



SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

Thursday, September 18, 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.

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL – Ms. Nichole Gwinnett

1. **AGENDA** Page 1
2. **MINUTES OF AUGUST 21, 2008** Page 7

3. **CONSENT AGENDA** Page 18
 - (a) Intergovernmental Coordination and Review Page 21
 - (b) Financial Statement for August 31, 2008 Page 28
 - (c) Glades County Comprehensive Plan Amendments (DCA 08-1ER) Page 41
 - (d) Sandhill DRI – NOPC Page 50
 - (e) Bella Terra DRI – NOPC Page 62

4. **ADMINISTRATIVE AGENDA** Page 77
 - (a) Lower West Coast Watersheds Subcommittee Report – **Mayor Mick Denham** Page 78
 - (b) Proposed Amendments to SWFRPC Chapter 29I Rules – **Ms. Liz Donley** Page 80
 - (c) Southwest Florida Regional Planning Council Proclamation for the CHNEP National Estuaries Days – **Ms. Liz Donley** Page 110

5. **REGIONAL ISSUES** Page 111
 - (a) Going “Green” the Benefits of Green Technology and LEED Certification
Dr. Jennifer Languell, President/CEO of Trifecta Solutions, Inc. & Mr. Jack Williams, Director of Harvard Jolly Architecture, Inc. (9:45 a.m.) Page 113
 - (b) US Sugar Buyout Resolution – **Mr. Ken Heatherington** Page 115
 - (c) Recommendations to the Water Congress concerning the most important short-term and long-term actions that will lead to “a long-term water conservation, use and supply plan for environmental, agricultural and public consumption purposes?” – **Mr. Jim Beaver** Page 117
 - (d) Other Emerging Regional Issues Page 125

6. **PUBLIC COMMENTS**
7. **DIRECTOR’S COMMENTS**
8. **STATE AGENCIES COMMENTS/REPORTS**
9. **COUNCIL ATTORNEY’S COMMENTS**
10. **COUNCIL MEMBERS’ COMMENTS**
11. **ADJOURN**

NEXT MEETING DATE

October 16, 2008

NOTES:

- **The Council's Lower West Coast Watersheds Subcommittee will be meeting immediately following the Council meeting in the conference room.**
- **The Council's October Meeting will be held at 9:00 a.m. immediately prior to the Sustainable Solutions Conference in Manatee County.**

Two or more members of the Peace River Basin Management Advisory Committee may be in attendance and may discuss matters that could come before the Peace River Basin Management Advisory Committee for consideration.

In accordance with the Americans with Disabilities Act (ADA), any person requiring special accommodations to participate in this meeting 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

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

BLID - Binding Letter of DRI Status

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

BLIVR -Binding Letter of Vested Rights Status

BPCC -Bicycle/Pedestrian Coordinating Committee

CAC - Citizens Advisory Committee

CAO - City/County Administrator Officers

CDBG - Community Development Block Grant

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

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

CHNEP - Charlotte Harbor National Estuary Program

CTC - Community Transportation Coordinator

CTD - Commission for the Transportation Disadvantaged

CUTR - Center for Urban Transportation Research

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

2

Minutes

2

2

**MINUTES OF THE
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
AUGUST 21, 2008**

The regular meeting of the **Southwest Florida Regional Planning Council** was held on **August 21, 2008** at the offices of the Southwest Florida Regional Planning Council at 1926 Victoria Avenue in Fort Myers, Florida. The meeting was called to order at **9:04 am** by **Chairman Andrea Messina**. **Commissioner Butch 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, Commissioner Tom Moore, Ms. Andrea Messina, Mr. Alan LeBeau

Collier County: Commissioner Jim Coletta, Councilwoman Teresa Heitmann, Ms. Patricia Carroll

Glades County: Commissioner Paul Beck, Commissioner Kenneth “Butch” Jones

Hendry County: Mayor Paul Puletti, Commissioner Janet Taylor

Lee County: Commissioner Bob Janes, Commissioner Brian Bigelow, Mayor Mick Denham, Mayor Jim Humphrey, Mayor Eric Feichthaler, Councilman John Spear

Sarasota County: Commissioner Jim Blucher, Mr. David Farley, Mr. George Mazzarantani

Ex-Officio Members: Mr. Johnny Limbaugh - FDOT, Mr. Jon Iglehart - FDEP, Ms. Dianne Davies - SWFWMD, Mr. Phil Flood - SFWMD, Ms. Janet Watermeier - Watermeier Consulting & Property Services, Ms. Tammie Nemecek - EDC of Collier County

MEMBERS ABSENT

Charlotte County: Councilmember Marilyn Smith-Mooney

Collier County: Councilman Charles Kiester, Ms. Laura Holquist, Commissioner Frank Halas

Glades County: Councilman Michael Brantley, Dr. Edward Elkowitz

Hendry County: Commissioner Bill Maddox, Mayor Mali Chamness, Mr. Melvin Karau

Lee County: Councilman Tom Babcock

Sarasota County: Commissioner Paul Mercier, Commissioner Shannon Staub, Councilman Ernie Zavodnyik

Ex-Officio Membership: None

**AGENDA ITEM #1
AGENDA**

The agenda was approved as presented.

**AGENDA ITEM #2
MINUTES OF JUNE 19, 2008**

The minutes of June 19, 2008 were approved as presented.

**AGENDA ITEM #3
CONSENT AGENDA**

Mayor Puletti moved and Mayor Humphrey seconded to pull Consent Item #3(i) South LaBelle Village DRI - Development Order Review and move it to become Agenda Item #4(b) under the Administrative Agenda for discussion purposes. The motion carried unanimously.

Mayor Humphrey moved and Commissioner Jones seconded to approve the consent agenda as amended: Agenda Item #3(a) Intergovernmental Coordination and Review; Agenda Item #3(b) Financial Statements for June 30, 2008 & July 31, 2008; Agenda Item #3(c) Hendry County Comprehensive Plan Amendments (DCA 08-2); Agenda Item #3(d) City of Naples Comprehensive Plan Amendments (DCA 08-1); Agenda Item #3(e) City of North Port Comprehensive Plan Amendments (DCA 08-1ER); Agenda Item #3(f) City of Punta Gorda Comprehensive Plan Amendments (DCA 08-2ER); Agenda Item #3(g) Alico Interchange Park DRI - Preapplication Questionnaire Checklist; Agenda Item #3(h) Gulf Coast Town Center DRI - NOPC; Agenda Item #3(j) SWFRPC/DCA Annual Contract; Agenda Item #3(k) Hazardous Materials Emergency Preparedness Training Contract Modification Agreement; Agenda Item #3(l) SWFRPC/DEM Annual Hazardous Materials Contractual Agreement; and Agenda Item #3(m) CHNEP National Estuaries Day Proclamation Request. The motion carried unanimously.

**AGENDA ITEM #4(a)
Lower West Coast Watersheds Subcommittee Report – Mayor Mick Denham**

Mayor Denham gave the Subcommittee report as presented in the agenda packet.

Mayor Denham moved and Mayor Humphrey seconded to approve SWFRPC Resolution #2008-11.

Mayor Humphrey expressed his appreciation to Mayor Denham and the Subcommittee in their efforts and accomplishments, and believes it is a regional issue that must be addressed with a

regional perspective. He then stated that he hopes that the local governments within Southwest Florida will implement the Subcommittee's recommendations.

Mr. Flood stated that he also commends the Subcommittee for its efforts and accomplishments. He went on to state that stormwater is a serious threat to Southwest Florida's resource and to its waterbodies, and the Subcommittee's Stormwater Resolution is truly cutting edge because it uses stormwater as a resource because it emphasizes in capturing, storing, and utilizing the water to protect the resources. He reminded the members that the current resolution deals with new construction and the next step is to address existing construction.

The motion carried unanimously.

Chairman Messina introduced Ms. Tammie Nemecek as the Council's newest Ex-Officio Member representing the EDC of Collier County and Enterprise Florida.

**AGENDA ITEM #4(b) formerly CONSENT AGENDA ITEM #3(i)
South LaBelle Village DRI - Development Order Review**

Mr. Jason Utley of staff gave a PowerPoint presentation on the development order review of South LaBelle Village DRI. He also addressed the distributed handout.

Ms. Neale Montgomery, Attorney for the applicant, addressed the Council by stating that the City of LaBelle was very concerned with coordinating with the Council because the South LaBelle Village DRI was the first project that the City and Hendry County has had in several decades, and they both wanted to make sure that it was done properly. She explained that the applicant has been working with staff of the Council, DCA, FDOT, etc., and their issues have been addressed and some things have been moved into different areas which seemed more appropriate of the development order. She stated that she doesn't believe that any of the comments are significant and that there isn't a basis for an appeal, and that the development order that was adopted is consistent with Chapter 380 and with Florida Administrative Code 9J2.

Commissioner Janes moved and Mayor Puletti seconded to request the City of LaBelle amend the development order to be consistent with the SWFRPC's DRI Assessment.

Mayor Humphrey asked Mayor Puletti if he had any comments. Mayor Puletti stated that he felt comfortable in stating that all staffs will be able to work through the issues and recommendations with the applicant.

The motion carried unanimously.

**AGENDA ITEM #4(c)
2008 Council Retreat Overview - Mr. Dave Hutchinson**

Mr. Hutchinson reviewed the distributed handout.

Commissioner Blucher stated that he felt that the Retreat was very interesting and rewarding.

Ms. Watermeier explained that there was a Technology Working Group formed and held their first meeting.

Mr. Iglehart announced that Mr. Tim Center was recognized by the Governor and Cabinet for his work on sustainability.

Mr. LeBeau thanked everyone at the Babcock Ranch for their hospitality.

Mayor Humphrey urged the members to review the listed “strengths and weaknesses” in the handout from Mr. Center and focus on those in the areas needed.

AGENDA ITEM #4(e)
SWFRPC Fixed Assets Removal – Ms. Jennifer Pellechio

Ms. Pellechio reviewed the item as presented.

Mayor Humphrey moved and Commissioner Blucher seconded to approve disposal of the fixed assets as per policy. The motion carried unanimously.

Mr. Heatherington noted that one of the items removed from the fixed assets was the Chevy Lumina, which has been deemed unsafe to drive several months ago. He explained that he has had discussions with various auto manufacturers on hybrid models. He is interested in the Chevy Malibu Hybrid model, which is a modified hybrid, and had discussions on a government purchase which would be \$100 under invoice. He stated that he is looking for direction from the Council on the purchase of a new Council vehicle and would like to sole source it from Bill Branch Chevrolet and also purchase a maintenance agreement.

Mayor Denham asked what the primary use of the vehicle would be. Mr. Heatherington explained that the vehicle would be used primarily by staff to travel to meetings around the region.

Mayor Denham asked if a cost analysis has been done to see if it would be more cost effective to purchase a new vehicle rather than having staff use their own vehicles with the Council reimbursing them for mileage. Mr. Heatherington explained that the financial staff had done a cost comparison on what the Council had spent on reimbursing staff and rental car expenses versus purchasing a vehicle.

Commissioner Blucher asked why the new vehicle wasn't included in the current year's budget. Mr. Heatherington explained that staff didn't anticipate having to replace the current vehicle this year; however, with the current maintenance issues that have arisen and the decision of having to deem the car unsafe to drive, staff will have to do a budget amendment to move funds around in order to purchase the vehicle.

Mayor Humphrey suggested that staff look into the option of leasing a vehicle versus purchasing a vehicle, and also have legal staff review the actual purchase because there maybe some “piggy-back” contract options. Mr. Heatherington explained that staff has been reviewing the State's procurement process to see which options are available for vehicle purchase.

AGENDA ITEM #4(d)
Sustainable Solutions: A Multi-Regional Approach - Mr. Ken Heatherington

Mr. Heatherington reviewed the item as contained in the agenda packet.

Mayor Denham announced that the Century Commission is hosting the Water Congress in Orlando on September 25-26 and he has been asked by the Florida League of Cities to be their representative. He then asked if there is going to be any discussions on the issues from the Water Congress at the Sustainable Solutions Conference. Mr. Heatherington explained that he believes that Mr. Center will be giving an overview of those issues from the Water Congress. He also noted that the RPC Executive Directors have asked for facilitators from the individual RPCs, and he had sent an email to Mr. Beever of staff asking for recommendations.

Mayor Denham suggested that there should be a position statement on water supply from the Council presented at the Water Congress. Mr. Beever explained that since he had received the request from Mr. Heatherington, he has been working on his recommendations. Mayor Denham stated that since he is already attending the Water Congress as the representative of the Florida League of Cities, that he would be willing to represent the Southwest Florida Regional Planning Council if that would be the Council's direction. Mr. Beever stated that he will work on completing a draft of recommendations and circulate it for review to the Executive Committee and Lower West Coast Watersheds Subcommittee.

Chairman Messina stated that she would like to have the draft position statement brought before the Council for review and approval at its September 18th meeting.

Commissioner Cummings noted that a lot of attention needs to be given to the direction of the southern half of the Southwest Florida Water Management District when compiling the position statement, because it would be very easy to characterize the planned water supply projects as "reusing runoff," when in fact, what they really are is withdrawals from Charlotte Harbor system. The vast majority of regional supplies for Southwest Florida in the area of the Peace River/Manasota Regional Water Supply Authority are surface withdrawals from Charlotte Harbor. Currently, we are averaging 25 million gallons per day and are looking at going to 100 million gallons per day.

Mayor Feichthaler moved Commissioner Blucher seconded to nominate Mayor Denham to represent the Southwest Florida Regional Planning Council at the Water Congress. The motion carried unanimously.

AGENDA ITEM #4(f)
DRI Workshop Report - Mr. Dan Trescott

Mr. Utley of staff announced that the DRI Workshop was cancelled due to Tropical Storm Fay and will be rescheduled for sometime in October.

Ms. Watermeier asked what topics are covered at a DRI Workshop. Mr. Utley explained that the DRI Workshop consists of topics of the DRI process (NOPCs, Abandonment, Build-Out Agreements, Annual Monitoring Reports, ADAs, etc.). He then explained that he does a presentation on the reasoning behind the DRI process.

AGENDA ITEM #5(a)

Sarasota County Solar Array Presentation – Ms. Amy Meese, General Manager of Natural Resources

Ms. Meese gave a PowerPoint presentation on “Sustainable Energy in Sarasota County.”

Mayor Denham asked if he could obtain a copy of the presentation. Chairman Messina requested that the PowerPoint presentation be placed on the Council’s website.

Commissioner Blucher stated that one of the issues that the citizens of North Port are currently facing is most of the building in Sarasota County is happening in the northern part of the county which causes more of the transportation problems. Ms. Meese explained that Sarasota County realizes that transportation is an issue and is working on their transportation network in trying to make Sarasota County “virtually smaller” for travel by means of technology and opportunities to not drive.

Mayor Humphrey explained that at the most recent FRCA meeting; the Mayor of St. Petersburg had made an announcement that by changing the street light and traffic light bulbs, there has been a significant savings. Ms. Meese stated that since Sarasota County has also done the same, she would be happy to discuss the savings and process at a later time.

Mr. Heatherington noted that Ms. Meese had agreed to place her contact information along with her presentation up on the Council’s website.

AGENDA ITEM #5(b)

Resolutions of Appreciation – Mr. Ken Heatherington

Mr. Heatherington reviewed the item as presented.

Commissioner Beck moved and Commissioner Blucher seconded to approve the following Resolutions of Appreciation for: Representative Gary Aubuchon, Representative Keith Fitzgerald, Representative Doug Holder, Representative Denise Grimsley, and Representative Michael Grant. The motion carried unanimously.

AGENDA ITEM #5(c)

US Sugar Buyout Discussion & Resolution – Mr. Ken Heatherington

Mr. Heatherington reviewed the item as presented.

Commissioner Jones moved and Commissioner Taylor seconded to approve SWFRPC Resolution #2008-10.

Commissioner Taylor distributed a handout of Hendry County's adopted Resolution No. 2008-96 declaring the critical need for an economic transition and support plan in response to the South Florida Water Management District initiative to purchase assets of the United States Sugar Corporation; providing for cooperation with the State of Florida and the South Florida Water Management District; and provide for distribution of this resolution to designated agencies.

Mayor Denham stated that he believes that there are two issues: a flow-way, where staff would be a benefit to the estuary and he would support doing whatever is needed to make that happen, and secondly, there are significant considerations for the citizens of Glades County. As this issue moves forward, there needs to be a compromise reached between the desire for the community close to the estuary to achieve its economic desires and we also must have significant compromise along the way to safeguard those residents that reside in those areas.

Commissioner Jones stated that he appreciated Mayor Denham's report. Earlier this year, Mexican sugar was imported into the United States at the Domino refinery and was rejected due to having metal shards in the sugar, so this is the quality to expect when US Sugar closes its doors. He then noted that both Glades County Board of County Commissioners and FHREDI have passed resolutions. He believes that there is enough room for both the flow-ways and agriculture.

Mr. Flood stated he is almost a little bit disappointed reading the resolution because it seems that the land acquisition is a bad thing. There are very little positive statements within the resolution regarding the land acquisition. This is a landmark land acquisition and the purpose is environmental restoration. The goal is to further the Everglades restoration and also to minimize the adverse effect of excessive water discharges, which is impacting our estuaries, regional resources, economically, and recreationally. He stated that he feels that there should be a statement or two that illustrates the positive impacts of the land acquisition.

Chairman Messina asked Mr. Flood if he had any examples of "Whereas" statements that he would like to have added to the resolution. Mr. Flood noted that Lee County, City of Sanibel, and other communities had adopted resolutions embracing the environmental benefits of the land acquisition. He read the following statement "Whereas the benefits from land acquisition include huge increases in the available of water storage, significantly reducing the potential for harmful discharges from Lake Okeechobee to Florida's coastal rivers and estuaries, including the Caloosahatchee River and estuary."

Chairman Messina asked Commissioner Jones if he would object to the Council deferring taking action on the resolution until its September meeting. Commissioner Jones stated that he would not object to deferring taking action on SWFRPC Resolution #2008-10 until the September 18th meeting in order to have the resolution amended.

Commissioner Jones and Commissioner Taylor withdrew their original motion to approve SWFRPC Resolution #2008-10.

Mayor Humphrey moved and Commissioner Moore seconded to continue Agenda Item #5(c) until the September 18th meeting in order to have SWFRPC Resolution #2008-10 amended as noted.

Commissioner Bigelow stated that the Lee County BOCC had passed a resolution urging the SFWMD and Corps of Engineers not to forget that Lee County has water quality issues and projects that the county is dependent upon and that will continue to move forward. He then suggested that Council staff contact Lee County staff to discuss the issue.

The motion carried unanimously.

**AGENDA ITEM #5(d)
Other Emerging Regional Issues**

Lake Belt Area Mining Update - Ms. Liz Donley

Ms. Donley stated that the case is back in the District Court and the Circuit Court's opinion has been certified back to the District Court. It is her expectation that the District Court will have a new decision before the end of the year, but keep in mind that the Circuit Court did not have a problem with the holding of the Court; they just had a problem with the way the District Court had gotten to that point. So there will probably be a new opinion at the end of the year with better documentation and policies. Currently, there is mining going on within the Lake Belt Region.

Other Emerging Regional Issues - Mr. Ken Heatherington

Mr. Heatherington announced that at the FRCA Policy Board meeting in August, Mayor Humphrey was elected as its 1st Vice President.

Mr. Heatherington announced that Ms. Nemecek, along with Ms. Mary Helen Blakesley from the Governor's Office participated in the OTED conference call regarding Tropical Storm Fay damage assessment.

Ms. Nemecek stated that she applauds Enterprise Florida, State of Florida, and 405 for all of their efforts in coordinating fast recovery in relation to businesses. There is a great cooperative spirit between the EDCs, RPCs, and the State of Florida for emergency response situations.

Mr. Beever introduced the newest employee of the RPC, Ms. Whitney Gray, as its Environmental Scientist.

**AGENDA ITEM #6
PUBLIC COMMENTS**

No public comments were made at this time.

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

Mr. Heatherington had no Director comments at this time.

**AGENDA ITEM #8
STATE AGENCIES COMMENTS/REPORTS**

SFWMD - Mr. Flood stated that the SFWMD is dealing with sheet flow and local flooding from Tropical Storm Fay.

FDOT - Mr. Limbaugh stated that FDOT is also dealing with local flooding from Tropical Storm Fay, especially in Glades and Hendry Counties. On SR78 there was a washout of a bridge.

FDEP - Mr. Iglehart stated that FDEP's final order for Tropical Storm Fay will only include Glades County.

**AGENDA ITEM #9
COUNCIL ATTORNEY'S COMMENTS**

Counsel Donley announced that the Council will be amending its rules. In September, staff will be asking the Council to allow them to issue a notice of amendment of its rules (Chapter 29I F.A.C.) She explained that in the past, it was thought that the Council would have to appeal all of its rules to bylaws; however, it looks like with the new administration they are more open to allow us to amend our current rules. Then we need to follow the regular rule procedure and notice the rules, post the rules, hold a public comment period at a Council meeting, and then hopefully the new rules will be in-place with the amendments by January 2009.

Chairman Messina requested that the Executive Committee review the draft amended rules before they are presented to the full Council in September.

**AGENDA ITEM #10
COUNCILMEMBERS' COMMENTS**

Ms. Carroll stated that there are Constitutional Amendments that are proposed for November, and one of particular interest to the School Districts is Amendment #5. The Circuit Court has upheld a complaint that Amendment #5 is misleading to the voters, and the judge ruled in the School Board Association's favor and has ordered Amendment #5 to be removed from the ballot. The main reason that the judge had ruled against Amendment #5 was because wording stated that the property tax would be removed, required by a local effort, and be replaced by another source of income, that was to be at least a one cent sales tax and was to be guaranteed for one year. The overall message to the voters was that it would be importunity and that the legislature would be committed to replace the money lost through the property tax on a regular basis. She explained that the wording in the Amendment basically referenced one year only.

Commissioner Jones announced that from the intersection of SR29 and SR79 all the way to Palmdale is closed due to flooding in Glades County. In some sections of SR78 there is two feet of water over the roadway, and also CR74 is still closed. Glades County received over 22 inches of rain and over 84 mph winds.

Chairman Messina reviewed the distributed handouts regarding the HazMat Training Courses.

**AGENDA ITEM #11
ADJOURN**

The meeting adjourned at 11:08 am.

Commissioner Paul Beck, Secretary

The meeting was duly advertised in the August 1, 2008 issue of the **FLORIDA ADMINISTRATIVE WEEKLY**, Volume 34, Number 31.

_____ Agenda
_____ Item

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Consent Agenda

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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 August 31, 2008

Approve the financial statement for August 31, 2008 as presented.

Agenda Item #3(c) – Glades County Comprehensive Plan Amendments (DCA 08-1ER)

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

Agenda Item #3(d) – Sandhill DRI – NOPC

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

Render a codified Development Order.

Request an updated Map H that not only lists square footages and numbers of residential units but also the acreages for each land use with a current date, including the relocated wetland.

Include one of three SWFRPC affordable housing conditions instead of deleting affordable housing study condition.

Comply with the conditions in Attachment III.

Request an updated GIS shape file of the new legal description of the Sandhill DRI project prior to the Development Order (DO) approval at the local government level.

Request an updated Annual Monitoring Report prior to DO approval at the local government level.

Request an updated Annual Traffic Monitoring Report prior to DO approval at the local government level.

Request that Charlotte County provide a copy of the development order amendment, and any related materials, to the Council in order to ensure that the development order amendment is consistent with the Notice of Proposed Change. Request the Charlotte County staff to provide the Council a copy of the above information at the same time the information is provided to the Department of Community Affairs.

Agenda Item #3(e) – Bella Terra DRI – NOPC

Notify Lee County and the Department of Community Affairs and the applicant of the above sufficiency questions and information requirements.

Render a codified Development Order.

Request an updated GIS shape file of the new legal description of the Bella Terra DRI project prior to the Development Order (DO) approval at the local government level.

Include one of three SWFRPC affordable housing conditions in the amended DO.

Comply with conditions in Attachment III.

Notify the above parties that the proposed changes will not create additional regional impacts and that Council participation at the local public hearing is not necessary, unless requested by the County for technical assistance purposes.

Request that Lee County provide a copy of the proposed Development Order Amendment, and any related materials, to the Council in order to ensure that the Amendment is consistent with the Notice of Proposed Change.

RECOMMENDED ACTION: Approve consent agenda as presented.

09/2008

_____ Agenda
_____ Item

3a

Intergovernmental
Coordination & Review

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3a

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 August 1, 2008 and ending August 31, 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.

09/2008

ICR Council - 2000/08

SWFRPC #	Name1	Name2	Location	Project Description	Funding Agent	Funding Amount	Council Comments
2008-033	Mr. Don Scott	Lee County MPO	Lee County	Lee County MPO - Endorsed Transportation Improvement Program (TIP) for Fiscal Years 2008/09 - 2012/13.			Regionally Significant and Consistent
2008-036	Ms. Brandy Otero	Collier MPO	Collier County	FDOT - Collier MPO FY 2008/09 - 2012/13 Transportation Improvement Plan (TIP).			Regionally Significant and Consistent
2008-037	Mr. Michael P. Howe	Sarasota/Manatee MPO	Sarasota County	FDOT - Sarasota/Manatee MPO FY 2008/09 - 2012/13 Transportation Improvement Plan (TIP).			Regionally Significant and Consistent
2008-039	Ms. Jean School Berg	USPS - Southeast Facilities	Sarasota County	United States Postal Service - Notice of Intent - New McIntosh Carrier Annex in Sarasota County, Florida.			Regionally Significant and Consistent
2008-042	Mr. Roger Ward	Family Health Centers of Southwest	Region	Family Health Centers of Southwest Florida, Inc. - Provision of medical, dental and medical social services to the medically underserved, including migrant farm worker families and the homeless, living in the affected areas of Lee, Charlotte and western Hendry Counties.	HHS/HRSA/Bureau of Primary	\$23,595,321.00	Regionally Significant and Consistent
2008-043	Mr. Mark A. Schulz	FDOT	Sarasota County	FDOT - Advance Notification - I-75 from south of SR 681 to north of University Parkway in Sarasota County, Florida.			Regionally Significant and Consistent

Review in Progress

<i>SWFRPC #</i>	<i>First Name</i>	<i>Last Name</i>	<i>Location</i>	<i>Project Description</i>	<i>Funding Agent</i>	<i>Funding Amount</i>	<i>Council Comments</i>
2008-002			Collier County	FDDEP - Bureau of Beaches & Coastal Systems - Doctor's Pass North Jetty Rehabilitation in Collier County, Florida.			Review in Progress
2008-003			Collier County	FDDEP - Bureau of Beaches & Coastal Systems - Hideaway Beach Groins and Beach Fill Modification in Collier County, Florida.			Review in Progress
2008-028			Collier County	FDDEP - Corkscrew Field Wildcat Drilling Permit Application No. 1335 in Collier County, Florida.			Review in Progress
2008-030			Collier County	FDDEP - Oil and Gas Section - Raccoon Point - Pad 5 Oil Well Drilling Permit Application No. 1331AH.			Review in Progress
2008-035			Lee County	Lee County Department of Parks and Recreation - National Park Service - Land and Water Conservation Fund Grants - Prairie Pines Preserve Improvements Project in Lee County, Florida.			Review in Progress
2008-038			Collier County	FDDEP - Bureau of Mine Reclamation - Raccoon Point-Pad 5 Oil Well Drilling Permit Application No. 1332.			Review in Progress

<i>SWFRPC #</i>	<i>First Name</i>	<i>Last Name</i>	<i>Location</i>	<i>Project Description</i>	<i>Funding Agent</i>	<i>Funding Amount</i>	<i>Council Comments</i>
2008-041			Collier County	FDEP - Raccoon Point - Pad 5 Oil Well Drilling Permit Application # 1333 in Collier County, Florida.			Review in Progress

_____ Agenda
_____ Item

3b

Financial Statement
For August 31, 2008

3b

3b

MONTHLY FINANCIAL CONTENTS
For the month ending August 31, 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 comparison 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 throughout the year rather than 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 - Comparison of current year vs. prior year	11
This page is a comparison 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
August-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	\$ 701,519	\$ -	\$ -	\$ -	\$ 701,519
Investments	513,022	-	-	-	513,022
Receivables - grants and contracts	-	308,972	-	-	308,972
Receivables - other	-	-	-	-	-
Due from other funds	-	410,243	-	-	410,243
Other assets	818	-	-	-	818
Property and equipment, net	-	-	1,694,060	-	1,694,060
Amount to be provided for retirement of general long-term debt	-	-	-	1,406,313	1,406,313
TOTAL ASSETS AND OTHER DEBIT	\$ 1,215,360	\$ 719,216	\$ 1,694,060	\$ 1,406,313	\$ 5,034,948
LIABILITIES, FUND EQUITY AND OTHER CREDIT					
LIABILITIES					
Accounts payable and accrued expenses	\$ 36,924	\$ -	\$ -	\$ -	\$ 36,924
Retainage payable	28,710	-	-	-	28,710
Due to other governments	-	-	-	-	-
Due to other funds	410,243	-	-	-	410,243
Deferred revenue - grants and contracts	-	719,216	-	-	719,216
Accrued compensated absences	-	-	-	74,159	74,159
Notes payable	-	-	-	1,332,154	1,332,154
TOTAL LIABILITIES	475,877	719,216	-	1,406,313	2,601,405
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	267,883	-	-	-	267,883
TOTAL FUND EQUITY AND OTHER CREDIT	739,483	-	1,694,060	-	2,433,542
TOTAL LIABILITIES, FUND EQUITY AND OTHER CREDIT	\$ 1,215,360	\$ 719,216	\$ 1,694,060	\$ 1,406,313	\$ 5,034,948

SWFRPC
Balance Sheet
August 31, 2008

ASSETS

Current Assets		
Cash - Bank of America Oper.	\$	276,518.73
Cash - Bank of America Max.		424,800.60
Cash - FL Local Gov't Pool		489,682.29
Cash - FL Gov't Pool-Fund B		23,339.82
Petty Cash		200.00
Accounts Receivable		177,985.66
Accounts Receivable-Assessment		35,647.73
Accounts Receivable-MPO		95,338.86
Bulk Mail Prepaid Postage		818.10
Amount t.b.p. for L.T.L.-Leave		74,159.14
Amount t.b.p. for L.T.Debt		1,332,153.74
		<hr/>
Total Current Assets		2,930,644.67
Property and Equipment		
Property, Furniture & Equip		1,989,951.25
Accumulated Depreciation		(295,891.67)
		<hr/>
Total Property and Equipment		1,694,059.58
		<hr/>
Total Assets	\$	<u><u>4,624,704.25</u></u>

LIABILITIES AND CAPITAL

Current Liabilities		
Accounts Payable	\$	36,245.18
Retainage Payable		28,709.97
Deferred Income		719,215.57
United way Payable		468.00
Accrued Annual Leave		74,159.14
Long Term Debt - Bank of Am.		1,332,153.74
LEPC Contintency Fund		210.44
		<hr/>
Total Current Liabilities		2,191,162.04
		<hr/>
Total Liabilities		2,191,162.04
Capital		
Fund Balance-Unrestricted		94,245.52
Fund Balance-Restricted		471,600.00
Fund Balance-Fixed Assests		1,694,059.58
Net Income		173,637.11
		<hr/>
Total Capital		2,433,542.21
		<hr/>
Total Liabilities & Capital	\$	<u><u>4,624,704.25</u></u>

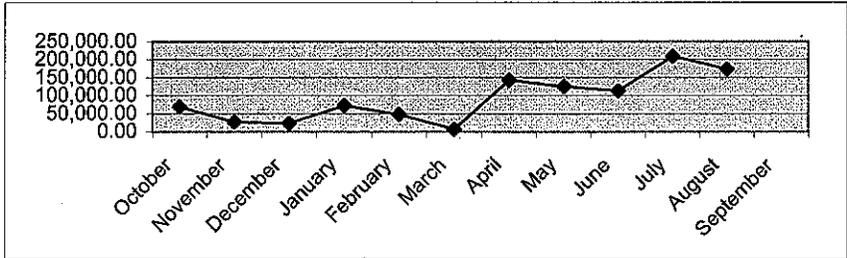
SWFRPC
Income Statement
Compared with Budget
For the Eleven Months Ending August 31, 2008

	Current Month Actual	Current Month Budget	Year to Date Actual	Year to Date Budget	% Spent
Revenues					
Total Revenues	173,810.81	354,834.33	3,029,900.20	4,258,012.00	71.16
Expenses					
Salaries Expense	129,935.57	140,576.58	1,425,698.79	1,686,919.00	84.51
FICA Expense	9,813.48	10,416.67	111,521.81	125,000.00	89.22
Retirement Expense	16,158.90	14,166.67	138,038.52	170,000.00	81.20
Health Insurance Expense	14,458.76	19,166.67	174,596.20	230,000.00	75.91
Workers Comp. Expense	928.00	1,250.00	6,694.00	15,000.00	44.63
Legal Fees Expense	0.00	166.67	0.00	2,000.00	0.00
Grant/Consulting Expense	375.00	4,158.33	46,549.08	49,900.00	93.28
NEP-Contractual	4,168.42	26,608.33	320,603.70	319,300.00	100.41
MPO-Contractual	2,441.54	18,679.17	63,297.06	224,150.00	28.24
Audit Services Expense	0.00	4,091.67	49,039.00	49,100.00	99.88
Travel Expense	5,613.50	4,875.00	40,451.09	58,500.00	69.15
Telephone Expense	564.26	1,666.67	8,855.09	20,000.00	44.28
Postage / Shipping Expense	1,261.32	3,375.00	14,826.89	40,500.00	36.61
Storage Unit Rental	224.00	258.33	2,266.22	3,100.00	73.10
Equipment Rental Expense	3,035.45	3,916.67	34,431.39	47,000.00	73.26
Insurance Expense	0.00	2,833.33	31,056.08	34,000.00	91.34
Repair/Maint. Expense	2,005.98	3,333.33	22,354.46	40,000.00	55.89
Printing/Reproduction Expense	200.00	8,583.33	73,317.59	103,000.00	71.18
Utilities (Elec, Water, Gar)	2,119.24	2,666.67	20,380.02	32,000.00	63.69
Advertising/Legal Notices Exp	990.51	1,212.50	12,397.29	14,550.00	85.20
Other Misc. Expense	49.23	437.50	1,735.34	5,250.00	33.05
Office Supplies Expense	521.00	2,625.00	23,814.93	31,500.00	75.60
Computer Related Expense	1,910.87	4,583.33	32,406.84	55,000.00	58.92
Publication Expense	108.75	883.33	2,261.68	10,600.00	21.34
Prof. Develop./Dues Expense	1,253.50	4,083.33	41,407.26	49,000.00	84.50
Meetings/Events Expense	(8,066.26)	5,733.33	18,116.35	68,800.00	26.33
Capitol Outlay Expense	9,181.99	4,166.67	15,591.29	50,000.00	31.18
Capitol Outlay - Building	0.00	2,500.00	7,450.00	30,000.00	24.83
Long Term Debt	10,645.92	10,666.67	117,105.12	128,000.00	91.49
Reserve for Operations Expense	0.00	47,153.58	0.00	565,843.00	0.00
Total Expenses	209,898.93	354,834.33	2,856,263.09	4,258,012.00	67.08
Net Income	\$ (36,088.12)	0.00	\$ 173,637.11	\$ 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 67.08%
 The percentage of the RPC Budget spent is 55.07%
 The percentage of the MPO Budget spent is 50.41%
 The percentage of the NEP Budget spent is 85.93%

For the month ending August 31, 2008 **\$173,637** is our net income.

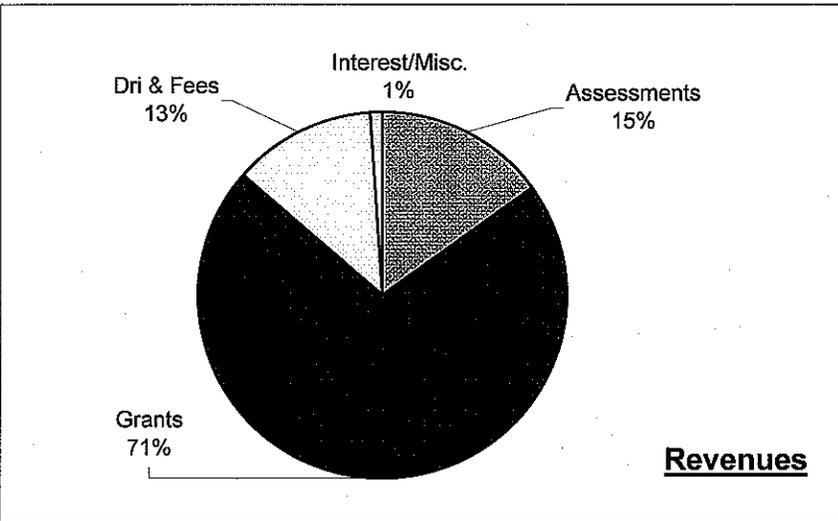


Net Income (unaudited)

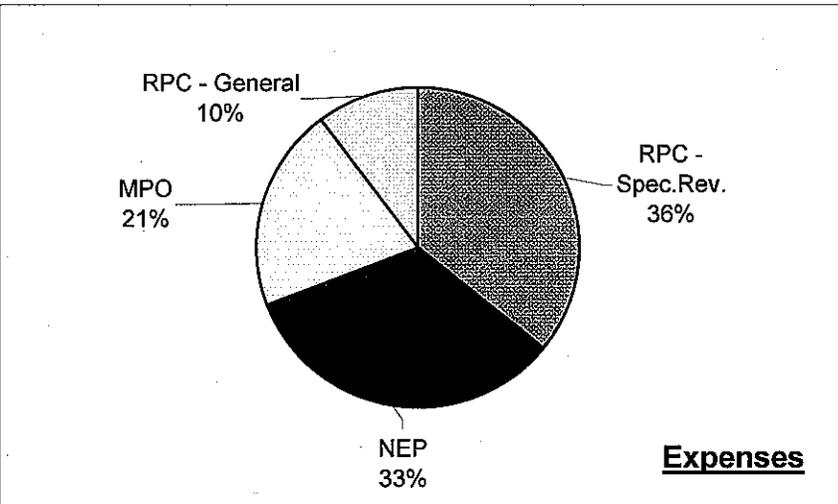
As can be seen in this graph, the net income moves in quarterly cycles.

For the month ending August 31, 2008

Total Revenues	3,029,900
Total Expenses	2,856,263
Net Income	<u>173,637</u>



Assessments	450,432
Grants	2,163,816
Dri & Fees	385,439
Interest/Misc.	30,213
Total	<u>3,029,900</u>



RPC - Spec.Rev.	1,021,373
NEP	956,701
MPO	585,621
RPC - General	292,568
Total	<u>2,856,263</u>

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

There are no amendments this month.

RPC-MPO-NEP Combined
Budget vs. Actual
For the month ending August 31, 2008

	Combined Actual	Combined Adopted Budget	Combined Amended Budget	Combined Total Amendments	Combined Amended Budget	Combined VARIABLE	91.67%	Combined Comments
Revenues:								
Membership Dues	450,432	450,432	450,432	0	450,432	0	100.00%	
Federal/State/Local Grants	2,163,816	3,675,065	2,961,737	0	2,961,737	797,921	73.06%	
Dir/Monitoring Fees	385,439	250,000	250,000	0	250,000	-135,439	154.18%	
Interest And Miscellaneous	30,213	30,000	30,000	0	30,000	-213	100.71%	
NEP/MPO Fringe/Indirect Support		0	565,843	0	565,843			
Carry Over Fund Balance								
Total Income	3,029,900	4,405,497	4,258,012	0	4,258,012	662,269		
Expenditures:								
Direct:								
Salaries	1,425,699	1,732,419	1,686,919	0	1,686,919	261,220	84.51%	
FICA	111,522	125,000	125,000	0	125,000	13,478	89.22%	
Retirement	138,039	170,000	170,000	0	170,000	31,961	81.20%	
Health Insurance	174,596	230,000	230,000	0	230,000	55,404	75.91%	
Workers Compensation	6,694	15,000	15,000	0	15,000	8,306	44.63%	
Legal Fees	0	10,000	2,000	0	2,000	2,000	0.00%	
Consultant Fees	46,549	158,000	49,900	0	49,900	3,351	93.28%	
NEP Contractual	320,604	272,300	319,300	0	319,300	-1,304	100.41%	
MPO Contractual	63,297	710,150	224,150	0	224,150	160,853	28.24%	
Audit Fees	49,039	47,000	49,100	0	49,100	61	99.88%	
Travel	40,451	60,500	58,500	0	58,500	18,049	69.15%	
Telephone	8,855	20,000	20,000	0	20,000	11,145	44.28%	
Postage	14,827	40,000	40,500	0	40,500	25,673	36.61%	
Storage Space Rental	2,266	4,100	3,100	0	3,100	834	73.10%	
Equipment Rental	34,431	47,000	47,000	0	47,000	12,569	73.26%	
Insurance	31,056	34,000	34,000	0	34,000	2,944	91.34%	
Repair/Maintenance	22,354	40,000	40,000	0	40,000	17,646	55.89%	
Printing/Reproduction	73,318	103,000	103,000	0	103,000	29,682	71.18%	
Utilities (Elec, Gas, Water)	20,380	32,000	32,000	0	32,000	11,620	63.69%	
Advertising	12,397	9,550	14,550	0	14,550	2,153	85.20%	
Other Miscellaneous	1,735	7,250	5,250	0	5,250	3,515	33.05%	
Office Supplies	23,815	28,500	31,500	0	31,500	7,685	75.60%	
Computer Related Expenses	32,407	55,000	55,000	0	55,000	22,593	58.92%	
Publications	2,262	10,600	10,600	0	10,600	8,338	21.34%	
Professional Development	41,407	68,800	49,000	0	49,000	7,593	84.50%	
Meetings/Events	18,116	68,800	68,800	0	68,800	50,684	26.33%	
Capital Outlay-Operations	15,591	44,000	50,000	0	50,000	34,409	31.18%	
Capital Outlay-Building	7,450	150,000	30,000	0	30,000	22,550	24.83%	
Long Term Debt	117,105	128,000	128,000	0	128,000	10,895	91.49%	
Allocation of Fringe/Indirect			0	0	0	0		
Reserve for Operation Expense			565,843	0	565,843	565,843		
Total Cash Outlays	2,856,263	4,392,169	4,258,012	0	4,258,012	1,401,749	67.08%	
Net Income/(Loss)	173,637	13,328	0	0	0	0		

NEP
Budget vs. Actual
For the month ending August 31, 2008

	CHNEP Actual	CHNEP Adopted Budget	NEP Amended Budget	CHNEP Requested Amendments	CHNEP Amended Budget	CHNEP VARIABLE	91.67%	CHENP Comments
Revenues								
Membership Dues	0	0	0		0	0		
Federal/State/Local Grants	956,701	1,113,316	1,113,316		1,113,316	156,615	85.93%	
Dir/ Monitoring Fees	0	0	0		0	0		
Interest And Miscellaneous	0	0	0		0	0		
NEP/MPO Fringe/Indirect Support	0	0	0		0	0		
Carry Over Fund Balance	0	0	0		0	0		
Total income	956,701	1,113,316	1,113,316	0	1,113,316	156,615		
Expenditures								
Direct:								
Salaries	215,862	291,416	245,916		245,916	30,054	87.78%	
FICA	0	0	0		0	0		
Retirement	0	0	0		0	0		
Health Insurance	0	0	0		0	0		
Workers Compensation	0	0	0		0	0		
Legal Fees	0	0	0		0	0		
Consultant Fees	0	0	0		0	0		
NEP Contractual	320,604	272,300	319,300		319,300	-1,304	100.41%	
MPO Contractual	0	0	0		0	0		
Audit Fees	0	0	0		0	0		
Travel	14,215	21,500	19,500		19,500	5,285	72.90%	
Telephone	514	1,500	1,500		1,500	986	34.23%	
Postage	10,225	10,000	10,500		10,500	275	97.38%	
Storage Space Rental	890	1,000	1,000		1,000	110	89.00%	
Equipment Rental	0	0	0		0	0		
Insurance	0	0	0		0	0		
Repair/Maintenance	0	0	0		0	0		
Printing/Reproduction	69,472	83,000	83,000		83,000	13,528	83.70%	
Utilities (Elec, Gas, Water)	0	0	0		0	0		
Advertising	521	550	550		550	29	94.78%	
Other Miscellaneous	3	750	750		750	747	0.42%	
Office Supplies	3,833	1,500	4,500		4,500	667	85.17%	
Computer Related Expenses	1,714	3,000	3,000		3,000	1,286	57.15%	
Publications	425	500	500		500	75	85.00%	
Professional Development	6,113	8,500	8,500		8,500	2,387	71.92%	
Meetings/Events	27,464	33,800	33,800		33,800	6,336	81.25%	
Capital Outlay-Operations	0	6,000	3,000		3,000	3,000	0.00%	
Capital Outlay-Building	0	0	0		0	0		
Long Term Debt	0	0	0		0	0		
Allocation of Fringe/Indirect	284,847	378,000	378,000		378,000	93,153		
Reserve for Operation Expense								
Total Cash Outlays	956,701	735,316	1,113,316	0	1,113,316	156,615	85.93%	
Net Income/(Loss)								

MPO
Budget vs. Actual
For the month ending August 31, 2008

	MPO Actual	MPO Adopted Budget	MPO Amended Budget	MPO Requested Amendments	MPO Amended Budget	MPO Variable	91.67%	MPO Comments
Revenues								
Membership Dues	0	0	0		0	0		
Federal/State/Local Grants	585,621	1,761,749	1,161,749		1,161,749	576,128	50.41%	
Dir/Monitoring Fees	0	0	0		0	0		
Interest And Miscellaneous	0	0	0		0	0		
NEP/MPO Fringe/Indirect Support	0	0	0		0	0		
Carry Over Fund Balance	0	0	0		0	0		
Total Income	585,621	1,761,749	1,161,749	0	1,161,749	576,128		
Expenditures								
Direct:								
Salaries	216,274	388,839	388,839		388,839	172,565	55.62%	
FICA	0	0	0		0	0		
Retirement	0	0	0		0	0		
Health Insurance	0	0	0		0	0		
Workers Compensation	0	0	0		0	0		
Legal Fees	0	0	0		0	0		
Consultant Fees	0	118,000	0		0	0		
NEP Contractual	0	0	0		0	0		
MPO Contractual	63,297	710,150	224,150		224,150	160,853	28.24%	
Audit Fees	0	0	0		0	0		
Travel	2,362	9,000	9,000		9,000	6,638	26.25%	
Telephone	796	3,500	3,500		3,500	2,704	22.76%	
Postage	2,768	8,000	8,000		8,000	5,232	34.59%	
Storage Space Rental	0	0	0		0	0		
Equipment Rental	0	0	0		0	0		
Insurance	0	0	0		0	0		
Repair/Maintenance	731	0	0		0	-731		
Printing/Reproduction	464	5,000	5,000		5,000	4,536	9.28%	
Utilities (Elec, Gas, Water)	0	0	0		0	0		
Advertising	10,503	6,000	11,000		11,000	497	95.48%	
Other Miscellaneous	166	500	500		500	334	33.20%	
Office Supplies	2,367	5,000	5,000		5,000	2,633	47.34%	
Computer Related Expenses	516	2,000	2,000		2,000	1,484	25.82%	
Publications	0	600	600		600	600	0.00%	
Professional Development	512	1,500	1,500		1,500	988	34.13%	
Meetings/Events	443	5,000	5,000		5,000	4,557	8.86%	
Capital Outlay-Operations	0	8,000	7,000		7,000	7,000	0.00%	
Capital Outlay-Building	0	0	0		0	0		
Long Term Debt	0	0	0		0	0		
Allocation of Fringe/Indirect	284,420	490,660	490,660		490,660	206,240		
Reserve for Operation Expense	0	0	0		0	0		
Total Cash Outlays	585,621	1,271,089	1,161,749	0	1,161,749	576,128	50.41%	
Net Income/(Loss)								

Regional Planning Council
Budget vs. Actual
For the month ending August 31, 2008

	Total RPC Actual	RPC Adopted Budget	RPC Amended Budget	RPC Requested Amendments	RPC Amended Budget	RPC	RPC VARIABLE	91.67%	RPC Comments
Revenues									
Membership Dues	450,432	450,432	450,432		450,432		0	100.00%	
Federal/State/Local Grants	621,494	800,000	686,672		686,672		178,506	90.51%	
Dri/Monitoring Fees	385,439	250,000	250,000		250,000		-135,439	154.18%	
Interest And Miscellaneous	30,213	30,000	30,000		30,000		-213	100.71%	
NEP/MPO Fringe/Indirect Support		868,660	0		0		0	0.00%	
Carry Over Fund Balance			565,843		565,843		0		
Total Income	1,487,578	2,399,092	1,982,947	0	1,982,947	0	42,854		
Expenditures									
Direct:									
Salaries	993,563	1,052,164	1,052,164		1,052,164		58,601	94.43%	
FICA	111,522	125,000	125,000		125,000		13,478	89.22%	
Retirement	138,039	170,000	170,000		170,000		31,961	81.20%	
Health Insurance	174,596	230,000	230,000		230,000		55,404	75.91%	
Workers Compensation	6,694	15,000	15,000		15,000		8,306	44.63%	
Legal Fees	0	10,000	2,000		2,000		2,000	0.00%	
Consultant Fees	46,549	40,000	49,900		49,900		3,351	93.28%	
NEP Contractual	0								
MPO Contractual	0								
Audit Fees	49,039	47,000	49,100		49,100		61	99.88%	
Travel	23,874	30,000	30,000		30,000		6,126	79.58%	
Telephone	7,545	15,000	15,000		15,000		7,455	50.30%	
Postage	1,834	22,000	22,000		22,000		20,166	8.34%	
Storage Space Rental	1,376	3,100	2,100		2,100		724	65.53%	
Equipment Rental	34,431	47,000	47,000		47,000		12,569	73.26%	
Insurance	31,056	34,000	34,000		34,000		2,944	91.34%	
Repair/Maintenance	21,623	40,000	40,000		40,000		18,377	54.06%	
Printing/Reproduction	3,382	15,000	15,000		15,000		11,618	22.54%	
Utilities (Elec. Gas, Water)	20,380	32,000	32,000		32,000		11,620	63.69%	
Advertising	1,373	3,000	3,000		3,000		1,627	45.76%	
Other Miscellaneous	1,566	6,000	4,000		4,000		2,434	39.15%	
Office Supplies	17,615	22,000	22,000		22,000		4,385	80.07%	
Computer Related Expenses	30,176	50,000	50,000		50,000		19,824	60.35%	
Publications	1,837	9,500	9,500		9,500		7,663	19.33%	
Professional Development	34,782	30,000	39,000		39,000		4,218	89.19%	
Meetings/Events	-9,791	30,000	30,000		30,000		39,791	-32.64%	
Capital Outlay-Operations	15,591	30,000	40,000		40,000		24,409	38.98%	
Capital Outlay-Building	7,450	150,000	30,000		30,000		22,550	24.83%	
Long Term Debt	117,105	128,000	128,000		128,000		10,895	91.49%	
Allocation of Fringe/Indirect	-569,267		-868,660		-868,660		-299,393	65.53%	
Reserve for Operation Expense			565,843		565,843		565,843		
Total Cash Outlays	1,313,941	2,385,764	1,982,947	0	1,982,947	0	669,006	55.07%	
Net Income/(Loss)	173,637	13,328	0	0	0	0	0		

Regional Planning Council
Budget vs. Actual
For the month ending August 31, 2008

	DCA	HMEP/SQG/ EMERG	Economic Developmnt.	Hurricane 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	358,378	49,370	25,787	65,866	58,574	385,439	63,519	621,494	450,432		450,432	450,432
Federal/State/Local Grants												621,494
Dri/Monitoring Fees						385,439		385,439				385,439
Interest And Miscellaneous									30,213		30,213	30,213
NEP/MPO Fringe/Indirect Support												
Carry Over Fund Balance												0
Total Income	358,378	49,370	25,787	65,866	58,574	385,439	63,519	1,006,933	480,645	0	480,645	1,487,578
Expenditures												
Direct:												
Salaries	158,159	11,703	20,616	28,010	28,249	146,473	25,766	418,976	343,752	230,835	574,587	993,563
FICA	0	0	0	0	0	0	0	0	0	111,522	111,522	111,522
Retirement	0	0	0	0	0	0	0	0	0	138,039	138,039	138,039
Health Insurance	0	0	0	0	0	0	0	0	0	174,596	174,596	174,596
Workers Compensation	0	0	0	0	0	0	0	0	0	6,694	6,694	6,694
Legal Fees	0	0	0	0	0	0	0	0	0	0	0	0
Consultant Fees	-5,729	16,633	0	0	0	32,620	0	43,524	3,025	0	3,025	46,549
NEP Contractual	0	0	0	0	0	0	0	0	0	0	0	0
MPO Contractual	0	0	0	0	0	0	0	0	49,039	0	49,039	49,039
Audit Fees	0	0	0	0	0	0	0	0	15,271	0	15,271	23,874
Travel	5,228	1,772	118	667	15	639	165	8,603	6,778	0	6,778	7,545
Telephone	0	0	309	305	0	154	0	767	1,403	0	1,403	1,834
Postage	14	0	386	0	0	31	0	431	1,376	0	1,376	1,376
Storage Space Rental	0	0	0	0	0	0	0	0	34,320	0	34,320	34,431
Equipment Rental	111	0	0	0	0	0	0	111	31,056	0	31,056	31,056
Insurance	0	0	0	0	0	0	0	0	21,623	0	21,623	21,623
Repair/Maintenance	0	0	0	0	0	0	0	0	3,382	0	3,382	3,382
Printing/Reproduction	0	0	0	0	0	0	0	0	20,380	0	20,380	20,380
Utilities (Elec. Gas, Water)	0	0	0	0	0	0	0	0	1,076	0	1,076	1,373
Advertising	162	0	50	0	84	0	0	297	1,562	0	1,562	1,566
Other Miscellaneous	0	4	0	0	0	0	0	4	17,615	0	17,615	17,615
Office Supplies	0	0	0	0	0	0	0	0	30,176	0	30,176	30,176
Computer/Related Expenses	0	0	0	109	0	0	0	109	1,728	0	1,728	1,837
Publications	0	0	0	0	0	0	0	0	34,177	0	34,177	34,782
Professional Development	255	0	350	0	0	0	0	605	1,890	0	1,890	-9,791
Meetings/Events	32	1,193	11	0	0	-12,918	0	-11,681	12,412	0	12,412	15,591
Capital Outlay-Operations	0	0	0	0	0	0	3,179	3,179	7,450	0	7,450	7,450
Capital Outlay-Building	0	0	0	0	0	0	0	0	117,105	0	117,105	117,105
Long Term Debt	0	0	0	0	0	0	0	0	-1,125,715	0	-1,125,715	-569,267
Allocation of Fringe/Indirect	209,463	17,944	26,907	36,776	37,679	193,269	34,409	556,448				
Reserve for Operation Expense												
Total Cash Outlays	367,695	49,249	48,748	65,866	66,026	360,269	63,519	1,021,373	-369,118	661,686	292,568	1,313,941
Net Income/(Loss)												173,637

SWFRPC
Income Statement - Two Years
For the Eleven Months Ending August 31, 2008

	Current Month This Year	Current Month Last Year	Year to Date This Year	Year to Date Last Year
Revenues				
Total Revenues	173,810.81	408,095.98	3,029,900.20	3,212,807.03
Expenses				
Salaries Expense	129,935.57	153,731.57	1,425,698.79	1,375,055.10
FICA Expense	9,813.48	11,668.02	111,521.81	105,656.80
Retirement Expense	16,158.90	12,639.58	138,038.52	131,478.36
Health Insurance Expense	14,458.76	14,170.59	174,596.20	167,732.17
Workers Comp. Expense	928.00	591.00	6,694.00	7,101.00
Legal Fees Expense	0.00	0.00	0.00	185.00
Grant/Consulting Expense	375.00	32.50	46,549.08	19,425.00
NEP-Contractual	4,168.42	59,617.51	320,603.70	444,195.78
MPO-Contractual	2,441.54	35,527.20	63,297.06	207,427.90
Audit Services Expense	0.00	0.00	49,039.00	39,000.00
Travel Expense	5,613.50	2,251.43	40,451.09	43,917.85
Telephone Expense	564.26	784.74	8,855.09	10,772.69
Postage / Shipping Expense	1,261.32	2,374.54	14,826.89	20,757.56
Storage Unit Rental	224.00	186.00	2,266.22	2,056.00
Equipment Rental Expense	3,035.45	3,130.85	34,431.39	34,102.81
Insurance Expense	0.00	0.00	31,056.08	33,093.35
Repair/Maint. Expense	2,005.98	3,276.29	22,354.46	17,897.39
Printing/Reproduction Expen	200.00	499.00	73,317.59	36,108.88
Utilities (Elec, Water, Gar)	2,119.24	2,224.85	20,380.02	21,661.51
Advertising/Legal Notices Ex	990.51	611.82	12,397.29	6,124.80
Other Misc. Expense	49.23	0.00	1,735.34	1,044.41
Office Supplies Expense	521.00	3,351.19	23,814.93	22,311.53
Computer Related Expense	1,910.87	4,176.77	32,406.84	38,638.40
Publication Expense	108.75	69.90	2,261.68	2,505.84
Prof. Develop./Dues Expens	1,253.50	5,582.18	41,407.26	34,491.94
Meetings/Events Expense	(8,066.26)	79.17	18,116.35	37,390.88
Capitol Outlay Expense	9,181.99	3,692.00	15,591.29	26,913.60
Capitol Outlay - Building	0.00	2,293.96	7,450.00	5,893.96
Long Term Debt	10,645.92	10,645.92	117,105.12	117,105.12
Total Expenses	209,898.93	333,208.58	2,856,263.09	3,010,045.63
Net Income	\$ (36,088.12)	\$ 74,887.40	\$ 173,637.11	\$ 202,761.40

_____ Agenda
_____ Item

3c

Glades County
Comprehensive Plan
Amendments (DCA 08-1ER)

3c

**LOCAL GOVERNMENT COMPREHENSIVE PLAN AMENDMENTS
GLADES COUNTY**

The Council staff has reviewed proposed amendment to the Glades County Comprehensive Plan (DCA 08-2ER). The amendment was 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.

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 100% of the threshold for a Development of Regional Impact of the same type (a DRI-related amendment is considered regionally significant); and
3. Character--of a unique type or use, a use of regional significance, or a change in the local comprehensive plan that could be applied throughout the local jurisdiction; updates, editorial revisions, etc. are not regionally significant.

A summary of the results of the review follows:

<u>Proposed Amendment</u>	<u>Factors of Regional Significance</u>			
	<u>Location</u>	<u>Magnitude</u>	<u>Character</u>	<u>Consistent</u>
DCA 08-1ER	no	no	no	1. procedural 2. not regionally significant 3. consistent with SRPP

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

09/08

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.

**SWFRPC COMMENTS
Glades County
EAR Comprehensive Plan Amendments**

Proposed Amendments

The Glades County has provided for review and comment the proposed Evaluation and Appraisal Report (EAR) based amendments to the County's adopted Comprehensive Plan. The proposed changes to the County's Comprehensive Plan addresses five major issues identified during the EAR review process as significant for the future of the County. These issues are as follows:

1. The need for more economic opportunity via an increase of employment centers and retail establishments. The County believes that many of the households in the County are in need of additional income or employment closer to home;
2. Preservation of rural lifestyle. Most of the residents of the County appreciate the rural aspects of the area and wish for it to remain as such. The small residential and agricultural communities should stay unchanged;
3. Need for new transitional residential density in future land use categories. The promotion of clustering of new residential development will preserve open space;
4. Enhanced protection of "at risk" environmental areas. Open space and natural resources need to be protected now before they disappear; and
5. Need for provisions that will ensure adequate future water supply. This issue will be addressed by the County's Water Supply Master Plan currently being developed.

The Glades County EAR has provided an update of the population estimates and projections for the County. The amount of population growth that will occur in the rural Counties of the region in the future has been an area of contention between the Counties and the Department of Community Affairs (DCA) in the past and this problem has complicated past plan amendments due to the gap between the Bureau of Economic and Business Research (BEBR) and the County's projections. Council staff has noted and supports the County in that the EAR uses the most conservative population growth forecasts by BEBR.

The County's EAR update also provides a review of the location of existing development in relation to development in the original Plan. The County found that the new development provided in the County has occurred in the locations originally expected. The County staff noted that there are several large scale proposed developments that are requesting revisions to the Future Land Use Map (FLUM), which may indicate some inflexibility with the FLUM, but generally found that most new development has been approved and constructed in a manner consistent with the FLUM and the permitted uses and development intensities prescribed in the Plan's Future Land Use Element.

According to the County's submittal, an important project due to its location is being proposed by Lykes Brothers, the largest land owners in the County. The County staff stated that Lykes Brothers are reapplying to the County in order to amend the Comprehensive Plan for the Muse Planning Area and Muse Village. The current amendment locates the project's potable water and wastewater facilities outside the planning area as required by the Plan.

The EAR found that under the current population projections there is vacant land available for the future growth of the County well beyond the end of the next planning period of 2013, as well as beyond the long term planning period of 2018. Council staff supports the County findings for the future land use demands in the Plan.

The County's EAR has provided information as it relates to the level of service standards for the infrastructure needed to provide for the future growth of the Plan. These levels of service impact potable water, sanitary sewer, solid waste, drainage traffic circulation, recreation and open space, and school coordination. The County in their plan includes a Concurrency Management System to measure and maintain the infrastructure necessary to accommodate the expected future growth in the County. Council staff supports the County in the provision of this system.

Finally, the County addressed financial feasibility with respect to the adequate provision of the infrastructure required to facilitate future growth. The EAR found that the County is currently meeting its adopted levels of service for all its public facilities and has the ability to provide the needed infrastructure necessary to achieve and maintain the adopted levels of service standards and the ability to sustain the Concurrency Management System through the Capital Improvements Element.

Specifically, the EAR amendments to the Glades County Comprehensive Plan as proposed are as follows:

1. Specific references have been made to the long-term and short-term planning periods throughout the document and they have been fully identified as the short-term planning period from 2008 to 2013. The end of the long-term planning period is 2018.
2. A comparison of the Glades County traffic concurrency methodology with that of the surrounding counties has been provided.
3. The BEBR medium population projections have been included to emphasize throughout the document including seasonal populations.
4. Extraneous housing data from the document has been deleted.
5. Financial feasibility of the plan has been discussed.
6. Further explanation has been provided for the vacant land analysis.
7. The definition of Urban Vacant land use designation has been explained.

Regional Issues of Interest

1. **Affordable Housing:**

These proposed Comprehensive Plan amendments will not impact the affordable housing issue in Glades County in that sufficient affordable housing has been available in the County and no significant change is anticipated do these amendments.

2. **Water Quality:**

This proposed Comprehensive Plan amendments will improve water quality in the region due to the inclusion of new data and assessments addressing the future needs for resource preservation and infrastructure provision.

Regional Significance and Consistency

Council staff supports the County's positions on these amendments and finds that the requested changes to the Comprehensive Plan are procedural in nature and while assisting in addressing regional issues, they are not substantial enough as related to magnitude, character or location to totally address any particular regional issue. Based on the proposed changes and the positive impact they will have to the County, the requested amendments will bring the County's Comprehensive Plan into compliance with State Planning Statutes and are therefore consistent with the SRPP.

Council Staff Findings

Council staff has reviewed the proposed amendments and finds that the amendments are 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 4: Livable communities designed to improve quality of life and provide for the sustainability of our natural resources.

Strategy: Promote through the Council's review roles community design and development principles that protect the Regions natural resources and provide for an improve quality of life.

Action 6: Work in cooperation with agencies and local governments insure new public facilities, facility expansions and additions avoid designated natural resource protection areas.

Balanced Intermodal/Multimodal System

Goal 1: Construct an interconnected multimodal transportation system that supports community goals, increases mobility and enhances Southwest Florida's economic competitiveness.

Strategy: Promote Smart Growth where residential communities are linked with job centers through transit, carpooling, or other high occupancy vehicle transportation.

Actions 2: In cooperation with transit providers and other governmental and private entities, seek long term, dedicated funding sources for use for improving and expanding the transit system.

Natural Resources

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.

Council staff also finds that the proposed changes to the County's Comprehensive Plan text amendments procedural and do not have the magnitude, character or location to have regional impacts. Council staff therefore finds the amendments are not regionally significant.

Conclusion

The proposed EAR amendments are found by Council staff to be procedural in nature, not regionally significant, and consistent with the SRPP. The issues associated with the proposed amendments have been adequately addressed by the County. Council staff is recommending that the proposed amendments be approved.

_____ Agenda
_____ Item

3d

Sandhill DRI – NOPC

3d

3d

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

Background:

The Charlotte County Board of County Commissioners (the Board) originally approved the Sandhill Development Order on February 17, 1981 (DRI # 09-7980-16). The original development order included residential units, office, and retail development. Over the years, the project has undergone ownership changes and two Substantial Deviation reviews. The first Substantial Deviation resulted in the approval of Resolution 86-230 on September 9, 1986 (DRI # 09-8485-58). The second Substantial Deviation resulted in the approval of Resolution 92-285 on December 15, 1992 (DRI # 10-9192-116). DCA subsequently filed an appeal of Development Order Resolution 92-285 on February 5, 1993. On May 4, 1993 the Board adopted Resolution 93-59 which incorporated settlement language into the DRI approval conditions.

The Sandhill Development of Regional Impact (DRI) is located on all four quadrants of the I-75/Kings Highway interchange, in northern Charlotte County (see Attachment 1: Location Map). As currently approved, the development can construct 2,600 residential units (multi-family), 1,965,800 square feet of commercial retail space, 42,000 square feet available within the research and development land area and 65,000 square feet of Park/Public/Semi-Public space created to accommodate Charlotte County Health Department offices. As of the annual monitoring report submitted in October 2006, the Sandhill DRI contained 933 residential units and 808,515 square feet of commercial space (including four hotels). No information was provided on the amount of office square footage or other uses.

Previous Changes

There have been 28 previous changes to the Sandhill Development Order that have been adopted by the Charlotte County Board of County Commissioners (CCBCC). These changes were as follows:

Previously Adopted by the Charlotte County Board of County Commissioners (CCBCC)

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

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

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

- (23) Resolution 2006-026 February 21, 2006 Increased the overall DRI acreage from 730 to 730.3 acres, increased the commercial retail acreage from 240 acres to 240.3 acres, reallocated existing commercial square footage from Tract 5 to a newly created Parcel 5-19A and limited those uses on Parcel 5-19A to Commercial Neighborhood uses as defined by the Charlotte County Zoning Regulations.
- (24) Resolution 2006-027 February 21, 2006 Increased residential acreage from 125.8 acres to 151.9 acres, reallocated residential units from Parcel R-1 in Tract 1 to a newly created Parcel R-2 in Tract 4, decreased the commercial retail acreage from 240.3 acres to 214.2 acres and reallocated 75,000 square feet of commercial square footage from Parcels C-19 and C-20 in Tract 4 to Parcels C-21 and C-25 in Tract 1. The residential acreage should have only increased by 9 acres and the commercial acreage should have only decreased by 9 acres. The total residential acreage should be corrected to 134.8 acres and the commercial acreage should be corrected to 231.3 acres.
- (25) Resolution 2006-173 September 19, 2006 1) Reallocated 40,000 square feet of commercial area from Parcel C-19B in Tract 4 to a newly created Parcel 5-19H; 2) Reallocated 25,000 square feet of commercial area from Parcel 5-18 to the newly created Parcel 5-19H; 3) Reallocated 25,000 square feet of commercial area not part of the last Substantial Deviation; 4) Reduced the Golf Course acreage from 95.7 acres to 84.1 acres (11.6 acre reduction); 5) Increased the Commercial acreage from 213.1 acres to 224.7 acres (11.6 acre increase)
- (26) Resolution 2006-212 November 21, 2006 Extended the build out date to March 2, 2009.
- (27) Resolution 2007-161 October 16, 2007 Codified the Development Order, extended the build out date to March 1, 2012, and increased the office square footage to 65,000 on the parcel labeled public/semi-public in Tract 2 which is owned by Charlotte County.
- (28) Resolution 2008-029 March 18, 2008 Modified the entitlements for Parcel C-24 in

Tract 2 from 30,000 square feet of Commercial to 17,000 square feet of Commercial and 120 hotel units

Proposed Changes:

The applicant for the proposed change is Charlotte Commons, LLC. The applicant's agent is Geri L. Waksler with the firm of McKinley, Ittersagen, Gunderson, Berntsson, Waksler & Wideikis, LLP. The Notice of Proposed Change (NOPC) was submitted to Regional staff on May 14, 2008. The applicant originally requested the removal of 6.55 acres of a preservation area located in Tract 1 and the creation of parcel C-25A to encompass this 6.55 acres with a commercial designation. No new commercial square footage was requested. After further consideration, the applicant decided to withdraw the request to eliminate the preservation area and only request the following changes:

Amend the Development Order as follows:

- I. Pursuant to Section I.e.3, add the terms of that certain Development Agreement between Charlotte Commons, LLC and Charlotte County dated March 25, 2008.
Permit the following uses within that area identified on Map H-1 (see Exhibit 2):
 1. Automotive sales and service, provided major mechanical and body overhaul and repairs are conducted within a fully enclosed building.
 2. Service stations and truck stops;
 3. Lumber and building supply establishments;
 4. Equipment rental;
 5. Wholesale sales;
 6. Car wash;
 7. Mini-warehouses or storage facilities, but not bulk storage of flammable liquids;
 8. Laboratories, class 3, provided central sewer is available;
 9. Automobile rental agencies;
 10. Light manufacturing and assembly in a completely enclosed building; and
 11. Carpentry, cabinet and machine shops in a completely enclosed building.
- II. Amend section I.g. to eliminate the prohibition on direct access from Loveland Boulevard
- III. Delete Section L. which requires an affordable housing study after total developed retail commercial square footage exceeds 946,000 square feet.

Regional Staff Analysis:

The proposed changes listed above do not create the possibility of additional regional impacts within the Sandhill DRI. No additional square footage entitlements are proposed with this change. The applicant will be permitted to relocate through replacement at another location on-site, a wetland located between parcel C-21 and C-25 in Tract 1. This is permitted on a one to one basis in Section J(1)(k) of the adopted development order. The current functional assessment method for wetland evaluation, **Uniform Mitigation Assessment Method Chapter 62-345, F.A.C.**, cannot be utilized to reduce the amount of wetland preserve through ERP permitting. Off-site mitigation is not an option. The applicant will be required to revise the Map H to illustrate the location of the new wetland area created as a result of

this proposed change. If the SWFWMD requires it in their permitting, a conservation easement will be executed and filed with the local government records office for the new wetland location.

The applicant proposes to eliminate development order language addressing an affordable housing study. The applicant does not have provisions for affordable housing in this project.

The applicant has not provided a current Annual Monitoring Report or Annual Traffic Monitoring Report for the project. Monitoring reports are required for this project every two years.

The applicant has not provided a legal description that accurately matches the legal extent of the project.

The applicant has not provided an updated project shapefile that accurately matches the legal extent of the project.

Character, Magnitude, Location:

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

Regional Goals, Resources, and Facilities:

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

Multi-Jurisdictional Issues:

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

Need For Reassessment Of The DRI:

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

Acceptance of Proposed D.O. Language:

The proposed Development Order (DO) amendment is not sufficient. Regional Staff recommends attaching an accurate legal description to the revised DO. Regional Staff requests the applicant submit a current Annual Monitoring Report and Annual Traffic Monitoring Report. Regional Staff requests the applicant provide a shapefile matching the current accurate legal description. Regional Staff recommends changing the language in the development order and the Revised Map H to reflect all of the proposed 2,600 dwelling units are multi-family dwelling units. Regional staff recommends that the Charlotte County Board of County Commissioners accept the proposed development order language after changing

the language related to the residential units to reflect these units are all multifamily; after finalizing a codified Development Order for the Sandhill DRI; after receiving a current annual monitoring report and a current annual traffic monitoring report; after receiving a revised legal description and shapefile; after receiving revised language addressing affordable housing and after receiving a revised Map H depicting the relocation of the wetland that currently exists between parcel C-21 and parcel C-25 in Tract 1.

Instead of deleting the affordable housing study condition staff recommends one of the following conditions.

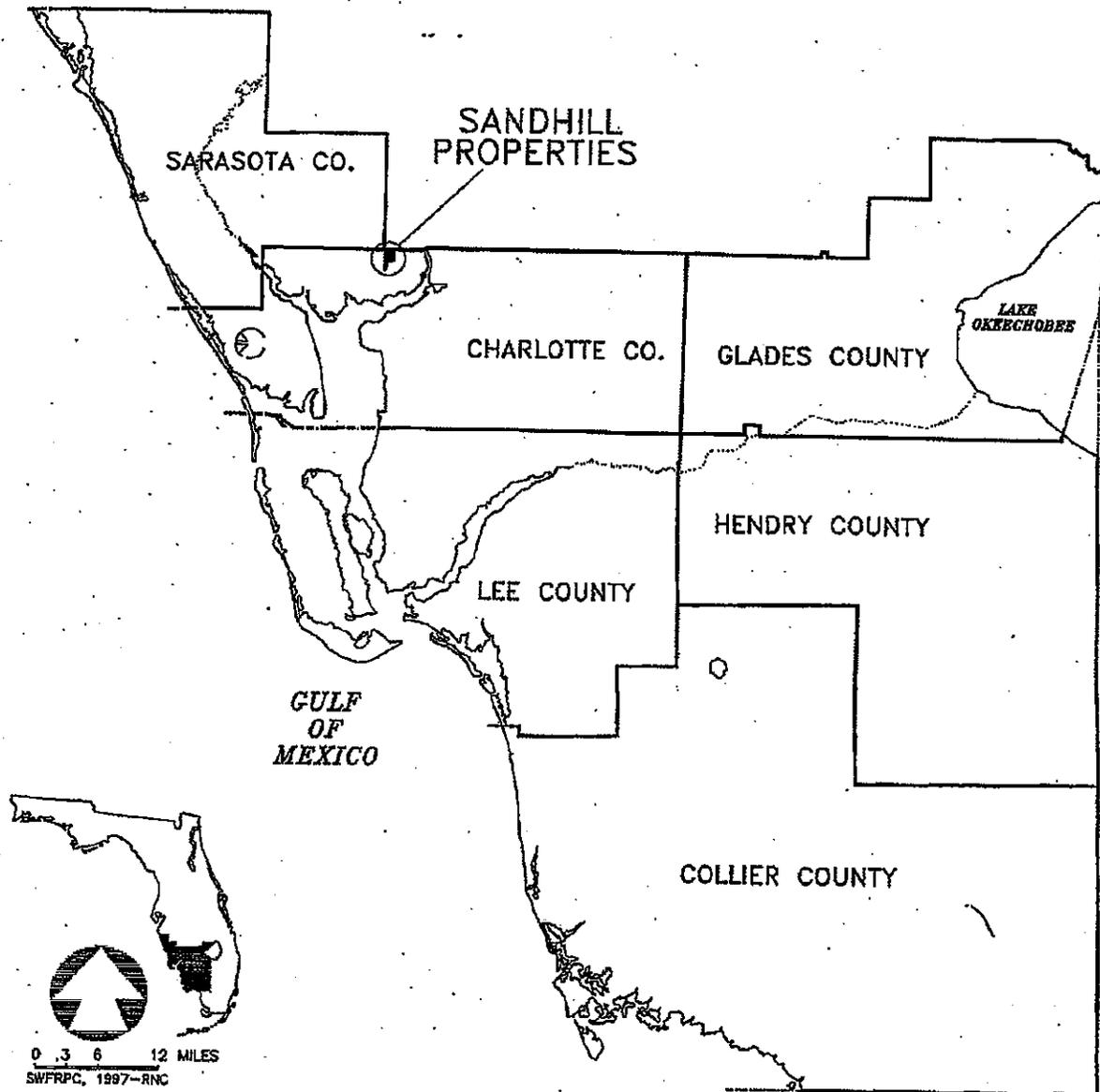
Any DRI Development Order issued by Charlotte County shall contain one of the following provisions:

- A. Construct or have constructed an appropriate number of affordable housing units on a site provided by the applicant within the DRI property boundaries. These units must be made available for sale or rent to the workers in the development. Also, the units must be divided between equity ownership and rentals, single-family and multi-family to the satisfaction of the local government.
- B. Provide an off-site affordable housing tract with the appropriate number of affordable housing units. This option would require the applicant to provide the same number of affordable housing units, but would allow the units to be located on a parcel off the DRI site. As a condition to this mitigation option, the off-site parcel must be located within a 20-minute drive or 10 miles from the DRI and it must be located in an area satisfactory to the local government assessing the DRI. These units must be made available for sale or rent to the workers in the DRI. Also, the units must be divided between equity ownership and rentals, single-family and multi-family to the satisfaction of the local government where the off-site development is located.
- C. Provide a financial contribution to the local government for affordable housing. The amount of the contribution would be as negotiated between the local government and the applicant. This option would allow the applicant to provide a monetary contribution to the local government for affordable housing and must be approved by the Charlotte County Board of County Commissioners. The amount of the contribution would be based on the 5% down payment necessary to get a 95% mortgage for a house within the DRI.

RECOMMENDED ACTIONS:

1. Notify Charlotte County, the Florida Department of Community Affairs and the applicant that the proposed DRI changes do not appear to create a reasonable likelihood of additional regional impacts on regional resources or facilities not previously reviewed by the SWFRPC.
2. Render a codified Development Order.
3. Request an updated Map H that not only lists square footages and numbers of residential units but also the acreages for each land use with a current date, including the relocated wetland.

4. Include one of three SWFRPC affordable housing conditions instead of deleting affordable housing study condition.
5. Comply with the conditions in Attachment III.
6. Request an updated GIS shape file of the new legal description of the Sandhill DRI project prior to the Development Order (DO) approval at the local government level.
7. Request an updated Annual Monitoring Report prior to DO approval at the local government level.
8. Request an updated Annual Traffic Monitoring Report prior to DO approval at the local government level.
9. Request that Charlotte County provide a copy of the development order amendment, and any related materials, to the Council in order to ensure that the development order amendment is consistent with the Notice of Proposed Change. Request the Charlotte County staff to provide the Council a copy of the above information at the same time the information is provided to the Department of Community Affairs.



**ATTACHMENT I
GENERAL LOCATION MAP
SANDHILL PROPERTIES DRI.**

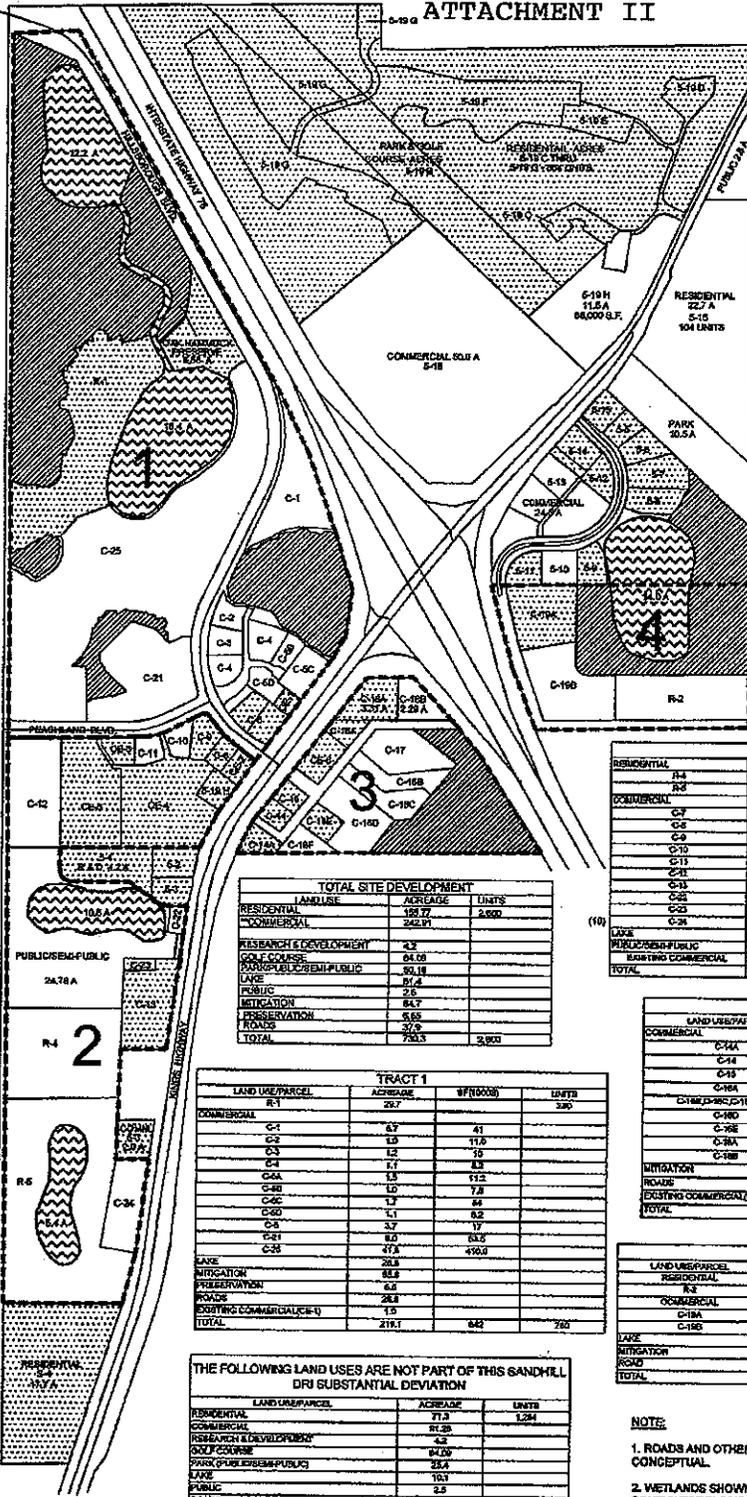
Proposed Map H
ATTACHMENT II

REVISED MAP H
NOT TO SCALE

ENGINEER OF RECORD

[Signature]
DUNN & COMPANY, P.E.
1115 S.W. 11th St.
TERRA SPORT, INC.
DAW000614

DATE 12-6-07



- BOUNDARY OF PREVIOUSLY APPROVED SUBSTANTIAL DEVIATION, TRACT 1-4
- WETLAND, MITIGATION, AND PRESERVE AREAS
- EXISTING DEVELOPMENT AREAS
- LAKE AREAS
- * THE NEWPORT PROJECT PER CHARLOTTE COUNTY RESOLUTION 87-107 & PO 93-44-1
- 5-18A SIZE IS 6.5 ACRES COMMERCIAL SQUARE FOOTAGE ALLOCATION TO 5-18A IS 3,500 G.F.

TOTAL SITE DEVELOPMENT

LAND USE	ACREAGE	UNITS
RESIDENTIAL	191.77	2,500
COMMERCIAL	242.91	
RESEARCH & DEVELOPMENT	4.3	
GOLF COURSE	04.08	
PUBLIC/SEMI-PUBLIC	50.18	
LAKE	81.4	
PUBLIC	2.4	
MITIGATION	84.7	
PRESERVATION	5.65	
ROADS	34.9	
TOTAL	735.3	2,500

TRACT 1

LAND USE/PARCEL	ACREAGE	SF (1000S)	UNITS
COMMERCIAL R-1	22.7		300
C-1	4.7	41	
C-2	1.5	11.0	
C-3	1.5	7.9	
C-4	1.1	8.3	
C-4A	1.5	11.2	
C-5	1.0	7.8	
C-6	1.7	41	
C-6D	1.1	6.2	
C-8	3.7	17	
C-21	8.0	83.5	
C-25	21.8	496.8	
LAKE	81.8		
MITIGATION	84.7		
PRESERVATION	5.6		
ROADS	28.8		
EXISTING COMMERCIAL (C-1)	1.9		
TOTAL	218.1	642	700

THE FOLLOWING LAND USES ARE NOT PART OF THIS SANDHILL DRI SUBSTANTIAL DEVIATION

LAND USE/PARCEL	ACREAGE	UNITS
RESIDENTIAL	71.3	1,284
COMMERCIAL	81.55	
RESEARCH & DEVELOPMENT	4.2	
GOLF COURSE	81.09	
PARK (PUBLIC/SEMI-PUBLIC)	25.1	
LAKE	10.7	
PUBLIC	2.4	
ROADS	1.4	
MITIGATION	8.5	
TOTAL	307.2	1,284

TRACT 2

LAND USE/PARCEL	ACREAGE	SF (1000S)	UNITS
RESIDENTIAL R-4	20.9		438
R-5	24.0		300
COMMERCIAL			
C-7	1.0	10	
C-8	0.4	4	
C-9	1.8	13	
C-10	0.8	9	
C-11	0.8	9	
C-21	7.2	73	
C-22	0.6	6	
C-23	0.8	8	
C-24	8.8	17.0 + 120 ROOMS	HOTEL
LAKE	16.2		
WETLANDS/PUBLIC	24.5	85.0	
EXISTING COMMERCIAL	23.9		
TOTAL	151.4	2000 + 120 ROOMS	758

TRACT 3

LAND USE/PARCEL	ACREAGE	SF (1000S)	UNITS
COMMERCIAL			
C-14A	2.0	8.0	
C-14	2.0	8.0	
C-15	1.5	6.0	
C-16A	0.89	3.5	
C-16B	0.51	2.0	
C-16C	0.70	2.8	
C-16D	0.70	2.8	
C-16E	1.35	5.4	
C-16A	3.31	13.2	
C-16B	1.50	6.0	
MITIGATION	7.0		
ROADS	2.7		
EXISTING COMMERCIAL (C-6)	1.6		
TOTAL	37.4	88.8	

TRACT 4

LAND USE/PARCEL	ACREAGE	SF (1000S)	UNITS
RESIDENTIAL			
R-2	8.0		100
COMMERCIAL			
C-18A	6.0	41	
C-18B	6.0	41	
LAKE	6.2		
MITIGATION	11.0		
ROAD	3.8		
TOTAL	41.0	82	200

- NOTE:**
- ROADS AND OTHER IMPROVEMENTS ARE CONCEPTUAL.
 - WETLANDS SHOWN ARE BASED ON THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT MASTER DRAINAGE PERMIT. (MSW 492847.048)
 - ALL PARCELS NOT INCLUDED IN THE MOST RECENTLY APPROVED SUBSTANTIAL DEVIATION WERE ASSIGNED TO TRACT 1-4. 26 PARCELS WERE ASSIGNED TO TRACT 5 (PARCELS 5-1 THRU 5-19, INCLUDING PARCELS 5-18A, 5-18B, 5-19A, 5-19B, 5-19C, 5-19D, 5-19E, 5-19F 35-19G).
 - THIS MAP WAS PROVIDED BY THE SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL FROM MAP H DATED JANUARY 11, 2006 AND REVISED BY VANASSE & DAYLOR, LLP

- REVISION NOTES:**
- PROPOSED JULY 2002 REVISIONS:
 - TRACT 1: REVISED PARCELS, LAKES, & WETLANDS.
 - TRACT 3: REVISED PARCEL C-18 & REMOVED WETLAND.
 - TRACT 4: REVISED PARCEL C-18 & INCREASED WETLAND.
 - PROPOSED JANUARY 2008(NOPC) 051283 REVISIONS:
 - SUBDIVIDED C-16, C-17, C-18, C-20, "NEWPORT GOLF"
 - PROPOSED JANUARY 2008(NOPC) 051284 REVISIONS:
 - REALLOCATED COMMERCIAL S.F. & RESIDENTIAL UNITS BETWEEN EXISTING TRACTS 1 & 4
 - TRANSFERRED 320 RESIDENTIAL UNITS FROM R-1 (TRACT 1) TO R-2 (TRACT 4)
 - TRANSFERRED 75,000 SF OF COMMERCIAL FROM R-2 (TRACT 4) TO C-21 & C-25 (TRACT 1)
 - ADDED PARCEL 5-19A.
 - ADD COMMERCIAL PARCEL 5-19H. REMOVE PARCEL 5-19D.
 - JULY 14, 2008 - REVISE ACRES.
 - JULY 17, 2008 - REVISE ACRES AND 5-16.
 - NOVEMBER 8, 2008 - ADD S.F. TO 5-19H.
 - PROPOSED - 2007 (NOPC) REVISION TO ADD 65,000 SF TO TRACT 2 PUBLIC/SEMI-PUBLIC SITE
 - PROPOSED - 2007 (NOPC) REVISION TO C-24, 50,400 SF TO 17,000 SF & 120 HOTEL ROOMS

EXHIBIT C

Attachment III

A. Water and Fertilizer Conditions for Development Approval.

- 1) Low Flow Fixtures: Low volume plumbing fixtures will be installed in all new homes and businesses. The plumbing fixtures will comply with the following maximum flow volumes at 80 psi:
 - Toilets: 1.6 gallons per flush
 - Shower heads: 2.5 gallons per minute
 - Faucets: 2.0 gallons per minute
- 2) Drought-Tolerant Landscaping: The use of native landscaping and the Florida Yards and Neighborhoods Program principles will be incorporated throughout the project site.
- 3) Irrigation System Design: Rain sensors and/or soil moisture sensors are required for irrigation systems within the project site in order to preclude irrigation during rainfall events. The project will install low flow irrigation systems for common areas.
- 4) Fertilization Program: Written fertilization guidelines will be developed that establish standards for all common area fertilization and guidelines for individual property owners. The guidelines will comply with SWFRPC Resolution 2007-1. The program will be based on the results of soil samples, water sources, drainage patterns, and the landscape planned. This program will be designed to provide sufficient nutrition to sustain density and vigor for the landscape plantings intended for the community that will enhance their resistance to disease, weeds, and insects. Education of residents and landscape maintenance contractors will be included in the program.
- 5) The program standards will include an annual schedule for applications of controlled release and slow release fertilizers. The program will also identify appropriate buffer requirements for all areas on the site with respect to wetlands and all natural or created bodies of water. The above fertilization program does not eliminate the requirement of compliance with the County fertilizer ordinance.
- 6) The lowest quality of water available and acceptable should be utilized for all non-potable water uses.
- 7) Irrigation systems for new construction will comply with County's irrigation and landscaping ordinance, as may be amended from time to time.

_____ Agenda
_____ Item

3e

Bella Terra DRI - NOPC

3e

3e

BELLA TERRA DRI (fka THE HABITAT)
NOTICE OF PROPOSED CHANGE

Background

On June 19, 1986, the Southwest Florida Regional Planning Council recommended conditional approval of the Habitat DRI, located in southeastern Lee County. The original Habitat DRI was a mixed used project consisting of 2,350 dwelling units, a golf course and 120,000 square feet of commercial and library use on 1,003 acres. Lee County conditionally approved the project on October 13, 1986 (see location map as Attachment I). Some residential development has taken place. The 10.93-acre recreation complex has been constructed. To date, there has been no vertical construction of commercial square footage on the site. The last annual monitoring report was received in March of 2008.

Previous Changes

First, on October 7, 1992, the Lee County Board of County Commissioners approved the following changes.

- A one-day less than 5-year extension to the date of commencement of significant physical development from October 13, 1992 to October 12, 1996.
- The same time extension was also given to the buildout and termination dates of the development order from October 13, 2006 to October 12, 2011.
- Also, an additional fifth phase was added to the phasing schedule.

Second, March 3, 1997, the Board approved the following changes.

- Changed the acreage from 1003 to 1009.
- Clarified the zoning code designations and deleted the requirement for the library site.
- Increased the wetland preserves from 392.3 to 417.9 acres based on permitting requirements and clarified that the Federal and State permitting requirements under the Vegetation/Wildlife/Wetlands conditions of the development order be complied with instead of the Lee County Resource Protection Areas and Transition Zones.
- Revised the phasing schedule to correspond with the "Corkscrew Road Service Area (CRSA) Study", prepared for nine developments located in the CRSA, Lee

County. The CRSA is similar to an Areawide DRI review process. The Habitat DRI phasing schedule for development was as follows.

	<u>Single Family</u>	<u>Multi-Family</u>	<u>Commercial Square Feet</u>
Phase I 1996 –2000	100	400	15,000
Phase II 2001 – 2005	300	950	55,000
Phase III 2006 – 2010	372	1,978	120,000

- Revised the commencement of construction date from October 12, 1996 to November 13, 1999.
- Revised the buildout date from October 12, 2011 to November 13, 2010
- Revised transportation conditions consistent with the CRSA. In general, the changes revised existing conditions calling for specific roadway improvements, proportional share payments and future transportation impacts analyses and provide new conditions to require the participation in a Municipal Services Benefit District (MSBU) for the CRSA and payment of Road Impact Fees.
- Other revisions were made to reflect a \$100,000 payment to the Lee County School Board to offset school impacts, an annual assessment of \$31,000 to the Estero Fire and Rescue Service for ten years to mitigate for fire protection impacts, the provision of on-site recreation facilities and the incorporation of the CRSA Study MSBU assessment to replace other Fiscal Requirements.

Third, on November 19, 2001, the Board approved changes to: (a) extend Phase I by 4 years (for a cumulative extension of 12 years, 364 days) and Phase II by 2 years; (b) establish the physical commencement date as July 1998; (c) revise the acreage total of 1,012 acres and (d) update the conditions pertaining to water management, water quality, environmental issues, affordable housing and education.

Fourth, on July 27, 2004, the Board approved changes to: (a) change the name of the project to Bella Terra; (b) eliminate the golf course; (c) revise the acreage assigned to lake and conservation areas; and (d) revise the frequency of filing monitoring reports from annually to biennially.

Fifth, on October 01, 2007, the Board approved changes to: (a) reduce the total dwelling units from 2,350 to 1,970; (b) increase single-family lots from 470 to 945; (c) decrease multi-family units from 1,880 to 1,025 units; (d) increase the acreage devoted to single-

family lots from 120.61 to 264 acres; and (e) decrease the acreage devoted to multi-family units from 240.46 to 97 acres.

Sixth, on October 30, 2007, the Board approved a three-year extension to the buildout date. The extension set the buildout date at November 13, 2013.

Proposed Changes

The applicant for the proposed change is Habitat Lakes, LLC. The applicant's agent is R.A. Gonzalez with Infra-tech Engineering, LLC. The Notice of Proposed Change (NOPC) was submitted to Regional Staff on May 01, 2008. The applicant requests to modify the following provisions of the development order:

- (1) Decrease the total number of dwelling units of the project from 1,970 to 1,960;
- (2) Increase the number of single family dwelling units from 945 to 1,054;
- (3) Decrease the number of multi-family dwelling units in the residential portion of the project from 1,025 to 810 and replace this land use category with two separate categories that include a maximum of 474 two-family attached dwelling units and 336 multiple family dwelling units;
- (4) Identify a new land use category for single family and/or two-family attached dwelling units, with a maximum of 66 dwelling units (either single family and/or two family attached), to be located on 2 tracts in the southeast corner of the project and considered as 66 single family dwelling units for purposes of external vehicle trip generation projections until such time as a development order is issued for residential construction on such tracts;
- (5) Add 30 multiple family dwelling units to the commercial portion of the project;
- (6) Decrease the acreage for single family use from 264.04± acres to 243.29± acres;
- (7) Decrease the acreage for multi-family use from 97.03± acres to 91.02± acres and allocate 64.60± acres to two-family attached use and 26.42± acres to multiple family use;
- (8) Identify 8.42± acres devoted to single family and/or two-family attached use;
- (9) Decrease the acreage for commercial use from 12.38± acres to 12.35± acres;

- (10) Increase the acreage for community recreation from 10.36± acres to 10.93± acres;
- (11) Decrease the acreage for conservation areas from 403.43± acres to 403.05± acres;
- (12) Increase the acreage for lakes from 104.64± acres to 114.14± acres;
- (13) Increase the acreage for road R.O.W., buffer areas and miscellaneous use from 120.02+ acres to 128.75+ acres and divide this land use category into three categories with the following respective acreage changes: (a) decrease the acreage for R.O.W. from miscellaneous use from 78.05+ acres to 76.49+ acres, (b) increase the acreage for buffer areas from 36.67+ acres to 48.78+ acres, and (c) decrease the acreage for dry detention areas from 5.30+ acres to 3.41+ acres;
- (14) Revise the total acreage of the project from 1,011.9± acres denoted in Exhibit A and 1,012± acres denoted in Exhibit H to 1,011.88± acres;
- (15) Find that the affordable housing study condition contained in Section II.F of the DRI Development Order has been satisfied and that the affordable housing need of the commercial portion of the project does not exceed the applicable threshold for an impact of regional significance; and
- (16) Update the phasing schedule for the three-year extension granted on October 30, 2007 and development changes.

Character, Magnitude and Location

The character, magnitude and location of the project are not significantly affected by the proposed changes.

Impact on Regional Resources and Facilities

The proposed changes listed above do not appear to create the possibility of additional regional impacts within the Bella Terra DRI. Total dwelling units will be reduced by ten (10) from 1,970 to 1,960. Trip generation will increase as a result of an increase in the number of single family dwelling units from 945 to 1,054. The single family dwelling units have higher trip generation rates than the multi-family dwelling units. The applicant did provide an affordable housing study to satisfy the condition established in the Development Order. The study revealed less than regionally significant impacts on affordable housing created as a result of this project. While the applicant has complied with the condition of the adopted Development Order, the Council historically has not fully agreed with the results of affordable housing studies and has asked Regional Staff to require one of three affordable housing conditions for Developments of Regional Impact:

1) provide affordable housing on the project site; 2) provide affordable housing off the project site; or 3) provide monetary compensation to the local jurisdiction in lieu of providing affordable housing units. The applicant, to date, has not agreed to one of the three conditions noted above. Regional Staff recommends the applicant work with Lee County to determine the best approach to mitigating for any affordable housing impacts this project will create.

The applicant shall provide a revised legal description which reflects the acreage changes requested.

The applicant shall provide an updated project shapefile that accurately matches the legal extent of the project.

The applicant shall provide an updated Map H (see Attachment II).

The increase in estimated external trips as a result of the proposed change is less than 15% of the currently approved trips and thus rebuts the presumption that the increase in net external trips constitutes a substantial deviation.

Multi-Jurisdictional Impacts

No new multi-jurisdictional impacts will occur from the requested change.

Need for Reassessment of the DRI

The proposed changes do not cause the need for a reassessment of the DRI. The proposed change is less than 15% of the currently approved trips and thus rebuts the presumption that the increase in net external trips constitutes a substantial deviation. Regional Staff recommends the applicant agree to the conditions listed in Attachment III.

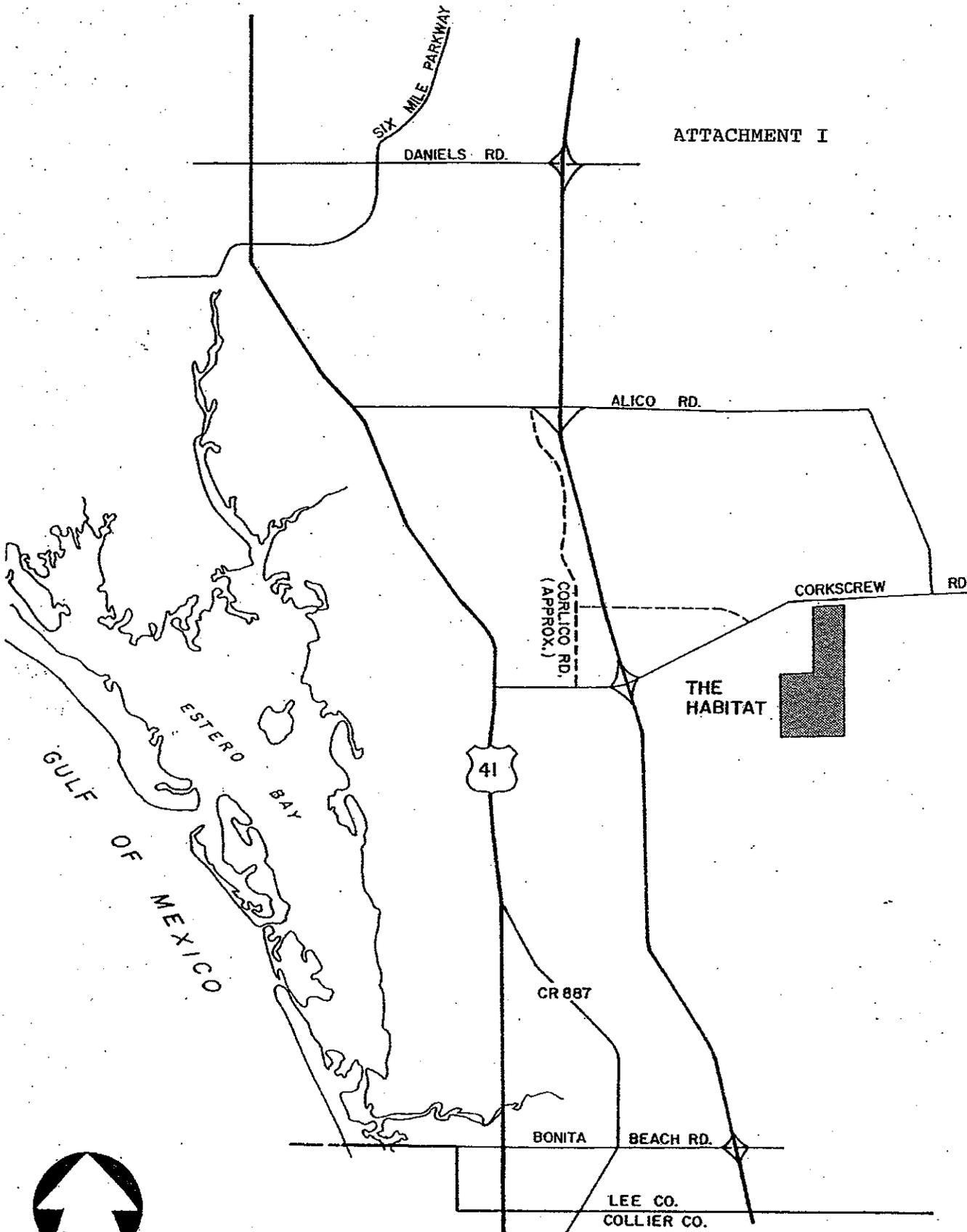
Acceptance of the Proposed Development Order Language

The proposed development order amendment language is acceptable to Regional Staff assuming the above requested information is provided.

RECOMMENDED ACTIONS:

1. Notify Lee County and the Department of Community Affairs and the applicant of the above sufficiency questions and information requirements.
2. Render a codified Development Order.

3. Request an updated GIS shape file of the new legal description of the Bella Terra DRI project prior to the Development Order (DO) approval at the local government level.
4. Include one of three SWFRPC affordable housing conditions in the amended DO.
5. Comply with conditions in Attachment III.
6. Notify the above parties that the proposed changes will not create additional regional impacts and that Council participation at the local public hearing is not necessary, unless requested by the County for technical assistance purposes.
7. Request that Lee County provide a copy of the proposed Development Order Amendment, and any related materials, to the Council in order to ensure that the Amendment is consistent with the Notice of Proposed Change.



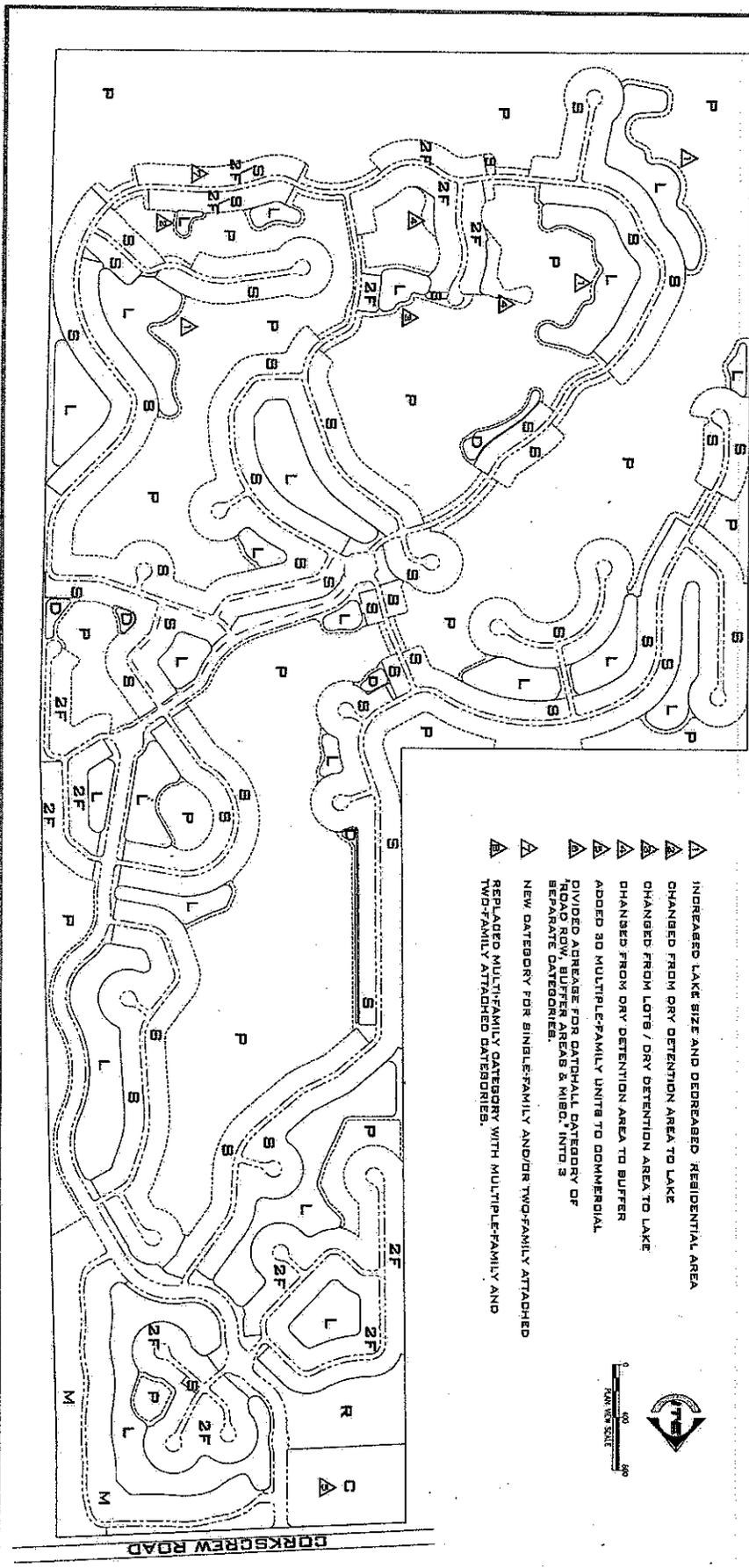
ATTACHMENT I

41

GENERAL LOCATION MAP

0 1 2 (MILES)
SWFRPC - MAY 86

ATTACHMENT II



- ▲ INCREASED LAKE SIZE AND DECREASED RESIDENTIAL AREA
- ▲ CHANGED FROM DRY DETENTION AREA TO LAKE
- ▲ CHANGED FROM LOT / DRY DETENTION AREA TO LAKE
- ▲ CHANGED FROM DRY DETENTION AREA TO BUFFER
- ▲ ADDED 30 MULTIPLE-FAMILY UNITS TO COMMERCIAL
- ▲ DIVIDED ADREAGE FOR CATCHALL CATEGORY OF ROAD ROW, BUFFER AREAS & MISC. INTO 3 SEPARATE CATEGORIES.
- ▲ NEW CATEGORY FOR SINGLE-FAMILY AND/OR TWO-FAMILY ATTACHED
- ▲ REPLACED MULTIPLE-FAMILY CATEGORY WITH MULTIPLE-FAMILY AND TWO-FAMILY ATTACHED CATEGORIES.

MASTER DEVELOPMENT PLAN / EXHIBIT H

LAND USE DISTRIBUTION BY CATEGORY

DESCRIPTION	APPROXIMATE ACRES	NO. OF DWELLING UNITS OR SQ. FT.	DESCRIPTION	APPROXIMATE ACRES	NO. OF DWELLING UNITS OR SQ. FT.
P CONSERVATION AREAS	468-73 402.90	▲	M MULTIPLE-FAMILY	9-705 26.42	474 O.U.
D DRY DETENTION AREA	3.49	▲	RF RESIDENTIAL ATTACHED	84.80	66 O.U.
L LAKES	104-984 114.14	▲	B/2F TWO-FAMILY ATTACHED	6.42	120,000 SQ. FT.
R COMMUNITY RECREATION	12-396 10.93	▲	D COMMERCIAL (C.P.D.)	12-396 12.35	30 MULTIPLE-FAMILY O.U.
B RESIDENTIAL SINGLE-FAMILY	264-704 243.29	▲	▲ BUFFER AREA & MISC.	36-497 48.95	▲
ROAD R.O.W.	28-957 78.49	▲	▲ TOTAL PROJECT	2497-7 1011.88	2497-7, 980 O.U. & 120,000 SQ. FT.

<p>BELLA TERRA LEE COUNTY, FLORIDA PROPOSED REVISIONS TO MAP H / MASTER DEVELOPMENT PLAN</p>	<p>INFRA-TECH ENGINEERING, LLC PROFESSIONAL ENGINEERS & CONSTRUCTION MANAGERS 3520 COLONIAL BLVD., SUITE 220 MIAMI, FLORIDA 33133 PHONE: (239) 275-8316 FAX: (239) 275-8933</p>	<p>HABITAT LAKES, LLC 784 NORTHWEST 43RD AVENUE, SUITE 630 MIAMI, FLORIDA 33136 PHONE: (305) 445-9855 FAX: (305) 445-9898</p>	<p>APR 09 2008 FLA. COUNTY FLORIDA REC. J. 642</p>
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Attachment III

We recommend the following conditions that are updates related to new work by the Lower West Coast Watershed Subcommittee of the SWFRPC, should apply to new works of the DRI and to existing landscaping and irrigation.

Recommended Conditions for NOPC 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.
- 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. 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.
- D. 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.
- E. 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.
- F. 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.

Attachment III

- G. 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.
- H. The Developer shall require contractors to implement storm drain inlet protection (such as hay bales or gravel) to limit sedimentation within the stormwater system.
- I. 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.
- J. 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.
- K. 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.
- L. 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.
- M. 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.
- N. Any shoreline banks created along the on-site stormwater management system shall include littoral zones constructed on slopes consistent with SFWMD, Florida Department of Environmental Protection ("FDEP"), and Lee 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

Attachment III

as *Gambusia affinis*, and foraging areas for wading bird species, such as wood stork, consistent with SFWMD, FDEP, and County requirements.

- O. 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.
- P. 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.
- Q. The treatment system will provide equal or greater post development storage volume for the 100 year-3 day event than provided by predevelopment conditions.
- R. 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.
- S. 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.
- T. 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.
- U. 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.

Attachment III

Recommended Conditions I for Wastewater and Reuse

- A. The wastewater, and reclaimed water systems will be designed and installed consistent with all applicable regulations of Lee County, 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 Lee County.
- B. The cost for all off-site sewer facilities to provide suitable transmission capacity, for the project will be the responsibility of the Applicant.
- C. The Developer will utilize water conservation devices and methods necessary to meet the criteria established in the water conservation measures in the permit from Lee County.
- D. 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.
- E. Use of septic systems is prohibited.
- F. 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.

Recommended Landscape Conditions

- A. 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.

Attachment III

- B. The Developer will, in cooperation with Lee County, develop landscape standards for the development of the new areas of Shell Point and memorialize the agreements relative to the same in the PD to be processed and approved concurrently with this Development Order. As a part of that plan, the Developer will include in the landscape plan a program for the transplanting and/or preservation of "heritage trees".

- C. Fertilizer application practices will be consistent with those described in the Lee County fertilizer ordinance. The fertilization guidelines will additionally comply with SWFRPC Resolution 2007-1 to the extent adopted by the County.

- D. 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.

- E. Low Flow Fixtures: Low volume plumbing fixtures will be installed in all new homes and businesses. The plumbing fixtures will comply with the following maximum flow volumes at 80 psi:
 - Toilets: 1.6 gallons per flush
 - Shower heads: 2.5 gallons per minute
 - Faucets: 2.0 gallons per minute

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

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

Attachment III

Recommended Energy Conditions

- 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. 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.
- C. 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 used where practical.
- D. 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.
- E. A primarily native plant pallet to reduce water consumption throughout the community will be used. Additionally, Developer will strive to use innovative irrigation technology, such as drip irrigation, moisture sensors, and micro spray heads to reduce irrigation water use.
- F. Commercial and residential buildings shall comply with the Florida Energy Efficiency Code for Building Construction.
- G. Site development shall comply with the Florida Green Building Coalition Certification Standards or equivalent green building standards.
- H. Air conditioning units for all residential structures and all commercial structures shall have a Seasonal Energy Efficiency Rating (SEER) of 14 or higher.
- I. All thermostats installed in any structure shall be programmable.
- J. 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.

Attachment III

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

_____ Agenda
_____ Item

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Administrative Agenda

4

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_____ Agenda
_____ Item

4a

Lower West Coast Watersheds
Subcommittee

4a

_____ Agenda
_____ Item

4b

Proposed Amendments to
SWFRPC Chapter 29I Rules

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PROPOSED AMENDMENTS TO SWFRPC CHAPTER 29I RULES

The Southwest Florida Regional Planning Council's rules are contained in Chapter 29I of the Florida Administrative Code. The rules were last revised and updated in 1995. Since that time, new statutes have been adopted that affect the rules and there have been changes in the Council's administrative processes described in the rules. The proposed revisions to Chapter 29I incorporate these statutory and administrative changes. In order to properly adopt the proposed revisions, the Council must undergo a formal rulemaking. Rulemaking is governed by Chapter 120, Florida Statutes, the Administrative Procedure Act.

Staff is requesting the Council to approve the attached timetable for the proposed Rule Amendments. The timetable is consistent with Chapter 120, Florida Statutes, and the multi-step process recommended by the Florida Department of State.

Council members are requested to review the proposed revisions and forward comments to staff. It is anticipated that the Council will be asked to adopt the Amended Rule at the January 2009 meeting.

RECOMMENDED ACTION: Approval of Rulemaking Timetable

09/08

Timeline: Amending the SWFRPC Rules, Chapter 29I:

Action		Date
RPC staff reviewed rules and drafted proposed revised text		
Present draft revised rules to Ex. Dir RPC for approval	Proposed revisions approved	9/8/2008
Present proposed revised rules to Ex. Committee		9/9/2008
Present proposed revised rules to Full Council, request approval of timeline and actions to be taken to comply with 120 F.S		9/18/2008
Submit Notice of Proposed Rule Development to FAW; Submit Notice of Rule Development Workshop; Notice to JAPC		9/24/2008
Publication of Notice of Proposed Rule Development; Publication of Notice of Rule Development Workshop		10/3/2008
Rule Development Workshop	RPC Conference room 1, 10 am to 12 noon	10/17/2008
Submit Notice of Proposed Rulemaking; Notice of Rulemaking Public Hearing	Full text of proposed revisions will be published in this notice	10/22/2008
Publication of Proposed Rulemaking; Rulemaking Hearing		10/31/2008
Rulemaking Public Hearing	Hold at time certain: 1 pm to 3 pm day of RPC meeting	11/20/2008
Final Comments, Revisions due to RPC staff		12/12/2008
Submit Rulemaking materials to Joint Administrative Procedures Committee (JAPC).		12/19/2008
Final Adoption	At the RPC meeting	1/15/2009
Submit Final Rule to JAPC	At close of RPC meeting	1/15/2009
Final Rule Effective	20 days after adoption (or later date if RPC specifies)	2/4/2009

Notice of Development of Rulemaking

REGIONAL PLANNING COUNCILS Southwest Florida Regional Planning Council

RULE NO: RULE TITLE

[29I-1.001](#): Name and Scope

[29I-1.002](#): Purpose

[29I-1.003](#): Staff Functions; General Description

[29I-1.004](#): Council Membership and Appointments, Term of Service, Vacancies, Removal from Office

[29I-1.005](#): Officers, Term, Duties, Committees

[29I-1.006](#): Conduct of Meetings

[29I-1.007](#): Budget and Finances

[29I-1.008](#): Responsibilities and Authority

[29I-1.009](#): Amendments

[29I-1.010](#): Information Requests

[29I-4.001](#): DRI Review Process

[29I-4.003](#): Procedures for Filing ADA

[29I-4.004](#): DRI-ADA Form

[29I-4.006](#): Request for DRI Review

[29I-4.007](#): DRI Review Fee

[29I-4.0081](#): Master Development Approval Alternative Review Procedure

[29I-4.009](#): Conceptual Agency Review

[29I-4.010](#): Downtown Development Authorities

[29I-4.011](#): Areawide Development of Regional Impact

[29I-4.012](#): Florida's Quality Developments Program

[29I-4.013](#): Review of Amendments to Development Orders

[29I-5.003](#): Review Criteria

[29I-7.004](#): Costs

PURPOSE AND EFFECT: Changes in the Southwest Florida Regional Planning Council Bylaws.

SUBJECT AREA TO BE ADDRESSED: Changes to Council purpose, membership and appointment, and the conduct of meetings. Other minor changes to the current Bylaws.

SPECIFIC AUTHORITY: [112.061](#), [120.53](#), [120.536](#), [163.01](#), [186.502](#), [186.504](#), [186.505](#), [186.509](#), [286.011](#), [380.06 FS](#).

LAW IMPLEMENTED: [112.061](#), [120.53](#), [163.01](#), [186.502](#), [186.504](#), [186.505](#), [186.509](#), [286.011](#), [286.26](#), [380.06](#), [380.061 FS](#).

A RULE DEVELOPMENT WORKSHOP WILL BE HELD ON OCTOBER 17, 2008, AT 10 am , Southwest Florida Regional Planning Council, 1st Floor Conference Room, 1926 Victoria Avenue, Fort Myers, FL 33901
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kenneth Heatherington, Executive Director, Southwest Florida Regional Planning Council, 1926 Victoria Avenue, Fort Myers, FL 33901-3414
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

29I-1.001 Name and Scope.

The name of this agency is the Southwest Florida Regional Planning Council (SWFRPC, or "Council"), a voluntary association of counties and cities formed as of November 8, 1973, under the laws of Florida and comprising the 9th Comprehensive Regional Planning District as provided for by the Florida Statutes.

Specific Authority 120.53(1) FS. Law Implemented 120.53(1), 163.01, 380.06(7)(a), (b), 380.06(8), 380.07, 186.501-186.513. FS. History—New 2-9-76, Formerly 29I-1.01, Amended.

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29I-1.002 Purpose.

(1) Purpose. The purposes of the Southwest Florida Regional Planning Council shall be:

(a) To provide a means to permit local governmental units to make the most efficient use of their powers to cooperate for mutual advantages in order to provide services and facilities that will accord best with geographic, economic, social, land use, transportation, public safety resources and other factors influencing the needs and development of local communities within Planning District No. 9;

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(b) To serve as a regional coordinator for the local governmental units comprising the planning district;

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(c) To exchange information on and review programs of region concerns;

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(d) To promote communication between the local governments for the conservation and compatible development of the

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Southwest Region;

(e) To cooperate with Federal, State and local government and non-government agencies to accomplish regional objectives; and

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(f) To do all things authorized for a Regional Planning Agency under Chapters 163, 186 and 380 of the Florida Statutes, and other applicable Florida, Federal and Local Laws, rules and regulations.

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(2) Mission. It is the mission of the Council:

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.

Specific Authority 120.53(1) FS. Law Implemented 120.53(1), 160.02, 163.02, 380.06(7), 380.07(2) FS. History—New 2-9-76, Amended 7-18-82, Formerly 29I-1.02, Amended 5-7-92, Amended _____.

29I-1.003 Staff Functions; General Description.

(1) The Council shall appoint an Executive Director who shall have the responsibility for the general management of the affairs of the Council, subject to the governing laws of the State and such regulations as may be adopted by the Council. The Executive Director shall annually prepare a budget for the Council and transmit the Council's budget request to the member governmental units. The Executive Director shall be responsible for the general management of the Council's office, for assisting the Secretary of the Council in the recording and maintenance of Council minutes and other documents of record, for any moneys received on behalf of the Council, for the keeping of financial statements in such form and in accordance with such procedures as shall be required by the Treasurer. The Executive Director may appoint and discharge any employee or subordinates in accordance with the policies of the Council and applicable Federal and Florida Statutes and regulations, and shall fix compensation within such limits as may be provided by the approved Council budget, and may make agreements on behalf of the Council in performing the duties entrusted to him. The Executive Director shall attest all necessary instruments.

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(2) The following are the general services performed by the Staff:

(a) Information Services. Maintain and provide at reasonable cost to the requestor, information to assist in regional issue decision making.

(b) Regional planning, review, coordination, analysis and comment for the Local, State and Federal governments including the functions generally stated by the Policies of the Council in Chapter 29I, F.A.C., and specifically the Regional Planning Agency responsibilities:

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1. For processing Applications for Developments of Regional Impact (DRI's) pursuant to Chapter 380 of the Florida Statutes;

2. Areawide clearinghouse review responsibilities; and

3. Regional dispute resolution process.

(c) Advise and assist local governments within the Region when requested or required, and when the Council is able to provide the services.

Specific Authority 120.53(1), 163.01(5) FS. Law Implemented 120.53(1), 163.01(5), 380.06(7)(a), (b), 380.06(8), 380.07 FS. History--New 2-9-76, Formerly 29I-1.03, Amended 5-7-92 Amended.

29I-1.004 Council Membership and Appointments, Term of Service, Vacancies, Removal from Office.

(1) Membership and Appointments.

(a) The Council shall include the Counties of Charlotte, Collier, Glades, Hendry, Lee and Sarasota, each of which shall be represented on the Council by two voting representatives appointed by their respective Board of County Commissioners.

(b) All municipalities within each county shall select one representative of one of the municipalities within the county who will be a voting representative.

(c) Further, each city has the option to be a member local government and to appoint one representative from the city's governing board; cities taking this option shall not participate in the process in (b) above.

(d) The Governor of the State of Florida shall appoint a maximum of one third of the members, including an elected school board member from the geographic area covered by the regional planning council, to be nominated by the Florida School Board Association. Each county in the region shall have a minimum of one appointment by the Governor.

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(e) In addition to voting members, the Governor shall appoint the following ex officio nonvoting members to each regional planning council:

- 1. A representative of the Department of Transportation.
- 2. A representative of the Department of Environmental Protection.
- 3. A representative nominated by Enterprise Florida, Inc., and the Office of Tourism, Trade, and Economic Development.
- 4. A representative of the appropriate water management district or districts.

The Governor may also appoint ex officio nonvoting members representing appropriate metropolitan planning organizations and regional water supply authorities. (f) Changes in membership provisions shall require a two thirds vote of the members.

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(2) Terms of Service.

(a) Council members shall serve, and may be reappointed, at the pleasure of the appointing authority.

(b) Voting members may have alternates representatives appointed to serve in their stead by their respective appointing authority.

(3) Vacancies.

Any vacancy shall be filled for the unexpired term in the same manner as the initial appointment.

(4) Removal from Service.

Should a Council member have three consecutive unexplained absences from regular Council meetings, the Council shall so advise the appropriate appointing authority and request another appointment. Voting representatives will continue to occupy their offices until the Council is notified in writing of their replacement.

Specific Authority 120.53(1) FS. Law Implemented 120.53(1), 186.501, 186.502, 186.503, 163.01 FS. History--New 2-9-76, Amended 2-20-77, 7-18-82, Formerly 29I-1.04, Amended 5-4-88, 3-1-95, Amended _____.

29I-1.005 Officers, Term, Duties, Committees.

(1) The regular January monthly meeting shall include electing from the regular membership officers with duties as follows:

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(a) Chair – The Chair shall be the Chief Executive Officer, responsible for executing contracts for the Council, for overseeing the organization of the work of the Council, for seeing that all policy decisions of the Council are carried out, and for such other executive level functions as the Council shall assign. Except as provided for elsewhere, the Chair shall serve as a non-voting member of each advisory committee.

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(b) Vice-Chair – The Vice-Chair shall act for the Chair in his absence, or in the event of his inability to act, perform all the functions of the Chair.

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(c) Secretary – The Secretary shall conduct the correspondence of the Council, keep and distribute the minutes of the meetings, be custodian of the records and seal, keep the roll of all members, and discharge such other duties as may be assigned to him by the Chair or the members. The Executive Director shall serve as deputy to the Secretary.

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(d) Treasurer – The Treasurer shall supervise the financial affairs of the Council, including recommending designation of checking and savings account depositories, and perform such other duties as usually pertain to that office. Except as provided for elsewhere, each negotiable check or warrant shall bear the signature of the Treasurer.

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(2) Each officer so elected shall serve one (1) year or until re-elected or his successor is elected.

(3) A Nominating Committee comprised of at least three (3) Council members, each from a different County shall be appointed by the Chair at the regular December meeting of the Council for the purpose of proposing candidates for all offices for the following year. Additional nominations may be made by any Council member at the January monthly meeting. Newly elected officers shall be declared to be installed following their election at the January monthly meeting and shall assume the duties of office upon adjournment of said meeting.

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(4) Standing and Special Committees.

The Council is empowered to designate and appoint standing committees, study groups, boards, and consultants consisting of members or non-members as the Council determines are essential or desirable to carry out its policies and objectives. The Council is empowered to direct the Executive Director to assign staff to support such standing committees, study groups, boards and consultants to carry out the Council's policies and objectives. The Chair may appoint such special Advisory Committees consisting of members or non-members as he deems necessary or expedient to assist the Council and staff from time to time. Standing Committee members shall serve for terms of one (1) year. Special advisory committee members shall serve for the same period as the appointing Chair. All Committee actions shall be advisory only to the Council. The Council may, however, delegate certain specific administrative and review prerogatives to a committee in order to expedite the Council's work.

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Specific Authority 120.53(1) FS. Law Implemented 120.53(1), 163.01 FS. History--New 2-9-76, Amended 2-20-77, Formerly 29I-1.05, Amended

29I-1.006 Conduct of Meetings.

(1) The Council shall hold regular monthly meetings at a time and place to be determined by the membership prior to adjournment of the previous meeting or by the Chair, in the absence of such determination. A monthly meeting may be waived by a majority of the Council. Business to have been conducted at the waived meeting shall be considered at the next successive monthly meeting.

(2) Special meetings of the Council may be called by the Chair, at his/her discretion or when requested by six (6) voting members.

(3) Voting.

(a) Council members must be present to vote. A quorum shall consist of a majority of the total voting membership of the Council, and a voting member from each of four (4) or more of the Counties. When a quorum is present, a majority of those present may take action on matters properly presented at the meeting. Each member present shall vote on each question presented to the Council unless he disqualifies himself. Business shall be transacted only at regular or special called meetings and shall be duly recorded in the minutes thereof.

(b) As permitted by Florida Statutes, Council members are present at a meeting when participating through interactive video and telephone systems.

(4) The Council shall record minutes of its proceedings and official actions in the office of the Council.

(5) Rules of Debate.

(a) Chair Participation: The presiding Chair shall not be deprived of any rights and privileges of a Council member, by reason of being the presiding Chair, but may move or second a motion only after the gavel has been passed to the Vice-Chair or another member of the Council.

(b) Form of Address: Members shall address only the presiding officer for recognition; shall confine themselves to the question under debate; and shall avoid personalities and indecorous language.

(c) The Question: Upon the closing of debate the Chair shall call the question by voice or roll call vote. Members may give a brief statement or file a written explanation of their vote.

(6) Minutes.

The minutes of prior meetings approved by a majority of the members present, shall become the official minutes. Each resolution shall be signed by the presiding officer at the meeting and by the Executive Director and entered in the minutes.

(7) Amending the Agenda.

If a subject is not on the Agenda it may be added by motion and a majority vote that the subject should not be delayed until the next meeting.

(8) DRI Recommendations.

(a) When the Council is considering the recommendations it shall make to a local government the Council, in addition to its normal staff presentation, shall allow limited presentations by the following: the developer; the adjacent or contiguous city and county involved; technical consultants to the Council; and members of the public, who shall be required to submit a "Request to Speak" form. The applicant may request additional time for presentation. The Chair may limit or restrict the time available for any presentation. Any Council member may ask the developer, or any person present, specific questions concerning specific issues of the proposed development.

(b) The Council may close debate by a majority vote of the members present.

(10) Voting shall be by voice, but members shall have their votes recorded in the minutes if they so desire. A roll call vote shall be held upon proper motion. All other questions of procedure shall be governed by Robert's Rules of Order, Revised.

(11) Staff memoranda and committee resolutions, minutes and reports are prepared for the purpose of providing the Council with the basic information it requires to make decisions. Such staff memoranda and committee resolutions, minutes and reports are advisory only and not final actions or conclusions of the Council itself. The Council shall release all such data to the chief executive officer of each member governmental unit upon his request.

(12) The Council shall hold and give seven (7) days notice of meetings and workshops, in addition to any other notices as required by Florida Statutes.

Specific Authority 120.53(1) FS. Law Implemented 120.53(1), 160.02(1), (6), 163.01, 380.06(7), (8), 380.07, 837 FS. History--New 2-9-76, Amended 2-20-77, 7-18-82, Formerly 29I-1.06, Amended 5-7-92, Amended

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- Deleted: Addressing the Council.
- Deleted: (a)
- Deleted: (b) Any person appearing to provide the Council factual information or expert opinion to consider prior to taking official action shall be governed by the following procedure:¶
1. Prior to addressing the Council the speaker shall approach the front center of the conference table and clearly state his full name, home address, the person he represents and the subject of his address.¶
2. Before providing factual information or expert opinion if any member of the Council or the speaker requests, the Chairman shall place the speaker under the following oath with right hand upraised:¶
"I willfully swear under oath the facts and testimony I furnish this Council to be the truth, the whole truth and nothing but the truth; and not inconsistent or contradictory with other statements made by me under oath."¶
a. No person shall be required to take this oath more than once in any given (... [1]
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29I-1.007 Budget and Finances.

(1) The Council shall cause to be prepared and shall adopt on or before July 22 of each year a budget for the development and implementation of the planning and development programs by such means and through such agencies as the Council shall determine and shall certify a copy thereof to the Clerk of the governing body of each local government that is a member established through (a) and (c) of subsection 29I-1.004(1), F.A.C., above. Upon approval thereof, by the governing body, each member local government shall include in its annual budget and cause the levy of a millage sufficient to produce the amount necessary to fund its proportionate share of the Council's total budget for the District, which, beyond minimums for individual membership established by the Council, bears the same ratio to the total budget as the population of each member unit bears to the total population of the District, all as determined annually by official population forecasts by the state of Florida for the year preceding each budget determination.

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(2) The fiscal year of the Council shall commence on the first day of October of each year and end on the last day of September of the following year.

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(3) The Council shall have the right to receive and accept in furtherance of its functions, funds, grants and services from Federal, State and Local Governments or their agencies and from private and community sources, and to expend therefrom such sums of money as shall be deemed necessary from time to time for the attainment of its objectives.

(4) Services Charges. The Council may establish fees for its services reasonably related to the general cost of providing such services including, but not limited to, the processing of Applications for Developments of Regional Impact.

(5) The Council shall maintain bank accounts, including, but not limited to, checking and savings accounts, and to do those things generally authorized by law for such public authorities.

(6) Designation of Authorized Fiscal Signatures. Each check or warrant issued by the Council shall be co-signed by one of two designated Council officers and by one of two designated Council employees in the following manner:

(a) Authorized Council Officers. Treasurer, or in his absence, a voting member designated by the Council.

(b) Authorized Council Employees. Executive Director, or in his absence, the Director of Planning, shall verify that budgeting provisions have been made therefor, and that quid pro quo has been received and shall have the check or warrant prepared.

All such Officers or Employees of the Council to whom authority to receive and disburse funds has been delegated shall be sufficiently bonded under a general fidelity bond to be paid by the Council.

(7) The Council shall prepare or cause to be prepared annually a report of its activities for the preceding fiscal year, to include an independently audited financial statement. The annual report shall be officially presented to the Council at its Annual Meeting.

(8) Council members shall receive no compensation for their services, but shall be reimbursed for travel expenses incurred while engaged in specific authorized activities on behalf of the Council.

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Specific Authority 120.53(1) FS. Law Implemented 120.53(1), 186.502, 163.01 FS. History—New 2-9-76, Amended 7-18-82, Formerly 29I-1.07, Amended 5-4-88.

29I-1.009 Amendments.

These rules shall be amended by an affirmative vote of a majority of the Council. All proposed amendments shall be voted on at a regular meeting, the call of which meeting shall have included notice of the proposed amendment, and which shall have been duly advertised in accordance with the provisions of Chapter 120, Florida Statutes.

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Specific Authority 120.53(1) FS. Law Implemented 120.53(1), 163.01 FS. History--New 2-9-76, 2-20-77, Formerly 29I-1.09, Amended.

29I-1.010 Information Requests.

(1) The principal office of the Southwest Florida Regional Planning Council is located at 1926 Victoria Avenue, Fort Myers, FL 33901-3414. The office hours are Monday through Friday, from 8:00 a.m. to 5:00 p.m. All official forms, publications or documents of the Council are available for public inspection at the Council's principal office during regular business hours.

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(2) Information available for public inspection includes the following:

- (a) Basic demographic, geographic and economic data projections,
- (b) Planning periodicals, published tests, and
- (c) All information relating to the planning and review activities of the Council.

(3) Copies of the Council's forms, publications and official documents prepared for public dissemination are available as follows:

- (a) Public agencies, defined as those organizations representing the public; government agencies situated in the State of Florida receive Council publications at no charge.
- (b) Private organizations situated in Florida and all parties outside of Florida can receive Council publications at cost.
- (c) Publications out of print or singular documents are available for inspection at its principal office. Persons wishing photocopies may receive same at cost.

Specific Authority 120.53(1) FS. Law Implemented 119.01, 120.53(1), 120.53(2) FS. History--New 2-9-76, Formerly 29I-1.10, Amended

29I-4.001 DRI Review Process.

(1) The DRI Review Process incorporates the following Council practices and procedures in conjunction with the required guidelines, reviews, reports, recommendations, and time limitations imposed by Chapter 380, F.S. The Southwest Florida Regional Planning Council (SWFRPC) has been charged by the State with the responsibility of reviewing Developments of Regional Impact (DRI's) as defined and authorized by Chapter 380, F.S. The SWFRPC is responsible for State Region 9, encompassing the Counties of Charlotte, Collier, Glades, Hendry, Lee and Sarasota.

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(2) By law, the SWFRPC has 50 days in which to review an Application for Development Approval (ADA) after receiving notice that the legislative body of the local government will hold a DRI Public Hearing. However, the local government cannot schedule a DRI Public Hearing until it has received a letter from the SWFRPC indicating that the application is sufficient for review or that the SWFRPC has received notification from the developer that the additional requested information will not be supplied.

(3) Upon receiving a DRI-ADA, the SWFRPC has 30 calendar days in which to determine the sufficiency of the information provided. In order to provide an applicant with reasonable assurance that ADA will be acceptable, all information requested must be in the ADA. If the information in an ADA is determined by the SWFRPC to be insufficient, the applicant and the local government will be notified, in writing, of any information desired. If additional information is requested, the applicant has two options:

(a) To provide a letter within five working days of the receipt of the statement, requesting additional information, stating that the additional information will be provided to the SWFRPC and the local government. The applicant may choose to supply some of the requested information and decline, in writing, to provide the balance.

(b) To notify the SWFRPC that the requested additional information will not be provided. In this case, the SWFRPC may find it necessary to recommend that the ADA be denied for lack of information.

(4) Within 30 calendar days after receipt of such additional information, the SWFRPC shall review it following procedures specified in (3)(a) and (b) above and may request only that information needed to clarify such additional information or to answer new questions raised by, or directly related to, such additional information.

(5) If an applicant does not provide the information requested by the SWFRPC within 120 days of its request, the application shall be considered withdrawn. 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.

Any such extension shall be based upon the complexity, availability of data and additional analysis caused by a time extension and any unnecessary hardships upon the developer.

(6) If the application is sufficient or if the developer has notified the SWFRPC that the additional requested information will not be provided, the SWFRPC, within 10 days of finding the application sufficient or receipt of notice from the applicant, will notify the local government and the applicant in writing. The local government is then required to set a DRI Public Hearing date at its next scheduled meeting. The notice of Public Hearing must be published at least 60 days in advance of the Hearing. The DRI Public Hearing date should be at least 10 days after the SWFRPC's meeting at which the DRI Assessment Report is officially adopted.

(7) The receipt of the local government notice of a DRI Public Hearing by the SWFRPC initiates the statutorily provided 50-day review period within which the Council must prepare and transmit a DRI Assessment Report to the local government. To eliminate the possibility of having to set up special Council meeting dates, the local government and the SWFRPC must coordinate the transmittal of the notice of the DRI Public Hearing so it is received by the SWFRPC no less than 45 days before the Council meeting at which the DRI Assessment Report would be officially adopted by the Council.

(8) After the DRI Public Hearing is held, the local government has 30 days to issue a Development Order. However, a time extension may be requested by the applicant. During the DRI Public Hearing, the local governments must consider the report and recommendations of the SWFRPC. The Development Order should approve, approve with conditions or deny the DRI. The Development Order should address all the regional issues raised by the SWFRPC indicating how these issues have or have not been resolved.

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(9) Certified copies of the Development Orders shall be sent by the local government to the state land planning agency, the SWFRPC, and the applicant. Upon receipt of a copy of the Development Order to the state land planning agency, the SWFRPC, the owner, and the developer, a 45 day period begins during which appeals may be initiated. Three parties may appeal a Development Order: the landowner, the developer, or the state land planning agency. No development permit should be issued by the local government during this 45 day period. Should an appeal take place, no development permit should be issued by the local

government until the appeal is adjudicated. An appeal is made to the Land ~~and Water~~ Adjudicatory Commission. Decisions of the Commission are subject to judicial review under Chapter 120, F.S.

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(10) The Council will review substantial deviation determinations made by local government on approved DRI Development Orders. The Council will assist the ~~state land planning agency~~ in monitoring the progress of the development and its compliance with the terms of the approved development. The Council will notify local governments if the required annual report is not received from the developer.

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Specific Authority 120.53(1), 163.01, 186.505 FS. Law Implemented 120.53(1), 163.01, 186.505, 380.06, 380.07 FS. History--New 2-9-76, Amended 2-20-77, 9-26-77, 7-18-82, Formerly 291-4.01, Amended 7-27-86, 2-19-92, Amended.

29I-4.003 Procedures for Filing an ADA.

(1) An Application for Development Approval (ADA) may be received at any time by the SWFRPC. Before filing an ADA, the applicant shall contact the SWFRPC to arrange for a preapplication conference. During this conference, SWFRPC shall provide the applicant information about the DRI Process and the use of preapplication conferences to identify the appropriate listed regional issues and coordinate appropriate state, district, and local agency requirements.

(2) If during a preapplication meeting, the applicant states that any question(s) from the ADA appear unnecessary for a DRI and requests such question(s) be eliminated, the SWFRPC shall review the determination of the applicant and then draft a written agreement for the elimination of any question(s) it deems unnecessary. If the SWFRPC determines during sufficiency review of a DRI that elimination of any ADA question(s) was based upon erroneous information, the question(s) shall be immediately reinstated.

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(3) The applicant must send a "Letter of Intent" to the Council at least one week prior to the submission of the DRI-ADA. All DRI communication and requests should be directed to:

Executive Director

Southwest Florida Regional Planning Council

(Please contact the agency for appropriate mailing address)

(4) At various intervals in the DRI Review Process, the Council's staff and the developer/owner, or a representative, may meet to discuss information deficiencies of the ADA and regional issues identified in the ADA. These meetings will be used to establish communication with the applicant and to seek appropriate measures to changes in the ADA necessary to resolve the regional issues prior to final review of the ADA by the Council.

(5) State, regional, and local governmental agencies will be invited to participate in the DRI Review process. Comments or reports on a particular DRI provided by such agencies will be included in the report of the staff to the Council.

(6) Standards used in review of DRI projects shall be as specified within SWFRPC rules and Regional Comprehensive Policy Plans. The SWFRPC shall also consider other appropriate Federal, State and Local Government Standards and Policies during the review of DRI projects.

Specific Authority 120.53(1), 163.01, 186.505 FS. Law Implemented 120.53(1), 163.01, 186.505, 380.06, 380.07 FS. History--New 2-9-76, Amended 2-20-77, 7-18-82, Formerly 29I-4.03, Amended 7-27-86, 2-19-92, Amended _____.

29I-4.004 DRI-ADA Form.

(1) An application for development approval shall be submitted using the state land planning agency official ADA forms specified within 9J-2.010, F.A.C. Forms, and may be obtained from the SWFRPC. Each question shall be fully answered. The Standard ADA form is subject to clarification to reflect specific regional concerns and to clarify the intent and response necessary to specific questions or parts of questions. Such supplemental questions shall be provided to the applicant at the preapplication meeting.

(2) Applications are required to be submitted on 8 1/2 x 11 inch paper. Digital files and geo-referenced data may also be required. Each question must be repeated in the application text with the answer following.

Specific Authority 120.53(1), 163.01, 186.505 FS. Law Implemented 120.53(1), 163.01, 186.505, 380.06, 380.07 FS. History--New 2-9-76 Amended 2-20-77, 7-18-82, Formerly 29I-4.04, Amended 7-27-86, 2-19-92, Amended.

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- Deleted:** RPM-BSP-ADA-1, Development of Regional Impact Application for Development Approval under Section 380.06, F.S., effective 11/90, hereby incorporated by reference, shall be used
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29I-4.006 Request for DRI Review.

The applicant must complete and deliver with the application for development approval (ADA) a “SWFRPC receipt and review fee agreement for review of developments of regional impact,” available from Southwest Florida Regional Planning Council.

Specific Authority 120.53(1), 163.01 FS. Law Implemented 120.53(1), 163.01, 380.06, 380.07 FS. History—New 2-9-76, Amended 2-20-77, Formerly 29I-4.06, Amended 2-19-92. Amended

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29I-4.007 DRI Review Fee.

The DRI review fee for each DRI application, Florida Quality Development application, substantial deviation application, substantial deviation determination, supplemental plans and reviews identified in a development order requiring regional review or approval and review of each annual report are governed by the provisions of Rule 9J-2.0252, F.A.C. (DRI Review Fee Rule). Please refer to this rule when determining the appropriate fee.

Specific Authority 120.53(1), 163.01, 186.505 FS. Law Implemented 120.53(1), 163.01(5)(h), 380.06, 380.07 FS. History—New 8-19-76, Amended 2-20-77, 7-18-82, Formerly 29I-4.07, Amended 7-27-86, 9-20-88, 2-19-92, Amended

Deleted: The applicant may request a review and final determination of a fee less than \$75,000 by the SWFRPC at a regularly scheduled meeting, consistent with the provisions of Rule 9J-2.0252 F.A.C.

29I-4.0081 Master Development Approval Alternative Review Procedure.

(1) If a proposed development is planned for development over an extended period of time, the developer may follow an alternative development of regional impact review procedure by filing an application for master development approval of the project and agree to present subsequent increments of the development for preconstruction review. This alternative procedure shall follow development of regional impact procedures established by statute and rule but shall not be used for the optional coordinated review process. The developer shall consult with the local government and the SWFRPC regarding information to be provided; the timing of review of phases, increments, or issues related to regional impacts of the proposed development; and any other considerations that must be addressed in the application for master development approval and the agreement required by Section 380.06, F.S. The agreement shall be entered into by the developer, the SWFRPC, and the local government having jurisdiction before the application for master development approval is filed.

(2) In determining sufficiency of information contained in an application for master development approval, the SWFRPC shall give consideration to: the adequacy and availability of sufficient, reliable information; the necessity of subsequent review of phases, increments, or issues related to regional impacts; additional information which may be required in subsequent incremental applications; and issues which could result in the denial of an incremental application.

(3) Prior to adoption of the master plan development order by the local government, the SWFRPC shall review the draft development order and, if appropriate, related agreements, at a regularly scheduled board meeting, to ensure that the requirements of Section 380.06, F.S., are met.

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(4) The review of subsequent incremental applications shall be as prescribed in Section 380.06, F.S. Substantial changes in conditions underlying the approval of the master development order was based are to be construed to mean changed conditions or inaccurate information that creates a reasonable likelihood of additional adverse regional impact or any other regional impact not previously reviewed by the regional planning agency.

Specific Authority 120.53, 163.01, 186.505 FS. Law Implemented 120.53, 163.01, 186.505, 380.06, 380.07, FS. History--New 7-27-86, Amended .

29I-4.009 Conceptual Agency Review.

In order to facilitate the planning and preparation of permit applications for projects that undergo development-of-regional-impact review, and in order to coordinate the information required to issue such permits a developer may elect to request conceptual agency review pursuant to Section 380.06, F.S., either concurrently with development-of-regional-impact review and comprehensive plan amendments, if applicable, or subsequent to a preapplication conference. The developer should notify the SWFRPC and appropriate review agencies of its intent to request Conceptual Agency Review at the pre-application conference.

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Specific Authority 120.53, 163.01, 186.505 FS. Law Implemented 120.53, 163.01, 186.505, 380.06, 380.07 FS. History--New 7-27-86, Amended _____.

29I-4.010 Downtown Development Authorities.

(1) A downtown development authority may submit a development-of-regional-impact application for development approval pursuant to Section 380.06, F.S. The area described in the application may consist of any or all of the land over which a downtown development authority has the power described in Section 380.031(5), F.S. For the purposes of this subsection, a downtown development authority shall be considered the developer whether or not the development will be undertaken by the downtown development authority.

(2) In addition to information required by the development of regional-impact application, the application for development approval submitted by a downtown development authority shall specify the total amount of development planned for each land use category.

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Specific Authority 120.53, 163.01, 186.505, FS. Law Implemented 120.53, 163.01, 186.505, 380.06, 380.07, FS. History—New 7-27-86, Amended.

29I-4.011 Areawide Development of Regional Impact.

(1) An authorized developer may submit an areawide development of regional impact to be reviewed pursuant to the procedures and standards set forth in Section 380.06, F.S. The areawide development-of-regional-impact review shall include an area wide development plan in addition to any other information required by rule pursuant to Section 380.06, F.S., and the information required in the state land planning agency official ADA form.

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(2) Prior to filing an Areawide DRI, the authorized developer shall submit a petition to the local government, the SWFRPC, and the state land planning agency requesting authorization to submit an Areawide ADA. Such petition shall include proof that timely, actual notice has been provided by the petitioner to each person owning land within the proposed areawide development plan. This notice shall be in addition to other notice of public hearings as required by Section 380.06, F.S.

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(3) Criteria used by the SWFRPC for evaluating a petition shall include, but not be limited to:

(a) Whether the developer is financially capable of processing the application for development approval through final approval pursuant to this section.

(b) Whether the defined planning area and anticipated development therein appear to be of a character, magnitude, and location that a proposed areawide development plan would be in the public interest. Any public interest determination under this criterion is preliminary and not binding on the state land planning agency, the SWFRPC, or local government.

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(4) The local government shall submit any order which approves the petition, or approves the petition with conditions, to the petitioner, to all owners of property within the defined planning area, to the SWFRPC, and to the state land planning agency, within 30 days after the order becomes effective.

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(5) The petitioner, an owner of property within the defined planning area, or the state land planning agency may appeal the decision of the local government to the Florida Land and Water Adjudicatory Commission by filing a notice of appeal with the Commission. The procedures established in Section 380.07, F.S., shall be followed for such an appeal.

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(6) In reviewing an application for a proposed areawide development of regional impact, the SWFRPC shall evaluate the following criteria, in addition to any other criteria set forth in this rule:

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(a) Whether the developer has demonstrated its legal, financial, and administrative ability to perform any commitments it has made in the application for a proposed areawide development of regional impact.

(b) Whether the developer has demonstrated that all property owners within the defined planning area consent or do not object to the proposed areawide development of regional impact.

(c) Whether the area and the anticipated development are consistent with the applicable, local, regional, and state comprehensive plans and any state land development plan.

Specific Authority 120.53, 163.01, 186.505 FS. Law Implemented 120.53, 163.01, 186.505, 380.06, 380.07 FS. History--New 7-27-86, Amended .

29I-4.012 Florida's Quality Developments Program.

(1) An authorized developer may file an application under the Florida's Quality Developments program pursuant to Section 380.061, F.S. The developer shall submit the application to the state land planning agency, the SWFRPC, and the appropriate local government for review. The review shall be conducted under the time limits and procedures set forth in Section 120.60, F.S., except that the 90-day time limit shall cease to run when all three entities reviewing the project have notified the applicant of their decision on whether the development should be designated under this program.

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(2) Criteria used by the SWFRPC for review of an application submitted under this program shall be as specified within Section 380.06, F.S.

Specific Authority 120.53, 163.01, 186.505 FS. Law Implemented 120.53, 163.01, 186.505, 380.06, 380.07 FS. History--New 7-27-86, Amended _____.

29I-4.013 Review of Amendments to Development Orders.

(1) The developer shall submit, simultaneously, to the local government, the SWFRPC, and the state land planning agency, the request for approval of a proposed change to a previously approved development of regional impact. The form for this submission shall be as prescribed by rule of the Department of Community Affairs.

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(2) The SWFRPC shall review the proposed change and may, in its discretion and within 30 days of submittal by the developer of the request for approval of a change, advise the local government of its intention to participate at the public hearing before the local government.

(3) The decision of the local government to approve, with or without conditions, or to deny the proposed change that the developer asserts does not require further review, shall be subject to the appeal provisions of Section 380.07, F.S.

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(4) If a proposed change requires further development-of-regional-impact review pursuant to this section, the review shall be conducted subject to the following additional conditions:

(a) The development of regional impact review conducted by the SWFRPC shall address only those issues raised by the proposed change except as provided in paragraph (b).

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(b) The SWFRPC shall consider, and recommend whether to approve, approve with conditions, or deny the proposed change as it relates to the entire development.

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(c) If the SWFRPC determines that the proposed change as it related to the entire development should be approved, any new conditions in the amendment to the development order recommended by the SWFRPC shall address only those issues raised by the proposed change.

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Specific Authority 120.53, 163.01, 186.505 FS. Law Implemented 120.53, 163.01, 186.505, 380.06, 380.07, FS. History–New 7-27-86, Amended

29I-5.003 Review Criteria.

(1) Projects of Regional Significance.

In reviewing Projects of Regional Significance, the following criteria is generally used in whole or in part:

- (a) Project's consistency with adopted regional and local goals, objectives and policies.
 - (b) The need for the project and whether it duplicates an existing program.
 - (c) Appropriateness of the proposed funding levels and its project costs.
 - (d) Accuracy of data utilized; appropriateness of methodology, and the completeness of the proposal.
 - (e) The project's potential for air, noise and water pollution.
 - (f) The potential impact on historic/archeologic sites, wildlife habitats and sensitive ecosystems.
 - (g) The potential for increased surface water runoff and/or erosion.
 - (h) The accessibility to adequate infrastructure.
 - (i) The location of project in relation to those it will serve.
 - (j) If the project is located in the coastal zone, the project's compatibility with the State's Coastal Zone Management Program.
 - (k) The impact of traffic generated by the project.
 - (l) The effects on energy resource supply and demand.
 - (m) The project's potential secondary impacts including impacts on neighboring communities.
 - (n) The potential displacement of people, housing or business.
 - (o) The project's relationship to flood plain.
- (2) Projects of Less than Regional Significance.

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In reviewing Projects of Less Than Regional Significance, consistency with adopted regional and local goals, objectives and policies is assessed.

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Specific Authority 163.01, 120.53(1) FS. Law Implemented 163.01, 120.53(1) FS. History--New 9-5-78, Amended 10-15-78, Formerly 29I-5.0, Amended 3.

Deleted: The SWFRPC's goals, objectives, and policies are contained in Chapter 29I-2, Florida Administrative Code.

29I-7.004 Costs.

(1) There shall be no charge for processing a RDRP initiation request and facilitation of the initial settlement meeting. The SWFRPC shall be compensated for situation assessments, facilitation of additional settlement meetings, mediation, technical assistance, and other staff services at their standard rate or as negotiated by the parties. ~~Outside professional neutrals shall be compensated at their standard rate or as negotiated by the parties.~~

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(2) The costs of administration, settlement meetings, mediation, or advisory decision-making shall be split equally between the parties or as otherwise agreed. The agreed upon cost allocation shall be documented in a written fee agreement.

(3) Jurisdictions formally adopting this process shall establish budgeting procedures for paying the cost of participation in this process.

Specific Authority 186.509 FS. Law Implemented 186.509 FS. History—New 4-12-94, Amended _____.

_____ Agenda
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4c

SWFRPC Proclamation for
The CHNEP National
Estuaries Days

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**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
PROCLAMATION FOR THE CHNEP
NATIONAL ESTUARIES DAYS**

WHEREAS, Charlotte Harbor was designated as an “estuary of national significance” in 1995 and accepted into the National Estuary Program, one of four in the State of Florida and one of only 28 in the entire United States; and

WHEREAS, the Charlotte Harbor National Estuary Program, a partnership of citizens, elected officials, resource managers and commercial and recreational resource users who are working to improve the ecological integrity of the Greater Charlotte Harbor Watershed, jointly developed and approved a *Comprehensive Conservation and Management Plan* for the Charlotte Harbor Watershed in February 2000 that was updated in 2008; and

WHEREAS, estuaries are unique environments where rivers meet the sea, are vital components to the world’s ecosystem, serve as nursery grounds for the majority of commercial and recreational fish and shellfish consumed by Americans, as well as improve water quality by filtering pollutants, act as buffers to protect shorelines from erosion and flooding, and provide essential food and habitat for birds, fish and other wildlife; and

WHEREAS, National Estuaries Days is a time to celebrate the importance of estuaries; and

WHEREAS, Charlotte Harbor National Estuary Program will celebrate National Estuaries Days with its program partners offering wading trips, guided walks, paddling events, boat tours, marine exhibits and much more from September to November 2008 with event details posted on the Internet at www.CHNEP.org;

NOW, THEREFORE, BE IT PROCLAIMED the Southwest Florida Regional Planning Council supports the designation of September 27, 2008 as National Estuaries Days and urges the general public to recognize the importance of this important natural resource.

DULY ADOPTED this 18th day of September 2008.

SOUTHWEST FLORIDA REGIONAL
PLANNING COUNCIL

Andrea Messina, Chairman

ATTEST:

Kenneth Heatherington, Executive Director

_____ Agenda
_____ Item

5

Regional Issues

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_____ Agenda
_____ Item

5a

Going “Green” the Benefits
Of Green Technology and
LEED Certification

5a

5a

GOING "GREEN" THE BENEFITS OF GREEN TECHNOLOGY AND LEED CERTIFICATION

This item has been placed on the agenda to provide the Council with an update on the activities of the Southwest Florida Regional Planning Council staff and to provide the Council with an opportunity to discuss activities critical to the future of the Region and State.

The "rush to go green" is all over the news these days. It has become more than a feel good slogan and increasingly is becoming a factor as business and government continue to compete on a global scale while cost for energy continues to rise. In addition, there is a growing public commitment to protecting our environment and to preserving our natural resources. One solution is for the building industry to improve home and facility performance and efficiency.

You will hear two presentations today that illustrate the growing demand for sustainable development. Often cited as factors that are driving this approach are:

- ✓ Growing concern about climate change;
- ✓ Rising energy prices;
- ✓ Growing demand by consumers for "green" products; and
- ✓ Proof that "green" building generates savings.

The first speaker, Dr. Jennifer Languell, is President/CEO of Trifecta Construction Solutions. Trifecta offers solutions for meeting the expansive and growing consumer demand for green products and services.

Dr. Languell is also the star of the newly popular Discovery Channel series "Project Earth." "When the Discovery Channel was looking for an engineer with incomparable green credentials to star in its new environmental series, they tapped Dr. Jennifer Languell."

The U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) rating system requires new buildings to meet basic requirements for LEED certification. Certification is more than facility improvements and energy efficiency; certified projects often fit the sustainable category for investment purposes. The second speaker, Mr. Jack Williams is the Director of Harvard Jolly Architecture, Inc. in Charlotte County. He will address LEED construction and how the principles identified were applied to the certification of the Charlotte County High School.

Creating sustainable regions and communities, means taking a holistic approach that uses a broad range of design principles and building practices to ensure the viability of our region's people, prosperity, and preservation.

RECOMMENDED ACTION: For information purpose, document review, and staff direction.

_____ Agenda
_____ Item

5b

US Sugar Buyout Resolution

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5b

SWFRPC RESOLUTION #2008-10

A RESOLUTION OF SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL (SWFRPC) REGARDING THE PROCUREMENT OF ASSETS OF U.S. SUGAR CORPORATION BY THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT (SFWMD)

WHEREAS, the Florida South Central Rural Area of Economic Concern (RACEC) includes Glades County, Hendry County, Okeechobee County, Hardee County, DeSoto County, Highlands County (including the cities, towns and communities within each) and the communities of Belle Glade, Pahokee, South Bay and Immokalee;

WHEREAS, the SWFRPC recognizes that the procurement of assets of U.S. Sugar Corporation by the South Florida Water Management District (SFWMD) has significant regional impacts on the economy of Southwest Florida while providing opportunities for environmental benefits related to Everglades restoration; and

WHEREAS, Hendry County and Glades County are where restoration, agriculture, and green energy development meet, the SWFRPC wishes to ensure that the land and property acquisition is cost efficient, environmentally sound, and economically sustainable.

WHEREAS, the benefits from land acquisition include huge increases in the available of water storage, significantly reducing the potential for harmful discharges from Lake Okeechobee to Florida's coastal rivers and estuaries, including the Caloosahatchee River and estuary.

NOW, THEREFORE, BE IT RESOLVED by the Southwest Florida Regional Planning Council **DULY PASSED AND ADOPTED THIS 18th DAY OF SEPTEMBER, 2008 that**

- 1) The strength of the planning process lies in its transparency; involving both the community and local elected officials; thus the SWFRPC supports the desire of communities and their leaders to be represented and included in planning to maintain and preserve the economic vitality of communities affected by the acquisition of US Sugar assets;
- 2) Information needs to be made available by State of Florida agencies as quickly as possible to the communities and elected officials of Southwest Florida;
- 3) Implementation of economic development initiatives must begin now to prevent the potential loss of jobs and created as a result of this event;
- 4) Consideration be given to establishing a trust fund for green energy research, development and deployment within the impacted areas; and
- 5) The SWFRPC pledges its cooperation to the Governor's Office of Tourism, Trade, and Economic Development (OTTED) and to SFWMD, and will work diligently with agency representatives and local officials to address concerns and opportunities.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

BY: _____
Andrea Messina, Chairman

ATTEST: _____
Ken Heatherington, Executive Director

_____ Agenda
_____ Item

5c

Recommendations to the
Water Congress

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5c

Florida Water Congress and SWFRPC Recommendations

On September 25-26 the Century Commission for a Sustainable Florida will convene the 2008 Florida Water Congress. The SWFRPC has been invited to participate. At the August 21, 2008 meeting of the Council a request was made for the SWFRPC staff to develop a response to the question posed to the Water Congress participants: ***What are the three most important short-term and three most important long-term actions the Water Congress should recommend that will lead to “a long-term water conservation, use and supply plan for environmental, agricultural and public consumption purposes?”***

A response has been prepared and submitted for review and approval.

RECOMMENDED ACTION: Approve and execute the Subcommittee’s Recommended Storm Water Resolution.

Attachments: Information from the Water Congress web site describing the meeting
Water Congress Agenda
Proposed Recommendations



Florida 2008 Water Congress
September 25-26, 2008
Orlando, Florida
[Click here to register or for more information.](#)

Special Events



September 25-26, 2008

Orlando, Florida

As stated in its *Second Annual Report*, The Century Commission believes "a long-term water conservation, use and supply plan, for environmental, agricultural and public consumption purposes" is essential for a sustainable quality of life in Florida. To this end, the Century Commission will convene a statewide Water Congress, on September 25-26, 2008, to develop a comprehensive set of sustainable water use and supply action steps.

*****Register Now*****

Register by downloading and completing the [Registration Form](#) or you may [Register Online](#). For additional information on the registration, visit the [Registration Frequently Asked Questions](#)

Hotel Accommodations: Reservations for the Orlando World Center Marriott are available until August 29, 2008 at the conference rate of \$149/night. Hotel Reservations can be made [Online](#) or by phone directly with the hotel at 800-564-3181.

[Draft Agenda](#)

[Delegate Directory](#)

[Frequently Asked Questions](#)

[Document Library and Related Links](#)

[Media](#)

[Sponsorship Opportunities](#)

What do you recommend?

We [invite broad participation](#) in the planning of this Water Congress. We are interested in your recommendations for the Water Congress.

Please [click here](#) to submit your ideas. Your recommendations, thoughts and comments will help inform the discussions we will have at the upcoming Water Congress. We also invite you to complete a short [Water Congress Survey](#) to help us understand the issues you believe are important.

Visit our [Recommendations](#) page to see what others have suggested.

Visit our [Delegate Recommendations](#) page to see suggestions made by the Water Congress delegates.

Visit our [Survey Results](#) page if you're interested in seeing how other visitors responded to the survey.

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Special Events FAQs



Frequently Asked Questions

Q. Is the Water Congress open to the public?

A. The Water Congress is open to the public. However, to ensure the Water Summit results in specific action items, and to ensure a broad and balanced set of participants, the Century Commission will invite delegates to participate.

Q. How are the delegates being selected?

A. A special [Water Congress Steering Committee](#) has been established consisting of several members of the Century Commission and a group of knowledgeable and diverse advisors, to identify approximately 100-125 delegates and to approve the process to be followed at the Water Congress. The public will be invited to attend and observe the activities at the Summit. Voting on specific recommendations will be reserved for the delegates.

Q. When will an agenda and other meeting materials be available?

A. An agenda is currently being finalized. Water Congress participants and the general public will be able to review pre-summit background information on the Document Library section of this Commission's website.

Q. What is the cost to attend the conference?

A. Conference registration fee is \$250. This covers all Thursday and Friday sessions, lunch and an evening reception on Thursday, and breakfast and lunch on Friday. Registration form must be postmarked by September 12. After September 12, the fee goes to \$275 and must be brought onsite.



**Orlando World Center Marriott
September 25-26, 2008**

Day 1

9:00-10:00	<p>Tim Center Executive Director, Century Commission for a Sustainable Florida Vice President of Sustainability Initiatives, Collins Center for Public Policy</p> <p>Steve Seibert Senior Vice President and Director of Policy Collins Center for Public Policy</p> <p>Honorable Richard Baker Mayor, City of St. Petersburg Chair, Century Commission for a Sustainable Florida</p>	Grand Ballroom
10:00-12:15	<p>Opening Plenary Session, All Delegates Presentations of current issues, current needs and future needs as they relate to the Environment, Agriculture, Public Consumption & Other (power)</p> <ul style="list-style-type: none"> • Sec. Michael Sole, FDEP • Eric Draper, Florida Audubon (Environmental Representative) • Chuck Aller , Florida Department of Agriculture and Consumer Services (Agricultural Representative) • Chuck Carden, Director of Water Operations, Tampa Bay Water, Chair, Florida 2030 (Public Consumption and Other Representative) <p>All Delegates, Discussion of Guiding Principles, development of key context of Issues and Needs</p> <p>Delegates begin initial ranking of issues/actions</p>	Grand Ballroom
12:15-1:30	<p>Casey Coy, Diving Safety Officer Florida Aquarium Luncheon and Speaker</p>	Crystal Ballroom
1:30-3:00	<p>Facilitated Breakout Session #1 Delegates will break out into groups of 24 members each to participate in a facilitated discussion of issues/actions/needs in greater detail to further develop, rank and prioritize action steps</p>	5 Breakout Rooms
3:00-3:30	<p>Sponsored Networking Break</p>	Grand Ballroom Atrium

3:30-5:45	Facilitated Breakout #2 Continuation of Facilitated Breakout #1 Rank priorities by Breakout Group creating 3-5 recommendations per topic area for both short-term and long-term needs of Environment, Agriculture, and Public Consumption & Other (power)	5 Breakout Rooms
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6:00-7:30	Sponsored Networking Reception- Delegates and Congress Attendees Dinner on your own	Fairway Terrace
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Day 2

7:30-8:30	Sponsored Networking Continental Breakfast	Crystal Ballroom
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8:30-10:00	Plenary Session <ul style="list-style-type: none"> • Presentation of results of discussions and rankings from Day 1 • Rank issues and actions steps as a group 	Grand Ballroom
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10:00-10:30	Sponsored Networking Break	Grand Ballroom Atrium
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10:30-12:00	Facilitated Breakout #3 Delegates vote to approve or revise group rankings Develop 3-5 short and 3-5 long-term actions per topic area	5 Breakout Rooms
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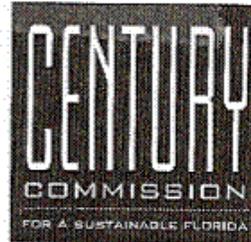
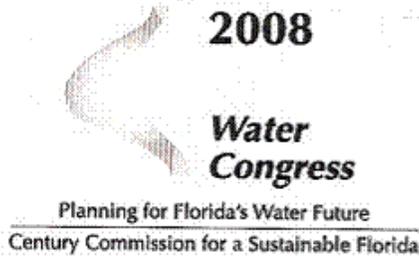
12:00-1:30	Moh Wung Hee Public Utilities Board—Singapore Keynote Luncheon Speaker	Crystal Ballroom
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1:30-2:30	Discussion of Next Steps begins <ul style="list-style-type: none"> • Return to Guiding Principles, evaluate short and long-term action plans, • Obtain consensus on rankings and proposed action steps to be forwarded to the Century Commission • Identify Congress Topics for 2009 	Grand Ballroom
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2:30-3:00	Sponsored Break	Grand Ballroom Atrium
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3:00	Concluding Comments/Next Steps – Mayor Rick Baker	Grand Ballroom
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Century Commission
1415 E. Piedmont Dr., Suite One
Tallahassee, FL 32308.



**Don't miss your opportunity to be a part of
the premiere water event in Florida this fall.**

Make your plans now to attend the 2008 Water Congress, Sept. 25 and 26,
at the Orlando World Center Marriott.

Visit www.centurycommission.org for details, registration, and hotel
accommodations. Hotel accommodations are available at the conference
rate of \$149/night until Aug. 29 and reservations can be made at the web
site or by calling 800-564-3181.

Join us as we plan for Florida's Water Future.

_____ Agenda
_____ Item

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Other Emerging Regional Issues

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_____ Agenda
_____ Item

7

DIRECTOR'S COMMENTS

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7

DESPITE PUBLIC ANGER, PROPERTY TAXES DON'T DROP

By Alex Leary

St Pete Times

Friday, September 5, 2008

<http://www.tampabay.com/news/politics/state/article798870.ece>

TALLAHASSEE — Providing property tax cuts to an outraged public is much like the job of Sisyphus of Greek mythology, who was condemned to roll a boulder up a hill only to have it tumble back down again and again.

The latest sign of the futility: Wednesday's ruling by the Florida Supreme Court to strip Amendment 5 from the November ballot for misleading language. The measure would have eliminated most school property taxes for a higher sales tax.

So what now? Not much. The election cycle means it is unlikely voters will see another bold option before 2010 even though the demand for relief has not waned in the face of falling property values. But among the potential ideas being pushed by lawmakers or citizen activists:

- Cap local and state governments revenue and spending.
- Cap all property taxes at 1.35 percent of taxable value, in effect limiting local millage rates to \$13.50 per \$1,000 in assessed value.
- Limit assessment increases on commercial property to 5 percent annually, down from 10 percent.
- Change the provision in Save Our Homes that requires property appraisers to increase assessments by 3 percent even when home values decline.

People who expected their taxes would "drop like a rock" — to borrow Gov. Charlie Crist's catchphrase — under the Amendment 1 plan passed in January feel slighted.

"We've been bamboozled," said Craig Campbell, 61, of St. Petersburg, who said he saved \$10 under Amendment 1. He'll pay roughly \$590 in taxes for a home he bought in the 1970s.

"I voted for Charlie Crist, and I thought he was going to do things," Campbell added. "He has accomplished nothing." Scores of people have written letters to newspapers across the state expressing similar dissatisfaction.

The governor, who threw his support to Amendment 5 only last month, did not want to deal with the fallout of the court's decision this week, saying he was focused on the storms in the Atlantic.

"Not having the people have the opportunity to lower their property taxes is certainly disappointing to me," he said. "So we'll take a look at it after these storms are done."

Two powerful state lawmakers say they want to pursue a cap on all government revenue. After the 2007 Legislature forced cities and counties to roll back property tax rates, many have charged higher fees for some services to compensate.

Such caps are known as TABOR, or taxpayer's bill of rights, and are as radioactive a tax policy change as they come. Colorado passed TABOR but eased off a few years ago because it was bankrupting state coffers. This spring the Florida Taxation and Budget Reform Commission, the same panel that tried to put Amendment 5 on the November ballot, considered a more lenient version, but finally gave up.

"It's not a simple solution," acknowledged Sen. Mike Haridopolos, R-Indianapolis and the a possible Senate president in 2010. But he said it could be crafted to provide flexibility.

Haridopolos has a willing partner in Rep. Dean Cannon, R-Winter Park, the presumed House speaker in 2010. Cannon said the past controversy can be allayed by bringing local government to the table to fashion the plan.

"We recognize they have a need to provide services," he said, "but we also want to not spend money on things that aren't essential."

Cannon said he and many of his colleagues are also interested in a lower assessment cap for nonhomesteaded properties, which is currently 10 percent.

But as lawmakers head toward November elections, one of the loudest cries is coming from the people who have gotten the most help — longtime homesteaded owners. They are incredulous that their tax bills are going up despite declining property values.

The reason is Save Our Homes, the 3 percent annual assessment cap that shielded them from higher taxes during the runup earlier this decade. But a provision of the law requires property appraisers to increase taxable values up to 3 percent even in down times if a home's assessed value is less than the home's market value.

"People are like, 'Whoa,' " said Rep. Ed Hooper, R-Clearwater, who has gotten more than 20 calls or e-mails about the so-called recapture rule.

Lawmakers attempted to address the issue last session but got nowhere. It's likely to be revisited this spring. But like that mythical boulder on the hill, there's no guarantee anything will change.

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