000 square feet)	0.003	0.090	0.093
Office (50,000 square feet)	0.008	0.064	0.073
Hospital (200 bed)	0.044	0.051	0.096
Golf (18-hole)	0.001	0.323	0.324
Total	**0.788**	**1.163**	**1.951**

The residential potable water demand calculations in Table 17-1, Potable and Non-Potable Water Demand, are based on the City of LaBelle's Comprehensive Plan estimate of 125 gallons per day (gpd) per person. Potable water demand for single family and multi-family residential was based on 2.5 and 2.0 persons per unit, respectively. Potable water demand for non-residential uses including retail, office, hospital, and golf were established using the State of Florida Department of Health Standards for Onsite Sewage Treatment and Disposal Systems (Chapter 64E-6, Florida

Administrative Code). It was assumed that non-residential potable water use is directly related to the volume of sewage flow generated.

The total non-potable (irrigation) water use demand was estimated using acreages for each land use category and estimates of irrigated acreage per land use category. The following percentages of irrigated area are based on experience with similar sites in southwest Florida: single family residential 40%, multi-family residential 35%, retail 35%, office 35%, hospital 35% and golf 80%. Once the total irrigated acreage for each land use category was estimated, the modified Blaney-Criddle Irrigation Model (used by the SFWMD to permit irrigation allocations) was used to estimate the total demand.

Table 17-2

Potable/Non-Potable Water Supply (mgd)

Phase	**On-Site Supply**				**Off-Site Supply**
	Groundwater	**Surface Water**	**Other (specify)**	**Total**	
Potable					0.79
Non-Potable					
Irrigation		1.16		1.16	
Other					

Two Sandstone aquifer production wells (SS147 & SS151) and two lower Hawthorn aquifer production wells (LH146 & LH148) are located on the site, as shown on Figure 17-1. None of these wells will be used as part of this proposed development and each will be plugged in accordance with applicable rules and regulations prior to development of the site.

The two 12-inch Sandstone aquifer production wells (SS147 and SS151) have estimated casing and open depths of 175 and 205 feet below land surface, respectively. The Sandstone aquifer wells are permitted by the SFWMD (water use permit number 26-00265-W) for agricultural irrigation by Bob Paul, Inc.

The two 12x8-inch lower Hawthorn aquifer wells (LH146 and LH148) are permitted by the SFWMD (Permit No. 26-00082-W) for emergency backup and freeze protection use by the LaBelle Private Drainage District. LH146 and LH148 are cased to 620 and 630 feet below land surface, respectively, and both are open to 900 feet below land surface.

On March 9, 2007, the applicant submitted Environmental Resource Permit (ERP) application No. 070309-25 for Conceptual Approval of the overall development and Construction and Operation approval for a portion of the

proposed development. On August 14, 2007, the applicant submitted two Water Use Permit applications: No. 070814-5 for landscape irrigation of a portion of the proposed development and No. 070814-4 for proposed construction dewatering activities. These permit applications are currently undergoing technical review. Unresolved issues that will need to be addressed during the permit application review process include the project's proposed potable and non-potable (landscape irrigation) water supply potential floodplain impacts, establishment of an appropriate control elevation, passage of off-site flows, the capacity of receiving bodies, and compatibility with the Comprehensive Everglades Restoration Plan.

Prior to issuance of a Development Order for this DRI, it appears that amendments to the City of LaBelle comprehensive plan will be necessary to demonstrate that there is an adequate supply of potable water available at the source, adequate potable water treatment and delivery facilities available to meet the needs created by the proposed development, and that the necessary capital facilities are available or have been planned in a financially feasible manner to meet the needs of the proposed development. Improvements needed to maintain the adopted level of service standards within the next five years should be scheduled in a financially feasible five-year schedule of capital improvements. If the developer is going to pay for the improvements, an executed agreement will need to be provided demonstrating financial feasibility and be reflected in the Capital Improvements Element of the City's comprehensive plan.

In addition to the above, any development order issued by the City of LaBelle for this DRI will need to make adequate provisions for the water supply-related public facilities needed to accommodate the impacts of the proposed development, pursuant to Section 380.06(15)(e)2, F.S., and Rule 9J-2.044(6), F.A.C.

The City of LaBelle is in the design phase of a new water treatment plant adjacent to the eastern boundary of the South LaBelle Village DRI. The proposed water source for potable water is groundwater from the lower Hawthorn aquifer, which will be treated via reverse osmosis. At the present time, the City of LaBelle water treatment plant withdraws freshwater from five water-table aquifer production wells and the plant has a treatment capacity of 1.0 million gallon per day (mgd) using a lime softening/chlorine contact treatment process. The existing well field and water treatment plant are located approximately two miles northeast of the site. The existing City of LaBelle water treatment plant will be replaced with a 2.5 mgd membrane softening facility to accommodate potable demands of this project in 2008. Expansions to 6.0 mgd and 8.0 mgd will be completed in 2018 and 2028, respectively, to further accommodate area growth, including this project.

The City of LaBelle water treatment plant treatment process will be modified in the future to allow for reuse of the treated wastewater. Reuse water used for irrigation will be provided by the City of LaBelle. Reuse water is not presently available, but will be used to the maximum extent feasible when available. Reuse lines will be installed throughout the project to provide for irrigation of landscaping. The applicant continues to assist and work with the City of LaBelle on expansion of utilities to service the project, including the sharing of hydrogeological information from the project site.

Non-potable (reclaimed) will be supplied by a new provider or the City of LaBelle. This project will use reclaimed water to the maximum extent feasible as it becomes available. Reclaimed water will become available in 2014 for irrigation use at the project after the City of LaBelle wastewater treatment plant (WWTP) is upgraded. At the present, the City of LaBelle WWTP treats effluent to restricted access quality for disposal on a 99-acre rapid infiltration basin. Upgrade to the existing WWTP in 2014 will consist of changing the treatment process to be more suitable for large public access reuse facilities. Non-potable (irrigation) water will be temporarily sourced from surface water until reclaimed water becomes available.

This project will require the following South Florida Water Management District permits prior to commencement of construction:

a. Environmental Resource Permit – for conceptual approval and for construction and operation of the surface water management system for the proposed development and for the proposed impacts to other surface waters (Application No. 070309-25 is currently undergoing technical review).

b. Water Use Permit – for the proposed surface and ground water withdrawals for landscape irrigation (Application No. 070814-5 is currently undergoing technical review).

c. Water Use Permit - for certain dewatering activities proposed for the construction of project lakes, utilities and/or road or building foundations (Application No. 070814-4 is currently undergoing technical review).

The applicant must meet District criteria in effect at the time of permit application.

2. <u>Conditions for Development Approval</u>

a. The City of LaBelle will be supplying potable water service to the proposed development. Amendments to the City of LaBelle

comprehensive plan will be necessary to demonstrate that there is an adequate supply of potable water available at the source, adequate potable water treatment and delivery facilities available to meet the needs created by the proposed development, and that the necessary capital facilities are available or have been planned in a financially feasible manner to meet the needs of the proposed development. Improvements needed to maintain the adopted level of service standards within the next five years should be scheduled in a financially feasible five-year schedule of capital improvements. If the developer is going to pay for the improvements, an executed agreement will need to be provided demonstrating financial feasibility and be reflected in the Capital Improvements Element of the City's comprehensive plan. If potable water is not available form the City of LaBelle the project will not proceed.

b. Adequate provisions shall be made for the water supply-related public facilities needed to accommodate the impacts of the proposed development, pursuant to Section 380.06(15)(e)2, F.S., and Rule 9J-2.044(6), F.A.C.

c. Reuse lines will be installed throughout the project to provide for irrigation of landscaping. Reuse water used for irrigation will be provided by the City of LaBelle. The proposed DRI will have a centralized irrigation system. Single family residences will be supplied irrigation water through the centralized irrigation system. The use of potable water for irrigation by single family residences will be limited to hand watering. Single family domestic wells will not be allowed in the community. 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.

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

e. All landscaped open space areas shall be replanted using plants identified in authorized in the Florida Yards and Neighborhoods Program principles. In all events, however, the plants listed on the Florida Exotic Pest Plant Council's 2007 List of invasive Plant Species attached are prohibited for use as a part of the landscape palette and cannot be used as a part of the landscape material to be installed on the Project site. The Developer will, in cooperation

with Hendry County, develop landscape standards for the development of the project and memorialize the agreements relative to the same in the PD to be processed and approved concurrently with this Development Order.

f. Fertilizer application practices will be consistent with the Best Management Plan titled "Florida Green Industries: Best Management Practices for Protection of Water Resources in Florida." and comply with SWFRPC Resolution 2007-1.

g. As part of the management protocols identified above, a designated zone will be developed around or along the shore ways or canals, lakes and waterways except when adjacent to a protective seawall so that in the application of fertilizers there is a minimum distance of 3 feet from the edge of the water with a spreader deflector and if applied without a deflector shield or like kind apparatus that directs the application, then the designated zone will extend to ten feet.

h. The project shall utilize ultra-low volume water use plumbing fixtures, self-closing and/or metered water faucets, xeriscape landscape techniques, and other water conserving devices and/or methods. These devices and methods shall meet the criteria outlined in the water conservation plan of the public water supply permit issued to the City of LaBelle (or other approved provider) by the South Florida Water Management District.

i. The Developer will distribute literature to households describing water conservation practices.

3. References

Florida Department of Environmental Protection, 2006, Florida STORET Water Quality Data Warehouse, http://storet.dep.state.fl.us/

South Florida Water Management District, 2008, Impact Assessment Report. South LaBelle Village

South Florida Water Management District, 2003, Hydrogeologic Investigation of the Floridan Aquifer System, LaBelle, Hendry County, Florida, Technical Publication WS-15, Prepared by Bennett, M.W.

South Florida Water Management District, 2002, Lower West Coast Potentiometric Mapping Project, Prepared by Water Resource Solutions.

South Florida Water Management District, 1988, Groundwater Assessment of Hendry County, Florida, Technical Publication 88-12, Prepared by Smith, K.R., and Adams, K.M.

M. CONSISTENCY WITH THE LOCAL COMPREHENSIVE PLAN

1. Project Impact

In 2001, the City of LaBelle annexed a 5,774.5± acre tract of land into the City. It was the stated purpose of the City at that time that these annexed lands would provide for additional growth opportunities and future economic enhancement to the City and the central urbanized area of Hendry County in general.

At that time, the vast majority of the lands (5,300± acres) were located in an agriculture land use designation. Although agriculture land uses were normally not used in incorporated areas, the City initiated the designation to reflect the existing citrus use on the property and to utilize it to create a holding designation, while a more appropriate future land use designation could be created for the property.

In 2003, the property owner requested and the Council approved a Comprehensive Plan amendment to the City's Future Land Use Map (FLUM) to provide two new land uses changes on the property. The first change was for a non-profit technical school site (160± acres) and the second change was for an industrial park (160± acres). Both sites were planned for the northeastern portion of the subject lands near SR 29. In addition, the City's Comprehensive Plan was amended at the same time in order to change the existing Hendry County land use designations to the City's land use designations.

In May 2004, an amendment to create a new land use designation for the City of LaBelle's Comprehensive Plan and approved by Council on the subject property. The new land use designation was intended to allow for residential development as a mix of unit types and densities, as well as commercial, industrial, public and recreational uses. According to that amendment request, the applicant stated that the new land use designation would provide for a balanced mixed-use development consistent with new urban centers and permit a diversity of housing types, including low density, characteristic of vibrant cities. In addition, the new land use designation eliminated the previous school and industrial park land use designations and made the two 160± acre sites part of new designation.

The applicant in the material presented in that amendment application described in general terms the intent of the new land use designation. The intent was described is as follows:

> "The intent of the South LaBelle Community (SLC) land use designation is to provide a planning framework for a new mixed-use community that will guide the development, and direct the

provision of infrastructure throughout buildout of the area. Specifically, this land use designation is intended to provide guidance related to the appropriate mix of uses, but allow for the necessary market flexibility as it relates as it relates to the location of land uses and the total area of each land use.

The overall size of the SLC land use designation is approximately 5,300 acres, and will accommodate a full range of uses including residential, commercial, office industrial, recreational and public facilities. The public facilities are intended to allow a full range of public and quasi-public uses including, but not limited to educational facilities (public and private), utilities, libraries, fire/EMS and police substations, and quasi-public uses like Good Wheels, Goodwill, churches and youth support facilities like YMCA.

The SLC land use designation envisions the establishment of a variety of areas that encourage a wide array of uses. These areas or sub-areas include public facilities, Town Center, neighborhood center and highway commercial, as well as various residential areas, including Rural Estates, Master Planned Communities, and Urban and Mixed Use Residential. The Center area is suitable for higher density residential and commercial mixed-use areas that include a residential component.

The guiding vision of the SLC land use designation includes a minimum of one Town Center and two commercial nodes as identified on the Future Transportation Plan. Stand-alone commercial uses and light industrial will be limited to a maximum of 300 acres of the subject property, unless economic development efforts supported by the City require the need for additional acreage. Residential uses will have a maximum gross density of 3 dwelling units per acre over the area of the SLC."

In August of 2005, Hendry County and the DCA approved the South LaBelle Community Land Use Designation for a portion of the original annexed property and an area between the original properties and SR 80. As part of that approval, the FLUM incorporated an area designated as "Urban Reserve." Although at that time, it was known to all parties involved that eventually the property subject to the change would be annexed into the City of LaBelle, the exact timing of the annexation was not known because the site was part of a land swap with the South Florida Water Management District for the use of the C-43 Reservoir. The intent of the Urban Reserve designation was to provide for a future development analysis of the overall South LaBelle area as it would be when the swap

was completed. The proposed amendment was intended to remove the Urban Reserve South LaBelle Community and change it to South LaBelle community as the subject site has now been annexed into the City.

In January 2008, the Council reviewed and approved a change to the LaBelle Comprehensive Plan to provide for the development of the South LaBelle Village DRI. The request was to amend the City of LaBelle Comprehensive Plan Future Land Use Map (FLUM) and texts to allow the removal of the existing County designation of Urban Reserve Overlay District and redesignate the subject site to the City designation of Urban Reserve Area. The site is located on the south side of SR 80 and south of Cowboy Way. The property contains approximately ±541.31 acres and is part of a larger site that is under single ownership.

The proposed land use designation is the same as the South LaBelle Village Development of Regional Impact (DRI). While the subject site was part of the overall property that the South LaBelle Village DRI was carved from it had not been added to the DRI at that time. The applicant stated that it was their intent to add the property to the DRI at some time in the future.

The Council's Strategic Regional Policy Plan states in Goal 2 that Southwest Florida will develop (or redevelop) communities that are livable and offer residents a wide range of housing and employment opportunities. This Goal is stated as follows:

Livable Communities

Goal 2: Southwest Florida will develop (or redevelop) communities that are livable and offer residents a wide range of housing and employment opportunities.

Strategy: Development livable, integrated communities that offer residents a high quality of life.

Action 1: Encourage programs that promote infill development in urban areas to maximize the efficient use of existing infrastructure.

Action 2: Work with local governments to promote structures and developments that combine commercial and residential uses as a means of providing housing that is affordable and near employment opportunities.

Action 3: Encourage communities that are pedestrian friendly or offer alternative modes of transportation to overcome transportation problems many low-income families face.

Action 4: Encourage new housing to be built in higher areas to reduce the need for costly flood insurance.

Action 5: Promote the mix of affordable and non-affordable housing to create integrated communities.

Strategy: Protect existing, well-established neighborhoods and communities and revitalize those experiencing deterioration.

Action 1: Encourage communities to fill existing infrastructure gaps (such as sidewalks, parks, lighting, etc.) in neighborhoods that offer affordable housing.

Action 4: Assist communities in establishing effective housing codes that include ongoing monitoring and enforcement programs.

Action 8: Promote resident involvement in neighborhood planning efforts, so residents are active in making decisions that will affect their areas.

Council staff finds that the proposed development adequately addresses the Goals, Strategies and Actions of the SRPP and is therefore consistent with the SRPP. In addition, Council staff finds that the impacts of the project are mitigated as required through the DRI review process and therefore the DRI is consistent with the Strategic Regional Policy Plan (SRPP).

2. Remedial Action

Implementation of the Council recommendations and completion of the required impact mitigation as identified in the proposed development's DRI Development Order.

3. Special Areas of Concern /Applicant Commitment

a. Affordable Housing

The applicant conducted an assessment of affordable housing in and around the City of LaBelle, which found that there is a surplus of affordable housing for sale available and therefore the needs of the proposed development can be met. However, the Regional Planning Council and the City of LaBelle have agreed that there is a need for future housing to meet the needs of the workforce (teachers, emergency service personnel, etc.) Therefore, the applicant has worked with the City of LaBelle to structure a workforce housing program that meets the specific needs of LaBelle. The applicant is agreeing to provide seed funding for the initiation of a workforce housing program. The total dollar amount that the applicant is agreeing to pay is consistent on a per unit basis with affordable housing mitigation requirements of other DRIs in the Southwest Florida Region that are in higher growth and higher value areas.

b. Water Quality

Numerous Best management practices (BMPs) will be implemented at the site to prevent potential negative impacts to surface water and groundwater. Examples include a stipulation that only controlled release or slow release fertilizers will be used by any Home Owner Association. BMPs will also be utilized to mitigate potential impacts from storm water runoff as required by the SFWMD. These features are designed to provide runoff treatment to improve water quality through attenuation by increasing storage retention through a system of lakes and flowways and increased stormwater travel time on site prior to off-site discharge.

The stormwater management system shall incorporate littoral zones constructed on slopes consistent with the requirements of the SFWMD, and City drainage requirements. These littoral zones will be planted in native emergent or submergent aquatic vegetation.

In addition, the proposed project will be constructed with a potable water and sewer system that will connect to central water and sewer facilities of the City. These systems will provide the customer base necessary for the City to expand and make improvements to their water and sewer facilities and thereby make it possible to provide sewer service to other areas of the City which are currently utilizing on-site wastewater treatment systems.

N. CONSISTENCY WITH THE STRATEGIC REGIONAL POLICY PLAN

Staff has described regional impacts within the previous section of this report. Staff has then related those impacts to the regional plan DRI review list and has prepared the following plan consistency checklist. Staff finds that without appropriate mitigation actions and conditions the project will have a net negative impact on the regional resources and infrastructure. The regional recommendations presented within this assessment are intended to neutralize the negative and questionable impacts.

DRI REVIEW LIST
SWFRPC ISSUES AND GOALS

Regional Issues and Goals

1. Affordable Housing

			YES	NO	SEE COMMENTS
Goal 1	Supply a variety of housing types in various price ranges to ensure that all residents have access to decent and affordable housing.		X		2
Goal 2	Southwest Florida will develop (or redevelop) communities that are livable and offer residents a wide range of housing and employment opportunities.		X		2
Goal 3	The housing needs of persons with special needs will be met.				4
Goal 4	Communities and non-profit organizations will work together to identify and address the population's human service needs.		X		2
Goal 5	Communities and local non-profit organizations will cooperate when possible to reduce duplication of services and improve cost efficiency.		X		2

Further SRPP*

2. Economic Development

Goal 1	A well-maintained social, health, and educational infrastructure to support business and industry.		X		1
Goal 2	A well-educated, well-trained work force.		X		1
Goal 3	Stable regional economy based on a continuing excellent quality of life.		X		1
Goal 4	A diverse regional economy.		X		1
Goal 5	Increased tourism and business relocation.				4
Goal 6	A system of cooperation and coordination for economic development that includes a broad range of public and private participants.		X		2

Further SRPP*

3. Emergency Preparedness

		YES	NO	SEE COMMENTS
Goal 1	The general public and its governmental agencies become aware of the extent of flooding that can be induced from the Gulf of Mexico and Lake Okeechobee by a tropical storm or hurricane.		X	4
Goal 2	An organized recovery response to the effects of freezes, droughts, or floods on food and fiber production		X	4
Goal 3	Safe evacuation or protection for the most threatened populations.		X	4
Goal 4	Ensure that emergency management programs have the logistical support for successful evacuation, sheltering, and post storm relief and recovery.		X	4
Goal 5	Be prepared to respond to accidental spills of hazardous materials or severely improper disposal of hazardous wastes.	X		2
Goal 6	New private and public developments are built further from flood prone areas than in the past and structures and roadways are protected from rain induced flooding.	X		2
Goal 7	Designated shelters safe from flooding, and containing enough capacity to meet existing estimates of need.		X	4
Goal 8	Plan for and accommodate the segments of the population with special evacuation needs.		X	4
Goal 9	Public buildings designed to serve as short term shelters.	X		1
Goal 10	Regional medical centers capable of operating through a natural disaster.		X	4
Goal 11	A Region prepared for potential fuel shortages or prolonged electrical outages.		X	4
Goal 12	Fire, ambulance, and police services provide satisfactory service and responses times, not withstanding the pressures of growth.	X		3
Goal 13	Evacuation routes identified and clearly designated, and at the capacity and quality needed to carry the expected number of evacuating vehicles.		X	4
Goal 14	Regional news media fully aware of and prepared for their critical role in helping the public respond to emergencies.		X	4

Further SRPP*

4. Natural Resources

Goal 1	The Region's environmental awareness educational programs will be modernized and directed to all citizens of the region.			X	4
Goal 2	The diversity and extent of the Region's protected natural systems will increase consistently beyond that existing in 2001.		X		2
Goal 3	Water Management Districts and local governments must have programs based on scientific modeling to protect surface water, potable water wells, wellfields and contributing areas from contamination.		X		2
Goal 4	Livable communities designed to improve quality of life and provide for the sustainability of our natural resources.		X		2
Goal 5	Effective resource management is maintained across the borders of sovereign public agencies.		X		2

Further SRPP*

5. Regional Transportation

			YES	NO	SEE COMMENTS
Goal 1	Construct an interconnected multimodal transportation system that supports community goals, increases mobility and enhances Southwest Florida's economic competitiveness.		X		2
Goal 2	Livable communities designed to affect behavior, improve quality of life and responsive to community needs.		X		2
Goal 3	Achieve a competitive and diversified regional economy through improved work force development, enhanced access to technology and education, and investment in multi-modal transportation facilities.		X		2
Goal 4	A regional transportation system that provides Southwest Florida citizens and visitors with safe, timely and efficient access to services, jobs, markets and attractions.		X		2
Goal 5	Develop a cost-effective and financially feasible transportation system that adequately maintains all elements of the transportation system to better preserve and manage the Region's urban and non-urban investment.		X		2

Further SRPP*

X The proposed project would likely further the SRPP if implementation of the project would produce progress toward achievement of the regional goal.

General Comments

1. The proposed project would likely have a positive effect on the SRPP if the regional conditions outlined in this report are implemented.

2. The proposed project would likely have a neutral effect on the SRPP if the regional conditions outlined in this report are implemented.

3. Less than regionally significant, see local issues section of report.

4. Not applicable for this project or project type.

5. Previously addressed in the original development order

APPENDIX II

LOCAL ISSUES ANALYSIS

A. EDUCATION

1. Project Impact

In the Application for Development Approval (ADA), the applicant estimated a total of 1,250 school age children expected to be generated by the South LaBelle Village Development[1]. The population of South LaBelle Village is estimated to reach 5,800 persons at buildout[2].

The Hendry County School Board submitted a letter dated June 29, 2007 which estimated a total of 1,804 school age children expected to be generated by the South LaBelle Village Development. The School Board's generation rate was based on a public education impact fee study prepared by James C. Nicholas, PhD in 2005. The letter also stated "additional student stations would have to be built to accommodate these students." The additional student stations required for the South LaBelle Village Development are not currently in the Hendry County School Board's five year plan. An attachment to the letter proposes acceptable acreage by school type and capacity[3].

APPLICANT ESTIMATED NUMBER OF SCHOOL AGE CHILDREN
WITHIN THE SOUTH LABELLE VILLAGE DRI

Student Total	Unit Type	Elem. School %	Elem. School Students	Middle School %	Middle School Students	High School %	High School Students
1,250	SF/MF	46.75	584	23.77	297	29.47	368
Total			584		297		368

The above table is based on the following:

1,700 single family units
800 multi-family units
2.32 persons per household
0.50 students per household
46.75% of children will be Elementary students
23.77% of children will be Middle School students
29.47% of children will be High School students.[1, 2]

HENDRY COUNTY SCHOOL BOARD ESTIMATED NUMBER OF SCHOOL AGE CHILDREN WITHIN THE SOUTH LABELLE VILLAGE DRI

Student Total	Unit Type	Elem. School %	Elem. School Students	Middle School %	Middle School Students	High School %	High School Students
1,300.5	SF	46.15	600	23.08	300	30.77	400
503.2	MF	46.15	232	23.08	116	30.77	155
1803.7	SF/MF	46.15	832	23.08	416	30.77	555
Total			832		416		555

The above table is based on the following:

1,700 single family units
800 multi-family units
0.765 students per SF household
0.629 students per MF household
46.15% of children will be Elementary students
23.08% of children will be Middle School students
30.77% of children will be High School students.[3]

2. Applicant Commitments

(1) The Applicant will provide one elementary school site, one vocational school site, and one community college site within the legal boundaries of the DRI.

3. Remedial Action

a. The applicant, at a minimum, shall comply with Hendry County's Level Of Service requirements at the time of Development Order issuance.

b. Provide current Level Of Service information from the Hendry County School Board showing that school capacity has not been exceeded prior to the issuance of the Development Order and with biennial DRI monitoring reports.

c. The applicant shall illustrate the school sites on the adopted Map H for the project.

d. The applicant shall provide land in the amount requested by the Hendry County School Board for each type of school consistent with the table provided in the

second sufficiency response.[3]

e. The applicant shall provide appropriate financial contributions to the Hendry County School Board to offset the creation of any additional student stations required to accommodate project students if the student stations are not included in the Hendry County School Board's five year plan.

f. The applicant shall agree to be subject to any future school impact fees that are in effect at the time of building permit issuance for residential units in this project.

g. Public facilities such as parks, libraries and community centers shall be collocated with schools. Elementary schools shall be encouraged as focal points for neighborhoods.[4]

5. References

1 ADA, Question 27, Page 27-1, Table 27-1

2 ADA, Question 10, Page 10-11, Table 10.3.1.

3 2nd Sufficiency Response, Question 27. Letter & Attachment from Lawrence D. Worth

4 Florida Statutes 163.3177(6)(a)

B. POLICE AND FIRE PROTECTION

1. Project Impact

South LaBelle Village law enforcement demands are under the Hendry County Sheriff's jurisdiction. The proposed development is in the City of LaBelle which contracts with the Hendry County Sheriff's Department. The response time to the project would be a few minutes or less according to the applicant.[1]

LaBelle Fire Department will be the first response fire agency to the development. In a letter dated November 29, 2006, Public Works Superintendent Michael Boyle estimates that the response time would be five (5) minutes or less to the development.[2]

2. Remedial Action

a. To assure the project does not dilute the delivery of service from adjacent areas, the applicant should continue to meet with the Hendry County Sheriff's Department to establish programs and incorporate crime prevention measures during the site development process.

b. Fire protection should be provided according to existing standards or fire flow criteria promulgated by the LaBelle Fire Department or recommended guidelines developed by the National Fire Protection Association.

3. Applicant Commitment

a. The applicant will coordinate with the LaBelle Fire Department to ensure adequate fire flow is available at the time of local development order.[3]

b. The applicant has had preliminary conservations on a location for a sub-station, but has not yet determined an exact location. The application is willing to consider locating an Emergency Response Center for the appropriate impact fee credits.[4]

4. References

[1] First Sufficiency, Question 20, page 1
[2] Ibid., page 4
[3] Ibid., page 1
[4] Ibid., page 2

C. RECREATION AND OPEN SPACE

1. Project Impact

According to the applicant, the following Level of Service (LOS) standard for parks used by the City of LaBelle is[1]:

Park	Adjoining School	Separate Park	Population Served
Play area/tot lot	¼ acre	½ acre	½ acre per 1,000 persons, up to 2,500
Neighborhood park	2 acres	5 acres	2 acres per 1,000 persons, up to 5,000
Community park	5 acres	20 acres	2 acres per 1,000 persons, up to 5,000

According to information provided by the applicant, the population of the South LaBelle Village is estimated to reach 5,800 persons at buildout[2]. Based on an estimated population of 5,800, the South LaBelle Village would need to provide The City of LaBelle with a minimum of 1.25 acres of play area/tot lot parks; 10 acres of neighborhood parks; and 10 acres of community park, using the required standard, for a total of 21.25 acres.

2. Applicant Commitments

The applicant has committed to provide private recreation facilities as a proposed use in each of the residential and mixed use areas on Map H. The lake on the southern edge of the property will act as a passive public recreational opportunity. Open space will be provided per the following LaBelle Plan requirements for different future land use categories.

10% Open Space will be provided for in the Town Center area, 25% in Urban Residential and Civic, and 30% of Village Residential, with the conceptual lake and open space areas on the future land use map being counted toward these requirements. The following table shows the minimum requirement for open space that will be provided for.

Land Use	Acreage	Open Space Requirement	Open Space Acreage
Town Center	32	10%	3.2
Urban Residential	289	25%	72.3
Civic	231	25%	57.8
Village Residential	466	30%	139.8
Total	1018		273.1

Based on the Future Land Use Map for the South LaBelle Village property, the DRI will have a requirement of 273.1 acres of open space. This open space will be provided through lakes (172 acres), buffers, recreational areas, amenities and water detention areas. The residential, commercial and open space areas will be interconnected through pedestrian walkways. The lakes themselves will provide for public recreation.

The applicant is requesting recreational facilities in the Civic Uses, as well as the required 5% of the net residential acreage of the Urban Residential and Village Residential areas that must be used for recreational facilities, commercial or civic uses.

Other than private parks and recreational facilities within the individual residential parcels, it is anticipated that the open space and recreational amenities will be open to the public.

The applicant has made no commitment to providing public parks at the time of the Staff Assessment.

3. Remedial Actions

a. The applicant, at a minimum, shall comply with The City of LaBelle's Level Of Service requirements at the time of Development Order issuance. Based on the applicant's projected population of 5,800 at buildout, the South LaBelle Village would need to provide The City of LaBelle with a minimum of 1.25 acres of play area/tot lot parks; 10 acres of neighborhood parks; and 10 acres of community park, using the required standard, for a total of 21.25 acres.

b. All landscaped open space areas shall be replanted with native vegetation after construction.

(i) Ninety percent (90%) of the trees and ninety percent (90%) of the shrubs installed in public areas will be native plants.
(ii) Seventy-five percent (75%) of the total number of required trees and seventy-five percent (75%) of the shrubs installed in privately owned areas will be native plants.
(iii) One hundred percent (100%) of the trees and shrubs installed in primary greenways will be native plants.
(iv) All plants listed on the Florida Exotic Pest Plant Council's 2007 List of Invasive Plant Species Category I and II, as set forth in Exhibit "F" attached hereto and incorporated herein by reference are prohibited for use as landscaping material.

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.

d. As part of the DRI biennial monitoring process, the Developer shall identify compliance with the requirements listed above.

4. References

[1] South LaBelle Village First Sufficiency, Question 26
[2] South LaBelle Village ADA, Question 10, Page 10-11

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

CATEGORY II

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

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

Florida Exotic Pest Plant Council's 2007 List of Invasive Plant Species
Category II (continued)

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

EXHIBIT "F"

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

CATEGORY I

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

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

APPENDIX III

DRAFT DEVELOPMENT ORDER

DEVELOPMENT ORDER

FOR

(Project Name)

A DEVELOPMENT OF REGIONAL IMPACT

(File Number)

LET IT KNOWN, THAT, PURSUANT TO SECTION 380.06, OF THE FLORIDA STATUTES, THE (local governing body) OF (local government with jurisdiction), HAS HEARD, AT A PUBLIC HEARING CONVENED ON (date of public hearing), THE APPLICATION FOR DEVELOPMENT APPROVAL FOR (project name), WHICH CONSISTS OF (acreage) TO BE DEVELOPED IN THE MANNER DESCRIBED IN THE APPLICATION FILED BY (name of applicant(s), (owner) (authorized representative), FOR SAID DEVELOPMENT.

WHEREAS, the (local governing body) of (local government) has considered the report and recommendations of the Southwest Florida Regional Planning Council, the (local government) staff, the documents and comments upon the record made before the (local governing body) of (local government), hereby makes the following Findings of Fact and Conclusion of Law:

FINDINGS OF FACT

1. (Project Description and Legal Description)

2. The proposed development is not in an area designated as an Area of Critical State Concern pursuant to the provisions of Section 380.05, Florida Statutes.

3. The development (does/does not) unreasonably interfere with the achievement of the objectives of an adopted state land development plan applicable to the area.

4. The development (is/is not) consistent with the local land development regulations.

5. The development (is/is not) consistent with the report, and recommendations of the Southwest Florida Regional Planning Council submitted pursuant to Subsection 380.06(11), Florida Statutes.

CONCLUSIONS OF LAW

NOW, THEREFORE, BE IT RESOLVED BY THE (local governing body) OF (local government), in public meeting, duly constituted and assembled (date of public hearing,) that the Development of Regional Impact Application for Development Approval submitted by (applicant's name), is hereby ordered (Approved/Denied/Approved subject to the following conditions, restrictions, and limitations):

(INSERT THE APPROPRIATE CONDITIONS)

BE IT FURTHER RESOLVED, by the (local governing body) of (local government), that:

1. All commitments and impact mitigating actions provided by the applicant in the Application for Development Approval and supplemental documents that are not in conflict with conditions or stipulations specifically enumerated above are hereby adopted to this Development Order by reference.

2. The (title of local official) shall be the local official responsible for assuring compliance with this Development Order.

3. This Development Order shall remain in effect for a period of (# of years) from the date of its rendition. In the event that significant physical development has not commenced within this time period, development approval will terminate and this development order shall no longer be effective. For purposes of this requirement, "significant physical development" does not include roads, drainage or landscaping but does include construction of buildings or installation of utilities and facilities such as sewer and water lines.

4. The applicant or their successor(s) in title to the subject property shall submit a report annually, commencing one year from the effective date of this development order, to the (local governing body), the Southwest Florida Regional Planning Council, and the Department of

Community Affairs. This report will contain the information required in Rule 9J-2.025(7), Florida Administrative Code. Failure to submit the biannual report shall be governed by Subsection 380.06 (18), Florida Statutes.

5. Subsequent requests for development permits shall not require further review pursuant to Section 380.06, Florida Statutes, unless it is found by the (local governing body), after due notice and hearing, that one of more of the following is present;

a. A substantial deviation from the terms or conditions of this development order, or other changes to the approved development plans which create a reasonable likelihood of adverse regional impacts or other regional impacts which were not evaluated in the review by the Southwest Florida Regional Planning Council; or

b. An expiration of the period of effectiveness of this development order as provided herein.

Upon a finding that either of the above is present, the (local governing body) shall order a termination of all development activity until such time as a new DRI Application for Development Approval has been submitted, reviewed and approved in accordance with Section 380.06, Florida Statutes.

6. The approval granted by this Development Order is limited. Such approval shall not be construed to obviate the duty of the applicant to comply with all other applicable local or state permitting procedures.

DULY PASSED AND ADOPTED THIS ___ DAY OF _____, _____.

_____
(local government)

_____
(Notary Public)

APPENDIX IV

SUBSTANTIAL DEVIATION MONITORING FORM

SUBSTANTIAL DEVIATION DETERMINATION LEVELS

Question	Issue Area	Subject	Measure of Impact	Degree of Significance of Change	Applicability
1-12	General Project Description/Information	Location	Proximity to other local governments	Annexation without equivalent regulations, etc.	Y
		Project Boundaries	Resources not previously reviewed	Ch. 380.06(19)(a), F.S.	Y
		Topography, delineation 100 yr. Flood zone and Hurricane Flood zone	Is it in such zones?	Redesign causing flood zone expansion or greater levels of hurricane evacuees of more than 5% of shelter capacity or 5% of hurricane route LOS "D"	Y
		Land Use existing and abutting	Land use conflicts with regional resources or other jurisdictions	Ch. 380.06(19)(a), F.S.; Change in on-site land use to incompatible use	Y
		Master Development Plan	Change of Land Uses	Ch. 380.06(19)(b)16, F.S.; 15% of acreage to new land use	Y
		Phasing	Concurrency with facility timing	One phase or 5 years, Ch. 380.06(19)(c), F.S.	Y
13	Environmental and Natural Resources	Air Quality	Point or complex source emission permit needed?	Any new point source	Y
			Hazardous materials storage	New storage, or failure to follow a plan	Y
14	Environmental and Natural Resources	Land	Soil suitability; unique features; erosion control	Discovery of unique features; sinkholes forming	Y
15	Environmental and Natural Resources	Water	Aquifer recharge; water quality	Ch. 380.06(19)(d), F.S.; Violations of water quality and/or permit conditions	Y
16	Environmental and Natural Resources	Wetlands	Loss of wetland acreage	2 acres	Y

SUBSTANTIAL DEVIATION DETERMINATION LEVELS

Question	Issue Area	Subject	Measure of Impact	Degree of Significance of Change	Applicability
17	Environmental and Natural Resources	Floodplains	Additional intrusion into 100-year floodplain	5% additional increase	Y
		Evacuation Time	Increase in evacuation route time to evacuate	5% additional increase	Y
		Shelters	Absorption of 5% of proximate shelter space	5% additional increase	Y
18	Environmental and Natural Resources	Vegetation	Vegetated area in type, acres	Ch. 380.06(19)(b)17, F.S.; Development of area set aside for preservation, buffers, special habitat	Y
		Listed Vegetation	Any permanent loss of endangered species	Any new loss areas or species	Y
		Listed Wildlife	Any permanent loss of endangered species	Any new loss	Y
19	Environmental	Historic and Archaeological sites	Any loss without State overview	Any additional loss	Y
20	Economy	Employment	Housing needs for low and moderate income workers	Increase in needs by 15%	Y
		Salary Ranges	Housing needs	Increase in needs by 15%	Y
		Skills	Education needs for special skills	None	Y
		Seasonality	Housing needs	None	Y
		Agricultural Loss	None	None	N
		On Site Economic Needs (such as shopping)	Onsite reduction that will occur than other can be expected, cause increase in off-site traffic	Ch. 380.06(19)(b)15, F.S.; Increase in external trips by 15%	Y
		Federal Assistance	None	Failure to get assistance prevents timely provision of facilities	N

SUBSTANTIAL DEVIATION DETERMINATION LEVELS

Question	Issue Area	Subject	Measure of Impact	Degree of Significance of Change	Applicability
20 (cond't)	Economy (continued)	Market Studies	Absorption Rate	See "Phasing"	Y
		Taxes and Costs	Fiscal Soundness	Failure to pay/see "Phasing"	Y
21	Public Facilities: Wastewater Management	Central Service	Meet DER Standards	Failure to provide central service	Y
		Septic Tanks	Density; treatment quality	Failure to keep low density/meet treatment quality	Y
		Spray Irrigation	Health issues/Water conservation	Unanticipated health issues/Failure to provide	Y
22	Drainage	Design Storm	As set by WMDs	Failure to meet design storm and best management practices	Y
		Receiving Body	Quality concerns of receiving body	Ch. 380.06(19)(d), F.S.; Violations of Water Quality and/or Permit Conditions	Y
23	Water Supply	Central Service Provider	Water conservation program	Failure to enact stated program	Y
			Capacity of provider	Capacity of provider exceeded prior to project buildout	Y
		On Site Provider	Availability of resource	Failure to receive permission for resource but marketing of property for DRI uses continue	Y
		Lot Sales	Availability of resources for buildout	Failure to provide resources for buildout	Y
24	Solid Waste	Hazardous Waste	Storage Program	Failure to enact a stated program or change of program to improper disposal of wastes	Y
		Recycling	Commitment to participate in local sponsored program	Failure to participate	Y

SUBSTANTIAL DEVIATION DETERMINATION LEVELS

Question	Issue Area	Subject	Measure of Impact	Degree of Significance of Change	Applicability
25	Energy	Conservation	Appropriate best practices	Failure to enact stated program	Y
26	Education	School Sites	Reserving sites	Failure to reserve sites	Y
		Training Needs	Joint financing	Failure to participate in financing	Y
27	Recreation & Open Space	Facilities and Sites	As related to population needs	Ch. 380.06(19)(b)(13), F.S.; decrease in open space by 5%	Y
28	Health Care	Facility	Meeting community needs	Failure to receive approval for stated uses, or changing the uses, which require certificate of need for more than one county.	Y
		Needs	Capacity of serving facilities (5%)	Increase in need by 5% more of capacity	Y
		Ambulances	Service times	None	Y
29	Police	Police Protection	Service capacities	None	Y
30	Fire	Fire Service	Response times	New type of demand for service that was not stated in DRI that creates need for interlocal agreement which does not exist	Y
			Fire flow	Failure to provide fire flow	Y
31	Transportation	Total Trips	Offsite trip direction, timing volumes	Ch. 380.06(19)(b)15, F.S.; or 5% level of service facility (and facility falls below acceptable LOS standard)	Y
			Capture rate	Same as above	Y
32	Housing	Low and Moderate Buyers	Number proximate to new workers of low and moderate income	Failure to provide low/moderate income housing, if required	Y
33-34	Specific DRI Information	DRI Type	Specific to DRI type	Ch. 380.06(19)(b)1.-16, F.S.	N

APPENDIX V

HENDRY COUNTY STAFF REPORT

2008-05-02_SLV_Assessment_Comments_Hendry_County.txt

From: Vince Cautero [vcautero@hendryfla.net]
Sent: Friday, May 02, 2008 11:10 AM
To: Jason Utley
Cc: Sarah Catala; Shane Parker; Mark Lapp; Judi Kennington-Korf; Wayne O'Neal; lawrence.massey@dot.state.fl.us; Ronald Talone; Dan Delisi; Neale Montgomery; Ken Heatherington; 'Bonnie Hanshaw'
Subject: South LaBelle village DRI

Jason,

Thank you again for taking time to discuss the transportation issues with Shane and me yesterday, along with your colleagues and Lawrence Massey from DOT.

Our comments are listed below for your consideration in preparing the RPC's assessment of the DRI application. We will continue to discuss this issue with DOT, City of LaBelle, and Bonita Bay officials.

1. Hendry County staff prefers the option of pipelining the SR 29 improvements from Helms Rd. to Cowboy Way, which includes the intersection improvements of SR 29 at Cowboy Way and Helms Rd. However, it has been expressed to County staff in public meetings by the Hendry County Board of County Commissioners that impact fees should be used for County roads and not State roads. Therefore, any commitment of impact fees to the SR 29 pipelining must be approved by the Hendry County Board of County Commissioners.

2. Hendry County staff would like to receive and review the cost estimates for the SR 29 bridge reevaluation. We have several questions including, but not limited to, does the estimated cost include design, right-of-way, construction, approaches to the bridge, etc.? The applicant's proportionate fair share may be higher based on this reevaluation.

3. At the meeting conducted on April 11, in which officials from several agencies attended regarding the DRI, it was stated Helms Rd. was not needed for the project to work. However, all sufficiency documents submitted by the applicant mention Helms Rd. In fact, the ADA indicates how the impacts to Cowboy Way are reduced due to the construction of Helms Rd. Ron Talone, AICP, of David Plummer and Associates, stated to Hendry County staff that a new model has been prepared, but Hendry County's consultant has not reviewed the model. Staff has concerns that the applicant's proportionate share may be higher than reported due to potential impacts. However, this is not known until our consultants can review the model.

If you have questions, please call me as Shane is out of the office today.

Regards,
Vince

--
Vincent A. Cautero, AICP
Planning and Development Director
Hendry County, FL
863-675-5240
vcautero@hendryfla.net

APPENDIX VI

STATE DIVISION OF HISTORICAL RESOURCES COMMENTS

FLORIDA DEPARTMENT OF STATE
Sue M. Cobb
Secretary of State
DIVISION OF HISTORICAL RESOURCES

RECEIVED
NOV 3 0 2006
PASSARELLA AND ASSOCIATES, INC.

October 19, 2006

Ms. Alicia Kruse
Passarella and Associates, Inc.
9110 College Pointe Court
Fort Myers, Florida 33919

RE: DHR Project File Number: 2006-8635
Received by DHR: September 25, 2006
Development of Regional Impact – Cultural Resource Review
South LaBelle Village DRI
Hendry County

Dear Ms. Kruse:

Our office received and reviewed the above referenced project in accordance with this agency's responsibilities under Section 380.06, *Florida Statutes*. The State Historic Preservation Officer is to advise in the identification of historic properties (listed or eligible for listing in the *National Register of Historic Places (NRHP)*, or otherwise of historical or architectural significance), assess effects upon them, and consider alternatives to avoid or minimize adverse effects.

A review of the Florida Master Site File and our records indicates that no significant cultural resources are recorded within the project area. However, a prehistoric mound site (8HN42) is recorded nearby. The absence of recorded cultural resources in the project area is not necessarily an indication that no sites or historic structures are present, since the area for development is sizeable and has not been subjected to a systematic professional archaeological or historical investigation.

Since potentially significant cultural resources may be present, it is the opinion of this agency that the project site should be subjected to a professional Phase I cultural resource survey. The purpose of this survey will be to locate and assess the significance of cultural resources present. The resultant survey report should conform to the specifications set forth in Chapter 1A-46, *Florida Administrative Code*, and will need to be forwarded to this agency in order to complete the process of reviewing the impact of this proposed project on historic properties. The results of the investigations will determine if significant historic properties would be disturbed by development within this project site. In addition, if significant remains are located, the data described in the report and the consultant's conclusions will assist this office in determining measures that must be taken to avoid, minimize, or mitigate adverse impacts to historic properties listed, or eligible for listing in the NRHP, or otherwise of historic or archaeological significance.

Because this letter and its contents are a matter of public record, archaeological consultants who have knowledge of our requests may contact the applicant. This should in no way be interpreted as an endorsement by this agency. The Division of Historical Resources does not maintain a list of professional archaeologists who are qualified to work in the State of Florida and/or who meet the Secretary of the Interior's Standards for federally involved archaeological projects as specified in 36 CFR 61, Appendix A. However, the Register of Professional Archaeologists (RPA) maintains a membership directory that may be useful in locating professional archaeological consultants (http://www.rpanet.org/about.htm) in your area. Many qualified archaeologists are not members of RPA and omission from the list does not imply that an archaeologist does not meet the Secretary's Standards or that work would not be acceptable, and inclusion on the list is no guarantee that an archaeologist's work will automatically be acceptable. As with any contractor you should request and check references and recent work history.

For any questions concerning our comments, please contact April Westerman, Historic Sites Specialist, by electronic mail amwesterman@dos.state.fl.us, or at 850-245-6333 or 800-847-7278. We appreciate your continued interest in protecting Florida's historic properties.

Sincerely,

Frederick P. Gaske, Director, and
State Historic Preservation Officer

RECEIVED
MAY 14 2007
BY: G184A

FLORIDA DEPARTMENT OF STATE
Kurt S. Browning
Secretary of State
DIVISION OF HISTORICAL RESOURCES

Ms. Marion Almy
Archaeological Consultants, Inc.
8110 Blaikie Court, Suite A
Sarasota, Florida 34240

May 10, 2007

Re: DHR Project File No.: 2007-02667 / Date Received by DHR: April 12, 2007
Cultural Resource Assessment Survey South Labelle Village DRI Property Hendry County, Florida

Dear Ms. Almy:

Our office received the above referenced predictive model in accordance with this agency's responsibilities under Section 380.06, *Florida Statutes*, for assessment of possible adverse impact to cultural resources (any prehistoric or historic district, site, building, structure, or object) listed, or eligible for listing, in the *National Register of Historic Places (NRHP)*, or otherwise of historical, architectural or archaeological value.

In January of 2007, Archaeological Consultants, Inc. (ACI) conducted a an archaeological and historical survey of the South Labelle Village DRI property on behalf of the Bonita Bay Group. ACI located a historic ditch (8HN135) during the course of the investigation and found it to be ineligible for listing in the *NRHP*.

It is the opinion of ACI that the proposed DRI development will have no effect on cultural resources listed or eligible for listing in the *NRHP*. ACI recommended no further cultural resource investigations.

Based on the information provided, our office concurs with these determinations and finds the submitted report complete and sufficient in accordance with Chapter 1A-46, *Florida Administrative Code.*

If you have any questions concerning our comments, please contact Scott Sorset, Historic Sites Specialist, by phone at (850) 245-6333, or by electronic mail at srsorset@dos.state.fl.us. Your continued interest in protecting Florida's historic properties is appreciated.

Sincerely,

Frederick P. Gaske

Frederick P. Gaske, Director, and
State Historic Preservation Office

500 S. Bronough Street • Tallahassee, FL 32399-0250 • http://www.flheritage.com

☐ Director's Office (850) 245-6300 • FAX: 245-6436
☐ Archaeological Research (850) 245-6444 • FAX: 245-6452
■ Historic Preservation (850) 245-6333 • FAX: 245-6437
☐ Historical Museums (850) 245-6400 • FAX: 245-6433
☐ Southeast Regional Office (561) 416-2115 • FAX: 416-2149
☐ Northeast Regional Office (904) 825-5045 • FAX: 825-5044
☐ Central Florida Regional Office (813) 272-3843 • FAX: 272-2340

APPENDIX VII

FLORIDA DEPARTMENT OF TRANSPORTATION COMMENTS

Florida Department of Transportation

CHARLIE CRIST
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0450

STEPHANIE C. KOPELOUSOS
SECRETARY

Date: May 05, 2008

Mr. Dan Trescott
DRI Coordinator
Southwest Florida Regional Planning Council
1926 Victoria Avenue
Fort Myers, Fl 33901

RE: South LaBelle Village Development of Regional Impact FDOT Comments

Dear Mr. Trescott:

The Florida Department of Transportation, District One, appreciates the Regional Planning Council staff efforts to negotiate amoung all of the involved parties a fair and reasonable settlement to mitigate the above referenced development's impacts on the transportation network in the City of LaBelle, Hendry County. The Department has reviewed the supplemental information packages, proposals, and draft development order provided by the applicant in various meetings and emails subsequent to the Department's 3rd Sufficiency Comments dated February 20th, 2008. The Department recommends that the Regional Planning Council approve the proposed development with the conditions as stated in the recommendations and comments provided below.

The South LaBelle Village development's projected traffic on SR 29 shows a deficiency in the Level of Service (LOS) between SR 80 and Helms Road. Consequently, there is a need to add two lanes to the existing road for a total of four lanes to effectively address the concurrency deficiency at build out of the proposed development in 2014. The segment of SR 29 in Hendry County is part of the emerging Strategic Intermodal System (SIS) and is identified on the SIS Eligible Multi-Modal Unfunded Needs Plan. The needed improvements are neither funded in the existing FDOT Work Program, nor planned in the Department's ten year plan or the SIS Cost Feasible Plan. The Department has an on-going Project Development and Environmental (PD&E) assessment of SR 29, which is the initial step preceding design of any needed improvements. However, FDOT has no design or construction currently programmed for SR 29 to restore the roadway to an acceptable LOS 'C' by 2014.

The Department has concurred with the applicant's estimated proportionate share calculation for needed road and intersection improvements of approximately $2,718,000, which is less than anticipated total road impact fee payments of $6,428,000 for the proposed development. Since Florida Statutes require that the higher of the two figures applies, the $6,428,000 represents the Project's total proportionate share/traffic mitigation obligation for the South LaBelle Village DRI.

The applicant has provided a draft development order that accounts for the development's traffic mitigation obligation of $6,428,000 by way of either of three roadway improvement options. FDOT finds two of these

options acceptable for purposes of concurrency mitigation; Option 2 (Improvements at SR 29/Helms Road Intersection) and Option 3 (SR 29 Widening from Cowboy Way to Helms Road). Either, Option 2 or Option 3, provide regionally significant improvements to an emerging SIS facility proportionate to the traffic impacts of the proposed development, and thereby satisfy transportation concurrency as allowed by Chapter 380.06 and 163.3180(12), Florida Statute, and Chapter 9J-2, Florida Administrative Code.

In the case of Option 2, the developer will fund the design, right of way acquisition, and construction of a 4 lane intersection at SR 29 and Helms Road that extends the improvements on SR 29 for at least a total of one third mile. It is probable that the Option 2 improvements will not fully absorb the development's total mitigation obligation; therefore other regionally significant transportation network improvements may need to be identified and addressed by the applicant to fully mitigate the obligation.

In the case of Option 3, the developer will partially fund the design, right of way acquisition, and construction of a 4 lane segment of SR 29 from Cowboy Way to Helms Road for a total of approximately 1.3 miles. It is anticipated that this improvement will exceed the development's total mitigation obligation by approximately $3.5 million. Since this option provides the most significant improvement to mitigate the SR 29 concurrency issue, Option 3 is preferred by FDOT. Therefore, the Department will attempt to identify and obtain funding to cover the additional cost of these improvements during the next FDOT 5-Year Work Program gaming cycle.

For purposes of the Regional Planning Council staff assessment and council vote, the department recommends approval of the proposed development based upon the condition that Option 3, above, be the preferred means of mitigating the transportation impacts of the proposed development. If the required additional funding for Option 3 is not secured, then a condition for Option 2 should apply.

If you have any questions or need additional information, please contact me at (239) 461-4300 or lawrence.massey@dot.state.fl.us.

Sincerely,

Lawrence Massey
Growth Management Coordinator

LLM/llm

District One, Southwest Area Office
2295 Victoria Avenue * Post Office Box 1030 * Fort Myers, FL 33902-1030
(239) 461-4300 * (239) 338-2353 (Fax) * MS 1-98

www.dot.state.fl.us

APPENDIX VIII

SOUTH FLORIDA WATER MANAGEMENT DISTRICT COMMENTS

IMPACT ASSESSMENT REPORT

Prepared by

South Florida Water Management District

Issued May 2, 2008

I PROJECT SUMMARY

Project:	South LaBelle Village
Developer:	Resource Conservation Properties, Inc.
SFWMD ID No:	06-496
Location:	S24/T43S/R28E, Hendry County
Size:	±1,018 acres
Existing Land Use:	Agricultural
Proposed Land Use:	Mixed-use, including Residential (2,500 dwelling units), Retail (150,000 square feet), Office (50,000 square feet), Quasi-Public (approximately 30,000 square feet), Civic (public school/charter school/educational facility/government offices)
DRI Threshold:	Exceeds mixed-use threshold, pursuant to Chapter 380.0651(3)(i), F.S.

II GENERAL PROJECT-RELATED INFORMATION

The South LaBelle Village DRI is a proposed ±1,018 acre mixed-use development located in northwestern Hendry County on the south side of S.R. 80, west of S.R. 29 (see Exhibit 1).

The Master Development Plan (see Exhibit 2) proposes the following land uses: Residential (2,500 dwelling units), Retail (150,000 square feet), Office (50,000 square feet), Quasi-Public (approximately 30,000 square feet), Civic (public school/charter school/educational facility/government offices). Development is scheduled to occur in a single phase with build-out in 2014.

III POTENTIAL FOR ADVERSE REGIONAL IMPACTS SUMMARY

Category	Minimal	Significant	Major
Water Use - Potable			X
Water Use - Non Potable		X	
Surface Water Management - Quantity	X		
Surface Water Management - Quality	X		
Wetlands/Other Surface Waters - Functions	X		

IV CONCLUSIONS AND RECOMMENDATIONS

The available DRI information is not detailed enough for District staff to finalize its evaluation of the proposed project. On March 9, 2007, the applicant submitted Environmental Resource Permit (ERP) application No. 070309-25 for Conceptual Approval of the overall development and Construction and Operation approval for a portion of the proposed development. On August 14, 2007, the applicant submitted two Water Use Permit applications: No. 070814-5 for landscape irrigation of a portion of the proposed development and No. 070814-4 for proposed construction dewatering activities. These permit applications are currently undergoing technical review. Unresolved issues that will need to be addressed during the permit application review process include the project's proposed potable and non-potable (landscape irrigation) water supply potential floodplain impacts, establishment of an appropriate control elevation, passage of off-site flows, the capacity of receiving bodies, and compatibility with the Comprehensive Everglades Restoration Plan (see the summaries below and the checklists and footnotes on pages 5 through 11 for additional details).

Prior to issuance of a Development Order for this DRI, it appears that amendments to the Town of LaBelle comprehensive plan will be necessary to demonstrate that there is an adequate supply of potable water available at the source, adequate potable water treatment and delivery facilities available to meet the needs created by the proposed development, and that the necessary capital facilities are available or have been planned in a financially feasible manner to meet the needs of the proposed development. Improvements needed to maintain the adopted level of service standards within the next five years should be scheduled in a financially feasible five-year schedule of capital improvements. If the developer is going to pay for the improvements, an executed agreement will need to be provided demonstrating financial feasibility and be reflected in the Capital Improvements Element of the Town's comprehensive plan.

In addition to the above, any development order issued by the Town of LaBelle for this DRI will need to make adequate provisions for the water supply-related public facilities needed to accommodate the impacts of the proposed development, pursuant to Section 380.06(15)(e)2, F.S., and Rule 9J-2.044(6), F.A.C.

Water Use

Potable water supply is proposed to be provided by the Town of LaBelle. The utility does not currently have an adequate permitted allocation to meet the project's potable water demands. The applicant is proposing to use a combination of surface water, ground water, and reclaimed water to meet the project's non-potable (landscape irrigation) demands.

For additional details concerning the above as well as permitting requirements, see "Permits" on pages 3 and 4 and the water supply and development checklist and footnotes on pages 5 through 7.

The District is recommending a Development Order Condition (see page 4) requiring that specific conservation measures be incorporated into the project design.

Surface Water Management

Existing surface water features on the project site include several isolated wetlands and a network of agricultural canals/ditches.

The proposed surface water management system will consist of a network of inlets, culverts, stormwater ponds, control structures, and wetlands. Water quality treatment will be provided within the stormwater ponds and through use of Best Management Practices (BMPs). Off-site discharges will be directed into the C-43 Canal (Caloosahatchee River) via the existing on-site canal system.

Issues that need to be resolved prior to issuance of an ERP include potential floodplain impacts, establishment of an appropriate control elevation, passage of off-site flows, the capacity of receiving bodies, and compatibility with the Comprehensive Everglades Restoration Plan.

For additional details concerning the proposed surface water management system design as well as permitting requirements, see "Permits" on pages 3 and 4 and the surface water management checklist and footnotes on pages 8 and 9.

Please note that the SFWMD has initiated rule-making to address potential water quantity and quality impacts from new projects that ultimately discharge to sensitive or impaired water bodies in this region. Under the proposed Rules, applicants will be required to demonstrate a reduction in the amount of stormwater and nutrients discharged from the proposed development.

Wetlands/Other Surface Waters-Functions

The project site contains approximately 4.59 acres of wetlands, the majority of which are mixed wetland hardwoods. A lesser acreage of Brazilian Pepper wetlands also occur on-site. The applicant is proposing to preserve all of the existing on-site wetlands.

An issue that needs to be resolved prior to issuance of an ERP is establishment of an appropriate control elevation.

For additional details concerning the above as well as permitting requirements, see "Permits" on pages 3 and 4 and the environmental checklist and footnotes on pages 10 and 11.

Permits

This project will require the following District permits prior to commencement of construction:

1. Environmental Resource Permit – for conceptual approval and for construction and operation of the surface water management system for the proposed development and for the proposed impacts to other surface waters (Application No. 070309-25 is currently undergoing technical review).

2. Water Use Permit – for the proposed surface and ground water withdrawals for landscape irrigation (Application No. 070814-5 is currently undergoing technical review).

3. Water Use Permit - for certain dewatering activities proposed for the construction of project lakes, utilities and/or road or building foundations (Application No. 070814-4 is currently undergoing technical review).

The applicant must meet District criteria in effect at the time of permit application.

Recommended Development Order Condition

1. The project shall utilize ultra-low volume water use plumbing fixtures, self-closing and/or metered water faucets, xeriscape landscape techniques, and other water conserving devices and/or methods. These devices and methods shall meet the criteria outlined in the water conservation plan of the public water supply permit issued to the Town of LaBelle (or other approved provider) by the South Florida Water Management District.

V DISCLAIMER

This review has been performed by the South Florida Water Management District to provide the Southwest Florida Regional Planning Council with a general technical assessment of the water-related impacts of this project from the District's perspective. It is a technical review of the project based on the information provided by the DRI applicant. It is not a permit under Chapter 373, F.S., nor is it a commitment for said permits. This review does not constitute final agency action and it is not binding on this agency. Permit evaluation, pursuant to Chapter 373, F.S., will be based upon the criteria in effect and the information available at the time of permit application. Consequently, the applicant is advised that this could result in a change in the District's technical assessment from that which is contained in this review.

Further, this review is not intended to restrict any formal District comments and/or objections that may be issued on any proposed comprehensive plan amendments associated with this DRI. During the formal plan amendment review process, pursuant to Chapter 9J-5, F.A.C., the District will perform a detailed evaluation of all water resource-related issues associated with this proposal and will provide its formal comments and/or objections to the Florida Department of Community Affairs (DCA).

SUBJECT: **WATER SUPPLY AND DEVELOPMENT** - South LaBelle Village, DRI No. 06-496

Proposed Potable Water Source: Town of LaBelle
Permit No.: 26-00105-W **(see footnote 1)**
Expiration Date: February 9, 2010 **(1)**
Permitted Allocation: 23.96 MGM (max)/237.024 MGY (average annual)
Current Usage: 269 MGY (average annual) [June, 2007 data]
Projected Demand of DRI: 1.034 MGD

Proposed Non-Potable Water Sources: Surface/ground/reclaimed **(see footnote 2)**
Projected Demand of DRI: 1.163 MGD

	ACCEPTABLE RESPONSE IN APPLICATION	RESOLVABLE AT PERMIT TIME		MAJOR REGIONAL ISSUES
		MINOR	MAJOR	
I. **PROJECTED DEMANDS OF PROJECT**				
A. POTABLE WATER				
1. Use Generation Rates	X			
2. Conservation Practices	X(3)			
B. NON-POTABLE WATER				
1. Use Generation Rates	X			
2. Conservation Practices	X(3)			
3. Wastewater Reuse	X(4)			
II. **WATER USE IMPACTS**				
A. ON-SITE				
1. Proposed Sources				
a. Groundwater			X(2)	
b. Surface Water			X(2)	
c. Wastewater Reuse	X(4)			
d. Reverse Osmosis	N/A			
2. Resource Capability			X(2)	
3. Impacts				
a. Salt Water Intrusion		X(2)		
b. Pollution/Contamination		X(2)		
c. Environmental			X(2)	
B. OFF-SITE				
1. Verification of Availability from Utility				X(1,5)
2. Resource Capability			X(1)	
3. Impacts				
a. Salt Water Intrusion	N/A			
b. Pollution/Contamination			X(1)	
c. Environmental			X(1)	
d. Other Legal Users	X			

FOOTNOTES: See following page.

WATER SUPPLY AND DEVELOPMENT FOOTNOTES:

(1) The applicant is proposing to obtain potable water supply from the Town of LaBelle. The Town has submitted an application (No. 060808-9) for renewal and modification of their public water supply water use permit (No. 26-00105-W). The application proposes an increase in the maximum monthly permitted allocation from 23.96 MGM to 29.188 MGM and the average annual permitted allocation from 237 MGY to 294.336 MGY. The Town's permit application is currently undergoing technical review. The last Request For Additional Information (RAI) Letter was sent on November 15, 2007. To date, the District has not received a response to the RAI letter. Issues to be resolved prior to renewal of the Town's permit include potential wetland impacts, potential movement of existing contamination plumes, potential issues related to the Comprehensive Everglades Restoration Plan (CERP), and enforcement activities related to the Town pumping in excess of its permitted allocation.

Although the Town has not yet responded to the District's last RAI letter, they have indicated that they plan to use the Lower Hawthorn (Floridan) aquifer instead of the water table aquifer. If the Town modifies their application to use the Lower Hawthorn aquifer, this will address the District's concerns related to potential wetland impacts, movement of existing contamination plumes, and CERP, as the Lower Hawthorn aquifer is a deeper confined aquifer. However, the reverse osmosis water treatment facility would not be available until at least 2010.

The potable water demand for the proposed DRI-related development is not included in the Town's permit application currently being reviewed by District staff. The Town will need to revise its permit application to include the proposed DRI-related demands.

(2) The applicant is proposing to use a combination of surface water and ground water to meet the project's landscape irrigation demands. Reclaimed water from the Town of LaBelle will be used if and when it becomes available.

District staff is currently reviewing an application (No. 070814-5) for landscape irrigation for a 217.2 portion of the project site. Under this permit application, the applicant is proposing to replace an existing agricultural irrigation permit (Berry Citrus, Permit No. 26-00276-W) in phases as the DRI builds-out. The applicant's initial proposal was to use surface water from the C-43 Canal (Caloosahatchee River). This proposal was not acceptable to the District due to CERP-related issues. The application was subsequently modified and new sources of water were proposed (on-site lakes/sandstone aquifer). This application is being reviewed concurrent with ERP application No. 070309-25.

Any proposed withdrawals from on-site surface water sources for future phases of development will be evaluated to ensure that the proposed withdrawals do not directly or indirectly draw canal water associated with the C-43 Canal and/or C-43 reservoir. Any proposed use of a brackish water source may create salinity problems with wetlands or the water table aquifer. Approval of withdrawals from brackish water sources will be dependent on the timing of availability of reclaimed

water, conversion of citrus to DRI-related development, and the ability to mix brackish water sources with freshwater sources.

At the time of application for a water use permit for landscape irrigation for future phases of development, the applicant will need to demonstrate that the proposed withdrawals are reasonable-beneficial, are in the public interest, and will not result in any harm to existing water resources, including wetlands. In addition, a feasibility study will be required for the use of reclaimed water.

(3) The District is recommending water conservation conditions of approval (see "Recommended Development Order Condition" on page 4).

(4) Although the applicant is proposing to use reclaimed water, the availability of this source may be many years away since there is not a commitment to install transmission lines or plans to upgrade the treatment plant to tertiary standards. The District requires reclaimed water use for irrigation purposes once this source becomes available, if the use is determined to be economically, technically, and environmentally feasible. The Town's Capital Improvements Plan (CIP) provides for a force main addition to be paid for by future customers; however, it does not identify plant upgrades necessary to produce reclaimed water for the project. The Town plans to have its wastewater treatment plant reach 75% of its operating capacity before assessing whether to build a second plant or expand the existing one.

(5) The Town's CIP identifies grant money and a loan for a new water treatment plant that may cover 22.5% of the cost of this project. The Town indicates that the remaining cost will be obtained from existing and future users. The Town did not submit an alternate water supply (AWS) grant proposal to the District in FY08, and, since the modification of the Town's water use permit is not complete, acceptance of a FY09 AWS grant proposal may be in doubt. Even if an AWS grant is received and covers the maximum 40% of the construction costs, the Town does not appear to have the remaining funds to build the plant by 2010. In addition, the Town has not identified the funding source for installation of the transmission lines to serve the project site. The Town has plans to increase the plant capacity as growth requires; however, they have not committed to meeting the 5 MGD capacity identified in the District's Lower West Coast Water Supply Plan (LWCWSP) for the year 2015. The Town also has a larger projected population than the District's LWCWSP (11,733 vs. 7,150).

SUBJECT: **SURFACE WATER MANAGEMENT** - South LaBelle Village, DRI No. 06-496

Drainage Basin: C-43
Receiving Body: West Caloosahatchee River via Crawford Canal

	ACCEPTABLE RESPONSE IN APPLICATION	RESOLVABLE AT PERMIT TIME		MAJOR REGIONAL ISSUES
		MINOR	MAJOR	
I. SYSTEM DESIGN				
A. QUANTITY CONSIDERATIONS				
1. Discharge method, location and route to receiving water	X			
2. Floodplain encroachment		X(1)		
3. Net basin storage	X			
4. Stage/storage	X			
5. Control elevations		X(2)		
6. Water management areas	X			
7. Minimum drainage	X			
8. Overdrainage	X			
9. Outparcels	X			
10. Exfiltration	X			
11. Floor and road protection	X			
12. Passage of upstream flows	X	X(3)		
13. Capacity of receiving water (pre vs. post)		X(3)		
B. QUALITY CONSIDERATIONS				
1. Standard BMP's	X			
2. Special BMP's				
a. Sensitive receiving waters	X			
b. On-site use of wastewater	X			
c. Location of on-site percolation ponds	N/A			
d. Proximity of on-site percolation ponds to SWM system	N/A			
3. Use of natural system	N/A			
4. Hazardous materials				
a. Use/generation	X			
b. Management/disposal	X			
5. Exfiltration systems	X			

FOOTNOTES: See following page

SURFACE WATER MANAGEMENT FOOTNOTES:

(1) Prior to issuance of an Environmental Resource Permit (ERP), any potential floodplain impacts will need to be addressed.

(2) The control elevation for the project is still being reviewed by District staff as part of the ongoing ERP permit review process.

(3) Prior to issuance of an ERP, the passage of off-site flows and the capacity of receiving bodies will need to be addressed. In addition, continued coordination with the District concerning compatibility with the Comprehensive Everglades Restoration Plan will be necessary to ensure that no adverse impacts occur.

SUBJECT: **ENVIRONMENT** - South LaBelle Village, DRI No. 06-496

WETLANDS ACREAGE SUMMARY*

Total Existing	Presently Impacted	Proposed To Be Preserved	Proposed To Be Altered/Destroyed	Proposed To Be Mitigated	Resulting Net Gain/Loss
4.59	0	4.59	0	N/A	N/A

* This information provided in ERP application No. 070309-25

	ACCEPTABLE RESPONSE IN APPLICATION	RESOLVABLE AT PERMIT TIME MINOR	RESOLVABLE AT PERMIT TIME MAJOR	MAJOR REGIONAL ISSUES
I. **EXISTING SENSITIVE LANDS**				
A. WETLANDS				
1. Quantity	X			
2. Quality	X			
B. UNIQUE HABITAT	X			
C. ENDANGERED SPECIES	X			
D. OTHER (Save Our Rivers; OFWs; aquifer recharge areas; etc.)	N/A			
II. **IMPACTS OF PRESERVATION/MITIGATION**				
A. QUANTITY	X			
B. QUALITY	X			
C. MANAGEMENT SCHEME (managed elevations, buffers, littoral zones; etc.)		X(1)		
D. ENDANGERED SPECIES/HABITAT	X			
III. **COMPATIBILITY OF PROPOSED LAND USE AND NATURAL CHARACTERISTICS**	X			

FOOTNOTES: See following page.

ENVIRONMENT FOOTNOTES:

(1) The control elevation for the project is still being reviewed by District staff as part of the ongoing ERP permit review process.

Agenda Item

5

Administrative Agenda

5

5

Agenda Item

5a

Memorandum of Understanding

Between the RPCs that Comprise

The FRCA Regarding the

Provision of Technical Assistance

5a

MEMORANDUM OF UNDERSTANDING

Statewide Regional Planning Council Memorandum of Understanding

For many years, the regional planning councils in Florida have supported one another in the provision of technical assistance. Designated in the implementation of Chapters 163, 186 and 380, F.S., each of the eleven councils are established by Florida Statutes as a separate entity. The Councils, in recent years, have entered into technical assistance agreements and joint contracts and subcontracts that cross regional boundaries and regional responsibilities.

Historically, this cross-jurisdictional support has occurred through joint cooperation of the Councils and with support from the Florida Regional Councils Association (FRCA). The Councils created the FRCA to facilitate the sharing of ideas and coordination of state projects. The Councils' Executive Directors and FRCA staff meet monthly with other State agencies and departments and key personnel from across the state and country to discuss recent legislation and events that impact the councils and the citizens of Florida.

The purpose of the Memorandum of Understanding (MOU) is to formalize the relationship among the regional planning councils, assist in the administration of cross-jurisdictional projects and contracts, and encourage continued cooperation in providing cost-effective specialized technical assistance. Moreover, the MOU demonstrates to outside agencies the multi-jurisdictional responsibility and the continued cooperation among the Councils.

RECOMMENDED ACTION: **A**uthorize the Chairman to sign the Memorandum of Understanding.

05/08

MEMORANDUM OF UNDERSTANDING AMONG THE ELEVEN REGIONAL PLANNING COUNCILS THAT COMPRISE THE FLORIDA REGIONAL COUNCIL'S ASSOCIATION REGARDING THE PROVISION OF TECHNICAL ASSISTANCE

WHEREAS, FLORIDA'S REGIONAL PLANNING COUNCILS, hereinafter referred to as the "RPCs", are the designated agencies for the Regional Planning implementation of Chapters 163, 186, and 380 Florida Statutes; and,

WHEREAS, the RPCs have review and recommendation responsibilities in the areas of Natural Resources, Economic Development, Emergency Management, Transportation, Affordable Housing and other strategic regional issues; and,

WHEREAS, the RPCs provide technical assistance to their respective local governments in performing their comprehensive planning statutory requirements; and,

WHEREAS, individual RPCs have varying levels of expertise in the above areas of responsibilities and strategic issues; and,

WHEREAS, individual RPCs ability to implement Chapters. 163, 186, and 380, F.S., can be supplemented by the expertise of other Florida RPCs; and,

WHEREAS, each of the eleven Florida RPCs are members of the Florida Regional Councils Association, hereinafter referred to as "FRCA"; and,

WHEREAS, the purpose and intent of this Memorandum of Understanding is to formalize the relationship among the regional planning councils, assist in the administration of cross-jurisdictional projects and contracts, and encourage continued cooperation in providing cost-effective specialized technical assistance among the RPCs regarding reviews of Applications for Development Approval (ADAs), Local Government Comprehensive Plans and other regional planning and planning technical assistance activities;

NOW, THEREFORE, the eleven RPCs through FRCA hereby understand and agree as follows:

SECTION I. Notification

If an RPC receives a request to provide technical assistance outside of its boundary and within the boundary of another RPC, the requested RPC shall notify the RPC of jurisdiction and jointly discuss the nature of the requested technical assistance. The relevant RPC shall coordinate the provision of the requested services to the satisfaction of the client.

SECTION II. Mutual Aid

If an RPC identifies the need for technical assistance in performing its statutory requirements or in providing technical assistance to local governments or other clients within its respective region, the RPC may contact other RPCs that possess the particular expertise on staff to provide technical assistance to the client, or to provide the RPC seeking technical assistance with services to support its review, recommendations and reporting responsibilities.

SECTION III. Statewide Technical Assistance

FRCA and its members will work cooperatively to provide technical assistance to Federal, State and regional agencies when needed at a statewide level. FRCA will encourage an RPC with special expertise in an issue area to take the lead role and subcontract tasks to other RPCs, with the lead RPC being appropriately compensated for its coordination of services.

SECTION IV. Liability

The Parties agree that by execution of this MOU, no Party will be deemed to have waived its statutory defense of sovereign immunity, or increase its limits of liability as provided for by Florida Statutes.

IN WITNESS WHEREOF, the Councils hereto have executed this MOU on the day and year below written.

THE SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL hereby affirms that, at a duly constituted meeting of the Council on the 15h day of May, 2008, it approved the terms of and does hereby enter into this Agreement.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

_____

Andrea Messina, Chairman

_____

ATTEST: Ken Heatherington, Executive Director

Agenda Item

5b

Appointing a Council Representative to The Estero Bay Agency for Bay Management (ABM)

5b

APPOINTMENT OF COUNCIL MEMBERS AS REPRESENTATIVE AND ALTERNATE TO THE ESTERO BAY AGENCY ON BAY MANAGEMENT

Upon completion of the Arnold Committee study process in October of 1996, the Estero Bay Agency on Bay Management (ABM) was established in accordance with the settlement agreement for the completion of permitting for the Florida Gulf Coast University, and the SWFRPC began providing Staff support to the Estero Bay Agency on Bay Management (ABM).

1. The ABM is a non-regulatory advisory committee to the Council. Its directive is to make comments and recommendations regarding the management of Estero Bay and its watershed. The ABM collects and maintains data and it reviews and comments to regulatory agencies on issues affecting the watershed. Its members include Lee County legislative delegates and representatives of the Council, local chambers of commerce, citizen and civic associations, the Responsible Growth Management Coalition, Lee County, Collier County, Fort Myers, Fort Myers Beach, the SFWMD, the Florida Department of Environmental Protection, the Florida Fish and Wildlife Conservation Commission, Florida Gulf Coast University, Federal agencies involved in natural resource management, commercial and recreational fishing interests, environmental and conservation organizations, scientists, affected property owners, and the land development community.

   In 2008 the ABM:

1. Developed strategies and recommended actions to reduce impairment to Estero Bay waters. This included commenting on important initiatives including SWIM, development of TMDLs, Pollution Load Reduction Goals (PRGs), Basin Management Action Plans (BMAPs), SFWMD Phase II Estero Bay Watershed Assessment, and refinement of the Harper Methodology or the Southwest Florida Special Basin Rule; continued the update of the 2004 State of the Bay Report; began planning an Estero Bay Symposium, in partnership with CHNEP and FGCU, for 2009

2. Reviewed specific Agency review processes (and accompanying rules) to determine whether the principles of the ABM for effective bay management are included, and reported on deficiencies that are noted. This year the focus was on water quality regulations, implementation, and compliance.

3. Coordinated activities with the Charlotte Harbor National Estuary Program, the Estero Bay Nutrient Management Partnership, and the Southwest Florida Watershed Council.

4. Reviewed and commented on factors affecting recreational use of the bay. This year Focus was on the new No Internal Combustion Motor Zones (NICMZs) with an emphasis on the development of a monitoring plan

5. Collected and maintained a data library for Estero Bay at the offices of the Regional Planning Council.

6. Reviewed and commented to regulatory agencies on issues affecting Estero Bay and its watershed.

7. Reviewed and commented on other current issues affecting Estero Bay.

The ABM typically meets on the second Monday of each month beginning at 9:30 a.m. Most meetings are held in the conference room of the Southwest Florida Regional Planning Council, but some are occasionally held at other sites within the Estero Bay watershed.

The position for representation by the Southwest Florida Regional Planning Council has become vacant and the Southwest Florida Regional Planning Council needs to appoint a new representative and alternate for participation in the ABM.

RECOMMENDED ACTION: Appoint representative and alternate from the SWFRPC to the ABM

05/08

Agenda Item

5c

2008 July Retreat

5c

5c

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
STRATEGIC PLANNING WORKSHOP

The Collins Center for Public Policy, Inc. (Collins Center), a private, nonprofit enterprise has agreed to lead the Council's strategic planning process.

Qualifications

The Collins Center is well-positioned to assist the Association with its strategic planning process.

The Collins Center is a not-for-profit corporation with offices in Tallahassee, Miami and Venice. The Collins Center addresses major public policy issues that affect the citizens of Florida. Recent Collins Center initiatives include:

- The Collins Center assisted the Florida Department of State in complying with the Federal Help America Vote Act. The Division of Elections asked the Collins Center to assist the Help America Vote Act (HAVA) planning committee in a second update of the state plan. The federal law, passed in 2002, asks states to develop election reform plans that will improve election administration in many areas. The State of Florida is using HAVA funds to ensure Florida complies with all HAVA requirements.
- The Collins Center facilitated a strategic planning meeting for the Florida Biomedical Advisory Council (BRAC). The James and Esther King Biomedical Research Program was created by the State of Florida to fund Florida-based biomedical research initiatives for the prevention and treatment of tobacco-related diseases such as cancer, cardiovascular disease, stroke and pulmonary disease. The Collins Center facilitated this retreat, which was held in Orlando, in May 2005. During the planning session, BRAC reviewed the Biomedical Research Program and assessed the challenges, opportunities, strengths and weaknesses of each important component.
- The Education Commission of Palm Beach was established to serve as a springboard for educational reform in Palm Beach County. Their mission includes carefully reviewing and evaluating the existing Palm Beach County education system, advocating for the establishment of research-based solutions, and recommending county-wide comprehensive plans to promote the successful education of their youth. The Collins Center developed a strategic plan to assist the Commission in carrying out their mission. The strategic plan included a three-phase planning process to provide the Commission with the collective ability to

identify issues, research issues, develop solutions, communicate results, and measure success.

- Following the Election 2000 controversy in Florida, Governor Jeb Bush asked the Collins Center to organize and staff the Governor's Select Task Force on Elections Procedures, Standards and Technology. Its purpose was to research the best practices for elections procedures and standards and to find the best available technology, to take public testimony and input, and to recommend solutions to the Governor and the Legislature. The 21-member select task force was led by co-chairs—one Republican and one Democrat. The Governor asked the non-partisan Collins Center for Public Policy, Inc. to provide independent staff support for the select task force. With strong bi-partisan leadership and solid consensus, the task force issued a 78-page report that recommended thirty-five changes to improve Florida's election process just in time for the 2001 Florida legislative session.
- Governor Bush also created the 2002 Select Task Force on Election Procedures, Standards and Technology in order to review the 2002 election cycle and to develop recommendations for the further refinement and improvement of Florida's electoral system. The Collins Center was asked to staff this task force as well.
- The Council is currently working with the Florida Association of Counties and its 36-member committee to develop their five-year strategic plan for 2009-2014.

The following Collins Center staff will work on this project.

- **Tim Center** will direct the project. Tim is the lawyer and the Director of the Council for Sustainable Florida, an alliance of public and private organizations throughout Florida committed to the balance of economic interests with the need to be socially and environmentally responsible. He is the program administrator of the Century Commission and has worked directly with the Departments of Community Affairs and Environmental Protection on various projects. He received his undergraduate degree in Communications and Political Science at Florida State University. He also received his J.D. at Florida State where he served on the *Law Review*. During the last 20 years he has worked with the Florida Chamber of Commerce, Florida Legislature, Department of Juvenile Justice and Florida Home Builders Association. He is a certified 7 Habits of Highly Effective People facilitator for FranklinCovey.
- **Mark Pritchett** will assist with the project. Mark is Executive Vice President of the Collins Center and has directed several high-profile projects including Governor Bush’s Select Task Force on Election Procedures, Standards and Technology. He earned is Ph.D. at Florida State University with an emphasis on strategic planning. He has led a variety of planning and consulting projects for different organizations during the past 17 years. Mark directed economic and education policy projects for the Florida Chamber of Commerce as Vice President. He was also Vice President of Enterprise Florida during the transition from state’s Department of Commerce to a public-private partnership.

- **Jon Devries** is the Collins Fellow at the Gulf Coast Community Foundation of Venice. Jon is a Venice native and graduated from the University of Florida with a Bachelor's degree in journalism and outside concentrations in African Studies and French. Prior to joining the Collins Center he was the readership editor for the Sarasota Herald Tribune – a New York Times Company newspaper.

Background

The purpose of a strategic plan is to develop successful organizational goals and strategies by aligning an organization's mission and operations with opportunities that exist in the political, economic, and demographic environments.

Strategic Planning Process

The Collins Center proposes that a successful strategic plan will answer four important questions:

1. Does the Council's mission point toward strategic success?
2. Do the Council's leadership, staff, and membership share the same strategic goals?
3. Are the Council's organizational structure and operations aligned to execute the strategic plan?
4. Is there a way to measure success of the strategic plan?

To answer yes to these four critical questions, the Collins Center will initiate a two phase strategic planning process:

Phase One—SWOT Analysis (Strengths, Weaknesses, Opportunities, Threats)

Develop a survey and interview key strategic planning committee members to assess internal strengths and weakness of the current organization and to assess external opportunities and threats in the Council's political, economic, and demographic environments.

Report and facilitate discussion of the SWOT findings to the Director and the Committee during the Council's meeting at Babcock Ranch July 17, 2008.

Phase Two—Develop Draft Goals and Strategies

Take the results and discussion from the SWOT Analysis and begin to draft goals and strategies to be reviewed by key staff and Strategic Planning Committee members. Facilitate the conversation of the Council members and key management in developing the goals and strategies.

Agenda Item

5d

Glades County Comprehensive Plan Amendments (DCA 08-1)

5d

5d

LOCAL GOVERNMENT COMPREHENSIVE PLAN AMENDMENTS
GLADES COUNTY

The Council staff has reviewed proposed amendments to the Glades County Comprehensive Plan (DCA 08-1). These amendments were developed under the Local Government Comprehensive Planning and Land Development Regulation Act. A synopsis of the requirements of the Act and Council responsibilities is provided as Attachment I. Comments are provided in Attachment II. A site location map is found in Attachment III.

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

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

A summary of the results of the review follows:

Proposed Amendment	Factors of Regional Significance			Consistent
	Location	Magnitude	Character	
COMP08-04LS (Sundance Farms)	no	no	no	(1) not regionally significant; (2) consistent with SRPP
COMP08-05LS (American Prime II)	yes	no	yes	(1) regionally significant; (2) conditionally approved (3) consistent with SRPP

COMPO08-06LS (River Grove)	yes	yes	yes	(1) regionally significant; (2) project is a DRI (3) consistent with SRPP
COMP08-07LS (Muse Village)	no	no	no	(1) procedural

RECOMMENDED ACTION: Approve staff comments. Authorize staff to forward comments to the Department of Community Affairs and Glades County.

5/08

Attachment I

LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATION ACT

Local Government Comprehensive Plans

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

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

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

All local governments in Southwest Florida have adopted revised plans:
Charlotte County, Punta Gorda
Collier County, Everglades City, Marco Island, Naples
Glades County, Moore Haven
Hendry County, Clewiston, LaBelle
Lee County, Bonita Springs, Cape Coral, Fort Myers, Fort Myers Beach, Sanibel
Sarasota County, Longboat Key, North Port, Sarasota, Venice

Attachment I

Comprehensive Plan Amendments

A local government may amend its plan twice a year. (Amendments related to developments of regional impact, certain small developments, compliance agreements, and the Job Siting Act are not restricted by this limitation.) Six copies of the amendment are sent to the Department of Community Affairs for review. A copy is also sent to the regional planning council, the water management district, the Florida Department of Transportation, and the Florida Department of Environmental Protection.
[s. 163.3184(3)(a)]

The proposed amendment will be reviewed by DCA in two situations. In the first, there must be a written request to DCA. The request for review must be received within forty-five days after transmittal of the proposed amendment. [s. 163.3184(6)(a)] Review can be requested by one of the following:

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

In the second situation, DCA can decide to review the proposed amendment without a request. In that case, DCA must give notice within thirty days of transmittal.
[(s. 163.3184(6)(b)]

Within five working days after deciding to conduct a review, DCA must forward copies to various reviewing agencies, including the regional planning council. [s. 163.3184(4)]

Regional Planning Council Review

The regional planning council must submit its comments in writing within thirty days of receipt of the proposed amendment from DCA. It must specify any objections and may make recommendations for changes. The review of the proposed amendment by the regional planning council must be limited to "effects on regional resources or facilities identified in the strategic regional policy plan and extra-jurisdictional impacts which would be inconsistent with the comprehensive plan of the affected local government."
[s. 163.3184(5)]

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

NOTE: THE ABOVE IS A SIMPLIFIED VERSION OF THE LAW. REFER TO THE STATUTE (CH. 163, FS) AND THE RULE (9J-11, FAC) FOR DETAILS.

Attachment II

SWFRPC COMMENTS
Glades County Comprehensive Plan Amendments

Glades County has requested four amendments to their Comprehensive Plan. These requests are as follows:

Proposed Amendment COMP08-04LS (Sundance Farms)

The subject property is a 68.28-acre site that is located west of SR 29 and in the northern portion of Muse. The subject property consists of an existing air field with a current future land use designation of Agriculture/Open on the County's Future Land Use Map (FLUM). This land use designation allows for 1 dwelling unit per 20 acres.

The applicant is requesting an amendment to the County's Comprehensive Plan to change the FLUM designation from Agriculture Open to a new designation of Muse Airpark. The new designation will increase the current density on the property to 1 dwelling unit per 2 acres. The new land use designation is limited to the subject property and will not be used anywhere else in the County in the future.

Regional Significance

According to the applicant information, this parcel of land has long and confusing history due to the fact that several larger parcels were split and sold. The main focus of this a request is to create a designation appropriate for the community, which would establish clear standards for minimum lot size. It is the applicant's intention to follow this amendment with a rezoning application for a planned development.

The applicant believes that this request, if approved, will bring economic development to Glades County. This economic development is thought to enhance the County's tax base. The site currently operates as a private air strip and if this amendment is approved, it will provide increased opportunities for additional housing that will be able to use this facility. The housing currently near the property consists of single-family homes on individual lots. The proposed development in the application states that the proposed land use will continue that pattern with single-family units with attached garage/hangers on individual lots.

Council staff would note that there are several communities in the region like the one being proposed and because it is an existing situation where additional units would buy into the land use and air strip operations, it would appear to be an appropriate use. Council staff would agree it would be an opportunity to increase the tax base in the County. Council staff agrees with the County staff that the dwelling units should be clustered where possible in the development and a Planned Development should follow the land use designation change in order to address specific land development patterns, noise controls, buffering, infrastructure provision, and design standards. Council staff also agrees with the applicant that this is an

opportunity to provide a unified development under common development parameters, which would aid in the sale of the subject sites and thereby assist the County economy.

Regional Issues of Interest

Affordable Housing
Glades County does not have an affordable housing problem and this development will have minimal impact on the regional affordable housing need.

Water Quality
This proposed development will have minimal off site impacts and will not significantly impact water quality in the region.

Regional Consistency

Council staff has reviewed the request and finds that the proposed FLUM amendment will not significantly impact regional resources due to the small number of dwelling units and on-going nature of the development. Council staff, therefore, finds the proposed change to the County's Comprehensive Plan not to have significant regional impacts in relation to the proposed development's location, magnitude and character. In addition, because it will improve the economy of the County and will increase transportation opportunities Council staff finds that the request is consistent with the following Goals, Strategies and Actions of the Strategic Regional Policy Plan, July 4, 2002:

Economic Infrastructure

Goal 1: A well-maintained social, health, and educational infrastructure to support business and industry.
Strategy: Maintain the physical infrastructure to meet growth demands.
Action 4: Study alternatives and assist other entities to study alternatives to encourage land development that maximizes the use, rehabilitation, and re-use of existing facilities, structures, and buildings as an alternative to new construction and development.

Livable Communities

Goal 2: Southwest Florida will develop (or redevelop) communities that are livable and offer residents a wide range of housing and employment opportunities.
Strategy: Development livable, integrated communities that offer residents a high quality of life.
Action 3: Encourage communities that are pedestrian friendly or offer alternative modes of transportation to overcome transportation problems many low-income families face.
Action 4: Encourage new housing to be built in higher areas to reduce the need for costly flood insurance.

Action 5: Promote the mix of affordable and non-affordable housing to create integrated communities.

Strategy: Protect existing, well-established neighborhoods and communities and revitalize those experiencing deterioration.

Action 2: Assist communities in identifying neighborhoods that are, or are in danger of, deteriorating.

Proposed Amendment COMP08-05 (American Prime II, LLC)

The applicant is requesting an amendment to the County's Comprehensive Plan Future Land Use Map (FLUM) to change the existing land use designation consisting of 991.86 acres, more or less, from the current designation of Agriculture Open, Commercial, and Institutional to Residential. The applicant has requested that the County limit the total number of dwelling units on their property, which consists of a total of 1,179.47 acres to a maximum of 624 dwelling units (625 dwelling units is the threshold for being a DRI) and a marina with associated commercial uses.

The subject property is located between SR 80 and the Caloosahatchee River east of the old Port LaBelle platted lots. The northern boundary of the site is Caloosahatchee River. The site accesses SR 80 through lands, some of which is owned by the applicant but are not included in this request and some which are owned by others.

As currently designed, the project has a unique site plan (See the attached Map H in Attachment III). The applicant proposes to excavate major portions of the site and provide man-made islands and peninsulas with the fill. These islands and peninsulas will become single-family lots. The islands will connected by an internal roadway system. Also planned will be lots that front the river. All the homes in the development will be adjacent to water. By design, the applicant intends to promote small watercraft use of the lake. The lakes will be used for boating and may be stocked to provide for recreational fishing. A private marina is planned on the western end of the property and will serve only the residents of the development. The applicant proposes to have both wet and dry slips at the facility.

American Prime provided a request to the County to develop the property and stated that they would substantially limit the number of dwelling units on the property. The tool the applicant wanted to use to implement that request was a "Declaration of Restrictions." According to the applicant, the language in the declaration would be placed into the Future Land Use Element of the Comprehensive Plan and be part of a land use change.

After reviewing the request, the County and DCA stated that the "Declaration of Restrictions" was not the preferred method and recommended submitting a Comprehensive Plan amendment to achieve the applicant's desired land use designation. Following the County and DCA request, the applicant is now providing this amendment, which will allow for a new land use designation for this specific property if approved. The language for the designation however has not been agreed to at the time of this report. The two versions of the language are as follows:

County Version	Land areas predominantly for housing with densities of one (1) unit per 1.89 acres. Uses include residential dwelling, units, parks and neighborhood commercial. Commercial uses shall be limited to a FAR of 0.5 and shall not exceed ten (10) percent of the development. Clustering of residential units will be strongly encouraged within this district.
Applicant Version	Land areas predominantly for housing with densities of one (1) unit per 1.89 acres <u>on the property containing 1,179.47 acres more or less or described in COMP08-05LS</u>. Uses include residential dwelling, units, parks, <u>marina with dry storage</u> and neighborhood commercial. Commercial uses shall be limited to a FAR of 0.5 and shall not exceed ten (10) percent of the development. Clustering of residential units will be strongly encouraged within this district.

The decision as to the final wording of the land use designation will be worked out between the applicant, the County and DCA. Council staff would support the County and DCA with respect to this issue. Council staff would suggest that the marina use be added to the list of uses in the County and DCA language if that is the version that is finally agreed to.

The subject site has two institutional parcels located on the river front. These parcels are located central to the subject property and adjacent to the river for ease of use in the future. The subject parcels (1700 E-1 and 1700 E-2) are approximately 50 acres each in size and belong to ACOE. They are intended to be used by the ACOE as future dredge spoil areas should the river ever require maintenance. The applicant has proposed to combine the two parcels into one parcel of equal size and relocate the use to the western end of their property. Council staff believes that this would be acceptable in order to make the development parcel more cohesive as long as ACOE continues to have the maintenance function not impeded.

The applicant has stated that they will assure that all public infrastructures such as potable water, sanitary sewer, roadways, drainage, solid waste, parks, schools, police and fire services will operate at accepted level of service when the development is constructed. Currently, no utilities reach the site, but the applicant intends to obtain potable water and sewer services from the Port LaBelle Utility System (PLUS). The PLUS currently has capacity and applicant has stated they will enter into agreements with PLUS to provide the required utility services.

The applicant has stated that the proposed development will not adversely affect the existing roadway system. The Traffic Impact Statement presented by the applicant shows that the impacted segment of SR 80 will operate at the required level of service with all of the additional automobile trips generated by the project. The applicant will construct all internal roadways within the development to County standards.

The solid waste generated by the future development will be deposited at the Glades County solid waste facility located on SR 78. Currently, the facility has adequate capacity. The

applicant has ensured that the development will maintain acceptable levels of service for solid waste disposal.

Drainage from the upland portions of the project will flow directly into the man-made lakes and then directly out into the Caloosahatchee River through the proposed marina. The applicant has stated that the project drainage will be built in accordance with the standard of the County and the SFWMD. The level of service standards for drainage of the project will be based on a historic discharge for a 25-year, 3-day storm event and flood protection for the projects homes and structures will be based on the 100-year, 3-day storm event as provided for in the Glades County Comprehensive Plan and SFWMD regulations.

With respect of flooding, the northern (basically the old lake bed) portion of the subject property is located in Zone A5, with a narrow band of Zone B to the south and the southern most portion of the site in zone C. The areas in the zone B and C are above the 100-year floodplain. Zone A5 is listed as potentially flooding below the 10-foot elevation. Elevation on the site in the A5 zone varies from 6 feet to 10 feet. The Caloosahatchee River adjacent to the subject lands is maintained by the ACOE at an elevation of 3.2 feet. The difference in elevation between the Caloosahatchee River and the adjacent lands identified for the development will allow construction of the proposed lakes that will help provide for floodplain compensation and the filling of the proposed residential areas to be above the 10-foot flood elevation level.

The applicant has stated that Best Management Practices (BMPs) will be utilized during the design and construction of the development to comply with County and SFWMD standards for drainage improvements. The BMPs will control runoff, maintain or improve water quality, minimize erosion, and promote water conservation.

In addition, the applicant has stated that parks and recreation facilities will be enhanced by the project; that the County has adequate capacity for future students produced by the project and that they are working with the School Board to provide any necessary mitigation; and that police and fire protection will be provided by the Glades County Sheriff and the volunteer fire departments located in Moore Haven. Also, these protective services will be coordinated with the City of LaBelle and Hendry County protective services.

A review of the Glades County Comprehensive Plan shows that the proposed development could be shown to be consistent with the plan. The Future Land Use Element (FLUE) of the County's plan states:

> Goal: Ensure that land use and development are guided in a manner conducive to producing sustainable and orderly growth consistent with the capacity of the natural, physical and human resources of the County.

Council staff agrees with the applicant that this site is adjacent to existing plat lands identified for development and can be considered a logical extension of that development at lower densities. Staff also agrees that the unique design features of the development could enhance the County's tax base and housing stock.

Council staff does have some concerns about the land use designations shown of the Glades County FLUM. As submitted, the part of the subject site that was essentially the Lake Flirt and Lake Bonnet lake beds are shown as Agriculture/Open. Staff believes that this area was originally shown on the Port LaBelle plan and on the County's FLUM with a Conservation land use designation. Council staff is unable to provide any verification that this change actually took place. Therefore, Council staff has requested that the applicant verify the change of the land use designation prior to final approval of this amendment.

Regional Significance

The applicant has proposed a unique development for an important subject property. Council staff had previously met with the applicant and pointed out that the northern portion of the subject site is part of the original Lake Flirt and Lake Bonnet eco-system that was present as part of the original river system. This system was altered when the river was excavated into its current form and the lakes and associated wetlands were drained as a result of that excavation effort. Council staff believes that these lake beds are extremely important to the region and should be considered a significant regional resource.

The South Florida Water Management District (SFWMD) is currently studying the potential for the rehydration of these lakes as part of the Everglades restoration program. If the rehydration proves feasible, it would mean that the restored lakes would have significant regional benefits by providing additional water storage, improved water quality, increased water table levels and increased wildlife habitat. The region plan supports all of these goals.

While Council staff would prefer that the northern portion of this property be preserved for the future rehydration of the Lake Flirt and Lake Bonnet eco-system, Council staff recognizes the right of the land owner to request a Comprehensive Plan FLUM change to reflect the highest and best use of the property and the significant need of Glades County to improve their tax base. In addition, Council staff has received numerous requests by other property owners that have lands front or within the lake beds of Lake Flirt and Lake Bonnet. This amendment will act as precedence for land uses around the lake for other land owners.

After reviewing the applicant's request, considering various alternatives patterns of development, Council staff has requested specific changes to the site's proposed master plan in order to recommend approval of the proposed amendment. With these factors in mind, Council staff would recommend the following conditions be applied for approval of the proposed amendment:

1. All the homesites located in Areas W, X, D, E, and F be removed from the site plan. Parcels D, E, and F would not be built and those areas will become part of the project's lake system. Parcel W would be vegetated and become a public park. At some time in the future, when Lake Flirt and Lake Bonnet are rehydrated and if it was deemed appropriate by the County and the SFWMD, all or part of Parcel W could be removed and the subject development will be integrated into the lakes. It is the intent of this condition to allow the other parcels in the

development to become an integral portion of the future lake system increase their value and increase the tax base of the County. Parcel X would become a part of the existing wetland system adjacent to it. The dwelling units removed from Parcels W, X, D, E, and F would be transferred to Parcel C or some other portion of the site as deemed appropriate by the County and used for multi-family units associated with the marina or future commercial areas near SR 80.

2. Following the transfer of the site's two ACOE parcels (1700 E-1 and E-2), the applicant will revegetate the new site with appropriate native species to produce upland habitat for the County until such time that ACOE needs the site for maintenance.

3. The applicant will provide a program to educate future residences of the project on the proper use of fertilizers on homesites and shape the homesites so that runoff will be slowed before entering the lakes. The applicant will use the SWFRPC Fertilizer Resolution for guidance in the education program.

4. The applicant will design the project's drainage system so that the outfalls of the project flow through the property's existing wetland systems prior to flowing directly into the Caloosahatchee River. The design of the outfalls will be consistent with the requirements of the SFWMD. It is the intent of this condition that the wetlands be properly hydrated to historic levels if possible and that the water from the man-made lakes be cleaned as much as possible before it enters the Caloosahatchee River.

5. The applicant will provide documentation prior to final approval of this amendment that will verify that the Agriculture/Open land used designation on the subject property was changed from the Conservation land use designation from the original Port LaBelle DRI approval. If no documentation can be provided, this amendment will not be approved and the area covered by the Conservation land use designation shall remain.

Regional Issues of Interest

Affordable Housing

Glades County does not have an affordable housing problem and this development will have minimal impact on the regional affordable housing need.

Water Quality

This proposed development will have impacts to water quality that could significantly impact water quality in the region. Council staff has proposed conditions of approval for the amendment that are intended to address relate to water quality issues and improve the water quality in the regional resources. Council staff would also note that the development is proposing to provide sewerage for the project that will be part of the Port LaBelle Utility System.

Regional Consistency

Council staff has reviewed the request and finds that the proposed amendment does significantly impact regional resources. Therefore, the proposed change to the County's FLUM designation is found by Council staff to have significant regional impacts in relation to the proposed development's location and character. Council staff finds however that if the proposed development conditions are adequately integrated into Comprehensive Plan, the proposed amendment is consistent with the following Goals, Strategies and Actions of the Strategic Regional Policy Plan, July 4, 2002:

Livable Communities

Goal 2: Southwest Florida will develop (or redevelop) communities that are livable and offer residents a wide range of housing and employment opportunities.

Strategy: Develop livable, integrated communities that offer residents a high quality of life.

Action 1: Encourage programs that promote infill development in urban areas to maximize the efficient use of existing infrastructure.

Goal 3: A stable economy based on a continuing excellent quality of life.

Strategy: Maintain and improve the natural, historic, cultural, and tourist-related resources as primary regional economic assets.

Actions 1: Assist in the identification and acquisition of Potential Park and recreational sites and other resources in future growth areas.

Actions 2: Participate in studies, plans, and programs for public access to beaches and other resources.

Actions 3: Review proposed development to require that natural and other resources of regional significance are maintained, enhanced, restored, or re-created, as appropriate.

Strategy: Ensure sustainable volumes of natural resources for economic productivity.

Actions 2: Offer mediation and facilitation to resource-based planning programs that have conflicts with land use-based planning programs.

Strategy: Enhance existing commercial, service, and industrial centers through adequate maintenance and reinvestment.

Actions 1: Maintain an inventory of public infrastructure and recommended improvements.

Actions 2: Review plan amendments, new plans, and land development regulations for incentives to develop and redevelop.

Actions 3: Review proposed development to maximize the use, rehabilitation, and reuse of existing infrastructure

Natural Resource Protection

Goal 2: The diversity and extent of the Region's protected natural systems will increase consistently beyond that existing in 2001.

Strategy: Identify and include within a land conservation or acquisition program, those lands identified as being necessary for the sustainability of Southwest Florida, utilizing all land preservation tools available.

Action 9: Working with various acquisitions programs identified in this Plan and working with local governments and private landowners, develop a strategy to protect gaps lands identified in the above action, using the tools outlined in this Plan

Proposed Text Amendment for COMP08-06LS (River Grove)

The proposed River Grove development is a 1618-acre parcel of land located in the southeastern portion of Glades County. The subject land fronts on SR 80 and has a northern boundary of the Caloosahatchee River. The northeast corner of the property is just west of Lake Hicpochee.

The proposed development is planned to include 1,488 single-family dwelling units, 4,784 multi-family dwelling units, 470,000 square feet of commercial uses, 85 acres of public/institutional uses (schools, governmental uses, etc.), 195 acres of recreational uses, and 55 acres of utility uses. The main access to the proposed development will be off SR 80.

To accommodate this development, the applicant has requested a Future Land Use Map (FLUM) amendment and a Text amendment to the County's Comprehensive Plan. The FLUM amendment consists of a change from the existing land use designation of Agriculture/Open to a new designation known as Mixed Use Village. The Mixed Use Village (MU) designation, if approved, will accommodate a smart growth initiative for Glades County that will provided for a range of land uses typically found within close proximity of small towns. In addition, the new MU designation will be available for similar developments in the future.

According to the applicant, the primary purpose for the requested FLUM change to the new MU land use designation is to:

1) Promote and foster economic development within Glades County at a location that is appropriate for a mix of land uses consistent with the goals, objectives and policies of the proposed MU designation.;
2) Provide for proper stewardship of the subject property in a manner that preserves and enhances existing environmental systems, and provides for the integration of natural and man-made systems in a complementary and reinforcing manner;
3) Provide for a sustainable, long-term development scenario for the subject property in a manner that is both flexible to the market and responsive to the needs of the future community; and
4) Provide for the development at a "small town" scale that provides for diversity of the land uses, adequacy of public infrastructure, and social and economic stability throughout the community.

The proposed FLUM amendment will be implemented through the County's Planned Development process. As part of that process, the developer has stated that they will work with the County to ensure that the project contains a market-driven mix of land uses that promotes various means of internal transportation, a realistic balance between housing and jobs, housing opportunities that are conducive to attracting business, corporate and/or resort uses to Glades County, and reasonable commitments to protect and enhance sensitive environmental areas. In addition, the applicant has stated that proper consideration will be given during the planning of the development to the establishment of a mix of residential areas in relation to a town center, smaller neighborhood centers, workplace areas and resort development, as well as recreational and civic/institutional areas (schools, libraries, hospitals, churches, etc.).

The land use designation on this property as shown on the County's FLUM has been the subject of confusion during the past few years. The applicant has researched the current land use designation provided on the site and has stated concerns about changes that were made without notice to the land owners. The applicant has provided the following historic summary based on records contained at the County and the DCA.

> Through 2002 and into 2003, the Glades County FLUM provided three different land use designations for the property. Generally, portions were shown as a mix of residential, commercial and agriculture/open.
>
> In August 2003, the County conducted a transmittal hearing on amendments as part of the Evaluation and Appraisal Report (EAR) to update the County's Comprehensive Plan. DCA reviewed, requested and received an updated map, and no change for the subject property was shown.
>
> On November 26, 2003, DCA issued it Objections, Recommendations, and Comments (ORC) Report for the EAR. In one of the objections identified in the ORC, the DCA indicated that the County had confirmed that the submitted FLUM was in error and that a new map would be submitted.
>
> On December 31 2003, the County adopted the EAR based amendments and submitted the amendments to DCA for a compliance determination. For the first time, the amendments contained a revised FLUM that showed the residential and commercial land use designations on the property converted to agriculture/open (even though the County had previously indicated that no map amendments were being processed as part of the amendments and despite the objection raised by the DCA in its ORC Report.) The applicant is claiming that the land use designation was changed without notice to the affected owners.
>
> The current land owners believe that the process used to change the land use designation on the property was in error and ineffective under applicable law. The proper residential and commercial designations were included on the map transmitted to DCA as part of the EAR amendments, and representations were made that no FLUM changes were being proposed as part of those amendments.

In an effort to deal with this error and provide for a consistent, unified planning approach for the property, the land owner has submitted this amendment, which seeks to create a new Mixed Use land use designation and apply the new designation to the entire property.

Council staff believes that any errors made in the County in the EAR review processes can be clarified and rectified through this amendment.

Regional Significance

As currently proposed, this project is a Development of Regional Impact (DRI), in that it exceeds the thresholds for a mixed-use development with two land uses, with one being residential. While Council staff would prefer that this amendment be processed simultaneously with the DRI Application for Development Approval (ADA), the applicant is within his rights to process the Comprehensive Plan amendment first and then submit the ADA at a later time.

Council staff has reviewed the environmental and transportation impact analyses submitted for the proposed development; Council staff believes that while these issues are well addressed in the report, Council staff has no site plan for the development and additional reviews will have to be done and additional questions will be addressed during the DRI review.

In addition, to those analyses, there is one important issue that must be addressed with respect to this request:

Urban Sprawl

Section 9J-5.003(134) in the Florida administrative Code defines Urban sprawl as a means of urban development or uses which are located in predominately rural areas, or rural areas generally interspersed with generally low-intensity or low-density urban uses, and which are characterized by one or more of the following conditions:

(a) The premature or poorly planned conversion of rural land to other uses;
(b) The creation of areas of urban development or uses which are not functionally related to land uses which predominate the adjacent area; or
(c) The creation of areas of urban development or uses which fail to maximize the use of existing public facilities or the use of areas within which public services are currently provided. Urban sprawl is typically manifested in one or more of the following land use or development patterns: Leapfrog or scattered development; ribbon or strip commercial or other development; or large expanses of predominately low-intensity, low-density, or single-use development.

Given the amount of development proposed for the subject development, Council staff is concerned that implementation of the project will result in urban sprawl both by development

proposed for the site and for the future development that will surely follow on the periphery of the project site.

Urban sprawl can result in many undesirable features including the following:

- Unlimited and often uncontrolled outward and leapfrog expansion of new development;
- Worsening traffic congestion and air pollution causes by more intensive use of automotive vehicles for ground travel;
- Costly requirements to expand roads, sewers, water systems, and other infrastructure; and
- Failure to redevelop existing older neighborhoods in already urbanized areas.

The discouragement of urban sprawl accomplishes many related planning objectives. The presence and potential effects of multiple indicators can be evaluated to determine whether they collectively reflect a failure to discourage urban sprawl. The primary indicators that a plan amendment does not discourage the proliferation of urban sprawl are as follows:

1. Allows substantial areas to develop as low-intensity, low-density, or single-use development;
2. Allows urban development to occur in rural areas at substantial distances from existing urban areas while leaping over undeveloped lands;
3. Allows urban development in radial, strip, isolated or ribbon patterns generally emanating from existing urban developments;
4. Allows the premature or poorly planned conversion of rural land to other uses;
5. Fails to protect and conserve natural resources;
6. Fails adequately to protect agricultural areas and activities;
7. Fails to maximize use of existing and future public facilities and services;
8. Allows land use patterns that disproportionately increase the cost in time, money and energy, of providing and maintaining facilities and services;
9. Fails to provide a clear separation between rural and urban uses;
10. Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities;
11. Fails to encourage an attractive and functional mix of uses;
12. Results in poor accessibility among linked or related land uses; and
13. Results in the loss of significant amounts of open space.

Council staff recognizes that this issue can be mitigated by implementing the actions identified in 9J-5, which encourages compact and well planned growth. The applicant has stated in the amendment application that the project will be done as identified in the above regulations. In addition, the applicant has provided new Mixed Use land use designation documents that shows how the required development pattern will be achieved. Council staff believes that the subject project will be done in such a manner as required by 9J-5 and therefore can not be identified as urban sprawl.

Council staff recognizes that Glades County is an area that is in need economic development to provide for benefits supplied by the government that will benefit the health, safety and welfare of

the citizens of the County. In a regional context, Council staff is of the opinion that the SR 80 corridor is part of an overall growth trend along the Caloosahatchee River from Ft. Myers to Lake Okeechobee. Council staff believes that there are areas around the Cities of Moore Haven and Clewiston where large scale development can and should be accommodated. Council staff believes that this is such an area for that type of development, since the land use on the subject land had at one time already been identified for residential and commercial uses. Additionally, since the project will undergo DRI review and meet the requirements of 9J-5 through the use of a new Mixed Used development scheme, the subject project could properly fit into that growth trend and assist the future tax base of the County.

Regional Issues of Interest

Affordable Housing
Glades County does not have an affordable housing problem. This development will have significant impact on the regional affordable housing needs. These needs and the necessary mitigation will be addressed during the project's DRI review process.

Water Quality
This proposed development will have impacts to water quality that could significantly impact water quality in the region. These impacts and the required mitigation will be addressed in detail during the DRI review process.

Regional Consistency

Council staff has reviewed the request and finds that the proposed amendment will significantly impacts regional resources and has the magnitude, location and character to be a DRI. Therefore, the proposed change to the County's FLUM designation and the proposed Text amendment is found by Council staff to have significant regional impacts. Since the development will go through the DRI review process prior to development and address proper mitigation for the regional impacts Council staff finds that the proposed amendment is consistent with the following Goals, Strategies and Actions of the Strategic Regional Policy Plan, July 4, 2002:

Livable Communities

Goal 2: Southwest Florida will develop (or redevelop) communities that are livable and offer residents a wide range of housing and employment opportunities.
Strategy: Develop livable, integrated communities that offer residents a high quality of life.
Action 1: Encourage programs that promote infill development in urban areas to maximize the efficient use of existing infrastructure.

Goal 3: A stable economy based on a continuing excellent quality of life.
Strategy: Maintain and improve the natural, historic, cultural, and tourist-related resources as primary regional economic assets.

Actions 1: Assist in the identification and acquisition of Potential Park and recreational sites and other resources in future growth areas.

Actions 2: Participate in studies, plans, and programs for public access to beaches and other resources.

Actions 3: Review proposed development to require that natural and other resources of regional significance are maintained, enhanced, restored, or re-created, as appropriate.

Strategy: Ensure sustainable volumes of natural resources for economic productivity.

Actions 1: Promote and assist resource planning programs to incorporate local government population projections and assessments of land consumption.

Actions 2: Offer mediation and facilitation to resource-based planning programs that have conflicts with land use-based planning programs.

Strategy: Enhance existing commercial, service, and industrial centers through adequate maintenance and reinvestment.

Actions 1: Maintain an inventory of public infrastructure and recommended improvements.

Actions 2: Review plan amendments, new plans, and land development regulations for incentives to develop and redevelop.

Actions 3: Review proposed development to maximize the use, rehabilitation, and reuse of existing infrastructure

Proposed Amendment COMP08-07 (Muse Village)

This request is to change the Glades County's Comprehensive Plan Future Land Use Map (FLUM) land use designation on the subject site from Agriculture/Residential to Muse Village. The site encompasses approximately 1272.3 acres of land. The County requested that the Council not review this requested amendment. The amendment was submitted because of a challenge to the procedures by which it was adopted in 2006. The DCA was a party to the challenge and subsequent Settlement Agreement. The only substantive changes to this amendment, is that changes to existing Objectives and Policies have been reverted to their original language. These policies were changed, in 2006, to clarify that utilities, for water and sewer would be allowed in Agriculture/Open and Agriculture/Residential future land uses.

Regional Significance

Council staff has reviewed the proposed change and agrees with the County staff that this requested does not need additional review.

Regional Issues of Interest

Affordable Housing
Not applicable.

Water Quality
Not applicable.

Regional Consistency

Council staff finds this request to procedural. Council has also previously found this project to be consistent with the following Goal, Strategy and Action of the Strategic Regional Policy Plan, July 4, 2002:

Livable Communities

Goal 2: Southwest Florida will develop (or redevelop) communities that are livable and offer residents a wide range of housing and employment opportunities.

Strategy: Develop livable, integrated communities that offer residents a high quality of life.

Action 1: Encourage programs that promote infill development in urban areas to maximize the efficient use of existing infrastructure.

Conclusion

Council staff found two of the four proposed amendments to be regionally significant, with one exceeding the DRI thresholds. Council staff found one of the requests not to be regionally significant. Council staff found that three of the requests consistent with the Strategic Regional Policy Plan. Council staff found one of the requests to be procedural and also agreed with County staff that the request did not require additional review.

Attachment III

Maps

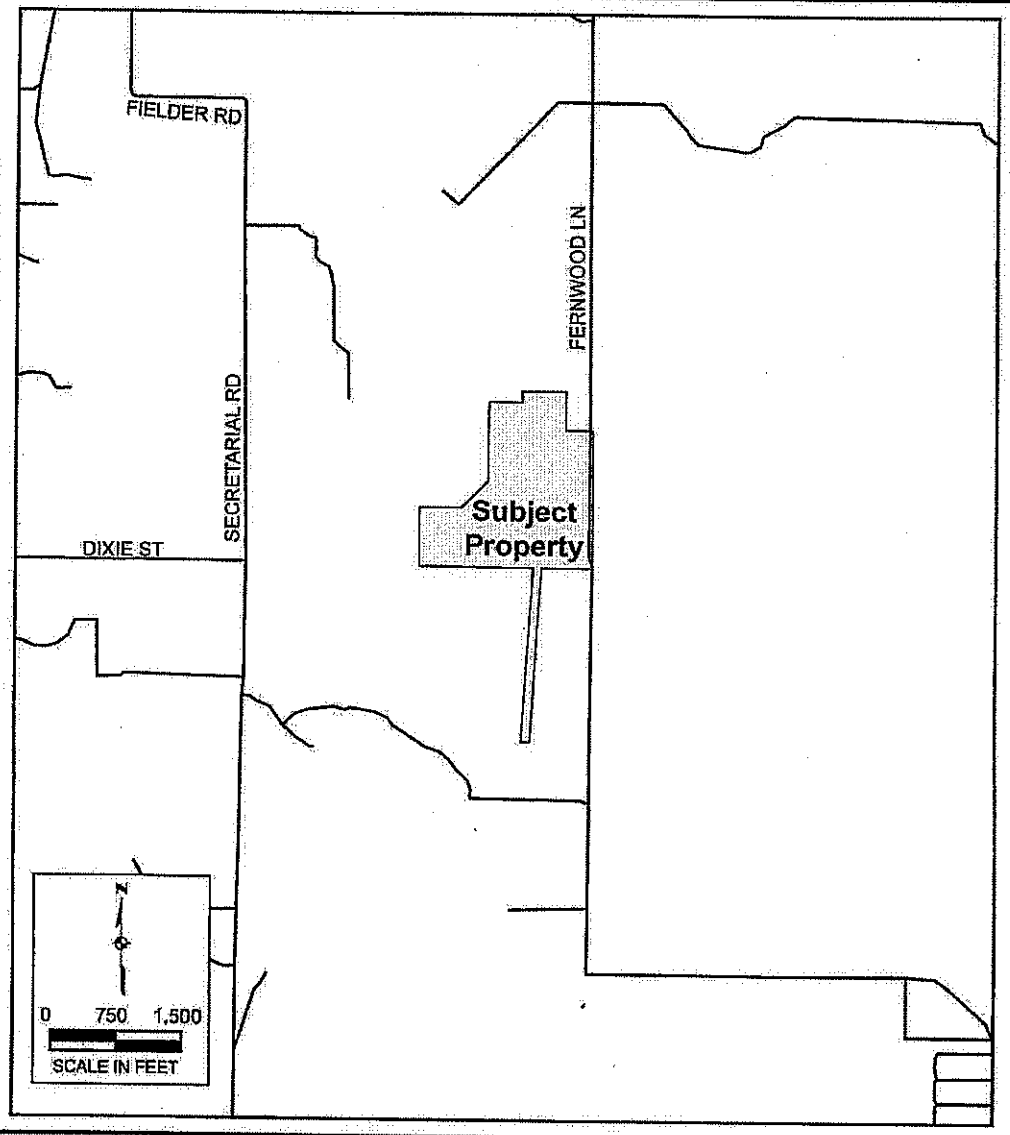
Glades County
DCA 08-1

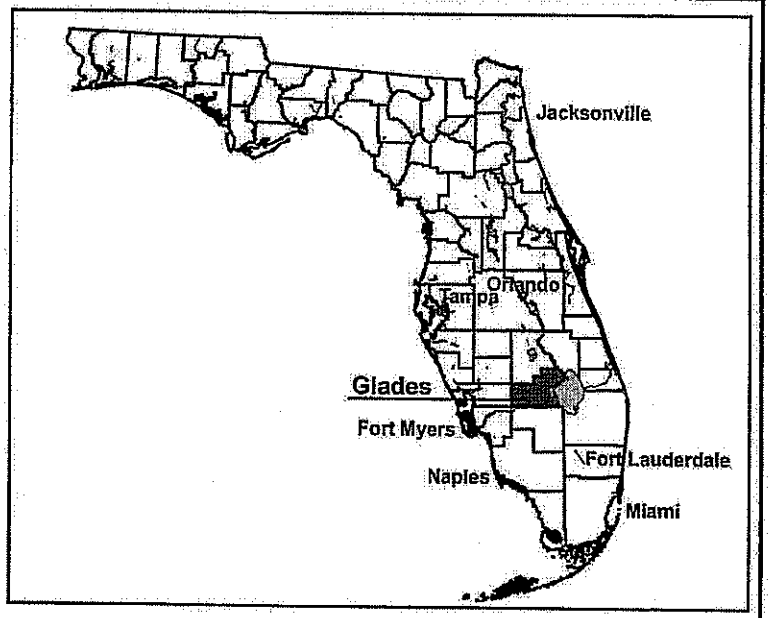
Proposed Comprehensive Plan
Amendment Locations

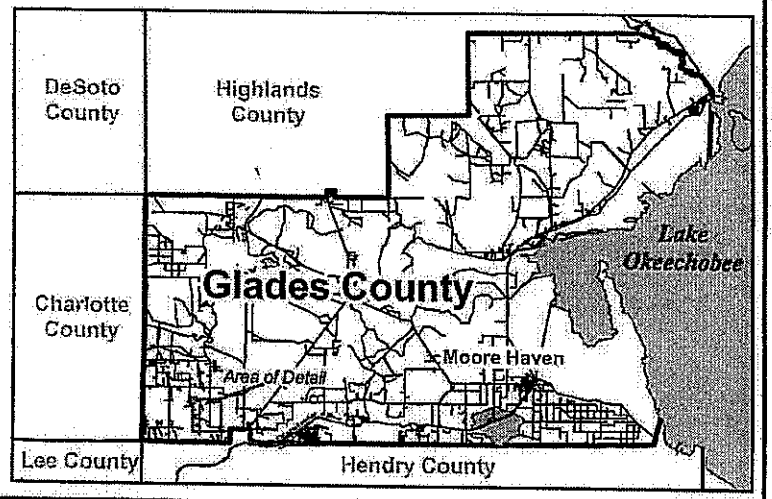
Maps

Sundance Farms

COMP08-04LS







Muse Airpark Community
Glades County, Florida

JOHNSON ENGINEERING

2122 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE (941) 334-0046
FAX (941) 334-3661
E.B. #642 & L.B. #642

Area Location Map

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
12/18/07	20055939	00-00-00	As Shown	1

Aerall Image from Aerials Express dated Feb. 2007

Muse Airpark Community
Glades County, Florida

JOHNSON ENGINEERING

2122 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE (941) 334-0046
FAX (941) 334-3561
E.B. #642 & L.B. #642

Aerial Photograph

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
12/17/07	20050209	00-00-00	1" = 500'	1

Maps

American Prime

COMP08-05LS

Note: Drawing not to scale. Easement locations and dimensions are approximate.

MOFFATT & NICHOL	**Caloosahatchee River** **USACE Spoil Easements**	Figure 1. Aerial site photo with proposed relocated spoil easement.

Scale: 1" = 1500'

LABINS 2004 AERIAL

REVISIONS	DATE	BY

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FIELD BOOKS AND PAGES: N/A

DRAWING DATE: 12/27/07 DRAWING SCALE: 1" = 1500'

DESIGNED BY:	DRAWN BY:	CHECKED BY:
T.C.P.	R.S.H.	N.J.N.

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STATE AUTHORIZATION NUMBER LB1042, EB1042
P.O. BOX 1029 850 WEST VENTURA AVENUE CLEWISTON, FLORIDA
PH: (863) 983-9188 FAX: (863) 983-9954 www.johnsonprewitt.com

SITE AERIAL
IN SECTIONS 28 - 30, AND 32 - 33, T. 42 S., R. 30 E.,
GLADES COUNTY, FLORIDA TO SERVE
"AMERICAN PRIME"

EXHIBIT
II

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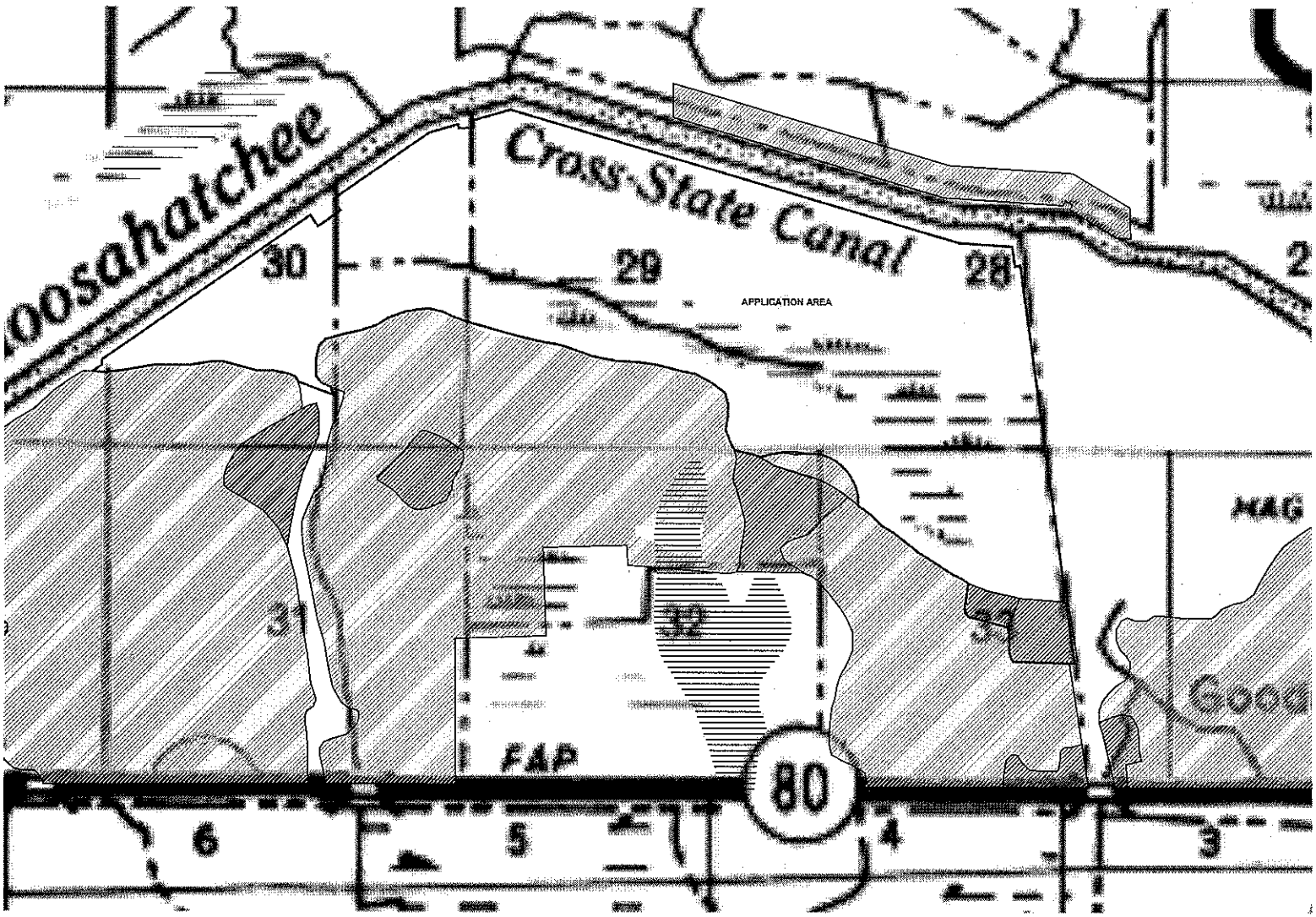

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CURRENT FLUM DCA
IN SECTIONS 28 - 30, AND 32 - 33, T. 42 S., R. 30 E.,
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EXHIBIT X

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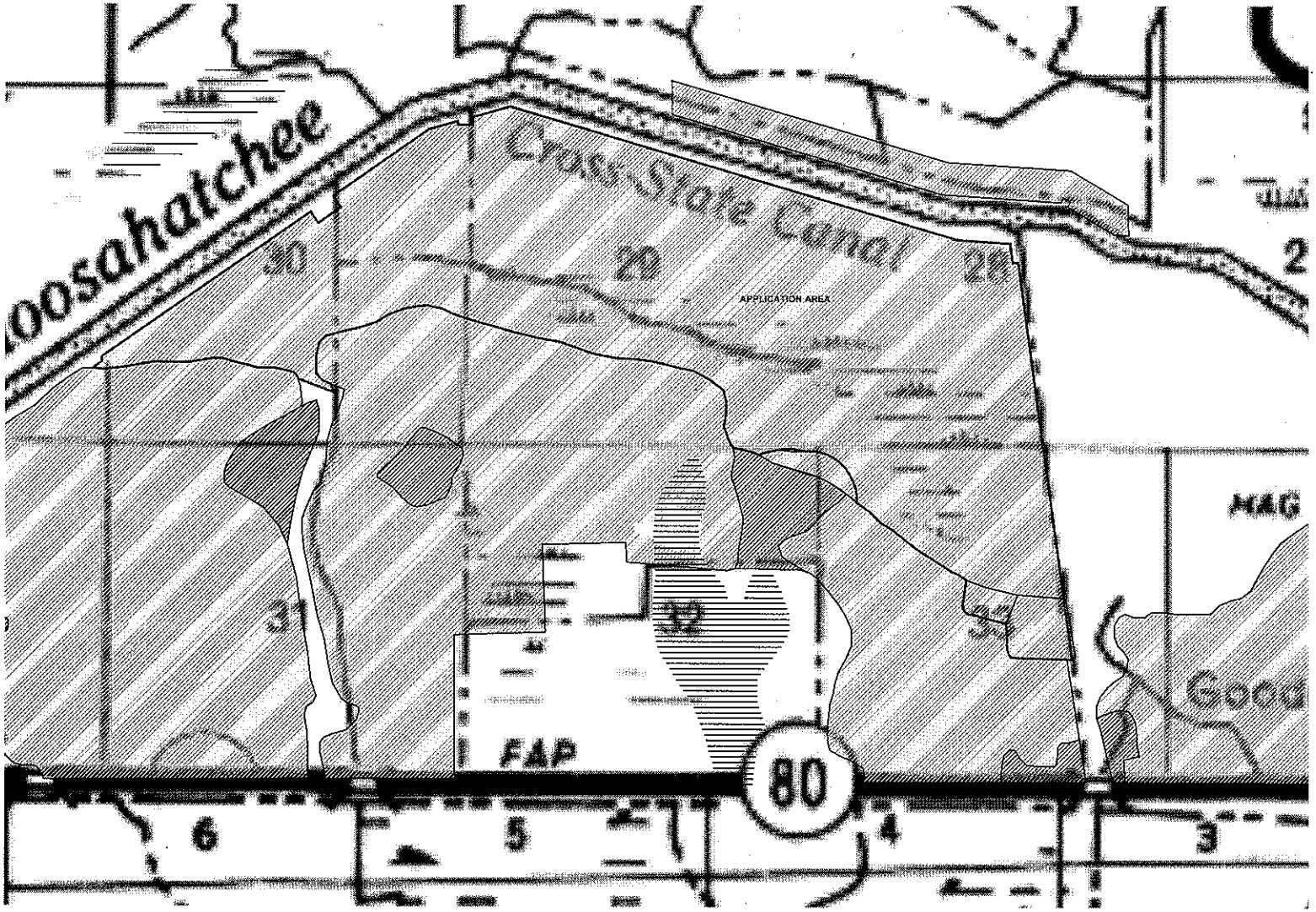

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PROPOSED FLUM DCA
IN SECTIONS 28 - 30, AND 32 - 33, T. 42 S., R. 30 E.,
GLADES COUNTY, FLORIDA TO SERVE
"AMERICAN PRIME"

EXHIBIT XI

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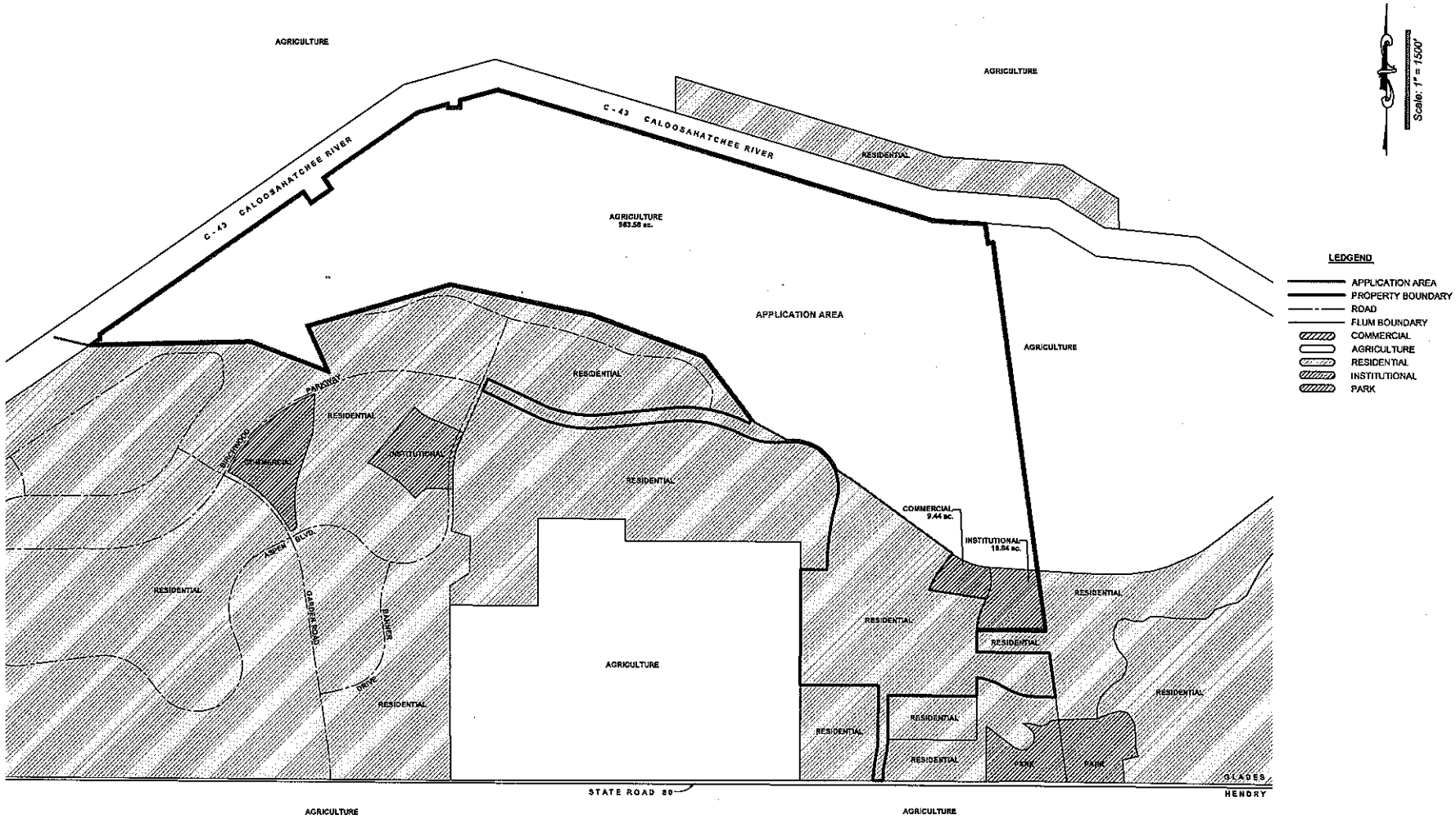

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CURRENT FLUM
IN SECTIONS 28 - 30, AND 32 - 33, T. 42 S., R. 30 E.,
GLADES COUNTY, FLORIDA TO SERVE
"AMERICAN PRIME"

EXHIBIT V

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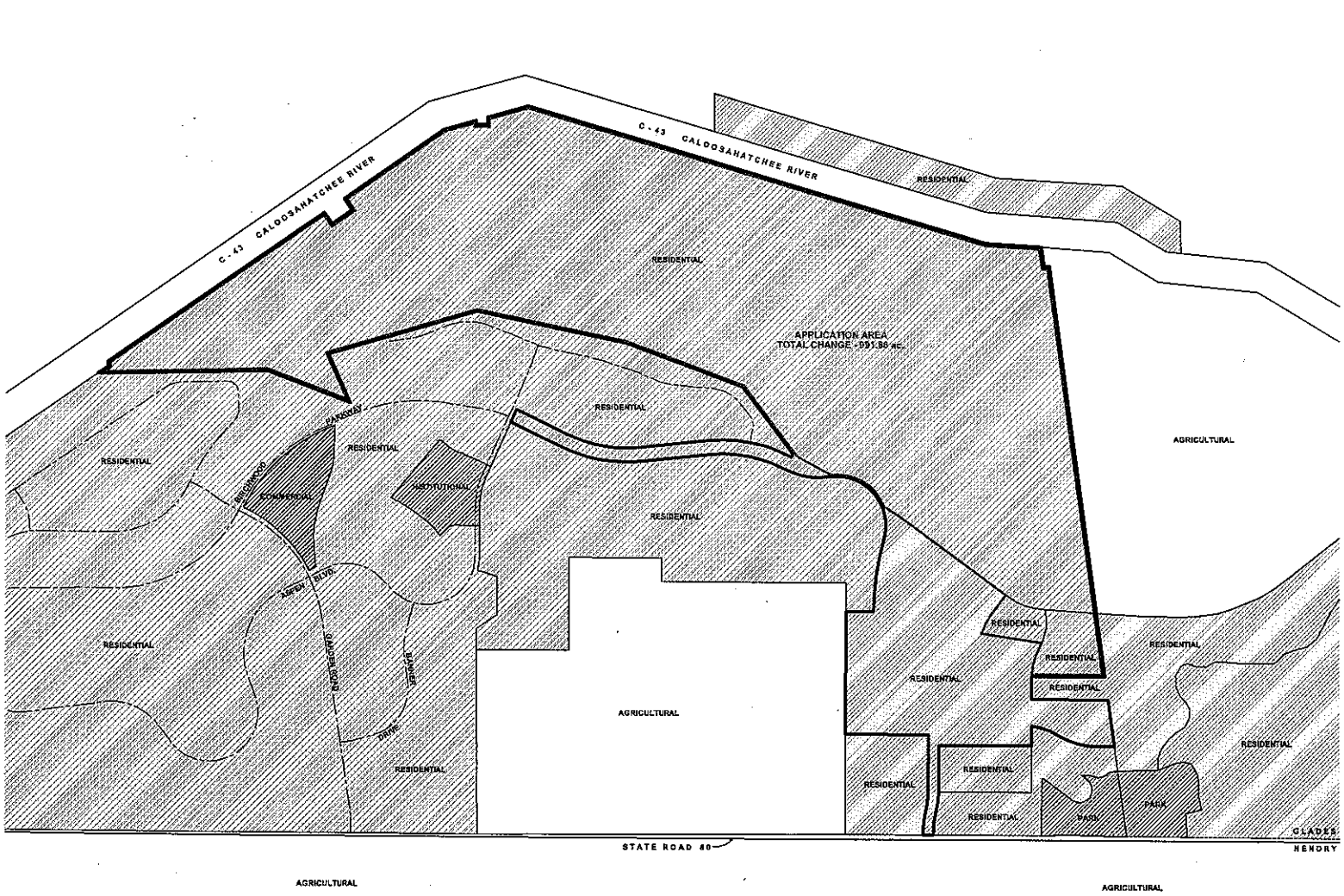

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PH: (863) 983-9188 FAX: (863) 983-9854 www.johnsonprewitt.com

PROPOSED FLUM MAP
IN SECTIONS 28 - 30, AND 32 - 33, T. 42 S., R. 30 E.,
GLADES COUNTY, FLORIDA TO SERVE
"AMERICAN PRIME"

EXHIBIT VI

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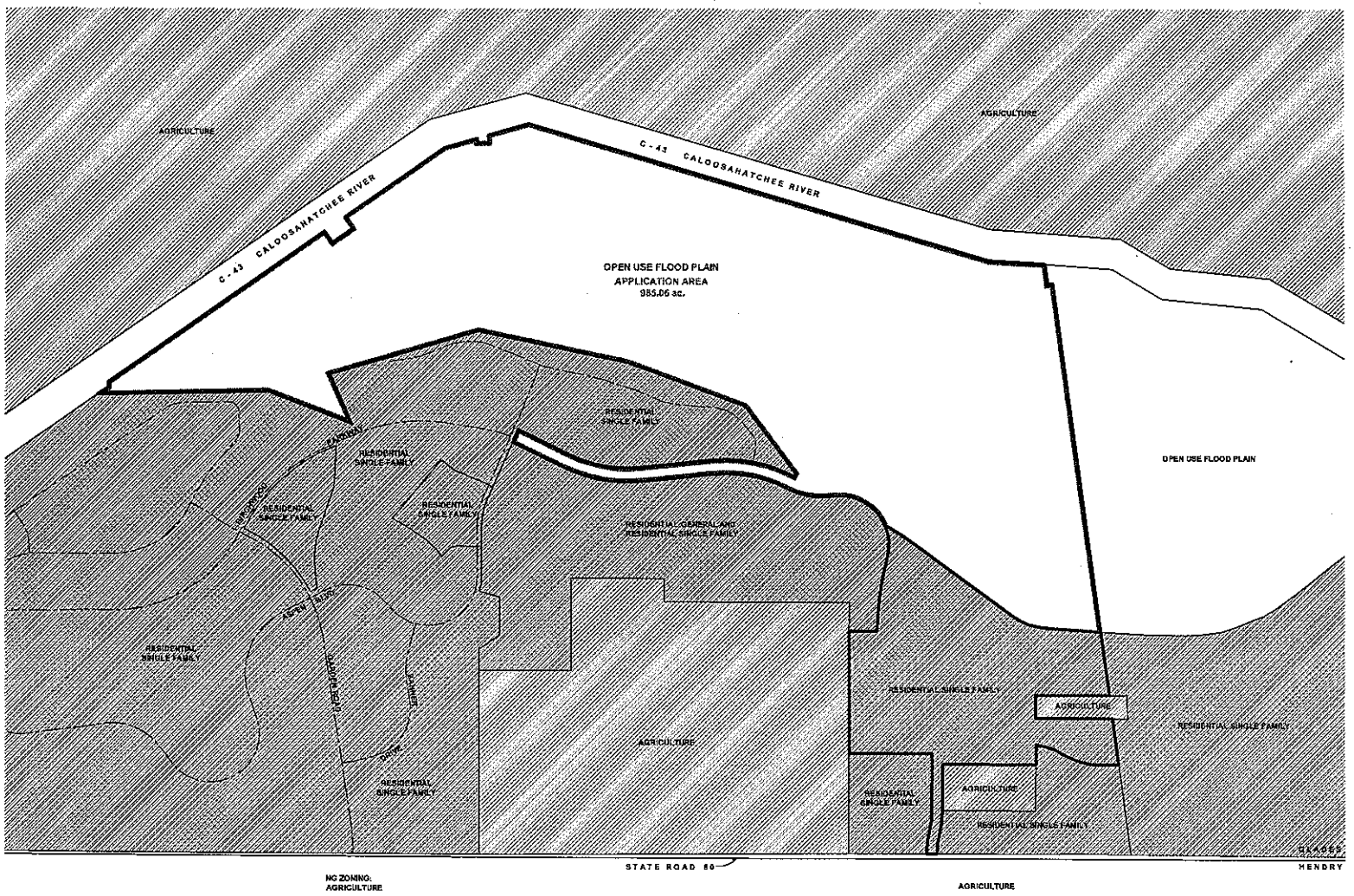

Scale: 1" = 1500'

LEDGEND

- APPLICATION AREA
- PROPERTY BOUNDARY
- ROAD
- FLUM BOUNDARY
- AGRICULTURE
- OPEN USE FLOOD PLAIN
- RESIDENTIAL

REVISIONS	DATE	BY

SURVEYED DATE: N/A W.O. NO: 04-3072
FIELD BOOKS AND PAGES: N/A
DRAWING DATE: 03/04/05 DRAWING SCALE: 1" = 1500'

DESIGNED BY:	DRAWN BY:	CHECKED BY:
T.C.P.	R.S.H.	N.J.N.

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EXISTING ZONING MAP
IN SECTIONS 28 - 30, AND 32 - 33, T. 42 S., R. 30 E.,
GLADES COUNTY, FLORIDA TO SERVE
"AMERICAN PRIME"

EXHIBIT III

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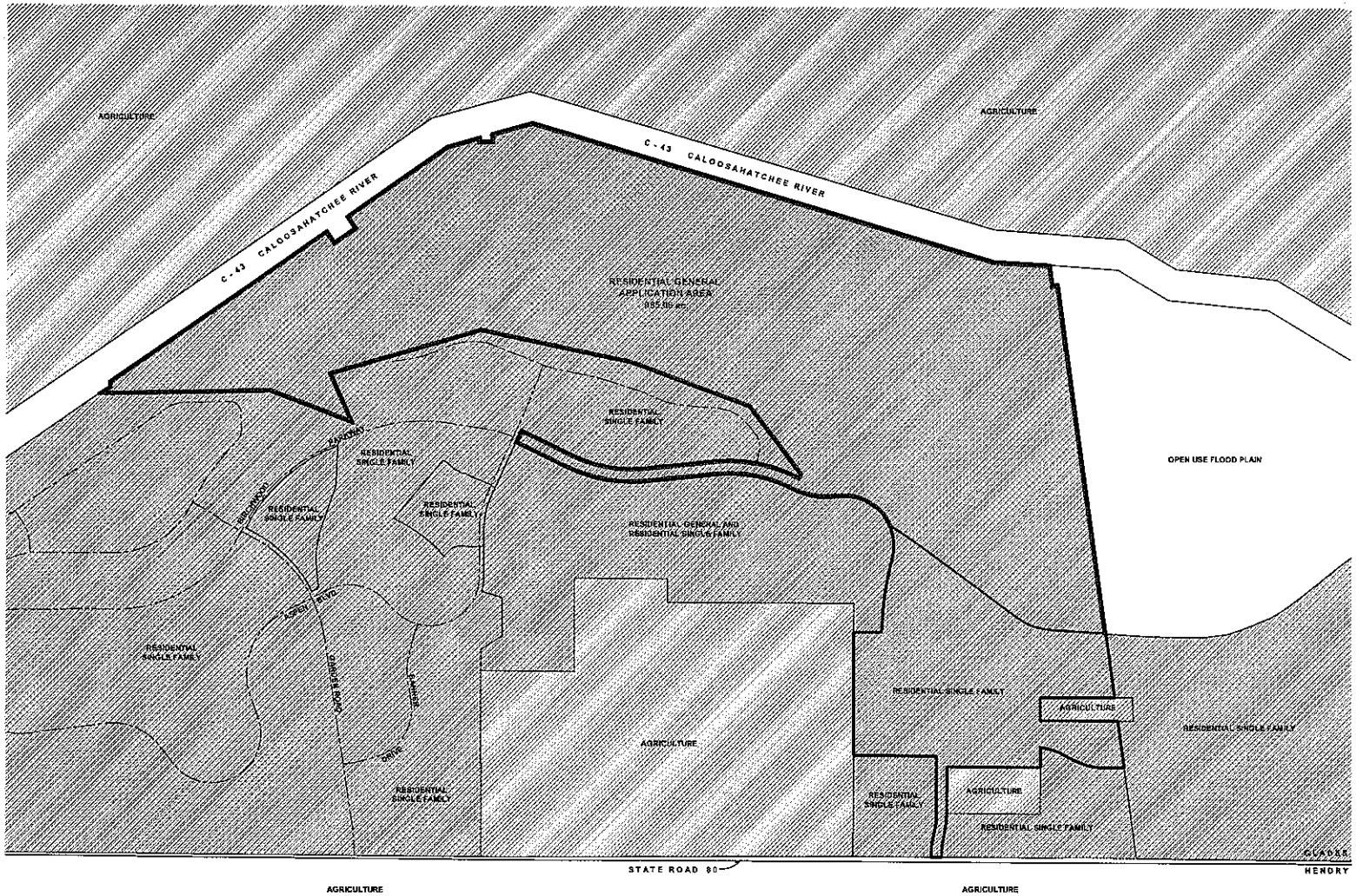

REVISIONS	DATE	BY

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DESIGNED BY:	DRAWN BY:	CHECKED BY:
T.C.P.	R.S.H.	N.J.N.

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ENGINEERS • PLANNERS • LAND SURVEYORS
STATE AUTHORIZATION NUMBER LB1042, EB1042
P.O. BOX 1029 860 WEST VENTURA AVENUE CLEWISTON, FLORIDA
PH: (863) 983-9188 FAX: (863) 983-9854 www.johnsonprewitt.com

PROPOSED ZONING MAP
IN SECTIONS 28 - 30, AND 32 - 33, T. 42 S., R. 30 E.,
GLADES COUNTY, FLORIDA TO SERVE
"AMERICAN PRIME"

EXHIBIT IV

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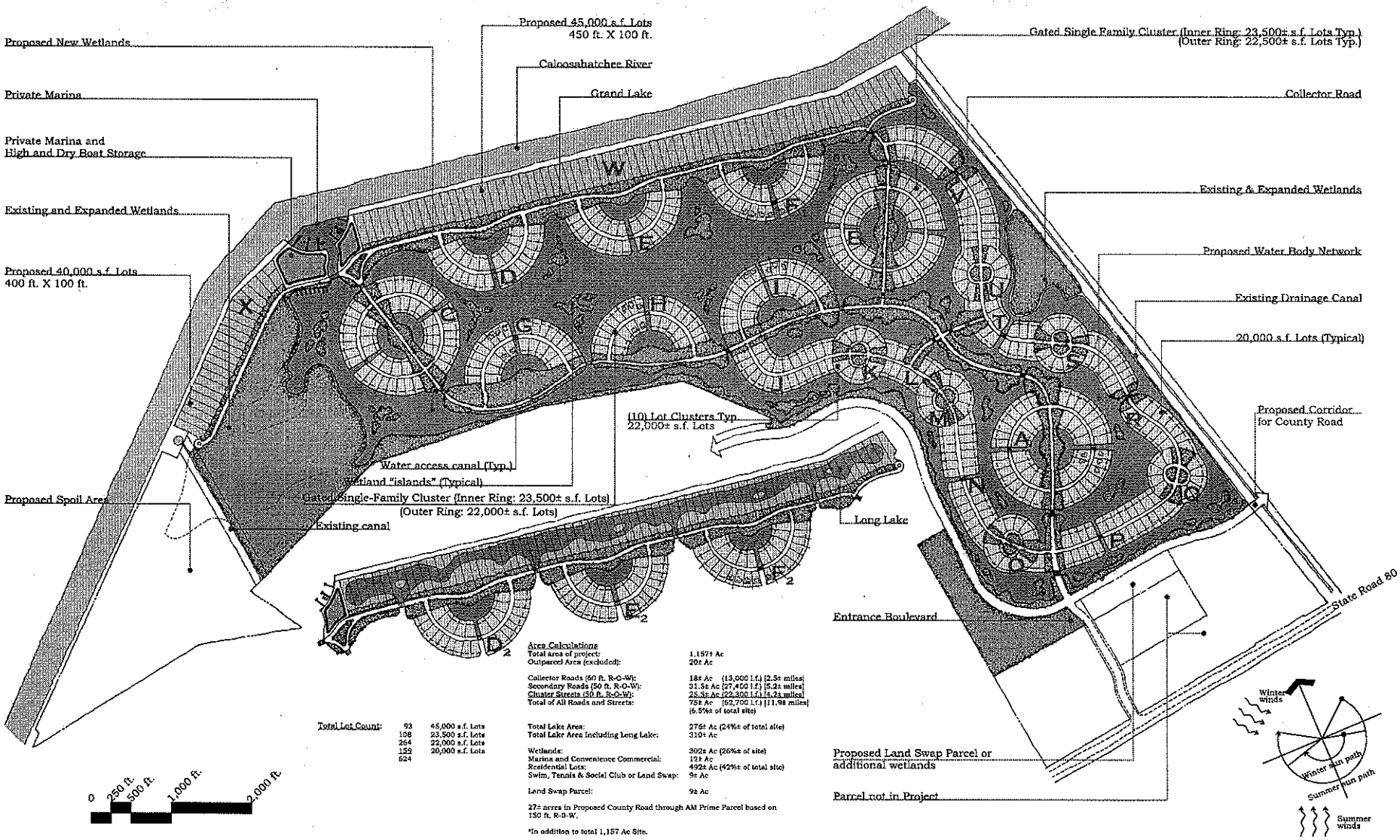


Total Lot Count:

93	45,000 s.f. Lots
108	23,500 s.f. Lots
264	22,000 s.f. Lots
159	20,000 s.f. Lots
624	

Area Calculations

Total area of project:	1,157± Ac
Outparcel Area (excluded):	20± Ac
Collector Roads (60 ft. R-O-W):	18± Ac (13,000 l.f.) [2.5± miles]
Secondary Roads (50 ft. R-O-W):	31.5± Ac [27,400 l.f.) [5.2± miles]
Cluster Streets (50 ft. R-O-W):	25.5± Ac [22,300 l.f.) [4.2± miles]
Total of All Roads and Streets:	75± Ac [52,700 l.f.) [11.9± miles] (6.5%± of total site)
Total Lake Area:	276± Ac (24%± of total site)
Total Lake Area Including Long Lake:	310± Ac
Wetlands:	302± Ac (26%± of site)
Marina and Convenience Commercial:	13± Ac
Residential Lots:	492± Ac (42%± of total site)
Swim, Tennis & Social Club or Land Swap:	9± Ac
Land Swap Parcel:	9± Ac

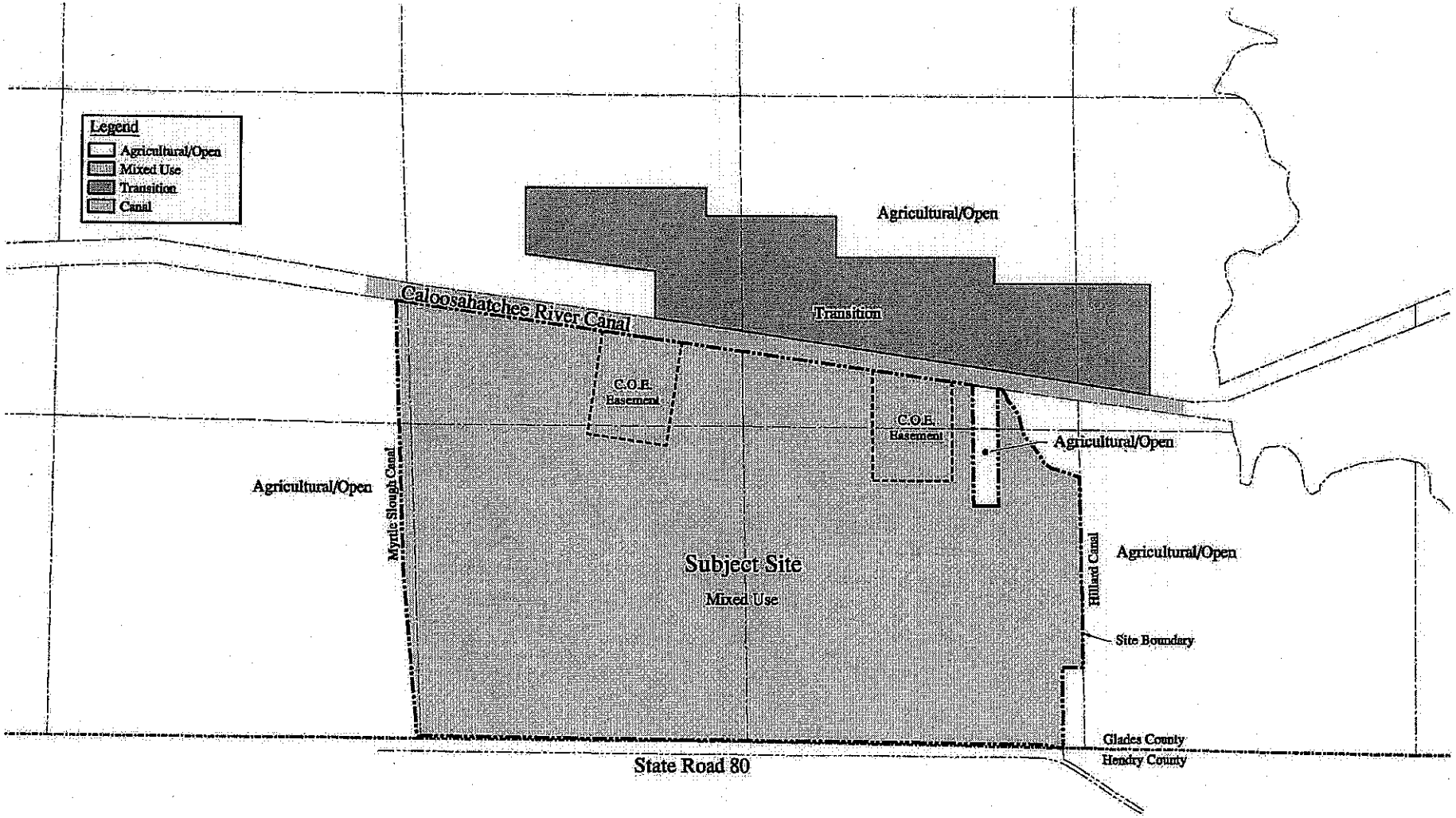
27± acres in Proposed County Road through AM Prime Parcel based on 150 ft. R-O-W.

*In addition to total 1,157 Ac Site.

Developer:	Proposed Concept Plan for a:	Land Planners/Landscape Architects:	Prime Consultant/Planner:	
American Prime 10631 North Kendall Drive Second Floor Miami, Florida 33176 Phones: (305) 267-9560 | (800) 544-1491	GLADES COUNTY WATER RECREATION COMMUNITY	Stan Geda Associates, PA 4514 Pine Hollow Dr. - Tampa, FL 33624 Phone: 813.968.5272 - email: sgeda@tampabay.rr.com	Coen Company Planning & Transportation Services	Revised 1/21/ 2008 1 of 1

Maps

River Grove
COMP08-06LS



Proposed Future Land Use Map For Subject Parcel

Glades County

Glades County, Florida

EXHIBIT 1

cmin associates
urban planning · landscape architecture · architectural design
500 delaney avenue orlando, florida 32801 407.422.4040

December 4, 2007 CA Job No: 207070

EXHIBIT 1

2002 Glades FLUM

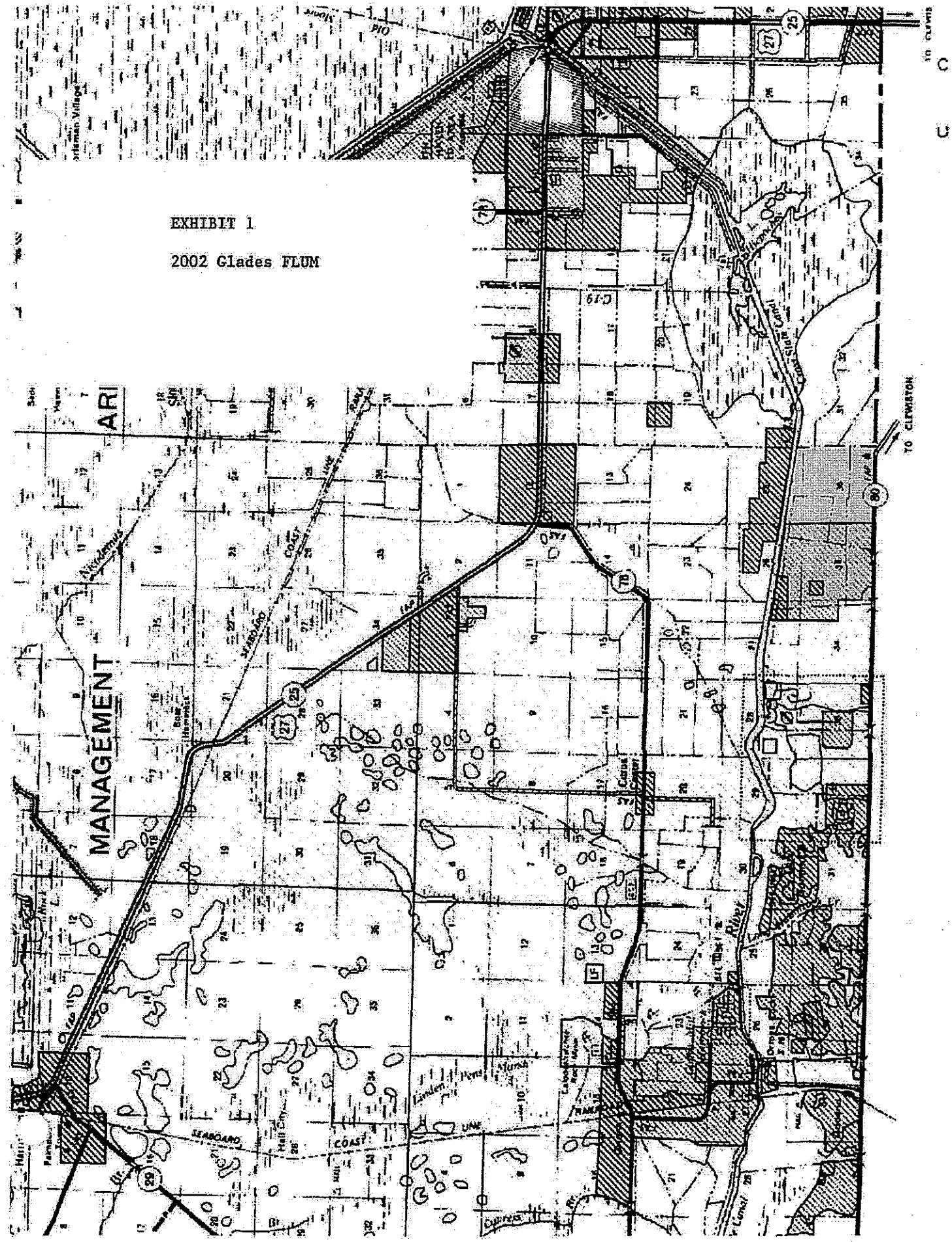

MANAGEMENT
ARI
TO CLEWISTON
SEABOARD
COAST
LINE
Linden
Pond
Muck
Canal
Canal
Canal

EXHIBIT 2

August 2003 FLUM

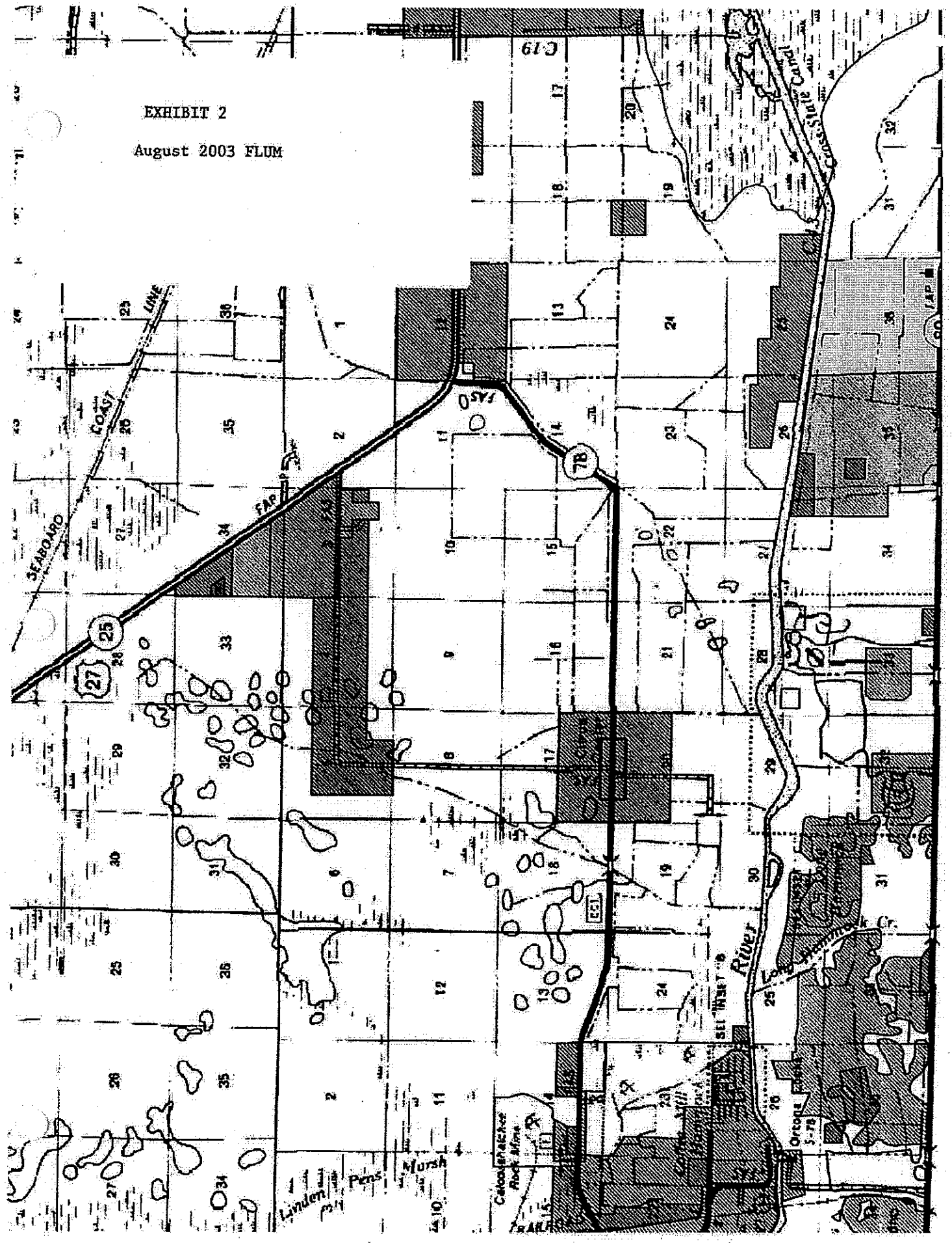
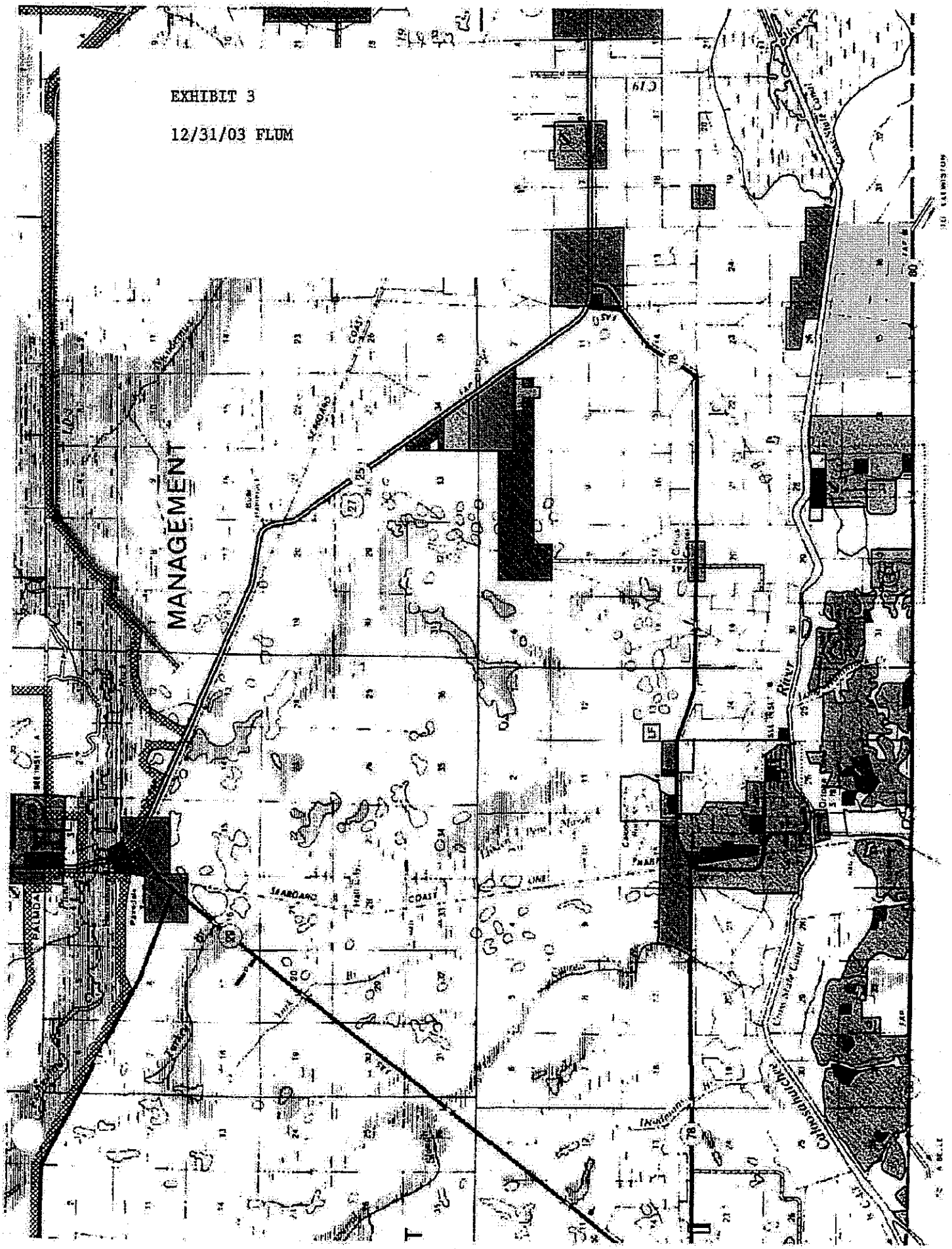


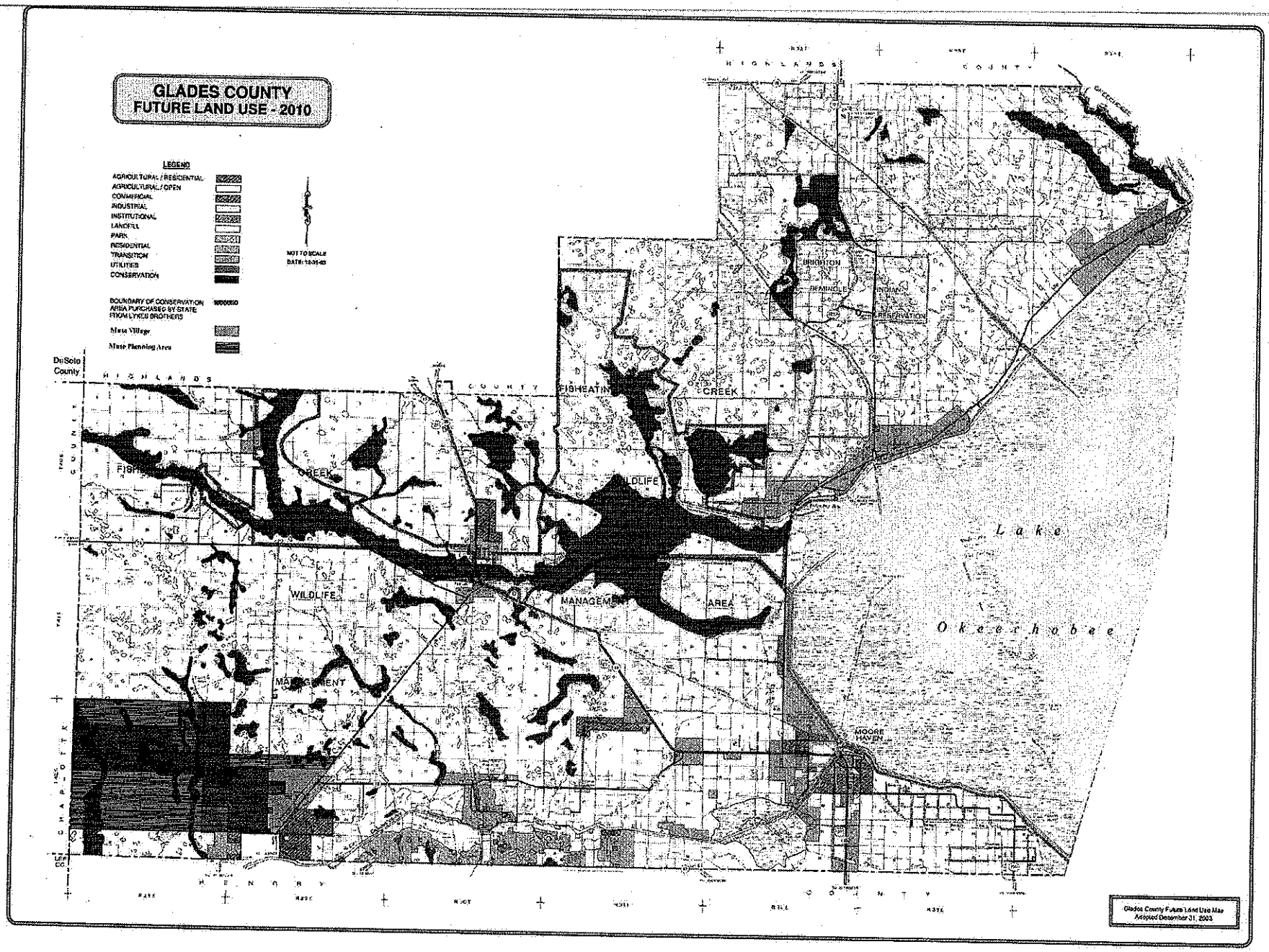
EXHIBIT 3

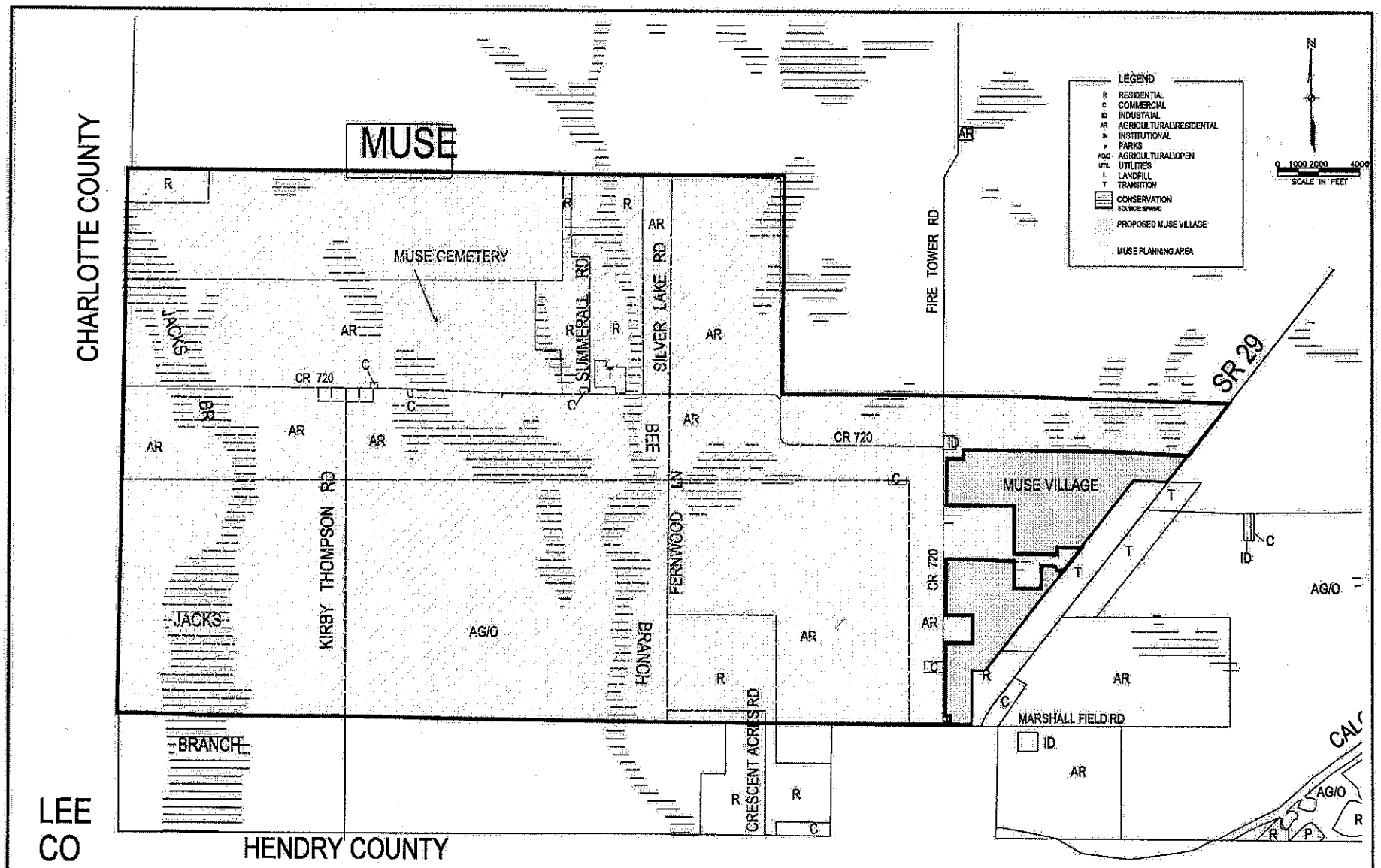
12/31/03 FLUM



Maps

Muse Village
COMP08-07LS


GLADES COUNTY
FUTURE LAND USE - 2010
LEGEND
AGRICULTURAL / RESIDENTIAL
AGRICULTURAL / OPEN
COMMERCIAL
INDUSTRIAL
INSTITUTIONAL
LANDFILL
PARK
RESIDENTIAL
TRANSITION
UTILITIES
CONSERVATION
BOUNDARY OF CONSERVATION AREA PURCHASED BY STATE FROM LYKES BROTHERS
Miata Village
Miata Planning Area
NOT TO SCALE
DeSoto County
HIGHLANDS COUNTY
HENDRY COUNTY
CHARLOTTE COUNTY
BRIGHTON
SEMINOLE
INDIAN
RESERVATION
FISHEATING
CREEK
WILDLIFE
MANAGEMENT
AREA
Lake
Okeechobee
MOORE HAVEN
Glades County Future Land Use Map
Adopted December 31, 2003



REVISIONS

Muse Planning Area
Glades County, Florida

JOHNSON ENGINEERING

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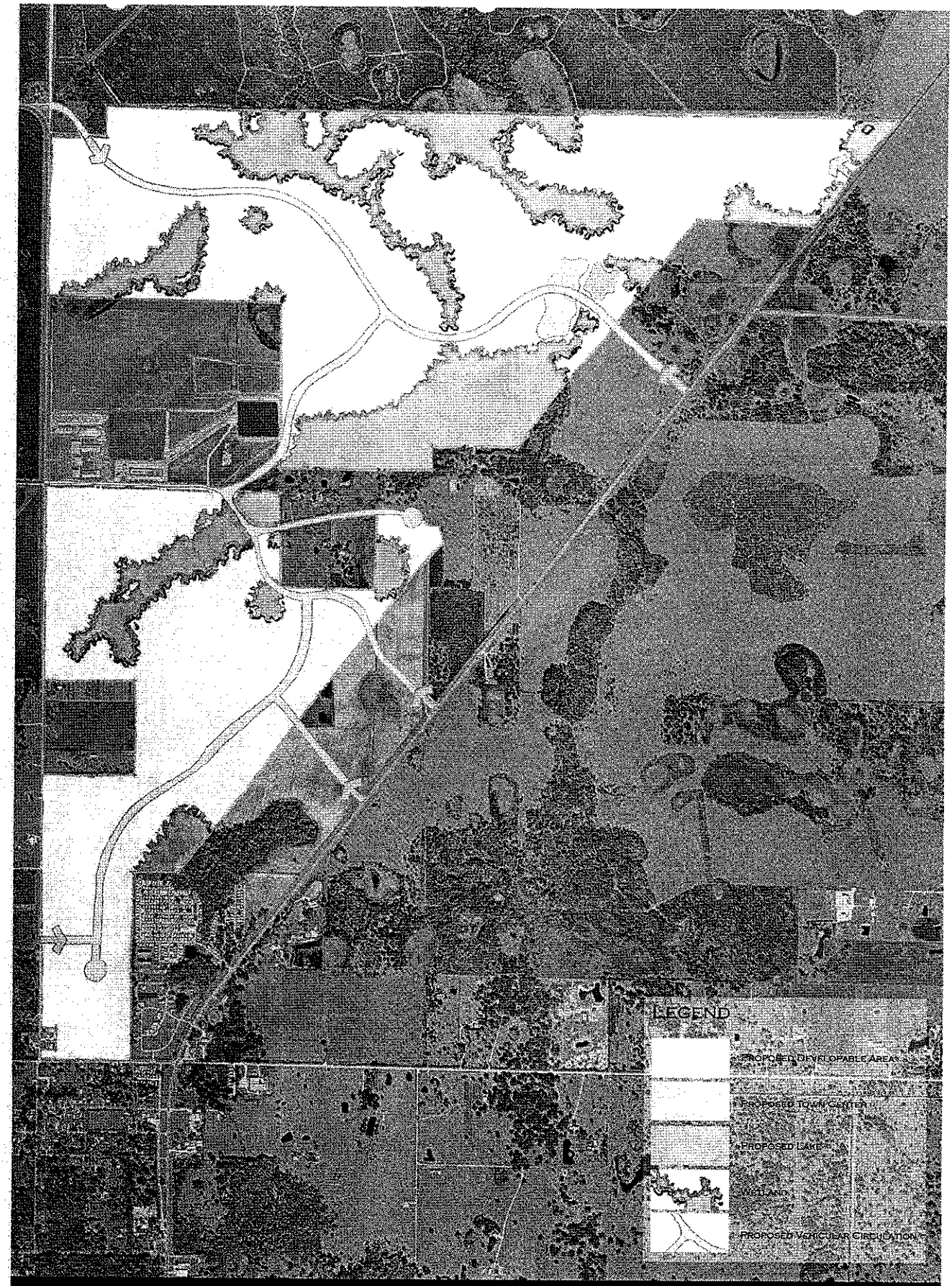
2010 Land Use Map
Glades County

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
07/21/03	20034012		As Shown	1 OF 1



CONCEPTUAL SITE LAYOUT

MUSE VILLAGE

JANUARY 2008

LYKES BROTHERS, INC. GLADES COUNTY FLORIDA

JOHNSON ENGINEERING

Agenda Item

6

Regional Issues

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6

Agenda Item

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Lower West Coast Watersheds Subcommittee Report

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6a

Model 1 - The Homeowner Awareness Model

As a minimum level of management, EPA recommends **Model 1 - The Homeowner Awareness Model**. This program specifies appropriate management practices where treatment systems are owned and operated by individual property owners in areas of low environmental sensitivity, i.e., no restricting site or soil conditions such as shallow water tables or drinking water wells within locally determined horizontal setback distances. This model is applicable where treatment technologies are limited to conventional systems, which are passive and robust treatment systems that can provide acceptable treatment under suitable site conditions despite a lack of attention by the owner. Failures that might occur and continue undetected will pose a relatively low level of risk to public health and water resources. The objectives of this management model are to ensure that all systems are sited, designed, and constructed in compliance with sound, prevailing rules; all systems are documented and inventoried by the regulatory authority; and system owners are informed of the maintenance needs of their systems through timely reminders. The model is intended to provide an accurate record of the types and location of installed systems, to raise homeowners' awareness of basic system maintenance requirements, and to better ensure that the homeowners attend to those deficiencies that overtly threaten public health. This model, like all management programs described in this guidance, suggests the use of only trained and licensed/certified service providers. This model is a starting point for enhancing management programs because it provides communities with a good database of systems and their application for determining whether increased management practices are necessary.

Model 2 - The Maintenance Contract Model

EPA recommends **Model 2 - The Maintenance Contract Model** where more complex system designs are employed to enhance the capacity of conventional systems to accept and treat wastewater or where small clusters are used. For example, pretreating wastewater to remove nonbiodegradable materials and particulate matter that typically pass through a septic tank may enhance subsurface infiltration system performance on marginally suitable sites (sites with limited area, slowly permeable soils, or shallow water tables). However, such pretreatment units can have mechanical components and sensitive treatment processes, which require routine observation and maintenance if they are to perform satisfactorily. Maintenance of these more complex systems is critical to sustaining acceptable protection in these areas of greater environmental sensitivity. Therefore, these systems should be allowed only where trained operators are under contract to perform timely operation and maintenance. The objectives of this model build on the Homeowner Awareness Model by ensuring that property owners maintain maintenance contracts with trained operators.

Model 3 - The Operating Permit Model

EPA recommends **Model 3 - The Operating Permit Model** where sustained performance of onsite wastewater treatment systems is critical to protect public health and water quality. Examples of locations where this program might be appropriate include areas adjacent to estuaries or lakes where excessive nutrient concentrations may be a concern or situations where a source water assessment has identified onsite systems as potential threats to drinking water supplies. EPA strongly recommends that this be the minimum model used where large-capacity systems or systems treating high-strength wastewaters are present. EPA has determined not to regulate large-capacity onsite systems under the Underground Injection Control program at this time based on the belief that implementation of these Management Guidelines can ensure adequate protection of public health and the environment.[10] A principal objective of this management program is to ensure that the onsite wastewater treatment systems continuously meet their performance criteria. Limited-term operating permits are issued to the property owner and are renewable for another term if the owner demonstrates that the

system is in compliance with the terms and conditions of the permit. In subareas where it is appropriate to use conventional onsite system designs, the operating permit may contain only a requirement that routine maintenance be performed in a timely manner and the condition of the system be inspected periodically. With complex systems, the treatment process will require more frequent inspections and adjustments, so process monitoring may be required. An advantage to implementing the program elements and activities of this management program is that the design of treatment systems is based on performance criteria that are less dependent on site characteristics and conditions. Therefore, systems can be used safely in more sensitive environments if their performance meets those requirements reliably and consistently. The operating permit provides a mechanism for continuous oversight of system performance and negotiating timely corrective actions or levying penalties if compliance with the permit is not maintained. To comply with these performance standards, the property owner should be encouraged to hire a licensed maintenance provider or operator.

Model 4 - The Responsible Management Entity (RME) Operation and Maintenance Model

EPA recommends **Model 4 - The Responsible Management Entity (RME) Operation and Maintenance Model** where large numbers of onsite and clustered systems must meet specific water quality requirements because the sensitivity of the environment is high, e.g., wellhead protection areas or shellfish waters. Frequent and highly reliable operation and maintenance is required to ensure water resource protection. Issuing the operating permit to an RME instead of the property owner provides greater assurance of control over performance compliance. This allows the use of performance-based systems in more sensitive environments than the Operating Permit Model. For a service fee, an RME takes responsibility for the operation and maintenance. This approach can reduce the number of permits and the administration functions performed by the regulatory authority. System failures are also reduced as a result of routine and preventive maintenance. The operating permit system is identical to that of the Operating Permit Model except that the permittee is a public or private RME. States may need to establish (and some already have) a regulatory structure to oversee the rate structures that RMEs establish and any other measures that a public services commission would normally undertake to manage private entities in noncompetitive situations.

Model 5 - The Responsible Management Entity (RME) Ownership Model

Model 5 - The Responsible Management Entity (RME) Ownership Model is a variation of the RME operation and maintenance concept in the RME Operation and Maintenance Model, with the exception that ownership of the system is no longer with the property owner. The designated management entity owns, operates, and manages the decentralized wastewater treatment systems in a manner analogous to central sewerage. Under this approach, the RME maintains control of planning and management, as well as operation and maintenance. This management model is appropriate for environmental or public health conditions similar to those for the RME Operation and Maintenance Model, but Model 5 provides a higher level of control of system performance. It also reduces the likelihood of disputes that can occur between the RME and the property owner in the RME Operation and Maintenance Model when the property owner fails to fully cooperate with the RME. The RME can also more readily replace existing systems with higher-performance units or clustered systems when necessary. EPA recommends implementation of the management practices detailed in the RME Ownership Model in cases such as where new, high-density development is proposed in the vicinity of sensitive receiving waters. States might need to establish a regulatory structure to oversee the rate structures that RMEs establish and any other measures that a public services commission would normally undertake to manage entities in noncompetitive situations.

MANAGEMENT MODEL 1: HOMEOWNER AWARENESS

Objective: To ensure that conventional onsite systems are sited and constructed properly in accordance with appropriate state, tribal, and local regulations and codes; that they are periodically inspected; and, if necessary, that they are repaired by the Owner. The Regulatory Authority maintains a record of the location of all systems and periodically provides the Owner/User with notices regarding operation and preventive maintenance recommendations.

PROGRAM ELEMENT	RESPONSIBLE PARTY	ACTIVITY
PUBLIC EDUCATION AND PARTICIPATION	Regulatory Authority	• Educate Owner/User on purpose, use, and care of treatment system. • Provide public review and comment periods of any proposed program or rule changes.
	Service Provider	• Be informed of existing rules and review and comment on any proposed program and/or rule changes. • Participate in advisory committees established by the Regulatory Authority.
	Owner/User	• Be informed of purpose, use, and care of treatment system. • Be informed of existing rules and review and comment on any proposed program and/or rule changes. • Participate in advisory committees established by the Regulatory Authority.
PLANNING	Regulatory Authority	• Coordinate program rules and regulations with state, tribal, and local planning and zoning and other water-related programs. • Evaluate potential risks of wastewater discharges to limit environmental impacts on receiving environments during the rule making process. • Limit potential risks of environmental impacts from residuals management program and evaluate available handling/treatment capacities. • Inform local planning authority of rule changes and recommend its evaluation of potential impacts on land use.
	Developer	• Hire planners, certified site evaluators, and designers to ensure that all lots of proposed subdivision plats meet requirements for onsite treatment prior to final plat.
PERFORMANCE	Regulatory Authority	• Establish system failure criteria to protect public health, e.g., wastewater backups in building, wastewater ponding on ground surface, insufficient separation from ground water or wells.
	Owner/User	• Regularly maintain system in proper working order.
TRAINING AND CERTIFICATION/ LICENSING	Licensing Board/ Regulatory Authority	• Develop and administer training, testing, and certification/licensing program for site evaluators, designers, contractors, and pumpers/haulers. • Maintain a current certified/licensed Service Provider listing.
	Service Provider	• Obtain appropriate certification(s)/license(s) and continuing education as required. • Obtain training from the manufacturer or vendor regarding appropriate use, installation requirements, and O&M procedures of any proprietary equipment to be installed. • Comply with applicable federal, state, tribal, and local requirements.
	Owner/User	• When using third-party services, contract with only the appropriate certified/licensed Service Providers.
SITE EVALUATION	Regulatory Authority	• Codify prescriptive requirements for site evaluation procedures. • Codify criteria for treatment site characteristics suitable for permitted designs that will prevent unacceptable impacts on ground and surface water resources.
	Site Evaluator	• Obtain certification/license to practice. • Describe site and soil characteristics, determine suitability of site with respect to code requirements, and estimate site's hydraulic and treatment capacity. • Comply with applicable federal, state, tribal, and local requirements in the evaluation of sites for wastewater treatment and dispersal.
	Owner	• Hire a certified/licensed site evaluator to perform site evaluation.

MANAGEMENT MODEL 1: HOMEOWNER AWARENESS

MANAGEMENT MODEL 1: HOMEOWNER AWARENESS

PROGRAM ELEMENT	RESPONSIBLE PARTY	ACTIVITY
DESIGN	Regulatory Authority	• Codify prescriptive, preengineered designs that are suitable for treatment sites that meet the appropriate prescriptive site criteria.
	Designer	• Obtain a certification/license to practice. • Design a treatment system that is compatible with the site and soil characteristics described by the site evaluator. • Comply with applicable federal, state, tribal, and local requirements in the design of wastewater treatment and dispersal systems.
	Owner	• Hire a certified/licensed designer to prepare system design.
CONSTRUCTION	Regulatory Authority	• Administer a permitting program for system construction, including Regulatory Authority review of proposed system siting and design plans. • Perform final construction inspection for compliance assurance and inventory data collection. • Require that record drawings of constructed system be submitted to the Regulatory Authority by Owner.
	Contractor/ Installer	• Obtain certification/license to practice. • Construct the system in accordance with the approved plans and specifications. • Prepare record drawings of completed system and submit to Owner. • Comply with applicable federal, state, tribal, and local requirements in the design and construction of wastewater treatment and dispersal systems.
	Designer of Record	• Approve proposed field changes and submit to Owner. • Comply with applicable federal, state, tribal, and local requirements in the design and construction of wastewater treatment and dispersal systems.
	Owner	• Hire a certified/licensed contractor/installer to construct system. • Submit final record drawings of constructed system to Regulatory Authority.
OPERATION & MAINTENANCE	Regulatory Authority	• Provide Owner/User with educational materials regarding system use and care. • Send timely reminder to Owner of when scheduled preventive maintenance is due.
	Pumper/Hauler	• Obtain certification/license to practice. • Inspect and service system as necessary. • Comply with applicable federal, state, tribal, and local requirements in the operation and maintenance of the treatment and dispersal system.
	Owner	• Perform recommended routine maintenance or hire a certified/licensed pumper/hauler to perform maintenance. • Hire a certified/licensed pumper/hauler to periodically inspect, service, and remove septage for proper treatment and disposal.
	User	• Follow recommendations provided by Regulatory Authority, Service Providers, and/or Owner to ensure that undesirable or prohibited materials are not discharged to system.
RESIDUALS MANAGEMENT	Regulatory Authority	• Administer a tracking system for residuals hauling, treatment, and disposal and review to evaluate compliance with 40 CFR Part 503 (Use and Disposal of Sewage Sludge), 40 CFR Part 257, and applicable state, tribal, and local requirements. • Inventory available residuals handling/treatment capacities and develop contingency plans to ensure that sufficient capacities are always available.
	Pumper/Hauler	• Obtain certification/license to practice. • Comply with applicable federal, state, tribal, and local requirements in the pumping, hauling, treatment, and disposal of treatment system residuals.
COMPLIANCE INSPECTIONS/ MONITORING	Regulatory Authority	• Conduct final construction inspections to ensure compliance with approved plans and permit requirements. • Perform compliance inspections at point-of-sale, change-in-use of properties, "targeted areas," and systems reported to be in violation. • Conduct compliance inspections of residuals hauling, treatment, and disposal.
	Pumper/Hauler	• Inform Owner of any noncompliant items observed during routine servicing of system.
	Owner	• Periodically perform a "walk-over" inspection of the system and correct any deficiencies.

PROGRAM ELEMENT	RESPONSIBLE PARTY	ACTIVITY
CORRECTIVE ACTIONS	Regulatory Authority	• Negotiate compliance schedule with Owner for correcting documented noncompliance items. • Administer enforcement program, including fines and/or penalties for failure to comply with compliance requirements. • Obtain necessary authority to enter property to correct imminent threats to public health if the Owner/User fails to comply.
	Designer	• Provide Owner with documents (drawings, specifications, modifications, etc.) that may be required by Regulatory Authority prior to corrective action.
	Contractor/ Installer	• Perform required repairs, modifications, and upgrades as necessary.
	Owner	• Comply with terms and conditions of the negotiated compliance schedule. • Submit required documents for corrective actions to Regulatory Authority. • Hire appropriate certified/licensed Service Providers to perform required corrective actions.
RECORD KEEPING, INVENTORY, & REPORTING	Regulatory Authority	• Administer a database inventory (locations, site evaluations, record drawings, permits, performed maintenance, inspection reports) of all systems. • Maintain a residuals treatment and disposal tracking system. • Maintain a current certified/licensed Service Provider listing that is available to the public.
	Pumper/Hauler	• Prepare and submit records of residuals handling as required.
	Owner	• Maintain approved record drawings of system. • Maintain maintenance records of system. • Provide drawings, specifications, and maintenance records to new property owner at time of property transfer.
FINANCIAL ASSISTANCE & FUNDING	Regulatory Authority	• Provide the legal and financial support to sustain the management program. • Provide a listing of financial assistance programs available to Owner and the qualifying criteria for each program. • Consider implementing a state or local financing program to assist Owners in upgrading their systems.

MANAGEMENT MODEL 1: HOMEOWNER AWARENESS

MANAGEMENT MODEL 2: MAINTENANCE CONTRACTS

Objective: To allow use of more complex mechanical treatment options or small clusters through the requirement that maintenance contracts be maintained between the Owner and maintenance provider to ensure appropriate and timely system component maintenance by qualified technicians over the service life of the system.

MANAGEMENT MODEL 2: MAINTENANCE CONTRACTS

PROGRAM ELEMENT	RESPONSIBLE PARTY	ACTIVITY[1]
PUBLIC EDUCATION AND PARTICIPATION	Regulatory Authority	• Educate Owner/User on purpose, use, and care of treatment system. • Provide public review and comment periods of any proposed program and/or rule changes.
	Service Provider	• Be informed of existing rules, and review and comment on any proposed program or rule changes. • Participate in advisory committees established by the Regulatory Authority.
	Owner/User	• Be informed of purpose, use, and care of treatment system. • Be informed of existing rules, and review and comment on any proposed program or rule changes. • Participate in advisory committees established by the Regulatory Authority.
PLANNING	Regulatory Authority	• Coordinate program rules and regulations with state, tribal, local planning and zoning and other water-related programs. • Evaluate potential risks of wastewater discharges to limit environmental impacts on receiving environments during the rule making process. • Limit potential risks of environmental impacts from residuals management program and evaluate available handling/treatment capacities. • Inform local planning authority of rule changes and recommend its evaluation of potential impacts on land use.
	Developer	• Hire planners, certified site evaluators, and designers to ensure that all lots of proposed subdivision plats meet requirements for onsite treatment prior to final plat.
PERFORMANCE	Regulatory Authority	• Establish system failure criteria to protect public health, e.g., wastewater backups in building, wastewater ponding on ground surface, insufficient separation from ground water or wells. • **Establish minimum performance criteria for manufactured component approvals.** • **Establish minimum maintenance requirements for approved systems.**
	Owner/User	• Regularly maintain system in proper working order.
TRAINING AND CERTIFICATION/ LICENSING	Licensing Board/ Regulatory Authority	• Develop and administer training, testing, and certification/licensing program for site evaluators, designers, contractors, operators, and pumpers/haulers. • Maintain a current certified/licensed Service Provider listing.
	Service Provider	• Obtain appropriate certification(s)/license(s) and continuing education as required. • Obtain training from the manufacturer or vendor regarding appropriate use, installation requirements, and O&M procedures of any proprietary equipment to be installed. • Comply with applicable federal, state, tribal, and local requirements.
	Owner/User	• When using third-party services, contract only with the appropriate certified/licensed Service Providers.
SITE EVALUATION	Regulatory Authority	• Codify prescriptive requirements for site evaluation procedures. • Codify criteria for treatment site characteristics suitable for permitted designs that will prevent unacceptable impacts on ground and surface water resources. • **Establish alternative site acceptance criteria for approved systems providing enhanced pretreatment.**
	Site Evaluator	• Obtain certification/license to practice. • Describe site and soil characteristics, determine suitability of site with respect to code requirements, and estimate site's hydraulic and treatment capacity. • Comply with applicable federal, state, tribal, and local requirements in the evaluation of sites for wastewater treatment and dispersal.
	Owner	• Hire a certified/licensed site evaluator to perform site evaluation.

[1] *Activities in bold are activities added to program elements from the preceding Management Model.*

PROGRAM ELEMENT	RESPONSIBLE PARTY	ACTIVITY[1]
DESIGN	Regulatory Authority	• Codify prescriptive, preengineered designs that are suitable for treatment sites that meet the appropriate prescriptive site criteria. • **Administer an evaluation program for approving manufactured components for use with pre-engineered designs.**
	Designer	• Obtain certification/license to practice. • Design a treatment system that is compatible with the site and soil characteristics described by the site evaluator. • Comply with applicable federal, state, tribal, and local requirements in the design of wastewater treatment and dispersal systems.
	Owner	• Hire a certified/licensed designer to prepare system design.
CONSTRUCTION	Regulatory Authority	• Administer a permitting program for system construction, including Regulatory Authority review of proposed system siting and design plans. • Perform final construction inspection for compliance assurance and inventory data collection. • Require that record drawings of constructed system be submitted to the Regulatory Authority by Owner. • **Require Owner to submit a copy of system O&M manual to the Regulatory Authority.**
	Contractor/ Installer	• Obtain certification/license to practice. • Construct the system in accordance with the approved plans and specifications. • Prepare record drawings of completed system and submit to Owner. • **Provide Owner with an O&M manual describing component manufacturer's maintenance and troubleshooting requirements/recommendations.** • Comply with applicable federal, state, tribal, and local requirements in the design and construction of wastewater treatment and dispersal systems.
	Designer of Record	• Approve proposed field changes and submit to Owner. • Comply with applicable federal, state, tribal, and local requirements in the design and construction of wastewater treatment and dispersal systems.
	Owner	• Hire a certified/licensed contractor/installer to construct system. • Submit final record drawings of constructed system to Regulatory Authority. • **Submit a copy of system O&M manual to Regulatory Authority to record required maintenance.**
OPERATION & MAINTENANCE	Regulatory Authority	• Provide Owner/User with educational materials regarding system use and care. • Send timely reminder to Owner when scheduled preventive maintenance is due. • **Administer a program that requires the Owner to attest periodically that he or she holds a valid contract with a certified/licensed operator to perform scheduled and any necessary maintenance according to the maintenance requirements described in submitted O&M manual.** • **Require Owner to submit a maintenance report signed/sealed by certified/licensed operator immediately following scheduled maintenance.**
	Operator	• **Obtain certification/license to practice.** • **Inspect and service system as necessary in accordance with the submitted O&M manual.** • **Certify to Owner that the required maintenance was performed in a timely manner, describing any system deficiencies observed.** • **Comply with applicable federal, state, tribal, and local requirements in the operation and maintenance of the treatment and dispersal system.**
	Pumper/Hauler	• Obtain certification/license to practice. • Inspect and service system as necessary. • Comply with applicable federal, state, tribal, and local requirements in the operation and maintenance of treatment and dispersal system.
	Owner	• Hire a certified/licensed pumper/hauler to periodically inspect, service, and remove septage or other residuals for proper treatment and disposal. • **Maintain contractual agreement with a certified/licensed operator to perform scheduled maintenance as required.** • **Inform Regulatory Authority of any change in maintenance contract status.**
	User	• Follow recommendations provided by Regulatory Authority, Service Providers, and/or Owner to ensure that undesirable or prohibited materials are not discharged to system.

MANAGEMENT MODEL 2: MAINTENANCE CONTRACTS

[1] *Activities in bold are activities added to program elements from the preceding Management Model.*

MANAGEMENT MODEL 2: MAINTENANCE CONTRACTS

PROGRAM ELEMENT	RESPONSIBLE PARTY	ACTIVITY[1]
RESIDUALS MANAGEMENT	Regulatory Authority	• Administer a tracking system for residuals hauling, treatment, and disposal and review to evaluate compliance with 40 CFR Part 503 (Use and Disposal of Sewage Sludge), 40 CFR Part 257, and applicable state, tribal, and local requirements. • Inventory available residuals handling/treatment capacities and develop contingency plans to ensure that sufficient capacities are always available.
	Pumper/Hauler	• Comply with applicable federal, state, tribal, and local requirements in the pumping, hauling, treatment, and disposal of treatment system residuals.
COMPLIANCE INSPECTIONS/ MONITORING	Regulatory Authority	• Conduct final construction inspections to ensure compliance with approved plans and permit requirements. • Perform compliance inspections at point-of-sale, change-in-use of properties, "targeted areas," and/or systems reported to be in violation. • Conduct compliance inspections of residuals hauling, treatment, and disposal. • **Administer program for confirming that Owners hold valid maintenance contracts with certified/licensed operators and for monitoring timely submittals of certified maintenance reports.**
	Operator or Pumper/Hauler	• Inform Owner of any noncompliant items observed during routine servicing of system.
	Owner	• Periodically perform a "walk-over" inspection of the system and correct any deficiencies. • **Attest to the Regulatory Authority that a valid contract exists with a certified/licensed operator to perform necessary system maintenance.** • **Submit a maintenance report signed/sealed by a certified/licensed Service Provider immediately following scheduled maintenance.**
CORRECTIVE ACTIONS	Regulatory Authority	• Negotiate compliance schedule with Owner for correcting documented noncompliant items. • Administer enforcement program, including fines and/or penalties for failure to comply with compliance requirements. • Obtain necessary authority to enter property to correct imminent threats to public health if the Owner/User fails to comply.
	Designer	• Provide Owner with documents (drawings, specifications, modifications, etc.) that may be required by Regulatory Authority prior to corrective action.
	Contractor/ Installer	• Perform required repairs, modifications, and upgrades as necessary.
	Owner	• Comply with terms and conditions of the negotiated compliance schedule. • Submit required documents for corrective actions to Regulatory Authority. • Hire appropriate certified/licensed Service Providers to perform required corrective actions.
RECORD KEEPING, INVENTORY, & REPORTING	Regulatory Authority	• Administer a database inventory (locations, site evaluations, record drawings, permits, performed maintenance, inspection reports) of all systems. • Maintain a residuals treatment and disposal tracking system. • Maintain a current certified/licensed Service Provider listing that is available to the public. • **Administer an Owner/Service Provider maintenance contract compliance and certified maintenance report tracking system.** • **Record maintenance contract requirement on property deed.** • **Administer a certified maintenance report tracking system.**
	Operator	• Provide certified report of all maintenance and observed system deficiencies to Owner.
	Pumper/Hauler	• Prepare and submit records of residuals handling as required.
	Owner	• Maintain approved record drawings and **O&M manual** of system. • Maintain maintenance records of system. • Provide drawings, specifications, **O&M manual**, and maintenance records to new property owner at time of property transfer.
FINANCIAL ASSISTANCE & FUNDING	Regulatory Authority	• Provide the legal and financial support to sustain the management program. • Provide a listing of financial assistance programs available to Owner/User and the qualifying criteria for each program. • Consider implementing a state or local financing program to assist Owners in upgrading their systems.

[1] *Activities in bold are activities added to program elements from the preceding Management Model.*

MANAGEMENT MODEL 3: OPERATING PERMITS

Objective: To issue renewable/revocable operating permits to system Owner that stipulate specific and measurable performance criteria for the treatment system and periodic submittals of compliance monitoring reports. The performance criteria are based on risks to public health and water resources posed by wastewater dispersal in the receiving environment. Operating permits allow the use of clustered or onsite systems on sites with a greater range of site characteristics.

PROGRAM ELEMENT	RESPONSIBLE PARTY	ACTIVITY[1]
PUBLIC EDUCATION AND PARTICIPATION	Regulatory Authority	• Educate Owner/User on purpose, use, and care of treatment system. • Provide public review and comment periods of any proposed program and/or rule changes.
	Service Provider	• Be informed of existing rules, and review and comment on any proposed program or rule changes. • Participate in advisory committees established by the Regulatory Authority.
	Owner/User	• Be informed of purpose, use, and care of treatment system. • Be informed of existing rules, and review and comment on any proposed program or rule changes. • Participate in advisory committees established by the Regulatory Authority.
PLANNING	Regulatory Authority	• Coordinate program rules and regulations with state, tribal, and local planning and zoning and other water-related programs. • Evaluate potential risks of wastewater discharges to limit environmental impacts on receiving environments during the rule making process. • Limit potential risks of environmental impacts from residuals management program and evaluate available handling/treatment capacities. • Inform local planning authority of rule changes and recommend its evaluation of potential impacts on land use.
	Developer	• Hire planners, certified site evaluators, and designers to ensure that all lots of proposed subdivision plats meet requirements for onsite treatment prior to final plat.
PERFORMANCE	Regulatory Authority	• Establish system failure criteria to protect public health, e.g., wastewater backups in building, wastewater ponding on ground surface, insufficient separation from ground water or wells. • Establish minimum maintenance requirements for approved systems. • **Establish performance criteria necessary to protect public health and water resources for each defined receiving environment in Regulatory Authority's jurisdiction.**
	Owner/User	• Operate and regularly maintain system in proper working order. • **Operate system to comply with performance criteria stipulated in operating permit.**
TRAINING AND CERTIFICATION/ LICENSING	Licensing Board/ Regulatory Authority	• Develop and administer a training, testing, and certification/licensing program for site evaluators, designers, contractors, operators, pumpers/haulers, and **inspectors**. • Maintain a current certified/licensed Service Provider listing.
	Service Provider	• Obtain appropriate certification(s)/license(s) and continuing education as required. • Obtain training from the manufacturer or vendor regarding appropriate use, installation requirements, and O&M procedures of any proprietary equipment to be installed. • Comply with applicable federal, state, tribal, and local requirements.
	Owner/User	• When using third-party services, contract with only the appropriate certified/licensed Service Providers.
SITE EVALUATION	Regulatory Authority	• Codify prescriptive requirements for site evaluation procedures. • Codify criteria for treatment site characteristics suitable for permitted designs that will prevent unacceptable impacts on ground and surface water resources. • **Establish defining characteristics for each receiving environment in the Regulatory Authority's jurisdiction.**
	Site Evaluator	• Obtain certification/license to practice. • Describe site and soil characteristics, determine suitability of site with respect to code requirements, and estimate site's hydraulic and treatment capacity. • Comply with applicable federal, state, tribal, and local requirements in the evaluation of sites for wastewater treatment and dispersal.
	Owner	• Hire a certified/licensed site evaluator to perform site evaluation.

MANAGEMENT MODEL 3: OPERATING PERMITS

[1] *Activities in bold are activities added to program elements from the preceding Management Model.*

MANAGEMENT MODEL 3: OPERATING PERMITS

PROGRAM ELEMENT	RESPONSIBLE PARTY	ACTIVITY[1]
DESIGN	Regulatory Authority	• Codify prescriptive, preengineered designs that are suitable for treatment sites that meet the appropriate prescriptive site criteria. • **Administer a plan review program for engineered designs to meet stipulated performance criteria.** • **Require submission of routine operation and emergency contingency plans that will sustain system performance and avoid unpermitted discharges.**
	Designer	• Obtain certification/license to practice. • Certified/licensed designer to design treatment system that is compatible with the site and soil characteristics described by the site evaluator. • Comply with applicable federal, state, tribal, and local requirements in the design of wastewater treatment and dispersal systems.
	Owner	• Hire a certified/licensed designer to prepare system design.
CONSTRUCTION	Regulatory Authority	• Administer a permitting program for system construction, including Regulatory Authority review of proposed system siting and design plans. • **Require designer of record to certify that completed system construction is in substantial compliance with approved plans and specifications.** • Require that record drawings of constructed system be submitted to the Regulatory Authority by Owner. • Require Owner to submit a copy of system O&M manual to the Regulatory Authority.
	Contractor/ Installer	• Obtain certification/license to practice. • Construct the system in accordance with the approved plans and specifications. • Prepare record drawings of completed system and submit to Owner. • Provide Owner with an O&M manual describing component manufacturer's maintenance and troubleshooting requirements/recommendations. • Comply with applicable federal, state, tribal, and local requirements in the design and construction of wastewater treatment and dispersal systems.
	Designer of Record	• Approve proposed field changes and submit to Owner. • **Certify that construction of the system is substantially in conformance with the approved plans and specifications.**
	Owner	• Hire a certified/licensed contractor/installer to construct system. • Submit final record drawings of constructed system to Regulatory Authority. • Submit a copy of system O&M manual to Regulatory Authority to record required maintenance.
OPERATION & MAINTENANCE	Regulatory Authority	• Provide Owner/User with educational materials regarding system use and care. • **Administer a program of renewable/revocable operating permits that are issued to Owner stipulating system performance criteria, compliance monitoring reporting schedule, term of permit, and renewal option upon documented compliance with permit.** • **Track and review compliance monitoring reports to ensure that systems are operating in accordance with operating permits.**
	Operator	• Obtain certification/license to practice. • **Inspect and service system as necessary in accordance with the submitted O&M manual and/or operating permit stipulations.** • Certify to Owner that the required maintenance was performed in a timely manner, describing any system deficiencies observed. • Comply with applicable federal, state, tribal, and local requirements in the operation and maintenance of the treatment and dispersal system.
	Pumper/Hauler	• Obtain certification/license to practice. • Inspect and service system as necessary. • Comply with applicable federal, state, tribal, and local requirements in the operation and maintenance of the treatment and dispersal system.
	Owner	• Hire a certified/licensed pumper/hauler or operator to maintain system. • Maintain system in proper working order. • **Operate and maintain the system in accordance with O&M manual and/or operating permit stipulations.** • **Submit compliance monitoring reports to the Regulatory Authority according to the schedule stipulated in the operating permit.**
	User	• Follow recommendations provided by Regulatory Authority and/or Service Providers to ensure that undesirable or prohibited materials are not discharged to system.

[1] *Activities in bold are activities added to program elements from the preceding Management Model.*

PROGRAM ELEMENT	RESPONSIBLE PARTY	ACTIVITY[1]
RESIDUALS MANAGEMENT	Regulatory Authority	• Administer a tracking system for residuals hauling, treatment, and disposal and review to evaluate compliance with 40 CFR Part 503 Use and Disposal of Sewage Sludge, 40 CFR Part 257, and applicable state, tribal, and local requirements. • Inventory available residuals handling/treatment capacities and develop contingency plans to ensure that sufficient capacities are always available.
	Pumper/Hauler	• Comply with applicable federal, state, tribal, and local requirements in the pumping, hauling, treatment, and disposal of treatment system residuals.
COMPLIANCE INSPECTIONS/ MONITORING	Regulatory Authority	• Perform inspection programs at point-of-sale, change-in-use of properties, "targeted areas," and/or systems reported to be in violation. • Conduct compliance inspections of residuals hauling, treatment, and disposal. • **Administer a program to monitor timely submittals of acceptable compliance maintenance reports.** • **Notify Owner of impending scheduled submittals of compliance monitoring reports.** • **Perform system inspections randomly and/or at time of operating permit renewal.**
	Operator or Pumper/Hauler	• Inform Owner of any noncompliant items observed during routine servicing of system.
	Owner	• Submit compliance monitoring reports to Regulatory Authority as stipulated in operating permit. • **Submit compliance inspection report signed/sealed by a certified/licensed inspector prior to applying for renewal of operating permit.**
CORRECTIVE ACTIONS	Regulatory Authority	• Negotiate compliance schedule with Owner for correcting documented noncompliant items. • Administer enforcement program including fines and/or penalties for failure to comply with compliance requirements. • Obtain necessary authority to enter property to correct imminent threats to public health if the Owner/User fails to comply. • **Require system inspection by certified inspector at time of operating permit renewal.**
	Designer	• Provide Owner with documents (drawings, specifications, modifications, etc.) that may be required by Regulatory Authority prior to corrective action.
	Contractor/ Installer	• Perform required repairs, modifications, and upgrades as necessary.
	Inspector	• **Obtain certification/license to practice.** • **Inspect treatment system for compliance with operating permit prior to permit renewal.**
	Owner	• Comply with terms and conditions of the negotiated compliance schedule. • Submit required documents for corrective actions to Regulatory Authority. • Hire appropriate certified/licensed Service Providers to perform required corrective actions.
RECORD KEEPING, INVENTORY, & REPORTING	Regulatory Authority	• Administer a database inventory (locations, site evaluations, record drawings, permits, performed maintenance, and inspection reports) of all systems. • Maintain a residuals treatment and disposal tracking system. • Maintain a current certified/licensed Service Provider listing that is available to the public. • **Administer a tracking system for operating permits.** • **Administer a tracking database for compliance reports.**
	Operator or Inspector	• Provide certified report of all maintenance and observed system deficiencies to Owner. • **Perform system monitoring as stipulated in Owner's operating permit.**
	Pumper/Hauler	• Prepare and submit records of residuals handling as required.
	Owner	• Maintain approved record drawings and O&M manual of system. • Maintain maintenance records of system. • Submit compliance monitoring reports to Regulatory Authority. • Provide drawings, specifications, O&M manual, and maintenance records to new property owner at time of property transfer.
FINANCIAL ASSISTANCE & FUNDING	Regulatory Authority	• Provide the legal and financial support to sustain the management program. • Provide a listing of financial assistance programs available to Owner/User and the qualifying criteria for each program. • Consider implementing a state or local financing program to assist Owners in upgrading their systems.

MANAGEMENT MODEL 3: OPERATING PERMITS

[1] *Activities in bold are activities added to program elements from the preceding Management Model.*

MANAGEMENT MODEL 4: RME OPERATION AND MAINTENANCE

Objective: To ensure that onsite/decentralized systems consistently meet their stipulated performance criteria through Responsible Management Entities that are responsible for operation and performance of systems within their service areas.

MANAGEMENT MODEL 4: RME OPERATION AND MAINTENANCE

PROGRAM ELEMENT	RESPONSIBLE PARTY	ACTIVITY[1]
PUBLIC EDUCATION AND PARTICIPATION	Regulatory Authority	• Educate Owner/User on purpose, use, and care of treatment system. • Hold public meetings to inform the public of any proposed program and/or rule changes.
	Service Provider	• Be informed of existing rules, and review and comment on any proposed program or rule changes. • Participate in advisory committees established by the Regulatory Authority.
	Owner/User	• Be informed of purpose, use, and care of treatment system. • Be informed of existing rules and review and comment on any proposed program and/or rule changes. • Participate in advisory committees established by the Regulatory Authority.
	RME	**• Inform Owner/User of care and use of system.** **• Inform Owner/User of RME requirements and prohibited uses of system.**
PLANNING	Regulatory Authority	• Coordinate program rules and regulations with state, tribal, and local planning and zoning and other water-related programs. • Evaluate potential risks of wastewater discharges to limit environmental impacts on receiving environments during the rule making process. • Limit potential risks of environmental impacts from residuals management program and evaluate available handling/treatment capacities. • Inform local planning authority of rule changes and recommend their evaluation of potential impacts on land use.
	Developer	• Hire planners, certified site evaluators, and designers to ensure that all lots of proposed subdivision plats meet requirements for onsite treatment prior to final plat.
	RME	**• Develop criteria (e.g., site evaluation, design, construction) to be required of systems for acceptance into O&M program and inform Owners.** **• Continuously evaluate existing wastewater treatment needs and forecast future needs.**
PERFORMANCE	Regulatory Authority	• Establish system failure criteria to protect public health, e.g., wastewater backups in building, wastewater ponding on ground surface, insufficient separation from ground water or wells. • Establish minimum maintenance requirements for approved systems. • Establish performance criteria necessary to protect public health and water resources for each defined receiving environment in the Regulatory Authority's jurisdiction.
	Owner	• Regularly maintain system components in proper working order. **• Comply with any RME requirements regarding care and use of the system.**
	RME	**• Operate systems to comply with performance criteria stipulated in the operating permits.**
TRAINING AND CERTIFICATION/ LICENSING	Licensing Board/ Regulatory Authority	• Develop and administer training, testing, and certification/licensing program for site evaluators, designers, contractors, operators, pumpers/haulers, and inspectors. • Maintain a current certified/licensed Service Provider listing.
	Service Provider	• Obtain appropriate certification(s)/license(s) and continuing education as required. • Obtain training from the manufacturer or vendor regarding appropriate use, installation requirements, and operation and maintenance procedures of any proprietary equipment to be installed. • Comply with applicable federal, state, tribal, and local requirements in the evaluation of sites for wastewater treatment and dispersal.
	Owner	• When using third-party services, contract only with the appropriate certified/licensed Service Providers.
	RME	**• When using third-party services, contract with only the appropriate certified/licensed Service Providers.** **• Ensure that RME staff who operate and/or maintain systems obtain appropriate certification(s)/license(s) to practice.** **• Arrange for supplemental training as needed for Service Providers and/or staff to manage, operate, and/or maintain systems.**

[1] *Activities in bold are activities added to program elements from the preceding Management Model.*

PROGRAM ELEMENT	RESPONSIBLE PARTY	ACTIVITY[1]
SITE EVALUATION	Regulatory Authority	• Codify prescriptive requirements for site evaluation procedures. • Codify criteria for treatment site characteristics suitable for permitted designs that will prevent unacceptable impacts on ground and surface water resources. • Establish the defining characteristics of each receiving environment in the Regulatory Authority's jurisdiction. • **Approve and oversee site evaluation procedures required by RME for system acceptance in the O&M program to ensure that system designs are appropriate for the sites and their stipulated performance criteria.**
	Site Evaluator	• Obtain certification/license to practice. • Describe site and soil characteristics, determine suitability of site with respect to code requirements, and estimate site's hydraulic and treatment capacity. • Comply with applicable federal, state, tribal, and local requirements in the evaluation of sites for wastewater treatment and dispersal.
	Owner	• Hire a certified/licensed site evaluator to perform site evaluation. • **Comply with any additional siting requirements established by RME for system acceptance in the O&M program.**
DESIGN	Regulatory Authority	• Codify prescriptive, pre-engineered designs that are suitable for treatment sites that meet the appropriate prescriptive site criteria. • Administer a plan review program for engineered designs to meet stipulated performance criteria. • Require submission of routine operation and emergency contingency plans that will sustain system performance and avoid unpermitted discharges.
	Designer	• Obtain certification/license to practice. • Design treatment system that is compatible with the site and soil characteristics described by the site evaluator. • Comply with applicable federal, state, tribal, and local requirements in the design of wastewater treatment and dispersal systems.
	Owner	• Hire a certified/licensed designer to prepare system design. • Comply with any additional design requirements established by the RME for system acceptance in the O&M program.
CONSTRUCTION	Regulatory Authority	• Administer a permitting program for system construction, including Regulatory Authority review of proposed system siting and design plans. • Require designer of record to certify that completed system construction is in substantial compliance with approved plans and specifications. • Require that record drawings of constructed system be submitted to the Regulatory Authority by Owner. • Require Owner to submit a copy of system O&M manual to the Regulatory Authority and RME.
	Contractor/ Installer	• Obtain certification/license to practice. • Construct system in accordance with the approved plans and specifications. • Prepare record drawings of completed system and submit to Owner. • Provide Owner with an O&M manual describing component manufacturer's maintenance and troubleshooting requirements/recommendations. • Comply with applicable federal, state, tribal, and local requirements in the design and construction of wastewater treatment and dispersal systems.
	Designer of Record	• Approve proposed field changes and submit to Owner. • Certify that construction of the system is substantially in conformance with the approved plans and specifications.
	Owner	• **Comply with any additional construction requirements established by the RME for system acceptance in the O&M program.** • Hire a certified/licensed designer to prepare system design. • Submit final record drawings of constructed system to Regulatory Authority. • Submit a copy of the system O&M manual to the Regulatory Authority and RME to record required maintenance.

MANAGEMENT MODEL 4: RME OPERATION AND MAINTENANCE

[1] *Activities in bold are activities added to program elements from the preceding Management Model.*

MANAGEMENT MODEL 4: RME OPERATION AND MAINTENANCE

PROGRAM ELEMENT	RESPONSIBLE PARTY	ACTIVITY[1]
OPERATION & MAINTENANCE	Regulatory Authority	• Provide Owner/User with educational materials regarding system use and care. • Administer a program of renewable/revocable operating permits that are issued to RME, stipulating system performance criteria, compliance monitoring reporting schedule, term of permit, and renewal option upon documented compliance with operating permit stipulations. • Track and review compliance monitoring reports to ensure that systems are operating in accordance with operating permits. • **Consider replacing individual system operating permits with general permits issued to the RME for classes of systems.**
	Operator	• Inspect and service the system as necessary in accordance with the submitted O&M manual and/or operating permit stipulations. • Perform system monitoring as stipulated in RME's operating permit. • Certify to RME that the required maintenance and monitoring was performed in a timely manner and noting any system deficiencies. • Comply with applicable federal, state, tribal, and local requirements in the operation and maintenance of the treatment and dispersal system.
	Pumper/Hauler	• Obtain certification/license to practice. • Inspect and service system as necessary. • Comply with applicable federal, state, tribal, and local requirements in the operation and maintenance of treatment and dispersal system.
	Owner/User	• Follow recommendations provided by Regulatory Authority, Service Providers, and/or Owner to ensure that undesirable or prohibited materials are not discharged to system. • Maintain system components in proper working order. • **Comply with any RME requirements regarding care and use of system.**
	RME	• **Operate and maintain systems in accordance with the stipulated operating permit requirements.** • **Submit compliance monitoring reports to the Regulatory Authority according to the schedule stipulated in the operating permit.** • Hire a certified/licensed pumper/hauler or operator to maintain system.
RESIDUALS MANAGEMENT	Regulatory Authority	• Administer a tracking system for residuals hauling, treatment, and disposal and review to evaluate compliance with 40 CFR Part 503 Use and Disposal of Sewage Sludge, 40 CFR Part 257, and applicable state, tribal, and local requirements. • Inventory available residuals handling/treatment capacities and develop contingency plans to ensure that sufficient capacities are always available.
	Pumper/Hauler	• Comply with applicable federal, state, tribal, and local requirements in the pumping, hauling, treatment, and disposal of wastewater treatment system residuals.
	RME	• Hire a certified/licensed pumper/hauler to remove, treat, and dispose of residuals. • **Comply with applicable federal, state, tribal, and local requirements in the pumping, hauling, treatment, and disposal of treatment system residuals.** • **Inventory available residuals handling/treatment capacities and develop contingency plans when insufficient capacities are available.**
COMPLIANCE INSPECTIONS/ MONITORING	Regulatory Authority	• Perform inspection programs at point-of-sale, change-in-use of properties, "targeted areas," and/or systems reported to be in violation. • Conduct compliance inspections of residuals hauling, treatment, and disposal. • Administer a program to monitor timely submittals of acceptable compliance maintenance reports. • Perform system inspections randomly and/or at time of operating permit renewal.
	Inspector	• **Obtain certification/license to practice.** • **Perform system compliance inspections for RME in accordance with prevailing Regulatory Authority requirements.**
	RME	• **Submit compliance monitoring reports to the Regulatory Authority as stipulated in operating permit.** • **Submit compliance inspection report signed/sealed by a certified/licensed inspector prior to applying for renewal of operating permit.** • **Conduct regular reviews of management program with Owner/User and Regulatory Authority to optimize system operation program.** • **Hire a certified/licensed inspector to inspect system compliance status.**

[1] *Activities in bold are activities added to program elements from the preceding Management Model.*

PROGRAM ELEMENT	RESPONSIBLE PARTY	ACTIVITY[1]
CORRECTIVE ACTIONS	Regulatory Authority	• Negotiate compliance schedules with RME for correcting documented noncompliance items. • Administer enforcement program including fines and/or penalties for failure to comply with compliance requirements. • Obtain necessary authority to enter property to correct imminent threats to public health if the Owner/User fails to comply. • Require system inspection by certified inspector at time of operating permit renewal. • **Negotiate compliance schedules with RME, Owner/User, or both, for correcting documented noncompliance items.**
	Designer	• Provide Owner/RME with documents (drawings, specifications, modifications, etc.) that may be required by the Regulatory Authority prior to corrective actions.
	Contractor/ Installer	• Perform required repairs, modifications, and upgrades as necessary.
	Inspector	• Inspect treatment system for compliance with operating permit prior to permit renewal.
	Owner	• Comply with terms and conditions of the negotiated compliance schedule for component replacement/repairs. • Submit required documents for corrective actions to Regulatory Authority. • Hire appropriate certified/licensed Service Providers to perform required corrective actions.
	RME	• **Comply with terms and conditions of the negotiated compliance schedule for system performance.**
RECORD KEEPING, INVENTORY, & REPORTING	Regulatory Authority	• Administer a database inventory (locations, site evaluations, record drawings, permits, performed maintenance, and inspection reports) of all systems. • Maintain a residuals treatment and disposal tracking system. • Maintain a current certified/licensed Service Provider listing that is available to the public. • Administer a tracking system for operating permits. • Administer a tracking database for compliance reports. • **Administer periodic financial, management, and technical audits of RME.**
	Operator or Inspector	• Provide certified report of all maintenance and observed system deficiencies to RME. • Provide certified report of all observed system deficiencies to Owner. • Perform system monitoring as stipulated in RME's operating permit.
	Pumper/Hauler	• Prepare and submit records of residuals handling as required.
	Owner	• Maintain approved record drawings and O&M manual of system. • Maintain maintenance records of system. • Provide drawings, specifications, O&M manual, and maintenance records to new property owner at time of property transfer.
	RME	• **Maintain system monitoring and service records.** • **Inventory, collect, and provide permit information to Regulatory Authority.**
FINANCIAL ASSISTANCE & FUNDING	Regulatory Authority	• Provide the legal and financial support to sustain the management program. • Provide a listing of financial assistance programs available to Owner/User and the qualifying criteria for each program. • Consider implementing a state or local financing program to assist Owners in upgrading their systems.
	RME	• **Conduct regular reviews of management program with Owner/User and Regulatory Authority to optimize operations.**

MANAGEMENT MODEL 4: RME OPERATION AND MAINTENANCE

[1] *Activities in bold are activities added to program elements from the preceding Management Model.*

MANAGEMENT MODEL 5: RME OWNERSHIP

Objective: To provide professional management of the planning, siting, design, construction, operation, and maintenance of onsite/decentralized systems through Responsible Management Entities that own and manage individual and clustered systems within their service areas.

MANAGEMENT MODEL 5: RME OWNERSHIP	PROGRAM ELEMENT	RESPONSIBLE PARTY	ACTIVITY[1]
	PUBLIC EDUCATION AND PARTICIPATION	Regulatory Authority	• Educate Owner/User on purpose, use, and care of treatment system. • Provide public review and comment periods of any proposed program and/or rule changes.
		Service Provider	• Be informed of existing rules, and review and comment on any proposed program or rule changes. • Participate in advisory committees established by the Regulatory Authority.
		RME	• Inform User of care and use of system. • Inform User of RME requirements and prohibited uses of system.
		User	• Be informed of purpose, use, and care of treatment system.
	PLANNING	Regulatory Authority	• Coordinate program rules and regulations with state, tribal, and local planning and zoning and other water-related programs. • Evaluate potential risks of wastewater discharges to limit environmental impacts on receiving environments during the rule making process. • Limit potential risks of environmental impacts from residuals management program and evaluate available handling/treatment capacities. • Inform local planning authority of rule changes and recommend their evaluation of potential impacts on land use.
		Developer	• Hire planners, certified site evaluators, and designers to ensure that all lots of proposed subdivision plats meet requirements for onsite treatment prior to final plat.
		RME	• Continuously evaluate existing wastewater treatment needs and forecast future needs. • **Require developers to submit proposed subdivision plats to RME for review and comment to ensure compatibility with RME requirements.** • **Plan most cost-effective approach to meeting treatment needs through appropriate mix of central sewerage, clusters, and individual onsite systems.**
	PERFORMANCE	Regulatory Authority	• Establish system failure criteria to protect public health, e.g., wastewater backups in building, wastewater ponding on ground surface, insufficient separation from ground water or wells. • Establish minimum maintenance requirements for approved systems. • Establish performance criteria necessary to protect public health and water resources for each defined receiving environment in the Regulatory Authority's jurisdiction.
		RME	• Operate, maintain, and repair systems to comply with performance criteria stipulated in the operating permits.
		User	• Comply with any RME requirements regarding care and use of the system.
	TRAINING AND CERTIFICATION/ LICENSING	Licensing Board/ Regulatory Authority	• Develop and administer training, testing, and certification/licensing program for site evaluators, designers, contractors, pumpers/haulers, inspectors, and operators. • Maintain a current certified/licensed Service Provider listing.
		Service Provider	• Obtain appropriate certification(s)/license(s) and continuing education as required. • Obtain training from the manufacturer or vendor regarding appropriate use, installation requirements, and operation and maintenance procedures of any proprietary equipment to be installed. • Comply with applicable federal, state, tribal, and local requirements in the evaluation of sites for wastewater treatment and dispersal.
		RME	• When using-third party services, contract with only certified/licensed Service Providers. • RME staff who site, **design**, **construct**, operate, and/or maintain systems must obtain appropriate certification(s)/license(s) to practice. • Arrange for supplemental training as needed for Service Providers and/or staff to manage, operate, and/or maintain systems.

[1] *Activities in bold are activities added to program elements from the preceding Management Model.*

MANAGEMENT MODEL 5: RME OWNERSHIP

PROGRAM ELEMENT	RESPONSIBLE PARTY	ACTIVITY[1]
SITE EVALUATION	Regulatory Authority	• Codify prescriptive requirements for site evaluation procedures. • Codify criteria for treatment site characteristics suitable for permitted designs that will prevent unacceptable impacts on ground and surface water resources. • Establish the defining characteristics of each receiving environment in the Regulatory Authority's jurisdiction. • Approve and oversee site evaluation procedures used by RME to ensure that system designs are appropriate for the sites and their stipulated performance criteria.
	Site Evaluator	• Obtain certification/license to practice. • Describe site and soil characteristics, determine suitability of site with respect to code requirements, and estimate site's hydraulic and treatment capacity. • Comply with applicable federal, state, tribal, and local requirements in the evaluation of sites for wastewater treatment and dispersal.
	RME	• Hire a certified/licensed site evaluator to perform site evaluation.
DESIGN	Regulatory Authority	• Codify prescriptive, pre-engineered designs that are suitable for treatment sites that meet the appropriate prescriptive site criteria. • Administer the plan review program for engineered designs to meet stipulated performance criteria. • Require routine operation and emergency contingency plans that will sustain system performance and avoid the submission of unpermitted discharges.
	Designer	• Obtain certification/license to practice. • Design treatment system that is compatible with the site and soil characteristics described by the site evaluator. • Comply with applicable federal, state, tribal, and local requirements in the design of wastewater treatment and dispersal systems.
	RME	• Hire a certified/licensed designer to prepare system design.
CONSTRUCTION	Regulatory Design	• Administer a permitting program for system construction, including Regulatory Authority review of proposed system siting and design plans. • Require designer of record to certify that completed system construction is in substantial compliance with approved plans and specifications. • Require that record drawings of constructed system be submitted to the Regulatory Authority by RME.
	Contractor/ Installer	• Obtain certification/license to practice. • Construct system in accordance with the approved plans and specifications. • Prepare record drawings of completed system and submit to RME. • Provide RME with an O&M manual describing component manufacturer's maintenance and troubleshooting requirements/recommendations. • Comply with applicable federal, state, tribal, and local requirements in the design and construction of wastewater treatment and dispersal systems.
	Designer of Record	• Approve proposed field changes and submit to RME. • Certify that construction of the system is substantially in conformance with the approved plans and specifications.
	RME	• Hire a certified/licensed designer to prepare system design. • Submit final record drawings of constructed system to Regulatory Authority. • Submit a copy of system O&M manual to the Regulatory Authority to record required maintenance.

[1] *Activities in bold are activities added to program elements from the preceding Management Model.*

MANAGEMENT MODEL 5: RME OWNERSHIP

PROGRAM ELEMENT	RESPONSIBLE PARTY	ACTIVITY[1]
OPERATION & MAINTENANCE	Regulatory Authority	• Provide User with educational materials regarding system use and care. • Administer a program of renewable/revocable operating permits that are issued to RME that stipulate system performance, compliance monitoring reporting schedule, term of permit, and renewal option upon documented compliance with operating permit stipulations. • Track and review compliance monitoring reports to ensure that systems are operating in accordance with operating permits. • Consider replacing individual system operating permits with general permits issued to RME for classes of systems.
	Operator	• Inspect and service system as necessary in accordance with the submitted O&M manual and/or operating permit stipulations. • Perform system monitoring as stipulated in RME's operating permit. • Certify to RME that the required maintenance and monitoring were performed in a timely manner and noting any system deficiencies. • Comply with applicable federal, state, tribal, and local requirements in the operation and maintenance of the treatment and dispersal system.
	Pumper/Hauler	• Obtain certification/license to practice. • Inspect and service system as necessary. • Comply with applicable federal, state, tribal, and local requirements in the operation and maintenance of the treatment and dispersal system.
	User	• Follow recommendations provided by Regulatory Authority, Service Providers, and/or Owner to ensure that undesirable or prohibited materials are not discharged to system. • Comply with any RME requirements regarding care and use of system.
	RME	• Operate and maintain systems in accordance with the stipulated operating permit requirements. • Submit compliance monitoring reports to the Regulatory Authority according to the schedule stipulated in the operating permit. • Hire a certified/licensed pumper/hauler or operator to maintain system.
RESIDUALS MANAGEMENT	Regulatory Authority	• Administer a tracking system for residuals hauling, treatment, and disposal and review to evaluate compliance with 40 CFR Part 503 Use and Disposal of Sewage Sludge, 40 CFR Part 257, and applicable state, tribal, and local requirements. • Inventory available residuals handling/treatment capacities and develop contingency plans when capacities available are insufficient.
	Pumper/ Hauler	• Comply with applicable federal, state, tribal, and local requirements in the pumping, hauling, treatment, and disposal of wastewater treatment system residuals.
	RME	• Hire a certified/licensed pumper/hauler to remove, treat, and dispose of residuals. • Comply with applicable federal, state, tribal, and local requirements in the pumping, hauling, treatment, and disposal of treatment system residuals. • Inventory available residuals handling/treatment capacities and develop contingency plans when capacities available are insufficient.
COMPLIANCE INSPECTIONS/ MONITORING	Regulatory Authority	• Perform inspection programs at point-of-sale, change-in-use of properties, "targeted areas," and/or systems reported to be in violation. • Conduct compliance inspections of residuals hauling, treatment, and disposal. • Administer a program to monitor timely submittals of acceptable compliance maintenance reports. • Perform system inspections randomly and/or at the time of operating permit renewal.
	Inspector	• Obtain certification/license to practice. • Perform system compliance inspections for RME in accordance with prevailing Regulatory Authority requirements.
	RME	• Submit compliance monitoring reports to Regulatory Authority as stipulated in operating permit. • Submit a compliance inspection report signed/sealed by a certified/licensed inspector prior to applying for renewal of operating permit. • Conduct regular reviews of management program with Regulatory Authority to optimize system operation program. • Hire a certified/licensed inspector to inspect system compliance status.

[1] *Activities in bold are activities added to program elements from the preceding Management Model.*

PROGRAM ELEMENT	RESPONSIBLE PARTY	ACTIVITY[1]
CORRECTIVE ACTIONS	Regulatory Authority	• Negotiate compliance schedules with RME for correcting documented noncompliance items. • Administer the enforcement program including fines and/or penalties for failure to comply with compliance requirements. • Require system inspection by a certified inspector at time of operating permit renewal. • Negotiate compliance schedules with RME for correcting documented noncompliance items.
	Designer	• Provide RME with documents (drawings, specifications, modifications, etc.) that may be required by the Regulatory Authority prior to corrective action.
	Contractor/ Installer	• Perform required repairs, modifications, and upgrades as necessary.
	Inspector	• Inspect treatment system for compliance with operating permit prior to permit renewal.
	RME	• Comply with terms and conditions of the negotiated compliance schedule. • Submit required documents for corrective actions to the Regulatory Authority. • Hire appropriate certified/licensed Service Providers to perform required corrective actions.
RECORD KEEPING, INVENTORY, & REPORTING	Regulatory Authority	• Administer a database inventory (locations, site evaluations, record drawings, permits, and inspection reports) of all systems within the Regulatory Authority's jurisdiction. • Maintain a residuals treatment and disposal tracking system. • Maintain a current certified/licensed Service Provider listing, which is available to the RMEs. • Administer a tracking system for operating permits. • Administer a tracking database for compliance reports. • Administer financial, management, and technical audits of RME.
	Operator or Inspector	• Provide a certified report of all maintenance and observed system deficiencies to RME. • Provide a certified report of all observed system deficiencies to Owner. • Perform system monitoring as stipulated in RME's operating permit.
	Pumper/Hauler	• Prepare and submit records of residuals handling as required.
	RME	• Maintain system monitoring and service records. • Inventory, collect, and provide permit information to Regulatory Authority.
FINANCIAL ASSISTANCE & FUNDING	Regulatory Authority	• Provide the legal and financial support to sustain the regulatory program. • Provide a listing of financial assistance programs available to RME and the qualifying criteria for each program. • Consider implementing a state or local financing program to assist RME in upgrading systems.
	RME	• Conduct regular reviews of management program with Regulatory Authority to optimize operations.

MANAGEMENT MODEL 5: RME OWNERSHIP

[1] *Activities in bold are activities added to program elements from the preceding Management Model.*

DRAFT April 10, 2008

Southwest Florida Regional Planning Council

Managed Care Model Guidance for Onsite Wastewater Systems Planning, Treatment and Management

Resolution #2008-02

A RESOLUTION RELATING TO ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS WITHIN SOUTHWEST FLORIDA; PROVIDING SPECIFIC RECOMMENDATIONS AND GUIDELINES TO BE CONSIDERED BY LOCAL GOVERNMENT JURISDICTIONS FOR THE REGULATION, MANAGEMENT AND CONTROL OF ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS; PROVIDING RECOMMENDED DEFINITIONS; PROVIDING RECOMMENDATIONS FOR THE REGULAR MAINTENANCE AND INSPECTION OF EXISTING ONSITE WASTEWATER SYSTEMS AND ADOPTING INSPECTION STANDARDS AND REQUIRING TRAINING FOR SYSTEM INSPECTORS; PROOF OF MAINTENANCE AND INSPECTION TO BE PROVIDED TO THE LOCAL GOVERNMENT HEALTH DEPARMENT OR RESPONSIBLE MAINTENANCE ENTITY ON A FORM PREPARED BY THAT ENTITY; PROVIDING PERFORMANCE STANDARDS FOR ONSITE WASTEWATER SYSTEMS; PROVIDING RECOMMENDATIONS ON DEVELOPING INTEGRATED MANAGEMENT PLANS USING MANAGEMENT MODELS FOR CENTRALIZED AND DECENTRALIZED TREATMENT SYSTEMS, PROVIDING RECOMMENDATIONS FOR PUBLIC EDUCATION PROGRAMS; PROVIDING RECOMMENDATIONS FOR APPEALS, ADMINISTRATIVE RELIEF AND PENALTIES; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Southwest Florida is a region where the water quality of the bays, estuaries, rivers, lakes, wetlands, bayous and the Gulf of Mexico is critical to the region's environmental, economic, and recreational prosperity and to the health, safety and welfare of the citizens of this region; and

WHEREAS, recent increased frequency and duration of red tide blooms and increased accumulation of red drift algae on local beaches and other algae and water related problems have heightened community concerns about water quality and cultural eutrophication of surrounding waters; and

WHEREAS, there is a need to develop a stronger knowledge of the connection between activities in yards, streets, and stormwater systems and natural water bodies among all those who live, work and recreate in the Southwest Florida Region; and

WHEREAS, this resolution is part of a multi-pronged effort by the Southwest Florida Regional Planning Council to reduce nutrient leaching and runoff problems by actions including, but not limited to, stormwater management, water conservation, septic systems, central sewage treatment, public education, restoration of surface and groundwater levels; and regional drainage of native habitats; and

WHEREAS, onsite wastewater treatment systems are commonly used in various forms throughout southwest Florida; and

WHEREAS, leaching and runoff of nutrients, pharmaceuticals, personal care products and pathogen contamination from substandard, improperly located or malfunctioning onsite wastewater treatment systems can contribute to pathogen, nitrogen and phosphorus pollution of the Southwest Florida's water resources; and

NOW, THEREFORE, BE IT RESOLVED by the Southwest Florida Regional Planning Council that the following provisions are recommended to local government jurisdictions in Southwest Florida as a basis for controlling, regulating, managing and monitoring the use and application of onsite wastewater treatment systems in Southwest Florida:

SECTION 1: PURPOSE AND INTENT

A. The Southwest Florida Regional Planning Council declares its support for the reasonable regulation and control of onsite wastewater systems and hereby provides specific management guidelines for onsite wastewater systems in order to minimize the negative environmental effects said systems have in and on Southwest Florida lakes, canals, estuaries, interior wetlands, rivers and near shore waters of the Gulf of Mexico. Collectively these water bodies are a natural asset, which are critical to the environmental, recreational, cultural and economic well being of this region and the surrounding areas and contribute to the general health and welfare of the public. Recent bacteriological contamination, red tide blooms, accumulation of red drift algae on local beaches, and the freshwater releases from Lake Okeechobee via the Caloosahatchee River have heightened community concerns about water quality and eutrophication of estuary, bay, river and coastal waters. Regulation of nutrients, including both phosphorus and nitrogen entering the water bodies in this region and prevention of pathogen contamination is a crucial step towards improving and maintaining water and habitat quality.

B. The purpose of this Resolution is to provide specific recommendations and guidelines to be considered by local government jurisdictions in Southwest Florida for the regulation of onsite wastewater systems.

C. Properly designed, installed, sited and maintained onsite wastewater systems are an effective means to deal with sewage. Current regulatory requirements only address the installation of septic systems, and there are few systematic educational opportunities instructing homeowners on septic system maintenance requirements. Hence, homeowners frequently do not understand the maintenance requirements of septic systems leading to system failures and a shortened system lifespan. While most operational failures that directly affect the homeowner are identified and

corrected promptly, the detection of functional failure of septic systems generally occurs when the water quality in an adjacent water body degrades and the search for potential sources identifies failing septic systems. The current response mechanism is reactive and results in repairs that are more expensive and time-consuming. In addition, onsite treatment regulations currently rely on prescriptive criteria that specify the type of system that must be installed and the types and depth of soils that must be present. They also require mandatory setbacks from seasonally high water tables, property lines, wells, surface waters, and other landscape features so that sewage impacts to these features do not occur. To be effective, these standards must be location-specific depending on geology, soils, slopes and groundwater tables of the location. Performance-based approaches are an alternative to prescriptive standards that makes use of emerging technology to select and size system technologies appropriate for the estimated flow and strength of the wastewater at the site where treatment is to occur. Therefore, this resolution seeks to establish a proactive approach to onsite wastewater system management and to further the use of performance-based permitting approaches. The principal objectives of this Resolution are as follows:

a. The protection of Southwest Florida's lakes, rivers and streams, wetlands, and groundwater essential to the promotion of public health, safety, welfare, socioeconomic growth and development of the region in perpetuity.

b. The proper management of onsite wastewater treatment systems to prevent the entry and migration of contaminants, thereby ensuring the non-degradation of surface water and groundwater.

c. The establishment of minimum standards for onsite wastewater systems management to prevent contamination and, if contamination is discovered, the identification and control of its consequences and the abatement of its source and migration.

d. The prevention and control of water-borne disease, lake degradation, groundwater related hazards, and public nuisance conditions through regular maintenance and inspections by trained operations and maintenance professionals.

SECTION 2: RECOMMENDED DEFINITIONS

The following are the minimum recommended definitions and the words, terms, and phrases when used in this Resolution shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Aerobic Treatment Unit (ATU): A mechanical wastewater treatment unit that provides secondary wastewater treatment for a single home, a cluster of homes, or a commercial establishment by mixing air (oxygen) and aerobic and facultative microbes with the wastewater. ATUs typically use a suspended growth process (such as activated sludge-

extended aeration and batch reactors), a fixed-film process (similar to a trickling filter), or a combination of the two treatment processes.

Alternative Onsite Treatment System: A wastewater treatment system that includes components different from those typically used in a conventional septic tank and subsurface wastewater infiltration system (SWIS). An alternative system is used to achieve acceptable treatment and dispersal of wastewater where conventional systems either might not be capable of protecting public health and water quality or are inappropriate for properties with shallow soils over groundwater or bedrock or soils with low permeability. Examples of components that can be used in alternative systems are sand filters, aerobic treatment units, disinfection devices, and alternative subsurface infiltration designs such as mounds, gravel-less trenches, and pressure and drip distribution.

NSF Standard 40 Treatment Units and Advanced Wastewater Treatment Units: a sewage treatment unit which introduces air into sewage to provide aerobic biochemical stabilization within a treatment receptacle.

Onsite Sewage Treatment and Disposal System (OSTDS): Any domestic sewage treatment and disposal facility, including standard subsurface systems, gray-water systems, laundry wastewater systems, alternative systems or experimental systems, installed on land of the owner or on other land to which the owner or owners have the legal right to install a system.

Centralized Wastewater System: A managed system consisting of collection sewers and a single treatment plant used to collect and treat wastewater from an entire service area. Traditionally, such a system has been called a publicly owned treatment works (POTW) as defined at 40 CFR 122.2.

Clustered System: A wastewater collection and treatment system under some form of common ownership that collects wastewater from two or more dwellings or buildings and conveys it to a treatment and dispersal system located on a suitable site near the point of origin.

Comprehensive Plan: The local government comprehensive plan pursuant to Ch 163.3164 et seq, Florida Statutes. Plan recommends the land use densities and intensities. The general sanitary sewer element (Section 163.3177 (6) C) shall incorporate the integrated, comprehensive management plans for onsite/decentralized and centralized wastewater treatments systems as set forth in Section 6 below.

Decentralized wastewater treatment systems: individual onsite or clustered wastewater systems (commonly referred to as septic systems, private sewage systems, individual sewage treatment systems, onsite sewage disposal systems, or “package” plants) used to collect, treat, and disperse or reclaim wastewater from individual dwellings, businesses, or small communities or service areas.

Department: the Local Government Health Department.

Drainfield: a system of open-jointed or perforated piping approved alternative distribution units or other treatment facilities designed to distribute effluent for filtration, oxidation and absorption by soil within the zone of aeration.

Failure: a condition existing within an onsite wastewater treatment or decentralized system which prohibits the system from functioning in a sanitary manner and which results in the discharge of untreated or partially treated wastewater onto ground surface, into surface water, into groundwater, or which results in the failure of building plumbing to discharge properly.

Management Model: A 13-element program designed to protect and sustain public health and water quality through the use of appropriate policies and administrative procedures that define and integrate the roles and responsibilities of the regulatory authority, system owner, service providers, and management entity, when present, to ensure that onsite and clustered wastewater treatment systems are appropriately managed throughout their life cycle. The program elements include public education and participation; planning; performance; training and certification/licensing; site evaluation; design; construction; operation and maintenance; residuals management; compliance inspections/monitoring; corrective actions; recordkeeping, inventory, and reporting; and financial assistance and funding. Management services should be provided by properly trained and certified personnel and tracked through a comprehensive management information system.

Performance-based treatment system: a specialized onsite sewage treatment and disposal system designed by a professional engineer with a background in wastewater engineering, licensed in the state of Florida, using appropriate application of sound engineering principles to achieve specified levels of CBOD5 (carbonaceous biochemical oxygen demand), TSS (total suspended solids), TN (total nitrogen), TP (total phosphorus), and fecal coliform found in domestic sewage waste, to a specific and measurable established performance standard. This term also includes innovative systems.

Performance-Based Management Program: A program designed to preserve and protect public health and water quality by seeking to ensure sustained achievement of specific, measurable performance criteria based on site and risk assessments.

Performance Criteria: Any criteria established by the regulatory authority to ensure future compliance with the public health and water quality goals of the community, the state or tribe, and the federal government. Performance criteria can be expressed as numeric limits (e.g., pollutant concentrations, mass loads, wet weather flow, structural strength) or narrative descriptions of desired conditions or requirements (e.g., no visible scum, sludge, sheen, odors, cracks, or leaks).

Prescription-Based Management Program: A program designed to preserve and protect public health and water quality by specifying pre-engineered system designs for specific sets of site conditions such that systems that are sited, designed, and constructed properly are deemed to meet public health and water quality standards.

Prescriptive Requirements: Specifications for design, installation, and other procedures and practices for onsite or clustered wastewater systems on sites that meet stipulated criteria. Proposed deviations from the stipulated criteria, specifications, procedures, or practices require formal approval from the regulatory authority.

Owner: The fee owner(s). Ownership interests shall be determined by reference to the records of the Local Government. The owner of each lot upon served by an onsite wastewater system is responsible for the lawful operation and maintenance of each onsite wastewater system.

Person: an individual, public or private corporation, company, association, partnership, municipality, agency of the state, district, federal or any other legal entity or its legal representative, agent or assignee.

Repair: modifications or additions to a failing or substandard system that are necessary to allow the system to function or must be made to eliminate a public health or pollution hazard. Pumping of septage from a system or making minor structural corrections to a septic tank does not constitute a repair.

Regulatory Authority: The unit of government that establishes and enforces codes related to the permitting, design, placement, installation, operation, maintenance, monitoring, and performance of onsite and clustered wastewater systems.

Responsible Maintenance Entity: A legal entity responsible for providing various management services with the requisite managerial, financial, and technical capacity to ensure the long-term, cost-effective management of decentralized onsite or clustered wastewater treatment facilities in accordance with applicable regulations and performance criteria.

Septic tank: a watertight receptacle constructed to promote separation of the solid and liquid components of wastewater, to provide limited digestion of organic matter, to store solids and to allow clarified liquid to discharge for further treatment in soil absorption systems and other treatment devices.

Septic tank contractor: a contractor whose services are unlimited in the septic tank trade and is registered and licensed by the department of health in accordance with the provisions of F.S. § *489.552.*

Surface water: a recognizable body of water, including swamp or marsh areas, bay heads, cypress ponds, sloughs and natural or constructed ponds contained within a recognizable boundary. This does not include storm water retention or detention areas designed to contain standing or flowing water for less than 72 hours after a rainfall. The landward extent of waters shall be demarcated by F.A.C. 62-4.022; however, in no case shall the landward extent of such waters extend above the elevation of the one in ten-year recurring flood extent, or that area of land occupied by standing or flowing water for more than 30 consecutive days per year, as calculated on an average annual basis, whichever is more landward. Such extent shall be defined by species of plants or soils that are characteristic of those areas subject to regular and periodic inundation.

SECTION 3: RECOMMENDATIONS RELATING TO ONSITE WASTEWATER DISPOSAL SYSTEMS; INSPECTION PROCEDURES; ASSESMENT

A. Inspection Procedures: All inspections shall be performed by registered septic tank contractors, licensed plumbers, licensed wastewater treatment plant operators, or certified environmental health professionals with training on the units being inspected. Procedures used by the inspector shall be documented. At a minimum, the inspection shall include a tank inspection, a drainfield inspection, and a written assessment of the condition of the system. At any time where the inspector finds that the system is in failure, or has been in failure, the inspector shall inform the owner and the County Health Department and Responsible Maintenance Entity of the findings.

1. Existing septic systems or other onsite sewage treatment and disposal systems shall be inspected every three to five years at a minimum. .

2. The inspection is designed to assess the condition of a system at a particular moment in time. The inspection will identify obvious substandard systems, for example, systems without drainfields, systems with overflow pipes, or systems otherwise discharging improperly treated sewage. The inspection is not designed to determine precise code compliance, nor precise information to demonstrate that the system will adequately serve the use to be placed upon it by this or any subsequent owner. Nothing in this section shall be construed to limit the amount of detail an inspector may provide at their professional discretion. Inspectors must receive advanced training in operations and maintenance of onsite wastewater systems and inspector training.

3. Aerobic treatment units and performance-based treatment systems shall not be evaluated using these criteria; rather the responsible management entity or inspector shall obtain an operating permit from the Department of Health. These inspection procedures are intended to be used as a minimum standard when these types of inspections are performed. Additional inspections may be performed.

4. This procedure shall be used for onsite sewage treatment and disposal system inspection at a minimum of once every three to five years to ensure that systems are not harming the environment or public health.

5. Tank Inspection: The tank must be pumped at the time of inspection to determine its capacity. Visual inspection of the tank must be made when the tank is empty to: a) detect cracks, leaks, or other defects, b) check baffles and tees to ensure they are intact and secure, c) note the presence and condition of outlet device, effluent filters and compartment walls, d)

note any structural defects in the tank, e) note the condition and fit of the tank lid, including manholes. If the tank, in the professional opinion of the inspector, is in danger of being damaged by leaving the tank empty after inspection, the tank will be refilled with water prior to concluding the inspection. Where proof of a tank pumping, permitted new installation or permitted repair, or permitted modification can be documented within the previous repair, or permitted modification can be documented within the previous three years, and where the document states the capacity of the tank and that the condition of the tank does not constitute a sanitary nuisance, the inspector may waive the pumping requirement.

6. Drainfield Inspection: The drainfield area should be probed at the time of inspection to determine its location and approximate size. Note whether the drainfield is a trench or bed configuration and whether it is made of mineral aggregate, non- mineral aggregate or plastic chambers. In addition, note any indications of previous failure, such as the condition of surface vegetation. For example, is there any seepage visible or excessively lush vegetation. The inspection should note if there is ponding water within the drainfield and if there is even distribution of effluent in the field. The inspection should note any downspouts or drains that encroach or drain into the drainfield area. Where the system contains pumps, siphons, alarms, the following information is required:

a. Dosing tank integrity, approximate volume and material used in construction (i.e., concrete, fiberglass, plastic)
b. Pump elevated off the bottom of the chamber
c. Pump operational status
d. If there is a check valve, is a purge hole present?
e. Is there a high water alarm present?
f. Type of alarm (audio/visual/both) and the location
g. Does the alarm work?
h. Do electrical connections appear satisfactory?
i. Can surface water infiltrate into the tank?
j. Indicate whether the pump tank was pumped out

B. Assessment: The inspector shall provide a copy of a written signed inspection report to the person requesting the assessment and the owner of the system and to the county health department within 5 days of completing the inspection. The report shall indicate whether the system is or is not, in the professional opinion of the inspector:

a. A sanitary nuisance through:
• allowing the discharge of untreated or improperly treated waste.
• an improperly built or maintained sewage treatment tank.
• the creation, maintenance, or causing of any condition capable of breeding flies,

mosquitoes, or any other arthropods capable of transmitting diseases directly or indirectly to humans.
b. The report will indicate any maintenance that needs to be performed on the system.

C. Disclosure Statements:

The following conditions, when determined during the course of an inspection, shall be disclosed using the appropriate disclosure statement(s) below:
1. When the inspector detects cracks, leaks, improper fit or other defects in the tank, manholes or lid; the report shall state that the damaged or defective item or tank be properly corrected.
2. When the inspector detects any missing or damaged component of the system, the report shall state that the missing or damaged component be replaced or an approvable replacement reinstalled in the system.
3. When the inspector detects previous failure indicators, these should be documented in the report.
4. When the inspector detects ponding of the drainfield or uneven distribution of effluent, documentation of the extent of such ponding or uneven distribution shall be included in the report.
5. When the inspector detects downspouts or other storm water or other source of water directed toward the system, the report shall state that these sources be directed away from the system.
6. When the inspector finds that any portion of the drainfield is covered by pavement or driveways that the pavement or driveway be removed from that location.

D. Any condition or situation existing on the site at the time of the inspection that, in the opinion of the inspector, would possibly interfere with the proper function or restrict any future repair to or modification to the existing system shall be included in the report.

SECTION 4: RECOMMENDATIONS RELATING TO ONSITE WASTEWATER DISPOSAL SYSTEMS; BEST AVAILABLE TECHNOLOGY; RELATIONSHIP TO CENTRAL SYSTEMS

A. No new onsite wastewater treatment systems should be permitted on Barrier Islands, Bay Islands, Sound Islands, Pass Islands or the like unless they meet performance criteria described in Section 5 below.

B. Existing systems on Barrier Islands, Bay Islands, Sound Islands, Pass Islands or the like shall be upgraded until the system meets performance criteria described in Section 5 below including evaluation criteria.

C. No new onsite wastewater treatment systems should be permitted on the mainland unless there is no available connection to a centralized sewer system and the onsite systems meet performance criteria described in Section 5 below including evaluation criteria.

D. When centralized wastewater collection systems are in or come into contact with onsite wastewater treatment systems, the onsite wastewater treatment system owners will hook up to the Central Wastewater Treatment System and apply for a permit to decommission the onsite system. Exemptions are allowed for those communities who choose to implement Management models 4 or 5 of Section 6(c) below and in addition whose systems meet performance criteria in Section 5 below.

E. Existing onsite wastewater treatment systems within the service area of an existing Central Wastewater Treatment System will hook up to that Central Wastewater Treatment System and apply for a permit to abandon the onsite system. Exemptions to this provision E are allowed for those communities who choose to implement Management models 4 or 5 of Section 6(c) below and in addition whose systems meet performance criteria in Section 5 below.

F. Where existing onsite wastewater treatment systems are not within or adjacent to a central wastewater treatment system, onsite wastewater treatment systems will be replaced or improved as needed to Best Available Technology (BAT) Standards with no discharge to surface waters and that meet performance standards described in Section 5 below, including evaluation criteria

G. New facilities will be constructed in such a way as to minimize the cost and logistical problems for later hook-ups to centralized systems at such time as this option becomes available. New developments will run dry pipe for connection to the central service. Exemptions to this provision G are allowed for those communities who choose to implement Management models 4 or 5 of Section 6(c) below and in addition whose systems meet performance criteria in Section 5 below.

SECTION 5: RECOMMENDED PERFORMANCE STANDARDS FOR ONSITE/DECENTRALIZED TREATMENT SYSTEMS

A. New onsite/decentralized treatment systems including retrofits of existing systems shall meet performance criteria set forth herein or at a minimum those set forth in Florida Administrative Code, Chapter 64E-6.025(2) Advanced Wastewater Treatment Standards for performance-based systems. Existing systems will be upgraded to meet these criteria as soon as practicable as determined in local management plans for onsite/decentralized and centralized treatment systems described in Section 6 below.

1) Sewage waste and effluent from onsite treatment systems shall not be discharged onto the ground surface or directly or indirectly discharged into ditches, drainage structures, groundwater, surface waters, or aquifers.

2) No net increase in suspended material, nutrients or pathogens will result from onsite treatment systems to surface waters or groundwater.

3) Effluent from onsite treatment units shall be disposed of in conformance with requirements of the Department of Health, Responsible Maintenance Entity (RME), Department of Environmental Protection and local government wastewater treatment management plans.

4) Applications for new individual onsite system permits shall be made to the Department of Health and the local RME if the latter is required by the local wastewater management plan. The application and all supporting information shall be signed, dated and sealed by an engineer, registered in the State of Florida. Applications shall include at a minimum:

   (a) System design criteria, to include performance levels for the performance-based system and monitoring requirements and monitoring locations, and method of monitoring flow through the system.
   (b) System design calculations for the performance-based system.
   (c) A monitoring protocol designed to validate that the system will meet performance criteria herein and perform to the engineer's design specifications.
   (d) Compelling evidence that the system will function properly and reliably to meet these requirements. Such compelling evidence shall include one or more of the following from a third-party testing organization approved through the NSF Environmental Technology Verification Program:
      1. side stream testing.
      2. testing of systems in other states with similar soils and climates.
      3. laboratory testing.
   (e) Other information as required by Florida Administrative Code Chapter 64E-6.

5) Evaluation criteria: A monitoring plan shall be implemented to evaluate the system's performance to ensure the system is meeting the performance criteria herein. At minimum, monitoring will encompass sampling a location upstream and another downstream of the system. Compliance with required performance standards shall be met at the downstream property line. If the system is non-compliant, a plan must be created and implemented to put the system into compliance.

6) Implementation and enforcement methods: Local requirements can be enforced through a variety of methods. These include developing building permitting procedures that require proof of installation of a compliant system prior to issuing the certificate of occupancy. They may also include identifying the county health department as the enforcement

agency. Local governments should also identify the responsible legal counsel for enforcement activities.

B. Decentralized or clustered wastewater systems (commonly referred to as septic systems, private sewage systems, individual sewage treatment systems, onsite sewage disposal systems, or "package" plants) used to collect, treat, and disperse or reclaim wastewater from individual dwellings, businesses, or small communities or service areas will meet or exceed prescribed criteria described in SWFRPC Resolution #2007-05, hereby incorporated by reference.

SECTION 6: RECOMMENDATIONS RELATING TO DEVELOPING INTEGRATED, COMPREHENSIVE MANAGEMENT PLANS FOR ONSITE/DECENTRALIZED AND CENTRALIZED TREATMENT SYSTEMS

A. Local governments will ensure the development of integrated, comprehensive management plans for planning and managing all wastewater treatment systems, including onsite/decentralized and centralized systems for the communities within their jurisdiction **by no later than 2012**. Communities contiguous with or otherwise impacting those waterbodies listed as verified impaired by the Florida Department of Environmental Protection will receive prioritization in this process. Local governments will ensure community residents and other citizens are involved in the creation of the management plans.

B. Management plans will include a description of how each community will implement a comprehensive, life-cycle series of elements and activities that address public education and participation, planning, performance, site evaluation, design, construction, operation and maintenance, residuals management, training and certification/ licensing, inspections, monitoring, corrective actions, recordkeeping/ inventorying/ reporting, and financial assistance and funding for all wastewater treatment systems, including onsite/decentralized and central sewer. The management plan will establish the distinct roles and responsibilities of participants, which will include at minimum: regulatory and elected officials, developers and builders, soil and site evaluators, engineers and designers, contractors and installers, manufacturers, pumpers and haulers, inspectors, management entities, utilities and property owners. Management plans should also recognize and address the inter-relationship between potable water sources and wastewater discharge. Replenishment of water supply aquifers is beneficial and can avoid adverse impacts including drawdown of water tables and saltwater intrusion. Reuse systems should be considered as a potential source of irrigation water for both centralized and decentralized systems.

C. Management plans will provide detailed information on locations where onsite/decentralized systems will be considered a permanent or near-term treatment option and those locations projected to be connected to central sewer systems. Soils, geology, groundwater tables, distance to surface waters, sensitive lands and other factors will be considered when developing the management plan and the determination of types of wastewater treatment option appropriate for each community. For those locations whereby onsite/decentralized systems will

be considered a permanent or near-term treatment option, one or more of the following U.S. EPA management models will be applied depending on the sensitivity and suitability of the environment. Five separate model programs are briefly presented below as a progressive series; more detailed descriptions are included in the Attachment. Management requirements of onsite/decentralized wastewater systems become more rigorous as the system technologies become more complex or as the sensitivity of the environment increases. Each of the model programs shares the common goal of protecting human health and the environment and includes elements and activities needed to achieve the management objectives. The five model management programs are as follows:

1. Management Model 1 - “Homeowner Awareness” specifies appropriate program elements and activities where treatment systems are owned and operated by individual property owners in areas of low environmental sensitivity. This program is adequate where treatment technologies are limited to conventional systems that require little owner attention. Systems are properly sited and constructed based on prescribed criteria. System owners are made aware of maintenance needs through reminders. There exists an inventory of all systems.
2. Management Model 2 - “Maintenance Contracts” specifies program elements and activities where more complex designs are employed to enhance the capacity of conventional systems to accept and treat wastewater. Because of treatment complexity, contracts with qualified technicians are needed to ensure proper and timely maintenance. Systems are properly sited and constructed. Systems require service contracts to be maintained. There exists an inventory of all systems and service contract tracking system.
3. Management Model 3 - “Operating Permits” specifies program elements and activities where sustained performance of treatment systems is critical to protect public health and water quality. Limited-term operating permits are issued to the owner and are renewable for another term if the owner demonstrates that the system is in compliance with the terms and conditions of the permit. Performance-based designs may be incorporated into programs with management controls at this level. Regulatory authority establishes system performance and monitoring requirements that allows engineered designs but may provide prescriptive designs for specific receiving environments. There exists regulatory oversight by issuing renewable operating permits that may be revoked for noncompliance. There exists an inventory of all systems and a tracking system for operating permit and compliance monitoring. This model is a minimum for large-capacity and cluster systems. This is the minimum model recommended for environmentally sensitive areas (e.g. sites with poor soils, high seasonal water tables, high densities of existing systems, systems near surface waters or in floodplains).
4. Management Model 4 - “Responsible Management Entity (RME) Operation and Maintenance” specifies program elements and activities where frequent and highly reliable operation and maintenance of decentralized systems is required to ensure water resource protection in sensitive environments. The

operating permit is issued to an RME instead of the property owner to provide the needed assurance that the appropriate maintenance is performed. Regulatory authority establishes system performance and monitoring requirements and is provided regulatory oversight by issuing operating or NPDES permits directly to the RME. (System ownership remains with the property owner.) There exists an inventory of all systems and a tracking system for operating permit and compliance monitoring.

5. Management Model 5 - "RME Ownership" specifies that program elements and activities for treatment systems are owned, operated, and maintained by the RME, which removes the property owner from responsibility for the system. This program is analogous to central sewerage and provides the greatest assurance of system performance in the most sensitive of environments. Regulatory authority establishes system performance and monitoring requirements and is provided regulatory oversight by issuing operating or NPDES permit. Qualified, trained, licensed, professional management of all aspects of onsite/decentralized systems through public/private RMEs that own or manage individual systems. There exists an inventory of all systems and a tracking system for operating permit and compliance monitoring.

The program elements and activities listed for each management model are considered to be the minimum elements and activities necessary to achieve the stated management objectives. Elements from 2 or more models can be combined depending on the needs of the community and sensitivity of the local environment. The general framework for the management plan regarding onsite/decentralized treatment types should be derived from the above descriptions, but it should be tailored to suit local circumstances and preferences.

D. The Management Plan shall be incorporated into local government planning, including County Comprehensive Plans. A map depicting locations where onsite/decentralized systems will be considered a permanent or near-term treatment option and those locations projected to be connected to central sewer systems will be included in the sanitary sewer section of the local government Comprehensive Plan. The section will also include information indicating which management model(s) will be employed for each region or district throughout the jurisdiction. Management Plan requirements will be incorporated into the local government land development regulations.

SECTION 7: RECOMMENDATIONS RELATING TO ONSITE WASTEWATER DISPOSAL SYSTEMS; LOW-INCOME REPAIR ASSISTANCE PROGRAMS

The Local Government shall make every reasonable effort to assist onsite wastewater system owners who are at or below 200% of the federal poverty level to pay for the needed repairs or maintenance in order to bring their system into compliance with all Florida laws and regulations. As a result of a mandatory inspection, if an onsite wastewater system requires repairs, maintenance or replacement, the County will assist qualified individuals in applying for the State Revolving Loan Program, the

State Housing Initiative Program, or other relevant programs available to assist individuals to repair and maintain onsite wastewater systems.

SECTION 8: RECOMMENDED PUBLIC EDUCATION PROGRAM

A. Public Education is highly recommended regarding the appropriate use and maintenance of Onsite Wastewater Treatment facilities. Local governments will work with the Health Department the Florida Onsite Wastewater Association and IFAS Cooperative Extension staff to offer courses and educational materials to all current and future owners.

B. A general education program will be coordinated with local media to advise the public on the proper use and maintenance of Onsite Wastewater Treatment facilities and the environmental and health problem associated with mis-use and mis-management. Such education program will be based upon and utilize materials from the Health Department and the Florida Onsite Wastewater Association.

SECTION 9: IMPLEMENTATION SCHEDULES

Currently plants that manufacture performance based treatment systems have a limited production capacity. It takes several months to install new equipment to begin the manufacture of the inventory needed. In order to enable the region's manufacturing facilities to provide adequate supply of systems required by section 5, an implementation schedule shall be included in the implementing ordinance. The schedule shall allow adequate time for the regional manufacturers to install the equipment and manufacture the supply of the treatment units required by the ordinance. Input from regional suppliers should be sought when developing the schedule.

SECTION 10: RECOMMENDATIONS FOR APPEALS, ADMINISTRATIVE RELIEF AND PENALTIES.

Each local government jurisdiction should establish provisions for proof of compliance, appeals of administrative decisions and/or denials, provisions for administrative relief in the event of unique circumstances not addressed by local government onsite wastewater treatment system regulations, and penalty and enforcement provisions necessary to accomplish the goals and objectives of the local jurisdiction's onsite wastewater treatment regulations.

PASSED AND DULY ADOPTED BY THE SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL this ____ day of _____, 2008.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

_____

Andrea Messina, Chairman

ATTEST:

_____

Kenneth Heatherington, Executive Director

Agenda Item

6b

Legislative Update

6b

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FLORIDA LEGISLATIVE UPDATE

This item has been placed on the agenda to provide the Council with an update on the activities and recommendations of the Florida Legislature and to provide the Council with an opportunity to discuss legislative topics of interest.

The 2008 Legislative Session ended on Friday, May 2nd and resulted in a number of bills impacting local governments. Florida lawmakers ended the 60-day legislative session dominated by budget problems, partisan debate and ultimately, a less hurried finish to the session.

But they also dealt with issues ranging from climate change to property insurance. Here are some of the key issues of the session:

Budget

Lawmakers needed to pass a budget for the fiscal year that starts July 1, despite shrinking tax revenues. The House and Senate approved a $66.2 billion spending plan that includes deep cuts in education, health and human-services programs, but does not require tax increases. The budget will cut $332.3 million in spending on public schools. Other major cuts will come in the payments that hospitals and nursing homes receive to take care of Medicaid patients. In all, budget cuts amount to more than $ 4 billion in spending.

Energy

Governor Charlie Crist has made a top priority of combating global warming and increasing energy independence. The House and Senate agreed on a massive bill that would take steps to reduce emissions from electric utilities, increase energy efficiency and make it easier to build nuclear power plants. Supporters hope to reduce emissions that cause global warming and increase the use of renewable sources of energy, such as solar and wind power.

Environment

The Florida Forever land-purchasing program is scheduled to expire in 2010. The House and Senate approved a bill that would extend the program until 2020, and clear the way for the State to continue spending $300 million a year on conservation efforts. The State will buy and preserve tens of thousands of acres of environmentally sensitive land in the future, as development continues across Florida. (See SB 542)

Other bills of interest:

HB 7129 and SB 474: Neither the House nor the Senate Growth Management Bill passed.

SB 682, originally filed as a bill requiring FDOT to do a study of transportation alternatives for the I-95 corridor, was amended on the floor to include a number of other issues. Among them is the requirement for the FLUE, ICE and Transportation Elements to deal with lands adjacent to airports defined in 330.45, and the updates to plans to incorporate these requirements have to be submitted by June 30, 2011. It provides a DRI exemption for facilities, determined by DCA and local governments, to be port-related if located within 3 miles of or in a port master plan area, which rely upon the use of port and intermodal transportation facilities shall not be considered DRIs (if consistent with comprehensive master plans). It also directs FDOT to develop a methodology which recognizes that a planned, sustainable DRI will likely achieve an internal capture rate of 30% when fully developed. FDOT must use this methodology when doing impact assessments and the review must be completed and in use by March 1, 2009.

SB 1706 contains a DRI exemption for any development meeting the specified criteria within a county having a population greater than 1.25 million (Miami-Dade, Broward, Palm Beach) which is proposed for at least two uses, one of which is for use as an office or laboratory appropriate for the research and development of medical tech., biotechnology, or life science applications. This bill also extends the development order phase, buildout, commencement, and expiration dates and all related local government approvals for projects that are developments of regional impact or Florida Quality Developments and under active construction on July 1, 2007, or for which a development order was adopted between January 1, 2006 and July 1, 2007, regardless of whether or not active construction has commenced, are extended for 3 years regardless of any prior extension. The 3-year extension is not a substantial deviation, is not subject to further development-of-regional-impact review, and may not be considered when determining whether a subsequent extension is a substantial deviation under this subsection. This extension also applies to all associated local government approvals, including, but not limited to, agreements, certificates, and permits related to the project.

SB 542 (Florida Forever) extends the program for $300 million per year for ten more years, but reserves funds for capital improvements. Working ranch and timber lands will benefit from $10 million annually that will be used for agricultural protection agreements authorized in the Rural and Family Lands Protection Act. A new Working Waterfronts program was established to attempt to preserve parts of some of Florida's historic fishing ports. The bill also allows public lands to be used for mitigating impacts to imperiled species.

DCA staffing: DCA has lost a total of 17 positions: eight in the Office of the Secretary, eight in the Division of Community Planning and one in Housing and Community Development. APA Florida, with others, sent a letter to the Budget Conference Committee Chair a couple of weeks ago, asking that the DCP positions be reinstated. The positions were put back in both House and Senate Growth Management Bills, but as those died, so did these positions.

Agenda Item

6c

Other Emerging Regional Issues

6c

6c

CNU Housing Report

Housing Affordability | 2008

CNU REPORT

Frank dialog about a stubborn problem

The housing bubble and ensuing foreclosure crisis have hit poor and moderate-income people particularly hard and reinforced how housing affordability is an ongoing national problem. Adequate housing in a good neighborhood remains out of reach for far too many Americans. And regrettably, after a period of innovative leadership in the 1990s, the Federal government shows only limited interest in advancing housing policy.

Members of the Congress for the New Urbanism (CNU) played key advisory and design roles in one of the rare large-scale housing success stories of recent decades: the Federal Hope VI program's transformation of distressed public housing projects into livable mixed-income neighborhoods fully integrated into the fabric of cities. To help break an emerging

FRANK DIALOG page 14

FEATURE

Affordability in the Middle: Right Meets Left

It won't be easy to bridge the political divide over how to address housing needs across all income levels, but urban principles will help lead the way, says CNU President and CEO John Norquist.

The Charter of the New Urbanism—the document that defines the 27 principles guiding the movement—condemns the separation of modern society by race and income and says neighborhoods with a broad range of housing types and price levels are crucial in bringing people of diverse ages, races, and incomes into daily interaction and thereby "strengthening the personal and civic bonds essential to an authentic community." An unparalleled high point in the quarter-century history of the movement has been the involvement of members of the Congress for the New Urbanism (CNU) in putting this Charter principle into practice by helping federal policymakers shape the Hope VI program. Hope VI targeted and completely reconceived the most seriously deteriorated and dangerous public housing in the United States, replacing sterile high-rise housing projects on superblocks with traditional mixed-income urban neighborhoods connected physically, socially and economically to the life of the broader city.

Honored with an Innovations in American Government Award in 2000, Hope VI improved public housing in more than 150 cities and appeared destined to have lasting influence as a model for inte-

NORQUIST page 2

Housing affordability meets a fine urban neighborhood at mixed-income Park du Valle in Louisville.

Image courtesy of Urban Design Associates

"Discussions revealed the potential for housing advocates and critics alike to agree...that traditional mixed-use neighborhoods themselves deserve to be a central housing affordability strategy."

CNU REPORT

Housing Affordability/2008

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Hope VI: The Turnaround Machine

grating affordable housing in neighborhoods of true character, value, and diversity. Instead it came under heavy attack from conservative critics who convinced the Bush Administration to slash its funding. Ignoring Hope VI's role in reducing concentrations of poverty and establishing new rules that support the functioning of mixed-income neighborhoods, critics such as Howard Husock, then director of case studies at the Kennedy School of Government and now a fellow at the Manhattan Institute, argued that all federal housing subsidies acted as a form of welfare, locking beneficiaries in a state of dependency. Husock called Hope VI "lipstick on a pig" and called for a complete federal withdrawal from government-funded housing on the grounds that the private market and charities could perform better.

Seeing an impasse forming between advocates demanding greater federal housing support and critics calling more successfully for a pullback, leaders of the CNU saw that the debate over housing policy would benefit from the kind of direct confrontation, dialogue, and search for common ground that helped loosen the logjam over welfare reform in the 1990s. To that end, CNU convened a housing conference at the Johnson Foundation's Wingspread conference center in Racine, WI, in March 2005. It brought together prominent figures from across the ideological spectrum—conservative Husock and libertarian Reason Foundation fellow Sam Staley, government innovators such as former U.S Department of Housing and Urban Development Secretary Henry Cisneros and former HUD Deputy Assistant Secretary Elinor Bacon, and leading urbanists including Ray Gindroz and Dan Solomon. The event yielded an intense and at times constructive discussion on the future of low-income housing. CNU acknowledges the Macarthur Foundation for its generous support of this project.

Through essays by participants and articles that draw extensively from conference presentations, this publication explores

NORQUIST page 14

"Relaxing zoning to make mixed-use urbanism legal again is an important starting point for creating housing affordability."

With a variety of housing types and often retail below, this stretch of the Bronx benefits from time-honored techniques for addressing diverse housing needs.

Image courtesy of Payton Chung

A Future Beyond Subsidies?

To solve the housing needs of the 21st century, Ray Gindroz insists we must understand the lessons of the last century.

In one of the opening presentations of the conference at Wingspread, architect, educator, and CNU Board member Ray Gindroz established the context for a broader discussion among those with divergent ideas about how to address housing needs. He traced the history of low-income housing in the United States from the squalid but well-connected slums of the early 20th century to the isolated and deteriorating public housing complexes of the second half of that century to the housing projects reborn as mixed-income neighborhoods informed by the proven principles of traditional urbanism. A key design advisor to the Clinton Administration on Hope VI, the program responsible for the dramatic turnaround of the nation's worst public housing developments, Gindroz expertly framed the predicament facing new urbanists: Just as successful Hope VI renovations powerfully demonstrated the value of traditional neighborhood design and public-private partnerships in creating beneficial settings for the poor, a conservative attack on government involvement in the housing markets derailed the reform. In response, he calls for a full exploration of how the lessons of Hope VI can be applied in a policy environment where housing needs loom large but solutions will likely be required to move "beyond subsidies." In this essay, Gindroz builds on points he made at Wingspread.

"The architecture carefully extended the best traditions of nearby neighborhoods. The 'project' disappears and becomes part of the city."

At the core of this debate is the role of subsidy, in particular federal subsidy. Critics of the use of such subsidies claim that before the federal government built public housing, the private sector provided all the affordable housing that was needed. Without debating the truth of that claim, it is useful to examine its implications.

URBAN SLUMS

Before the advent of public housing, America's development patterns were very different than they are now. People lived either in rural settings, or in some form of urban place, whether small town or large city. The housing, no matter how squalid, was part of an urban environment, usually on a street. The American urban grid connected every street to every other street—your doorstep was connected to every other doorstep in the city. It was possible to find your way to the opportunities of the city, and many fulfilled the American Dream by moving out from the slums of cities.

AMERICAN TRADITIONAL URBANISM

In the great building booms of the late 19th and early 20th Centuries, this country created a remarkable urban form. American neighborhoods, with their mix of uses and types of housing, were produced by many individual builders. Using pattern books and working within a consensus on urban form, they built houses of all prices and generated stable communities. The cross section of the street holds the key to this success. In the traditional neighborhood, the space of the street is defined by the facades of houses but the property line of the house is at the edge of the sidewalk. Therefore, the front porch and the front yard are part of both the public realm of the street and the private realm of the individual who lives there. The house opens to the street and its residents identify with it, provide natural security over it, and feel responsible for its well being.

GINDROZ page 14

The Park DuValle HOPE VI redevelopment has transformed one of Louisville's most distressed neighborhoods into a safe, attractive, and affordable mixed-income community

Images courtesy of Urban Design Associates

The Broken Market for Low Cost Housing

Saying federal housing programs are a mistake, Howard Husock calls for enabling private-sector housing as an agent of upward mobility.

As he did in his book *America's Trillion-Dollar Housing Mistake*, Manhattan Institute scholar and Harvard Kennedy School research fellow Howard Husock delivered a scathing critique of federally funded public housing. His presentation also delivered a direct challenge to the majority of summit participants who came to Wingspread with positive experiences improving public housing and using other government programs to address housing needs. Given Husock's link to Bush Administration decisions to slash federal support for public housing reform, not to mention his forceful way with polemics, his presentation could hardly be ignored and served as the pivot point for much of the discussion that ensued.

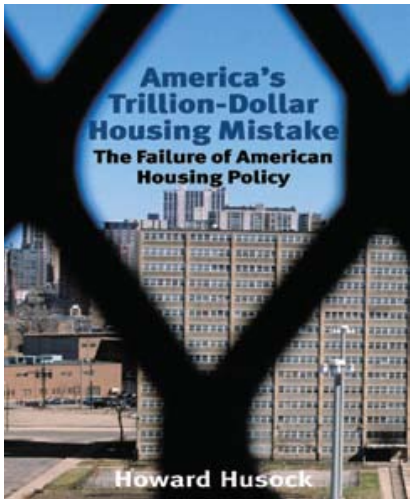
In writing off public housing and other government interventions for undercutting housing as an agent of upward mobility, Husock certainly didn't win over all of his fellow participants in the audience, but he did open up some common ground with urbanists, particularly by recognizing how the traditional form of cities and towns accommodates diverse housing types that could provide important options for lower-income households, if regulatory barriers to urbanism were removed. Quoting extensively from Husock's remarks, this article gives readers an opportunity to evaluate Husock's arguments for themselves.

Howard Husock's argument rests on the assertion that markets have the power to serve both the housing needs and the long-term interests of the poor. Revisiting the era from about 1870 to 1930 before public housing, zoning, and urban planning, Husock says "housing markets in the U.S. were extremely productive and extremely architecturally creative."

Husock describes a complex sociology at work during this period in cities such as Boston, Chicago, and Philadelphia, even in their austere tenement and cottage neighborhoods. "People had a deep financial and social stake in their neighborhood because either they owned the house they lived in, or

they lived upstairs from or next door to the owner," says Husock. "And they understood that it was very important to improve that neighborhood through their own efforts. There was a 'conspiracy of shared values,' if you will. That meant that if next door was a good house, my own house would be better."

Husock lauds the work of 20th century sociologists Robert Woods and Albert Kennedy who coined the term "zone of emergence" to describe areas where a large percentage of working-class people owned their dwellings. Woods and Kennedy recognized ownership as "an end that holds the imagination and galvanizes the powers of a large proportion of the population." Even with the majority of this property encumbered with mortgages, "[ownership] is an index of striving and accomplishing," Woods and Kennedy concluded.



This attitude of self-improvement persists in the American housing market today, says Husock. When people move into better housing or to a preferred neighborhood, they are climbing what Husock describes as "the housing ladder."

Late 19th century and early 20th century housing reformers such as Jacob Riis who decried deplorable housing conditions were guilty of the "snapshot fallacy," he says. They perceived crime-ridden tenements such as New York City's Mulberry Bend as static problems that would not go away barring radical changes. But Husock maintains such tenements were just early stages in the evolution of the American housing market: the lower rungs on the housing ladder, which were eventually surmounted through "striving and accomplishment." Husock says people motivated by self-improvement did eventually move out of these areas, even though reformers saw them as "inherent market failures" and called for them to be cleared and replaced.

The answer supplied by reformers—public housing run more like a utility—overrode the benefits of private ownership, explains Husock. The paternalism of public housing, the belief that "we can provide a better environment for them," denies low-income families the chance to own and accumulate equity, to sell and move up to the next rung on the ladder. The sense of striving and accomplishing is swept away through formalized employment and maintenance contracts, says Hussock. "Suddenly all that work has to be done by public employees. And we know that the government doesn't do a great job of maintenance."

Since Husock argues that the basic concept of public housing is flawed, he also finds fault in efforts to correct its flaws such as the Hope VI program. Similarly, he argues, providing Section 8 rental vouchers to poor families just scatters the effects of a public housing system that he claims doesn't work. He cites an example from his book of an African American working-class family in Chicago's south suburbs who denounce Section 8 vouchers in their neighborhood for

HUSOCK page 15

The High Cost of Housing Inefficiency

Too many government housing programs put resources in the wrong places and too many local regulations restrict the supply of housing, says real estate economist Richard Green. And the poor pay the price.

Where other summit speakers offered reports from the front lines where affordable housing is created in livable neighborhoods, Richard Green, the Olive T. Carr Professor of Real Estate and Finance at George Washington University, provided a valuable wide-angle overview of federal housing policy, including a comparison of how programs designed to supply affordable housing compare in scope and impact to other housing interventions. Finding federal programs such as public housing and tax credit housing inefficient and limited in reaching their target populations, Green favors zoning reform that frees the private market to increase the supply of housing, as well as programs including Section 8 vouchers that focus on empowering the poor in private housing markets rather than directing the work of builders to create subsidized units.

Richard Green is resolute: "Housing subsidies are one of the least important things the federal government does." Numbers make his point. "We have 170 million occupied units of housing in this country. Of those, 1.2 million are federally subsidized public housing, a very small share." Section 8 rent assistance vouchers serve another 2.1 million households, while units created through the Section 42 low-income housing tax credit program account for 1.05 million units.

A huge majority of households, including most of the poor, find their housing in the private market, says Green. And the share in public housing hasn't grown in decades. Green sees two reasons for this stagnation. First, it isn't economical to build public housing. "The estimate for [public housing] is that for every dollar the Fed spends, they get 50 cents of housing," says Green. "The market discipline to keep housing construction costs down does not exist." The second reason for not building more public housing is that "the government is not putting [public housing] in places where people want to live or need to live to do things like get to the grocery store and get to work," so there is little impetus to continue to build such housing.

Green calls Section 8 "the most successful of federal housing programs." Affecting almost twice as many households as public housing, "vouchers allow people to participate in the housing market and live where they want to live." Tempering his enthusiasm for Section 8 is evidence that the program fuels demand and raises rents in that market. This drives up the costs of rental units for those who qualify for Section 8 but do not receive vouchers, he explains. [About 70% of those with qualifying incomes do not receive housing vouchers, live in public housing projects, or receive any other housing subsidy, according to the New York University Center for Real Estate and Urban Policy.]

Green is not as fond of the Low Income Housing Tax Credit program. This government subsidy goes to two groups: renters and landlords. Ideally a subsidy should give the landlord and developer "just enough incentive to build [affordable housing] but no more," says Green. Currently half of the subsidy is going to developers, says Green, a more than ample reward for the production of the given units. "We're not doing a very efficient job," criticizes Green.

"'Housing subsidies are one of the least important things that federal government does' says Green...Most of the poor find their housing in the private market"

ZONING

Although most zoning decisions today are left to local municipalities, the federal government played a crucial historical role in granting communities control over zoning—and suggesting the shape such zoning should take. That federal involvement has played a role in restricting housing supply and driving up housing prices, says Green. In 1942 the State Zoning Enactment Act granted the states permission to zone. The act reinforced a belief in the negative consequences of density. "[Herbert] Hoover and colleagues said flat-out that density was bad. This was an important message that got out to states and local governments in this country," says Green. The 1942 act also created "fiscal zoning." Newer municipalities wanted to provide taxpayers with the highest quality services but at the lowest costs. As a result, zoning codes were used to control the distribution of housing and commercial activity and had a profound impact on the housing costs.

HOUSING FINANCE

The Federal Housing Administration (FHA) has been both a constructive and a destructive force in the American housing market, says Green. Constructively, it helped to mitigate the illiquidity of the banking system in the United States in the 1930s. Building more housing was an effective way to return banks to liquidity. The FHA programs in the 1930s and 1940s also resulted in what Green calls "an astonishingly rapid increase in the rate of homeownership." Studies conducted by Green and his colleagues have shown that homeownership is beneficial to communities and children.

The FHA acted destructively by fueling flight from existing cities in a way that was "frankly racist," says Green. An FHA

GREEN page 16

A Modest Proposal for Rethinking Housing Policy

Experienced policy reformer David Riemer draws on lessons from welfare reform in Wisconsin in suggesting a new strategy for empowering the poor in the housing market.

In the current debate over housing policy, David Riemer sees a stalemate—and perhaps an opportunity—similar to those that existed for poverty and welfare policy in the mid-1990s. Welfare reform is a subject Riemer knows well. As budget director and administration chief for Mayor John Norquist in Milwaukee, he designed a model welfare alternative project called New Hope and then built on that experience in helping to forge a bipartisan plan for Wisconsin's pioneering Welfare Works (W2) program. His work secured childcare, health-care and enhanced earned-income benefits for Wisconsin families that made their passage from aid-dependency to work more humane. Wisconsin's Earned Income Tax Credit was one of the first state-level credits of its kind and was widely lauded for creating incentives among the poor to retain employment and participate in the general economy.

In Riemer's accounting, W2 had and has its flaws but it succeeded as a reform effort because it found a way for liberals and conservatives to achieve respective goals, from reducing welfare rolls to raising incomes and extending health care coverage. Now a research fellow at the University of Wisconsin-Milwaukee and director of the Wisconsin Health Project, Reimer has recently turned his attention to the needs of those who struggle to afford housing. Exploring the potential for a similar "Third Way" solution for housing policy, Riemer offered an ironically titled "modest proposal" at Wingspread that just might help decision makers on both sides of the housing debate achieve goals they hold dear. Although Riemer acknowledges that his plan to increase earned income credits significantly in exchange for phase outs of housing subsidies would need refinements (perhaps stronger government support for changing zoning regulations that restrict the supply of affordable housing), with this essay, he demonstrates again why his ideas intrigued summit participants on both sides of the ideological divide and deserve consideration.

"As with welfare policy prior to the mid 1990s, housing policy is paralyzed by basic conflicts between liberals and conservatives. Liberals want more subsidized housing; conservatives want less."

For most of the second half of the 20th century, liberals and conservatives clashed about how to think about poverty and what to do about the nation's most prominent welfare program called AFDC (Aid to Families with Dependent Children). Liberals sought to end poverty by giving the poor more cash (AFDC grants), cash substitutes (food stamps), and means-tested benefits (e.g., Medicaid). Conservatives had both a different goal—reducing welfare dependency—and a different strategy: narrowing eligibility, lowering benefits, and imposing work requirements. The result of this fundamental clash was paralysis: neither poverty nor welfare declined.

During the mid-1990s, however, Wisconsin began to forge a radical bipartisan reform of anti-poverty and welfare policy that, while still far from complete, holds enormous promise for reducing poverty and dependency. The new policy starts with a new three-part consensus: (1) welfare should be replaced with work; (2) work should pay more than poverty by supplementing low-income workers' earnings; and (3) working people should be included among those who get free or low-cost health insurance. Liberal Democrats such as State Rep. Rebecca Young, centrist Democrats such as Milwaukee Mayor John Norquist and State Rep. Antonio Riley, moderate Republicans such as State Senator Peggy Rosenzweig, and conservative Republicans led by Governor Tommy Thompson all joined in to implement key elements of the new model. "Wisconsin Works" now offers "community service jobs" to unemployed parents. A supplemental state Earned Income Tax Credit (EITC) helps ensure that work pays more than a poverty income. Subsidized childcare, and an expansion of Medicaid to low-income working families through the state's innovative BadgerCare program, help provide working parents with affordable day care and health insurance.

The product of the new bipartisan consensus has had flaws since its inception and flaws remain. Half of the poor—non-custodial parents and childless adults, most of them men—remain entirely left out. W-2 recipients in community service jobs still get cash grants rather than real wages, denying them access to the federal and state EITC. W-2 recipients also get paid if they miss work but have a plausible excuse, a clear violation of the norms of the labor market. The actual delivery of W-2 services in Milwaukee has been inept. The state EITC, federal EITC, and other work supports unintentionally impose on some low-income workers exorbitant marginal effective tax rates that the wealthy would never tolerate.

We still have a long way to go to create

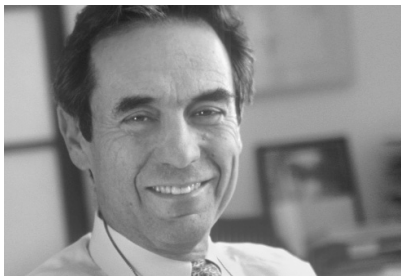
RIEMER page 16

Libertarianism's Empty Promise

In a rebuttal to the right-wing critiques that shaped Bush Administration policy and led to a search for common ground, architect and CNU co-founder Daniel Solomon calls for an unabashed return to the marriage of New Urbanism and enlightened Liberalism that led to the many successes of the Hope VI program.

As Howard Husock's merciless critique of public housing and other government housing programs became the pivot point around which many of the discussions at the Wingspread summit revolved, and led to explorations of alternative strategies to address housing needs with less direct government intervention, San Francisco architect Dan Solomon stepped forward to rebut Husock and resist fervently what he saw as the drift of the conversation towards accommodating—or at least accepting as a reality—the anti-government Libertarianism of Husock that helped shape policy under President George W. Bush.

Solomon is a co-founder of the Congress for the New Urbanism and an award-winning designer of architectural projects, including mixed-income developments funded by the federal Hope VI program that helped turn devastated public housing projects into mixed-income urban neighborhoods integrated into the fabric



and economies of their cities. He argues that the benefits of Hope VI are irrefutable and that it is in every way deserving of its 2000 Innovations in American Government Award. In his estimation, the program put substantial government funding and the best ideas from urban design and architecture in the service of an essential policy goal—relieving the desperation of those in substandard housing by incorporating them in mixed-income neighborhoods that are indistinguishable from other urban neighborhoods undergoing revitalization. The many well-managed Hope VI projects reaffirm the power of well-targeted government action to improve the lives of ordinary people, Solomon argues. They should serve as models for addressing the needs of the many residents of this country who reside in substandard housing. In creating this essay, Solomon updated the remarks he delivered early in the Wingspread conference with observations made after the seminar.

I came to Wingspread fully braced for my encounter with Howard Husock and the attitudes of the Libertarian Right with respect to housing policy. In person, he presented a predictable but more congenial version of the arguments he makes in his remarkably hostile book. What took me completely by surprise at Wingspread was the confluence of views between this celebrated spokesman of the Libertarian Right and some very articulate representatives of the Libertarian Left. What these apparently intelligent Libertarians of the left and right agreed to explore in a smiling spirit of bipartisan policy wonk bonhomie amounted to a

SOLOMON page 17

The Hope VI-funded redevelopment at Othello Station in Seattle turned barracks-style public housing into a distinctive neighborhood of homes, townhouses and rowhouses.

Where the previous layout of superblocks, cul de sacs, and surface lots created a feeling of isolation, the well-connected streets of the new development form smaller blocks and frame a generous central park.

Images courtesy of WRT Solomon ETC

The Atlanta Approach to New Affordable Communities

After turning around public housing in Atlanta, the city's housing authority chief Renee Glover describes the indispensable value of the Hope VI program and strong local management in rebuilding communities.

Before 1994, the public housing situation in Atlanta was disastrous. The forty-two public housing facilities in and around downtown Atlanta, many built during the days of Jim Crow to keep African American people out of areas of new development, were characterized by high unemployment, crime, poor school performance, and high school drop-out rates.

Renee Glover was a successful Atlanta executive when she was asked that year to take on the unenviable tasks of becoming the top manager of the troubled Atlanta Housing Authority (AHA) and trying to turn around the agency and its properties. Her initial assessment found that "all of the [authority's] communities were in a state of horrible repair," with most families trapped in a state of multi-generational poverty. A trip to Washington, DC, exposed her to the promise of the Hope VI program and helped convince Glover to take the job as the authority's president and executive director. Although hopeful, she also recalls thinking "the program had been broken for so long that anything that I did had to be a move in the right direction."

Glover's leadership as the authority's president and executive director, a post she still holds, is now legendary. Using Hope VI grants and a management approach emphasizing accountability and high standards, the AHA has transformed many of its most deteriorated properties into thriving mixed-income communities. Original residents who returned enjoy better living standards and higher achievement levels, while the AHA works to track and assist those who move on to other neighborhoods using housing vouchers. Through the ensuing article, which draws heavily from comments she made at the CNU conference at Wingspread, Glover's insights on both the challenges and successes encountered in reinventing public housing can now be shared with a broader audience.

"How can you undo decades of bad public policy?" Glover wondered back in 1994, as she contemplated how to fix the Atlanta Housing Authority's rampant problems and give residents a better life. "Should we try to make better what was there, or do we need to disassemble the whole thing and start over?" she asked.

Glover saw she wasn't the only one recognizing the need for dramatic change. "Hope VI was just getting off the ground and one of the only things that caused me to take on this challenge was a trip I took to DC. I heard Senator Barbra Mikulski and then HUD Secretary Henry Cisneros talk about this wonderful program called Hope VI. They said, and I remember this, "We're going to pop out the rules. We want the housing authorities to do a thoughtful planning process to create great communities that fit in with the surrounding neighborhoods. We want mixed-income communities and other positive things. It all sounded pretty fantastic, so I said, "Well this is something I could sign up for."

The plans involved a radical rethinking of not just the physical design and intense income segregation of existing housing developments but how they were financed and managed as well. Drawing on her experience in executive-level corporate finance and real estate positions, she believed it was possible to apply a business model to public housing and use private investment to the advantage of renewed communities.

To go with its strategic and businesslike approach to the transformations that lay ahead, AHA developed four principles to guide its work. First was a commitment to ending the concentration of poverty at these public housing facilities. The renewed developments would make room for residents of a range of incomes, from the middle class on up. With public housing units scaled back, some former residents would make use of vouchers to relocate from public housing. To reduce the odds of these families continuing

GLOVER page 18

With its pedestrian friendly street grid, the redesigned Centennial Place easily accommodates a new neighborhood school. Now children can walk to school.

Image courtesy of Atlanta Housing Authority

When New Urbanism Met Bold Government Reform

Few have as distinguished a record on addressing housing needs than former Federal Housing Secretary Henry Cisneros—or such an ideal vantage point for offering advice to future leaders.

Henry Cisneros has devoted his public, and now private, life to developing innovative and affordable housing. As mayor of San Antonio from 1981 through 1989, then as U.S. Secretary of Housing and Urban Development (HUD) from 1993 through 1997, his priority was affordable and safe housing. More recently, he has launched and grown a firm known as City View to finance high-quality housing for working families that helps to revitalize central cities.

In his time leading HUD, Cisneros not only saved the department from Congressional efforts to dismantle it, he used his position to plan and implement a bold reinvention of public housing. Through the $5 billion Hope VI program and careful collaboration between HUD officials and new urbanist designers (including Wingspread participants Ray Gindroz and Dan Solomon), several hundred of the nation's most severely distressed and isolated housing projects became mixed-income neighborhoods integrated into the life and urban fabric of the cities around them.

The winner of an Innovations in American Government Award in 2000, Hope VI remains a signal example of successful governmental reform. In his remarks at Wingspread, Cisneros spoke of the centrality of new urbanist strategies to the success of Hope VI and the continued relevance of these ideas as thoughts turn to the future of affordable housing policy.

By the early 1990s, it was apparent that public housing, as most of it had been designed and constructed in the United States, was not working well. "First of all, it was clear that there had been huge design mistakes in the creation of large-scale massive high-rise public housing," says Cisneros. "We know all of the issues of the big blocks—cutting people off, isolating them, breaking up the urban fabric, and the movement away from street-level transactions." HUD then

required public housing to house the poorest of the poor, and the prevalence of guns, drugs, unemployment, single-headed households and hopelessness all changed the nature of public housing, he says.

Leaving nothing off the table, Cisneros and his team embraced a kind of radical traditionalism in completely transforming the nation's most troubled housing developments. HUD went from passively accepting anyone with incomes low enough to qualify, including those with extensive criminal backgrounds, to screening applicants and enforcing crime-free conduct standards much like private-sector property managers. Instead of concentrating residents in isolated pockets of deep poverty, it gave them the opportunity to share townhouses and flats on traditional city steets and blocks with neighbors in both moderate-income affordable units and higher-income market-rate units. Recognizing that new urbanists had the foremost understanding of the design and function of these city neighborhoods, Cisneros took their design advice to heart.

Hope VI also succeeded by embracing innovation in the financing and ownership structuring of renewed developments. Cisneros recognizes Renee Glover's work in Atlanta as a prime example of "creative capacity at the local level to put together some really creative financing to make Hope VI work… creating a new paradigm of public housing as a real estate entity."

These days Cisneros acknowledged Hope VI's struggles alongside its successes. The Section 8 voucher program (that pays a portion of private-market rents for low-income recipients) and public purchasing of off-site housing eased displacement of public housing residents during the revitalization process. Still, segregation and discrimination were rampant, he says. And often the places that accepted Section 8 vouchers became as problem-ridden as the public housing which the residents were escaping.

Cisneros says two cases prove that regional strategies are keys to success for Section 8. He cites the Leadership Council for Metropolitan Open Communities in Chicago which helped residents find apartments, schools and jobs. Also, the "Moving to Opportunities" program in Baltimore found politically difficult yet feasible ways to move Section 8 voucher recipients into suburban homes.

After seeing once rapid progress in addressing affordable housing needs slow in recent years, Cisneros again has a long wish-list. "[We] will have some very hard times ahead if there is not some stream of (federal and local) revenue for housing. We need fairness in the Section 8 market—the issue of discrimination is real… We need a new critical mass of talent at the local level in cities and in housing authorities to do the kind of thing that Renee Glover has done… We need private capital that's willing to invest, and not just in gentrification … but in providing something that resembles affordability in central neighborhoods. It's happening to some degree but a great deal more emphasis on the affordable component is required."

Cisneros' concluding message is hopeful, however. "We need to build on the trends that are so positive in cities" such as new immigrants and a growing minority middle class. We need the application of New Urbanist principles to central city neighborhoods and to affordability. Combining new urbanist thinking with these dynamics is, he said, where the "real breakthroughs" in affordability can be in the years to come.

Affordable New Urbanist Housing

Planning professor Emily Talen offers a blueprint for making housing affordability a renewed priority for the CNU.

When members of the Congress for the New Urbanism ratified the Charter that states the movement's core principles, they acknowledged the importance of housing of diverse types and price levels in strengthening the quality of life and cohesiveness of communities. New urbanists' work shaping the federal Hope VI program (as well as designing many of the resulting transformations of public housing) reflected this commitment to addressing the housing needs of people of all income levels and incorporating this housing in livable urban neighborhoods. In the wake of the Wingspread conference that helped envision some post-Hope VI strategies for new urbanists—in part by stimulating an exchange with influential critics of major government housing programs—the discussion of these issues has intensified at CNU events and on new urbanist e-mail forums.

While many new urbanists argue that the legalization and reintroduction of traditional urban housing forms such as the apartments above stores and garage apartments—outlawed wherever single-use subdivisions became the norm—is a crucial step in addressing housing affordability, one of the most prominent voices in these debates, Emily Talen, an associate professor of urban and regional planning at the University of Arizona, has argued that measurable progress on affordability will only come through increased attention to a broader range of strategies. In fact, Talen argues the work new urbanists do to harmoniously coordinate development and enrich the public realm leads to a price premium that regularly puts even small units and apartments beyond the reach of people of modest means. In 2006, Talen's advocacy led to the creation of a new CNU Affordable Housing Initiative which she chairs alongside Neal Payton, a principal in the Los Angeles office of the architecture and planning firm Torti Gallas and Partners. In this essay, Talen discusses a vision for the work of this new initiative.

How essential is social diversity as a near-term, ascertainable social reality? How far can New Urbanism—and the CNU in particular—go in its quest to promote it?

New urbanists have a unique perspective on housing affordability that goes well beyond the simple provision of affordable housing as a discrete commodity; affordable housing is seen in the context of neighborhood design, where pedestrian experience, quality public spaces, and walkable access to services is an essential part of the affordability equation. Hope VI amply demonstrated the potential of New Urbanism to foster livable, mixed-income neighborhoods. There, as in most new urbanist work, the emphasis is on mix rather than any one form of housing by itself. While good design in projects that are exclusively affordable is essential, this is not really New Urbanism's primary issue. A larger issue is the elevation of the principle of urbanism within which the quality of diversity is considered essential.

How affordability, social mix, and good design can simultaneously progress has not been thoroughly worked out. Within the new urbanist camp, approaches to addressing the affordability issue range from minimalist—let the market address affordability—to interventionist, the view that New Urbanism should become more directly involved in the provision of mixed-income communities with mechanisms designed to keep them affordable. The minimalist response takes the view that it is enough for New Urbanism to construct the proper physical parameters of urbanism. The objective should be to define the "inaugural condition"—the forms and patterns known to be conducive to diversity—intended to evolve into a place with social complexity. Furthermore, it is argued, residents of new urbanist communities should never be prevented from realizing the profits their investment in New Urbanism is likely to yield, as happens when prices and price appreciation are restricted to ensure affordability.

Others view the lack of affordability in new urbanist developments as a missed opportunity. They envision the delivery of affordable units within the context of walkable, mixed-income, quality environments as a primary objective that should be pursued from multiple directions. The New Urbanism, they argue, was the movement that was going to do something about concentrated poverty by leveraging innovation in community design. Failure to deliver on this ideal in both the near and long-term is therefore highly problematic.

Two empirical conditions fuel the debate within New Urbanism over the issue

"CNU can be a forthright and non-partisan advocate for its principle of promoting mixed-income development. Through its affordability initiative, it should establish clear, measurable objectives and advance them through its public and professional channels."

of affordability. First, affordable housing is generally believed to be in a state of "crisis" in the U.S., based on the twin facts that the number of families with "critical" housing needs has increased, and the number of available affordable units has decreased. The 2005 Housing Affordability Report released by the National Low Income Housing Coalition states that "the vast majority of American renter families (81%) live in counties where a two-bedroom apartment at the Fair Market Rent is unaffordable to a family with two full-time minimum wage earners" (www.nlihc.org). Second, new urbanist communities are widely perceived as being unaffordable to people of modest means. What percentage of new urbanist projects this applies to is unknown, but the perception that new urbanism largely caters to white, middle and upper-middle class residents is real.

TOWARD A CNU INITIATIVE ON AFFORDABILITY

The social control of housing—whether housing should be seen as a right or a privilege—is a contentious subject in American society. Further, the degree to which affordable housing is seen as being in "crisis", and the way in which it should be addressed, whether through public or private mechanisms, is also in dispute.

CNU is not in a position to resolve the political, economic, and largely ideological debates on the interrelated problems of affordable housing, concentrated poverty, and neighborhood social diversity. CNU can however be a forthright and non-partisan advocate for its principle of promoting mixed income development. Through its Affordability Initiative, it should establish clear, measurable objectives and advance them through its public and professional channels.

I believe this initiative should focus on the following three critical tasks:

1. MONITORING THE MARKET

An essential task is the establishment of some mechanism for taking stock of new urbanist development over time. It is not enough to claim that evolutionary or market-induced diversity is occurring and ask to be believed, especially in view of evidence that older, walkable neighborhoods tend toward lower affordability in some markets. For these claims to be credible, there must be some way to gauge progress made toward achieving the diversity goal. This has never been done for walkable, amenity-rich new nrbanism. Empirical backing is essential.
Specific questions to be addressed include: Is the market providing affordability and housing for a range of incomes in new urbanist developments? As the market–based new urbanism grows, does it retain its affordability for a range of people? How effective is the provision of mixed housing types as a mechanism for achieving social diversity? Within what parameters is the mix most likely to be sustained?

It will be important to monitor whether affordability and mix increase where regulations have been changed to encourage higher densities. In addition, it will be important to investigate whether the widespread provision of affordable innovative housing is having the intended effect of producing more mixed-income neighborhoods.

Note that those charged with this task have many issues to grapple with concerning measurement: How are affordability and mix/diversity to be measured? What kinds of diversity are important? Does age diversity count? Aren't ethnic enclaves acceptable, even desirable?

2. PROVIDE A DEVELOPER'S TOOLKIT

Of the 450+ neighborhood-scale New urbanist projects in the U.S. in various phases of development, possibly 15-20% of them use some government or quasi-government program to integrate affordable housing, most notably the Hope VI program. New urbanist interest in socially mixed neighborhoods now goes well beyond public housing-based integration via Hope VI. Low-income housing tax credits, block grants, state affordable housing funds, TIF, property tax abatement, and housing trust funds are employed as well. Fortunately, many dedicated people in a wide variety of organizations—non-profits, government, academia, philanthropy, think tanks—are putting great effort into mechanisms that increase the supply of affordable housing.

However, it is likely that new urbanists have not fully engaged with these affordable housing advocates, experts, and funding sources. Many new urbanist developers are likely to be open to partnering with non-profits or taking advantage of various government subsidies. Because of the complexity of affordable housing financing they may need assistance to develop the necessary partnerships. CNU could provide a valuable service by connecting urbanism-oriented developers with the organizations and resources they need.

The first goal of this task, then, is to investigate how successful new urbanist projects have combined programs to produce stable, mixed-income communities. Developers of these projects are an excellent primary source of data. They should be interviewed for information on their mixed-income new urbanist projects, specifically, their financial structures, the subsidies used, and the groups they have partnered with (CDCs, land trusts). The interviews should also determine how (and whether) things might have been done differently.

Second, make this information widely known, perhaps as a "Toolkit" designed for the new nrbanist development community. As an inducement, CNU could showcase mixed-income projects that are particularly replicable by recognizing them with a high-profile special award, for example. Hosting a series of workshops on mixed-income finance, or on partnering with local non-profits, would also enable developers to build successful projects.

3. INCREASE DIVERSITY BY PROMOTING REGULATORY REFORM

Exclusionary, single-use zoning is obviously impeding the development of mixed-income communities. Through its Planners Task Force and related form-based coding initiatives, CNU has long advanced zoning reform through local governments to relax regulations and allow mixed housing types without variance.

CNU's Affordability Initiative should focus specifically on regulatory reform from within the affordable housing field itself. In much the same way that CNU has worked

Embracing the Vernacular

Steve Mouzon conducts a tour of the time-tested strategies behind the Katrina Cottage and reveals how they can be applied to promote livable and lasting affordability.

In the months following hurricanes Katrina and Rita, the Katrina Cottage went from being a set of drawings created by CNU members at the October 2005 Mississippi Renewal Forum, the historic charrette for the hurricane battered towns of Mississippi, to being considered in Congress as a safe and dignified alternative to the ubiquitous FEMA trailer. Designed to be built quickly, durably and with close attention to the vernacular styles of the Gulf Coast, the Katrina Cottage concept was quickly embraced by displaced Gulf residents as the kind of emergency housing that would make a welcome addition to any traditional coastal neighborhood and grow with their owners as they rebuilt their lives.

Before the idea of the Katrina Cottages was covered in newspapers nationwide (including USA Today, the New York Times, the Washington Post, the Houston Chronicle and the New Orleans Times Picayune) and before the original Katrina Cottage design by Marianne Cusato won the 2006 People's Design Award from the Cooper-Hewitt National Design Museum, architect Steve Mouzon —founder of the New Urban Guild and designer of award-winning versions of the Katrina Cottage—previewed many of the ideas and values informing the cottage project in a presentation on the role of the vernacular in housing affordability at Wingspread. This article quotes liberally from that presentation and summarizes lessons that Mouzon continues to share with a range of audiences.

When he's not designing houses and mixed-use buildings, Steve Mouzon can often be found studying the nation's most-beloved buildings—many of them modest yet enduring homes, townhouses and multi-unit residences. What he's observed has led him to argue that there are time-tested affordability devices that are rarely used but deserve widespread adoption.

Mouzon identifies two distinct sides of the housing affordability equation: subsidy and cost-reduction. While granting that New Urbanism shouldn't ignore the role of subsidies, he urges more attention on physical solutions to cost reduction. "Let me suggest to you that any particular solution that is potentially only one election away from going away—if one election has the potential to destroy it—that's not really what you'd call sustainable affordability." Mouzon's observation of traditional housing stock that has proven its value over time has revealed a range of cost-reduction strategies, many long overlooked by formula-driven production builders.

The first is sharing spaces—even spaces as simple as walls and roofs—and overcoming the emphasis on single-family homes. "We have a notion," he says, "that decency is a single-family house… and nothing other than that will do." A more flexible definition of decent housing would help overcome this barrier.

Another proven way to reduce direct building costs is reducing house and lot sizes, using good design to achieve livable results. "For example, the dining room doesn't have to be 10 ft by14 ft. It can be something as simple as a booth. That can actually reduce physical size substantially."

Mouzon also urges scaling back the role of specialists in aspects of home design and production ranging from window supply to insulation to heating and cooling, saying they have disrupted what had been a more holistic process. Since the specialists' individualized practices are standardized and reflected in building codes, more strategies for coordinating the components of a home to achieve essential goals—such as natural ventilation and day lighting—are surrendered. "Now as much as we like to dismiss them for a number of reasons, I'm of the opinion that the Home Depot and Lowe's

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This model Katrina Cottage embodies many ideas for adapting vernacular architecture to create affordable sustainable housing,

Image courtesy of Steve Mouzon

The Transportation Effect

In addition to proven environmental benefits, transit-oriented development has affordability advantages as well. They become clearer when housing and transportation costs are considered together, argues development expert Shelley Poticha

In a country where generations of development have been designed to be reached only by automobiles and other personal vehicles, the environmental and socioeconomic benefits of well-designed mixed-use development near transit stations are hard to underestimate. In addition to offering convenient transit access, the best transit-oriented neighborhoods feature a vibrant mixing of uses and a walkable urban form that reward residents by shortening the distance to many destinations and further reducing automobile dependency.

As president and CEO of Reconnecting America and former executive director of the Congress for New Urbanism, Shelley Poticha has become a prominent national advocate of transit-oriented development (TOD). Using economic, demographic, and environmental arguments, Poticha argues that TODs need to become an increasing part of the American landscape. In a presentation at Wingspread, Poticha emphasized TODs' ability to create livable, diverse, and affordable communities. Residents of transit-served neighborhoods on average spend considerably less on transportation than those in auto-dependent areas. But as Poticha notes, the unaddressed demand for this type of living causes TOD housing prices to rise. This article, which quotes extensively from Poticha's comments at CNU's Wingspread forum and supplements it with more recent Congressional testimony, explores strategies for delivering—affordably—on the promise of transit-oriented development.

According to Shelley Poticha, the American way of life is undergoing rapid change, and Americans are more interested than ever in being better connected to the world around them. Poticha therefore notes an increasing market demand for transit-oriented developments (TODs), and argues that "there's really a substantial interest in the kind of neighborhoods that blend principles of New Urbanism with [greater] access

to jobs and other amenities in their regions." Poticha sees this trend continuing as America's demographic trends shift toward older and smaller household units.

As the popularity of TODs reshapes the demand for real estate, Poticha hopes that our notions of affordability will evolve as well. One such new measure put forth by the Center for Transit-Oriented Development is an "affordability index," which factors in both housing and transportation—the two largest drivers of household spending. It recognizes that typical calculations of housing affordability are incomplete unless they're paired with household transportation costs, particularly because transportation expenses tend to rise sharply as people seek lower-cost housing in far exurbs where land costs are lower. "While finding a cheaper house in the suburbs used to be a strategy that resulted in savings, recent studies show the increased cost of transportation nearly wipes that savings out," Poticha testified in Congress on March 8, 2007 before the Appropriations

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Transit plays an important role in supporting compact communities where one can live and work, and in lowering household transportation costs, thus delivering more affordable lifestyles.

"The advantage of transit-oriented developments is their potential to lower combined spending on the two largest household expenses."

Image courtesy of P.J.S. fom flickr.com

impasse between the political right and left over housing policy—one that derailed programs like Hope VI—CNU assembled leading housing specialists and urbanists from across the political spectrum for a forum in Racine, WI. From codes enabling traditionally urban forms of affordability such as housing above stores to newer ideas such as community land trusts. Or very radical ideas like replacing all Federal Housing programs and using the savings to add to the Federal earned income tax credit. This publication explores highlights from the forum and tracks how the discussion has advanced since then.

NORQUIST

the debate at Wingspread. It also tracks the conversation as it has evolved since then as the challenge of neighborhood affordability has been established as a major topic within the CNU. Housing affordability is explored annually at CNU Congresses, is the subject of a new CNU Affordability Task Force, and was a central concern as new urbanists responded to the hurricanes of 2005 with solutions including the Katrina Cottage, now funded as a humane alternative to the FEMA trailer.

Through this report, you have the opportunity to evaluate for yourself Husock's unrelenting argument that public housing and other government housing interventions are fundamentally flawed enterprises that undercut the many ways that functioning markets address diverse housing needs. You'll see passionate defenses of the Hope VI program from Solomon, Gindroz, Cisneros, and Atlanta Housing Authority President Renee Glover. You'll find the dispassionate analysis of economics professor Richard Green who points out that public housing has never served more than a small fraction of poor households and that even the most far reaching program, Section 8 housing vouchers, reach just one third of those eligible. He also argues that restrictive zoning is one of the chief forces making housing unaffordable. Green also expressed skepticism about efforts to expand home ownership to those with insecure finances. This view seems prescient in light of the current sub-prime mortgage crisis.

The fact that federal housing programs weren't scaled up for the challenge, even before their downsizing by conservatives, reveals the need for either greatly expanded support (as unlikely as that may be fiscally and politically) or further solutions, be they market-based or government-funded. Responding to the critique that current government housing programs are particularly inefficient in getting aid to the poor, David Riemer, a public policy expert who forged bipartisan cooperation on the widely praised welfare reform in Wisconsin, explores the possibility of delivering housing aid directly to the poor in the form of an enhanced earned income tax credit. This "modest" proposal intrigued many conference participants from all points on the spectrum.

Most encouragingly, the conference revealed the potential for housing advocates and critics alike to agree on something significant: that traditional mixed-use neighborhoods themselves deserve to be a central housing affordability strategy because they make possible time-tested forms of affordable housing ranging from duplexes to garage units to apartments above stores. The reintroduction of this traditional neighborhood form to public housing is the main reason Hope VI receives praise. Of course, the widespread adoption of separate-use zoning regulations has made these traditional mixed-use neighborhoods—and the affordable housing types within them—illegal to build in many, if not most, U.S. communities. Participants at Wingspread agreed that relaxing zoning to make mixed-use urbanism legal again is an important starting point for creating housing affordability.

Although sociology professor Emily Talen argues in her blueprint for CNU's new Housing Affordability Task Force that the growing demand for well-planned traditional neighborhoods cuts into their affordability advantages—leading her to call for greater use of tools such as community land trusts and requirements that for-profit developers provide a certain percentage of units at a price affordable to those with less than median area incomes—some promising approaches promote greater housing affordability by making it easier to develop mixed-use urbanism. Wingspread participants, for instance, suggest inventorying underused but strategically located public land in the nation's cities—storage lots, underused freeway corridors, closed or scaled-back military bases and air fields—and opening them up to development. Such locations near metropolitan centers and near transit lines can create efficient living opportunities for all, including moderate-income households.

Disagreements over housing policy won't be easy to resolve, but it's clear that the principles of traditional urbanism—the principles of the Charter of the New Urbanism—can help guide the way towards solutions. With demand for 70 million new housing units predicted over the next 30 years, America has the opportunity to better serve housing needs across all income categories. The current slowdown in housing production and price growth makes now a good time to consider the reforms debated in this report.

GINDROZ

NON-URBAN SLUMS

But today, the sprawling development patterns of our regions consist of single-use complexes and single-income subdivisions. Low-income housing projects and subsidized complexes are isolated by physical design as well as location and they lack affordable transportation to connect residents with the many jobs in the outer parts of regions. So the American dream is much more difficult to achieve.

Well-intentioned federal housing programs did go badly off course in the latter part of the 20th Century. Liberals and conservatives agree that public housing projects had become dysfunctional for their residents and blighting influences on the cities in which they were located.

In redesigning the exterior of an existing project, my colleagues and I learned the social value of traditional urbanism. By adding porches, front yards, and streets to the empty spaces between buildings, it was possible to create the framework within which residents could reclaim their neighborhood. The success of this effort made it possible to modify Department of Housing and Urban Development (HUD) Policy and set the stage for the role CNU would play in establishing design guidelines for the HOPE VI program.

"By adding porches, front yards, and streets to the empty space between buildings, it was possible to create the framework within which residents could reclaim their neighborhood."

CNU AND THE HOPE VI PROGRAM

By the early 1990s, with public housing policy clearly in desperate need of reform, HUD's goal was to transform deteriorated government-owned housing projects into sustainable mixed-income neighborhoods that would contribute to the revitalization of cities. HUD also recognized that the private sector would need to join in public-private partnerships to create these mixed-income communities in order for them to succeed in the market place. Since the early and mid-90s were also the years when CNU was founded and its Charter drafted, HUD's Hope VI program became an ideal testing ground for the principles enumerated in the Charter.

Members of CNU provided HUD with training manuals for administrators and set the design criteria which helped determine which applications received federal funding. To receive an average $40 million grant, developers and local housing authorities needed to follow the principles of New Urbanism. Individual CNU practitioners participated in the design of dozens of these projects over 7 years and achieved substantial change in many cities. The results were mixed-income neighborhoods built in a way that continues the local traditions of each community, rather than projects built according to a federal formula. At each, a public process ensured community discretion in determining the future form of neighborhoods.

NEW URBANIST PRINCIPLES AND MIXED-INCOME NEIGHBORHOODS

Through master plans and building designs developed in participatory design charrettes, the new urbanist projects created a series of neighborhood streets, lined with housing of a wide range of types and sizes. The architecture carefully extended the best traditions of nearby neighborhoods. The "project" disappears and becomes part of the city. Within these developments, there is no distinction between subsidized units and market rate units. And there has been no difficulty in the way in which persons of various incomes relate to each other in these developments, primarily because they are part of a neighborhood, not part of a project.

THE ROLE OF SUBSIDY IN HOPE VI

The infusion of federal investment in infrastructure has been essential to the program's remarkable accomplishments. The rebuilding of long-neglected neighborhoods requires a level of investment far beyond the means of local jurisdictions. Furthermore, the distressed public housing projects themselves had to be removed and the damage they caused to the environment mitigated. Once they were cleared, the private market responded and middle-income people began buying market-rate houses and renting market-rate apartments. The projects are often so successful that real estate values around them increase as much as ten times. The federal subsidy that ensures that a percentage of the units will be affordable has proven essential in ensuring that the goal of a mixed-income neighborhood is achieved and maintained. And the most successful HOPE VI projects limited public housing residency to those who are willing to participate in educational and social service programs that would enable them to improve their lives and move out of subsidized housing.

"Through designs developed in participatory charrettes, the new urbanist projects created a series of neighborhood streets, lined with housing of a wide range of types and sizes."

A FUTURE WITHOUT SUBSIDY?

The legacy of the program includes a large number of professionals, in both the public and private sector, with the skills needed to find ways of financing, funding, designing, and building mixed-income neighborhoods in difficult areas. Programs such as the University of Pennsylvania's Center for Urban Redevelopment Excellence (CURExPEnn) provide mid-career urban revitalization training to professionals in various development disciplines. Foundations and other sources of funding are increasingly interested in such community rebuilding efforts. The traditional American neighborhood continues to be the most successful model for mixed-income development. The challenge is to find new ways of accomplishing it.

To see ideas developed cooperatively in response to Gindroz' challenge, see *Core Principles and Strategies*, page 22.

devaluing "their strivings and accomplishments … as they climb the housing ladder."

What should federal housing policy look like if it's not to include public housing or rent assistance? Husock says two concerns should drive the creation of this policy: how to deal with very poor households who currently receive some kind of government housing subsidy and how to revive the "polyglot urban environment that produced a range of housing types and housing costs in the pre-zoning era." In response to the first concern, Husock expressed interest in an idea that emerged at Wingspread: enhancing earned income credits that allow families to make their own decisions about how they will spend that income. In response to the second, he suggests relaxing zoning laws to encourage the building of diverse housing types that

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HUSOCK

are affordable to lower-income households. These building types include two-family buildings, buildings with in-law units, and buildings with ground-floor retail and living space above.

"The federal government is a minor player in this," notes Husock. "It's the zoning boards where these battles are going to be won or lost." And in suburbs, the battle is to convince average citizens that it is in their best interest to let urbanism return, says Husock. Husock believes Shaker Heights, Ohio serves as a valuable model. A residential community outside of Cleveland, Shaker Heights was founded in the early 1900s and was designed with neighborhoods accommodating two-family buildings, mixed-use buildings and small single-family residences, alongside neighborhoods for the very affluent. "Rich people were willing to move into Shaker Heights, and they still live there," says Husock. "There are still two-family zones. And they still coexist."

For this model to be adopted more broadly, public housing must not be part of the mix, says Husock. "If average citizens think that bringing back urbanism brings in anything that smells of public housing as they understand it [then] they'll go with large-lot zoning. But if we tell them that we're going to have firefighter and teacher zones … It worked before [and] it can work again."

GREEN

appraisers' manual used in determining loan risk and eligibility rated a neighborhood's "quality" largely based on its ethnic and racial make-up. "Neighborhoods with Northern Italians were even rated more highly than neighborhoods housing Southern Italians," says Green.

RE-INSTITUTIONALIZATION

The government's deinstitutionalizing of the homeless creates what Green calls "a substantial impact on the very bottom of the housing market." Green notes that 75 percent of the homeless in America are men, and 80 percent of these men were institutionalized for mental illness at some point during their lives. Green identifies a surprising reason for the rate of homelessness decreasing in places like California: more and more homeless people are being sent to prison and are "essentially being re-institutionalized."

TAX POLICY

Green observes that the mortgage interest deduction was not conceived as a mechanism to encourage owner-occupied housing—and he makes the striking assertion that it currently does more to drive up the cost of housing than to encourage residential ownership.

"The idea that mortgage interest deduction is housing policy that encourages home ownership is a rewriting of history. The mortgage interest deduction is a residual," he says. "The original federal income tax code for the United States from 1916 allowed the deduction of all consumer interest. So any kind of debt you paid interest on, you deducted it to determine what your taxes were.

"During the Tax Reform Act of 1986, a proposal called Treasury 1 would have eliminated all consumer interest deductions," says Green. "However, mortgage bankers, builders, and realtors lobbied to preserve the mortgage interest deduction."

Mortgage interest deductions do little to encourage homeownership and have important spatial implications, argues Green. Essentially, they allow people to purchase more expensive housing than they would otherwise afford. People can outbid others and drive up the cost of property. This makes property and land more expensive. People at the top of the income spectrum are less affected by this dynamic than people at the lower end of the income spectrum.

MEASURE OF AFFORDABILITY

Green believes that the government-developed standard of allotting 30 percent of one's income toward housing is no longer an appropriate measure for affordability. For high-earning households, 30 percent is not a large amount of money and these households can actually afford to spend more on housing. For a minimum-wage-earning household, however, Green asserts that 30 percent of the household's income is too much money to spend on housing. "If they're spending 30 percent on housing, there's really not much left for them to use to feed or clothe themselves." Green advises thinking more carefully about measures of affordability and looking at the distribution of cost of the housing stock against the distribution of income to see whether affordable housing exists for people at every income level. This would move us to consider raising incomes at the bottom of the income spectrum.

"Reframing entirely how we think about poor America's relationship with the 'system' must be the starting point for major reform."

RIEMER

the kind of humane and rational set of policies for low-income citizens that Milwaukee's experimental New Hope project demonstrated to be effective in increasing employment, reducing poverty, curbing anti-social behavior, and even encouraging marriage.

Still, the total package—W-2, the state EITC, BadgerCare—has been a remarkable ideological, political, and policy breakthrough. Liberals got much of what they wanted: expanded eligibility for new subgroups of the poor, and additional benefits such as the state EITC, subsidized childcare, and BadgerCare. At the same time, conservatives got much of what they wanted: a huge 80% caseload reduction, and a stiff work requirement. And everyone was pleased by the more equitable treatment of the non-working and working poor.

Wisconsin's experience with welfare reform holds an important lesson for U.S. housing policy. As with welfare policy prior to the mid-1990s, housing policy is paralyzed by basic conflicts between liberals and conservatives. Liberals want more subsidized housing; conservatives want less. Liberals want to give more low-income people

greater subsidies, spend more on replacing dysfunctional, Pruitt-Igoe-style projects with attractive neighborhood developments, and promote racial and economic integration. Conservatives want to narrow program eligibility, limit benefits, and generally spend less, in large part because they believe that government-housing programs have massive negative side effects and unintended consequences for poor individuals and families (such as penalizing work and undermining marriage) and for communities (such as lower private housing values). Is there, as there was with welfare reform, a possible bold breakthrough that could unite liberals and conservatives in support of a "Third Way" because it achieves most of their underlying goals? Can liberals accomplish their primary goal—enabling low-income people to afford decent housing in America—in a manner that's compatible with conservatives' main goal—eliminating housing policy's perverse consequences for the poor themselves, their neighborhoods, and the housing market, while shrinking the role and size and cost of government?

One modest proposal that, like W-2 and its allied programs, might achieve such a breakthrough would be to simultaneously:

- Dramatically increase the "Participation Income" of America's low-income workers through a number of mechanisms: by offering minimum-wage "transitional jobs" to unemployed workers who truly can't find private sector employment after a reasonable job search; by restructuring and expanding the EITC and Child Credit so that work pays well above the poverty line (and is not undermined by excessive marginal tax rates or marriage); and by enabling everyone to purchase day care, K-12 education, and health insurance;
- End all housing-specific subsidies, which total over $160 billion per year at the federal level alone; and
- Limit government's involvement in housing to planning, zoning, building codes, and building inspection,

Disabled and retired adults may also require higher disability or Social Security payments to meet their housing needs, but working Americans are the key.

Once America's low-income workers can obtain from the work they do—or in connection with the work they do—enough earned income and high enough earning supplements to be able to rent or buy housing within an unsubsidized market at market rates, why not dispense with housing subsidies altogether? As with welfare, reframing entirely how we think about poor Americans' relationship with the "system" must be the starting point for major reform of the nation's housing policy.

stand against community building, against physical planning, and against the entire achievement of Hope VI and New Urbanism. I had to leave Wingspread before the final discussion, and I didn't get a chance to scream at anyone. This is my ten minutes to scream.

I won't use any of this short time to paraphrase Howard's book; he can do that most compellingly himself. What I will try to paraphrase is what I understood as the common ground he found with David Riemer, former Milwaukee mayor Norquist's Chief-of-Staff and a major policy figure in the State of Wisconsin, and Richard Green, a highly credentialed economist at George Washington University. What they appeared to agree upon (at least substantially) is that all assisted housing programs—tax credits, public housing, the work of CDC's—are inherently and hopelessly inefficient compared to the private market, and all are riddled with disincentives to the achievement of personal autonomy. And what they didn't dispute was Husock's point that government-sponsored housing leaves scars on communities and devalues the real estate anywhere near them, and this applies even to Section 8 vouchers, which end up creating de facto concentrations of the poor and the dysfunctional.

"One of New Urbanism's hardest tasks, one that remains incomplete, is convincing large numbers of talented architects that combining the ordinary and the excellent is a high aspiration with profound social purpose."

What they also agreed upon as a potential solution to the problem of housing America's poor is an Earned Income Tax Credit that will put discretionary cash in the pockets of the poor and permit them to take care of themselves within the market economy like everyone else. This is like the theory that the solution to undernourishment in Thailand is to feed Thais algae instead of feeding algae to their fish and chickens. It's a neat idea: fewer middlemen and a cheaper, more efficient distribution of protein. Getting Thais, of all people, to embrace a nouvelle cuisine of algae, however, proved to be a bit of a problem.

My town, San Francisco, has just discarded something similar to the EITC: cash distributions to the homeless that turned into an utter disaster for the city and for the homeless themselves. After several years of these cash grants, some 70% of the electorate voted to rescind them in favor of Mayor Gavin Newsome's Care, Not Cash program, a combination of supportive services of various sorts and subsidized housing. Although EITC payments do supplement earned income and are not mere cash handouts, what Husock and Reimer are proposing is essentially a vast version of the opposite of Care, not Cash, that is Federal Cash, Not Care. Let me take my few minutes to skip lightly across the highest peaks of what strikes me as fundamentally wrong with their argument.

Husock claims that two people making minimum wage, perhaps aided with the EITC, can always find housing. This incentive for bundling two meager incomes is also a protection against single motherhood and the abomination of bastardy, so encouraged by welfare and public housing, which he conflates as one thing.

What this claim doesn't take into

SOLOMON page 18

account is the structure of the American metropolis and the increasingly widespread phenomenon of successful cities. Aspen, in this regard, is a vivid microcosm of the large American metropolis. There they built a $100 million, 4-lane highway through the precious Aspen Valley so that service workers could commute 60 miles to the housing the Market provides when a tenth of that money could have housed all of them nicely in town.

If the poor can only live where the market lets them live on a lousy wage and a small cash grant, then they have two choices. If they happen to be in a failing city, then they can find housing at its decaying center and live off its carcass. But if they are in a successful city, they can't be anywhere near where the action is. The Market in the heart of successful cities leaves no room for the poor and the Market generates sprawl, social and economic segregation, dependence on automobiles, pollution and all the rest. And the poor, rather than being liberated by access to employment, education, and the culture of the city will be trapped in a new form of isolation past the urban edge. Old-style public housing and welfare was a trap; on that we can all agree. The new Libertarian-style Earned Income Tax Credit coupled with sprawl—is at least as insidious a trap and as harmful to the city as a whole as the awful New Deal public housing projects that the Libertarian left and the Libertarian right along with new urbanists hate so much.

If they are indifferent to the structure of the metropolis and its relationship to housing the poor, our three policy wonks are even more indifferent to the effects of physical design. They do acknowledge the role of traditional urban form in supporting affordability through a range of diverse housing and building type. But to them subsidized housing is subsidized housing, period. Husock approvingly quotes someone named Joe Pettrone who called Hope VI "a pig in a Tuxedo." It may look sharp, but it's still a pig.

When asked if he really thought that the public housing shown in the top image has the same effect on surrounding real estate values as the housing in the image beneath it or whether the qualitative differences between these places affected the willingness of middle income people to live near public housing tenants, Richard Green said that the data do not make these kinds of distinctions. Apparently an economist's methodology will trump common sense every time. This says something about what data we should gather and what an essential new urbanist research agenda includes.

"Hope VI is a way of galvanizing people around a place and around the problem...a highly positive impact on families and on the city."

There was an element of the Wingspread Conference that was beautiful and poignantly moving. That was the panorama of people of incredible ability, dedication and accomplishment who showed what they have actually done over the last decade. Ray Gindroz, Renee Glover, Elinor Bacon, Richard Baron, John Norquist, and others showed what they have built. I was so very proud to show some of our work in their company.

The work consists of three things. First, it is a form of integration that dismantles the self-perpetuating communities of the dysfunctional. Second, it is a set of social policies and educational programs that do what physical design can never do by itself; that is, teach people to lift themselves out of dependency. Finally it is the physical characteristics of these places—lovingly made but integrated with what is around them, simultaneously ordinary and excellent. One of New Urbanism's hardest tasks, one that remains incomplete, is convincing large numbers of talented architects that combining the ordinary and the excellent is a high aspiration with profound social purpose.

The "tuxedo on a pig" metaphor is the contention that physical design is irrelevant and it underestimates the power of the physical after generations of naïve over-estimation.

The physical design of the Hope VI is a triumphant reassertion of the enduring value of American urbanism. This is what we stand for; it is what we are all about. If we are now in a policy climate that devalues what we have done, it will still not diminish this achievement for hundreds of thousands of people who have been its beneficiaries.

The power of Libertarian arguments lies in their clarity, in the fact that they do not ask policy makers to agonize over those fine distinctions between babies and bath water that are the heart of New Urbanism. New Urbanism's most fundamental and most interesting idea is that the physical and the political are conjoined twins, each lacking efficiency without the other.

We know what we have done. We know its value and we know that we have sown a seed that can probably grow and continue to thrive without the Federal government, without Hope VI and without the likes of our Libertarian friends who don't get it and never will.

in cycles of poverty, the AHA conducts ongoing outreach with them.

A firm belief in the market and a productive role for the private sector was the second tenet. Resultingly, all of AHA's redeveloped communities are owned by public-private partnerships through which the private partner drives the development using market principles. "So we are creating market-rate communities with a seamless affordable component. Now, the neat thing is that, at least for the period of the arrangement, which is typically 40 years because of the nature of the financing, there will be a place for families of variable incomes."

"The third principle is comprehensive community-building," says Glover. "When I'm talking about broken schools, I'm not talking about schools that worked for some. You had kids failing terribly by the time they got to middle school. They drop out and the high school graduation rate is somewhere between 30% and 40% which is just ridiculous. And so if you couple bad environments and bad schools, you write the script for failure." And schools were just one aspect of broken communities. Glover says the isolated design of the old housing projects and the problems surfacing again and again "destroyed the surrounding neighborhoods, so typically, there was no investment of any type in the areas about one mile around the property."

AHA's fourth tenet was raised standards of personal responsibility and

accountability. "All the family members that return—anyone not elderly or disabled—are required to work. We don't apologize for it," Glover says, "This is all based on a belief in people and human potential. Far be it for us to say that someone can't achieve. If you run a program based on an assumption that people can't achieve, they won't achieve."

Centennial Place is a prime example of the AHA's achievements under Glover. Its redevelopment in March 1996 spurred nearly a billion dollars of new investment within a one-mile radius including a police precinct, a bank branch, a YMCA and a new aquarium. The rate of home ownership has climbed in the area. Crime is down 93 per cent, and the new Centennial Place Elementary School—which replaced one of the lowest-performing schools in the Atlanta Public School System—is now testing second only to one of the historically high-performing schools.

The AHA does not own the properties it has redeveloped, but acts as an asset manager. The private and public partnerships that own the developments have used federal grant money as seed capital to assist with short-term relocation of families, to complete the demolition of the original projects, handle environmental issues, and buy down the costs of public housing to keep rents affordable. According to Glover, additional public cost is miminal, especially when considered alongside the new tax revenue the privately owned improvements generate.

"Clearly," Glover says, "there has been an improved quality of life for families who have elected [to return to the redeveloped properties]. What we tried to do is provide family choice when we do the relocation. Now, I personally think that if the program is well managed, and depending on the market, that the housing choice can really afford families a great opportunity, but it is important that the program be well managed."

Glover believes that it is important "to think about our role in this [as] policy makers, in terms of how you right a wrong. Hope VI is an answer, not necessarily the only answer." In that light, the work at the AHA should serve as a model as soon as the political climate becomes more favorable again to programs such as Hope VI which leverage government dollars with private-sector strategies. The Hope VI approach, she says, "is a way of galvanizing people around a place and around the problem…It is having a hugely positive impact on the families, and on the neighborhood, and on the city."

TALEN

to redress the regulatory requirements in the transportation field from the inside, CNU needs to infiltrate the affordable housing apparatus to institute better design standards. It has been noted, for example, that tax credit financing in some states mandates designs that run counter to walkable urbanism.

The Initiative should take the lead on researching design criteria, standards, and measurement methodologies as recommended in this paper. It should also examine the implications of affordable housing policies and financing structures, especially the low-income housing tax credit program, for successfully achieving new urbanist principles.

MOUZON

are two enormous symptoms of people wanting to take back the production of their own houses as opposed to simply letting the specialists do it," he says.

The final methods of reducing building costs—the use of something Mouzon calls the classical-vernacular spectrum—deserves special attention, he says. Traditional architecture, which dominates the housing industry in various revival forms, spans highly formal classical forms on one end and vernacular forms on the other that respond more informally to local traditions and conditions, including the range of economic conditions found in most communities.

To promote affordability, Mouzon says developers need to overcome the emphasis they place on "high-style classical" architecture and instead reinvigorate vernacular traditions. "Literally dialing down on the classicism-vernacular spectrum is the single biggest thing that you can do to reduce the cost. The vernacular languages are what produced all of the affordable housing from the dawn of time to the twentieth century. And that was by definition affordable housing. That's how it came about."

"The vernacular mechanism is something that is actually a natural organic process that has been responsible for the creation of some of the most loved places. It was something where the actual wisdom of how to produce this stuff rested with the culture and not just with the specialist. The question is, if that's the case, how do we restart that?"

Mouzon suggests starting by reinstating the vernacular in a modest but carefully realized form—almost exactly the approach that launched the Katrina Cottage. "In other words, it takes a trained hand at the beginning to idealize it to where people see a modest structure and, in the South anyway, they say, "Isn't that precious?" When you can do that with a very simple vernacular, then you have the beginning of something that will resonate enough that it can actually be continued."

In the past, the vernacular was passed down through the culture without the benefit of drawings, he says. The people who built homes and multi-unit dwellings "weren't architects—they were just average farmers, craftsmen, tradesman who passed the wisdom from one generation to the next and to new arrivals into a culture"

Mouzon believes reestablishing this kind of "living vernacular" is indeed possible. The transfer mechanism is the soundness of the basic design and construction strategies. "It's something as simple as these four words—'We do this because,'" Mouzon says. "If every pattern of a language can be expressed that way, then it's something that the culture at large has within its grasp. People know how to do it. You can literally bypass a lot of the other things that are known to already be impediments to affordability."

The experience from Katrina recovery shows strong demand for housing that is efficiently sized and of sufficient quality to attract buyers with or without subsidies behind them. While the Katrina Cottages, in their various iterations, were thought to serve as low cost emergency shelter, the design and quality may cause these houses to endure and hold value. Much as well designed low cost housing, such as the Sears Craftsman Homes, still hold value after some sixty years in service. The lesson is that good design can please consumers across income classes and strengthen the housing industry at the same time.

Subcommittee on Transportation, Housing, and Urban Development. In her testimony before Congress, Poticha also discussed why an increase in transportation costs is a particularly critical question for poorer families: "Transportation costs as a percentage of the total household budget varies greatly according to income: from 9 percent for high-income families, to over 55 percent for very-low-income families. This severely limits the ability of these households to create wealth or meet daily living needs. We must find ways to . . . bring together housing and transportation strategies."

The advantage of TODs is their potential to lower combined spending on the two largest household expenses, providing units whose proximity to public transit will keep transportation costs low. Lower transportation costs make TODs more desirable than low-cost housing in the suburbs, but Poticha worries about a counter trend: the increased demand for housing around transit lines pushing poor residents out of those areas. She argues that programs that target housing affordability have typically overlooked this problem, by failing to factor in transportation costs as a significant portion of cost of living. That needs to change, she says. "Where we locate affordable housing impacts the budget of lower income households and we need to account for that," she says.

As Poticha noted at Wingspread, this more holistic planning view has already been embraced in California, where the state has "recalibrated the low-income housing tax credit program to prioritize locations within walking distance of transit." Because of this policy change, developers had become more likely to develop affordable housing along transit lines, thereby setting an example for a sustainably affordable lifestyle for the state's poorer residents.

The Turnaround Machine

HUD's Hope VI program delivered an inspired combination of humane urban design, mixed-income housing, public-private partnering and improved site management. As this gallery of CNU Charter Award winning projects shows, the results were affordable neighborhoods that set a gold standard for livability. With its funding recently reauthorized in the U.S. House and action pending again in the Senate, the program may live to transform communities again. To learn more and see additional award-winning Hope VI projects, visit cnu.org/awards/winners.

Upper left top
MARTIN LUTHER KING JR. PLAZA
Philadelphia, PA

In 1990, four high-rise public housing towers in Philadelphia's working-class Hawthorne neighborhood were demolished. Hope VI funded a redevelopment plan featuring mixed-use buildings and rowhouses on reconnected streets. The resulting project includes a wide range of housing types for diverse income levels, retail space, and a central public square. This project has brought new life to a community suffering from disinvestment and disrepair. Honoree: Torti Gallas, 2006

Far right
SALISHAN NEIGHBORHOOD, Tacoma, WA

Originally built as World War II worker housing, this public housing site encountered first environmentally ruinous deforestation and then severe isolation and neglect in the 1990s. Working closely with community members in multiple languages, the design team focused on both delivering quality affordable housing and repairing the natural environment. In a way that is compatible with the neighborhood's urban form, a variety of swales absorb 91 percent of storm-water onsite, helping to remediate a polluted salmon stream. Honoree: Torti Gallas, 2007

Right center
OAK HILL, Pittsburgh, PA

Located on a hill high above downtown Pittsburgh, Allequipa Terrace (at right) was known for physical isolation, crime and a nearly 50 percent vacancy rate. Inspired by pre-World War II era neighborhoods of tree-lined streets, sidewalks and public squares, the $120 million redevelopment plan overcame difficult topography, creating an urban fabric and a vastly improved sense of place and better connecting residents with the rest of Pittsburgh. A majority of the 664 rental and for-sale units accommodate lower-income residents. Within the first year, strong demand caused market prices to rise 10 percent. Honoree: Goody Clancy, 2004

Right bottom
OAKWOOD SHORES

Part of the Chicago Housing Authority's 'Plan for Transformation' initiative, this development replaces a once-troubled public housing site with a mixed-income community comprised of low-income, affordable and market-rate housing units. With a variety of 6-flat and 9-flat buildings, townhouses, rowhouses and single family homes, plus alternate elevation designs and exterior colors, the project exhibits beautifully diverse streetscapes that, by reestablishing the neighborhoods old street grid and alley system, locating parking in the rear of the buildings, and positioning the largest structures on street corners, a pedestrian-friendly environment has been created. Honoree: FitzGerald Associates Architects, 2008

MARTIN LUTHER KING JR. PLAZA, Philadelphia, PA

SALISHAN NEIGHBORHOOD, Tacoma, WA

OAK HILL, Pittsburgh, PA

OAKWOOD SHORES, Chicago, IL

Core Principles and Strategies from CNU's Housing Affordability Conference

When CNU assembled a politically diverse group of participants to discuss housing affordability, they agreed that the following core principles were worthy of support and that the policy changes and strategies deserved either support or serious exploration as the US searches for new ways to meet its housing needs.

Core Principles

1) Americans should have adequate resources through work to afford housing in the private market. A safety net should exist for those unable to find work.

2) There should be a range of housing types and prices to help ensure vital and affordable neighborhoods.

3) Because economically dynamic cities are key to national prosperity, enable investment in them and their people to allow both to reach their full potential.

Policy changes and strategies

On the demand side:

Consider enhancing the system that supplements the earnings of low-income workers to improve their ability to afford housing in the market. In addition to EITC enhancement, other elements of a safety net could be addressed (e.g., health and child care).

In exchange, most housing specific subsidies could end. If housing subsidies remained, such as Section 8, time limits of some sort would be placed on them, except in cases of permanent need such as housing for disabled people.

On the supply side:

The federal government should change its policies to make already developed public land (public housing, freeways, military bases) available for development by the private sector so it can be developed into housing (and mixed-use development).

Private projects on sites of existing public housing projects should include some component of affordable housing, or allow for affordable housing nearby.

Create incentives at the federal level for local and state governments to remove regulatory barriers to the permitting and development of housing and good urbanism.

These measures would include incentives to streamline processes that discourage housing creation.

They would acknowledge efficiency of high-density housing near transit.

They would provide incentives for communities to reverse fiscal zoning, which discourages new housing in order to avoid adverse municipal fiscal impacts.

They would promote removal of regulatory barriers to urbanism since it provides a framework wherein diverse building types (including single family home, duplex, and apartments-above-stores) are assembled to form valuable neighborhoods.

We should recognize that the Department of Commerce under Herbert Hoover played a key role in setting current sprawling development patterns through the introduction of Euclidean zoning as a federally approved zoning model. We need now to provide the government with an alternate pattern or model to promote. That model includes two parts. The first is form-based coding, which does not regulate the use of the land but instead addresses the shape and placement of buildings so they behave as good neighbors in a way that creates collective value. The second is transect-based thoroughfare standards, which create a network of thoroughfares that respond to their urban context.

Read more about additional recommendations discussed at CNU's Wingspread Conference at www.cnu.org/housingreport.

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Climate Change Summit

FOR IMMEDIATE RELEASE
TUESDAY, APRIL 29, 2008

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Governor Crist Announces 2008 Climate Change Summit

~ Investing in Florida's green technology to be focus ~

TALLAHASSEE – Florida Governor Charlie Crist today announced the 2008 Serve to Preserve Florida Summit on Global Climate Change. The conference will be held June 25-26, 2008, at the Intercontinental Miami. Building on the foundation for Florida's energy future began at last year's summit, the 2008 summit will focus on stimulating economic development in clean technologies as well as "greening" Florida's business community.

"Florida's businesses continue to demonstrate that there is gold in green, and climate-friendly energy sources – like ethanol and solar energy – are bringing new prospects for our state," said Governor Charlie Crist. "Encouraging companies to do business the green way as well as building a strong market in renewable energy technologies in the Sunshine State will strengthen our energy and economic future and protect our natural environment for generations to come."

Building on the policy framework of the executive orders signed at the 2007 summit, this year's summit focuses on developing Florida's renewable and alternative energy industries. By encouraging companies to invest in our state's energy future, Florida will transform its energy marketplace to enhance fuel diversity, lessen dependence on foreign sources of oil and reduce greenhouse gas emissions. The 2008 summit will bring together industry leaders, policy makers, academics, scientists, environmentalists and the business community to explore opportunities for expanding Florida's renewable and alternative energy marketplace and greening our business community.

Since last year's summit, Florida's "green" economy has grown significantly. Progress Energy along with Biomass Gas & Electric of Atlanta recently announced a partnership to build in North Florida the largest waste-wood biomass plant in the nation, converting waste wood to electricity. FPL Group, one of the largest utilities in the country, has a number of solar and wind energy projects across Florida, including a $2.4 billion investment in a 300 megawatt solar facility. Also, during the Governor's trade mission to Brazil last year, a $183 million agreement was signed between Renewable Fuels of Tallahassee LLC and Controlsud International Group to build a system that converts trash into energy in Tallahassee. Additionally, other companies are expanding conservation efforts and investing in upgrades at existing facilities to increase energy efficiency and save money while stimulating our economy. Finally, in November, Florida was home to the first carbon-neutral college football game between Florida State University and the University of Florida in Gainesville.

On July 13, 2007, Governor Charlie Crist signed a suite of executive orders to reduce Florida's greenhouse gases emissions, increase energy efficiency, and remove market barriers for renewable energy technologies such as solar and wind energy. Since the executive orders were signed, Florida has stepped onto the world stage as a major marketplace for advanced energy technologies. In addition, the Governor's Action Team on Energy and Climate Change Phase II Report, due October 1, 2008, will provide additional recommendations for strategic investments and public-private partnerships to spur climate-friendly economic development opportunities.

For more information on the 2008 Serve to Preserve Florida Summit on Global Climate Change, or to register for the conference, visit www.myfloridaclimate.com or www.myflorida.com.

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THE AASHTO Journal™
WEEKLY TRANSPORTATION REPORT
SUNNY MAYS SCHUST, EDITOR

Vol. 108, No. 18 May 2, 2008

EXECUTIVE DIGEST

Congress

The House of Representatives Wednesday approved by a vote of 358-51 the Senate version of a bill making technical corrections to the 2005 surface transportation authorizing legislation, sending it to the President's desk for signing. The White House has voiced strong opposition to the bill, but it is expected to become law. Page 1.

With little progress made in a week of debate on the aviation reauthorization bill, Senate Majority Leader Harry Reid (D-NV) has scheduled a cloture vote for next Tuesday to limit further debate and move to a vote. However, with GOP senators protesting non-aviation tax provisions in the bill, it is uncertain if Reid can garner the 60 votes necessary for cloture. Page 1.

AASHTO Executive Director John Horsley urged senators negotiating the reauthorization of the Federal Aviation Administration (FAA) to embrace a provision sponsored by Senators Max Baucus and Charles Grassley providing $5 billion to the Highway Trust Fund to offset the projected Fiscal Year 2009 deficit. Page 2.

Foreign countries and regional trading blocks are outstripping U.S. investments in transportation infrastructure across all modes, putting the nation at risk of losing its economic edge and continued viability, authors of a report from the Urban Land Institute (ULI) and Ernst & Young announced this week. Page 3.

Information

The U.S. Department of Transportation is making $213 million in federal Congestion Reduction grant funds available to Los Angeles to convert high-occupancy vehicle (HOV) lanes to high-occupancy toll (HOT) lanes, the department announced this week. Page 4.

The debate over a summer "Gas Tax Holiday" heated up this week as the presidential contenders, several state lawmakers and even President Bush weighed in on the issue. Page 5.

Republicans in the New York Senate and Assembly are backing a federal, state and local gas tax holiday, saying New Yorkers will have more money to spend on groceries and clothes and even spur tourism, the *Associated Press* reports. Page 6.

During a weekly radio program this week, Virginia Gov. Tim Kaine said he may call the legislature into special session in June to consider a measure increasing the commonwealth's 17.5 cents per gallon gasoline tax. Page 7.

On Monday, Kentucky Gov. Steve Beshear vetoed House Bill 79, saying it would have limited the transportation cabinet's ability to make changes to state construction projects, the *Lexington Herald-Leader* reports. Beshear said the bill was inflexible and would not allow the cabinet to make emergency additions or adjustments. Page 7.

The Baltimore City Department of Transportation opened a new transportation management facility on Monday, April 28. Page 7.

The California Department of Transportation (Caltrans), California Office of Traffic Safety, California Highway Patrol, and California State Association of Counties announced May 1 a set of 152 actions designed to reduce serious injuries and fatalities by 10 percent on California's roadways by 2010. Page 8.

U.S. Secretary of Transportation Mary Peters and Virginia Governor Tim Kaine jointly announced this week that the Dulles Airport Metrorail Project is back on track for obtaining federal funding as a new transit start. Page 9.

The transportation departments of the District of Columbia, Maryland, and Virginia, the Federal Highway Administration and Potomac Crossing Consultants received the American Society of Civil Engineers' (ASCE) highest honor, the Outstanding Civil Engineer Achievement Award, this week for their work on the Woodrow Wilson Bridge Project. Page 9.

Transportation Librarians Roundtable (TLR) monthly webconference May 8 will address electronic resources in transportation. The webconference begins at 2 p.m., Eastern Time. Page 10.

The April issue of the Federal Highway Administration's *Focus: Accelerating Infrastructure Innovations* is now available. Page 11.

THE AASHTO Journal™
WEEKLY TRANSPORTATION REPORT
SUNNY MAYS SCHUST, EDITOR

Vol. 108, No. 18 May 2, 2008

House Sends SAFETEA-LU Technical Corrections to President

The House of Representatives Wednesday approved by a vote of 358-51 the Senate version of a bill making technical corrections to the 2005 surface transportation authorizing legislation, sending it to the President's desk for signing. The White House has voiced strong opposition to the bill, but it is expected to become law.

House Transportation and Infrastructure Committee Chairman Rep. James Oberstar (D-MN) said H.R. 1195 will allow transportation construction projects across the nation to proceed, creating as many as 40,000 jobs. It will also provide some $21 million in funding for highway research and development programs. That includes supplementing the Strategic Highway Research Program II.

It also includes funding for a $90 million mag-lev rail project to Las Vegas and increases the minimum proportion states receive in federal highway safety grants from .5 percent to .75 percent.

House members also agreed to a Senate amendment calling for a Justice Department investigation of an earmark that diverted funding for a highway expansion to an interchange in Florida that was inserted after Congress passed the $286.5 billion Safe, Accountable, Flexible and Efficient Transportation Equity Act: A Legacy for Users.

Critical Vote Tuesday on FAA Reauthorization, Highway Trust Fund

With little progress made in a week of debate on the aviation reauthorization bill, Senate Majority Leader Harry Reid (D-NV) has scheduled a cloture vote for next Tuesday to limit further debate and move to a vote. However, with GOP senators protesting non-aviation tax provisions in the bill, it is uncertain if Reid can garner the 60 votes necessary for cloture.

Reid angered Republicans when he forestalled, through a procedural maneuver, the addition of further amendments to the bill unless they have his specific approval. GOP members are also objecting to other non-aviation provisions included in the bill, such as the authorization of a $1.7 billion tax credit for an unidentified transportation project in New York City, authorization of tax credit bonds for rail infrastructure and a doubling of the per-barrel oil spill tax rate to off-set the provisions of the bill.

The Administration, in a statement of administration policy, specifically objected to a provision that would restore solvency to the Highway Trust Fund, which is now projected to have a deficit of $3.2 billion by the end of this fiscal year. Finance Committee leaders Max Baucus (D-MT) and Charles Grassley (R-IA) had pledged last year to remedy the shortfall, so as to avoid a potential one-third cutback of the federal highway program in October. The Highway Trust Fund "fix" included in the Federal Aviation Administration (FAA) bill would reclaim from the General Fund some $3.4 billion in emergency repair expenditures taken from the Trust Fund over the past 10 years. Such expenditures had previously been paid for out of the General Fund. Other provisions would enable a transfer of a total of $5.2 billion into the Highway Trust Fund, including emergency relief funds.

Reid has reportedly asked the Finance Committee leaders to re-examine the non-aviation provisions prior to the cloture vote on Tuesday.

AASHTO Supports Sens. Baucus-Grassley Highway Trust Fund Provision in FAA Bill

AASHTO Executive Director John Horsley urged senators negotiating the reauthorization of the Federal Aviation Administration (FAA) to embrace a provision sponsored by Senators Max Baucus and Charles Grassley providing $5 billion to the Highway Trust Fund to offset the projected Fiscal Year 2009 deficit.

Speaking at a Thursday press conference convened by Baucus (D-MT)—chairman of the Senate Finance Committee—and its Ranking Member Grassley (R-IA), Horsley said the tax title provision will ensure that the guaranteed spending level in SAFETEA-LU will be sustained. The bill will also provide state transportation departments the funding needed to go forward with projects, add jobs and strengthen the economy. He called for quick action on H.R. 2881 and asked the transportation community to urge their senators to support the bill.

"I want to thank Senators Baucus and Grassley for their leadership on two fronts—a financing package for the modernization of our nation's aviation system and a fix for the Highway Trust Fund deficit. Our members support and deeply appreciate their efforts on both these fronts." Horsley said.

Horsley said the projected $3.2 billion deficit in the Highway Trust Fund in Fiscal Year 2009 would result in a $13.5 billion reduction in federal highway funding that flows to the states. "Across the board, this one-third cut in federal funding equals the loss of some 445,000 good-paying jobs," he said.

Horsley said many states are already facing budget deficits and a reduction in federally guaranteed money for transportation projects would compound their situations. The National Conference of State Legislators reports that some 23 states are facing budgetary shortfalls of $26 billion for FY 2009, which for most states begins July 1. They have no capacity to make up for the loss of $13.5 billion in federal highway funds.

"The Finance Committee crafted a tax title for the FAA bill to give all Americans access to safer skies, safer roads, and good-paying infrastructure jobs here at home," Baucus said. "The Senate should move quickly to pass this comprehensive FAA bill, with Finance-provided funds to improve air traffic control and to jump-start important highway projects."

Funding for the Next Generation Air Transportation System to modernize the nation's air-traffic control system would come from an increase in the general aviation jet fuel tax from 21.9 cents per gallon to 36 cents.

Grassley said, "This legislation makes a vital contribution to securing and strengthening the transportation infrastructure need for our economy and quality of life in America."

Thursday's press conference drew support from across the surface transportation and general aviation communities. Also supporting The American Infrastructure Investment and Improvement Act revenue provisions were: Phil Boyer, President of the Airline Owners and Pilots Association; Jamie Hunter, Government Affairs Director of the General Aviation Manufacturing Association; Ed Bolen, President and Chief Executive Officer of the National Business Aviation Association; Pete Ruane, President of the American Road and Transportation Builders Association; and Steve Sandherr, President and CEO of the Associated General Contractors of America.

U.S. Transportation Infrastructure Investment Falling Behind Other Nations

Foreign countries and regional trading blocks are outstripping U.S. investments in transportation infrastructure across all modes, putting the nation at risk of losing its economic edge and continued viability, authors of a report from the Urban Land Institute (ULI) and Ernst & Young announced this week.

"Countries continuously need to invest and retool infrastructure," said Dale Anne Reiss, Global Director of Real Estate at Ernst & Young. "Other countries have invested in infrastructure and we [the U.S.] haven't. Most Americans aren't aware of how medieval [in transportation infrastructure] we are."

Reiss and ULI Worldwide President Rich Rosan unveiled *Infrastructure 2008: A Competitive Advantage* this week. It provides a comparative look at transportation infrastructure investments in the U.S., China, Japan, India and Europe. It also looks at the condition and investment needs of the largest 23 U.S. metropolitan areas.

Rosan said the $170 billion many U.S. taxpayers will receive in coming weeks as part of an economic stimulus package could have funded much needed transportation infrastructure improvements called for in the report.

"A massive public works program needs to be established," Rosan said. "The U.S. is woefully behind the rest of the world."

Reiss noted that since 1980, vehicle miles traveled (VMT) has increased 95 percent, while roadway capacity increased only 4 percent. She said 24 percent of U.S. roadways are in poor condition while 25 percent of the nation's bridges are structurally deficient or functionally obsolete.

There are 122 high-risk levees protecting U.S. communities and $15 billion in productivity is lost every year due to delays in the nation's air transportation system. U.S. harbors are clogged because they lack the capacity to handle a growing amount of incoming

cargo. The U.S. also has no high-speed rail lines. Amtak's Acela is incapable of achieving its maximum speeds because rail lines are insufficient.

Reiss said the federal government has neglected investing in transportation infrastructure since completion of the Interstate Highway System. The federal program instead shifted the transportation infrastructure investment burden onto states. She added that highway construction costs have outpaced the costs of all other finished goods.

"We're not doing a good job maintaining and we're not doing a good job investing," she said.

Reiss said the U.S. should consider using public–private partnerships (PPPs) to help make up the infrastructure funding gap. Successful PPPs are in place in Europe and she said there are investment groups with as much as $150 billion available, which can be leveraged to $400-$500 billion in buying power. The U.S. federal excise tax on motor fuels is substantially lower than that of the major industrialized European nations.

Reiss also said there needs to be better land-use planning with regard to transportation infrastructure and investment. She also recommended U.S. policy makers make decision based on how to position the nation in the global economy.

The report predicts future transportation congestion in what are called Legacy Transit Cities. These include the metropolitan regions of New York, Los Angeles, Chicago, Philadelphia, Washington D.C., San Francisco and Boston. Future congestion rankings for New Large Share Transit Systems in Seattle, Portland, San Diego, Miami, Dallas-Fort Worth, Atlanta, Denver, Minneapolis-St. Paul and Milwaukee, vary from low to high.

Future traffic congestion is a certainty, she said, for the Lower Share Transit Cities of Phoenix, Houston, Sacramento, Providence, St. Louis, Tampa and Orlando.

The report may be ordered by visiting http://www.uli.org.

U.S. DOT Makes $213 million Available to Los Angeles to Convert HOV to HOT Lanes

The U.S. Department of Transportation is making $213 million in federal Congestion Reduction grant funds available to Los Angeles to convert high-occupancy vehicle (HOV) lanes to high-occupancy toll (HOT) lanes, the department announced this week.

U.S. Transportation Secretary Mary Peters made the announcement with Los Angeles Mayor Antonio Villaraigosa and Gov. Arnold Schwarzenegger.

Peters said the grant will allow local leaders to move forward with a plan to use congestion pricing to improve southern California's traffic, economy and air quality.

The new federal funding would provide the leverage local leaders need to convert up to 85 miles of local HOV highway lanes into HOT lanes by the end of 2010.

These roads use electronic tolling technology to allow drivers to pay a fee for access to less-congested lanes. Sensors will monitor the region's freeways and adjust fares for the lanes based on traffic levels. Peters said that being able to choose to avoid back ups to experience faster commutes was "a better option than being stuck in traffic and staring at an open lane just to your left."

The federal funds would also help finance new bus service to run on the HOT lanes. Peters also said that the money generated by the new HOT lane tolls would be available for investments in improved transit services throughout the region.

The region has until October 15 to get the state legislative authority needed to convert the existing HOV lanes into the new high occupancy toll lanes.

The Los Angeles funding became available after the New York legislature refused to take up a congestion-pricing proposal the U.S. DOT had backed for downtown Manhattan.

Debate Over Summer 'Gas Tax Holiday' Heats Up

The debate over a summer "Gas Tax Holiday" heated up this week as the presidential contenders, several state lawmakers and even President Bush weighed in on the issue.

A three-month suspension of the motor fuels taxes would result in a $9 billion loss to the Highway Trust Fund, unless the revenue is offset. Sens. John McCain (R-AZ) and Hillary Rodham Clinton (D-NY) both want to suspend the federal gas tax from Memorial Day through Labor Day. McCain would pay for it by transferring revenue from the general fund. Clinton favors a windfall-profits tax on oil companies.

Senator Barak Obama (D-IL) opposes a "Gas Tax Holiday," but he and many other Democrats support the idea of taxing oil company profits. Meanwhile, President Bush and several of his GOP allies are calling for new refineries, nuclear power plants and drilling in the Alaska wilderness.

Transportation advocates, environmental groups and economists have cautioned against the tax suspension. Leonard Burman, director of the Tax Policy Center of the Urban Institute and the Brookings Institution, told the *Associated Press* that the laws of the market argue against a tax suspension. "Every summer, the refiners are running full out. If the price fell, people would want to drive more and there would be shortages," he said. "It's a basic economic principle that if the supply is fixed, the price is going to be determined by demand."

In an interview on Bloomberg Television this week, John Horsley, AASHTO Executive Director, said, "The amount of savings we're talking about won't fill up the average gas tank. The savings only amounts to about $28 per motorist. "

Horsley also expressed serious concerns about any proposal that would change the way America supports its transportation and transit programs. Today's 18.4 cent a gallon gas tax goes directly into the Highway Trust Fund, which supports highway, bridge and transit programs. Horsley said, "What America needs are long term solutions that keep the Highway Trust Fund intact, and not popular quick fixes that could make the situation even worse."

Environmentalists argued that suspending the gas tax also would undermine efforts to curb global warming because lower prices could lead to increased consumption.

On Thursday, House Speaker Nancy Pelosi (D-CA) added her name to the list of Democrats opposed to a gasoline tax holiday. Pelosi told the *Washington Post* that Congress will not consider a suspension of the federal gas tax this summer.

"There is no reason to believe any moratorium on the gas tax will be passed on to consumers. That's first and foremost. Second, it will defeat everything we've tried to do to lower the cost of oil," Pelosi said.

New York GOP Lawmakers Suggesting Gas Tax Holiday

Republicans in the New York Senate and Assembly are backing a federal, state and local gas tax holiday, saying New Yorkers will have more money to spend on groceries and clothes and even spur tourism, the *Associated Press* reports.

They say consumers can save up to $10 per fill up.

Senate Republican leader Joseph Bruno and Assembly Republican leader James Tedisco are making the push and Democratic Gov. David Paterson said he won't reject the idea. However, Paterson said there's no guarantee gasoline suppliers and retailers wouldn't simply jack up the price even if the taxes are eliminated over the summer.

Paterson also questioned whether the state can afford the loss of millions of dollars in revenue in the face of historic deficits.

Paterson said it's a "leap of faith" that prices at the pump would be cut by the amount of the taxes without some pledge by the industry.

"This is something we could legislate, but not implement," Paterson told *AP*. He also said the state can't afford the revenue loss if there's no guaranteed cut in gas prices because he predicts state deficits of up to $20 billion over the next three years.

But Bruno said the cut in the state, local and federal tax—or even just cutting the state tax—would likely pay for itself. He said a summer without gas taxes could save $7.20 to fill up a car or $10 to fill up a sport utility vehicle or a truck. Gas prices are expected to hit $4 a gallon and more this summer.

The state tax is 32.8 cents per gallon, the federal tax is 18.4 cents and the local tax is 13.9 cents. If all taxes were suspended from Memorial Day to Labor Day, New Yorkers would see about a 65-cent cut in price to $3.93 per gallon, instead of $4.58 per gallon, said Bruno, a Rensselaer County Republican.

"High gas prices have a negative multiplier effect, driving up the cost of everyday goods," Tedisco, a Schenectady Republican, told *AP*. "The fastest way to put the brakes on rising fuel, food and other commodity costs is by instituting a much-needed holiday from the state fuel taxes for motorists and businesses."

Virginia Gov. Kaine Eyes Increase in Gas Tax

During a weekly radio program this week, Virginia Gov. Tim Kaine said he may call the legislature into special session in June to consider a measure increasing the commonwealth's 17.5 cents per gallon gasoline tax.

The increase is needed after the state's Supreme Court ruled the Northern Virginia Transportation Authority unconstitutional and the fees collected for road and transit projects in the region had to be reimbursed. Now, a statewide gas tax hike may be needed to fund Virginia's transportation needs.

"All issues are on the table," Kaine told WTOP-FM. "We are talking about a gas tax."

Kaine said he expects to announce his proposal, which would require legislative approval, in about two weeks, the *Washington Post* reported. The governor said his plan probably will include several revenue enhancements, including a possible increase in the 3 percent sales tax on vehicle purchases and a potential increase in the gas tax.

"The way to solve our needs is not just do one thing. You've got to spread the pain out a little bit," Kaine said of the enhancements. "I think the message of last year is, we are not going to solve it by just doing one thing."

Kentucky Governor Vetoes Two-Year Highway Plan

On Monday, Kentucky Gov. Steve Beshear vetoed House Bill 79, saying it would have limited the transportation cabinet's ability to make changes to state construction projects, the *Lexington Herald-Leader* reports. Beshear said the bill was inflexible and would not allow the cabinet to make emergency additions or adjustments.

Senate President David Williams (R-Burkesville) expressed disappointment with Beshear. Williams said the veto is unconstitutional and that Saturday was the last day the governor could veto the bill. He is now considering a lawsuit, the *Kentucky Herald-Leader* reports.

Beshear defended the veto and said if the bill had passed, "No change to the highway plan, no matter how badly needed, could be made without new legislation."

Beshear has asked Transportation Secretary Joe Prather to come up with an alternative highway plan within 60 days. The plan will incorporate projects recommended by the governor as well as those recommended by the House and Senate.

The governor said there will not be enough money in the alternative plan to finance every project. He added that under the new plan, projects will have to be prioritized.

Baltimore Opens New State of the Art Transportation Management Center

The Baltimore City Department of Transportation opened a new transportation management facility on Monday, April 28.

The new facility will be staffed 24 hours a day and will monitor traffic all over the city. The opening on Monday was attended by Mayor Sheila Dixon, Rep. Elijah Cummings (D-MD), and Transportation Director Alfred H. Fox.

The Transportation Management Center (TMC) will have access to over 300 traffic monitoring cameras and will coordinate with first responders to manage traffic flow. The center will also use Intelligent Transportation Systems (ITS) to inform motorists of roadway incidents.

Control systems operators will work with fire and police departments to help manage incidents. The city hopes that in the future the TMC will be able to transmit traffic reports and travel advisories through its own AM radio signal.

The city expects the TMC to reduce accident clearance time and decrease the likelihood that a second incident will occur following an accident.

Caltrans, Sister Agencies Announce Actions to Reduce Roadway Fatalities and Injuries

The California Department of Transportation (Caltrans), California Office of Traffic Safety, California Highway Patrol, and California State Association of Counties announced May 1 a set of 152 actions designed to reduce serious injuries and fatalities by 10 percent on California's roadways by 2010.

The program's goals are geared toward reducing head-on collisions and run-off-the-road crashes, improving safety at intersections and interchanges, and enhancing safety for pedestrians and bicycles.

The actions stem from California's Strategic Highway Safety Plan (SHSP) that identifies the state's highest priority traffic safety needs and prioritizes investment decisions to achieve the 10 percent reduction in fatalities and disabling injuries versus 2004 levels.

More than 300 safety stakeholders from 80 different organizations attended the SHSP safety summit in Anaheim. In addition to the four lead agencies, stakeholders from cities, counties, state agencies, private sector businesses, and grass-roots organizations attended. Another summit will be held in Sacramento on May 7, 2008.

As these safety actions are implemented over the coming year, results will be measured and reported. By taking this step, each vehicle crash, injury and death on California's highways and roadways provides a means to help improve the system and reduce fatalities.

All states are required to have SHSPs as part of the 2005 SAFETEA-LU legislation. It established a new core Highway Safety Improvement Program that is structured and funded to make significant progress in reducing highway fatalities on all public roadways.

Plan to Extend Metrorail to Dulles Airport Back on Track

U.S. Secretary of Transportation Mary Peters and Virginia Gov. Tim Kaine jointly announced this week that the Dulles Airport Metrorail Project is back on track for obtaining federal funding as a new transit start.

The long-sought project was thrown into limbo earlier this year when the Federal Transit Administration (FTA) concluded that it did not appear to meet cost-effectiveness criteria for new starts.

Kaine urged the FTA to hold off making that decision to allow the sate to make adjustments to the project. In a letter this week, Peters stated that as a result of collaboration between the state and the FTA, the financial stability and oversight of the project has been improved, and that the project could proceed to final design.

Peters cautioned, however, that much work is still required before a full funding grant agreement will be approved. She noted that the project's sponsor, the Washington Metropolitan Area Transit Authority, faces some $489 million in unfunded capital needs over the next six years—a problem that must be addressed. She also noted that the cost of the project presents "substantial risk to the taxpayers" and urged that the state continue efforts to transfer the risk from the public to the private sector.

The project would extend Metrorail from Washington, D.C., to Tyson's Corner, VA, and on to Dulles International Airport.

FTA Administrator Jim Simpson has cleared the project to proceed to the final design phase and has given the project an additional $158.7 million, which doubles the project's funding.

Simpson said, "It is our hope that the project will continue down this path toward success and deliver a vital and new rail capacity for the region."

Once built, the 23 mile extension will be operated by Metro; however, the Metropolitan Washington Airports Authority will manage its construction. Transportation officials believe that the project is vital to the region.

D.C., Maryland and Virginia DOTs; FHWA Honored by ASCE for Woodrow Wilson Bridge

The transportation departments of the District of Columbia, Maryland, and Virginia, the Federal Highway Administration and Potomac Crossing Consultants received the American Society of Civil Engineers' (ASCE) highest honor, the Outstanding Civil Engineer Achievement Award, this week for their work on the Woodrow Wilson Bridge Project.

"I couldn't be more proud of our entire team for managing this project in an on-time, on-budget manner, while showing enormous care for the natural environment as well as our travelers and neighbors," said Robert Douglass, project director for the Maryland State Highway Administration. "The cooperation we have received from local jurisdictions and the public at large has been a critical contributor to our success."

Ronaldo "Nick" Nicholson, project director for the Virginia Department of Transportation, seconded his counterpart's sentiments: "I am deeply honored to receive the award on behalf of our talented team—designers, contractors and many others—but I would be remiss if I didn't emphasize the enormous credit deserved by our customers, the public, who have shown so much patience as we have built this monumental project."

"The success we have achieved could only have come with across-the-board partnership and hard work," Nicholson said. "We look forward to continuing that spirit of teamwork as we tackle the remaining portions of the project, particularly the Telegraph Road Interchange, which just this year began substantial construction."

In two weeks, the second span of the bridge will be dedicated.

The ASCE award recognized Wilson Bridge Project's significant contributions to the civil engineering profession, singling out for particular praise the project's innovative and extensive environmental program and its keen sensitivity to travelers and local communities. The project was selected from a group of 26 outstanding projects from around the world.

Transportation Librarians Webconference on Electronic Resources, May 8

Transportation Librarians Roundtable (TLR) monthly webconference May 8 will address electronic resources in transportation. The webconference begins at 2 p.m., Eastern Time.

The speaker is Bonnie Osif of the Pennsylvania State University's Engineering Library.

Those wishing to participate on May 8 can do so by accessing http://fhwa.acrobat.com/translibrarian/. Please visit http://admin.acrobat.com/common/help/en/support/meeting_test.htm to help ensure that your system is properly configured for participation in the webconference. In addition, the teleconference number for accessing the audio portion of the session is (218) 339-7800, pass code 958303.

TLR webconferences are held the second Thursday of each month for one hour starting at 2 p.m. They are co-sponsored by the National Transportation Library (NTL), AASHTO, the Transportation Research Board, and the Special Libraries Association's Transportation Division. The TLR's purpose is to provide librarians and others involved in transportation research with opportunities to learn more about issues of mutual concern and interest.

For further information on the TLR, please visit http://ntl.bts.gov/networking/roundtable.html, or contact Amanda J. Wilson, NTL director, at amanda.wilson@dot.gov, phone (202) 366-2480; or Bob Cullen, AASHTO information resource manager, at bobc@aashto.org, or phone (202) 624-8918.

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FHWA's April *Focus* Available

The April issue of the Federal Highway Administration's *Focus: Accelerating Infrastructure Innovations* is now available.

Features articles include "Green Highways: Partnering to Build More Environmentally Sustainable Roadways"; the debut of warm-mix asphalt in Yellowstone National Park; and how intelligent compaction can increase roadway performance results.

Visit *Focus* online by visiting http://www.tfhrc.gov/focus/focus.htm.

SWF Planning Directors Meeting

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
PLANNING DIRECTORS MEETING

Thursday, May 22, 2008 at12:00 pm
1st Floor Conference Room
1926 Victoria Avenue, Fort Myers, FL 33901

AGENDA

12:00 PM – Call to Order/Casual Lunch

Suggested discussion on the following topics:

1. How Is Today's Economy Impacting Local Governments and Departments?
2. How Do We Design a Regional Vision Framework and Define the Various Stakeholders?
3. Sharing Ideas on How to Celebrate Southwest Florida's Native Americans
4. Hiring Planners and How to Train and Educate the Workforce of Tomorrow
5. Today's Intergovernmental Environment: Why are local governments suing each other?
6. Planning Directors' Roundtable Discussion

3:00 PM - Adjournment